



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 15 MARCH 2016

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 15 MARCH 2016 AT 5.02PM**

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, 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 MEETINGS

3.1 Ordinary Council Meeting on 2 February 2016

16/060

Resolved that the Minutes of the Ordinary Meeting held on 2 February 2016 be received and accepted.

(Councillors Way and Steel)

3.2 Extraordinary Council Meeting on 23 February 2016

Amendment to the Extraordinary Council meeting minutes of 23 February 2016.

7.1 100 Terralong Street Kiama (Mitre 10) - future leasing and offer to purchase the property -

Resolved that in regards to 16/050 this matter was moved by Councillor Way and seconded by Councillor Reilly and should be changed accordingly.

(Councillors Way and Seage)

16/061

Resolved that the Minutes of the Extraordinary Meeting held on 23 February 2016 subject to the amendment be received and accepted.

(Councillors Steel and Way)

3.3 Extraordinary Council Meeting on 7 March 2016

16/062

Resolved that the Minutes of the Extraordinary Meeting held on 7 March 2016 be received and accepted.

(Councillors Steel and Sloan)

16.3 Extraordinary Council Meeting on 14 March 2016

16/063

Resolved that the Minutes of the Extraordinary Council Meeting held on 14 March 2016 be received and accepted.

(Councillors Way and Honey)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Mr Peter Tuohy – Item 9.1 Proposed gymnasium – 13 Johnson Street, Kiama Downs (DA10.2015.309.1)

Mr A J Hatch - – Item 9.1 Proposed gymnasium – 13 Johnson Street, Kiama Downs (DA10.2015.309.1)

Mr Darrell Clingan – Item 9.2 Lots 51 & 52 DP 884475 Fern Street Gerringong – Retail building, tourist apartments & addition to existing carpark (DA10.2015.232.1)

Ms Debbie Langton & Mr Ken Noble – Item 9.2 Lots 51 & 52 DP 884475 Fern Street Gerringong – Retail building, tourist apartments & addition to existing carpark (DA10.2015.232.1)

Mr Col Packham – Item 9.3 Lot 12 DP 664055 & Lot 1 DP 25919 22 Stafford Street Gerroa – General store & dwelling alterations & additions (10.2015.169.1)

Mr Stuart Dixon (Cowman Stoddart) – Item 9.3 Lot 12 DP 664055 & Lot 1 DP 25919
22 Stafford Street Gerroa – General store & dwelling alterations & additions
(10.2015.169.1)

6. MAYORAL MINUTE

16.2 PROPOSED MERGER OF KIAMA AND SHOALHAVEN COUNCILS

16/064

Resolved that Council: :

1. extend its appreciation to those who attended the anti-merger rally on 13 March 2016.
2. subject to the preliminary legal advice to be sought, authorise the General Manager to consider and report on the possibility of Kiama Council being a part of the planned action proposed by Woollahra Municipal Council.

(COUNCILLORS PETSCHLER AND REILLY)

6 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes - 2 February 2016

16/065

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 2 February 2016 be received and accepted.

(Councillors Sloan and Way)

7.2 Kiama Local Traffic Committee - Minutes - 1 March 2016

16/066

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 1 March 2016 be received and accepted.

(Councillors Steel and Way)

7.3 Blue Haven Advisory Committee Meeting

16/067

Resolved that the Minutes of the Blue Haven Advisory Committee Meeting held on 2 March 2016 be received and accepted.

(Councillors Sloan and Rice)

COMMITTEE OF THE WHOLE

16/068

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 Director Environmental Services
- Report of the General Manager
- Report of the Director Finance, Corporate and Commercial Services
- Report of the Chief Financial Officer
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors Seage and Rice)

7 PUBLIC ACCESS REPORTS

16/069

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

(Councillors Seage and Rice)

9.1 Proposed Gymnasium - 13 Johnson Street Kiama Downs (10.2015.309.1)

It was **Moved** by Councillors Reilly and Seage that Council grant approval to development application 10.2015.309.1 pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report.

An **Amendment** was moved by Councillor Sloan and Steel to grant approval to development application 10.2015.309.1 with the additional General Condition (5) that the doors onto the verandah not remain in the open position prior to 8am and after 6pm.

The Amendment was put and **lost**.

16/070

A **further Amendment** was moved by Councillors Rice and McClure to grant approval to development application 10.2015.309.1 with the additional General Condition (5) that the doors onto the verandah not remain in the open position prior to 8am.

The amendment was Put and Carried.

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

Against: Councillors Petschler and Reilly

16/071

The further Amendment became the **Motion** and was Put and **Carried**.

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

Against: Nil

9.2 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)

It was **Moved** by Councillors Way and Steel that Council grant development consent to development application 10.2015.232.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report and the addition of the following conditions:

- (1) That Council and the developer enter into a Deed of Agreement prior to the commencement of any work on Lot 52 DP 884475 Fern Street Gerringong inclusive of the following terms –

Upon completion of the landscaping program of works by Council on Lot 53 DP 884475 the developer shall within one month of the completion of those works remove that portion of glass balustrading immediately adjacent to the access stairs, as provided as a result of those works by Council, between Lots 53 and 52 DP 884475.

- (2) The proposed 1.5m high glass balustrade adjacent to the north eastern curved portion of the proposed deck shall be reduced in height to 1.0m maximum height.

16/072

An Amendment was moved by Councillors Sloan and Reilly that Council grant development consent to development application 10.2015.232.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report and the addition of the following conditions:

- (1) That Council and the developer enter into a Deed of Agreement prior to the commencement of any work on Lot 52 DP 884475 Fern Street Gerringong inclusive of the following terms –

Upon completion of the landscaping program of works by Council on Lot 53 DP 884475 the developer shall within one month of the completion of those works remove all balustrading as provided as a

result of those works by Council, between Lots 53 and 52 DP 884475.

- (2) Any temporary balustrade be limited to no more than 1.0 metre in height and only be located east of the proposed stairs.
- (3) No balustrade be permitted on the western Fern Street side of the development with continuous paved steps to be provided if required.
- (4) No roof structure be installed on Lot 52 any further west of the proposed verandah line of Lot 51.

The amendment was Put and Carried.

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

Against: Councillors Seage, Steel and Way

16/073

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

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

Against: Councillors Steel and Way

16.1 Additional Information for the Director of Environmental Services Report 9.3.

16/074

Committee recommendation that Council accept the inclusion of the information contained in this report and consider it in conjunction with the information contained in the report by the Director of Environmental Services 9.3 contained within this business paper.

(Councillors Steel and Sloan)

9.3 Lot 12 DP 664055 & Lot 1 DP 25919, 22 Stafford Street Gerroa - General store & dwelling alterations & additions (10.2015.169.1)

16/075

Committee recommendation that Council defer consideration of this Development application 10. 2015.169.1, pending discussions with the applicant with a view to modifying the height of the roof.

(Councillors Steel and Sloan)

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

Against: Councillors Honey and Way

8 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Matters pertaining to the Report of the Director Environmental Services were dealt with at Item 8 Public Access Reports.

9 REPORT OF THE GENERAL MANAGER

10.1 Community Engagement Strategy

16/076

Committee recommendation that Council endorses the Community Engagement Strategy as the principle document to guide Council engagement with stakeholders.

(Councillors Sloan and Way)

10.2 Gerringong Surf Music Festival 2016

16/077

Committee recommendation that Council provides \$2000 sponsorship to the Gerringong Surf Music Festival to be funded from Council's Events budget.

(Councillors Sloan and Way)

10 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Leisure Centre - Proposed Extension

16/078

Committee recommendation that Council:

- 1 Accepts the tender submitted from Tenderer 2, as listed in the enclosure, for the extension to the aerobics room and provide an internal spin room at the Kiama Leisure Centre.
- 2 Approves a total budget of \$150,000 for the extension to the aerobics room and provide an internal spin room at the Kiama Leisure Centre.

(Councillors Reilly and Sloan)

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

Against: Nil

11.2 Interstate Conference - 2016 Caravan Industry Association of Australia National Conference*16/079***Committee recommendation** that Council:

- 1 Grants approval for Council's Holiday Parks Coordinator and a Councillor or Senior Officer, to attend the 2016 Caravan Industry Association of Australia National Conference on the Gold Coast from 11-13 May 2016.
- 2 Seek a detailed report on the Conference from the staff member attending.

(Councillors Seage and McClure)

11 REPORT OF THE CHIEF FINANCIAL OFFICER**12.1 Statement of Investments - January 2016***16/080***Committee recommendation** that the information relating to the Statement of Investments for January 2016 be received and adopted.

(Councillors Sloan and Way)

12.2 Statement of Investments - February 2016*16/081***Committee recommendation** that the information relating to the Statement of Investments for February 2016 be received and adopted.

(Councillors Sloan and Way)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**13.1 Assignment of Lease - Seven Mile Beach Kiosk, Gerroa***16/082***Committee recommendation** that Council:

- 1 Agree to the assignment of the current lease of the Seven Mile Beach Kiosk located on crown reserve (R83972) from Kylie Pickett and Kevin Chilver to David Rowe, Janet Rowe and Carly Condy subject to the formal approval of Department of Primary Industries (Lands).
- 2 Seek the approval of Department of Primary Industries (Lands) to an extension of the current lease for a further two year period as well as clarification of the

timing for competitive tender process for future management of the kiosk operation.

- 3 Give delegated authority to the General Manager and Mayor to sign all documentation associated with the lease assignment including the seal of Council.

(Councillors Sloan and Way)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Kiama Cultural Board Minutes and Arts Honour Roll

16/083

Committee recommendation that Council:

- 1 Note the January and March Cultural Boards minutes.
- 2 Note the Cultural Board's advice regarding the Arts Honour Roll and endorse the Arts Honour Roll selection criteria as they currently stand.

(Councillors Sloan and Way)

14.2 7th Global Conference of the Alliance for Healthy Cities

16/084

Committee recommendation that Council defer nomination of a Councillor to attend the 7th Global Conference of the Alliance for Healthy Cities pending advice on the merger proposal.

(Councillors Seage and Honey)

14.3 Cultural Grants Summer Round

16/085

Committee recommendation that Council approve the recommended Cultural Grants applications for funding.

(Councillors Sloan and Way)

14.4 Gerringong CBD CCTV

16/086

Committee recommendation that Council endorse the Kiama CCTV Working Groups recommendation to appoint GS Security to supply and install a standalone CCTV system in Gerringong CBD, as specified in the Request For Quote (RFQ)

document released 29 January 2016 and closed 26 February 2016.

(Councillors Sloan and Way)

14 REPORTS FOR INFORMATION

16/087

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

- 15.1 Minnamurra Progress Association Meeting - Minutes
- 15.2 Reporting on Council's 2013/17 Delivery Program
- 15.3 Minutes of the Kiama Youth Advisory Committee meeting held 2 March 2016
- 15.4 Community Care Support Program - Respite Weekend in Ulladulla
- 15.5 Library Service - World Read Aloud Day
- 15.6 Review of Council's Privacy Management Plan
- 15.7 Parking Statistics - January 2016
- 15.8 Jamberoo Valley Ratepayers & Residents Association Inc - Minutes
- 15.11 Hospital Redevelopment Project - EOI for Architect and Project Management Services
- 15.12 Towards new local government legislation: Proposed Phase 1 Amendments.
- 15.13 Playground equipment for young people 9 - 14 years old
- 15.14 Kiama Liquor Accord - Minutes - 24 February 2016
- 15.15 Regional Development Australia (RDA) Illawarra - CEO's Report
- 15.16 Department of Planning and Environment - Options for Low Rise Medium Density Housing as Complying Development
- 15.17 Combining strategic planning and design committees
- 15.18 2016 National General Assembly of Local Government - Call for Motions
- 15.19 NSW Biodiversity Review
- 15.20 Illawarra Pilot Joint Organisation
- 15.21 Infrastructure Australia.

(Councillors Sloan and Way)

15.9 Colour of town centre bollards -

16/088

Committee recommendation that Council contact organisations for the vision impaired for advice on recommended colours for the visually impaired.

(Councillors McClure and Sloan)

15.10 Boats and caravans parking on footpaths -**16/089**

Committee recommendation that a report be provided to Council on the suitability for boat and caravan parking at:

- 1 the former Sydney Water site at Gainsborough
- 2 the former Waste Depot site at Gerroa
- 3 other potential Council owned sites.

(Councillors Steel and Seage)

RESUMPTION OF ORDINARY BUSINESS**16/090**

Resolved that at this time, 7.20pm, 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 Seage)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**16/091**

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 16/069 to 16/090 above.

(Councillors Sloan and Way)

15 ADDENDUM TO REPORTS

Matters pertaining to the Addendum to Reports:

- 16.1 Additional Information for the Director of Environmental Services Report 9.3
 - 16.2 Proposed Merger of Shoalhaven and Kiama Councils
 - 16.3 Minutes of the Extraordinary Council meeting held on 14 March 2016
- were dealt with earlier in the meeting.

16 NOTICE OF MOTION

Nil

17 QUESTIONS WITHOUT NOTICE

18.1 Restricted Parking in Shoalhaven Street, Kiama

Councillor McClure requested that a report be undertaken on installing timed parking to the eastern side of Shoalhaven Street, opposite the Penny Whistler café. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.2 Restricting pedestrians and cyclists on Minnamurra Bends

Councillor McClure requested that a report be undertaken on the restriction of access to pedestrians, cyclists, scooters, skateboards, etc along the Minnamurra Bends, Riverside Drive from the Oxley Avenue intersection. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.3 Request signage at Federal Street, Minnamurra be modified

Councillor McClure requested that the signage at the Federal Street, Minnamurra rail bridge be modified as currently the “Stop” sign east of the bridge also has a “No Stopping” sign attached. The Mayor referred this matter to the Director of Engineering and Works for investigation.

18.4 Residential parking permits

Councillor Seage requested that an investigation be undertaken into parking permits being made available to residents that reside in the Kiama CBD and have no parking facilities available to them. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.5 Implication of the use of Glyphosphate in weed control

Councillor Sloan requested that a report be prepared outlining the implication of the World Health Organisation’s upgrading of the health risk of Glyphosphate from a “possible” carcinogen to a “probably” human carcinogen status and what alternatives are available for weed control in urban areas. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.6 Installation of “No Standing” signs at Saddleback Mountain Road, Kiama

Councillor Sloan requested that an investigation be undertaken into the temporary measure of replacing the “No Stopping” signs on Saddleback Mountain Road adjacent to Kiama High School with “No Standing” signs to enable students to be legally dropped off on the school side of the road. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.7 Planning Alerts Organisation

Councillor Sloan requested that an update be provided on the availability of Council development assessment data to the Planning Alerts organisation. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.8 Safety measures at Federal Avenue, Minnamurra

Councillor Rice requested that a report be prepared on the safety measures at the Federal Avenue underpass, including why the mirror that was once installed is no longer operational. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.9 Lighting at the Collins Street petrol station

Councillor Rice requested that a report be prepared on the influence that Council may have on the brightness of the petrol station lighting in Collins Street, Kiama. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.10 Impact of extra bins at Kiama Harbour

Councillor Rice requested that a report be prepared detailing the outcome of the study undertaken on the impact of extra rubbish bins being installed around Kiama Harbour on reducing fishing tackle litter. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.11 Biodiversity Conservation Act impact

Councillor Rice requested that a report be prepared detailing the impact that the new Biodiversity Conservation Act will have on the workload of Council officers called to assess land clearing proposals. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.12 Design standards for signage

Councillor Reilly requested that a report be prepared on the development of a design standard that covers colours, styles and signage for all Municipality infrastructure. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.13 Collins Street notice board removal

Councillor Reilly requested that the neglected notice board on Collins Street, Kiama near Collins Lane be removed. The Mayor referred this matter to the Director of Engineering and Works for investigation.

18.14 Installation of mirror at Kiama Harbour

Councillor Reilly requested that a report be prepared on the installation of a mirror where the new harbour road meets the Holiday Park cabins. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.15 Coral trees on land between the South Coast rail line and South Kiama Drive

The Mayor, Councillor Petschler requested that the coral trees that have been cut down be removed, along with the fallen branches on the land at the corner of South Kiama Drive and Manning Street, Kiama. The Mayor referred this matter to the Director of Environmental Services for investigation.

18.16 Bait vending machines

Councillor Steel requested that an update be provided on the installation of the bait vending machines to be installed. The General Manager advised that the machines had been installed at the Holiday Parks at Kendalls Beach and Werri Beach and that contact details for the Scout Association had been provided to the vendors for installation of a machine at the Scout Hall at Kiama Harbour.

18.17 Red garbage bin service

Councillor Steel requested that a report be prepared on increasing the red garbage bin service to weekly in the waste zones receiving the OK Organics service due to complaints about odours from nappies and prawns. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18 CONFIDENTIAL SUMMARY

16/092

Resolved that at this time, 7.31pm, 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:*16/093*

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 THE PAVILION 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 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.

20.2 KIAMA HOSPITAL PROJECT - ASSESSMENT OF EOI - ARCHITECT AND PROJECT MANAGER

Reason for Confidentiality: This matter deals with 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. .

(Councillors Steel and Sloan)

19 CONFIDENTIAL REPORTS**20.1 The Pavilion Kiama***16/094*

Resolved that Council awards the Licence to Market, Manage and Cater for Weddings held at The Pavilion Kiama to Culinarius Catering and Fine Foods for the period 1 July 2016 to 30 June 2019.

(Councillors Way and Steel)

20.2 Kiama Hospital Project - Assessment of EOI - Architect and Project Manager*16/095*

Resolved that Council endorse the following shortlisted applicants to be invited to tender for the Kiama Hospital project:

Architects:

1. Boffa Robertson
2. Design Inc

3. NBRS + Partners
4. Thomson Adsett Architectural Services
5. Edmiston Jones/ Graham Bell Bowman
6. Calder Flower

Project Managers:

1. EPM Projects
2. APP Corporation
3. CPS Property & Infrastructure Project Managers
4. EDM Equity Development Management
5. Savills Project Management
6. Heymann Cohen
7. TSA Management

(Councillors Reilly and Rice)

Close of Confidential Committee of the Whole:

16/096

Resolved that at this time, 7.34pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

Adoption of Report

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

16/097

Resolved that that the Confidential Committee of the Whole recommendations numbered 16/077 to 16/078 be confirmed and adopted.

(Councillors Seage and Rice)

20 CLOSURE

There being no further business the meeting closed at 7.38pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 26 April 2016.



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Mayor