



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

**commencing at 5pm on**

**TUESDAY 21 JULY 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 21 JULY 2020 AT 5PM**

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

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

## **1 APOLOGIES**

### **Apology**

**20/195OC**

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

(Councillors Steel and Rice)

For: Councillors Brown, Honey, Reilly, Rice, Steel, 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 23 June 2020**

**20/196OC**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 23 June 2020 be received and accepted.

(Councillors Way and Brown)

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

Against: Nil

### **3.2 Extraordinary Council on 30 June 2020**

#### **20/1970C**

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 30 June 2020 be received and accepted.

(Councillors Reilly and Westhoff)

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

Against: Nil

## **4 BUSINESS ARISING FROM THE MINUTES**

Nil

## **5 DECLARATIONS OF INTEREST**

### **Disclosure of Interest - Councillor Westhoff**

Councillor Westhoff declared a less than significant non-pecuniary interest in item 21.3 *Proposed lease of part of Gerringong Town Hall – Bendigo Bank* matter as he is a member of the Bendigo Bank Gerringong Branch Steering Committee. Councillor Westhoff remained in the Chamber and voted on this matter.

### **Disclosure of Interest - Councillor Honey**

Councillor Honey declared a less than significant non-pecuniary interest in item 12.5 *Lot B DP 164747 - 47 Thomson Street, Kiama - Outcomes of Interim Heritage Order and Heritage Assessment* matter due to his family having historical ownership of the property. Councillor Honey remained in the Chamber and voted on this matter.

## **6 TABLING OF PETITIONS AND OTHER DOCUMENTS**

Nil

**7 PUBLIC ACCESS SUMMARY**

Name	Item No.	Subject
David Hill	12.6	10.2020.19.1 – Lot 43 DP30200 – 61 North Kiama Drive, Kiama Downs – demolition of existing garage, construction of new garage and driveway
Rick Smith	12.7	10.2019.220.1 – Lot 11 DP 599429 – 261 Jamberoo Mountain Road, Jamberoo – Construction of rural shed, farmgate (roadside stall), machinery shed and hay store and intensive plant agriculture
Sandy Morse Alan Ogg	12.8	10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking
William Chyra	16.14	Question for future meeting: Minnamurra Boardwalk update
Kevin Sullivan	18.1	Motion: 10.2018.277.1 - Lot 1 DP 582706 - 135 Fern Street, Gerringong

**8 MAYORAL MINUTE****8.1 Congratulations: Mr James and Mrs Rae Doak - Medal of the Order of Australia***20/198OC*

**Resolved** that Council formally congratulate Mr James Doak and Mrs Rae Doak on receiving a Medal of the Order of Australia.

(Councillors Honey and Westhoff)

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

Against: Nil

**8.2 Passing of former Councillor - Peter Bowman***20/199OC*

**Resolved** that Council note Mr Peter Bowman's passing with regret and recognise his significant service to Council and the community.

(Councillors Honey)

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

Against: Nil

Councillors paid their respect to Mr Bowman and extended their condolences to the family. This was followed by a minute's silence.

## **9 MINUTES OF COMMITTEES**

### **9.1 Minutes: Catchment and Flood Risk Management Committee - 9 June 2020**

*20/2000C*

**Resolved** that the Minutes of the Catchment and Flood Risk Management Committee meeting held on 9 June 2020 be received and accepted.

(Councillors Watson and Westhoff)

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

Against: Nil

### **9.2 Minutes: Health and Sustainability Committee - 16 June 2020**

*20/2010C*

**Resolved** that the Minutes of the Health and Sustainability Meeting held on 16 June 2020 be received and the following recommendation accepted:

1. That Council endorse the motion to fill the vacant spot on the committee and thank Cornelia Graf for her contribution and service.

(Councillors Rice and Steel)

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

Against: Nil

### **9.3 Minutes: Kiama Local Traffic Committee Meeting - 7 July 2020**

*20/2020C*

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held electronically on 7 July 2020 be received and accepted; specifically:

- 5.1 Park Road, Gerroa – No Stopping Zone – That Council approves the proposed ‘No Stopping’ zone, to be created in the cul-de-sac bulb of Park Road, Gerroa, through the installation of regulatory signage, as per the attached plan.
- 6.1 Speed Humps – Bong Bong Street Kiama – That the Report for Information listed for the Council’s consideration be received and noted.

(Councillors Way and Rice)

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

Against: Nil

## COMMITTEE OF THE WHOLE

### *20/203OC*

**Resolved** that at this time, 5.10pm, 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 Acting Director Corporate and Commercial Services

Reports for information

(Councillors Rice and Reilly)

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

Against: Nil

## 10 PUBLIC ACCESS REPORTS

### *20/204OC*

**Committee recommendation** that at this time, 5.10pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Reilly and Way)

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

Against: Nil

**12.6 10.2020.19.1 - Lot 43 DP 30200 - 61 North Kiama Drive, Kiama Downs - Demolition of existing garage, construction of new garage and driveway**

**20/205OC**

**Committee recommendation** that Council approve Development Application 10.2020.19.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.

(Councillors Watson and Way)

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

Against: Nil

**12.7 10.2019.220.1 – Lot 11 DP 599429 – 261 Jamberoo Mountain Road, Jamberoo – Construction of rural shed, farmgate (roadside stall), machinery shed and hay store and intensive plant agriculture**

**20/206OC**

**Committee recommendation** that Council:

1. Refuse Development Application No 10.2019.220.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:
  - The roadside stall is not located at the roadside and the sale of produce is from the farm shed which is characterised as a shop and is prohibited in the RU2 Rural Landscape Zone.
  - The development does not satisfy the objective of the RU2 – Rural Landscape zone to maintain the rural landscape character, and to protect agricultural land for long term agricultural production.
  - The development is generally inconsistent with Chapter 6 – Rural Development of the Kiama Development Control Plan 2012 (DCP).
  - The development has not been appropriately designed and sited to minimise impacts on the natural and scenic rural landscape; and
  - The development has not been carefully designed and sited to compliment the natural landscape.
  - The development is not appropriately clustered with the existing approved development on the site.
  - The development will lead to adverse impacts on the scenic rural landscape of the Jamberoo locality.
  - The development is configured in a manner that will disrupt the rural amenity of adjoining properties.

- A geotechnical report has been submitted that demonstrates the unauthorised building platform that has already been constructed that can support the proposed structure.
  - The development will lead to unsuitable planning outcomes as the proposal will unreasonably interfere with the scenic rural landscape.
  - The development has been objected to by the local community.
  - The development sets an undesirable planning precedent and is not in the public interest.
  - The development relies on allegedly unauthorised works that have been constructed at the property without first seeking and obtaining development consent, and those works are considered unsatisfactory and unacceptable.
2. Commence negotiations with the applicant in regards to rectifying non-compliance and report back to Council in response to the alleged unauthorised development on the land.

(Councillors Way and Reilly)

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

Against: Nil

## **12.8 10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking**

### **20/2070C**

**Committee recommendation** that Council refuse Development Application No 10.2018.251.1 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)(i), the development is unacceptable and must be refused because the proposal does not satisfy all of the objectives of the B2 Local Centre zone prescribed in Clause 2.1 to the Kiama Local Environmental Plan 2011, because the proposal is not considered to sufficiently encourage walking to the centre due to the limited streetscape activation proposed for Terralong Street, since the frontage is dominated by loading docks, car park, sub-stations and other electricity infrastructure rather than shop fronts and direct pedestrian access arrangements to the centre.
2. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal does not satisfy development standard under *Clause 6.8 – Active Street Frontage* requiring that the building will have an active street frontage after its erection or change of use, and the ground floor of the building will not be used for the purposes of a car park, seeking a 72% variation, with just 22% of the frontage activated by



two small shop fronts and thereby failing the objective of the clause to promote uses that attract pedestrian traffic along the Terralong Street frontage in the B2 Local Centre Zone under the Kiama Local Environmental Plan 2011.

3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal written exception to development standard submitted under Clause 4.6 – Exception to Development Standards under the Kiama Local Environmental Plan 2011 is not well founded since the variation fails to identify the extent of the departure, and does not demonstrate compliance with *Clause 6.8 – Active Street Frontage* objective of the standard development standard is unreasonable and unnecessary since the Terralong Street frontage remains dominated by loading docks, car park, sub-stations and other electricity infrastructure, with only 22% of the 88 metre frontage where the new building and ancillary works are proposed being activated by two small tenancies with shop fronts.
4. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the additional 88 car parking spaces proposed results in a 35% short fall of parking from the proposed additional Gross Leasable Floor Area (GLFA) and does not comply the Kiama Development Control Plan 2012 Chapter 9 – Car Parking that requires compliance with the car parking rates in the “RMS Guide to Traffic Generating Development” for shopping centres.

The “RMS Guide to Traffic Generating Development” for shopping centres stipulate 6.1 car spaces/100m<sup>2</sup> Gross Leasable Floor Area (GLFA) for centres less than 10,000m<sup>2</sup> GLFA, and therefore the car parking demand for an additional 1924m<sup>2</sup> GLFA requires an additional 136 spaces to ensure sufficient parking exists at the centre during peak demand.

The justification to vary the proposal is inadequate because it is based on a two-day traffic survey in July instead of in the peak season, such as in summer, and is inconsistent with the Guide at Section 5.2.1 which indicates that when a proposed development is expected to have strong seasonal variations, an assessment of the impact of these variations should be undertaken; and

5. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the total 256 car parking spaces proposed does not account for the existing and proposed total GLFA proposed at the centre and results in a 39% deficiency of parking and does not comply the Kiama Development Control Plan 2012 Chapter 9 – Car Parking that requires compliance with the car parking rates in the “RMS Guide to Traffic Generating Development” for shopping centres to ensure sufficient parking exists at the centre during peak demand.

The “RMS Guide to Traffic Generating Development” for shopping centres stipulate 6.1 car spaces/100m<sup>2</sup> Gross Leasable Floor Area (GLFA) for centres less than 10,000m<sup>2</sup> GLFA, and therefore the car parking demand for the total combined existing and proposed GLFA of 6613m<sup>2</sup> requires 403 spaces, and only 256 are proposed on site for commercial use and an additional 147 car spaces are required; and

6. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal is generally inconsistent with the Kiama Development Control Plan 2012 (DCP), with the relevant objectives and controls within:
  - o Chapter 26 requiring good pedestrian access, street-wall design, active frontage in the town centre, maintaining amenity for neighbouring residents, and gateway-site design outcomes on key corner sites; and
  - o Chapter 9 for car parking required, to be provided in accordance with the RMS Guide to Traffic Generating Development for shopping centre; and
  - o Chapter 10 for remediation of contaminated land; and
  - o Chapter 11 for waste management; and
  - o Chapter 16 concerning food premises.
7. 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, because the proposed development is:
  - a. Not supported by the community due to the impacts of the development as indicated by 79 objections to the development; and
  - b. Unacceptable due to the unreasonable economic impacts of the development arising from the insufficient setbacks to neighbours; and
  - c. Unacceptable due to the amended plans having not maintained the terms of the pedestrian access way easement which provided for a public crossing point linking either side of Terralong Street at the main entrance to Kiama Village; and
  - d. Unsatisfactory with respect to streetscape outcomes proposed on a gateway site that has been specifically identified as both a strategic opportunity site and a catalyst site in the Kiama Town Centre Study.
8. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because the proposed engineering outcomes are unresolved and are considered to unreasonably and adversely impact on the built and natural environment which includes:
  - a. Provide additional information on the civil drawings, including:
    - i. The civil drawings show no carpark levels. The architectural plans (see Section 1.3 above) states this will be confirmed by a civil engineer. It is expected it would be shown on the civil drawings.
    - ii. All major pipelines to be constructed (dia. 375 and above) shall be provided with drainage long-sections showing natural and design levels, services and infrastructure.
    - iii. The drawings show columns located over proposed drainage infrastructure. The geotechnical report states due to poor ground piles will be required. This may affect the location of the proposed drainage lines.

- iv. The treatment at the end of the pipe is unsatisfactory for the following reasons:
  - It directs concentrated flows directly into the neighbouring property potentially causing damage, regardless of the proposed dissipater;
  - It direct flows outside of the existing easement on the adjoining lot;
  - It is inconsistent with landscape drawings provided.
  - The captured stormwater flows from the site shall be connected into the existing system which leads into the piped easement of No.133 Terralong Street.
- v. the connection of the proposed box culverts to the existing pipe drainage system.
- b. Provide a revised stormwater report and modelling to ensure that the redesign of the pipe system mentioned in Point 2 above does not contribute to flooding impacts.
- c. Provide a contamination report, from a suitably qualified person, for the existing fill material to ensure groundwater that enters pits complies with legislative requirements.
- d. Address of all ambiguities in the current architectural plans on revised plans.
- e. Delete the loading bay for the Mini Major as it is located in an emergency escape path for the existing development and does not presently exist on the site.
- f. Provide a structural engineers report from a registered engineer, which includes (but is not limited to) pictorial examples and recommendations on:
  - i. How proposed drainage works and Council's existing drainage infrastructure will be protected from the impact of loads from proposed columns; and
  - ii. How Council's existing drainage infrastructure will be need to be treated, as the proposal will make it inaccessible for replacement and/or maintenance.
9. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because the proposed engineering outcomes are unresolved and are considered to unreasonably and adversely impact on the built and natural environment and the following changes are required:
  - a. Design plan and specifications for the bin storage rooms, waste oil facilities and any waste paper balers are to be submitted to Council. The plans are to include:
    - Floor plan with dimensions
    - Elevations

- Internal and external height (floor level to roof level)
  - Location and size of waste bin for general waste (garbage) recyclables (cardboard, paper, glass, plastics) and food waste
  - Location and dimensions for proposed storage waste cooking oil drums and spillage containment bunds
  - Location of trade waste connect to the Sydney Water Corporation Sewerage system
  - Location of bin washing facility and the hot and cold water supply and floor waste
  - Location of nearest hydrants, hose reel and fire extinguisher
  - Specification for the floor, ceiling, external and internal walls, enclosed roof, roller and access doors, and stormwater disposal from storage room roof and proposed method of ventilation
  - Location of nearest hydrants, hose reel and fire extinguisher
  - The nominated bin collection point
  - Details of vehicle swept path for the maximum size waste collection vehicle and any acoustic screening proposed to reduce the impact of noise during servicing
  - Any other information as specified in Chapter 11 – Kiama Development Control Plan 2012 – Section 5 Waste Requirements Garbage, Recycling Bin Storage Rooms.
- b. A Waste Management Plan providing waste types, estimates and disposal location at an approved licensed waste/recycling facility is to be submitted for Council approval. This is to include the classification and disposal of excavated material from the proposed car parking area.
- c. A review of the waste management practices currently on site identified:
- No fully enclosed and roofed waste storage rooms/compounds incorporating bin washing facilities (provision of a hot and cold water supply and a connection to a sewer discharge point) are currently located on site for the storage of waste containers or bins from Woolworths and the other commercial premises.
  - All waste bins and oil drums are stored in the open, in the Woolworths loading dock or in the car parking area. This is already generating odours, is unsightly and is likely to attract vermin and flies.
  - The current method of waste storage is unacceptable and does not comply with the current designs standards as specified in Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements in particular Section 5 Garbage, Recycling Bin Storage Rooms

It is recommended that this issue be rectified as part of the redevelopment of this site. This will require a number of separate fully enclosed bin storage rooms to be provided for both the new and existing commercial premises.

10. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because the application is not furnished with sufficient information to consider the likely impacts of the proposed development.
11. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the application is not supported with information that demonstrates whether the proposal meets the objectives of the clause 5.10 – *Heritage* since a heritage management document has not been provided to allow assessment of the impact, and therefore consideration of whether the proposal is likely to adversely affect the heritage significance of the items within the vicinity has not been able to made.
12. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(a)(ii), the development is unacceptable and must be refused because the proposal does not satisfy the objectives of Draft State Environmental Planning Policy No. 55 - Remediation of Land which requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required, because no investigation of site contamination has been provided by the applicant, and therefore it has not been confirmed whether the land is considered to be suitable for the proposed use without remediation.
13. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(a)(i), the development is unacceptable because the proposal does not satisfy all of the objectives of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) to demonstrate the signage proposed that is over 8 metres above the ground is compatible with the desired future character of an area because the applicant has not provided mandatory information to the Council requiring an impact statement that addresses the assessment criteria in Schedule 1 of SEPP64, and accordingly the application is not able to be advertised in accordance with section 79A of the Act as ‘advertised development’ and therefore the amended application is not properly made;
14. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(e) the application is not adequately made in accordance with the requirements of Clause 50 of the *Environmental Planning and Assessment Regulation*, and must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1 and must be refused on the basis that:
  - a. an impact statement that addresses the assessment criteria in Schedule 1 to State Environmental Planning Policy (Sepp) No. 64 – Advertising Signage has not been provided; and
  - b. SEPP No. 55 – Land Contamination has not been investigated by the applicant to demonstrate the site is suitable for redevelopment without remediation; and;
  - c. insufficient information in the form of plans and specifications clearly identifying the waste management, noise mitigation, food premises arrangements, and stormwater, drainage, and traffic and car parking

geometry, and car parking survey preventing a reasonably informed assessment of the proposal against the relevant State and Local Plans and Policies that would enable Council to undertake a fully informed assessment of the proposal.

(Councillors Brown and Rice)

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

Against: Nil

#### **16.14 Question for future meeting: Minnamurra Boardwalk update**

**20/208OC**

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

(Councillors Way and Steel)

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

Against: Nil

#### **18.1 Motion: 10.2018.277.1 - Lot 1 DP 582706 - 135 Fern Street, Gerringong**

**20/209OC**

**Committee recommendation** that the condition of height on the northern end of the veranda, the subject of Development Application No. 10.2018.277.1 be modified from 2,700mm to 2,460mm.

(Councillors Reilly and Way)

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

Against: Nil

## **11 REPORT OF THE GENERAL MANAGER**

### **11.1 Sponsorship Request: Kiama Show Society - Kiama Show 2021**

**20/210OC**

**Committee recommendation** that Council provide in-kind sponsorship of the 2021 Kiama Show through:

1. Donating The Pavilion hire fee for the 2020 Kiama Show Trivia Night, booked for Friday 11 September 2020
2. Donating The Pavilion hire fee and the provision of waste services for the 2020 Kiama Show Ball, booked for Friday 13 November 2020
3. The provision of waste services for the 2021 Kiama Show, on Friday 22 January 2020 and Saturday 23 January 2020
4. Waiving the road closure and footpath occupation fee for the 2021 Kiama Show.

in return for recognition of Kiama Council and The Pavilion as major supporters of these events.

(Councillors Brown and Watson)

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

Against: Nil

## 11.2 COVID-19 Financial Relief Package - update

### 20/2110C

**Committee recommendation** that Council:

1. note the information contained in this report
2. give delegated authority to the General Manager to consider a reduction or waiving of hall hire fees for local community groups until 31 December 2020.

(Councillors Brown and Westhoff)

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

Against: Nil

## 12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

### 12.1 Kiama good neighbour card project

#### 20/2120C

**Committee recommendation** that thank the Minnamurra and Kiama Lions Clubs for their ideas, partnership and support in implementing the Good Neighbour Card Project.

(Councillors Westhoff and Rice)

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

Against: Nil

**12.2 Endorsement of Planning Proposal to rezone Council's administration site and to allow a greater building height at the Retirement Village site - 2 Havilah Place, Kiama**

**20/213OC**

**Committee recommendation** that Council endorse this Planning Proposal to:

1. Rezone 11 Manning Street Kiama from SP2 Special Purpose to B2 Local Centre and increase the permissible building height and floor space ratio to facilitate a five (5) storey building on the site.
2. Increase the permissible building height and floor space ratio for part of Lot 71 DP 831089 – 2 Havilah Place Kiama (i.e. the retirement village component of the Blue Haven site) to facilitate a seven (7) storey building on the site.

and use its plan-making delegations to make the necessary amendments to the *Kiama Local Environmental Plan 2011*.

(Councillors Reilly and Brown)

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

Against: Nil

**12.3 Endorsement of Planning Proposal to rezone part of Lot 2 DP 805229, Dido Street, Kiama**

**20/214OC**

**Committee recommendation** that Council endorse this Planning Proposal, to rezone part of Lot 2 DP 805229, and use its plan making delegations to make the necessary amendments to *Kiama Local Environmental Plan 2011*.

(Councillors Rice and Westhoff)

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

Against: Nil



## 12.4 Adoption of amendments to Kiama Community Participation Plan (CPP) 2019

20/2150C

### Committee recommendation that Council:

1. Endorse the Kiama Community Participation Plan and upload the endorsed Plan to both Council's website and the NSW Planning Portal
2. Notify the Precinct Committees, Community/Ratepayers Associations and individuals who made submissions of Council's endorsement of the Plan.

(Councillors Brown and Reilly)

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

Against: Nil

## 12.5 Lot B DP 164747 - 47 Thomson Street, Kiama - Outcomes of Interim Heritage Order and Heritage Assessment

### Disclosure of Interest - Councillor Honey

Councillor Honey declared a less than significant non-pecuniary interest in this matter due to his family having historical ownership of the property. Councillor Honey remained in the Chamber.

This report was withdrawn.

## 13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

### 13.1 Short Term Licence - hire of paddlecraft Black Beach Kiama

An **amendment** was **moved** by Councillor Brown and seconded by Councillor Watson that Council undertake an Expression of Interest process for:

1. the proposed use of Lot 7008 DP1074746 (Black Beach) for the hire of non-powered recreational watercraft for use within Kiama Harbour under a short term licence not exceeding 6 months
2. an additional short term licence for the operation of kayaks on the Minnamurra River.

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

For: Councillors Brown, Steel and Watson

Against: Councillors Honey, Reilly, Rice, Way and Westhoff

**20/216OC**

**Committee recommendation** that Council undertake an Expression of Interest process for the proposed use of Lot 7008 DP1074746 (Black Beach) for the hire of non-powered recreational watercraft for use within Kiama Harbour under a short term licence not exceeding 6 months.

(Councillors Reilly and Rice)

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

Against: Councillor Way

**13.2 Statement of Investments - June 2020****20/217OC**

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

(Councillors Brown and Westhoff)

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

Against: Nil

**13.3 Investment Policy Review****20/218OC**

**Committee recommendation** that the Investment Policy revised July 2020 be received and adopted.

(Councillors Way and Westhoff)

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

Against: Nil

**14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**

Nil

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**15 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

**16 REPORTS FOR INFORMATION****20/219OC**

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

- 16.1 Cities Power Partnership - progress and additional support for the program
- 16.2 Clause 4.6 Variations to LEP Development Standards - 1 April to 30 June 2020
- 16.3 Illegal Dumping Compliance Officer's Quarterly Report – 1 April to 30 June 2020
- 16.4 Illegal Dumping Compliance Officer's Annual Report - 1 July 2019 – 30 June 2020
- 16.5 Jamberoo Valley Ratepayers and Residents Association - Report to Members - June 2020
- 16.6 Minutes: Central Precinct - 23 June 2020
- 16.7 Minutes: Minnamurra Progress Association - 7 July 2020
- 16.8 Minutes: South Precinct meeting - 18 June 2020
- 16.9 Office of Local Government circular - Postponement of the September 2020 Local Government elections
- 16.10 Parking Statistics - June 2020
- 16.11 Quarterly dwelling approvals
- 16.12 Question for future meeting: Bland Street Bus Shelter
- 16.13 Question for future meeting: Kiama and District Business Chamber of Commerce Inc. - relocation
- 16.16 Questions for Future Meetings Register as at 13 July 2020
- 16.17 Rezoning process to amend permissible uses in the RE1 Public Recreation Zone
- 16.18 Successful contractor for Leisure Centre photovoltaic system.

(Councillors Westhoff and Reilly)

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

Against: Nil

**16.15 Question for future meeting: Short Term Rental Accommodation Policy****20/220OC**

**Committee recommendation** that Council as a matter of urgency, collates all relevant data and prepares a case for reducing the non-hosted short-term rental accommodation period in Kiama from 365 days to 180 days per year and that this information is provided to the Minister for Planning, requesting that a Ministerial Direction is issued, reducing the total occupancies allowable under the Fair Trading Amendment (Short-term Rental Accommodation) Act 2018.

(Councillors Rice and Reilly)

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

Against: Councillors Brown, Steel and Watson

**RESUMPTION OF ORDINARY BUSINESS****20/221OC**

**Committee recommendation** that at this time, 6.29am, 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, Steel, Watson, Way and Westhoff

Against: Nil

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT****20/222OC**

**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 20/204 to 20/220OC 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**

Moved to Item 10.0 Public Access Reports

**19 QUESTIONS FOR FUTURE MEETINGS****19.1 Defibrillators in Council buildings**

Councillor Steel requested a report on the number and location of defibrillators in the Council buildings, and confirmation that people are trained in their use. The matter was referred to the General Manager for investigation and report.

**19.2 Tree canopy strategy for urban Kiama**

Councillor Rice requested a report on the Kiama Council tree canopy and any current thinking towards maintaining shade in urban Kiama. Background: as a regional council we are not under any obligation to establish a tree canopy target under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. However, it is noted the range of figures that Sydney councils are now working towards in the different zonings of their towns. The matter was referred to the Director Environmental Services for investigation and report.

**19.3 Protection of Kiama's heritage buildings**

Councillor Rice requested a report on Council's current activity towards protecting Kiama's heritage buildings and an indication of how this is being budgeted for on an ongoing basis. The matter was referred to the Director Environmental Services for investigation and report.

**19.4 Significant tree register - Landcare Illawarra assistance**

Councillor Rice requested a report on expediting the process of seeking Landcare Illawarra assistance in developing a significant tree register. The matter was referred to the Director Engineering and Works for investigation and report.

**19.5 Minnamurra Boardwalk project**

Councillor Way requested a report on the Minnamurra Boardwalk project as follows:

1. Is there a quotation from Cardno based on 100% design for construction. As recollected they were to provide this as per the agreement with Council.

2. Documentation to and from the Minister for Transport and Roads Andrew Constance regarding the Council request for additional funding to complete the Boardwalk
3. Is there an “end date” for the grant funding of \$4.5 Million from NSW Government, if so, what is it?
4. Information on low interest loans to complete finance based on the concept for provision of the Boardwalk as a community asset not a business venture: safe access around the Minnamurra bends for pedestrians and cyclists; disabled access; provision of a link to existing pedestrian and cycleways; link from Gainsborough to Kiama Downs and Minnamurra; and tourism.
5. Contact Gareth Ward Member for Kiama; Minister for Families, Communities and Disabilities and request he contact Minister for Transport and Roads Andrew Constance regarding the additional Grant funding required for Boardwalk project.
6. The Council report on above mentioned items to be in Confidential.

The matter was referred to the Director Engineering and Works for investigation and report.

## 20 CONFIDENTIAL SUMMARY

### 20/223OC

**Resolved** that at this time, 6.35pm, 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 Watson)

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:****20/224OC**

**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 LAND AND ENVIRONMENT COURT APPEALS - 1 APRIL TO 30 JUNE 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 PLANT PURCHASE**

**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 PROPOSED LEASE OF PART OF GERRINGONG TOWN HALL - BENDIGO BANK**

**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. .

**21.4 SUPPLY AND LAY ASPHALTIC CONCRETE - 2020-2021**

**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 Watson and Way)

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

Against: Nil

**21 CONFIDENTIAL REPORTS****21.1 Land and Environment Court Appeals - 1 April to 30 June 2020**

Information report only.

Councillor M Way left the meeting at 6.35 pm.

## 21.2 Plant Purchase

### 20/225OC

**Committee recommendation** that Council purchase one (1) Volvo FM13 Prime Mover and one (1) Barker walking floor trailer from Southern Truck Centre Wollongong for a combined price of \$397,249.82 + GST.

(Councillors Reilly and Watson)

Councillor M Way returned to the meeting at 6.37 pm.

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

Against: Nil

## 21.3 Proposed lease of part of Gerringong Town Hall - Bendigo Bank

### Disclosure of Interest - Councillor Westhoff

Councillor Westhoff declared a less than significant non-pecuniary interest in this matter as he is a member of the Bendigo Bank Gerringong Branch Steering Committee. Councillor Westhoff took no part in discussion or voting on this matter.

### 20/226OC

**Committee recommendation** that Council approve the lease of Suite D on the ground floor of the Gerringong Town Hall to the Bendigo Bank as outlined in the summary section of this report.

(Councillors Brown and Westhoff)

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

Against: Nil

## 21.4 Supply and lay asphaltic concrete - 2020-2021

### 20/227OC

**Committee recommendation** that Council purchase approximately 6,000 tonne of Asphaltic Concrete from Roadworx at an average cost of \$165.20 + GST per tonne.

(Councillors Watson and Way)

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



Against: Nil

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

**20/228OC**

**Committee recommendation** that at this time, 6.41pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Way)

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.

**20/229OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 20/224CO to 20/228OC be confirmed and adopted.

(Councillors Watson and Reilly)

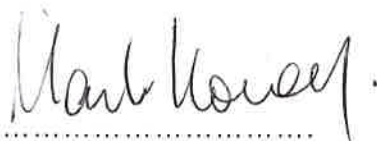
For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff

Against: Nil

**22 CLOSURE**

There being no further business the meeting closed at 6.41pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 August 2020



Mayor