



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 19 JULY 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 19 JULY 2016 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 Environmental Services, Director
Finance, Corporate and Commercial Services, Director
Engineering and Works and Director Community Services

1 APOLOGIES

Councillor Seage

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 28 June 2016

16/235

Resolved that the Minutes of the Ordinary Council Meeting held on 28 June 2016 be received and accepted, subject to the following amendment:

Item 9.3 - Lot 5204 DP 1210287 No 3 Bourrool Street, Kiama - Proposed attached dual occupancy and strata subdivision (10.2016.41.1) should read as follows:

That Council refuse development application 10. 2016.41.1 due to significant non-compliance with controls C2, C29 C42, C54 and potentially C26 of Chapter 4 of Development Control Plan 2012.

For: All

Against: Nil

(Councillors Steel and Rice)

4 BUSINESS ARISING FROM THE MINUTES

ITEM 15.26 – ILUKA RESERVE, RIVERSIDE DRIVE, KIAMA DOWNS – COUNCILLOR REILLY RAISED THE NEED FOR COUNCIL TO ADDRESS THE MANAGEMENT PLAN APPLYING TO THE SUBJECT LAND IN CONJUNCTION WITH THE GATEWAY PROPOSAL. COUNCILLOR REILLY FURTHER RAISED THE POSSIBILITY OF COUNCIL DEVELOPING INSTEAD COUNCIL OWNED LAND ON THE WESTERN SIDE OF RIVERSIDE DRIVE OPPOSITE ILUKA RESERVE, KIAMA DOWNS. THE MAYOR REFERRED THE MATTER TO THE GENERAL MANAGER FOR INVESTIGATION.

5 PUBLIC ACCESS

Garry Long - Item 9.3 – Modification of Consent – Lot 2 Hothersal Street (10.2000.246.3)

Richard Warfield - Item 9.4 – Lot 25 SP89199, 25/25 Noble Street, Gerringong, proposed variation to existing operating hours (10.2016.109.1)

Paul Davies - Item 9.4 – Lot 25 SP89199, 25/25 Noble Street, Gerringong – proposed variation to existing operating hours (10.2016.109.1)

6 MAYORAL MINUTE

6.1 Demystifying solar power

16/236

Resolved that Council endorse the information contained in this report being forwarded to the Kiama & District Chamber of Commerce for distribution to their members.

(Councillors Petschler and Sloan)

6.2 Re-election of Federal Member for Gilmore, Ann Sudmalis

16/237

Resolved that Council extend its best wishes to Mrs Ann Sudmalis MP on her re-election as the Member for Gilmore.

(Councillors Petschler and Steel)

Council held a minutes silence in memory of the 5,533 Australian lives lost in the Battle of Fromelles, France, on 19 July 1916, as well as in memory of the 84 innocent people killed at the recent Bastille Day attack in Nice, France.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - 5 July 2016

16/238

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held electronically on 5 July 2016 be received and accepted.

(Councillors Steel and Way)

COMMITTEE OF THE WHOLE

16/239

Resolved that at this time, 5.15pm, 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 Director Engineering and Works

Report of the Director Community Services

Addendum to Reports

(Councillors McClure and Way)

8 PUBLIC ACCESS REPORTS

16/240

Resolved that at this time, 5.15pm, Council bring forward and deal with the matters pertaining to the Public Access meeting.

(Councillors McClure and Way)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.3 Modification of Consent - No 2 Hothersal Street Kiama (10.2000.246.3)

16/241

Committee recommendation that Council approve modification of consent application 10.2000.246.3, pursuant to section 96(AA) of the Environmental Planning and Assessment Act 1979, for the modification of the Residential Flat Building at Lot 100 DP 1219840, 2 Hothersal Street Kiama subject to the conditions within this report.

(Councillors Steel and Reilly)

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

9.4 Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours (10.2016.109.1)

16/242

Committee recommendation that Council approve development application 10.2016.109.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Honey and Way)

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

9.1 Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension (10.2016.81.1)

16/243

Committee recommendation that Council defer consideration of this matter.

(Councillors Way and Reilly)

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

9.2 Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit

16/244

Committee recommendation that :

1. Council adopt the attached 'draft' revised Chapter 5 – Medium Density Development for inclusion within Kiama Development Control Plan 2012.

(Councillors Sloan and Reilly)

2. Council endorse the expressions of interest in regard to appointment to the architectural panel giving advice on medium density development to Council Development Assessment Unit.

(Councillors Way and Reilly)

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

Against: Nil

9.5 Draft Amendments to Kiama DCP 2012 - Chapter 32 – Cedar Grove Stage 2

16/245

Committee recommendation that Council adopt the attached version of Chapter 32 – Cedar Grove Stage 2 subject to amendments providing clarification in relation to lots smaller than 450 square metres.

(Councillors Sloan and Honey)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.1 Appointment of Local Controller - NSW SES Kiama Municipality

16/246

Committee recommendation that Council endorses the appointment of Christopher Warren as the Local Controller for the Kiama State Emergency Service Unit.

(Councillors Steel and Sloan)

10.2 Slam Down Under Masters Wheelchair Basketball Tour - request for funding support.

16/247

Committee recommendation that Council supports the Slam Down Under Masters Wheelchair Basketball Tournament through a donation of the hire fees of the Kiama Leisure Centre and promotes the event through Council and Tourism websites and social media channels.

(Councillors Steel and Sloan)

10.3 Markets - Request for Assistance

16/248

Committee recommendation that Council endorses the reduction of the market stall holder fee from \$9 to \$4 for the Kiama Seaside, Farmers and the Makers & Growers Markets whilst Black Beach is unavailable for two (2) months from the beginning of July to 1 September 2016.

(Councillors Steel and Sloan)

10.4 Joint Organisations

16/249

Committee recommendation that Council endorse the comments made in this report in relation to the proposed joint organisation model.

(Councillors Steel and Sloan)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - June 2016

16/250

Committee recommendation that the information relating to the Statement of Investments for June 2016 be received and adopted.

(Councillors Steel and Sloan)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Kevin Walsh Oval amenities building renewal, Jamberoo

This item was replaced by item 15.1 in the Addendum to Reports.

15 ADDENDUM TO REPORTS

16/251

Resolved that at this 5.40pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Steel and Honey)

15.1 Kevin Walsh Oval amenities building renewal - replaces Item 12.1

16/252

Committee recommendation that Council:

1. proceed with the advertising of public tenders for the construction and refurbishment of the Kevin Walsh Amenities Building.
2. re-allocate 2016/17 project funding to cover the expected funding shortfall, from either:
 - a) the Kiama harbourside crib-wall replacement, pending the storm damages

- insurance claim outcome; or
b) the deferral of the Blowhole Point tennis court bank stabilisation works.

(Councillors Steel and Sloan)

12.2 2016/2017 Plant Replacement Program - purchase 11 Plant items

16/253

Committee recommendation that Council purchase:

1. seven (7) Ford Ranger utilities from Harrigan Ford with a total capital value of \$199,245 + GST
2. one (1) Isuzu FRR 110-260 truck and body from Dwyers Truck Centre with a total capital value of \$158,456 + GST
3. one (1) Hino 917 truck with Garwood compaction body from Illawarra Hino with a total capital value of \$177,388 + GST
4. one (1) road sweeper from Bucher Municipal with a total capital value of \$330,835 + GST
5. one (1) Mack Trident truck and dog trailer from Southern Truck Centre with a total capital value of \$373,759 + GST

(Councillors Steel and Sloan)

12.3 Bicycle safety rails - grant funding acceptance

16/254

Committee recommendation that Council accept the grant funding offer from the Roads and Maritime Services and delegate authority for the General Manager to sign the funding agreement.

(Councillors Steel and Sloan)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

Nil

14 REPORTS FOR INFORMATION

16/255

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

- 14.1 Question for future meeting: underpass on Federal Street, Minnamurra
- 14.3 South Precinct Meeting Minutes
- 14.4 Questions for Future Meetings - 2011 Urban Strategy

- 14.5 Economic Development Committee Meeting Minutes
- 14.6 Investment Options
- 14.7 Bert Flugelman Sculpture, Making Waves, Installation and Unveiling
- 14.8 Kiama Ice Forum - Methamphetamine and our Community
- 14.9 Minutes of the Kiama Access Committee held 8 July 2016
- 14.11 Town Centre Footpath Bollard Colours
- 14.12 World Junior Surfing Championships 2017/2018
- 14.13 Local Government NSW - Policy Review
- 14.14 Questions For Future Meetings Register as at 11 July 2016
- 14.15 National General Assembly Canberra - 19-22 June 2016
- 14.16 Biodiversity Reforms submission from Kiama Municipal Council, submitted to the Office of Environment and Heritage – Biodiversity Reforms Team – 28 June 2016
- 14.17 Councillor Meeting Register
- 14.18 Regional Cooperation and Development Forum

(Councillors Steel and Sloan)

14.2 Parking Statistics - June 2016

16/256

Moved by Councillor McClure and seconded by Councillor Steel that Council writes to Australia Post seeking advice on what times of the day they actually collect mail from the Terralong Street post box.

The **Motion** was Put and Carried.

14.10 Regional Tourism Organisation (RTO) Review Announcement -

16/257

Moved by Councillor Reilly and seconded by Councillor McClure that Kiama Municipal Council re-visit our relationship with our local Board of Tourism by the setting up of an advisory committee (possibly out of the Economic Development Committee) to explore how the new Destination Network may improve our strategic position and in doing so review our tourism structure and that a report come back to Council on the structure and objectives of the committee.

The **Motion** was Put and Carried.

RESUMPTION OF ORDINARY BUSINESS

16/258

Resolved that at this time, 6.07pm, 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 McClure)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

16/259

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 1/235 to 16/258 above.

(Councillors Steel and Sloan)

16 NOTICE OF MOTION

Nil

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Pedestrian Crossings

Councillor McClure requested a report be supplied to confirm that all pedestrian crossings are of approved standard. This includes road markings, signage, plantings and additionally markings for pedestrian awareness. In the event that there is work required, the report should identify this.

The Mayor referred this matter to the Director Engineering and Works for investigation and report.

17.2 Release of confidential documents

Councillor McClure requested a report be provided confirming if and when confidential reports can become public. This would also include confidential recorded meetings.

The Mayor referred this matter to the General Manager for investigation and report.

17.3 Council acknowledgement

Councillor Rice advised that at the April meeting, Council resolved to contact the Safe Schools Coalition and register its interest in becoming a supporter. Although the new Inner West Council is already listed on their website as being a supporter, Kiama's support is not yet acknowledged. Councillor Rice asked what action has been taken by Kiama Council in relation to this matter?

The Mayor referred this matter to the Director Community Services who advised the paperwork has been completed and is to be submitted as soon as possible.

17.4 Consent regarding hours of operation

Councillor Reilly asked under what consent can the garage/newsagency at the top of Manning Street operate on a 24/7, 365 day basis given the recent renovations and extension.

The Mayor referred this matter to the Director Environmental Services for investigation and report.

18 CONFIDENTIAL SUMMARY

16/260

Resolved that at this time, 6.11pm, 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.

18.1 Exclusion Of Press And Public:

16/261

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.

19.1 COUNCIL OWNED LAND AT THE CORNER OF SHOALHAVEN AND AKUNA STREETS, KIAMA (LOT 200 DP 1017091, LOT 100 DP 1211384) AND THE FORMER MITRE 10 SITE (LOT 1 DP 50674 AND LOT 1 DP 50193) TERRALONG STREET AND AKUNA STREET, 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. .

(Councillors Way and Honey)

19 CONFIDENTIAL REPORTS

19.1 Council owned land at the corner of Shoalhaven and Akuna Streets, Kiama (Lot 200 DP 1017091, Lot 100 DP 1211384) and the former Mitre 10 site (Lot 1 DP 50674 and Lot 1 DP 50193) Terralong Street and Akuna Street, Kiama

16/262

Resolved that Council:

1. confirm the sale price and option terms; and
2. enter into the Option Agreement subject to advice from ALDI regarding their agreement.
3. advise that any proposal to lease space below or above the laneway that separates the sites will be subject to a rental based on valuation.

(Councillors Way and Sloan)

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

Against: Councillors McClure and Reilly

Close of Confidential Committee of the Whole:

16/263

Resolved that at this time, 6.26pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Honey)

Adoption of Report

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

16/264

Resolved that that the Confidential Committee of the Whole recommendation numbered 16/262 be confirmed and adopted.

(Councillors Sloan and Way)

20 CLOSURE

There being no further business the meeting closed at 6.26pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 August
2016

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Mayor

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General Manager