

# COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533

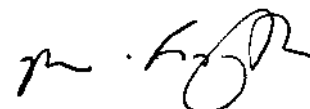
10 April 2014

To Chairman & Councillors:

## NOTICE OF MEETING

You are respectfully requested to attend the next **Ordinary Meeting** of the Council of the Municipality of Kiama, to be held in the Council Chambers, Kiama on **Tuesday, 15 April 2014** commencing at 5.00 pm, for the consideration of the undermentioned business.

Yours faithfully



M Forsyth  
General Manager

## BUSINESS OF MEETING

- 1 Adoption of Minutes:-  
Ordinary Meeting of Council on 18 March 2014
- 2 Business Arising from the Minutes
- 3 Public Access
- 4 Mayoral Minute
- 5 Minutes of the Traffic Committee Meeting held on 2 April 2014
- 6 Minutes of the Extraordinary Meeting of Blue Haven Retirement Village Committee on 9 April 2014  
(Minutes to be circulated at Public Access)
- 7 **Senior Officer's Reports**  
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Report of General Manager  
Report of Director Corporate and Commercial Services  
Report of Manager Corporate Services  
Report of Director of Engineering and Works  
Report of Director of Community Services
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	Nil	

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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 18 MARCH 2014**

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**COMMENCING AT:** 5.01 pm

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

**IN ATTENDANCE:** General Manager, Director of Environmental Services, Director of Corporate and Commercial Services, Acting Director of Engineering and Works and Acting 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.”*

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**CONFIRMATION OF MINUTES - ORDINARY MEETING – 18 FEBRUARY 2014**

The Minutes of the **Ordinary Meeting** of Council held on 18 February 2014 were acknowledged by the Councillors.

**Adoption:**

**MN019**

**Resolved** that the Minutes of the **Ordinary Meeting** of Council held on 18 February 2014 be confirmed and adopted.

(Councillors McClure & Steel)

**BUSINESS ARISING FROM THE MINUTES: - NIL**

**PUBLIC ACCESS:**

The General Manager outlined public access which was held on Monday 17 March 2014 in the Council Chambers commencing at 5.00pm as follows:-

Mr Jim Bradley – Review of Community Land Plan of Management – Jones Beach/Cathedral Rocks (Item 4 – DEW)

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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 18 MARCH 2014**

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Ms Jessica Arroyo – Riverside Drive Kiama Downs – Traffic Management (Item 6 – Reports for Information)

Mrs Sonya Slyer – Kiama Tourism (Item 1 – Confidential Mayoral Minute)

**MAYORAL MINUTE:**

The Mayoral Minute was acknowledged by the Councillors:

**1 Kiama Rugby Sevens and Kiama Jazz and Blues Festival**

***MN020***

**Resolved** that Council extend congratulations to the organisers of these highly successful events.

(Councillors Petschler & Steel)

**REPORTS OF COMMITTEES:**

**BLUE HAVEN RETIREMENT VILLAGE COMMITTEE MEETING – 5 MARCH 2014**

The Minutes of the **Blue Haven Retirement Village Committee Meeting** held on Wednesday 5 March 2014 were acknowledged by the Councillors.

**Adoption:**

***MN021***

**Resolved** that, subject to the foregoing, the Minutes of the **Blue Haven Retirement Village Committee Meeting** held on Wednesday 5 March 2014 and the recommendations numbered CR036 to CR040 contained therein be approved and adopted.

(Councillors McClure & Way)

**KIAMA TRAFFIC COMMITTEE MEETING – 13 MARCH 2014:**

The Minutes of the **Kiama Traffic Committee Meeting** held on 13 March 2014 were acknowledged by the Councillors.

**Adoption:**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 18 MARCH 2014**

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***MN022***

**Resolved** that the Minutes of the Kiama Traffic Committee Meeting held on 13 March 2014 and the recommendations numbered CR041 to CR044 contained therein be approved and adopted.

(Councillors Seage & Steel)

**COMMITTEE OF THE WHOLE:**

***MN023***

**Resolved** that at this time, 5.10 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 Acting Director of Engineering & Works  
Report of the Acting Director of Community Services  
Reports for Information  
Addendum to Reports

(Councillors Steel & Way)

**SENIOR OFFICERS' REPORTS:**

***MN024***

**Resolved** that at this time, 5.10 pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel & Way)

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

**4 Review of Community Land Plan of Management  
Jones Beach/Cathedral Rocks**

***CR045***

**Committee recommendation** that Council resolve to exhibit the revised draft plan of management for Jones Beach/Cathedral Rocks and a report be prepared for Council's consideration at the end of the exhibition period subject to the inclusion of the following additional point in Appendix 2 Upgrade Works Required:

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 18 MARCH 2014**

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- c) individual step size to be responsive to the stairway conditions and assessed as suitable for safe passage.

(Councillors Rice & Sloan)

**REPORTS FOR INFORMATION**

**6 Riverside Drive Kiama Downs (ADEW)  
Traffic Management**

**CR046**

**Committee recommendation** that the matters raised by Ms Arroyo in Public Access be referred to the Kiama Local Traffic Committee.

(Councillors Way & Steel)

**RESUMPTION OF ORDINARY BUSINESS:**

**MN025**

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

(Councillors McClure & Way)

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

**1 Lot 101 DP 1006083 No 19 Aline Bank Lane, Gerringong – Proposed Release of Restriction on the Use of Land**

**CR047**

**Committee recommendation** that:

- (1) Council resolve to release restriction on use of land numbered 3.1.2 under the terms of the 88b Instrument in DP 1006083.
- (2) Council resolve to delegate authority to the General Manager to release similar restrictions on use of land where Council is the authority benefited.

(Councillors Seage and Steel)

**For:** All Councillors

**Against:** Nil

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 18 MARCH 2014**

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**2 Draft Chapter 3 of Kiama Development Control Plan – Preservation and Management of Trees and Vegetation**

**CR048**

**Committee recommendation** that the matter be deferred until the May 2014 Council meeting.

(Councillors Reilly & Seage)

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

**Against:** Councillor Sloan

**CR049**

**Moved** by Councillor Steel and seconded by Councillor Reilly that the Review of Chapter 3 Tree Management Committee continue with the opportunity for all Councillors to have input.

The **Motion** was put and Carried

**REPORT OF THE GENERAL MANAGER**

**1 Risk Management  
Enterprise Risk Management**

**CR050**

**Committee recommendation** that Council:

1) adopt the Enterprise Risk Management Policy; and

2) adopt the Enterprise Risk Management Strategy.

(Councillors Steel & Seage)

**2 Possible Site for Service Station Complex  
RailCorp Land at the corner of North Kiama Bypass and Riverside Drive,  
Bombo**

**CR051**

**Committee recommendation** that Council endorse the engagement of Martin Morris and Jones to prepare a development concept plan for the development of a service station on part of the site.

(Councillors Steel & Seage)



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**3 Integrated Planning and Reporting  
Operational Plan Quarterly Report 2<sup>nd</sup> Quarter and Delivery Program  
Report 1<sup>st</sup> half**

**CR052**

**Committee recommendation** that the reviews of the Operational Plan (Second Quarter ending December 2013) and Delivery Program (ending First Half December 2013) be received and adopted.

(Councillors Steel and Seage)

**REPORT OF THE DIRECTOR OF CORPORATE AND COMMERCIAL SERVICES**

**1 Economic Development  
Outdoor Movies**

**CR053**

**Committee recommendation** that Council:

- 1) write to the IMB thanking them for their sponsorship and seeking their support to run a bigger and better event in 2014/15;
- 2) congratulate the Event Coordinator Lauren Illingworth for her outstanding effort;
- 3) write to Bjorn Ulfson of TAFE Illawarra acknowledging his role in the success of the outdoor movies, and thanking TAFE Illawarra for the use of their equipment;
- 4) investigate the potential to run a short film competition in conjunction with the 2014/15 outdoor movie program; and
- 5) investigate potential marketing partnerships with local media organisations.

(Councillors Steel & Seage)

**2 Southern Phone Company  
2012/2013 Dividend and Marketing Support**

**CR054**

**Committee recommendation** that Council support the marketing effort of the Southern Phone Company by including the Company's marketing brochure with the April 2014 Rates notice.

(Councillors Sloan and Honey)

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

### **1 Investments Statement of Investments**

#### **CR055**

That the information relating to the Statement of Investments for January 2014 and February 2014 be received and adopted.

(Councillors Sloan & Honey)

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

### **1 Resignation of Mr David Leigh as Local Controller Kiama SES**

#### **CR056**

**Committee recommendation** that Council formally thank Mr David Leigh for his outstanding service to the community as Local Controller of the Kiama SES Brigade unit for a period of 14 years and that Council hold an appropriate civic function.

(Councillors Steel & McClure)

### **2 Kiama Memorial Arch - Hindmarsh Park Funding**

#### **CR057**

**Committee recommendation** that Council:

- 1) accepts the \$10,000 grant offered under the terms and conditions of the Community War Memorials Fund;
- 2) thank the Member for Kiama for his support in providing this funding; and
- 3) continue to pursue funding applied for under the Federal Governments ANZAC Centenary Local Grants Program.

(Councillors Steel & McClure)

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**3 Public Exhibition of Draft Spring Creek Flood Study  
Spring Creek Catchment Kiama**

**CR058**

**Committee recommendation** that Council:

- 1) publicly exhibit the Draft Spring Creek Flood Study for a minimum one month period, on Council's website and Administration Centre;
- 2) notify by letter, all property owners and occupiers within the areas indicated as being affected by inundation in the 1% Average Exceedance Probability (1:100 year) event of the public exhibition;
- 3) modify the 149 (5) certificate on properties identified as being within the 1% Average Exceedance Probability (1:100 year) flood event to include potential flooding notification;
- 4) prepare a future report at the close of the public exhibition on submissions received; and
- 5) Council congratulate the Acting Director of Engineering and Works on the report.

(Councillors Seage & Way)

**5 Review of Community Land Plan of Management  
Neighbourhood Parks**

**CR059**

**Committee recommendation** that Council resolve to exhibit the revised draft plan of management for neighbourhood parks and a report be prepared for Council's consideration at the end of the exhibition period.

**6 Compulsory Acquisition of Land  
Princes Highway Foxground**

**CR060**

**Committee recommendation** that Council advise RMS that it grants its concurrence to the proposed compulsory acquisition of Lot 424 DP1186383 for nil compensation.

**7 Dedication of Public Road and Road Closure  
Daltons Road Jamberoo**

**CR061**

**Committee recommendation** that Council:

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- 1) accept dedication of the current formed bitumen road through Lot 138 DP751279 as public road;
- 2) commence a road closure process, including any applications through Crown Lands, involving the identified road reserve extending through Lot 138 and transfer this section of that land, after formal road closure, to the owners of Lot 138 DP751279;
- 3) give delegated authority to the General Manager and Mayor to sign any documents relating to this matter under Council seal; and
- 4) enter into a deed of agreement with the owner of Lot 138 regarding cost apportionment relating to the road dedication, closure and transfer of land.

(Councillors Seage & Way)

## **8 Kiama Harbour Relocatable Toilet Facility**

### **CR062**

**Committee recommendation** that subject to formal support from the Lands Department being provided:

- 1) a Landmark Carnarvon toilet unit be installed at Kiama Harbour adjacent to the Kiama SLSC Boat Shed.
- 2) a Modus Yarra2 toilet unit be installed should connection to the existing sewerage tank and pump system not be able to be negotiated.

(Councillors Steel & Way)

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

### **1 CCTV in Kiama CBD**

#### **CR063**

**Committee recommendation** that Council adopt the Draft Design for approximate placement of CCTV cameras and the scope of area under surveillance without further amendment. That the Quest Security Solutions report including the draft design be used to inform the specifications for a tender document calling for security businesses to tender for the supply, networking and installation of a CCTV camera. The tender specifications will include the capacity for NSW Police to have 24/7 access to the data collected by the cameras. It will have an auditable trail that is recorded by the system to log all access to the data, recording who accessed the data, for how long, what data they viewed/downloaded, and for what purpose (including identifying Police Incident Numbers associated with the incident they are investigating).

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**2 Cultural Board Minutes, Cultural Grants and Arts Honour Roll**

**CR064**

**Committee recommendation** that Council:

- 1) Approve the recommended applications for the February funding round of Council's Cultural Grants;
- 2) Cultural Diversity Experience: \$1000;
- 3) Kingdog & the Catz Music Video: \$3000;
- 4) Kevin Sullivan – Album development: \$2000;
- 5) Kiama Arts Scene Podcasts: \$3,000;
- 6) Approve the recommended applications for the February funding round of Youth Arts Scholarships;
- 7) Kiama Young Musicians Ensemble: \$1000;
- 8) Olivia Deans: \$1000;
- 9) Approve the revised Honour Roll Policy and Arts Honour Roll nomination form and selection criteria; and
- 10) Note the Cultural Board Minutes, March 2014.

(Councillors Reilly & Way)

**REPORTS FOR INFORMATION**

**13 2014 National General Assembly of Local Government (GM)  
Call for Motions**

**CR065**

**Committee recommendation** that Council endorse the attendance of Councillors Steel and Seage at the 2014 National General Assembly.

(Councillors Honey & Way)

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**22 National Broadband Network (DCCS)  
University of Wollongong - Digital Champions iUnivariate Program**

**CR066**

**Committee recommendation** that Council congratulate the Economic Development Manager, Megan Hutchison on her role in this Program.

(Councillors Way & Seage)

**25 Minnamurra River - Dogs (DES)**

**CR067**

**Committee recommendation** that Council seek comment from the Companions Animals Committee, Minnamurra River Estuary Management Committee and relevant agencies on the possibility of permitting dogs on leashes in the Minnamurra River.

(Councillors Steel & Reilly)

**Adoption**

**CR068**

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

(Councillors McClure & Way)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT:**

**MN026**

**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 CR045 to CR068 above.

(Councillors McClure & Honey)

**RESUMPTION OF ORDINARY BUSINESS:**

**MN027**

**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 McClure & Honey)

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**QUESTIONS WITHOUT NOTICE:**

**1 Habitat Trees – Crooked River Road Gerroa**

Councillor Rice requested a report on whether Kiama Council has current documentation relating to the ecological communities, habitat and vegetation in the Crooked River Road region of the Kiama Municipality and the environmental significance and conservation value of this area. The Mayor referred this matter to the Director of Environmental Services for information and report.

**2 Blowhole Point Rock Pool - Steps**

Councillor Rice requested information on the installation of an additional concrete step leading into the Blowhole Point Rock Pool. Councillor Rice was advised by the Acting Director of Engineering and Works that the concrete step had been installed when the pool was last emptied for maintenance.

**3 Emergency Entrance - Barton Drive to Riverside Drive Kiama Downs**

Councillor Rice requested a report on the progress of the installation of emergency access into the Gainsborough Estate at Barton Drive, Kiama Downs. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

**4 Sewer Main – Kiama Harbour**

Councillor Way requested a report on the costing and provision of a sewer main at Kiama Harbour from the Rock Pool amenities to the Rescue Shed and connection to existing mains as part of the Kiama Harbour redevelopment. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

**5 Kiama Netball Courts – Kiama Quarry Sports Complex**

Councillor Honey requested a report on the condition of the playing surface at the Kiama netball courts at the Kiama Quarry Sports Complex. The Mayor referred this matter to the Acting Director of Engineering and Works for information and report.

**CONFIDENTIAL COMMITTEE OF THE WHOLE:**

**MN028**

**Resolved** that at this time, 6.10 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 Way & McClure)

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**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:**

***MN029***

**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 6.10 pm.

(Councillors Steel & Way)

**CONFIDENTIAL REPORTS**

**1 Land and Property Development  
Weston Site Lot 200 DP1017091 - 55 Shoalhaven Street Kiama**

***CR069***

**Committee recommendation** that Council note the information contained within this report.

**2 Lease of Property  
105 Shoalhaven Street Kiama (Former Gasworks Site)**

***CR070***

**Committee recommendation** that Council:

- 1) note the valuation rationale and principles to be used in any future negotiations with Srimi Vasa Group for potential service station development of the site; and
- 2) give the General Manager delegated authority to enter into negotiations for development of the site.



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**3 Gerringong Town Hall Roof Replacement**

**CR071**

**Committee recommendation** that Council resolve to accept the tender from P&D Envirotech Pty Ltd for the sum of \$228,171.02 including GST to complete the works.

**4 Lot C DP 380582 No 44 Manning Street Kiama – Demolition of Existing Building and Construction of Twenty-three (23) Senior Living Apartments and One (1) Retail/Commercial Premises**

**CR072**

**Committee recommendation** that Council authorise the Mayor and Councillor Sloan to make decisions on Council's behalf in regard to the LEC appeal lodged in relation to Council's refusal of Development Application 10.2012.264.1 and, in accordance with the timetable agreed upon at the Conciliation Conference held on 11 March 2011.

(Councillors Steel & Seage)

**For:** All Councillors

**Against:** Nil

**CONFIDENTIAL MAYOR MINUTE**

**1 Kiama Tourism**

**Disclosure of Interest - Councillor McClure**

Councillor McClure declared an insignificant non pecuniary interest in this matter as a member of the Kiama Tourism Board and took no part in discussion of this item.

**CR073**

**Committee recommendation** that Council:

- 1) refer the matter of the proposed governance review to the Board of Kiama Tourism for determination should it wish to proceed;
- 2) undertake a full strategic review of the funding for tourism provided by Council using an independent external consultant and such review to include structures and options best for tourism, with an emphasis on the promotion and development of tourism in the Municipality and on the most effective way to support the industry;

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- 3) invite Kiama Tourism to make submissions and to participate in such a review;
- 4) set the aim to complete the review by the end of September 2014; and
- 5) give an undertaking to Kiama Tourism that Council will maintain normal funding to that organisation until the strategic review has been completed.

(Councillors Petschler & Steel)

It was **moved** by Councillor Honey and seconded by Councillor Reilly that the motion be put.

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

**CR074**

**Moved** by Councillor Reilly and seconded by Councillor Seage that Council suspend its membership on the Tourism Board to ensure objectivity during this review process.

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

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

**CR075**

**Committee recommendation** that the report of the Performance Review Committee be endorsed and adopted by Council.

(Councillors Sloan & Steel)

**CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE:**

**MN030**

**Resolved** that at this time, 7.13 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel & McClure)

**Adoption of Report**

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

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 18 MARCH 2014**

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**MN031**

**Resolved** that the Confidential Committee of the Whole recommendations numbered CR069 to CR075 be confirmed and adopted.

(Councillors Sloan & Steel)

There being no further business  
the meeting closed at 7.13 pm.

These Minutes were confirmed at the Ordinary  
Meeting of Council held on 15 April 2014

.....  
Mayor

.....  
General Manager

# MAYORAL MINUTE

## Submitted to the Ordinary Meeting of Council held on 15 April 2014

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### 1 F6 Extension in Sydney

#### **RECOMMENDATION**

That Council write to the Member for Kiama, Mr Gareth Ward MP expressing support for the petition to the Government to expedite the construction of the F6 extension into Sydney and requesting that funding for the project be made available as a matter of priority.

#### **REPORT**

Recently the Member for Kiama, Mr Gareth Ward MP in association with a number of NSW Parliamentarians commenced to petition the Government to expedite the construction of F6 extension into Sydney. The F6 extension would extend from Waterfall to Tempe. There is a Land Reservation Track which currently passes through the suburbs of Loftus, Kirrawee, Gymea, Miranda, Taren Point, Sandringham, San Souci, Ramsgate, Monterey, Kogarah, Brighton-Le-Sands, Rockdale, Banksia, Kyeemagh and Tempe.

The extension of the F6 Freeway would greatly benefit the residents of the Illawarra and southern suburbs of Sydney and in particular work commuters. Mr Ward and other NSW Parliamentarians who have an interest in the F6 extension are encouraging people to sign a petition which will be submitted to the NSW Government to encourage work on the F6 extension as a priority.

It would be appropriate for Council to show support for expediting the F6 extension and in this regard it is recommended that Council write to the Member for Kiama, Mr Gareth Ward MP, expressing Council's support for the petition and for the funding of the necessary works as soon as possible.



Councillor Brian Petschler  
**Mayor**

**COMMENCING AT:** Meeting commenced at 9.03am

**PRESENT:** Mayor Councillor Brian Petschler (Chairperson), Bryan Whittaker (Director Engineering and Works), Darren Brady (Manager Design & Development), Darrell Clingan (Local Member's Representative), Andy Gaudiosi (RMS Representative), Janelle Burns (Road Safety Officer), Kevin Brown (NSW Police Representative) and Joanne Henry (Minutes)

**APOLOGIES:** Nil

Councillor Cathy Rice was in attendance to discuss an item to be raised in Late Business in relation to traffic management and traffic speeds in Riverside Drive, Kiama Downs.

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## **1 Minutes of Previous Meetings (C11.002.000)**

Discussion was held in relation to Item 3 Informal Items of the previous meeting minutes. - Fern Street Gerringong pedestrian crossing.

The Committee was advised that "zig zag" lines were covered with a re-seal of the road surface at this location and that they would be reinstated as soon as possible.

The minutes of 13 March 2014 were adopted by Council at its meeting of 18 March 2014.

### **CR076**

**Committee recommendation** that subject to the above advice the minutes from the 13 March 2014 meeting be received and accepted.

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## **FORMAL ITEMS (UNDER RMS DELEGATIONS)**

### **2 ANZAC Services and March Kiama Friday 25 April 2014**

#### **CR077**

**Committee recommendation** that the ANZAC Day Services and March for Friday 25 April 2014 be approved subject to organisers and suitably qualified traffic controllers complying with the following conditions:

- 1) the road closures to be undertaken by organisers in compliance with the traffic management plan Nos. T2305-1421 and T2305-0415 prepared by Traffic Management Services Pty Ltd;
-

- 2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
  - 3) an advertisement be placed in the local media advising of the closure; and
  - 4) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
- 

**3 Thirty One (31) Lot Torrens Title Subdivision  
Lot 22 DP1034340 - 6 Drualla Road Jamberoo (10.2013.128.2)**

Bryan gave a brief on the signage and linemarking plans for this proposed subdivision.

There may be an opportunity to re-assess the Chapel Lane intersection once the subdivision is completed.

Terracotta coloured pavement and no stopping signage to be removed from the signage and linemarking plan, provided C3 linemarking is installed.

**CR078**

**Committee recommendation** that approval be given to the plan presented with the report, subject to the removal of the terracotta coloured pavement and no stopping signage.

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**4 Coastal Walking Track - James Oates Reserve to Coronation Park  
Red Cross Centenary Fun Run/Walk**

**CR079**

**Committee recommendation** that the Red Cross Centenary Fun Run/Walk event for March for Sunday 8 June 2014, be approved subject to organisers complying with the following conditions:

- 1) the event organisers comply with the traffic management plan prepared by South East Traffic Management Pty Ltd;
  - 2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure; and
-

- 3) an advertisement be placed in the local media advising of the closure.
- 

### **INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)**

#### **1 Intersection of Shoalhaven and Bland Streets Kiama Stop Sign Request**

The Committee agreed that that the intersection signage is not to be altered from its current configuration.

The student representatives from Kiama High School are to be advised of the Committee's decision and a copy of the report on this matter forwarded to them.

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### **LATE BUSINESS**

#### **1 Riverside Drive Kiama Downs – Traffic Management**

Bryan outlined the history of traffic management at this location.

#### ***CR080***

**Committee recommendation** that:

- 1) speed monitoring be undertaken on Riverside Drive;
  - 2) a detailed design plan to be submitted to a future Traffic Committee meeting; and
  - 3) Ms Arroyo be advised of the Committee's recommendations.
- 

#### **2 Princes Highway Bombo - Fencing**

Andy Gaudiosi advised the Committee that the RMS will be installing pedestrian fencing along the Princes Highway at Spring Creek Bridge. This work will be completed prior to the end of the 2013/14 financial year.

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*There being no further business the meeting closed at 9.46am*

**The next meeting of the Committee will be held on Tuesday 6 May 2014**

# REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

Submitted to the Ordinary Meeting of Council held on 15 April 2014

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## 1 Lot 102 DP 1074479 No 71 Nuninuna Drive Saddleback Mountain (10.1998.271.2)

### Summary

This report supports the approval of the modification of Development Application 10.1998.271.1 for the creation of an additional building envelope on Lot 102 in DP 1074479 No 71 Nuninuna Drive, Saddleback Mountain.

### Finance

N/A

### Policy

N/A

### Reason for Report to Council

The application has been reported to Council as the proposal for an additional building envelope is located on land which has been resolved by Council at its meeting held on 15 August 2000 to exclude building in that area.

### Council's Vision and Goals

Council's vision of well planned and managed spaces, places and environment through principles of sustainable development and legislative compliance is appropriately addressed by this application.

### Report Attachments and Councillor Enclosures

- Attachments – A4 plan showing existing and additional building envelopes.
- Enclosures – A3 plan showing existing and additional building envelopes.

### **RECOMMENDATION**

That Council approve the additional building envelope on Lot 102 in DP 1074479 as shown in the attached plan and delegate authority to the General Manager to authorise the required changes to the Plan of Subdivision.

## REPORT

### Development Site

The development site is described as Lot 102 DP 1074479 No 71 Nuninuna Drive, Saddleback Mountain. It was formerly known as Lot 115 in Deposited Plan (DP) 751279 before being subdivided in 2004.

The site is zoned part E2 Environmental Conservation zone and part E3 Environmental Management zone pursuant to Kiama LEP 2011. Kiama LEP 2011 provides mapping which indicates that the site contains areas of riparian land and watercourses and terrestrial biodiversity. Council's bushfire mapping indicates the site has areas which are affected by bushfire.

The area of the site is 40.09 Hectares. The site is accessed from Nuninuna Drive via a right-of-carriageway created over lot 101 in DP 1074479 to the north of the site. The site is traversed by Tangalla Road and Hoddles Road which are administered by the Crown.



**Item 1 Contd.****Description of the Proposed Development**

The proposal seeks the creation of an additional building envelope on the development site. The additional building envelope and existing building envelope are shown in the Attachment to this report.

**Background**

The following table outlines the relevant event history pertaining to the application, the subject of this report.

<b>Date</b>	<b>Event</b>
24/11/1998	Development Application (DA) 10.1998.271.1 was lodged for a two lot subdivision of Lot 115 in DP 751279 (development site).
18/07/2000	DA 10.1998.271.1 was reported to Council for determination. Council resolved that the application be refused for the following reasons: <ol style="list-style-type: none"> <li>1) <i>The “protection” of the area of high conservation value on existing Lot 115 is not in perpetuity and could be revoked at some future time.</i></li> <li>2) <i>The proposal involves the addition of a further dwelling within the confines of the Nuninuna subdivision which would not have been allowed by the original development.</i></li> <li>3) <i>The proponent’s choice of a building envelope on the proposed Lot 2 does not seriously consider its impact on the natural spring to the north and Council’s recommended building envelope is even closer to the spring.</i></li> <li>4) <i>The proposed or recommended building envelope will create further visual stress to the ridge line as seen from Saddleback and Jamberoo Valley, something the original Nuninuna development was designed to reduce.</i></li> </ol>
08/08/2000	Pursuant to Section 82A of the <i>Environmental Planning and Assessment Act 1979</i> , the applicant requested a review of Council’s previous determination.
15/08/2000	The review of determination was reported to and granted approval by Council, with delegated authority given to the General Manager to approve of the development application subject to conditions of consent which required that there be a Section 88b instrument creating restricted building areas.
24/04/2001	DA 10.1998.271.1 was issued development consent. Condition 28a required a building envelope be created on the Final Plan of Subdivision. The building envelope was consistent with Council’s resolution, however, this was not the preferred location originally put forth by the applicant.

**Item 1 Contd.**

<b>Date</b>	<b>Event</b>
29/10/2004	The final Plan of Subdivision which included the requirements of Condition 28a of DA 10.1998.271.1 was approved in Subdivision Certificate No 38/04.
09/11/2004	The Final Plan of Subdivision was registered with the NSW Land Titles Office as DP 1074479.
16/12/2013	A modified development application (10.1998.271.2) pursuant to Section 96(1A) <i>Environmental Planning and Assessment Act 1979</i> was lodged seeking to create an additional building envelope in the applicant's previously preferred location on the development site.

**Section 96(1A) Assessment**

Section 96(1A) of *Environmental Planning and Assessment Act 1979* requires that prior to determination that the consent authority be satisfied of the following matters:

- 1) The proposed modification to create a secondary building envelope is considered to be of minimal environmental impact as it is not in an area which has been mapped as an area of acid sulphate soils, riparian land and watercourse, terrestrial biodiversity or flooding in Kiama LEP 2011. It is also an area which is not shown as being affected by bushfire on Council's maps. The area is zoned E3 Environmental Management and dwellings are permitted with consent in the zone. The proposal is also consistent with zone objectives.
- 2) The proposed modification is considered substantially the same development as the development for which the consent was originally granted.
- 3) The application was notified to adjoining owners where it was considered that they were likely to be adversely affected by the proposed modification. One submission was made and this was considered during the assessment process. The matter is discussed in greater detail below, under the heading 'Submissions'.

The reasons for refusal listed by Council at its meeting 18 July 2000 are addressed in the table below:

<b>Reason For Refusal</b>	<b>Assessing Officer's Comments</b>
<i>The "protection" of the area of high conservation value on existing Lot 115 is not in perpetuity and could be revoked at some future time.</i>	The proposed additional building envelope is clear of any sensitive environmental areas. The registration of DP1074479 included a building envelope that ensures that areas of <i>high conservation value</i> (which are now in effect mapped as Terrestrial Biodiversity area in Kiama LEP 2011) are maintained in perpetuity as Council is the authority empowered to release, vary or modify this restriction.

## Item 1 Contd.

Reason For Refusal	Assessing Officer's Comments
<i>The proposal involves the addition of a further dwelling within the confines of the Nuninuna subdivision which would not have been allowed by the original development.</i>	This matter is no longer an issue as it was resolved through the issue of DA 10.1998.271.1 to create a two lot subdivision with building entitlements on each lot.
<i>The proponent's choice of a building envelope on the proposed Lot 2 does not seriously consider its impact on the natural spring to the north and Council's recommended building envelope is even closer to the spring.</i>	The potential impacts on water quality have been investigated in detail (by a suitably qualified consultant and then peer reviewed by another suitably qualified consultant) and it has been determined that an on-site effluent disposal area can be positioned within the south-eastern corner of the building envelope, well up-slope of, and away from the natural spring, without any impacts.
<i>The proposed or recommended building envelope will create further visual stress to the ridge line as seen from Saddleback and Jamberoo Valley, something the original Nuninuna development was designed to reduce.</i>	Localised topographical conditions and vegetation means that a future dwelling is unlikely to be seen from close-range vantage points; however, the upper portions of the proposed building envelope can be observed from positions some kilometres away. Controls in Section 6 of Kiama Development Control Plan 2012 relating to landscaping, heights, colours and materials are likely to limit visual impacts; however, this can only truly be confirmed at the time a development application is made for a dwelling.

**Submissions**

One submission was made in regard to the proposal. The submission objected to the proposal on the grounds that there would be water contamination to the spring due to the location of future buildings (located within the proposed building envelope) within the catchment area of the spring.

In response, the subsurface water issues have been properly investigated by two separate suitably qualified consultants who found that effluent treatment areas for future dwellings can be accommodated on the site so as to not affect the spring. It is also considered, based on anecdotal evidence from similar scenarios, that any future dwellings constructed in the proposed building envelope is unlikely to cause significant adverse environmental effects to subsurface water quality and flows.

**Item 1 Contd.****The Public Interest**

The proposal is considered to be consistent with Kiama Development Control Plan 2012, Kiama LEP 2011, *Illawarra Regional Plan No 1*, *State Environmental Planning Policy (Rural Lands) 2008*, *State Environmental Planning Policy No 55 - Remediation of Land*, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be in the public interest.

**Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 96(1A) of the *Environmental Planning and Assessment Act, 1979*. Concerns raised in the submission have been thoroughly investigated and properly considered and should not warrant refusal of the application. The proposed development is considered reasonable and approval is recommended.

Phil Costello  
**Director of Environmental Services**



# REPORT OF THE GENERAL MANAGER

## Submitted to the Ordinary Meeting of Council held on 15 April 2014

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### 1 Draft Operational Plan 2014/2015

#### **Summary**

This item recommends endorsement of the Draft Operational Plan for 2014/2015 for public exhibition.

#### **Finance**

The report includes the full budget proposed for the 2014/2015 year.

#### **Policy**

This is a requirement of the Local Government Act.

### ***RECOMMENDATION***

That, in accordance with Section 405 of the Local Government Act as amended, Council place the Draft Operational Plan for 2014/2015 on exhibition.

### **REPORT**

#### **(A) Background**

Under Sections 402 to 406 of the Local Government Act 1993, Council is required to prepare an Integrated Plan including –

- a) An Operational Plan for 1 year, and
- b) A Delivery program for 4 years, and
- c) A Community Strategic Plan for 10 years

The Community Strategic Plan is the overall planning document for Kiama. It is based on the input from a number of community surveys and workshops and addresses civic leadership, social, environmental and economic issues. It has a 10 year timeframe (2013-2023) and encompasses a broad range of goals that will need input and support from a range of organisations and government agencies to achieve. It is supported by a ten year Resourcing Strategy that addresses Council's Asset Management, Long Term Financial Planning and Workforce Planning.

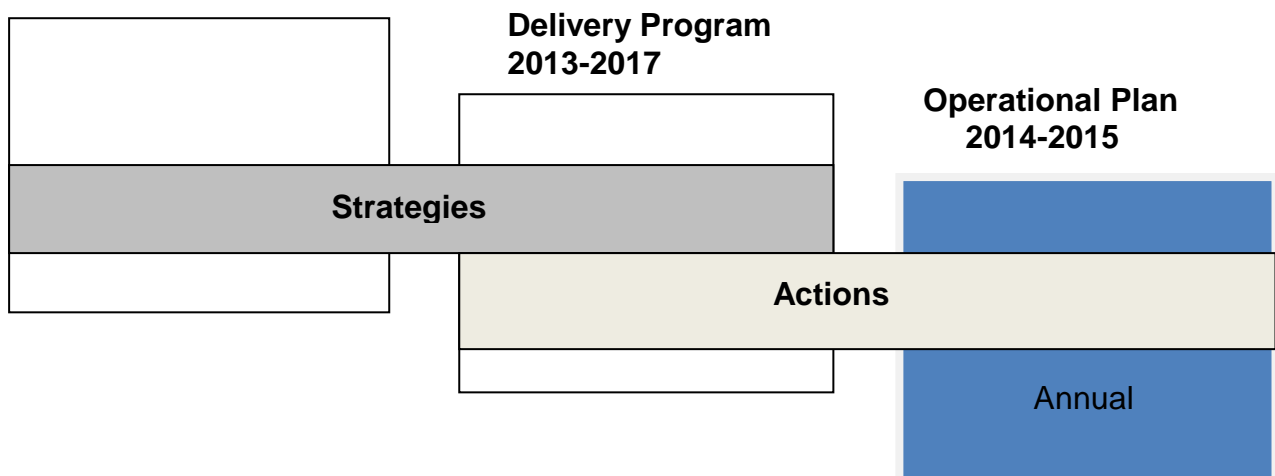
The Delivery Program 2013-2017 is based on the Community Strategic Plan and outlines the actions that Kiama Council will undertake to work towards addressing the goals and strategies.

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

The Draft Operational Plan 2014/2015 completes the planning documents and details the activities to be undertaken during the financial year to deliver the commitments of the Delivery Program. The Operational Plan also includes Council’s detailed annual budget. The 2014/2015 Fees and Charges are available in a separate document.

This three tiered process ensures that there are clear links between the long term goals of the community and the activities of Council.

**Community Strategic Plan  
2013 – 2023**



Council is required to give public notice of the Draft Operational Plan 2014/2015 and must place this on exhibition for not less than 28 days. Thereafter (and before the end of the financial year), Council must adopt the Operational Plan for the ensuing year after taking into consideration any submissions that have been made on the exhibited draft.

Until an Operational Plan has been adopted, Council is not able to make a rate or charge and these rates and charges must be made before 1st August in the year to which they apply.

**(B) Timetable**

The following timetable has been proposed for the Integrated Plan process:-

- 1) Ordinary Council Meeting to consider Draft Integrated Plans - 5:00 pm Tuesday 15 April 2014.
- 2) Public Exhibition of Draft Integrated Plans – 19 April 2014 to 19 May 2014.
- 3) Extraordinary Council Meeting (Adoption of Integrated Plans) - 5:00 pm Tuesday 3 June 2014.

It is planned to have the Draft Operational Plan 2014/2015 distributed to the Precinct and Ratepayer groups as well as other community groups. Additionally it will be placed on public exhibition in the Council office, the libraries, community centres, neighbourhood centres, and on the Internet for inspection and comment ([www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au)).

## **(C) Revenue Policy - Budget for 2014/2015 Year**

### **(1) Introduction**

The Revenue Policy section of the Draft Operational Plan 2014/2015 is a key component, comprising the Estimates of Income and Expenditure as well as details of Council's plans for fees and charges, borrowings, private works and other matters.

As in previous years, the Estimates of Income and Expenditure have been based on the existing departmental basis. Each section has been separated from the others and a summary sheet provides a snapshot of the total budget proposals.

The budget papers are submitted in two parts, these being:-

- (i) **The General Manager's Report** which deals with the overall budget situation and broad policy issues which affected the budget.

It is recommended that this report be read first as it provides a general overview of the various factors taken into account in the development of the estimates.

- (ii) **The Estimates Papers** which provide comparisons with the 2013/2014 original budget and projected figures for that year, as well as the 2014/2015 estimates.

I would be pleased to provide any additional information or explanation for Councillors if required and would be pleased to make myself or the staff available for discussions on request.

As stressed in the previous years, the traditional sources of revenue are not maintaining an appropriate link to the cost increases which Council has to face each year and if Council was reliant on these traditional sources as its only form of income, there would be serious difficulties.

The ratepegging legislation means that the annual percentage rate increases are usually below the percentage cost increases indicated in most cost indices. The Financial Assistance Grant (FAG) has marginally increased from \$1,193,144 in 2003/2004 to an estimated \$1,371,000 in 2014/2015.

Federal and State Governments are also shifting responsibilities to local government without adequate compensation. The Independent Inquiry into the Financial Sustainability of the New South Wales Local Government undertaken on behalf of the Local Government and Shires Associations suggests that cost shifting by other tiers of government costs about \$430 million a year or almost 7% of total ordinary



revenues. Statutory charges by Government agencies are also often substantially greater than increases allowed to Councils. Council joined Metro Pool in 2012 for general insurance premiums which provides savings in this area. Support is given to the Australian Local Government Association's call for funding of Councils being tied to GST and other growth funds.

In preparing the budget consideration has been given to the financial health indicators with the emphasis being placed on asset maintenance and renewal by the Office of Local Government. The Office of Local Government has focused on a Council's capacity to maintain/renew existing assets in implementing its structural reform program.

In proposing any new capital works, consideration of the ongoing maintenance costs and the ability to meet these costs needs to be given.

It should be noted that some of the works planned for the current year may be carried over to 2014/2015. These are **not** included in the Operational Plan pending completion of the current year and may be included at the first quarterly review next year or on completion of the statements of account for the current year, subject to a review of the Council's financial position at 30 June 2014.

## **(2) Format of Budget**

### **(a) Projected Budget Estimates**

The estimates have been prepared on a consolidated basis, that is, including all projected expenses and revenues for all of Council's functions.

There are five functional sections based on Council's principal activities, with each detailing estimated operational and capital expenditures. Projected sources of revenue are shown for each section, showing operating revenues (rates, fees, charges, etc), grants, loans and various contributions expected to be received next year.

The estimates papers for 2014/2015 commence with a summary sheet which identifies the total income and expenditure for each of the five functional sections plus a further expenditure total for the depreciation costs for the year.

These functional figures have then been combined to show the overall impact of the total estimates of income and expenditure. A balanced budget where some of Council's reserves are used for new capital works and capital renewal is projected for the year 2014/2015 prior to depreciation being applied.

The current year's budget (2013/2014) was prepared on the projection of a balanced budget (excluding the non cash item for depreciation).

Council must ensure that operating revenues meet operational expenditures over the long term to ensure that funds are available for asset maintenance and renewal. It is becoming increasingly difficult to achieve this objective because of the constraints outlined above and the high annual depreciation expense.

### **(b) Council's Financial Position**

Since 1993, Australian Accounting Standards have required Councils to include depreciation "above the line" as an operating expense. The subsequent requirement over a number of years to revalue Councils' infrastructure, property, plant and equipment at fair value has impacted substantially by increasing the value of assets held. The impact on the annual budget results in a total estimated depreciation of \$7.95m in 2014/2015.

The date of Council's last audited annual financial reports was June 2013. The Balance Sheet for that date is attached to this report which outlines Council's financial position and trends at that time. (See Attachment 1).

### **(3) Key Factors Affecting the 2014/2015 Budget**

There are a number of continuing issues which have a marked impact on Council's budget each year, and several others which have influenced the 2014/2015 budget to some degree.

These are listed below:-

- \* Ratepegging Legislation. The NSW Government has announced a rate variation increase of 2.3% for 2014/2015.
- \* The erosion of Commonwealth Financial Assistance Grants over many years
- \* Increased utility and statutory charges
- \* Legislative changes transferring responsibilities to Councils without adequate revenue
- \* Excessive reporting requirements
- \* The need for technological change
- \* Employment cost increases
- \* Staff skill shortages
- \* The need to allocate sufficient funds for the maintenance/renewal of major assets
- \* Managing community expectations

Council conducted community surveys in 2011 and 2012 and sought a range of resident attitudes and opinions as an input to council's ongoing strategic planning and quality improvement process.

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The surveys identified areas of priority for Council being:-

Maintenance of local roads

The 2014/2015 budget includes \$1.75M for rural, regional and urban road maintenance. Also included in the capital works program is \$300K for resealing local roads.

Encouraging local businesses & jobs

Council employs an Economic Development Officer. Business networking and training seminars for business are being organised by the Economic Development Officer.

Council's Economic Development Committee are also finalising an Economic Development Strategy and investigating new development opportunities. Council also contributes more than \$300,000 to the servicing, promotion and marketing of tourism which is a major employer.

Council will also continue to provide a number of trainee and apprenticeships.

Provision of public toilets

Council aims to maintain all of its public amenities in the municipality to a high standard. Over the life of the delivery program it is planned to renew/upgrade public amenities at the Blowhole rock pool, Jamberoo Pool and Kevin Walsh Oval, Jamberoo and provide new amenities on the coastal walking track and in the Kiama Harbour area.

Upgrade of the Kendall's Beach Holiday Park amenity block, which includes public toilets, will also continue.

Services and facilities for youth

Council has a Youth Centre in Kiama and employs two Youth workers. Funding is to be maintained for the youth services. A new strategy has been adopted by Council with the aim of broader engagement with the youth and making the Youth Centre more vibrant and attractive. A significant upgrade of the Hindmarsh Park Youth Centre is to be undertaken.

Consulting the community and Council responsiveness to community needs.

With the introduction of the NBN to the Municipality, Council is trialling new technology and has established Kiama Connect to improve interaction and Council's communication with the community. Social media is being increasingly used and the new website was launched in November 2013. The use of social media continues to

become an important feature of Councils community engagement strategy. The installation of video conferencing equipment in the Council Chambers to enable the broadcasting of Council meetings and public interaction is also being carried out.

#### Provision of public car parking

The provision of car parking on the coastal walking trail at Kiama Heights is proposed in the 2014/2015 budget. Council is to progress the re-development of the Akuna Street car park for mixed use with additional parking being provided for shoppers and visitors to the Kiama town Centre. The redesign of carparking in the vicinity of the Kiama Lighthouse is also proposed.

The Delivery Program also includes the extension of the Figtree Lane car park at Gerringong.

### **(D) Rating Policy**

The rate calculations have been applied across all four rating categories (Residential, Farmland, Business and Business – Commercial/Industrial). The statutory interest rate which Council can charge for overdue rates has yet to be announced but it is recommended that the maximum percentage allowed be adopted.

Council has successfully applied the “base charge” rating system for the last seventeen (17) years and it is applied again in 2014/2015. It applies to residential and farmland rates. For properties categorised as business there is no base amount but rates are charged on an ad valorem basis with a minimum rate of \$675.00 proposed for each such affected property in 2014/2015. A common base charge of \$675.00 will apply to all residential properties. A common base charge of \$675.00 will apply to properties categorised as farmland.

The tourism component of the business rate has been continued again in this budget.

Full details of the rating policy are shown in the Draft Operational Plan.

The rates levied in the 2014/2015 year will be based on land values totalling \$3,620,400,090 as at 2012 as determined by the Valuer General’s Department.

### **(E) Staff Establishment**

Council has long had a policy of minimising staffing levels. When positions become vacant a review of the position is undertaken to determine whether it should be refilled.

The T-Corp report on Kiama Council states that the employee costs have been well controlled over the past three years, in line with expected NSW wage indexation rates.

Department	Permanent & Contract FTEs	Temporary FTEs	Total FTEs
<b><i>General Manager</i></b>			
Executive Office (inc. Governance & Communications)	4.4	0.6	5
Blue Haven Administration	1		1
<b><i>Community Services</i></b>			
Executive Office	2		2
Blue Haven	40		40
Community Projects	25.3		25.3
Community & Cultural Development	4.2	0.8	5
Library	7	0.5	7.5
<b><i>Engineering &amp; Works</i></b>			
Executive Office	3		3
Depot	11	1	12
Design & Development	7	1	8
Road Safety	1		1
Property	1		1
Waste Services	24.6		24.6
Works	50.4		50.4
<b><i>Environmental Services</i></b>			
Executive Office	2		2
Development Assessment	6		6
Environment & Health	8.6	0.4	9
Strategic Planning	3		3
<b><i>Corporate &amp; Commercial Services</i></b>			
Executive Office	2	1.4	3.4
Corporate Services	14.4	1.4	15.8
Customer Service	8		8
Economic Development	0.8	1.4	2.2
HR & Commercial Services	14.7		14.7
Information Technology	6	1	7
<b><i>Southern Councils Group</i></b>			
Executive Office	1.6	1.2	2.8
Catchment Blueprint	1		1
ICCRC	1	13.2	14.2
Noxious Weeds	2		2
<b>All Council</b>	<b>253</b>	<b>23.9</b>	<b>276.9</b>

**(F) Loan/Debt Servicing**

Major capital works over the past decade have generally been financed either by operations run by Council which are self supporting or by other revenue sources, particularly land development.

Council is not proposing to borrow any new funds in the 2014/2015 year. Should Council resolve to commence the Blue Haven Aged Care Facility at the Kiama Hospital site it will involve borrowing significant loan funds which will be repaid with non-ratepayers funds. Council has applied for grant funding to construct an Organic Waste Treatment Facility that, if successful, will require loan funding for Council's component of the project. A business plan for the Holiday Parks is currently being undertaking which will also require loan funding staged over a number of years. The above projects should they be endorsed by Council could affect the 2014/15 Budget.

**(G) Restricted Assets**

The following restricted or separately identified assets (reserve funds) were held by Council at the end of 2012/2013:-

<b>(a) Externally Restricted Funds (ie. Restricted by Statute)</b>	<b>\$</b>
Developer Contributions (excluding recoupments)	2,764,865
Unexpended Specific Purpose Grants and Contributions	339,680
Domestic Waste Management	840,154
<b>(b) Internally Restricted or Identified Funds (ie. by function)</b>	<b>\$</b>
Section 94 Recoupments	351,723
Land Development	4,012,627
Community Bus	151,736
CACP	8,257
Blue Haven ILU	4,052,873
Blue Haven Hostel	5,407,318
Blue Haven Nursing Home	2,003,777
Employee Leave Entitlements	697,603
Waste Business Unit	1,025,057
Carry over Works	1,732,143
Waste and Sustainability	212,925
Holiday Parks	794,825
Contingency	311,942
Plant Replacement - Engineers	651,214
Property Insurance	120,000

**(H) Developer Contributions (Section 94)**

For a number of years the contributions from developers under Section 94 of the Environmental Planning and Assessment Act have declined as the availability of land for development was reduced. Recently contributions have been as a result of Council's Elambra Estate development and minor residential developments.

The budget for next year utilises Section 94 recoupments of \$150,000. Comparisons with usage of these funds in previous years are shown on Attachment 2.

**(I) Fees and Charges****(i) Domestic Effluent and Trade Waste**

The Draft Operational Plan outlines the proposed charges for these services in 2014/2015. The Domestic and Trade Waste charges have been increased to meet growing costs including landfill disposal costs.

The domestic waste management charge for 2014/2015 will increase by 12.45%. In determining the charges Council has considered the reasonable costs it will incur through collection costs, rehabilitation works, waste disposal costs and the waste levy being charged to Council by the State Government.

**TABLE OF DOMESTIC WASTE MANAGEMENT CHARGES – 2014/2015****Urban/Rural****Type of Service****To be applied to areas other than the 'Organics Kiama' trial area:**

Garbage 240 litre bin (Weekly), Recycling/Green Waste 240 litre bin (Fortnightly) & Clean Up Services (2 per year)	\$671.44 p/a
Garbage 140 litre bin (Weekly), Recycling/Green Waste 240 litre bin (Fortnightly) & Clean Up Services (2 per year)	\$502.04 p/a
Garbage 80 litre bin (Weekly), Recycling/Green Waste 240 litre bin (Fortnightly) & Clean Up Services (2 per year)	\$480.31 p/a
Vacant Land	\$54.50 p/a
Rural Collection Service 240 litre bins (Fortnightly) Garbage and Recycling	\$401.91 p/a
Special Medical Needs waste collection	\$502.04 p/a

**To be applied to areas within the ‘Organics Kiama’ trial area:**

Garbage 240 litre bin (Weekly), Recycling/Green Waste 240 litre bin (Fortnightly) & Clean Up Services (2 per year)	\$661.44 p/a
Garbage 140 litre bin (Weekly), Recycling/Green Waste 240 litre bin (Fortnightly) & Clean Up Services (2 per year)	\$492.04 p/a
Garbage 80 litre bin (Weekly), Recycling/Green Waste 240 litre bin (Fortnightly) & Clean Up Services (2 per year)	\$470.31 p/a
Vacant Land	\$54.50 p/a
Special Medical Needs waste collection	\$502.04 p/a

Other fees proposed for 2014/2015 are detailed in the document “2014/2015 Fees Schedule” which is part of the Revenue Policy in the Draft Operational Plan.

**(ii) Other Fees and Charges**

Reference should be made to the Draft Operational Plan for details of policies applied for fees and charges. Council staff have reviewed the fees structure in the light of costs involved in providing the services and with a general application of the “user pays” principle where appropriate. GST has had to be considered and a number of services have had the tax applied. These are identified in the fees schedule.

**(J) Capital/Asset Renewal Works**

Attachment 3 to this report shows a total estimated capital expenditure of \$6.1 million for 2014/2015. Including asset renewal works.

**(K) Kiama Holiday Parks**

The Holiday Parks are a major benefit for all ratepayers as detailed below:

- The Holiday Parks operate at no cost to ratepayers. The Holiday Parks will contribute an estimated \$1,562,590 to Council’s general revenue during the 2014/2015 year. These funds assist in maintaining and developing Crown Reserves within the Council area.
- If these funds were not available, rates would have to be significantly increased and/or service levels reduced.



- Operating revenue received from the Holiday Parks was approximately \$1.5 million in 1994/95. In 2014/2015 it is expected to be approximately \$7.9 million.

A table showing the growth in contributions since 1997/98 is attached. (Attachment 4)

### **(L) Waste Collection Unit**

The Waste Business Unit has operated satisfactorily over the past 12 months. The restricted asset or reserve has grown from \$418,000 in 1998/99 to \$1,025,057 in 2012/2013. However, it should be noted that expenditure of approximately \$75,000 is anticipated for the purchase of equipment and a further \$436,000 is allocated to the Engineering plant reserve to purchase plant and equipment for the Waste Unit.

### **(M) Land Development Program**

The Land Development Program has provided Council with the opportunity to finance a significant proportion of capital new and renewal works that would otherwise need to be ratepayer funded. This has enabled Council to maintain a reasonably high level of capital works. The land supply of Elambra Estate has been exhausted. The Delivery program and the Long Term Financial Plan is dependent on residentially zoned land owned by Council at Spring Creek being developed in 2016/17.

### **(N) Comments on the Draft Operational Plan.**

It is suggested that the Draft Operational Plan, including the Estimates of Income and Expenditure and Notes attached thereto should be read in conjunction with this report as they together provide an excellent overview of the draft programs outlined therein. Council staff would be pleased to answer any questions which may result from such review.

The Draft is proposed for endorsement by Council for placement on public exhibition. Councillors may then review the various elements over the next four weeks for consideration of amendments, adjustments, exclusions and additions at the meeting in June.

In terms of the budget, the following points are made.

- The total estimated operating and capital expenditure is approximately \$61 million (excluding depreciation).
  - A balanced budget is projected. This is after use of some of Council reserves for priority capital works and capital renewal works and allowing for a 2.3% increase in rate revenue approved by the Office of Local Government.
  - A review of services and staff needs to be ongoing as budgetary pressures gets greater.
-

- The Engineering and Works new capital works totals \$1.8M, the capital renewal program for infrastructure totals \$2.5M and operational works totals \$4.2M. There is a strong emphasis on capital renewal.
- Council and the community have been benefiting from income from land development programs. This is a finite resource. It is important that profits from land development is effectively managed and kept in reserve for necessary capital renewal of existing assets. It should not be used for operational purposes.
- Council's Business Units continue to provide an essential and vital contribution to Council's overall revenue.
- A number of programs to address community and environmental issues will also be carried out during 2014/2015.
- Council's broad community service functions including youth services, library service and a range of home and community care packages will continue.
- A number of activities to promote the environment and sustainability will be carried out.
- The Long Term Financial Plan indicates that Council's financial position will generally be sound during the life of the Plan. The Financial Health Indicators are satisfactory during this period. The debt service ratios during the plan will enable Council to consider additional borrowings in the future. Significant borrowings are proposed in the future for the development of the Blue Haven Aged Care Facility, Organic Waste Treatment Facility and the upgrading of Council's Holiday Parks.

Council has identified additional projects to be considered at future budget reviews or at new year budget preparation, based on funding opportunities available:-

- Street Lighting South Kiama Drive Cycleway: **\$200,000**
- Lighting Kiama Leisure Centre to Brown Street: **\$40,000**  
(optional flood lighting on existing infrastructure \$5,000)
- Water Drinking Stations: **\$15,000**
- Kiama Harbour Structural Upgrade: **\$60,000**
- Footpath Minnamurra School: **\$20,000**
- Kiama Tourism Cafe enclosure: **\$97,000**
- Power Supply to Hindmarsh Park near Community Centre: **\$6,800**
- Gerringong Netball Building connection to Sewer: **\$12,000**
- Bus Shelter Hutchinson St Bombo: **\$9,000**
- Kiama Memorial Arch stabilisation: **\$167,000** (less Federal Funding)
- Boat Trailer Parking – Kiama Harbour **\$40,000**
- Boat Wash Bay – Kiama Harbour **\$5,000**

- Seats – Kiama Harbour **\$6,000**
- Kiama Netball Courts – Re-surfacing **\$90,000**
- Covered Picnic Tables – Blowhole Point **\$8,000**  
(included in 2015/16 Delivery Program)

Council needs to continue to act to address imbalances in expenditure and income and also needs to review the levels and types of services it provides while investigating new income opportunities. Council's priority is a focus on asset maintenance and renewal and to restrict expenditure on new capital works to priority projects.

The Operational Plan for 2014/2015 is now formally presented for Council's consideration.

## ATTACHMENT 1

## INCOME STATEMENT BALANCE SHEET AND PERFORMANCE MEASURE

	Previous Year 2011/2012 \$000	2012/2013 \$000
Income Statement		
<b>Total Revenues from continuing operations</b>	51,757	52,809
Total Expenses from continuing operations	47,121	49,281
<b>Surplus from continuing operations</b>	4,636	3,528
Balance Sheet		
Total Current Assets	35,167	40,449
Total Current Liabilities	70,017	69,791
Total Non Current Assets	361,365	379,891
Total Non Current Liabilities	3,832	5,335
Total Equity	322,683	345,214
Other Financial Information		
Unrestricted Current Ratio (expressed as a ratio)	3.38:1	4.01:1
Debt Service Ratio (%)	3.46	2.79
Rate Coverage Ratio (%)	29.82	31.11
Rates and Annual Charges Outstanding Percentage (%)	3.05	2.35
Asset Renewal Ratio (%)	32.34	38.57

## ATTACHMENT 2

**SECTION 94 FUNDS  
INCLUDED IN ESTIMATES**

<b>YEAR</b>	<b>1997 – 2014</b>	<b>AMOUNT</b> <b>\$</b>
<b>99/00</b>		<b>171,500</b>
<b>00/01</b>		<b>451,480</b>
<b>01/02</b>		<b>334,608</b>
<b>02/03</b>		<b>71,000</b>
<b>03/04</b>		<b>409,000</b>
<b>04/05</b>		<b>761,068</b>
<b>05/06</b>		<b>552,179</b>
<b>06/07</b>		<b>884,347</b>
<b>07/08</b>		<b>693,679</b>
<b>08/09</b>		<b>931,400</b>
<b>09/10</b>		<b>432,000</b>
<b>10/11</b>		<b>270,000</b>
<b>11/12</b>		<b>102,400</b>
<b>12/13</b>		<b>125,620</b>
<b>13/14</b>		<b>35,000</b>
<b>14/15</b>		<b>150,000</b>

## ATTACHMENT 3

**CAPITAL  
DRAFT 2014/2015 BUDGET**

	<b>AMOUNT</b>
	<b>\$</b>
Information Technology	137,000
Plant and Equipment	2,728,028
Infrastructure	3,155,517
Library Resources	87,000
<b>Total Capital Expenditure</b>	<b>6,107,545</b>
<b>Source of Funds</b>	
General Revenue	1,526,417
S94 Developer Contributions	150,000
Grants and Contributions	511,100
Plant Replacement Reserve	1,290,168
Land Development Reserve	1,537,860
Plant and Equipment Sales	508,000
Other Reserves	584,000
<b>Total Source of Funds</b>	<b>6,107,545</b>

## ATTACHMENT 4

**CONTRIBUTION FROM  
HOLIDAY PARK OPERATIONS  
INCLUDED IN ESTIMATES  
2000 – 2015**

<b>YEAR</b>	<b>AMOUNT</b>
<b>00/01</b>	<b>675,463</b>
<b>01/02</b>	<b>575,462</b>
<b>02/03</b>	<b>870,000</b>
<b>03/04</b>	<b>920,000</b>
<b>04/05</b>	<b>1,071,754</b>
<b>05/06</b>	<b>1,257,587</b>
<b>06/07</b>	<b>1,270,272</b>
<b>07/08</b>	<b>1,315,000</b>
<b>08/09</b>	<b>1,271,304</b>
<b>09/10</b>	<b>1,411,100</b>
<b>10/11</b>	<b>1,488,568</b>
<b>11/12</b>	<b>1,499,277</b>
<b>12/13</b>	<b>1,644,255</b>
<b>13/14</b>	<b>1,591,000</b>
<b>14/15</b>	<b>1,562,509</b>

## ATTACHMENT 5

**Comparison of Financial Assistance Grants**

(excluding Road component of grant)

**1987-2012 INDEXED TO CPI MOVEMENTS (SYDNEY)**

Year	Grant Received	Compound	CPI Sydney	Shortfall
86/87	\$701,200	\$701,200		Base Year
87/88	\$731,024	\$765,710	9.20%	\$34,686
88/89	\$747,000	\$821,607	7.30%	\$74,607
89/90	\$745,110	\$887,336	8.00%	\$142,226
90/91	\$775,100	\$959,210	8.10%	\$184,110
91/92	\$776,560	\$986,068	2.80%	\$209,508
92/93	\$804,660	\$995,929	1.00%	\$191,269
93/94	\$786,540	\$1,013,855	1.80%	\$227,315
94/95	\$789,408	\$1,063,534	4.90%	\$274,126
95/96	\$790,108	\$1,105,012	3.90%	\$314,904
96/97	\$804,480	\$1,107,775	0.25%	\$303,295
97/98	\$782,428	\$1,118,852	1.00%	\$336,424
98/99	\$791,532	\$1,133,621	1.32%	\$342,089
99/00	\$810,824	\$1,170,464	3.25%	\$359,640
00/01	\$864,872	\$1,244,203	6.30%	\$379,331
01/02	\$893,932	\$1,279,041	2.80%	\$385,109
02/03	\$955,224	\$1,309,738	2.40%	\$354,514
03/04	\$912,948	\$1,339,862	2.30%	\$426,914
04/05	\$865,637	\$1,372,018	2.40%	\$506,381
05/06	\$842,578	\$1,424,155	3.80%	\$581,577
06/07	\$824,190	\$1,448,366	1.70%	\$624,176
07/08	\$807,576	\$1,510,645	4.30%	\$703,069
08/09	\$816,528	\$1,568,050	3.80%	\$751,522
09/10	\$798,491	\$1,616,660	3.10%	\$818,169
10/11	\$808,076	\$1,668,393	3.20%	\$860,317
11/12	\$801,120	\$1,688,413	1.20%	\$887,293
12/13	\$851,753	\$1,728,935	2.4%	\$877,182
<b>Total Accumulated Shortfall from 1986/87</b>				<b>\$11,149,754</b>



## **2 Kiama–Hoi An Friendship**

### **Summary**

This report presents the recommendations of the Kiama-Hoi An Friendship Committee.

### **Finance**

The Kiama-Hoi An Friendship Committee recommends that Council spend up to \$5,000 on plans for a Friendship Centre to enable the seeking of corporate and community sponsorship for the development of the facility.

### **Policy**

Not applicable.

### **Council's Community Strategic Plan**

Council's objectives relating to having a healthy, safe and inclusive community, a diverse thriving economy and responsible civic leadership are relevant.

### ***RECOMMENDATION***

That Council adopt the recommendations of the Kiama-Hoi An Friendship Committee.

### **REPORT**

In December 2008, Kiama Municipal Council signed a Friendship Agreement with the Peoples Committee of Hoi An.

Hoi An is about 40 kilometres from Da Nang City on the east coast of Vietnam and has a population of approximately 80,000 people. Hoi An was settled approximately 400 years ago and has architectural styles from Japan, China and Vietnam. Fortunately Hoi An has been preserved rather intact and was recognised by UNESCO as World Cultural Heritage site in 1999.

Hoi An experiences high global tourist visitation because of the inscription of Hoi An as a World Heritage site. More than one million people visited Hoi An in 2007 with more than 600,000 of the visitors being International tourists. There were 50,000 Australian tourists that visited Hoi An in 2007.

The signing of the Friendship Agreement followed visits to Kiama by officials of the People's Committee of Hoi An and a self-funded return visit to Hoi An by the Mayor and other officials of the Kiama Municipal Council. There was recognition that there was a spirit of friendship and that the heritage and tourism nature of both areas provided a common and strong bond strengthened by the visit to Kiama in 2009 by the Peoples Committee of Hoi An.

Australia is one of the top six inbound tourist nations to Vietnam while a growing proportion of residents of the Kiama Municipality have included Hoi An in their itinerary. The Kiama Lions Club and other residents have actively supported

Operation Smile Vietnam for many years, raising significant funds for surgery to repair cleft lips and palates and some other facial deformities of Vietnamese children.

The principal objectives of the Friendship Agreement Memorandum of Understanding are to:-

- a) To foster humanitarian international friendship and good will between countries;
- b) Exchange experiences in business development;
- c) Foster cultural activities and exchange;
- d) Develop and strengthen co-operation on tourism;
- e) Co-operate with each other in the conservation and restoration of tangible and intangible cultural heritage;
- f) Share urban planning and rural development experiences;
- g) Investigate and promote job exchanges which will provide employment for their citizens.

A number of projects are to be investigated and proposed to re-enforce the basis of the Friendship Agreement. They are listed as follows:-

- 1) The exchange of tourism officers and operators to enable both areas to gain from the experience of the officers in terms of the respective tourist management, marketing strategies and new commercial opportunities.
- 2) The exchange of architects/planners to enable each area to gain appreciation of the respective development and building heritage management techniques and controls and to pass on knowledge.
- 3) The provision of surf lifesaving training to Hoi An locals by Council's professional lifeguards and surf club volunteers in recognition of the increasing tourist beach visitation in Hoi An with an additional focus on fresh water safety, rescue and resuscitation due to the high rate of infant drownings. This program will complement programs being undertaken by the Australian Government and the Royal Lifesaving Association.
- 4) The exchange of cultural groups involving musicians, dancers, artists and others.
- 5) The provision of English language courses in Hoi An with assistance from teachers (both current and retired), educational establishments and institutions.
- 6) The exchange of agricultural and food production including food preparation and cooking techniques.

- 7) The establishment of a Friendship Centre in Hoi An to be constructed as both tangible and functional evidence to the world of the respect, friendship and close relationship between the two great countries of Australia and Vietnam. In particular, it is another physical extension of the existing Friendship Agreement between Kiama Municipal Council and the People's Committee of Hoi An.

A couple of years ago the People's Committee of Hoi An offered an allotment of land near the centre of Hoi An for the construction of a Friendship Centre.

Kiama Municipal Council is not in a financial position to construct the Friendship Centre and the aim has been to seek corporate and community sponsorship/donations towards the project which will meet the objectives of the Friendship Agreement. The seeking of sponsorship and donations has been difficult without well presented and documented concept plans.

Local architects BHI have studied Hoi An including the heritage controls applying to new buildings. BHI have provided excellent sketch concept plans for the possible development and they have also provided a quote to prepare more detailed plans.

The Kiama-Hoi An Committee recently considered the concept plans that have been prepared and have now made the following recommendations:-

That:-

- 1) Council support the expenditure of up to \$5,000 to enable the preparation of more detailed plans and prospectus to be used for the seeking of sponsorship and donations.
  - 2) The Committee be expanded to include representatives of other relevant organisations
  - 3) Council advise the Peoples Committee of Hoi An that we are attempting to seek funding to enable the construction of the Friendship Centre.
  - 4) Council consider arranging a self-funded delegation to visit Hoi An including relevant professionals such as architects and tourism officers.
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### 3 Revenue Sub-Committee

#### Summary

This report presents the recommendations of the Revenue Sub-Committee.

#### Finance

The Revenue Sub-Committee recommends that Council commence the re-classification/re-zoning process in relation to land surplus to Council's needs and which if sold will provide income for Capital Works and/or assist in long term financial sustainability.

#### Policy

Not applicable.

#### Council's Community Strategic Plan

Council's strategy of having responsible leadership that is transparent, innovative and accessible is relevant. Council's goal to identify opportunities to diversify and expand new and existing funding sources to meet community needs is also relevant.

### **RECOMMENDATION**

That Council commence the re-classifications/re-zoning process in relation to the subject lands.

### **REPORT**

The Revenue Sub-Committee was established by Council to investigate opportunities for additional revenue raising activities for the development of future Capital Works. These could include, but are not limited to, such things as:-

- Identifying surplus Council lands for the development of the sale;
- Purchasing land for development;
- Reviewing ongoing costs, eg electrical, staff;
- Pursuing additional grants and the opportunity to appoint a Grants/Awards Officer;
- Reviewing Council's long term financial plan.

The Revenue Sub-Committee has been assessing various Council-owned land which do not appear to have significant active community use and/or environmental values. The subject lands provide opportunity for income for priority Capital Works and/or assisting in long term financial sustainability if sold. The recent review of local government highlights the need for Councils to be financially sustainable in the longer term if they are to remain independent.

**Land Off Irvine Street, Kiama (plan attached)**

The subject land which contains a number of large rock slabs does not have active community use and due to the size and location, provides restrictive community benefits. There are ongoing maintenance costs for the community.

**Lot 22 DP200176, Willawa Avenue, Gerringong (plan attached)**

This land which is zoned for residential purposes does not have active community use and is often used for overflow parking in conjunction with the use of the adjoining Uniting Church. It seems that a 3-allotment subdivision land for residential purposes could be carried out with the residue retained to provide view lines to the heritage Uniting Church.

**Lot 48, 60 Blackwood Street, Gerringong (plan attached)**

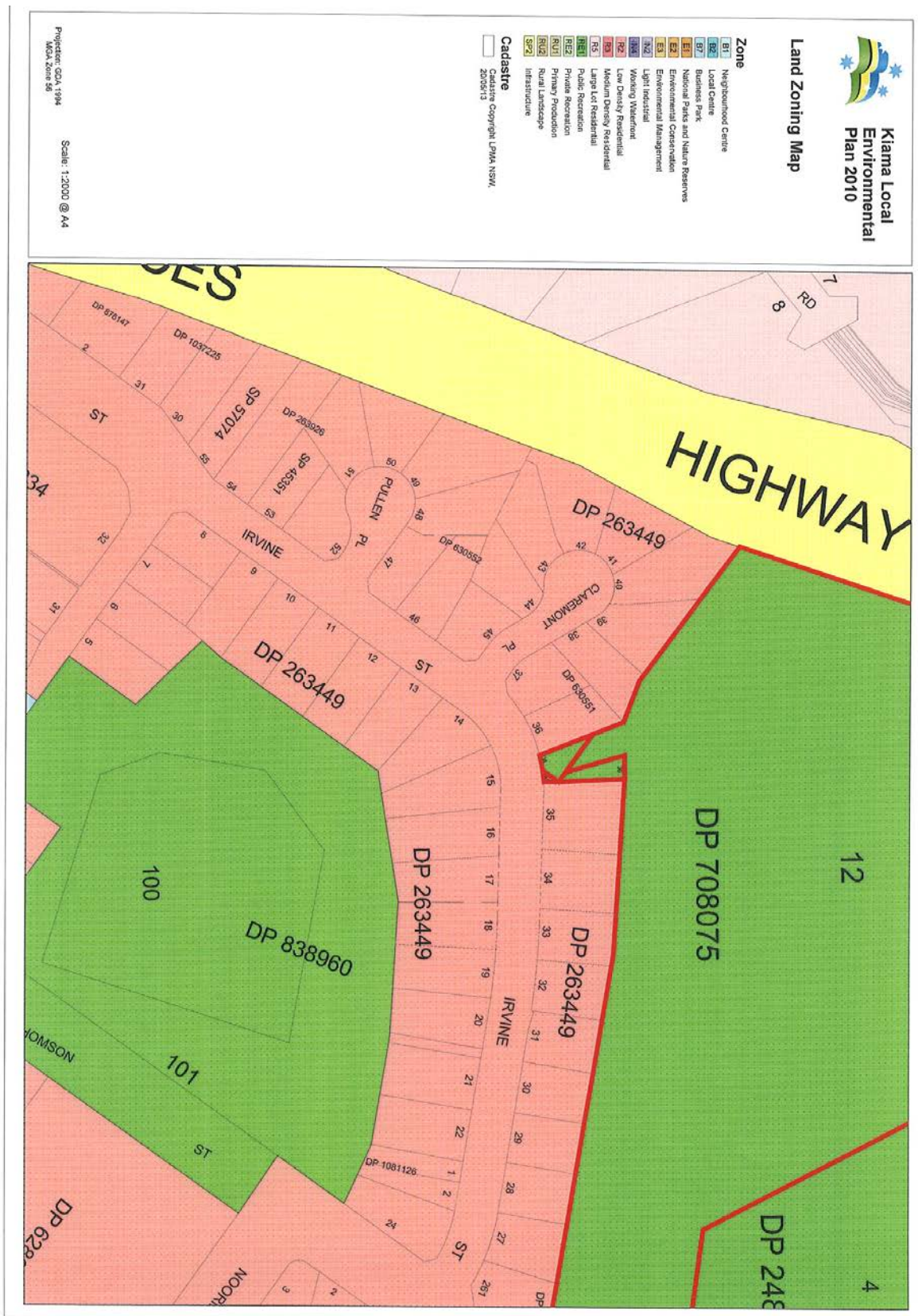
The land which adjoins the Michael Cronin Oval Reserve and is at the rear of the Gerringong Bushfire Brigade has limited community use. In the past parts of the land have been used by some adjoining residential property owners for storage and in conjunction with the residential property.

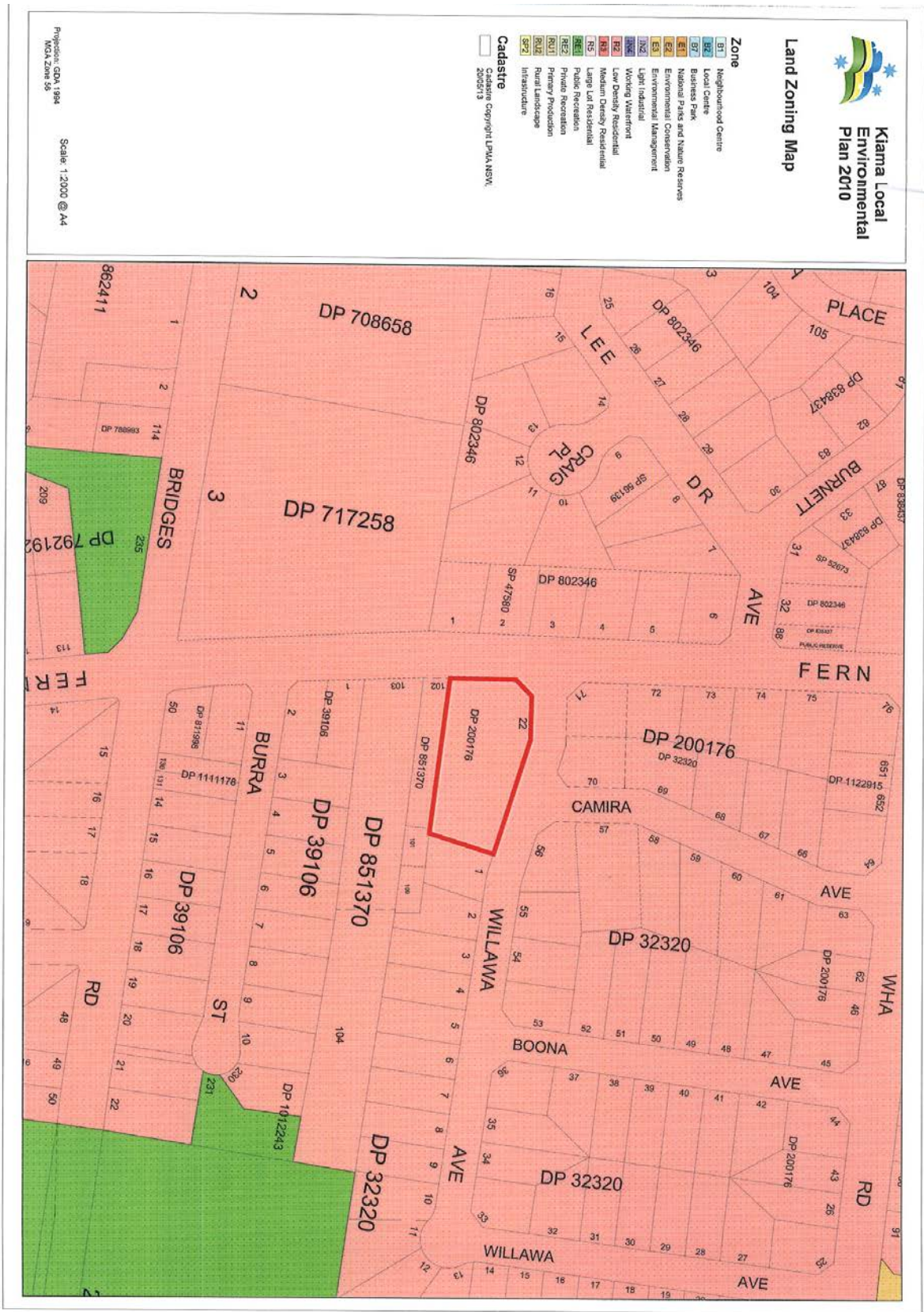
Subject to the creation of a drainage easement the Committee recommended that Council consider re-zoning and re-classifying the land to enable a single allotment for multi-unit development or three residential lots with access from Blackwood Street, Gerringong.

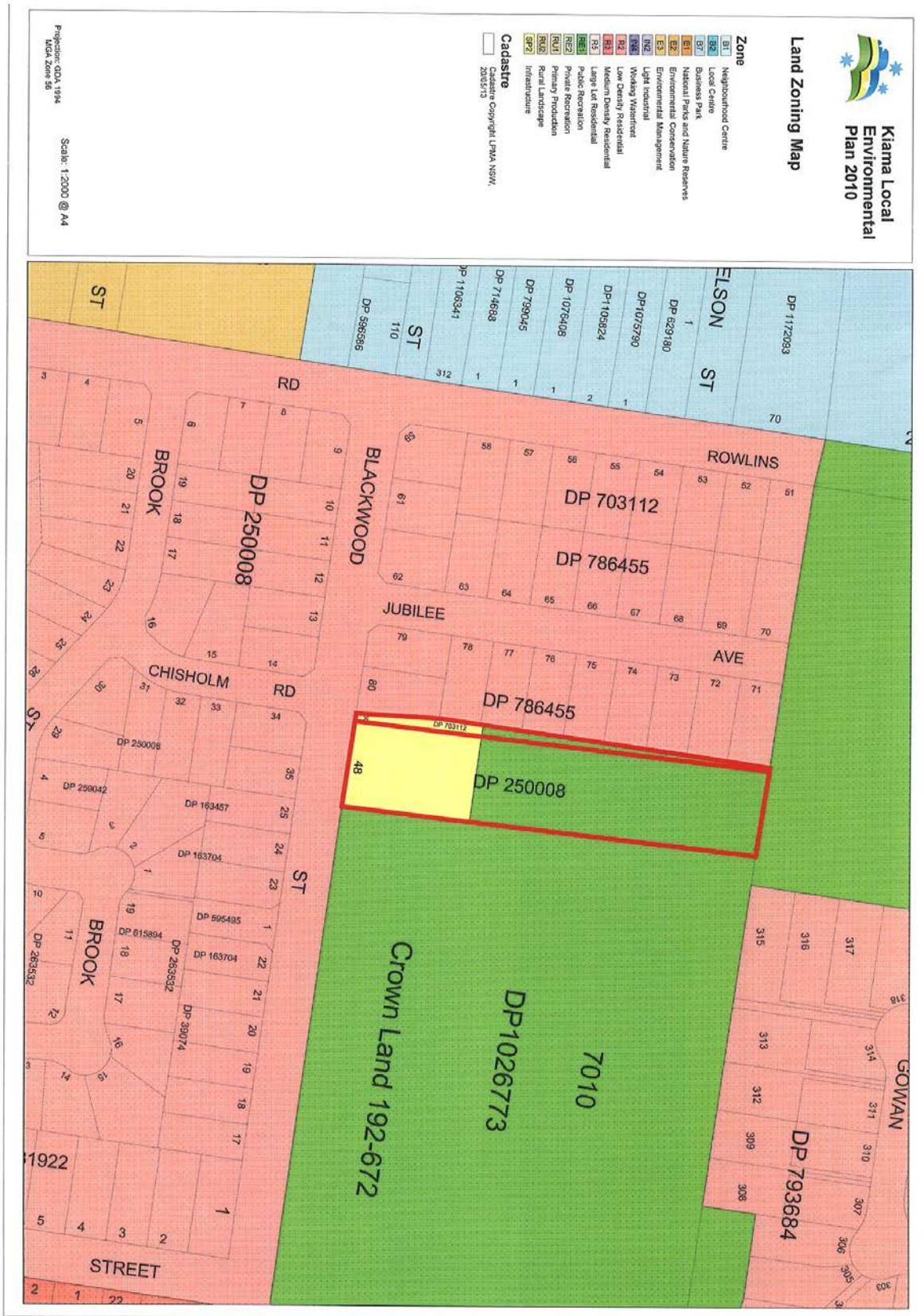
**Conclusion**

The commencement of the re-classification/re-zoning process will enable Council to publicly exhibit the proposals and seek any comments. As part of the re-classification process a public hearing is required which will also enable any issues or concerns to be presented and assessed.

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#### **4 Crown Lands Legislation White Paper – NSW Government**

##### **Summary**

This report advises of the Crown Lands Legislation White Paper and recommends that Council makes a submission.

##### **Finance**

A review of Crown Lands may have significant financial implications for Councils.

##### **Policy**

Not applicable.

##### **Council's Community Strategic Plan**

Council's strategies of having well planned and managed spaces, places and environment and responsible civic leadership that is transparent, innovative and accessible are relevant.

##### ***RECOMMENDATION***

That Council make a submission in relation to the Crown Lands White Paper seeking further consultation by the NSW Government with Local Government and opposing any proposals for transferral of responsibility of Crown Lands without proper and fair consideration of financial implications for Councils.

##### **REPORT**

The Crowns Land Management Review started in June 2012 with the aim of improving the management of Crown Land and increasing the benefits and returns to the community. The Review proposed one new piece of legislation to replace the eight existing Acts.

The White Paper sets out recommendations to:-

- create simpler legislation to support Crown land management in the 21st century
- help grow the NSW economy through the more effective management of Crown land
- continue the key objective of managing Crown land for the benefit of the people of NSW
- reduce red tape for the community and stakeholders
- streamline and speed up administration
- cement the role of local communities in the management of Crown Land.

Comments in relation to the White Paper can be made to NSW Trade & Investment by 20 June 2014.

The proposals in the White Paper cover only Crown Land administered by NSW Trade & Investment Crown Lands Division, which comprises some 42% of New South Wales.

Crown Land for the purpose of this White Paper includes:-

- ❖ Crown Land held under lease, licence or permit;
- ❖ Crown Reserves managed by local councils in community trusts;
- ❖ Crown Land retained in public ownership for environmental purposes;
- ❖ Land within the Crown Public Roads network;
- ❖ Many non-tidal waterways and most tidal waterways; and
- ❖ Other unallocated Crown Land.

The Discussion Paper states that the new Crown Lands Legislation will not amend the Aboriginal Land Rights Act 1983, which is being considered in a separate review process. Crown Land will continue to be available under the provisions of that Act as compensation for the dispossession of Aboriginal people.

In developing the new Legislation, the requirements of the Commonwealth Native Title Legislation will need to be considered.

The new Crown Lands Legislation will be consistent with, but will not duplicate, the proposed new Local Government and Planning Frameworks and existing Environmental Legislation.

The section of the White Paper of most relevance to councils is the streamlining of decision making at the local level.

Thousands of Crown Reserves are currently managed by local communities under trust arrangements, which require councils and community trusts to comply with complex, duplicative and sometimes contradictory requirements.

The White Paper states that it is proposed that this will be streamlined so that Crown Land will be managed by the most appropriate level of government. Land with primarily local uses and values will be managed by councils under Local Government Legislation using the same procedures applied to land already owned by councils. These include the community engagement processes that are part of the integrated planning reporting systems used by council.

It is stated that this change will reduce the complexity and red tape for councils and

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allow local communities to have more of a say about how public land in their area is managed. Proposals to reduce reporting requirements will also help.

Public comment is invited on all the recommendations and proposals on the White Paper and in particular views are being sought on any or all of the following questions:-

### **Proposed legislation**

- 1) How would developing one new piece of legislation to manage the Crown land estate benefit the community?
- 2) Are the objects and provisions proposed for the new legislation appropriate to support Crown land management in the 21st Century?

### **Improved management arrangements for Crown reserves**

- 3) Do you have any comments on the proposal to allow local councils to manage Crown land under local government legislation rather than under the Crown Lands Act?
- 4) What are your views about the proposed new management structure for Crown reserves?
- 5) Do you have any further suggestions to improve the governance standards for Crown reserves?

### **Other streamlining measures**

- 6) Are there any additional activities that should be considered as 'low impact' activities in order to streamline landowner's consent?
- 7) Are there any other ways to streamline arrangements between the State and local governments?
- 8) In addition to the suggestions provided, are there any other ways to ensure that the public is notified of the proposed use or disposal of Crown land - and their views taken into account – that would be appropriate to include in the new legislation?

### **Better provisions for tenures and rents**

- 9) Do you support the concept of a consistent, market based approach to rents, with rebates and waivers for hardship and public benefits for certain uses of Crown land applied where appropriate?
- 10) Is five years a reasonable amount of time to give tenure holders who currently pay below the statutory minimum rent to move to paying the minimum level of rent as required under the new legislation?

- 11) To avoid rent arrears issues for incoming tenure-holders, should the new legislation automatically transfer any rental debt to a new tenure-holder on settlement, or require any outstanding arrears to be paid prior to transfer or settlement?
- 12) What kinds of lease conditions should be considered 'essential', for the purposes of providing for civil penalties?
- 13) Should Crown land be able to be used for all forms of carbon sequestration activities?

### **Greater flexibility for Western Lands leases**

- 14) What additional activities do you think should be permitted on Western Lands leases without the need for approval?
- 15) Bearing in mind the fragile nature of much land in the Western Division, in what situations do you think it would be appropriate to allow Western Lands leases to be converted to freehold?

### **Stronger enforcement provisions**

- 16) What are your views about the proposal to strengthen the compliance framework for Crown lands?
- 17) Do you have any suggestions or comments about proposals for the following Auditing:
  - Officer powers
  - Offences and penalties
  - Other provisions

### **Minor legislation**

- 18) Do you support the repeal of the minor legislation listed?
- 19) Do you see any disadvantages that would need to be addressed?

While a number of proposals in the White Paper including the streamlining of legislation, reduction of red tape and more local community input into the management of Crown Lands are commendable, there are a number of issues that require further detail to enable effective comment.

It is proposed to transfer "local" Crown Lands to councils for management. There is concern regard to cost shifting in that this may result in ongoing management and maintenance costs for councils without the opportunity for income to offset these costs.

There is also concern regarding the future management of commercial activities such as holiday parks that Council presently manage and are dependent upon to raise funds to effectively maintain/manage adjoining Crown Reserves.

It is proposed that Council make a submission seeking further consultation with the NSW Government on the proposed White Paper and changes and that Council raise the above concerns in relation to cost shifting and potential loss of revenue for commercial activities that are needed for the management and maintenance of Crown Lands.

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## **5 Rotary Emergency Services – Pride of the Illawarra Awards**

### **Summary**

This report advises of a request for sponsorship of the Pride of the Illawarra Awards which are to be held to acknowledge and celebrate the achievements of local emergency services personnel.

### **Finance**

Various sponsorship packages are being offered including a Bronze Sponsorship of \$1,500 plus GST.

### **Policy**

Not applicable.

### **Council's Community Strategic Plan**

Council's goal of community cohesion and wellbeing is relevant.

### ***RECOMMENDATION***

That Council advise that it wishes to again be a Bronze Sponsor of the event.

### **REPORT**

The combined Rotary Clubs of the Illawarra are inviting local businesses to again support the Pride of the Illawarra Awards, acknowledging and celebrating the achievements of local emergency services personnel. Rotary Clubs of the Illawarra have advised that while individual services have specific internal awards, the Pride of the Illawarra Awards allows for all emergency service personnel, both paid and volunteer, to be recognised in a combined awards program.

The Pride of the Illawarra Awards have been officially endorsed by all seven NSW emergency service organisations as listed as follows:-

- NSW Ambulance Service
- Fire and Rescue NSW
- NSW Marine Rescue
- NSW Police Force
- NSW Rural Fire Service
- NSW State Emergency Services
- NSW Volunteer Rescue Association.

Personnel will be nominated by colleagues or members of the community and a panel of independent judges will assess nominees on three criteria: contribution to their organisation; personal attributes; and community involvement.

Finalists from each service will be announced in the lead up to the Gala Awards Ceremony, to be held 8 August 2014.

At the Gala Awards Dinner, the finalists will be acknowledged and the winners will be announced in the following categories:

- Award winner for each service;
- Overall winner (volunteer)
- Overall winner (full-time)

The Rotary Clubs of the Illawarra are offering a range of sponsorship options a copy of which has been circulated to Councillors. The Rotary Clubs of the Illawarra have advised that they are open to whatever assistance an organisation would like to provide and can tailor a sponsorship package to suit the organisation's needs.

The initiative of the Rotary Club of the Illawarra is very good and it would be appropriate for Council to again show support for the Awards recognising the important role the local emergency services personnel provide. In 2011, 2012 and 2013 Council was a Bronze sponsor of the event.

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## **6 June 2014 Council Meeting**

### **Summary**

This report recommends that Council postpone the June 2014 Council meeting until 24 June 2014.

### **Finance**

Not applicable.

### **Policy**

Council normally holds the Council meetings on the third Tuesday of the month.

### **Council's Community Strategic Plan**

Council's strategy of having a responsible civic leadership that is transparent, innovative and accessible is relevant.

### ***RECOMMENDATION***

That Council postpone the June 2014 Council meeting until 24 June 2014.

### **REPORT**

The Australian Local Government Association Conference is to be held in Canberra from 15-18 June 2014. A number of Councillors are also registered to attend a Local Government NSW Executive Certificate Training Course at this time. As the June Council meeting clashes with these events it is proposed that Council postpone the June meeting until Tuesday 24 June 2014.

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**7 Possible Site for Service Station Complex  
RailCorp Land at corner of North Kiama Bypass and Riverside Drive,  
Bombo**

**Summary**

This report advises of a concept plan prepared for the development of a service station facility on the subject land and recommends that Council submit the plan to Property NSW confirming that the land can be developed for this purpose.

**Finance**

Any acquisition of the land by Council would need to be financed by Council's land development reserves.

**Policy**

Not applicable.

**Council's Community Strategic Plan**

Council's strategy of having a diverse thriving economy is relevant.

- 3.3 Investigate and facility employment land and infrastructure to support business growth.
- 3.5 Actively engage Federal, State, Local Government and business organisations to develop and promote Kiama's economic and employment opportunities

***RECOMMENDATION***

That Council endorse the forwarding of the attached concept plan which confirms that the subject land can be physically developed for a service station to Property NSW and that Property NSW be requested to facilitate the sale of the land to Council for this purpose.

**REPORT**

For sometime Council has been investigating the potential for a number of sites to be developed for service station purposes within or near the Kiama town centre. One of the sites that has been recognised is RailCorp owned land at the corner of North Kiama Bypass and Riverside Drive, Bombo. The land has good access to the on and off ramps to the North Kiama Bypass and is well located in servicing the North Kiama and Minnamurra areas of the Municipality.

Council has previously obtained valuations of the land and these have been forwarded to RailCorp and the NSW Government for consideration.

On 13 February 2014 the Director of Environmental Services, Mr Phil Costello and the General Manager, Mr Michael Forsyth met with representatives of RailCorp and Property NSW to discuss various RailCorp land in the Municipality including the subject site. During the meeting the officers from Property NSW advised that they were

prepared to consider the proposal for the development of the RailCorp land at the corner of North Kiama Bypass and Riverside Drive, Bombo for a service station subject to a design being prepared confirming that the land can be physically and appropriately developed for this purpose. It was confirmed that the Transport Ministry no longer has a need for the land.

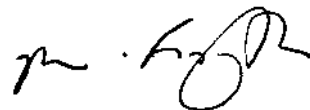
Martin Morris and Jones were engaged to prepare an assessment of the opportunity to develop the service station facility at Lot 101, DP1110563 Riverside Drive, Bombo including the preparation of a concept design.

Martin Morris and Jones have provided two development concept plans one involving only a service station facility and the other involving a service station and fast food outlet.

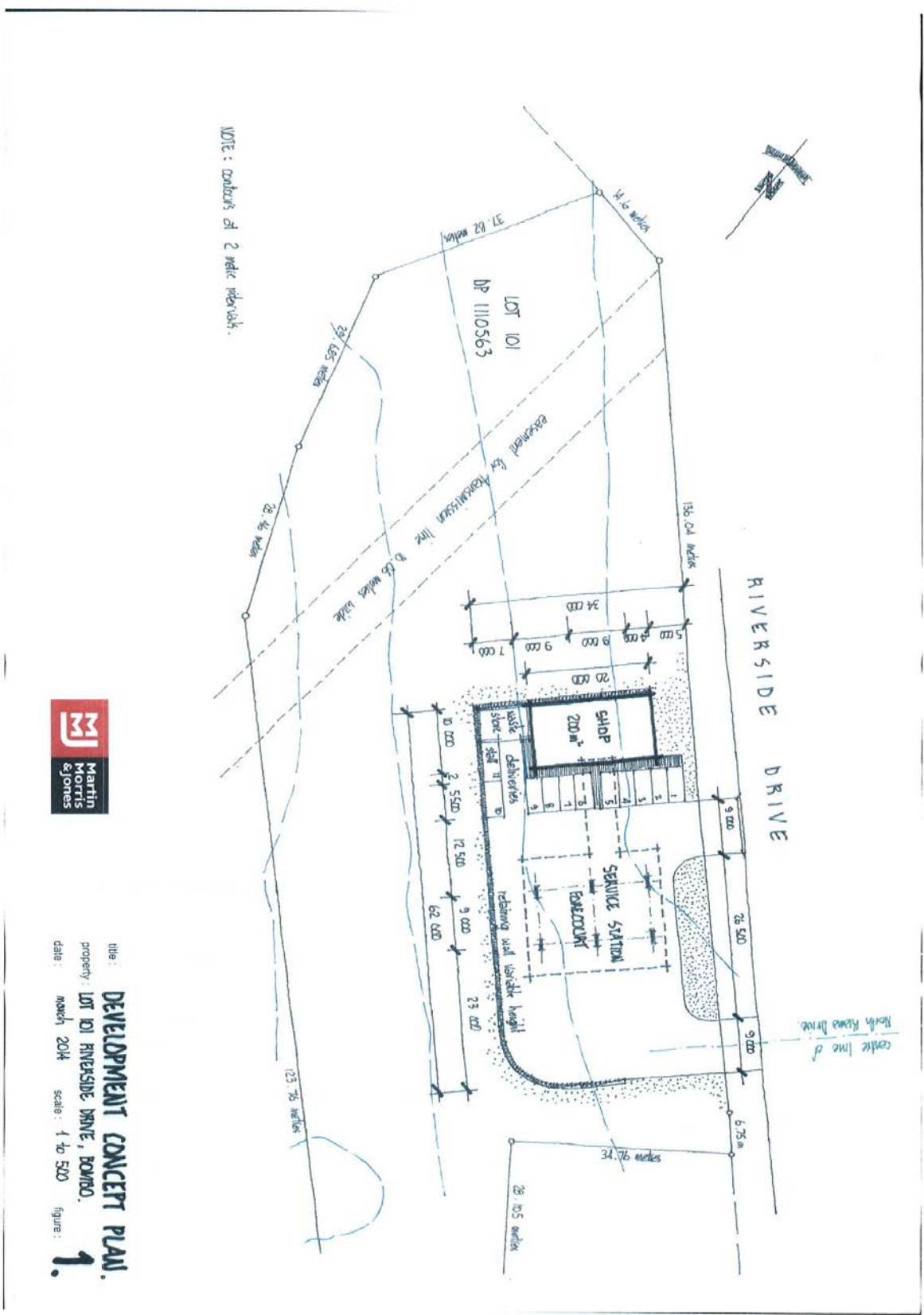
Martin Morris and Jones has identified that a contemporary service station facility can physically be accommodated within the site although its location within the site is dependent on the relativity of existing surface levels between the site and the Riverside carriageway to facilitate acceptable access arrangements. This relationship prevents the service station facility from being moved further north within the site.

Martin Morris and Jones further advise that the cross grades at the site may require substantial earthworks to achieve a generally level service station forecourt and that the underground fuel storage tanks and associated infrastructure will also need to be managed within the earthworks program. The nature of the subsurface of the site will influence development construction costs.

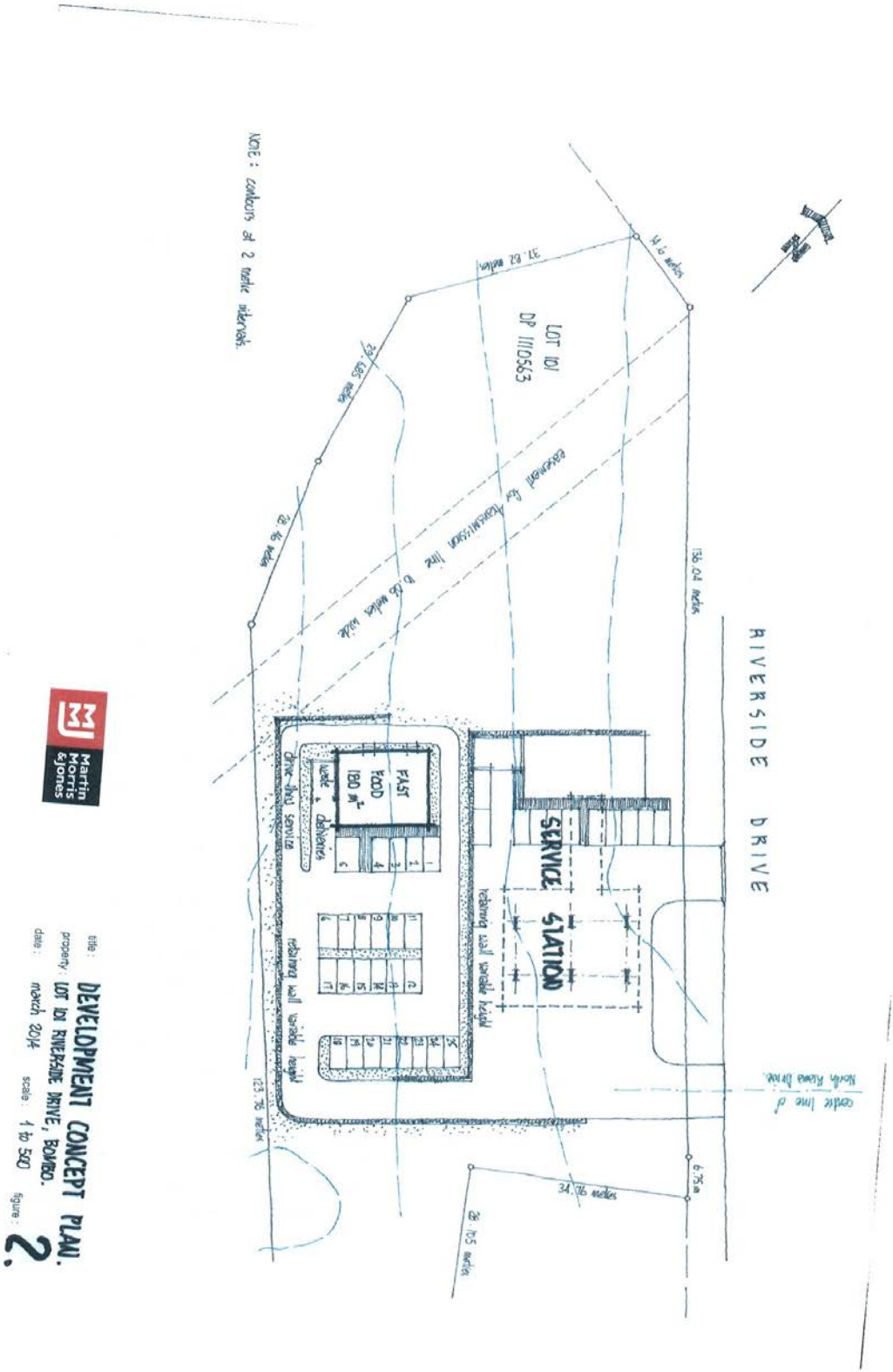
It is now proposed that the concept designs be referred to Property NSW requesting them to facilitate the sale of the site which will be subject to a contract for sale, appropriate re-zoning and geotechnical assessment. If Council eventually acquires the site it is intended to on-sell the land conditional that it be used for service station purposes.



Michael Forsyth  
**General Manager**



title: **DEVELOPMENT CONCEPT PLAN.**  
 property: **LOT 101 RIVERSIDE DRIVE, BOMBO.**  
 date: **november 2014** scale: **1 to 500** figure: **1.**



title: **DEVELOPMENT CONCEPT PLAN.**  
 property: **LOT 101 RIVERSIDE DRIVE, BOMBO.**  
 date: **march 2014**  
 scale: **1 to 500**  
 figure: **2.**

# REPORT OF THE CORPORATE AND COMMERCIAL SERVICES

## Submitted to the Ordinary Meeting of Council held on 15 April 2014

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### 1 Werri Beach Holiday Park Sewer Connection

#### Summary

This report outlines the reason for seeking approval for Site 181 at Werri Beach Holiday Park to be connected to the sewer.

#### Finance

Will increase income at Werri Beach Holiday Park by an insignificant amount.

#### Policy

Council has a policy of no further connections to the sewer at Werri Beach Holiday Park.

#### Council's Vision and Goals

This report supports Council's Strategy 4.2 - Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets.

#### **RECOMMENDATION**

That approval be granted for Mr and Mrs Hocking to connect to the sewer at Site 181, Werri Beach Holiday Park subject to the payment of all relevant fees.

#### **REPORT**

Mr Brad and Mrs Adriene Hocking own a holiday van at Werri Beach Holiday Park located on site 181. They have owned the van on that site since December 2011. Prior to that they owned a van on site 67 for approximately six years.

Two and a half years ago they sold the van on site 67 and paid an additional \$11,000 to purchase the van on site 181 as it had a toilet and shower and was connected to the sewer. The family has five children.

In an earlier holiday park business plan it was proposed to sewer the whole park. There were existing sewer lines into the park connecting the cabins, amenities and manager's residence. The plan was to extend the sewer network to the entire park.

Van owners who were lucky enough to be located adjacent to existing sewer lines were permitted to pay a fee, hook up to the sewer and then pay a quarterly fee to Council for having the sewer connected. A number of van owners took up this option.

When it came time to obtain detailed costing for sewerage the park, it quickly became apparent that the cost was going to be more than three times the original estimates and as such with the proposed pricing structure, Council would never recoup its investment. As a result Council decided not to extend the sewer to the remainder of the park. It

made a decision at the same time that as not all van owners would get access to the sewer it would prevent any further connections to the sewer.

There has been one or two exceptions to that role where van owners have been able to produce medical advice indicating that they needed ready access to bathroom facilities.

With respect to the van on site 181 purchased by Mr and Mrs Hocking in December 2011, on Saturday 21 March 2014 the Park Manager, Ron Fields, observed Mr Hocking and a licensed plumber replacing the existing sewer line to the van. Apparently it had been crushed by tree roots. The Park Manager was not aware that site 181 had a sewer connection and a quick check of park records revealed that approval was never granted for that van to be connected to the sewer. It was obviously connected during the term of a previous park manager, possibly without his consent or knowledge.

If this action had been taken by Mr and Mrs Hocking it would be a simple matter of advising them that they had no approval to connect to the sewer and as a result the pipes would need to be disconnected.

However, this situation is more complex. Mr and Mrs Hocking purchased the van in good faith on the understanding that the van had approval for the sewer connection. This van is located at the furthest point in the park from the amenities but was purchased by Mr and Mrs Hocking so that they and their children would have in-home bathroom facilities. They were not told by park management that the site did not have sewer connection approval and they paid a premium for the site because it had the sewer connection. They are part way through renovating the bathroom facility in the van.

Given that approval has never been received for the van to be connected to the sewer, no application fee has been paid nor any ongoing quarterly fee. Mr and Mrs Hocking were not aware that any such fees were payable but are prepared to pay all relevant back fees.

It is accepted that the van has been hooked up to the sewer without approval by the previous owner and he probably benefitted in an inflated sale price on the van. However, given that the current owners bought the van in good faith and paid a premium because it was connected to the sewer, it would be unfair to now deny them that access.

Therefore approval is sought for the van on site 181 to be connected to the sewer, subject to the back payment of all relevant fees.

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## 2 Kiama Connect Phase 3 Live streaming of Kiama Council Meetings

### Summary

As Kiama Council moves a variety of services online, it is timely to implement the live streaming of council meetings to enable the community to view these meetings online. Installation of this online broadcasting solution will also enable Kiama Council to trial the videoconferencing of public access meetings via the *Kiama Connect* platform and the NBN.

### Finance

NBN Digital Local Government Project and Councils Information Technology Budget.

### Policy

Community Engagement

### Council's Vision and Goals

Councils goal of responsible civic leadership that is transparent, innovative and accessible is relevant.

### **RECOMMENDATION**

That Council endorses *Kiama Connect: Phase 3* which involves the installation of a webcasting and videoconferencing solution that will enable the community to view Kiama Council meetings online and engage with Council.

### **REPORT**

As Kiama Council nears the completion of the NBN Digital Local Government Project, the final stage of the project is to deliver council meetings online.

The final stage of the project, called *Kiama Connect: Phase 3*, will involve the installation, implementation and integration of a live streaming and videoconferencing portal that will allow the community to view and participate in regular monthly council meetings online.

A new page will be accessible from the Kiama Council website, which will act as a portal, for the community to view the live streaming of the meetings along with other documentation relevant to the meetings.

The community will be able to view the meeting documents, see and hear councillors and council management as though they were physically in the room. Replays of the council meetings held via video will be stored and accessible to the community via the Kiama Council website.

This project will make Kiama the first council in Australia to deliver council meetings via videoconferencing and the NBN.

Traditionally, if residents wished to attend council meetings they needed to attend onsite in the council chambers at 11 Manning Street, Kiama.

Monthly council meetings and public access are held in the council chambers, which is a room with small dimensions, therefore restricting the number of people able to view and participate in council meetings.

During these meetings, chairs are sometimes placed in the foyer due to room size restrictions. This consequently restricts people's view and impedes the community's ability to engage with council. The new solution will enable the community to log-on remotely, using the Kiama Connect portal to view monthly meetings and participate in a trial of a public access meeting online.

The delivery of this project will also enable the council to upgrade the current Audio Visual (AV) system in the council chambers. Upgrading the chambers AV equipment, which is seven years old, will ensure compatibility and reliability with the new system and ensure better quality delivery for both council meetings, live streaming and online interactive video conferencing.

Implementation of this final phase has been approved by the Australian Government, Department of Communications and would be partially funded through the Digital Local Government Project and council's existing IT budget.

A project team of John Holland, George Harb and Pip Spence have been allocated the responsibility of delivering this project and integrating it with council's current systems, under the direction of Council's Director Chris Quigley.

After sourcing quotes from three companies to deliver the webcasting solution, the project team found *Interstream Pty Ltd* to be the company best suited to deliver the webcasting solution and *Illawarra Production Services Pty Ltd* to be the company best suited to deliver the audio installation.

Implementing this platform will meet the objectives of the Kiama Connect project - enabling the community to participate in council business and engage with the organisation online.



Communications and reporting associated with this project is the responsibility of the project team and Council's Director. With council's endorsement, executive assistants and communications staff will be trained to use the live streaming system, ready for project launch at the May 2014 council meeting.



**Chris Quigley**  
**Director Corporate and Commercial Services**

# REPORT OF THE MANAGER CORPORATE SERVICES

Submitted to the Ordinary Meeting  
of Council held on 15 April 2014

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## 1 Investments Statement of Investments

### Summary

This report recommends receipt and adoption of the Statement of Investments for March 2014.

### Finance

Not Applicable

### Policy

Requirement of the Local Government (General) Regulation 2005.

### Council's Vision and Goals

The report and recommendation supports Council's goal of Sound Financial and Resource Management by generating income from available legitimate sources.

### ***RECOMMENDATION***

That the information relating to the Statement of Investments for March 2014 be received and adopted.

### **REPORT**

Attached is a copy of the Statement of Investments for March 2014.

**REPORT ATTACHMENT – ITEM 1**

**(a) Council Investments as at 31 March, 2014**

DIRECT INVESTMENTS:		S & P	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	RATING	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %	
ANZ	AA-	1,000,000.00	Term Deposit	15/01/14	18/06/14	154	3.55	
ANZ	AA-	1,000,000.00	Term Deposit	14/01/14	15/04/14	90	3.60	
Bankwest	AA-	1,000,000.00	Term Deposit	13/03/14	04/06/14	83	3.50	
Bankwest	AA-	500,000.00	Term Deposit	11/02/14	13/05/14	91	3.50	
Bankwest	AA-	1,000,000.00	Term Deposit	06/01/14	10/04/14	94	3.50	
Bank of Qld	A-	1,000,000.00	Term Deposit	04/02/14	05/11/14	274	3.70	
Bank of Qld	A-	1,000,000.00	Term Deposit	10/02/14	13/05/14	92	3.60	
Bank of Qld	A-	1,500,000.00	Term Deposit	12/02/14	13/08/14	182	3.70	
Bank of Qld	A-	1,000,000.00	Term Deposit	11/03/14	14/07/14	125	3.65	
Bank of Qld	A-	1,000,000.00	Term Deposit	28/11/13	23/04/14	146	3.75	
Bendigo	A-	1,000,000.00	Term Deposit	02/01/14	07/05/14	125	3.55	
Bendigo	A-	1,000,000.00	Term Deposit	17/02/14	19/06/14	122	3.35	
Commonwealth Bank	AA-	500,000.00	Term Deposit	29/01/14	30/07/14	182	3.40	
Macquarie	A	500,000.00	Term Deposit	20/03/14	18/06/14	90	3.65	
ME Bank	BBB+	1,000,000.00	Term Deposit	13/02/14	09/07/14	146	3.58	
ME Bank	BBB+	1,500,000.00	Term Deposit	12/02/14	19/11/14	280	3.68	
ME Bank	BBB+	1,000,000.00	Term Deposit	06/01/14	09/04/14	93	3.58	
NAB	AA-	1,000,000.00	Term Deposit	27/02/14	27/08/14	181	3.75	
NAB	AA-	1,470,000.00	Term Deposit	04/12/13	02/04/14	119	3.76	
NAB	AA-	1,000,000.00	Term Deposit	08/01/14	14/05/14	126	3.77	
NAB	AA-	1,000,000.00	Term Deposit	14/11/13	14/11/14	365	3.67	
NAB	AA-	1,000,000.00	Term Deposit	04/12/13	09/04/14	126	3.76	
NAB	AA-	1,000,000.00	Term Deposit	08/01/14	21/05/14	133	3.77	
NAB	AA-	1,000,000.00	Term Deposit	27/02/14	20/08/14	174	3.75	
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/01/14	22/04/14	91	3.50	
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	12/03/14	12/06/14	92	3.50	
IMB Society	BBB	1,000,000.00	Term Deposit	10/02/14	12/05/14	91	3.50	
ING Bank	A-	1,000,000.00	Term Deposit	23/01/14	25/06/14	153	3.49	
ING Bank	A-	1,000,000.00	Term Deposit	22/01/14	23/04/14	91	3.61	
ING Bank	A-	1,000,000.00	Term Deposit	12/03/14	15/09/14	187	3.80	
ING Bank	A-	1,000,000.00	Term Deposit	07/01/14	07/05/14	120	3.48	
ING Bank	A-	1,000,000.00	Term Deposit	06/02/14	06/08/14	181	3.66	
Rural Bank	A-	1,000,000.00	Term Deposit	28/02/14	03/09/14	187	3.79	
Suncorp	A+	500,000.00	Term Deposit	19/02/14	16/07/14	147	3.55	
Westpac	AA	1,000,000.00	Term Deposit	05/12/13	11/06/14	188	3.58	
Westpac	AA	1,000,000.00	Term Deposit	04/02/14	05/11/14	274	3.70	
Westpac	AA	3,259,466.48	Bank Account	-	AT CALL		0.84	
Westpac	AA	2,138,327.94	Maxi Account	-	AT CALL		3.05	
<b>TOTAL DIRECT INVESTMENTS</b>		<b>40,867,794.42</b>			Average Rate-March 2014		3.53	
					Average Rate-March 2013		4.18	

MANAGED FUNDS:		MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION		VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
Lehman Brothers	-See Note 1 below	1,284,089.61	Managed	09/12/05	VARIOUS		2.58
<b>TOTAL MANAGED FUNDS</b>		<b>1,284,089.61</b>			Average Rate-March 2014		2.58
					Average Rate-March 2013		2.56

<b>TOTAL INVESTMENTS</b>	<b>42,151,884.03</b>
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<b>TOTAL INVESTMENTS FEB 2014</b>	<b>41,505,523.74</b>	<b>1.53%</b>	Change in total investment over prev 1 month
<b>TOTAL INVESTMENTS MAR 2013</b>	<b>35,904,305.59</b>	<b>17.40%</b>	Change in total investment over prev12 months

**MANAGED FUNDS**

Note 1:-Total Lehman Managed Funds above are subject to market value fluctuations. Council obtains monthly independent market valuations from Australia and New Zealand Banking Group Limited (ANZ).

**(b)&(c) REPORT ATTACHMENT – ITEM 1**

**(b) Application of Invested Funds**

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,116,588.19
	Grants	339,680.00
	Domestic Waste	840,154.00
	Waste & Sustainability	212,925.14
	Southern Council's Group	3,007,257.43
Internally Restricted	Blue Haven ILU	4,052,873.49
	Blue Haven Hostel & Nursing Home	7,411,095.19
	Land Development	4,012,626.71
	Waste Business Unit (Plant Replacement)	1,025,057.00
	Plant Replacement - Engineers	651,214.00
	Employee Leave Entitlements	697,603.00
	Carry-over works	1,732,143.00
	Holiday Parks (incl crown reserves)	794,825.00
	Other	591,935.01
Loan Funds	Local Infrastructure Renewal Scheme Round 1	430,389.00
<b>Unrestricted Funds:</b>	Funds to meet current budgeted expenditure	13,235,517.87
<b>TOTAL INVESTMENTS</b>		<b>42,151,884.03</b>

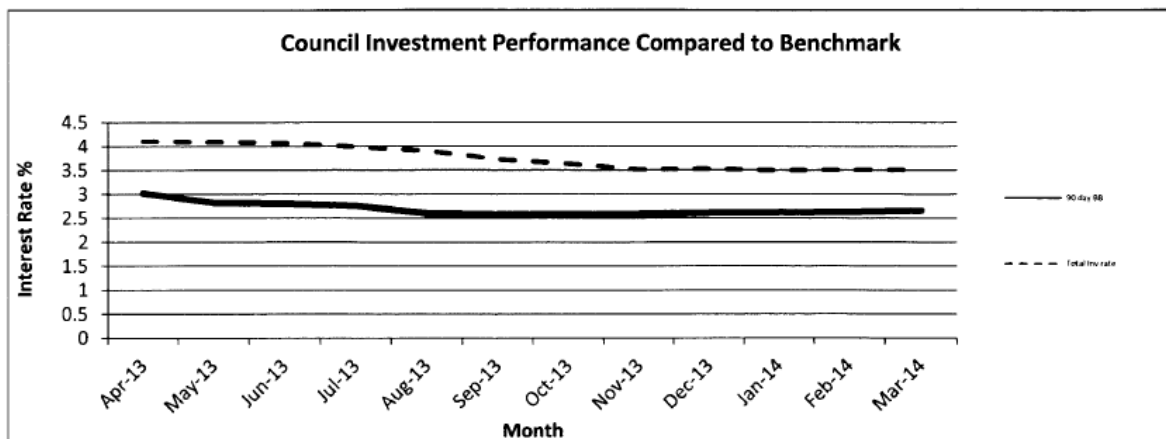
**Note:**

The above Application of Invested Funds reflects audited balances as at 30 June 2013. Actual movement in these balances is recorded at the end of the financial year. Loan fund balances show progressive use of funds. Southern Council's Group balance shown includes a progressive balance. The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

**(c) Investment Portfolio Performance**

**Investment Performance vs Benchmark**

	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month	3.51	2.66
3 months	3.51	2.64
6 months	3.54	2.62
12 Months	3.76	2.69



**d) Investment Commentary**

The total investment portfolio increased by \$646K during March 2014. Various revenue was received totalling \$5.9M, including rate payments amounting to \$1.2M, grants and contributions of \$450K, user fees and charges and other revenue of \$1.79M, Blue Haven ILU unit sales of \$730K, investment maturity of \$1.2M and Debtor receipts of \$530K. Payments to suppliers of \$3.8M and employee wages of \$1.2M amounted to total expenditure of \$5.0M.

Note that the Westpac Bank Account balance shown in (a) of \$3.259M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 March 2014 is \$1.0M with an annual budget estimate for 2013/2014 of \$1.3M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years with average interest rates on Council's Direct Investment portfolio dropping by 0.7% over the last 12 months. With the Reserve Bank cash rate at 2.5%, and on hold, there does not appear to be any likelihood of any change in rates upward. The current 90 day investment rate quoted by National Australia Bank on 25 March was 3.6%. The previous month's was 3.6% with March 2013 rate being 4.33%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index.

**Certification – Responsible Accounting Officer**

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

**Phil Mison**  
Responsible Accounting Officer  
**Manager Corporate Services**

# REPORT OF THE DIRECTOR ENGINEERING & WORKS

[140415dew]

## Submitted to the Ordinary Meeting of Council held on 15 April 2014

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### 1 Footpath Dining – Review of Policy

#### Summary

Council adopted a policy for footpath dining in December 2004 with an amendment undertaken in May 2008. A review of the current policy has been completed and a draft amended policy is attached for the approval of Council. The revised draft policy streamlines the current system for obtaining footpath dining approval in light of recent changes to state planning policy.

#### Finance

The proposed changes to the footpath dining policy will result in a reduction in annual development application fees previously received for new and renewed footpath dining proposals. The estimated recurrent income lost will be in the order of \$2,500 p.a. However, it is proposed to increase the separate footpath dining licence fee under the Roads Act to reflect the actual costs in preparing that approval for footpath dining. This will substantially off-set the loss of development application income.

Overall there will be no greater financial burden (application costs) on applicants for footpath dining.

In addition, an independent review of the footpath dining rental charges has been undertaken for the 2014/15 financial year and the current footpath dining fees are appropriate.

Efficiency improvements will result from requiring only one approval.

#### Policy

Environmental Planning and Assessment Act 1979  
Roads Act 1993

#### Council's Vision and Goals

This report supports Council's goal of acting ethically and fulfilling all legal and statutory responsibilities.

#### Attachment

Amended policy – Footpath Dining

#### **RECOMMENDATION**

That Council adopt the revised Footpath Dining Policy.

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**Item 1 cont'd****REPORT**

Council's current policy for footpath dining was last reviewed in 2008. Presently there are thirty approved footpath dining operators, principally in the Kiama CBD. The current policy is still, for the most part, a relevant document for the facilitation and control of footpath dining.

The policy is being reviewed for two reasons. Firstly, it has been nearly six years since the last review. Secondly, the current requirement for both a development consent under the Environmental Planning and Assessment Act and a licence under the Roads Act is process duplication/inefficient and an unnecessary burden for business owners. An amendment to the State Environmental Planning Policy (SEPP) – Exempt and Complying Development Code 2008 effective 22 February 2014 now permits the issue by Council of a single approval for footpath dining associated with food and drink outlets.

The recently announced change to the SEPP validates previous advice received by Council's solicitors to require a single approval and confirms the direction Council was intending to take with regard to footpath dining in 2014.

As a result Council does not need to continue seeking development consent from operators for the use of footpath areas (forming part of the road reserve) for footpath dining. The Roads Act 1993 provides the mechanism for Council to approve and control footpath dining and the current licence agreements in place will over time be converted to consents as correctly expressed under that Act. The Roads Act approval allows Council to charge appropriate commercial rental for use of the footpath as well as managing the issue of public liability insurance and for these reasons is considered to be the preferred system to control footpath dining. All new footpath dining proposals and renewals from 2014 will operate under this new system.

The revised policy introduces a permit display for approved footpath operators which will have to be permanently displayed on shop fronts. The permit display is being introduced to enable Council to more effectively manage any instances of breach of consent conditions and also to advise the general public of approved footpath dining operators.

## **2 Lease Renewal Illawarra Respite Carer's Support – Leased Premises - Cygnet Avenue Shellharbour City**

### **Summary**

The current leased premises in Cygnet Avenue, Shellharbour City occupied by SCG Community Care programs expires 23 June 2014 with an option to renew for a further 3 years. Kiama Municipal Council is the lessee for the purposes of this lease. This report recommends that the option period be taken up.

### **Finance**

The lease requires that a market valuation be undertaken and that the costs in obtaining this report be shared between lessor and lessee. The market valuation report may recommend an increase in the current rental.

### **Policy**

NA

### **Council's Vision and Goals**

This report supports Council's goal of acting ethically and fulfilling all legal and statutory responsibilities.

### ***RECOMMENDATION***

That Council exercise the option to renew the lease for a further three (3) years for Units 11b and 11c, Level 1 Cygnet Centre, 75 Cygnet Ave, Shellharbour City subject to an agreed market rental review and otherwise the same lease terms and conditions.

### **REPORT**

SCG Community Care Programs have occupied leased premises in the Cygnet Centre, Shellharbour City for the last three years. The original lease was for three years with a further three year option to be exercised by 23 March 2014. The premises are suitable to satisfy the requirements of SCG Community Care Programs, including Illawarra Commonwealth Respite and Carelink Centre and six (6) funded programs, for the next three years and subject to an agreed market rent review.

Commonwealth funding for the continuation of these programs won't be confirmed until May 2014. Council staff have discussed with the agent both month to month rental until confirmation is received and a shorter lease renewal period of one year with a further option. The agent has already extended the current option take-up period one month until 30 April 2014, however are anxious to have the three year option period exercised. Further discussion with the agent is to occur on 14 April 2014 to determine if they will further extend the option take-up period on a month by month basis until confirmation of funding is received.



**Item 2 cont'd**

Council is left in an awkward situation should they not be willing to do so and even if they are willing to extend, a quick resolution would be expected once funding is confirmed.

It is therefore recommended that Council resolve to exercise the three year lease renewal option so that it can be carried out promptly when funding is resolved, whilst endeavouring to delay execution until funding is confirmed. The current annual rental is \$58,000 per annum.

A market valuation report will be commissioned by the lessor and Council will be advised of what the Valuer considers to be fair market rental for the premises at this time.

### **3 Gerringong Town Hall Proposed Air Conditioning**

#### **Summary**

This report provides Council with feedback obtained from the community on the need for air conditioning at the Gerringong Town Hall following the restoration of opening windows and assessment of the improvement to natural ventilation.

#### **Finance**

\$85,000 has been allocated in the 2013/14 budget for ducted air conditioning at the Gerringong Town Hall.

#### **Policy**

N/A

#### **Council's Vision and Goals**

Councils Strategy 2.13 to effectively manage assets including building for current and future generations is relevant.

#### **Enclosures**

- 1 Letters from South Precinct, Gerringong Music Club and Gerringong Sub-Branch RSL

#### ***RECOMMENDATION***

That Council:

- 1) not install ducted air conditioning at the Gerringong Town Hall; and
- 2) consider the reallocation of a portion of the funding allocated for the air conditioning to install audio visual equipment at the Hall.

#### **REPORT**

With the adoption of the 2013/14 budget Council included an allocation of \$85,000 for the installation of ducted air conditioning at the Gerringong Town Hall. This followed numerous complaints about the heat in the town hall during the summer and on one particular occasion an elderly resident being affected to the extent that medical assistance was required during a Picks and Flicks screening.

In adopting the budget item Council requested modification of the existing double hung windows on the northern elevation of the hall to allow them to be opened again. Following the completion of this work Council was to seek feedback from the community and users of the hall as to the effectiveness of restored natural ventilation and the need for air conditioning.

**Item 3 cont'd**

The windows which are over 1 metre from the floor to the sill were completely jammed. They have since been freed up and a manual lifting device fabricated to allow the bottom half of the window to be pushed open.

This work was completed in November 2013 in time to allow an assessment to be carried out over the summer period. Council has subsequently consulted with the South Precinct to seek their views and engaged their assistance to consult with other users of the hall and the general community. In doing so a survey was conducted by Mr Bill Pople of the Gerringong RSL and an article was placed in the Gerringong – Gerroa Village Whispers March publication, which has a monthly circulation of 3,000, requesting interested community members to provide feedback to Council on the proposed air conditioning.

Correspondence has been received from the Chair of the South Precinct stating that the matter was discussed at its February meeting where the general consensus was that the repair to the northern windows had improved natural ventilation adequately and that funds could be allocated to other areas within the Town Hall. (A copy of the letter is included in Councillors envelopes.) Council has also received a letter from Mr. Bill Pople (copy enclosed) which references a survey of 20 local community members in which only 1 considered air conditioning to be necessary. An additional letter was received from the Gerringong Music Club (copy enclosed) who hired the hall on 5 occasions during 2013. They advise that at their meeting the matter was also discussed and support was provided for the installation of air conditioning for heating and cooling. There were no other submissions received as a result of the article in the Gerringong-Gerroa Village Whispers.

It appears evident that the reintroduction of natural ventilation has significantly improved the overheating problems previously experienced. In addition new roof vents to be installed in the hall will further improve the natural circulation of air. The large majority of those consulted no longer feel that air conditioning is necessary and the issue of heating the hall has never really been raised as a significant problem in the past. Whilst the installation of air conditioning would have been ideally timed with the re-roofing of the Hall it could always be installed at a later date, should unexpected problems persist. Given the outcome of the trial, the installation of air conditioning is not recommended at this time.

At Council's meeting of 11 November 2013 Councillor Reilly requested an investigation and report on the funding of a digital projector and associated audio equipment for the Gerringong Town Hall. A report was presented to the December 2013 meeting where it was advised that quotations were being sought and that subject to the outcome of the air conditioning trial Council could consider reallocation of some of the funds allocated to the air conditioning to the installation of audio visual equipment.

**Item 3 cont'd**

Councils IT Department have sought 2 quotations, one for the installation of a projector, projector screen at the stage end of the hall, speakers and wireless microphones at a cost of \$11,000. A second quote was provided to upgrade the projector used for Picks and Flicks at a cost of \$18,000.

This information is provided for Council's consideration.



Bryan Whittaker  
**Director Engineering and Works**

# REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

## Submitted to the Ordinary Meeting of Council held on 15 April 2014

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### 1 **Staff Training** **Attendance at Interstate Conference**

#### **Summary**

This report seeks approval for Council's Manager Community & Cultural Development, Nick Guggisberg, to attend the 2014 Safe City Conference in Ipswich Queensland, 10-13 June.

#### **Finance**

\$1900 incl. GST, from corporate training budget. Includes conference registration, travel and accommodation.

#### **Policy**

Council approval is required for interstate travel

#### **Council's Vision and Goals**

CSP 1.6 Recognise and promote community safety throughout the Municipality

DP 1.6.7 Develop and implement a Community Safety Plan

CSP 4.1 Provide training and professional development for Councillors and staff to promote a culture of strong leadership, good governance and ethical practice.

### ***RECOMMENDATION***

That Council endorse the attendance of Nick Guggisberg, Manager Community & Cultural Development, at the 2014 Safe City Conference to be held in Ipswich, Queensland, 10-13 June.

### **REPORT**

Nick Guggisberg, Manager Community & Cultural Development, is project managing the planning and implementation of CCTV in the Kiama LGA, which is a core strategy of the Kiama Crime Prevention Plan. The 2014 Safe City Conference program focuses almost exclusively on CCTV, covering topics which include:

- Proactive monitoring of your CCTV
- Alternative technologies in CCTV – automated number plate recognition expert
- The real art of war – Police and Council memorandum of understanding
- A legal perspective of CCTV
- Ensuring correct governance of CCTV records, information and storage

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This conference provides an optimal opportunity to gain working knowledge in the areas of: procurement; running and maintenance of CCTV systems including governance; MoU's with Police; technological options; and legal issues. This knowledge will assist in ensuring Council's own system is planned and implemented utilising best practice models.

Further information about the conference is available on the flyer contained in Councillor envelopes.

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## **2 Busking Policy and Guidelines**

### **Summary**

This report seeks Councils approval for the reviewed Busking Policy and new Busking Guidelines and conditions.

### **Finance**

No financial impact

### **Policy**

Community Services Cultural Plan (BERT 2013-2016)

### **Council's Vision and Goals**

- CSP 1 A Healthy, Safe and Inclusive Community  
DP 2.16 Ensure public spaces reflect the cultural and artistic diversity of the local community  
OP 2.16.1.2 Revise and implement the Busking Policy and procedure

### ***RECOMMENDATION***

That Council:

- 1) approve the reviewed Busking Policy;
- 2) approve the new Busking Guidelines.

### **REPORT**

At its November 2013 meeting, Council was advised of the review of Council's Busking Policy; the review included the original policy document and application form and the development of new busking policy guidelines.

During January and February 2014 community feedback was sought from potential buskers, general community and local businesses. Submissions were received from; three business owners and three community members (two of whom were representatives of the KISS Arts Festival and Kiama Jazz Club).

All submissions supported the policy and guidelines in principle. Some submissions offered suggestions or queries for clarification. These included:

- Removal or lowering of the busking permit fee
- Clarification and addition of busking sites
- Strategies so buskers do not clash with major events
- Concern regarding the quality of buskers

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- Licensing and enforcement of busking policy and guidelines

Through Council's budgeting process, permit fees have been recommended to stay at the same rate, however with the ability now for amateur buskers to be approved under Council's insurance policy, this will have a significant impact on permit affordability for buskers.

An additional site has been placed in Terralong Street at the request of a local business with some clarification of sites also being provided directly to a respondent.

Information will be provided to buskers on receipt of their permit, regarding where they can seek information about upcoming events and festivals.

The Kiama Municipality has many high quality musicians and performers both professional and amateur living and performing within our borders. This new policy and guidelines will make busking a much easier and financially viable option for these residents.

Both the policy and guidelines have clear definitions and procedures about the expectations and consequences in terms of busking licensing and enforcement. In addition, discussions have been, and continue to be undertaken, with Council's Rangers regarding these matters.

With these minor changes to the policy and guidelines in place, Council is now asked to formally approve these documents (enclosed in Councillor envelopes).

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### **3 Kiama Aboriginal Reference Group**

#### **Summary**

This report seeks Council's endorsement to reopen the Expression of Interest (EOI) to recruit community representatives for the Aboriginal Reference Group

#### **Finance**

Within current budgets

#### **Policy**

Not applicable

#### **Council's Vision and Goals**

CSP 1. A Health, Safety and Inclusive Community

DP 1.1.3 Improve Council collaboration with the Aboriginal Community

OP 1.1.3.1 Aboriginal Liaison Officer to be employed and work plan developed

#### ***RECOMMENDATION***

That:-

- 1) Council endorse the re-advertising for community representatives to join the Kiama Aboriginal reference Group through an Expression of Interest (EOI) process;
- 2) the EOI be open ended until all positions are filled.

#### **REPORT**

Recently, Expression of Interests (EOI) were sought from community representatives to re-establish the Kiama Council Aboriginal Reference Group, closing 28 February 2014. Unfortunately only two applications were received, despite extensive promotion and networking to facilitate Aboriginal residents applying. The current Terms of Reference require a quorum of 6 attendees, 4 of whom need to be Community Representatives for meetings to proceed. Council's Aboriginal Liaison Officer (ALO) (Elaine Hudson) is confident that she can secure some additional applications, but needs more time to achieve this, which requires the EOI to be re-opened. In addition, it is recommended that no closing date be applied to the EOI process other than when all available community representative positions (5) are filled.

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## **4 Blue Haven Brand**

### **Summary**

This report recommends that Council brings both its aged and community care services under the one brand of Blue Haven, as a better business model to meet the needs of the future care industry.

### **Finance**

To be managed within existing budgets

### **Policy**

Not applicable

### **Council's Vision and Goals**

DP 1.1.1 Deliver quality disability services in line with the community Care Common Standards and funding agreements

DP 1.4.1 Provide residential aged care, including dementia specific care

DP 1.4.4 Deliver quality aged care services to older people in the community across the Shoalhaven, Kiama, Shellharbour and Wollongong areas

### ***RECOMMENDATION***

That Council endorse the recommendation from the Blue Haven Advisory Committee (to be circulated prior to the Council meeting) in relation to the branding of Council's aged and community services.

### **REPORT**

As a result of the Aged Care and Disability Care Reforms, the aged and disability service sectors are becoming increasingly competitive. Therefore, branding and marketing of services is becoming a critical component in attracting potential consumers.

At present Kiama Council offers both residential and community care services, however, these services operate under different brands. At present Kiama Council operates Blue Haven Independent Living Units, Blue Haven Residential Care Facility and Illawarra in Home Support. This creates several difficulties:

- There is a lack of distinction between the ILU's and the residential care facility meaning that potential customers do not realise that both options are available
- While Council is able to offer a continuum of care from community to residential care, this is difficult to promote, given the different service names

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- The three areas of service all currently use different logos and therefore do not share a linked branding

With the reforms taking place, it is imperative that Council review the branding and future marketing of its aged care and disability care services as part of its overall business strategy. Due to the need to review both written and web publications by 19 May to incorporate the new accommodation prices, this is the ideal time for a decision to be made.

A recommendation for rebranding will be presented at the extraordinary Blue Haven Board meeting on Wednesday 9 April 2014. It will be recommended that the abovementioned services all be branded under the Blue Haven name and logo, with a sub-line for each:

- Blue Haven Independent Living Units
  - Blue Haven Residential Care Facility
  - Blue Haven Community Care.
-

## **5 NSW Public Library Funding**

### **Summary**

The recommendations in this report are part of a campaign by Public Libraries NSW to address the ongoing issue of better state funding for public libraries.

### **Finance**

Not applicable

### **Policy**

Not applicable

### **Council's Vision and Goals**

CSP 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

DP 1.2.5 Provide a range of library resources, both physical and online, that support our community in recreational and lifelong learning

## ***RECOMMENDATION***

That Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

- 1) Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;
- 2) Writing to the Hon. George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
- 3) Approving the distribution of NSW Public Library Associations campaign information in Council libraries;
- 4) Taking a lead role in activating the campaign locally.

## **REPORT**

While Kiama Library Services has been well supported by Council, many projects submitted to the Library Development Grants have been unsuccessful due to the lack of funding. The significant increases in the cost of resources, especially in the audio-visual format, have limited our purchasing power over a number of years.

Library building project are funded from the Library Development Grant up to a maximum of \$200,000 per council application. Currently the allocation for this funding is only \$549,996 which could mean little chance of obtaining funding for the proposed Gerringong and Museum Facility project.

The following information has been supplied by Public Libraries NSW as part of a state-wide campaign for improved funding.

The NSW public library funding situation is an historic issue that has been ignored by successive NSW governments. The funding level has now reached a crisis point. The key issues are:

- NSW receives the lowest per-capita funding for public libraries from the State Government of all states in Australia;
- State Government expenditure on public libraries has decreased as a proportion of total public library expenditure from 23% in 1980 to 7% in 2013.
- NSW Local Government councils are currently paying 93% of the costs to operate public libraries in NSW (which are governed by state legislation);
- The current NSW Public Library Funding Strategy includes three components:
  - Per capita subsidy (legislated at \$1.85 per NSW resident) - \$13,503,243 in 2012-13,
  - Disability & Geographic Adjustment (DGA) - includes a component of population-based payments and a proportion of payments based on five disability factors developed by the NSW Local Government Grants Commission (pre-school children; people over 65; people from a NESB; population distribution; isolation) - \$6,551,966;
  - Library Development Grants - \$549,996 (this amount has reduced from \$3.3m in 2005-06)
- The NSW Public Library Funding Strategy is not indexed to population growth or the consumer price index (CPI). This means that:
  - Funds have been taken from the Library Development Grant pool over a number of years to meet the increased per capita subsidy costs (and the per-capita component of the Disability and Geographic Adjustment fund) as the NSW population increases each year. If the government had not provided an “additional” \$2m to maintain the Country Public Libraries fund contribution in 2013-14, there would be no funding left for Library Development Grants; and
  - If the current funding situation is not addressed urgently, NSW councils will suffer a reduction in their Disability and Geographic Adjustment payments to meet the increase in legislated per-capita subsidy costs for additional NSW population.

### Action to date

During the 2011 election campaign, the current NSW State Government made a pre-election commitment to undertake a comprehensive review of the quantum and allocation of funding for NSW public libraries. To date there has been no significant action by the government to meet this commitment.

In the absence of any government action the Library Council of NSW used the government's pre-election commitment as a trigger to convene a committee of representatives from the Public Libraries NSW Association (representing regional and rural councils and libraries), the NSW Metropolitan Public Libraries Association (representing metropolitan councils and libraries), and the State Library of NSW, to develop an evidence-based submission about public library funding.

The Library Council of NSW then provided a submission to the State Government called *Reforming Public Library Funding* in October 2012. The evidence-based submission recommended a fairer, simplified and more transparent method for the distribution of funds.

The following principles for a new approach were recommended:

- Establish a base level of funding for councils with populations below 20,000 people (a safety net for small councils);
- Grant a modest increase in per capita allocations for all councils to recognise cost movements since 1994;
- Address disadvantage transparently through the application of appropriate disability factors;
- Phase out anomalies in current allocations due to former council amalgamations;
- Ensure sustainability by providing that no council receives less recurrent funding than 2012/13; and
- Build and maintain infrastructure via a substantial capital fund, entitled the *Building Library Infrastructure Program*.

The Library Council recommended that recurrent public library funding to councils be adjusted from the current \$26.5M to \$30M per annum from 2013/14 and indexed from the following year. This would be allocated as follows: 68% (\$20.4M in 2013/14) to councils by population with a base level of funding for councils with fewer than 20,000 residents, 17% (\$5.1M) to councils by NSW Local Government Grants Commission (LGGC) disability factors to explicitly address disadvantage and 15% (\$4.5M) applied to Statewide Programs.

In addition, a *Building Library Infrastructure Program* of \$30M per annum for building and maintaining infrastructure was recommended to replace the now defunct provision of grants from operating funds. This program would enable councils to renew library

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buildings, systems, collections and equipment in regional, urban and growth areas. It was proposed that this be phased in, rising to \$30M over the 4 years from 2013/14 and indexed thereafter.

Many NSW councils wrote to Hon. George Souris, Minister for the Arts during 2012, urging the State Government to adopt *the Reforming Public Library Funding* strategy. Despite a high level of expectation that the State Government would fulfil its pre-election undertaking to review and increase its funding allocation to NSW public libraries, this did not eventuate in the 2013 state budget.

### Campaign

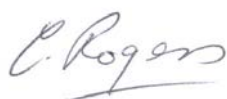
The NSW Public Library Associations (NSWPLA), representing country and metropolitan libraries, are now co-ordinating a targeted campaign to bring the situation to the attention of politicians and funding decision makers to address the problem.

Local Government NSW (LGNSW) and the Australian Library and Information Association (ALIA) are assisting NSWPLA in this campaign and information will be provided to councils and public libraries on an ongoing basis from these bodies throughout the campaign. In addition, local supporters of public libraries including Friends of the Library groups and library users will be engaged in the campaign to lobby State Members.

Given that 44% of the state's population are library users, it is anticipated that there will be strong support for the campaign in the community. Research also highlights the high value placed on public libraries by users and non-users alike. There will be high level media engagement and local and national champions of public libraries will be advocating for funding reform.

### Conclusion

There is currently a high degree of uncertainty as to the level of ongoing funding for public libraries in NSW from the State Government. The intent of the NSW Library Act in 1939 was for equal funding from state and local governments to provide library services. Since that time local government has increasingly carried the funding burden and the situation has deteriorated significantly over the past few decades. Without urgent action from local government and NSW Public Library Associations, this situation will continue and local councils will once again be forced to pick up the funding shortfall.



Clare Rogers  
**Director of Community Services**

# REPORTS FOR INFORMATION

Submitted to the Ordinary Meeting of Council  
held on 15 April 2014

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## **1 Kiama Harbour Seaside Anchor Restoration (DEW)**

Council have been approached by the Minnamurra Lions Club seeking Council's permission to undertake the restoration of the historic sea anchor at Kiama Harbour.

It is believed that the anchor was placed in Kiama harbour in 1848 on a chain to Black Beach. Sailing ships would come in and grapple for the chain to slow their headway then row a stern line into the beach and winch themselves closer in. This system became redundant with construction and opening of Robertson Basin in 1875. Over 30 years ago the anchor was salvaged from the harbour and placed on display on the foreshore area.

The condition of the anchor has deteriorated since its salvage due to the marine environment. The Heritage Branch of NSW Planning have advised that while the anchor is not registered as a historical item under the State or Commonwealth legislation, they did indicate a preference for its conservation and have provided information from the Australian Maritime Museum on an inexpensive treatment method developed for such items that involves an initial washing and wire brushing of the anchors surface, application of a fish oil coating which is then followed by regular washing with water. After 24 months or so the surface is wire brushed again and coated with fish oil based paint.

Minnamurra Lions Club has sought Council's approval to remove the anchor and undertake the above work, which is deemed to be in the community's benefit. The anchor is currently located west of the Cargo's restaurant area on Crown Land.

Correspondence has been received from the NSW Crown Lands office supporting the request. It is proposed that upon completion of the anchor's restoration it will be returned to the same position, subject to the Kiama Harbour Masterplan currently being developed.

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## **2 Emergency Entrance - Barton Drive to Riverside Drive Kiama Downs (DEW)**

At Council's meeting of 18 March 2014, Councillor Rice requested a report on progress of Councillor Rice requested a report on the progress of the installation of emergency access into the 'Gainsborough Estate' at Barton Drive, Kiama Downs.

Following Council's previous resolution to not proceed with the extension of Barton Drive to Riverside Drive, but to also investigate the provision of an alternate emergency access to 'Gainsborough Estate', it is advised that this matter has been included on the Engineering and Works program for investigation this year.

A report will be presented to Council once this investigation has been completed and concept plans prepared.

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### **3 Kiama Netball Club (DEW) Court Playing Surface**

Council and Councillors have received correspondence recently from the Secretary of the Kiama Netball Association expressing concerns about the safety of the playing surface of the Netball Courts at the Kiama Sports Complex and have requested the consideration of funding for the removal of the existing surface, base course preparation and the application of a new asphalt surface in the draft 2014/15 budget.

The courts were constructed in 1988. They are founded on the old quarry floor with the exception of the northern most court near the Fire Station which has been filled with road base material to provide a court which is level with the adjacent courts.

The courts are an asphalt pavement approximately 30mm thick laid on a compacted base. Asphalt is applied from a paver and has a maximum width of around 3.5 metres depending on the machine used. Accordingly numerous joints between paving runs are present longitudinally along the courts. It is not uncommon for these joints to shrink and separate over time causing cracks to appear. This is what has happened at the Kiama netball courts. The idea that the base course has failed and that the entire surface needs to be removed and replaced is not supported by Council engineering staff assessment. Whilst cracks have appeared there is no vertical displacement at these joints which is the classic indicator of base course or subgrade issues.

In addition to the cracking there are some smaller areas of crazed pavement, most likely caused by water penetration. Again these are not symptomatic of a failed base course or subgrade. Furthermore there is a build up of algae in the shaded eastern portion of the courts and some weed growth. The representative from the Netball Association also refers to an area near the Clubhouse where tree roots have lifted the pavement.

In 2009 Council applied a bitumen emulsion reseal to the courts in an effort to address cracking issues and the general court surface texture. The bitumen emulsion seal has some flexible characteristic which was thought could address the issue. Whilst it addresses the surface texture, unfortunately reflective cracks reappeared and in 2012 a crack sealing product was poured in to the exposed joints. This has been largely successful in addressing the cracking. However, the Netball Association has raised concerns about the slippery nature of the crack sealant when wet and the sticky nature when the court surface heats up. The club remain concerned about their duty of care for the safety of players and the cancellation of games.

As previously stated Council's engineering staff has assessed the court condition with particular reference to the issues raised. Vertical displacement and the uneven court surface in parts, whilst present appear not to be beyond the ability to correct with minor maintenance. Furthermore Algae and weed growth can be addressed by some minor maintenance. There remains the issue of the crack sealant and its slippery and sticky nature. This can be overcome by the addition of an asphalt overlay.

**Item 3 cont'd**

The main issue to be addressed with an asphalt overlay where underlying cracking is present is reflection cracking, a process where after time the old cracks reappear on the new surface. Numerous treatments are available on the market to address this phenomenon including the use of a geosynthetic layer between the two surfaces. Council has estimated the cost of an asphalt overlay of the entire area and linemarking to be in the order of \$90,000. Additional costs would be incurred for reflection cracking treatment. Council would need to seek more technical advice on the best method of treatment before being able to accurately estimate this additional cost.

This matter was discussed at Council's Capital Works Budget briefing on 31 March 2014, where it was resolved to arrange a meeting with the Netball Club, Kiama Sports Association and Council to discuss optional treatments and funding opportunities. At the time of writing this report the meeting has not occurred. The budget report to this meeting of Council recommends the inclusion of this item in a list of Capital Works to be considered should funding opportunities present themselves. Engineering staff have indicated that in the interim, crazed pavements, algae build up and weed growth can be carried out a relatively low cost under its maintenance budget.

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**4 Aboriginal Cultural Heritage Development Assessment Toolkit (DES)**

The *Aboriginal Cultural Heritage Development Assessment Toolkit* was awarded a commendation in the "Improving Planning Processes and Practices" category at the Planning Institute of Australia's 2014 National Planning Awards in Sydney on the 18 March 2014.

The *Toolkit* was prepared for Shellharbour City Council, in collaboration with partners Wollongong City Council and Kiama Municipal Council, and working with a Steering Committee comprising representatives from all three councils and other stakeholders. It sets out an improved approach for the three participating Councils to ensure that Aboriginal cultural heritage matters are better addressed in the development assessment and approval processes. This includes the greater involvement of Aboriginal people and organisations in undertaking these assessments.

The *Toolkit* previously won the 2013 NSW Planning Award for Excellence in its category, before going on to be judged at the national level. It also received a highly commended award in last year's NSW National Trust Heritage Awards, in the "Research and Investigation/Analysis" category.

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**5 Swimming Pool Inspections (DES)**

Council is in receipt of advice from the Office of Local Government identifying a delay in the implementation date by which Swimming Pool Barrier Certificates are required to be in place for properties containing swimming pools that are proposed to be sold or leased.

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**Item 5 cont'd**

This date was previously 29 April 2014, however due to some difficulties identified by the Office of Local Government they have seen fit to extend the compliance date timeline to 29 April 2015. This will not impact on the commencement of Councils adopted inspection regime for residential properties.

**6 South Precinct Meeting – Minutes**

The minutes of the South Precinct meeting held on 20 March 2014 are enclosed in Councillors' envelopes.

**7 Parking Patrols (DES)**

Further to a previous request from Council, it is advised that 23 parking patrols were carried out during March involving restricted parking and school zones. Twenty one infringement notices were issued.

**8 Youth Advisory Committee (DOCS) Minutes**

The minutes of the Youth Advisory Committee meeting held on 2 April 2014 are included in Councillors' envelopes.

**9 Access Committee (DOCS) Minutes**

The minutes of the Access Committee meeting held on 4 April 2014 are included in Councillors' envelopes.

**10 Commercial Centres and Safety Committee (DOCS) CCTV Consultation**

A late submission was received on the 18 March in relation to the installation of CCTV. The request is for an additional camera, however, the nominated location (further south on Manning St) is outside the current scope of the project. A copy of the submission is included in Councillors' envelopes, for information only.

**11 K.I.S.S. Arts Festival (GM)**

Council has received a letter of thanks from the organisers of the K.I.S.S. Arts Festival held from 10-12 January 2014. An extract from the thank you letter is as follows:-

*“On behalf of the team at The K.I.S.S. Arts Festival 2014, we would like to*

say a massive

***Thank You!***

*Your support for this year's festival meant that,*

*One act from Hungary and Israel, one act from UK, one act from Switzerland and Austria, one act from Byron Bay, one act from Bulli and one act from Kiama were able to perform over 25 shows in and around the Kiama Municipality over the three days of the festival.*

*Over 150 children were able to attend The K.I.S.S. Arts Festival's Circus Workshops.*

*And*

*Over 100 people were able to come down to the Pop-Up Arts Centre in Hindmarsh Park and try workshops in Yoga, Music, I-Phonography, Spoken word, sand paper graffiti, Felt puppet making, Aboriginal culture, Comedy Ukulele and Wine tasting.*

*But most importantly of all, your support meant that thousands of tourists and locals alike, young and old, rich and poor, got to get out and about around Kiama over three days and enjoy world class, international entertainment in places as diverse as the Jamberoo Pub, The Sebel, Black Beach, East Beach Caravan Park, Kendall's Beach Caravan Park and Hindmarsh Park.*

*Without your support, there would be no festival, so once again **Thank you.**"*

**12 Gerroa Sand Resource – Cleary Bros**

Council has received a reply relating to Council's concerns regarding the removal of vegetation within the East-West link to enable the expansion of the Gerroa Sand Mine by Cleary Bros. An extract from the letter is as follows:-

*"We refer to your letter dated 27 August 2013 relating to the above subject and note the resolution of the Council of 20 August 2013. We apologise for our delay in responding to you.*

*The approval granted by the Land and Environment Court authorised the removal of vegetation within the East-West link. Certain pre-conditions were placed on the severing of the East-West link and those pre-conditions were met prior to work being undertaken within the East-West link. Cleary Bros consulted with the Department of Planning and Infrastructure prior to this work commencing.*

*The members of Community Consultative Committee (CCC) were advised in the CCC meeting on 23 May 2012 that genetic testing was underway. This testing was one of the preconditions to the severing of*

*the East-West link. On 30 August 2012 the 2011/2012 Annual Environmental Monitoring Report (AEMR) was issued to all CCC members. That report considered a broad range of the environmental matters and reported that subject to testing and further inspection that works being undertaken would result in the severing of the East-West Link.*

*In addition, we wish to confirm that the recent Independent Environmental Audit conducted in November 2013 identified no medium or high non-conformances with the Site's Environmental Protection Licence or Development Consent. A copy of this audit was sent to Kiama Council and all CCC members on 13 January 2014 and is available on our website.*

*Cleary Bros understands the role of the CCC. It will continue to comply with its obligations under the approval including those with respect to the CCC."*

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### **13 2012 Local Government Elections**

The final report on the Inquiry into the 2012 Local Government Elections has now been released by the Joint Standing Committee on Electoral Matters. The report can be accessed on the NSW Parliament website.

The Government is due to respond to this report by 27 September 2014.

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### **14 NextGen Digital Business (DCCS)**

The NextGen Digital Business project is a joint collaboration between Kiama Council, The Kiama Community College, Enterprise Connect, The Smith Family, Access Business and Recruitment and the Department of Education, Employment and Workplace Relations (DEEWR). This project is another component of the Digital Champions program and follows on from the highly successful iUniVative project recently completed with larger businesses in the municipality.

This is a pilot project and the first of its type and is being held over a ten week period. The project targets small and home based businesses who need to promote their business via digital technology who don't have the time, skills or ability to do so. Following on from a survey of businesses who participated in the Digital Enterprise training program, it was strongly identified that many businesses had not implemented the digital initiatives that they had learnt due to many reasons such as shortage of time, and limited ability to implement the changes.

The project provides paid work experience for high school students to assist businesses implement their digital strategies to increase their productivity and growth made possible through social media and improvements to their websites. All of the businesses involved have undertaken training under the Digital Enterprise Program which has been funded by the former Department of Broadband, Communications

and the Digital Economy.

Year 11 and 12 High school students have been selected to undertake work readiness training and be employed on a part time basis to undertake IT and social media work for the businesses, working closely with a mentor and digital and social media trainer. They will also be guided in the development of a personal e-portfolio to showcase their achievements to potential future employers. Students will develop an individualised pathway plan and have access to Kiama Community College's Student Support Officer for job coaching support and referral to relevant "whole of life" support services.

The students will gain valuable employability skills and work experience working directly with employers and 'real businesses' and we expect many of the employment opportunities created to continue after the project ends.

The project commenced on the April 8, and should be completed by the end of June.

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## **15 April Business Events (DCCS)**

During the month of April there are many business events in which local businesses can participate. Kiama Council plays a key role in arranging the events and distributing information on regional business development opportunities. A full list of events can be found on council's website. Below is a summary listing of business events for April:-

### **Motivating Your Mind- Inspiring Your Spirit**

The Wollongong Small business club is holding its regular network meeting with presenter Rob Salisbury who will outline the eight powerful ways to help motivate yourself in good and difficult times and:-

- Why servicing your clients will open "golden doors" for you
- 4 tips to "inspire your spirit" and raise your luck factors in 2014
- Why "service" isn't enough to keep your business profitable and what will
- Introducing Illawarra business "champions" to inspire your mind and spirit

**Date:** 5.15-7.30pm April 1  
**Venue:** Villa Doro, 39 - 41 Flinders Street Wollongong  
**Cost:** Free

### **How to do business with councils**

Want to find out more about how to maximise your chances of doing business with councils? The Kiama Small Business Forum's free "How to do business with councils" information session is your opportunity to hear from our Procurement Manager about current procurement and tendering procedures. You will learn about how councils buy goods and services. We'll also have a speaker from Industry Capability Network, a free online portal where business can register to access upcoming business opportunities.

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To register for this information session please contact Megan on 42320 444 or email [meganh@kiama.nsw.gov.au](mailto:meganh@kiama.nsw.gov.au)

**Date: 5.30-6.30pm April 3 at The Pavilion Kiama**

**NEXTGEN Digital Business**

Want to improve your website, social media or online presence? Not sure how or don't have the time?

The Nextgen Digital Business program will link your business with talented local students to enhance your digital presence. By being part of this program you can establish or improve your online profile and generate more exposure for your business whilst supporting local high school students to develop employability skills and experience.

There are various packages available depending on the level of assistance your business requires. Participating businesses will need to attend the 2 workshops on April 8 & 29, to ensure that their digital strategy is clearly identified and to assist their business to gain the maximum benefit from the program.

For more information and to register your interest, contact the Kiama Community College on (02) 4232 1050 or email [info@kcc.nsw.edu.au](mailto:info@kcc.nsw.edu.au).

**Date: 6.00-8.00pm 29 April at The Kiama Community College**

***Business Basics Workshop***

The Kiama Small Business Forum and Illawarra iTec business basics workshop will outline the steps you need to take to research and establish your business. You'll learn successful strategies for marketing, financial management, business planning and taxation. When you register, you will also be entitled to receive a free one hour mentoring appointment with an Illawarra iTec representative to discuss your business ideas further.

**Date: 9.30-12.30pm April 8 at The Pavilion Kiama**

To register please contact Illawarra Itec on 4223 3100.

***NBN Information Session***

The next Kiama and District Chamber of Commerce network meeting will focus on the National Broadband Network. Representatives from Telstra, NBN Co, and Nosbor Services will deliver presentations about the network and their services with plenty of time for networking and questions.

**Date: 5.30- 7.00pm April 17 at The Kiama Leagues Club**

To register and for more information contact the Kiama and District Chamber of Commerce at [executive@kiamachamber.com.au](mailto:executive@kiamachamber.com.au)

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## 16 Lions Club of Minnamurra Inc

Council has received a letter of thanks from the Minnamurra Lions Club regarding the assistance provided to the AutumnFest. An extract from the letter is as follows:-

*“The AutumnFest committee of the Minnamurra Lions Club thanks Kiama Council for the support of Autumn Fest 14 at Black Beach Kiama on Sunday 23 March 2014.*

*The number of people who attended the festival was less than we had hoped for and, in particular, the number who participated in the world record attempt for the most number of couples kissing simultaneously was disappointing.*

*Nevertheless, the feedback we received during the day was positive and we believe we provided a fun day out for many community members as well as raising much needed funds for MS (multiple sclerosis) Research Australia.*

*The Minnamurra Lions Club will look to conduct a similar festival in 2015 and we hope that you will also be able to support that event.”*

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## 17 Local Government NSW Tourism Conference

The Local Government NSW Tourism Conference was held from Monday 10 to Wednesday 12 March 2014 in the Hunter Valley co-hosted by Cessnock City Council. Councillor Neil Reilly, Manager Strategic Planning Ms Kim Bray and the General Manager Mr Michael Forsyth attended the Conference.

Ms Kim Bray presented a paper on Short Term and Holiday Rentals at the Conference.

The Conference had a number of very informative sessions in relation to the following:-

- Tourism Information Centres
- Destination Management Plans
- Harvesting the Value of Tourism and getting a return on investment
- Short Term and Holiday Rentals
- The Lifecycle of an Event

A number of sessions included panel discussion which provided a range of information and various views on how to address the relevant issue.

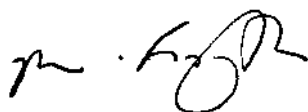
Mr Tom Phillips, the Executive Officer of the South Coast Regional Tourism Organisation in his presentation provided very detailed information in relation to the value of tourism to the Kiama Municipality.



In another presentation a representative from Coffs Harbour City Council referred to the difficulties that Councils experience in relation to illegal camping and the strategies they are trying to address this issue.

Ms Kim Bray provided a very informative and professional presentation on the issue of Short Term and Holiday Rental and how Kiama Municipal Council has addressed this through the preparation of the Development Control Plan and its implementation.

Councillor Neil Reilly has prepared a report on the conference which has been circulated to Councillors.



M Forsyth  
**General Manager**

## CONFIDENTIAL SUMMARY

### CONFIDENTIAL COMMITTEE OF THE WHOLE

#### Submitted to the Ordinary Meeting of Council held on 15 April 2014

Due to the nature of the matters before the Confidential Committee of the Whole, and in accordance with Section 10 and 10A of the Local Government Act 1993 as amended, it is proposed that Council formally close the meeting of the Committee of the Whole to the Press and the Public on the grounds detailed under the report headings as detailed below.

#### PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

#### CONFIDENTIAL REPORTS

##### 1 **Staff Matters (DCCS)** **Local Government (State) Award 2010**

**Reason for Confidentiality:** In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public. The matter and information deals with personnel matters concerning a particular individual (other than a Councillor).

##### 2 **Surf Beach Holiday Park (DCCS)** **Management Contract**

**Reason for Confidentiality:** In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public. The matter and information 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.

### **3 Kiama Harbour Cabins (DCCS) Management Contract**

**Reason for Confidentiality:** In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public. The matter and information 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.

### **4 Seven Mile Beach Holiday Park (DCCS)**

**Reason for Confidentiality:** Under Section 10(A)(2) of the Local Government Act 1993, it is considered that the information contained in the report is of a confidential nature as it deals with personnel matters concerning particular individuals.

### **5 Blue Haven Accommodation Pricing**

**Reason for Confidentiality:** This matter deals with commercial information of a confidential nature as per Sections 10A(2)(a) and 10A(2)(d) of the Local Government Act. The issues placed before Council include the changes to accommodation charges for residential aged care. This report is proposed for closed committee because the information contained therein is confidential, commercial information which, if disclosed could prejudice the commercial position of Council and/or of an individual.