



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 20 NOVEMBER 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 20 NOVEMBER 2018 AT 5PM**

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

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 meeting on 16 October 2018

18/269-OC

Resolved that the Minutes of the Ordinary Meeting held on 16 October 2018 be received and accepted.

(Councillors Brown and Westhoff)

4 BUSINESS ARISING FROM THE MINUTES

Nil

DISCLOSURES OF INTEREST

Disclosure of Interest - Councillor Steel

Councillor Steel declared a non-significant non-pecuniary interest in item 9.5 as his wife is a member of the Kiama Women's Bowling Club. Councillor Steel took no part in discussion or voting on this matter.

5 PUBLIC ACCESS

Name	Item No.	Subject
Debra Sandy Ken Sandy	10.1	10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir
Maria Baden Gerhard Baden	10.1	10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir
Ros Nielson	10.2	Endorsement of Planning Proposal to permit certain types of Tourist & Visitor Accommodation in Non-Urban Areas in Kiama LEP 2011
Scott Haig	10.3	10.2017.286.1 – Lot 1 DP 1045061 - 35 Bele Place, Kiama – Detached dual occupancy
Robert Sciacchitano	10.3	10.2017.286.1 – Lot 1 DP 1045061 - 35 Bele Place, Kiama – Detached dual occupancy

6 MAYORAL MINUTE

6.1 2018 Kiama Electorate Community Recognition Awards

18/270-OC

Resolved that Council formally congratulate the following residents on receiving a Kiama Electorate Community Recognition Award:

- Vivienne Marris – Outstanding Local Volunteer
- Gerringong Men’s Shed – Outstanding Local Community Organisation
- GreenCafeen – Conservation Champion Award
- Bonnie Cassen – Conservation Champion Award
- Sarah Young – Outstanding Young Citizen
- Sam Aubin – Outstanding Young Citizen
- Toby Streamer – Outstanding Young Citizen
- Rose Valley Florist – Outstanding Small Business
- Posy Jones Floral Company – Outstanding Small Business
- Keiran Clough – Outstanding Emergency Services Volunteer
- Raymond Kearin – Outstanding Emergency Services Volunteer

- Wil Da'Ibarra – Junior Sports
- Lauren Farquhar, Taylah Doosey and Maja Moore – Local Sports Award
- Bob Morgan – Local Sports Award
- Greg Walsh – Outstanding Local Sports Administrator
- Karon Dawson – Outstanding Local Sports Administrator
- Reverend Steve Stanis – Outstanding Citizen
- Nancye Hawke – Outstanding Citizen
- John Dawson – Outstanding Citizen
- Robert and Helen Curl – Outstanding Citizens
- Tamara Campbell and Dave Evans – Outstanding Citizen
- Diedre Hindmarsh – Outstanding Citizen
- Allen Marsden – Outstanding Citizen
- Michael Cook – Outstanding Citizen

(Councillors Honey and Rice)

6.2 Kiama Red Cross - Chairman's Shield and Margaret Waddell Country Achievement Cup

18/271-OC

Resolved that Council formally congratulate the Kiama Red Cross on being awarded the Chairman's Shield and the Margaret Waddell Country Achievement Cup in recognition of their tireless fundraising and contribution to the local community.

(Councillors Honey and Way)

7 MINUTES OF COMMITTEES

7.1 Minutes: Health & Sustainability Committee Meeting - 9 October 2018

18/272-OC

Resolved that the Minutes of the Health and Sustainability Committee Meeting held on 9 October 2018 be received and accepted.

(Councillors Reilly and Sloan)

7.2 Minutes: Access Committee Meeting - 5 October 2018**18/273-OC****Resolved** that Council:

1. Receive and accept the minutes of the Access Committee Meeting held on 5 October 2018.
2. Resolve to write to the Kiama and District Chamber of Commerce offering to discuss the possibility of sponsoring a Disability Access and Inclusion Award if they were to establish business awards
3. Write to the Federal Minister for Health expressing concerns about the loss of the Radio Doctor service to the Primary Health Network (PHN).

(Councillors Sloan and Watson)

7.3 Minutes: Kiama Youth Advisory Committee Meeting - 18 October 2018 and 1 November 2018**18/274-OC****Resolved** that the Minutes of the Kiama Youth Advisory Committee Meetings held on 18 October 2018 and 1 November 2018 be received and accepted.

(Councillors Westhoff and Reilly)

7.4 Minutes: Kiama Local Traffic Committee - 6 November 2018**18/275-OC****Resolved** that:

1. the Minutes of the Kiama Local Traffic Committee Meeting held on 6 November 2018 be received and the recommendations therein accepted.
2. consideration be given to diverting north bound traffic from the Belinda Street and Fern Street intersection during the Remembrance Day services held at the Gerringong RSL Hall.

(Councillors Way and Sloan)

7.5 Streets and Reserve Naming Committee on 5 November 2018**18/276-OC**

Resolved that the Minutes of the Streets and Reserve Naming Committee Meeting held on 5 November 2018 be received and the recommendations therein accepted.

(Councillors Westhoff and Reilly)

7.6 Minutes: Economic Development Committee Meeting held on 30 October 2018**18/277-OC**

Resolved that the Minutes of the Economic Development Committee Meeting held on 30 October 2018 be received and accepted.

(Councillors Brown and Watson)

COMMITTEE OF THE WHOLE**18/278-OC**

Resolved that at this time, 5.12pm, 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 Services
- Report of the Director Engineering and Works

(Councillors Westhoff and Way)

8 PUBLIC ACCESS REPORTS**18/279-OC**

Committee recommendation that at this time, 5.12pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Watson and Rice)

10.1 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir**18/280-OC**

Committee recommendation that Council defer development application 10.2017.245.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 to allow consideration of a geomorphologist report and that the matter be reported back to Council no later than the February 2019 meeting.

(Councillors Brown and Way)

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

Against: Councillor Sloan

10.2 Endorsement of Planning Proposal to permit certain types of Tourist & Visitor Accommodation in Non-Urban Areas in Kiama LEP 2011**18/281-OC**

Committee recommendation that Council:

1. Proceed with the preparation and finalisation of the draft Kiama LEP to permit certain types of Tourist & Visitor Accommodation in Non-Urban Areas, in conjunction with Parliamentary Counsel and the Department of Planning and Environment.
2. Adopt the final draft of the draft Kiama DCP Chapter 13 – Tourist Accommodation as outlined in this report and attachments.

(Councillors Brown and Steel)

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

Against: Nil

10.3 10.2017.286.1 – Lot 1 DP 1045061 - 35 Bele Place, Kiama – Detached dual occupancy**18/282-OC**

Committee recommendation that Council refuse development application 10.2017.286.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. The development is inconsistent with the Objectives of the Kiama LEP for the R5 Large Lot Residential Zone, in particular:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
 - *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
2. Does not satisfy the intent of Chapter 16 - Control C1 of the Silver Hill/Cedar Ridge Estate DCP, namely that a maximum development density of 1 dwelling per 1,000 m² (exclusive of access handles) of site area (regardless of dwelling size) applies, because the curtilage of siting of the proposed dwelling has an area of 570 m².
 3. Does not satisfy the objectives of Kiama DCP Chapter 2 - Section 12 – Building Lines in Urban Areas, in circumstance where the amenity and character of the area is not protected due to unreasonable building siting, overlooking, overshadowing and visual intrusion arising from the bulk of the building in the context.
 4. Fails to satisfy the objectives of Kiama DCP Chapter 4 – Low Density Development, to protect the character of areas, to provide a high level of visual and acoustic privacy for existing residents, and related controls:
 - i. C5 - Privacy
 - ii. C13 - Maintain existing and future desired character/amenity
 - iii. C14 - New buildings should respect the scale, form and orientation of buildings in the street.

(Councillors Sloan and Reilly)

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

Against: Councillors Brown, Steel and Watson

9 REPORT OF THE GENERAL MANAGER

9.1 Australian Tourism Councils Advocacy Group membership

18/283-OC

Committee recommendation that Council join the Australian Tourism Councils Advocacy Group and that a Councillor from the Destination Kiama Tourism Advisory Committee, the General Manager and Manager Tourism and Events be delegated to represent Council.

(Councillors Brown and Watson)

9.2 Operational Plan Quarterly Report - July to September 2018**18/284-OC**

Committee recommendation that Council receives the Operational Plan Quarterly Report for July to September 2018.

(Councillors Westhoff and Way)

9.3 International Driverless Vehicle Summit - 31 October to 2 November 2018**18/285-OC**

Committee recommendation that Council endorse the attendance of the Director Engineering & Works at the 3rd International Driverless Vehicle Summit held in Adelaide from 31 October to 2 November 2018.

(Councillors Way and Rice)

9.4 Request for reduction in hire charges - Minnamurra Lions Club**18/286-OC**

Committee recommendation that Council refund in full the \$533.80 fee for the bus costs incurred by the Minnamurra Lions Club in transporting guests to a drought relief fundraising event at Bush Bank.

(Councillors Way and Steel)

9.5 Request for Sponsorship: Kiama Women's Bowling Club**Disclosure of Interest - Councillor Steel**

Councillor Steel declared a non- significant non-pecuniary interest in this matter as his wife is a member of the Kiama Women's Bowling Club. Councillor Steel took no part in discussion or voting on this matter.

18/287-OC

Committee recommendation that Council:

1. provide a \$500 donation for the sponsorship of the Kiama Women's Bowling Jarratt Cup tournament

2. is acknowledged as a major sponsor of the event in any program or advertising.
3. extend best wishes to the Bowling Club's competing teams.

(Councillors Brown and Reilly)

9.6 Request for donation: Uniting Church Australia - Kiama Heritage Restoration Fund

18/288-OC

Committee recommendation that Council consider this request for a donation as part of the third quarter budget review in March 2019 to determine whether there are funds available at that time.

(Councillors Way and Rice)

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

10.4 Cultural Board Minutes and Membership

18/289-OC

Committee recommendation that Council:

1. receive and accept the minutes of the Cultural Board Meeting held on 25 October 2018
2. approve the recommended nominations for membership on the Kiama Cultural Board of:
 - Peter McAra,
 - Helen Pain,
 - Rhonda Murray, and
 - Zeynep Testoni.
3. send a letter to each of the retiring members thanking them for their service to the Board.

(Councillors Watson and Rice)

11 REPORT OF THE DIRECTOR CORPORATE & COMMERCIAL SERVICES

11.1 Plans of Management - Council managed Crown land

18/290-OC

Committee recommendation that Council:

1. provide notice to the Department of Industry for plans of management over Crown reserves
2. commence preparation of plans of management over the Council managed Crown land parcels as shown on the Attachments
3. categorise the land parcels as community land
4. appoint consultants to assist in the planning and preparation of individual plans of management.

(Councillors Way and Sloan)

11.2 NSW Outdoor Dining trial

It was **moved** by Councillor Brown and seconded by Councillor Reilly that this matter be deferred to the December 2018 meeting to allow consultation with the Kiama and District Business Chamber, the Gerringong Business Association and other interested parties.

This **Motion** was **withdrawn**.

It was **moved** by Councillor Brown and seconded by Councillor Steel that Council respond to the NSW Small Business Commissioner expressing the view that the waiving of fees associated with outdoor dining is supported.

Amendment to the motion

An amendment to the motion was moved by Councillor Reilly and seconded by Councillor Sloan that Council respond to the NSW Small Business Commissioner expressing the view that the waiving of fees associated with outdoor dining is supported in cases where outdoor dining is conducted in the evening

The **Amendment** on being put was **Carried**.

The **Amendment** became the **Motion**.

The **Motion** on being put was **Lost**.

It was **moved** by Councillor Brown and seconded by Councillor Way that Council respond to the NSW Small Business Commissioner expressing the view that the waiving of fees associated with outdoor dining is supported.

The **Motion** on being put was **Lost**.

18/291-OC

Committee recommendation that Council does not respond to the NSW Small Business Commissioner.

(Councillors Reilly and Brown)

At this time Councillor Sloan received approval to leave the Chamber at 6.17pm.

11.3 Expression of Interest - Christmas Carnival Black Beach Kiama**18/292-OC**

Committee recommendation that Council:

1. endorse Anthony and Priscilla Laurie trading as Laurie's Amusements Pty Ltd as the successful tenderer for the operation of the Black Beach (School Flat) Christmas Carnival in Kiama between 2018/19 and 2020/21 and a licence agreement be entered into for the term of the expression of interest, subject to issue of development consent, and
2. approve the next tender process for the carnival be for the 2021/22 period.

(Councillors Watson and Reilly)

11.4 Financial Report for the period ending 30 September 2018**18/293-OC**

Committee recommendation that Council receive and adopt the revised budget for the period ending 30 September 2018.

(Councillors Brown and Westhoff)

11.5 Statement of Investments - October 2018**18/294-OC**

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

(Councillors Brown and Watson)

At this time Councillor Sloan returned to the Chamber at 6.19pm.

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Purchasing New Plant Equipment

18/295-OC

Committee recommendation that Council purchase:

- one (1) Volvo FE chassis with Bucher Municipal Compaction Body from Southern Truck Centre Wollongong with a capital value of \$390,985 + GST.
- one (1) Bucher Municipal VT651 Sweeper on Hino FG 1628 chassis from Bucher Municipal with a capital value of \$343,920 + GST.

(Councillors Way and Watson)

12.2 Public Exhibition of Draft Ooaree Creek / Werri Lagoon Catchment Flood Study

18/296-OC

Committee recommendation that Council:

1. publicly exhibit the Draft Ooaree Creek and Werri Lagoon Catchment Flood Study and the Ooaree Creek and Werri Lagoon Catchment Map for a minimum one month period, on Council's website and Administration Centre
2. notify by letter, all property owners and occupiers within the areas indicated as being affected by inundation in the 1% Average Exceedance Probability (1:100 year) event of the public exhibition
3. modify the 149 (5) certificate on properties identified as being within the 1% Average Exceedance Probability (1:100 year) flood event to include potential flooding notification
4. prepare a future report at the close of the public exhibition on submissions received.

(Councillors Westhoff and Rice)

13 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

14 REPORTS FOR INFORMATION

18/297-OC

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

- 14.1 2018 Household Bulky Waste Drop Off Event
- 14.2 Question for Future Meeting: Suggested names for the walk between Darien Avenue and the Bombo Quarry lookout
- 14.3 Regional Illegal Dumping Investigations Officer's Quarterly Report - 1 July to 30 September 2018
- 14.4 Native Title Management - Crown Land Management Act 2016
- 14.5 Minutes: South Precinct Committee meeting held on 18 October 2018
- 14.6 Appreciation letters: Women in Dairy Gala Dinner | Gerringong Lions Club calendar | Jamberoo Car Show and Family Day | Kiama U3A
- 14.8 Release of the Kiama Regional Economic Development Strategy
- 14.10 Small Business Month October
- 14.11 2018 IMB Bank Illawarra Business Awards
- 14.12 Minutes: Blue Haven Advisory Committee meeting - 10 October 2018
- 14.13 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting held on 4 September 2018
- 14.14 Dementia-friendly Kiama Project in Singapore
- 14.15 Model Code of Conduct Complaints Statistics Report 2017-18
- 14.16 Question for Future Meeting: Blue Haven access speed humps
- 14.17 Question for Future Meeting: Directional Signage - Terralong and Shoalhaven Streets
- 14.18 Question for Future Meeting: Business Cards
- 14.19 Question for Future Meeting: The Pavilion Kiama - operation of audio visual equipment
- 14.20 Question for Future Meeting: Community Response Policy
- 14.21 Minutes: Minnamurra Progress Association meeting held on 6 November 2018
- 14.23 Parking Statistics - October 2018
- 14.24 Questions for Future Meetings Register as at 14/11/18.

(Councillors Steel and Way)

14.7 20 Year Economic Vision for Regional NSW - Metro Satellite categorisation - response from the Hon John Barilaro MP and Scot MacDonald MLC**18/298-OC**

Committee recommendation that Council write further to the Hon John Barilaro MP and Scot MacDonald MLC, and in particular to our local member, Gareth Ward MP and request they specifically address our concerns raised in our letters sent to them in August 2018.

(Councillors Brown and Watson)

14.9 2018 Music in the Park Season**18/299-OC**

Committee recommendation that Council formally thank the Kiama Jazz and Blues Club on the wonderful array of music they have provided in 2018 and enhancing the town's amenity for residents and visitors.

(Councillors Reilly and Westhoff)

14.22 Question for Future Meeting - Old Police Residence**18/300-OC**

Committee recommendation that Council:

1. write to the National Native Title Tribunal to ascertain the existence and/or status of any native title claim on the old police residence
2. write to property NSW and request that they consider disposal of this asset.

(Councillors Reilly and Brown)

RESUMPTION OF ORDINARY BUSINESS**18/301-OC**

Committee recommendation that at this time, 6.33pm, 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 Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**18/302-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 18/279-OC to 18/301-OC above.

(Councillors Brown and Way)

15 ADDENDUM TO REPORTS

Nil

16 NOTICE OF MOTION

Nil

17 QUESTIONS FOR FUTURE MEETINGS**17.1 Council Chambers - projection screen**

Councillor Reilly requested that the Council Chamber's projection screen, located opposite the Councillors, be replaced with a larger screen. The Mayor referred this item to the Director Engineering and Works for investigation and appropriate action.

17.2 Kiama Preschool - resurfacing of road section

Councillor Reilly requested that resurfacing of the informal section of Bland Street adjacent to the Kiama Preschool be included in the 2019/2020 budget, to enhance parking and reduce the dust levels that prevent the children's outdoor activities. The Mayor referred this item to the Director Engineering and Works for investigation and report.

17.3 Table tennis equipment use

Councillor Rice requested a report on the extent to which table tennis equipment has been hired from the Kiama Library since the installation of the Kiama table. The Mayor referred this item to the Director Environmental Services for investigation and report.

17.4 Regulation of holiday rental properties

Councillor Rice requested a report that advises whether Council has any authority to regulate holiday rental properties in zones where tourist accommodation is prohibited. The Mayor referred this item to the Director Environmental Services for investigation and report.

17.5 Council Committee for Business Units

Councillor Brown requested advice as to whether it could be beneficial to have a Council Committee looking over the Council Business Units. The Mayor referred this item to the Director Corporate and Commercial Services for investigation and report.

17.6 Costings, budget and projections - Minnamurra Boardwalk

Councillor Brown requested a report on the most up-to-date costings, budget and projections for the Minnamurra Boardwalk and how they differ or are the same as the original costings and grant funding. The Mayor referred this item to the Director Engineering & Works for investigation and report.

18 CONFIDENTIAL SUMMARY

18/303-OC

Resolved that at this time, 6.36pm, 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 Rice)

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:

18/304-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 JOHNNY WARREN SCULPTURE - POSSIBLE RELOCATION TO JAMBEROO

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 Way and Rice)

19 CONFIDENTIAL REPORTS**19.1 Johnny Warren Sculpture - possible relocation to Jamberoo**

18/305-OC

Committee recommendation that Council note the report.

(Councillors Way and Rice)

Close of Confidential Committee of the Whole:

18/306-OC

Committee recommendation that at this time, 6.43pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Rice)

Adoption of Report

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

18/307OC


Resolved that that the Confidential Committee of the Whole recommendations numbered 18/304-OC to 18/306-OC be confirmed and adopted.

(Councillors Way and Rice)

20 CLOSURE

There being no further business the meeting closed at 6.45pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
18 December 2018

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

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Mayor