



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

**commencing at 5 pm on**

**TUESDAY 9 FEBRUARY 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 9 FEBRUARY 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:** Acting General Manager, Acting Director Environmental Services, Acting Director Corporate and Commercial Services, Director Engineering and Works 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 and pay my respect to Elders past and present.”*

## **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **3.1 Ordinary Council on 15 December 2020**

**21/0010C**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 15 December 2020 be received and accepted.

(Councillors Way and Westhoff)

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

Against: Nil

**3.2 Extraordinary Council on 10 December 2020****21/002OC**

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 10 December 2020 be received and accepted.

(Councillors Rice and Watson)

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****Disclosure of Interest - Councillor Sloan**

Councillor Sloan declared a non-significant pecuniary interest in item 11.3 *Fee waiver request: Kiama Basketball Association – Kiama Leisure Centre court hire* as his son is a member of the representative basketball team. Councillor Sloan declared to take no part in discussion or voting on this matter.

**6 TABLING OF PETITIONS AND OTHER DOCUMENTS**

Nil

**7 PUBLIC ACCESS SUMMARY**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
John Trappman	11.3	Fee waiver request: Kiama Basketball Association – Kiama Leisure Centre court hire
Graeme Lay	12.1	10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision
David Cannon	12.1	10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision

## 8 MAYORAL MINUTE

### 8.1 Congratulations: Mr Michael McDonald - Medal of the Order of Australia recipient

*21/003OC*

**Resolved** that Council formally congratulate Mr Michael McDonald on receiving an Order of Australia award.

(Councillors Honey)

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

Against: Nil

## 9 MINUTES OF COMMITTEES

### 9.1 Minutes: Community Safety Committee - 10 December 2020

*21/004OC*

**Resolved** that the Minutes of the Community Safety Committee Meeting held on 10 December 2020 be received and accepted.

(Councillors Steel and Sloan)

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

Against: Nil

### 9.2 Minutes: Health and Sustainability Committee - 8 December 2020

*21/005OC*

**Resolved** that the Minutes of the Health and Sustainability Committee Meeting held on 8 December 2020 be received and accepted.

(Councillors Sloan and Reilly)

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

Against: Nil

**9.3 Minutes: Jamberoo Youth Hall s355 Committee - 15 December 2020****21/006OC**

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

(Councillors Reilly and Way)

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

Against: Nil

**9.4 Minutes: Destination Kiama Tourism Advisory Committee - 1 February 2021****21/007OC**

**Resolved** that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 1 February 2021 be received and the following recommendations accepted:

1. the post event report for Kiteboard NSW State Wave Titles – 27-28 November 2020 funding be accepted.
2. that Destination Kiama provide support to KISS Arts Festival to the value of \$4,000, inclusive of in-kind services, to market the event outside of the Illawarra, in order to meet Destination Kiama's key objective to increase overnight visitor expenditure. This payment is dependent on the event being permissible at the time, approvals being obtained and that milestone payments, deliverables and a post event report is agreed to and supplied.
3. that Destination Kiama provide support to Good Days Fitness and Wellness Festival to the value of \$5,000 for marketing of this event outside of the Illawarra, dependent on the event being permissible at the time, and that appropriate milestone payments, deliverables and post event reporting be agreed and supplied.
4. that Destination Kiama provide support to Folk with a View to the value of \$3,000 for the usage of The Pavilion Kiama (for one day), cleaning and waste services, and marketing, dependent on the event being permissible at the time, and that appropriate milestone payments, deliverables and post event reporting be agreed and supplied.

(Councillors Brown and Steel)

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

Against: Nil

**COMMITTEE OF THE WHOLE****21/008OC**

**Resolved** that at this time, 5.11 pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

Report of the Acting General Manager  
Report of the Acting Director Environmental Services  
Reports for Information  
Addendum to Reports

(Councillors Reilly and Westhoff)

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

Against: Nil

**10 PUBLIC ACCESS REPORTS****21/009OC**

**Committee recommendation** that at this time, 5.12 pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Westhoff)

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

Against: Nil

**11.3 Fee waiver request: Kiama Basketball Association - Kiama Leisure Centre court hire**

Councillor Sloan declared a non-significant pecuniary interest in this matter as his son is a member of the representative basketball team. Councillor Sloan left the Chamber and took no part in discussion or voting on this matter.

Councillor A Sloan left the meeting at 05:12 pm.

**21/0100C**

**Committee recommendation** that Council supports the Kiama Basketball Association's request to waive the Kiama Leisure Centre court hire fee for representative player training.

(Councillors Way and Brown)

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

Against: Nil

Councillor A Sloan returned to the meeting at 05:18 pm.

**12.1 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision**

It was **moved** by Councillor Watson and seconded by Councillor Brown that Council approve Development Application No 10.2020.66.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

The **motion** on being put was **lost**.

For: Councillors Brown, Watson and Way

Against: Councillors Honey, Reilly, Rice, Sloan, Steel and Westhoff

**21/0110C**

**Committee recommendation** that Council approve Development Application No 10.2020.66.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report and the additional condition regarding conveyancing requirements as follows:

1. A Section 88B Instrument shall be prepared, under the provisions of the Conveyancing Act 1919, to restrict the erection of any future structure to within the building envelope annotated on the approved plan as attached.

(Councillors Rice and Reilly)

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

Against: Councillor Watson

**Attachments**

- A 10.2020.66.1 - Proposed Building Envelope- 21 Burke Parade Gerroa

## 11 REPORT OF THE ACTING GENERAL MANAGER

### 11.1 Statement of Investments - December 2020

#### 21/012OC

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

(Councillors Reilly and Way)

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

Against: Nil

### 11.2 Australian Local Government Association - National General Assembly 2021 - Councillor attendance and call for motions

#### 21/013OC

**Committee recommendation** that Council:

1. endorses the attendance of Councillor Honey and Councillor Steel at the Australian Local Government Association's National General Assembly held in Canberra on 20-23 June 2021
2. submits any motions for the National General Assembly to the Australian Local Government Association prior to 26 March 2021.

(Councillors Brown and Sloan)

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

Against: Nil

Item 11.3 was dealt with earlier in the meeting under Public Access Reports.

### 11.4 Statement of Investments - January 2021

#### 21/014OC

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

(Councillors Watson and Westhoff)

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

Against: Nil



## 12 REPORT OF THE ACTING DIRECTOR ENVIRONMENTAL SERVICES

Item 12.1 was dealt with earlier in the meeting under Public Access Reports.

### 12.2 Review of Kiama Development Control Plan (DCP) 2020 - Environmental Guidelines

#### 21/015OC

**Committee recommendation** that Council endorse the attached draft sections, and associated Guidelines, of Kiama Development Control Plan 2020 for public exhibition.

(Councillors Sloan and Rice)

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

Against: Nil

### 12.3 Revision of Council's Fees and Charges - Development Applications and Requests for Information

#### 21/016OC

**Committee recommendation** that Council advertise revised Fees and Charges in relation to combined Development Applications and Construction Certificates and the retrieval of off-site records associated with informal Government Information (Public Access) applications as detailed in the background section of this report in accordance with the requirements of the Local Government Act 1993.

(Councillors Reilly and Rice)

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

Against: Nil

## 13 REPORT OF THE ACTING DIRECTOR CORPORATE AND COMMERCIAL SERVICES

Nil

## 14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

**15 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

**16 REPORTS FOR INFORMATION****21/0170C**

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

- 16.1 Clause 4.6 Variations to LEP Development Standards - 1 October to 30 December 2020
- 16.2 Councillor Reilly report - 2020 Online NSW Coastal Forum
- 16.3 Minutes: Central Precinct - 24 November 2020
- 16.4 Minutes: South Precinct meeting - 17 December 2020
- 16.5 Parking Statistics - December 2020
- 16.6 Parking Statistics - January 2021
- 16.7 Quarterly Dwelling Approvals
- 16.11 Question for future meeting: Jamberoo Mountain Road speed reduction - community engagement
- 16.12 Question for future meeting: tennis court maintenance
- 16.13 Question for future meeting: traffic calming in Barney Street, Kiama
- 16.14 Questions for Future Meetings Register as at 3 February 2021
- 16.16 Passing of Diane Johnston - Tourism Manager at Tourism Shellharbour.

(Councillors Brown and Watson)

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

Against: Nil

**16.8 Question for future meeting: Bombo Hill Reserve**

It was **moved** by Councillor Way and seconded by Councillor Sloan that Council:

1. note that the Kiama District Sports Association have commented on the lack of sporting facilities in the Municipality and recommend that upgrades to the Bombo Hill Reserve are needed
2. prepare a concept plan for Bombo Hill Reserve that would enable improved use of this reserve for sporting groups. The concept plan may include the following:
  - a plan showing the location of amenities and toilet facilities in an appropriate location to water and sewerage services to reduce costs

- car parking facilities - potentially located off North Kiama Drive turn around bay
  - removal of the three old cricket wickets and replacement with one full size wicket in the middle of the reserve
3. prepare the concept plan in house and provide a cost estimate to allow the improvements to be included in the Capital Works program for 2021/2022
  4. following completion of the concept plan, applies for grants to complete the project.

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

1. note that the Kiama District Sports Association have commented on the lack of sporting facilities in the Municipality and recommend that upgrades to the Bombo Hill Reserve are needed
2. prepare a concept plan for Bombo Hill Reserve that would enable improved use of this reserve for sporting groups. The concept plan may include the following:
  - a plan showing the location of amenities and toilet facilities in an appropriate location to water and sewerage services to reduce costs
  - car parking facilities - potentially located off North Kiama Drive turn around bay
  - removal of the three old cricket wickets and replacement with one full size wicket in the middle of the reserve
3. prepare the concept plan in house and provide a cost estimate to allow the improvements for potential inclusion in future Capital Works programs
4. following completion of the concept plan, applies for grants to complete the project.

The **amendment** on being put was **carried** and then became the **motion**.

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

Against: Councillors Steel and Way

### **21/018OC**

**Committee recommendation** that Council:

1. note that the Kiama District Sports Association have commented on the lack of sporting facilities in the Municipality and recommend that upgrades to the Bombo Hill Reserve are needed

2. prepare a concept plan for Bombo Hill Reserve that would enable improved use of this reserve for sporting groups. The concept plan may include the following:
  - a plan showing the location of amenities and toilet facilities in an appropriate location to water and sewerage services to reduce costs
  - car parking facilities - potentially located off North Kiama Drive turn around bay
  - removal of the three old cricket wickets and replacement with one full size wicket in the middle of the reserve
3. prepare the concept plan in house and provide a cost estimate to allow the improvements for potential inclusion in future Capital Works programs
4. following completion of the concept plan, applies for grants to complete the project.

(Councillors Rice and Brown)

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

Against: Nil

#### **16.9 Question for future meeting: electric bike infrastructure**

##### **21/019OC**

**Committee recommendation** that Council staff develop proposals for E-bike parking and charging infrastructure that will suit future State and Federal grant funding rounds.

(Councillors Rice and Brown)

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

Against: Nil

#### **16.10 Question for future meeting: future sporting land**

##### **21/020OC**

**Committee recommendation** that Council includes within the priority actions of the new Delivery Program the development of a sporting and recreation facilities strategy for the Municipality.

(Councillors Rice and Reilly)

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

Against: Nil

**16.15 Raking of Surf Beach and South Werri Beach****21/021OC****Committee recommendation** that Council note the report.

(Councillors Brown and Watson)

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

Against: Nil

**RESUMPTION OF ORDINARY BUSINESS****21/022OC****Committee recommendation** that at this time, 6.12 pm, 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 Watson)

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

Against: Nil

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT****21/023OC****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 21/0009OC to 21/021OC above.

(Councillors Reilly and Sloan)

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

Against: Nil

**17 ADDENDUM TO REPORTS****21/024OC**

**Resolved** that at this time, 6.12 pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Sloan and Westhoff)

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

Against: Nil

**17.1 Quarterly Budget Review Statement for the period ending 31 December 2020****21/025OC**

**Resolved** that Council receive and adopt the revised budget for the period ending 31 December 2020.

(Councillors Rice and Westhoff)

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

Against: Nil

**18 NOTICE OF MOTION**

Nil

**19 QUESTIONS FOR FUTURE MEETINGS****19.1 Chapman Reserve – camping**

Councillor Sloan requested a report outlining income generated from the use of Chapman Reserve for camping during the 2020/2021 holiday period, and the full costs of providing services for camping including the cost of remediating damage to the surface. The matter was referred to the Acting Director Corporate and Commercial Services for investigation and report.

**19.2 85 Attunga Avenue – response**

Councillor Reilly requested a response is provided to the emails of the Central Precinct and residents of Attunga Avenue, addressing their concerns regarding the future (and some of the past) of 85 Attunga Avenue. The matter was referred to the Acting Director Environmental Services for action.

**19.3 Akuna Street – geotechnical testing**

Councillor Steel requested a report on budgeting and timing of geotechnical testing at the Akuna Street site. The matter was referred to the Director Engineering and Works for investigation and report

**19.4 Blow Hole Point – paid parking**

Councillor Steel requested a report on the possibility of introducing paid parking for visitors to Blow Hole Point, Kiama. The matter was referred to the Director Engineering and Works for investigation and report.

**19.5 Community and Tourism grants / donations / sponsorship**

Councillor Rice requested a report on the available budget, criteria, repeatability and selection processes for community and tourism grants, donations and sponsorship. The matter was referred to the Acting General Manager for investigation and report.

**19.6 Minnamurra congestion**

Councillor Way requested a report on addressing the problems at Minnamurra created by additional tourists over school holidays and long weekends where the area particularly around James Oates Reserve and Charles Avenue are over populated causing concerns associated with overcrowding that include, camping, traffic, dog control, parking etc. as per advice from the Minnamurra Progress Association. This report should include short and long term strategies to remedy this situation. The matter was referred to the Director Engineering and Works for investigation and report.

**20 CONFIDENTIAL SUMMARY****21/0260C**

**Resolved** that at this time, 6.17pm, 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 Sloan)

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:****21/0270C**

**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.

**21.1 LAND AND ENVIRONMENT COURT APPEALS - 1 OCTOBER TO 30 DECEMBER 2020**

**Reason for Confidentiality:** This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act. .

**21.2 PURCHASE OF 25T HYDRAULIC EXCAVATOR**

**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. .

**21.3 GENERAL MANAGER POSITION RECRUITMENT**

**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. .

(Councillors Reilly and Rice)

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

Against: Nil

**21 CONFIDENTIAL REPORTS****21.1 Land and Environment Court Appeals - 1 October to 30 December 2020****21/0280C**

**Committee recommendation** that Council note the information contained in this report.

(Councillors Westhoff and Brown)



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

Against: Nil

### **21.2 Purchase of 25t hydraulic excavator**

It was **moved** by Councillor Reilly and seconded by Councillor Steel that Council defers the purchase of one (1) Kobelco SK250-10.

The **motion** on being put was lost.

For: Councillors Steel, Sloan, Reilly and Westhoff

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

### **21/029OC**

**Committee recommendation** that Council purchase one (1) Kobelco SK250-10 from South Coast Truck & Machinery with capital value of \$250,000 + GST.

(Councillors Brown and Watson)

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

Against: Councillors Steel, Reilly and Westhoff

### **21.3 General Manager position recruitment**

#### **21/030OC**

**Committee recommendation** that Council

1. With respect to the recruitment of the position of the General Manager note the report on the Recruitment of the General Manager and the Division of Local Government 'Guidelines for the Appointment and Oversight of General Managers' (July 2011).
2. Appoint Judith Carpenter & Associates as the recruitment consultant following submissions received from:
  - Macarthur
  - Judith Carpenter & Associates
  - Blackadder Associates
  - Local Government NSW
3. Constitute a selection panel as follows, with the appointment of the independent member being the Executive Recruiter of Judith Carpenter & Associates.

- a. Mayor
  - b. Councillor Kathy Rice
  - c. Councillor Matt Brown
  - d. Councillor Neil Reilly
  - e. Independent Member
4. As part of the recruitment process require a final interview to be conducted with all Councillors invited to attend prior to resolving to make an appointment.
  5. Work immediately (as soon as practical) with the selected Executive Recruiter in a facilitated workshop to provide background information on the needs and challenges facing Kiama Council to inform the position description. As part of this process, the position title to be changed from General Manager / CEO Blue Haven to Chief Executive Officer Kiama Municipal Council.

(Councillors Brown and Way)

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

Against: Nil

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

##### **21/031OC**

**Committee recommendation** that at this time, 6.43 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Way)

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

Against: Nil

#### **Adoption of Report**

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

##### **21/032OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 21/027OC to 21/030OC 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 6.46pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 March 2021.

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Mayor