



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

**commencing at 5pm on**

**TUESDAY 15 DECEMBER 2015**

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 15 DECEMBER 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 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 Meeting on 17 November 2015**

**15/446**

**Resolved** that the Minutes of the Ordinary Meeting held on 17 November 2015 be received and accepted.

(Councillors Reilly and Way)

## **4 BUSINESS ARISING FROM THE MINUTES**

Nil

## **5 PUBLIC ACCESS**

Mr Peter Rein – Item 9.1 - Lot 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping and building material supplies; 5 additional units and strata subdivision of the resultant development (10.2015.122.1)

Mr Ron Davison - Item 9.1 - Lot 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware and associated landscaping and building material supplies; 5 additional units and strata subdivision of the resultant development (10.2015.122.1)

Mr David Kessler – Item 9.2 - Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling and swimming pool (10.2013.236.3)

Ms Jenny Buckley – Item 9.2 - Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling and swimming pool (10.2013.236.3)

Mr Ken Sandy – Item 9.4 - Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

Mr Darrell Clingan – Item 9.5 - Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments and Addition to Existing Carpark (10.2015.232.1)

Ms Catherine Telford – Item 9.5 - Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments and Addition to Existing Carpark (10.2015.232.1)

## **6 MAYORAL MINUTE**

### **6.1 Megan Dalley Award**

**15/447**

**Resolved** that Council congratulates Sash Apostoloski on the receipt of the ‘Megan Dalley Trainee of the Year Award’.

(Councillors Petschler and Sloan)

### **6.2 Robert East Award**

**15/448**

**Resolved** that Council congratulates Kate Sutton (Indoor) and Peter Salvatori (Outdoor) on the receipt of the ‘Robert East Community Service Award’ for 2015.

(Councillors Petschler and Way)

### **6.3 Lake Illawarra Local Area Commander Wayne Starling**

**15/449**

**Resolved** that Council thanks Superintendent Wayne Starling for the contribution he has made to the community of Kiama through his commitment to policing and community involvement and that a civic reception be held to formally recognise his work.

(Councillors Petschler and Steel)

#### 6.4 Season's Greetings to All

15/450

**Resolved** that Council extends to all, the wish for a happy and peaceful Christmas and for a peaceful and prosperous New Year.

(Councillors Petschler and Way)

#### 16.4 Fit for the Future - Submission to the NSW Government

15/451

**Committee recommendation** that Council:

- 1) Authorise the submission to be made to the NSW Government showing that Council will achieve "Fit for the Future" status as required by IPART by 2019/20, such submission to outline the manner in which that position will be reached.
- 2) Implement the actions identified in the review process to achieve Fit for the Future status.

(Councillors Petschler and Sloan)

### 7 MINUTES OF COMMITTEES

#### 7.1 Kiama Local Traffic Committee - meeting minutes - 1 December 2015

15/452

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 1 December 2015 be received and accepted.

(Councillors Reilly and Way)

#### 7.2 Blue Haven Advisory Minutes

15/453

**Resolved** that the Minutes of the Blue Haven Advisory Committee Meeting held on 2 December 2015 be received and accepted.

(Councillors Reilly and Way)

## COMMITTEE OF THE WHOLE

**15/454**

**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 Acting 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 McClure)

## 8 PUBLIC ACCESS REPORTS

**15/455**

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

(Councillors Rice and Honey)

### 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1)

**15/456**

**Committee recommendation** that Council, having considered the view sharing, streetscape and flood impacts raised in the Council report, also the applicants proposed amended plans (A4502 dated 11.12.15 prepared by bhi architects) and undertakings to lower the building height by a minimum of 2.35 metres along the entire eastern façade and addressing flooding issues, that, subject to the original objectors being contacted for comment and the satisfactory resolution of the above, delegation be granted to the General Manager to determine the application in the appropriate manner.

(Councillors Seage and Steel)

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

Against: Nil

**9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3)****15/457**

**Committee recommendation** that Council grant an exception, in accordance with Clause 4.6 of Kiama Local Environment Plan, in regard to maximum height of the subject development, as outlined in this report and approve modified Development Application 10. 2013.236.3, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report.

(Councillors Honey and Reilly)

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

Against: Nil

**9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley****15/458**

**Committee recommendation** that Council:

- 1) Endorse the Planning Proposal for “Additional Permitted” uses (as outlined in this report) on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley proceeding to the Department of Planning and Environment for a Gateway Determination.
- 2) Request plan making delegations for this proposal as a part of the Gateway determination if the Department of Planning and Environment determines that as a part of the Gateway determination that the planning proposal can proceed.
- 3) On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

(Councillors Honey and Reilly)

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

Against: Councillors Seage, Sloan, Steel and Way

**9.5 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 Reilly and Sloan that Council refuse DA 10.2015.232.1 in accordance with the Planning Principle for Public Domain Views established by the Land and Environment Court (Ref: Rose Bay Marina Pty Ltd V Woollahra

Municipal Council (2013) NSW LEC1046)

**15/459**

An amendment was moved by Councillors Seage and Steel that Council:

- 1) Defer the application to enable the holding of discussions with the applicant and seek amended plans.
- 2) Investigate the provision of a decking/paved area on Council's reserve to link with the leased area.

The Amendment was Put and Carried.

The Amendment therefore become the Motion and was adopted.

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

Against: Councillors McClure and Reilly

## **9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

### **9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan**

**15/460**

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

(Councillors Rice and Honey)

### **9.6 The Illawarra Shoalhaven Regional Plan**

**15/461**

**Committee recommendation** that Council's Director of Environmental Services, or his delegate, be nominated for membership to the Illawarra Shoalhaven Regional Plan Coordinating and Monitoring Committee.

(Councillors Seage and Sloan)

## **10 REPORT OF THE GENERAL MANAGER**

### **10.1 Buick Car Club of Australia**

**Moved** by Councillor Sloan and seconded by Councillor Honey that Council not make any donation towards the cost of the hire of the Black Beach Reserve to the Buick Car Club of Australia for their "show and shine" on 23 August 2016.

The **Motion** was put and **Lost**

15/462

**Committee recommendation** that Council donate 50% of the cost of the hire of Black Beach Reserve to the Buick Car Club of Australia for their “show and shine” on 23 August 2016.

(Councillors Reilly and Steel)

## 10.2 Kiama Rugby Sevens

15/463

**Committee recommendation** that Council provide support for the Kiama Rugby Sevens by:

- 1) Providing \$5,000 financial assistance;
- 2) Donating the use of the Pavilion and grounds; and
- 3) Carrying out the waste, recycling and cleaning services.

(Councillors Rice and Honey)

## 10.3 Bait and Tackle Vending Machines

15/464

**Committee recommendation** that Council:

- 1) Trial the installation of three bait and tackle vending machines in appropriate locations in the Municipality for a period of one (1) year with rental being a share of net profits generated from the vending machines totalling 15% per annum or \$1500 per annum, whichever is the greater. If practicable, that one (1) of the machines be located on the Kiama Scouts site subject to agreement of the Scouts.
- 2) Request signage be included in relation to litter reduction.

(Councillors Rice and Honey)

## 10.4 Councillor Expenses Policy

15/465

**Committee recommendation** that Council adopt the amended Payment of Expenses and Provision of Facilities Policy.

(Councillors Rice and Honey)



## 11 REPORT OF THE ACTING DIRECTOR CORPORATE AND COMMERCIAL SERVICES

### 11.1 The Pavilion Kiama - Expressions of Interest for catering for all events other than Weddings

15/466

**Committee recommendation** that Little Blowhole Café, Crust and Crumb, Culinarius and Flagstaff Group be included on a panel of preferred caterers for all events other than weddings at The Pavilion Kiama.

### 11.2 Tender for the Licence to Operate The Pavilion Kiama for Weddings

15/467

**Committee recommendation** that Council delegates authority to the General Manager to enter into direct negotiations with interested parties in relation to the provision of wedding marketing, management and catering services at The Pavilion Kiama.

## 12 REPORT OF THE MANAGER CORPORATE SERVICES

### 12.1 Statement of Investments

15/468

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

(Councillors Rice and Honey)

## 13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 13.0 Retirement - Director Engineering and Works, Bryan Whittaker

15/469

**Resolved** that Council pass on its appreciation to the Director of Engineering and Works for his 42 years of dedicated service, and wish him well in his retirement.

(Councillors Petschler and Way)

**13.1 Plant Replacement***15/470*

**Committee recommendation** that Council purchase one (1) Isuzu FVD 1000 with Berry Howe body from Dwyers Truck Centre with a total capital value of \$176,857 + GST.

**13.2 Report on public exhibition of concept design for refurbishment of Kevin Walsh Oval amenities building***15/471*

**Committee recommendation** that Council:

- 1) Adopt the concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo and commence detailed design and specifications suitable to call tenders for the construction works.
- 2) Incorporate the waste management recommendations into the project.
- 3) Determine if an adult change table is to be included in the project following receipt of detailed cost estimates.

**13.3 Amendments to Kiama Development Control Plan 2012 - Chapter 7 Subdivision Road Widths***15/472*

**Committee recommendation** that Council adopt the amendments as publicly exhibited to residential subdivision road widths contained in Kiama Development Control Plan 2012 - Chapter 7 Subdivisions.

**13.4 Bombo Headland Quarry Conservation Management Plan***15/473*

**Committee recommendation** that Council approves the preparation and implementation of a Conservation Management Plan for Bombo Headland including the state heritage listed quarry site based on the attached Draft Concept Plan.

### 13.5 Municipal causeways

*15/474*

**Committee recommendation** that Council consider the allocation of funds in future budgets to replace existing causeways according to the prepared priority listing.

## 14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

### 14.1 Flugelman Sculpture Installation

*15/475*

**Committee recommendation** that Council approve the Storm Bay site for installation of the Flugelman sculpture on the edge of the bay at the southern end of the park.

### 14.2 Kiama Cultural Board Minutes

*15/476*

**Committee recommendation** that Council notes the Cultural Board's recommendation regarding the Kiama Independent Artists Cooperative Maker Space Project.

(Councillors Honey and Steel)

### 14.3 CCTV for Kiama Harbour

*15/477*

**Committee recommendation** that Council:

- 1) Delegates authority to the CCTV Committee to determine which of the concept designs outlined in the attached report from GS Security is to be pursued
- 2) Include the project in the budget considerations for the 2016/17 year.

(Councillors Seage and McClure)

#### 14.4 Gerringong CBD CCTV

15/478

**Committee recommendation** that Council endorse the installation of CCTV cameras in Gerringong CBD as exhibited in the concept plan.

(Councillors Rice and Honey)

#### 14.5 Library Services - Book Dispensers

15/479

**Committee recommendation** that Council supports the investigation of implementing a Little Free Library in the Kiama area, following consultation with community groups and the general public.

(Councillors Rice and Honey)

### 15 REPORTS FOR INFORMATION

15/480

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

- 15.1 Walking Tracks and Cycleway Committee - Minutes
- 15.3 Investment Policy
- 15.4 Attendance at Risk Management Institute of Australasia (RMIA) National Conference - November 2015
- 15.5 Question Without Notice – Compostable Kitchen Caddy Liners
- 15.6 Blue Haven Redevelopment
- 15.7 Roadworks and traffic detours - Riverside Drive, Kiama Downs
- 15.8 Kiama Leisure Centre Fees - Student Discount
- 15.9 Library Services Invitation to take a 'shelfie'
- 15.10 Kiama Library MobilePrint Service
- 15.11 Coastal Management Reforms
- 15.12 Letter of Appreciation - Dogs on Werri Beach
- 15.14 Question Without Notice Register
- 15.15 South Precinct Meeting Minutes
- 15.16 Minnamurra Progress Association Minutes
- 15.17 Kiama Youth Advisory Committee Minutes
- 15.18 Joint Regional Planning Panel Determinations
- 15.19 Land and Environment Court Appeal – Development Application No 10.2015.77.1
- 15.20 Kiama Tourism Funding
- 15.21 Land at the Corner of Shoalhaven and Akuna Street, Kiama
- 15.22 Arts Honour Roll

- 15.23 Director of Finance, Corporate and Commercial Services  
15.27 LEP Review Committee - Minutes 1 December 2015

(Councillors Rice and Honey)

**15.2 Section 94 Development Funds**

**15/481**

**Resolved** that Council commences a review of the Section 94 Contributions Plan.

(Councillors Sloan and Rice)

**15.9 Library Services - Invitation to take a 'shelfie'**

**15/482**

**Resolved** that Council pass on its appreciation to the Library Services staff on the 'novel' way that they participate with Youth Services, including this particular initiative.

(Councillors Reilly and Petschler)

**15.13 Parking Statistics - November 2015 -**

**15/483**

**Resolved** that Council review the restrictions on parking on the median strip in Chapman Street, Kiama.

(Councillors Reilly and Honey)

**15.24 Illawarra Pilot Joint Organisation**

**15/484**

**Resolved** that the Road Safety Officers from the Kiama, Wollongong, Shellharbour and Shoalhaven LGAs, together with police officers from the Wollongong, Lake Illawarra and Shoalhaven Local Area Commands, be included in the Illawarra Pilot Joint Organisation process.

(Councillors Seage and McClure)

**15.25 Christmas Wishes -**

**15/485**

**Resolved** that the Shoalhaven Street Preschool's act of good will to their neighbours be noted.

(Councillors Reilly and Petschler)

**15.26 NSW Public Libraries Association Conference****15/486**

**Resolved** that Council considers pursuing a motion at the next NSW Local Government Association conference regarding library funding.

(Councillors Rice and Sloan)

**16 ADDENDUM TO REPORTS****15/487**

**Resolved** that at this time, 7.08pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Rice and Honey)

**16.1 Grant Funding - Project AIRSHIP****15/488**

**Committee recommendation** that Council

- 1) Accepts the grant of \$5,150 from the Department of Primary Industry (DPI) for the purchase of the AIRSHIP for use at Surf Beach Kiama.
- 2) Congratulates Council Lifeguard, Kye Adams, for seeking funding for this project and for offering to donate part of his scholarship to assist with the funding.

(Councillors Rice and Sloan)

**16.2 24th NSW Coastal Conference 11-13 November 2015****15/489**

**Committee recommendation** that the information be noted.

(Councillors Rice and Honey)

**16.3 National Stronger Regions Fund Round 2****15/490**

**Committee recommendation** that Council:

- 1) Express its strong disappointment in not receiving funding under Round 2 of

the National Stronger Regions Fund for the subject projects.

- 2) Endorse the list of projects submitted for possible Federal Government funding.

(Councillors Rice and Honey)

## 17 NOTICE OF MOTION

Nil

## RESUMPTION OF ORDINARY BUSINESS

**15/491**

**Resolved** that at this time, 7.08pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Rice and Honey)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

**15/492**

**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 15/446 to 15/491 above.

(Councillors Rice and Honey)

## 18 QUESTIONS WITHOUT NOTICE

### 18.1 Use of Council owned property - Shoalhaven Street

Councillor Reilly requested that a report be prepared with consultation with local Lions Groups to investigate the use of the dwelling on Council land on Shoalhaven Street opposite the Bowling Club for a Respite Care Facility. The Mayor referred this item to the General Manager for investigation and report.

### 18.2 Upgrade to toilet facilities - Jones Beach

Councillor Reilly requested that Council investigate the possibility of an upgrade to the toilet facilities on Jones Beach and provide a report to Council as to costs for inclusion in the 2016/17 Budget. The Mayor referred this item to the Director Engineering and Works for investigation and report.

### 18.3 Playground equipment – Black Beach Kiama

Councillor Way requested a report on the cost of providing sail covers to the

playground at Black Beach Kiama, as well as the cost to provide a swing for older children at the same playground. The Mayor referred this item to the Director Engineering and Works for investigation and report.

#### **18.4 Amenities Block – Bombo Hill Reserve**

Councillor Way requested a report on the cost and potential location of an amenities block that would include a change room and toilets for Bombo Hill Reserve (playing fields) on the corner of North Kiama Drive and Riverside Drive at Kiama Downs. The Mayor referred this item to the Director Engineering and Works for investigation and report.

#### **18.5 Accessible car parking - Kiama**

Councillor Rice requested a report on the extent to which accessible car parks in Kiama meet the current Australian Standards for accessible car parking. The Mayor referred this item to the Director Engineering and Works for investigation and report.

#### **18.6 NSW Health and Arts Framework - Taskforce**

Councillor Sloan advised that the NSW Minister for Health last Wednesday announced the appointment of a Taskforce to implement a new NSW Health and Arts Framework which involves new money to better involve the arts in health programs.

Councillor Sloan requested a report be brought back to Council about the implications and opportunities of this announcement for Council and in particular whether the new Aged Care Centre of Excellence might be suitable to be a pilot project for this new program. The Mayor referred this item to the Director Community Services for investigation and report.

#### **18.7 Placement of advertising posters**

Councillor Steel requested a report on the advertising posters which have been placed on the railway bridge at Bombo Beach. The Mayor referred this item to the Director Engineering and Works for investigation and report. The Director Engineering and Works advised that his staff had already made enquiries as to what avenues Council can take to recoup the costs already incurred for removing the posters.

#### **18.8 Endeavour Energy - donation of used power poles**

Councillor McClure requested a report on the sourcing at no cost to Council of used power poles from Endeavour Energy for donation to local artists and artisans to craft into totem pole like structures to be placed in suitable locations around the Kiama Harbour. The exact locations of the structures to be determined at a later date. The Mayor referred this item to the Director Engineering and Works for investigation and report.



## 19 CONFIDENTIAL SUMMARY

15/493

**Resolved** that at this time, 7.25pm, 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 Seage)

### 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:

#### **RECOMMENDED**

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 EMPLOYEE SICK LEAVE

**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. .

### 20.2 INFORMATION RELATING TO ITEM 15.21

**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.

## 20 CONFIDENTIAL REPORTS

### 20.1 Employee Sick Leave -

15/494

**Resolved** that Council approves the allocation of an additional four weeks (152 hours) sick leave to the employee referred to in this report.

(Councillors Seage and Rice)

**20.2 Information relating to Item 15.2 -**

**15/495**

**Resolved** that the information be noted.

(Councillors Seage and Rice)

**Close of Confidential Committee of the Whole**

**15/496**

**Resolved** that at this time, 7.28pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Seage and Rice)

**Adoption of Report**

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

**15/497**

**Resolved** that that the Confidential Committee of the Whole recommendation numbered 15/494 to 15/495 inclusive be confirmed and adopted.

(Councillors Seage and Rice)

**21 CLOSURE**

There being no further business the meeting closed at 7.30pm

These Minutes were confirmed at the  
Ordinary Meeting of Council held on 2 February 2016

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Mayor

.....  
General Manager