



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 21 AUGUST 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 21 AUGUST 2018 AT 5PM**

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

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 held on 17 July 2018

OC-18/266

Resolved that the Minutes of the Ordinary Council meeting held on 17 July 2018 be received and accepted.

(Councillors Steel and Way)

3.2 Youth Engagement Meeting on 2 August 2018

OC-18/267

Resolved that the Minutes of the Youth Engagement meeting held on 2 August 2018 be received and accepted.

(Councillors Reilly and Brown)

Motion**OC-18/268**

Resolved that Council's Communications team monitor daily the Kiama Community Facebook site as follows:

1. report to the General Manager and Mayor, any issues that require comment to provide accurate information on a particular issue
2. provide information on Council projects, works and services as required by statement of facts
3. advise Councillors.

(Councillors Way and Brown)

4 BUSINESS ARISING FROM THE MINUTES**Motion****OC-18/269**

Resolved that Council revisit and re-endorse the Kiama Tourism Opportunity Plan in September 2018 and, as changes have been made to this Plan following its endorsement, add the following proposed disclaimer:

The Kiama Municipal Council makes no claim as to the accuracy of the information contained in the Kiama Tourism Opportunity Plan. The document is not a prospectus and the information provided is general in nature. The document should not be relied upon as the basis for financial and investment related decisions and further, no commitment to the infrastructure projects listed should be inferred.

(Councillors Reilly and Rice)

5 PUBLIC ACCESS

Name	Item	Subject
Ros Neilson	10.2	10.2018.7.1 - Lot 12 DP 866128 - Jamberoo Road Croom - Demolition of existing dairy, new dwelling, second dwelling and farm stay accommodation in 5 cabins, educational building, hay and tractor sheds and roadworks
Robyn Helson	10.4	10.2018.65.1 - Lot 22 DP 9760, Lot 1510 DP 1204286 - 110 Charles Avenue Minnamurra - Construction of watercraft storage facility, deck and rock revetment works

6 MAYORAL MINUTE

6.1 Renew Our Libraries Campaign

OC-18/270

Resolved that Council

1. endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative, Renew Our Libraries
2. take a leading role in activating the campaign locally and encouraging community participation
3. formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

(Councillors Honey and Westhoff)

6.2 Rosalie Dawne - Premier's Volunteer Recognition Award

OC-18/271

Resolved that Council formally congratulate Rosalie Dawne on being awarded the Premier's Volunteer Recognition Award.

(Councillors Honey and Way)

6.3 Chris Moore - Kiama Surf Life Saving Club service

OC-18/272

Resolved that Council formally thank Chris Moore for his dedication and years of service to the Kiama Surf Life Saving Club and the Kiama community.

(Councillors Honey and Brown)

6.4 Inaugural Kiama Artisan Food Festival

OC-18/273

Resolved that Council formally congratulate the Kiama Show Society on the success of the first Kiama Artisan Food Festival held on the weekend of 11 and 12 August 2018.

(Councillors Honey and Rice)

7 MINUTES OF COMMITTEES

7.1 Minutes: Kiama Youth Advisory Committee meeting held on 5 July 2018

OC-18/274

Resolved that the Minutes of the Kiama Youth Advisory Committee Meeting held on 5 July 2018 be received and accepted with the following amendments:

1. Item 5.2 to read "Council has levelled the car park"
2. Item 5.3 to read " in conjunction with St Vincent's Hospital".

(Councillors Rice and Sloan)

7.2 Minutes: Kiama Local Traffic Committee meeting held on 7 August 2018

OC-18/275

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 7 August 2018 be received and accepted.

(Councillors Way and Sloan)

7.3 Minutes: Planning Committee meeting held on 5 July 2018

OC-18/276

Resolved that the minutes of the Planning Committee meeting held on 5 July 2018 be received and accepted.

(Councillors Reilly and Rice)

7.4 Minutes: Blue Haven Board meeting held on 13 August 2018

OC-18/277

Resolved that the Minutes of the Blue Haven Board meeting held on 13 August 2018 be received and accepted.

(Councillors Watson and Steel)

7.5 Minutes: Audit Risk and Improvement Committee meeting held on 30 July 2018**OC-18/278**

Resolved that the Minutes of the Audit Risk and Improvement Committee meeting held on 30 July 2018 be received and accepted.

(Councillors Reilly and Sloan)

COMMITTEE OF THE WHOLE**OC-18/279**

Resolved that at this time, 5.25pm, 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 and Commercial Services

Report of the Director Engineering and Works

Addendum to Reports

(Councillors Way and Watson)

8 PUBLIC ACCESS REPORTS**OC-18/280**

Committee recommendation that at this time, 5.25pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Reilly and Steel)

10.2 10.2018.7.1 - Lot 12 DP 866128 - Jamberoo Road Croom - Demolition of existing dairy, new dwelling, second dwelling and farm stay accommodation in 5 cabins, educational building, hay and tractor sheds and roadworks**OC-18/281**

Committee recommendation that Council refuse Development Application 10.2018.7.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for reasons shown below:

1. Prohibited Development

The development application proposes development that is prohibited in the RU2 Rural Landscape Zone pursuant to the Kiama LEP 2011. In this regard, it has not

been demonstrated that the proposed five “*farm stay accommodation*” dwellings satisfy the definition of “*farm stay accommodation*” in the Kiama LEP, and the proposed five dwellings are not otherwise permissible in the RU2 Zone.

The development application proposes development that is prohibited in the RU2 Rural Landscape Zone pursuant to the Kiama LEP 2011. In this regard, it has not been demonstrated that the proposed “*information and education building*” satisfies the definition of “*information and education facility*” in the Kiama LEP and the proposed building is not otherwise permissible in the RU2 Zone.

2. Owners Consent

The applicant has failed to demonstrate that they have (and can) obtained owner’s consent from the Department of Industry - Lands to undertake work over the unformed Crown roads that traverse Lot 12 as shown on Deposited Plan 866128.

3. Staging

The applicant has not adequately demonstrated the staging of the development in the description of the development on the development application form.

4. Kiama Local Environmental 2011

The applicant has failed to demonstrate that the proposal meets the Aims in clause 1.2 of the Kiama Local Environmental 2011, including the Aims in clause 1.2(2)(a) to (g).

The applicant has failed to demonstrate that the proposal meets the Objectives of the RU2 Rural Landscape Zone.

The applicant has failed to demonstrate that the use of the proposed educational building will be for a purpose described by the definition of “*information and education facility*”.

5. Kiama Development Control Plan 2012

The applicant has failed to demonstrate compliance with the following controls and objectives of the Kiama DCP: Chapter 1 Section 3, Chapter 2, C1, C6, C8, C9, C10, Section 18, C43, C44, C45, Chapter 6, C2, C3, C4, C7, C8, C10, C12, C13, C14, C17, C18, C19, C28, C66, C67, C68, C69 and C75.

6. Site Analysis

The applicant has failed to provide a satisfactory architectural statement, site analysis plan and site analysis statement.

7. Visual Impact

Approval of the development will reduce the visual amenity of, and will have an adverse visual impact on, surrounding properties. The applicant has failed to provide a satisfactory Visual Impact Analysis showing the imposition of all of the proposed buildings on photomontages in the landscape when viewed from both public and private domains.

8. Architectural Character, Streetscape and Scenic Quality

The design of the proposal, which is excessive in bulk and scale, is unreasonable when considered in relation to the context of the site. The proposal is not compatible with the existing or desired future character of the Jamberoo Valley rural landscape locality.

9. Privacy

The proposal will have a significant adverse impact caused by overlooking of the immediate neighbours to the site. This will cause loss of privacy for those neighbours, particularly the occupants of Lot 10 DP 866128.

10. Sustainability

The applicant has failed to demonstrate that the principal dwelling complies with the principles of ecologically sustainable development.

11. Essential Services

The applicant has failed to demonstrate a suitable means of onsite wastewater disposal because it relies on a reticulated water supply that Sydney Water Corporation advises is not available to the site and effluent treatment areas close to waterways that may give rise to adverse impacts to waterways and adjoining lands.

12. Bushfire Hazard Management

The applicant has failed to demonstrate that the design of all driveways in the development are in accordance with the requirements of the NSW Rural Fire Service document "*Planning for Bushfire Protection 2006*".

13. Easements

The applicant has failed to demonstrate that they have obtained written permission from Endeavour Energy to undertake development in the easement shown as thirdly in the 88B instrument of DP 866128.

14. Contaminated Land Management

The applicant has failed to demonstrate that the requirements of "*Guidelines for Consultants Reporting on Contaminated Site prepared by the NSW Office of Environment & Heritage*" have been satisfied.

15. Traffic Safety

The applicant has failed to demonstrate that the intersection of the access driveway with Jamberoo Road is safe and has not provided comprehensive engineering road design plans for road work proposed in the road reserve.

16. Flooding and Riparian Land and Watercourses

The applicant has failed to provide a flood assessment report and modelling in accordance with the requirements set out in Section 3 of Chapter 29 of Kiama Development Control Plan 2012.

The applicant has failed to provide a flood study and engineering plans in accordance with the requirements of Control C66 to C70 inclusive of Chapter 6 of Kiama Development Control Plan 2012 demonstrating:

- the location and floor levels for habitable dwellings and ancillary buildings;
- that the design does not adversely affect stream flow, riparian vegetation and water quality and shall include improvements of the riparian land in the vicinity of the crossing to restore its natural form and function; and
- details of elevated crossings for horse riding/walking trails through riparian lands/watercourses clear of the 1 in 100 year storm event levels.

The applicant has not demonstrated that the development is designed, sited and will be managed to avoid any significant adverse environmental impact on riparian land and watercourses.

The applicant has failed to demonstrate consistency with the requirements and objectives of Clauses 6.3 and 6.5 of Kiama Local Environmental Plan 2011.

17. Earthworks and Geotechnical

The proposal will lead to excessive and unnecessary cut and fill.

The applicant has failed to provide an earthworks plan demonstrating all proposed cutting and filling in the proposal.

The applicant has failed to provide a geotechnical report from a suitably qualified engineer which takes into account matters specified in Section 13 of Chapter 6 of Kiama Development Control Plan 2012 and Clause 6.2(3)(a) – (h) (inclusive) of Kiama Local Environmental Plan 2011.

The applicant has failed to demonstrate in the design consideration that the Reserved Roads 10.06 wide in Deposited Plan 866128 may be constructed as a formed road in the future.

The applicant has failed to demonstrate that the proposed access driveway has been designed in accordance with Council's Driveway and Footpath Procedures Manual.

18. Stormwater Management

The applicant has failed to demonstrate satisfactory stormwater management for the secondary dwelling, shed complex and access driveways

19. Soil and Water Management

The applicant has failed to demonstrate satisfactory soil and water management plans prepared for the proposed access driveways.

Landscaping Assessment

20. Vegetation Management

The applicant has failed to demonstrate satisfactory details concerning tree removal for the construction of the access driveway (Road 2 & 3) and for the secondary dwelling and other trees likely to be adversely impacted by the proposal.

21. Species Selection

The application proposes inappropriate plantings utilising plants listed as unsuitable for the Kiama Municipality in the Kiama Development Control Plan 2012 Chapter 8 - Appendix 1.

22. Nominated Integrated Development

The NSW Department of Primary Industry Water (DPI-Water) has not issued General Terms of Approval under Section 89, 90, or 91 of the Water Management Act 2000, and the Council is therefore prevented from favourably determining the application absent the General Terms of Approval and the application must therefore be refused.

23. Terrestrial Biodiversity and Environmental Impact

The site is affected by land mapped as terrestrial biodiversity pursuant to the Kiama Local Environmental Plan 2011. The applicant has failed to demonstrate that the development is designed, sited and will be managed to avoid any significant adverse environmental or ecological impacts. The development is likely to have a negative impact on the natural environment due to the intensity of the proposal, the dispersal of dwellings, buildings, roads and driveways on the site with excessive land take, the

excessive cut and fill and the disruption to the rural landscape. The development application is not consistent with the objectives or requirements of clause 6.4 of the Kiama Local Environmental Plan 2011.

24. Insufficient information: access and manoeuvring

The Applicant has failed to provide consistent information and plans which demonstrate indicative sight distances to Jamberoo Road can be met.

(Councillors Brown and Steel)

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

Against: Nil

10.4 10.2018.65.1 - Lot 22 DP 9760, Lot 1510 DP 1204286 - 110 Charles Avenue Minnamurra - Construction of watercraft storage facility, deck and rock revetment works

It was moved by Councillor Brown and seconded by Councillor Watson that Council:

1. defer development application 10.2018.65.1 until such time that Council develops a position regarding public access to the foreshore along the Minnamurra River and the eastern boundary of properties on the eastern side of Charles and request a further report on the history of approvals and acquisition plans in the area and the range of matters that would need to be considered (e.g. native title, public liability, coastal zone management plan etc) for Council to confirm a position.
2. arrange a meeting/meetings with relevant government agencies, such as Lands, Planning, RMS and Fisheries, to determine the viability of creating public access along the foreshore, including the incorporation of structures already built and associated issues regarding liability.

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

For: Councillors Brown and Watson

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

OC-18/282

A **foreshadowed motion** was moved by Councillor Way and seconded by Councillor Reilly that Council approve Development Application 10.2018.65.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, and delegate Council Officers to issue all necessary consent conditions as appropriate to the site.

The **Motion** on being Put was **Carried**.

The **foreshadowed Motion** became the Motion and was **Carried**.

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

Westhoff

Against: Nil

9 REPORT OF THE GENERAL MANAGER

9.1 Local Government NSW Annual Conference 2018

OC-18/283

Committee recommendation that Council endorse the attendance of Councillors Honey, Reilly and Westhoff at the Local Government NSW Annual Conference 2018 and that these Councillors be registered as voting delegates for the Conference.

(Councillors Sloan and Brown)

9.2 Delivery Program/Operational Plan Report - April to June 2018

OC-18/284

Committee recommendation that Council receives the Delivery Program 2017-21 and Operational Plan 2017-18 progress report for the period April to June 2018.

(Councillors Brown and Reilly)

9.3 Sponsorship request: 2018 South Coast Sevens - Football Tournament

OC-18/285

Committee recommendation that Council, through Destination Kiama:

1. sponsor the 2018 South Coast Sevens to the value of \$1,500 (Gold Sponsorship)
2. meet with the event organisers to discuss additional leveraging and partnership opportunities, payment and reporting milestones.

(Councillors Watson and Brown)

9.4 Sponsorship request: Lions Club of Gerringong - Sports Stars of Gerringong calendar**Disclosure of Interest - Councillor Westhoff**

Councillor Westhoff declared a non-significant non-pecuniary interest in this matter as he is the Secretary of the Lions Club of Gerringong.

OC-18/286

Committee recommendation that Council provide sponsorship of \$1,000 towards the production of the "Sports Stars of Gerringong" calendar.

(Councillors Watson and Rice)

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**10.1 Joint Regional Planning Panel - Council membership****OC-18/287**

Committee recommendation that Council endorse the nomination of Councillor Andrew Sloan as Kiama Council Member and Michael Forsyth as Alternate Council Member on the Southern Joint Regional Planning Panel and that the Panel Secretariat be advised accordingly.

(Councillors Way and Steel)

10.3 10.2018.21.1 - Lot 80 DP 1168560 – 29 Saddleback Mountain Road Kiama – Proposed dwelling alterations & additions**OC-18/288**

Committee recommendation that Council refuse Development Application No 10.2018.21.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. The building alignment of the proposed development is not consistent with the objectives under Chapter 2 Section 8 Kiama DCP 2012 – "Building Line Setbacks in Context".
2. The rear building line does not comply with Chapter 2 Section 12 of Kiama DCP 2012.
3. The proposed development is not consistent with the requirement of Control C2 under Chapter 4 Kiama DCP 2012.
4. The proposed development will be sited inappropriately in relation to neighbouring dwellings.

5. The proposed development does not comply with the objectives and controls of Chapter 2 Section 5 of Kiama DCP 2012 – Maintenance of views and vistas and as such will impact unreasonably on views from properties to the west.
6. The proposal is not in the public interest.

(Councillors Way and Rice)

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

Against: Nil

11 REPORT OF THE ACTING DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Revotes of Expenditure into 2018/19

OC-18/289

Committee recommendation that Council revoke the expenditure items as listed to the 2018/2019 budget year.

(Councillors Westhoff and Brown)

11.2 Statement of Investments - July 2018

OC-18/290

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

(Councillors Sloan and Watson)

11.3 Lease Renewal for Riding for the Disabled Association

OC-18/291

Committee recommendation that Council renew the lease agreement with Riding for the Disabled Association (NSW) Illawarra Centre for the continued use of Lot 40 DP 841082, Mount Brandon Road, Jerrara as a riding school subject to the following:

1. lease term of five (5) years
2. rental of \$1.00 per annum
3. lessee to be responsible for outgoings including all rates, taxes and charges for electricity and gas consumption, excess water usage and building insurance
4. delegate authority to the Mayor and the General Manager to sign under seal or on behalf of Council as required.

(Councillors Steel and Way)

Councillor Steel requested the Director Corporate and Commercial Services provide details on the area of Lot 30 DP841082 that the Riding for the Disabled Association actually utilise.

11.4 Licence Agreement - Jamberoo Markets

OC-18/292

Committee recommendation that Council:

1. Advertise the proposed licence for the Jamberoo Markets being on community land as required under the Local Government Act 1993
2. Enter into a licence agreement with the Australian Red Cross – Jamberoo Branch for the running of the Jamberoo Markets in accordance with development consent 10.2018.56.1 and licence conditions for a period of three (3) years.
3. Delegate all authority to the Mayor and General Manager to sign all documentation associated with the licence agreement.

(Councillors Brown and Rice)

11.5 Hardship rate relief for drought affected farmers

Disclosure of Interest - Councillor Honey

Councillor Honey declared a significant pecuniary interest in this matter as he is a dairy farmer operating a farm within the Local Government Area. Councillor Honey took no part in discussion or voting on this matter.

Councillor Honey left the meeting at 6.11pm.

OC-18/293

Committee recommendation that Council approve the implementation of a temporary Emergency Drought Relief Application form, which includes no interest charged on overdue farmland rates for farms that meet the criteria, until May 2019 with a further review in June 2019.

(Councillors Way and Sloan)

Councillor Honey returned to the meeting at 6.13pm.

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Pesticide Notification Plan - adoption

OC-18/294

Committee recommendation that Council adopt the Pesticide Notification Plan 2018 with the following amendments:

1. Item 4.0 How notification will occur – the addition of this sentence at the end of the paragraph, *“All signage will carry the information required by item 10 of this plan”*.
2. Item 4.2 Playgrounds – the first sentence to read: *“Whenever a pesticide is applied by Kiama Council staff to a public playground, the playground will be closed and notice will be provided by:”*

(Councillors Rice and Sloan)

13 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

14 REPORTS FOR INFORMATION

OC-18/295

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

- 14.1 Letter of appreciation: Bega Valley Shire Council - Tathra Bush Fire Appeal
- 14.2 2018-2019 NSW Environment Protection Authority Better Waste Funded Projects
- 14.4 Low Rise Medium Density Code for the Kiama Local Government Area
- 14.5 Local Government Week 2018 - 30 July to 5 August
- 14.6 Working Space and Community Hub to open in Kiama
- 14.7 Minutes: Kiama Central Precinct - meetings 22 May 2018 and 24 July 2018
- 14.8 Minutes: Gerroa Sand Resource Community Consultative Committee meeting held on 26 July 2018
- 14.9 Minutes: Country Mayors' Association meeting held on 3 August 2018
- 14.10 Minutes: North Kiama Community Forum held 11 July 2018
- 14.11 Minutes: Jamberoo Valley Ratepayers and Residents Association meeting held 3 July 2018 and Annual General Meeting held 1 August 2018
- 14.12 Minutes: Minnamurra Progress Association meeting held 7 August 2018
- 14.13 Questions for future meetings register as at 14/08/18
- 14.14 Regional Illegal Dumping Investigations Officer's Quarterly Report – 1 April

2018 to 30 June 2018

14.15 Regional Illegal Dumping Investigations Officer's Annual Report - 1 July 2017 – 30 June 2018

14.16 Parking Statistics - July 2018.

(Councillors Westhoff and Rice)

14.3 NSW State Government's 20-Year Economic Vision for Regional NSW -

OC-18/296

Committee recommendation that Council write to the NSW State Government and the Local Member to:

1. object to Kiama's categorisation in the Economic Vision Report as a Metro Satellite
2. state Council's concerns that there was no consultation regarding this categorisation
3. request that the Kiama area be re-categorised as a Coastal functional economic region.
4. seek confirmation that the green space existing between the Gerringong and Gerroa boundaries be retained.

(Councillors Brown and Sloan)

RESUMPTION OF ORDINARY BUSINESS

OC-18/297

Committee recommendation that at this time, 6.27am, 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

OC-18/298

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-18/280 to OC-18/297 above.

(Councillors Reilly and Way)

15 ADDENDUM TO REPORTS

Nil

16 NOTICE OF MOTION

16.1 Kiama Harbour mini breakwall grant funding

It was **moved** by Councillor Way and seconded by Councillor Sloan that Council:

1. formally resolve to seek grant funding for future business cases, design, construction and delivery of a mini-breakwall at Kiama Harbour.
2. write to the Member for Kiama seeking information on possible NSW Government Grants for a mini-breakwall at Kiama Harbour.
3. write to the Member for Gilmore seeking information on possible Commonwealth Grants for a mini-breakwall at Kiama Harbour.

OC-18/299

An **amendment** was **moved** by Councillor Sloan and seconded by Councillor Westhoff that Council:

1. formally resolve to seek grant funding for preliminary investigation, developing concept plans, undertaking preliminary costings, preparing a business case and carrying out community consultation for a mini-breakwall at Kiama Harbour
2. write to the Member for Kiama seeking information on possible NSW Government Grants for a mini-breakwall at Kiama Harbour
3. write to the Member for Gilmore seeking information on possible Commonwealth Grants for a mini-breakwall at Kiama Harbour.

The amendment on being Put was Carried.

The amendment became the motion and was Carried.

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Pheasant Point Heritage Precinct controls

Councillor Reilly requests that the controls that have been developed for the Pheasant's Point Heritage Precinct be included in our Development Control Plan as a matter of urgency.

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

17.2 Kiama Local Traffic Committee - 15 minute parking zones

Councillor Sloan requests that the Kiama Local Traffic Committee give consideration to the installation of 15 minuted parking zones at the shops at the top of Manning Street and along Terralong Street.

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

17.3 CCTV Kiama Downs Shops

Councillor Way requests investigation into providing CCTV at the satellite shopping centres.

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

17.4 Community Consultation Policy -

Councillor Brown requests a report on Council's policy regarding notifying the community in regard to community consultations and provide a clear policy as to where upcoming public meetings will be consistently presented for the community for eg, Council website and/or a notice in The Bugle under a heading Community Meetings/Consultations.

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

17.5 Request NSW State Government reimbursement of Electoral Commission fee -

Councillor Brown requests a report on the NSW State Government's response to Council's request for reimbursement of the Electoral Commission fee resulting from the amalgamation plebiscite.

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

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-18/300***

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 EXPRESSIONS OF INTEREST FOR KIOSK/CAFE AT BLOWHOLE POINT RESERVE

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 MINUTES: KIAMA CULTURAL BOARD MEETING HELD ON 12 JULY 2018 AND ARTS HONOUR ROLL

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act. .

19.3 NORTH KIAMA NEIGHBOURHOOD CENTRE - TERMINATION OF CONTRACTURAL RELATIONSHIP

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act. .

19.4 LOT 200 DP1017091, LOT 100 DP1211384, PT LOT 1 DP506764 AND LOT 1 DP50193 BETWEEN TERRALONG, AKUNA AND SHOALHAVEN STREETS, 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 Sloan and Steel)

OC-18/301

Resolved that at this time, 6.49pm, 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 Steel)

19 CONFIDENTIAL REPORTS

19.1 Expressions of Interest for Kiosk/Cafe at Blowhole Point Reserve

OC-18/302

Committee recommendation that Council

1. endorse North Kiosk Pty Ltd (trading as Diggies) as the successful tenderer for the operation of the Kiosk/Café at Blowhole Point (R87397) Crown Reserve for a minimum lease term of 5 years and minimum rental from Year 2 of \$91,000 excl GST.
2. commence negotiations with North Kiosk Pty Ltd to establish; a) Year 1 rental having regard to existing tenant obligations, end of current lease and new lease fit out works, b) lease renewal/option periods, and c) lease commencement date.
3. provide delegated authority to the Mayor and General Manager to sign any documentation associated with the new lease.
4. note that M Dignam and E Lewis (Milk & Honey) withdrew their Expression of Interest for a new lease on 30 July 2018 and chose not. to participate in the process.

(Councillors Brown and Way)

19.2 Minutes: Kiama Cultural Board meeting held on 12 July 2018 and Arts Honour Roll

OC-18/303

Committee recommendation that Council:

1. note the minutes of the July Cultural Board meeting held on 12 July 2018
2. approve Bert Flugelman as the 2018 inductee for the Kiama Arts Honour Roll
3. not approve the concept design by Hannah Dewitt for the Kiama Surf Club
4. any future consideration of urban artwork for this site be undertaken only through a Council commissioned process.

(Councillors Reilly and Watson)

19.3 North Kiama Neighbourhood Centre - Termination of Contractual Relationship

OC-18/304

Committee recommendation that Council note the content of this report.

(Councillors Westhoff and Way)

19.4 Lot 200 DP1017091, Lot 100 DP1211384, Pt Lot 1 DP506764 and Lot 1 DP50193 between Terralong, Akuna and Shoalhaven Streets, Kiama**OC-18/305****Resolved** that Council:

1. Formally reject the offer to purchase Council land Lot 200 DP1017091, Lot 100 DP1211384. Pt 1 DP506764 and Lot 1 DP50193 from Nicolas Daoud & Co Pty Ltd dated 23 July 2018.
2. Not enter into any further form of direct negotiation with any party at this time.

(Councillors Reilly and Sloan)

Motion**OC-18/306****Committee recommendation** that at this time 7.06pm, Council bring forward and deal with matters pertaining to the Confidential Addendum to Reports.

(Councillors Honey and Steel)

19.5 Blue Haven Advisory Committee membership**OC-18/307****Resolved** that Council:

1. endorse the following community membership of the Blue Haven Advisory Committee:
 - Sandra McCarthy
 - Kay Cope
 - Michael Forsyth
 - Ian Wilson
 - Julie Bartlett
 - Lynette Kuskey
 - Michael Preston
2. write to all those persons who submitted an expression of interest notifying them of their success or otherwise, and thanking them for their interest in Blue Haven.

(Councillors Brown and Sloan)

Motion**OC-18/308**

Committee recommendation that the terms of reference for the Blue Haven Advisory Committee be reviewed, together with all other Council Committee terms of reference, at the September 2018 Council meeting.

(Councillors Reilly and Sloan)

Close of Confidential Committee of the Whole:**OC-18/309**

Committee recommendation that at this time, 7.14pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff and Brown)

Adoption of Report

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

OC-18/310

Resolved that that the Confidential Committee of the Whole recommendations numbered OC-18/302 to OC-18/309 be confirmed and adopted.

(Councillors Westhoff and Brown)

20 CLOSURE

There being no further business the meeting closed at 7.15pm

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



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Mayor