



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5 pm on

TUESDAY 18 MAY 2021

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 MAY 2021 AT 5 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: General Manager, Director Environmental Services,
Director Corporate and Commercial Services, Director
Engineering and Works, Director Blue Haven and Chief
Financial Officer

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 on 20 April 2021

21/119OC

Resolved that the Minutes of the Ordinary Council Meeting held on 20 April 2021 be received and accepted subject to the removal of the words “ with an additional \$10,000 added each year” in point 2 of item 9.3 *Minutes: Kiama Cultural Board Minutes – 18 February 2021*.

(Councillors Rice and Brown)

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

Against: Nil

3.2 Extraordinary Council on 22 April 2021**21/1200C**

Resolved that the Minutes of the Extraordinary Council Meeting held on 22 April 2021 be received and accepted.

(Councillors Way and Westhoff)

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

Councillor Reilly tabled a letter dated 10 May 2021 from Nicols Brien Business Recovery Pty Ltd regarding liquidation of Illawarra Regional Information Service Limited and confirming that a final distribution of \$78,800.58 was made to Healthy Cities Illawarra Incorporated and Illawarra Health and Medical Research Institute Limited.

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Todd Jordan	14.3	Question for future meeting: Kiama Harbour boat owners
Paul Wyer	14.3	Question for future meeting: Kiama Harbour boat owners
Paul Wyer	18.1	Notice of Motion: Support for artificial reef

8 MAYORAL MINUTE

8.1 Appointment of Chief Executive Officer - Mrs Jane Stroud

21/1210C

Resolved that Council formally congratulate Jane Stroud on her appointment as the new Chief Executive Officer of Kiama Municipal Council.

(Councillor Honey)

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

Against: Nil

8.2 Headspace service in Kiama

21/1220C

Resolved that Council support the call for the Commonwealth Government to consider funding for a new Headspace service in Kiama made by The Hon Gareth Ward MP.

(Councillor Honey)

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

Against: Nil

9 MINUTES OF COMMITTEES

9.1 Minutes: Australia Day Committee - 17 February 2021

21/1230C

Resolved that the Minutes of the Australia Day Committee Meeting held on 17 February 2021 be received and accepted.

(Councillors Sloan and Westhoff)

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

Against: Nil

9.2 Minutes: Destination Kiama Tourism Advisory Committee Meeting – 14 April 2021**21/124OC**

Resolved that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 14 April 2021 be received and the following recommendations accepted:

1. That the three-year *Destination Kiama Tourism & Events Strategy* is updated and a consultant engaged via the process of expression of interest within the current budgetary framework.
2. That Destination Kiama provide support, in addition to the \$7,500 previously offered, to Australian Skateboarding Community for the 2021 SkateFest Event to the value of \$2,500.
3. That Destination Kiama provide support, in addition to the \$5,000 + in kind previously agreed to, to the 2021 SurfLife Gerringong Surf & Music Festival to the value of \$3,750.
4. The post event reports for the Kiama Rugby Sevens 2021 and Kiama Jazz & Blues Festival 2021 be accepted.

(Councillors Brown and Steel)

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

Against: Nil

9.3 Minutes: Economic Development Committee Meeting - 28 April 2021**21/125OC**

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

(Councillors Watson and Reilly)

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

Against: Nil

9.4 Minutes: Kiama Local Traffic Committee - 4 May 2021**21/126OC**

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 4 May 2021 as attachment 1 of this report, be received and the following recommendations accepted:

1. That approval be given to converting the current temporary Loading Zone fronting the Visitor Information Centre on Blowhole Point Road, Kiama into a permanent Loading Zone as shown in attachment 2 of this report.
2. That Council endorse the revised signage plan provided in attachment 3 of this report for a no parking zone to be created from 5am to 8.30am Monday to Friday for frontage of 48 Manning Street, Kiama.

(Councillors Way and Steel)

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

Against: Nil

COMMITTEE OF THE WHOLE**21/127OC**

Resolved that at this time, 5:15pm, 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 Engineering and Works
Information Reports

(Councillors Reilly and Watson)

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

Against: Nil

10 PUBLIC ACCESS REPORTS**21/128OC**

Committee recommendation that at this time, 5.15pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Westhoff and Sloan)

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

Against: Nil

14.3 Question for future meeting: Kiama Harbour boat owners

21/129OC

Committee recommendation that Council note the contents of this report.

(Councillors Way and Brown)

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

Against: Councillors Reilly, Steel and Westhoff

21/130OC

Committee recommendation that Council discuss with Transport for NSW the available options for managing the Kiama Harbour.

(Councillors Steel and Reilly)

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

Against: Councillors Rice, Sloan and Way

18.1 Notice of Motion: Support for artificial reef

21/131OC

Committee recommendation that Council:

1. make formal representations to NSW DPI and Member for Kiama Gareth Ward to have an artificial reef located off Kiama as per Media Release "Calls for next Offshore Artificial Reef" as distributed from the Member for Kiama's Office on 19 April 2021.
2. suggest that the location determined by NSW DPI for the artificial reef off Kiama, be accessible from Kiama Boat Ramp and Harbour.
3. include in the stated benefits for Kiama that the local and tourist fishing/diving industry both recreational and commercial would benefit, plus it would provide flow on input to businesses in Kiama CBD and surrounding accommodation in the Municipality.

(Councillors Way and Brown)

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

Against: Nil

11 REPORT OF THE GENERAL MANAGER

11.1 Minutes and motions: South Precinct - 15 April 2021

21/132OC

Committee recommendation that Council:

1. receive and accept the Executive Summary of the minutes of the South Precinct meeting held on 15 April 2021
2. note the motion relating to the planning proposal for 48 Campbell Street, Gerringong.

(Councillors Reilly and Westhoff)

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

Against: Nil

11.2 Draft Delivery Program, Operational Plan and Budget 2021/22 for Public Exhibition

21/133OC

Committee recommendation that Council endorse the Draft 2020/2021 Delivery Program, Operational Plan, Capital Works Program and Budget (including Revenue Policy and Fees and Charges) for exhibition.

(Councillors Sloan and Watson)

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

Against: Nil

11.3 Quarterly Budget Review Statement for the period ending March 2021

21/134OC

Committee recommendation that Council receive and adopt the revised budget for the period ending 31 March 2021.

(Councillors Reilly and Way)

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

Against: Nil

11.4 Quarterly Review of the Operational Plan 2020-2021 - third quarter

21/135OC

Committee recommendation that Council receive the Operational Plan Quarterly Report for January to March 2021.

(Councillors Sloan and Westhoff)

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

Against: Nil

11.5 Statement of Investments - April 2021

21/136OC

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

(Councillors Reilly and Westhoff)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling

21/137OC

Committee recommendation that Council approve Development Application No 10.2020.139.1 under Section 8.2 review of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Watson and Brown)

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

Against: Nil

12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater

21/138OC

Committee recommendation that Council:

1. approve Development Application No 10.2020.266.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.
2. vary the restriction as to use of land for which Council is the benefited authority and the body empowered to vary the restriction on use of land.
3. investigate how the restriction on the use of land can be removed from all allotments within the Willowbank Estate and provide a report back to Council detailing the findings.

(Councillors Rice and Brown)

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

Against: Nil

12.3 Secondary Dwellings in Rural Zones

21/139OC

Committee recommendation that Council write to the Department of Planning, Industry & Environment to:

1. request the inclusion of clause 5.5 into *Kiama Local Environmental Plan 2011* as follows:

If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone:

- (a) *The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater-*
 - i. **120** square metres,
 - ii. **0**% of the total floor area of the principal dwelling, and
- (b) *The distance between the secondary dwelling and the principal dwelling must not exceed 60 metres.*

2. outline Council's concern and disappointment with the 18 December 2020 amendments as referenced in this report.

(Councillors Sloan and Watson)

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 Question for future meeting: Blowhole Point - paid parking

21/140OC

Committee recommendation that Council note the information contained in this report relating to future parking schemes at Blowhole Point.

(Councillors Watson and Way)

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

Against: Nil

14.2 Question for future meeting: James Oates Reserve and Charles Avenue congestion

21/141OC

Committee recommendation that Council note the current short and potential long term strategies to address traffic and parking congestion in and around James Oates Reserve, Minnamurra.

(Councillors Brown and Sloan)

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

Against: Nil

Item 14.3 was dealt with as part of Public Access Reports.

14.4 Question for future meeting: Tree removal notification

21/142OC

Committee recommendation that Council note that the review of the Tree Management Policy will include improvements to the public notification process for tree removal requests, with consideration of privacy and confidentiality requirements.

(Councillors Watson and Rice)

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

Against: Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

Councillor W Steel left the meeting at 05:52 pm.

Councillor W Steel returned to the meeting at 05:55 pm.

16 REPORTS FOR INFORMATION

21/143OC

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

- 16.1 2020-21 NSW Environment Protection Authority Better Waste Recycling Fund Projects
- 16.2 Community donations update - 2nd and 3rd quarter reporting
- 16.3 Minutes: Central Precinct - 23 February 2021, 23 March 2021 and 27 April 2021
- 16.4 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 April 2021
- 16.5 Minutes: Minnamurra Progress Association - 4 May 2021
- 16.6 Parking Statistics - March and April 2021
- 16.7 Question for future meeting: Bendigo Bank, Gerringong
- 16.8 Question for future meeting: Use of Kiama Showground stables for Anzac Day

16.9 Questions for Future Meeting Register as at 10 May 2021.

(Councillors Westhoff and Way)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS**21/144OC**

Committee recommendation that at this time, 5.56pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Reilly and Sloan)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**21/145OC**

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 21/128OC to 21/144OC above.

(Councillors Westhoff and Way)

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

Against: Nil

17 ADDENDUM TO REPORTS

Nil

18 NOTICE OF MOTION

Item 18.1 was dealt with as part of Public Access Reports.

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Municipal public toilets

Councillor Westhoff requested a report on the state of the public toilets in the Local Government Area and an update on refurbishments. The matter was referred to the Director Engineering and Works for action.

19.2 Bong Bong Street speed humps

Councillor Brown requested a report on the impact that the speed humps on Bong Bong Street have on affected residents and provide a strategy for replacement with a more acceptable traffic calming device. The matter was referred to the Director Engineering and Works for action.

19.3 Spectator safety - Picnic Steam Train

Councillor Brown requested a report on consideration of any plans to increase the safety of onlookers, pedestrians and motorists when the Picnic Steam Train comes to Kiama, especially when its engine is being refuelled and turned around on the steam engine turntable adjacent to Eddy Street. The matter was referred to the Director Engineering and Works for action.

19.4 Kiama Harbour stormwater

Councillor Rice requested a report on the mechanisms used to manage the stormwater flowing into Kiama Harbour and any viable methods for the quality of this water to be further improved. The matter was referred to the Director Engineering and Works for action.

20 CONFIDENTIAL SUMMARY

21/146OC

Resolved that at this time, 5.58pm, 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 Way)

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:

21/147OC

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 MICROSOFT LICENSING RENEWAL

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.

21.2 NSW PUBLIC SPACES LEGACY PROGRAM: PUBLIC AND OPEN SPACE FUNDING AGREEMENT

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 Reilly and Steel)

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

Against: Nil

21 CONFIDENTIAL REPORTS

21.1 Microsoft Licensing Renewal

21/148OC

Committee recommendation that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Data#3 for Tender LGP 108-3, in the sum of \$572,093.28 excluding GST
2. delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Brown and Watson)

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

Against: Nil

21.2 NSW Public Spaces Legacy Program: Public and Open Space Funding Agreement

21/149OC

Committee recommendation that Council:

1. accept the offer of funding under the NSW Public Spaces Legacy Program in accordance with the conditions of the Funding Agreement.
2. give the Acting General Manager delegated authority to sign the Funding Agreement on behalf of Council before the due date of 21 May 2021.

(Councillors Brown and Rice)

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

Against: Nil

Close of Confidential Committee of the Whole:**21/1500C**

Committee recommendation that at this time, 6.02pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Watson and Steel)

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.

21/1510C

Resolved that that the Confidential Committee of the Whole recommendations numbered 21/1470C to 21/1500C be confirmed and adopted.

(Councillors Steel and Sloan)

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 6.05pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 June 2021.

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Mayor