



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 16 JUNE 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 16 JUNE 2015 AT 5PM**

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

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

1 APOLOGIES

Councillor M Honey

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor made a special welcome to the Member for Kiama, Mr Gareth Ward and declared the meeting open.

Councillor Sloan acknowledged the traditional owners:

“I would like to Acknowledge the Wadi Wadi people who are the traditional custodians of the land on which this meeting takes place tonight.

I would also like to pay respect to Elders both past and present of the Dharawal Nation and extend that respect to other Aboriginal people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting held on 19 May 2015

15/168

Resolved that the Minutes of the Ordinary Council Meeting held on 19 May 2015 be received and accepted.

(Councillors Way and Rice)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Mr Lee Cordner – Item 9.3 - One Hundred (100) Lot Torrens Title Subdivision – Lot 1 DP1203690, Lot 201 DP1199549 & Lot 02 DP1199549, Lilly Pilly Way Kiama (10.2015.27.1)

Mr Craig McCorkell – Item 9.3 - One Hundred (100) Lot Torrens Title Subdivision – Lot 1 DP1203690, Lot 201 DP1199549 & Lot 02 DP1199549, Lilly Pilly Way Kiama (10.2015.27.1)

Mr Bill Chalmers and Ms Anita Volkert – Item 9.3 - One Hundred (100) Lot Torrens Title Subdivision – Lot 1 DP1203690, Lot 201 DP1199549 & Lot 02 DP1199549, Lilly Pilly Way Kiama (10.2015.27.1)

Mr Trevor Unicomb – Item 9.3 - One Hundred (100) Lot Torrens Title Subdivision – Lot 1 DP1203690, Lot 201 DP1199549 & Lot 02 DP1199549, Lilly Pilly Way Kiama (10.2015.27.1)

Mr Jim Bradley – Item 9.4 – Jones Beach Off-Leash Swimming Area

Ms Maree Shepherd and Mr Ian Hornsby - Item 9.4 – Jones Beach Off-Leash Swimming Area

Dr Michael Hindmarsh – Item 9.5 – Proposed Local Environment Plan Review Committee

Mr Stephen Hughes – Item 10.1 - Draft Operational Plan 2015/2016

6 MAYORAL MINUTE

6.1 Mr Peter McGlinchey OAM

15/169

Resolved that Council acknowledges Mr McGlinchey's Order of Australia award.

(Councillors Petschler and Steel)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee Meeting - Minutes

15/170

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 2 June 2015 be received and accepted.

(Councillors Reilly and Seage)

7.2 Blue Haven Advisory Committee Minutes**15/171**

Resolved that the Minutes of the Blue Haven Advisory Committee Meeting held on 3 June 2015 be received and accepted.

(Councillors Steel and Way)

COMMITTEE OF THE WHOLE**15/172**

Resolved that at this time, 5.08pm, 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 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 McClure and Way)

8 PUBLIC ACCESS REPORTS**15/173**

Resolved that at this time, 5.08pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors McClure and Way)

9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1)**Disclosure of Interest - Councillor Seage**

Councillor Seage declared a pecuniary interest in this matter as his son recently placed a deposit on an allotment of land within the proposed subdivision. Councillor Seage left the chambers and took no part in discussion or voting on this matter.

Councillor Seage left the meeting at 5.08pm.

Moved by Councillor Steel and seconded by Councillor Reilly that this matter be deferred to allow further consideration of an alternative and second access to the west of the proposed subdivision.

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

For: Councillors McClure, Reilly and Steel

Against: Councillors Petschler, Rice, Sloan and Way

15/174

Committee recommendation that Council approve Development Application No. 10.2015.27.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to:

1. the draft conditions at the end of the report,
2. the inclusion of the additional nine car parking spaces the developer has proposed to be included at the top of Banksia Drive, and
3. the requirement for the developer to install LED lights for the street lighting in the subdivision.

(Councillors Sloan and Rice)

For: Councillors Petschler, Rice, Sloan and Way

Against: Councillors McClure, Reilly and Steel

Councillor Seage returned to the meeting at 5.55pm.

9.4 Jones Beach Dog Off-leash Swimming Area – Permanent Establishment

15/175

Committee recommendation that:

1. Council approve the designated Jones Beach dog off-leash swimming area as identified in Attachment 2 subject to the *Conditions of Use* requirements as outlined in Attachment 3 of this report.
2. In accordance with the provisions of Section 632 of the Local Government Act 1993 notices containing the *Conditions of Use* requirements of the Jones Beach dog off leash swimming area, as outlined in Attachment 3 of this report, be erected at the entry points to the dog off leash swimming area and in other locations.
3. The taking of a dogs onto all other areas of Jones Beach (including dune areas and the rock platform) outside the designated Jones Beach dog off-leash swimming and access areas as identified in Attachment 2, be declared as a prohibited activity or prohibited place under Section 632 of the Local Government Act 1993.
4. An education program targeting existing and new residents and tourists that own dogs, be developed and implemented in accordance with the

recommendation made by the Companion Animals Management Committee at its meeting of 26 May 2015.

5. The establishment of a Companion Animals Community Champions Program, involving volunteers, to assist with community education of users of the dog off leash areas be investigated and reported to Council for determination.
6. As part of the 2015-16 budget process, Council consider allocating an additional \$7,380 in the Companion Animals Management expenditure budget, for the provision of additional signage and staff resources, to be employed during the school holiday periods, to undertake community education and extra enforcement patrols in all dog off leash areas.

(Councillors McClure and Steel)

An **Amendment** was moved by Councillor Rice and seconded by Councillor Sloan that the 40 metre buffer area between the southern boundary of the Jones Beach dog off-leash area and the rock platform be increased to 80 metres.

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

9.5 Proposed Local Environment Plan Review Committee

15/176

Committee recommendation that Council hold a secret ballot to determine the geographical area representative membership of the Local Environment Plan review Committee in accordance with the adopted Terms of Reference.

(Councillors Steel and Way)

15/177

Moved by Councillor Reilly and seconded by Councillor Way that the following nominees be endorsed as members of the LEP Review Committee:

Kiama - Mr Mark Hitchcock, BHI Architects Pty Ltd

North Kiama/Kiama Downs/Minnamurra - Mr Cliff Mason, Minnamurra Progress Association

Rural - Mr Brian Burgess

Gerringong/Werri Beach/Gerroa - Mrs Sandra McCarthy

Jamberoo - Mr John Friedmann

The three Committee representative members are:

Economic Development Committee - Mr Patrick Mahedy

Kiama District Industry Committee - Stewart Dixon

Health & Sustainability Committee - Leonardo Murgo

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

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

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Revision of Chapter 9 – Kiama DCP 2012 – Car Parking Requirements

Councillor Seage congratulated the Director Environmental Services and his staff for their work on this report.

15/178

Committee recommendation that :

1. Council Endorse 'draft' revised Chapter 9 - Car Parking Requirements of Kiama Development Control Plan 2012 for public exhibition, for a period of not less than 28 days and pursuant to the provisions of the Environmental Planning and Assessment Act 1979.
2. At the completion of the exhibition period a further report be submitted to Council for its consideration, which includes any submissions received during the exhibition period and Council staff comments.

(Councillors Seage and Steel)

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

Against: Nil

9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong

Disclosure of Interest - Councillor Sloan

Councillor Sloan declared a pecuniary interest in this matter. Councillor Sloan left the chambers and took no part in discussion or voting on this matter.

Councillor Sloan left the meeting at 6.15pm.

15/179

Committee recommendation that Council, as a consequence of its review of the subject application, change the determination by granting approval to the development application 10.2014.241.1, as amended in application for review, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to draft conditions at the end of this report.

(Councillors Seage and Way)

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

Against: Nil

Councillor Sloan returned to the meeting at 6.16pm.

10 REPORT OF THE GENERAL MANAGER

10.1 Draft Operational Plan 2015/2016

At this time it was agreed to bring forward the Notice of Motion number 17.6 for determination.

Moved by Councillor Reilly and seconded by Councillor Seage that Council remove the 'Minnamurra Head Whale Watching Platform' from the delivery program.

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

The resolution was carried on the casting vote of the Mayor.

15/180

Moved by Councillor Steel and seconded by Councillor Reilly that an investigation and report be brought back to Council fully detailing all aspects of this whale watching platform and grant.

The **Motion** was put and Carried.

15/181

Moved by Councillor Way and seconded by Councillor Sloan that the \$64,000 for the construction of the Boanyo Avenue footpath be removed from the 2015/2016 budget.

The **Motion** was put and Carried.

A. SUBMISSIONS FROM THE PUBLIC ON THE DRAFT INTEGRATED PLAN 2015/2016

1. Kiama District Sports Association

Moved by Councillor Way and seconded by Councillor Sloan that the Council accept the \$4,000 offer of the Kiama District Sports Association to commence the program, with Council considering allocating a matching \$4,000 from the revenue raised by deferring the Boanyo footpath project.

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

The resolution was lost on the casting vote of the Mayor.

15/182

Committee recommendation that Council accepts the \$4,000 offer of the Kiama District Sports Association to commence the program, with Council considering allocating a matching \$4,000 in the 2016/2017 budget.

(Councillors Steel and Reilly)

2. Rose Hughes**15/183****Committee recommendation :**

1. That Council form a working party of relevant stakeholders to prepare draft concept design plans and estimates for the upgrade of the Collins Street and Collins Lane heritage precinct and that these plans are reported to Council for consideration.
2. That the working party consist of two elected Councillors, the Director Engineering and Works or his representative, a representative of the Kiama and Districts Chamber of Commerce, Mr Stephen Hughes and three nominated representatives of the Terrace House business district.

(Councillors Way and Steel)

Moved by Councillor Sloan and **Seconded** by Councillor Seage that the two Councillor representatives on the Collins Lane working party be Councillors McClure and Reilly.

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

3. Minnamurra Public School P & C Association**15/184****Committee recommendation**

That Council seek a report from the Director of Engineering Works following completion of the traffic and pedestrian audit.

(Councillors Reilly and Way)

4. Antonia Fasolas and Terry & Sharon Wheeler**15/185**

Committee recommendation that Council note the information and receive a further report (including costings if required) following advice from its insurers.

(Councillors Seage and Sloan)

5. Jamberoo Combined Sporting Clubs Incorporated**15/186**

Committee recommendation that Council note it has established a working party and Council awaits a further report.

(Councillors Sloan and Rice)

6. Jamberoo Residents and Ratepayers Association**15/187****Committee recommendation**

That Council advise the Jamberoo Residents and Ratepayers Association that it is unable to meet the request as unfortunately the costs will be considerable and beyond the current budget allocation.

(Councillors Seage and Rice)

7. Dog Off-leash areas**15/188****Committee recommendation**

That

1. the additional staff not be funded in 2015/2016,
2. Council hold discussions with the local dog club on the possibility of them assisting with a local education program, and
3. Council allocates \$1,500 for signage around the dog off-leash area.

(Councillors Way and Steel)

8. Kiama Tourism

Moved by Councillor Seage and seconded by Councillor Sloan that Council:

1. advise Kiama Tourism that it is prepared to assist them by contributing \$22,500 from Council's marketing/event budget to the South Coast Regional Tourism Organisation's major marketing campaign instead of Kiama Tourism making this contribution.
2. seek to be a member of the South Coast Regional Tourism Organisation.

An **Amendment** was moved by Councillor Way and seconded by Councillor Reilly that Council advises Kiama Tourism that it is prepared to assist them by contributing \$22,500 from Council's marketing/event budget to the South Coast Regional Tourism Organisation's major marketing campaign instead of Kiama Tourism making this contribution, subject to Council being granted a seat on the South Coast Regional Tourism Organisation.

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

15/189

A further **Amendment** by Councillor Reilly and seconded by Councillor Steel that Council contributes \$25,000 to Kiama Tourism from the savings of not proceeding with the Boanyo Ave footpath.

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

A further **Amendment** was moved by Councillor McClure and seconded by

Councillor Steel that Council contributes a once-off payment of \$50,000 to Kiama Tourism from the savings of not proceeding with the Boanyo Ave footpath.

The further **Amendment** was put and **Lost**.

9. Kiama Arts Society

15/190

Committee recommendation that Council provide an additional \$300 to increase the prize sponsorship.

(Councillors Steel and McClure)

10. International Surfing Association – World Kneeboard Championships

15/191

Committee recommendation that at a future meeting Council consider providing sponsorship from its events budget for the World Kneeboard Championships which are to be held in Kiama.

(Councillors Rice and Reilly)

B. OTHER CONSIDERATIONS FOR THE DRAFT INTEGRATED PLAN 2015/2016

1. Continental Pool

Councillor Seage withdrew the Notice of Motion relating to the Continental Pool.

15/192

Committee recommendation that Council develop a costed new capital works project list from the recommendations of the Kiama Harbour and Blowhole Point Headland Masterplan, including the upgrade of the Black Beach Continental Pool, and that these works be considered for inclusion in future budgets and be used for future grant funding applications.

(Councillors Reilly and Steel)

At this time it was agreed to bring forward the Notices of Motion number 17.1 and 17.2 for determination.

2. South Bombo Beach Bubbler and Shower

Moved by Councillor Way and seconded by Councillor Sloan that Council provide \$11,500 from the Boanyo Avenue footpath savings for the installation of a bubbler and shower at South Bombo.

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

The resolution was lost on the casting vote of the Mayor.

15/193

Moved by Councillor Rice and seconded by Councillor Reilly that Council seek funding for the South Bombo Beach bubbler and shower through appropriate grants and await a priority list of water stations required throughout the Municipality.

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

3. Gipps Street Kiama Guard Rail Protection Posts

15/194

Committee recommendation that Council seek funding assistance through appropriate grants.

(Councillors Reilly and Way)

4. Conservation Management Plan Bombo Headland Quarry

15/195

Committee recommendation that Council seek funding assistance through appropriate grants.

(Councillors Steel and Reilly)

5. Gerringong Public School – Pedestrian Safety Project

15/196

Committee recommendation that this matter be brought back to council if the funding application that is currently being considered is granted.

(Councillors Steel and McClure)

6. Kiama Tourist Information Centre – Rainwater entry to access doorway

15/197

Committee recommendation that as a matter of urgency to protect Council's asset and provide public safety, \$11,000 be allocated for the installation of a glass airlock which is to be funded from Council's contingency reserves.

(Councillors Reilly and Steel)

7. Fit for the Future – Operational Plan 2015/16

15/198

Committee recommendation that Council insert a new clause in the Community

Strategic Plan, Delivery Program and Operational Plan being:

4.1.1.2 – On declaration from the NSW Government that Council is deemed ‘fit’, Council prioritises, resources and commences the activities identified within Council’s Fit for the Future Improvement Plan.

(Councillors Sloan and Steel)

8. Seating in Hindmarsh Park

15/199

Committee recommendation that Council commit \$15,000 for the supply and installation of additional seats in Hindmarsh Park by using Section 94 funds.

(Councillors McClure and Reilly)

15/200

Committee recommendation that:

- 1) It be noted in accordance with Section 402 to 406 of the Local Government Act, 1993, Council is required to prepare an Integrated Plan with respect to:
 - (a) An Operational Plan for 1 year,
 - (b) A Delivery program for 4 years, and
 - (c) A Community Strategic Plan for 10 years

The Community Strategic Plan 2013-2023 and the Delivery Program 2013-2017 were adopted by Council in June 2013.

The Operational Plan 2015/16 was notified to the public through newspaper advertisements and was placed on public exhibition at various locations from 1 May 2015 to 29 May 2015 as required under the Local Government Act. It was advised to the public that written submissions may be made in accordance with legislation to the Council any time during the period of the exhibition.

- 2) Council adopt its Operational Plan 2015/16 in accordance with Sections 402 to 406 of the Local Government Act, 1993 including the following amendments that Council:
 - a) Make and levy an ordinary rate comprising a base charge of \$691.20 on each separate parcel of land subject to the rate which represents 49.81% of the total amount payable by the levying of the rate and an ad valorem amount of 0.00212 cents in the dollar on the land value of \$2,977,921,615 (base date 2012) of all rateable land categorised as Residential be now made for 2015/16 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as “Residential”.
 - b) Make and levy an ordinary rate comprising a base charge of \$691.20 on each separate parcel of land subject to the rate which represents 26.84% of the total amount payable by the levying of the rate and an ad valorem

amount of 0.00182 cents in the dollar on the land value of \$125,245,000 (base date 2012) of all rateable land categorised as Residential-Rural be now made for 2015/16 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential-Rural".

- c) Make and levy an ordinary rate comprising a base charge of \$691.20 on each separate parcel of land subject to the rate which represents 29.42% of the total amount payable by the levying of the rate and an ad valorem amount 0.00115 cents in the dollar on the land value of \$343,178,000 (base date 2012) on all rateable land categorised as Farmland be now made for 2015/16 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Farmland".
 - d) Make and levy an ordinary rate of 0.004 cents in the dollar on the land value of \$10,783,920 (base date 2012) of all rateable land (not being categorised as "Residential" or "Farmland" and not including rateable land used or zoned for commercial, professional, industrial or trade purposes) categorised as Business be now made for 2015/16 in accordance with the Local Government Act, 1993. Nomination rates will apply to this category. This rate will appear on the Rates and Charges Notice as "Business".
 - e) Make and levy an ordinary rate of 0.00585 cents in the dollar on the land value of \$163,158,215 (base date 2012) of all rateable land in the Kiama Council area determined to be a centre of activity which is used or zoned for commercial, professional, industrial or trade purposes and sub-categorised as Business – "Commercial/Industrial" be now made for 2015/16 with a minimum amount of rate which will apply in respect to each parcel of land being \$691.20 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Business - Commercial Industrial".
 - f) That Council endorse for inclusion in the 2015/16 Operational Plan, the 'Fit for the Future' activity as expressed in this report.
- 3) A rate of interest of 8.5% accruing daily on rates and charges that remain unpaid after they become due and payable be now made for 2015/16 in accordance with Section 566 of the Local Government Act, 1993.
- 4) The Fees & Charges Schedule as proposed in Council's Operational Plan for 2015/16 be adopted.

That Council make and levy a Domestic Waste Service Annual Charge for 2015/16 for services applying to OK Organics Kiama service collection zones (including a carbon tax credit for premises that paid for a service in 2014/15):

- a) \$643.08 for premises currently receiving this service or \$661.44 for new services after 1/7/2015 for a fortnightly garbage 240 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- b) \$482.24 for premises currently receiving this service or \$492.94 for new

services after 1/7/2015 for a fortnightly garbage 140 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.

- c) \$464.95 for premises currently receiving this service or \$470.51 for new services after 1/7/2015 for a fortnightly garbage 80 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- d) \$54.50 for vacant land
- e) \$90 for additional 240 litre recycling bin serviced fortnightly
- f) \$90 for additional 240 litre garden waste/food organics bin serviced fortnightly
- g) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for special needs waste collection to upsize from 140 litre to a 240 litre bin

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 496 of the Local Government Act 1993.

- 5) That Council make and levy a Domestic Waste Service Annual Charge for 2015/16 for services applying to all other zones (including a carbon tax credit for premises that paid for a service in 2014/15):

- a) \$643.08 for premises currently receiving this service or \$661.44 for new services after 1/7/2015 for a garbage 240 litre bin, 240 litre fortnightly recycling bin, fortnightly garden waste 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- b) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for a garbage 140 litre bin, 240 litre fortnightly recycling bin, fortnightly garden waste 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- c) \$464.95 for premises currently receiving this service or \$470.51 for new services after 1/7/2015 for a garbage 80 litre bin, 240 litre fortnightly recycling bin, fortnightly garden waste 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- d) \$54.50 for vacant land
- e) \$90 for additional 240 litre recycling bin serviced fortnightly
- f) \$90 for additional 240 litre garden waste/food organics bin serviced fortnightly
- g) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for special needs waste collection to upsize from 140 litre to a 240 litre bin

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 496 of the Local Government Act 1993.

- 6) That Council make and levy a Commercial Waste Service Annual Charge for 2015/16 to apply to all residential premises located in Waste Zones not yet receiving the Organics Kiama collection service of:

- a) \$655 for a weekly 240 litre bin and a weekly 240 litre recycling bin
- b) \$585.40 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 501 of the Local Government Act 1993.

- 7) That Council make and levy a Rural Waste Service Annual Charge for 2015/16 of \$372.02 for premises currently receiving a service and \$384.42 for new services as of 1/7/2015 for the provision of a fortnightly garbage, fortnightly recycling service using 240L bins and one household bulky waste drop off (including a carbon tax credit for premises that paid for a service in 2014/15)

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 501 of the Local Government Act 1993.

- 8) That Council make and levy a Domestic Waste Service Annual Charge for 2015/16 for services applying to Tourist Accommodation of:
- a) \$627.98 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin (suitable for a 3 bedroom tourist apartment/unit)
 - b) \$435.46 for a weekly 140 litre bin and a fortnightly 240 litre recycling bin (suitable for a 2 bedroom tourist apartment/unit)
 - c) \$413.87 for a weekly 80 litre bin and a fortnightly 240 litre recycling bin (suitable for a 1 bedroom tourist apartment/unit)
- 9) Council adopt a 2.4% rate increase for the 2015/16 year as approved by the Independent Pricing and Regulatory Tribunal.
- 10) The Mayoral Allowance for 2015/16 be \$24,030 and Councillor's fees be set at \$11,010 for 2015/16 as permitted by the Local Government Remuneration Tribunal.
- 11) All submission makers be advised of Council resolutions.

(Councillors Rice and Steel)

10.2 Fit for Future submission

15/201

Committee recommendation that:

1. Council endorse the attached documentation with amendments as proposed at the Internal Audit Committee as Kiama Council's Fit for the Future submission to the NSW Government.
2. Council's Revenue Committee be renamed the Strategic Financial Committee and its charter be expanded to oversee the Business Process Improvement Plan.

Councillors Steel and Sloan)

10.3 The Legislative Council of NSW General Purpose Standing Committee No 6 - inquiry into NSW local government

15/202

Committee recommendation that Council make a submission to the Inquiry outlining the points of concern raised in this report.

(Councillors McClure and Steel)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Interstate Conference - Economic Development Australia (EDA) Annual Conference

15/203

Committee recommendation that Council grants approval for Council's Economic Development Manager to attend the 2015 Economic Development Australia (EDA) annual Conference in the Moreton Bay region in Queensland from 8-11 September, 2015.

(Councillors McClure and Steel)

11.2 EEO Management Plan 2015 - 2018

15/204

Committee recommendation that Council adopts the draft Equal Employment Opportunity Management Plan 2015-2018.

(Councillors McClure and Steel)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

15/205

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

(Councillors McClure and Steel)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Purchase of Street Sweeper

15/206

Committee recommendation that Council purchases one Johnston VT651 Street Sweeper from Bucher Municipal with a capital value of \$329,743 + GST.

(Councillors McClure and Steel)

13.2 Trade Services Panel

15/207

Committee recommendation that Council endorses the Kiama Municipal Council Trade Services Panel list attached to this report for the future engagement of the nominated contract services.

(Councillors McClure and Steel)

13.3 Retirement- Mr. Rodney King - Subdivision & Development Engineer

15/208

Committee recommendation that:

1. Council formally thanks Mr Rodney King for his 42 years of dedicated and loyal service to both Council and the community and wish him the best in his retirement.
2. The General Manager develop a succession plan for senior managers and other Council officers in key roles.

(Councillors Reilly and Rice)

13.4 Endeavour Energy - Street Lighting Outages

15/209

Committee recommendation that Council

1. write to Endeavour Energy and the Local Member for Kiama requesting a regularly scheduled Streetlight audit and maintenance program be conducted by Endeavour Energy at no cost to Council, and that this be incorporated into the Public Lighting Management Plan.
2. advertise the Endeavour Energy phone and on-line reporting details for streetlight outages on Council's website and on page 9 of the Kiama Independent encouraging residents to report streetlight outages directly to

Endeavour Energy.

(Councillors McClure and Steel)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 National Stronger Regions Fund

15/210

Committee recommendation that Council supports making two applications under Round 2 of the National Stronger Regions Fund, for both the Gerringong Library/Museum and the Kiama Hospital project.

(Councillors McClure and Steel)

15 REPORTS FOR INFORMATION

RECOMMENDATION

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

- 15.1 Reporting on the 3rd quarter Operational Plan activities
- 15.2 Ocean Lifeguard Season Report 2014/2015
- 15.3 Kiama Cultural Board Minutes
- 15.4 Strategic Footpath Plan
- 15.5 Question Without Notice - Leased Vehicles
- 15.6 Permanent Parking on Footpaths and Roadways
- 15.7 Economic Development Committee - Site Visits
- 15.8 Update on repair work to Daisy the Decorated Dairy Cow
- 15.9 Request from Eurobodalla Mayor for support in lobbying the NSW and Australian Governments for funds to assist local government in the management of Grey Headed Flying-foxes
- 15.10 TripAdvisor Holiday Park Certificates of Excellence
- 15.11 Kiama Hospital Redevelopment Update
- 15.12 Strategic Tourism Business Plan and Budget
- 15.13 Geographical Names Board
- 15.17 Strathfield Council - Fit for the Future Expert Advisory Panel
- 15.18 Councillor Meeting Register
- 15.20 2015 Youth Engagement Meeting
- 15.22 Companion Animals Advisory Committee Meeting Minutes
- 16.4 Blue Haven Care

15.14 Parking Statistics - May 2015

15/211

Moved by Councillor McClure and seconded by Councillor Sloan that future Parking Statistics reports include more information on where the patrols have been conducted as well an indication on where the following month's patrols are planned

to be conducted.

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

15.15 Kiama Youth Advisory Committee Meeting

15/212

Moved by Councillor Rice and seconded by Councillor Sloan that the following amendments be made to the Kiama Youth Advisory Committee Meeting for Wednesday 3 June 2015:

Item 3.1 – Bailey Harrison provided photos to Cllr Kathy Rice regarding safety issues at Gainsborough Skate Park.

Item 3.2 – Casey Dee Bradbury received information regarding a native bee keeping course soon to be run by Kiama Council.

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

15.16 Kiama Health and Sustainability Committee Minutes

15/213

Moved by Councillor Rice and seconded by Councillor Sloan that the following amendment be made to the Kiama Health and Sustainability Committee Minutes for Thursday 28 May 2015:

Item 3 – Councillor Kathy Rice informed the Committee that Council has reviewed the Car Parking DCP and updated it to go on public exhibition.

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

15.19 Public Library Funding Campaign Update

15/214

Moved by Councillor Rice and seconded by Councillor Reilly that copies of the petition be made available in the library.

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

15.21 Kiama Development Industry Committee Meeting Minutes

15/215

Moved by Councillor Seage and seconded by Councillor Rice that the Development Industry Committee Minutes for Wednesday 3 June 2015 be amended to show Stewart Dixon and Darryl Smith as attending that meeting.

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

RESUMPTION OF ORDINARY BUSINESS**15/216**

Resolved that at this time, 8.03pm, 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 Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**15/217**

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 15/168 to 15/216 above.

(Councillors McClure and Steel)

16 ADDENDUM TO REPORTS**15/218**

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

(Councillors McClure and Steel)

16.1 Fairy Lights in Collins Street, Kiama

This matter was dealt with as part of Item 10.1 with Council resolving to form a working party to prepare concept design plans and estimates for the upgrade of the Collins Street and Collins Lane heritage precinct.

16.2 Seating in Hindmarsh Park and Black Beach

This matter was dealt with as part of Item 10.1 Draft Operational Plan 2015/2016.

17 NOTICE OF MOTION**17.1 South Bombo Beach Shower and Bubbler****MOTION**

That Council include in the Capital Works Budget for 2015/16 the installation of a shower and bubbler at South Bombo Beach.

This item was included in Item 10.1 of the General Manager's Report.

17.2 Gipps Street Kiama Guard Rail Protection Posts

MOTION

That Council include in the Capital Works Budget for 2015/16 the installation of a guard rail protection device on the Gipps Street Kiama cycleway.

This item was included in Item 10.1 of the General Manager's Report.

17.3 Local Environmental Plan review webpage

Moved by Councillor Rice and seconded by Councillor Sloan that:

1. an LEP review webpage is established and that this page is linked to the main Council webpage.
2. the LEP review page provides information regarding those controls being considered for review, and the procedure for making a submission to the Committee.
3. that the Committee agendas become available when they are distributed to Committee members and the Minutes of Committee meetings become available immediately after their endorsement by Council. That community access is facilitated by having the agendas and minutes easily located through the LEP review page.

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

For: Councillors Rice and Sloan

Against: Councillors McClure, Petschler, Reilly, Seage, Steel and Way

17.4 Bombo Headland walking trail - use of name - "Thunda Track"

Moved by Councillor Rice and seconded by Councillor Sloan that before there is any further consideration of informally using the name Thunda Track in relation to the Bombo Headland Walking Trail, that Council initiates and reports on

- (a) a survey of community opinion on the Walking Trail Committee's decision to persevere with the name and informally name the Bombo Headland Trail as the Thunda Track.
- (b) the investigation of Council's legal obligation under the Geographical Names Act.

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

18 QUESTIONS WITHOUT NOTICE

18.1 Council Chambers

Councillor Seage asked the General Manager to consider putting small wheels on

the tables occupied by Cllr Reilly, Honey, Way, Rice and Sloan so they can move slightly forward. The Mayor referred this to the General Manager for investigation and report.

19 CONFIDENTIAL SUMMARY

15/219

Resolved that at this time, 8.27pm, 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.

Media representative, Alex Arnold of Fairfax Media, made a representation in relation to Confidential Item 20.5 - Australian Aerial Patrol.

19.1 Confidential Committee of the Whole - Australian Aerial Patrol

Moved by Councillor Seage and seconded by Councillor Reilly that the representation made by Mr Arnold be accepted and that Confidential Item 20.5 Australian Aerial Patrol be brought forward to Open Council.

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

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 KIAMA MEMORIAL ARCH STABILISATION

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

20.2 THE PAVILION KIAMA - OPERATIONAL PROCEDURES

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 and commercial information of a confidential nature that would, if

disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act and information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

20.3 KIAMA COAST HOLIDAY PARKS - DRAFT SUSTAINABLE IMPROVEMENTS STRATEGY AND MASTER PLAN - WERRI BEACH AND SEVEN MILE BEACH UPDATED INFORMATION

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. .

20.4 KIAMA COAST HOLIDAY PARKS - SEVEN MILE BEACH HOLIDAY PARK - OPERATIONAL PERFORMANCE REVIEW

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act and information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

20.5 AUSTRALIAN AERIAL PATROL

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

20 CONFIDENTIAL REPORTS

20.1 Kiama Memorial Arch Stabilisation

15/220

Resolved that Council resolves to accept the tender from Pan Civil for the sum of \$265,485.00 including GST to complete the works.

(Councillors Steel and Seage)

20.2 The Pavilion Kiama - Operational Procedures

15/221

Resolved that Council note the report.

(Councillors Steel and Seage)

20.3 Kiama Coast Holiday Parks - Draft Sustainable Improvements Strategy and Master Plan - Werri Beach and Seven Mile Beach updated information

15/222

Resolved that Council implement a “no sale and no improvement” policy.

(Councillors Seage and McClure)

**20.4 Kiama Coast Holiday Parks
Seven Mile Beach Holiday Park - Operational Performance Review**

15/223

Resolved that Council note the report.

(Councillors Steel and Seage)

20.5 Australian Aerial Patrol

15/224

Resolved that Council note the information and approve the sponsorship of the Australian Aerial Patrol.

(Councillors Steel and Seage)

20.6 Confidential Committee of the Whole -

15/225

Resolved that Council conduct a review of what reports are included in Confidential Committee of the Whole in future meetings.

(Councillors Seage and McClure)

Close of Confidential Committee of the Whole:

15/226

Resolved that at this time, 8.50pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Seage and McClure)

Adoption of Report

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

15/227

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/220 to 15/226 be confirmed and adopted.

(Councillors Seage and McClure)

21 CLOSURE

There being no further business the meeting closed at 8.50pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 21 July 2015



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Mayor