



# EXTRAORDINARY MEETING OF COUNCIL

To be held at 5pm on

**Tuesday 3 June 2014**

Council Chambers

11 Manning Street, KIAMA NSW 2533

## **Order of Business**

- 1 Apologies
- 2 Public Access Summary
- 4 Report of the General Manager
- 5 Closure

## **Members**

His Worship the Mayor  
Councillor B Petschler  
Councillor N Reilly  
Deputy Mayor  
Councillor M Honey  
Councillor G McClure  
Councillor K Rice  
Councillor D Seage  
Councillor A Sloan  
Councillor W Steel  
Councillor M Way



## COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533


27 May 2014

To the Chairman & Councillors:

### NOTICE OF EXTRAORDINARY MEETING

You are respectfully requested to attend an **Extraordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers** on **Tuesday 3 June 2014** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth  
**General Manager**



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**AGENDA FOR THE  
EXTRAORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 3 JUNE 2014**

- 1 APOLOGIES**
- 2 PUBLIC ACCESS SUMMARY**

### 3 REPORT OF THE GENERAL MANAGER

#### 3.1 Draft Operation Plan 2014/2015

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

#### Summary

This item recommends adoption of Council's Draft Operational Plan for 2014/2015 which was placed on public exhibition in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

#### Finance

Includes the full budget for the 2014/15 year.

#### Policy

This is a requirement of the Local Government Act.

#### Attachments

Nil

#### Enclosures

- 1 Proposed Car Park and Toilet Facility at Loves Bay
- 2 Construction of the footpath in Belinda Street
- 3 Gerringong Senior Citizens increase in fees for hire of Gerringong Town Hall
- 4 Illawarra Folk Club Financial Support
- 5 Reduction in hourly hall hire fee for Gerringong School of Arts

#### **RECOMMENDATION**

That:

- 1) It be noted in accordance with Section 402 to 406 of the Local Government Act, 1993, Council is required to prepare an Integrated Plan with respect to:
  - (a) An Operational Plan for 1 year,
  - (b) A Delivery program for 4 years, and
  - (c) A Community Strategic Plan for 10 years

The Community Strategic Plan 2013-2023 and the Delivery Program 2013-2017 were adopted by Council in June 2013.

## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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The Operational Plan 2014/15 was notified to the public through newspaper advertisements and was placed on public exhibition at various locations for from 23 April 2014 to 23 May 2014 as required under the Local Government Act.

It was advised to the public that written submissions may be made in accordance with legislation to the Council any time during the period of the exhibition.

- 2) Council adopt its Operational Plan 2014/15 in accordance with Sections 402 to 406 of the Local Government Act, 1993 including the following amendments:
  - a) An ordinary rate comprising a base charge of \$675.00 on each separate parcel of land subject to the rate which represents 49.53% of the total amount payable by the levying of the rate and an ad valorem amount of 0.0021045 cents in the dollar on the land value (base date 2012) of all rateable land categorised as Residential be now made for 2014/15 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential".
  - b) An ordinary rate comprising a base charge of \$675.00 on each separate parcel of land subject to the rate which represents 24.09% of the total amount payable by the levying of the rate and an ad valorem amount of 0.002215 cents in the dollar on the land value (base date 2012) of all rateable land categorised as Residential-Rural be now made for 2014/15 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential-Rural".
  - c) An ordinary rate comprising a base charge of \$675.00 on each separate parcel of land subject to the rate which represents 34.8% of the total amount payable by the levying of the rate and an ad valorem amount 0.00095 cents in the dollar on the land value (base date 2012) on all rateable land categorised as Farmland be now made for 2014/15 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Farmland".
  - d) An ordinary rate of 0.0031 cents in the dollar on the land value (base date 2012) of all rateable land (not being categorised as "Residential" or "Farmland" and not including rateable land used or zoned for commercial, professional, industrial or trade purposes) categorised as Business be now made for 2014/15 in accordance with the Local Government Act, 1993. Nomination rates will apply to this category. This rate will appear on the Rates and Charges Notice as "Business".
  - e) An ordinary rate of 0.00554 cents in the dollar on the land value (base date 2012) of all rateable land in the Kiama Council area determined to be a centre of activity which is used or zoned for commercial, professional, industrial or trade purposes) and sub-categorised as Business –



## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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“Commercial/Industrial” be now made for 2014/15 with a minimum amount of rate which will apply in respect to each parcel of land being \$675.00 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as “Business - Commercial Industrial”.

- 3) A rate of interest of 8.5% accruing daily on rates and charges that remain unpaid after they become due and payable be now made for 2014/15 in accordance with Section 566 of the Local Government Act, 1993.
- 4) The Fees & Charges Schedule as proposed in Council’s Operational Plan for 2014/15 be adopted.
- 5) That a Domestic Waste Service Annual Charge for areas other than the ‘Organics Kiama’ trial area of:
  - a) \$671.44 for a 240 litre bin and a 240 litre fortnightly recycling bin
  - b) \$502.04 for a 140 litre bin and a 240 litre fortnightly recycling bin
  - c) \$480.31 for a 80 litre bin and a 240 litre fortnightly recycling bin
  - d) \$54.50 for vacant land
  - e) \$90 for additional 240 litre recycling bin serviced fortnightly
  - f) \$90 for additional 240 litre green waste bin serviced fortnightly
  - g) \$502.04 for special needs waste collection to upsize from 140 litre to a 240 litre bin

be now made for the period 1 July 2014 to 30 June 2015 in accordance with Section 496 of the Local Government Act 1993.

- 6) That a Domestic Waste Service Annual Charge for areas within the ‘Organics Kiama’ trial area of:
  - a) \$661.44 for a 240 litre bin and a 240 litre weekly recycling bin
  - b) \$492.04 for a 140 litre bin and a 240 litre weekly recycling bin
  - c) \$470.31 for a 80 litre bin and a 240 litre weekly recycling bin
  - d) \$54.50 for vacant land
  - e) \$90 for additional 240 litre recycling bin serviced fortnightly
  - f) \$90 for additional 240 litre green waste bin serviced fortnightly
  - g) \$502.04 for special needs waste collection to upsize from 140 litre to a 240 litre bin

be now made for the period 1 July 2014 to 30 June 2015 in accordance with Section 496 of the Local Government Act 1993.

- 7) That a Waste Management Service Annual Charge for Tourist Accommodation of:

## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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- a) \$413.87 for a weekly 80 litre garbage bin and a 240 litre fortnightly recycling bin (suitable for a one bedroom apartment/unit)
  - b) \$435.46 for a weekly 140 litre garbage bin and a 240 litre fortnightly recycling bin of (suitable for a two bedroom tourist apartment/unit)
  - c) \$627.98 for a weekly 240 litre garbage bin and a 240 litre fortnightly recycling bin of (suitable for a three bedroom tourist apartment/unit)

be now made for the period 1 July 2014 to 30 June 2015 in accordance with Section 501 of the Local Government Act 1993.

- 8) That a Commercial Waste Service Annual Charge of:

- a) \$655.00 for a 240 litre bin and a 240 litre weekly recycling bin
- b) \$585.40 for a 240 litre bin and a 240 litre fortnightly recycling bin

be now made for the period 1 July 2014 to 30 June 2015 in accordance with Section 501 of the Local Government Act 1993.

- 9) That a Rural Waste Service Annual Charge of \$401.91 for the provision of a fortnightly garbage and a fortnightly recycling service using 240L bins be now made for the period 1 July 2014 to 30 June 2015 in accordance with Section 501 of the Local Government Act 1993.
- 10) Council adopt a 2.3% rate increase for the 2014/15 year as approved by the Independent Pricing and Regulatory Tribunal.
- 11) The Mayoral Allowance for 2014/15 be \$23,440 and Councillor's fees be set at \$10,740 for 2014/15 as permitted by the Local Government Remuneration Tribunal.
- 12) All submission makers be advised of Council resolutions.

**BACKGROUND**

The Local Government Remuneration Tribunal has recently released its current determination under Section 241 of the Local Government Act 1993 in relation to fees for Councillors and Mayors from 1 July 2013.

Council is categorised under Rural and sets minimum and maximum fees payable:-

Councillor	Minimum	\$8,130
	Maximum	\$10,740
Mayor (additional fee)	Minimum	\$8,640
	Maximum	\$23,440

## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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Councillors and the Mayor currently are being paid at the maximum set as at 1 July 2012 being:-

Councillor	\$10,220
Mayor (additional)	\$22,310

Council must now determine the fees payable for councillors and the Mayor within the range of the minimum to maximum under the determination (See recommendation 11).

Should Council now adopt these maximum fees, which reflect a CPI increase over previous years, Councillor fees will increase by \$520 pa for each Councillor and the additional Mayoral fee by \$1,130 pa.

In accordance with Section 405 of the Local Government Act 1993, written submissions were invited on Council's Draft Integrated Plan which was placed on public exhibition from 23 April 2014 to 23 May 2014. The draft Plan was advertised in the Kiama Independent on 23 April, 30 April, 7 May and 14 May 2014.

The draft plans were placed on public exhibition at the following locations:

- Council's Administration Centre
- Council Libraries
- Community Centre
- Youth Centre
- North Kiama Neighbourhood Centre
- Gerroa Neighbourhood Centre
- Councils website

In addition to the newspaper advertisements and public exhibition locations, a copy of the draft Plan was forwarded to over 100 community groups and organisations including:

- South Precinct Group
- Minnamurra Progress Association
- Jamberoo Valley Ratepayers Association

**A SUBMISSIONS FROM THE PUBLIC ON THE DRAFT INTEGRATED PLAN 2014/2015**

Submissions closed on Monday 23 May 2014 at 4:00pm and five (5) submissions were received.

**1. Brian Hudson on behalf of the residents of Kiama Heights**

Brian Hudson has written to Council on behalf of local residents opposing the proposed car park and toilet facility at Loves Bay accessed by Elanora Road.

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## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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They have also sent a petition signed by local residents and ratepayers supporting their opposition on the grounds that it will totally destroy a pristine area of natural beauty and have a significantly negative effect on an area known for its spectacular outlook and tranquility.

The Director of Engineering and Works/Assistant General Manager has advised:-

Council has allocated \$25,000 for a toilet and \$50,000 for carparking at the northern end of the Coastal Walking Track in the draft 2014/15 budget. A petition has been received from Mr. Brian Hudson signed by forty two (42) ratepayers and residents of the area opposing the proposal.

Subsequent discussion with Mr. Hudson has revealed that their major concerns relate to the impact on the environment and local amenity if the infrastructure is located on the public reserve at the end of Elanora Road, on the lower southern side.

Issues raised also include the potential for the carpark and public toilet to become a place where people may congregate, particularly at night, causing disturbance.

The project was initially introduced to the Delivery Program as a result of complaints from residents about the impact vehicular access to the north end of the walking track was having on local on-street parking. Elanora Road is quite narrow and the cul-de-sac at the end of the road has a limited turning circle. Council has since introduced "No Stopping" around the cul-de-sac to alleviate this concern. Mr Hudson now states that the initial response to the new coastal walking track has since waned and that the need for parking has significantly reduced.

Council has been considering two options for the provision of carparking:

- Option1. A leased area on the Railcorp land above the tunnel in Kalang Road
- Option2. On the Public Reserve below Elanora Road.

Council has been trying to speak to Railcorp about both proposals, however at this stage have not received a response.

Option 1 involves the lease of a small area of land above the rail tunnel off Kalang Road which will connect with an existing grassed footpath which leads down to Elanora Road. An area to support 5 to 6 carparking spaces is sought. The carpark is to be sealed and linemarked and the footpath from Kalang Road to Elanora Road to be constructed in concrete. This option is supported by Mr Hudson. The uncertainty around this proposal is Railcorp's intention for the use of the land.

## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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Option 2 involves the use of the existing formed driveway access off the end of Elanora Road to access a 5 to 6 space carpark on the public reserve. The existing driveway is over Railcorp land through a locked gate at the end of Elanora Road. A public easement over the Railcorp driveway is required and issues of security to the Railcorp land, gates and fencing to isolate the carpark from the balance of the reserve need to be considered.

There are no public toilets at the north end of the Coastal Walk. The construction of a public toilet at this location has always been considered necessary. The walk from Warri Beach is between 1 and 2 hours depending on mobility and the time taken to enjoy the experience along the way.

It is proposed to locate a single unisex toilet with connection to sewer within the reserve below the end of Elanora Road.

Given that negotiations with Railcorp are still ongoing it is recommended that both items remain in the Delivery Program and that a detailed report be presented to Council on the options once the information is available. Further discussion with affected residents is proposed once the options are clear.

**2. John Craig**

Mr John Craig has written to Council for the second year requesting that the construction of the footpath in Belinda Street from Rowllins Road to Campbell Street be brought forward in the Delivery Program. This proposal relates to a section of footpath on the southern side of Belinda Street. There is a footpath opposite on the northern side of Belinda St however there is no safe crossing point from Campbell Street due to the poor sight distance.

Mr Craig states that with the increase in residential development in the Campbell Street precinct there is a strong need to provide a safe pedestrian link to the town centre.

The Director of Engineering and Works/Assistant General Manager has advised:-

\$9,000 has been allocated in the 2015/16 Delivery Program for this project. Works are to be undertaken by the Roads and Maritime Services (RMS) to upgrade the Belinda Street culvert just west of Rowllins Road as part of the Princes Highway upgrade. These works will not only provide a larger waterway area but will also provide for a shared pathway on the upstream northern side of Belinda Street and a footpath on the downstream southern side. There will be considerable disruption during these works and Council is currently having discussion with RMS about the timing of works and impacts on local traffic.

It may be desirable to leave the proposed footpath in the 2015/16 program to link to the new culvert when completed.

Report of the General Manager

3.1 Draft Operation Plan 2014/2015 (cont)

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**3. Gerringong Senior Citizens**

The Gerringong Senior Citizens have written to Council expressing concern about any proposal to increase the fees for hire of the Gerringong Town Hall for their weekly three hour meetings. They express the view that this is the only weekly meeting in Gerringong that older residents are able to attend on a regular basis and that an increase in charges may make this less affordable for some of its members.

The Director of Engineering and Works/Assistant General Manager has advised:-

The hourly rate for hire of the Gerringong Town Hall for regular users (more than 6 occasions per year) is \$25 per hour, however a special rate has always applied for a number of identified groups within the community including Senior Citizens. The current special rate is \$18 per hour and the rate has been increased to \$19 per hour in the draft 2014/15 Fees and Charges.

**4. Illawarra Folk Club**

Illawarra Folk Club has written to Council asking to maintain the financial support given to the club for the second 'Folk by the Sea Festival' in 2013/14 of \$5,000 and in-kind support including provision of The Pavilion and the use of Hindmarsh Park on the Sunday for a free concert. The festival is planned for the 26th to the 28th of September 2014.

The General Manager has advised:-

A report on this request was reported to the 20 May 2014 meeting of Council.

Council adopted the following recommendation:-

That Council advise the Illawarra Folk Club that it would be prepared to provide \$5,000 funding assistance and the provision of the 'The Pavilion' at Kiama during the festival and Hindmarsh Park for the Sunday free concert subject to adoption of Council's draft 2014/2015 budget.

**5. Di Cunningham**

Di Cunningham wrote to Council prior to the exhibition period for the Draft Operational Plan to ask for a reduction in the hourly hall hire fee for the Gerringong School of Arts. Di runs a small recreational gymnastics club aimed at children to encourage regular physical activity. She is the sole hirer of the hall for 6 hours per week (except school holidays) and is currently paying \$40 per hour.

The Director of Engineering and Works/Assistant General Manager has advised:-

## Report of the General Manager

## 3.1 Draft Operation Plan 2014/2015 (cont)

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In the Draft Fees and Charges for 2014/15 Council has introduced a Regular Hirer hourly fee set at \$25 per hour, with a minimum of six occasions booked within a calendar year, in line with Werri Beach Progress Hall.

A report on the condition of the Gerringong School of Arts building and its suitability for hire is to be presented to the Council meeting of 24 June 2014.

**B OTHER CONSIDERATIONS FOR THE DRAFT OPERATIONAL PLAN 2014/2015****1. Playground Equipment Blowhole Point**

A children's playground at Blowhole Point is included in the Delivery Program 2015/16. This item forms part of the Kiama Harbour /Blowhole Point Plan of Management program of works. In renegotiating the funding agreement with the Federal Government the \$400,000 allocation being provided under the new Community Development Grants Program is to be allocated to both the upgraded amenities at the Kiama Harbour rock pool (\$320,000) and the above playground (\$80,000). The funding body has indicated that all of the funds can be transferred in the 2014/15 financial year and the agreement has been prepared accordingly. It is therefore recommended that the Playground item, which will be fully funded, be brought forward in the Delivery Program to 2014/15.

**2. Gerringong Men's Shed**

Council has received a proposal from the Gerringong Lions Club to convert the Gerringong Netball Club building to a Men's Shed. The building is currently in poor condition and rarely used by the Netball Club who have provided written support for the proposal which would result in some joint use of the facility by both organisations. The Lions Club have proposed that if Council meets the cost of the removal and disposal of the asbestos roof and supply the materials for the new roof sheeting the club would provide the qualified trade labour to carry out the work on the roof as well as some internal maintenance and repairs. Also the building has never been connected to the sewer. The total contribution requested from Council is \$20,500.

This request was subject to a report by the Director Engineering & Works at the Ordinary Meeting of Council on 20 May 2014. There were savings in the current budget reported to that meeting and this contribution could be allocated from those savings that were set aside in reserves.

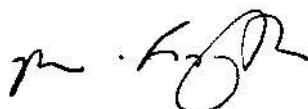
Report of the General Manager

3.1 Draft Operation Plan 2014/2015 (cont)

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**3 Leisure Centre Fees and Charges**

Council's draft 2014/15 Fees and Charges have been on public exhibition. In the schedule it was proposed to increase all Leisure Centre memberships by 5%. It is now recommended to only increase the membership prices by 3% to reflect the cost of increased wages within the Leisure Centre and to remain attractive to local residents and visitors. Therefore the 2014/15 Fees and Charges have been revised to show the new fees applicable.



Michael Forsyth  
General Manager



**4 CLOSURE**

