



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 20 OCTOBER 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 20 OCTOBER 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, 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 on 15 September 2015 -

15/363

Resolved that that the Minutes of the Ordinary Council Meeting held on 15 September 2015 be received and accepted.

(Councillors Sloan and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Mr John Salmon – Item 7.1 Traffic Committee Minutes – 5. Kiama High School – Pedestrian Safety Issues

Mr Robert Gizzi – Item 9.1 Lot 2 DP 155220 No 30 Barney St, Kiama - demolition of existing dwelling and construction of 5 x 3 storey units (10. 2015.162.1)

Mr Terry Whelan – Item 13.5 Gerringong Men’s Shed – Jubilee Oval Gerringong facility

6 MAYORAL MINUTE

6.1 State Government Response to Request for Policy

15/364

Resolved that the item be received and noted.

(Councillors Petschler and Way)

6.2 Mayor's Giving Tree - Support for Local Children

15/365

Resolved that Council endorses the 2015 Mayoral Christmas Tree Appeal.

(Councillors McClure and Rice)

16.1 University of Wollongong Fellowship and Alumni Awards

15/366

Committee recommendation that Council congratulates Ms Kimberley Abbott, Dr Diann Rodgers-Healey and Ms Stephanie Puris on their achievements and recognition.

(Councillors Rice and Way)

16.2 Mr Brian Sharpe (OAM)

15/367

Committee recommendation that Council holds a minutes silence in the memory of Mr Brian Sharpe OAM.

(Councillors Rice and Way)

16.3 Illawarra Regional Information Service (IRIS)**15/368**

Committee recommendation that the report be received and noted.

(Councillors Rice and Way)

16.4 Local Government NSW 2015 Annual Conference**15/369**

Committee recommendation that Council:

1. Receive and note the report.
2. Investigate the installation of the fishing vending machines in suitable locations.

(Councillors Steel and Rice)

16.5 IPART Report on Fit for the Future -**15/370**

Resolved that Council approves of a briefing being held to examine the IPART report and to develop an appropriate response.

(Councillors Way and Honey)

7 MINUTES OF COMMITTEES**7.1 Kiama Local Traffic Committee - Minutes****15/371**

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 6 October 2015 be received and accepted subject to the change to item 5 below:

1. Council defers Item 5 Kiama High School Pedestrian Safety until such time as a thorough investigation can be conducted and a report brought back to Council.
2. Council seek assistance from the NSW Police with the enforcement of traffic regulations at this location in addition to the Council Rangers. Further that Council investigate the potential for the use of CCTV.

(Councillors McClure and Reilly)

COMMITTEE OF THE WHOLE**15/372**

Resolved that at this time, 5.39pm, 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 Rice and Sloan)

8 PUBLIC ACCESS REPORTS**15/373**

Resolved that at this time, 5.40pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Rice and Sloan)

9.1 Lot 2 DP 155220 No 30 Barney St, Kiama - demolition of existing dwelling and construction of 5 x 3 storey units (10. 2015.162.1)**15/374**

Committee recommendation that Council defer consideration of development application 10.2015.162.1.

(Councillors Sloan and Seage)

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

Against: Nil

13.5 Gerringong Mens Shed Inc - Jubilee Oval Gerringong facility**15/375**

Committee recommendation that :

1. Council endorse the exclusive use of the Gerringong School of Arts Hall as a

temporary storage facility by the Gerringong Mens Shed Inc. for the period of time before the proposed new facility is occupied.

2. Council donate the standard hall hire fees for the Gerringong School of Arts hall for the corresponding period.
3. Council provide landowner's consent to the lodgement of a development application by the Gerringong Mens Shed Inc. for a mens shed on part Lot 7010, DP1026773, Blackwood Street Gerringong,
4. Council provide, subject to a development application being approved, in-principle support to a mens shed facility on the subject land and that a licence agreement be entered into for the establishment of a future mens shed on the land at that time and that delegated authority be given to the General Manager to sign a licence agreement.

(Councillors Steel and Way)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.2 Revision of Chapter 12 – Kiama DCP 2012 – Short Term Rental Accommodation

15/376

Committee recommendation that Council endorse 'draft' revised Chapter 12 – Short Term Rental Accommodation for inclusion within Kiama Development Control Plan 2012. Further, that all short term rental accommodation sites be required to have 240 litre bins.

(Councillors Seage and Steel)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.1 Disclosure Of Interest-Councillors and Designated Staff

15/377

Committee recommendation that Council note receipt by the statutory due date of 30 September 2015 of Disclosure of Interest Returns by nine Councillors and designated staff for the year ending 30 June 2015.

(Councillors Rice and Sloan)

10.2 Council Meetings 2016**15/378**

Committee recommendation that the first Council meeting in 2016 be held on 2 February 2016.

(Councillors Rice and Sloan)

10.3 Joint Organisations - Emerging Directions Paper**15/379****Committee recommendation**

1. That Council make a submission advising that it agrees with the proposed governance and accountability principles other than for the proposed number of representatives for each full member council and employment of an Executive Officer at an equivalent level to a General Manager.
2. That Council advise that while appropriate authority for core regional functions should be delegated to the Joint Organisation this should not preclude individual Council activity continuing.

(Councillors Rice and Sloan)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**11.1 The Economic Development Committee - Recommendations****15/380**

Committee recommendation that Council endorses the recommendations from the Economic Development Committee.

(Councillors Reilly and Honey)

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

Against: Nil

11.2 Holiday Parks Advisory Committee**15/381**

Committee recommendation that Council adopts the draft Terms of Reference for the Holiday Parks Advisory Committee with the committee membership to comprise

as follows:

- the Mayor, and two councillors nominated by Council
- the General Manager and Director of Finance, Corporate and Commercial Services or their respective nominees
- the Holiday Park Managers of Werri Beach and Seven Mile Beach holiday parks
- one interested resident living within the vicinity of Werri Beach Holiday Park endorsed by Council following an expression of interest process
- five representatives of holiday vans endorsed by Council following an expression of interest process

Further, that Councillors Reilly and Seage be endorsed as Council's nominated representatives on the Committee.

(Councillors Seage and McClure)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

15/382

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

(Councillors Rice and Sloan)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Plant Replacement

15/383

Committee recommendation that Council defer the 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 Sloan)

13.2 Reserve Maintenance - Corner Willawa Ave and Fern St Gerringong.

15/384

Committee recommendation that Council contact Local Service Clubs to determine if there is an interest in maintaining the reserve on the corner of Willawa Ave and Fern Street Gerringong.

(Councillors Rice and Sloan)

13.3 Draft Amendments to Kiama Development Control Plan 2012 - Chapter 7 Subdivision Road Widths

15/385

Committee recommendation that Council:

1. publicly exhibit for a minimum 28 day period, draft amendments to residential subdivision road widths contained in Kiama Development Control Plan 2012 - Chapter 7 Subdivisions.
2. prepare a future report at the close of the public exhibition on submissions received.
3. Refer to draft amendments to the Development Industry Committee for information and comment.

(Councillors Rice and Sloan)

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

Against: Nil

13.4 Expression of Interest - Christmas Carnival Black Beach Kiama

15/386

Committee recommendation that Council endorse PH & A Laurie trading as Laurie's Amusements Pty Ltd as the successful tenderer for the operation of the Black Beach (School Flat) Christmas Carnival in Kiama between 2015/16 and 2017/18 and a licence agreement be entered into for the term of the expression of interest, subject to approval of a development application, and that the next tender process for the carnival be for the 2018/19-2020/21 period.

(Councillors Rice and Sloan)

13.6 Public Exhibition of Concept Design for refurbishment of Amenities Building at Kevin Walsh Oval, Jamberoo

15/387

Committee recommendation that Council:

1. publicly exhibit for a minimum 28 day period, the concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo
2. receive a report at the close of the public exhibition on submissions received.

(Councillors Rice and Sloan)

13.7 Compulsory Acquisition for Easement

15/388

Committee recommendation that Council;

1. proceed with the compulsory acquisition of an easement over Lot 269 DP728043 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 DP728043 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; and

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 Rice and Sloan)

13.8 Water Refill/Drinking Stations

It was **Moved** by Councillor Way and seconded by Councillor Seage that Council commence a program to install water refill/drinking stations as identified in Councils locations report of these "Water Stations" sites in item 13.8, over a period of 5 years with appropriate funding as identified in that report.

Also that the prioritisation for installation of "Water Stations" to be compiled by Walking Tracks and Cycleways Committee as based on the identified locations in the report with input from Councillors.

Further that a 5 year implementation plan, funding of \$12,000 per annum be considered for allocation from 2016/17 to 2020/21.

15/389

An **amendment** was moved by Councillor Rice and seconded by Councillor Sloan that Council commence a program to install water refill/drinking stations as identified in Councils locations report of these "Water Stations" sites in item 13.8, over a period of 5 years with appropriate funding as identified in that report.

Also that prioritisation for installation of "Water Stations" to be compiled by Council as based on the identified locations in the report with input from Walking Tracks and Cycleways Committee.

Further that a 5 year implementation plan be considered for allocation from 2016/17

The Motion was Put and Lost.

The Amendment became the Motion and was Put and Carried.

13.9 Road Safety Officer Projects 2015-2016 - Roads and Maritime Service Funding Grant

15/390

Committee recommendation that Council accept the offer of grant from the Roads and Maritime Services and direct the Road Safety Officer to establish and implement the programs with the required evaluation and financial reporting as per the RMS funding conditions.

(Councillors Rice and Sloan)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Request for Sponsorship Kiama Red Cross - 2016 Kiama Fun Run

15/391

Committee recommendation that Council provides \$2,000 sponsorship to the Kiama Red Cross for the purpose of holding the 2016 Kiama Fun Run.

(Councillors Rice and Sloan)

14.2 Sponsorship Request Kiama Show Society, Kiama Show 2016

15/392

Committee recommendation that Council provide sponsorship to the Kiama Show Society through

- 1) the provision of waste services for the show
- 2) donating the Leisure Centre hall hire fees and charges for the Show Ball on the 9th January.

(Councillors Rice and Sloan)

14.3 Concept Design for Gerringong CCTV

15/393

Committee recommendation resolved that Council's CCTV consultant be approached by Councillor Seage to provide a verbal estimation of costs for CCTV cameras at the Kiama Harbour.

(Councillors Rice and Sloan)

15 REPORTS FOR INFORMATION

15/394

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

- 15.1 Bombo Headland Quarry - Conservation Management Plan.
- 15.2 Magiq Software Conference
- 15.4 South Precinct Meeting - Minutes
- 15.5 Community Drug Education
- 15.6 Section 94 Development Funds
- 15.7 10/50 Vegetation Clearing Code of Practice review and amendments
- 15.8 Regional Illegal Dumping Compliance Officer - Quarterly Return – 1 July to 30 September 2015
- 15.9 Operational Hours during the Christmas New Year period at Kiama & Gerringong Libraries and the Family History Centre
- 15.10 Community Services - Recent Bequests
- 15.12 Flugelman Sculpture
- 15.13 Kiama Cultural Board
- 15.14 Parking Statistics - September 2015
- 15.15 EDA Conference - Moreton Bay Region
- 15.16 Local Environmental Plan Review Committee - Record of Meeting held on 29 September 2015
- 15.17 Blue Haven Redevelopment Update
- 15.18 Kiama Liquor Accord - Minutes
- 15.19 Australian Coastal Councils Association Inc - Annual General Meeting
- 15.20 Kiama Aboriginal Reference Group Minutes of meeting held 10 September 2015
- 15.21 Validation of complaints
- 15.22 Kiama Access Committee meeting minutes for 9 October 2015
- 15.23 Questions Without Notice Register
- 15.25 World Health Organisation Global Network of Age-Friendly Cities and Communities Membership
- 15.26 Illawarra Pilot Joint Organisation
- 15.27 Effects of SEPP 65 on Council's DCP and LEP
- 15.29 Appreciation of donation - Gerringong Sunrise Rotary Club
- 15.30 State of Regional Australia Report 2015
- 15.31 Letter of thanks - Kneeboard Surf Australia
- 15.32 Blue Haven Care - Carers Award
- 15.34 Street Lighting in South Kiama Drive to Kiama Heights.

(Councillors Rice and Sloan)

15.3 Blue Haven Care - Home Care Services - Quality Review -

15/395

Resolved that Council congratulate Blue Haven Care's Home Care Services team for their efforts in achieving all of the Home Care Standard outcomes.

(Councillors Rice and Way)

15.11 Bryan Whittaker - retirement -

15/396

Resolved that Council recognise the outstanding service over the past 42 years of the Mr Whittaker and thank him for his loyal service to the community and Council. Council also wish to extend their best wishes to Mr Whittaker and his family for the future.

(Councillors Reilly and Way)

15.24 Future of Port Kembla Steelworks - use of Australian steel -

15/397

Resolved that, in view of the national, state and regional importance of the Australian Steel Industry and the strategic need to protect the ability to produce steel in the Illawarra, Council support the following:

1. The implementation of a protective tariff for steel production in Australia (as allowed under WTO rules) to help prevent the dumping in Australia of steel manufactured in other countries, such tariff structure to include appropriate protection for Australian steel users in terms of local prices for such steel products; and
2. The adoption of a policy to give preference to Australian produced steel products wherever possible in projects undertaken by Council.

(Councillors Petschler and Steel)

15.28 CCTV at Kiama Harbour and Blowhole Point -

15/398

Resolved that Councillor Seage approach Council's CCTV consultant to provide a verbal estimation of costs for CCTV cameras at Kiama Harbour.

(Councillors Way and Seage)

15.33 Request to Host Concert on New Year's Eve -**15/399**

Resolved that Council cover 50% of the costs required up to a maximum amount of \$1000.

(Councillors Seage and McClure)

RESUMPTION OF ORDINARY BUSINESS**15/400**

Resolved that at this time, 6.53pm, 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**15/401**

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 15/373 to 15/399 above.

(Councillors Seage and Rice)

16 ADDENDUM TO REPORTS

Items 16.1 to 16.5 were dealt with as part of Item 6 Mayoral Minutes.

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE**18.1 73 Fern Street, Gerringong**

Councillor McClure requested an investigation into the option of a land swap of Noble Park at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include discussions with the owners of 98 Fern Street. The Mayor referred the item to the General Manager for investigation and report.

18.2 Secure Storage for Caravans and Boats

Councillor Seage requested a report on the feasibility of Council providing a secure storage areas for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.

18.3 Speed humps in Blue Haven complex

Councillor Steel requested a report on the speed humps in the Blue Haven Complex Stage 5 parking area. The General Manager advised that a residents' survey was being undertaken and that he would report the outcome of the survey to a future meeting.

18.4 Possible Commercial Opportunity for Caravan Storage -

Councillor Steel requested a report on approving a local park area (approx.. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.

18.5 Trees in Public Parks -

Councillor Rice requested that in the interest of maintaining biodiversity that an update or review of Council's policy for planting trees in public parks, reserves and streets be undertaken. The Mayor referred the item to the Director of Engineering & Works for investigation and report.

18.6 Jones Beach - Provision of picnic facilities -

Councillor Way requested a report on the costs associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground. The Mayor referred this item to the Director of Engineering & Works for investigation and report.

18.7 Footpath at Kiama Harbour -

Councillor Way requested a report on the costs to construct a footpath from the Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new trailer parking as per the Blowhole Plan of Management. The Mayor referred this item to the Director of Engineering & Works for investigation and report.

18.8 Review of Council's Structure -

Councillor Reilly requested that an outline be developed for an internal review of Council's structure. The Mayor referred this item to the General Manager for investigation and report.

19 CONFIDENTIAL SUMMARY**15/402**

Resolved that at this time, 7.02pm, 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 Sloan)

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:**15/403**

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 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENTS - REVIEW FOR THE PERIOD FROM 1 JULY 2014 TO 30 JUNE 2015

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. .

(Councillors Seage and Steel)

20 CONFIDENTIAL REPORTS

20.1 Executive Officers' Performance Agreements - Review for the period from 1 July 2014 to 30 June 2015

15/404

Resolved that Council endorse the report of the Performance Review Committee following the meeting of the Committee held on 14 October 2015.

(Councillors Way and Steel)

Close of Confidential Committee of the Whole:

15/405

Resolved that at this time, 7,25pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

Adoption of Report

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

15/406

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/404 be confirmed and adopted.

(Councillors Seage and Reilly)

21 CLOSURE

There being no further business the meeting closed at 7.27pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on
17 November 2015



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Mayor