



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 18 AUGUST 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 18 AUGUST 2015 AT 5PM**

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

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

1 APOLOGIES

Councillor Seage.

15/271

Resolved that the apology as tendered be accepted.

(Councillors Steel and Rice)

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 21 July 2015

15/272

Resolved that the Minutes of the Ordinary Council Meeting held on 21 July 2015 be received and accepted.

(Councillors Sloan and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Ms Tamara Campbell – Item 10.2 KISS Arts Festival 2016

6 MAYORAL MINUTE**6.1 NSW Minister for Environment and Heritage and Assistant Minister for Planning - the Hon. Mark Speakman, SC**

15/273

Resolved that Council receives and notes the information.

(Councillors Petschler and Rice)

6.2 Seven Mile Beach

15/274

Resolved that Council indicate its support in principle for the markers and work with the Member for Kiama, Mr Gareth Ward, and Shoalhaven City Council on the detail including preferred locations, form of construction, interpretative information, maintenance and cost.

(Councillors Petschler and Way)

6.3 Passing of Paul Gale -

15/275

Resolved that Council note the passing of Mr Paul Gale a former employee of Council with a minutes silence and that Mr Gale's family be advised of this recognition.

(Councillors Petschler and Steel)

7 MINUTES OF COMMITTEES**7.1 Kiama Local Traffic Committee - Minutes**

15/276

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 4 August 2015 be received and accepted.

(Councillors Way and Honey)

7.2 Minutes of the Youth Engagement Meeting - 4 August 2015

15/277

Resolved that the Minutes of the Youth Engagement Meeting held on 4 August 2015 be received and accepted.

(Councillors Rice and Reilly)

8 PUBLIC ACCESS REPORTS

15/278

Resolved that at this time, Council not bring forward and deal with the matters pertaining to the Public Access Meeting as the speaker on the item was not present.

(Councillors McClure and Way)

COMMITTEE OF THE WHOLE

15/279

Resolved that at this time, 5.07pm, 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 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)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Administrative Planning Proposals

15/280

Committee recommendation that Council endorse the matters listed below as a Planning Proposal for submission to the Department of Planning for Gateway determination and subsequent adoption.

(Councillors Way and Reilly)

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

Against: Nil

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision**15/281**

Committee recommendation that Council refuse Development Application No 10.2015.128.1 because it fails to provide sufficient separation to ensure reasonable visual and acoustic privacy for future residents, and those in likely future neighbouring medium density developments, as required by Chapter 5 of the Kiama DCP and the primary building controls as specified in the SEPP 65 Residential Flat Design Code.

(Councillors Sloan and Reilly)

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

Against: Nil

9.3 Planning Proposal - Part Lot 1 No 39 Macquarie Street, Jamberoo**15/282**

Committee recommendation that Council proceed with the preparation and finalisation of the LEP instrument and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

(Councillors Honey and Rice)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER**10.1 Australian Coastal Councils Association - Annual General Meeting****15/283**

Committee recommendation that Councillor Reilly be nominated to be a member of the Committee of Management.

(Councillors Sloan and Way)

10.2 KISS Arts Festival 2016**15/284****Committee recommendation** that Council:

1. Support the new KISS Arts Festival by providing \$5000 sponsorship from the events budget and \$5000 from the tourism marketing budget and donating the reserve hire.
2. Request the organisers to liaise with the makers and growers market operators to re-schedule a market to coincide with the event rather than hold an additional market.
3. Request that the stalls that are held on that day are operated by local produce providers who operate within a 50km radius of Kiama.

(Councillors McClure and Honey)

10.3 Rotary Club of Kiama Antiques and Retro Fair - 16 & 17 January 2016**Disclosure of Interest - Councillor Petschler**

The Mayor, Councillor Petschler, declared a non- significant non-pecuniary interest in this matter as a member of the Rotary Club of Kiama and took no part in discussion or voting on this matter.

The Deputy Mayor, Councillor Steel, took the Chair.

Councillor B Petschler left the meeting at 06:00 PM.

15/285

Committee recommendation that Council donates the hire cost of the Leisure Centre to the Kiama Rotary Club in recognition of the silver anniversary and community benefits provided by the event.

(Councillors Way and Sloan)

The Deputy Mayor, Councillor Steel, vacated the Chair.

The Mayor, Councillor Petschler, returned to the meeting and resumed the Chair at 06:01 PM.

10.4 2015 ISA World Kneeboard Championships - 13-20 September 2015**15/286**

Committee recommendation that Council provides sponsorship of \$2000 in addition to the provision of two (2) holiday park cabins to be used by the officials for the 2015 ISA World Kneeboard Championships.

(Councillors McClure and Way)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Interstate Conference - Risk Management Institute of Australia (RMIA) Conference

15/287

Committee recommendation that Council grants approval for Council's General Manager, or his alternate, the Manager Human Resources and Commercial Services, to attend the 2015 Risk Management Institute of Australia Conference in Adelaide from 11-13 November 2015.

(Councillors McClure and Way)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

15/288

Committee recommendation that the information relating to the Statement of Investments for July 2015 be received and adopted.

(Councillors McClure and Way)

12.2 Revotes of Expenditure 2014/15

15/289

Committee recommendation that the expenditure items as listed be revoted to the 2015/2016 budget year.

(Councillors McClure and Way)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Dedication of land as public road

15/290

Committee recommendation that Council accept the dedication of land as road widening (Foxground Road) adjoining proposed Lot 301 DP1210469 as shown on the plan prepared by Scarratt and Associates Surveyors dated 26 June 2015, in association with the subdivision of adjoining private land under development consent D2009.113 and that upon registration the land be classified as operational land.

(Councillors McClure and Way)

13.2 Gerringong Boat Harbour - Proposed Equipment Storage Room

15/291

Committee recommendation that Council approves the construction of a new equipment storage room at the Gerringong Boat Harbour toilet block by the Lions Club of Gerringong as indicated in this report.

(Councillors McClure and Way)

13.3 Tender T14/27 - Provision of Construction Materials Panel

15/292

Committee recommendation that Council:

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders as listed in the tables included in this report for Construction Materials over the term of the tender contract of three years, plus two options to extend for a further duration of one year each with the exception of the supply of concrete (as per Recommendation 5 below).
- 2 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contracts and any other documentation, should it be required, to give effect to this resolution.
- 4 Council delegate to the General Manager the authority to approve any adjustments to the ranking of all services when a Joint Construction Materials Provider amends rates in accordance with the specifications of this tender.
- 5 Council reject the tender responses relating to the supply of concrete as the number of conforming tender submissions did not justify the allocation of business and would place Council at a non-competitive market disadvantage.
- 6 Council grant authority to proceed to open joint negotiations with the suppliers of concrete.
- 7 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to the outcomes of the joint market negotiations for the supply of concrete.

(Councillors McClure and Way)

13.4 Minnamurra Headland - Proposed Whale Watching Platform**15/293**

Committee recommendation that Council accept the grant and include the project in the 2015/16 Delivery Program.

(Councillors Way and Steel)

13.5 Creation of Easement by Compulsory Acquisition**15/294**

Committee recommendation that Council;

1. proceed with the compulsory acquisition of an easement over Lot 269 DP782043 for the purposes of stormwater in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
2. make an application to the Minister and the Governor for approval to acquire the easement for stormwater described over Lot 269 DP782043 by compulsory process under section 186(1) of the Local Government Act 1993;
3. classifies the land as operational land;
4. requests the Minister for Local Government approve a reduction in the notification period from 90 to 30 days
5. give the Mayor and General Manager delegated authority to the signing of all documents associated with the easement and compulsory acquisition including the seal of Council.

(Councillors McClure and Way)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**14.1 Conference Attendance - Finance****15/295**

Committee recommendation that Council endorse Tracy Sligar to attend the MAGIQ Software Customer Conference 2015

(Councillors McClure and Way)

**14.2 Blue Haven Care Residential
Sprinkler System Retrofit****15/296**

Committee recommendation that Council accept the quote and endorse Paynter

Dixon to project manage the installation of the sprinkler system at Blue Haven Aged Care Facility, as designed by them.

(Councillors Honey and Reilly)

15 REPORTS FOR INFORMATION

15/297

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

- 15.1 Kiama Cultural Board meeting minutes
- 15.2 Reporting on the Operational Plan and Delivery Program
- 15.3 Local Environmental Plan Committee - Minutes
- 15.4 South Precinct - Minutes
- 15.5 Blue Haven Care Residential - re-accreditation audit
- 15.6 Parking Statistics July 2015
- 15.7 Parking Statistics June 2015
- 15.8 Illawarra Academy of Sport Appreciation
- 15.9 Kiama Hospital Redevelopment Project update
- 15.10 Minutes of the Kiama Aboriginal Reference Group held 2 July 2015
- 15.11 Section 94 Development Funds
- 15.12 Progress on the Installation of CCTV in Kiama CBD
- 15.13 Note of appreciation - Kiama Cemetery
- 15.14 Petroleum Exploration Licence 2
- 15.15 Tenders for Waste Processing and Disposal
- 15.16 Economic Development Committee Minutes
- 15.17 2015 United Independent Pools Tour of USA
- 15.18 Minutes of the Kiama Health and Sustainability Committee meeting held on Thursday 23rd July 2015
- 15.19 Southern Phone Grants Scheme 2015/16
- 15.20 Council's Workforce Plan and Succession Planning

(Councillors McClure and Way)

15.21 LGNSW Annual Conference -

15/298

Resolved that Councillors Petschler, Reilly and Rice be nominated as Council's voting delegates to the LGNSW Annual Conference.

(Councillors Rice and Steel)

15/299

Resolved that Councillors Petschler, Reilly, Rice and Seage be endorsed as Council's delegates to the LGNSW Annual Conference.

(Councillors Way and Steel)

15.22 NSW Coastal Conference 2015 -*15/300*

Resolved that Council nominate Councillors Reilly and Sloan to attend the NSW Coastal Conference 2015.

(Councillors Way and Steel)

16 ADDENDUM TO REPORTS*15/301*

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

(Councillors Honey and Rice)

16.1 Director of Corporate and Commercial Services*15/302*

Committee recommendation that Council note the Director of Corporate and Commercial Services, Mr Chris Quigley's resignation with regret and thank him for his excellent and loyal service to the community and Council.

(Councillors Steel and Way)

16.2 Retention of Southern Councils Carer Respite Services by Kiama Council*15/303*

Committee recommendation that Kiama Council retains the Southern Council Group Community Programs under the auspice of Kiama Council

(Councillors McClure and Way)

RESUMPTION OF ORDINARY BUSINESS

Resolved that at this time, 6.27pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Way and McClure)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**15/304**

Committee recommendation 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.

(Councillors Reilly and Sloan)

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE**18.1 New SEPP 65 Regulations -**

Councillor McClure requested a report on the effects that the new SEPP 65 regulations will have on Kiama Council's DCP and LEP. The Mayor referred this matter to the Director Environmental Services for information and report.

18.2 Farmers Market -

Councillor Steel requested a report on the number of stall holders who operate at the farmers market and live within a 50km radius of Kiama. . The Mayor referred this matter to the General Manager for information and report.

18.3 Free Shuttle Bus -

Councillor Steel requested a report on the possibility of the provision of a free shuttle bus from the Leisure Centre parking area to Hindmarsh Park on market and festival days that could be funded from the fees paid by the markets to operate. The Mayor referred this matter to the General Manager for information and report.

18.4 Temporary Closure of Terralong Street -

Councillor Steel requested advice regarding the proposed temporary closure of Terralong Street for the Jazz and Blues Festival. The General Manager advised that the Jazz and Blues Club are investigating various options for greater opportunities for the Festival, one of which is the temporary closure of Terralong Street. He advised Councillor Steel that he had requested the Jazz and Blues Club to consult with the main street retailers with regard to this option. The General Manager also advised that any request for a street closure would need to be reported to the Traffic Committee. He further advised that he was aware that the Chamber of Commerce had conducted a survey of retailers that would be affected by the street closure and that he had received a letter from the Chamber of Commerce prior to the meeting

tonight but had not as yet opened the letter so was unaware of the results.

18.5 Capacity of Bombo Sewage Treatment Plant -

Councillor Sloan requested that Council contact Sydney Water to formally request advice, in both Equivalent Person (EP) and flows, about the remaining dry and wet weather treatment capacity at the Bombo Sewage Treatment Plant. The Mayor referred this matter to the Director Environmental Services for information and report.

18.6 Herbicide Usage -

Councillor Rice requested a report that outlines the health and safety criteria that currently underpin Council's regime of herbicide usage on parks and ovals. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.7 The Boneyard -

Councillor Way requested a report on the feasibility of applying to the Geographical Names Board to formally identify and confirm Kiama's iconic surfing location north of Bombo Headland as the "Boneyard". The Mayor referred this matter to the Director Engineering and Works for information and report.

18.8 Proposed Kiama Arts Centre -

Councillor Reilly requested a report on the means and possibility of funding the proposed Kiama Arts Centre in the 2016/17 budget year. The Mayor referred this matter to the General Manager for information and report.

18.10 Holiday Park Advisory Committee -

Councillor Reilly requested a report on the implementation of a holiday park advisory committee consisting of councillors, staff, caravan owners, park managers and residents prior to the November Council meeting. . The Mayor referred this matter to the Acting Director Corporate & Commercial Services for information and report.

Councillor M Way left the meeting at 6:33 PM.

19 CONFIDENTIAL SUMMARY

15/305

Resolved that at this time, 6.34pm, 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 Honey and Reilly)

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.

Councillor M Way returned to the meeting at 06:35 PM.

19.1 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.

20.1 THE PAVILION KIAMA - CATERING CONTRACT FOR WEDDINGS

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 and 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 REQUEST FOR TENDER (TENDER NUMBER KT-290514) KIAMA MUNICIPAL COUNCIL- PROCESSING OF FOOD ORGANICS AND GARDEN ORGANICS (FOGO)

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 and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act and information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government Act. .

20 CONFIDENTIAL REPORTS

20.1 The Pavilion Kiama - Catering Contract for Weddings

15/306

Resolved that the actions taken by the General Manager be endorsed.

(Councillors Reilly and Honey)

20.2 Request for Tender (Tender Number KT-290514) Kiama Municipal Council- Processing of Food Organics and Garden Organics (FOGO)**15/307****Resolved that :**

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1)(a), Council accept the tender of SOILCO Pty Ltd for the acceptance and processing of organics for a period of 3 years and any extension granted in accordance with the terms of the proposed Contract, at the schedule of rates contained in the tender submission and as outlined in this report (SOILCO Pty Ltd Tendered Rates).
2. Council delegate to the General Manager the authority to finalise and execute the Contract and any other documentation required to give effect to this resolution.
3. Council grant authority for the use of the Common Seal of Council on the Contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Steel and Reilly)

Close of Confidential Committee of the Whole:**15/308**

Resolved that at this time, 6.54pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Reilly)

Adoption of Report

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

15/309

Resolved that that the Confidential Committee of the Whole recommendations numbered 271 to 309 be confirmed and adopted.

(Councillors Steel and Reilly)

21 CLOSURE

There being no further business the meeting closed at 6.55pm

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



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Mayor