



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

**commencing at 5pm on**

**TUESDAY 17 MAY 2016**

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 17 MAY 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  
Corporate and Commercial Services, 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**

### **3.1 Minutes of the Ordinary Council Meeting on 26 April 2016**

**16/149**

**Resolved** that the Minutes of the Ordinary Council Meeting held on 26 April 2016 be received and accepted.

(Councillors Reilly and Sloan)

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

Nil.

## **5 PUBLIC ACCESS**

Ms Bronwyn Seiden – Item 13.1 – Morrow Street, Gerringong – formalisation of layout and traffic flow

## 6 MAYORAL MINUTE

### 6.1 Kiama Poll on Merger Proposal with Shoalhaven City Council

*16/150*

**Resolved** that Council:

1. endorse the action taken in advising the State Government of the Kiama Municipal community's almost unanimous opposition to the proposed merger and in seeking the abandonment of such proposal
2. extend its appreciation for the overwhelming community support for the retention of an independent Kiama Council as identified in the poll
3. extend its appreciation for the efforts of the Keep Kiama Council Local Group, volunteers and associated local organisations which have supported the community based NO case.

(Councillors Petschler and Sloan)

### 16.1 Merger with Shoalhaven City to not proceed

*16/151*

**Resolved** that Council:

1. note the Minister's advice that the proposed merger with Shoalhaven City will not proceed
2. extend its deep appreciation to the community for its opposition to the proposal and authorise a suitable function for the Keep Kiama Council Local Committee and the volunteers for their support
3. note the professional manner in which the delegate, Mr Greg Wright, reported on the inquiry.

(Councillors Petschler and Way)

Gareth Ward MP, Member for Kiama, was given the opportunity to speak and congratulated councillors, the community and Council staff on the successful anti-amalgamation campaign.

## 7 MINUTES OF COMMITTEES

### 7.1 Kiama Local Traffic Committee - Meeting 2 May 2016 - Minutes

*16/152*

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 2 May 2016 be received and accepted.

(Councillors Rice and Way)

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**COMMITTEE OF THE WHOLE****16/153**

**Resolved** that at this time, 5.16pm, 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 Chief Financial Officer

Report of the Director Engineering and Works

Report of the Director Community Services

Addendum to Reports

(Councillors Reilly and Steel)

**8 PUBLIC ACCESS REPORTS****16/154**

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

(Councillors Reilly and Steel)

**13.1 Morrow Street, Gerringong - formalisation of layout and traffic flow****16/155**

**Committee recommendation** that Council endorse that:

1. Morrow Street be modified to a 5.1 metre wide, one-way carriageway (northbound), with a 2.2 metre wide footpath reserve adjoining to the east, from its intersection with Jupiter Street to the entrance to the Motel carpark (approximately 40 metres from its intersection with Belinda Street)
2. for the development of properties adjoining the eastern side of Morrow Street, land 3.5 metres wide along the site frontage be provided for road widening to enable access and servicing requirements for new developments
3. Morrow Street be formalised as a two way carriageway north of the Motel carpark entrance to the Belinda Street intersection
4. signposting and line marking for a 'No Parking' zone along the existing western kerb line of Morrow Street to facilitate waste pickup be provided
5. consistent street numbering for properties in Morrow Street be implemented.

(Councillors Seage and Way)

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

Against: Nil

## 9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

### 9.1 Revision of Chapter 9 – Kiama DCP 2012 – Carparking Requirements

**16/156**

**Committee recommendation** that Council adopt the exhibited, revised Chapter 9 - Car Parking Requirements for inclusion within Kiama Development Control Plan 2012.

(Councillors Steel and Way)

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

Against: Nil

## 10 REPORT OF THE GENERAL MANAGER

### 10.1 Kiama Pipe Band

**16/157**

**Committee recommendation** that Council:

1. provide seed funding support of \$1500 to assist the Kiama Pipe Band to expand and perform at civic events such as the Anzac Day services and other community events
2. approve the Kiama Pipe Band performing at the Blowhole Point or Hindmarsh Park Bandstand once a month with no charge
3. retain community ownership of any capital equipment purchased by the Pipe Band with the funding support provided by Council.

(Councillors Reilly and Sloan)

**16/158**

**Moved** by Councillor Honey and seconded by Councillor Reilly that a report be prepared on Council contributions made to organisations over the past 11 months.

(Councillors Reilly and Honey)

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

### 10.2 Kiama Show Society

**16/159**

**Committee recommendation** that Council provide ongoing support to the Kiama

Show by donating the hire fees for the Kiama Pavilion and Kiama Leisure Centre for the trivia night and ball, and by donating the relevant waste charges for the ball and show.

(Councillors Way and Steel)

### **10.3 Readers' Festival - 14 & 15 October 2016**

*16/160*

**Committee recommendation** that Council donate the hire fee for the Kiama Pavilion to be used for the Readers' Festival to be held at the Pavilion on 15 October 2016.

(Councillors Way and Steel)

## **11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES**

Nil.

## **12 REPORT OF THE CHIEF FINANCIAL OFFICER**

### **12.1 Statement of Investments - April 2016**

*16/161*

#### **Committee recommendation**

1. that the information relating to the Statement of Investments for April 2016 be received and adopted.
2. a report be provided on investment options available to Council that might return a higher yield and any investment restrictions that may apply.

(Councillors Sloan and Steel)

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

### **13.2 Implications of the use of glyphosate in weed control**

*16/162*

**Committee recommendation** that Council continues the use glyphosate to control weeds as glyphosate is a legal registered product and poses no health risks for staff if used in accordance with the product label and staff wear personal protective equipment as detailed in the Material Safety Data Sheet for glyphosate products and in accordance with Council's Pesticide Notification Policy.

(Councillors Way and Steel)

## 14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

### 14.1 Donation Request

**16/163**

**Committee recommendation** that Council donate \$1,343.10 to reimburse Gerringong Lions Club for the cost of lawnmower repairs.

(Councillors Way and Steel)

## 15 REPORTS FOR INFORMATION

**16/164**

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

- 15.1 Updating the Statement of Business Ethics (policy)
- 15.2 Blue Haven Care Community Services Restructure
- 15.4 Caravan Industry Association of Australia Holiday Park Accreditation
- 15.6 Parking Statistics - April 2016
- 15.7 2016 Australian Coastal Councils Conference
- 15.9 25th Annual NSW Coastal Conference - Call for Abstracts
- 15.10 Question Without Notice - Council Meetings - Timing of Supporting Documentation
- 15.11 South Precinct Minutes
- 15.13 Questions Without Notice Register as at 10 May 2016.

(Councillors Way and Steel)

### 15.3 Dementia Friendly Kiama Project to receive a national local government award.

**16/165**

**Committee recommendation** that Council formally commends Melissa Andrews and Nick Guggisberg for their excellent work on the project and the National Award recognition.

(Councillors Honey and Rice)

**16/166**

**Committee recommendation** that Council endorse the attendance of Councillors Reilly, Steel and Petschler at the Australian Local Government Association Conference held in June 2016.

(Councillors Steel and Way)

**16/167**

**Committee recommendation** that Council endorse Mayor Petschler as the voting delegate at the Australian Local Government Association Conference held in 2016.

(Councillors Steel and Sloan)

**16/168**

**Committee recommendation** that Council write to the Chamber of Commerce seeking their support for funding for the Dementia Friendly Communities Project Officer.

(Councillors McClure and Steel)

## **15.5 Kiama Hospital redevelopment update**

**16/169**

**Committee recommendation:** that Council schedule an extraordinary Council meeting to be held in the last week of May to consider the Kiama Hospital tender appointments for the architect and project manager.

(Councillors Seage and McClure)

**16/170**

**Moved** by Councillor Sloan and seconded by Councillor McClure that an alternative date be investigated for the June Council meeting to accommodate the Australian Local Government Association National General Assembly Dinner on 21 June 2016.

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

## **15.8 Local Governments Plan for an Innovative & Prosperous Australia**

**16/171**

**Committee recommendation** that Council seeks support for the budget proposals outlined in the Local Government NSW Plan, from all the Federal election candidates for Gilmore.

(Councillors Honey and Seage)

**16/172**

**Committee recommendation** that Council seek a report on the sustainability of the Local Government NSW organisation following the recent amalgamations.

(Councillors Seage and McClure)



**15.12 Local Government and Shires Association of New South Wales - Election of Board of Directors****16/173**

**Committee recommendation** that Council nominate Councillors Reilly, Rice and Petschler as voting delegates for the election of the Board of Directors of the Local Government and Shires Association of New South Wales.

(Councillors Sloan and Way)

**RESUMPTION OF ORDINARY BUSINESS****16/174**

**Committee recommendation** that at this time, 5.49pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Seage)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT****16/175**

**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 16/154 to 16/174 above.

(Councillors Way and Steel)

**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 Cycleway and walkway along Minnamurra Bends**

Councillor Steel requested a report be completed on the feasibility of the installation of a cantilevered walkway/cycleway along the western side of Riverside Drive around the Minnamurra bends, Kiama Downs. The Mayor referred this matter to the Director Engineering & Works for investigation and report.

### **18.2 Community funded solar power**

Councillor Sloan requested a report be prepared on the feasibility of hosting solar panels on the roof of the Leisure Centre and/or other key buildings as part of a community funded solar power scheme. The Mayor referred this matter to the Director Finance, Corporate & Commercial Services for investigation and report.

### **18.3 Use of non-identifying information from CCTVs**

Councillor Rice requested a report be prepared on the feasibility and legality of using non-identifying information from CCTV cameras to estimate the population serviced by Kiama at peak tourist times. The Mayor referred this matter to the Director Community Services for investigation and report.

### **18.4 Cycleway and boardwalk around Minnamurra Bends – expression of interest**

Councillor Way requested that an expression of interest be prepared for suitable parties to prepare an options report to identify a suitable system that could be constructed along Riverside Drive, from Meehan Drive around Minnamurra Bends to Minnamurra Bridge for the purpose of:

- safe access and travel for pedestrians and cyclists
- minimising the footprint on the surrounding natural environment
- designing a cycleway/walking path that is cost affective and enhances the aesthetics of the surrounding area
- preparing innovative design concepts that may include cantilever, cable gantries, pier and beam or any other solutions that will accommodate a shared pathway
- prepare a fee proposal for the preliminary report/concept design.

The Mayor referred this matter to the Director Engineering & Works for investigation and report.

### **18.5 Room for veterans' photographic exhibition**

Councillor Reilly requested that a suitable room be made available for the purpose of displaying a photographic recording of images of WWII veterans from within our Local Government Area, in association with the project "Reflections" of the Australian Institute of Professional Photographers, involving local Bob Shaw. The room is required in June and will need to be accessible for people in wheelchairs and the

elderly. The Mayor referred this matter to the Director Community Services for investigation and report.

### **18.6 Iluka Reserve Zoning**

Councillor Sloan requested an update on the zoning of Iluka Reserve and advice on when it was zoned residential. The Director Environmental Services has determined that the 1996 LEP showed the area zoned as reserve and the 2011 LEP showed the area zoned as residential. This was included in the exhibited plans at the time. The Director is now searching out some further commentary and researching archives and will report the matter back to a future Council meeting once the research is completed.

### **18.7 Heart defibrillator**

Councillor McClure requested a report on the most appropriate location for the Kiama Business Chamber to place a heart defibrillator and any legal issues that may apply. The Mayor referred this matter to the Director Finance, Corporate & Commercial Services for investigation and report.

## **19 CONFIDENTIAL SUMMARY**

**16/176**

**Resolved** that at this time, 5.59pm, 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 Honey 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:**

**16/177**

**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 SEVEN MILE BEACH HOLIDAY PARK 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 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. .

## **20.2 TENDERS - HOLIDAY PARK MANAGERS' MANAGEMENT CONTRACTS FOR KIAMA HARBOUR CABINS, SURF BEACH HOLIDAY PARK AND WERRI BEACH HOLIDAY PARK**

**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. .

(Councillors Steel and Sloan)

## **20 CONFIDENTIAL REPORTS**

### **20.1 Seven Mile Beach Holiday Park Management Contract**

**16/178**

**Committee recommendation** that Council:

1. confirms its consideration of the guidelines issued by the NSW Government in accordance with Section 23A of the Local Government Act, 1993, in resolving this matter
2. extends the contract of Gordlees Pty Ltd for 12 months commencing 1 July 2016
3. considers an extension of the contract for a further 12 months from 1 July 2017
4. delegates to the General Manager the authority to sign the Letter of Extension to the contractor on behalf of Kiama Municipal Council.

(Councillors Way and Steel)

**16/179**

**Moved** by Councillor Reilly and seconded by Councillor McClure that a performance policy associated with the management contracts be developed.

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

**20.2 Tenders - Holiday Park Managers' Management Contracts for Kiama Harbour Cabins, Surf Beach Holiday Park and Werri Beach Holiday Park****16/180****Committee recommendation** that Council:

1. confirms its consideration of the guidelines issued by the NSW Government in accordance with Section 23A of the Local Government Act, 1993, in resolving this matter
2. offers the contract for the management of Kiama Harbour Cabins to Headland Park Pty Ltd at the percentage outlined in the report for a term of three years with an option to extend the contract for a further two years or two one year terms, effective from 1 July 2016
3. offers the contract for the management of Surf Beach Holiday Park to Loiterton Pty Ltd at the percentage outlined in the report for a term of three years with an option to extend the contract for a further two years or two one year terms, effective from 1 July 2016
4. offers the contract for the management of Werri Beach Holiday Park to R&L Field Pty Ltd at the percentage outlined in the report for a term of three years with an option to extend the contract for a further two years or two one year terms, commencing 1 July 2016
5. delegates to the General Manager the authority to sign the three Letters of Extension to the contractors on behalf of Kiama Municipal Council.

(Councillors Way and Rice)

**Close of Confidential Committee of the Whole:****16/181****Committee recommendation** that at this time, 6.12pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Way and Reilly)

**Adoption of Report**

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

**16/182****Resolved** that that the Confidential Committee of the Whole recommendations numbered 16/177 to 16/181 be confirmed and adopted.

(Councillors Seage and Steel)

21 CLOSURE

There being no further business the meeting closed at 6.13pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 21 June  
2016



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Mayor