



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 2 FEBRUARY 2016

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 2 FEBRUARY 2016 AT 5PM**

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

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

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

16.2 Ordinary Council Meeting on 15 December 2015

16/004

Resolved that the Minutes of the Ordinary Council Meeting held on 15 December 2015 be received and accepted.

(Councillors McClure and Way)

16.3 Extraordinary Council Meeting on 12 January 2016

16/005

Resolved that the Minutes of the Extraordinary Council Meeting held on 12 January 2016 be received and accepted.

(Councillors Steel and Way)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Mr Murray Blackburn-Smith – Item 9.3 – Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, No 10 Riverside Drive Bombo – staged development – Stage 1 – proposed 2 lot boundary adjustment and creation of easement over a shared access; Stage 2 – construction of 3 new dwellings (10.2015.224.1)

Mr Kai Puckeridge – Item 9.3 – Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, No 10 Riverside Drive Bombo – staged development – Stage 1 – proposed 2 lot boundary adjustment and creation of easement over a shared access; Stage 2 – construction of 3 new dwellings (10.2015.224.1)

Mr Doug Everett – Item 9.3 – Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, No 10 Riverside Drive Bombo – staged development – Stage 1 – proposed 2 lot boundary adjustment and creation of easement over a shared access; Stage 2 – construction of 3 new dwellings (10.2015.224.1)

Mr Mark Hitchcock – Item 9.2 – Part Lot 19 DP 156143 No 139 Manning Street Kiama – Demolition of existing building, construction of 4 units and strata subdivision

Mr Jerry Granger-Holcombe – Item 10.1 – Shoalhaven Street Kiama – Kiama Lions Club proposal

Mrs Elizabeth Burnett – Item 13.2 – New lease – Farbreburn P/L (Barney Street quarry Kiama)

Councillor Steel declared a pecuniary interest in item 9.3 relating to No 10 Riverside Drive Bombo, left the Chambers and did not participate in the discussion.

Councillor Steel declared an insignificant non-pecuniary interest in item 10.1 relating to No 105 Shoalhaven Street Kiama.

6 MAYORAL MINUTE

6.1 Australia Day Award Ceremony and Australia Day Events

16/006

Resolved that Council:

1. Extend congratulations to the 2016 Australia Day Awardees.
2. Thank Susan Ang-Ngo for her Australia Day Address and for undertaking the role of Australia Day Ambassador at short notice.
3. Thank the Kiama Men's Probus Choir and the PlaySpace Vocal Ensemble for their performances.
4. Congratulate Kerrielyn Clark on her significant role in organising the event.
5. Thank Councillors Reilly, McClure, Rice, Way and Honey along with the General Manager, Kirrilee McManus, Jackie Hall and Kate Sutton for their assistance in the organising of the successful Australia Day events.

(Councillors Petschler and Reilly)

16.1 Merger Proposal with Shoalhaven City Council - Adoption of Merger Position by Shoalhaven City Council**16/007**

Resolved that Council note and applaud the decision of Shoalhaven City Council to oppose the merger proposal for our two Councils.

(Councillors Petschler and Way)

6.2 April Ordinary Council meeting - change of date**16/008**

Resolved that Council move the April meeting to 26 April 2016 with public access to be held on the same day.

(Councillors Steel and Sloan)

The Mayor welcomed the new Director of Finance, Corporate and Commercial Services, Kerry McMurray.

7 MINUTES OF COMMITTEES

Nil.

COMMITTEE OF THE WHOLE**16/009**

Resolved that at this time, 5.10pm, 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 Finance, Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Acting Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors Steel and Reilly)

8 PUBLIC ACCESS REPORTS**16/010**

Committee recommendation that at this time, 5.10pm, Council bring forward and

deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Rice)

9.3 Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings (10.2015.224.1)

Disclosure of Interest - Councillor Steel

Councillor Steel declared a pecuniary interest in this matter as he is the owner of a property affected by this application. Councillor Steel left the Chambers and took no part in discussion or voting on this matter.

Councillor Steel left the meeting at 5.10pm.

16/011

Committee recommendation that Council refuse development application 10.2015.224.1 pursuant the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons

1. It is considered that the proposed development results in unacceptable view loss impacts.
2. It is considered that the proposed development results in an unjustified breach of the front 6m building line.
3. Submissions have been received making valid objections to the development on the grounds of view loss.
4. For the reasons outlined, the proposed development is not considered to be within the public interest.

(Councillors Sloan and Reilly)

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

Against: Nil

Councillor Steel returned to the meeting at 5.15pm.

9.2 Review of Determination - DA 10.2015.128.1 – Demolition of existing building, construction of 4 units & Strata subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama

16/012

Committee recommendation that Council defer development application 10.2015.128.1 to an extraordinary meeting to be held on 23 February 2016, due to

additional information being received.

(Councillors Seage and Way)

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

Against: Nil

10.1 105 Shoalhaven Street, Kiama - Kiama Lions Club

Disclosure of Interest - Councillor Steel

Councillor Steel declared a insignificant non-pecuniary interest in this matter as he is a member of the Lions Club.

Committee recommendation that Council:

1. Support in principle the refurbishment/renovation of the Council owned building at 105 Shoalhaven Street, Kiama by the Kiama Lions Club to be used as a holiday respite house for carers.
2. Commence the gateway process to permit the proposal.
3. Donate the relevant gateway and development applications fees to the Lions Club to offset the relevant costs.
4. Enter into a peppercorn lease agreement with the Lions Club for the subject premises for a period of ten years subject to the relevant approvals.
5. Advise the Kiama Lions Club that Council is not in a position to provide any other financial assistance to the proposal.

(Councillors Seage and Reilly)

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

Against: Nil

13.2 New Lease - Farbreburn P/L (Barney Street quarry Kiama)

Committee recommendation that Council:

1. Enter into a new three (3) year lease with Farbreburn P/L (trading as Burnett Trees and Burnett's on Barney) for a landscape supply business and ancillary uses over Lot 9 DP850163, Barney Street Kiama.
2. Set an annual gross rental of \$41,000 (excluding GST) subject to annual CPI increase.
3. Review Kiama Development Control Plan 2012 (Chapter 28) with regard to the restrictions on trading hours and trading days at the Barney Street quarry.
4. Give delegated authority to the Mayor and General Manager to sign all

documentation associated with the lease including the seal of Council.

(Councillors Steel and Reilly)

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

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Modification – Mixed use development comprising of 5 shops, 8 professional suites & 29 residential units – Lot 781 DP1179947 No 128 Belinda Street Gerringong (10.2014.241.2)

Disclosure of Interest - Councillor Sloan

Councillor Sloan declared a potential pecuniary interest in this matter as he has been speaking with the developer in regards to buying or renting within the development. Councillor Sloan left the Chambers and took no part in discussion or voting on this matter.

Councillor Sloan left the meeting at 5.24pm.

16/013

Committee recommendation that Council:

1. Approve the variation to maximum building under clause 4.6 of Kiama LEP 2011 to allow for the maximum height of up to 11.9 metres as outlined in the following report, and
2. Approve the proposed modified development under Section 96(1a) of the Environmental Planning and Assessment Act.
3. Makes a concessional request that 2 units in the development be used for the purpose of holiday letting.

(Councillors Reilly and Seage)

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

Against: Petschler and Rice

Councillor Sloan returned to the meeting at 5.39pm.

9.4 Coastal Management Reforms Submission by Kiama Council

16/014

Committee recommendation that Council endorse the attached submission to the Coastal Management Reforms Team.

(Councillors McClure and Seage)

9.5 NSW Container Deposit Scheme Discussion Paper - consultation forums**16/015****Committee recommendation** that Council:

1. Support the introduction of a Container Deposit Scheme (CDS) by 1 July 2017 as proposed by the NSW Government.
2. Reject the introduction of the Alternative Industry Proposal – Thirst for Good (Option 2) as outlined in the NSW Container Deposit Scheme (CDS) Discussion Paper.
3. The Litter Collectors programs as proposed in Option 2 Alternative Industry Proposal - Thirst for Good be funded and implemented by the NSW State Government but not as an alternative to a Fund CDS model (Option 1).
4. Endorse the preparation of a submission by the Illawarra Pilot Joint Organisation on the NSW Container Deposit Scheme (CDS) Discussion Paper reflecting the above recommendations and other issues as raised in this report.

(Councillors McClure and Seage)

10 REPORT OF THE GENERAL MANAGER**10.2 Proposed merger of Kiama and Shoalhaven Councils****16/016****Committee recommendation** that Council:

1. Endorses the revised Morrison Low Fit for the Future proposal which is attached and forwards copies to the Member for Kiama, Minister for Local Government and Premier of NSW.
2. Endorses the engaging of Morrison Low and Judith Stubbs and Associates to assist in the preparation of Council's submission to the proposed merger inquiry with the relevant costs being met by Council's contingency reserve.

(Councillors McClure and Seage)

10.3 Music Event at Black Beach**16/017****Committee recommendation** that Council provide owner's consent to enable the lodgement of a development application for the holding of the music event.

(Councillors McClure and Seage)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Economic Development Committee - Review of Membership

16/018

Committee recommendation that Council

1. Accepts all applicants for the non-councillor membership of the Economic Development Committee
2. Sends a letter of appreciation to all outgoing members thanking them for their valuable contribution.

(Councillors McClure and Seage)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

16/019

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

(Councillors McClure and Seage)

12.2 Financial Report for the period ending 31 December 2015

16/020

Committee recommendation that the revised budget for the period ending 31 December 2015 be received and adopted.

(Councillors McClure and Seage)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Flood Study Grant Acceptance - Ooaree Creek/Werri Lagoon Catchment

16/021

Committee recommendation that the General Manager be given delegated authority on behalf of Council, to enter into a funding agreement to accept the NSW Office of Environment and Heritage grant funding of \$60,000 for a flood study of the Ooaree Creek / Werri Lagoon catchment areas.

(Councillors McClure and Seage)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**14.1 Public Art Policy****16/022**

Committee recommendation that Council approves the Public Art Policy and Implementation Guide.

(Councillors McClure and Seage)

14.2 Expression of Interest for Art Centre Plans Development**16/023**

Committee recommendation that Council approves the Expression of Interest Project Brief for use in a Request for Quotes (RFQ) for the development of architectural drawings for the Arts Centre

(Councillors McClure and Seage)

14.3 Music in the Park**16/024**

Committee recommendation that Council

1. Approve conducting a Request for Quote for Sound Engineering and Project Coordination for Music in the Park for the 2016 season.
2. Approve the Music in the Park program to be implemented annually with review by Council staff

(Councillors McClure and Seage)

14.4 2016 Mardi Gras Regional Art Prize**16/025**

Committee recommendation that Council endorse the donation of \$500 prize money for the 2016 Mardi Gras Regional Art Prize.

(Councillors McClure and Seage)

14.5 Access Committee minutes - Adult Change Facilities**16/026**

Committee recommendation that Council support the motions from the December

Access Committee that:

1. An Adult Change Facility be considered for inclusion in the planned accessible toilet (Kevin Walsh Oval amenities).
2. All future development and redevelopment of accessible toilets in the LGA to consider the incorporation of adult change facilities.

(Councillors Rice and McClure)

15 REPORTS FOR INFORMATION

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

- 15.1 Jamberoo Village Ratepayers & Residents Association Minutes
- 15.2 Parking Statistics - December 2015
- 15.3 Illegal Posters - Bombo Beach
- 15.4 Accessible carparking - Kiama CBD
- 15.5 Jones Beach Amenities Building
- 15.7 Blue Haven Redevelopment
- 15.8 Section 94 Development Funds
- 15.9 NSW Health and Arts Framework Taskforce - Response to Question Without Notice
- 15.10 Bombo Hill Reserve Amenities Building
- 15.11 Kiama Liquor Accord - minutes
- 15.12 Endeavour Energy - Donation of used power poles
- 15.15 Certificate of Appreciation - Jamberoo Public School
- 15.16 Questions Without Notice Register
- 15.17 Regional Illegal Dumping Compliance Officer - Quarterly Return – 1 October to 31 December 2015.

(Councillors McClure and Seage)

15.6 Black Beach Playground extension

16/027

Committee recommendation that Council consider allocation of funding in the 2016/17 budget for the provision of a shade sail cover over Black Beach playground, similar to those fitted at other Municipality playgrounds, and a swing set/soft fall rubber for older children, estimated by Council staff at \$40,500.

(Councillors Way and Sloan)

15.13 Resignation of Council's Aboriginal Liaison Officer

16/028

Moved by Councillor Reilly and seconded by Councillor Steel that Council dissolve the Aboriginal Reference Group.

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

16/029

A further **Amendment** by Councillor Rice and seconded by Councillor Steel that a report come back to Council on possible new structures that could be used to replace the Aboriginal Reference Group.

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

15.14 Local Government NSW Tourism Conference 2016

16/030

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

1. Supports the attendance of Councillors at the Local Government NSW Tourism Conference 2016.
2. Offer to pay for one Kiama Tourism Board representative to attend the Local Government NSW Tourism Conference 2016.

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

RESUMPTION OF ORDINARY BUSINESS

16/031

Resolved that at this time, 6.15pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors McClure and Seage)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

16/032

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 16/010 to 16/030 above.

(Councillors Way and Sloan)

16 ADDENDUM TO REPORTS

Matters pertaining to the Addendum to Reports were dealt with earlier in the meeting.

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE**18.1 Additional Parks and Gardens staff during Christmas period**

Councillor Seage requested that a report be undertaken on Council considering employing additional Parks and Gardens staff to increase the efficiency of maintenance of our parks, walkways and gardens and additionally considering employing contract lawn mowing people during future Christmas periods. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

18.2 Mitre 10 site installation of booths

Councillor Steel requested that a study be undertaken for the installation of internal booths at the Mitre 10 site and that this be reported back to Council. The Mayor referred this matter to the General Manager for investigation and report.

18.3 Parking signs in Terralong Street

Councillor Steel requested that signs be installed on Terralong Street indicating that only small cars park in the carparks that protrude onto Terralong Street. The Mayor referred this matter to the Director Engineering and Works for investigation and report.

18.4 Hindmarsh Park stage roof

Councillor Steel requested that the roof of the stage in Hindmarsh Park be cleaned. The Mayor referred this matter to the Director Engineering and Works for investigation and report.

18.5 Review of old State and Federal Government roadside signage

Councillor Sloan requested that a review be undertaken of all roadside signage installed by other levels of government to determine if they are still required to satisfy grant conditions, with a view of having unnecessary signs removed.

18.6 Combining strategic planning and design committees

Councillor Honey requested that consideration be given to combining the number of committees, groups and projects within Council currently undertaking aspects of planning and review within the Kiama town centre and investigate combining these committees and projects into one coordinated group to allow for a more efficient and effective strategic planning outcome for the entire Kiama Town Centre. These committees include:

- Akuna Street Masterplan
- Arts Precinct design group
- Precinct East design competition
- Commercial Centres Committee
- Collins Street and Collins Lane Heritage Precinct upgrade

And to ensure that appropriate budget be allocated in the 2016/2017 budget for this to occur. The Mayor referred this matter to the General Manager for investigation and report.

18.7 Playground equipment for young people 9-14 years old

Councillor Reilly requested that a report be provided on the provision of playground equipment for young people between the ages of 9 and 14 years. The Mayor referred this matter to the Director Engineering & Works for investigation and report.

18.8 Colour of bollards

Councillor Reilly requested that when maintaining bollards they are painted a uniform colour. The Mayor referred this matter to the Director Engineering & Works for investigation and report.

18.9 Boats and caravans parking on footpaths

Mayor Petschler requested that action be taken on the increasing number of boats and caravans within the Municipality that are being parked on footpaths. This matter was referred to the Director Engineering & Works and Director Environmental Services for investigation and report.

18.10 Matter of Urgency - Community Concert

16/033

Moved by Councillor Honey and seconded by Councillor Way that Council meet the \$700.00 cost of engaging the sound engineers used at the community concert held on 31 January 2016.

The **Motion** was put and **carried**.

19 CONFIDENTIAL SUMMARY

16/034

Resolved that at this time, 6.24pm, 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 Reilly and Honey)

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:

16/035

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 grounds as detailed below.

This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act.

(Councillors Steel and McClure)

20 CONFIDENTIAL REPORTS

20.1 Staff - Personnel Matters -

16/036

Resolved that Council endorse the action proposed in the confidential Mayoral minute.

(Councillors Petschler and Seage)

Close of Confidential Committee of the Whole:

16/037

Resolved that at this time 6.34pm the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Seage)

Adoption of Report

The Mayor formally reported the recommendation of the Confidential Committee of the Whole more particularly set out above.

16/038

Resolved that the Confidential Committee of the Whole recommendations numbered 16/034 to 16/036 be confirmed and adopted.

(Councillors Seage and Reilly)

21 CLOSURE

There being no further business the meeting closed at 6.38pm

These Minutes were confirmed at the
Ordinary Meeting of Council held on 15 March 2016



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Mayor