



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 21 JULY 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 21 JULY 2015 AT 5PM**

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

IN ATTENDANCE: Acting General Manager, Director of Environmental Services,
Acting Director of Corporate and Commercial Services, Acting
Director of Engineering and Works and Director of Community
Services

1 APOLOGIES

An apology was tendered on behalf of Councillor M Way.

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.”

17 WITHDRAWAL OF NOTICE OF MOTION -

17.1 Western Access – Cedar Grove 2

Councillor Neil Reilly withdrew the Notice of Motion as it did not comply with Section 372 of the Local Government Act 1993 and foreshadowed that the Notice of Motion would be resubmitted to the next meeting of Council

15/228

Resolved that Council note the withdrawal of the Notice of Motion..

(Councillors Reilly and Honey)

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting on 16 June 2015

15/229

Resolved that the Minutes of the Ordinary Council Meeting held on 16 June 2015 be received and accepted.

(Councillors Seage and McClure)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Ms Glenys Day – Review of Determination - DA 10.2014.245.1 - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain

Mr Gary Wilson – Review of Determination - DA 10.2014.245.1 - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain

6 MAYORAL MINUTE

16.1 Celebration of NAIDOC Week

15/230

Committee recommendation that Council congratulates Holly Sanders on being awarded the NAIDOC Worker of the Year.

(Councillors Petschler and Reilly)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes

15/231

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 7 July 2015 be received and accepted.

(Councillors Steel and Rice)

7.2 Minutes - Streets and Reserves Naming Committee**15/232**

Resolved that the Minutes of the Streets and Reserves Naming Committee Meeting held on 8 July 2015 be received and accepted.

(Councillors Seage and Rice)

COMMITTEE OF THE WHOLE**15/233**

Resolved that at this time, 5.10pm, 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 Acting 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 Steel and Seage)

8 PUBLIC ACCESS REPORTS**15/234**

Resolved that at this time, 5.10pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Seage)

9.2 Review of Determination - DA 10.2014.245.1 - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain

Moved by Councillor Honey and seconded by Councillor Steel that Council, as a consequence of its review of the subject application, alter their determination by granting approval to the development application 10.2014.245.1, as amended in application for review, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and subject to draft conditions at the end of this report.

For: Councillors Honey, McClure, Seage and Steel

Against: Councillors Petschler, Reilly, Rice and Sloan

The MOTION was PUT and LOST on the Casting Vote of the Mayor

15/235

Committee recommendation that Council, as a consequence of its review of the determination of development application 10.2014.245.1, confirm their determination of refusal of the application as per resolution 15/008 for the reasons specified in this resolution.

(Councillors Reilly and Sloan)

For: Councillors Petschler, Reilly, Rice and Sloan

Against: Councillors Honey, McClure, Seage and Steel

The MOTION was PUT and CARRIED on the Casting Vote of the Mayor.

Councillor Steel foreshadowed the lodgement of a Rescission Motion on this item to the next meeting of Council.

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Draft Minnamurra River Coastal Zone Management Plan for public exhibition

15/236

Committee recommendation that Council adopt the final Minnamurra River Coastal Zone Management Plan.

(Councillors Steel and Seage)

9.3 Waste Processing and Disposal

15/237

Committee recommendation that Council

1. Rescind number "1" of Council resolution 14/197 adopted at its meeting of 16 September 2014 specific to SITA Australia being invited to submit a Request for Tender as outlined in the Expression of Interest (EOI Number KT-290514).
2. Invite SITA Australia to submit a Request for Tender for Part 1 and 3 as outlined in the Expression of Interest (EOI Number KT-290514) for Waste Processing and Disposal.
3. Having regard to Section 55, clause(3)(i) of the Local Government Act 1993, Council forms the view that the unavailability of competitive tenderers is an extenuating circumstance and that a satisfactory result would not be achieved by inviting tenders and as such, tenders will not be invited for the processing of mixed wastes from the Kiama Municipality as outlined in Part 2 the Expression of Interest (EOI Number KT-290514) for Waste Processing and Disposal.
4. Council authorise the General Manager to commence contract negotiations with SITA Australia, for the processing of mixed waste from the Kiama

Municipality at an approved Alternative Waste Treatment Facility.

- 5) Funding of \$10,000 be included Council's 2015-16 budget review process to finance expenditure for legal advice and the preparation of contract documentation. Such funding will be drawn from Council's Domestic Waste and Management Reserves.
- 6) A further report be submitted to Council on the outcome of negotiations between Council and SITA Australia, and prior to any contract being entered into.

(Councillors Steel and Seage)

9.4 Amendment to Chapter 12 of Kiama Development Control Plan 2012 – Short Term Rental Accommodation

15/238

Committee recommendation that :

1. Council endorse the amendments to Chapter 12 of Kiama DCP – Short Term Rental Accommodation, as outlined in this report and attachment hereto. Such amendments relate to the minimum requirements for STRA properties regarding waste bin size, being:
 - a. STRA which accommodate up to two guests must have a minimum 140 litre garbage bin (red lid bin)
 - b. STRA which accommodate more than two guests must have a minimum 240 litre garbage bin (red lid bin)
 - c. additional Best Practice Guidelines related to waste management.
2. The endorsed amendments be placed on public exhibition for a period of not less than 28 days.
3. Following public exhibition a further report be submitted to Council for consideration.

(Councillors Reilly and Sloan)

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

Against: Nil

10 REPORT OF THE ACTING GENERAL MANAGER

10.1 Submission of Motion to the Local Government NSW (LGNSW) Conference - Dam Funding

15/239

Committee recommendation moved by Councillor Sloan and seconded by Councillor Seage that:

1. Council submits the motion and supporting information referred to in this

report to the LGNSW annual conference and the motion be changed to read as follows

“That LGNSW writes to the State Government seeking financial support from the State Government for councils burdened with the ongoing cost of complying with the requirements of the Dam Safety Committee for prescribed dams in the council’s ownership, particularly where ownership has been transferred from State Government entities, and where such dams are non-operational, recreational dams.”

2. Council seek confirmation of transfer of ownership from the Land Titles Office for Jerrara and Fountaindale Dams.

The MOTION was PUT and CARRIED.

10.2 Kiama Community of Schools - Celebration of Public Education - Request for Assistance

15/240

Committee recommendation that Council formally endorses the decision to donate the additional Waste Services costs for the Kiama Community of Schools’ Celebration of Public Education event in Hindmarsh Park to be held on 31 July 2015.

(Councillors Steel and Seage)

10.3 Use of Gerringong School of Arts Hall

15/241

Committee recommendation that :

1. Council endorses the exclusive use of the Gerringong School of Arts Hall as a temporary storage facility by the Gerringong & District Historical Society whilst refurbishment is undertaken on their existing storage facility.
2. Council donates the standard hall hire fees for the Gerringong School of Arts Hall for a period of up to two months.
3. If an extension of this period is required, the Gerringong Historical Society makes application to Council requesting a further extension of use.
4. Council’s Hall Hire Policy applies with the exception of any conditions relating to hire fees and charges

(Councillors Steel and Seage)

10.4 TripAdvisor - Certificate of Excellence - Saddleback Mountain Lookout**15/242**

Committee recommendation that Council sends a letter of appreciation to the Rotary Club of Kiama for their ongoing efforts with the maintenance and development of the Saddleback Mountain Lookout Reserve and that a framed copy of the TripAdvisor Certificate of Excellence is provided to the Rotary Club of Kiama.

(Councillors Steel and Seage)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**11.1 Strategic Tourism and Marketing Plan****15/243**

Committee recommendation that Council adopts the Draft Strategic Tourism and Marketing Plan dated 21 July 2015

(Councillors Steel and Seage)

11.2 Kiama Coast Holiday Parks - Sustainable Improvement Strategy and Masterplans**15/244**

Committee recommendation - moved by Councillor Seage and seconded by Councillor Reilly that Council:

1. notes the information from The Office of the Minister Lands and Water and the Manager South Coast Area NSW Department of Primary Industries - Lands in relation to the reduction of privately owned holiday vans situated on Crown Land in accordance with the Crown Lands Caravan Parks Policy 1990,
2. lifts the current No Sale and No Improvement policy at Werri Beach and Seven Mile Beach Holiday Parks, and
3. as previously endorsed, reviews the draft Sustainable Improvement Strategy and Masterplans in November 2015.

The MOTION and was PUT and CARRIED.

12 REPORT OF THE MANAGER CORPORATE SERVICES**12.1 Statement of Investments****15/245**

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

(Councillors Steel and Seage)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**13.1 Purchase of Plant Equipment****15/246**

Committee recommendation that Council purchase one Caterpillar 924K Wheel Loader from Westrac with a capital value of \$289,000 + GST.

(Councillors Steel and Seage)

**13.2 Gerringong Public School - Pedestrian Safety Project
RMS Grant funding****15/247**

Committee recommendation that Council

1. Accept the offer of grant funding for \$5000 from the RMS for the pedestrian safety improvements in Greta Street Gerringong.
2. Give delegated authority to the General Manager to enter into a funding agreement with the RMS.

(Councillors Steel and Seage)

13.3 Jamberoo Valley Cycleway - Grant funding acceptance**15/248**

Committee recommendation that Council:

1. Accept the offer of grant funding of \$100,000 from the RMS for the next stage of the Jamberoo Valley Cycleway .
2. Give delegated authority to the General Manager to enter into a funding agreement with the RMS.

(Councillors Steel and Seage)

13.4 Kiama Harbour boat trailer/ wash bays - RMS grant funding**15/249****Committee recommendation** that Council

1. Accept the offer of grant funding for \$40,000 from the RMS for the Kiama Harbour boat trailer parking and wash down bays.
2. Give delegated authority to the General Manager to enter into a funding agreement with the RMS.

(Councillors Steel and Seage)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**14.1 Blue Haven Advisory Committee
Expressions of Interest****15/250****Committee recommendation** that the following applicants be elected to the Blue Haven Advisory Committee:

Julie Bartlett
Ian Pullar
Sandra McCarthy
Pam Waters
Ian John Wilson
Alan Fowlie
Barry Wilson.

(Councillors Seage and Steel)

14.2 NSW Public Libraries Conference 2015**15/251****Committee recommendation** that Council approve the attendance of Councillor Rice at the NSW Public Libraries Conference.

(Councillors Sloan and Steel)

15 REPORTS FOR INFORMATION**15/252****Resolved** that the following Reports for Information listed for the Council's consideration be received and noted

15.1 NBN Network Rollout

- 15.2 Roads to Recovery - Additional Funds Announced
- 15.4 South Precinct Meeting Minutes
- 15.5 Jamberoo Residents & Ratepayers Association Minutes
- 15.6 Minnamurra Lions Club - AutumnFest 15
- 15.7 LGNSW Annual Conference 2015
- 15.8 Jamberoo Residents & Ratepayers Association - Letter of Thanks
- 15.9 Walking Tracks and Cycleways Committee - Minutes
- 15.10 Kiama Liquor Accord Meeting - Minutes - 27 May 2015
- 15.11 Continuation of funding for the Aged/Disability Sector Support Position
- 15.13 Making Cities Liveable and Safe Cities Conferences
- 15.14 CENTRAL Youth Service Programs and Events
- 15.15 Kiama Hospital Redevelopment
- 15.16 The Pavilion Kiama - Contract Termination Request
- 15.17 Minnamurra Progress Association
- 15.18 Kiama Access Committee
- 15.19 Economic Development Committee minutes- meeting date 23 June 2015
- 15.20 Chairing Effective Meetings Training for Councillors
- 15.21 Kiama Art Society Sponsorship
- 15.22 Smoke-free outdoor dining areas
- 15.23 Councillor Meeting Register
- 15.25 National Australia Day Conference 2015
- 15.26 Retention of Southern Councils Carer & Respite services by Kiama Council.

(Councillors Steel and Seage)

15.3 Parking Statistics - June 2015 -

15/253

Moved by Councillor McClure and seconded by Councillor Steel that:

1. a report on the prioritisation of parking enforcement in the Kiama CBD on busy weekends and market days be presented to Council.
2. Council investigate the legalities of the use of CCTV to monitor parking.

The MOTION was PUT and CARRIED

15.12 Blue Haven Care - Disability Services Third Party Verification -

15/254

Moved by Councillor Reilly and seconded by Councillor Sloan that the report be received and noted and that the staff of Blue Haven Care Disability Services be commended on their excellent work in achieving Third Party Verification.

The MOTION was PUT and CARRIED

15.24 Local Environmental Plan Review Committee - Minutes -**15/255**

Moved by Councillor Rice and seconded by Councillor Sloan that minutes of the meeting be edited to reflect that Councillor Honey was in attendance at the meeting and not Councillor Way. Further that the minutes be received and noted.

The MOTION was PUT and CARRIED

RESUMPTION OF ORDINARY BUSINESS**15/256**

Resolved that at this time, 6.35pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors McClure and Honey)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**15/257**

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 15/228 to 15/257 above.

(Councillors Steel and Sloan)

16 ADDENDUM TO REPORTS**16.1 Celebration of NAIDOC Week**

This item was dealt with at Item 6 Mayoral Minutes.

17 NOTICE OF MOTION**17.1 Western Access – Cedar Grove 2**

Councillor Reilly withdrew this item prior to Item 3 Confirmation of Minutes of Previous Meeting.

18 QUESTIONS WITHOUT NOTICE**18.1 Local Environmental Plan Review Committee -**

Councillor Rice advised that two objectives of the newly formed Local Environmental

Plan review committee are:

- To form a consistent and open path of communication from the community to the committee and Council; and
- To facilitate the dissemination of information to the community in regard to the operation and review of the LEP.

Councillor Rice requested a report that details how these two objectives will be comprehensively met as the committee goes about receiving and deliberating on the business before it. The Mayor referred this matter to the General Manager for investigation and report.

18.2 Display of Motions -

Councillor Seage requested that motions be displayed live on screen as they are being typed for Council review prior to voting. The Mayor referred this matter to the General Manager for investigation and report.

19 CONFIDENTIAL SUMMARY

20 CONFIDENTIAL REPORTS

Nil

21 CLOSURE

There being no further business the meeting closed at 6.39pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 August
2015

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Mayor

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General Manager