



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

**commencing at 5pm on**

**TUESDAY 16 OCTOBER 2018**

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 16 OCTOBER 2018 AT 5PM**

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

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

## **1 APOLOGIES**

### **Apology**

#### **18/232-OC**

**Resolved** that the apology of Councillor Rice be accepted and leave of absence granted.

(Councillors Sloan and Brown)

## **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 18 September 2018**

#### **18/233-OC**

**Resolved** that the Minutes of the Ordinary Meeting held on 18 September 2018 be received and accepted.

(Councillors Westhoff and Way)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**DISCLOSURES OF INTEREST****Disclosure of Interest - Councillor Sloan**

Councillor Sloan declared a significant pecuniary interest in Item 14.2 as he is part owner in the property at 16 Greta Street, Gerringong which is reported in Item 14.2. Councillor Sloan took no part in discussion or voting on the matter.

**5 PUBLIC ACCESS**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
Mrs Xiaoyun White David Hill	10.3	10.2018.185.1 – Lot 852 DP 231591 – 96 North Kiama Drive Kiama Downs - Construction of pergola over existing deck
John Leftwich	10.4	10.2017.307.1 - Lot 859 DP 231616 - 110 North Kiama Drive, Kiama Downs – demolition of existing deck and construction of new decks
Rick Spencer	10.4	10.2017.307.1 - Lot 859 DP 231616 - 110 North Kiama Drive, Kiama Downs – demolition of existing deck and construction of new decks
Rick Smith	10.5	10.2018.66.1 - Lot 11 DP 599429 – 261 Jamberoo Mountain Road, Jamberoo - Demolition of existing dwelling and construction of principal dwelling, secondary dwelling, shed and swimming pool
Russell Gillett	11.1	Kiama Leisure Centre - swimming pool use management

**6 MAYORAL MINUTE****6.1 Mayor's Giving Tree**

**18/234-OC**

**Resolved** that Council endorses the Mayor's Giving Tree appeal.

(Councillors Brown and Watson)

**18/235-OC**

**Resolved** that at this time Council bring forward and deal with matters pertaining to Addendum to Reports Item 15.3.

(Councillors Westhoff and Sloan)

**15.3 Michael Innes - resignation****18/236-OC**

**Resolved** that Council formally thank Michael Innes for his years of service to Council and the local community.

(Councillors Honey and Reilly)

**7 MINUTES OF COMMITTEES****7.1 Minutes - Kiama Youth Advisory Committee Meeting - 6 September 2018****18/237-OC**

**Resolved** that the Minutes of the Kiama Youth Advisory Committee Meeting held on 6 September 2018 be received and accepted.

(Councillors Westhoff and Reilly)

**7.2 Minutes - Planning Committee - 6 September 2018****18/238-OC**

**Resolved** that the Minutes of the Planning Committee Meeting held on 6 September 2018 be received and accepted.

(Councillors Sloan and Watson)

**7.3 Minutes: Kiama Local Traffic Committee meeting held on 2 October 2018****18/239-OC**

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 2 October 2018 be received and the recommendations therein accepted, with the additional request for a report to the Committee to consider 15 minuted parking zones along Terralong Street.

(Councillors Way and Reilly)

## COMMITTEE OF THE WHOLE

### 18/240-OC

**Resolved** that at this time, 5.07pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the General Manager
- Report of the Director Environmental Services
- Report of the Director Corporate and Commercial Services
- Report of the Director Engineering and Works
- Report of the Director Blue Haven
- Addendum to Reports

(Councillors Westhoff and Steel)

## 8 PUBLIC ACCESS REPORTS

### 18/241-OC

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

(Councillors Way and Brown)

### 10.3 10.2018.185.1 – Lot 852 DP 231591 – 96 North Kiama Drive Kiama Downs - Construction of pergola over existing deck

### 18/242-OC

**Committee recommendation** that Council approve development application 10.2018.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Way and Brown)

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

Against: Nil

**10.4 10.2017.307.1 - Lot 859 DP 231616 - 110 North Kiama Drive, Kiama Downs – demolition of existing deck & construction of new decks****18/243-OC**

**Committee recommendation** that Council approve development application 10.2017.307.1, under Section 4.16 the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Way and Sloan)

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

Against: Nil

**10.5 10.2018.66.1 - Lot 11 DP 599429 - 261 Jamberoo Mountain Road, Jamberoo - Demolition of existing dwelling and construction of principal dwelling, secondary dwelling, shed & swimming pool****18/244-OC**

**Committee recommendation** that Council approve development application 10.2018.66.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Nil

At this time, 5.12pm the meeting was adjourned.

At this time, 5.16pm the meeting resumed.

**11.1 Kiama Leisure Centre - swimming pool use management****18/245-OC**

**Committee recommendation** that Council:

1. endorse the Kiama Leisure Centre pool management and lane allocation principles in this report, being that there is:
  - up to 6 lanes allocated to swim squad Monday-Friday 5:15am – 7:00am

- a minimum of 2 lanes available for public lap swimmers
  - earlier pool opening time for public lap swimmers (5:30am)
2. adjust Council's Fees and Charges to capture swim squad session/attendance greater than five times per week plus options for up-front payments
  3. notify all Leisure Centre members of this decision.

(Councillors Brown and Watson)

## 9 REPORT OF THE GENERAL MANAGER

### 9.1 Sponsorship: Kiama Garden Club request - 2018 annual garden competition

#### 18/246-OC

**Committee recommendation** that Council approve sponsorship of \$250 towards the prizes for the annual garden competition.

(Councillors Reilly and Sloan)

### 9.2 Request to waive hall hire fees: Jamberoo Country Women's Association

#### 18/247-OC

**Committee recommendation** that Council endorse the donation of fees for the hire of the Jamberoo School of Arts hall for the drought relief fundraising event held by the Jamberoo Country Women's Association on 8 September 2018.

(Councillors Brown and Westhoff)

### 9.3 Request to waive hall hire fees: Jamberoo Community Preschool - end of year presentation - Jamberoo School of Arts

#### 18/248-OC

**Committee recommendation** that Council provide free hire of the Jamberoo School of Arts hall for the Jamberoo Community Preschool end of year presentation.

(Councillors Watson and Way)

**10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****10.1 Kiama Health Plan 2018-2021****18/249-OC**

**Committee recommendation** that Council:

1. endorse the draft Kiama Health Plan 2018-2021.
2. place the draft Kiama Health Plan 2018-2021 on public exhibition.
3. thank the staff involved for their efforts in producing this document.

(Councillors Reilly and Sloan)

**10.2 Draft Amendments to Chapter 30 - Heritage - Kiama Development Control Plan 2012****18/250-OC**

**Committee recommendation** that Council endorse the attached draft Development Control Chapter 30 – Heritage of the Kiama Development Control Plan 2012 for public exhibition and thank the staff involved for their efforts in producing this document.

(Councillors Reilly and Westhoff)

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

Against: Nil

**10.6 10.2018.175.1 - Lots 2 3 & 4 DP 271068, - 50, 52 & 54 Lilly Pilly Way, Kiama – Staged development of 6 dwellings over 3 individual lots and community title subdivision of those dwellings****18/251-OC**

**Committee recommendation** that Council approve development application 10.2018.175.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Nil



## 11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

### 11.2 Special Rate Variation application - 2019/20, 2020/21

#### 18/252-OC

**Committee recommendation** that Council notify IPART of its intention to apply for a Section 508A Permanent Special Rate Variation of 9.83% for 2019-20 and 6.00% for 2020-21, inclusive of the rate peg, to be retained permanently in the rate base.

(Councillors Westhoff and Reilly)

### 11.3 Statement of Investments - September 2018

#### 18/253-OC

**Committee recommendation** that Council receive and adopt the information relating to the Statement of Investments for September 2018.

(Councillors Brown and Way)

## 12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

## 13 REPORT OF THE DIRECTOR BLUE HAVEN

### 13.1 Blue Haven Advisory Committee - Updated Terms of Reference

#### 18/254-OC

**Committee recommendation** that Council accept the updated Terms of Reference of the Blue Haven Advisory Committee.

(Councillors Watson and Steel)

## 14 REPORTS FOR INFORMATION

### 18/255-OC

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

#### 14.1 Annual tabling of Designated Persons Returns

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

Councillor Sloan declared a significant pecuniary interest in this matter as he is part owner in the property at 16 Greta Street, Gerringong which is reported in Item 14.2. Councillor Sloan took no part in discussion or voting on this matter.

At this time, 5.33pm, Councillor Sloan left the Chamber

#### 14.2 Clause 4.6 Variations to LEP Development Standards

At this time, 5.33pm, Councillor Sloan returned to the Chamber

#### 14.3 Minutes: South Precinct Committee meeting held on 20 September 2018

#### 14.4 Minutes: Minnamurra Progress Association meeting held on 2 October 2018

#### 14.5 Minutes: Central Precinct Committee meeting held on 25 September 2018

#### 14.6 Appointment of Auditor - year ending 30 June 2019 and beyond

#### 14.7 Capital Works Schedule Update

#### 14.8 Councillor Reilly report - Local Government NSW course: Community and Stakeholder Engagement

#### 14.9 Parking Statistics - September 2018

(Councillors Watson and Reilly)

## 15 ADDENDUM TO REPORTS

### 18/256-OC

**Resolved** that at this time 5.36pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Steel and Brown)

#### 15.1 Minutes: Destination Kiama Tourism Advisory Committee meeting held on 10 October 2018

### 18/257-OC

**Committee recommendation** that the Minutes of the Destination Kiama Tourism Advisory Committee meeting held on 10 October 2018 be received and the recommendations therein accepted.

(Councillors Brown and Westhoff)

**15.2 Christmas / New Year - annual close down period****18/258-OC****Committee recommendation** That Council note the report.

(Councillors Way and Reilly)

**RESUMPTION OF ORDINARY BUSINESS****18/259-OC****Committee recommendation** that at this time, 5.48pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Reilly and Steel)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT****18/260-OC****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 18/241-OC to 18/259-OC above.

(Councillors Watson and Reilly)

**16 NOTICE OF MOTION**

Nil

**17 QUESTIONS FOR FUTURE MEETINGS****17.1 The Pavilion Kiama - operation of audio visual equipment**

Councillor Reilly requested that typed/written instructions be placed within easy access of all rooms in The Pavilion Kiama with regards to the operation of audio visual equipment. The Mayor referred the matter to the General Manager for action.

**17.2 Organisation business cards - acknowledgement of country**

Councillor Reilly requested a report on printing the acknowledgement of country on the back of business cards, for staff and councillors, in no smaller than 12pt type. The Mayor referred the matter to the General Manager for investigation and report.

**17.3 Directional Signage - Terralong and Shoalhaven Streets**

Councillor Steel requested directional signage indicating the location of the Kiama Bowling Club be installed at the corner of Terralong and Shoalhaven Streets. The Mayor referred the matter to the Director Engineering and Works for investigation and report.

**17.4 Car parking behind old Mitre 10 site**

Councillor Way requested a report on the provision of additional car parking at the rear of the old Mitre 10 site facing Akuna Street, Kiama now owned by Council, that would include the demolition of existing sheds and replacing with bitumen and line marking for car parking. The report should also indicate how many additional car parking spaces could be provided and the cost estimate. The Mayor referred the matter to the Director Engineering and Works for investigation and report.

**17.5 Lions Club Sports Star Calendar 2019 -**

Councillor Westhoff formally thanked Council for the financial contribution made to the Gerringong Lions Club Sports Star Calendar 2019.

**18 CONFIDENTIAL SUMMARY****18/261-OC**

**Resolved** that at this time, 5.52pm, 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 Sloan)

**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:****18/262-OC**

**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.

**19.1 LAND AND ENVIRONMENT COURT CLASS 1 APPEALS - LEGAL STATUS REPORT - JULY, AUGUST AND SEPTEMBER 2018**

**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. .

**19.2 LEASE RENEWAL - 100 TERRALONG STREET, KIAMA "THE COLLECTIVE KIAMA"**

**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 Brown and Steel)

**19 CONFIDENTIAL REPORTS****19.1 Land and Environment Court Class 1 Appeals - Legal Status Report - July, August and September 2018****18/263-OC**

**Committee recommendation** that Council notes the report.

(Councillors Brown and Way)

**19.2 Lease Renewal - 100 Terralong Street, Kiama "The Collective Kiama"****18/264-OC**

**Committee recommendation** that Council call for Expressions of Interest for businesses interested in a short term lease of the old Mitre 10 site at 100 Terralong Street, Kiama.

(Councillors Brown and Steel)

**Close of Confidential Committee of the Whole:****18/265-OC**

**Committee recommendation** that at this time, 6.20pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Reilly)

**Adoption of Report**

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

**18/266-OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 18/262-OC to 18/265-OC be confirmed and adopted.

(Councillors Brown and Steel)

**20 CLOSURE**

There being no further business the meeting closed at 6.21pm

These Minutes were confirmed at the Ordinary Meeting of Council held on  
20 November 2018



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Mayor