



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 15 NOVEMBER 2016

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 15 NOVEMBER 2016 AT 5PM**

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor K Rice,
Councillors M Brown, N Reilly, A Sloan, M Way and
M Westhoff
Councillor D Watson arrived at 5.02pm

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

1 APOLOGIES

An apology was tendered on behalf of Councillor Warren Steel .

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.”

Motion

16/397

Resolved that at this time 5.02pm Council bring forward and deal with the 2016 award presentations for the Megan Dalley Trainee of the Year award and the Robert East Community Service award.

(Councillors Reilly and Way)

6.1 Robert East Community Service Award - 2016

16/398

Resolved that Council congratulates Richard White on the receipt of the ‘Robert East Community Service Award’ for 2016.

(Councillors Honey and Rice)

6.2 Megan Dalley Trainee of the Year Award - 2016**16/399**

Resolved that Council congratulates Michael Wilkinson on the receipt of the 'Megan Dalley Trainee of the Year Award' for 2016

(Councillors Honey and Rice)

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**3.1 Ordinary Council Meeting on 18 October 2016****16/400**

Resolved that the Minutes of the Ordinary Council Meeting held on 18 October 2016 be received and accepted.

(Councillors Brown and Westhoff)

4 BUSINESS ARISING FROM THE MINUTES

Nil

PUBLIC ACCESS REPORTS**16/401**

Resolved that at this time, 5.07pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Westhoff)

5 PUBLIC ACCESS

David Connolly – Item 14.12 - Iluka Reserve and Road Reserve fronting Riverside Drive, Kiama Downs

Mike Yaldon and David Yates – Item 14.18 -- Question for future meeting: Rezoning of properties in Cuba Street

Daniel Sharp – Item 9.1 - Lot 1 DP 216613, 132 Manning Street, Kiama - Demolition of Existing Structures & Construction of 4 Dwellings with Strata Title Subdivision (10.2016.154.1)

Jason Harb – Item 9.1 - Lot 1 DP 216613, 132 Manning Street, Kiama - Demolition of Existing Structures & Construction of 4 Dwellings with Strata Title Subdivision (10.2016.154.1)

COMMITTEE OF THE WHOLE

16/402

Resolved that at this time, 5.09pm, 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 Way and Sloan)

14.12 Iluka Reserve and Road Reserve fronting Riverside Drive, Kiama Downs

Councillor Reilly asked that a report be provided on the following:

1. What studies or evidence is there to support Siteplus' assertion that Iluka Reserve is underutilised?

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

2. Did the Long Term Revenue Committee provide a justification for the proposed development on the basis of its expected commercial benefit and if so can this be examined and figures provided?

The General Manager advised that a previous Committee report to Council recommended that the benefit seen from the proposal was the return from the subdivided residential lots which were then to be reinvested partly in the reserve and also in terms of assisting Council's long term financial sustainability and meeting the other needs of Council.

The Mayor referred this matter to the General Manager for investigation and report.

3. With regard to the road reserve land on the western side of Riverside Drive did negotiations with the RMS talk about the ownership of the land as it is zoned residential but may be set aside as road reserve?

The General Manager advised that the Geographical Names Board database lists the land as Council owned. The road was transferred to Council ownership on completion of the north Kiama bypass. It is zoned residential but marked road reserve.

14.18 Question for future meeting: Rezoning of properties in Cuba Street**16/403**

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 Way and Brown)

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

Against: Councillors Rice and Sloan

9.1 Lot 1 DP 216613, 132 Manning Street, Kiama - Demolition of Existing Structures & Construction of 4 Dwellings with Strata Title Subdivision (10.2016.154.1)

It was moved by Councillor Brown and seconded by Councillor Watson that Council officers determine development application 10.2016.154.1 under delegated authority. This motion was put and **lost**.

For: Councillors Brown, Reilly and Watson

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

Resolution**16/404**

Committee recommendation that Council defer consideration of development application 10.2016.154.1 to review the modification documents provided and report back to Council.

(Councillors Way and Brown)

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

Against: Councillors Sloan and Westhoff

6 MAYORAL MINUTE**6.3 Dementia Friendly Kiama Project****16/405**

Committee recommendation that Council formally congratulate the Dementia Friendly Kiama Project partners on receiving the Excellence in Community

Partnerships Award at the 10th National Disability Awards and that letters of appreciation and congratulations be forwarded to all involved.

(Councillors Honey and Rice)

6.4 South Coast Regional Tourism Awards

16/406

Committee recommendation that Council congratulates the following local award winners of the South Coast Regional Tourism Awards on their excellent achievements.

- South Coast Holidays
- The Sebel Harbourside Kiama
- The Pavilion Kiama
- Kiama Tourism
- El Corazon El Cocina Mexico
- The Mercure Gerringong

(Councillors Honey and Rice)

6.5 2016 Kiama Electorate Community Recognition Awards

16/407

Committee recommendation that Council formally congratulate the following Kiama Municipality recipients of the Kiama Electorate Community Recognition Awards:

- Outstanding Local Volunteer – Col Rathbone
- Outstanding Young Citizen – Joel Trist
- Outstanding Small Business – Natural Necessity Surf Shop
- Outstanding Emergency Service Volunteer – Kirra Waine
- Junior Sports Award – Matt Panecasio
- Local Sports Award – Amanda Reid
- Sports Administrator Award – Michelle Quine
- Outstanding Citizen – Brian Petschler

(Councillors Honey and Rice)

6.6 2016 Women's World Surfing Champion - Tyler Wright**16/408**

Committee recommendation that Council formally congratulate Tyler Wright on recently winning the 2016 Women's World Surfing Championship.

(Councillors Honey and Rice)

6.7 Megan Seres - Winner of Doug Moran Prize**16/409**

Committee recommendation that Council congratulate Megan Seres on her outstanding achievement in winning the 2016 Doug Moran National Portrait Prize.

(Councillors Honey and Rice)

7 MINUTES OF COMMITTEES**Motion****16/410**

Committee recommendation that in relation to Item 1 of the Kiama Local Traffic Committee minutes that Council retain the interim plan with an amendment that parking zones west of No 18 Saddleback Mountain Road remain unchanged.

(Councillors Reilly and Sloan)

7.1 Kiama Local Traffic Committee - meeting 1 November 2016**16/411**

Resolved that subject to the above (Min. 16/410) the minutes of the Kiama Local Traffic Committee meeting held on 1 November 2016 be received and accepted.

(Councillors Reilly and Rice)

8 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.2 Kiama Municipal Council vs Turnbull - 10.2016.41.1

16/412

Committee recommendation that Councillors Honey, Rice and Reilly be delegated with the power to negotiate matters on behalf of Council, as and if required, during proceedings in the Land & Environment Court matter of Kiama Municipal Council vs Turnbull (Proceedings No 2016/260950).

(Councillors Way and Sloan)

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

Against: Nil

9 REPORT OF THE GENERAL MANAGER

10.1 Sponsorship Proposal - Kiama Coastal Classic 2017

16/413

Committee recommendation that Council:

1. Enter into a sponsorship arrangement committing to expenditure of \$4,000 (+ GST) plus in-kind contribution of reserve hire fees.
2. Inspect the Coastal Walking Track prior to and following the event to assess any damage and undertake remediation works if required.

(Councillors Brown and Way)

10.2 Sponsorship Proposal - KISS Arts Festival 2017

16/414

Committee recommendation that Council:

1. Support the KISS Arts Festival by providing \$10,000 sponsorship.
2. Provide in-kind support for reserve hire fees for Black Beach/School Flat and Hindmarsh Park and provide extra bins free of charge.
3. Provide in-kind support for April School Holidays workshops by waiving reserve hire fees and hall hire fees.

(Councillors Reilly and Rice)

10.3 Sponsorship Proposal - CamsDay Fundraiser**16/415****Committee recommendation** that Council:

1. Provide sponsorship by in-kind donation of hire costs for the Pavilion and reserve hire fees for the Showground.
2. Provide in-kind donation of additional garbage and recycling bins, restroom cleaning and ground maintenance.

(Councillors Brown and Way)

10.4 WSL World Juniors Surfing Competition**16/416****Committee recommendation** that Council:

1. Provide in-kind support by waiving all reserve hire fees for Bombo Beach, Werri Beach, Surf Beach and Hindmarsh Park along with any other reserves that may be applicable as details are finalised.
2. Provide in-kind support by waiving hire fees for The Pavilion Kiama for the Opening Ceremony on 3 January 2016.
3. Provide in-kind support by providing waste and recycling bins for all locations.
4. Waive grounds maintenance fees.
5. Provide event management assistance to help with the organising of food stalls at Bombo or alternative site if required and volunteer support program.
6. Provide power access from amenities block at North Bombo Car Park.

(Councillors Way and Brown)

10.5 Extraordinary Meeting**16/417****Committee recommendation** that Council endorse the holding of an Extraordinary Meeting of Council on 21 November 2016 at 6.30pm for the purpose of review and endorsement of Council's response to the Fit for the Future Reassessment including the Long Term Financial Plan.

(Councillors Reilly and Way)

10 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Financial Report for the period ending 30 September 2016

16/418

Committee recommendation that the revised budget for the period ending 30 September 2016 be received and adopted.

(Councillors Westhoff and Reilly)

11.2 Statement of Investments - October 2016

16/419

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

(Councillors Brown and Westhoff)

11.3 Audited Annual Financial Statements 2015/2016

16/420

Committee recommendation that :

1. The Annual Financial Statements and Audit Reports for the period ended 30 June 2016 be received and adopted.
2. The Audited Financial Statements and Audit Reports be forwarded to the Office of Local Government.

(Councillors Sloan and Rice)

11.4 Economic Development Committee - Terms of Reference

16/421

Committee recommendation that Council adopts the Terms of Reference for the Economic Development Committee

(Councillors Westhoff and Way)

11 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

12 REPORT OF THE DIRECTOR COMMUNITY SERVICES**13.1 North Kiama Neighbourhood Centre - permission for work on Council property****16/422****Committee recommendation** that Council:

- 1 Support the request from North Kiama Neighbourhood Centre to paint murals on the toilet block near the Centre, repaint the interior of the toilet block, build and install tables and chairs near the play area and skate park and plant shade trees.
- 2 Congratulate the North Kiama Neighbourhood Centre Management on the initiatives being undertaken.

(Councillors Brown and Way)

13.2 Cultural Board Minutes**16/423****Committee recommendation** that Council does not approve Cultural Grant funding for the Kiama Jazz and Blues Club Posters Cultural Grants application

(Councillors Reilly and Westhoff)

13.3 National Disability Services CEO Meeting 2016**16/424****Committee recommendation** that Council endorses the recommendation that the Manager Governance and Strategy, Blue Haven Care attends the National Disability Services CEO meeting in Melbourne on the 5 and 6 December 2016.

(Councillors Reilly and Way)

13 REPORTS FOR INFORMATION**16/425****Resolved** that the following Reports for Information listed for the Council's consideration be received and noted:

- 14.1 Christmas / New Year - annual close down period
- 14.2 2016 Council employee Christmas functions
- 14.3 Youth Advisory Committee - Minutes
- 14.5 Jamberoo Valley Ratepayers & Residents - Minutes

- 14.6 Kiama Library - What are you reading this summer?
- 14.7 Crown Land Management Bill 2016
- 14.8 Short-Term Holiday Letting
- 14.11 Medium Density Housing Code and Design Guide
- 14.16 Question for future meeting: disability parking sign - Collins Street, Kiama
- 14.19 Question for future meeting: Further information - Kiama Urban Strategy dwelling yield
- 14.23 Questions for Future Meetings Register
- 14.24 Councillor Meetings Report 1/10/16 - 9/11/16.

(Councillors Westhoff and Rice)

14.4 South Precinct Meeting Minutes - Item 3 General Business

16/426

Committee recommendation that a report be brought to Council's December 2016 meeting outlining the process and evidence of compliance of the development applications associated with item 3 in the South Precinct meeting minutes, including the 2010 development application determined under staff delegation, the 2015 development application determined under delegation and the 2016 development application determined under delegation including copies of the officer's reports for each.

(Councillors Reilly and Westhoff)

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

Against: Nil

Motion

16/427

Committee recommendation to ensure future consistency in determining development applications which are very likely to attract significant public interest and community input in relation to the preservation of coastal and scenic rural landscapes, that these development applications be referred to Council for determination.

(Councillors Rice and Westhoff)

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

Against: Nil

14.9 Council land suitable for caravan and boat parking/storage**16/428****Committee recommendation** that Council:

1. Further investigate the former Sydney Water site at Kiama Downs and the Railway property at the rear of Lot 97 Panama Street, Kiama.
2. Develop a business case looking at demand, access and cost for the use of these sites.

(Councillors Way and Sloan)

14.10 Council meetings 2017**16/429****Committee recommendation** that the 2017 April Council meeting be held on 11 April 2017 and the February Council meeting be held on 7 February 2017.

(Councillors Rice and Sloan)

14.13 Planning Proposal - Rezoning and Amendment to Minimise Lot Size – Lot 2 DP 626187, Golden Valley Way, Jamberoo**16/430****Committee recommendation** that Council waive the hire fee for the Jamberoo School of Arts for the community meeting held on 8 November 2016.

(Councillors Way and Sloan)

14.14 Question for future meeting: LED street lighting**16/431****Committee recommendation** that Council require the installation of LED street lighting as a standard condition in all Greenfield subdivisions.

(Councillors Sloan and Reilly)

14.15 Question for future meeting: update on the Soil Mapping Project across the Illawarra - identified in the Illawarra-Shoalhaven Regional Plan**16/432****Committee recommendation** that:

1. Until the current process of Soil and Agricultural Land Mapping in Kiama is complete that any description of land as, or not as, Strategic Agricultural Land

will not be acceptable for determining its future and current agricultural potential unless such a description is also supported by the existing NSW Agricultural Land Classification Maps.

2. Council write to the Department of Primary Industries requesting that the Kiama LGA be a priority when undertaking this mapping.

(Councillors Rice and Sloan)

14.17 Question for future meeting: Illawarra Regional Infrastructure and Growth Plan

16/433

Committee recommendation that Council write to Local Member, Gareth Ward requesting he contact the Minister for Planning and the Department of Planning and Environment to amend the Illawarra-Shoalhaven Urban Development Program to be consistent with the Illawarra Regional Infrastructure and Growth Plan document regarding "South Gerringong" investigation area. Specifically that the 350 lots at South Gerringong be removed from the UDP.

(Councillors Sloan and Brown)

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

14.20 Question for future meeting: Healthy Urban Development Checklist

16/434

Committee recommendation that the planning staff review the Healthy Urban Development Checklist in advance of the new edition being made available, and report on its applicability to the design of new developments and subdivisions in Kiama.

(Councillors Rice and Sloan)

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

14.21 Question for future meeting: design standards for public infrastructure

16/435

Committee recommendation that all the bollards in the Kiama town centre be painted a uniform green colour, to be specified.

(Councillors Reilly and Watson)

14.22 Question for future meeting: Akuna Street carpark**16/436**

Committee recommendation that Council revisit the options available for the potential development of the Akuna St carparking site to assess the various options based on the current zoning for the site and determine which is the optimum development that includes additional parking for the town centre and a mix of commercial and residential, with potential for basement carparking and a link to the new development opposite in Akuna Street.

(Councillors Way and Reilly)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS**16/437**

Resolved that at this time, 7.10pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Brown and Sloan)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**16/438**

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 16/403 to 16/436 above.

(Councillors Westhoff and Rice)

14 ADDENDUM TO REPORTS

Nil

15 NOTICE OF MOTION

Nil

16 QUESTIONS WITHOUT NOTICE

17.1 Lighting at Kiama Skate Park

Councillor Rice requested a preliminary report on the process and likely timeframe for a study on undertaking an urban design audit of the Kiama Skate Park to address crime prevention and student safety issues as requested from the November Youth Engagement meeting.

The Mayor referred this matter to the Director Community Services for investigation and report.

17.2 Coronation Park power for market stalls

Councillor Way requested a plan and cost estimate be provided on installing power at Coronation Park for potential supply to market stall sites.

The Mayor referred this matter to the Director Engineering & Works for investigation and report.

17.3 South Jones Beach stairway

Councillor Way requested a cost estimate be provided for the removal of the stairway (from beach to cliff top) at south Jones Beach and the construction of a new stairway, and a concept plan for the new stairway.

The Mayor referred this matter to the Director Engineering & Works and investigation and report.

17.4 Omega ("Miller's") flat walkway

Councillor Westhoff requested an update on the pathway across Omega flat, from Fern Street to Renfrew Road, now that the roadworks have been completed.

The Mayor referred this matter to the Director Engineering & Works and investigation and report.

17.5 Removal of dune vegetation at Werri Beach

Councillor Westhoff requested an investigation into the removal of vegetation from the Werri Beach dunes for a distance of 100 metres on a trial basis.

The Mayor referred this matter to the Director Engineering & Works and investigation and report.

17.6 Roundabout at Farmer Street and Manning Street intersection

Councillor Westhoff requested that the Kiama Local Traffic Committee consider the construction of a roundabout at the intersection of Farmer Street and Manning Street as proposed by the Youth Advisory Committee.

The Mayor referred this matter to the Director Engineering & Works and investigation and report.

17 CONFIDENTIAL SUMMARY**16/439**

Resolved that at this time, 7.19pm, 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 Way and Watson)

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:**RECOMMENDED**

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 GLENBROOK DRIVE, BOMBO - RESIDENTIAL LAND SUBDIVISION

Reason for Confidentiality: This matter deals with information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government Act. .

18 CONFIDENTIAL REPORTS**19.1 Glenbrook Drive, Bombo - residential land subdivision****16/440**

Committee recommendation that Council endorse the proposed 5 lot residential

subdivision of Lot 26 DP 709368 and Lots 284 & 285 DP823193 Glenbrook Drive, Bombo and give delegated authority to the General Manager and Mayor to:

1. Enter into the necessary discussions with RailCorp regarding the release of the current restriction on use of Lot 26 DP709368 associated with adjoining quarrying and related activities.
2. Sign any documentation relating to applications for residential subdivision of the land, registration of plan of subdivision and individual contracts for the sale of lots including the seal of Council where required.
3. Set final sale prices/reserve prices for the residential lots based on independent valuation advice.
4. Determine the most appropriate method of disposal of the residential lots based on the prevailing market conditions and independent sales advice at the time the land is ready for marketing/sale.

(Councillors Brown and Reilly)

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

Against: Nil

Close of Confidential Committee of the Whole:

16/441

Resolved that at this time, 7.24pm, 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.

16/442

Resolved that that the Confidential Committee of the Whole recommendation numbered 16/440 be confirmed and adopted.

(Councillors Rice and Watson)

19 CLOSURE

There being no further business the meeting closed at 7.25pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
20 December 2016

A handwritten signature in black ink, appearing to read "Mark Honey", is centered on the page. The signature is written in a cursive style.

.....
Mayor