

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 18 MARCH 2014

COMMENCING AT: 5.01 pm

PRESENT: His Worship the Mayor Councillor B Petschler, Councillors N Reilly, M Honey, G McClure, 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, Acting Director of Engineering and Works and Acting Director of Community Services

APOLOGIES: Nil

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.”

CONFIRMATION OF MINUTES - ORDINARY MEETING – 18 FEBRUARY 2014

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

Adoption:

MN019

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

(Councillors McClure & Steel)

BUSINESS ARISING FROM THE MINUTES: - NIL

PUBLIC ACCESS:

The General Manager outlined public access which was held on Monday 17 March 2014 in the Council Chambers commencing at 5.00pm as follows:-

Mr Jim Bradley – Review of Community Land Plan of Management – Jones Beach/Cathedral Rocks (Item 4 – DEW)

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Ms Jessica Arroyo – Riverside Drive Kiama Downs – Traffic Management (Item 6 – Reports for Information)

Mrs Sonya Slyer – Kiama Tourism (Item 1 – Confidential Mayoral Minute)

MAYORAL MINUTE:

The Mayoral Minute was acknowledged by the Councillors:

1 Kiama Rugby Sevens and Kiama Jazz and Blues Festival

MN020

Resolved that Council extend congratulations to the organisers of these highly successful events.

(Councillors Petschler & Steel)

REPORTS OF COMMITTEES:

BLUE HAVEN RETIREMENT VILLAGE COMMITTEE MEETING – 5 MARCH 2014

The Minutes of the **Blue Haven Retirement Village Committee Meeting** held on Wednesday 5 March 2014 were acknowledged by the Councillors.

Adoption:

MN021

Resolved that, subject to the foregoing, the Minutes of the **Blue Haven Retirement Village Committee Meeting** held on Wednesday 5 March 2014 and the recommendations numbered CR036 to CR040 contained therein be approved and adopted.

(Councillors McClure & Way)

KIAMA TRAFFIC COMMITTEE MEETING – 13 MARCH 2014:

The Minutes of the **Kiama Traffic Committee Meeting** held on 13 March 2014 were acknowledged by the Councillors.

Adoption:

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MN022

Resolved that the Minutes of the Kiama Traffic Committee Meeting held on 13 March 2014 and the recommendations numbered CR041 to CR044 contained therein be approved and adopted.

(Councillors Seage & Steel)

COMMITTEE OF THE WHOLE:

MN023

Resolved that at this time, 5.10 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 Acting Director of Engineering & Works
Report of the Acting Director of Community Services
Reports for Information
Addendum to Reports

(Councillors Steel & Way)

SENIOR OFFICERS' REPORTS:

MN024

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

(Councillors Steel & Way)

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

**4 Review of Community Land Plan of Management
Jones Beach/Cathedral Rocks**

CR045

Committee recommendation that Council resolve to exhibit the revised draft plan of management for Jones Beach/Cathedral Rocks and a report be prepared for Council's consideration at the end of the exhibition period subject to the inclusion of the following additional point in Appendix 2 Upgrade Works Required:

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- c) individual step size to be responsive to the stairway conditions and assessed as suitable for safe passage.

(Councillors Rice & Sloan)

REPORTS FOR INFORMATION

**6 Riverside Drive Kiama Downs (ADEW)
Traffic Management**

CR046

Committee recommendation that the matters raised by Ms Arroyo in Public Access be referred to the Kiama Local Traffic Committee.

(Councillors Way & Steel)

RESUMPTION OF ORDINARY BUSINESS:

MN025

Resolved that at this time Council resume the Committee of the Whole meeting to deal with matters listed in the reports.

(Councillors McClure & Way)

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

**1 Lot 101 DP 1006083 No 19 Alne Bank Lane, Gerringong – Proposed
Release of Restriction on the Use of Land**

CR047

Committee recommendation that:

- (1) Council resolve to release restriction on use of land numbered 3.1.2 under the terms of the 88b Instrument in DP 1006083.
- (2) Council resolve to delegate authority to the General Manager to release similar restrictions on use of land where Council is the authority benefited.

(Councillors Seage and Steel)

For: All Councillors

Against: Nil

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2 Draft Chapter 3 of Kiama Development Control Plan – Preservation and Management of Trees and Vegetation

CR048

Committee recommendation that the matter be deferred until the May 2014 Council meeting.

(Councillors Reilly & Seage)

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

Against: Councillor Sloan

CR049

Moved by Councillor Steel and seconded by Councillor Reilly that the Review of Chapter 3 Tree Management Committee continue with the opportunity for all Councillors to have input.

The **Motion** was put and Carried

REPORT OF THE GENERAL MANAGER

**1 Risk Management
Enterprise Risk Management**

CR050

Committee recommendation that Council:

1) adopt the Enterprise Risk Management Policy; and

2) adopt the Enterprise Risk Management Strategy.

(Councillors Steel & Seage)

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

CR051

Committee recommendation that Council endorse the engagement of Martin Morris and Jones to prepare a development concept plan for the development of a service station on part of the site.

(Councillors Steel & Seage)

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**3 Integrated Planning and Reporting
Operational Plan Quarterly Report 2nd Quarter and Delivery Program
Report 1st half**

CR052

Committee recommendation that the reviews of the Operational Plan (Second Quarter ending December 2013) and Delivery Program (ending First Half December 2013) be received and adopted.

(Councillors Steel and Seage)

REPORT OF THE DIRECTOR OF CORPORATE AND COMMERCIAL SERVICES

**1 Economic Development
Outdoor Movies**

CR053

Committee recommendation that Council:

- 1) write to the IMB thanking them for their sponsorship and seeking their support to run a bigger and better event in 2014/15;
- 2) congratulate the Event Coordinator Lauren Illingworth for her outstanding effort;
- 3) write to Bjorn Ulfson of TAFE Illawarra acknowledging his role in the success of the outdoor movies, and thanking TAFE Illawarra for the use of their equipment;
- 4) investigate the potential to run a short film competition in conjunction with the 2014/15 outdoor movie program; and
- 5) investigate potential marketing partnerships with local media organisations.

(Councillors Steel & Seage)

**2 Southern Phone Company
2012/2013 Dividend and Marketing Support**

CR054

Committee recommendation that Council support the marketing effort of the Southern Phone Company by including the Company's marketing brochure with the April 2014 Rates notice.

(Councillors Sloan and Honey)

REPORT OF THE MANAGER CORPORATE SERVICES

1 Investments Statement of Investments

CR055

That the information relating to the Statement of Investments for January 2014 and February 2014 be received and adopted.

(Councillors Sloan & Honey)

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

1 Resignation of Mr David Leigh as Local Controller Kiama SES

CR056

Committee recommendation that Council formally thank Mr David Leigh for his outstanding service to the community as Local Controller of the Kiama SES Brigade unit for a period of 14 years and that Council hold an appropriate civic function.

(Councillors Steel & McClure)

2 Kiama Memorial Arch - Hindmarsh Park Funding

CR057

Committee recommendation that Council:

- 1) accepts the \$10,000 grant offered under the terms and conditions of the Community War Memorials Fund;
- 2) thank the Member for Kiama for his support in providing this funding; and
- 3) continue to pursue funding applied for under the Federal Governments ANZAC Centenary Local Grants Program.

(Councillors Steel & McClure)

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**3 Public Exhibition of Draft Spring Creek Flood Study
Spring Creek Catchment Kiama**

CR058

Committee recommendation that Council:

- 1) publicly exhibit the Draft Spring Creek Flood Study for a minimum one month period, on Council's website and Administration Centre;
- 2) notify by letter, all property owners and occupiers within the areas indicated as being affected by inundation in the 1% Average Exceedance Probability (1:100 year) event of the public exhibition;
- 3) modify the 149 (5) certificate on properties identified as being within the 1% Average Exceedance Probability (1:100 year) flood event to include potential flooding notification;
- 4) prepare a future report at the close of the public exhibition on submissions received; and
- 5) Council congratulate the Acting Director of Engineering and Works on the report.

(Councillors Seage & Way)

**5 Review of Community Land Plan of Management
Neighbourhood Parks**

CR059

Committee recommendation that Council resolve to exhibit the revised draft plan of management for neighbourhood parks and a report be prepared for Council's consideration at the end of the exhibition period.

**6 Compulsory Acquisition of Land
Princes Highway Foxground**

CR060

Committee recommendation that Council advise RMS that it grants its concurrence to the proposed compulsory acquisition of Lot 424 DP1186383 for nil compensation.

**7 Dedication of Public Road and Road Closure
Daltons Road Jamberoo**

CR061

Committee recommendation that Council:

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- 1) accept dedication of the current formed bitumen road through Lot 138 DP751279 as public road;
- 2) commence a road closure process, including any applications through Crown Lands, involving the identified road reserve extending through Lot 138 and transfer this section of that land, after formal road closure, to the owners of Lot 138 DP751279;
- 3) give delegated authority to the General Manager and Mayor to sign any documents relating to this matter under Council seal; and
- 4) enter into a deed of agreement with the owner of Lot 138 regarding cost apportionment relating to the road dedication, closure and transfer of land.

(Councillors Seage & Way)

8 Kiama Harbour Relocatable Toilet Facility

CR062

Committee recommendation that subject to formal support from the Lands Department being provided:

- 1) a Landmark Carnarvon toilet unit be installed at Kiama Harbour adjacent to the Kiama SLSC Boat Shed.
- 2) a Modus Yarra2 toilet unit be installed should connection to the existing sewerage tank and pump system not be able to be negotiated.

(Councillors Steel & Way)

REPORT OF THE ACTING DIRECTOR OF COMMUNITY SERVICES

1 CCTV in Kiama CBD

CR063

Committee recommendation that Council adopt the Draft Design for approximate placement of CCTV cameras and the scope of area under surveillance without further amendment. That the Quest Security Solutions report including the draft design be used to inform the specifications for a tender document calling for security businesses to tender for the supply, networking and installation of a CCTV camera. The tender specifications will include the capacity for NSW Police to have 24/7 access to the data collected by the cameras. It will have an auditable trail that is recorded by the system to log all access to the data, recording who accessed the data, for how long, what data they viewed/downloaded, and for what purpose (including identifying Police Incident Numbers associated with the incident they are investigating).

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2 Cultural Board Minutes, Cultural Grants and Arts Honour Roll

CR064

Committee recommendation that Council:

- 1) Approve the recommended applications for the February funding round of Council's Cultural Grants;
- 2) Cultural Diversity Experience: \$1000;
- 3) Kingdog & the Catz Music Video: \$3000;
- 4) Kevin Sullivan – Album development: \$2000;
- 5) Kiama Arts Scene Podcasts: \$3,000;
- 6) Approve the recommended applications for the February funding round of Youth Arts Scholarships;
- 7) Kiama Young Musicians Ensemble: \$1000;
- 8) Olivia Deans: \$1000;
- 9) Approve the revised Honour Roll Policy and Arts Honour Roll nomination form and selection criteria; and
- 10) Note the Cultural Board Minutes, March 2014.

(Councillors Reilly & Way)

REPORTS FOR INFORMATION

**13 2014 National General Assembly of Local Government (GM)
Call for Motions**

CR065

Committee recommendation that Council endorse the attendance of Councillors Steel and Seage at the 2014 National General Assembly.

(Councillors Honey & Way)

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**22 National Broadband Network (DCCS)
University of Wollongong - Digital Champions iUnivariate Program**

CR066

Committee recommendation that Council congratulate the Economic Development Manager, Megan Hutchison on her role in this Program.

(Councillors Way & Seage)

25 Minnamurra River - Dogs (DES)

CR067

Committee recommendation that Council seek comment from the Companions Animals Committee, Minnamurra River Estuary Management Committee and relevant agencies on the possibility of permitting dogs on leashes in the Minnamurra River.

(Councillors Steel & Reilly)

Adoption

CR068

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

(Councillors McClure & Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT:

MN026

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 CR045 to CR068 above.

(Councillors McClure & Honey)

RESUMPTION OF ORDINARY BUSINESS:

MN027

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

(Councillors McClure & Honey)

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QUESTIONS WITHOUT NOTICE:

1 Habitat Trees – Crooked River Road Gerroa

Councillor Rice requested a report on whether Kiama Council has current documentation relating to the ecological communities, habitat and vegetation in the Crooked River Road region of the Kiama Municipality and the environmental significance and conservation value of this area. The Mayor referred this matter to the Director of Environmental Services for information and report.

2 Blowhole Point Rock Pool - Steps

Councillor Rice requested information on the installation of an additional concrete step leading into the Blowhole Point Rock Pool. Councillor Rice was advised by the Acting Director of Engineering and Works that the concrete step had been installed when the pool was last emptied for maintenance.

3 Emergency Entrance - Barton Drive to Riverside Drive Kiama Downs

Councillor Rice requested a report on the progress of the installation of emergency access into the Gainsborough Estate at Barton Drive, Kiama Downs. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

4 Sewer Main – Kiama Harbour

Councillor Way requested a report on the costing and provision of a sewer main at Kiama Harbour from the Rock Pool amenities to the Rescue Shed and connection to existing mains as part of the Kiama Harbour redevelopment. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

5 Kiama Netball Courts – Kiama Quarry Sports Complex

Councillor Honey requested a report on the condition of the playing surface at the Kiama netball courts at the Kiama Quarry Sports Complex. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

CONFIDENTIAL COMMITTEE OF THE WHOLE:

MN028

Resolved that at this time, 6.10 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 Way & McClure)

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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:

MN029

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 6.10 pm.

(Councillors Steel & Way)

CONFIDENTIAL REPORTS

**1 Land and Property Development
Weston Site Lot 200 DP1017091 - 55 Shoalhaven Street Kiama**

CR069

Committee recommendation that Council note the information contained within this report.

**2 Lease of Property
105 Shoalhaven Street Kiama (Former Gasworks Site)**

CR070

Committee recommendation that Council:

- 1) note the valuation rationale and principles to be used in any future negotiations with Srimi Vasa Group for potential service station development of the site; and
- 2) give the General Manager delegated authority to enter into negotiations for development of the site.

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3 Gerringong Town Hall Roof Replacement

CR071

Committee recommendation that Council resolve to accept the tender from P&D Envirotech Pty Ltd for the sum of \$228,171.02 including GST to complete the works.

4 Lot C DP 380582 No 44 Manning Street Kiama – Demolition of Existing Building and Construction of Twenty-three (23) Senior Living Apartments and One (1) Retail/Commercial Premises

CR072

Committee recommendation that Council authorise the Mayor and Councillor Sloan to make decisions on Council's behalf in regard to the LEC appeal lodged in relation to Council's refusal of Development Application 10.2012.264.1 and, in accordance with the timetable agreed upon at the Conciliation Conference held on 11 March 2011.

(Councillors Steel & Seage)

For: All Councillors

Against: Nil

CONFIDENTIAL MAYOR MINUTE

1 Kiama Tourism

Disclosure of Interest - Councillor McClure

Councillor McClure declared an insignificant non pecuniary interest in this matter as a member of the Kiama Tourism Board and took no part in discussion of this item.

CR073

Committee recommendation that Council:

- 1) refer the matter of the proposed governance review to the Board of Kiama Tourism for determination should it wish to proceed;
- 2) undertake a full strategic review of the funding for tourism provided by Council using an independent external consultant and such review to include structures and options best for tourism, with an emphasis on the promotion and development of tourism in the Municipality and on the most effective way to support the industry;

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- 3) invite Kiama Tourism to make submissions and to participate in such a review;
- 4) set the aim to complete the review by the end of September 2014; and
- 5) give an undertaking to Kiama Tourism that Council will maintain normal funding to that organisation until the strategic review has been completed.

(Councillors Petschler & Steel)

It was **moved** by Councillor Honey and seconded by Councillor Reilly that the motion be put.

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

CR074

Moved by Councillor Reilly and seconded by Councillor Seage that Council suspend its membership on the Tourism Board to ensure objectivity during this review process.

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

**2 Executive Officers' Performance Agreements
Review for the Period from 1 July 2012 to 30 June 2013**

CR075

Committee recommendation that the report of the Performance Review Committee be endorsed and adopted by Council.

(Councillors Sloan & Steel)

CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE:

MN030

Resolved that at this time, 7.13 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel & McClure)

Adoption of Report

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

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MN031

Resolved that the Confidential Committee of the Whole recommendations numbered CR069 to CR075 be confirmed and adopted.

(Councillors Sloan & Steel)

There being no further business
the meeting closed at 7.13 pm.

These Minutes were confirmed at the Ordinary
Meeting of Council held on 15 April 2014

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Mayor

.....
General Manager