



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 17 APRIL 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 17 APRIL 2018 AT 5PM**

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

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

1 APOLOGIES

Apologies were received from Councillors Brown and Sloan.

OC-18/104

Resolved that the apologies be accepted and leaves of absence be granted.

(Councillors Westhoff and Watson)

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 meeting held on 20 March 2018

OC-18/105

Resolved that the Minutes of the Ordinary Council Meeting held on 20 March 2018 be received and accepted.

(Councillors Way and Rice)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Name	Item No.	Subject
Garry Cochran	10.1	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo
Robert Neilson	10.1	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo
Glenys Day	10.1	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo
Elaine Treglown	10.1	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo
Fiona Richardson Geoff Boxsell	10.1	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo
Wal Mullany	10.1	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo
Alex Kelly	10.3	10.2017.263.1 - Lot 259 DP 30126 - 39 Elanora Road, Kiama Heights, Attached Dual Occupancy with 2 Lot Torrens Title Subdivision
Mark Hume Neil McLaren	16.1	Notice of Rescission Motion: Jones Beach Kiama Downs - dune vegetation damage (OC-18/069) of 20 March 2018 meeting

6 MAYORAL MINUTE

Nil

7 MINUTES OF COMMITTEES**7.1 Catchment and Flood Risk Management Committee - meeting 20 March 2018****OC-18/106**

Resolved that the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 20 March 2018 be noted.

(Councillors Way and Westhoff)

7.2 Kiama Local Traffic Committee - meeting 3 April 2018**OC-18/107**

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 April 2018 be received and accepted.

(Councillors Steel and Rice)

7.3 Minutes - Long Term Financial Planning and Revenue Committee - meeting held 12 March 2018**OC-18/108**

Resolved that the Minutes of the Long Term Financial Planning and Revenue Committee meeting held on 12 March 2018 be received and accepted and the recommendations contained therein be endorsed with the exception of Item 9 Recommendation 2, 85 Attunga Avenue.

(Councillors Reilly and Steel)

COMMITTEE OF THE WHOLE**OC-18/109**

Resolved that at this time, 5.06pm, 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, Commercial & Community Services

Report of the Director Blue Haven

(Councillors Westhoff and Way)

8 PUBLIC ACCESS REPORTS**OC-18/110**

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

(Councillors Steel and Watson)

10.1 Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo

It was moved by Councillor Reilly and seconded by Councillor Rice that Council:

1. Request that the Department of Planning & Environment refuse amendment to the Kiama Local Environmental Plan 2011 for Lot 2 DP 626183, 15 Golden Valley Road, Jamberoo.
2. Prepare amendments to Chapter 30 – Heritage of the Kiama Development Control Plan 2012 to ensure the conservation of significant areas and items of Aboriginal Cultural Heritage.

The **MOTION** on being put to the meeting was **LOST**.

For: Councillors Reilly, Rice and Westhoff

Against: Councillors Honey, Steel, Watson and Way

OC-18/111

Committee recommendation that Council:

1. Request that the Department of Planning & Environment make the amendment to the *Kiama Local Environmental Plan 2011* for Lot 2 DP 626183, 15 Golden Valley Road Jamberoo.
2. Prepare amendments to Chapter 30 – Heritage of the Kiama Development Control Plan 2012 to ensure the conservation of significant areas and items of Aboriginal Cultural Heritage.

(Councillors Steel and Way)

For: Councillors Honey, Steel, Watson and Way

Against: Councillors Reilly, Rice and Westhoff

10.3 10.2017.263.1 - Lot 259 DP 30126 - 39 Elanora Road, Kiama Heights, Attached Dual Occupancy with 2 Lot Torrens Title Subdivision**OC-18/112**

Committee recommendation that Council refuse Development Application 10.2017.263.1 under Section 4.16 of the Environmental Planning and Assessment for the following reasons:

- The development exceeds the floor space ratio requirements of Clause 4.4 of the Kiama LEP 2011,

- The development fails to comply with the front building line control of Chapter 2 of the Kiama DCP 2012,
- The development fails to comply with the rear building line control of Chapter 2 of the Kiama DCP 2012,
- The development fails to comply with the private open space controls of Chapter 4 of the Kiama DCP 2012,
- The development fails to comply with the earthwork controls of Chapter 4 of the Kiama DCP 2012,
- The development fails to comply with the adaptable housing plans controls of Chapter 4 of the Kiama DCP 2012,
- The development fails to provide the required amount of landscaped area as outlined in Chapter 7 of the Kiama DCP 2012,
- The development is considered to be an over development of the site.

(Councillors Rice and Reilly)

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

Against: Nil

16.1 Notice of Rescission Motion: Jones Beach Kiama Downs - dune vegetation damage (OC-18/069) of 20 March 2018 meeting

That Council rescind Resolution OC-18/069 from the 20 March 2018 meeting as detailed below:

MOTION that Council consider a number of strategies to redress the issue and deter any further vandalism which include the following:

1. Provide a reward for information leading to the identification of any person's deliberately damaging vegetation on the dune system which is not part of the approved Land Care project.
2. Placing signage in the affected areas advising of the damage to dune vegetation and the penalties under the Environmental Planning & Assessment Act that will be sought against any person carrying out damage.
3. Carrying out an education program advising of benefits of the dune system in terms of property protection and habitat.
4. Replacing vegetation with native species identified in the management plan on areas where Jones Beach Landcare group have removed lantana and other weeds plus areas where vegetation has been damaged or died. Planting to commence in April 2018, as per advice from Council staff.
5. Provide a quarterly budget of \$3,000 for Council to purchase native plants identified in point 4 above, to be delivered, as required, by the Jones Beach Land Care group for restoration of the affected areas. This amount to be reviewed in 12 months.

6. Selection of native plants from Management plan to be agreed to by Jones Beach Land Care.
7. Council to remove any dead vegetation in the area shown on the photo on page 107 of this report.
8. As a matter of urgency provide a new dune management plan for Jones Beach using as a base, updated advice from appropriate government agencies to produce a draft plan for Community consultation and adoption.
9. Council continue to pursue Grant funding for the implementation of an updated draft management plan.
10. In future all Councillors would be invited to attend any further meetings arranged between Council and members of public, other than Jones Beach Land Care group and Council to implement actions and/or investigations as outlined above.
11. That a progress update in October 2018 of the works being undertaken by the Jones Beach Landcare Group and the budget expenditure be presented to Council by the Director of Engineering & Works.

The **MOTION** on being put to the meeting was **LOST**.

9 REPORT OF THE GENERAL MANAGER

9.1 Change of meeting date

OC-18/113

Committee recommendation that Council endorse the change of the June meeting date to 26 June 2018.

(Councillors Reilly and Westhoff)

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

10.2 10.2017.300.1 - Lot 2 DP 1235469 (formerly Lot 100 DP618342: No 4) 6 Sanctuary Place Minnamurra - Detached Dual Occupancy and Torrens Title Subdivision

OC-18/114

Committee recommendation that Council approve Development application 10.2017.300.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Way and Reilly)

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

Against: Nil

10.4 10.2017.292.1 - Lot 31 DP 574051, Lot 2 DP 907763 & Lot 1 DP 128011 - 31 Bong Bong Street, Kiama - Demolition of Existing Building and Erection of Hotel

OC-18/115

Committee recommendation that Council approve Development Application 10.2017.292.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to conditions at the end of this report.

(Councillors Watson and Steel)

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

Against: Nil

11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES

11.1 Cultural Grants Summer 2018

OC-18/116

Committee recommendation that Council approve the following recommended Cultural Grants funding applications:

- | | |
|---|---------|
| • Rock of Ages (with condition) | \$3,000 |
| • The Water Runner Album and Video (with condition) | \$3,000 |
| • Jones Beach Mural | \$3,000 |

(Councillors Westhoff and Watson)

11.2 Business Service Partnership with Service NSW - Easy to do Business program

OC-18/117

Committee recommendation that council agrees to enter into a partnership with Service NSW to deliver the Easy to do Business program and allow Service NSW to support Council's customer service functions.

(Councillors Watson and Westhoff)

11.3 Sponsorship Request Kiama Show Society - Kiama Show 2019**OC-18/118**

Committee recommendation that Council provide sponsorship of the Kiama Show and the Kiama Show Artisan Food Festival through:

1. Donating the Pavilion hire fee for the 2018 Kiama Show Trivia Night, booked for Friday 28 September 2018.
2. Donating the Leisure Centre hire fee for the 2018 Kiama Show Ball, booked for Saturday 17 November 2018.
3. The provision of waste services for the 2018 Kiama Show Ball on Saturday 17 November 2018.
4. The provision of waste services for the 2019 Kiama Show, on Friday 25 January and Saturday 26 January 2019.
5. Donating The Pavilion hire fee for the 2018 Kiama Show Artisan Food Festival, for Saturday 11 August and Sunday 12 August, in return for:
 - 5.1 Recognition of Destination Kiama and The Pavilion as major sponsors of this event and agreement to meet with the Manager Tourism and Events to discuss sponsorship benefits and details.
 - 5.2 Agreeing to partner with other tourism providers and businesses to leverage promotion of this event and facilitate visitation from outside our local area.

(Councillors Way and Steel)

11.4 Statement of Investments - March 2018**OC-18/119**

Committee recommendation that the information relating to the Statement of Investments for March 2018 be received and adopted.

(Councillors Westhoff and Reilly)

11.5 Interstate Conference - 2018 Caravan Industry Association of Australia National Conference**OC-18/120**

Committee recommendation that Council grants approval for Council's Holiday Parks Coordinator, another Council officer and Councillor Westhoff to attend the 2018 Caravan Industry Association of Australia National Conference on the Gold Coast from 16-18 May 2018.

(Councillors Way and Steel)

11.6 Enterprise Risk Management Policy*OC-18/121*

Committee recommendation that Council adopt the Enterprise Risk Management Policy.

(Councillors Reilly and Watson)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

13 REPORT OF THE DIRECTOR BLUE HAVEN**13.1 Blue Haven Care - Community Care Support Program - Third Party Verification***OC-18/122*

Committee recommendation that Council:

1. Note the successful outcome of the Third Party Verification audit undertaken by SAI Global.
2. Formally thank Eileen Brown, Alana Lord and Marianna Parish for their contribution.

(Councillors Way and Steel)

13.2 Blue Haven Care Home - Accreditation*OC-18/123*

Committee recommendation that Council note that the accreditation review of Blue Haven Care Home will occur from 5 – 7 June 2018.

(Councillors Westhoff and Rice)

14 REPORTS FOR INFORMATION*OC-18/124*

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

- 14.1 Minutes - Jamberoo Valley Ratepayers and Residents Association - meeting 6 March 2018

- 14.2 Clause 4.6 Variations to LEP Development Standards
- 14.3 Parking Statistics - February and March 2018
- 14.4 2018 Destination Australia Conference
- 14.5 2018 Australian Coastal Councils Conference - Councillor Rice
- 14.6 2018 Australian Local Government Women's Association Conference - Councillor Rice
- 14.7 World Surf League World Junior Championship 2017 - Post Event Report
- 14.8 Question for future meeting: No Stopping zone on Saddleback Mountain Road
- 14.9 Question for future meeting: Bathurst Development - Parking
- 14.10 Question for future meeting: Kiama Farmers Market - possible relocation

Councillor Watson left the meeting at 6pm.

- 14.12 Question for future meeting: SP3 Tourist Zones
- 14.13 Councillor Meetings Register as at 10 April 2018
- 14.14 Questions for Future Meetings Register as at 11 April 2018.

(Councillors Steel and Way)

Councillor Watson returned to the meeting at 6.02pm.

14.11 Question for future meeting: Councillor Conference Attendance

It was moved by Councillor Way and seconded by Councillor Steel that Council develop a policy in regards to Councillors' attendance at conferences and training courses, together with a revised budget, per annum per Councillor.

The **Motion** on being put to the meeting was **LOST**.

OC-18/125

Resolved that Council adopt and adapt the Office of Local Government Draft Policy, 'Model Councillor Training and Development Policy' as contained in the 'Councillor Induction and Professional Development Guidelines' consultation draft dated December 2017.

(Councillors Reilly and Westhoff)

RESUMPTION OF ORDINARY BUSINESS

OC-18/126

Resolved that at this time, 6.02pm, 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 Westhoff)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**OC-18/127**

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 OC-18/111 to OC-18/126 above.

(Councillors Steel and Way)

15 ADDENDUM TO REPORTS

Nil

16 NOTICE OF MOTION

The Notice of Rescission Motion was dealt with in Public Access Reports.

17 QUESTIONS FOR FUTURE MEETINGS**17.1 Dual occupancy approvals without minimum solar access**

Councillor Rice requested a report providing the number of dual occupancy applications that have been approved under delegation where minimum solar access has not been met.

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

17.2 Attunga Avenue - walking track access

Councillor Rice requested a report examining the adequacy of measures used to keep vehicles from entering and obstructing the walking track at the end of Attunga Avenue.

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

17.3 Tree and Vegetation Vandalism Policy

Councillor Rice requested a report on the feasibility of developing a Tree and Vegetation Vandalism Policy that is specific to Kiama.

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

17.4 Black Beach markets and events

Councillor Way requested a report on all the markets being held at Black Beach Kiama on weekends that includes; who the Licensee is for each market, the frequency of each market, and the completion date for each licence. In addition the report should include any other applications for use of Black Beach on weekends for events that occur on a regular and/or annual basis.

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

17.5 Building certification by private certifiers

Councillor Way requested a report on building certification and why private certifiers are taking up more business than Council. Also, how this has affected Council income over past few years.

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

17.6 Gerroa, Gerringong and Shoalhaven Heads Community Bank

Councillor Westhoff requested a report on Council pledging its support for the Gerroa, Gerringong and Shoalhaven Heads Community Bank and helping with monetary assistance when the feasibility stage of forming the Community Bank is reached.

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

18 CONFIDENTIAL SUMMARY**OC-18/128**

Resolved that at this time, 6.07pm, 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 Way)

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:**OC-18/129**

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 MINNAMURRA RIVER CYCLEWAY / WALKWAY - TENDER FOR CONSULTANCY SERVICES FOR INVESTIGATION AND DESIGN

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 Watson)

19 CONFIDENTIAL REPORTS**Disclosure of Interest - Councillor Westhoff**

Councillor Westhoff declared a non- significant non-pecuniary interest in this matter as his son and daughter were previously employed by Cardno (NSW) Pty Ltd.

19.1 Minnamurra River Cycleway / Walkway - Tender for Consultancy Services for Investigation and Design**OC-18/130**

Committee recommendation that Council:

1. accept the tender from Cardno (NSW) Pty Ltd for the sum of \$289,445 (excluding GST) to provide consultancy services for investigation and design of the Minnamurra River Cycleway / Walkway proposal.
2. approve the provisional sum of \$20,112 (ex GST) from Cardno (NSW) Pty Ltd to complete an Environmental Impact Statement if determined necessary from the outcomes of the Review of Environmental Factors assessment.
3. authorise the Mayor and the General Manager to execute the tender documentation and affix the Council seal if required.

(Councillors Way and Steel)

Close of Confidential Committee of the Whole:**OC-18/131**

Committee recommendation that at this time, 6.10pm, 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.

OC-18/132


Resolved that that the Confidential Committee of the Whole recommendations numbered OC-18/129 to OC-18/131 be confirmed and adopted.

(Councillors Steel and Reilly)

20 CLOSURE

There being no further business the meeting closed at 6.11pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 May 2018



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Mayor