



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 15 DECEMBER 2020

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 15 DECEMBER 2020 AT 5.07PM**

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

IN ATTENDANCE: Acting General Manager, Director Environmental Services,
Director Engineering and Works and Director Blue Haven

Councillor W Steel left the meeting at 5:07 pm.

1 APOLOGIES

Apology

20/359OC

Resolved that the apology tendered from Councillor Sloan be accepted and the leave of absence granted.

(Councillors Way and Watson)

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

Against: Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners:

“I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council on 17 November 2020

20/360OC

Resolved that the Minutes of the Ordinary Council Meeting held on 17 November 2020 be received and accepted.

(Councillors Watson and Westhoff)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

4.1 Item 11.7 – Reimbursement: Development modification application 10.208.279.2

20/361OC

Resolved that Council provide a one-off donation of \$7,647.54 to Kiama Power Junior AFL Club for Section 711 fees under development application 10.2018.279.2 to reimburse Council fees paid by a member of the Club.

(Councillors Way and Brown)

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

Against: Nil

5 DECLARATIONS OF INTEREST

Nil.

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil.

Suspension of Standing Orders

20/362OC

Resolved that Standing Orders be suspended in order to deal with a matter of urgency.

(Councillors Honey and Reilly)

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

Against: Nil

Motion

20/363OC

Resolved that Council write to the Federal Minister of Environment, Sussan Ley and outline our concern that there may be a potential breach to the Environment Protection and Biodiversity Conservation Act in relation to the approvals granted for the Dunmore Lakes Modification 2 - Boral Sand Mine.

(Councillors Rice and Reilly)

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

Against: Nil

Resumption of Standing Orders

20/364OC

Resolved that Standing Orders be resumed.

(Councillors Rice and Reilly)

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

Against: Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Dirk Ovenden	4	Business arising from the Minutes
Lisa Papesch	12.2	10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling
Graham Lay	12.3	10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision
Angela Bryant	12.3	10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision
Leon Maxwell	12.5	10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building
Brent Lipscombe	12.6	10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision
Bronwyn Seiden	12.6	10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision
Patrick Sutton	18.1	Raking of Surf Beach and south Werri Beach

8 MAYORAL MINUTE**8.1 Seasons Greetings****20/365OC**

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

(Councillor Honey)

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

Against: Nil

9 MINUTES OF COMMITTEES**9.1 Minutes: Catchment and Flood Risk Management Committee – 10 November 2020****20/366OC**

Resolved that the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 10 November 2020 be received and accepted.

(Councillors Westhoff and Brown)

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

Against: Nil

Councillor W Steel returned to the meeting at 5:19 pm.

Councillor N Reilly left the meeting at 5:19 pm.

9.2 Minutes: Destination Kiama Tourism Advisory Committee - 1 December 2020**20/367OC**

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 1 December 2020 be received and the following recommendations accepted:

1. The post event report for quarter 1 2020/21 Surfing NSW Partnership be accepted.
2. The Kiama Events Actions plan matrix be amended per the recommendations contained in the report.

(Councillors Brown and Watson)

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

Against: Nil

9.3 Minutes: Economic Development Committee - 23 September 2020

20/368OC

Resolved that the Minutes of the Economic Development Committee meeting held on 23 September 2020 be received and accepted.

(Councillors Brown and Watson)

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

Against: Nil

9.4 Minutes: Jamberoo Youth Hall s355 Committee - 15 November 2020

20/369OC

Resolved that the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 15 November 2020 be received and accepted.

(Councillors Way and Rice)

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

Against: Nil

9.5 Minutes: Kiama Access Committee Meeting - 4 December 2020

20/370OC

Resolved that the Minutes of the Access Committee Meeting held on 4 December 2020 be received and accepted.

(Councillors Westhoff and Watson)

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

Against: Nil

9.6 Minutes: Kiama Cultural Board - 26 November 2020

20/371OC

Resolved that the Minutes of the Cultural Board Meeting held on 26 November 2020 be received and accepted.

(Councillors Watson and Way)

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

Against: Nil

9.7 Minutes: Kiama Local Traffic Committee - 1 December 2020

20/372OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 1 December 2020 (Attachment 1) be received and the following recommendations accepted:

- 5.1 That Council approve the proposed Work Zone adjacent to No. 10 Bong Bong Street, Kiama in accordance with the signage plan (Attachment 2).
- 5.2 That Council approve the traffic changes associated with the Australia Day Event at Kiama Downs SLSC on 26 January 2020 from 6:30 am to 1 pm subject to organisers complying with the following conditions:
 - a. The event organiser comply with the Traffic Management Plans (Attachment 3).
 - b. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
 - c. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.
 - d. That the organiser obtains the appropriate approval from the Police.
- 5.3 That Council approves the creation of a timed 'No Stopping' zone, Mondays and Thursdays between 7am to 9am in the cul-de-sac end of Attunga Avenue, Kiama Heights, with the installation of regulatory signage and line marking (Attachment 4).
- 5.4 That Council approves the installation of signage and linemarking as proposed to create formalised parking spaces at James Oates Reserve, Minnamurra (Attachment 5).

(Councillors Way and Steel)

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

Against: Nil

9.8 Minutes: Youth Advisory Committee - 12 November 2020

20/373OC

Resolved that the Minutes of the Kiama Youth Advisory Committee Meeting held on 12 November 2020 be received and accepted.

(Councillors Westhoff and Brown)

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

Against: Nil

COMMITTEE OF THE WHOLE

20/374OC

Resolved that at this time, 5.25pm, 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 and Commercial Services

Report of the Director Engineering and Works

Reports for Information

(Councillors Rice and Way)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

20/375OC

Committee recommendation that at this time, 5.25pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Watson and Way)

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

Against: Nil

Councillor N Reilly returned to the meeting at 5:28 pm.

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling

20/376OC

Committee recommendation that Council refuse Development Application No 10.2020.139.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, for the following reasons:

1. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii) the development is unacceptable and the proposal must be refused because:
 - i. The proposal is non-compliant with Kiama DCP 2020 Chapter 6: Building Line Controls – Front Building Lines 6.1.16 as the proposed development has not been provided with a 6m front setback.
 - ii. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: Building Line Controls – Building Lines for Garages or Carports 6.1.24 as the proposed development has not been provided with a 6m front setback.
 - iii. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: General Objectives 6.1.8 to ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.
 - iv. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: Control 6.1.6 to maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.
2. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the development is unacceptable and the proposal must be refused because:
 - a) The proposed development has adverse impacts on the existing streetscape and does not protect the established character of the neighborhood; and
 - b) The proposed development has not been appropriately designed and sited to minimise impacts on the streetscape and will disrupt the amenity of adjoining properties; and
 - c) The proposal does not allow for vehicles to be stack parked in front of the garage and be wholly within the property boundary. This will lead to them being parked on the footpath road reserve and interfere with pedestrian access.
3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the development is unacceptable and the proposal must be refused because the proposed development does not create a suitable planning outcome as the proposal will have an impact on the built environment in the locality.
4. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest and must be refused because the proposal sets an undesirable planning precedent, is inconsistent with controls in relation to the siting of development in the R2 zone, and does not reasonably mitigate the overall impacts associated with the proposal.

(Councillors Watson and Westhoff)

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

Against: Councillor Way

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision

20/377OC

Committee recommendation that Council defer Development Application No 10.2020.66.1 until Councillors have further considered the matter at a briefing in the new year.

(Councillors Steel and Reilly)

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

Against: Councillor Watson

Councillor M Way left the meeting at 5:36 pm.

12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building

20/378OC

Committee recommendation that Council approve Development application 10.2019.213.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Reilly)

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

Against: Nil

12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision

20/379OC

Committee recommendation that Council approve Development Application No 10.2019.81.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Nil

Motion

20/3800C

Committee recommendation that item 18.1 Raking of Surf Beach and south Werri Beach be deferred to later in the meeting to allow Councillor Way to be in attendance.

(Councillors Westhoff and Reilly)

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

Against: Nil

11 REPORT OF THE GENERAL MANAGER

11.1 Amendment to the Model Code of Conduct and Procedures

20/3810C

Committee recommendation that Council adopts the changes to the Code of Conduct for Councillors; the Code of Conduct for Council Staff, Contractors and Volunteers; the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and the Procedures for the Administration of the Code of Conduct as detailed in the new Model Code of Conduct 2020 and the new Procedures for the Administration of the Model Code of Conduct.

(Councillors Reilly and Rice)

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

Against: Nil

11.2 Minutes and motions: South Precinct - 15 October 2020, 19 November 2020 and amended 21 November 2019

20/3820C

Committee recommendation that Council receive and accept the:

1. Minutes of the South Precinct meeting held on 19 November 2020 and that the motions relating to the South Werri Dunes and beach, and the Coastal Walking Track Stage 2 be noted.
2. Minutes of the South Precinct meeting held on 15 October 2020

3. Amended Minutes of the South Precinct meeting held on 21 November 2019.

(Councillors Westhoff and Reilly)

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

Against: Nil

11.3 2019-2020 Annual Report

20/383OC

Committee recommendation that Council receives and endorses the 2019-2020 Annual Report and will consider the audited 2019/2020 financial statements in a separate report at a later date.

(Councillors Reilly and Steel)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities

20/384OC

Committee recommendation that Council approve Section 4.55 Modification of Consent Application No. 10.2019.112.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Nil

Councillor M Way returned to the meeting at 5.42 pm.

18.1 Raking of Surf Beach and south Werri Beach**20/385OC**

Resolved that Council prepare a report on the feasibility of raking sand at beaches in the Kiama Municipality that primarily focuses on north Jones Beach, Surf Beach Kiama and south Werri Beach where surf lifesaving events, patrols with flagged areas and nippers are conducted.

The report is to include options for potential means and costs of raking beach sand in these areas that would include but not preclude other means as follows:

- Providing raking implements that can be attached to surf lifesaving beach vehicles
- Use of Council tractor and raking attachment plus operator
- Cost sharing by use and transportation of other councils' tractor/rake and operator
- No raking of beaches and Surf Life Saving Club patrols continue visual observation/action as is the current situation.

Raking of these beaches to be constrained to Christmas school holidays, long weekends and/or following large storm events where vegetation and rubbish is washed up on these beaches.

Costs for each option and indication of where funds could be allocated from in the budget for these proposals should also be included in the report with a recommendation at the next Council meeting.

Until this plan is prepared and implemented, Council agrees that the local Surf Clubs be permitted to rake their respective beach areas, under Council's supervision, at the earliest opportunity, subject to all relevant approvals.

(Councillors Brown and Steel)

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

Against: Councillor Rice

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry**20/386OC**

Committee recommendation that Council approve Development Application No 10.2020.101.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Steel and Way)

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

Against: Nil

12.7 Cancellation of Planning Proposal - Lot 3 DP 1018217 - Dido Street, Kiama

20/387OC

Committee recommendation that Council request an amended Gateway determination from the NSW Department of Planning, Industry and Environment to no longer proceed with PP_2018_KIAMA_002_03 which seeks to rezone Lot 3 DP 1018217 Dido Street, Kiama.

(Councillors Rice and Watson)

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

Against: Nil

12.8 Planning Reform - Public Legacy Program and Action Plan

20/388OC

Committee recommendation that support Council achieving the targets set by the Public Spaces Legacy program, Council reinstate delegated authority to the General Manager to:

1. Determine all Development Applications -
 - a) with a value of up to \$5 million and that have received no more than five objections during any notification period.
2. Determine Modification of Development Applications where -
 - a) there is no significant change to the external configuration of the building and,
 - b) where the value of the modifications themselves do not exceed the \$5 million threshold and that have received no more than five objections during any notification period.

(Councillors Brown and Way)

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

Against: Nil

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041**20/389OC**

Committee recommendation that Council endorse the submission on the draft Illawarra Shoalhaven Regional Plan 2041 to be sent to the NSW Department of Planning, Industry and Environment.

(Councillors Brown and Watson)

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

Against: Nil

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**13.1 Council managed crown land - categorisations****20/390OC**

Committee recommendation that Council notify the Minister of the land categorisations listed below in association with a draft Plan of Management for the identified crown reserves:

1. Reserve D580000 – Kiama Showground
Categorisations: General Community Use, Sportsground, Natural Area – Escarpment
2. Reserve R131 - Coronation Park
Categorisations: General Community Use, Sportsground, Park, Natural Area – Foreshore, Natural Area - Escarpment
3. Reserve R87397 – Blowhole Point Reserve (Bombo Beach section)
Categorisations: General Community Use, Park, Natural Area – Foreshore
4. Reserve R76339 – Gerringong Boat Harbour
Categorisations: General Community Use, Park, Natural Area - Foreshore
5. Reserve R83972 – Seven Mile Beach Reserve
Categorisations: General Community Use, Park, Natural Area – Foreshore, Natural Area – Bushland
6. Reserve R80816 – Ourie Park (Werri Beach Holiday Park)
Categorisations: General Community Use, Park, Natural Area – Foreshore.

(Councillors Reilly and Brown)

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

Against: Nil

13.2 Footpath Dining Policy review

20/391OC

Committee recommendation that Council adopt the revised Footpath Dining Policy attached to this report.

(Councillors Watson and Steel)

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

Against: Nil

13.3 Revision to Council's Fees and Charges

20/392OC

Committee recommendation that Council advertise revised Fees and Charges in relation to public hall hire, native title assessment fees and holiday van fees as detailed in the background section of this report in accordance with the requirements of the Local Government Act 1993.

(Councillors Westhoff and Reilly)

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

Against: Nil

13.4 Statement of Investments – November 2020

20/393OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for November 2020.

(Councillors Brown and Watson)

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

Against: Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**14.1 Delegations over 2020/21 Christmas period****20/394OC**

Committee recommendation that Council delegate to the General Manager and the Mayor, or Deputy Mayor, the authority to accept tenders under Request for Tender processes between 16 December 2020 and 31 January 2021, with a report on the exercise of such delegation to be provided to the first Ordinary meeting of Council in February 2021.

(Councillors Reilly and Brown)

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

Against: Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION**20/395OC**

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

- 16.2 Councillor Meetings Register - 16 September 2020 to 8 December 2020
- 16.3 COVID-19 Financial Relief Package - update
- 16.5 Minutes: Jamberoo Valley Ratepayers and Residents Association – 1 December 2020
- 16.6 Minutes: Kiama Liquor Accord Meeting - 25 November 2020
- 16.7 Minutes: Kiama Liquor Accord - Annual General Meeting - 25 November 2020
- 16.8 Minutes: Minnamurra Progress Association - 1 December 2020
- 16.9 Parking Statistics - November 2020
- 16.10 Question for future meeting: Bombo Quarry - community input
- 16.13 Question for future meeting: Jamberoo Preschool - Flooding
- 16.16 Questions for Future Meetings Register as at 7 December 2020
- 16.17 Spendmapp - September Report

(Councillors Westhoff and Reilly)

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

Against: Nil

16.1 Christmas Wishes

20/396OC

Committee recommendation that Council thank the staff for their generosity in supplying Christmas hampers.

(Councillors Rice and Westhoff)

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

Against: Nil

16.4 Kiama Early Literacy Program

20/397OC

Committee recommendation that the Library staff be congratulated on the early literacy program and for their efforts in providing programs and services to the local youth.

(Councillors Rice and Westhoff)

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

Against: Nil

16.11 Question for future meeting: Footpath at Attunga Avenue, Kiama Heights

It was **moved** by Councillor Way and seconded by Councillor Reilly that Council build a footpath along Attunga Avenue, Kiama Heights as follows:

- Stage one, east from 85 Attunga Avenue to the cul-de-sac adjoining the Coastal Walking Track (450 metres in length at a cost of \$110,000) to be included in the 2021/22 budget and Council works program.
- Stage two, west of 85 Attunga Avenue an adjoining footpath to connect with the existing network on South Kiama Drive (800 metres in length at a cost of \$200,000) to be included in the 2022/23 budget and Council works program.

Should enough funds be available in the 2021/22 budget for both stages then works are to be completed consecutively in 21/22.

Procedural motion:**20/398OC****Committee recommendation** that this motion be put.

(Councillors Reilly and Steel)

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

Against: Councillor Rice

On being put the motion was **lost**.

For: Councillors Reilly, Steel and Way

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

16.12 Question for future meeting: Heritage Officer update**20/399OC****Resolved** that Council continue its attempts to obtain expert heritage advice appropriate for its needs, and encourage relevant staff to remain aware of and pursue any formal or informal training that could assist their appreciation of heritage values as they perform their work.

(Councillors Rice and Westhoff)

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

Against: Nil

16.14 Question for future meeting: Jerrara Eco Resort**20/400OC****Committee recommendation** that Council consider including in the 2021/22 budget the cost of engaging a consultant to undertake a feasibility and business case study that was previously identified and endorsed by Council at the September 2020 Council meeting for Options 2 and 3 of the Jerrara Dam site development report that would cover both lots.

Council to provide the cost estimate for a consultant at the time of the 2021/22 budget allocation

Grant funding could then be sought to provide further funding for the project.

(Councillors Way and Brown)

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

Against: Nil

16.15 Question for future meeting: Planning controls to support tree retention and protection

20/401OC

Committee recommendation that Council bring forward for consideration in the 2021/22 budget the preparation of a tree replacement policy.

(Councillors Rice and Reilly)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

20/402OC

Committee recommendation that at this time, 6.42 pm, 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)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

20/403OC

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 20/375OC to 20/399OC above.

(Councillors Westhoff and Reilly)

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

Against: Nil

17 ADDENDUM TO REPORTS

Nil

18 NOTICE OF MOTION

Item 18.1 Raking of Surf Beach and south Werri Beach was dealt with in Public Access reports.

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Markets Policy

Councillor Reilly requested a report on Council's policy on markets. The matter was referred to the Director Corporate and Commercial Services for investigation and report.

19.2 Barney Street traffic calming devices

Councillor Reilly requested that the Kiama Local Traffic Committee consider traffic calming devices in Barney Street as the traffic has increased in this street as a result of activity in Bong Bong Street. The matter was referred to the Director Engineering and Works for action and report.

19.3 Matterson Hall promotion

Councillor Steel requested a report on promoting community use of Matterson Hall at Blue Haven Bonaira. The matter was referred to the Director Blue Haven for investigation and report.

19.4 Blue Haven Bonaira Men's Shed

Councillor Steel requested a report on progressing the establishment of a Men's Shed at Blue Haven Bonaira. The matter was referred to the Director Blue Haven for investigation and report.

19.5 Jamberoo Mountain Road speed reduction - community engagement

Councillor Watson requested a report on what community/resident consultation was undertaken when reducing the speed limit along Jamberoo Mountain Road between Kangaroo River bridge and the top of Jamberoo Mountain pass, and what input was received from Transport for NSW on this issue. The matter was referred to the Director Engineering and Works for investigation and report.

19.6 Including Traditional Place names on correspondence

Councillor Watson requested a report on the inclusion of Traditional Place names on all official correspondence, eg:

Rachael McPhail
Wiradjuri Country
70 Example Street
COOLAMON NSW 2071

and for this to be instigated by the end of the financial year. The matter was referred to the Director Environmental Services for investigation and report.

19.7 Soil testing - James Oates Reserve

Councillor Way requested soil testing be undertaken on the southern side of James Oates Reserve parking area for possible contamination. The matter was referred to the Director Environmental Services for investigation and report.

19.8 Employee engagement survey

Councillor Way requested a report on the recent employee survey that has now been completed and accordingly advise Councillors and staff by 31 December 2020 . The matter was referred to the Acting General Manager for investigation and report.

19.9 Bombo Hill Reserve - amenities

Councillor Way requested a report on the provision of an amenities facility that would include change and toilet facilities for male/females and disabled at the Council reserve at the top of north Bombo bounded by Riverside Drive and North Kiama

Drive, Kiama Downs that would permit sports like cricket and soccer to use this underutilised Council asset as identified by Kiama and District Sports Association. Include in the report a potential site or sites on the reserve for this facility and all costs that would include providing water and sewerage plus construction. The matter was referred to the Director Engineering and Works for investigation and report.

20 CONFIDENTIAL SUMMARY

20/404OC

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 Brown)

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

Against: Nil

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.

20.1 Exclusion Of Press And Public:

20/405OC

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.

21.1 PROPOSED ROAD CLOSURE AND SALE - MANNING AND FARMER STREET, KIAMA

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 Way and Reilly)

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

Against: Nil

21 CONFIDENTIAL REPORTS

21.1 Proposed road closure and sale - Manning and Farmer Street, Kiama

20/406OC

Committee recommendation that Council:

1. endorse the negotiation range for disposal of the nine proposed allotments recommended by the consultant valuer shown on Table 1.
2. classify the subject allotments along Manning and Farmer Streets, Kiama as operational land upon closure subject to public notice of the proposed classification under Section 34 of the *Local Government Act 1993*.
3. authorise the Mayor and General Manager to sign any documentation associated with the road closure and sale of land on behalf of Council or under Council seal.

(Councillors Brown and Watson)

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

Against: Nil

Close of Confidential Committee of the Whole:

20/407OC

Committee recommendation that at this time, 6:56pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Brown)

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

Against: Nil

Adoption of Report

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

20/408OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/402OC to 20/403OC be confirmed and adopted.

(Councillors Way and Reilly)

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

Against: Nil

22 CLOSURE

There being no further business the meeting closed at 6.57pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 9 February 2021

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Mayor