



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 17 OCTOBER 2017

**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 OCTOBER 2017 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, Director
Finance, Corporate and Commercial Services, Director
Engineering and Works and Director Community Services

1 APOLOGIES

The apologies be received and accepted from Councillor K Rice for non attendance and leave of absence granted.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the traditional owners:

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council on 19 September 2017

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 19 September 2017 be received and accepted.

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

6 MAYORAL MINUTE

6.1 Congratulations to Ali Day

RECOMMENDED

That Council extend its congratulations to former Kiama resident, Ali Day, who recently won his 5th Coolangatta Gold title.

7 MINUTES OF COMMITTEES

7.1 Walking Tracks and Cycleways Committee - Minutes - meeting 13 September 2017

RECOMMENDED

That the Minutes of the Walking Tracks and Cycleways Committee Meeting held on 13 September 2017 be received and accepted.

7.2 Blue Haven Advisory Committee - Minutes

RECOMMENDED

That the Minutes of the Blue Haven Advisory Committee Meeting held on 6 September 2017 be received and accepted.

7.3 Minutes of Kiama Local Traffic Committee Meeting - 3 October 2017

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 3 October 2017 be received and accepted.

8 PUBLIC ACCESS REPORTS

RECOMMENDATION

That at this time, <time> , Council bring forward and deal with the matters pertaining to the Public Access Meeting.

COMMITTEE OF THE WHOLE***RECOMMENDED***

That at this time, <time> , 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 Engineering and Works
Report of the Director Blue Haven
Addendum to Reports

9 REPORT OF THE GENERAL MANAGER**10.1 Request for Donation - Lions Club of Gerringong*****RECOMMENDATION***

That Council donate the provision of waste services for Mick Cronin Oval for the Lions Club of Gerringong's Car Show in February 2018. Further, that the Lions Club of Gerringong be advised Council would appreciate appropriate recognition of Council's support of the event on behalf of the community.

10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**9.1 10.2016.231.1 - PSEC Project Services Pty Ltd v KMC - Land & Environment Court Appeal against refusal*****RECOMMENDATION***

That, subject to the receipt of quotes that are acceptable, Council engage either Marsdens Law Group or Lindsay Taylor Lawyers to act on Council's behalf to defend the subject appeal to the Land & Environment Court and engage a consultant town planner to provide expert evidence in support of the appeal.

11 REPORT OF THE DIRECTOR CORPORATE, COMMERCIAL & COMMUNITY SERVICES**11.1 Cooke Park Fitness Training Activities*****RECOMMENDATION***

1. That Council allow the continuation of fitness training activities at Cooke

Park Gerringong, as currently provided for under Council's Policy for the use of public reserves for commercial fitness activities and personal training (Dec 2016).

2. That fitness training activities at Cooke Park be limited to 6.00am to 7.00am (Monday, Thursday and Friday) and 7.00am to 8.00am (Saturday).

11.2 Statement of Investments - September 2017

RECOMMENDATION

That the information relating to the Statement of Investments for September 2017 be received and adopted.

11.3 Economic Development Committee Meeting Minutes- 26 September 2017

RECOMMENDATION

That Council endorse the minutes and the recommendations contained in the minutes of the Economic Development Committee Meeting of 26 September 2017.

11.4 Audit, Risk and Improvement Committee - External Independent Members - Expressions of Interest

RECOMMENDATION

That the following people be appointed as the external, independent members to Council's Audit, Risk and Improvement Committee:

Brian MacDonald

Brian Robertson

Dr Philip Ross

11.5 Roads & Maritime Services Lease - Corner Terralong Street and Spring Creek Drive, Kiama

RECOMMENDATION

That Council:

1. Consent to the lease as detailed in this report;
2. Give the Mayor and General Manager delegated authority to affix the Seal of Council to the lease and/or sign the leases as required; and
3. Council pay the legal costs associated with the lease transaction (approximately \$2,000.00 including GST).

11.6 Interstate Conference - Global Eco Asia-Pacific Tourism Conference

RECOMMENDATION

That Council grants approval for Council's Manager Tourism and Events, Karen Ronning, at the Global Eco Asia-Pacific Tourism Conference in Adelaide on 27-29 November 2017.

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

13 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

14 REPORTS FOR INFORMATION

RECOMMENDATION

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

- 14.1 Minnamurra Progress Association Inc - Minutes - meeting 5 September 2017
- 14.2 South Precinct Committee - Minutes - meeting 21 September 2017
- 14.3 Better Waste and Recycling Fund 2017-18 Payment
- 14.4 Container Deposit Scheme "Return and Earn"
- 14.5 Building Better Regions Funding success - Kiama - the making of a great place to work rest and play
- 14.6 Youth Advisory Committee - Minutes - meeting 7 September 2017
- 14.7 Question for future meeting: Cedar Grove Stage 2 - Access
- 14.8 Question for future meeting: shade sail and play equipment upgrade to the playground between Tombonda Drive and Whitton Place, Kiama
- 14.9 Cemetery Policy

- 14.10 Short Term Holiday Lettings Options Paper
- 14.11 Councillors Meeting Register
- 14.12 Questions for Future Meetings Register as at 9 October 2017
- 14.13 Question for Future Meeting: Community Noticeboard
- 14.14 Conference Attendance Template.

RESUMPTION OF ORDINARY BUSINESS

RECOMMENDED

That at this time, <time> , Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

RECOMMENDED

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 13/999 to 13/999 above.

15 ADDENDUM TO REPORTS

RECOMMENDED

That at this time Council bring forward and deal with matters pertaining to the Addendum to Reports.

15.1 Kiama Urban Strategy

RECOMMENDED

That Council:

1. not support any new planning proposals that involve new residential land outside the identified town boundaries referred to in the adopted urban strategy areas;
2. seek the Member for Kiama's assistance in ensuring that the NSW Government does not support any planning proposals that involve land outside the identified town boundaries referred to in the adopted urban strategy areas; and
3. seek the Member for Kiama's urgent assistance in progressing the rehabilitation and development of the Bombo quarry area which provides significant opportunity to meet the Municipality's housing needs for at least the next 20 years.

15.2 Disclosure of Interests**15.3 Request for donation - Remembering Kiama District Hospital book*****RECOMMENDED***

That Council contribute \$2500 towards the printing of the Remembering Kiama District Hospital book.

16 NOTICE OF MOTION**16.1 Rescission Motion - Item 9.4 Planning Proposal Iluka Reserve*****MOTION***

That Minute No. OC-17/161 of the Ordinary Council meeting held on 19 September 2017 regarding the Planning Proposal for Park of Lot 34 DP28122 and part of Lot 243 DP30200, Park of Iluka Reserve, Kiama Downs be rescinded.

16.2 Rescission of Motion - Item 15.2 - Item 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011***MOTION***

We the undersigned Councillors move a rescission motion against Committee Recommendation 16 (15.2 Rescission of Motion) Notice of Motion of the resolution made in relation to the report of the Acting Director of Environmental Services item 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 at the Council meeting held on 19 September.

The new motion be:

That Council consider all planning matters pertaining to Jamberoo at one time to ensure there is consistency in our decisions. Further, the timing of this decision is to be as close as possible to the time in which Council determines the DCP for Jamberoo that is currently being considered by the community and Council.

17 QUESTIONS WITHOUT NOTICE

18 CONFIDENTIAL SUMMARY

RECOMMENDED

That at this time, <time> , 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.

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:

RECOMMENDED

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 PROPOSED LAND ACQUISITION

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

19.2 KIAMA AGED CARE CENTRE OF EXCELLENCE - FUNDING

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 AUDIT, RISK AND IMPROVEMENT COMMITTEE - EXPRESSIONS OF INTEREST

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 LEGAL ADVICE - ALBERT V KIAMA MUNICIPAL COUNCIL

Reason for Confidentiality: This matter deals with information that would, if disclosed, prejudice the maintenance of law as per Section 10A(2)(e) of the Local Government Act. .

19.5 ADDITIONAL INFORMATION FOR ITEM 19.4

Reason for Confidentiality: This matter deals with information that would, if

disclosed, prejudice the maintenance of law as per Section 10A(2)(e) of the Local Government Act. .

19 CONFIDENTIAL REPORTS

19.1 Proposed Land Acquisition

RECOMMENDATION

- 1 That the General Manager be authorised to attend the auction on 19 October 2017 and bid up to the limit specified in this report.
- 2 That the Mayor and General Manager be authorised to sign and seal any required documentation for the purchase of the land.

19.2 Kiama Aged Care Centre of Excellence - Funding

RECOMMENDATION

That Council advise TCorp that Council will, if required, provide an internal loan to the Kiama Aged Care Centre of Excellence project up to the upper limit specified in the report to cover any grant funding shortfall.

19.3 Audit, Risk and Improvement Committee - Expressions of Interest

19.4 Legal Advice - Albert v Kiama Municipal Council

RECOMMENDATION

That Council consider the report and provide advice as to the progression of the appeal defense.

19.5 Additional information for Item 19.4

Close of Confidential Committee of the Whole:***RECOMMENDED***

That at this time, <time> , the Confidential Committee of the Whole revert to Open Council.

Adoption of Report

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

RECOMMENDED

Resolved that the Confidential Committee of the Whole recommendations numbered <CR#> to <CR#> be confirmed and adopted.

20 CLOSURE

There being no further business the meeting closed at <time>

These Minutes were confirmed at the Ordinary Meeting of Council held on 21
November 2017



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Mayor