



# **MINUTES OF THE ORDINARY MEETING OF COUNCIL**

**commencing at 5pm on**

**TUESDAY 19 MAY 2015**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 19 MAY 2015 AT 5.02PM**

**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  
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**

### **3.1 Ordinary Council Meeting held on 28 April 2015**

**15/132**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 28 April 2015 be received and accepted.

(Councillors Seage and McClure)

## **4 BUSINESS ARISING FROM THE MINUTES**

Council Rice advised that she will bring a Notice of Motion in relation to Item 15.12 of these minutes to the next meeting.

## 5 PUBLIC ACCESS

Mr Paul Beaupark – Item 15.12 of Previous Minutes. Geographical Names Board – Application to Name Bombo Headland Track (Item 3.0)

Mr Lee Cordner – Item 4 Traffic Minutes – Banksia Drive Roadside Parking Concerns and Potential Impacts of Proposed 101 Lot Subdivision (Item 7.1)

## 6 MAYORAL MINUTE

### 6.1 Blue Haven Care Launch

*15/133*

**Resolved** that Council note the information.

(Councillors Petschler and McClure)

### 6.2 Financial Assistance Grants to Local Government

*15/134*

**Resolved** that Council:

1. acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure;
2. acknowledges that the council will receive \$1,420,526 million in 2014-15;
3. will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports; and
4. continue to press for a more equitable contribution to Local Government via the Financial Assistance Grants.

(Councillors Petschler and Reilly)

## 16 ADDENDUM TO REPORTS

*15/135*

**Resolved** that at this time 5.11pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Sloan and McClure)

**16.1 Jamberoo Rural Fire Brigade 75th Anniversary and Medal Presentation****15/136**

**Committee recommendation** that Council formally congratulates the Jamberoo Rural Fire Brigade on its 75<sup>th</sup> Anniversary as well as extend its congratulations to the recipients of the long service medals/clasps.

(Councillors Petschler and Honey)

**16.2 Illawarra Regional Information Service****15/137**

**Committee recommendation** that Council extend its appreciation to Mr Simon Pomfret for his work on behalf of the Illawarra over his 28 years of service to IRIS.

(Councillors Petschler and Steel)

**16.3 Changes to Regional Newspapers****15/138**

**Committee recommendation** that Council:

1. seek assurances from Fairfax Media that the Kiama Independent and the Illawarra Mercury will continue to provide the current newspaper services which are so important to our municipality and the Illawarra region; and
2. seek to have a deputation to Fairfax Media to directly raise Council's concerns about local newspaper services.

(Councillors Petschler and Steel)

**7 MINUTES OF COMMITTEES****7.1 Kiama Local Traffic Committee Meeting - Minutes****15/139**

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 5 May 2015 be received and accepted.

(Councillors Way and Seage)

**7.2 Item 4 of Kiama Local Traffic Committee Minutes of Meeting held on 5 May 2015 -***15/140*

**Moved** by Councillor Reilly and seconded by Councillor Sloan that Council seek the opinion of local residents on the alternative proposal explained by the Director Engineering and Works and following a favourable response it be put to Traffic Committee with the endorsement of Council.

The Motion was put and **carried**.

**8 PUBLIC ACCESS REPORTS**

The two items referred to in the Public Access Reports were dealt with in items 3.0, 7.1 and 7.2 above, respectively.

**COMMITTEE OF THE WHOLE***15/141*

**Resolved** that at this time, 5.26pm, 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 Rice and Steel)

**9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****9.1 Proposed Local Environment Plan review Committee***15/142*

**Committee recommendation** that :

1. Council endorse the attached draft terms of reference as the operational Terms of Reference for the Kiama Local Environment Plan Review Committee and advertise for expressions of interest for membership as per the Terms of Reference;
2. Council include a sunset clause of September 2016 for this Committee; and
3. a report be brought back to Council in August 2016.

(Councillors Honey and Seage)

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

**Against:** Councillors Rice and Sloan

It was agreed to ask for nominations for Councillor membership of the new Local Environment Plan Review Committee. Five Councillors nominated and Councillors Honey, Seage and Sloan were appointed by ballot and endorsed by Council as members of the Committee.

An **Amendment** was put by Councillor Rice and seconded by Councillor Sloan that the Meeting Administration section of the Terms of Reference be amended to include another point as follows:

“Minutes will be also circulated to the Jamberoo Ratepayers and Residents Association, The Minnamurra Progress Association and the South Precinct upon adoption by Council.”

The Amendment was put and **lost**.

## 10 REPORT OF THE GENERAL MANAGER

### 10.1 Rape and Domestic Violence Services Australia "Dunny Door Campaign"

*15/143*

**Committee recommendation** that Council support the Rape and Domestic Violence Services Australia “Dunny Door Campaign” and approve the placement of the 1800RESPECT stickers on the back of all toilet doors in Council owned buildings.

(Councillors Honey and Seage)

### 10.2 South Precinct Operational Guidelines

*15/144*

**Committee recommendation** that Council:

- A. adopt the new Operational Guidelines proposed by the South Precinct subject to the following:
1. the Precinct area being expanded to take in the properties immediately south of the Kiama Heights area and which gain access by the Princes Highway.
  2. Clause 15 being amended by excluding references to building applications and by including dual occupancies and subdivisions not involving more than two (2) lots as not requiring referral to the Precinct Group.
  3. Clause 19 being amended to read as follows:
    - 19) Appoint a staff member to have the role within Council of supporting and enhancing the operation of the Precinct system and to act as Returning Officer at individual precinct Annual General Meetings.

4. Clause 24 being amended to read as follows:

24) The provision of a template for the preparation of meeting minutes and other documents.

- B. provide a second hand laptop, second hand digital projector and a screen to the South Precinct.
- C. provide \$500 to the South Precinct for administrative and publicity purposes.

(Councillors Honey and Seage)

### 10.3 Fit for the Future

*15/145*

**Committee recommendation** that Council make a submission in relation to the IPART Assessment Methodology for Council Fit for the Future proposals raising the concerns referred to in the report.

(Councillors Honey and Seage)

## 11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

### 11.1 Sponsorship Proposal - Surfing NSW

*15/146*

**Committee recommendation** that Council enter into a three year sponsorship arrangement committing to expenditure of \$12,000 per annum +GST (total \$36,000 +GST over three years) plus in-kind accommodation as detailed in the report

(Councillors Honey and Seage)

### 11.2 Stocktake of Store and Materials

*15/147*

**Committee recommendation** that Council authorise a net write-on of \$237.01.

(Councillors Honey and Seage)

### 11.3 Interstate Conference - Risk Management Institute of Australia (RMIA) Conference

*15/148*

**Committee recommendation** that Council grants approval for Council's Risk Management Officer (Insurance) to attend the 2015 Risk Management Institute of

Australia Conference in Adelaide from 11-13 November 2015.

(Councillors Honey and Seage)

## **12 REPORT OF THE MANAGER CORPORATE SERVICES**

### **12.1 Statement of Investments**

*15/149*

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

(Councillors Honey and Seage)

### **12.2 Financial Report for the quarter ending 31 March 2015**

*15/150*

**Committee recommendation** that the revised budget for the quarter ending 31 March 2015 be received and adopted.

(Councillors Honey and Seage)

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

### **13.1 Policy - Commercial Fitness Trainers using Public Reserves**

*15/151*

**Committee recommendation** that Council:

1. adopt the policy – Use of Public Reserves Commercial Fitness Activities and Personal Training accompanying this report; and
2. notify the new policy in the local print media and Council's website.

(Councillors Honey and Seage)

### **13.2 New Licence - Kiama Produce Markets**

*15/152*

**Committee recommendation** that Council:

1. enters into a licence agreement with Hiviz Events Management and Promotion, for the operation of monthly markets at Black Beach Reserve, Kiama (R87397) for five years corresponding with development consent D2008.378.3;
2. seeks the consent of Crown Lands to the new licence and accordingly the



Minister's approval to sign the new licence agreement; and

3. gives the Mayor and General Manager delegated authority to sign under Council seal all documentation associated with the licence agreement.

(Councillors Honey and Seage)

### **13.3 Joyce Wheatley Community Centre - Public Access to Toilets**

**15/153**

**Committee recommendation** that Council defers consideration of the provision of public toilets at the Joyce Wheatley Community Centre until after the relocation of Community Services staff to an alternate facility and the long term use of the building is established.

(Councillors Honey and Seage)

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

### **14.1 Kiama Hospital Redevelopment Update**

**15/154**

**Committee recommendation** that Council:

1. endorse the preparation of the Development Application based on the attached master plan;
2. write to the State Parliamentary Secretary for the Illawarra and South Coast seeking his assistance in having the agreement with the Illawarra Shoalhaven District and NSW Department of Health expedited.

(Councillors Seage and McClure)

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

Against: Nil

## **15 REPORTS FOR INFORMATION**

**15/155**

**Resolved** 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 Committee Meeting held on 10 February 2015
- 15.2 Arts Biz Conference
- 15.3 Laneway Access - 92 Terralong Street Kiama
- 15.4 Early Childhood Research Project

- 15.5 Establishment of a Legal Services Panel
- 15.6 Parking Statistics - April 2015
- 15.7 24th NSW Coastal Conference 2015 - Call for Abstracts
- 15.8 Question Without Notice  
Use of Joyce Wheatley Community Centre
- 15.9 Jamberoo Pool - Operating Hours
- 15.10 Local Government NSW Annual Conference 2015
- 15.11 South Precinct Meeting - Minutes
- 15.12 Jamberoo Residents and Ratepayers Association - General Meeting - Minutes
- 15.13 Local Government NSW - Regional Collaboration and Shared Services: What Works?
- 15.14 Council Meetings
- 15.15 Additional Capital Works Proposals.

(Councillors Seage and Honey)

## RESUMPTION OF ORDINARY BUSINESS

### *15/156*

**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 Honey and Seage)

## ADOPTION OF COMMITTEE OF THE WHOLE REPORT

### *15/157*

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 15/132 to 15/156 above.

(Councillors Honey and Seage)

## 17 NOTICE OF MOTION

### 17.1 Kiama Continental Pool

#### *15/158*

**Moved** by Councillor Seage and seconded by Councillor McClure that this matter be deferred until the June 2015 meeting.

The Motion was put and **carried**.

## 17.2 Jamberoo Youth Hall

15/159

**Resolved** that Council give notice to the managers of the Jamberoo Youth Hall instructing no further 18<sup>th</sup> or 21<sup>st</sup> birthday or similar celebrations are to be held at the hall and that all future applications to use the hall be forwarded to Council for consideration prior to any approval being given.

(Councillors Seage and Steel)

## 17.3 2015/16 Draft Budget

15/160

**Moved** by Councillor Reilly and seconded by Councillor McClure that this matter be deferred to the June 2015 meeting.

The Motion was put and **carried**.

## 18 QUESTIONS WITHOUT NOTICE

### 18.1 The Pavilion Kiama

Councillor McClure requested a report on the operation of The Pavilion Kiama, including details of roles of staff members allocated to the Pavilion, the procedure of booking an event and the procedure when there is a wedding enquiry. Also, if the report could contain the procedure undertaken for large and small events (non-weddings), as well as large and small weddings. In addition the report is to show YTD income/expenses with a breakdown of specific income and expense groups. This report is requested for the June Council meeting. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

### 18.2 Tourism

Councillor McClure requested a report on Council's Tourism Strategic Business Plan, including budget expenditure YTD and projected budget expenses for the 2015/2016 year. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

### 18.3 Holiday Parks

Councillor Seage asked when is the last time an audit was carried out by a suitably qualified tourism auditor on the operating expenditure of our holiday parks, and what were the findings? The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

**18.4 Leaseback Vehicles**

Councillor Seage asked what is the yearly cost, in terms of dollars, of our 60 plus fleet of take home vehicles compared say, for the purpose of the exercise, with having none. And, what is the policy on fuel cards, boundaries and annual leave usage of these vehicles and fuel cards? The Mayor referred this matter to the General Manager for information and report.

**18.5 Footpaths**

Councillor Sloan requested a report for Council outlining how the priorities for new footpaths in the Delivery Program and budget have been determined, and how the general public may be better engaged to help Council priorities its future capital works programs. The Mayor referred this matter to the Director Engineering and Works for information and report.

**18.6 Endeavour Energy - Street Lights**

Councillor Reilly advised that a number of residents have reported that there is a high number of inoperative street lights in the back streets of Kiama, eg Coinda Place, Brighton and Belvedere Streets. The number of people who have commented in the last two weeks would warrant the request of a report from Endeavour Energy. The Mayor referred this matter to the Director Engineering and Works for information and report.

**18.7 Collins Lane**

Councillor Reilly requested a report on the recovering of Collins Lane in respect to the costs, including design costs, to cobble pave, create an archway and dress up this rather dour strip to be in keeping with our goals of creating a night life aspect for this precinct. The Mayor referred this matter to the Director Engineering and Works for information and report.

**18.8 Blue Haven Care**

Councillor Reilly requested a report on the creation of a separate division of Council to manage Blue Haven Care. This report is requested for the June meeting. The Mayor referred this matter to the General Manager for information and report.

**18.9 Vehicles Permanently Parking on Footpaths and Roads**

The Mayor, Councillor Petschler, requested a report on what can be done to stop caravans and other vehicles parking permanently on footpaths and roads. The Mayor referred this matter to the Director Engineering and Works for information and report.

---

**18.10 Matter of Urgency - Kevin Walsh Oval Amenities Upgrade****15/161**

**Moved by Councillor Steel and seconded by Councillor Reilly** that Councillors Honey and Seage be nominated as Councillor members of the Working Party for the Kevin Walsh Oval Amenities Upgrade.

The Motion was put and **carried**.

The Mayor welcomed the Member for Kiama, Gareth Ward, to the meeting. Mr Ward addressed the meeting briefly, thanking the councillors for their work and especially the Mayor for his civic leadership.

**19 CONFIDENTIAL SUMMARY****15/162**

**Resolved** that at this time, 6.42pm, 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 McClure and Way)

**Public Representations:**

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole. No such representations were received.

**19.1 Exclusion Of Press And Public:**

**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.

**20.1 KIAMA COAST HOLIDAY PARKS - BUSINESS PLAN**

**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 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. .

**20.2 KENDALLS ON THE BEACH MANAGEMENT CONTRACT**

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

**20.3 COUNCIL COMMUNITY SERVICES**

**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. .

(Councillors Steel and Reilly)

## 20 CONFIDENTIAL REPORTS

### 20.1 Kiama Coast Holiday Parks - Business Plan

**15/163**

**Moved** by Councillor Seage and seconded by Councillor McClure that Council defers the adoption of the Kiama Coast Holiday Parks Business Plan for six months so it can further investigate the financial impact on Council.

The Motion was put and **carried**.

### 20.2 Kendalls on the Beach Management Contract

**15/164**

**Resolved** that Council:

- 1 extends the contract of CL Curls and KE Francis Pty Ltd by four months from 1 July 2015 to 31 October 2015 under the terms outlined in this report.
- 2 invites tenders for the management of Kendalls Beach Holiday Park in July/August to manage the park for the next four years and eight months under the terms outlined in this report.

(Councillors Steel and Way)

### 20.3 Council Community Services

**15/165**

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

1. requests the Director Community Services to circulate a copy of the Business Case submission.
2. seek a briefing from the Director Community Services on the Business Case as a matter of urgency.

The Motion was put and **carried**.

**Close of Confidential Committee of the Whole:**

**15/166**

**Resolved** that at this time, 7.16, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

**Adoption of Report**

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

**15/167**

**Resolved** that the Confidential Committee of the Whole recommendations numbered 15/162 to 15/166 be confirmed and adopted.

(Councillors Steel and Way)

**21 CLOSURE**

There being no further business the meeting closed at 7.17pm

These Minutes were confirmed at the Ordinary Meeting of Council  
held on 16 June 2015



.....  
Mayor