



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.02pm on

TUESDAY 17 JULY 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 JULY 2018 AT 5.02PM**

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor K Rice,
Councillors M Brown, A Sloan, 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

An apology was received from Councillor Reilly.

Apology

OC-18/231

Resolved that the apology be accepted and a leave of absence granted.

(Councillors Steel and Sloan)

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 26 June 2018

OC-18/232

Resolved that the Minutes of the Ordinary Council Meeting held on 26 June 2018 be received and accepted.

(Councillors Brown and Watson)

4 BUSINESS ARISING FROM THE MINUTES

Nil.

5 PUBLIC ACCESS

Name	Item No.	Subject
Steve McBride	9.3	Sponsorship request: 2018 Jamberoo Car Show and Family Day
Mathew Santucci Deborah Santucci David Cannon	10.2	10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title Subdivision
Natalie Allan	10.3	10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision
Kelly Henson Ian Henson	10.4	10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama - Demolition of Existing Dwelling and 2 Lot Torrens Title Subdivision
Sandra McCarthy	10.5	10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach – Proposed detached shed and carport
Andy Higgins	16.1	NSW State Government Library funding cuts

6 MAYORAL MINUTE

Nil

7 MINUTES OF COMMITTEES**7.1 Minutes: Health & Sustainability Committee meeting held on 12 June 2018****OC-18/233**

Resolved that the Minutes of the Health & Sustainability Committee Meeting held on 12 June 2018 be received and accepted.

(Councillors Rice and Westhoff)

7.2 Minutes: Kiama Local Traffic Committee meeting held on 3 July 2018**OC-18/234**

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

(Councillors Way and Brown)

7.3 Minutes: Blue Haven Advisory Committee meeting held on 4 July 2018**OC-18/235**

Resolved that the Minutes of the Blue Haven Advisory Committee Meeting held on 4 July 2018 be received and accepted.

(Councillors Watson and Rice)

COMMITTEE OF THE WHOLE**OC-18/236**

Resolved that at this time, 5.05pm, 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, Commercial & Community Services
- Report of the Director Engineering and Works
- Report of the Director Blue Haven
- Addendum to Reports

(Councillors Way and Westhoff)

8 PUBLIC ACCESS REPORTS**OC-18/237**

Committee recommendation that at this time, 5.05pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Way)

9.3 Sponsorship request: 2018 Jamberoo Car Show and Family Day**OC-18/238**

Committee recommendation that Council support the Jamberoo Car Show and Family Day by providing \$1,500 sponsorship and the in-kind donation of the provision of waste and cleaning services for the event.

(Councillors Brown and Way)

10.2 10.2017.265.1 - Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title subdivision

It was **moved** by Councillor Way and seconded by Councillor Steel that Council approve development application 10.2017.265.1 under section 4.16 of the environmental planning assessment act 1979, subject to the conditions at the end of this report.

The Motion was withdrawn.

OC-18/239

Committee recommendation that Council defer development application 10.2017.265.1 to the August 2018 Council meeting to allow new information to be considered and assessed.

(Councillors Brown and Steel)

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

Against: Nil

10.3 10.2017.320.1 - Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - demolition of existing carport and 2 Lot Torrens Title subdivision**OC-18/240**

Committee recommendation that Council approve development application 10.2017.320.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, and delegate authority to Council Officers to issue all necessary consent conditions.

(Councillors Brown and Steel)

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

Against: Councillors Rice, Sloan and Westhoff

10.4 10.2017.60.2 - Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama - demolition of existing dwelling and 2 Lot Torrens Title Subdivision

OC-18/241

Committee recommendation that Council approve the Section 4.55 modification of consent application 10.2017.60.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to the following modified condition:

Vegetation Management

1. The following trees shall be removed;
 - Tree 3 Liquidambar
 - Tree 9 Norfolk Island Pine
 - Tree 10 Date palm
 - Tree 11 Bangalow palm
 - Tree 17 Radiata pine
 - Tree 18 Privet
 - Tree 23 Privet
 - Tree 24 Red cedar
 - Tree 25 Bangalow palm
 - Tree 26 Red cedar,
 - Mulberry tree north west corner
 - Macadamia tree near tree 22
 - Tree 30 Casuarina – on sewer manhole in the road reserve and
 - all other Pittosporums, Olives, Privets and vegetation less than 3m tall.

The Project Arborist is to identify these trees for the contractor. Refer to Arboricultural Development Assessment Report by Moore Trees dated October 2016.

(Councillors Way and Rice)

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

Against: Nil

10.5 10.2018.49.1 - Lot 179 DP 14188 - 10 Renfrew Road Werri Beach – proposed detached shed and carport

It was **moved** by Councillor Brown and Seconded by Councillor Watson that Council refuse development application 10.2018.49.1, under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. The proposed development is inconsistent with Kiama Local Environmental Plan 2011, Zone R2 Low Density Residential, (3. Permitted with consent table) which does not allow for the stand alone use development of a shed and carport.
2. The proposed development is inconsistent within the definition of ancillary use, which means it must serve the dominant purpose being that of a dwelling house which is permitted in the zone.
3. Having regard to the proposal it would not be in the public interest and would create an undesirable precedent.

OC-18/242

An amended motion was moved by Councillor Rice and seconded by Councillor Steel that Council defer development application 10.2018.49.1 to the August 2018 meeting to allow further discussions with the applicant.

The **amended Motion** on being put was **Carried**.

The amendment therefore became the motion.

(Councillors Rice and Steel)

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

Against: Nil

16.1 NSW State Government Library funding cuts**OC-18/243**

Committee recommendation that Council:

1. Notes with concern the significant cut to Public Library funding in the 2018-2019 State Budget.
2. Writes to the NSW Premier requesting:
 - a) An explanation as to why this funding decision has disregarded the recommendation for increased funding submitted by the Library Council of NSW.
 - b) Suggestions as to how NSW Councils are expected to maintain library service levels when demand continues to increase and funding has

decreased to that of 20 years ago.

- c) The NSW Government reverse the funding cuts and instead increase public library funding.
3. Sends copies of this letter to the Minister for the Arts, The Hon. Don Harwin and Local Member Gareth Ward MP
4. Notes the imminent Local Government NSW and NSW Public Libraries Association 'Renew Our Libraries' campaign.

(Councillors Rice and Watson)

9 REPORT OF THE GENERAL MANAGER

9.1 Sponsorship request: 2018 Palliative Care NSW Conference

OC-18/244

Committee recommendation that Council provide in kind sponsorship for the Pre-Conference Dinner Drinks on 9 November 2018 by providing free of charge:

- use of the SunSmart marquee
- 2-6 trestle tables for food and drink stations
- 10 small bar tables
- glassware
- reserve hire for Coronation Park
- hire of the Old Fire Station for the Palliative Care Art Display.

(Councillors Westhoff and Brown)

9.2 Sponsorship request: 2018 Relay for Life

OC-18/245

Committee recommendation that Council support the 2018 Relay for Life through the donation of reserve hire fees, provision of waste services, the use of a meeting room at the Pavilion for monthly meetings and use of Council equipment such as witches hats, tables, chairs and marquees.

(Councillors Way and Watson)

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

10.1 Public Exhibition of Draft DCP Chapter 13 - Tourist Accommodation

OC-18/246

Committee recommendation that Council endorse and exhibit:

1. draft Chapter 13 Tourist Accommodation subject to the following amendments:
 - a) The inclusion of the following note at the end of all relevant sections that mention the requirement for 24hour contact information:

“NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.”
 - b) The correction of any incorrect accommodation type referencing as relevant in each section.
2. the repeal of Chapter 12 to be replaced with the attached Short-Term Rental Accommodation Policy subject to the following amendments to the policy:
 - a) the inclusion of the following point i. in relation to waste education resources and the amendment of the existing provision relating to additional waste services as presented in ii:
 - i. Council provides additional education resources for STRA properties that include:
 - a sticker to go on the front of the food waste caddy that each property should have received from Council when the new service began, otherwise, if properties do not have a caddy, please contact Council
 - a magnetic information card outlining what goes in the recycling bin to go on the fridge
 - a sticker for internal kitchen bins to clearly label which one is for garbage, and which one is for recycling
 - bin stickers for each of the Council issued external bins
 - information sheet for property compendium
 - waste service calendars providing information on Council’s waste service, important waste events, what can go in each bin and other waste related information.

Where these resources are provided, the STRA operator is required to display the information prominently to encourage short stay users of the property to use source separate their food waste into the 7 litre kitchen caddy supplied and to source separate their recyclables to minimize waste going to landfill.

- ii. If the waste generated by the STRA exceeds the capacity of this service, the following options are available:
 - order a second urban waste service for the STRA from Council, consisting of an additional garbage, recycling and organic bin and the applicable annual Domestic Waste Management Charge, or
 - engage a private waste contractor to remove excess waste from the property as required, or
 - STRA Weekly 240L all red bin garbage service - or
 - an additional 240L red lid bin garbage serviced fortnightly.

- b) The maximum number of guests permitted at a STRA must not exceed a maximum of 2 adults per bedroom.

(Councillors Rice and Sloan)

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

Against: Nil

11 REPORT OF THE ACTING DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES

11.1 2018 Australian Age-friendly Cities Forum

OC-18/247

Committee recommendation that Council

1. nominate Councillor Steel to attend the Age-friendly Cities Australia Forum
2. endorse attendance at the Forum by an appropriate staff member.

(Councillors Brown and Way)

11.2 Statement of Investments - June 2018

OC-18/248

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

(Councillors Westhoff and Brown)

11.3 NSW Public Libraries Conference 2018**OC-18/249**

Committee recommendation that Council recommend the attendance of Councillor Rice and Councillor Westhoff to the NSW Public Libraries Conference.

(Councillors Brown and Way)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**12.1 Supply and Lay Asphaltic Concrete 2018-19****OC-18/250**

Committee recommendation that Council purchase approximately 6,000 tonnes of asphaltic concrete from Roadworks at an average cost of \$156.12 + GST per tonne.

(Councillors Watson and Brown)

13 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

14 REPORTS FOR INFORMATION**OC-18/251**

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

- 14.1 Minutes: South Precinct Meeting held on 21 June 2018
- 14.3 Parking Statistics - June 2018
- 14.4 Minutes: Country Mayors' Association meeting held on 1 June 2018
- 14.5 Question for future meeting: Free camping in the Local Government Area
- 14.6 Ken Donnellan writing competition
- 14.7 Clause 4.6 Variations to LEP Development Standards
- 14.8 Minutes: Minnamurra Progress Association meeting held on 5 July 2018
- 14.9 Stronger Country Communities Fund Update
- 14.10 Question for Future Meeting: Adequacy of lighting in Lockett Place
- 14.11 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting held on 5 June 2018

14.12 Questions for future meetings register as at 10 July 2018.

(Councillors Brown and Sloan)

14.2 Ocean Lifeguard Service Report

OC-18/252

Committee recommendation that Council investigate measures to improve safety / reduce risk of drownings occurring at South Bombo beach.

(Councillors Sloan and Way)

15 ADDENDUM TO REPORTS

OC-18/253

Committee recommendation that at this time, 6.03pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Brown and Sloan)

15.1 NSW Police Force - Saddleback Mountain radio tower replacement

OC-18/254

Committee recommendation that Council endorse the proposal of NSW Police to replace their existing telecommunications tower on Lot 2 DP234762 (R95574) with a new tower and Council commence commercial negotiations with NSW Police relating to this including review of Council's current tower infrastructure on Saddleback Mountain Reserve.

(Councillors Brown and Watson)

15.2 Blue Haven Care Home - Re-accreditation outcome

OC-18/255

Committee recommendation that Council:

1. note the re-accreditation of Blue Haven Care Home for a 3 year period
2. formally acknowledge and thank Fiona Whittaker in her role of Manager Operations and Strategy for her work in overseeing and coordinating the process

3. formally acknowledge and thank the staff, from across Council, for the work undertaken to achieve this outcome.

(Councillors Honey and Way)

15.3 Kiama Tourism Opportunities Plan

OC-18/256

Committee recommendation that Council adopt the Kiama Tourism Opportunities Plan.

(Councillors Brown and Westhoff)

16 NOTICE OF MOTION

Item 16.1 has been dealt with in Public Access Reports.

RESUMPTION OF ORDINARY BUSINESS

OC-18/257

Committee recommendation that at this time, 6.08pm, 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 Sloan)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

OC-18/258

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 OC-18/237 to OC-18/257 above.

(Councillors Westhoff and Steel)

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Blue Haven access - speed humps

Councillor Steel requested a site meeting at Blue Haven Terralong be arranged with residents to inspect the speed humps in the access driveways.

The Mayor referred this matter to the Director Engineering & Works for action.

18 CONFIDENTIAL SUMMARY

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-18/259

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 KENDALLS ON THE BEACH HOLIDAY PARK CONTRACT

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. .

19.2 BLUE HAVEN BONAIRA - CONSTRUCTION UPDATE

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. .

19.3 BLUE HAVEN BONAIRA - MONTHLY UPDATE

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 Steel and Way)

OC-18/260

Resolved that at this time, 6.10pm, 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 Brown and Westhoff)

19 CONFIDENTIAL REPORTS**19.1 Kendalls on the Beach Holiday Park Contract****OC-18/261**

Committee recommendation that Council:

1. extends the contract for C.L Curls and K.E Francis Pty Ltd for a further two years commencing 1 July 2018, and
2. delegates to the General Manager the authority to sign the Letter of Extension to C. Curls and K.E Francis Pty Ltd, on behalf of Kiama Municipal Council

(Councillors Brown and Sloan)

19.2 Blue Haven Bonaira - Construction Update**OC-18/262**

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

(Councillors Way and Westhoff)

19.3 Blue Haven Bonaira - Monthly Update**OC-18/263**

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

(Councillors Westhoff and Steel)

Close of Confidential Committee of the Whole:**OC-18/264**

Committee recommendation that at this time, 6.14pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Watson and Way)

Adoption of Report

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

OC-18/265

Resolved that that the Confidential Committee of the Whole recommendations numbered OC-18/261 to OC-18/264 be confirmed and adopted.

(Councillors Brown and Rice)

20 CLOSURE

There being no further business the meeting closed at 6.15pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 21 August 2018.



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Mayor