



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.03pm on

TUESDAY 16 SEPTEMBER 2014

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 16 SEPTEMBER 2014 AT 5.03PM**

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

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

The Minutes of the **Ordinary Meeting** of Council held on **19 August 2014** and **Extraordinary Meeting** of Council held on **4 September 2014** were acknowledged by the Councillors.

AMENDMENT – MINUTES OF 19 AUGUST 2014

20.3 Kiama Hospital Redevelopment Project

14/133 That the issue of the Kiama Hospital site be brought out of confidential and into the public forum.

14/137

Resolved that subject to the amendment the Minutes of the Ordinary Meeting of Council held on 19 August 2014 be confirmed and adopted and the Minutes of the Extraordinary Meeting of Council held on 4 September 2014 be confirmed and adopted.

(Councillors Seage and Reilly)

4 BUSINESS ARISING FROM THE MINUTES

Nil

14/138

Resolved that Council bring forward items 10.1 and 10.2 of the General Manager's Report in regard to the election of the Mayor and Deputy Mayor.

(Councillors McClure and Honey)

REPORT OF THE GENERAL MANAGER

10.1 Election of Mayor

At this time the General Manager, acting as Returning Officer, advised that one nomination had been received, that being for Councillor Petschler. The Returning Officer thereupon declared Councillor Petschler as the Mayor for the period until September 2015.

10.2 Election of Deputy Mayor

At this time the General Manager acting as Returning Officer, advised that three nominations had been received, that being Councillors Reilly, Way and Steel.

14/139

Resolved that a preferential ballot be undertaken for the election of Deputy Mayor.

(Councillors Sloan and Steel)

A preferential vote for the election of the Deputy Mayor was then conducted. The Returning Officer then formally declared Councillor Reilly elected as the Deputy Mayor for the period until September 2015.

Note: A request was subsequently made following the meeting for a recount. The recount resulted in Councillor Steel being elected as the Deputy Mayor with the distribution of preferences and Councillor Steel was declared Deputy Mayor by the Returning Officer.

5 PUBLIC ACCESS

Mr Michael Mosley – Lot 40 DP1175501, 4-6 Gura Street Kiama (Item 9.3 ADES)

Mrs Giles and Mr John Giles – Vehicular Access – 90 Crooked River Road Gerroa (Item 13.1 DEW)

6 MAYORAL MINUTE

6.1 City of Sydney Amendment (Elections) Bill 2014

14/140

Resolved that Council

- 1) endorses the letter sent to the Member for Kiama, Mr Gareth Ward seeking a deferral of this matter by the NSW Parliament to enable proper consultation and review
- 2) sends a letter to Local Government NSW supporting the association's objections to any proposal to alter the existing arrangements of voting in local government elections in relation to business and corporate entities being given extra voting rights
- 3) writes to all members of NSW Parliament expressing its concern.

(Councillors Seage and Steel)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes - August and September

14/141

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 12 August 2014, CR188 to CR196 and 9 September 2014 CR205 to CR211 be received and accepted.

(Councillors Reilly and Way)

14/142

Resolved that Council write to the NSW Government seeking a relocation of the Kiama Ambulance Station to a more appropriate site and request advice on the cost of relocation.

(Councillors Reilly and Way)

7.2 Blue Haven Minutes

14/143

Resolved that the Minutes of the Blue Haven Retirement Village Committee Meeting held on 3/09/14 be received and accepted.

(Councillors Rice and Way)

COMMITTEE OF THE WHOLE**14/144**

Resolved that at this time, 5.29pm, 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 Rice)

8 PUBLIC ACCESS REPORTS**14/145**

Resolved that at this time, 5.29pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Honey)

9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1)

14/146

Recommended that Council pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 approve a 'deferred commencement' consent for Development Application 10.2014.81.1 subject to the inclusion of the 'draft' conditions of consent at the end of this report, which includes a consent condition requiring a maximum ridge height of R.L 41.400. Plans and specifications, which indicate the maximum ridge height requirement has been met, are required to be submitted to Council prior to the issue of an 'operational consent'.

(Councillors Sloan and Way)

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

Against: Nil

13.1 Vehicular Access - 90 Crooked River Road Gerroa**14/147**

Recommended that the owners of 90 Crooked River Road, Gerroa be advised that it is with considerable regret that this Council finds it impossible to improve the driveway at this location, however, it will seek from the utilities provider a relocation of the power pole at this location.

(Councillors Reilly and Seage)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**9.1 Prohibition of Camping and Other Activities - Bombo Beach - Lot 1 DP744712****14/148**

Recommended that:

- 1) camping and the lighting of fires on land at the northern end of Bombo Beach, described as Lot 1 DP 744712 and as indicated in Attachment 1- Map 1 of this report, become prohibited activities under section 632 of the Local Government Act 1993;
- 2) Council erect notices (signs) in accordance with the provisions of section 670 of the Local Government Act 1993 indicating that camping and the lighting of fires are prohibited activities on land described as Lot 1 DP 744712 and as indicated in Attachment 1 - Map 1 of this report;
- 3) the proposal to make the area at the northern end of Bombo Beach described as Lot 1 DP 744712 and as indicated in Attachment 1 - Map 1 of this report as an Alcohol Prohibited Area, be referred to the Local Area Command of Police for consideration; and
- 4) Council's Traffic Committee investigate and report back to Council on the application of parking time limitations on this site.

(Councillors Sloan and Seage)

9.2 Finalisation of Planning Proposal for Lot 20 DP1151501 Caliope Street Kiama**14/149**

Recommended that Council:

- 1) adopt the planning proposal submitted for Lot 20 DP 1151501 Caliope Street, aimed at rectifying a zoning anomaly on the subject site by applying the R2 zoning and associated planning controls to the whole of the subject lot.

- 2) amend the planning proposal and correct the mapping anomalies over Caliope Street, Kiama by rezoning the whole of Lots 21 to 24 DP 1155392 from RU2 Rural Landscape to R2 Low Density Residential along with accompanying maps and Council consult directly with the landowners of the affected 4 lots.
- 3) exercise plan making delegations for this LEP amendment and proceed with finalisation of this matter in accordance with conferred delegations.

(Councillors Sloan and Seage)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.3 Mayoral Fee for 2014/2015 - Fee Limits Fixed by Remuneration Tribunal 14/150

Recommended that Council note that the Mayoral Fee for 2014/2015 has been set at \$23,440.

(Councillors Sloan and Seage)

10.4 Fixing of Councillors Fees to be Paid to Councillors

14/151

Recommended that Council note that Councillors' Fees for 2014/2015 have been set at \$10,740 per annum.

(Councillors Sloan and Seage)

10.5 Defining the Function of Permanent Council Committees - Committee of the Whole

14/152

Recommended that Council confirm and endorse the functions and structure of the Committee of the Whole.

(Councillors Sloan and Seage)

10.6 Fixing Days and Hours at Which Ordinary Meetings of the Council are to be Held - Meeting Times**14/153****Recommended that:**

- 1) the Ordinary General Meetings of the Council be held on the third Tuesday in each month and that Ordinary Meetings throughout the year shall commence at 5.00pm, provided that when an Ordinary Meeting falls on a Public Holiday, such meeting shall be held on the day following or on such day fixed by resolution of the Council at an Ordinary Meeting preceding such Public Holiday, provided further that the day of any Ordinary Meeting may, for good and sufficient reason, be altered by resolution of the Council at any preceding Ordinary Meeting
- 2) public access be held at a time determined by Council on the day preceding the Council meeting with the maximum number of public access being ten (10).

(Councillors Seage and Steel)

10.7 Fixing Time and Manner of Giving Notice (And Notice of Business) for Meetings - Notice of Meetings Policy – 2014/2015**14/154****Recommended that:**

- 1) the General Manager shall, wherever possible, give six days notice to Councillors of Ordinary Council Meetings (and of the business proposed to be transacted at those meetings). In cases of emergency, the requirements of Section 367(2) of the Local Government Act 1993 or Clause 241 of the Local Government (General) Regulation 2005 shall apply;
- 2) for Extraordinary Council Meetings, the period of notice of the meeting and of the business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Section 367(2) of the Local Government Act 1993, or Clause 242 of the above Regulation; and
- 3) for Committee Meetings, the period of notice of the meeting and of business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Clause 241 and 242 of the above Regulation.

(Councillors Seage and Sloan)

10.8 Fixing the Order of Business - Policy on the Order of Business for 2014/2015**14/155**

Recommended that Council approve the continuation of the general order of business as detailed in this report and that Council delegate to the Mayor and General Manager the power to alter such order of business as required.

(Councillors Sloan and Steel)

10.9 Council Committees - Appointment of Committees and Memberships**14/156**

Recommended that Council adopt the committee structure for 2014/2015 and nominate the Councillor membership of those Committees as attached and list the Committees on the Council website against their respective Councillor profiles.

(Councillors Reilly and Way)

LIST OF COUNCIL COMMITTEES

Committee	Council Membership	Meeting Times	Membership Nos.
Committee of the Whole	All Councillors	Every 3 rd Tuesday	All Councillors
Aboriginal Reference Group	Clr Reilly	Bi monthly	1 Councillor
Access	Clr McClure	1st Friday; every 2 nd month 10.00am	1 Councillor (Chair)
Australia Day	Mayor, Deputy Mayor & Clr Way	As required.	Mayor and 2 Councillors (including Chair)
Blue Haven Management Advisory Committee	Clrs Petschler, Reilly and Rice	1 st Wednesday; Quarterly, 6.30pm	3 Councillors
Commercial Centres & Community Safety Management Committee	Clrs Seage, Way and McClure	Dates set	2 Councillors (including Chair)

Committee	Council Membership	Meeting Times	Membership Nos.
Companion Animals Management Advisory Committee	Clr Way	Every 6 months or as required.	1 Councillor
Crooked River Estuary Management Committee	Clr Sloan	As required	1 Councillor
Economic Development Committee	Clrs Honey, Rice, McClure & Reilly	Monthly	4 Councillors (including Chair)
Floodplain Management Committee	Clr Sloan (Chair)	As required	1 Councillor
Hoi An Friendship Committee	Clrs Rice, Seage, Steel & Way	As required	3 Councillors and GM
Internal Audit & Risk Committee	Mayor, Deputy Mayor, Clrs Seage & Sloan	As required	Mayor, Deputy Mayor, 2 Councillors
Kiama Cultural Board including Art Centre and Grants	Clrs Reilly & Way and GM	Last Thursday of month, 5.30pm	Mayor, GM & 2 Councillors
Kiama Development Industry Committee	Clr Seage (Chair), Clrs McClure & Sloan	As required	4 Councillors
Kiama Health & Sustainability Advisory Committee	Clrs Rice & Sloan	Bi-monthly	2 Councillors
Kiama Walking Tracks/Cycleway	Mayor ex –officio, Clrs Honey & Way	As required	2 Councillor (including Chair)and Mayor ex-officio
Long Term Financial Planning and Revenue Committee	Mayor, Deputy Mayor, Clrs Sloan & McClure	As required	4 Councillors
Minnamurra River Estuary Management Committee	Clr Sloan (Chair), Clrs Honey, & Rice	As required	3 Councillors

Committee	Council Membership	Meeting Times	Membership Nos.
Occupational Health & Safety	Mayor (ex officio)	Quarterly	Mayor (ex officio)
Performance Review	Mayor, Deputy Mayor, Clrs Sloan & Seage	Every 6 months	Mayor, Deputy Mayor and 2 Councillors
Road Safety Steering Committee	Clr Seage	Quarterly	1 Councillor (including Chair)
Seniors' Week	Clr Rice	As required; 2.00pm	1 Councillor (including Chair)
Shoalhaven Street Development Working Party	Mayor, Deputy Mayor, Clrs Way Sloan & McClure	As required	Mayor, Deputy Mayor and 3 Councillors
Staff Consultative	Mayor (ex officio)	Monthly; No set date; 11.30am	Mayor (ex officio)
Streets & Reserves Naming Committee	Clr Seage (Alternative Clr Rice)	As required.	1 Councillor and 1 Alternative
Traffic	Clr Petschler (Alternative Clr McClure)	Monthly, 1 st Tuesday; 9.00am	1 Councillor and 1 Alternative
Youth Advisory Committee	Clrs Rice & Reilly	1 st Wednesday of month, 10.40am at Kiama High	2 Councillors

10.10 Council Delegates to Outside Bodies - Appointment to Regional and Other Organisations

14/157

Recommended that Council adopt its representatives to outside organisations as attached.

(Councillors Sloan and Way)

14/158

Recommended that Council not participate in the Illawarra Centenary of ANZAC Committee.

(Councillors Seage and Reilly)

LIST OF DELEGATES TO OTHER BODIES

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Australian Mayors Council for Climate Protection – Advisory Group – NSW (AMCCP)		Mayor	As Mayor	Mayor
Centenary of ANZAC	As required	Clr Seage	Council	1 Councillor
Cleary Bros Community Consultative Committee	As required	Clr Sloan (Alternate Clr Steel)	Council	2 Councillors
Friends of Kiama Library	Monthly	Clr Rice (Alternate Clr Reilly)	Council	1 Councillor and 1 Alternative
Healthy Cities Illawarra Management Committee and International Healthy Cities Alliance (including Australian Chapter)	Quarterly and as required	Clr Rice (Alternate Mayor)	As Mayor	Mayor and Alternative
Illawarra Academy of Sport	Bi-monthly	Director of Community Services (Clare Rogers) (Alternate Clr Way)	Delegate	Mayor or representative
Illawarra Bush Fire Management Committee	Quarterly	Clr Honey	Councillor Delegate, Staff	1 Councillor and DEW
Illawarra Connection		Clr Steel	Council	2 Councillors
Illawarra District Noxious Weeds Authority Committee	Quarterly	Clr Honey (Alternate Council's Landscape Officer)	Council	1 Councillor & Alternative being Landscape Officer
Illawarra Landcare Co-ordinating Committee	As required	Clr Rice (Alternate Clr Sloan)	Council	1 Councillor and 1 Alternative
Illawarra Regional Airport Management Advisory Committee	As required	Mayor		Mayor
Illawarra Regional Information Service	Quarterly	Mayor	Delegate	1 Councillor
Illawarra Rural Fire District Service Agreement Committee	Quarterly	Clr Honey	Councillor Delegate, Staff	1 Councillor and DEW

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Kiama & District Sports Association	Bi-monthly	Clr Way (Alternate Clr Sloan)	Council	1 Councillor and 1 Alternative
Kiama Liquor Accord	As required	Clrs Steel & Seage	Council delegate	2 Councillors and Road Safety Officer
Metro Pool United Independent Pool	Quarterly	Mayor & GM	Delegate	1 Councillor and GM
South Coast Co- operative Library Service	2 months	Clr Rice	Council	1 Councillor
Southern Councils Group	2nd Friday alternate month	Mayor, Deputy Mayor (Alternate GM)	Council	Mayor, Deputy Mayor GM
Sydney Catchment Authority's Local Government Reference Panel	As required	Clr Sloan (Alternate Clr Seage)	1 Councillor, 1 Staff	1 Councillor, 1 Alternative and DES
Tourism Kiama Board of Management	2nd Wednesday of alternate month (6 pm)	Clrs Reilly & Honey (Alternate Clr Rice) and Council's General Manager	Council delegates	2 Councillors, GM and Alternative

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff

14/159

Recommended that Council review and endorse the delegations as detailed in this report.

(Councillors Rice and Way)

10.12 Rebuilding NSW Discussion Paper**14/160****Recommended** that Council:

- 1) make a submission strongly supporting regional communities benefitting from \$6 billion infrastructure funding if the partial lease of NSW electricity networks proceeds;
- 2) support regional projects that will improve railways and roads in the area including an improvement to rail travelling times to Sydney from the Illawarra, the construction of the Albion Park bypass, the extension of the F6 and the upgrade of the Berry to Bomaderry Highway (including Shoalhaven River Bridge); and
- 3) seek assurances that smaller infrastructure such as cultural and sporting facilities will attract reasonable funding and that Council seek funding support for the following projects:
 - development of an arts centre in Kiama
 - the development of the Gerringong School of Arts Museum/Library.

(Councillors Sloan and Steel)

10.13 KISS Arts Festival**14/161****Recommended** that Council advise the organizers of the KISS Arts Festival that Council is able to contribute \$4,000 to the holding of the event in 2015.

(Councillors Steel and Rice)

10.14 Review of Funding for Tourism**14/162****Recommended** that:

- 1) Council adopt Option 3 of the Rand Report and that Council take steps to appoint a Council Tourism Manager responsible for marketing/promotion of the Municipality within an allocated budget of approximately \$200,000 part funded from the Special Rate Levy and Council's General Revenue;
- 2) Council continue to provide funding support to the Visitors Information Centre, contributing approximately \$160,000 comprising part Special Rate Levy, Kendall's Beach Holiday Park contribution and rental subsidy on the basis that the Centre maintains at least Level 2 accreditation, seven day operation, accommodation booking service and visitors guide conditional that Kiama Tourism sign the Memorandum of Understanding by 1 November 2014 and that

the funding arrangement be reviewed on a six (6) monthly basis with the first coinciding with Council's 2015/2016 Budget preparation;

- 3) A Memorandum of Understanding be entered into with Kiama Tourism which includes performance standards for each organisation. Details of the Memorandum of Understanding being submitted to a subsequent meeting;
- 4) The new arrangements be implemented by 1 November 2014.

(Councillors Way and Sloan)

14/163

Recommended that part (3) above be amended to read as follows:

- 3) A Memorandum of Understanding be negotiated with Kiama Tourism which includes performance standards for each organisation. Details of the Memorandum of Understanding being submitted to a subsequent meeting.

The amendment was put and **carried**.

(Councillors Rice and Honey)

14/164

Recommended that Council form a Committee to draft a Memorandum of Understanding and that Committee comprise Councillors Petschler, Steel and Seage and the General Manager.

(Councillors Steel and Honey)

10.15 NSW Primary Schools Sports Association State Rugby Carnival - Kiama

14/165

Recommended that Council endorse the waste services, cleaning and use of the Pavilion in conjunction with the holding of the NSW Primary Schools Sports Association State Rugby Championships held at the Kiama Showground from 18-21 August 2014.

(Councillors Seage and Way)

10.16 Gerringong Red Cross

14/166

Recommended that Council endorse donating the hall hire fee to the Gerringong Red Cross for the centenary celebration event.

(Councillors Seage and Steel)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Nomination of Management Representative and Alternative Representative on Consultative Committee

14/167

Recommended that:

1. Council's Manager Human Resources and Commercial Services be re-appointed as a management representative on the Consultative Committee on a temporary basis until Human Resources Officer, Meagan Carey is considered suitable for appointment to the role;
2. Council's Human Resources Officer, Meagan Carey be appointed as a management representative on the Consultative Committee on an ongoing basis once deemed suitable for appointment to the role by Council's Manager Human Resources and Commercial Services; and
3. Council's Manager Human Resources and Commercial Services, Russell Park then be appointed as the alternative management representative on Consultative Committee.

(Councillors Reilly and McClure)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Annual Financial Statements 2013/2014

14/168

Recommended that:

1. Council's Draft Financial Statements for 2013/2014 be referred to Council's auditors for audit under sect 413 (1).
2. Council resolves in accordance with sect 413 (2c) that the annual financial report is in accordance with:
 - the Local Government Act 1993 (as amended) and the Regulations made there under;
 - the Australian Accounting Standards and professional pronouncements;
 - the Local Government Code of Accounting Practice and Financial Reporting;
 - presents fairly the Council's operating result and financial position for the year;
 - accords with Council's accounting and other records; and
 - and that the Council is not aware of any matter that would render this report false or misleading in any way.
3. Council adopt the Councillors/Management "Statement" and resolve that it be signed and attached to the Financial Statements for 2013/2014.
4. That on receipt of the Audited Reports, a copy is forwarded to the Office of Local Government.
5. Council include in future financial statements the financial health indicators referred to in the Fit for the Future report.

(Councillors Sloan and Reilly)

12.2 Statement of Investments**14/169**

Recommended that the information relating to the Statement of Investments for August 2014 be received and adopted.

(Councillors Sloan and Reilly)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**13.2 Road Safety Grant Funding Acceptance****14/170**

Recommended that Council accept the offer of \$24,100 grant funding from the NSW Roads and Maritime Services for local road safety projects.

(Councillors McClure and Seage)

13.3 Reid Park Jamberoo - Centenary Rotunda**14/171**

Recommended that Council indicates its support for the proposed Centenary Rotunda in Reid Park and allocates \$5,326 from the Section 94 plan and in kind site preparation costs to the project.

(Councillors Steel and Rice)

13.4 New Licence - Gerringong Sunrise Rotary Markets**14/172**

Recommended that Council enter into a new three year licence agreement with Gerringong Sunrise Rotary Club Inc. for the operation of markets at Lot 38, DP873965, 106 Fern Street Gerringong and that delegated authority be given to the General Manager to sign the licence agreement.

(Councillors Honey and Sloan)

13.5 Proposed Classification of Land**14/173**

Recommended that Council give public notice to classify Lot 51 DP1200006 as operational land under Section 34 of the Local Government Act 1993 and adopt the classification for the land following the advertising period.

(Councillors Seage and Steel)

13.6 Purchase of Road Maintenance Unit**14/174**

Recommended that Council purchase one HD Series Road Maintenance unit from Ausroads with a capital value of \$233,016 + GST.

(Councillors Seage and Reilly)

13.7 Cost Estimate to Demolish and Rebuild the Kiama Memorial Arch**14/175**

Recommended that Council defer consideration of this matter until the next meeting.

(Councillors McClure and Reilly)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**14.1 Cultural Board Minutes and Cultural Grants****14/176**

Recommended that Council

1. approve the recommended applications for the August funding round of Council's Cultural Grants:
 - Photography Workbook; \$3000
 - Talk to Me, Dance with Me, Listen; \$1988
 - Land Art Workshops; \$3000and that a further report be brought forward on the Gerringong Live application.
2. approve the recommended applications for the annual Youth Arts Scholarships:
 - Harry O'Brien; \$1000
3. note the Cultural Board Minutes, March 2014.

(Councillors Sloan and Way)

14.2 Kiama Hospital Redevelopment**14/177****Recommended** that:

- 1) note the information contained in this report; and
- 2) an extraordinary meeting be scheduled to consider ongoing stages to the project.

(Councillors Seage and Steel)

14.3 NSW Public Library Conference 2014**14/178****Recommended** that Council not nominate to attend the NSW Public Library Conference at this stage.

(Councillors Steel and Rice)

14.4 NSW Public Library Funding Campaign - further action needed**14/179****Recommended** that Council continue its support for the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

- a) making further 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, noting that the 2014 State budget did not address recurrent funding needs
- b) writing to the Hon. Troy Grant, Minister for the Arts, noting the allocation of \$15m over 4 years for a public library infrastructure grants program, and 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
- c) continuing to encourage and support the distribution of NSW Public Library Association campaign information in Council libraries
- d) taking a lead role in activating the campaign locally and encouraging community participation.

(Councillors Sloan and Rice)

14.5 North Bombo Walking Track**14/180****Recommended that:**

1. Council determines that the naming of the track is not associated with Aboriginal culture and that the track be named Thunda Track and that Council consult with Kiama Tourism on how to market the walk.

Councillors Reilly and Steel)

15 REPORTS FOR INFORMATION**14/181**

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

- 15.1 Minutes of the Commercial Centres and Community Safety Meeting held on 12 August 2014
- 15.4 Barren Grounds Walking Trail
- 15.6 Kiama Village Shopping Centre Carpark
- 15.7 Illawarra In Home Support Men's Health Event - Under the Bonnet
- 15.9 Kiama Liquor Accord - Minutes
- 15.11 Riverside Drive Kiama Downs - Traffic Management Plans
- 15.12 South Precinct Meeting Minutes 21/8/2014
- 15.13 Interlocking Removable Pathway
- 15.14 Kiama Seniors Week 2015 Committee
- 15.15 Kiama Library - Operational hours during the Christmas New Year period
- 15.16 Food Mapping and Producers Audit
- 15.17 Removal of trees on Riverside Drive Bombo
- 15.18 Kiama Library Space
- 15.19 Parking Statistics - August 2014
- 15.20 Visit by NSW Department of Family and Community Services to Council's Youth Services
- 15.21 Financial Assistance Grants
- 15.22 7th Making Cities Liveable Conference
- 15.23 Possibility of employing an additional full-time Ranger
- 15.24 Economic Development Committee Minutes
- 15.25 Kiama Youth Advisory Committee – Minutes
- 15.26 Illawarra Academy of Sport.

(Councillors Way and Sloan)

**15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50
Vegetation Code of Practice for NSW****14/182****Recommended that:**

1. Council notes that the recent introduction of the Rural Fires Amendment (Vegetation Clearing) Act 2014 and the 10/50 Vegetation Clearing Code of Practice:
 - a) appear to have resulted in a range of unintended consequences;
 - b) have already resulted in tree removal in urban, coastal areas of the Kiama LGA that on any objective assessment should have a low bushfire risk rating;
 - c) were introduced without clear mapping and criteria to define clearing entitlement areas at the time of public consultation, effectively preventing community input into the extent of the areas included;
 - d) limit the ability of council to implement our LEPs, DCPs and tree preservation provisions via the issue of conditions of consent relating to ecologically or culturally significant vegetation;
 - e) may limit development that could otherwise be approved under the earlier *Planning for Bushfire Protection*, as Councils will need to ensure that any vegetation that needs to be retained or protected remains at least 50m from an approved dwelling; and
 - f) is to be reviewed within 12 months.
2. That Council writes to the Member for Kiama, the Minister for the Illawarra, the Minister for Police and Emergency Services, and the Minister for the Environment noting this motion, and requesting:
 - a) suspension of these new provisions whilst an immediate review is undertaken;
 - b) that the review evaluate likely bushfire hazard reduction benefits in different vegetation types (such as littoral rainforest), landforms (such as coastal headlands) and land uses (such as dense urban); and
 - c) that mapping be provided of the clearing entitlement areas for the Kiama LGA and the criteria for defining these areas so that Council can fully assess the potential impacts and make comment.
3. That Council write to the NSW Local Government Association, Southern Councils Group and other Illawarra Councils seeking their support for an immediate suspension of these new provisions whilst a review is undertaken.

(Councillors Sloan and Seage)

15.3 Beach Volleyball Nets

14/183

Recommended that Council purchase two (2) removable volleyball nets and posts to be stored at the Kiama Surf Lifesaving Club at Surf Beach with the funding to be determined.

(Councillors Way and Steel)

15.5 Minnamurra Headland - Picnic Settings**14/184**

Recommended that a report be prepared on the budget for this project including whether one (1) set can be provided with the Canine Capers funding.

(Councillors Way and Steel)

14/185

Recommended that a report be prepared on what projects would be deferred if this project were to proceed.

(Councillors Reilly and Sloan)

15.8 Kiama Road Safety Steering Committee - Minutes**14/186**

Recommended that the Roads and Maritime Services review the possible removal of the separation of barriers during the Christmas and Easter holiday period.

(Councillors Seage and Way)

15.10 Wollongong City Council - Climate Change**14/187**

Recommended that Council support Wollongong City Council's resolution by writing a letter to the Prime Minister and request that climate change is placed on the agenda for this year's G20 meeting.

(Councillors Rice and Reilly)

15.23 Possibility of Employing an additional Full-time Ranger**14/188**

Recommended that a business plan be prepared for the addition of a full-time Ranger to Council's Ranger Services.

(Councillors Way and Sloan)

16 ADDENDUM TO REPORTS

At this time, 8.10pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

16.1 23rd NSW Coastal Conference 2014**14/189**

Recommended that Council approve Councillors nominating for attendance at the 2014 NSW Coastal Conference.

(Councillors Rice and Way)

16.2 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce**14/190**

Recommended that:

1. Council note the Office of Local Government circular and the NSW Government response to the Independent Local Government Review Panel and Local Government Acts Taskforce;
2. Council advise of its interest to participate in the pilot program for the establishment of joint organisation of councils;
3. Council raise concern regarding the shifting of financial assistance grants to councils with the greatest need. This action may disadvantage councils that have been more efficient and responsible in the past and also lead to further deterioration of the financial sustainability of councils generally.
4. Council write to the NSW Government seeking a greater period in the future to make submissions on important issues such as this matter.

(Councillors Seage and Honey)

16.3 Payment of Expenses and Provision of Facilities**14/191**

Recommended that Council confirm the payment of expenses and provision of facilities policy with 2.2.3 of the Policy relating to travel by vehicle being amended to read as follows:

Councillors who use a private vehicle for Council business shall be reimbursed on a per kilometre travel basis at the rate currently applying to the Local Government (State) Award. As at 1 July 2014 these rates are:

Less than 2.5 litre engine – 68¢ per kilometre

2.5 litres and over – 78¢ per kilometre

(Councillors Seage and McClure)

**16.4 Finalisation of Planning Proposal for Lot 20 DP1151501 Caliope Street
Kiama****14/192**

Recommended that the road name in the Report of the Acting Director of Environmental Services 10.2 be amended to Caliope Street.

(Councillors Steel and Seage)

RESUMPTION OF ORDINARY BUSINESS**RECOMMENDED**

That at this time, 8.14pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**RECOMMENDED**

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 14/146 to 14/192 above.

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE**18.1 Kiama Leisure Centre - Chair Lift**

Councillor McClure requested a report on the cost of a hoist to be used to lift people with a disability into and out of the pool at the Kiama Leisure Centre. The Mayor referred this matter to the Acting Director of Corporate and Commercial Services. The Acting Director advised Councillor McClure that a lifting device had been ordered and would shortly be available at the Leisure Centre.

18.2 Confidential Items - Council Business Paper

Councillor Seage requested that a report be prepared on the possibility of separately recording the confidential section of future business papers to improve accuracy, transparency and accountability. The Mayor referred this matter to the General Manager for information and report.

18.3 Solar Panels - Kiama Pavilion and Council Administration Building

Councillor Rice requested a report on the possibility of publicly displaying the electricity generated in real time from the solar panels installed on either the Council Administration building or the Kiama Pavilion. The Mayor referred this matter to the Acting Director of Environmental Services for information and report.

18.4 Landcare Group - Jones Beach

Councillor Way requested a report on the formation of a Landcare Group to undertake works following completion of the Plan of Management for Jones Beach/Cathedral Rocks. The Mayor referred this matter to the Director of Engineering and Works for information and report.

18.5 Meeting Register - Councillors and Directors

Councillor Reilly requested an investigation and report to Council on the creation of a meeting register between Councillors and Directors and that this register be reported to Council meetings. The Mayor referred this matter to the General Manager for information and report.

19 CONFIDENTIAL SUMMARY

14/193

Resolved that at this time, 8.20pm, 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 Sloan)

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:

14/194

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public to deal with the following matters on the ground as detailed below.

(Councillors Steel and Sloan)

20.1 KIAMA HOSPITAL REDEVELOPMENT

Reason for Confidentiality: This matter deals with commercial information of a confidential nature 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.

20.2 TENDER EXPRESSIONS OF INTEREST – WASTE PROCESSING AND DISPOSAL

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 and information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government Act. .

20.3 BLUE HAVEN MISSION STATEMENT

Reason for Confidentiality: This matter deals with 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 CONFIDENTIAL REPORTS

20.1 Kiama Hospital Redevelopment

14/195

Recommended that this report be brought into open Council.

(Councillors Seage and Reilly)

The motion was put and **lost**.

14/196

Recommended that Council:

1. support seeking funds from the NSW government to meet remediation costs related to contamination at the Kiama Hospital site;
2. note the information contained in the two attachments relating to the Capital Expenditure Review and the Premier financial feasibility report, for consideration at the extraordinary Council meeting; and
3. start exploring other site options in more detail.

(Councillors Reilly and Steel)

20.2 Tender Expressions of Interest – Waste Processing and Disposal**14/197****Recommended that:**

1. SITA Australia be invited to submit a Request for Tender for Part 1, 2 and 3 as outlined in the Expression of Interest (EOI Number KT-290514) for Waste Processing and Disposal.
2. Soil Co Australia be invited to submit a Request for Tender for Part 3 as outlined in the Expression of Interest (EOI Number KT-290514) for Waste Processing and Disposal.

(Councillors Reilly and Sloan)

20.3 Blue Haven Mission Statement**14/198****Recommended** that Council adopt the following Blue Haven Mission Statement:

“The Mission of Blue Haven is the care, comfort and wellbeing of people with a disability and senior members of our wider community by providing independent choice, wonderful facilities and the means to enjoy life to their maximum ability.

(Councillors Reilly and Seage)

Close of Confidential Committee of the Whole:**14/199**

Recommended that this time, 8.55pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Seage)

Adoption of Report

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

14/200

Resolved that the Confidential Committee of the Whole recommendations numbered 14/195 to 14/199 be confirmed and adopted.

(Councillors Steel and Seage)

21 CLOSURE

There being no further business the meeting closed at 8.55pm

These Minutes were confirmed at the Ordinary Meeting of Council
held on 14 October 2014



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Mayor