COMMENCING AT:	5.03 pm
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- **PRESENT:**His Worship the Mayor Councillor B Petschler, Councillors<br/>N Reilly, M Honey, G McClure, K Rice, D Seage, A Sloan,<br/>W Steel, and M Way
- IN ATTENDANCE: General Manager, Director of Environmental Services, Director of Corporate and Commercial Services, Director of Engineering and Works and Director of Community Services

APOLOGIES: 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 – 17 DECEMBER** 2014

The Minutes of the **Ordinary Meeting** of Council held on 17 December 2014 were acknowledged by the Councillors.

# Adoption:

#### MN001

**Resolved** that the Minutes of the **Ordinary Meeting** of Council held on 17 December 2014 be confirmed and adopted.

(Councillors Steel & Rice)

# **BUSINESS ARISING FROM THE MINUTES:**

# PUBLIC ACCESS:

The General Manager outlined public access which was held on Monday 3 February 2014 in the Council Chambers commencing at 5.00pm as follows:-.

Mr Timbs - Development Application 10.2013.254, Proposed Cafe – Lot 2 DP 158665 No 2 Victoria Street, Gerringong (Item 1 - DES)

Mr Robert Barnes - Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled Dwellings (Item 2 – DES)

Mr Eric Chan - Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled Dwellings (Item 2 – DES)

Mr Rob McKinnon - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

Mr Friedman - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

Mr Phil Lewis - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

Mr Peter Taranto - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

# MAYORAL MINUTE:

The Mayoral Minute was acknowledged by the Councillors:

# 1 Australia Day Award Ceremony and Australia Day Events

# MN002

Resolved that Council:-

- 1) extend congratulations to the 2014 Australia Day Awardees;
- 2) thank Kimberly Abbott for the Australia Day Address;
- 3) thank Councillor Steel and Councillor Mark Way along with the General Manager, Mrs Davina Abela, Mr Joel King (community representative) and Ms Pip Spence on the organisation of the successful Australia Day.

(Councillor Petschler & Councillor Steel)

# 2 The 166<sup>th</sup> Kiama Show (C10.018.000)

#### MN003

**Resolved** that Council congratulate Show President David Young and the Kiama Show Society on the successful 166<sup>th</sup> Annual Kiama Show.

(Councillor Petschler & Councillor McClure)

### 3 Australia Day Awards

#### MN004

**Resolved** that Council send a letter of congratulations to Mr Ray Whiting and Lake Illawarra Local Area Commander Superintendent Wayne Starling.

(Councillor Petschler & Councillor Reilly)

#### 4 P&O Pacific Jewel

#### MN005

**Resolved** that the report be noted.

(Councillor Petschler & Councillor Steel)

# 5 Nomination of 2 Councillors to Attend the Section 34 Conciliation Conference

#### MN006

**Resolved** that Councillors Petschler and Sloan attend the Section 34 Conciliation Conference to be conducted by the Land and Environment Court on 17 March 2014. Councillors will present reasons for Council's refusal of the development application and design outcomes that Council is seeking from the development of the site.

(Councillor Way & Councillor Steel)

# **REPORTS OF COMMITTEES:**

#### KIAMA TRAFFIC COMMITTEE MEETING – 4 FEBRUARY 2014:

The Minutes of the **Kiama Traffic Committee Meeting** held on 4 February 2014 were acknowledged by the Councillors.

#### Adoption:

#### MN007

**Resolved** that the Minutes of the Kiama Traffic Committee Meeting held on 4 February 2014 and the recommendations numbered CR002 to CR009 contained therein be approved and adopted.

(Councillors McClure & Seage)

# COMMITTEE OF THE WHOLE:

### MN008

**Resolved** that at this time, 5.15 pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:-

Report of the Director of Environment Services Report of the General Manager Report of the Director of Corporate & Commercial Services Report of the Manager Corporate Services Report of the Director of Engineering & Works Report of the Director of Community Services Reports for Information Addendum to Reports

(Councillors Sloan & Steel)

# **SENIOR OFFICERS' REPORTS:**

#### MN009

**Resolved** that at this time, 5.16 pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Sloan & Steel)

# **REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

# 1 Development Application 10.2013.254, Proposed Cafe – Lot 2 DP 158665 No 2 Victoria Street, Gerringong

# CR010

**Moved** by Councillor Rice and seconded by Councillor Reilly that having regard to the individual circumstances of this application, i.e.

- The B7 Business Park zoning of the allotment and the sites corner location, along with the location of the existing buildings on the allotment,
- The change of use is from one commercial use to another commercial use, both of which are food preparation and sale oriented,
- There is no Section 94 plan which would support the making of a contribution in lieu of onsite provision of carparking, and
- The historic uses of the site,

It is moved that a variation be granted to Councils DCP Chapter 9 Car parking requirements and that Council approve Development Application No 10.2013.254.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the following conditions;

#### **Conditions of Development Consent:**

#### General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2013.254.1 dated ---- and on the application form except as amended by the following conditions:
  - a) Use of the site as a Cafe' is not permitted until an Occupation Certificate has been issued by an Accredited Certifier.
  - b) All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
- (2) Compliance with the following regulations and standards is required at all times:
  - Design, construction and fit-out of food premises AS4674-2004;
  - Food Act 2003;
  - Food Regulations 2010;

#### Prior to Operating

- (1) Prior to operating, the proprietor must contact Council's Environmental Health Officer to organize a final inspection.
- (2) The applicant must contact Sydney Water (Mark Robinson Trade Waste Officer from Sydney Water, contact number is 0408 614 233) to gain advice as to whether a trade waste approval is required. If such an approval is required the applicant must submit a copy of the trade waste approval to Kiama Municipal Council prior to the operation of the shop. If a grease trap is deemed not required by Sydney Water, information detailing such is to be forwarded to Council prior to operation.
- (3) Prior to operating, the proprietor must notify the Food Authority of the food premises Food Safety Supervisor.
- (4) Prior to operating, the proprietor must complete Councils Food Registration Form.
- (5) Prior to operating, the proprietor must provide Council with the Food Authorities notification reference number.

#### Site Operations

- (1) The hours of operation of the business shall generally be restricted to between 8.00 a.m. and 6.00 p.m. unless otherwise approved in writing by Council.
- (2) No advertising signs shall be erected without firstly obtaining development consent.
- (3) Noise from the premises and equipment must not exceed 5dB(A) above background noise.
- (4) The development shall not interfere with the amenity of the neighbourhood by reason of noise, fumes, steam, grit, waste products or otherwise.

#### Reasons

- 1) Minimise any likely adverse environmental impact of the proposed developments.
- 2) Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies.

#### The Motion was put and Carried.

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

# 2 Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled dwellings (10.2013.137.1)

#### CR011

That Council approve Development Application No 10.2013.137.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the Director's report.

(Councillor Seage & Councillor Steel)

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

Against: Nil

# 5 Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo

# CR012

That:

- 1) Council adopt the Planning Proposal submitted for Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo.
- 2) Council proceed with preparation of the planning proposal documents and maps and upon completion these be forwarded to Parliamentary Counsel's Office for agreement.
- 3) Upon receipt of agreed documentation from Parliamentary Counsels Office, the General Manager or Director of Environmental Services exercise the plan making powers under Section 59 (2) and (3) of the Environmental Planning and Assessment Act, delegated to them by the Minister for Planning, in regard to this Planning Proposal

(Councillor Steel & Councillor Honey)

**For:** Councillors Petschler, Honey, McClure, Reilly, Steel and Way

Against: Councillors Rice, Seage and Sloan

# **RESUMPTION OF ORDINARY BUSINESS:**

# MN010

**Resolved** that at this time, 6.05 pm, Council resume the Committee of the Whole meeting to deal with matters listed in the reports.

(Councillors Steel & Seage)

# **REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

# 3 Commercial Centres and Community Safety Committee

# CR013

That:

1) the revised terms of Reference, included as Attachment 1 to this report, be amended as follows:-

- (a) Under the heading: "Strategies of the Committee"
  - Dot point 3 to read: "To provide a forum for issue identification and discussion in relation to Commercial Centres and Community Safety Committee.
  - Dot point 4 to read: "To develop and implement a coordinated and prioritised work program for the Committee for submission to Council".
- (b) Under the heading: "Minutes"
  - First paragraph to read: "Minutes will be taken by a Council staff member and submitted to the next Council meeting for information and confirmation."
- 2) Council call for expressions of interest to fill vacant Commercial Centres and Community Safety Committee positions identified in the Terms of Reference. At the completion of this process a further report is to be submitted to Council.
- 3) The Minutes of the Commercial Centres and Community Safety Committee meeting held on 12 November, be noted.

(Councillor Seage & Councillor McClure)

# 4 Extraordinary Meeting - Commercial Centres and Community Safety Committee

#### CR014

That:

- The draft design for approximate placement of CCTV cameras and the scope of the area under surveillance, prepared by Quest Security Solutions regarding Kiama CBD camera surveillance, be placed on public exhibition for a period of 28 days during which time the community will be invited to comment on the design.
- 2) It be noted that the proposed installation of security cameras will be contained in the following area of the Kiama CBD: just west of Collins Street, east to Manning Street, south on Manning Street to Bong Bong Street, then west on Bong Bong Street to Railway Parade, north on Railway Parade to Terralong Street.
- 3) Following exhibition of the above, a report be provided back to Council.

(Councillor Seage & Councillor McClure)

# **REPORT OF THE GENERAL MANAGER**

# **1** Government Communications Australia Awards 2014

#### CR015

That:-

- 1) the attendance of Ms Pip Spence at the 3-day Government Communications Conference in Melbourne including attendance at the Awards dinner be endorsed.
- 2) Council congratulate Ms Pip Spence on being shortlisted as a finalist in the Government Communications Awards.

# 2 Local Government Acts Taskforce A New Local Government Act for NSW

# CR016

That:-

- 1) the information contained within this report be noted.
- 2) Council congratulate the General Manager and Corporate Planner on the report.

(Councillor Seage & Councillor Sloan)

# 3 2014 Australian Coastal Councils Conference

#### CR017

That Council approve the attendance of Councillors Reilly and Seage at the 2014 Australian Coastal Councils Conference.

(Councillor Steel & Councillor Rice)

#### 4 Jamberoo Community Event

#### CR018

That Council has an organisational role and contributes \$2,000 to the holding of the event.

(Councillor Reilly & Councillor Seage)

#### 5 Kiama Tourism

#### **Disclosure of Interest – Councillor Gavin McClure**

At this time, Councillor Gavin McClure declared an insignificant, non pecuniary interest in this matter as a member of the Board. Councillor McClure took no part in the discussion thereon.

#### CR019

That:-

- Council adopt the attached terms of reference with the additional requirement that the Consultant is to seek individual input/comment from all current Directors of the Board and those who have served on the Board at any time in the past two years.
- 2) InConsult be engaged to undertake the review at a cost of \$7,605 plus GST, and
- 3) delegation be provided to the General Manager to negotiate a cost variation with InConsult if required so that the consultation can occur.

(Councillor Sloan & Councillor Reilly)

An **Amendment** was **Moved** by Councillor Seage and seconded by Councillor Honey that Kiama Tourism be given a choice of:-

- Council adopt the attached terms of reference with the additional requirement that the Consultant is to seek individual input/comment from all current Directors of the Board and those who have served on the Board at any time in the past two years; or
- 2) A Board of Inquiry made up of Councillors.

The Amendment was put and Lost.

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

6 Revitalising Local Government Final Report of the NSW Independent Local Government Review Panel

#### CR020

That:-

1) Council make a submission in relation to the paper by supporting the majority of the principal recommendations.

- Council indicate its in principle support for the regional joint organisations subject to local governments retaining their autonomy and equal representation and further information being provided on the resourcing and funding of the regional joint organisations.
- 3) Council raise concern in relation to the redistribution of financial grants which would affect the revenue of Kiama Municipal Council
- 4) Council adopt a policy position that the structure of the governing body of any Illawarra Regional Joint Organisation which may be developed from the Review Panel recommendations be based on the model utilised successfully by the Southern Council's Group i.e. equal representation.

(Councillor Steel & Councillor Honey)

# 7 Payment of Expenses and Provision of Facilities

# CR021

That Council adopt the exhibited Payment of Expenses and Provision of Facilities Policy.

(Councillor Rice & Councillor Way)

# REPORT OF THE DIRECTOR OF CORPORATE AND COMMERCIAL SERVICES

#### 1 Kiama Leisure Centre Donation of Use of Facility

#### CR022

That Council donates the use of one volleyball court for two hours per week until approximately the end of June 2014 to enable the athlete named in this report to train for selection in the State and National Under 18 Girls Volleyball Teams.

#### 2 Beach Lifeguards 2012-13 Holiday Season Statistic Report

#### CR023

That the information contained in this report be noted and the staff be commended for the report

# **REPORT OF THE MANAGER CORPORATE SERVICES**

#### 1 Investments Statement of Investments

#### CR024

That the information relating to the Statement of Investments for December 2013 be received and adopted.

# 2 Financial Statement Financial Report for the Period Ending 31 December 2013

#### CR025

That the revised budget for the period commencing 1 October 2013 and ending 31 December 2013 be received and adopted.

# **REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS**

#### 1 Community Development Grants Program – Kiama Blowhole Harbourside Works Project

#### CR026

That:-

- 1) Council makes application to the Department of Infrastructure and Regional Development to allocate the \$400,000 to various projects as identified in this report within the Kiama Blowhole Harbourside Schedule of Works.
- 2) the Federal Member for Gilmore, Mrs Ann Sudmalis be requested to support this proposal.
- 3) western pier head be removed from the Schedule of Works and the 2013-2017 Delivery Program at the next budget until a detailed design and grant funding becomes available.

#### 2 Kiama Quarry Sports Complex Creation of Easement

#### CR027

That the Mayor and General Manager be given delegated authority to sign under Council seal all documentation associated with the creation of the easement.

# **REPORT OF THE DIRECTOR OF COMMUNITY SERVICES**

#### 1 Daisy the Decorated Dairy Cow

### CR028

That Council:-

- 1) approve investigating the restoring of Daisy into a fibreglass sculpture with a further report to Council on the proposed costs and methods.
- 2) consider exploring opportunities for community or business donations for the restoration project as a means of offsetting the cost to Council.

#### 2 Kiama Health & Sustainability Committee (H&SC) Expression of Interest (EOI) to join the committee as a community representative

#### CR029

That Council endorse the recommendation of the Health & Sustainability Committee to accept the Expression of Interest from Edwin Humphries to join the committee as a Community Representative.

#### 3 International Children's Games Application to Participate

#### CR030

That Council support Kiama accepting an invitation to participate in the 2014 International Children's Games to be held in Lake Macquarie in December.

# **REPORTS FOR INFORMATION**

#### 10 Council Donations 2013/2014 Response to Question Without Notice

#### CR031

That the staff be thanked for the presentation of the information.

(Councillor Honey & Councillor Way)

### Adoption

#### CR033

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

(Councillors Steel & Seage)

# ADOPTION OF COMMITTEE OF THE WHOLE REPORT:

#### MN011

**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 CR010 to CR033 above.

(Councillors Way & Steel)

#### **RESUMPTION OF ORDINARY BUSINESS:**

#### MN012

**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 Steel & Seage)

#### NOTICE OF MOTION

#### 1 Kiama Scout Hall Relocatable Toilet Facility

It was **moved** that Council make application to the Crown Lands Department for the provision of a Relocatable Toilet facility, adjacent to the Scout Hall at Kiama Harbour.

(Councillor Way & Councillor Seage)

#### MN013

An **Amendment** was **Moved** by Councillor Petschler and seconded by Councillor McClure that a report be submitted to Council by the Director of Engineering and Works with the concurrent consent of the Crown Lands Department to be sought.

The **Amendment** was put and **Carried** and became the adopted Motion.

# 2 Construction of a Concrete Walkway Railway Avenue

### MN014

**Resolved** that Council consider the construction of a concrete walkway on the western side of Railway Avenue between Beach Street and Links Street so as to join the existing walkway to North Street as a priority in the next budget.

(Councillor Seage & Councillor Sloan)

# **QUESTIONS WITHOUT NOTICE:**

# 1 Council Chambers – Hearing Loop

Councillor Seage requested Council provide a brief report on the installation of a hearing loop in the Council Chambers. The Mayor referred this matter to the Director of Corporate and Commercial Services for investigation and report.

#### 2 Development Application Submissions

Councillor Seage requested that Council include the original date of the Development Application (DA) submission in the weekly report of approved DAs to Councillors.

### 3 Minnamurra River - Dogs

Councillor Steel requested a report on the consideration to rescind the order to allow dogs to swim on a lead with their owner in the Minnamurra River. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

#### 4 Storage Dump Bombo Beach

Councillor Steel requested a report on the installation of a dump point at the north end of Bombo Beach to attract the grey nomad tourists. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

# 5 State of the Environment Report

Councillor Sloan asked if Council could provide an update on the drafting of the State of the Environment Report and advise when a draft is due to be released. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

#### 6 Intersection of Riverside Drive and Meehan Drive

Councillor Rice requested Council to provide a report on the progress on the negotiations with Roads and Maritime Services regarding the completion of the proposed roundabout and pedestrian crossing in Riverside Drive, along with any further information relevant to the eventual status of the traffic management conditions in Riverside Drive. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

# CONFIDENTIAL COMMITTEE OF THE WHOLE:

#### MN015

**Resolved** that at this time, 7.25 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 Steel & McClure)

# 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:**

#### MN016

**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 7.25 pm.

(Councillors Steel & Seage)

# CONFIDENTIAL REPORTS

# 1 Elambra Estate, Gerringong (DCCS) Stage 7 – Sale Price of Lot 729

#### CR034

That Council adopt the recommendation as detailed in the report.

# **CONFIDENTIAL MAYOR MINUTE**

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

#### CR035

That the report of the Performance Review Committee be deferred until the next meeting.

(Councillor Sloan & Councillor Reilly)

# CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE:

#### MN017

**Resolved** that at this time, 7.44 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors McClure & Seage)

#### Adoption of Report

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

#### MN018

**Resolved** that the Confidential Committee of the Whole recommendations numbered CR034 to CR035 be confirmed and adopted.

(Councillors McClure & Seage)

There being no further business the meeting closed at 7.45 pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 March 2014

Mayor

General Manager