



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.03 pm on

TUESDAY 17 AUGUST 2021

By Zoom

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD BY ZOOM
ON TUESDAY 17 AUGUST 2021 AT 5.03 PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Environmental Services,
Director Corporate and Commercial Services, Director
Engineering and Works, Chief Financial Officer and Director
Blue Haven

1 APOLOGIES

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 meeting on 20 July 2021

21/2100C

Resolved that the Minutes of the Ordinary Council Meeting held on 20 July 2021 be received and accepted.

(Councillors Reilly and Way)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Becky Guggisberg	9.3	Minutes: Destination Kiama Tourism Advisory Committee – 27 July 2021
Vicki Steele	9.6	Minutes: Kiama Local Traffic Committee – 3 August 2021
Jhettaya Warner	12.1	10.2021.127.1 – 46 Allowrie Street, Jamberoo – Use of already erected ornamental windmill

8 MAYORAL MINUTE**8.1 Youth Work Awards****21/2110C**

Resolved that Council congratulate the **SENTRAL** team for their nomination as NSW Youth Service of the Year in the Youth Work Awards 2021.

(Councillor Honey)

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

Against: Nil

8.2 Donation to local schools for music programs

21/212OC

Resolved that Council support school music programs within our Municipality by way of a \$1,000 donation to Minnamurra Public, Kiama Public, Jamberoo Public, Gerringong Public, Kiama High and Ss Peter and Paul Catholic Schools.

(Councillor Honey)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Audit, Risk and Improvement Committee - 27 July 2021

21/213OC

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 27 July 2021 be received and the recommendations therein accepted.

(Councillors Reilly and Sloan)

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

Against: Nil

9.2 Minutes: Blue Haven Board - various meeting dates

21/214OC

Resolved that the Minutes of the Blue Haven Board meetings held on the following dates be received and the recommendations therein accepted:

- 13 August 2018
- 17 December 2018
- 18 February 2019
- 15 April 2019
- 24 June 2019
- 19 August 2019
- 21 October 2019
- 20 April 2020
- 22 June 2020
- 17 August 2020
- 19 October 2020
- 14 December 2020
- 8 February 2021
- 19 April 2021

- 16 December 2019
- 10 February 2020
- 16 June 2021

(Councillors Way and Reilly)

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

Against: Nil

9.3 Minutes: Destination Kiama Tourism Advisory Committee Meeting – 27 July 2021

21/215OC

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee meeting held on 27 July 2021 be received and the following recommendations accepted:

1. That Destination Kiama provide support to the below provided the terms and conditions are agreed and adhered to:
 - a. KISS Arts Festival for \$10,000 plus up to \$2,500 in-kind to support reserve and venue hire, and waste removal;
 - b. Eat Like A Local for \$7,500 plus up to \$2,500 in-kind to support reserve and venue hire, and waste removal;
 - c. Seaside and Valley Veterans Golf for \$600 to support the marketing outside the Local Government Area;
 - d. Harlow – Music and Food Festival for \$6,000 plus up to \$2,000 in-kind to support reserve and venue hire, and waste removal;
 - e. Kiama Sevens 50th Year for \$7,000 plus up to \$3,000 in-kind to support reserve and venue hire, and waste removal; and
 - f. Kiama Coastal Classic for \$7,500.
2. In addition to the funds allocated from Kiama Municipal Council's community development budget, Destination Kiama provide further support to the value of \$6,000 to be allocated to marketing and attracting both performers and visitors from outside the area for the Kiama Jazz and Blues Festival.
3. Destination Kiama enter into a six month partnership with Surfing NSW to the value of \$8,000 in order to secure the Australian Open of Surfing and the Woolworths Surfer Grom events whilst supporting the community programs and media plan.

(Councillors Brown and Reilly)

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

Against: Nil

9.4 Minutes: Economic Development Committee Meeting - 28 July 2021**21/216OC**

Resolved that the Minutes of the Economic Development Committee Meeting held on 28 July 2021 be received and accepted.

(Councillors Watson and Westhoff)

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

Against: Nil

9.5 Minutes: Jamberoo Youth Hall s355 Committee - 15 July 2021**21/217OC**

Resolved that Council receive and accept the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 15 July 2021.

(Councillors Reilly and Way)

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

Against: Nil

9.6 Minutes: Kiama Local Traffic Committee - 3 August 2021**21/218OC**

Resolved that:

1. the Minutes of the Kiama Local Traffic Committee Meeting held on 3 August 2021 be received and recommendations 2 and 3 of the Council business paper be accepted:
2. *That Council approves the signage and line-marking plan for Riverside Drive in attachment 4 of this report as endorsed by the Kiama Local Traffic Committee –*
 - a. *for its implementation upon the completion of the intersection upgrade required as a condition of approval for Stage 2 of the Dunmore Lakes Sand Mining Operation*
 - b. *subject to the following refinements as agreed by the Committee after the meeting:*
 - i. *duplicate the give way sign on the left*
 - ii. *Truck Warning sign to be B size*

-
- iii. *edgeline, centreline RRPMS to be included for better delineation at night + C1 RRPMS*
 - iv. *guide posts included*
 - v. *consider centreline in new access road to quarry*
 - vi. *consider Street lighting at the junction.*
3. Council:
- a. *defer consideration of endorsing the temporary closure of Bourrool Lane until further community consultation is undertaken and improvements to the developer's plans are made;*
 - b. *endorse undertaking consultation with the residents of Bourrool Lane and emergency services by exhibiting the proposed plans for a minimum 14 day period seeking submissions; and*
 - c. *note that community submissions on the closure will be reported back to the Kiama Local Traffic Committee at an upcoming meeting for consideration and subsequently any required amendments provided to the developer for incorporation into revised plans.*
2. Recommendation 1 of the Council business paper be deleted and that Council expresses regret that the L'Etape event planned for November has been cancelled and confirms in principle support for future cycling events throughout the Municipality.
3. Recommendation 4 of the Council business paper be amended to read as follows -
- 4. *That Council refer consideration of Traffic Committee recommendation 21/033LTC relating to traffic, cyclist and pedestrian safety at the Federal Street and Charles Avenue intersection, Minnamurra back to the Committee for further consideration and to enable representatives of the community to address the Traffic Committee at their next meeting to put their concerns."*

(Councillors Rice and Way)

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

Against: Nil

COMMITTEE OF THE WHOLE

21/2190C

Resolved that at this time, 5.29pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the Chief Executive Officer

Report of the Director Environmental Services

Report of the Director Engineering and Works
Report of the Director Blue Haven
Reports for Information

(Councillors Brown and Rice)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

21/2200C

Committee recommendation that at this time, 5.29pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Westhoff)

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

Against: Nil

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of already erected ornamental windmill

21/2210C

Committee recommendation that Council defer Development Application No 10.2021.127.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for one month in order to receive and consider the engineer's report to be provided by the applicant.

(Councillors Brown and Steel)

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

Against: Councillor Way

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020

21/222OC

Committee recommendation that Council receives the Delivery Program 2017-21 and Operational Plan 2020-21 progress report for the period April to June 2020.

(Councillors Way and Reilly)

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

Against: Nil

11.2 Financial Sustainability and Long Term Financial Plan

21/223OC

Committee recommendation that Council note the information in this report and endorse:

1. conducting an expert peer review of Council's draft Long Term Financial Plan
2. the procurement of an independent review into Council's retrospective budget process and Investment decisions to ensure future process improvements
3. seek nominations for community experts in finance to join the working group.

(Councillors Reilly and Sloan)

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

Against: Nil

11.3 Investment Policy Review

21/224OC

Committee recommendation that Council receive and adopt the revised Investment Policy and delegated officers.

(Councillors Rice and Sloan)

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

Against: Nil

11.4 Procedure for administration of Code of Conduct complaints

21/225OC

Committee recommendation that Council endorse the Procedures of the Administration of the Code of Conduct as amended.

(Councillors Reilly and Sloan)

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

Against: Nil

11.5 Statement of Investments July 2021

21/226OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investment for July 2021.

(Councillors Rice and Sloan)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Item 12.1 10.2021.127.1 – 46 Allowrie Street, Jamberoo – Use of already erected ornamental windmill was dealt with as part of public access reports.

12.2 Alcohol Free Zones - Kiama Municipality

21/227OC

Committee recommendation that Council:

1. adopt the proposal to establish four alcohol-free zones as indicated on maps 1 and 1b (Kiama), 2 (Kiama Downs) and 3 (Gerringong) attached to the report with an exemption to apply to licensed outdoor eating licences as issued by Council, subject to compliance with approval conditions.
2. revoke the proposed alcohol free zones for the Akuna Street car parking area once construction work commences on the subject site.

3. Alcohol free zones be in place for a duration of 4 years and to commence 7 days after the publication of a notice in the local newspaper and subject to compliance with the implementation requirements as required by legislation and the Ministerial Guidelines on alcohol free zones dated February 2009.

(Councillors Brown and Way)

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

Against: Nil

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Community Engagement for Coastal Walking Track

21/228OC

Committee recommendation that Council note the information contained in this report and that further advice will be provided when available.

(Councillors Reilly and Way)

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

Against: Nil

14.2 Question for future meeting: Footpath - Charles Avenue to Minnamurra Bike Skills Track

21/229OC

Committee recommendation that note that the project has been included in Council's Strategic Footpath program for consideration of funding in a future year subject to identified priorities and that the project is subject to an application to the State Government for the reallocation of the remaining grant funding from the Minnamurra Boardwalk project.

(Councillors Way and Brown)

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

Against: Nil

14.3 Question for future meeting: Footpath link to new Kiama Downs car park**21/2300C**

Committee recommendation that note that the project has been included in Council's Strategic Footpath program for consideration of funding in a future year subject to identified priorities.

(Councillors Brown and Way)

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

Against: Nil

14.4 Question for future meeting: Kiama Harbour stormwater**21/2310C**

Committee recommendation that Council:

1. seeks the input of organisations such as the Kiama Boat Owners Association, Plastic Free Kiama and the AUSMAP citizen science project towards developing a sustainable way to capture plastic and other litter in the harbour
2. receives a report on the outcome of discussions and presentation of a draft proposal, a later date.

(Councillors Rice and Way)

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

Against: Councillors Brown, Steel and Watson

14.5 Road Safety Program, School Zone Infrastructure Sub Program - Offer of Grant Funding**21/2320C**

Committee recommendation that Council:

1. accept the offer of \$350,000 in funding under the Federal and State Governments' joint Road Safety Program - School Zone Infrastructure sub program, in accordance with the conditions of the Funding Agreement.
2. give the Chief Executive Officer delegated authority to sign the Funding Agreement on behalf of Council.
3. undertake further consultation with all schools and their P&Cs before finalising designs or proceeding.

(Councillors Sloan and Way)

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

Against: Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

15.1 Blue Haven Update

21/233OC

Committee recommendation that Council note the information contained in this report and formally endorse the Blue Haven Advisory Board Policy.

(Councillors Way and Rice)

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

Against: Nil

16 REPORTS FOR INFORMATION

21/234OC

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

- 16.1 Attendance at the 2021 National Caravan and Camping Conference
- 16.2 Management contract for Werri Beach Holiday Park
- 16.3 Minutes: Jamberoo Valley Ratepayers and Residents Association – 3 August 2021
- 16.4 Minutes: Minnamurra Progress Association - 3 August 2021
- 16.5 Parking Statistics - July 2021
- 16.6 Postponement of local government election - term of Mayor, Deputy Mayor and Committees of Council
- 16.7 Questions for Future Meeting Register as at 9 August 2021.

(Councillors Brown and Westhoff)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS**21/235OC**

Committee recommendation that at this time, 6.03pm, 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 Sloan)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**21/236OC**

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 21/220OC to 21/235OC above.

(Councillors Brown and Westhoff)

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

Against: Nil

17 ADDENDUM TO REPORTS

Nil

18 NOTICE OF MOTION**18.1 Notice of Motion: Change to November 2021 Council meeting date****21/237OC**

Resolved that date of the November 2021 Council meeting be moved back from the fourth Tuesday in November to the third Tuesday in November.

(Councillors Rice and Sloan)

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

Against: Nil

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Kiama Harbour retaining wall

Councillor Reilly requested a report providing clarity from Crown Lands around the specific timing of the repair and/or replacement of the retaining wall, on the land that they manage around the Kiama Harbour (which was destroyed over half a decade ago), that creates an unsightly and dangerous scar on our otherwise safe and beautiful harbour. The matter was referred to the Director Engineering and Works for action.

19.2 Kiama Tourism Opportunities Plan

Councillor Reilly requested that Council revisit the Kiama Tourism Opportunities Plan and in doing so, apply the procedures as directed in our Kiama Community Engagement Policy. The matter was referred to the Director Corporate and Commercial Services for action and report.

19.3 Akuna Street development

Councillor Reilly requested that Council have a timeframe to seek the scope of an Expression of Interest for the development Council land in and around Akuna Street, Kiama, noting that the former developer of that land is already presenting their unapproved plans to community groups without any formal direction from Council. The matter was referred to the Chief Executive Officer for action and report.

20 CONFIDENTIAL SUMMARY

21/238OC

Resolved that at this time, 6:07pm, 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 Reilly and Brown)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, 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:**21/239OC**

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 REVIEW OF ORGANISATION STRUCTURE

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.

(Councillors Way and Westhoff)

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

Against: Nil

21 CONFIDENTIAL REPORTS**21.1 Review of Organisation Structure****21/240OC**

Resolved that Council:

1. With respect to the Organisation Structure of Kiama Municipal Council note the provisions of Section 332 and 333 of the Local Government Act 1993 and Section 41 of the Local Government (State) Award 2020.
2. Subject to compliance with Section 41 of the Local Government (State) Award 2020, implement an Organisation Structure model comprised of two Directors and a Chief Operating Officer, Blue Haven.
3. Subject to compliance with Section 41 of the Local Government (State) Award 2020, Council remove the Director Corporate and Commercial Services / Chief Financial Officer position from Council's Staff Establishment.
4. In furtherance to Resolutions 1 to 3 above, that the Chief Executive Officer liaise with the current incumbents of Senior Staff roles with regard to any consequential changes to contracts of employment.

5. In furtherance to Resolutions 1 to 3 above, acknowledge that operational level changes are logical and necessary and that it is the role of the Chief Executive Officer to implement operational changes to the structure in accordance with Section 332 (1A) of the Local Government Act 1993 and subject to compliance with the Local Government (State) Award 2020

(Councillors Westhoff and Watson)

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

Against: Nil

Close of Confidential Committee of the Whole:

21/241OC

Committee recommendation that at this time, 6:19pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Rice)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, 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.

21/242OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 21/239OC to 21/241OC be confirmed and adopted.

(Councillors Westhoff and Brown)

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

Against: Nil

22 CLOSURE

There being no further business the meeting closed at 6:21pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on
21 September 2021

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Mayor