

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 15 APRIL 2014

COMMENCING AT: 5.05 pm

PRESENT: His Worship the Mayor Councillor B Petschler, Councillors M Honey, G McClure, N Reilly, K Rice, D Seage, A Sloan, W Steel, and M Way

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

APOLOGIES: Councillors Steel, Rice and Reilly

The Mayor declared the meeting open and acknowledged the traditional custodians:

“On behalf of Kiama Council, I would like to show respect and acknowledge the traditional custodians of this land, of elders past and present, on which this event takes place.”

The Mayor introduced Dylan McGillivray from Kiama High School who is participating in the “Shadow the Mayor” program as part of Youth Week.

The Mayor announced that this is a historical meeting as it is the first meeting to be webcast and from next month’s meeting the recording will be webcast live to the public via Council’s website.

CONFIRMATION OF MINUTES - ORDINARY MEETING – 18 MARCH 2014

The Minutes of the **Ordinary Meeting** of Council held on 18 March 2014 were acknowledged by the Councillors.

Adoption:

MN032

Resolved that the Minutes of the **Ordinary Meeting** of Council held on 18 March 2014 be confirmed and adopted.

(Councillors Sloan & Way)

BUSINESS ARISING FROM THE MINUTES: NIL

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PUBLIC ACCESS:

The General Manager outlined public access which was held on Monday 14 April 2014 in the Council Chambers commencing at 5.00pm as follows:-.

Robin Lawson - Lot 102 DP 1074479 No 71 Nuninuna Drive Saddleback Mountain (Item 1-DES)

Michelle Quine - Draft Operational Plan 2014/2015 (Item 1, GM)

Brad Hocking - Werri Beach Holiday Park - Sewer Connection (Item 1, DCCS)

Sandra Ruecroft - Gerringong Town Hall - Proposed Air Conditioning (Item 3, DEW)

MAYORAL MINUTE:

The Mayoral Minute was acknowledged by the Councillors:

1 F6 Extension in Sydney

MN033

Resolved that Council write to the Member for Kiama, Mr Gareth Ward MP expressing support for the petition to the Government to expedite the construction of the F6 extension into Sydney and requesting that funding for the project be made available as a matter of priority.

(Councillors Petschler & McClure)

2 Jamberoo Celebrates Festival

MN034

Resolved that Council note this verbal report and formally congratulate the organising committee.

(Councillors Petschler & Sloan)

3 Family History Centre 25th Anniversary Expo

MN035

Resolved that Council record its appreciation to Councillor Honey for officially launching the Expo, Sue Lark (Family History Centre), Michelle Hudson (Kiama Library), officers of the library, Friends of the Library and volunteers of the Family History Centre for organising a very successful event.

(Councillors Petschler & Sloan)

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4 Local Government NSW Member Council Forum in Kiama

MN036

Resolved that Council expresses its appreciation to:

- 1) Councillor Keith Rhoades President Local Government NSW for holding this event in Kiama, and
- 2) Mr Bill Gillooly, Chief Executive Local Government NSW, who is retiring soon, for his long service to local government.

(Councillors Petschler & Way)

REPORTS OF COMMITTEES:

KIAMA TRAFFIC COMMITTEE MEETING – 1 APRIL 2014:

The Minutes of the **Kiama Traffic Committee Meeting** held on 1 April 2014 were acknowledged by the Councillors.

Adoption:

MN037

Resolved that the Minutes of the Kiama Traffic Committee Meeting held on 1 April 2014 and the recommendations numbered CR076 to CR080 contained therein be approved and adopted.

(Councillors Petschler & McClure)

EXTRAORDINARY BLUE HAVEN RETIREMENT VILLAGE COMMITTEE MEETING – 9 APRIL 2014:

The Minutes of the **Extraordinary Blue Haven Retirement Village Committee Meeting** held on 9 April 2014 were acknowledged by the Councillors.

Adoption:

MN038

Resolved that the Minutes of the **Extraordinary Blue Haven Retirement Village Committee Meeting** held on 9 April 2014 and the recommendations numbered CR081 to CR083 contained therein be approved and adopted.

(Councillors Way & McClure)

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COMMITTEE OF THE WHOLE:

MN039

Resolved that at this time, 5.15 pm, 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 of Environment Services
Report of the General Manager
Report of the Director of Corporate & Commercial Services
Report of the Manager Corporate Services
Report of the Director of Engineering & Works
Report of the Director of Community Services
Reports for Information
Addendum to Reports

(Councillors Sloan & Seage)

SENIOR OFFICERS' REPORTS:

MN040

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

(Councillors Sloan & Seage)

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

1 Lot 102 DP 1074479 No 71 Nuninuna Drive Saddleback Mountain (10.1998.271.2)

CR084

Committee recommendation that Council:

- 1) approve the additional building envelope on Lot 102 in DP 1074479 as shown in the attached plan subject to the unused building envelope being extinguished from the Section 88B instrument upon the erection of the dwelling on the other envelope, and
- 2) delegate authority to the General Manager to authorise the required changes to the Plan of Subdivision.

(Councillors Seage & Way)

For: Councillors Petschler, Honey, Way, Sloan, Seage and McClure
Against: Nil

REPORT OF THE GENERAL MANAGER

1 Draft Operational Plan 2014/2015

CR085

Committee recommendation that:

- 1) Council defer the Bourke Parade footpath leaving this for consideration in future years and not proceed with the air conditioning of the Gerringong Town Hall and instead put the funds towards:
 - the Minnamurra School footpath (\$10,000, on the understanding that Council may receive a grant for the remaining \$10,000).
 - Pics and Flicks' request for a digital projector (approx \$18,000 less a contribution from the Pics and Flicks Committee)
 - an AV system for Gerringong Town Hall (approx \$11,000)
 - supporting Gerringong Tennis' request for \$48,000 to upgrade their tennis courts
 - undertaking extra work on a new wharf to handle larger boats (approx \$60,000)
- 2) in accordance with Section 405 of the Local Government Act as amended, Council place the Draft Operational Plan for 2014/2015 on exhibition.

(Councillors Sloan & Seage)

REPORT OF THE DIRECTOR OF CORPORATE AND COMMERCIAL SERVICES

1 Werri Beach Holiday Park Sewer Connection

CR086

Committee recommendation that Council:

- 1) approval be granted for Mr and Mrs Hocking to connect to the sewer at Site 181, Werri Beach Holiday Park subject to the payment of all relevant fees.
- 2) seek a report from the Director Corporate and Commercial Services on the outcome of investigations into firstly how the sewer was connected without approval, and secondly how the van was advertised as having sewer connected without this being picked up at that time.

(Councillors Seage & McClure)

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

3 Gerringong Town Hall Proposed Air Conditioning

CR087

Committee recommendation that Council:

- 1) not install ducted air conditioning at the Gerringong Town Hall; and
- 2) consider the reallocation of a portion of the funding allocated for the air conditioning to install audio visual equipment at the Hall.

(Councillors Seage & Way)

REPORT OF THE GENERAL MANAGER

2 Kiama–Hoi An Friendship

An **Amendment** was **Moved** by Councillor Sloan and seconded by Councillor McClure that Council not proceed with the proposal.

The **Amendment** was put and **Lost**

CR088

Committee recommendation that Council defer this matter and write a letter to Mr Gary Mackay thanking him for his assistance.

(Councillors Seage & Way)

The **Motion** was put and **Carried**.

3 Revenue Sub-Committee

CR089

Committee recommendation that Council commence the re-classifications/re-zoning process in relation to the subject lands.

(Councillors Honey & Way)

For: Councillors Petschler, Honey, Way, Seage, McClure

Against: Councillor Sloan

**4 Crown Lands Legislation
White Paper – NSW Government**

CR090

Committee recommendation that Council make a submission in relation to the Crown Lands White Paper seeking further consultation by the NSW Government with Local Government and opposing any proposals for transferral of responsibility of Crown Lands without proper and fair consideration of financial implications for Councils.

(Councillors Sloan & Seage)

5 Rotary Emergency Services – Pride of the Illawarra Awards

Councillor Petschler declared an insignificant non-pecuniary interest as he is a non-executive member of Kiama Rotary but is not involved in the Pride of Illawarra Awards.

CR091

Committee recommendation that Council advise that it wishes to again be a Bronze Sponsor of the event.

(Councillors Honey & McClure)

6 June 2014 Council Meeting

CR092

Committee recommendation that Council postpone the June 2014 Council meeting until 24 June 2014.

(Councillors Seage & Way)

**7 Possible Site for Service Station Complex
RailCorp Land at corner of North Kiama Bypass and Riverside Drive,
Bombo**

CR093

Committee recommendation that Council endorse the forwarding of the attached concept plan which confirms that the subject land can be physically developed for a service station to Property NSW and that Property NSW be requested to facilitate the sale of the land to Council for this purpose.

(Councillors Seage & Way)

REPORT OF THE DIRECTOR OF CORPORATE AND COMMERCIAL SERVICES

2 Kiama Connect Phase 3 Live streaming of Kiama Council Meetings

CR094

Committee recommendation that Council endorses *Kiama Connect: Phase 3* which involves the installation of a webcasting and videoconferencing solution that will enable the community to view Kiama Council meetings online and engage with Council.

(Councillors McClure & Seage)

REPORT OF THE MANAGER CORPORATE SERVICES

1 Investments Statement of Investments

CR095

Committee recommendation that the information relating to the Statement of Investments for March 2014 be received and adopted.

(Councillors Honey & Way)

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

1 Footpath Dining – Review of Policy

CR096

Committee recommendation that Council adopt the revised Footpath Dining Policy.

(Councillors Honey & Seage)

2 Lease Renewal Illawarra Respite Carer's Support – Leased Premises - Cygnet Avenue Shellharbour City

CR097

Committee recommendation that Council seek a renewal of the lease for a further one (1) year for Units 11b and 11c, Level 1 Cygnet Centre, 75 Cygnet Ave,

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Shellharbour City subject to an agreed market rental review and otherwise the same lease terms and conditions.

(Councillors McClure & Sloan)

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

**1 Staff Training
Attendance at Interstate Conference**

CR098

Committee recommendation that Council endorse the attendance of Nick Guggisberg, Manager Community & Cultural Development and an appropriate representative of Council's IT Department at the 2014 Safe City Conference to be held in Ipswich, Queensland, 10-13 June.

(Councillors Seage & Way)

2 Busking Policy and Guidelines

CR099

Committee recommendation that Council:

- 1) approve the reviewed Busking Policy;
- 2) approve the new Busking Guidelines.

(Councillors McClure & Sloan)

3 Kiama Aboriginal Reference Group

CR100

Committee recommendation that:-

- 1) Council endorse the re-advertising for community representatives to join the Kiama Aboriginal reference Group through an Expression of Interest (EOI) process;
- 2) the EOI be open ended until all positions are filled.

(Councillors Sloan & Way)

4 Blue Haven Brand

CR101

Committee recommendation that Council endorse the recommendation from the Blue Haven Advisory Committee in relation to the branding of Council's aged and community services.

(Councillors Way & Sloan)

5 NSW Public Library Funding

CR102

Committee recommendation that Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

- 1) Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;
- 2) Writing to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
- 3) Approving the distribution of NSW Public Library Associations campaign information in Council libraries;
- 4) Taking a lead role in activating the campaign locally.

(Councillors Way & Sloan)

REPORTS FOR INFORMATION

17 Local Government NSW Tourism Conference

CR103

Committee Recommendation that Council congratulate Council's Manager Strategic Planning Kim Bray on the highly professional presentation she made at the Conference.

(Councillors Way & Honey)

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Adoption

CR104

Committee recommendation that, subject to the foregoing, the Reports for Information listed for the Council's consideration as detailed be received and noted.

(Councillors Way & Sloan)

RESUMPTION OF ORDINARY BUSINESS:

MN041

Resolved that at this time, 6.27 pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Honey & Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT:

MN042

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 CR084 to CR104 with the Mayor declaring an insignificant, non-pecuniary interest in the matters referred to in Item 5.

(Councillors Honey & Way)

QUESTIONS WITHOUT NOTICE:

1 Hoddles Track

Councillor Sloan requested a report be provided about the Hoddles Track outlining:

- 1) ownership/responsibility for maintaining the track along its full length from Saddleback to Barren Grounds, and
- 2) the feasibility of working with the National Parks and Wildlife Service to install markers and establish a basic track linking the Griffiths Track on Barren Grounds to the top of Hoddles Track at Mt Noorinan.

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

CONFIDENTIAL COMMITTEE OF THE WHOLE:

MN043

Resolved that at this time, 6.27 pm, 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 McClure & 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.

EXCLUSION OF PRESS AND PUBLIC:

MN044

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 on the grounds as detailed in the following recommendations such exclusion to commence as from 6.28 pm.

(Councillors McClure & Seage)

CONFIDENTIAL REPORTS

- 1 Staff Matters (DCCS)
Local Government (State) Award 2010**

CR105

Committee recommendation that Council approves the transfer of leave as outlined in this report.

(Councillors Honey & Seage)

- 2 Surf Beach Holiday Park (DCCS)
Management Contract**

CR106

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Committee recommendation that Council approves the extension of the contract for the management of Surf Beach Holiday Park to Loiterton Pty Ltd as detailed in this report.

(Councillors Sloan & Way)

**3 Kiama Harbour Cabins (DCCS)
Management Contract**

CR107

Committee recommendation that Council approves the extension of the contract for the management of Kiama Harbour Cabins for Headland Pty Ltd at the percentage outlined in the report.

(Councillors Seage & Way)

4 Seven Mile Beach Holiday Park (DCCS)

CR108

Committee recommendation that the information in this report be noted.

(Councillors Seage & Way)

5 Blue Haven Accommodation Pricing (DCS)

CR109

Committee recommendation that Council endorse the recommendation from the Blue Haven Advisory Committee setting the pricing structure for accommodation in the Blue Haven Aged Care Facility post 1 July 2014.

(Councillors Way & Honey)

**6 The Pavilion Kiama (DCCS)
Catering Contract**

CR110

Committee recommendation that the contract with Gabbys at The Pavilion Kiama to market, manage and cater for weddings be amended as outlined in this report.

(Councillors McClure & Sloan)

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CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE:

MN045

Resolved that at this time, 6.41 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Honey & Way)

Adoption of Report

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

MN046

Resolved that the Confidential Committee of the Whole recommendations numbered CR105 to CR110 be confirmed and adopted.

(Councillors Seage & Way)

There being no further business
the meeting closed at 6.42 pm.

These Minutes were confirmed at the Ordinary
Meeting of Council held on 20 May 2014

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Mayor

.....
General Manager