



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

**commencing at 5pm on**

**TUESDAY 14 FEBRUARY 2017**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 14 FEBRUARY 2017 AT 5PM**

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

**IN ATTENDANCE:** General Manager, Director Environmental Services, Director  
Finance, Corporate and Commercial Services, Director  
Engineering and Works and Director Community Services

## **1 APOLOGIES**

Nil

## **2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

*“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”*

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

### **3.1 Ordinary Council on 20 December 2016**

**17/016**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 20 December 2016 be received and accepted.

(Councillors Steel and Watson)

### **3.2 Extraordinary Council on 24 January 2017**

**17/017**

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 24 January 2017 be received and accepted.

(Councillors Brown and Westhoff)

## 4 BUSINESS ARISING FROM THE MINUTES

### Bombo Quarry Task Force

**Resolved** that in relation to Item 16.1 Notice of Motion Bombo Quarry (Min 16/475) of the minutes of the 20 December 2016 Ordinary Council meeting, the Mayor along with Councillors Reilly and Steel be nominated as Council's representatives on the Bombo Quarry Task Force.

(Councillors Sloan and Rice)

## 5 PUBLIC ACCESS

Ray Redgrave – Kiama Lions Race Day sponsorship request (Item 10.1)

Alma MacPherson – Question for Future Meeting: Cooke Park fitness training activities (Item 14.3)

Amanda Findley – Marriage Equality (Item 16.1)

## 6 MAYORAL MINUTE

### 6.1 Ken Donnellan

**17/018**

**Resolved** that Council extends its deepest sympathies to the family and friends of Ken Donnellan and hold one minute's silence in memory of Ken.

(Councillors Honey and Westhoff)

### 6.4 Loma Campbell

**17/019**

**Resolved** that Council extends its deepest sympathies to the family of Loma Campbell and hold one minute's silence in memory of Loma.

(Councillors Honey and Westhoff)

### 6.2 Ian Pullar

**17/020**

**Resolved** that Council congratulate Mr Pullar on his presidency and thank him for his leadership and the highly productive manner in which he has worked with Council.

(Councillors Honey and Westhoff)

### 6.3 Australia Day 2017

17/021

**Resolved** that Council:

1. Extend congratulations to the 2017 Australia Day Awardees;
2. Thank Megan Seres for her Australia Day Address at the Awards and the very generous offer of contributing \$2000 to a Kiama LGA art prize
3. Request the Cultural Board to prepare a proposal for an appropriate art prize to be held annually with Council considering an appropriate prize amount in the 2016/17 budget.;
4. Thank Amy Wilkins for her Ambassadorial Addresses;
5. Thank the Kiama Men's Probus Choir, Kevin Sullivan, Sing Australia, the Mark Dabin, Simon Dyos and Giles Robinson for their performances;
6. Thank the IMB Bank for sponsoring the Outdoor movie night;
7. Thank Councillors Reilly and Westhoff along with the General Manager, Brent Blackburn, Kirilee McManus, Narelle Mousdale, Cathie Bax, Carole Johnston and Hope Prosser for their assistance in the organising of the successful Australia Day events.

(Councillors Honey and Westhoff)

## 7 MINUTES OF COMMITTEES

### 7.1 Kiama Local Traffic Committee - meeting 7 February 2017

17/022

**Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held electronically on 7 February 2017 be received and accepted.

(Councillors Rice and Way)

## 8 PUBLIC ACCESS REPORTS

17/023

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

(Councillors Rice and Way)

**COMMITTEE OF THE WHOLE****17/024**

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

Report of the Director Environmental Services  
Report of the General Manager  
Report of the Director Finance, Corporate and Commercial Services  
Report of the Director Engineering and Works  
Report of the Director Community Services  
Addendum to Reports

(Councillors Reilly and Westhoff)

**10.1 Kiama Lions Race Day sponsorship request****Disclosure of Interest - Councillor Steel**

Councillor Steel declared a non-pecuniary interest in this matter as he is a member of the Kiama Lions Club, however advised that would take part in the debate on this matter.

**17/025**

**Committee recommendation** that Council sponsor the Kiama Lions Club Race Day, the proceeds of which go to the Kiama Lions Club Cancer Care Fund and Carer's Retreat, by providing \$2500 sponsorship.

(Councillors Brown and Westhoff)

**14.3 Question for Future Meeting: Cooke Park Fitness Training -****17/026**

**Committee recommendation** that the location of fitness training at Cooke Park Gerringong be reviewed and discussed with operators between now and August 2017.

(Councillors Rice and Sloan)

**16.1 Marriage Equality****17/027**

**Committee recommendation** that in order to assist our Federal member with the assurance of community feeling she requires, Kiama Municipal Council joins other local governments who publicly support marriage equality. Further that Council places on record that the plebiscite is unnecessary and a waste of money.

.(Councillors Reilly and Sloan)

**9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****9.1 Amendment to Chapter 32 of Kiama Development Control Plan - Cedar Grove Stage 2****17/028**

**Committee recommendation** that Council adopt the amendments to Chapter 32 - Cedar Grove Stage 2 of Kiama Development Control Plan 2012 as exhibited and outlined in this report.

(Councillors Brown and Way)

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

Against: Nil

**9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area****17/029**

**Committee recommendation** that Council endorse the attached, amended version of Chapter 31 – Wyalla Road Residential Release Area for public exhibition as outlined in this report and subsequent report back to Council

(Councillors Steel and Way)

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

Against: Councillors Rice and Sloan

**9.3 Replace existing light tower, add mobile phone base station - Lot 12 DP708875 Havilah Place, Kiama (10.2016.255.1)****17/030**

**Committee recommendation** that Council approve DA 10.2016.255.1 under Section 80(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions identified at the end of the report.

(Councillors Way and Westhoff)

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

Against: Nil

## 10 REPORT OF THE GENERAL MANAGER

### 10.2 Healthy LIVIN Festival - 13 - 14 May 2017 - Sponsorship Request

17/031

**Committee recommendation** that Council provides a one-year sponsorship through in-kind support to a value of \$2,200 to assist in running of the Healthy LIVIN Festival by:

- donating reserve hire fees;
  - donating Waste Management with the consideration of incorporating the go-organics bins; and
  - the additional cleaning of toilet facilities
2. That the organiser be advised that food, clothing and craft stalls are to promote a healthy lifestyle.
  3. That Council be permitted to hold a stall to provide information on healthy living and that nutritional cooking be demonstrated at the festival.

(Councillors Brown and Watson)

### 10.3 Illawarra Light Rail Museum

17/032

**Committee recommendation** that Council provides a donation of \$1500 to the Illawarra Light Rail Museum to support the holding of the event celebrating 100 years of the locomotive known as 'Kiama'.

(Councillors Brown and Steel)

### 10.4 Rubber Duck Derby

17/033

**Committee recommendation** that Council endorse the in-kind donation of the provision of waste services for the Gerringong Duck Derby held on 2 January 2017.

(Councillors Westhoff and Way)

### 10.5 Defibrillators

It was **moved** by Councillor Way and seconded by Councillor Steel that Council allocate up to \$3000 funding from the Community Donations budget each year to be made available for applications by sports clubs and relevant associations for a maximum 50% donation to the cost of the acquisition of a defibrillator.

**17/034**

An **amendment** to the motion was moved by Councillor Brown and seconded by Councillor Steel that Council allocate up to \$3000 funding from the Community Donations budget each year to be made available for applications by sports clubs and relevant associations for a maximum 50% donation to the cost of the acquisition of a defibrillator. Further that clubs or organisations receiving the grant demonstrate or undertake appropriate training including CPR.

The **Amendment** was Put and **Carried**.

The Amendment therefore became the **Motion**.

## **10.6 Payment of Expenses and Provision of Facilities Policy**

**17/035**

**Committee recommendation** that Council adopt the amended Payment of Expenses and Provision of Facilities to Councillors Policy.

(Councillors Brown and Westhoff)

## **10.7 Kiama Council Code of Meeting Practice**

**17/036**

**Committee recommendation** that Council adopt the draft Code of Meeting Practice.

(Councillors Sloan and Rice)

## **11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES**

### **11.1 Statement of Investments - December 2016**

**17/037**

**Committee recommendation** that the information relating to the Statement of Investments for December 2016 be received and adopted.

(Councillors Brown and Westhoff)



**11.2 Statement of Investments - January 2017****17/038**

**Committee recommendation** that the information relating to the Statement of Investments for January 2017 be received and adopted.

(Councillors Way and Watson)

**11.3 Financial Report for the period ending 31 December 2016****17/039**

**Committee recommendation** that the revised budget for the period ending 31 December 2016 be received and adopted.

(Councillors Reilly and Way)

**11.4 2017 Interstate Conference - WA Local Government Finance Professionals****17/040**

**Committee recommendation** that Council grants approval for Council's Chief Financial Officer to attend the 2017 WA Local Government Finance Professionals Conference in Perth from 2-3 March 2017.

(Councillors Westhoff and Brown)

**11.5 Draft Asset Management Plans****17/041**

**Committee recommendation** that Council:

1. Place the Draft Asset Management Plans for the following Asset Classes on public exhibition for 28 days:
  - a) Buildings
  - b) Footpaths and Cycleways
  - c) Recreation and Open Space
  - d) Roads
  - e) Stormwater
  - f) Other Assets.
2. Consider all submissions after the exhibition period has closed as part of the Integrated Planning process.

(Councillors Rice and Sloan)

**12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS****12.1 2017-2018 NSW Government Pedestrian Infrastructure Safety Around Schools Program - project funding****17/042**

**Committee recommendation** that Council accepts the offer of a \$25,300 grant from the Roads and Maritime Services to install a turnaround bay for Kiama High School on Saddleback Mountain Road, Kiama.

(Councillors Steel and Sloan)

**12.2 Cedar Ridge Stage 2 access****17/043**

**Committee recommendation** that Council officers investigate the proposal submitted by David Yates, and any other alternative options, for a second access to Cedar Grove 2 and report back to Council.

(Councillors Steel and Reilly)

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

Against: Councillors Honey, Sloan, Way and Westhoff

**13 REPORT OF THE DIRECTOR COMMUNITY SERVICES****13.1 CCTV Kiama Harbour****17/044**

**Committee recommendation** that:

1. Council endorse the submission of funding application up to \$20,000 to the NSW Community Safety Fund to extend the coverage of CCTV to Kiama Harbour.
2. Appropriate signage be displayed on either side of Kiama Harbour.
3. Provision for future installation of Wi-Fi at Kiama Harbour be included.
4. The Installation of CCTV at Kiama Harbour be completed in 2017.

(Councillors Way and Brown)

### 13.2 Kiama Council Crime Prevention Plan

17/045

**Committee recommendation** that Council endorse placing the existing Crime Prevention Plan on exhibition to seek community comment and feedback for a review of the plan.

(Councillors Brown and Watson)

## 14 REPORTS FOR INFORMATION

### RECOMMENDATION

That the following Reports for Information listed for the Council's consideration be received and noted

- 14.2 Question for future meeting: impact of markets on Black Beach grassed area
- 14.4 Question for future meeting: update on the Soil Mapping Project across the Illawarra - identified in the Illawarra - Shoalhaven Regional Plan
- 14.5 Parking Statistics - December 2016
- 14.6 Parking Statistics - Item 14.2 Information Reports to Council's Meeting 20 December 2016
- 14.7 Question for future meeting: Tree Preservation Policy
- 14.8 Acknowledgement of Library services and staff
- 14.10 LGNSW Award for Sydney Peri Urban Network
- 14.11 Shark watch blimp
- 14.12 Economic Development Committee Meeting Minutes
- 14.13 Question for future meeting: Shared Pathway - Omega Flat (Fern Street to Renfrew Road), Gerringong
- 14.14 Question for future meeting: Roundabout – Manning and Farmer Streets, Kiama

Councillor Watson received approval to leave the Chamber at 6.42pm

- 14.15 Parking Statistics - January 2017
- 14.16 WSL World Junior Championships Wrap Up
- 14.17 Parks & Leisure Australia NSW/ACT Conference - 17-19 May 2017
- 14.18 Gerringong Library, Museum and Community Facility
- 14.19 Skate Park - design audit
- 14.20 Questions for Future Meetings Register as at 8 February 2017

Councillor Watson here returned to the Chamber at 6.46pm

- 14.22 Question for future meeting - Tree Preservation Policy
- 14.23 Poisoning Trees in public places - Werri Beach and other locations.

### 14.1 Question for future meeting: Black Beach rock pool -

It was **moved** by Councillor Way and seconded by Councillor Rice that Council rent

a suitable portable diesel pump with capacity of 150mm diameter on a trailer, for usage on Council rock pools, responding to flood events, dewatering trenches, drain cleaning and appropriate other uses as required by Councils Works staff to meet Community requirements.

Further that Council provide a 12 monthly report at Councils Monthly meeting in March 2018, outlining all the costs incurred for the rental of these pumps and make a recommendation at that meeting to either continue rental or purchase.

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#### 17/046

An amendment to the motion was moved by Councillor Brown and seconded by Councillor Reilly that Council investigate the feasibility to rent a suitable portable diesel pump with capacity of 150mm diameter on a trailer, for usage on Council rock pools, responding to flood events, dewatering trenches, drain cleaning and appropriate other uses as required by Councils Works staff to meet Community requirements.

The **Amendment** was Put and **Carried**.

The Amendment therefore became the **Motion**.

### 14.9 Submission – Draft State Environmental Planning Policy – Coastal Management

#### 17/047

**Committee recommendation** that Council support the concerned citizens who have submitted a request to the Coastal Reforms Team to elevate Werri Lagoon to a Schedule 1 Water Body.

(Councillors Reilly and Rice)

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

Against: Nil

### 14.21 Question for future meeting: 2011 Urban Strategy Lots and dwellings released since commencement of the Kiama Urban Strategy -

#### 17/048

**Resolved** that council approach the NSW Department of Planning to seek regional solutions on housing requirements for future regional requirements rather than just a Local Government Area based solution.

(Councillors Reilly and Steel)

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

Against: Nil

## RESUMPTION OF ORDINARY BUSINESS

**17/049**

**Committee recommendation** that at this time, 7.04pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

**17/050**

**Committee recommendation** 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 17/025 to 17/049 above and note Councillor Steel's non-significant non-pecuniary interest in Item 10.1.

(Councillors Brown and Westhoff)

## 15 ADDENDUM TO REPORTS

Nil

## 16 NOTICE OF MOTION

### 16.2 Optus Community Consultation

**17/051**

**Resolved** that Council makes a formal complaint to the Telecommunications Ombudsman and Optus regarding the irregular application of the Mobile Phone Base Station Deployment Code throughout the Jones Beach community consultation recently undertaken.

(Councillors Rice and Reilly)

## 17 QUESTIONS WITHOUT NOTICE

### 17.1 Illawarra Joint Organisation

Councillor Reilly requested that Council representatives on the Illawarra Pilot Joint Organisation raise the motion with that group to partner with law firm, Carter

Ferguson to make application to the Domestic and Family Violence Innovation Fund. The Mayor referred the matter to the General Manager for review and report.

### **17.2 Revegetation of Jones' Beach**

Councillor Steel requested a report on the status of the revegetation of Jones' Beach.

The Mayor referred the matter to the Director of Engineering & Works for report.

### **17.3 Red Bin Collection -**

Councillor Steel requested a report on the costs incurred if Council was to increase the red bin collection to a weekly service instead of the current fortnightly collection.

The Mayor referred the matter to the Director of Environment Services for report.

### **14.5 Gerringong Town Hall -**

Councillor Westhoff requested a report on the possibility of providing air-conditioning to Gerringong Town Hall.

The Mayor referred the matter to the Director Financial Corporate & Commercial Services for report.

## **18 CONFIDENTIAL SUMMARY**

### **17/052**

**Resolved** that at this time, 7.16pm, 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 Westhoff and Brown)

Councillor Rice here left the Chamber at 7.17pm

### **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.

### **18.1 Exclusion Of Press And Public:**

### **17/053**

**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.

### **19.1 SEVEN MILE BEACH HOLIDAY PARK - MANAGEMENT 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 and 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 and information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

### **19.2 AKUNA STREET CARPARK**

**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 Westhoff and Brown)

## **19 CONFIDENTIAL REPORTS**

### **19.1 Seven Mile Beach Holiday Park - Management Agreement**

**17/054**

**Committee recommendation** that Council:

1. extends the contract of Gordlees Pty Ltd a further 12 months commencing 1 July 2017, and
2. delegates to the General Manager the authority to sign the Letter of Extension to the Contractor on behalf of Kiama Municipal Council.

(Councillors Brown and Westhoff)

Councillor Rice here returned to the Chamber 7.20pm

### **19.2 Akuna Street carpark**

**17/055**

**Committee recommendation**

1. That Council pursue the sale of the southern Akuna Street carpark site outright with a condition of sale that requires 100 car parking spaces to be

provided that are additional to LEP requirements for Residential and Commercial component on this site. That Car Parking would be controlled by Council-“Council Car Park”).

2. That, subject to the determination of the development application for the Mitre 10/Akuna Street development, Council seek an expression of interest from the market to test the potential returns for Council and achieve the parking demands required for Kiama CBD and future growth in this area.
3. That Council provides a similar approach to what was applied to the Mitre 10/Akuna Street development. The benefit of a conditional sale of the site is that a developer would take the risk of constructing and marketing the site and in return Council will achieve its Kiama CBD parking agenda, as determined by further investigation into property market.

(Councillors Way and Steel)

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

Against: Councillors Reilly, Rice and Westhoff

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

**17/056**

**Committee recommendation** that at this time, 7.41pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Brown and Way)

#### **Adoption of Report**

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

**17/057**

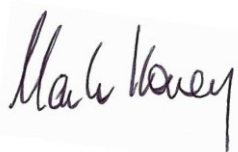
**Resolved** that that the Confidential Committee of the Whole recommendations numbered 17/053 to 17/056 be confirmed and adopted.

(Councillors Westhoff and Brown)

#### 20 Closure

There being no further business the meeting closed at 7.42pm

These Minutes were confirmed at the Ordinary Meeting of Council held on  
21 March 2017



Mayor