



# **MINUTES OF THE ORDINARY MEETING OF COUNCIL**

**commencing at 5pm on**

**TUESDAY 26 APRIL 2016**

**Council Chambers 11 Manning Street, KIAMA NSW 2533**

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 26 APRIL 2016 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:** Acting General Manager, Acting 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.”*

### **SUSPENSION OF ORDINARY BUSINESS**

**16/105**

**Resolved** that at this time, 5.02pm ordinary business be suspended to allow for Public Access to proceed as Monday was a public holiday.

(Councillors Way and Rice)

### **3 PUBLIC ACCESS**

Mr David Connelly – Item 15.27 Minutes of the Revenue Sub-committee meeting held 24 March 2016 (Iluka Reserve, Riverside Drive, Kiama Downs).

### **RESUMPTION OF ORDINARY BUSINESS**

**16/106**

**Resolved** that at this time, 5.12pm ordinary business be resumed.

(Councillors Way and Steel)

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 4.1 Ordinary Council Meeting on 15 March 2016

*16/107*

**Resolved** that the Minutes of the Ordinary Council Meeting held on 15 March 2016 be received and accepted.

(Councillors Way and Honey)

### 4.2 Extraordinary Council Meeting on 13 April 2016

*16/108*

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 13 April 2016 be received and accepted.

(Councillors Way and McClure)

## 5 BUSINESS ARISING FROM THE MINUTES

Nil

## 6 MAYORAL MINUTE

### 6.1 Kiama Council Poll

*16/109*

**Resolved** that Council extends its appreciation for the community's strong support for no merger and urge all residents register their vote in the poll to be held on 7 May noting that pre-poll commences today.

(Councillors Petschler and Seage)

### 16.1 Commendation for Assistance to Victim of Shark Attack on 31 March 2016

*16/110*

**Resolved** that Council:

1. formally commends Mr Joel Trist for his brave action in assisting Mr Connellan following the shark attack at Bombo on 31 March 2016, and
2. extends its congratulations to those on the beach who provided life-saving assistance to Mr Connellan following the attack.

(Councillors Petschler and Way)

**16.2 Proposal for Merger with Shoalhaven City Council****16/111****Resolved** that Council:

1. again states its opposition to any proposed merger with the Shoalhaven; and
2. requests the Member for Kiama to ensure that the Kiama Council is appropriately represented in any interim governance arrangements that may result should a recommendation be received for such a merger.

(Councillors Petschler and Honey)

**SUSPENSION OF ORDINARY BUSINESS****16/112**

**Resolved** that at this time 5.24pm ordinary business be suspended to allow Councillor Seage to make a statement in relation to the Dawn ANZAC Ceremony held on 25 April 2016.

(Councillors Reilly and McClure)

**RESUMPTION OF ORDINARY BUSINESS****16/113**

**Resolved** that at this time 5.26pm ordinary business be resumed.

(Councillors Rice and Sloan)

**7 MINUTES OF COMMITTEES****7.1 Kiama Local Traffic Committee - Minutes - 5 April 2016****16/114**

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

(Councillors McClure and Rice)

**16/115**

**Resolved** that a request be made to the Traffic Committee to consider making a safe and consistent speed limit along South Kiama Drive, rather than the current mix of 80km and 50km zones.

(Councillors Reilly and Steel)

## **7.2 Streets and Reserves Naming Committee - Minutes - 30 March 2016**

**16/116**

**Resolved** that the Minutes of the Streets and Reserves Naming Committee meeting held on 30 March 2016 be received and accepted subject to an amendment to Item 2 which reads "He died on 26 April 2018" which should read "He died on 26 April 1918".

(Councillors Seage and Way)

## **7.3 Economic Development Committee Minutes - 1 March 2016**

**16/117**

**Resolved** that the Minutes of the Economic Development Committee Meeting held on 1 March 2016 be received and accepted.

(Councillors Reilly and Seage)

## **COMMITTEE OF THE WHOLE**

**16/118**

**Resolved** that at this time, 5.31pm, 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 Sloan and Rice)

## 8 PUBLIC ACCESS REPORTS

16/119

**Resolved** that at this time, 5.31pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Sloan and Rice)

### Information Report 15.27

#### Minutes of the Revenue Sub-Committee meeting held 24 March 2016

16/120

**Resolved** that Council provides a copy of the preliminary report and map to the residents who live near Iluka Reserve.

(Councillors Reilly and Way)

## 9 REPORT OF THE ACTING DIRECTOR ENVIRONMENTAL SERVICES

### 9.1 Kiama Development Control Plan 2012 – draft Chapter 32, Site Specific Controls - Cedar Grove Stage 2, Small Lot Development

16/121

**Committee recommendation** that Council endorses Draft Chapter 32 – Cedar Grove Stage 2 to be placed on public exhibition for twenty-eight (28) days for the purpose of receiving public submissions.

(Councillors Sloan and Rice)

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

Against: Nil

### 9.2 Proposed demolition and erection of 7 residential units, No 133 Manning Street Kiama (10.2015.317.1)

16/122

**Committee recommendation** that Council approves Development Application 10.2015.317.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the demolition of all structures on the land and the erection of 7 residential units at No 133 Manning St Kiama subject to the conditions within this report.

(Councillors Steel and Sloan)

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

Against: Nil

**9.3 Minutes of the Local Environmental Plan Review Committee Meeting held on 5 April 2016 - Proposed draft amendments to Chapter 5, Medium Density, of DCP 2012**

**16/123**

**Committee recommendation that :**

1. Council endorses the minutes of the Local Environmental Plan Review Committee meeting held on 5 April 2016.
2. Council resolves to place on public exhibition the draft Chapter 5 Medium Density Development of Kiama DCP 2012.
3. upon expiry of the public exhibition period a further report be submitted to Council on the review of Chapter 5 Medium Density of Kiama DCP 2012.
4. Council congratulates and thanks Mr Mark Hitchcock for his excellent work with the review and amendments of Chapter 5 which reflects the provisions of SEPP 65 and the Apartment Design Guide and also Mr Patrick Mahedy for his presentation made to the Committee and his input into the proposed development standards.
5. expressions of interest be sought from architects to be appointed to a panel, from which attendance at relevant Development Assessment Unit (DAU) meetings will be selected on a rotational basis, to provide advice on design/character issues on medium density developments proposed in the Kiama Municipality.
6. an architectural review fee of \$850 be included for consideration in Council's draft 2016/17 Fees and Charges Schedule to provide a report and independent advice on design/character issues on medium density developments proposed in the Kiama Municipality.

(Councillors Seage and Steel)

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

Against: Nil

**10 REPORT OF THE ACTING GENERAL MANAGER**

**10.1 Draft Operational Plan 2016/2017**

**16/124**

**Committee recommendation that :**

1. Council places the draft Operational Plan 2016/2017 and draft Schedule of Fees and Charges 2016/2017 on public exhibition for 28 days from Friday 29 April until Tuesday 31 May 2016,
2. Council seeks the comments of the community on the content of the draft documents, and
3. a further report be provided to Council prior to the end of June 2016 outlining any comments received during the exhibition period and putting forward a 2016/2017 Operational Plan and Schedule of Fees and Charges for adoption.

(Councillors Way and Rice)

**10.2 Sponsorship Request - Inaugural Australian FootGolf Open - 26 - 29 May 2016 - Jamberoo Golf Course**

**16/125**

**Committee recommendation** that Council provides \$2,500 sponsorship to the inaugural Australian FootGolf Open to be funded from Council's Event budget.

(Councillors Steel and Sloan)

**11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES****11.1 Interstate Conference - Risk Management Institute of Australia (RMIA) Conference**

**16/126**

**Committee recommendation** that Council grants approval for Council's Risk Management Officer (Insurance) to attend the 2016 Risk Management Institute of Australia Conference in Melbourne from 16-18 November 2016.

(Councillors Steel and Sloan)

**11.2 Holiday Parks Advisory Committee**

**16/127**

**Committee recommendation** that Council:

1. endorses the nominations contained in this report to represent the holiday van owners of Werri Beach Holiday Park and Seven Mile Beach Holiday Park,
2. endorses the nomination of Sandra McCarthy to represent residents living in the vicinity of Werri Beach Holiday Park, and



3. amends the Terms of Reference to provide for seven representatives of holiday van owners endorsed by Council following an expression of interest process.

(Councillors Steel and Sloan)

## **12 REPORT OF THE CHIEF FINANCIAL OFFICER**

### **12.1 Statement of Investments - March 2016**

*16/128*

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

(Councillors Steel and Sloan)

### **12.2 Financial Report for the period ending 31 March 2016**

*16/129*

**Committee recommendation** that the revised budget for the period ending 31 March 2016 be received and adopted.

(Councillors Steel and Sloan)

## **13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**

### **13.1 Acquisition of land for Jamberoo cycleway extension Jamberoo**

*16/130*

**Committee recommendation** that Council:

1. dedicates a 5 metre section of land through Lots 1005 & 1006 DP1214101 as public road and accordingly classify the land as operational land; and
2. authorises the General Manager and Mayor to sign any documentation associated with the land dedication under the seal of Council.

(Councillors Steel and Sloan)

## **14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**

### **14.1 2016 Relay for Life Request for support**

*16/131*

**Committee recommendation** that Council support the 2016 Relay for Life through

the donation of the Reserve Hire Fees, provision of waste services and other incidentals.

(Councillors Steel and Sloan)

#### **14.2 Blue Haven Care Proposal to attend overseas conference**

**16/132**

**Committee recommendation** that Council:

1. endorses the Nurse Educator at Blue Haven Care Home to attend the Enhancing Practice Conference 2016 in Edinburgh, Scotland and the payment of the registration fee.
2. when considering the report from the Nurse Educator, also consider reimbursement to her of the costs of airfare and accommodation associated with this Conference.

(Councillors Reilly and Seage)

#### **14.3 Kiama Hospital Project Update and Capital Expenditure Review**

**16/133**

**Committee recommendation** that Council:

1. notes the information provided as a project update
2. endorses the submission of the updated Capital Expenditure Review to the Office of Local Government

(Councillors Steel and Sloan)

### **15 REPORTS FOR INFORMATION**

**16/134**

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

- 15.1 Question Without Notice - Biodiversity Conservation Act Impact on Staff
- 15.2 Kiama Tourism and Kiama Municipal Council - Memorandum of Understanding
- 15.3 Restricting pedestrians and cyclists on 'Minnamurra Bends'
- 15.4 Resident Parking Permits
- 15.5 Installation of 'No Parking' signs at Saddleback Mountain Road, Kiama

- 15.7 Question Without Notice - Lighting at the Collins Street Petrol Station
- 15.8 Youth Week 2016
- 15.9 Disclosure of Pecuniary Interest - Designated Persons
- 15.10 South Precinct Meeting Minutes
- 15.11 Parking Statistics - February and March 2016
- 15.12 Regional Illegal Dumping Compliance Officer - Quarterly Return 1 January to 31 March 2016
- 15.13 Section 94 Development Funds
- 15.14 Kiama Access Committee 4 March 2016 meeting minutes
- 15.15 Review of the Local Government Rating System - Issue Paper release
- 15.18 Question Without Notice - Planning alerts
- 15.19 Question Without Notice - Increasing the red bin service to weekly in the waste zones receiving the OK Organics
- 15.20 Youth Advisory Committee Meeting Minutes
- 15.21 Question Without Notice - Coral trees on land at the corner of South Kiama Drive and Manning Street, Kiama
- 15.23 Music In the Park
- 15.24 2016 Local Government NSW Tourism Conference
- 15.25 Questions Without Notice Register as at 18 April 2016
- 15.26 Local Government and Shires Association of New South Wales – Election of Board of Directors
- 15.27 Minutes of the Revenue Sub-Committee meeting held 24 March 2016.

(Councillors Honey and Reilly)

### **15.6 - Installation of mirror at Kiama Harbour**

**16/135**

**Resolved** that Council urge the Traffic Committee to review this report and look at options to assist.

(Councillors Reilly and Seage)

### **15.16 - Council land suitable for boat and caravan parking**

**16/136**

**Resolved** that Council review the list and look at other sites that might be available for the purpose of boat and caravan parking, which include the quarry buffer zone at Gainsborough and Council's Holiday Parks during off-peak season, and review current approved land uses in Council's LEP with a view to identifying zones suitable for such storage facility.

(Councillors Steel and McClure)

**15.17 - Kiama Health & Sustainability Committee****16/137**

**Resolved** that the following amendments to the report be made:

**Point 1** – the changed circumstances of several committee members means that a quorum is unlikely to be reached.

**Point 2** – strike out from “However” to the end of paragraph to “meetings”.

(Councillors Rice and Sloan)

**15.22 - Question Without Notice - Impact of extra rubbish bins being installed around Kiama Harbour to reduce fishing tackle litter****16/138**

**Resolved** that Council

1. seeks advice from Wollongong Council about how their receptacles in the immediate vicinity of the fishers work, information on maintenance and the success of these; and
2. asks all stakeholders if there has been a decrease in incidents of bird injuries since we installed the extra bins.

(Councillors Rice and Sloan)

**RESUMPTION OF ORDINARY BUSINESS****16/139**

**Resolved** that at this time, 6.25pm, 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 Reilly)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT****16/140**

**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 16/119 to 16/138 above.

(Councillors Steel and Sloan)

## 16 ADDENDUM TO REPORTS

The Addendum to Reports were included as part of the Mayoral Minutes earlier in the meeting.

## 17 NOTICE OF MOTION

### 17.1 7th Global Conference of the Alliance for Healthy Cities

#### 16/141

**Resolved** that Council rescind the motion against Committee Recommendation 16/084 made in relation to the report of the Director Community Services at the Council Meeting held on 15 March 2016 in relation to the 7<sup>th</sup> Global Conference of the Alliance for Healthy Cities.

(Councillors Way and Reilly)

#### 16/142

**Resolved** that Council nominates Councillor Rice to attend and submit an abstract to the 7<sup>th</sup> Global Conference of the Alliance for Healthy Cities as Council's representative.

(Councillors Reilly and Sloan)

### 17.2 Safe Schools Coalition

#### 16/143

**Resolved** that Council contacts the Safe Schools Coalition and registers its interest in becoming a supporter.

(Councillors Rice and Sloan)

## 18 QUESTIONS WITHOUT NOTICE

### 18.1 Chapter 9 - Kiama Development Control Plan, Car Parking Requirements

At the meeting of 10 February 2015 a revised version of Chapter 9 – Kiama Development Control Plan, Car Parking Requirements was presented to Council for endorsement. At that meeting Council resolved some further amendments to the chapter and determined that Public Exhibition would be deferred until the Development Committee had been given opportunity to make submissions.

The resolution regarding this item did not appear in the Minutes of that meeting. In the 14 months since then, nothing further has been heard of reviewing this chapter.

Councillor Rice asked what the status of the Review of Chapter 9 DCP and have the amendments made by Council been recorded for inclusion in this process. The Mayor referred this matter to the Acting Director Environmental Services for investigation and report.

### **18.2 Brown Street Cutting**

Councillor McClure asked for a report on what can be done to improve the Brown Street cutting. At present the cutting appears unstable and provides no pedestrian access. The Mayor referred this matter to the Director Engineering and Works for investigation and report.

### **18.3 Kiama Harbour Moorings**

Councillor McClure asked for a report on what is the procedure currently in place for a member of the public to be able to obtain a mooring at Kiama Harbour. The Mayor referred this matter to the Director Engineering and Works for investigation and report.

### **18.4 Council Meetings - timing of supporting documentation**

Councillor McClure asked for a report on the action that could be taken to avoid last minute paperwork arriving on Councillors desks in the minutes prior to Council meetings to avoid rash decisions being made. The Mayor directed this matter to the Acting General Manager for investigation and report.

## **19 CONFIDENTIAL SUMMARY**

**16/144**

**Resolved** that at this time, 6.43pm, 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:**

**16/145**

**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 EXPRESSION OF INTEREST - SALE OF AKUNA/SHOALHAVEN STREET LAND, 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 Sloan and Steel)

## 20 CONFIDENTIAL REPORTS

### 20.1 Expression of Interest - sale of Akuna/Shoalhaven Street land, Kiama

16/146

**Resolved** that Council:

1. takes no further action with regard to the expressions of interest received during the marketing campaign for the sale of the Akuna Street Kiama site and withdraw the property from the market.
2. re-strategises the proposal for the sale of the Akuna Street site (for a retail supermarket) to include Council's car park located on the southern side of Akuna Street and Council's Mitre 10 site holdings, and proceed to a new marketing campaign for future sale of the combined sites or part thereof all the sites
3. seeks suitable new tenancy/tenancies for the Mitre 10 premises for short term leasing opportunities having regard to the potential for the site to be sold to a developer for incorporation with a redeveloped Akuna Street supermarket and mixed use precinct.
4. authorises the General Manager to proceed with appropriate Expressions of Interest and advertising arrangements to facilitate interest in and offers for acquisition of the sites to deliver a retail supermarket, public car parking provision and a pedestrian access link between Terralong Street and the Akuna Street precinct.

(Councillors Steel and Reilly)

### Close of Confidential Committee of the Whole:

16/147

**Resolved** that at this time, 6.53pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Sloan and Steel)

**Adoption of Report**

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

**16/148**

**Resolved** that that the Confidential Committee of the Whole recommendation numbered 16/146 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  
17 May 2016



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Mayor