



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 17 NOVEMBER 2015

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 NOVEMBER 2015 AT 5PM**

PRESENT: Mayor – Councillor B Petschler,
Deputy Mayor – Councillor W Steel,
Councillors M Honey, G McClure, N Reilly, K Rice, D Seage, A
Sloan and M Way

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

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 20 October 2015

15/407

Resolved that the Minutes of the Ordinary Council Meeting held on 20 October 2015 be received and accepted.

(Councillors Sloan and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Dr Roger Collins reading comments of Mr Ang Lee – Item 9.2 - Lot 202 DP 1169384, 242 Fern Street Gerringong (10.2015.77.1) – Two dwellings, tennis court and pavilion, shed, stables, dams & two swimming pools

6 MAYORAL MINUTE

6.1 Former Member for Gilmore and Councillor - Mr Peter Knott

15/408

Resolved that Council hold a minute's silence in memory of former Member for Gilmore and Kiama Councillor, Mr Peter Knott.

(Councillors Petschler and Steel)

7 MINUTES OF COMMITTEES

16.1 Kiama Local Traffic Committee - Minutes

15/409

Committee recommendation that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 November 2015 be received and accepted.

(Councillors Petschler and Way)

COMMITTEE OF THE WHOLE

15/410

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 Director Environmental Services
- Report of the General Manager
- Report of the Acting Director Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors McClure and Way)

8 PUBLIC ACCESS REPORTS

15/411

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

(Councillors Steel and Way)

9.2 Lot 202 DP 1169384, 242 Fern Street Gerringong (10.2015.77.1) - Two dwellings, tennis court & pavilion, shed, stables, dams & two swimming pools

15/412

Committee recommendation that Council refuse development application 10.2015.77.1, pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, for the following reasons:

- 1) It is considered that the proposed development is inconsistent with the Aims of SEPP 71 – Coastal Protection and does not satisfy the matters for consideration prescribed by clause 8.
- 2) It is considered that the proposed development is inconsistent with the E3 Environmental Management zone objective to protect areas with special aesthetic values. The size, bulk, scale and siting of the development is unacceptable within the zone.
- 3) It is considered that the proposed dams and equestrian centre are prohibited within the E3 Environmental Management zone.
- 4) It is considered that the proposed development is inconsistent with Clause 5.5 of Kiama LEP 2011. The proposed development is of a bulk, scale, size and overall built form design that is unsuitable due to the impact on the natural scenic quality of the area.
- 5) It is considered that the proposed development is inconsistent with Clause 6.7 of Kiama LEP 2011. The proposed principal dwelling, tennis court and pavilion are sited within the foreshore area, do not contribute to achieving the objectives for the zone and are of an appearance that is not compatible with the surrounding area.
- 6) It is considered that the proposed development is inconsistent with the provisions of DCP 2012 Chapter 6 – Rural Development, in particular in relation to the design and siting of the proposed development.
- 7) It is considered that the proposed development is excessive in height, bulk and scale and also involves extensive landscaping that would likely adversely impact the scenic amenity of the locality.
- 8) The proposed development is of a bulk, scale, size, siting and overall built form design that is unsuitable due to its impact on the scenic amenity of the area and does not comply with the registered building envelope.

- 9) Submissions have been received making valid objections to the development on the grounds of visual impact and non-compliances with Environmental Planning Instruments and DCP 2012.
- 10) It is considered that in the circumstances of the case, approval of the development would not be in the public interest.

(Councillors Reilly and Way)

For: Councillors Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Household Bulky Waste Drop Off Event (HBW)

15/413

Committee recommendation that Council provide two household clean up services per annum, based on:

1. One (1) HBW drop off collection set up at the Minnamurra Recycling Depot in the first half of each financial year, enabling urban and rural residents from the Municipality to dispose of household bulky waste materials, free of charge, one service per household. Booking and proof of residency required.
2. One (1) kerbside collection service to be conducted in the second half of each financial year for urban residents of the Municipality only.

(Councillors McClure and Way)

15/414

Committee recommendation that Council congratulate the staff involved in the recent household bulky waste drop off collection at Minnamurra Recycling Depot for their excellent work.

(Councillors Seage and Way)

9.3 Design and Construction of Community Recycling Centre Shed Tender

15/415

Committee recommendation that :

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tenders as submitted by Builtform Constructions Pty Ltd and Malsave Pty Ltd for supply and

construction of the Community Recycling Centre

2. In accordance with Clause 178(3)(f) of the Local Government (General) Regulation 2005, Council resolve to carry out the requirements of the proposed contract itself.
2. As part of the 2015-16 Budget Review process, Council resolve to allocate \$125,000 from Waste Management Reserves, to cover any expenditure above the Waste Less Recycle More grant funds, for the construction of the Community Recycling Centre

(Councillors McClure and Way)

10 REPORT OF THE GENERAL MANAGER

10.1 19th Annual Johnny Warren Memorial Cup - Kevin Walsh Oval, Jamberoo - 5-7 February 2016

15/416

Committee recommendation that Council supports the event by making a donation equivalent to the cost of providing waste and recycling services at the event.

(Councillors Rice and Sloan)

10.2 Council's Organisation Structure

15/417

Committee recommendation that Council confirms the four directorate structure with ongoing consideration of the impact of the development of Blue Haven and the alignment of activities including the need to increase the returns from commercial/profitable activities.

(Councillors Rice and Sloan)

11 REPORT OF THE ACTING DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Economic Development Committee - Recommendations

It was **moved** by Councillor Sloan and seconded by Councillor Honey:

1. That with regard to Item 3.1 Council supports an architectural competition to design a concept plan for the Kiama East Precinct and should include the relocation of the main council administration building which should be cost neutral to council. Further, that all heritage aspects should be maintained, and the existing showground area should remain unaltered. .
Further, that Council endorses the above nominations for the Subcommittee of the Economic Development Committee to design and draft the scope for

- the competition to design the Kiama East precinct.
2. That with regard to Item 3.2 Council supports that the Akuna Street Masterplan be considered in conjunction with a review of the Kiama Town Centre DCP.
 3. That with regard to Item 5 Council notes the concerns of the Committee and the adverse impact that delays to amendments to the current LEP are having on economic development in the Municipality
 4. That with regard to Item 7, Council supports Burnett Trees and Burnett's on Barney in a long term lease (3 x 3 years) on the Barney Street quarry site and expanding their operations to the whole of the site.
Further, that council supports the review of the current Barney Street Quarry DCP to consider more flexible trading hours.
Further, that trading hours be restricted to the nursery only on Sunday's and Public Holidays.

An **amendment** to 4. above was moved by Councillors Seage and Steel that with regard to Item 7, Council supports Burnett Trees and Burnett's on Barney in a long term lease (3 x 3 years) on the Barney Street quarry site. Further, that on Sunday and Public holidays trading hours be restricted to the plant nursery and store.

That staff investigate the feasibility of more flexible trading hours as well as use of the whole of the site and report back to Council.

15/418

A **further amendment** to 4. above was moved by Councillors Reilly and Way that with regard to Item 7, Council:

1. support Burnett Trees and Burnett's on Barney in their endeavors to secure a long term lease (3 x 3 years) on the Barney Street Quarry site, and to expand their operations.
2. support the review of the current Barney Street Quarry DCP to enable more flexible trading hours and conditions.

(Councillors Reilly and Way)

Councillor Seage withdrew his amendment.

The Motion was Put and Lost.

The Further Amendment became the Motion and was Put and Carried.

11.2 Stocktake of Stores and Materials

15/419

Committee recommendation that Council authorise a net write off of \$105.70

(Councillors McClure and Way)

12 REPORT OF THE MANAGER CORPORATE SERVICES**12.1 Audited Annual Financial Statements 2014/2015***15/420***Committee recommendation** that :

1. The Annual Financial Statements and Audit Reports for the period ended 30 June 2015 be received and adopted.
2. The Audited Financial Statements and Audit Reports be forwarded to the Office of Local Government.

(Councillors McClure and Way)

12.2 Financial Report for the period ending 30 September 2015*15/421***Committee recommendation** that the revised budget for the period ending 30 September 2015 be received and adopted.

(Councillors McClure and Way)

12.3 Statement of Investments*15/422***Committee recommendation** that the information relating to the Statement of Investments for October 2015 be received and adopted.

(Councillors McClure and Way)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**13.1 Kiama & District Sports Association- Request for funding of plaques.***15/423***Committee recommendation** that Council endorse the allocation of \$4,000 in the third quarterly review of the 2015/16 budget.

(Councillors McClure and Way)

13.2 Lease agreement Housing Trust**15/424**

Committee recommendation that Council commence the process to reclassify Lot 208 DP792192 as operational land under the Local Government Act 1993 in order to maximise options for the long term use of the property for social housing purposes and that an independent consultant be appointed to facilitate this reclassification process.

(Councillors McClure and Way)

13.3 Masterplan - Akuna Street Precinct**15/425**

Committee recommendation that Council seek to appoint appropriate consultants to undertake a masterplan for the Kiama Town Centre incorporating the Akuna Street precinct incorporating the matters raised by the Shoalhaven Street Working Party, LEP review Committee and Economic Development Committee.

(Councillors McClure and Way)

13.4 Supply and lay asphaltic concrete and related services**15/426**

Committee recommendation that Council accepts the services of Bitupave P/L (Boral Asphalt) for the provision of Asphaltic Concrete and Related Services for the 2015/2016 financial year.

(Councillors McClure and Way)

13.5 Tree Planting Policy**15/427**

Committee recommendation that Council adopts the Draft Tree Planting Policy – Council Reserves and Public Places.

(Councillors McClure and Way)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**14.1 Blue Haven Fete****15/428**

Committee recommendation that Council congratulate the Friends of Blue Haven Aged Care Facility on the success of the 2015 fete.

(Councillors McClure and Way)

14.2 Consultant cost for Concept Design for CCTV at Kiama Harbour**15/429**

Committee recommendation .that this matter be referred to the CCTV Working Committee for discussion and comment.

(Councillors Seage and Way)

15 REPORTS FOR INFORMATION**15/430**

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

- 15.1 South Precinct Meeting Minutes
- 15.4 Parking Statistics - October 2015
- 15.5 Streets and Reserves Naming Committee
- 15.6 Minnamurra Progress Association - Minutes
- 15.7 Speed Humps - Blue Haven Stage 5 Car Park
- 15.8 Kiama Youth Advisory Committee Oct meeting minutes
- 15.9 Question Without Notice Register
- 15.10 Minutes of the Health and Sustainability Committee held 22 October 2015
- 15.11 Community Recognition Award Nomination- Kate Sutton
- 15.12 Blue Haven Redevelopment Update
- 15.13 Road Safety Steering Committee
- 15.16 Noble Reserve - 73 Fern Street, Gerringong
- 15.17 Kiama Tourism
- 15.18 LED Street Lighting
- 15.19 Section 94 Development Funds
- 15.20 Council Employee Christmas Function
- 15.21 Review of NSW Crown Land Management.

(Councillors McClure and Way)

15.2 Jones Beach - provision of picnic facilities**15/431**

Committee recommendation that Council consider allocation of funding for the provision of three (3) covered picnic tables with the assistance of Minnamurra Lions Club at the playground in Jones Beach Reserve in the 2016/17 Budget.

(Councillors Way and Steel)

An amendment was moved by Councillor Rice and seconded by Councillor Sloan that Council consider allocation of funding for the provision of additional covered picnic tables with the assistance of Minnamurra Lions Club at the playground in Jones Beach Reserve in the 2016/17 Budget.

The Amendment was Put and Lost

15.3 Footpath at Kiama Harbour**15/432**

Committee recommendation that Council consider allocation of funds for the construction of a footpath from the new boat trailer parking bays on Blowhole Point Road to the Kiama Harbour access road as shown in the Blowhole Management Plan in the 2016/17 budget.

(Councillors Way and Steel)

15.13 Road Safety Steering Committee

Councillor Seage requested that his name be added to the Minutes as an apology.

15.14 Possible Commercial Opportunity for Caravan Storage and Secure Storage for Caravans and Boats**15/433**

Committee recommendation that Council inspects the old tip site at Gerroa to ascertain its suitability for future use as a storage centre for caravans and boats and if deemed suitable proceed with the appropriate action to enable its conception.

(Councillors Seage and Steel)

15.15 Walking Tracks & Cycleways Committee**15/434**

Committee recommendation that Council supports the Committee's priority listing

for water drinking stations as follows:

1. South end of Bombo Beach
2. Coronation Park Kiama
3. Little Blowhole Kiama
4. Old School Park Fern St Gerringong
5. Lloyd Rees Reserve Werri Beach
6. Black Beach Kiama
7. Kendal's Beach Reserve Kiama
8. Nth Kiama Dr Surf Club Kiama Downs
9. James Oates Reserve Minnamurra
10. North end Bombo Beach
11. Blowhole Point Tourism office Kiama
12. Burke Parade-near footbridge Gerroa
13. Pacific Ave, South Werri Beach
14. South Headland, Tasman Drive Gerroa
15. Attunga Ave Kiama Heights
16. West Terralong St Kiama

(Councillors Honey and Way)

16 ADDENDUM TO REPORTS

15/435

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

(Councillors Steel and Way)

Item 16.1 Kiama Local Traffic Committee Minutes was dealt with at Item 7 of these minutes.

16.2 Southern Phone Notice of Annual General Meeting

15/436

Committee recommendation that Council receive and note the information.

(Councillors Seage and Sloan)

16.3 Plant Replacement

Committee recommendation that Council purchase three (3) Isuzu NPR Crew Cab trucks from Dwyers Truck Centre with a total capital value of \$176,086.35 + GST.

(Councillors Seage and Steel)

RESUMPTION OF ORDINARY BUSINESS**15/437**

Resolved that at this time, 6.15pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**15/438**

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 15/411 to 15/436 above.

(Councillors Rice and Sloan)

17 NOTICE OF MOTION**17.1 Kiama Tourism Funding****15/439**

Resolved that Council, in light of the Kiama Tourism Board's presentation and our ongoing alliance, extend funding to ensure:

- A. The board of tourism's financial future is secure.
- B. Our strategic marketing plans for the short term and longer terms are not compromised.
- C. Sufficient staff are able to manage the oncoming festive season's influx.

This should be achieved in a formal yet collaborative manner with the Board

(Councillors Reilly and Seage)

An **amendment** was moved by Councillor Rice and Councillor Sloan that Council, in light of the Kiama Tourism Board's presentation and our ongoing alliance, investigate extending funding to ensure:

- A. The board of tourism's financial future is secure.
- B. Our strategic marketing plans for the short term and longer terms are not compromised.
- C. Sufficient staff are able to manage the oncoming festive season's influx.

This should be achieved in a formal yet collaborative manner with the Board

The **amendment** was Put and Lost.

18 QUESTIONS WITHOUT NOTICE

18.1 Bin Liners

Councillor Steel requested a report on the supply of bin liners for the food waste caddies being used as part of the OK Organics program. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.2 Stormwater Control

Councillor Sloan requested that a report be brought to Council outlining the feasibility of requiring household scale Stormwater Quality Improvement Devices (also known as SQIDs) or rain gardens instead of detention basins for new developments. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.3 Investment Policy

Councillor Rice requested a report on how Council's previous resolution to amend the Investments Policy to include consideration of investments in local or regional community based enterprises as well as those without interest in Coal Seam Gas wherever possible, has influenced Council's suite of investments since that time. The Mayor referred this item to the Director Corporate & Commercial Services for investigation and report.

19 CONFIDENTIAL SUMMARY

15/440

Resolved that at this time, 6.31pm, 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 Steel and Way)

Public Representations:

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

19.1 Exclusion Of Press And Public:

15/441

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.

20.1 STATEWIDE MUTUAL, METRO POOL AND UNITED INDEPENDENT POOLS

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. .

20.2 LEASE AGREEMENT WITH HOUSING TRUST AND STRATEGIC DIRECTION

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)

20 CONFIDENTIAL REPORTS**20.1 Statewide Mutual, Metro Pool and United Independent Pools**

15/442

Resolved that Council takes no action in relation to the latest Statewide Mutual offer.

(Councillors Seage and Way)

20.2 Lease Agreement with Housing Trust and strategic direction

15/443

Resolved that Council receive and note the information.

(Councillors Seage and Way)

Close of Confidential Committee of the Whole:

15/444

Resolved that at this time, 6.34pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and McClure)

Adoption of Report

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

15/445

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/442 to 15/443 be confirmed and adopted.

(Councillors Seage and Way)

21 CLOSURE

There being no further business the meeting closed at 6.34pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 15
December 2015



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Mayor