



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 16 September 2014

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Confirmation Of Minutes Of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Public Access Summary
- 6 Mayoral Minute
- 7 Minutes of Committees
- 8 Public Access Reports
- 9 Report of the Director Environmental Services
- 10 Report of the General Manager
- 11 Report of the Director Corporate and Commercial Services
- 12 Report of the Manager Corporate Services
- 13 Report of the Director Engineering and Works
- 14 Report of the Director Community Services
- 15 Reports for Information
- 16 Addendum To Reports
- 17 Notice of Motion
- 18 Questions Without Notice
- 19 Confidential Summary
- 20 Confidential Reports
- 21 Closure

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

9 September 2014

To the Chairman & Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers** on **Tuesday 16 September 2014** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Forsyth', with a stylized flourish at the end.

Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 16 SEPTEMBER 2014**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting on 19 August 2014

Extraordinary Meeting on 4 September 2014

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 City of Sydney Amendment (Elections) Bill 2014

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council

- 1) endorses the letter sent to the Member for Kiama, Mr Gareth Ward seeking a deferral of this matter by the NSW Parliament to enable proper consultation and review
- 2) sends a letter to Local Government NSW supporting the association's objections to any proposal to alter the existing arrangements of voting in local government elections in relation to business and corporate entities being given extra voting rights
- 3) writes to all members of NSW Parliament expressing its concern.

REPORT

Councillors would be aware of the City of Sydney Amendment (Elections) Bill 2014 which has been introduced into the Legislative Council by the Hon. Robert Borsak, MLC.

The President of Local Government NSW, Councillor Keith Rhoades AFSM, has written to Councils raising serious concerns about the potential of the impact of the Bill across the Local Government sector, and not just the City of Sydney.

The President of Local Government NSW has advised that the major issues appear to be as follows:

- *"The proposed section 25 makes it possible to extend this business voting system to any or all other councils by regulation (see proposed section 25);*
- *From the point of view of existing electors (largely residents and residential ratepayers) conferring two votes on each corporation is arguably undemocratic (see proposed section 16AA Corporations);*
- *The proposed system as described will create a large new workload and significant new costs to councils (see proposed sections 16AA-16AC, 16D, 18A-18E);*
- *The proposed system is difficult to interpret both for businesses as participants and councils as implementers with the multiple concepts ratepayers, rate paying leaseholders and occupiers (see Definitions regarding rate paying lessee and occupier);*

Mayoral Minute

6.1 City of Sydney Amendment (Elections) Bill 2014 (cont)

-
- *The proposed section on ensuring the non-residential roll electoral information register is not available for public inspection seems at odds with the practices relating to other electoral rolls (see proposed section 18D (5));*
 - *The proposed section on powers to pursue information may be giving too much power and subsequent responsibility to council (see proposed section 18D (6)).”*

The President has advised that Local Government NSW will continue work on the detail of what the Bill means and will continue to oppose those sections of the Bill which have a deleterious impact on local government.

As the Legislative Council is due to sit again on 9 September I have written to the Member for Kiama, Mr Gareth Ward, requesting that the relevant Bill be deferred so that proper consultation and public review can be undertaken. I now seek Council's endorsement of the action I have taken. I also recommend that Council forward a letter to all members of NSW Parliament opposing any proposal to alter the existing arrangements for voting in local government elections in relation to business and corporate entities being extra voting rights over residents and Australian citizens of a local government area in NSW.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes - August and September

Responsible Director: Engineering and Works

Attachments

- 1 August 2014 - Kiama Local Traffic Committee Minutes
- 2 September 2014 - Kiama Local Traffic Committee Minutes

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 12 August 2014, CR188 to CR196 and 9 September 2014 CR205 to 211 be received and accepted.

BACKGROUND

The Minutes of the Kiama Local Traffic Committee meeting of 12 August 2014 and 9 September 2014 are attached for information.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 12 AUGUST 2014

COMMENCING AT: Meeting commenced at 9.04am

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) and Joanne Henry (Minutes)

APOLOGIES: Kevin Brown (NSW Police Representative)

Councillor Way was in attendance for the full meeting.

Mr Geoff Senior, Duty Operations Manager Kiama and Oak Flats Stations, and Mr Trent McLennan representing Ambulance Service of NSW attended the meeting during discussion on Item 7 of the agenda. Following discussion on this matter, both Geoff and Trent left the meeting at 9.39am.

1 Minutes of Previous Meeting

CR188

Committee recommendation that the minutes from the 1 July 2014 meeting be received and accepted.

FORMAL ITEMS (UNDER RMS DELEGATIONS)

Discussion was held by the Committee regarding this matter.

2 Minnamurra Public School - Alternative Shared Pathway

CR189

Committee recommendation that:

- 1) the proposed design for the construction of an alternative shared pathway and fencing to separate pedestrians from passing and parked traffic in Railway Avenue, Minnamurra be endorsed; and
 - 2) the wording "rear to garden" be removed from the existing 90° regulatory parking signs.
-

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 12 AUGUST 2014

**3 Thirty Two (32) Lot Torrens Title Subdivision
Lot 5 DP628003 – 12 Elimatta Place Kiama (10.2013.137.1)**

CR190

Committee recommendation that:

- 1) the plan be approved for regulatory signage and linemarking for the new road extensions in Elimatta Place and Garden Avenue, Kiama;
 - 2) kerbside linemarking Type C3 and "No Stopping" regulatory signage be installed at both turning heads; and
 - 3) the number of "No Stopping" signs be reduced to the minimum required in conjunction with the C3 linemarking.
-

4 Kiama Leisure Centre - One-way Access Road

CR191

Committee recommendation that the existing two-way access road on the western side of the Kiama Leisure Centre be modified to a one-way access road from north to south.

5 Duguid Way Kiama Downs - No Stopping Zone

CR192

Committee recommendation that a new 'No Stopping' zone be created in the cul-de-sac Duguid Way, Kiama Downs.

6 Fern Street Gerringong - New Bus Zone

CR193

Committee recommendation that a new bus zone be created at the existing bus shelter in Fern Street, Gerringong (opposite Burra Place) from 7.00am–8.00am and 3.30pm–4.30pm Monday to Friday.

7 Shoalhaven Street Kiama – Ambulance Service of NSW

Geoff Senior outlined problems being experienced with vehicles restricting access for Ambulance vehicles to the Ambulance Station in Shoalhaven Street. Discussion was held by the Committee regarding linemarking and signage provision at this location.

A site inspection was conducted following the meeting.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 12 AUGUST 2014

CR194

Committee recommendation that:

- 1) Ambulance excepted signage be installed at the no right turn on Terralong Street/Shoalhaven Street;
 - 2) "Keep Clear" lettering be painted on the pavement fronting the Ambulance Station driveway in Shoalhaven Street; and
 - 3) Council investigate further treatment options in Shoalhaven Street including the use of centreline and edgeline markings, reduction in the length of the bus bay and adjustment of the adjoining driveway and bring back a report to the Committee.
-

INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)

1 Pedestrian Crossing – Greta Street Gerringong

CR195

Committee recommendation that:

- 1) a children's crossing be investigated at the existing crossing point in Greta Street; and
 - 2) a draft design and report be brought back to a future meeting.
-

2 Sandy Wha Estate – Corner Burnett Avenue and Fern Street Gerringong

Darrell Clingan tabled a request from a Gerringong resident who has concerns with the manner in which vehicles are exiting Burnett Avenue onto Fern Street, Gerringong.

CR196

Centre linemarking be installed in Burnett Avenue from the intersection of Fern Street to channel traffic in a safe manner.

LATE BUSINESS

Nil

There being no further business the meeting closed at 10.14am

The next meeting of the Committee will be held on Tuesday 9 September 2014

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 9 SEPTEMBER 2014

COMMENCING AT: Meeting commenced at 9.08am

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) and Joanne Henry (Minutes)

APOLOGIES: Kevin Brown (NSW Police Representative) and Janelle Burns (Road Safety Officer)

1 Minutes of Previous Meeting

CR205

Committee recommendation that the minutes of the 12 August 2014 meeting be referred to the 16 September 2014 Council meeting for endorsement.

FORMAL ITEMS (UNDER RMS DELEGATIONS)

**2 Jamberoo Action Park
Traffic Management Plan - End of 2013/14 Season Audit**

Council will monitor the Traffic Management Plan during the upcoming 2014/2015 summer season.

CR206

Committee recommendation that the Traffic Management Plan End of Season 2013/14 audit for the Jamberoo Action Park be noted.

3 Headland Drive Gerroa - No Stopping Zone

Bryan and Darren outlined the concerns raised by the Gerroa Community Association.

CR207

Committee recommendation that:

- 1 "No Stopping" signs and linemarking be installed on the southern side of Headland Drive, Gerroa between Crooked River Road and Riverleigh Avenue; and
 - 2 Council write to the Gerroa Community Association and local residents advising of the installation of signage and linemarking, prior to the works being undertaken.
-

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 9 SEPTEMBER 2014

**4 Convenience Shops – 160 Manning Street Kiama
Timed Parking Change**

A plan was tabled and Bryan outlined the concerns raised by shop owners in this vicinity.

CR208

Committee recommendation that:

- 1 the existing 30 minute timed limited parking be maintained in the parking zone fronting the convenience shops at 160 Manning Street, Kiama.
 - 2 Council Ranger Services be requested to undertake regular enforcement in this location.
-

5 Minnamurra Street Kiama – Bus Zone Time Restrictions

A plan was tabled and discussion held by the Committee.

CR209

Committee recommendation that the existing bus zone in Minnamurra Street, Kiama be modified to incorporate a timed bus zone restriction between the hours of 7.00am and 6.00pm only.

INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)

1 2015 Jamberoo Cyclette Event – September 2015

A plan was tabled and Darren outlined the details of the proposed bike event.

Rob Battocchio addressed the meeting from 9.57am and outlined the details of the event.

The Committee requested that further information and traffic control plans be provided to a future meeting for further consideration.

Following detailed discussion by the Committee, Robert left the meeting at 10.29am.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE
ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 9 SEPTEMBER 2014

LATE BUSINESS

1 Parking – Kiama High School

CR210

Committee recommendation that Council write to Kiama High School requesting consideration be given to the provision of student parking and encouraging students to utilise the student carparking provided by Council.

2 Burnett Avenue Gerringong

Darrel advised that residents in Burnett Avenue had raised traffic concerns with vehicles cutting the corner and crossing to the wrong side of the road in the vicinity of number 26 Burnett Avenue.

CR211

Committee recommendation that Council investigate the provision of additional linemarking in the vicinity of number 26 Burnett Avenue, Gerringong.

There being no further business the meeting closed at 10.32am

The next meeting of the Committee will be held on Tuesday 7 October 2014.

7.2 Blue Haven Minutes

Responsible Director: Corporate and Commercial Services

Attachments

1 Blue Haven Retirement Village Committee Minutes - 3 September 2014

Enclosures

Nil

RECOMMENDED

That the Minutes of the Blue Haven Retirement Village Committee Meeting held on 3/09/14 be received and accepted.

BACKGROUND

Blue Haven Retirement Village Committee Minutes of 3 September 2014 are enclosed in Councillors' are attached for information.

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD
ON WEDNESDAY 3 SEPTEMBER 2014**

COMMENCING AT: 6:00pm

PRESENT: Mr I Pullar, Clr N Reilly, Mr B Wilson, Mrs J Bartlett, Mrs C Rogers, Mrs C Crow-Maxwell, Mrs N Brennan, Clr B Petschler, Mrs P Waters, Mrs L Humphries, Clr K Rice, Mr M Forsyth, Mr S Dawson

APOLOGIES: Mr A Fowlie, Mrs F Whittaker

1 Minutes of Previous Meeting (SC657)

CR 197

Committee Recommendation that the information be noted.

2 Notes From Residents' Discussion Forum (SC657)

CR 198

Committee Recommendation that the information be noted.

3 Friends of Blue Haven (SC659)

CR 199

Committee Recommendation that the information be noted.

Director of Nursing and Hostel Supervisor's Report

- 1 Staffing Students & Training
- 2 Occupancy/Vacancies
- 3 Electronic Rostering/Payroll
- 4 Unannounced Accreditation Visits
- 5 Residential Aged Care Service ID Number

CR 200

Committee Recommendation that Items 1- 5 be noted.

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD ON
WEDNESDAY 3 SEPTEMBER 2014**

CHIEF EXECUTIVE OFFICER'S CONFIDENTIAL REPORT

**1 Blue Haven Village (SC658)
Independent Living Units**

CR 201

Committee Recommendation that the information be noted.

**2 Blue Haven Village (SC658)
Independent Living Units**

CR 202

Committee Recommendation that the proposed changes to the policies under which Blue Haven Independent Living Units are allocated be implemented from 1 January 2015.

**3 Blue Haven (SC657)
Aged Care Facility Redevelopment**

CR 203

Committee Recommendation that the steps taken to progress the project to date be endorsed.

**4 Blue Haven Village (658)
Mission Statement**

CR 204

Committee Recommendation that the suggested changes to the draft Mission Statement, as discussed at the meeting, be circulated to all Committee members for comment, in order that Council may determine the final form of the Mission Statement for incorporation in the presentation of Blue Haven's Annual Report on 1 October 2014.

There being no further business
the meeting closed at 7:05pm



Michael Forsyth
General Manager

8 PUBLIC ACCESS REPORTS

Committee Of The Whole

RECOMMENDATION

That Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Director Environmental Services
- Report of the General Manager
- Report of the Director Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Reports for Information
- Addendum to Reports

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Prohibition of camping and other activities - Bombo Beach - Lot 1 DP744712

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.6 Recognise and promote community safety throughout the Municipality

Delivery Program: 1.6.3 Enforce and comply with public health and safety legislation

Summary

This report outlines information and recommendations that will enable Council to prohibit camping and the lighting of fires, on land located on the northern end of Bombo Beach and to take enforcement action under the provisions of the Local Government Act 1993, if required.

Finance

Funds of \$500 will be required to cover expenditure involved in the supply and erection of enforcement signage. This expenditure will be financed from Council's 2014/15 Environmental Services budget.

Policy

To enable enforcement action to be taken, Council must adopt a policy that makes camping and the lighting of fires, prohibited activities under Section 632 of the Local Government Act 1993. Council must also resolve to erect enforcement notices (signs) in the area where these activities are prohibited.

Attachments

- 1 Sydney Water land Bombo headland - map 1
- 2 legal advice from RMB Lawyers

Enclosures

Nil

RECOMMENDATION

That:

- 1) Camping and the lighting of fires on land at the northern end of Bombo Beach, described as Lot 1 DP 744712 and as indicated in Attachment 1- Map 1 of this report, become prohibited activities under section 632 of the Local Government Act 1993
- 2) Council erect notices (signs) in accordance with the provisions of section 670 of the Local Government Act 1993 indicating that camping and the lighting of fires are prohibited activities on land described as Lot 1 DP 744712 and as indicated in Attachment 1 - Map 1 of this report.
- 3) The proposal to make the area at the northern end of Bombo Beach

Report of the Director Environmental Services

9.1 Prohibition of camping and other activities - Bombo Beach - Lot 1 DP744712 (cont)

described as Lot 1 DP 744712 and as indicated in Attachment 1 - Map 1 of this report as an Alcohol Prohibited Area, be referred to the Local Area Command of Police for consideration.

- 4) Council's Traffic Committee investigate and report back to Council on the application of parking time limitations on this site.

BACKGROUND

Council at its previous meeting of May 2014 considered a report prepared by the Director of Engineering and Works, on investigations specific to the installation of a sewer dump point at the northern end of Bombo Beach.

This report also highlighted that during the 2013-14 summer holiday period, Council has received numerous complaints from local residents about the impact of camping including disturbance to local residence, fires, noise, scattering of rubbish, the drinking of alcohol, the condition of amenities and restricted local access to parking. Also additional cleaning costs associated with litter collection and amenities cleaning had been incurred.

It was considered that the installation of a sewer dump point is expected to increase the use of the area for camping, further exacerbating the above problems.

Council subsequently resolved:

1. not proceed with the installation of a sewer dump point at north Bombo beach for the reasons outlined in this report;
2. investigate suitable locations, removed from the coastal and commercial centres of the Municipality, for the provision of a "primitive camping" site; and
3. investigate the formalisation of a primitive camping site at Kevin Walsh Oval which is compliant with the relevant legislation.

The roadside area near the Minnamurra Waste Depot was identified as a site for further investigation. The review of the suitability of this site is still being undertaken and will be reported to Council separately.

Prohibition on Camping and ability of Council to take enforcement action

The land at the north end of Bombo Beach as indicated in Attachment 1-Map 1 encompassing the toilet block, car parking, picnic facilities and walkways and described as Lot 1 DP744712 is land owned the Sydney Water Corporation. It is operated under a licence agreement with Council granted on 16 August 1988.

Legal advice was sought, whether Council has the power and authority to prohibit activities such as camping, the lighting of fires and the consumption of alcohol on this land and take enforcement action where applicable.

A response was received from RMB Lawyers, dated 31 July 2014 (Attachment 2) which confirms the following:

Offences under the Local Government Act 1993

- Part 2 of Chapter 16 of the Local Government Act 1993 deals with offences committed in public places.

Report of the Director Environmental Services

9.1 Prohibition of camping and other activities - Bombo Beach - Lot 1 DP744712
(cont)

-
- Section 632 states that "a person who, in a public place within the area of a council, fails to comply with the terms of a notice erected by the council is guilty of an offence". The maximum penalty for an offence under section 632 is 10 penalty units or \$1,100.
 - Public place is defined in the Dictionary to the Act and includes public land. Public land is also defined and means "any land (including a public reserve) vested in or under the control of the Council".

Therefore it is considered that the subject site constitutes public land. Also as it is under the control of Council by virtue of the licence agreement, Council can resolve to prohibit activities such as camping, and lighting of fires.

Section 632A (4) of the Local Government Act will enable Council to declare any public place or part of a place to be an Alcohol Prohibited Area. However this is subject to the prior consultation and a recommendation from the Local Area Commander of Police being first obtained.

It is proposed that this matter be referred to the Local Area Commander of Police for consideration and then reported to Council for its consideration.

Council also has the power to control the parking of vehicles in this area by using time restrictions. This will enable enforcement action to be taken if required, to address people sleeping in vehicles overnight.

However before this can occur the matter would have to be considered and recommended by Council's Traffic Committee prior to being reported to Council for its determination.

Enforcement under the Local Government Act 1993

By section 679 of this Act, Council's "authorised officers" can deal with offences under section 632 by issuing a penalty notice (PIN). The Local Government (General) Regulation 2005 sets a PIN penalty of \$110 for offences committed under section 632.

For this to be enforceable Council would first have to resolve what activities are to be prohibited under section 632 and erect notices (signs) in the area in accordance with the provisions as outlined in section 670 of this Act.

Once Council has resolved what activities are prohibited and notices have been erected in the correct manner, any subsequent instances of camping and other associated activities can be dealt with by the issue of a PIN or a caution.

Concurrence by Sydney Water Corporation

Correspondence was sent to Sydney Water Corporation, enclosing a copy of Council's legal advice and seeking concurrence to the proposal to prohibit camping and associated activities on the subject land to enable enforcement action to be taken by Council.

Correspondence has been received from Sydney Water advising that it has no objections to Council pursuing illegal camping enforcement under the Local Government Act. However, it was requested that Council notify Sydney Water before

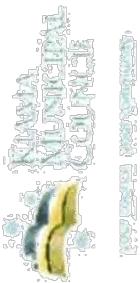
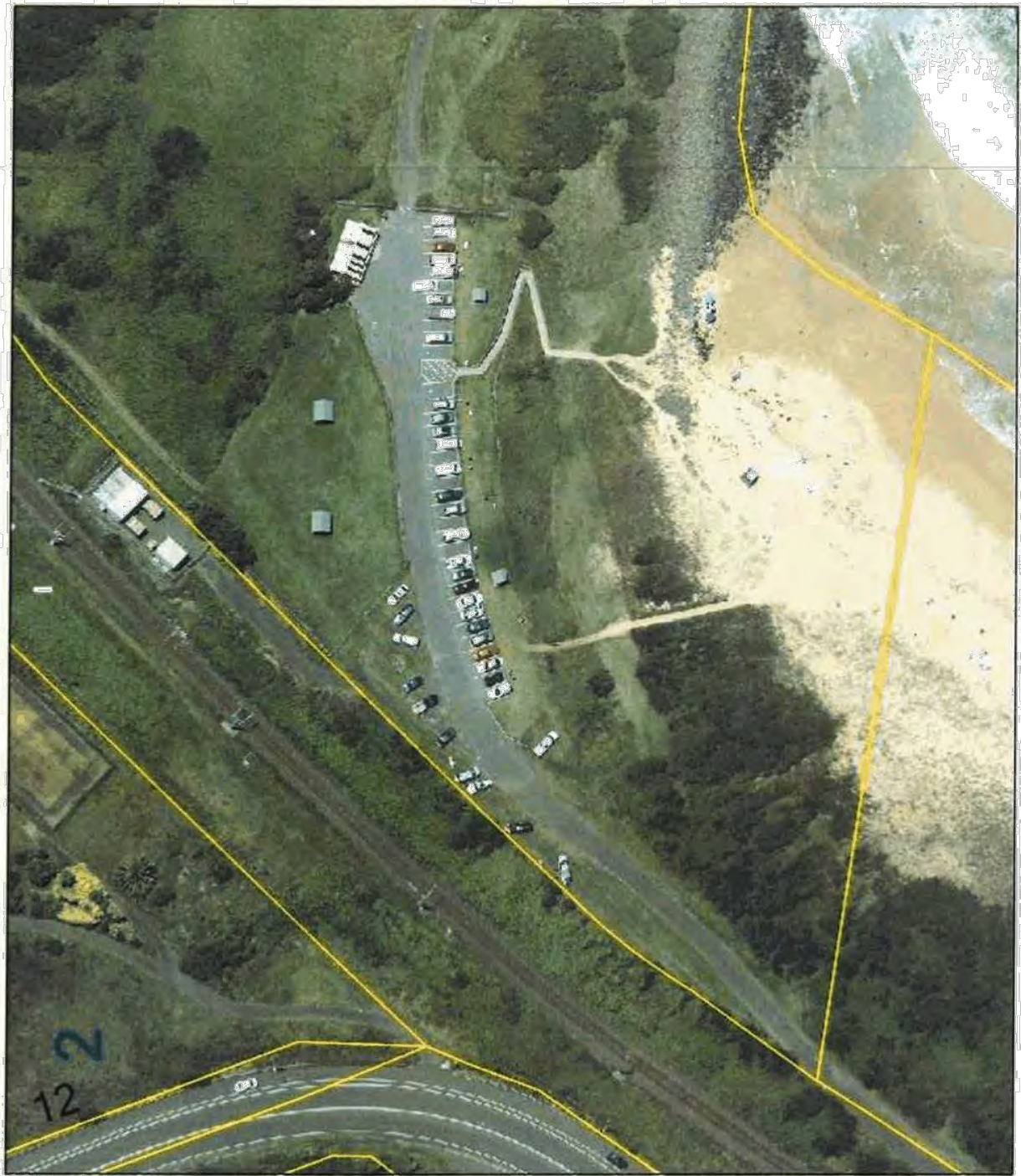
Report of the Director Environmental Services

9.1 Prohibition of camping and other activities - Bombo Beach - Lot 1 DP744712
(cont)

any enforcement action against individuals is commenced. A formal notification process will be established between Council's Ranger Services and Sydney Water.

It is therefore recommended that Council resolve that camping and the lighting of fires be declared prohibited activities at this site.

It is proposed that a communication plan will be developed and implemented, outlining Council's policy position and providing information why it applies, alternative locations where camping can occur and seeking compliance rather enforcement action.



Customer Enquiries
Phone: 0820 15 5074
Email: info@kwana.gov.au

Publicity, Media & News
Phone: 0820 15 5074
Email: media@kwana.gov.au

Public Works & Maintenance
Phone: 0820 15 5074
Email: publicworks@kwana.gov.au

Water Services
Phone: 0820 15 5074
Email: water@kwana.gov.au

Waste Services
Phone: 0820 15 5074
Email: waste@kwana.gov.au



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 DIANA DIETRICH
 ANNE BARLOW
 NAZLEY KHAN

Our Ref: TLE-AB-KMC/0001/0587

31 July 2014

The General Manager
 Kiama Municipal Council
 11 Manning Street
 KIAMA NSW 2533

Dear General Manager

Re: Illegal camping at Bombo Beach

We refer to Tim McLeod's email dated 11 July 2014.

We note Council's instructions to provide advice regarding the illegal use by members of the public of land located at the northern end of Bombo Beach for camping.

The land in question is owned by Sydney Water Corporation and is licensed to Council for the purposes of "vehicular parking, amenity block, coastal walking track, cycleway, and exercising dogs".

Council is concerned with the high incidence of camping activity in the area and is keen to explore avenues to manage the situation.

Offences under the Local Government Act 1993

Part 2 of Chapter 16 of the *Local Government Act 1993* deals with offences committed in public places.

Section 632 states that "a person who, in a public place within the area of a council, fails to comply with the terms of a notice erected by the council is guilty of an offence". The maximum penalty for an offence under section 632 is 10 penalty units or \$1,100.

Public place is defined in the Dictionary to the Act and includes *public land*.

Public land is also defined and means "any land (including a public reserve) vested in or under the control of the council".

KIAMA: 66 COLLINS STREET KIAMA NSW 2533 • PO BOX 95 KIAMA NSW 2533
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The subject site constitutes public land as it is under the control of Council by virtue of the licence agreement.

Enforcement under the Local Government Act 1993

By section 679 of the Act, Council officers can deal with offences under section 632 by issuing a penalty notice (PIN). The *Local Government (General) Regulation 2005* sets a PIN penalty of \$110 for offences committed under section 632.

If Council has not already erected notices in the area clearly stating that camping is prohibited, it should do so having regard to section 670, which reads:

"(1) A person who fails to comply with the terms of a notice or sign referred to in this Chapter is not guilty of an offence unless the notice or sign:

- (a) is clearly legible, and*
- (b) where it relates to:
 - (i) the whole of a parcel of public land, is exhibited at each entrance to the parcel of public land or in a conspicuous place in or in the vicinity of the parcel of public land, or*
 - (ii) part only of a parcel of public land, is exhibited at each entrance to that part or in a conspicuous place in or in the vicinity of that part, or*
 - (iii) a building, is exhibited (as may be appropriate) either inside or at or near the entrance to the building.**

"(2) The council has the onus of proving that the notice or sign complies with this section."

Once notices have been erected in the correct manner, any subsequent instances of camping can be dealt with by the issue of a PIN.

Notwithstanding the entitlement of Council to issue PINs, Council should be aware that those using the area for camping purposes are likely to be transient and will move on. Many are overseas visitors. This may make it difficult for Council to be able to recover the penalty imposed by the PIN. However, the mere presence of the signs may be of themselves enough to discourage travellers to use the area for camping.

Yours faithfully


Tanya Emmett
Direct Line: (02) 4232 0821
Email: tanya@rmblawyers.com.au



We invite you, your family, friends and work colleagues to 'Ask us a Question' on our website at www.rmblawyers.com.au or by downloading our free RMB Lawyers iPhone application and receive an answer free of charge without obligation within 48 hours.

9.2 Finalisation of Planning Proposal for Lot 20 DP1151501 Caliope Road Kiama

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.3 Prepare and process planning proposals in a timely manner in accordance with the Environmental Planning and Assessment Act requirements

Summary

A draft planning proposal for part of Lot 20 DP 1151501 Caliope Road, (known hereafter as ‘the subject site’ (Attachment 1) was considered and endorsed by Council on 19 November 2013.

The subject site is identified as Site 16 in the Kiama Urban Strategy. The planning proposal aims to rectify a zoning anomaly on the subject site by applying the R2 zoning and associated planning controls to the whole of Lot 20 DP 1151501.

A Gateway Determination was issued on 24 March 2014, which indicated that no public exhibition was required, (Attachment 2). A Parliamentary Opinion was given on 18 June 2014 stating that the plan could be legally made (attachment 3). The amending LEP maps have now been finalised and a resolution to adopt and finalise this LEP amendment is now sought.

Finance

N/A

Policy

N/A

Attachments

- 1 Subject site showing zoning anomaly
- 2 Gateway Determination - dated 24 March 2014
- 3 Parlimantary Counsel Opinion - dated 18 June 2014

Enclosures

Nil

RECOMMENDATION

That Council:

- (1) adopt the planning proposal submitted for Lot 20 DP 1151501 Caliope Road, aimed at rectifying a zoning anomaly on the subject site by applying the R2 zoning and associated planning controls to the whole of the subject lot.
- (2) amend the planning proposal and correct the mapping anomalies over Caliope Road, Kiama by rezoning the whole of Lots 21 to 24 DP 1155392

Report of the Director Environmental Services

9.2 Finalisation of Planning Proposal for Lot 20 DP1151501 Caliope Road
Kiama (cont)

from RU2 Rural Landscape to R2 Low Density Residential along with accompanying maps and Council consult directly with the landowners of the affected 4 lots.

- (3) exercise plan making delegations for this LEP amendment and proceed with finalisation of this matter in accordance with conferred delegations.

Reason for report to Council

In accordance with adopted policy, Council is required to adopt this Local Environmental Plan (LEP) and process under delegations granted by the Minister of Planning.

Background

This draft planning proposal for the subject site was considered and endorsed by Council on 19 November 2013.

As a brief background to the planning proposal; the site was assessed as suitable for residential development as part of the Urban Strategy process, and the majority of the subject lot was zoned R2 Low Density residential under LEP 2011. However the R2 Low Density zoning and planning controls were not applied to the whole of the lot, leaving two irregular shaped portions of land on the southern and eastern boundary which are now zoned RU2 Rural Landscape (with a minimum lot size of 40 ha). The two portions of RU2 zoned land on the southern and eastern boundaries of the site total 1447m² (out of a total 1.1 hectares), and have been left with a rural zoning and a minimum lot size of 40 ha.

This planning proposal aims to rectify this anomaly by applying the R2 zoning and associated planning controls to the whole of Lot 20 DP 1151501. The subject site is identified as Site 16 in the Kiama Urban Strategy.

On 19 November 2013 Council considered a report reviewing the planning proposal including assessment of the applicants' specialist consultant reports. Council resolved to support this proposal and proceed towards a Gateway Determination (recommendation CR381):

- "1) Council endorse this Planning Proposal to proceed to the Department of Planning and Infrastructure for Gateway Determination.
- 2) Staff prepare the Gateway Report, SEPP Compliance Report and Section 117 Direction Compliance Report in order for this Proposal to proceed to Gateway Determination."

In line with these recommendations:

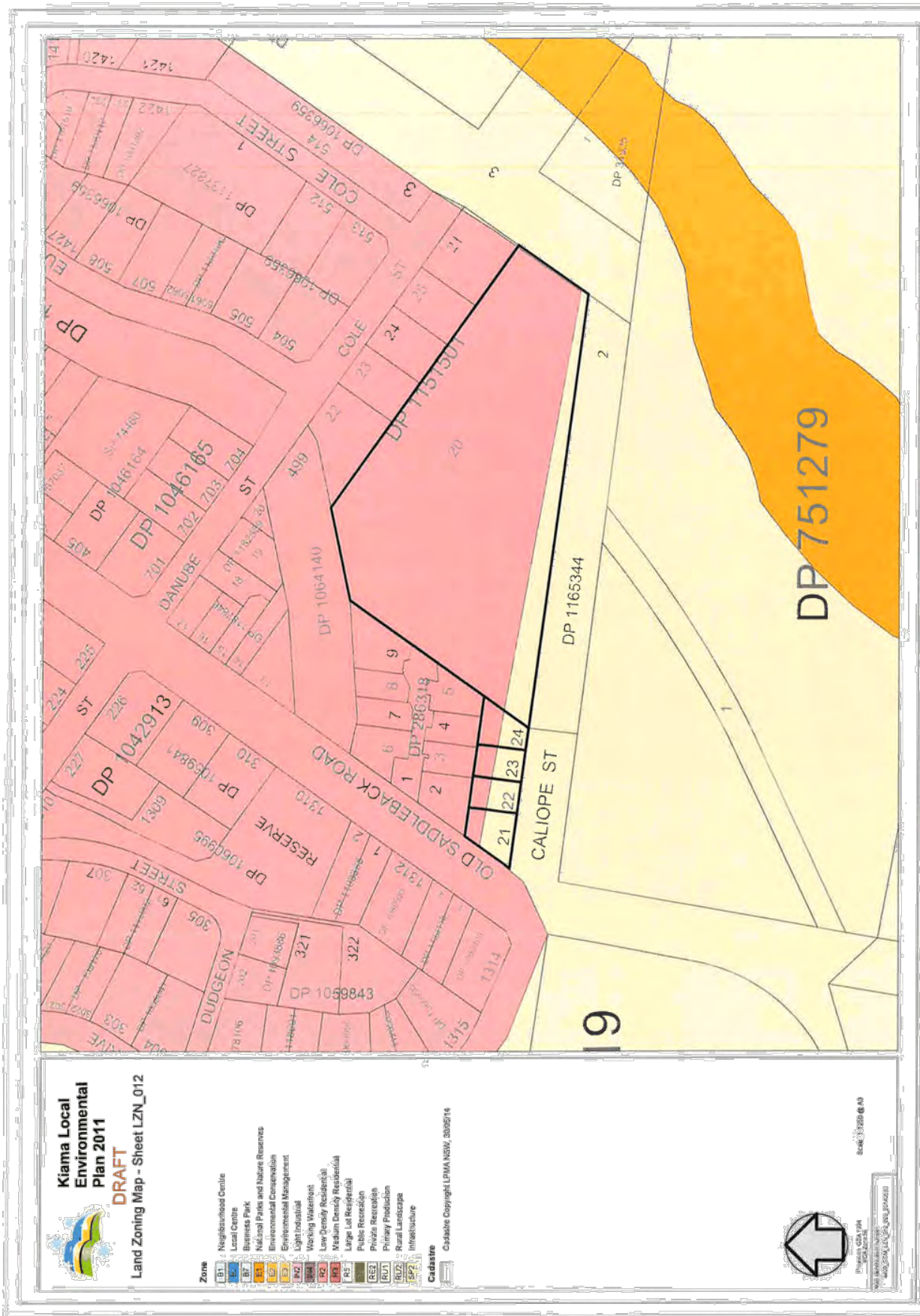
- A Gateway Determination was issued on 24 March 2014, as outlined in attachment 2 of this report, which indicated that no public exhibition was required. The determination was subject to Council amending the Planning Proposal to also correct the mapping anomaly over 4 lots, by rezoning the whole of Lots 21 to 24 DP 1155392 from RU2 Rural Landscape to R2 Low Density Residential. Council is also to amend accompanying maps accordingly and consult directly with the landowners of the affected 4 lots.

Report of the Director Environmental Services

9.2 Finalisation of Planning Proposal for Lot 20 DP1151501 Caliope Road
Kiama (cont)

-
- A Parliamentary Opinion was given on 18 June 2014 stating that the plan could be legally made.
 - A section 117 Direction has report has been prepared by staff.
 - The amending LEP maps have now been finalised.

A resolution to adopt this LEP amendment is now sought and in accordance with the Gateway Determination requirements of the Deputy Director-General, Growth Planning and Delivery NSW Planning and Infrastructure, dated 24 March 2014.





Contact: Lisa Kennedy
Phone: (02) 4224 9450
Fax: (02) 4224 9470
Email: Lisa.Kennedy@planning.nsw.gov.au
Postal: PO Box 5475, Wollongong NSW 2520

Mr Michael Forsyth
General Manager
The Council of the Municipality of Kiama
PO Box 75
KIAMA NSW 2533

Our ref: PP_2014_KIAMA_001_00 (14/01255)
Your ref: KB:FC -

Dear Mr Forsyth,

Planning proposal to amend Kiama Local Environmental Plan 2011

I am writing in response to your Council's letter dated 7 January 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to correct a mapping anomaly and zone the entire site at 15 Caliope Road, Kiama to R2 Low Density Residential, apply a minimum lot size of 450sqm, a maximum building height of 8.5m and a maximum floor space ratio of 0.45:1 over the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the variations outlined in the conditions in the attached Gateway determination.

I understand that the mapping anomaly over 15 Caliope Road, Kiama also extends over four adjoining lots. Consequently, Council is to amend the planning proposal to also correct the mapping anomaly over these four lots, by rezoning the whole of Lots 21 to 24 DP 1155392 from RU2 Rural Landscape to R2 Low Density Residential. Council is to amend accompanying maps accordingly and consult directly with the land owners of the affected four lots.

It is noted that this proposal is addressing a mapping anomaly and seeks to restore land that was previously zoned for residential purposes. Therefore, it is considered that public exhibition and consultation with public authorities is not required in this instance. Due to the minor nature of the proposal, it is also considered that no further studies or reports are required to be undertaken to support the proposal. Council is to consider the need to undertake supporting studies in any future planning proposals which should correspond with the complexity of the proposal.

I have agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by the Kiama Urban Strategy and are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Where a planning proposal deals with a matter that is of local planning significance, Council is reminded to request the use of its delegation and fill out the form, 'Attachment 4 – Evaluation criteria for the issuing of an authorisation', which can be found in *A Guide to preparing local environmental plans* (Planning and Infrastructure, 2013).

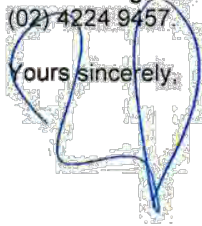
Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6455 Website: www.planning.nsw.gov.au

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to Planning and Infrastructure for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Lisa Kennedy of the Planning and Infrastructure regional office to assist you. Ms Kennedy can be contacted on (02) 4224 9457

Yours sincerely,



24/3/14

Richard Pearson
Deputy Director General
Growth Planning & Delivery

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Agency Ref: PP_2014_KIAMA_001_00): to zone land at Caliope Road, Kiama for residential purposes and amend applicable development standards.

I, the Deputy Director General, Growth Planning and Delivery at Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to correct a mapping anomaly and zone the entire site at 15 Caliope Road, Kiama to R2 Low Density Residential, apply a minimum lot size of 450sqm, a maximum building height of 8.5m and a maximum floor space ratio of 0.45:1 over the subject land should proceed subject to the variations as outlined in the following conditions:

1. Council is to amend the planning proposal and accompanying maps to include and correct the mapping anomaly of Lots 21-24 DP1155392 by rezoning the land from RU2 Rural Landscape to R2 Low Density Residential. Council is to notify/consult the landowners of these additional four lots.
2. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

24

day of

March

2014.



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

Delegate of the Minister for Planning & Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Kiama City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_KIAMA_001_00	Planning proposal to zone land at Caliope Road Kiama for residential purposes and amend applicable development standards

In exercising the Minister's functions under section 59, the Council must comply with the Planning and Infrastructure's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 24 March 2014

A handwritten signature in blue ink, appearing to read 'R. Pearson', written over a faint grid background.

Richard Pearson
Deputy Director General
Growth Planning & Delivery
Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by Planning and Infrastructure following receipt of the planning proposal
- Planning and Infrastructure will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure Planning and Infrastructure's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to Planning and Infrastructure with the RPA's request to have the LEP notified

Table 1 – To be completed by Planning and Infrastructure

Stage	Date/Details
Planning Proposal Number	PP 2014 KIAMA 001 00
Date Sent to P&I under s56	07/01/2014
Date considered at LEP Review Panel	06/03/2014
Gateway determination date	24/03/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to P&I requesting notification		

Table 3 – To be completed by Planning and Infrastructure

Stage	Date/Details
Notification Date and details	

Additional relevant information:



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Kiama Local Environmental Plan 2011 (Amendment No 2)

Your ref: Kim Bray/Peta Brooks
Our ref: FHG e2014-172-d03

In my opinion the attached draft environmental planning instrument may legally be made.

When the instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'D. Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel
18 June 2014



New South Wales

Kiama Local Environmental Plan 2011 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

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Kiama Local Environmental Plan 2011 (Amendment No 2) [NSW]

Kiama Local Environmental Plan 2011 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Kiama Local Environmental Plan 2011 (Amendment No 2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land at Kiama:

- (a) Lots 21–24, DP 1155392, 1–7 Caliope Road,
- (b) Lot 20, DP 1151501, 15 Caliope Road.

4 Maps

The maps adopted by *Kiama Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Page 2

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9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

Council at its meeting 19 August 2004 considered Development Application 10.2014.81.1 which sought consent for demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision. Council deferred this matter to allow further negotiation with the proponent about opportunities to lower the height of the development to be more consistent with the current view sharing principles endorsed by the Land and Environment Court. The applicant has advised Council in writing of their willingness to lower the height of the proposal by one (1) metre to satisfy the requirements of the Land and Environment Court view sharing principles.

The report recommends that Council:

- approve a 'deferred commencement' consent for Development Application 10.2014.81.1 subject to the inclusion of the 'draft' conditions of consent at the end of this report, which includes a consent condition requiring a maximum ridge height of R.L 41.400, and
- approve plans and specifications, which indicate the maximum ridge height requirement has been met, prior to the issue of an 'operational consent'.

Finance

Section 94 contributions are applicable.

Policy

N/A

Attachments

- 1 10.2014.81.1 - Report to Council 19 August 2014
- 2 10.2014.81.1 - letter from applicant dated 31 August 2014
- 3 10.2014.81.1 - markup of front elevation indicating proposed changes
- 4 10.2014.81.1 - markup of rear elevation indicating proposed changes
- 5 10.2014.81.1 - markup of southwest elevation indicating proposed changes
- 6 10.2014.81.1 - markup of northeast elevation indicating proposed changes

Enclosures

Nil

Report of the Director Environmental Services

- 9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1) (cont)
-

RECOMMENDATION

That Council pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 approve a 'deferred commencement' consent for Development Application 10.2014.81.1 subject to the inclusion of the 'draft' conditions of consent at the end of this report, which includes a consent condition requiring a maximum ridge height of R.L 41.400. Plans and specifications, which indicate the maximum ridge height requirement has been met, are required to be submitted to Council prior to the issue of an 'operational consent'.

BACKGROUND

Applicant/Owner: M & R Mosley

Council at its meeting 19 August 2014 considered a report for Development Application 10.2014.81.1 for "Demolition of an existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision at No. 4 -6 Gura Street Kiama" and resolved that "Council defer this matter to allow further negotiation with the proponent about opportunities to lower the height of the development to be more consistent with the current view sharing principles endorsed by the Land and Environment Court".

The previous report to Council is located in the Attachments and should be read in conjunction with this report.

Outcome of negotiations

In accordance with the resolution, Council's assessing officer met with one of the applicants and negotiated the lowering of the overall roof height of the proposal by an additional one (1) metre. The lowering will be achieved by using concrete slab construction (rather than bearers and joists) and excavating the proposal a further 700mm into the ground. The lowering will result in additional and higher retaining walls being required in the design, a reconfiguration of the internal layout, increased costs for excavation into rock and view loss for the ground floor of both dwellings.

Due to time constraints and the large costs involved in amending the drawings, and with no guarantee of an approval being granted, the applicants are reluctant to formally amend their plans. However, markups of the previously submitted elevations were provided to Council which indicated a change to the maximum ridge height from R.L. 42.400 to R.L. 41.400. The marked up elevations are located within the Attachments to this report. It is proposed that should Council find the changes in levels satisfactory, that a 'deferred commencement' consent be approved with a consent condition requiring a maximum ridge height of R.L 41.400.

Impacts to No 8 Fitzroy Street

A review of development history on No. 8 Fitzroy Street indicates that the dwelling which currently occupies the site was approved by Council at its meeting 21 July 1998 in development application BA126/1998. The proposal involved the replacement of a single storey dwelling with a two storey dwelling. An objection

Report of the Director Environmental Services

- 9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1) (cont)
-

based on view loss of the harbour was raised by the rear neighbor; however, Council recommended approval of the development application that included a variation to the floor space ratio. The development precedes the Land and Environment Court (LEC) view sharing principles.

The maximum ridge height of the existing development at No 4-6 Gura Street is R.L. 40.390 and the proposal in its recently amended form is proposed to be 1.010 metres higher. Height poles were installed by the applicant and an on-site inspection by Council officers was undertaken in the company of the owners of No 8 Fitzroy Street to determine the impacts of the amended proposed level. Using a survey staff and information obtained from the submitted survey plan the resulting impacts were a loss of view of the harbour foreshore and tourist cabins; however, a view of the lighthouse, harbour master's cottage, pines and seascape at the top of the headland and beyond were retained.

View Sharing Principles

The view sharing principles endorsed by the LEC relate to the court case *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (Tenacity) and was an appeal against the refusal by Warringah Council of a development application to demolish the existing building and erect a mixed use building containing ground floor commercial space and 18 apartments over two levels of basement parking for 41 cars on Lots 6, 7 and 8 DP 879859, known as 64-68 Pitt Road, North Curl Curl. The on-line transcript outlines the four steps used to assess view loss. The same four steps were considered in the previous report to Council. In regard to Step 4, paragraph 29 of Tenacity states:

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable"

In response to Step 4, it is considered that the proposal meets all planning controls and the lowering of the proposal by an additional one (1) metre will likely further reduce view loss impacts for No. 8 Fitzroy Street.

Final Comments and Conclusions

The amended proposal has been reviewed and the lowering of the proposed ridge height by one (1) metre is considered to be more consistent with the LEC view sharing principles than the previous version submitted to Council for its assessment. Approval of the design submitted with the report to Council dated 19 August 2014 with a maximum ridge height of R.L.41.400 is recommended for approval.

Draft Deferred Commencement Requirement

Report of the Director Environmental Services

- 9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1) (cont)
-

- (1) Prior to the issue of an operational development consent the applicant shall provide plans and specifications to Council for its approval which are consistent with the design included in the report to Council dated 19 August 2014 and also demonstrate that the maximum ridge height is no higher than R.L. 41.400 m (Australian Height Datum).

Draft Conditions of Development Consent**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.81.1 dated 16/09/2014 and on the application form except as amended by the following conditions:
- (2) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Gura Street and Fitzroy Street for the purpose of carrying out activities associated with the development.
- (3) There shall be no construction access to the site from Fitzroy Street unless written approval is received from Council a minimum of 48 hours beforehand.

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$5,771.74.**
- (2) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$783.10.**

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.
- In the case of work to be done by any other person, the Principal Certifying Authority:
- a Has been informed in writing of the person's name and owner builder permit number;
- or
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials
-

Report of the Director Environmental Services

- 9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1) (cont)
-

involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.

- (2) The developer shall lodge with Council a bond of \$3,000, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:-

- a There being no damage to the infrastructure within the road reserve.
 - b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
 - c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

- (4) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You must appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You must notify the Council of the appointment; and
 - d You must give at least two (2) days notice to Council of your intention to commence work.
- (5) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (6) The developer shall obtain a Construction Certificate prior to the commencement of any works.
-

Report of the Director Environmental Services

- 9.3 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision (10.2014.81.1) (cont)
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- (7) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.
- (8) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.

Demolition Works

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period.

- (2) Asbestos – Statement Required

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

Asbestos – Tip receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

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Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m² of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m² of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied.

Civil Engineering Design

- (1) The developer shall submit details of all civil engineering works, on engineering drawings, to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
- (2) Part road construction will be required along Fitzroy Street for the length of the property and proposed turning head. The work shall be designed in accordance with Bilkey Reilly & Associates plan reference 14003/C4. The design shall comply with the Kiama Development Control Plan 2012 supplementary document Kiama Development Code – D01 Geometric Road Design and be approved by Council prior to the issue of any Construction Certificate by Council or an Accredited Certifier.

All of the abovementioned work shall be completed prior to the issue of any Occupation Certificate.

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "Driveway and Footpath Works Procedure Manual".
- (2) The access driveway shall be constructed to meet the design requirements of Council's "Driveway and Footpath Works Procedure Manual". The access driveway shall be installed prior to the issue of any Occupation Certificate.
- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

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Car Parking and Vehicular Access

- (1) Car parking and maneuvering shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking.

Stormwater Management

- (1) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Accredited Certifier for approval prior to the issue of the Construction Certificate.
- (2) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate.
- (3) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.
- (4) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012. Detail shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.
- (5) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (6) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of Section D5 Stormwater Drainage of the Kiama Development Code as appended to Kiama Development Control Plan 2012 as per the details noted June 2014 Stormwater Management Concept Plan. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.
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Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (2) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (3) No vibratory rollers are to be used during the construction of this subdivision work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
- (4) All new construction work shall make smooth junctions with existing work.
- (5) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Certifying Authority.

Utility Servicing

- (1) The developer shall bear the cost of relocation of any service utilities required.
- (2) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Gura Street and Fitzroy Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate shall be provided for each service and shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.

Inspections

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
 - (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
 - (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
-

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- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.
 - (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
 - (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
 - Monday to Friday - 7.00 am to 5.00 pm
 - Saturdays - 8.00 am to 1.00 pmNo construction work is to take place on Sundays or Public Holidays.
 - (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.
 - (9) The fences, gates and latches for the swimming pool shall be provided and constructed in accordance with the provisions of Australian Standards AS1926 - Fences and Gates for Private Swimming Pools.
 - (10) All excavations shall be enclosed with a temporary fence during construction of the pool.
 - (11) The swimming pool shall not be filled with water until the permanent safety fence has been erected.
 - (12) An instructional poster for resuscitation which bears the words "Young Children Should Be Supervised When Using This Swimming Pool", together with details of resuscitation techniques for adults, children and infants shall be located in a prominent position within the pool enclosure.

Erosion and Sedimentation Controls / Soil and Water Management

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
 - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
 - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
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- d All the above requirements must be in place for the duration of the construction works.
- (2) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004) and Managing Urban Stormwater: Soils and Construction Volume 2 (Department of Environment and Climate Change 2007).
- All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.
- (3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Landscaping Works

- (1) All landscape areas shown on the approved landscape plans (drawing numbers 14-750/1) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials.
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-

- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
 - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed.

Prior to Occupation

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate. Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.
- (4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate.
- (5) Written certification from a Registered Surveyor confirming that the development has not exceeded a maximum ridge height of R.L. 41.400 m (Australian Height Datum) shall be submitted to Principal Certifying Authority prior to the issue of any Occupation Certificate.

Prior to Issuing of Strata Subdivision Certificate

- (1) The Strata Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Strata Subdivision Certificate:
 - a) A Final Plan of Subdivision and four (4) copies.
 - b) A Final Occupation Certificate for each dwelling.
 - c) Under the provisions of Section 88B of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favor of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system, associated stormwater drainage infrastructure and

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water quality system. The document shall meet the standard terms applied by Council and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B of the Conveyancing Act 1919.

- (3) The developer shall submit to the Council and the Principal Certifying Authority, prior to the release of the Strata Subdivision Certificate, a copy of a certified Works as-Executed (WAE) drawing including (but not limited to) the following:-
- a Final locations and reduced levels for all works associated with the development on public land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.

The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have not adverse impact on adjacent properties.

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CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

The Development Application is reported to Council as more than five submissions from the public have been received.

The report reviews Development Application 10.2014.81.1 which seeks consent for demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision. The report recommends that Council approve Development Application 10.2014.81.1.

Finance

Section 94 contributions are applicable.

Policy

N/A

Attachments

- 1 10.2014.81.1 - location map - 4-6 Gura Street Kiama
- 2 10.2014.81.1 - 4-6 Gura Street Kiama - Plans

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application No 10.2014.81.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the inclusion of the 'draft' conditions of consent at the end of this report.

BACKGROUND

Applicant/Owner: M and R Mosley

Development Site

The property is described as Lot 40, DP 1175501 which is located at No 4-6 Gura Street Kiama. The site is zoned R2 Low Density Residential pursuant to *Kiama Local Environmental Plan 2011*.

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The overall site measures 554.3m² and is irregular in shape. The site has a frontage of 15.94 metres to Gura Street to the east and a 5.485 metre frontage to Fitzroy Lane to the west. A circa 1980's two storey brick and tile dwelling and two detached garages and a shed are currently located on the site. Two storey residential development bounds the site to the north and south.

The land on the site falls approximately 6.6 metres diagonally from its north-west corner fronting Fitzroy Lane to its south-west corner fronting Gura Street. Vegetation on the site consists of lawns and fruit trees. The site is serviced by town water and sewer, electricity and telecommunications.

Description of the Proposed Development

The proposal involves the demolition of all existing structures on the site and the construction of a three storey (when viewed from Gura Street) attached dual occupancy. Unit 1 consists of three bedrooms, two bathrooms, a double garage and pool. Unit 2 consists of two bedrooms, two bathrooms, a single garage and pool. The garage for Unit 1 is accessed from Gura Street and for Unit 2 from Fitzroy Lane.

The proposed building is a contemporary coastal design which utilises Colorbond roofing, rendered fibre cement sheeting, glass balustrades, large glazed sliding doors and timber panelled garage doors. All walls are proposed to be finished in recessive colours.

The maximum ridge height of the existing development on the land is RL 40.390 metres and the maximum ridge height of the proposal is RL 42.400 metres, which is a difference of 2.010 metres.

A two lot Strata title subdivision is proposed following completion of the proposal.

The proposal will also require approximately five (5) metres of road construction in an unformalised section of Fitzroy Street to accommodate vehicle maneuvering for Unit 2.

Section 79C Assessment

The proposed development has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant:-

Relevant Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to the proposal.

- State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71)

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-

The site is located within the coastal zone, as defined by SEPP 71.

Consideration has been given to the objectives of the SEPP 71 and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of SEPP 71.

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)

A BASIX Certificate was lodged with the application which demonstrates that the dwelling has been designed in accordance with BASIX.

- Illawarra Regional Environmental Plan No 1 (IREP 1)

The proposal is consistent with the aims and objectives of IREP 1.

- Kiama Local Environmental Plan 2011

The subject land is zoned R2 Low Density Residential pursuant to Kiama Local Environmental Plan (LEP) 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses of Kiama LEP 2011 requiring consideration:

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The proposal does not exceed the height of 8.5m shown on the Height of Buildings Map.

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map. The proposal does not exceed the floor space ratio of 0.45:1 shown for land on the Floor Space Ratio map.

Clause 5.5 lists requirements for development within the coastal zone. The proposal is consistent with the objectives of the clause. It is considered that the proposal does not cause increased coastal hazards or adverse impacts by way of diminished foreshore access, treatment of effluent and disposal of stormwater.

Clause 5.9AA stipulates that trees or vegetation which are not of a species or kind prescribed for preservation in a development control plan may be cut down, lopped or removed. The proposal includes species on the site which are not included within the development control plan and are permitted to be removed as part of a development approval.

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Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The site is subject to Class 5 Acid Sulfate Soils and due to the nature of the works an Acid Sulfate Soils management plan is deemed not to be required.

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal meets with the objectives of the clause and the matters prescribed for consideration are deemed to be satisfied.

Any draft Environmental Planning Instruments

Nil

Any Development Control Plan

- Kiama Development Control Plan (DCP) 2012

The development application has been notified in accordance with Kiama DCP 2012.

The proposal has been assessed against the development controls listed within the relevant chapters of Kiama DCP 2012. It is considered that the proposal meets the development controls of Kiama DCP 2012 and where this does not occur it satisfies the relevant objectives.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

- NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

- Australian Standard AS 2601—1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601—1991: *The Demolition of Structures*.

Any Coastal Zone Management Plan

Nil.

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The Likely Impacts of the Proposed Development

- Design

It is considered that the proposal:

- shall be able to comply with the Building Code of Australia at the time of construction;
- adequately treats and drains stormwater;
- causes minimal visual impacts through its use of colour and material selection;
- provides for the health, safety, security and amenity of future occupants in its design;
- can be properly serviced by utility authorities;
- is not impacted by stormwater flooding; and
- is unlikely to cause any site contamination by the demolition works proposed.

- Context and Setting

The proposal is considered to be compatible with existing land uses and activities in the locality. There are no concerns raised in relation to visual or acoustic privacy from the proposed development. After construction has been completed, there are likely to be no impacts on the public domain. Shadow diagrams were supplied with the development application which indicates that the overshadowing impacts of the proposed development are within the guidelines stipulated by the NSW State Government.

- Views

The neighbor to the west of the proposal (No 8 Fitzroy Street) will experience view impact as the proposal will be approximately two (2) metres higher than the existing dwelling on the site. The height of the building will be approximately 0.5 metres below the allowable maximum height limit stated in Kiama LEP 2011.

A recognised method of assessing what is an acceptable amount of view loss is set out in the 'planning principle' of the NSW Land and Environment Court. The following table setouts the 'planning principle' steps in assessing view loss and the assessment response.

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Steps in Assessing View Loss	Assessment Response
<p><i>The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i></p>	<p>The neighbor currently has good views of Kiama Lighthouse and headland (approximately 850 metres), Black Beach (approximately 400 metres) and Kiama Town Centre (approximately 350 metres)</p>
<p><i>“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic. “</i></p>	<p>The views are experienced in a standing position, from the first storey outdoor and indoor living area and across the front boundary.</p>
<p><i>“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”</i></p>	<p>The proposal will cause a full loss of view to the Kiama Lighthouse and headland.</p>
<p><i>“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls</i></p>	<p>The proposal complies with all planning controls and has been redesigned from the original submission to what could be considered as low as possible without</p>

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would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbors. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

adversely affecting the internal amenity, access and streetscape.

It is considered that the view impact caused by the proposal is not significant enough to warrant refusal of the application.

- Traffic, Access, Parking and Transport

The proposal is unlikely to cause an increase in traffic that could not be accommodated on the existing road network.

The proposal provides sufficient accessibility for vehicles, pedestrians and bicycles.

A satisfactory amount of vehicle parking spaces, consistent with Kiama Development Control Plan 2012 has been proposed.

Public transport access is available in the locality.

- Environmental Impacts

No significant vegetation as described in Kiama LEP 2011 and Kiama DCP 2012 will be removed as a result of the proposal. Trees proposed for removal have been considered in accordance with AS 4970-2009 "Protection of trees on development sites" and granted permission accordingly.

It is considered unlikely that the proposal will disturb any native fauna or its habitat.

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- Social Impacts

The proposed development is considered unlikely to alter the current demographics within the locality and it is therefore considered that there will be no adverse social impacts if the application is approved.

- Economic Impacts

The proposed development is considered unlikely to cause adverse affects to existing or future businesses, employment generation or loss of property value if the application is approved.

- Construction Impacts

Construction activities have the ability to generate traffic, noise, dust and vibration; however, conditions of consent shall be imposed on the development consent to ensure that construction impacts upon neighbors are lessened.

Construction activities also have the potential to impact on soil and water resources by way of erosion and sedimentation; however, conditions of consent shall be imposed on the development consent if the application to prevent any significant impacts on soil and water resources.

- Operational Noise and Vibration

No on-going significant noise impacts are expected as a result of the development.

- Operational Waste

Satisfactory waste storage and collection has been considered, with there being no likely adverse impacts to the neighborhood.

- Utility Needs and Supply

It is considered that the utility demands of the proposal can be met through provision of existing service infrastructure and design requirements.

- Heritage

The Aboriginal, non-Aboriginal and natural heritage significance of the site has been assessed and it is considered the proposal will cause nil adverse effects.

The Suitability of the Site for the Development

It is considered that the proposal fits within the locality and the site attributes are conducive to this development.

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9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing
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subdivision (10.2014.81.1) (cont)

Submissions

Public Submissions

Notification letters were sent to neighboring property owners who were provided with fourteen (14) days in which to comment on the proposal. Six (6) objections were received and the issues raised are summarised in the table below with the assessment response following:

Matters of Concern	Assessment Response
The proposal will cause a considerable loss of views.	View loss has been discussed above and refusal of the development application cannot be warranted on this issue alone.
The proposal is higher than the existing development on the site and this will cause it dominate and overshadow the existing residence to the south.	The proposal complies with the maximum height shown on the Height of Buildings Map in Kiama LEP2011. Shadow diagrams were supplied with the development application which indicate that the overshadowing impacts of the proposed development are considered reasonable and within the guidelines stipulated by the NSW State Government.
Fitzroy Street is narrow and not suitable for access for the proposed development	The applicant has demonstrated on plans provided that access arrangements can meet current Australian Standards.
There is a lack of car parking in Fitzroy Street.	Unit 2 proposes vehicular access from Fitzroy Street and resident and visitor access from Gura Street. Unit 2 provides two (2) stacked off-street car parking spaces which is considered sufficient enough for the proposal.
Fitzroy Lane is not suitable during construction activities because of the level of service it currently provides to existing residents and the impacts that will cause.	Should the proposal be approved a consent condition could be placed on the Development Consent restricting construction access to occur from Gura Street.
A precedent will be set if this proposal is approved. The proposal for a modern styled dual occupancy development is not in character with the neighbourhood which contains heritage buildings in a heritage precinct. The proposal should have been referred to the National Trust.	The proposal is of a modern style that is likely to occur more and more in the locality as redevelopment occurs. Kiama LEP 2011 indicates that <i>dual occupancy</i> development is permissible on the site. The site does not adjoin any heritage buildings identified in Kiama LEP 2011. Heritage precincts have also not been

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Matters of Concern	Assessment Response
	identified anywhere in Kiama LEP 2011. There is no statutory requirement to refer the application to the National Trust, and if it were to be carried out, any requirements received would not be enforceable.
There has been insufficient time to respond to the neighbor notification.	The development application was notified in accordance with Kiama DCP 2012; however, as advertising was carried out during a period in which three public holidays occurred in a period of eleven days, delays may have been caused by Australia Post delivery schedules. To compensate for this, Council's assessing officer allowed additional time to ensure all objections could be lodged, and it should be noted that submissions were received from persons in the neighborhood who were not directly notified.

External Referrals

Nil

Internal Referrals

The application was referred to the following Council Officers for their consideration.

- Senior Development Assessment Officer – Building

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended for inclusion should the application be approved.

- Subdivision and Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended for inclusion should the application be approved.

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- Landscape Design Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended for inclusion should the application be approved.

- GIS Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended for inclusion should the application be approved.

The Public Interest

The proposal is considered to be consistent with all applicable Environmental Planning Instruments and the Kiama Development Control Plan 2012, 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 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with objectives of Kiama Local Environmental Plan 2011 and Kiama Development Control Plan 2012.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised.

Concerns raised in submissions have been properly considered and do not warrant refusal of the application.

The proposed development is considered reasonable and conditional approval is recommended.

Draft Conditions of Development Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.81.1 dated 19/08/2014 and on the application form except as amended by the following conditions.

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-
- (2) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Gura Street and Fitzroy Street for the purpose of carrying out activities associated with the development.
- (3) There shall be no construction access to the site from Fitzroy Street unless written approval is received from Council beforehand.

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$5,771.74**.
- (2) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$783.10**.

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
- i The licensee's name and contractor licence number;
 - ii That the licensee has complied with Part 6 of the Home Building Act 1989.

In the case of work to be done by any other person, the Principal Certifying Authority:

- a Has been informed in writing of the person's name and owner builder permit number;
 - or
 - b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.
- (2) The developer shall lodge with Council a bond of **\$3,000**, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council

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under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:

- a There being no damage to the infrastructure within the road reserve.
 - b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
 - c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

- (4) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days notice to Council of your intention to commence work.
- (5) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (6) The developer shall obtain a Construction Certificate prior to the commencement of any works.
- (7) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

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9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision (10.2014.81.1) (cont)

-
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.
- (8) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.

Demolition Works

(1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period.

(2) Asbestos – Statement Required

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

Asbestos – Tip receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal

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- 9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision (10.2014.81.1) (cont)

of the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m² of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m² of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied.

Civil Engineering Design

- (1) The developer shall submit details of all civil engineering works, on engineering drawings, to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
- (2) Part road construction will be required along Fitzroy Street for the length of the property and proposed turning head. The work shall be designed in accordance with Bilkey Reilly & Associates plan reference 14003/C4. The design shall comply with the Kiama Development Control Plan 2012 supplementary document *Kiama Development Code – D01 Geometric Road Design* and be approved by Council prior to the issue of any Construction Certificate by Council or an Accredited Certifier.

All of the abovementioned work shall be completed prior to the issue of any Occupation Certificate.

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's *"Driveway and Footpath Works Procedure Manual"*.

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- 9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision (10.2014.81.1) (cont)

-
- (2) The access driveway shall be constructed to meet the design requirements of Council's *"Driveway and Footpath Works Procedure Manual"*. The access driveway shall be installed prior to the issue of any Occupation Certificate.
- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

Car Parking and Vehicular Access

- (1) Car parking and maneuvering shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking.

Stormwater Management

- (1) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Accredited Certifier for approval prior to the issue of the Construction Certificate.
- (2) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate.
- (3) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.
- (4) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012. Detail shall be submitted

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- 9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision (10.2014.81.1) (cont)

to the Accredited Certifier for approval prior to the issue of the Construction Certificate.

- (5) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (6) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of Section D5 Stormwater Drainage of the Kiama Development Code as appended to Kiama Development Control Plan 2012 as per the details noted June 2014 Stormwater Management Concept Plan. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Accredited Certifier for approval prior to the issue of the Construction Certificate.

Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (2) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (3) No vibratory rollers are to be used during the construction of this subdivision work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
- (4) All new construction work shall make smooth junctions with existing work.
- (5) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Certifying Authority.

Utility Servicing

- (1) The developer shall bear the cost of relocation of any service utilities required.

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- 9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision (10.2014.81.1) (cont)

-
- (2) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Gura Street and Fitzroy Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate shall be provided for each service and shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.

Inspections

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.
- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- Monday to Friday 7.00 am to 5.00 pm
 - Saturdays 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays.

- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for

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- 9.1 Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision (10.2014.81.1) (cont)

disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

- (9) The fences, gates and latches for the swimming pool shall be provided and constructed in accordance with the provisions of Australian Standards AS1926 - Fences and Gates for Private Swimming Pools.
- (10) All excavations shall be enclosed with a temporary fence during construction of the pool.
- (11) The swimming pool shall not be filled with water until the permanent safety fence has been erected.
- (12) An instructional poster for resuscitation which bears the words "*Young Children Should Be Supervised When Using This Swimming Pool*", together with details of resuscitation techniques for adults, children and infants shall be located in a prominent position within the pool enclosure.

Erosion and Sedimentation Controls/Soil and Water Management

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
 - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - d All the above requirements must be in place for the duration of the construction works.
- (2) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction* Volume 1 (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction* Volume 2 (Department of Environment and Climate Change 2007).

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.

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-
- (3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Landscaping Works

- (1) All landscape areas shown on the approved landscape plans (drawing numbers 14-750/1) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials.
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
 - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

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Any such sign is to be removed when the erection or demolition of the building has been completed.

Prior to Occupation

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate. Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.
- (4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate.

Prior to Issuing of Strata Subdivision Certificate

- (1) The Strata Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Strata Subdivision Certificate:
 - a) A Final Plan of Subdivision and four (4) copies.
 - b) A Final Occupation Certificate for each dwelling.
 - c) Under the provisions of Section 88B of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favor of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system, associated stormwater drainage infrastructure and water quality system. The document shall meet the standard terms applied by Council and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B of the Conveyancing Act 1919.
- (3) The developer shall submit to the Council and the Principal Certifying Authority, prior to the release of the Strata Subdivision Certificate, a copy of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:

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- a Final locations and reduced levels for all works associated with the
development on public land; and
- b In contrasting coloured ink, all changes to the Approved Drawings and
actual values of all levels shown on the Drawings.

The WAE drawing shall be signed by a Registered Surveyor or Chartered
Professional Engineer and certified that all the work as completed, including
variations, meets the original intent of the Approved Drawing and will have no
adverse impact on adjacent properties.

Michael & Rhonda Mosley

4 Gura St Kiama NSW 2533

Phone 0242323877

Mbl 0418361480

31 August 2014

Mark Biondich

Kiama Municipal Council

11 Manning St

Kiama NSW 2533

RE: Lot 40 DP 1175501- 4-6 Gura St Kiama (10.2014.81.1) Proposed 2 storey (three-level) strata title dual occupancy.

Dear Mark,

Further to our negotiations/discussions on Friday 29/8/2014 we advise that we are willing to lower the overall height of the main dwelling area (excluding the rear garage of unit 2) by 1m to improve the outlook of our rear neighbour at No 8 Fitzroy St. To do so we are modifying internal design by lowering the ceiling heights, using slab rather than bearers and joists for the lower level and using beams and smaller joist sections in the upper roof design. This combined with pushing the whole development a further 700mm into the ground will result in an overall lowering of the roof by 1m. This will leave us with a slight fall to the Gura Street frontage for the front driveway of unit 1. As you are aware this is the second time we have offered to lower the dwelling and will result in the requirement of 2m high retaining walls to the rear of the garage and a 2.2 m retaining wall to the rear and side of the rear courtyard of unit 2. It will also mean additional excavation costs for the site (most probably in rock) and loss of views from both of the units lower levels.

We believe that we have well and truly satisfied the fourth step of the 'planning principle' of the NSW Land and Environment Court's "steps in assessing view loss" for a complying development.

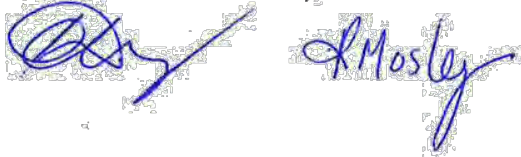
We have spoken with the residents of 8 Fitzroy St about how far we are willing to lower the overall roof line. They did not either accept or reject our offer and wanted further meetings with council which they would arrange this week.

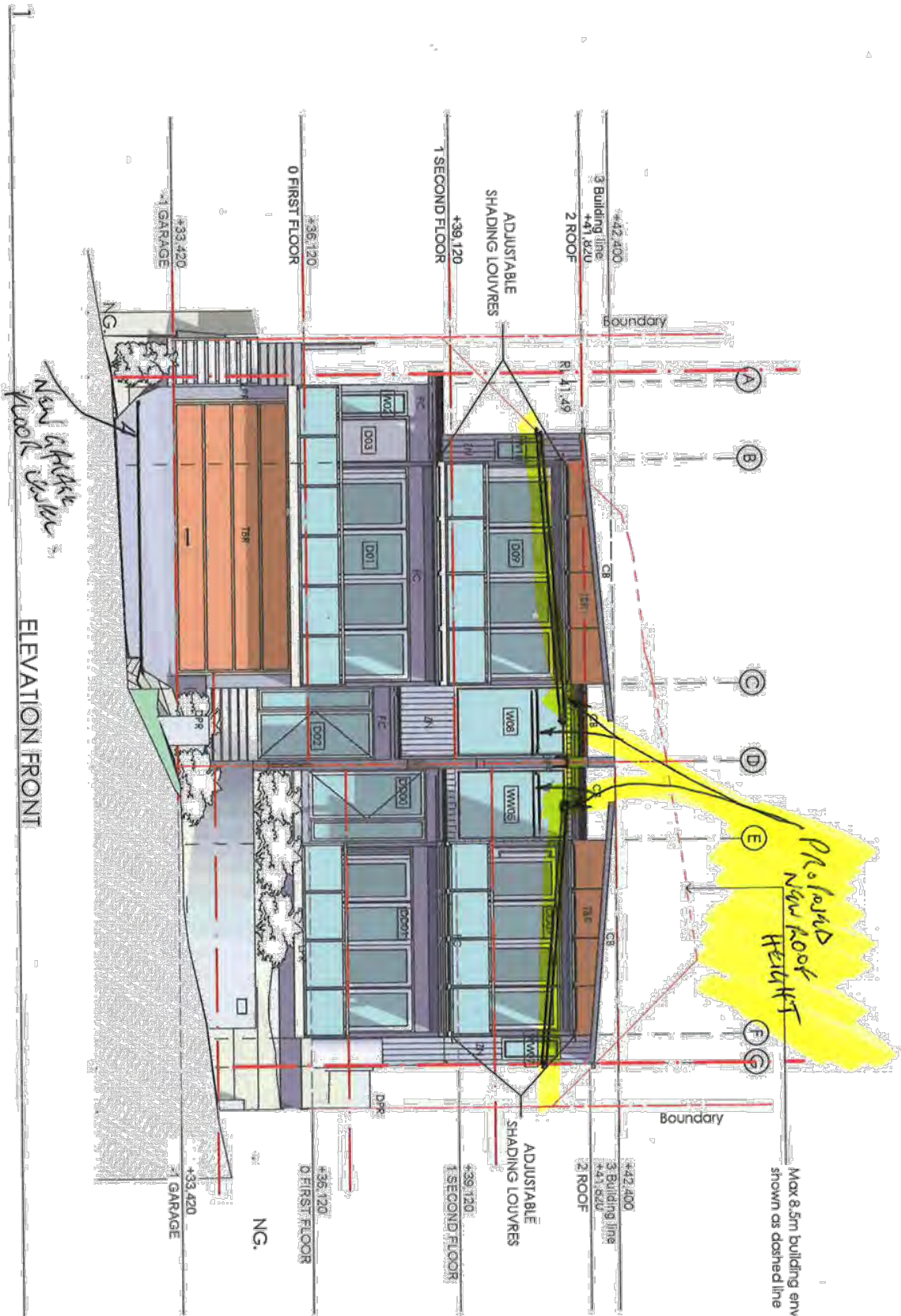
We have attached a 1:100 scale plans with blue lines showing roof height amendments and you can also see the substantial varying distances the revised plans would be below the allowed building envelopes.

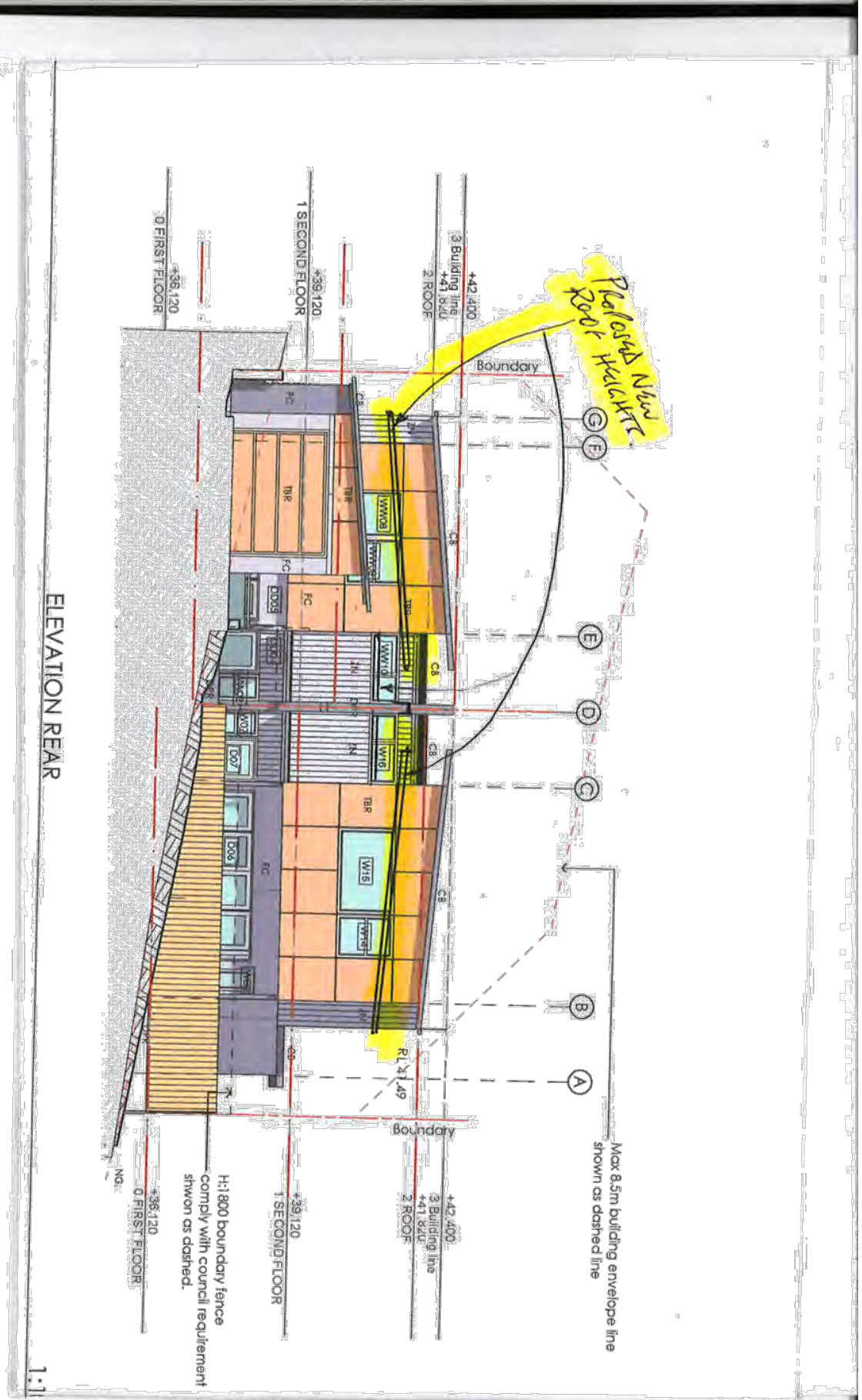
We therefore request that the councillors approve the development proposal with RLs (Reduced Levels) for the overall roof line (excluding the rear garage of Unit 2) to be lowered by 1 metre. More specifically the highest point of the gable roof and separating fire wall is to be reduced from an RL of 42.400 (as per the existing plans recommended for approval by council staff) to an RL of 41.400 with the gable roof pitch to remain unchanged. Revised plans are to be submitted to the satisfaction of the assessing officer/ planning staff prior to issuance of the letter of development consent.

Kind Regards

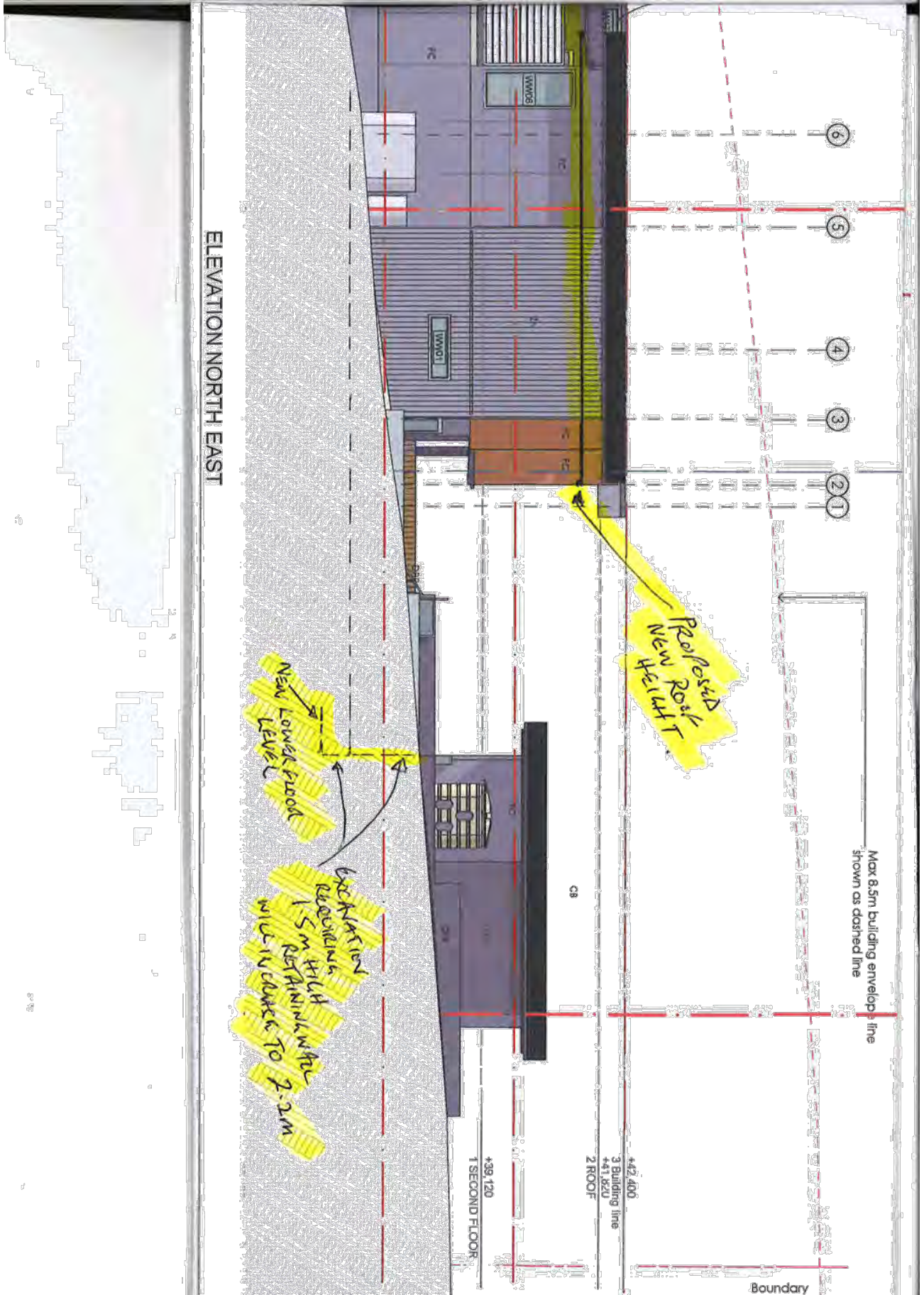
Michael and Rhonda Mosley

The image shows two handwritten signatures in blue ink. The first signature is a stylized, cursive 'M' followed by a flourish. The second signature is a more legible cursive 'R Mosley'.









10 REPORT OF THE GENERAL MANAGER

10.1 Election of Mayor

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the procedure for the election of the Mayor

Finance

Not applicable

Policy

Not applicable

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That:-

- 1) written nominations be called for the Office of Mayor for the period to the September 2014 election;
- 2) if required, Council determine the form of election;
- 3) thereafter Council proceed with the election of the Mayor.

BACKGROUND

Schedule 7 of the Local Government (General) Regulation 2005 sets out the procedures for the election of a Mayor by Councillors. The General Manager is appointed as the Returning Officer for such an election. Nominations can be made without notice, but must be made in writing by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

A "pro forma" nomination form has been prepared and circulated with this business paper for Councillors to use if so desired. There is no necessity to use this form, but the criteria detailed above must be met for a nomination to be valid. The nomination

Report of the General Manager

10.1 Election of Mayor (cont)

forms must be delivered to the General Manager and can be so delivered at any time up to consideration of this item. Further pro forma nomination forms will be available at the Council Meeting.

If only one Councillor is nominated, that Councillor is elected as Mayor. If more than one Councillor is nominated, Council must determine the form of election to be held, viz:-

- Preferential Balloting (Voting "1", "2", "3" in order of preference - secret ballot)
- Ordinary Ballot ("First Past the Post" by secret ballot)
- Open Voting ("First Past the Post" by show of hands).

The Mayor normally holds office for 12 months, with an election held in September each year.

Where at any time in such an election there is equality in votes for the remaining two candidates, a draw by lot is undertaken with the candidate first drawn being taken to be elected. If at any time there is equality for two or more candidates when three or more candidates remain in the count (ie when a draw by lot will not decide the election), a draw by lot is undertaken and the candidate first drawn is excluded.

10.2 Election of Deputy Mayor

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the procedure for the election of the Deputy Mayor

Finance

Not applicable.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council proceed with the election of a Deputy Mayor for the period to September 2015 and that such election be conducted in the same manner as that which applied to the election of the Mayor.

BACKGROUND

Section 231 of the Act provides that Council may elect one of its members as the Deputy Mayor for the Mayoral year or for a shorter term if so resolved.

The Deputy Mayor may act in the Office of the Mayor on the Mayor's request or during such time (if any) as the Mayor is prevented by absence from so doing, or during such time as a casual vacancy exists in the Office of Mayor.

While acting in place of the Mayor, the Deputy Mayor may exercise any function of that office. Section 249(5) of the Act provides that Council may pay a fee to the Deputy Mayor where that person acts in the Office of Mayor. Any such fee must be approved and determined by Council, and is deducted from the Mayor's fee.

Council may determine the manner of election for the position of Deputy Mayor as detailed in the item dealing with the Mayoral Election.

Council policy has been to formally elect a Deputy Mayor each year.

10.3 Mayoral Fee for 2014/2015 - Fee Limits Fixed by Remuneration Tribunal

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the Mayoral fee for 2014/2015

Finance

Funds have been provided in the 2014/2015 Budget

Policy

Not applicable

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council note that the Mayoral Fee for 2014/2015 has been set at \$23,440

BACKGROUND

Section 249 of the Local Government Act of 1993 provides that Council must pay the Mayor an annual fee which must be in addition to the fee paid to the Mayor as a Councillor. The Local Government Remuneration Tribunal determines the maximum and minimum amount payable as a Mayoral Fee. Council has been classified as a Category 4 Council with the fee range being a maximum of \$23,440 and minimum of \$8,640.

Under the Act, the following applies to both Mayoral and Councillor Fees:-

- * The year to which the annual fee applies is the period from 1 July to 30 June.
- * The Council cannot alter its fee once it has been determined for the next annual period, provided that period has started. If a fee is not set prior to the start of a period, the minimum fee determined by the Remuneration Tribunal will be paid. In summary Council can only vary the fee which it has determined before the annual period has commenced.

Report of the General Manager

10.3 Mayoral Fee for 2014/2015 - Fee Limits Fixed by Remuneration Tribunal
(cont)

-
- * The annual fee is fixed for a twelve month period and has to be paid in equal monthly instalments.
 - * The Remuneration Tribunal can be directed by the Minister to consider whether a determination already made should be altered for particular Councillors or Mayors.
 - * A Council may specify, by resolution, that a Councillor will not be paid the annual fee or part thereof because of absence from Council Meetings or for other reasons specified by Regulation.

10.4 Fixing of Councillors Fees to be Paid to Councillors

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the Councillors fees for 2014/2015.

Finance

Funds have been provided in the 2014/2015 Budget.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council note that Councillors' Fees for 2014/2015 have been set at \$10,740 per annum.

BACKGROUND

Section 248 of the Local Government Act 1993, provides that Council must pay each Councillor an annual fee, and that such fee must be fixed by Council in accordance with the Remuneration Tribunal's determination.

The fee must be paid monthly in arrears for each month (or part of a month) for which the Councillor holds office.

As indicated in Item 1 of this report, the Tribunal has advised that the Councillors fees are to be set between a maximum of \$10,740 and a minimum of \$8,130 per annum. The same conditions apply as detailed for the Mayoral Fee.

10.5 Defining the Function of Permanent Council Committees - Committee of the Whole

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the functions and structure of the Committee of the Whole

Finance

Not applicable

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council confirm and endorse the functions and structure of the Committee of the Whole

BACKGROUND

Council has a number of special purpose committees and their membership and functions are considered elsewhere in this report. A number of them are "sunset committees" which means that the need for them to continue should be reviewed annually. However the Committee of the Whole has an ongoing role in Council's operations and is now submitted for review.

Committee of the Whole:

The Committee of the Whole comprises all Councillors under the Chairmanship of the Mayor. It makes recommendations to Council on all matters placed before it.

The policy on use of the Committee of the Whole as a part of the Council meeting structure was first established on 29 October 1991 and currently is as detailed below:

- (a) Council Meetings are held monthly on the third Tuesday.

Report of the General Manager

10.5 Defining the Function of Permanent Council Committees - Committee of the Whole (cont)

(b) The following issues are dealt with by resolution in the Open Council meeting where required:-

- Apologies
- Adoption of Minutes of Previous Meetings
- Business Arising from the Minutes
- Public Access
- Mayoral Minutes
- Reports of Committees which have met since the last Council Meeting.

(Note: Public Access is allowed on matters to be considered at that Council meeting.)

(c) Council will then resolve to go into Committee of the Whole to deal with the following:

- Officer's Reports;
- Reports for Information; and
- Notices of Motions (except for rescission motions).

(d) Council has adopted the following procedures:-

For Matters before the Committee of the Whole

- (1) All items on the business paper will be brought before the meeting by the Mayor/Chairman;
- (2) Where appropriate, the staff will be asked to provide additional information or clarification;
- (3) Objections/questions will then be called for from the floor of the meeting;
- (4) If objections are raised, normal meeting procedures will apply, leading eventually to a motion for a recommendation to be debated;
- (5) If no objection is raised the recommendation as listed will be moved and seconded and deemed to be approved by the meeting. All recommendations so approved will then be subject to a general motion of adoption in Open Council at the conclusion of the committee section (see (e) below).

If adopted, the recommendations of the Committee of the Whole are acted upon as resolutions of Council. Recommendations of the Committee of the Whole may be varied, overturned or deferred by resolution of Council at this time.

For Matters Before the Council Meeting

- (1) All items will be introduced by the Mayor/Chairperson;

Report of the General Manager

10.5 Defining the Function of Permanent Council Committees - Committee of the Whole (cont)

-
- (2) A motion will be sought from a mover and seconder;
 - (3) Objections/questions will be called for. If no request to speak is received, the Mayor/Chairperson will declare the motion agreed and move on; and
 - (4) If objections are raised, the normal procedures of the Act and Regulations will apply for debate on motions.
- (e) At the conclusion of the reports dealt with in Committee of the Whole as detailed in (c) above, Council shall consider a motion to close the Committee of the Whole and to resume the Council Meeting. A motion shall then be presented for the adoption of recommendations from the Committee of the Whole which are to be confirmed. A Councillor wishing to vary, defer or overturn a recommendation would need to move such a motion/amendment at this time.
- (f) Following the determination of the motions in (e) Council shall then deal with the remainder of the business in open Council as follows:-
- Notice of Motions of Rescission (if any); and
 - Questions Without Notice (three per Councillor).
- (g) Council shall then go into Confidential Committee of the Whole (if required) to deal with any matters which require the exclusion of the press and public. The process outlined in (e) above shall then be employed to deal with recommendations arising from the Confidential Committee of the Whole.

Local Government and Planning Legislation Amendment (Political Donations) Act 2008

Councillors should note the following:-

- Part A of the Local Government Act requires the General Manager of each local council to keep a public register of all current donations and expenditure declarations lodged by Councillors with the Election Funding Authority of New South Wales (Section 328A).
- Where a General Manager reasonably suspects that a Councillor has failed to comply with his/her obligation to disclose and manage a conflict of interest arising from a political donation, the General Manager must refer the matter to the Director General (Section 328B).
- The new Section 375A requires the Council to record which councillors vote for and against each planning decision of the council, and to make this information publicly available.
- To maintain the register, the Act requires that a division be called (in accordance with the Council's Code of Meeting Practice or Regulation) whenever a planning decision is put at a Council or committee meeting, including meetings closed to the public. Each decision recorded in the register is to clearly describe or identify the matter being determined and how councillors voted.

10.6 Fixing Days and Hours at Which Ordinary Meetings of the Council are to be Held - Meeting Times

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report proposes the fixing of days and hours at which Ordinary Meetings of the Council are held

Finance

Not applicable.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That:-

- 1) the Ordinary General Meetings of the Council be held on the third Tuesday in each month and that Ordinary Meetings throughout the year shall commence at a time determined by Council, provided that when an Ordinary Meeting falls on a Public Holiday, such meeting shall be held on the day following or on such day fixed by resolution of the Council at an Ordinary Meeting preceding such Public Holiday, provided further that the day of any Ordinary Meeting may, for good and sufficient reason, be altered by resolution of the Council at any preceding Ordinary Meeting
- 2) public access be held at a time determined by Council on the day preceding the Council meeting with the maximum number of public access being ten (10).

BACKGROUND

Council has previously had a meeting policy that Council Meetings be held on the third Tuesday of each month. At the Council meeting on 16 December 2003 a Question Without Notice was asked if Council could prepare a report on the feasibility of holding the public access session of the Council meeting prior to the day of the meeting. An

Report of the General Manager

10.6 Fixing Days and Hours at Which Ordinary Meetings of the Council are to be Held - Meeting Times (cont)

information report was submitted to the Council meeting held on 3 February 2004, an extract from which is as follows:-

“The Public Access Policy has generally worked well for a number of years. However it is considered that there is the opportunity to review the policy having regard to the following:-

- An increased demand for public access with applicants for public access at times exceeding the maximum number of six as permitted under the policy. Applicants who exceed the maximum six are often aggrieved that they do not have the opportunity to address Council particularly if an opposing applicant has gained access.*
- A long public access session can significantly extend the Council meeting with the fatigue of Councillors and staff potentially affecting the quality of decision making. Interested parties may also need to wait until after Council’s dinner break for a matter to be determined.*
- New issues are sometimes raised in public access. It may be beneficial for Councillors to have time to consider and investigate these matters further.*

An option to the existing arrangement is to hold public access on the Monday afternoon preceding the Council meeting. The potential benefits of this arrangement would be:-

- 1) The opportunity to increase the number of public access to ten (10). There would still be a restriction of one person for and against the proposal permitted.*
- 2) The shortening of Council’s meetings thereby overcoming the problems of fatigue and interested parties having to wait for long periods to hear the determinations of Council.*
- 3) The opportunity for Councillors to give greater consideration to matters raised during the public access and if necessary investigate any new points.*

A negative which can be addressed by administrative changes is the reduced lead time for public access applicants to prepare for the session.”

The holding of the public access on the Monday afternoon preceding the Council meeting with the maximum number of public access being increased to ten (10) has proved to be very successful with the potential benefits being met.

The general Council meetings and public access have commenced at 5.00pm in the past. The commencement time of Council meetings is a matter for determination by Council and having regard to Councillors work, care and other commitments, Council may wish to vary the starting time.

10.7 Fixing Time and Manner of Giving Notice (And Notice of Business) for Meetings - Notice of Meetings Policy – 2014/2015

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of the requirements for the giving of notice of meetings and of business for meetings of Council and of the Committee Meetings

Finance

Not applicable

Policy

Not applicable

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That:-

- 1) the General Manager shall, wherever possible, give six days notice to Councillors of Ordinary Council Meetings (and of the business proposed to be transacted at those meetings). In cases of emergency, the requirements of Section 367(2) of the Local Government Act 1993 or Clause 241 of the Local Government (General) Regulation 2005 shall apply;
- 2) for Extraordinary Council Meetings, the period of notice of the meeting and of the business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Section 367(2) of the Local Government Act 1993, or Clause 242 of the above Regulation; and
- 3) for Committee Meetings, the period of notice of the meeting and of business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Clause 241 and 242 of the above Regulation.

Report of the General Manager

10.7 Fixing Time and Manner of Giving Notice (And Notice of Business) for Meetings - Notice of Meetings Policy – 2014/2015 (cont)

BACKGROUND

Section 367 of the Local Government Act (1993) and Clause 250 and 258 of the Local Government (General) Regulation 2005 provide the minimum requirements for giving notice of meetings and of business for meetings of Council and of Committee Meetings.

The suggested periods of notice have been incorporated in the resolution detailed below which was adopted by Council on 17 September 2013. It is now resubmitted for Council's review:

- "(i) That the General Manager shall, wherever possible, give six days notice to Councillors of Ordinary Council Meetings (and of the business proposed to be transacted at those meetings). In cases of emergency, the requirements of Section 367(2) of the Local Government Act 1993 or Clause 241 of the Local Government (General) Regulation 2005 shall apply;*
- (ii) For Extraordinary Council Meetings, the period of notice of the meeting and of the business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Section 367(2) of the Local Government Act 1993, or Clause 242 of the above Regulation; and*
- (iii) For Committee Meetings, the period of notice of the meeting and of business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Clause 241 and 242 of the above Regulation."*

10.8 Fixing the Order of Business - Policy on the Order of Business for 2014/2015

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report advises of Order of Business for Council Meetings

Finance

Not applicable

Policy

Not applicable

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approve the continuation of the general order of business as detailed in this report and that Council delegate to the Mayor and General Manager the power to alter such order of business as required

BACKGROUND

Clause 238 of the Local Government (General) Regulation provides as follows:

- (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) such as the council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with any code of meeting practice that the council has adopted.
- (2) The order of business fixed under sub-clause (1) may be altered if a motion to that effect (which can be moved without notice) is carried.
- (3) Only the mover of a motion referred to in sub-clause (2) may speak to the motion before it is put.

The following is the Order of Business:-

Report of the General Manager

10.8 Fixing the Order of Business - Policy on the Order of Business for 2014/2015
(cont)

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional Custodians
- 3 Confirmation Of Minutes Of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Public Access Summary
- 6 Mayoral Minute
- 7 Minutes of Committees
- 8 Public Access Reports
- 9 Report of the Director Environmental Services
- 10 Report of the General Manager
- 11 Report of the Director Corporate and Commercial Services
- 12 Report of the Manager Corporate Services
- 13 Report of the Director Engineering and Works
- 14 Report of the Director Community Services
- 15 Reports for Information
- 16 Addendum To Reports
- 17 Notice of Motion
- 18 Questions Without Notice
- 19 Confidential Summary
- 20 Confidential Reports
- 21 Closure

10.9 Council Committees - Appointment of Committees and Memberships

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report requests Councillors to determine the committee structure for 2014/2015 and nominate Councillor membership of those Committees

Finance

Not applicable

Policy

Not applicable

Attachments

1 List - Council Committees

Enclosures

Nil

RECOMMENDATION

That Council determine the committee structure for 2014/2015 and nominate the Councillor membership of those Committees

BACKGROUND

The list of committees Council has previously established and which are still relevant is included for reassessment by Council. The list includes proposed dates and times at which meetings will be held.

This report gives Council the opportunity to review and examine its committee structure. Several matters should be critically examined – firstly the continuing need for the committees, and secondly, the membership thereof. A copy of the existing membership of committees has been circulated to Councillors.

LIST OF COUNCIL COMMITTEES

Committee	Council Membership	Meeting Times	Membership Nos.
Committee of the Whole	All Councillors	Every 3 rd Tuesday	All Councillors
Aboriginal Reference Group	Clr Reilly	Bi monthly	1 Councillor
Access	Clr McClure	1 st Friday; every 2 nd month 10.00am	1 Councillor (Chair)
Australia Day	Mayor, Clr Steel & Clr Way	As required.	Mayor and 2 Councillors (including Chair)
Blue Haven Management Advisory Committee	Clrs Petschler, Reilly and Rice	1 st Wednesday; Quarterly, 6.30pm	3 Councillors
Commercial Centres & Community Safety Management Committee	Clrs Seage, Way and McClure	Dates set	2 Councillors (including Chair)
Companion Animals Management Advisory Committee	Clr Way	Every 6 months or as required.	1 Councillor
Crooked River Estuary Management Committee	Clr Sloan	As required	1 Councillor
Economic Development Committee	Clrs Honey, Rice, McClure & Reilly	Monthly	4 Councillors (including Chair)
Floodplain Management Committee	Clr Sloan (Chair)	As required	1 Councillor
Hoi An Friendship Committee	Clrs Rice, Seage & Steel	As required	3 Councillors and GM
Internal Audit & Risk Committee	Mayor, Deputy Mayor, Clrs Seage & Sloan	As required	Mayor, Deputy Mayor, 2 Councillors

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List of Council Committees Contd

Committee	Council Membership	Meeting Times	Membership Nos.
Kiama Cultural Board including Art Centre and Grants	Mayor, Cirs Reilly & Way and GM	Last Thursday of month, 5.30pm	Mayor, GM & 2 Councillors
Kiama Development Industry Committee	Clr Seage (Chair), Cirs McClure, Reilly & Sloan	As required	4 Councillors
Kiama Health & Sustainability Advisory Committee	Cirs Rice & Sloan	Bi-monthly	2 Councillors
Kiama Walking Tracks/Cycleway	Mayor ex –officio, Cirs Honey & Way	As required	2 Councillor (including Chair)and Mayor ex-officio
Long Term Financial Planning and Revenue Committee	Mayor, Deputy Mayor, Cirs Sloan & McClure	As required	4 Councillors
Minnamurra River Estuary Management Committee	Clr Sloan (Chair), Cirs Honey, & Rice	As required	3 Councillors
Occupational Health & Safety	Mayor (ex officio)	Quarterly	Mayor (ex officio)
Performance Review	Mayor, Deputy Mayor, Cirs Sloan & Seage	Every 6 months	Mayor, Deputy Mayor and 2 Councillors
Road Safety Steering Committee	Clr Seage	Quarterly	1 Councillor (including Chair)
Seniors' Week	Clr Rice	As required; 2.00pm	1 Councillor (including Chair)
Shoalhaven Street Development Working Party	Mayor, Deputy Mayor, Cirs Way Sloan & McClure	As required	Mayor, Deputy Mayor and 3 Councillors
Staff Consultative	Mayor (ex officio)	Monthly; No set date; 11.30am	Mayor (ex officio)

[gm\elect\List – Committees - Councillors]

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List of Council Committees Contd

Committee	Council Membership	Meeting Times	Membership Nos.
Streets & Reserves Naming Committee	Clr Seage (Alternative Clr Rice)	As required.	1 Councillor and 1 Alternative
Traffic	Clr Petschler (Alternative Clr McClure)	Monthly, 1 st Tuesday; 9.00am	1 Councillor and 1 Alternative
Youth Advisory Committee	Clrs Rice & Reilly	1 st Wednesday of month, 10.40am at Kiama High	2 Councillors

[gm\elect\List - Committees - Councillors]

10.10 Council Delegates to Outside Bodies Appointment to Regional and Other Organisations

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report requests Councillors to determine its representatives to outside organisations

Finance

Not applicable

Policy

Not applicable

Attachments

1 Delegates to Outside Bodies

Enclosures

Nil

RECOMMENDATION

[That Council determine its representatives to outside organisations](#)

BACKGROUND

Attached to this report is a list of the outside organisations to which Council has appointed delegates or is represented on. Several of the appointments are made by Ministers or Departments and are not the responsibility of Council. All others are appointed by Council and the list is submitted for consideration. A copy of the existing list of delegates has been circulated to Councillors.

LIST OF DELEGATES TO OTHER BODIES

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Australian Mayors Council for Climate Protection – Advisory Group – NSW (AMCCP)		Mayor	As Mayor	Mayor
Centenary of ANZAC	As required	Clr Seage	Council	1 Councillor
Cleary Bros Community Consultative Committee	As required	Clr Sloan (Alternate Clr Steel)	Council	2 Councillors
Friends of Kiama Library	Monthly	Clr Sloan (Alternate Clr Way)	Council	1 Councillor and 1 Alternative
Healthy Cities Illawarra Management Committee and International Healthy Cities Alliance (including Australian Chapter)	Quarterly and as required	Mayor (Alternate Clr Rice)	As Mayor	Mayor and Alternative
Illawarra Academy of Sport	Bi-monthly	Director of Community Services (Clare Rogers)	Delegate	Mayor or representative
Illawarra Bush Fire Management Committee	Quarterly	Clr Honey	Councillor Delegate, Staff	1 Councillor and DEW
Illawarra Connection		Clr Steel	Council	2 Councillors
Illawarra District Noxious Weeds Authority Committee	Quarterly	Clr Honey (Alternate Council's Landscape Officer)	Council	1 Councillor & Alternative being Landscape Officer
Illawarra Landcare Co-ordinating Committee	As required	Clr Rice (Alternate Clr Sloan)	Council	1 Councillor and 1 Alternative
Illawarra Regional Airport Management Advisory Committee	As required	Mayor		Mayor
Illawarra Regional Information Service	Quarterly	Mayor	Delegate	1 Councillor
Illawarra Rural Fire District Service Agreement Committee	Quarterly	Clr Honey	Councillor Delegate, Staff	1 Councillor and DEW

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List of Delegates to Other Bodies Contd

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Kiama & District Sports Association	Bi-monthly	Clr Way (Alternate Clr Sloan)	Council	1 Councillor and 1 Alternative
Kiama Liquor Accord	As required	Clr Steel & Clr McClure	Council delegate	2 Councillors and Road Safety Officer
Metro Pool United Independent Pool	Quarterly	Mayor & GM	Delegate	1 Councillor and GM
South Coast Co-operative Library Service	2 months	Clr Sloan	Council	1 Councillor
Southern Councils Group	2nd Friday alternate month	Mayor, Deputy Mayor & GM	Council	Mayor, Deputy Mayor GM
Sydney Catchment Authority's Local Government Reference Panel	As required	Clr Sloan (Alternate Clr Seage)	1 Councillor, 1 Staff	1 Councillor, 1 Alternative and DES
Tourism Kiama Board of Management	2nd Wednesday of alternate month (6 pm)	Clrs Reilly and Way (Alternate Clr Rice) and Council's General Manager	Council delegates	2 Councillors, GM and Alternative

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report recommends endorsement of delegations as listed

Finance

Not applicable

Policy

Council policy has been for delegations to be reviewed from time to time. They are normally reviewed annually each September.

Attachments

1 List - Delegates to Other Bodies

Enclosures

Nil

RECOMMENDATION

[That Council review and endorse the delegations as detailed in this report](#)

BACKGROUND

Section 377 of the Act provides that Council may, by resolution, delegate to the General Manager or another person or body (not including another employee of the Council) any of the functions of the Council other than those specifically prohibited in Section 377. There are some delegations to Council from outside bodies which require the approval of both Council and the General Manager under Section 378(3) of the Local Government Act.

Set out below are the statutory roles and functions for both the Mayor and General Manager together with the current delegations which require endorsement by Council.

Role of the Mayor

Section 226 of the Act provides that the role of the Mayor is as follows:-

- To exercise, in case of necessity, the policy making functions of the governing body of the Council between meetings of the Council.

Report of the General Manager

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff (cont)

-
- To exercise such other functions of the Council as the Council determines.
 - To preside at meetings of the Council;
 - To carry out the civic and ceremonial functions of the Mayoral Office.

Role of the General Manager

Section 335 of the Act provides as follows:-

- (1) The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.
- (2) The General Manager has the following particular functions:
 - The day to day management of the Council.
 - To exercise such of the functions of the Council as are delegated by Council to the General Manager.
 - To appoint staff in accordance with an organisation structure and resources approved by the Council.
 - To direct and dismiss staff.
 - To implement the Council's Equal Employment Opportunity Management Plan.
- (3) The General Manager has such other functions as may be conferred or imposed on the General Manager by or under this or any other act.

Clause 209 of the Local Government (General) Regulation 2005 provides that the General Manager must also ensure that:

- (a) The provisions of the Act, the regulations and any other written law relating to Council's financial obligations or the keeping of accounts by Councils are complied with;
- (b) Effective measures are taken to secure the effective, efficient and economical management of financial operations within each division of the Council's administration;
- (c) Authorising and recording procedures are established to provide effective control over the Council's assets, liabilities, revenue and expenditure and secure the accuracy of the accounting records, including a proper division of accounting responsibilities among the Council staff; and
- (d) Lines of authority and the responsibilities of members of the Council staff for related tasks are clearly defined.

Delegations to the Mayor

In addition to the powers conferred in Section 226 of the Act, the following delegations have been previously approved and are again recommended for the Mayor:

- (a) To supervise and advise the General Manager in the exercise of that officer's powers, duties and functions;

Report of the General Manager

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff (cont)

-
- (b) To review each six months (in conjunction with the Council's review panel) the performance agreement for the General Manager, and report at least annually thereon to Council;
 - (c) To authorise any work which in the opinion of the Mayor is urgent at a cost not to exceed \$5,000; and
 - (d) To alter the order of business of Council meetings (in conjunction with the General Manager) as required.

Delegations to the General Manager (Mr Michael Arch Forsyth)

Subject to the provisions of the Local Government Act 1993 and the Regulations attached thereto, Council should delegate the general power to exercise the functions of the Council to Michael Arch Forsyth (General Manager) except for those functions excluded in Section 377 of the Act.

Council should also approve of the following specific delegations to the General Manager, Michael Arch Forsyth:-

- (1) To authorise appropriate Officers of Council to receive and deal with representations regarding proposals for Orders to be issued under Section 133 and 134 of Local Government Act 1993;
- (2) Under Section 378 of the Local Government Act 1993, to delegate powers and functions to Council Officers by way of schedules, such delegations to be in accordance with statutory requirements and Council policies;
- (3) To review the Performance Agreements for Senior Officers, to report to the Council's Review Panel and to report at least annually thereon to Council.

The **general delegation** detailed above includes the following:-

- (4) (a) To carry on the regular services, functions and operations of Council in accordance with any resolution or policy of Council, including the exercise of all discretionary powers which Council is capable of delegating and is not prohibited from so doing under Section 377 of the Local Government Act, 1993 but excluding any powers which may, by resolution of Council, be reserved to Council.
 - (b) Included in the delegations approved under Clause 4 (a) are the following:-
 - Authority to approve of late payment of rate instalments under the Local Government Act;
 - Authority to accept grants to Council under the normal conditions of acceptance;
 - Authority to approve of applications for extensions of time to pay rates, charges or accounts if a substantive case can be made by the debtor;
 - Authority to take action at any time for the recovery of overdue rates and debtor accounts;
 - Authority to approve of disposal and/or destruction of records in accordance with the provisions of the Local Government Act 1993, Records Act and the Regulations attached thereto.
-

Report of the General Manager

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff (cont)

-
- (5) To obtain quotations and authorise the purchase of goods, works and services to the limits authorised by Council or in the estimates adopted by Council.
 - (6) In conjunction with the Mayor, to alter the Order of Business at Council Meetings as required.
 - (7) To approve, subject to Council's policy (or to refuse) collections from the public by charitable organisations.
 - (8) To accept, subject to Governor's approval, loan offers up to the amount approved by the Council (at interest rates not exceeding the indicative interest rate as calculated by the New South Wales Treasury Corporation) for the purpose and amounts adopted by specific resolution of Council when fixing or amending its annual loan budget.
 - (9) To make application to the Governor for approval to raise loans as referred to in Clause 8 hereto and to sign and seal such application and loan mortgage documents.
 - (10) To authorise action to be taken to comply with any policy of Council or any provision of the Local Government Act or of any other law, statutory or otherwise, affecting the Council.
 - (11) To invest surplus cash that is available from time to time.
 - (12) In relation to Staff:-
 - (a) To make decisions in all office matters in dispute.
 - (b) To re-arrange or re-organise office staff in all departments.
 - (c) To hear appeals by employees against decisions of employees, in regard to industrial disputes, and give rulings thereon.
 - (d) To instruct staff to take necessary action in connection with any complaints or requests received.
 - (e) To hear disputes between members of the staff and give rulings thereon.
 - (13) To approve the attendance of employees of Council to Conferences and pay out-of-pocket expenses for attendance at such conferences to Council's approved maximum amount. To approve the attendance of staff to training seminars and the like, subject to such delegation being exercised and being kept within the votes of Council as may be authorised from time to time and further that authority be granted to the General Manager or to his delegate to attend conferences subject to final sanction of the Mayor.
 - (14) To write off monies due to Council up to and including the amount of \$2,500 provided such writing off is in accordance with the provisions of the Act.
 - (15) To approve contributions towards legal expenses sought by the Local Government and Shires Associations providing such payments do not exceed \$500.
 - (16) To waiver the replacement cost of domestic waste garbage and recycling bins due to extenuating circumstances following investigations being undertaken in relation to a claim.
-

Report of the General Manager

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff (cont)

-
- (17) Under authorisation pursuant to Section 381(3) of the Local Government Act 1993 to exercise or perform each of the powers, authorities, duties and functions conferred or imposed on the Director General of New South Wales Department of Health under part IV - Division II of the Food Act 1989, being clean-up notices (Section 51), Orders for Closure (Section 52) and Receipt of Requests for Inspection (Section 53).
 - (18) To declare a dog to be dangerous under Part 5 of the Companion Animals Act 1998.
 - (19) The power to concur in the making of a direction under Section 82(3) of the Act when determining an application for approval where the General Manager is satisfied that an objection lodged with the Council under Section 82(1) of the Act to a local approvals policy of Council is well founded.
 - (20) The power to determine objections against the imposition of local orders in relation to applications for approval to carry out an activity prescribed under Section 68 of the Local Government Act.
 - (21) The power to concur in the making of a direction under Section 82(3) of the Act for the modification of the provisions of Clause 51 or Clause 52 of the Local Government (General) Regulation 2005, when determining an application for approval in the circumstances stated in the Director General's Delegation dated 14 March 1996.
 - (22) The power to negotiate prices with prospective purchasers of Council land within parameters set by Council, subject to approval by Council.
 - (23) Pursuant to Section 381(3) of the Local Government Act 1993, the authority to authorise Council officers to issue penalty notices under Section 224 of the Protection of the Environment Operations Act 1997 and Schedule 1 of the Protection of Environment Operations (Penalty Notices) Regulation 1999 for breaches and offences against this Act and Regulations and the Protection of the Environment Operations (Control of Burning) Regulation 2000.
 - (24) Pursuant to Section 381(3) of the Local Government Act 1993, the authority to authorise Council officers under the provisions of the Protection of Environment Operations Act 1997, Food Act 1989, Local Government Act 1993, Companion Animals Act 1998, Roads Act 1993, Impounding Act, Environment Operations (Penalty Notice) Regulation 1999, Dog Act 1996, Schedule 1 of Road Transport (General) (Penalty Notice Offences) Regulation 2003 (Class 12 Officers), Swimming Pools Act 1993, Public Health Act and Regulations 1991, Public Health (Swimming Pools and Spa Pools) Regulation 2000 and Public Health (Microbial Control) Regulation 2000 to exercise and perform each of the powers, authorities, duties and functions conferred on behalf of Council as specified in those Acts and Regulations.
 - (25) The authority to approve all forms under the Local Government Act 1993 which are not prescribed by regulation or approved by the Director General.
 - (26) Subject to compliance with the requirements of the Local Government Act 1993 and regulations thereunder and subject to any express policy or direction of Council, the authority to exercise and perform on behalf of Council all functions,
-

Report of the General Manager

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff (cont)

powers, authorities, duties and matters contained in a report generally adopted by Council on 18 May 2010 in respect of risk and asset management of parks and reserves, recreational facilities, foreshores, boat ramps, disused quarries and cemeteries and other Council assets.

- (27) To approve or refuse applications for market days, street fairs and the like within Council's commercial areas.
- (28) The exercise and perform the powers, authorities, duties and functions conferred to Council applicable under the Crown Lands Act 1989 and the Crown Lands Regulation 2000 pursuant to Section 381(3) of the Local Government Act 1993.
- (29) The authority to authorise nominated persons to sign documents relating to matters arising from the Aged Care Act 1997 and the Retirement Villages Act 1999.
- (30) The authority to authorise officers and appropriate persons to enter on private lands in actions taken under Sections 118A-188K of the Environmental Planning and Assessment Act.
- (31) The authority to delegate to appropriate officers the authority to sign Section 88 Certificates and all other certification in relation to the Waste Levy and requirements of the Protection of the Environment Operations Act 1997.
- (32) The authority to appoint officers to exercise the powers and functions of the Protection of the Environment Operations Act 1997 under Section 187 of that Act.
- (33) The Authority to delegate to authorised officers to exercise the powers and functions as applicable under the Road Transport (General Act) 1999 and the Road Transport (General) (Penalty Notice Offences) Regulation 2003.
- (34) The authority to:-
- Approve development applications up to a value of \$5,000,000 where a proposal complies with statutes planning instruments and Council's policies and codes and where no more than 5 objections are received except:
 - a) where developments are for subdivisions of over 30 allotments;
 - b) where a Councillor requests that the matter be put before Council.
 - Approve development applications reliant on the application of SEPP No 1 where the variation to the development standard sought is a minor nature or effect.
 - Approve development applications seeking minor variations to Council's Development Control Plans when the variations sought are of a minor nature or effect.
 - Refuse development applications once where approval of such application is prohibited under the Local Government Act or Regulation or Environmental Planning Instrument or where the application is so far outside Council's code or policy requirements that conditions to rectify deficiencies cannot be embodied in an approval.
-

Report of the General Manager

10.11 Delegation of Functions of the Council - Review of Delegations to the Mayor, General Manager and Other Staff (cont)

- Approve (but not refuse) applications for extensions of time for development applications previously approved by Council or its officers where the planning position remains unchanged provided that such delegation not extend beyond the development applications for which the Director has power to approve.
- (35) The authority to take appropriate action and if necessary commence legal proceedings and/or issue a penalty infringement notice in relation to unauthorised development.

LIST OF DELEGATES TO OTHER BODIES

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Australian Mayors Council for Climate Protection – Advisory Group – NSW (AMCCP)		Mayor	As Mayor	Mayor
Centenary of ANZAC	As required		Council	1 Councillor
Cleary Bros Community Consultative Committee	As required		Council	2 Councillors
Friends of Kiama Library	Monthly		Council	1 Councillor and 1 Alternative
Healthy Cities Illawarra Management Committee and International Healthy Cities Alliance (including Australian Chapter)	Quarterly and as required	Mayor (Alternate)	As Mayor	Mayor and Alternative
Illawarra Academy of Sport	Bi-monthly	Director of Community Services (Clare Rogers)	Delegate	Mayor or representative
Illawarra Bush Fire Management Committee	Quarterly		Councillor Delegate, Staff	1 Councillor and DEW
Illawarra Connection			Council	2 Councillors
Illawarra District Noxious Weeds Authority Committee	Quarterly	(Alternate Council's Landscape Officer)	Council	1 Councillor & Alternative being Landscape Officer
Illawarra Landcare Co-ordinating Committee	As required		Council	1 Councillor and 1 Alternative
Illawarra Regional Airport Management Advisory Committee	As required	Mayor		Mayor
Illawarra Regional Information Service	Quarterly		Delegate	1 Councillor
Illawarra Rural Fire District Service Agreement Committee	Quarterly		Councillor Delegate, Staff	1 Councillor and DEW
Kiama & District Sports Association	Bi-monthly		Council	1 Councillor and 1 Alternative

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List of Delegates to Other Bodies Contd

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Kiama Liquor Accord	As required		Council delegate	2 Councillors and Road Safety Officer
Metro Pool United Independent Pool	Quarterly		Delegate	1 Councillor and GM
South Coast Co-operative Library Service	2 months		Council	1 Councillor
Southern Councils Group	2nd Friday alternate month	Mayor, Deputy Mayor & GM	Council	Mayor, Deputy Mayor GM
Sydney Catchment Authority's Local Government Reference Panel	As required		1 Councillor, 1 Staff	1 Councillor, 1 Alternative and DES
Tourism Kiama Board of Management	2nd Wednesday of alternate month (6 pm)		Council delegates	2 Councillors, GM and Alternative

10.12 Rebuilding NSW Discussion Paper

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

CSP Strategy: 4.3 Identify opportunities to diversify and expand new and existing funding sources to meet community needs

Delivery Program: 4.3.1 Manage Council's commercial activities in a sustainable manner

Summary

This report provides an overview of the Rebuilding NSW Discussion Paper released by the NSW Government and which relates to the plan to invest \$20 billion in infrastructure, funded by the partial lease of NSW electricity networks.

Finance

The NSW Government is planning to invest \$20 billion in infrastructure funded from the partial lease of NSW electricity networks which may have implications for the Kiama Municipality.

Policy

Not applicable

Attachments

Nil

Enclosures

1 Rebuilding NSW Discussion Paper - August 2014

RECOMMENDATION

That Council

- 1) make a submission strongly supporting regional communities benefitting from \$6 billion infrastructure funding if the partial lease of NSW electricity networks proceeds
- 2) support regional projects that will improve railways and roads in the area including an improvement to rail travelling times to Sydney from the Illawarra, the construction of the Albion Park bypass, the extension of the F6 and the upgrade of the Berry to Bomaderry Highway (including Shoalhaven River Bridge)
- 3) seek assurances that smaller infrastructure such as cultural and sporting facilities will attract reasonable funding and that Council seek funding support for the following projects:
 - development of an arts centre in Kiama
 - the development of the Gerringong School of Arts Museum/Library

Report of the General Manager

10.12 Rebuilding NSW Discussion Paper (cont)

BACKGROUND

On 10 June 2014, the NSW Government announced Rebuilding NSW, the plan to invest \$20 billion in infrastructure, funded from the partial lease of NSW electricity networks.

The NSW Government states that the benefits will be realised by both regional and metropolitan communities. The priority here is that investment include public transport, urban regional roads, water, hospitals, schools and cultural and sporting infrastructure. The NSW Government is proposing that regional communities will benefit from \$6 billion committed from the proceeds of the partial lease of the electricity networks.

The government has set out a number of strict conditions to protect the public interest in the electricity networks for the partial lease of these assets, including:

- all net proceeds will be invested in new productive infrastructure
- electricity network prices will be discounted by 1% off regulated prices until 2019
- the jobs of employees will be protected, and treated consistently with previous transactions
- the transaction will have no adverse impact on electricity reliability, with tight regulation by government remaining
- the regional presence of the network businesses will be maintained
- Essential Energy will remain in full public ownership.

The government has established a consultation process through the Department of Premier and Cabinet (DPC) to gather community views on the implementation of Rebuilding NSW, including the partial lease of NSW electricity networks and potential priorities of infrastructure.

The consultation process will:

- provide information to NSW communities on the purpose of investments, how they will be funded, conditions for partial leasing of assets and strategic priorities of government
- include meetings with key stakeholders and community groups across the State
- seek submissions on investment priorities and the proposed partial lease of the electricity networks.

The DPC will report back to government towards the end of 2014 with a final report detailing the outcomes of the consultation process.

The mayor and general manager attended an information session in Wollongong on 27 August 2014. A meeting of regional Mayors and General Managers was held following the information session with the Member for Kiama to discuss regional priorities.

The Rebuilding NSW Discussion Paper has been prepared to facilitate consultation and submissions may be made up until 19 September 2014.

Report of the General Manager

10.12 Rebuilding NSW Discussion Paper (cont)

Further submissions will be sought prior to finalising the report to government, taking into account additional information that becomes available during the course of the year.

A copy of the Discussion Paper has been circulated to Councillors. The Discussion Paper includes a number of questions and they are listed as follows:

“The government seeks comment on the following:

- a. How can the Government help communities and businesses to better plan for the opportunities made available as a result of new infrastructure investment?*
- b. Which potential projects would create the greatest benefit in terms of economic growth, productivity and quality of life?*
- c. Are there other ways to leverage NSW Government investment to expand infrastructure services across the State (eg: deliver more infrastructure for the same amount of Government funding)?*
- d. In addition to asset recycling, what other avenues are available to the Government to bring forward significant capital expenditure on infrastructure? Any proposal should discuss the consequences on State finances.*
- e. Please provide examples of specific infrastructure projects in regional NSW that would contribute to the productive capacity of the economy.*
- f. How can regional communities share in the benefits of Rebuilding NSW, including economic productivity and jobs creation?*
- g. How much scope is there for consumers to benefit from greater efficiency in NSW electricity networks?*
- h. Are there any other matters that the Government should consider in ensuring network businesses comply with service and reliability standards?*
- i. Considering existing service standard protections for customers will remain in place, what concerns remain about service standards and public safety? Is there any reason why the Government should consider any further conditions, and why?*
- j. Taking into account the Government’s employment guarantee condition on the proposed transaction, are there other relevant considerations regarding jobs?*
- k. What is the appropriate balance between providing security to employees in the transition and keeping downward pressure on the cost of providing network services?*
- l. How can all businesses be encouraged to invest appropriately in skills development, regardless of ownership?”*

In the Discussion Paper the NSW Government is suggesting that the Sydney metropolitan region, which includes Newcastle and Wollongong, will attract \$14 billion from the fund established. Regional communities will benefit from the remaining \$6 billion. While the City of Wollongong has been defined as part of the Sydney metropolitan region, the areas south including Shellharbour City Council and Kiama Municipal Council, are defined as regional communities.

Report of the General Manager

10.12 Rebuilding NSW Discussion Paper (cont)

Much of the funding is likely to be targeted at major infrastructure. It is proposed that Council makes submission seeking assurances that smaller infrastructure such as cultural and sporting facilities which will benefit the Kiama Municipality still attract a reasonable funding level.

A number of regional reports that have been prepared have proposed and supported major road and rail improvements. They include the Albion Park road bypass, the Maldon to Dombarton railway and improvements to the rail line between Sydney and the Illawarra to reduce travelling times. The ongoing upgrade of the Princes Highway between Berry and Bomaderry (including the Shoalhaven River) is another project.

The Maldon to Dombarton railway proposal is to be the subject of an expression of interest process potentially involving a private/public partnership and as such may not need or attract funds under the Rebuilding NSW program.

There are a number of important local infrastructure projects including the Kiama Arts Centre and Gerringong School of Arts Library/Museum project. Council may also wish to propose additional projects which are presently unfunded.

10.13 KISS Arts Festival

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report recommends that Council again support the KISS Art Festival event by providing a grant of \$4,000 and the use of Hindmarsh Park free of charge and to encourage the organizers to seek sponsorship from other venue providers

Finance

The funding request can be determined under Council's Events Budget.

Policy

Council provides financial support to key community and arts events, activities and projects through the Events Budget.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council advise the organizers of the KISS Arts Festival that Council is able to contribute \$4,000 to the holding of the event in 2015.

BACKGROUND

For each of the last three years Council has provided a \$3,000 Cultural Grant to the KISS Arts Festival which is held at a number of venues including Hindmarsh Park during January. In addition a couple of Council's Holiday Parks have hired KISS Art performers to provide some entertainment in the Parks during the peak period.

The organizers of the KISS Arts Festival Mr David Evans and Ms Tamara Campbell have written to Council requesting continued financial assistance to run the KISS Arts Festival for a fourth year and an extract from their letter is as follows:-

"We are most appreciative of the Cultural Grant and in kind support that we have received in the last three years from council. We feel that those years were the teething years of the festival and it is now make or break time for the event. We cannot continue to run the event on our emotional and personal resources alone.

Report of the General Manager

10.13 KISS Arts Festival (cont)

We would like to request that Kiama Council become a major sponsor of the event and contribute a sum in the vicinity of \$10,000 - \$12,000 to the event in 2015.

We would like to list here a number of facts and figures that suggest that both the local and tourist communities of Kiama are embracing and loving the KISS Arts Festival.

We feel that the most significant and most frequent compliment that we have received regarding the festival is that it is the only TRUE whole family event in the area. People are so happy to have something that really is for the whole family that engages and entertains the whole family from grandparents to babies in an honest, interactive and fun way. It is a festival for everyone and this is what the community is really responding too.

They are also incredibly appreciative and complimentary of the world class acts that are brought to this tiny part of the world, to the exposure of foreign cultures and the great feeling of prestige and luckiness to have this wonderful talent in their own backyard. To date we have had acts from Israel, the UK, Switzerland, Austria and Canada, not to mention acts from VIC, SA and QLD, along with wonderful NSW talent. This is a benefit of mine and Dave's particular background and network, it is unique to us that KISS is able to provide that.

I think that it is worth mentioning that we already have a list of international acts that are asking us if they can come to perform at the Festival. It is on the radar of the international artists group. The impact of the international connection also means that both Kiama and the KISS Arts Festival are getting great National and International exposure through social media.

We know that the festival has grown each year, but this year saw the biggest jump in numbers with a 50-100% increase in attendance across events on last year. The night shows at the Sebel grew past 200 guests on each night and the Jamberoo pub show was once again packed. The street shows in the park showed the greatest growth with Friday's numbers more than doubling. We have had tourists asking if the festival will happen at the same time again next year, as they would like to plan their holiday to coincide with KISS. One family said that had not visited Kiama in years and after seeing the Festival will be back again next year for sure.

Kendalls Beach Caravan Park had such a great response to last year's event that they increased their program in 2014 and were again so impressed that they would like to expand their involvement in 2015.

The success of Jamberoo has us thinking that expansion to other small satellite centres is a fantastic way to continue to take real quality family entertainment to regional areas; you don't just have to live in the city to get world class. This is something we are committed to exploring if the festival is able to continue.

Report of the General Manager

10.13 KISS Arts Festival (cont)

The use of our own venue in the festival was a great success for both the POP Up Arts Centre and the Circus Workshop program, both of these elements of the festival will continue and they build support and interest in the event.”

Council has provided support for the event with the provision of seed funding by Cultural Grants. The event has generally been well received by locals and visitors and it was hoped that the seed funding provided would lead to the establishment of the event and financial sustainability. Unfortunately Council's Event Budget is limited and significantly committed to a range of events being held throughout the year. While cultural development is very important, events that also provide economic stimulus through being held in the low tourist season and which attract people to stay overnight in local tourist accommodation generally attract greater funding support.

It is recommended that Council again support the event by providing a grant of \$4,000 and the use of Hindmarsh Park free of charge. It is further recommended that Council also encourages the organizers to seek sponsorship from other venue providers.

10.14 Review of Funding for Tourism

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

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

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

Summary

This report seeks Council determination on the review of funding for Tourism.

Finance

In 2013/2014 Council provided Kiama Tourism with direct funding of \$306,500.

Policy

Not applicable.

Attachments

- 1 Kiama Tourism Funding and Council Tourism Manager and Marketing

Enclosures

Nil

RECOMMENDATION

That:-

- 1) Council adopt Option 3 of the Rand Report and that Council take steps to appoint a Council Tourism Manager responsible for marketing/promotion of the Municipality within an allocated budget of approximately \$200,000 part funded from the Special Rate Levy and Council's General Revenue;
- 2) Council continue to provide funding support to the Visitors Information Centre, contributing approximately \$160,000 comprising part Special Rate Levy, Kendall's Beach Holiday Park contribution and rental subsidy on the basis that the Centre maintains at least Level 2 accreditation, seven day operation, accommodation booking service and visitors guide;
- 3) A Memorandum of Understanding be entered into with Kiama Tourism which includes performance standards for each organisation. Details of the Memorandum of Understanding being submitted to a subsequent meeting;
- 4) The new arrangements be implemented as soon as possible.

BACKGROUND

At the meeting on 19 August 2014 Council considered a report prepared by Jenny Rand and Associates which included three options for funding as follows:-

Report of the General Manager

10.14 Review of Funding for Tourism (cont)

-
- 1) To formalise the existing funding arrangement with Kiama Tourism – putting in place a performance based funding agreement or going to tender to put in place a contract for the provision of tourism services.
 - 2) To establish an in-house Tourism Unit to undertake the activities currently being undertaken by Kiama Tourism as well as provide tourism input for other Council functions and activities.
 - 3) To split the functions between Kiama Council and Kiama Tourism.

Council resolved to defer consideration of the review of the structure and funding of tourism services within the Kiama local government area to allow:-

- a) further discussions with Kiama Tourism on the report and its options; and
- b) a further briefing for Councillors to consider the review in more detail following those discussions and to assess the implications and/or impacts of adopting any of the options outlined.

A meeting was subsequently held with the Chairman and Treasurer of Kiama Tourism and the Chairman has raised a number of proposed changes to the existing arrangements.

A number of briefings/workshops have also been held with Councillors and it was noted that the workshops provided the first major review of Council funding in 20 years and gave the Council the opportunity to consider the model presently being used and more recent models being used elsewhere in the State. During the workshops each of the three options were discussed and a number of questions on each option were raised.

Option 3 appeared to have more significant merit as it provides:-

- a direct focus on marketing;
- opportunity for additional funding;
- strong linkages with economic and cultural development;
- a clear separation of functions between industry service and industry promotion and marketing.

An adequate level of funding can be maintained for the operation of the Visitors Information Centre including membership services by Kiama Tourism while funding is re-directed and increased for marketing/promotion under a Council appointed Tourism Manager who would work closely with Council's Economic Development Officer, Cultural Development Officer and the Tourism Information Centre Manager.

A significant proportion of the special rate levy will be directed to the marketing/promotion undertaken by the Tourism Manager with Council continuing to provide funding support to the Visitors Information Centre and Kiama Tourism by the rental subsidy, a contribution from the Kendall's Beach Holiday Park and visitor guide advertising and membership fees. Attached are the proposed levels of funding for the Council Tourism Manager and marketing and the Visitors Information Centre. The proposed funding arrangements involve the allocation of another \$40,000 from Council's reserves for the Council Tourism Manager and marketing purposes.

Report of the General Manager

10.14 Review of Funding for Tourism (cont)

Council's ongoing support for the Visitors Information Centre would be on the basis that this Centre maintains at least Level 2 accreditation, seven day operation, an accommodation booking service and visitors guide.

To ensure an effective arrangement and communications it is proposed that a Memorandum of Understanding be entered into with Kiama Tourism which includes performance standards for each organisation including the following:-

- The Visitors Information Centre Manager (KAT) and Tourism Manager (KMC) meeting at least monthly.
- The creation of a combined events calendar;
- The formation of an advisory committee comprising two representatives from each of Kiama Tourism and Kiama Municipal.

If Council determines to proceed with option 3, then a detailed draft Memorandum of Understanding will be submitted to the next Council meeting with the aim of finalising the new arrangements as soon as possible.

KIAMA TOURISM FUNDING

EXITING	PROPOSED
Non Special Rate Funding	Non Special Rate Funding
Rental Subsidy - \$59,500	Rental Subsidy - \$59,500
Kendall's Beach Holiday Park - \$30,000	Kendall's Beach Holiday Park - \$30,000
Council advertising In Kiama Visitors Guide - \$18,000	Council advertising In Kiama Visitors Guide - \$12,000
Council Membership Fees - \$2,310	Council Membership Fees - \$2,310
Special Rate	Special Rate
\$217,000	\$60,000 (\$157,000 redirected to Council Tourism Manager/Marketing)

COUNCIL TOURISM MANAGER AND MARKETING

- ▲ \$80,000 plus on costs (contract) (4 days per week)
- ▲ \$20,000 digital/administration support
- ▲ \$80,000 marketing and promotion
- ▲ \$10,000 office costs

TOTAL \$190,000 - \$200,000

10.15 NSW Primary Schools Sports Association State Rugby Carnival - Kiama

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report advises of the NSW Primary Schools Sports Association State Rugby Carnival held at Kiama from 18-21 August 2014 and recommends that Council endorses the provision of waste services, cleaning and use of the Pavilion facilities for the event.

Finance

Provision of waste services, cleaning and use of the Pavilion facilitates amounted to \$2,219 financial support from Council.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the waste services, cleaning and use of the Pavilion in conjunction with the holding of the NSW Primary Schools Sports Association State Rugby Championships held at the Kiama Showground from 18-21 August 2014.

BACKGROUND

NSW Primary Schools Sports Association (PSSA) State Rugby Championships were held at the Kiama Showground from 18-21 August 2014. Kiama Junior Rugby, part of the Kiama Rugby Club, assisted the PSSA in holding the event. Council received a late request for Council assistance in providing waste services and use of part of the Pavilion in conjunction with the event. The President of Kiama Junior Rugby, Mr Blackmore provided the following reasons for the request:-

- 1) With an expected 3,000 people at the Championships over the three day period, the event will bring significant amounts of money into the local area in accommodation, food and beverages, entertainment services, taxis, service stations, and general retail services.

Report of the General Manager

10.15 NSW Primary Schools Sports Association State Rugby Carnival - Kiama
(cont)

-
- 2) Kiama Junior Rugby is a volunteer amateur organisation servicing the Kiama area and has a player base of some 160 children. The event would be a major boost for the Kiama 'brand' - not just for the sport but the area itself.
 - 3) The event is a government schools state championships.
 - 4) The event is a showcase for the Kiama area and in addition to the boost to the local economy during the event, will bring tourism to the area in future.

The Kiama Junior Rugby also requested use of the kitchen and one room in the Pavilion for the period of the event. It is unfortunate that they were not able to secure the use of the Junior Rugby League facilities at Chittick Oval.

Due to the scale and importance of the event and potential benefits for the Municipality, the waste services, cleaning and use of the Pavilion facilities were provided.

The President of the Kiama Junior Rugby has subsequently written to Council acknowledging the support provided by Council and thanking Council staff who were friendly and helpful during the event. The President of the Kiama Junior Rugby advised that the support of Kiama Municipal Council was publicly acknowledged during the presentation and speeches and that there were many positive comments from visitors to Kiama during the carnival.

10.16 Gerringong Red Cross

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.7 Encourage and support volunteering opportunities to support the community

Delivery Program: 1.7.1 Provide and promote volunteering opportunities within the community and Council operations

Summary

This report advises of a request from the Gerringong Red Cross for support of an event to be held in Gerringong to celebrate the Centenary of Red Cross

Finance

Council donate the hire of Gerringong Town Hall for the event

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse donating the hall hire fee to the Gerringong Red Cross for the centenary celebration event.

BACKGROUND

The Gerringong Red Cross are holding a Gala Afternoon Tea on Saturday 11 October 2014 to celebrate their centenary in Gerringong.

Due to the large public interest in the event the Red Cross have relocated the event to the Gerringong Town Hall and the Red Cross have requested the use of the hall free of charge. The Red Cross have advised that the event is a non-profit activity.

Some years ago Council resolved to be a partner of Red Cross and Council's support of this event will be in keeping with this partnership. The cost of hire of the hall is normally \$70 per hour.

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Nomination of Management Representative and Alternative Representative on Consultative Committee

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

CSP Strategy: 4.9 Manage Council staff in a fair, equitable and sustainable manner to ensure the most efficient outcomes for the Community Strategic Plan

Delivery Program: 4.9.2 Maintain a harmonious workplace culture characterised by mutual respect

Summary

This report advises of the re-appointment of Russell Park as a Consultative Committee management representative on a temporary basis until new Human Resources Officer, Meagan Carey is considered suitable for appointment to the role. This report also advises of the appointment of Russell Park as the alternative management representative on the committee.

Finance

N/A

Policy

Consultative Committee Constitution

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

1. That Council's Manager Human Resources and Commercial Services be re-appointed as a management representative on the Consultative Committee on a temporary basis until Human Resources Officer, Meagan Carey is considered suitable for appointment to the role.
2. That Council's Human Resources Officer, Meagan Carey be appointed as a management representative on the Consultative Committee on an ongoing basis once deemed suitable for appointment to the role by Council's Manager Human Resources and Commercial Services.
3. That Council's Manager Human Resources and Commercial Services, Russell Park then be appointed as the alternative management representative on Consultative Committee.

Report of the Director Corporate and Commercial Services

11.1 Nomination of Management Representative and Alternative Representative on Consultative Committee (cont)

BACKGROUND

In accordance with the Local Government (State) Award 2014 and Clause 4.1 of Council's Consultative Committee Constitution, Council has four management representatives on the Consultative Committee.

The current management representatives on the Consultative Committee are:

- Senior Human Resources Officer, Carlie Sulter;
- Human Resources Officer, Emma Besednjak;
- Manager Design and Development, Darren Brady; and
- Manager Depot Operations, Peter Luke.

Council's Manager Human Resources and Commercial Services, Russell Park was a management representative on Consultative Committee since the inception of the Committee in 1992 to September 2013 when Human Resources Officer, Emma Besednjak was endorsed as a management representative replacing Russell Park.

Emma Besednjak resigned from the position of Human Resources Officer on 11 July 2014. Russell Park has resumed the role of management representative on the committee since Emma's resignation. The Human Resources Officer role was advertised in July 2014. Meagan Carey was the successful applicant for the role and commenced with Council on 8 September 2014. It is envisaged that Meagan Carey will regularly attend the committee meetings, initially as an 'observer', with a view to fulfilling the responsibility of a management representative on the committee in the near future. Russell Park will continue to act as the management representative on the committee until Meagan Carey is considered by him as suitable for appointment as a management representative.

Consultative Committee membership is structured so that each group that is represented on the committee has an alternative representative to attend meetings when the representative is not available. To date there has not been an alternative management representative on the committee. However, Emma Besednjak's resignation from the position of Human Resources Officer has highlighted the need to have an alternative management representative to act on the committee in the absence of the management representatives. Given that Russell Park has continued to provide an advisory and Industrial Relations role on the committee since being relieved of the management representative duties and Russell Park's awareness of the matters dealt with by the committee, he is considered the most suitable person to act as the alternative management representative.

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Annual Financial Statements 2013/2014

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

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

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

Summary

This report recommends that Council resolve that the Financial Statements for 2013/2014 be referred for audit in accordance with Local Government Act 1993.

Finance

Funds are included in the budget for audit costs.

Policy

This is a requirement of the Local Government Act 1993 (as amended) and Local Government (General) Regulation 2005.

Attachments

- 1 Performance Indicators -Draft 2013/14 Financial Statements
- 2 Statement by Councillors and Management 2013/14

Enclosures

Nil

RECOMMENDATION

That:

1. Council's Draft Financial Statements for 2013/2014 be referred to Council's auditors for audit under sect 413 (1).
2. Council resolves in accordance with sect 413 (2c) that the annual financial report is in accordance with:
 - the Local Government Act 1993 (as amended) and the Regulations made there under;
 - the Australian Accounting Standards and professional pronouncements;
 - the Local Government Code of Accounting Practice and Financial Reporting;
 - presents fairly the Council's operating result and financial position for the year;
 - accords with Council's accounting and other records; and
 - and that the Council is not aware of any matter that would render this report false or misleading in any way.
3. Council adopt the Councillors/Management "Statement" and resolve that it be signed and attached to the Financial Statements for 2013/2014.

Report of the Manager Corporate Services

12.1 Annual Financial Statements 2013/2014 (cont)

-
4. That on receipt of the Audited Reports, a copy is forwarded to the Office of Local Government.

BACKGROUND

Council's Annual General Purpose Financial Statements and Special Purpose Financial Statements for the period ending 30 June, 2014 have been completed. Under the Local Government Act 1993 (Section 412, 415 and 416) Council must refer the statements to audit.

In accordance with the Local Government 1993 and Regulations, Council and Management are required to prepare statements in the approved form stating their opinion on the General Purpose and Special Purpose Financial Statements (Attachment 1 & 2).

The statements required by the Act must be made by resolution of Council and then be signed by the Mayor and at least one other member of Council, the General Manager and the Responsible Accounting Officer.

Council's auditors, Pitcher Partners, will be examining Council's General Purpose and Special Purpose Annual Financial Statements and on completion will provide to the Council an independent Audit Report.

The Annual Financial Statements summary below as mentioned will be examined by Council's auditors and as such may change. At the time of writing Council is awaiting a Fair Value revaluation report for Blue Haven Independent Living Units as an Investment Property which will have a bearing on the Income Statement below once entries are processed. The Total Expenses from Continuing Operations figure shown below in the Income Statement has been affected by an increase in depreciation of \$1M compared to the previous year based on revaluation of Buildings to Fair Value.

The 2013/14 Financial Statements introduces new financial performance indicators and attached is the draft Note 13 showing these performance indicators, with explanations and previous year comparatives. The performance indicators shown are subject to change.

Once the audit is complete the Annual Financial Statements for year ended 30 June 2014, with the auditor's report, will be brought to Council for adoption. Council's auditors will present their report in detail to a Councillor briefing before the November Council Meeting.



Phil Mison

Manager Corporate Services

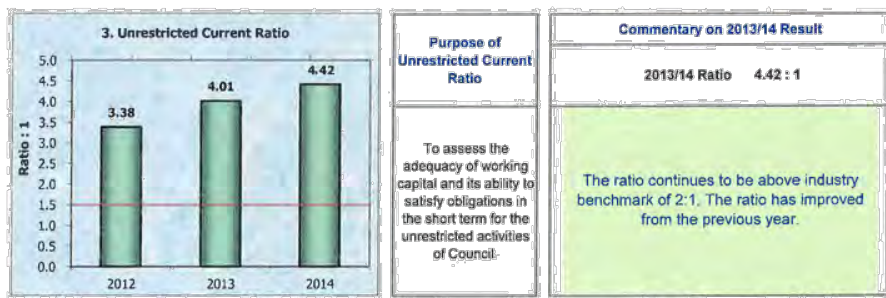
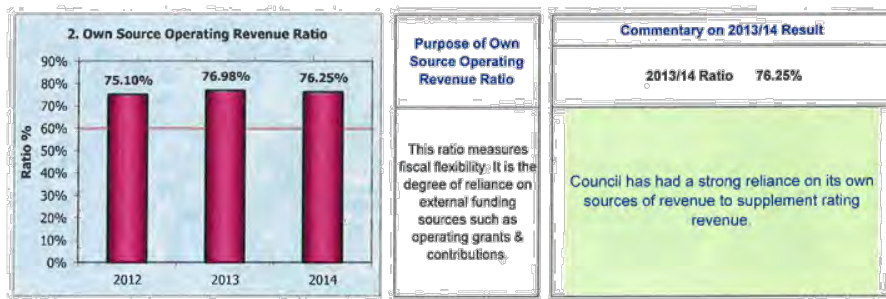
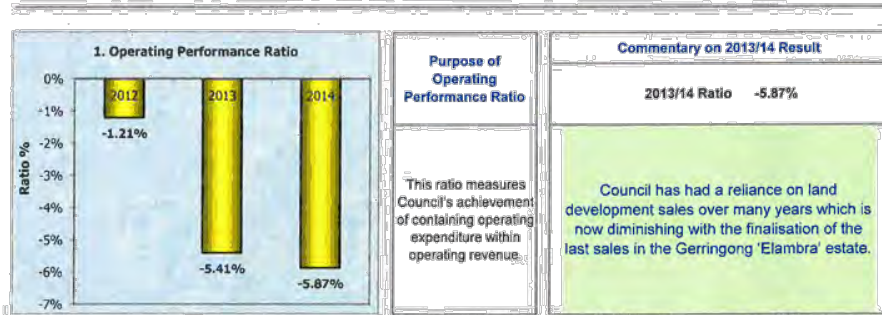
Following is a summary of Council's financial statements for the year ended 30 June 2014.

	Current Year 2013/2014 \$000	Previous Year 2012/2013 \$000
<u>Income Statement</u>		
Total Income from Continuing Operations	51,517	52,809
Total Expenses from Continuing Operations	51,239	49,281
Net Operating Resulting for the Year	278	3,528
Net Operating Result for the year before Grants and Contributions provided for Capital Purposes	(1505)	2,911
<u>Statement of Financial Position</u>		
Total Current Assets	45,007	40,449
Total Current Liabilities	70,517	69,791
Total Non Current Assets	365,825	379,891
Total Non Current Liabilities	6,325	5,335
Total Equity	333,990	345,214
Operating Performance Ratio (%)	-5.9%	-5.4%
Own Source Operating Revenue Ratio (%)	76.3%	77.0%
Unrestricted Current Ratio	4.42:1	4.01:1
Debt Service Cover Ratio (%)	475.2%	475.7%
Rates & Annual Charges Outstanding (%)	2.3%	2.4%
Cash Expense Cover Ratio (times)	9.7 x	8.3 x

Kiama Municipal Council

Notes to the Financial Statements
for the financial year ended 30 June 2014

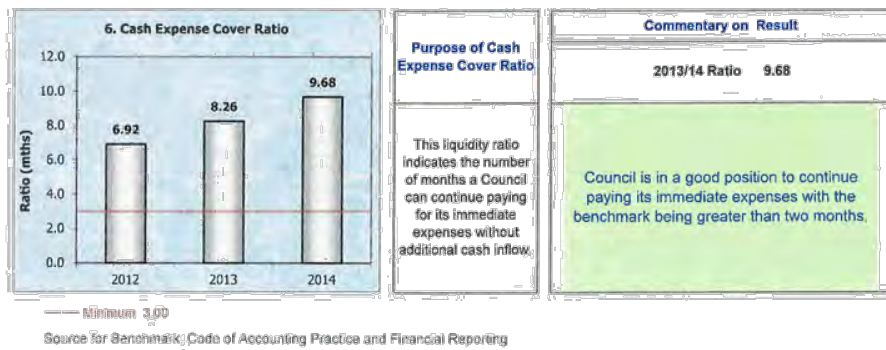
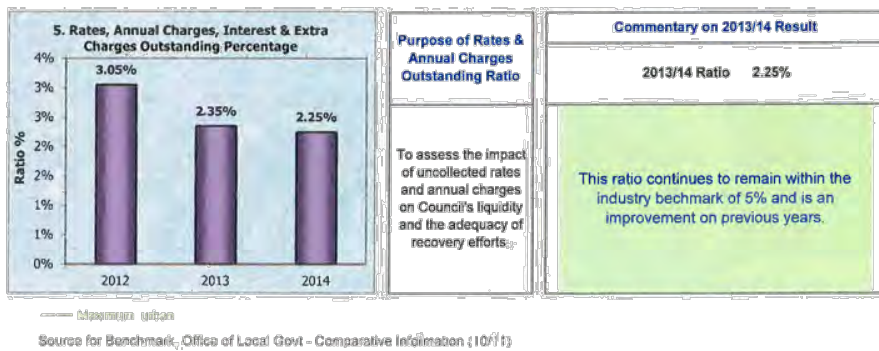
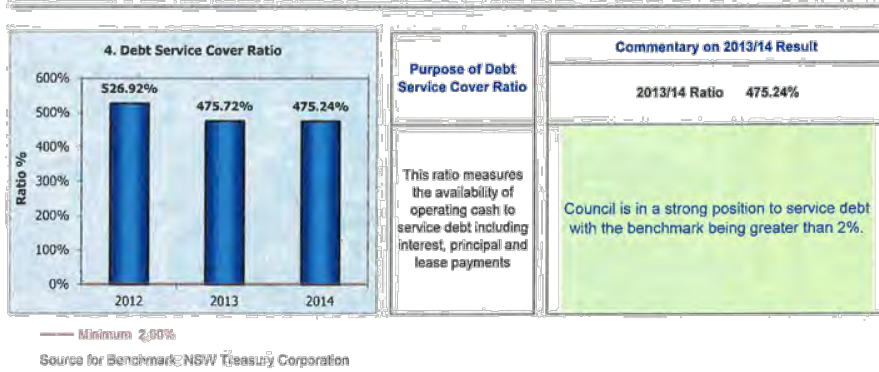
Note 13a(ii). Local Government Industry Indicators - Graphs (Consolidated)



Kiama Municipal Council

Notes to the Financial Statements
for the financial year ended 30 June 2014

Note 13a(ii). Local Government Industry Indicators - Graphs (Consolidated)



Kiama Municipal Council

General Purpose Financial Statements

for the financial year ended 30 June 2014

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2014.

Brian Petschler
MAYOR

Neil Reilly
COUNCILLOR

Michael Forsyth
GENERAL MANAGER

Phil Mison
RESPONSIBLE ACCOUNTING OFFICER

Kiama Municipal Council

Special Purpose Financial Statements

for the financial year ended 30 June 2014

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement "Application of National Competition Policy to Local Government".
- The Division of Local Government Guidelines "Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality".
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 16 September 2014.

Brian Petschler
MAYOR

Neil Reilly
COUNCILLOR

Michael Forsyth
GENERAL MANAGER

Phil Mison
RESPONSIBLE ACCOUNTING OFFICER

12.2 Statement of Investments

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

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

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

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

Finance

Not applicable

Policy

Requirement of the Local government (General) Regulation 2005.

Attachments

1 Statement of Investments August 2014

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND**a) Investment Commentary**

The total investment portfolio increased by \$0.9M during August 2014. Various revenue was received totalling \$6.2M, including rate payments amounting to \$3.3M, grants and contributions of \$1.2M, user fees and charges and other revenue of \$1.0M, Blue Haven ILU unit sales of \$200K and Debtor receipts of \$500K. Payments to suppliers of \$4.2M, investment lodgement of \$1.5M and employee wages of \$1.2M amounted to total expenditure of \$6.9M.

Note that the Westpac Bank Account balance shown in (a) of \$2.239M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 August 2014 is \$136K with an annual budget estimate for 2014/2015 of \$1.1M. 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.

Report of the Manager Corporate Services

12.2 Statement of Investments (cont)

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 0.4% 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 31 August 2014 was 3.5%. The previous month's was 3.48% with August 2013 rate being 3.81%. 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

(b) Council Investments as at 31 August, 2014

DIRECT INVESTMENTS:	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
ANZ	AA-	1,000,000.00	Term Deposit	18/06/14	14/01/15	210	3.60
ANZ	AA-	1,000,000.00	Term Deposit	15/04/14	11/11/14	210	3.60
Bankwest	AA-	1,000,000.00	Term Deposit	04/06/14	24/09/14	112	3.50
Bankwest	AA-	500,000.00	Term Deposit	13/05/14	10/09/14	120	3.50
Bankwest	AA-	1,000,000.00	Term Deposit	10/04/14	03/09/14	146	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	13/05/14	09/10/14	149	3.65
Bank of Qld	A-	1,500,000.00	Term Deposit	13/08/14	11/02/15	182	3.60
Bank of Qld	A-	1,000,000.00	Term Deposit	14/07/14	20/11/14	129	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	23/04/14	21/10/14	181	3.65
Bendigo	A-	1,000,000.00	Term Deposit	07/05/14	09/09/14	125	3.60
Bendigo	A-	1,000,000.00	Term Deposit	19/06/14	18/03/15	272	3.55
Commonwealth Bank	AA-	500,000.00	Term Deposit	30/07/14	28/01/15	182	3.45
Macquarie	A	500,000.00	Term Deposit	18/06/14	15/12/14	180	3.65
ME Bank	BBB+	1,000,000.00	Term Deposit	09/07/14	07/01/15	182	3.50
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	09/04/14	15/10/14	189	3.66
NAB	AA-	1,000,000.00	Term Deposit	27/08/14	25/02/15	182	3.65
NAB	AA-	1,470,000.00	Term Deposit	02/04/14	08/10/14	189	3.77
NAB	AA-	1,000,000.00	Term Deposit	14/05/14	12/11/14	182	3.70
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	09/04/14	22/10/14	196	3.77
NAB	AA-	1,000,000.00	Term Deposit	27/05/14	26/11/14	183	3.70
NAB	AA-	1,000,000.00	Term Deposit	20/08/14	18/02/15	182	3.65
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/07/14	27/10/14	98	3.50
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	12/06/14	11/09/14	91	3.50
IMB Society	BBB	1,000,000.00	Term Deposit	14/08/14	13/05/15	272	3.45
IMB Society	BBB	1,000,000.00	Term Deposit	07/05/14	10/09/14	126	3.50
ING Bank	A-	1,000,000.00	Term Deposit	25/06/14	21/01/15	210	3.65
ING Bank	A-	1,000,000.00	Term Deposit	23/07/14	28/01/15	189	3.49
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	06/08/14	04/02/15	182	3.37
Rural Bank	A-	1,000,000.00	Term Deposit	28/02/14	03/09/14	187	3.79
Rural Bank	A-	1,000,000.00	Term Deposit	03/04/14	01/10/14	181	3.70
Suncorp	A+	500,000.00	Term Deposit	16/07/14	10/12/14	147	3.45
Suncorp	A+	500,000.00	Term Deposit	28/08/14	10/12/14	104	3.40
Suncorp	A+	1,000,000.00	Term Deposit	28/08/14	24/02/15	180	3.40
Westpac	AA	1,000,000.00	Term Deposit	11/06/14	29/10/14	140	3.54
Westpac	AA	1,000,000.00	Term Deposit	05/02/14	04/02/15	364	3.70
Westpac	AA	2,239,923.83	Bank Account	-	AT CALL		0.84
Westpac	AA	1,959,545.47	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		42,169,469.30			Average Rate-Aug 2014		3.51
					Average Rate-Aug 2013		3.93

MANAGED FUNDS:	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
Lehman Brothers -See Note 1 below	1,336,937.65	Managed	09/12/05	VARIOUS		2.46
TOTAL MANAGED FUNDS	1,336,937.65			Average Rate-Aug 2014		2.46
				Average Rate-Aug 2013		2.80

TOTAL INVESTMENTS	43,506,406.95
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TOTAL INVESTMENTS JULY 2014	42,562,382.65	2.17%	Change in total investment over prev 1 month
TOTAL INVESTMENTS AUG 2013	38,506,297.33	12.99%	Change in total investment over prev 12 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).

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,449,241.23
	Grants	1,251,258.00
	Domestic Waste	1,359,016.00
	Waste & Sustainability	204,173.18
	Southern Council's Group	2,785,425.81
Internally Restricted	Blue Haven ILU	4,054,791.49
	Blue Haven Hostel	6,272,939.37
	Blue Haven Nursing Home	1,971,770.83
	Land Development	6,081,524.71
	Waste Business Unit (Plant Replacement)	1,416,579.00
	Plant Replacement - Engineers	884,279.00
	Employee Leave Entitlements	791,669.00
	Carry-over works	1,260,569.00
	Holiday Parks (incl crown reserves)	1,196,545.00
	Contingencies	1,024,040.00
	Computer	200,000.00
	Property Insurance	120,000.00
	Community Bus	209,736.00
	CACP	8,257.00
Loan Funds	Local Infrastructure Renewal Scheme	440,007.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	8,524,585.33
TOTAL INVESTMENTS		43,506,406.95

Note:

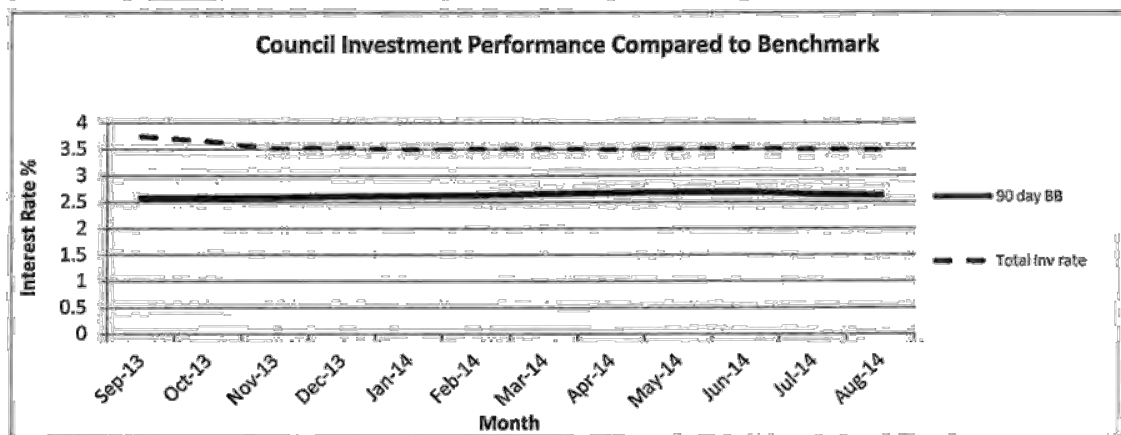
The above Application of Invested Funds reflects unaudited balances as at 30 June 2014. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	3.49	2.63
3 months	3.50	2.66
6 months	3.51	2.67
12 Months	3.54	2.64



13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Vehicular Access - 90 Crooked River Road Gerroa

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

Crooked River Road was widened to provide for the construction of a concrete footpath in the early to mid 1980's. The driveway at 90 Crooked River Road was altered to accommodate the widening. The owners of the property are dissatisfied with the current access arrangements and maintain that Council has a responsibility to alter the driveway.

Finance

The cost of electricity pole relocation and the construction of a concrete turning bay is estimated at between \$25,000 and \$30,000.

Policy

N/A

Attachments

Nil

Enclosures

1 Plan - Vehicular Access - 90 Crooked River Road Gerroa

RECOMMENDATION

[That Council consider what action, if any, is to be undertaken with the vehicle access to 90 Crooked River Road Gerroa.](#)

BACKGROUND

In the early to mid 80's Kiama Council carried out road works on Crooked River Road Gerroa to establish a widened pavement and concrete footpath on the eastern side of the road. Council is unable to locate any records or plans of the work.

As a result of the road widening the owners of 90 Crooked River Road maintain that the vehicular access to their property was altered, to its current condition, which has resulted in them being unable to obtain reasonable access to the property. As indicated this work occurred over 30 to 35 years ago and Council has no corporate recollection of the full history of the matter or historical information to confirm the location or configuration of the original driveway access prior to the work.

Report of the Director Engineering and Works

13.1 Vehicular Access - 90 Crooked River Road Gerroa (cont)

The horizontal and vertical alignment of the driveway is such that it is very difficult to access southbound on Crooked River Road in a forward direction. The alternate means of access is via Headland Drive, Riverleigh Avenue and then northbound on Crooked River Road. Once in the driveway there is no provision to turn a vehicle on site meaning a reversing manoeuvre either back onto Crooked River Rd or via a turning area on the footpath which is provided. The owners are not satisfied with access from the south as they consider there are risks associated both with conducting a right hand turn at the intersection of Riverleigh Ave and pausing to cross onto the driveway to allow for oncoming traffic as there is no passing bay for northbound traffic. There are often neighboring vehicles also parked in the driveway or leaving the shared access resulting in further conflict.

Council over the years has responded to numerous requests from the owners for an improved access arrangement. A signposted turning bay has been provided on the footpath to the south of the property to allow southbound vehicles to enter the bay and reverse into the driveway or alternatively northbound vehicle leaving the site to reverse into the bay and drive onto Crooked River Road in a forward direction. There is an electric light pole close to the bay which does make these movements very difficult. The turning bay even though it has "No Parking" signage, is also reported to have vehicles occasionally parked on it. Council has also removed a large tree which was on the front boundary of the adjoining property which was also creating access difficulties.

Most recently the owners have vigorously pursued remediation of the driveway to provide a separate access to the property. The owner and her son are both medically unwell and find it extremely difficult to manage the driveway. They also require access by ambulance and other medical services to be available due to their personal conditions.

Council undertook to determine if a designed driveway as requested could in fact be provided having regard to the physical constraints of the site. These include:

- The steep gradient of Crooked River Road and the opposing grade of the driveway.
- The horizontal alignment of the driveway which turns 180 degrees from the road.
- The vertical alignment and height difference from the site of the proposed driveway down to the existing driveway.
- The level of the currently shared neighboring driveway and the difficulty of matching it to provide a reversing opportunity off road.
- The turning circle of a standard vehicle southbound on Crooked River Road turning into the proposed driveway resulting in encroachment onto the neighboring property.

Council's Engineering and Survey staff have spent many hours both on site and reviewing design concepts to determine if it is possible to accommodate the myriad of constraints. Due to the difficulty in explaining these issues to the owners and in order to demonstrate to them in a three dimensional manner, Council recently set out the design on site using string lines and photographed the outcome. A number of these photos and design drawings are included in Councillors envelopes to assist with the understanding of the site. Council's design staff consider that it is not

Report of the Director Engineering and Works

13.1 Vehicular Access - 90 Crooked River Road Gerroa (cont)

possible to construct the desired separate access driveway due to the maximum turning circle encroachment onto the neighbouring property and the inability to be able to provide a reversing movement off the site over the proposed new driveway level, onto the adjoining driveway and into the turning bay without the underside of the vehicle scraping on the surface. In addition an easement for access would need to be provided over the adjoining property including the construction of a retaining wall to retain the required fill to form the driveway.

It is considered that the current driveway levels and alignment provide the most practical access to the site. Whilst the owners express concerns about the use of the shared driveway, this is not uncommon on Crooked River Road and numerous other difficult locations. Access could however be significantly improved by the relocation of the electricity pole which obstructs the access to the signposted turning bay. A relocation of the pole whilst being expensive would allow southbound vehicles to enter the turning bay with more ease directly off Crooked River Road, reverse onto the property and leave in a forward direction. Alternatively northbound vehicles on Crooked River Road would be able to drive directly onto the property, reverse into the turning bay and again leave in a forward direction. Additionally the turning bay could be surfaced in concrete or asphalt to provide an all weather surface. The cost of pole relocation and concrete turning bay would be in the order of \$25,000 to \$30,000. This proposal has been discussed with the owners who whilst recognizing the benefits of the pole relocation and constructed turning bay continue to adamantly pursue the construction of a separate access driveway as detailed above.

In undertaking to carry out survey and design work, Council gave no commitment as to the responsibility for construction. The purpose of this report is to provide Council with the background and design features of the access and seek resolution on the matter. It is considered that due to the length of time which has lapsed since the original road widening, legal liability may be difficult to determine. Councils would not normally be responsible for providing access from the kerb to the private property, however in this case the owners claim that they have never been satisfied with the provision of access at the time of the work and that they had reasonable access before the work was carried out. Council must determine if it has either a legal or moral obligation to correct the situation.

Due to the complicated nature of the issues referred to above, a site visit by interested Councillors prior to the meeting is recommended.

13.2 Road Safety Grant Funding Acceptance

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.6 Recognise and promote community safety throughout the Municipality

Delivery Program: 1.6.6 Facilitate Local Road Safety and Traffic Committees

Summary

Council has been successful in obtaining funding for local road safety projects in 2014-2015. This report outlines these programs and the links to the 3 year Action Plan and recommends acceptance of the funding.

Finance

\$24,100 grant funding.

Policy

Council's previous adoption of the 3 year Road Safety Action Plan (2014-2017), which aims to reduce road trauma in the Kiama Municipality through the delivery of programs, projects, strategies and interventions designed to limit the risk of road crashes involving all classes of road.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council accept the offer of \$24,100 grant funding from the NSW Roads and Maritime Services for local road safety projects.

BACKGROUND

An offer of \$24,100 has been received from the Roads and Maritime Services (RMS) for the implementation of nine road safety behavioural programs for 2014/15 as outlined in the 3 year Kiama Road Safety Action Plan (2014-2017).

Council's contribution to the program will be in-kind support predominantly through the Road Safety Officer in managing the programs and other associated administrative costs, such as provision of meeting rooms, evaluation and financial reporting etc.

The following is a list of the projects to be funded under the Local Government Road Safety Program (LGRSP):

Report of the Director Engineering and Works

13.2 Road Safety Grant Funding Acceptance (cont)

Funding Source	Project	Funding Amount
Young Drivers	Graduated Licensing Scheme Workshops	\$1,800
LGRSP	Log Book Run	\$2,000
LGRSP	Bicycle Safety	\$1,000
LGRSP	Motorcycle Safety	\$2,000
LGRSP	Child restraint	\$1,000
LGRSP	Scooter Workshop	\$1,800
LGRSP	Walking Safely	\$1,000
Alternative Transport	Night Bus Funding	\$12,000
Bicycle Safety	Bike Week	\$1,500
	<i>Total</i>	<i>\$24,100</i>

In addition, Councils within the Southern Region LGRSP are working together on the following RMS funded projects:

Funding Source	Project	Funding Amount
LGRSP Southern Region	Motorcycle Safety	\$20,000
LGRSP Southern Region	Speed Project Plan	\$10,000
LGRSP Southern Region	Fatigue Project Plan	\$10,000
LGRSP Southern Region	Pedestrian Project Plan	\$5,000
LGRSP Southern Region	RYDA	Non-funded
LGRSP Southern Region	Fatality Free Friday	Non-funded
	<i>Total Across Region</i>	<i>\$45,000</i>

Project Outlines

Graduated Licensing Scheme

Six Graduated licensing scheme workshops are to be held in Kiama to help supervisors of learner drivers complete the task of teaching a learner to drive. The presentations outline the restrictions on L and P plate drivers, provide practical advice on completing the learner log book and explore strategies to make for an effective learning experience.

Log Book Runs

Six Learner Driver Log Book Runs will be held in conjunction with Shellharbour Council. These events provide an opportunity for learners and their supervisors to experience a wide range of road and traffic conditions as well as experiencing random breath testing, driver revive stop and radar speed check. In addition these events provide access to road safety professionals, highway police officers and peers in a positive non-threatening environment.

Bicycle Safety

Report of the Director Engineering and Works

13.2 Road Safety Grant Funding Acceptance (cont)

Programs will be implemented to encourage safe cycling on local roads and highways and provide support for a Seniors Week Bicycle Safety run in conjunction with Kiama Bicycle User Group.

Motorcycle Safety

The motorcycle crash prevention project involves the support of activities during Motorcycle Awareness Week with the aim to reduce the high crash rate for motorcycles in the Municipality. A Meet and Greet event will be held at the Robertson Pie shop during Motorcycle Awareness Week in October to conduct a survey with motorcycle riders.

Child Restraints

A Child Restraint Information day will be held in Kiama to increase the effective and correct use of seat belts and child restraints.

Scooter and Walk Safe Workshops

Scooter and Walk Safe Workshops are planned to assist senior road users to safely engage with the local traffic environment as a driver or as a pedestrian (or motorised wheelchair user). The workshops will deal with options and alternatives, legal responsibilities and public transport options. A workshop will be held during senior's week, March 2015 and other dates during the year.

Night Bus Funding

The Kiama Night Bus is a late night courtesy bus service to provide Alternative Transport in the form of a safe and reliable user friendly bus service for patrons of local venues to get home after enjoying a few drinks.

The night bus service is a major benefit to Kiama as it takes patrons home from local venues especially during the holiday period when there is a major increase of visitors.

While drink driving and drink walking can be problems all year around, there is typically a rise in risk taking during summer. The night bus helps to clear patrons from licensed venues, reduces antisocial behaviour and is a positive demonstration of responsible service of alcohol, supported by Kiama Liquor Accord.

Report of the Director Engineering and Works

13.2 Road Safety Grant Funding Acceptance (cont)

Bike Week

NSW Bike Week is an annual celebration of cycling, encouraging people from all walks of life to get on a bike and ride. Transport for NSW, through the RMS, will provide local event organisers with funding to support their efforts to promote cycling to their communities. NSW Bike Week will run from 13 – 21 September 2014.

Kiama will host a NSW Bike Week Family Fun Ride on Saturday 20 September 2014 with the support of Kiama Bicycle User Group. The ride will provide an opportunity for families to participate in the 1st annual Kiama Classic Family Fun Bike Ride. The 5km ride starts and finishes at Black Beach and follows off-road shared paths with the turnaround point at Kendall's Beach. The aim of the Bike week event is to:

- Increase the use of local cycling infrastructure for transport and recreation.
- Provide a safe and secure environment for new and less confident cyclists to improve their cycling skills.
- Educate the community on the importance of road safety and of relevant road rules.
- Promote cycling as a safe and healthy mode of transport for short trips.

Southern Region Programs

Motorcycle Safety Regional Program

The NSW regional Motorcycle Safety Program aims to increase rider safety. Issues can include riders wearing appropriate protective gear. Education programs can include efforts to remind all drivers of the need to look out for motorcycles, particularly at intersections and popular motorcycle routes across the Southern Region.

Speed Safety Regional Program

The NSW regional road safety Speed Program aims to reduce the number and severity of speed related crashes across the Southern Region.

Fatigue Regional Program

The NSW regional Driver Fatigue Program aims to reduce crashes by encouraging drivers and riders to take regular breaks and be aware of the signs of fatigue across the Southern Region.

Pedestrian Regional Program

Report of the Director Engineering and Works

13.2 Road Safety Grant Funding Acceptance (cont)

The NSW regional Pedestrian Safety Program aims to increase the safety of pedestrians across the Southern Region.

Rotary Youth Driver Awareness (RYDA)

RYDA is a community based initiative of Rotary Clubs, partnering community organisations involved in road safety for youth (Police, Ambulance, NRMA, RSOs, Drug & Alcohol, NRMA, Headway, Illawarra Road Safety Group). It has been developed with relevant Government Departments and is designed to complement and supplement the school curriculum and government road safety messages. The program targets 16 to 17 year olds who are at the stage of their lives where they start to drive or ride in a vehicle driven by their peers.

Young drivers are divided into groups with approximately 25 people in each group and move through the 6 session program. Each session lasts for approximately 30 minutes. Presenters include NSW Police, Headway, Legal Aid, Office of Fair Trading, Council Road Safety Officers, South Eastern Sydney & Illawarra Area Health, and a number of driving schools. The Project runs during October and November 2014 with attendance expected from nearly every high school in the Illawarra region.

While no funding is provided by the RMS, in-kind contributions are made by each participant in terms of preparation, travel to and from Albion Park, and delivery of the presentations.

Fatality Free Friday

Fatality Free Friday is an annual event to encourage drivers to consciously think about road safety and safe driving with the aim of not recording a single road death in Australia for just one day. Fatality Free Friday is usually held in May with promotional activities such as the Fatality Free Inflatable Car are planned for Kiama in 2015.

All the above projects have been reviewed and recommended by the Kiama Road Safety Steering Committee.

13.3 Reid Park Jamberoo - Centenary Rotunda

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.12 Effectively manage recreation and open space infrastructure to cater for current and future generations

Delivery Program: 2.12.1 Manage recreation and open space infrastructure for the community by the implementation of the Recreation and Open Space Asset Management Plan actions

Summary

Council has received correspondence from the Jamberoo Valley Ratepayers and Residents Association forwarding a proposal to erect a Rotunda in Reid Park Jamberoo. This report details the proposal and recommends Council support.

Finance

The estimated cost of the proposal is \$36,000. Council has an allocation of \$5,326 in the Section 94 plan for the development of Reid Park. Additional sponsorship and Government grants are being pursued by the Association.

Policy

N/A

Attachments

Nil

Enclosures

1 Letter from Jamberoo Valley Ratepayers and Residents Association

RECOMMENDATION

That Council indicates its support for the proposed Centenary Rotunda in Reid Park and allocates \$5,326 from the Section 94 plan and in kind site preparation costs to the project.

BACKGROUND

Council staff met recently with representatives of the Jamberoo Valley Ratepayers and Residents Association and the Jamberoo combined churches to discuss the concept of a Centenary Rotunda in Reid Park. Subsequently correspondence has been received which provides more detail of the proposal, a copy is included in the report enclosures.

The Association has formed a sub-committee with a representative from the Jamberoo Business Group, Combined Churches and their own Association representative. They have investigated the design, location and cost of the rotunda, all the details of which are included in the enclosure.

The concept is considered to have merit and is consistent with the Plan of Management for Reid Park. The location chosen does not conflict with the current

Report of the Director Engineering and Works

13.3 Reid Park Jamberoo - Centenary Rotunda (cont)

activities in the park, however would clearly occupy some of the current open space available for general use. This is however offset by the provision of additional cover and the benefit of providing an entertainment space for the Jamberoo Village. In this regard the annual Carols by Candlelight which is very well supported currently operate from a flat bed truck which is parked on the site.

The sub-committee has obtained letters of support from a range of local organizations and further proposes to pursue Government funding opportunities. The total cost of the project is estimated to be \$36,000. In addition to any grant funding received the Association anticipates donations from various sources and in kind voluntary labour contributions for components of the work. The application to Council requests the consideration of a financial contribution and in kind support through the site preparation.

Since meeting with the committee Council has identified \$5,326 in the Section 94 plan which has been collected for the provision of facilities at Reid Park. It is appropriate that these funds be allocated to the rotunda project as well as the in kind support for site preparation requested.

13.4 New Licence - Gerringong Sunrise Rotary Markets

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

CSP Strategy: 4.3 Identify opportunities to diversify and expand new and existing funding sources to meet community needs

Delivery Program: 4.3.2 Investigate surplus Council owned land and buildings being leased or sold to maximise return

Summary

The Gerringong Sunrise Rotary Markets have operated from the Gerringong Town Hall site since 2007. The current licence agreement expires in December 2014 and this report recommends a new licence agreement for the continued operation of the markets.

Finance

Council's Fees and Charges prescribes a rental payment for markets based on the number of stalls.

Policy

Local Government Act 1993

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council enter into a new three year licence agreement with Gerringong Sunrise Rotary Club Inc. for the operation of markets at Lot 38, DP873965, 106 Fern Street Gerringong and that delegated authority be given to the General Manager to sign the licence agreement.

BACKGROUND

In 2007, Council granted development consent to the operation of markets from the Gerringong Town Hall property (10.2007.223.1). The Gerringong Sunrise Markets are managed by the Gerringong Sunrise Rotary Club Inc. and are conducted both within the Town Hall premises and outside. The markets are held on the third Saturday of each month and have been continuous since inception in 2007.

The current licence agreement with Council expires on 16 December 2014 and a new licence is required in order to keep operating the markets under the terms of the development consent. A new licence is recommended to enable the continuation of the markets from the property. The markets contribute to the local economy as well as attracting visitation to the area and the Gerringong Town Hall is centrally located within the Gerringong township to facilitate this activity.

Report of the Director Engineering and Works

13.4 New Licence - Gerringong Sunrise Rotary Markets (cont)

As the land is classified operational under the Local Government Act, there is no requirement to advertise the proposed licence.

13.5 Proposed Classification of Land

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

Council has recently received title to a section of land off Collins Street Kiama used as a laneway. This report recommends the proposed classification of this land as operational under the Local Government Act 1993 following public notification of the proposal.

Finance

An advertisement is required in the local print media advising of Council's resolution to classify the land.

Policy

Local Government Act 1993

Attachments

1 Plan of Lot 51 DP1200006

Enclosures

Nil

RECOMMENDATION

That Council give public notice to classify Lot 51 DP1200006 as operational land under Section 34 of the Local Government Act 1993 and adopt the classification for the land following the advertising period.

BACKGROUND

Recent search enquiries through Land and Property Information (LPI) NSW have confirmed that Kiama Municipal Council is the documentary owner of Lot 51 DP1200006, off Collins Street Kiama with a certificate of title recently issued to confirm this.

The land was originally part of a deceased estate with a conveyance prepared in 1975 for transfer to Council which was never completed. Lot 51 is a 154m² area of land used as a constructed road laneway for many years. The laneway is used by vehicles leaving the Centrepoint car park area while an adjoining lot to the south benefits from a right of way over the laneway.

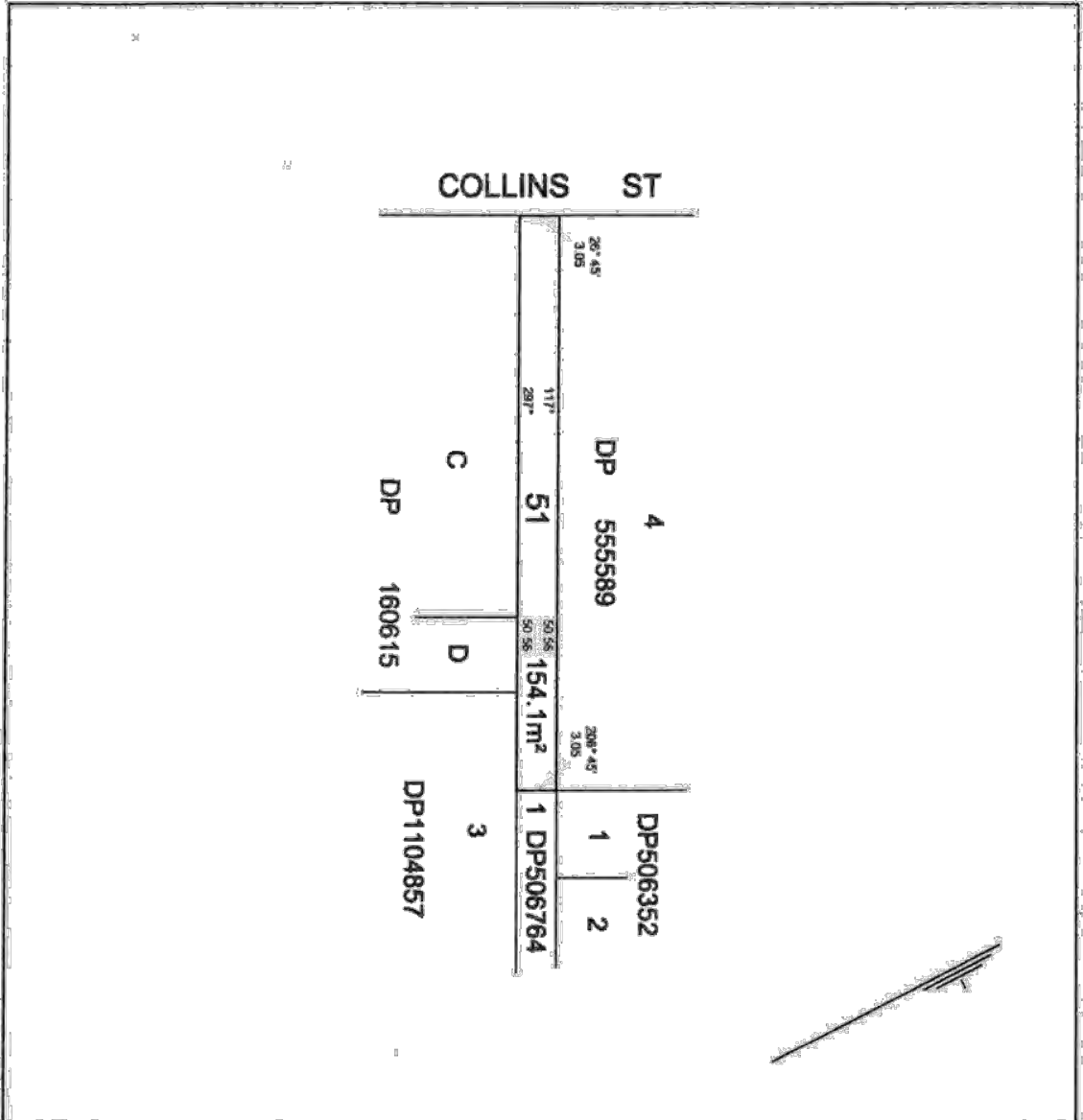
Report of the Director Engineering and Works

13.5 Proposed Classification of Land (cont)


With confirmation that Lot 51 is public land owned by Kiama Municipal Council and not being road reserve, the land has to be classified as either operational or community. If land is not classified as either within three months of acquisition it automatically becomes community land.

On the basis of the function of the land as a laneway, it is appropriate to classify Lot 51 as operational land under the Local Government Act. Part of the process in classifying land involves giving notice to the public of the proposed classification under section 34 of the Act. This public notice will be organised and following the notification period it is intended to automatically adopt the land classification as operational.

Req:R076092 /Doc:DP 1200006 P /Rev:25-Aug-2014 /Sta:3C.OK /Est:25-Aug-2014 12:04 /Pgs:ALL /Seq:1 of 1
 Ref:KANDG-ARBY-KMC-1-598 /Src:M



e-Departmental

DP 1200006	
Registered:  19.8.2014	
Title System: OLD SYSTEM	
Purpose: LIMITED FOLIO CREATION	
Ref. Map: W8285-212	
Last Plan: _____	
C.A. 172388	
PLAN OF LAND COMPRISED IN	
DEED BK. 3210 NO. 219	
Length in meters: Reduction Ratio: NTS	
Scale: 1 of 1 sheets	
L.G.A.: KIAMA	
LOCALITY: KIAMA	
PARISH: KIAMA	
COUNTY: CAMDEN	
THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.	
THIS PLAN IS NOT A CURRENT PLAN IN TERMS OF STA DOWNSHANKING ACT 1992	
LPM Ref.: TCR139818	

13.6 Purchase of Road Maintenance Unit

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

CSP Strategy: 4.12 Effectively manage Plant Assets to meet Community Strategic Plan requirements

Delivery Program: 4.12.1 Manage Council Plant by the creation and implementation of the Plant Asset Management Plan actions.

Summary

This report informs council of the process and outcomes of the request for quotations (RFQ) for the purchase of one Road Maintenance unit (Tar Patching Truck).

Finance

The capital expenditure of \$233,016 + GST will be made available from the Engineering Services Plant Replacement budget.

Policy

The RFQ has been undertaken in accordance with the Local Government Tender Regulations 2005 through Local Government Procurement.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council purchase one HD Series Road Maintenance unit from Ausroads with a capital value of \$233,016 + GST.

BACKGROUND

As part of the 2014/15 Plant Replacement Program, the Flowcon tar patching unit has been identified as being at the end of its economical life and requiring replacement.

A specification was developed in consultation with stakeholders to ensure the vehicle will meet the operational needs of the road maintenance section.

A request for quotation was then placed through the Local Government Procurement Vendor Panel system. The request for quotation was sent to all panel members under LGP contract 707-3.

Council received 2 submissions with an average cost of \$251,780.

All submissions were evaluated using 6 different criteria including price, specification, warranty, after sales support, Australian content and an operator assessment.

Report of the Director Engineering and Works

13.6 Purchase of Road Maintenance Unit (cont)

The combined scores for each criteria were then inputted into the LGP evaluation matrix. This produced an overall ranking and recommendation for the vehicle that best meets our requirements.

The HD Series Truck from Ausroads ranked number 1 after completion of the evaluation and as such is recommended for purchase.

13.7 Cost Estimate to Demolish and Rebuild the Kiama Memorial Arch

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.13 Effectively manage other assets to cater for current and future generations (including car parks, community buildings, cemeteries and dams)

Delivery Program: 2.13.2 Manage other assets and infrastructure by the creation and implementation of the Other Assets and Infrastructure Asset Management Plan actions

Summary

This report responds to a question raised at the meeting of 17 July 2014 by Councillor McClure about the cost of re-building the Kiama Memorial Arch and recommends proceeding with the stabilisation of the arch and accepting the Federal Government grant offer.

Finance

Project cost estimate - \$222,220

Council allocation revoked from 2013/14 - \$45,000

State Government grants - \$30,000

Federal Government grant - \$16,500

Funding shortfall - \$130,720

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. Proceed with the stabilisation of the Kiama Memorial Arch.
2. Accept the Federal Government grant funding offer and thank the Member for Gilmore, Ann Sudmalis MP.
3. Allocate an additional \$130,720 from Council Reserves.
4. Call tenders for the stabilisation works.

Report of the Director Engineering and Works

13.7 Cost Estimate to Demolish and Rebuild the Kiama Memorial Arch (cont)

BACKGROUND

Background and Summary

At Council's meeting of 17 July 2014 Councillor McClure requested a cost estimate on the demolition and rebuilding of the Kiama War Memorial Arch at Hindmarsh Park Kiama.

Heritage Conservation

Kiama Local Environmental Plan 2011 Schedule 5 has listed the Memorial Arch as a local heritage item. As a result development consent is required for the demolition and rebuilding works. A heritage impact statement and/or Conservation Management Plan will be required to be completed prior to Development Application (DA) assessment. The proposed demolition and redevelopment will be subject to public exhibition and the NSW Veterans' Affairs Office will also need to be consulted as part of the DA assessment.

Construction Cost Estimate for the Demolition and Rebuild of the Arch

Council's previous investigation has identified that the Arch was built on approximately 11 metre deep uncontrolled fill. To rebuild the arch at the same location will still require deep pile footings to support the new concrete arch, therefore any savings achieved on footing construction compared to stabilising the existing arch is minimal.

The cost of demolition and disposal of the existing 200 tonne concrete arch is estimated at \$102,303. The existing arch structure appears to be sound and intact. Although the arch is leaning 2 degrees towards the north, there are no structural cracks observed on the concrete structure.

The cost of constructing the new concrete arch to replicate the existing including the site reinstatement and rectification of damaged stormwater drainage system under the arch is estimated at \$141,360.

The demolition and rebuilding works can be broken down into five main components. The cost of these components is summarised as following:

<u>Description</u>	<u>Cost</u>
Engineering Design and Certification	\$12,500
Preliminary (Including DA, CC, site establishment, fencing, 3D survey of the Arch and insurance etc.)	\$35,236
Demolition and disposal of the 200 tonne Memorial Arch concrete	\$102,303
Deep Piles and raft footing construction	\$96,206
Rebuild the concrete arch with Class 1 concrete finish including site reinstatement and rectification of damaged stormwater drainage under the Arch	\$141,360
Total	\$387,605

Report of the Director Engineering and Works

13.7 Cost Estimate to Demolish and Rebuild the Kiama Memorial Arch (cont)

Stabilisation of the Leaning Memorial Arch

Council's initial geotechnical investigation has drawn the conclusion that the most appropriate and cost effective remedial option is to install deep micro piles around the arch base to rock level and connect these to the existing arch footing.

Since then, Council has obtained three fee proposals for the stabilisation works from piling specialists recommended by Council's geotechnical consultant. The fee proposals from those contractors varied from \$147,458 to \$257,800. Taking into account the scope of works included and merits of methodology proposed in those quotations, it is projected the true cost of the stabilisation works is \$222,220.

The scope of works for the stabilisation works and its respective cost is summarised below:

<u>Description</u>	<u>Cost</u>
Engineering Design and Certification	\$12,500
Site establishment	\$24,400
Demolition of existing concrete stairs and landings	\$5,100
Installation of eight micro piles 12m deep each	\$90,000
Construction of concrete ring beams around the existing Arch footing	\$38,000
Coring and connecting into existing arch footings	\$10,000
Site reinstatement including construction of new stairs, re-turfing and paving	\$42,220
Total	\$222,220

Council has previously applied for grant funding from both the State and Federal Government to stabilise the leaning Memorial Arch. Funding of \$30,000 from NSW Veterans' Affairs Office has been recently granted to the stabilisation works and Council has allocated \$45,000 which has been carried over from the 2013/14 budget. The Federal Member for Gilmore Ann Sudmalis MP provided advice on 1st September 2014 that funding of \$16,500 has been allocated to the project under the Anzac Centenary Local Grant Program. This leaves a shortfall in funding of \$130,720.

The expenditure of the grant funding allocated by the State Government is required to be completed within 6 months of the allocation of funds. Therefore Council need to determine if it will allocate the additional Council funds to the project to ensure the grant funds are not lost.

Any proposal to demolish and rebuild the arch in lieu of stabilisation will require Council to amend its grant applications to State and Federal Government. This would require renegotiation of the terms and conditions of the grant offers, and may jeopardise the funding.

In addition Council has received advice from the Kiama/ Jamberoo RSL that they resolved at their meeting of 1st August 2014 to "ask Kiama Council to stabilise the arch in-situ".

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Cultural Board Minutes and Cultural Grants

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report provides Council with; minutes of the September Kiama Cultural Board meeting and seeks approval for recommendations concerning the Cultural Grants and Youth Arts Scholarships, and new Cultural Board membership.

Finance

Cultural Contributions Budget 2014/15

Policy

Cultural Grants Guidelines

Cultural Board Terms of Reference

Community Services Cultural Plan (BERT 2013-2016)

Attachments

1 Kiama Cultural Board - Minutes - September 2014

Enclosures

Nil

RECOMMENDATION

That Council

1. consider the recommended applications for the August funding round of Council's Cultural Grants:
 - Photography Workbook; \$3000
 - Gerringong Live; \$2551
 - Talk to Me, Dance with Me, Listen; \$1988
 - Land Art Workshops; \$3000
2. consider the recommended applications for the annual Youth Arts Scholarships:
 - Harry O'Brien; \$1000
3. Note the Cultural Board Minutes, March 2014

Report of the Director Community Services

14.1 Cultural Board Minutes and Cultural Grants (cont)

BACKGROUND

Cultural Grants

The Kiama Council Cultural Board Sub Committee met on Tuesday 2 September 2014, to assess five (5) Cultural Grant applications and one (1) Youth Arts Scholarship application totalling to the value of \$14 539. With combined funds available for distribution during the August round being \$20 000.

The Sub Committee recommended four (4) Cultural Grant applications totalling \$10 539 and one (1) Youth Arts Scholarships totalling \$1000 to the full Cultural Board meeting on Thursday 4 September 2014 which were approved for recommendation to Council.

For the awareness of Councillors the Gerringong Live event which will be held on 20 September, has already received a donation from Council to waive the hire fee of the Gerringong Town Hall.

Cultural Grants

Photography Workbook \$3,000.00

The design and printing of a workbook for photographers of a beginner or novice level. The workbook will assist them in understanding the essential skills of photography, written in a concise and easy to understanding manner with 'homework' activities for each chapter.

Gerringong Live \$2,551.00

Communal live music dinner event at Gerringong Town hall. Live folk, blues and roots style music and shared table menu. Performers; Kiama student Sean Emmett, Penny Hartgerink Trio and band Benjalu.

Talk to Me, Dance with Me, Listen \$1,988.00

This project will generate collaboration between artists from different sectors of the community. Using art (music, dance, visual art and creative writing) as a form of expression, each artist will be invited to respond to another artist's original work. Eg an aboriginal dancer may dance to a young persons musical composition and in turn inspire a written poem. Each artist will be encouraged to bring their own cultural response to the "piece" that is presented by another artist.

Land Art Workshops \$3,000.00

A 5 day workshop for young people (High School students) on the theme of Land Art. Using Werri Beach, Gerringong as a focus for the creative exploration of the beach and foreshore environment. The workshops would accommodate up to 16 students, the sessions will involve theory and practice, working outdoors in the morning and an afternoon session indoors/undercover.

Youth Arts Scholarships:

Harry O'Brien \$1000

Advanced singing and music lessons with local singing and guitar teachers.

The Cultural Board's minutes for meeting held 4 September 2014 are included for Councillors information.

Minutes of the Kiama Cultural Board Committee meeting held on Thursday 4 September 2014 in Council Committee Room 1 at 5.30pm.

Present: Louise Croker, Chrissie Paice, Gordon Streek, Catherine Carr, Tamara Campbell

Apologies: Mayor Clr Brian Petschler, Judy White (leave of absence), Mark Willmot

Open: 5.35pm

Previous Minutes

Accepted

Moved: Catherine Carr Seconded: Paula Gowans

Community and Cultural Development Officer Report

1. *Fostering Staff*

Have started discussions with Manager Community and Cultural Development regarding possible future staffing options. Currently undertaking work time analysis to determine cultural vs community development balance.

2. *Cultural Board Facilitation*

Six nominations received for the vacant Cultural Board position

3. *Art Centre*

The Art Centre Sub Committee has met to discuss the report from BHI and has endorsed the two site proposal.

The Cultural Board undertook discussion of timeframes and options regarding the Ambulance Station

It was suggested they opportunities to undertake art based activities at the Community Centre should be explored in intervening years prior to occupation of the site.

Cultural Board endorses the sub committee's recommendation of:

The Sub Committee endorses the BHI report based on the two part strategy of use of both the Community Centre and the Old Fire Station, while also continuing to develop the Old Fire Station in a staged process for the long term.

Moved: Chrissie Paice

Seconded: Gordon Streek

4. *Marketing the Arts*

Have submitted an application to the University of Wollongong for a short term Marketing Intern to develop a marketing strategy for the Kiama arts industry.

5. *Events*

Music in the Park has been approved with payment to performers. EOI is being drafted for a call for contractors to undertake implementation. Sessions to be overseen by Special Events Officer. Community and Cultural Development Officer to oversee EOI and contracting.

Damico Sound has been approved by the General Manager to undertake sessions in October, November and December while the EOI process is being undertaken.

6. *Kiama Cultural Network*

Since the blog started in Sept 2012 the number of views per day has nearly doubled, averaging approx 200 visitors per month. Nearly 400 followers of blog & Facebook combined, 141 of these are local artists.

7. *Exhibitions*

Exhibitor information packages being updated and cracking down on commercial sales, must be handmade original work only.

8. *Council Art Collection*

U3A talk on Council's Art collection will be on Monday 13 October, 2pm. Paula and Catherine invited to assist Louise in the presentation if available.

9. *Arts Honour Roll*

Nominations are now open and due to close Sunday 5 October.

Cultural Grants

Moved that Cultural Grants be accepted as per the subcommittee's recommendations.

Moved: Catherine Carr Seconded: Paula Gowans

Mark Way suggested an update of the Beyond the Blowhole photography book might be a good arts project to be undertaken.

Cultural Board Membership

The Board reviewed the six nominations received for the vacant Cultural Board position and has shortlisted four of the six. The standard of applicant is very high and the Board discussed at length the need for a balance of gender and arts genre representation as well as the range of skills and experience presented by the six nominees.

The Board will take some more time to gather information from the four shortlisted nominees and review the Terms of Reference before making a recommendation to Council. A further meeting to discuss has been scheduled for Thursday 18 September.

Daisy Repairs

The Community and Cultural Development Officer gave the Board a progress report of research undertaken to date regarding repairs to Daisy the Cow. After discussion of the various options and fibre glassers quotes it was decided by the Board that the

Community and Cultural Development Officer should provide a report to Council recommending:

- A fibreglasser
- Obtaining a new 'skin' of fibreglass with reinforcement in the legs to be applied to Daisy and her base board to ensure an airtight seal.
- That the project be part funded by Council and part through crowd funding

Sculpture Loan

The Board supports the idea of a 2 year loan of the Crab Riders sculptures, Louise to undertake research of details including; installation, insurance etc.

Sculpture by the Sea

2014 application to the regional acquisition of Sculpture by the Sea will be submitted next week.

General Business

None

Closed: 7.30pm

Next Meetings:

Cultural Board shortlisted nominees meet and greet Thursday 18 September, 5.30pm

Arts Honour Roll Assessment Meeting Tuesday 14 October, 10.00am

Cultural Board Meeting Thursday 16 October, 5.30pm

14.2 Kiama Hospital Redevelopment

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.2 Redevelop and expand the Blue Haven Aged Care Facility

Summary

This report provides an update to Council on the progress being made toward the redevelopment of the Kiama Hospital project.

Finance

N/A

N/A

Attachments

- 1 SK26 Site Plan 4b, Boffa Robertson, Kiama Hospital
- 2 Existing LTFP compared to 4A & 4B scenarios, Kiama Hospital
- 3 14 61940 Capital Expenditure Review, Executive Summary, 9 Sept 2014

Enclosures

Nil

RECOMMENDATION

That Council:

- 1) Note the information contained in this report
- 2) That an extraordinary meeting be scheduled to consider ongoing stages to the project

BACKGROUND

Work continues to progress on the various elements of this project and the following background and summary is provided for Councillor information.

The overall aims of the project, as is being submitted to the Office of Local Government in the Capital Expenditure review, are to:

- provide an expansion of residential aged care services on the Kiama Hospital site in response to increasing demand driven by an aging local population
- overcome existing and foreshadowed facilities deficits impacting Blue Haven
- enable greater coordination of services and implementation of improved models of care;
- provide the opportunity to establish an Aged Care Centre of Excellence
- realise additional value from the underutilized Kiama Hospital site

Report of the Director Community Services

14.2 Kiama Hospital Redevelopment (cont)

-
- enable the provision of upgraded facilities for the continued delivery of ISLHD outpatient services (which are strongly supported by the local community)
 - act as an enabler for the consolidation of sub-acute aged care services within the Illawarra, consistent with the ISLHD Health Care Services Plan 2012–2022
 - generate employment during the construction phase and ongoing operations and
 - provide heritage benefits for the Kiama Hospital site that are supported by the local community.

The overall project scope includes:

- transfer of the majority of the 3.3ha Kiama Hospital site to Council. Approximately 2000sq metres will be retained by ISLHD to develop a new purpose-built building for the delivery of outpatient services to the local community;
- relocation of 20 sub-acute inpatient beds (and associated services) to Port Kembla Hospital;
- demolition of the majority of existing buildings on the site (excluding Barroul House);
- development of site infrastructure and subdivision of 8 residential lots – with proceeds to provide funding for the residential aged care facility (RACF);
- construction of a 134 bed RACF, with collocated Council Community age & disability services;
- restoration and refurbishment of Barroul House; and
- construction of a number of assisted and independent living units for retirement living.

The project aligns with the NSW Government priorities and is consistent with the ISLHD Health Service Plan.

Concept Plans

During the period of refining the design and financial feasibility of the project, it became apparent that a better outcome would be achieved if the Nightingale Wing was not retained within the overall design. Following negotiation, the ISLHD have agreed to subdivide a section of the block from the north western corner of the site and will undertake a new build for their outpatient services. KMC has prepared a further concept master plan of the site, repositioning the Assisted Living Units (ALU) and Independent Living Units (ILU) to allow for the ISLHD subdivision. The concept plan is attached to this report. This remains a draft plan as there is consideration of adjusting the mix of ILUs and ALUs to increase the project's economic viability.

Report of the Director Community Services

14.2 Kiama Hospital Redevelopment (cont)

Feasibility and Due Diligence

Council has been working with a specialist Aged Care Consultant firm, Premier Consulting Australia Pty Ltd, to complete a project feasibility study including financial modeling.

The analysis has tested the financial viability of a number of development options and included consideration of:-

- professional fees, authority fees and contingency;
- operating costs based on an assessment of Blue Haven current staffing and operating expenses;
- benchmark indicators for RACF ramp up period and average length of stay;
- benchmark refundable accommodation deposits (RADs) for RACF beds (excluding concessional beds); and
- cost escalation and cash flow in alignment with the proposed implementation program.

The analysis was supported by capital cost estimates prepared independently for Council by a qualified and experienced quantity surveyor, that include cost allowances for demolition based on ISLHD asset records.

Within the constraints of allowable land use and the need to provide for the operational needs of Blue Haven and ISLHD, obtaining the optimum financial outcome from the site has been a paramount consideration of both parties in order to partially offset the significant cost of the project.

A further report will be submitted to Council at an extraordinary meeting, as Premier have updated their analysis based on the most recent concept design of the site and incorporating some changed financial assumptions. As a result of the Aged Care (Living Longer Living Better) Act 2013, changes to the way aged care is funded came into effect on 1 July 2014. This has introduced Residential Accommodation Deposits (RAD) and Daily Accommodation Payments (DAP) for all aged care beds, as opposed to the previous arrangement whereby a bond (similar to a RAD) was payable only for low care beds. Residents who are required to pay the RAD or DAP will have the choice which method they pay. In addition, an income and assets assessment now applies to all incoming residents, to determine their requirement to pay the RAD or DAP and contribute to their daily care fee. Due to these changes being so recent, there is no available trend data to base the financial modeling on.

In the original modeling done for the project, it was assumed that there would be 27% supported residents (not required to pay a RAD/DAP) and that of the remaining residents 70% would choose a RAD and 30% a DAP. Following advice from KPMG and other industry comment, this assumption has now been changed to a supported resident ratio of 40%, thereby reducing the number of residents paying a RAD. This will impact on the injection of RAD investment, but will be offset by an increased government subsidy, as long as the ratio stays above 40%. The higher level of government subsidy will have a positive impact on the ongoing cashflow.

Report of the Director Community Services

14.2 Kiama Hospital Redevelopment (cont)

This information is now being incorporated into other documents, such as Council's Long Term Financial Plan. A financial comparison of the existing Long Term Plan with the two most recent financial scenarios provided by Premier Consulting is attached. The figures demonstrate that the first few years of the project will have a significant impact on Council's financial position. However, from the 2017/18 financial year there will be a positive return to Council as income is achieved from the sale of residential lots, resident RADs, and loan licences. There is a positive long term forecast for the project.

Purchase Negotiations

Senior staff have been meeting with representatives of the Illawarra Shoalhaven Local Health District (ISLHD) and the Ministry of Health on a regular basis to address outstanding issues relating to the purchase of the Kiama Hospital site. The Terms of the Agreement for the purchase are now nearly finalised, having taken account of the requirements of both KMC and ISLHD. At this stage the Agreement will note the intention to progress with the sale, pending agreement from the NSW government to meet remediation costs.

Restart Illawarra Funding

Infrastructure NSW are requiring that the funding deed and schedule be completed as a matter of priority. After discussion with their representative it has been agreed to work on providing these documents to Infrastructure NSW with the proviso that they be finalised when the purchase of the site is secured.

Capital Expenditure Review

It is a requirement of the Office of Local Government to prepare and submit a Capital Expenditure Review for a project of this value. The Capital Expenditure Review outlines the rationale and scope of the project and requires Council to demonstrate that it has undertaken appropriate due diligence and risk assessment. The Executive Summary of the document is attached.

Project Management

As per Council's previous recommendation, options for the appointment of a project manager are being explored. Discussions have been held with NSW Public Works and a quote is being obtained. Several benefits apply to utilising NSW Public Works: it is not necessary to go to tender; they have a good understanding of the requirements of Infrastructure NSW; they have access to a team with a range of professional skills; and they offer the security of being a government backed organisation.

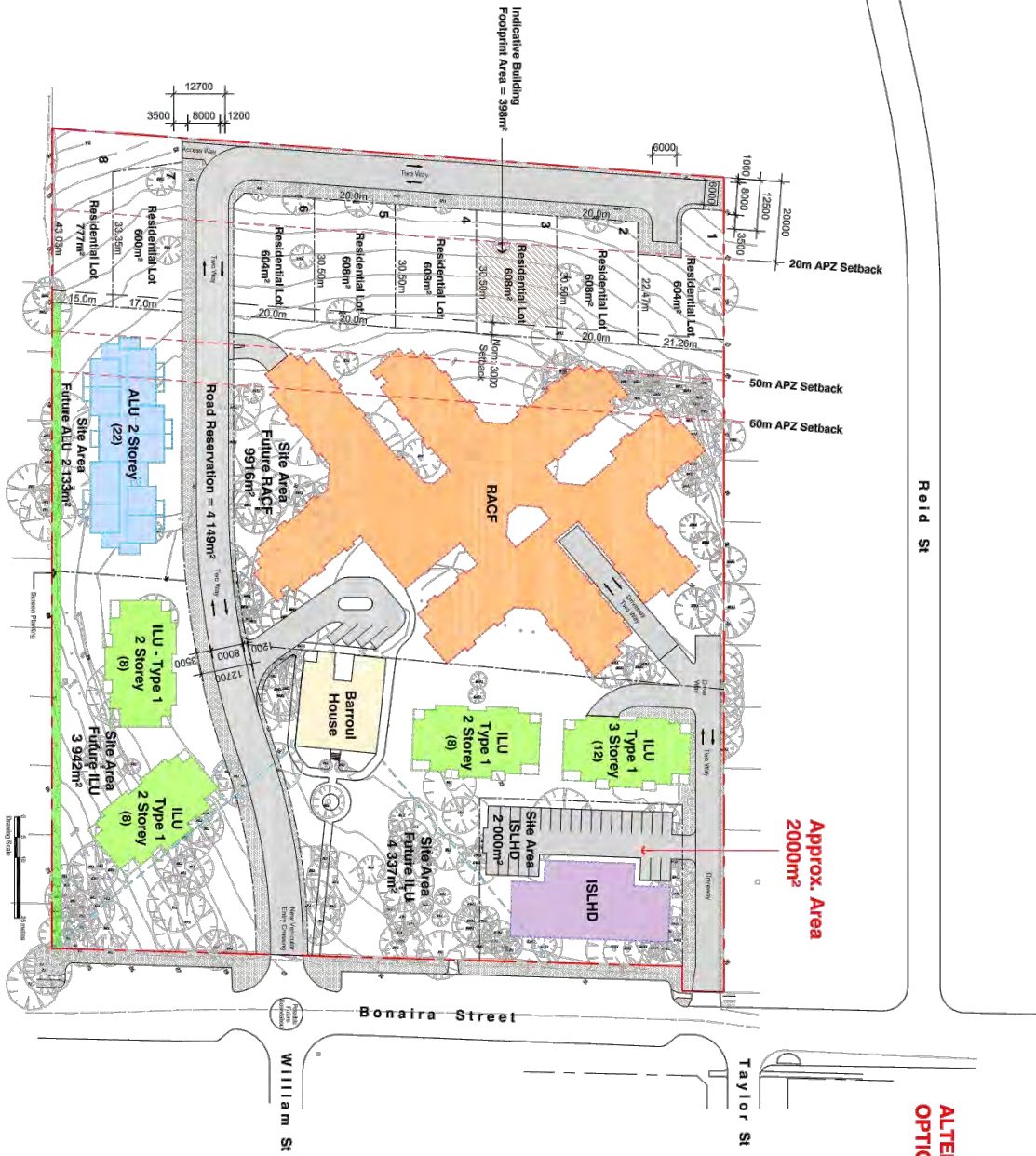
Report of the Director Community Services

14.2 Kiama Hospital Redevelopment (cont)

Site Contamination Assessment

ISLHD and Council have jointly commissioned a site contamination assessment by Coffey's Environmental. The initial results of this survey have revealed some mixed outcomes. It has indicated the presence of fibro asbestos in areas of fill on site, the extent of which has not yet been fully determined. Dependent on the extent of the asbestos and the recommended treatment for remediation, this could pose a significant cost implication that has not been factored in by either Council or ISLHD. Testing around the underground fuel storage tank has not revealed any obvious leaking or contamination, which is positive.

As the first round of assessment has not provided sufficient information for Coffey's to be able to provide a reliable estimate of remediation costs, they have been commissioned to undertake further testing to determine the extent of the contamination around the risk areas. They will then also provide a remediation quote. If Council were to meet the cost of the remediation, the impact on the viability of the project would be significant. As neither Council nor ISLHD have included a contingency for site remediation in their economic modeling, it is proposed that the NSW state government be approached to provide funding to meet this cost.



Approx. Area
20000m²

ALTERNATIVE OPTION 4b

- 8 RESIDENTIAL BLOCKS @ APPROX. 600m²
- 36 INDEPENDENT LIVING UNITS
- 22 ASSISTED LIVING UNITS

NOTES:

Building Areas (Gross)	
Barroul House	= 441m ²
RACF - L1 Service Area	= 750m ²
- L2 Ground Floor Entry	= 4 497m ²
- L3 First Floor	= 4 186m ²
ILU Type 1 - 2 Storey (4 units/floor)	= 920m ²
2 Storey (4 units/floor)	= 920m ²
2 Storey (4 units/floor)	= 920m ²
3 Storey (4 units/floor)	= 1 380m ²
ALU - 2 Storey (22 units)	= 1 570m ²

Site Area Breakdown	
Overall Site Area	= 33 050m ²
Barroul House	= 441m ²
Area Health/Nightingale Building	= 1 115m ²
Future RACF	= 9 916m ²
Future ALU	= 2 133m ²
Future ILU	= 8 279m ²
Residential Lots (11 Lots)	= 5 017m ²
Roadway Network	= 4 149m ²

Apartment Yield	
Assisted Living Unit (ALU)	= 22
Independent Living Unit (ILU)	= 36
Apartment Total	= 58



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BARROUL AGED CARE MASTERPLAN
 BLUE HAVEN - BONAIRA STREET KIAMA
 SITE PLAN - Alternative Option 4b (km Cartiageway)
 8 Residential Lots, 11 Independent Living Units, 1 Future RACF, 1 ILU Building

JOB No. 1412 **Draw No. SK-26** **Rev. 1**
 Aug 22 2014

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Long Term Financial Plan Scenarios

Existing Plan with Spring Creek Spring Creek borrowings over 3 years												
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24		
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash & Cash Equivalents	32,884	28,054	22,992	26,516	29,763	24,694	20,458	17,711	15,253	14,778		
Unrestricted Current Ratio	3.85:1	3.80:1	2.16:1	2.59:1	4.28:1	4.21:1	3.71:1	3.50:1	3.18:1	3.41:1		
Debt Service Ratio	3.55%	5.10%	9.01%	9.23%	9.03%	3.91%	1.90%	1.36%	0.77%	0.29%		

Existing Plan with Spring Creek and ACF Sub-option 4 (1) Spring Creek borrowings over 3 years ACF \$30M borrowings over 10 years												
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24		
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash & Cash Equivalents	556	673	1,835	15,347	25,482	26,197	25,265	22,895	21,233	21,899		
Investments	27,257	16,152	16,452	19,152	23,152	23,152	23,152	23,152	23,152	23,152		
Cash & Cash Equivalents	27,814	16,825	17,987	34,499	48,634	49,349	48,417	46,047	44,385	45,051		
Unrestricted Current Ratio	3.18:1	2.05:1	1.25:1	2.48:1	4.24:1	4.51:1	4.50:1	4.44:1	4.38:1	4.51:1		
Debt Service Ratio	3.55%	5.14%	9.10%	17.58%	17.16%	12.56%	10.26%	9.47%	8.68%	8.29%		

Existing Plan with Spring Creek and ACF Sub-option 4 (2) Spring Creek borrowings over 3 years ACF \$30M borrowings over 10 years												
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24		
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash & Cash Equivalents	27,816	16,829	17,998	34,512	48,487	51,311	49,059	46,664	44,992	45,673		
Unrestricted Current Ratio	3.18:1	2.05:1	1.25:1	2.48:1	4.23:1	4.66:1	4.55:1	4.48:1	4.42:1	4.56:1		
Debt Service Ratio	3.55%	5.14%	9.10%	17.56%	17.16%	12.57%	10.24%	9.46%	8.67%	8.28%		

Note:
 Spring Creek - 2016/17 - loan for 3 years with quarterly repayments
 ACF - 2016/17 - loan for 10 years with annual repayments, construction start 2014/15
 Spring Creek - sale of 5 existing lots in 2015/16

DRAFT Capital Expenditure Review - Kiama Hospital Site Redevelopment



BLUE HAVEN

(Draft)

**Executive Summary
Capital Expenditure Review
in respect of the
proposed redevelopment of the**

Kiama Hospital Site

September 2014

September 2014

DRAFT Capital Expenditure Review - Kiama Hospital Site Redevelopment

EXECUTIVE SUMMARY

Kiama Municipal Council (Council) operates the Blue Haven residential aged care centre, located in Kiama. In response to the growing demand for residential aged care services in the region, Council sought and obtained an allocation of 52 additional low care bed licences, but has insufficient space to develop additional accommodation on the current Blue Haven site.

The Illawarra Shoalhaven Local Health District (ISLHD) delivers a range of sub-acute inpatient services and outpatient services from the Kiama Hospital site, however the facilities are nearing the end of their useful lives and the site is highly underutilised.

This Capital Expenditure Review (CER) describes Council's proposal to purchase and develop the Kiama Hospital site to:

- provide an expansion of residential aged care services on the Kiama Hospital site in response to increasing demand driven by an aging local population
- overcome existing and foreshadowed facilities deficits impacting Blue Haven
- enable greater coordination of services and implementation of improved models of care;
- provide the opportunity to establish an Aged Care Centre of Excellence
- realise additional value from the underutilized Kiama Hospital site
- enable the provision of upgraded facilities for the continued delivery of ISLHD outpatient services (which are strongly supported by the local community)
- act as an enabler for the consolidation of sub-acute aged care services within the Illawarra, consistent with the ISLHD Health Care Services Plan 2012–2022
- generate employment during the construction phase and ongoing operations and
- provide heritage benefits for the Kiama Hospital site that are supported by the local community.

PROJECT DESCRIPTION

The proposed project will include:

- transfer of the majority of the 3.3ha Kiama Hospital site to Council. Approximately 2000sq metres will be retained by ISLHD to develop a new purpose-built building for the delivery of outpatient services to the local community;
- relocation of 20 sub-acute inpatient beds (and associated services) to Port Kembla Hospital
- demolition of all existing buildings on the site (excluding Barroul House)
- development of site infrastructure and subdivision of 8 residential lots – with proceeds to provide funding for the residential aged care facility (RACF)
- construction of a 134 bed RACF, with collocated Council Community Age & Disability services
- restoration and refurbishment of Barroul House and
- construction of a number of assisted and independent living units for retirement living.

The project aligns with the NSW Government priorities and is consistent with the ISLHD Health Service Plan.

OPTIONS

Four options were initially identified involving the transfer of the entire Kiama Hospital site to Council, development of a residential aged care facility, and provision of accommodation for the ongoing delivery of ISLHD outpatient services from the site. A modified option has since been introduced as the preferred option and is included in the following summary:

September 2014

DRAFT Capital Expenditure Review - Kiama Hospital Site Redevelopment

	Status Quo	Option 1	Option 2	Modified Option 2	Option 3	Option 4
New Council-Operated Residential Aged Care Facility	*	✓ (134 beds)	✓ (134 beds)	✓ (134 beds)	✓ (134 beds)	✓ (134 beds)
Expanded Council Community Health Services	*	✓	✓	✓	✓	✓
Restoration of Historic Barroul House	*	✓	✓	✓	✓	✓
Consolidation of sub-acute services to Port Kembla Hospital	*	✓	✓	✓	✓	✓
Aged Care Centre of Excellence	*	✓	✓	✓	✓	✓
Continuation of ISLHD Outpatient Services on the Kiama Hospital Site	✓	✓	✓	✓	✓	✓
ISLHD Accommodation	Existing	Refurbished	Purpose-built	Purpose-built	Refurbished	Refurbished
Type	Premises	Premises	New Build	New Build	Premises	Premises
ISLHD Accommodation Delivered By	N/A	Council	Council	ISLHD	Council	ISLHD
ISLHD Leaseback Arrangement	N/A	Market Rate Basis	Market Rate Basis	N/A	Market Rate Basis	Peppercorn
ISLHD Minimum Leaseback Period	N/A	10 (plus options)	20 (plus options)	N/A	10 (plus options)	10 (indefinite)
/Expansion Zone for Future Seniors Living	*	✓ (18 ILUs)	✓ (35 ALUs)	✓ (38 ALUs & 28 ILUs)	✓ (18 ILUs)	✓ (35 ALUs)
Low Density Residential Development for Additional Capital Funding	*	✓ (10 lots)	✓ (10 lots)	✓ (8 lots)	✓ (10 lots)	✓ (10 lots)

In the comparison table, Modified Option 2 refers to the Premier Consulting Option 4b, sub-option 2.

While options 1 and 3 have slightly higher benefits to cost ratios the cost effectiveness analysis (CEA) which also includes a qualitative assessment depicts option 2 as a preferable alternative, with a lower

September 2014

DRAFT Capital Expenditure Review - Kiama Hospital Site Redevelopment

cost per unit of value delivered by the option which includes a new build for the Nightingale Wing alternative.

The modified option 2 (as shown above) provides for the construction of new ISLHD accommodation delivered by the ISLHD, an additional 3 assisted living units and 28 independent living units and development of an 8-lot residential sub division (instead of 10-lot) has been subsequently proposed to make the project more feasible and to address operational design issues.

The modified option is identified as the preferred option because it maximises the affordability of the project for both Council and ISLHD by:

- reducing Council's capital investment (and peak debt) relative to other options and improving the projects viability for Council
- providing greater design and site layout flexibility
- providing for ISLHD to retain a subdivided lot for construction of their outpatient services building
- enabling the relocation of ISLHD services after the completion of replacement accommodation and
- allowing ISLHD to be responsible for design, construction and maintenance of a new purpose-built building on the portion of the site assigned for this purpose.

FEASIBILITY STUDY

Council has engaged specialist Aged Care Consultant (Premier Consulting Australia Pty Ltd) to complete a project feasibility study including detailed financial modelling for the project. The feasibility report is attached to this Capital Expenditure Review and is based on modified option 2, referred to in the report as 4B. It provides the financial detail for that option taking into account revised financial assumptions and changed concept plan from the initial planning.

The analysis tested the financial viability of a number of development options and included consideration of:

- professional fees, authority fees and contingency
- operating costs based on an assessment of Blue Haven current staffing and operating expenses
- benchmark indicators for RACF ramp up period and average length of stay
- benchmark refundable accommodation deposits (RADs) for RACF beds (excluding concessional beds) and
- cost escalation and cash flow in alignment with the proposed implementation program.

The analysis was supported by capital cost estimates prepared independently for Council by a qualified and experienced quantity surveyor, that include cost allowances for demolition based on ISLHD asset records.

Within the constraints of allowable land use and the need to provide for the operational needs of Blue Haven and ISLHD, obtaining the optimum financial outcome from the site has been a paramount consideration of both parties in order to partially offset the significant cost of the project. This value engineering is reflected in the analysis prepared by Premier Consulting.

The feasibility study identified the modified Option 2 financially viable and preferred.

For the modified Option 2 (and all of the short-listed options) the financial viability of the project is impacted by the:

- premium associated with the acquisition and restoration of the heritage components of the site
- requirement for Council to fully fund concessional beds and
- need to provide a minimum level of equity for Council to finance this major project.

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DRAFT Capital Expenditure Review - Kiama Hospital Site Redevelopment

While all of the shortlisted options are financially viable for Council (subject to assumptions regarding a number of market and financial variables) the obligations noted above have challenged the financial viability of the project, and prompted the identification of alternative funding sources.

FUNDING

As part of the definition of the project, a number of initiatives were identified with the aim of maximising the development potential and return from the Kiama Hospital site. As a result, Council and ISLHD identified the opportunity for Council to subdivide a portion of the site for residential lots. Council's experience in this field indicates that this initiative will generate a net return of approximately \$1.2 million. These funds will be wholly invested in the project and assist in cash flow during the project. Council's analysis of detail funding requirements is shown in the table as follows:-

Funding Source	Total
Peak debt (bank funded loan facility)	\$29,000,000
Council equity	\$10,600,000
Restart NSW funding	\$4,800,000
Income (from residential sales, RADs & loan licences)	13,600,000
Total Funds Required	\$58,000,000

In a joint application, Council and ISLHD have been successful in securing \$8 million in Restart NSW capital funding for this project. This application provided for the following distribution of Restart NSW funding:

- Kiama Municipal Council \$4.8 million
- Illawarra Shoalhaven Local Health District \$3.2 million

IMPLEMENTATION

A detailed program has been prepared based on the transfer of the site from ISLHD to Council by 1 November 2014. Council will seek to accelerate development consent by commencing the planning and approvals process prior to transfer of the site. Significant project milestones are summarised in the following table.

Milestone	Date
Transfer ownership of Kiama Hospital site	by 1 December 2014
Lodge Development Application	March 2015
Relocate ISLHD inpatients to a refurbished Port Kembla facility	June 2015
Commence construction process for RACF, Community Health and Barroul House	September 2015
Relocate Blue Haven clients into completed RACF	October 2017

Council and ISLHD will establish a Principles of Agreement that will underpin further detailed negotiations and initial project planning activities. Details regarding the proposed implementation strategy to be adopted by Council and ISLHD are provided and address the need:

- for implementation of a joint project governance model
- to maximize opportunities for a sustainable project (both in terms of the local and regional economy, and from a heritage and ESD perspective)
- to implement effective stakeholder engagement processes
- for implementation of an effective change management strategy and
- for effective risk management throughout the planning and implementation phase.

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14.3 NSW Public Library Conference 2014

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

CSP Strategy: 4.10 Provide training and professional development for Councillors and staff to promote a culture of strong leadership, good governance and ethical practice

Delivery Program: 4.10.1 Ensure understanding of, and compliance with, Council's Code of Conduct and relevant policies and procedures

Summary

This report seeks endorsement for councillor representation to attend the NSW Public Library Conference.

Finance

Conference Registration rate is \$495 +GST and accommodation. The Library will pay for staff to attend the conference.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

[That Council nominate a councillor to attend the NSW Public Library Conference.](#)

BACKGROUND

The annual conference held by Public Libraries NSW will be held in Mudgee, from Tuesday 11 until Friday 14 November 2014. This year the conference will reflect on the four key themes of Health, Literacy, Community Spaces and Connectedness and Sharing Stories.

14.4 NSW Public Library Funding Campaign - further action needed

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

Summary

There has been widespread support by Councils across the state for the NSW Library Funding Campaign with 50,000 signature being presented to Parliament so far. Although the NSW State budget announced \$15m for infrastructure public library grant program over the 4 years from 2014-15 to 2017-18, the next target needs to be the recurrent elements of library funding – the \$1.85 per capita legislated payment. The period between now and November, the pre-State Government election phase, will be the most critical phase of the NSW Library Funding Campaign and all NSW Councils are being asked to redouble the Campaign lobbying efforts.

Finance

N/A

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

- a) making further 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, noting that the 2014 State budget did not address recurrent funding needs
- b) writing to the Hon. Troy Grant, Minister for the Arts, noting the allocation of \$15m over 4 years for a public library infrastructure grants program, and 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
- c) continuing to encourage and support the distribution of NSW Public Library

Report of the Director Community Services

14.4 NSW Public Library Funding Campaign - further action needed (cont)

[Association campaign information in Council libraries](#)

- d) [taking a lead role in activating the campaign locally and encouraging community participation.](#)

BACKGROUND

There has been widespread support by Councils across the state for the NSW Library Funding Campaign, which is being coordinated on behalf of NSW Councils and their libraries by the NSW Public Libraries Association (NSWPLA), representing country and metropolitan libraries across the state.

Launched on 7 April 2014, this targeted campaign has benefited from exceptional community support and has also met with some success in bringing the critical library funding situation to the attention of politicians and funding decision makers to address the problem.

The NSW State budget, announced on 17 June, delivered a \$15m infrastructure public library grant program over the 4 years from 2014-15 to 2017-18. Whilst this is welcome news, it only reinstates the grant funding program to the level that it was in 2005-06 and is a fixed-term program that needs to be recurrent to provide the certainty required for this all-important annual grants program.

The better news is that the NSW Public Library Funding Campaign is clearly influencing state government funding decisions. Over 100 NSW councils have resolved to support the Campaign. In the 3 months between the launch of the Campaign and early August, 50,000 NSW residents had signed the Campaign petition. This number continues to grow, and is evidence of the interest, support and concern of residents across the state about the future of their libraries.

Three tranches of petitions have been presented to Parliament, resulting in Parliamentary debates about the library funding issue on 7 August and 11 September

Local Government NSW (LGNSW) and the Australian Library and Information Association (ALIA) are assisting NSWPLA in this campaign, and local supporters of public libraries including Friends of the Library groups and library users have been engaged in the campaign to lobby State Members.

Further Action Is Required

The next target for the Funding Campaign is to address the problem of the recurrent elements of library funding – the \$1.85 per capita legislated payment (both in quantum and indexation) as well as the Disability & Geographic Adjustment fund, which combine to form the annual funding that is provided directly to NSW councils. These allocations are not indexed to population growth or CPI, so there is no source to fund the annual increase resulting from additional NSW population. This will lead to the first actual reduction in direct funding to NSW councils (in 2015-16) if the attrition is not addressed.

The period between now and November, the pre-State Government election phase, will be the most critical phase of the NSW Library Funding Campaign. It is the time for all NSW Councils to redouble their Campaign lobbying efforts. This really is the “last-ditch effort” to ensure that NSW public libraries achieve the sustainable state

Report of the Director Community Services

14.4 NSW Public Library Funding Campaign - further action needed (cont)

government funding base that they so badly need to continue providing current levels of service to communities across the state. We are seeing examples of library service reductions in many NSW Councils, ranging from decreased levels or qualifications of staff; diminished collections budgets; shortened opening hours, less public programs, and reduced mobile library service schedules. Without increased state funding, the situation is likely to deteriorate further.

Over the next 4 months, the NSW Library Funding Campaign Committee will be contacting Councils and libraries to ask for targeted support in specific areas to further strengthen this already successful campaign. A small amount of dedicated effort from each and every stakeholder will help to ensure that our libraries get the funding deal that they need and deserve. As the major beneficiaries of any State funding increase, Local Government is the primary stakeholder in this campaign.

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.

14.5 North Bombo Walking Track

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.1 Encourage and support residents from socially and culturally diverse backgrounds to participate in all aspects of community life

Delivery Program: 1.1.3 Improve Council collaboration with the Aboriginal Community

Summary

This report outlines the actions taken to consult with local Aboriginal people in regard to the naming and branding of the proposed 'Thunda Track' at North Bombo and makes a recommendation based on the feedback.

Finance

Nil

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

1. That Council considers the information contained in this report and determines a position on whether the naming and signage of the track is to be associated with Aboriginal culture.
2. If Council determines that the name for the walking track is to be associated with local Aboriginal Culture and the name should relate to the word "Bombo", then Council commission further research to determine if there is any connection between the word "Bombo" & local Aboriginal language, or an appropriate alternative name is identified
3. If Council determines that they do want a name for the walking track to be associated with local Aboriginal Culture, then a local aboriginal artist be commissioned to create a suitable image for branding purposes.

BACKGROUND

At the June 2014 Council meeting, the naming of the North Bombo Quarry walking track and associated branding was referred to Council's Aboriginal Liaison Officer (ALO) for advice; before proceeding with the naming of the track and identifying a character that may be suitable for association with the naming.

Council's ALO (Elaine Hudson) has since consulted widely to determine views held by local Aboriginal people in regard to the appropriateness of:

Report of the Director Community Services

14.5 North Bombo Walking Track (cont)

-
- spelling the current proposed name for the track as either 'Thunder' or 'Thunda'
 - the proposed image for branding purposes

Elaine consulted with a number of Aboriginal Elders, community members and Indigenous groups through the Indigenous Affairs Group and during the 2014 NAIDOC Awards. From the feedback Elaine received, it appears there are strong views about the spelling of the word 'Thunder' with a preference that it not be spelt 'Thunda', and that if it is determined that an association with Aboriginal culture is to be linked to the naming of the track, then a suitable image for branding purposes should be commissioned from a local Aboriginal artist.

However, during the consultation views about whether Bombo has any association with local Aboriginal words and meanings were also expressed, with 5 people (including a specialist anthropologist on the Dharawal speaking people) questioning whether 'Bombo' is associated with any Dharawal language/words.

15 REPORTS FOR INFORMATION

15.1 Minutes of the Commercial Centres and Community Safety Meeting held on 12 August 2014

Responsible Director: Environmental Services

Enclosed in Councillors' envelopes are the minutes from the Commercial Centres and Community Safety Committee Meeting held on 12 August 2014.

Enclosures

- 1 Minutes of the Commercial Centres and Community Safety Committee meeting held on 12 August 2014

15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50 Vegetation Code of Practice for NSWResponsible Director: Environmental Services

At Council's August 2014 meeting Councillor Sloan asked for a report providing a short summary about the 10/50 Bushfire Vegetation Clearing Code Practice of New South Wales and if Council has any role in its administration. Further, are there any types of vegetation (for example rainforest), ecosystems or zonings, where the new code does not apply or other approvals (perhaps under the Commonwealth EPBC Act) may be needed?

The 10/50 Bushfire Vegetation Clearing Code of Practice for New South Wales prepared by NSW Rural Fires Service (RFS) commenced in August 2014.

The new Code has received considerable media coverage and concern has been expressed by many NSW local government councils about the lack of consultation and understanding of the likely impacts that it will have on the urban landscape, native vegetation, fauna and flora. In some local government areas a significant percentage of urban areas are covered by the Code, including large areas within the Kiama LGA.

Full details of the 10/50 Bushfire Vegetation Clearing Code of Practice can be obtained from the RFS website:

http://www.rfs.nsw.gov.au/data/assets/pdf_file/0003/18453/1050-Vegetation-Clearing-Code-of-Practice.pdf

The following outlines the inter-relationship between the Code and Council's LEP 2011 (Section 5.9) and Chapter 3 of Kiama DCP 2012 that relates to the preservation and management of trees and vegetation in the Kiama Local Government area. This information is based upon legal advice from Council's solicitor:

1. The Code has been prepared in accordance with section 100Q of the Rural Fires Amendment (Vegetation Clearing) Bill 2014.
2. The Code applies to land mapped as a 10/50 vegetation clearing entitlement area. Essentially, it is land within a bush fire prone area and land within 350 metres of the external boundary of such an area. There is no single map that identifies all properties within a local government area that have a clearing entitlement. The only way to determine a clearing entitlement is on an individual property basis, by accessing the RFS website.
3. Clause 7.1 of the Code provides:

"A landowner may carry out the following vegetation clearing work on their own land:

 - the removal, destruction (by means other than fire) or pruning of any vegetation (including trees) within 10 metres; and
 - the removal, destruction (by means other than fire) or pruning of vegetation, (except for trees) within 50 metres

Reports for Information

15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50
Vegetation Code of Practice for NSW (cont)

of an external wall of a building containing habitable rooms that comprises or is part of “*residential accommodation*” or a “*high risk facility*”.

The definition of “*residential accommodation*” which also includes visitor tourist accommodation has the same meaning as that included in a Local Environmental Plan like Kiama Local Environmental Plan 2011 and this includes manufactured homes installed in manufactured home estates.

The definition of visitor and tourist accommodation includes caravan parks, farm stay, bed and breakfast accommodation, hotel, motels, and serviced apartment.

A *high risk facility* has been defined as a, school, childcare centre or hospital.

4. The Code is supported by section 100R of the Rural Fires Act 1997 (as amended). This section states that the owner of land situated within a 10/50 vegetation clearing entitlement area may carry out the vegetation clearing work nominated (as set out in clause 7.1 of the Code) despite any requirement for an approval, consent or other authorisation for the work made by the Native Vegetation Act or the Environmental Planning & Assessment Act or any other Act or instrument.

Therefore this section overrides Clause 5.9 of Kiama LEP 2011 and Chapter 3 of Kiama DCP 2012 and the need for a tree application or permit to be issued by Council.

The Code does not allow trees to be removed if the vegetation is covered under a land management agreement under the National Parks and Wildlife Act, the Threatened Species Conservation Act or the Native Vegetation Act.

However section 100R(2) goes on to state that the vegetation clearing work must be carried out in accordance with the Code. Any breach of the Code will fall to Council or the relevant authority from which consent is required to pursue.

Further, section 100R(5) notes that the exclusion from the requirement for approval under other legislation does not apply to a building containing habitable rooms if it was erected without prior approval or the use of rooms was changed to habitable without prior approval.

Other specific restrictions which apply to clearing under the Code include:

- Restrictions to items of cultural significance.
- Waterways – clearing is not allowed within 10 metres of a prescribed stream (measured from the highest bank on either side of the stream). Riparian Zones are one of the few environmental factors that must be considered in the new 10/50 Rule Act. A Riparian Zone is a vegetation zone on either side of a Prescribed Stream (as defined by the Office of Environment & Heritage - OEH). Prior to this Act, vegetation within 20 metres of a Prescribed Stream was protected.
- Steep land – a geotechnical assessment report is required if slope is greater than 18 degrees.

Reports for Information

15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50
Vegetation Code of Practice for NSW (cont)

-
- Federally listed threatened species under the Commonwealth Protection and Biodiversity and Conservation Act 1999 (EPBC Act). State laws cannot override Commonwealth laws.

The Commonwealth Department of Environment has prepared a fact sheet on Bushfire Management and National Environmental Law. This fact sheet highlights that the clearing of a defensible space around a home or rural asset in accordance with State/Territory and Local Government requirements is unlikely to require approval by the Federal Government. However consideration is on a case-by-case basis. Littoral Rainforest listed as critically endangered in the EPBC Act, was recently cleared at Fingal Head in the Tweed Shire, and Federal Environment Officers determined there was no intervention or prosecution required, as the area of vegetation was not large enough.

The RFS does not provide clarification advice on this legislation and it is up to the property owner to ensure compliance.

5. Under the Code residents and property owners can request the adjoining property owner/s (including councils and other land management agencies) to remove trees on land within 10 metres of their dwelling or other high risk facilities, or request that vegetation within 50 metres of their dwelling or high risk facilities be removed. If this request is not agreed to, then a hazard complaint can be made to the Rural Fire Service for consideration and a compliance notice could then be issued.
6. The Code does place any restriction on the species type and height of tree/s or vegetation type that cannot be removed or cleared, other than mangrove and saltmarsh on public land. It is therefore possible that threatened species, endangered ecological communities, and significant urban specimens such as large fig or Norfolk pine trees located on a 10/50 zone property, and within the clearance entitlement area could be removed without consent.

The Code will be reviewed in 12 months and this will give Council an opportunity to provide suggested amendments for consideration. It is quite possible that the Code; particularly the means of determining a vegetation clearing entitlement area, may change in the future. Therefore based on advice provided by RMB Lawyers it is recommended that Council not resolve to make any changes to Council's Chapter 3 Development Control Plan, referencing to the 10/50 clearing entitlement.

Council in conjunction with the RFS is currently reviewing the areas within the Kiama local government area listed as bushfire prone. Any amendments to the current designated bushfire areas may mean properties could be included or removed from the 10/50 clearing entitlement.

The Code and associated implications for local government were discussed at the August 2014 Southern Councils Group Natural Resource Managers Committee meeting. Resulting from this meeting, the chair of this committee prepared a letter to the Commissioner of the Rural Fire Service on implications of the Rural Fires Amendment (Vegetation Clearing) Bill 2014 as raised by the member councils. Attachment 1 to this report is a copy of this letter.

Reports for Information

15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50
Vegetation Code of Practice for NSW (cont)

The Code and its implications will be further considered by the Board of the Southern Council Group at its 17 September 2014 meeting.

Local Government NSW (LGNSW) issued a media release that was circulated to local government councils informing that it has expressed concerns to the Minister for Police and Emergency Services over the premature commencement of the 10/50 Vegetation Clearing Entitlements laws on 1 August 2014. The LGNSW has requested a meeting with the Minister, to discuss the concerns as expressed by its members and remove the confusion reigning across councils and the community. A copy of this media release is attached to this report at Attachment 2.

Attachments

- 1 Attachment 1 - Letter from Southern Councils Group to the Commissioner of the Rural Fire Service
- 2 Attachment 2 - Media Release: LGNSW Vegetation Clearing Laws

Shane Fitzsimmons
Commissioner
Rural Fire Service
Locked Bag 17
Granville NSW 2142



Dear Commissioner

Implications of the Rural Fires Amendment (Vegetation Clearing) Bill 2014

I refer to the introduction of the new Amendment which includes the 10/50 clearing Code. I provide the following feedback on behalf of the Natural Resource Managers, Southern Councils Group for your consideration.

Implications for Council's Annual Bushfire Mitigation Program

The Code does not exclude vegetation on public land. Therefore, Councils are likely to receive requests to remove vegetation on land under its care, control and management. This could have a significant impact on Council's resources. It is expected that staff and Councillors will receive requests to mirror the 10/50 vegetation clearance entitlement on public land.

The Councils Annual Bushfire Mitigation Programs are guided by adopted strategies and priorities. This is a strategic, risk-based approach to managing hazards. The 10/50 entitlement areas may not be either strategic or risk-based. The introduction of the Bill has the potential to increase pressure on Council to disregard the strategic and risk-based treatment protocols in the District Bushfire Risk.

Impact on Development Application process

The Bill amends Sections 118A and 118D of the National Parks & Wildlife Act 1974 (NP&W Act) effectively 'turning off' these sections so that vegetation clearing work done in accordance with the 10/50 Vegetation Clearing Code of Practice that results in harm and/or damage to habitat of threatened species, or harm to threatened species, endangered populations or endangered ecological communities does not constitute an offence under the NP&W Act. This will have an impact on the way that Councils assess development applications. The changes have the potential to increase the impact of proposals and could slow down the development approval process. The reasons for this are outlined below.

Existing council controls and policies will potentially be overridden by the changes. This will include Section 88B restriction/s as to user under the EP&A Act, SLEP 2014 clauses, DCP provisions and conditions of consent relating to the protection of vegetation and habitats. This could impact on Councils' ability to regulate vegetation management through assessment and approval processes. Development assessment and rezoning proposals may need to consider wider potential impacts associated with land owners legal clearing options.

Southern Councils Group

24 Terralong Street, Kiama ■ PO Box 148, Kiama, NSW 2533

Phone (02) 4232 3200 ■ Fax (02) 4232 3665 ■ info@southerncouncils.nsw.gov.au

Councils are required to assess the impacts a proposal will have in accordance with section 5A of the *NSW Environmental Planning and Assessment Act 1979 (EP&A Act)*. Any development that will require clearing of native vegetation must include an assessment of impacts on threatened species listed under the *NSW Threatened Species Conservation Act*. This is referred to as a Section 5A Assessment or Flora and Fauna Assessment. The proposed 10/50 entitlement could potentially result in this assessment having to *assume* that areas within 50 metres of a proposed dwelling *may* be under-scrubbed and trees within 10 metres *may* be removed if the property is within a 10/50 entitlement area and may therefore need to be assessed as part of Council's statutory obligations under Section 5A of the EP&A Act. To remove uncertainty, the State Government should **clarify the impact of the 10/50 entitlement on the DA assessment process.**

Many owners may be happy to retain important areas of habitat within 50 metres of their dwelling in order to reduce the impact of a development, however given the 10/50 rule will override all other legislation (e.g. Section 88B restriction-as-to-user clauses) Council may be left with no option but to *assume* an impact and therefore include this as part of the development assessment process. This matter needs to be clarified to avoid confusion, costs and delays.

Impact on Urban Landscape

The Code does not place any restriction on the species type and height of tree/s or vegetation type that can be removed or cleared.

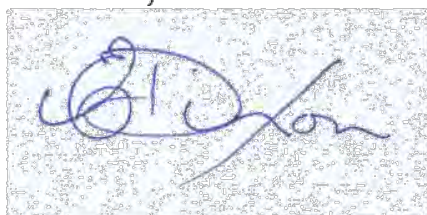
In the urban areas of the Southern Councils Group region, it is now possible that large trees like Moreton Bay Fig or Norfolk Pine trees can be removed without consent. Some of these trees could be over 100 years old. This could have a dramatic impact on the visual landscape of historical townships where the Norfolk Pine and other trees are an iconic feature of the area.

Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)

The Bill is silent on the EPBC Act; the 10/50 provisions could conflict with or be inconsistent with the EPBC Act where EPBC-listed species occur within 50 metres of development, as is common on areas of the South Coast. As a result property owners could be led to believe they can lawfully clear their land under the 10/50 provisions when, in fact, they could be in breach of Federal Legislation with a possibility of significant fines. Once again, the State Government should clarify the relationship between the 10/50 provisions and the EPBC Act to avoid confusion.

I urge you to consider these issues and provide clarification.

Yours faithfully



Elizabeth Dixon
Chair
Natural Resource Managers Committee

Media Release: LGNSW believe Vegetation Clearing Laws to be premature

Local Government NSW (LGNSW) has expressed concerns to the Minister for Police and Emergency Services over the premature commencement of the 10/50 Vegetation Clearing Entitlements Laws on 1 August 2014.

The 10/50 vegetation clearing entitlement laws allow owners to clear trees on a property within 10 metres of the home, without seeking council approval, as well as being able to clear underlying vegetation such as shrubs on a property within 50 metres without approval.

The new laws were introduced to assist people living in bush fire prone areas to better prepare their properties.

President of LGNSW, Cr Keith Rhoades AFSM, said given the laws commenced barely two weeks after the close of submissions on the Draft 10/50 Vegetation Clearing Code of Practice, he was extremely concerned about the rushed implementation.

"There was clearly insufficient time for the Rural Fire Service (RFS) to respond to or incorporate the many comments provided by councils, Local Government NSW and other organisations.

"Numerous submissions identified the need for further information and clarification of key points and many complained that the unavailability of mapping made commenting on the Draft Code difficult.

"Timing and the failure to respond to the legitimate concerns raised by councils has made a sham of the consultation process. To date, details on the parameters for determining 10/50 eligibility have not officially been made available.

"Councils have complained that they are still unable to access maps for their entire Local Government Area (LGA) or even composite suburbs or precincts.

"Others have noted that the online tool does not seem to pick up listed *Environment Protection and Biodiversity Conservation Act 1999* vegetation communities or species. Fears have been expressed that large tracts of land will be stripped out.

"Further, there is confusion as to whether the existing hazard complaint process based on assessed risk and the environmental assessment code will continue to apply, or whether it will now be based on the 10/50 entitlement area.

"These laws could possibly open a can of worms for NSW councils with eligible home owners using the 10/50 Code to unnecessarily clear valuable vegetation simply to improve their views rather than to improve fire protection," said Cr Rhoades.

LGNSW wrote to the Hon Stuart Ayres MP, Minister for Police and Emergency Services, last week and have requested a meeting to discuss the concerns of our members and remove the confusion reigning across councils and the community.

Media Enquiries

Cr Keith Rhoades, AFSM
Laura Beattie

LGNSW President: 0408 256 405
Acting Media and Communications Manager: 0427 248 504

15.3 Beach Volleyball NetsResponsible Director: Engineering and Works

At Councils meeting of 19 August 2014, Councillor Way requested a feasibility report and costing on the provision of removable volleyball posts and nets at Coronation Park, north of the playground area and also at Surf Beach. This followed the matter being raised at a recent Sports Association meeting.

It is considered that Surf Beach would be the most appropriate location for beach volleyball equipment. The area at the southern end of the beach adjacent to the pathway which links the carpark to the surf club would be ideal. This end of the beach is generally out of the flagged area and utilised less for general beach activities than other parts of the beach.

The estimated cost of removable posts and nets is around \$400 to \$500 per unit. Installation could be carried out by the Council Lifeguard Service at the commencement of the day during the patrol season mid-week, and potentially by the Kiama Surf Lifesaving volunteers on weekends. Netballs could be held by the Lifeguards and Lifesavers and distributed as requested. It is considered that in order to reduce vandalism and the impacts of the weather the equipment should be taken down and stored daily. Kiama Lifeguard Service has indicated that this could be accommodated in their regular scheduled. There has been no discussion with the Kiama Surf Club at this stage.

An alternate method would be to install permanent post with removable nets. This would save time with the daily installation and pulling down of equipment but could be problematic at this site given the occasional use of the area for Nippers and other surf carnival activities.

15.4 Barren Grounds Walking TrailResponsible Director: Engineering and Works

At the Council Meeting held 15 April 2014, Councillor Sloan requested a report outlining the ownership and responsibility for maintaining a track between Saddleback Mountain to Barren Grounds and the attitude of National Parks and Wildlife in establishing track markers.

A plan has been prepared and is available for Councillors' viewing prior to the meeting. The Hoddles Track from Saddleback to Mt Noorinan is located on crown road reserve. The Hoddles Track then continues unformed to the Griffiths Track over land owned and administered by the National Parks and Wildlife Service (NPWS).

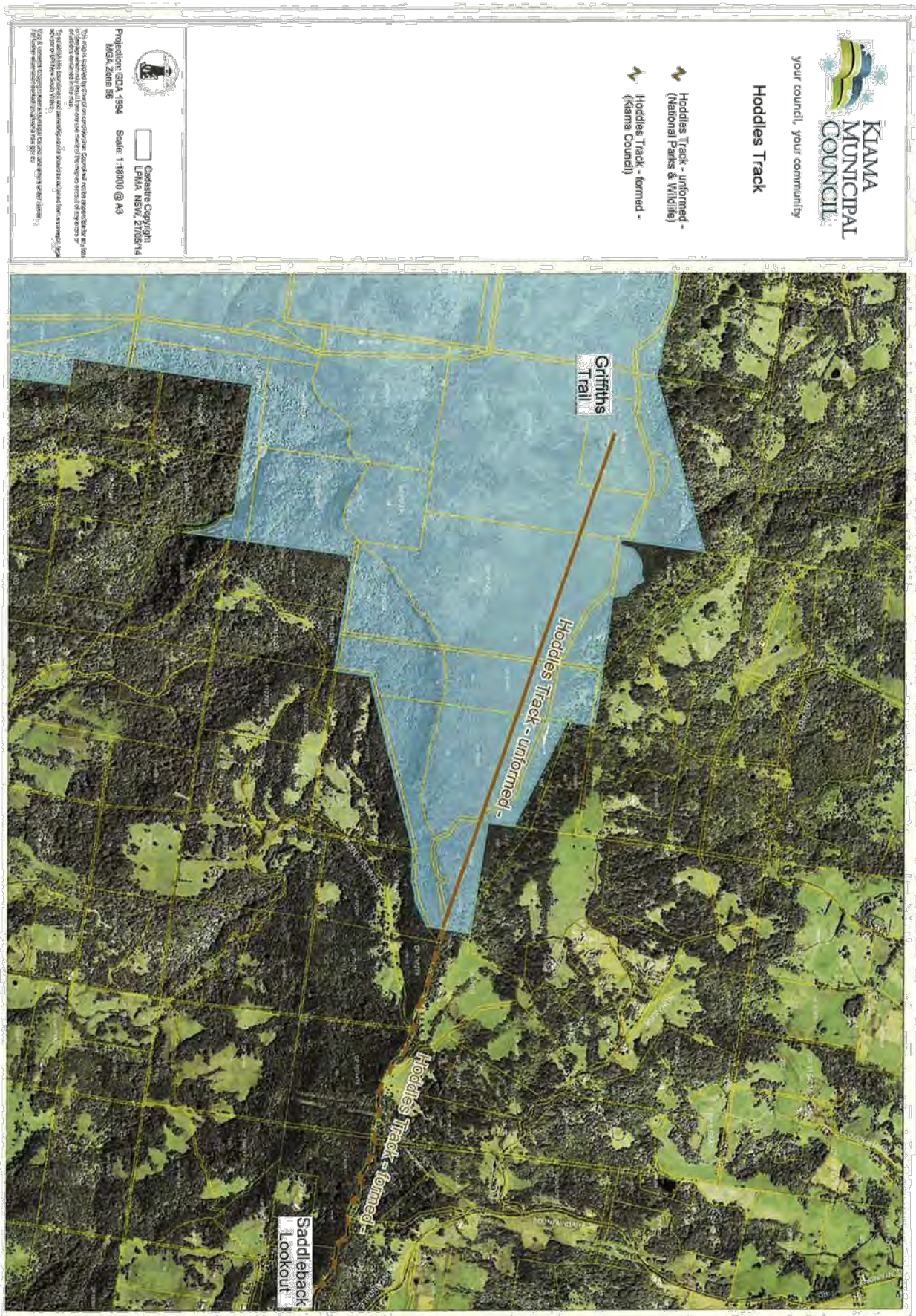
NPWS was contacted about the potential to link Hoddles Track with the Griffiths Track to create a continuous walking track as well as NPWS commitment to track establishment and maintenance.

NPWS replied and highlighted that the Barren Grounds Nature Reserve plateau is a fragile area vulnerable to erosion and disturbance through recreational usage and its susceptibility to erosion and steep slope makes it unsuitable for heavy use. NPWS have signage installed at the base of the escarpment discouraging walkers from continuing onto the plateau to protect reserve values.

Given the site cannot sustain higher levels of use and the current Plan of Management only supporting hardened sites, NPWS does not support Council's suggestion in this instance.

Attachments

- 1 Plan of Hoddles Track



15.5 Minnamurra Headland - Picnic SettingsResponsible Director: Engineering and Works

At Councils meeting of 19 August 2014 Councillor Way requested a report on the provision of three picnic settings on concrete slabs on the Minnamurra Headland Reserve in the vicinity of the helipad at the end of Eureka Avenue.

Council's carpentry staff fabricates standard timber picnic settings which include a table and attached seating on both sides for use in our reserves. The fabrication cost is \$1,500 per unit. The estimated cost for the excavation of the three sites and concrete delivery for the slab is \$980.

It is understood that the Minnamurra Lions Club have offered to install the units and form, pour and finish the concrete slab. It is also understood that the Kiama Downs "Canine Capers" group have offered to donate \$1,000 toward the provision of the settings. Taking the in-kind work and donation outlined above the total cost to Council for this project is estimated to be \$4,480.

There are no funds currently allocated for this work.

15.6 Kiama Village Shopping Centre CarparkResponsible Director: Engineering and Works

At Council's meeting of 19 August 2014 Councillor Sloan asked if there are any of the car parking spaces in the Kiama Village shopping centre car park which are either public or owned by the adjoining apartments in Terralong Street.

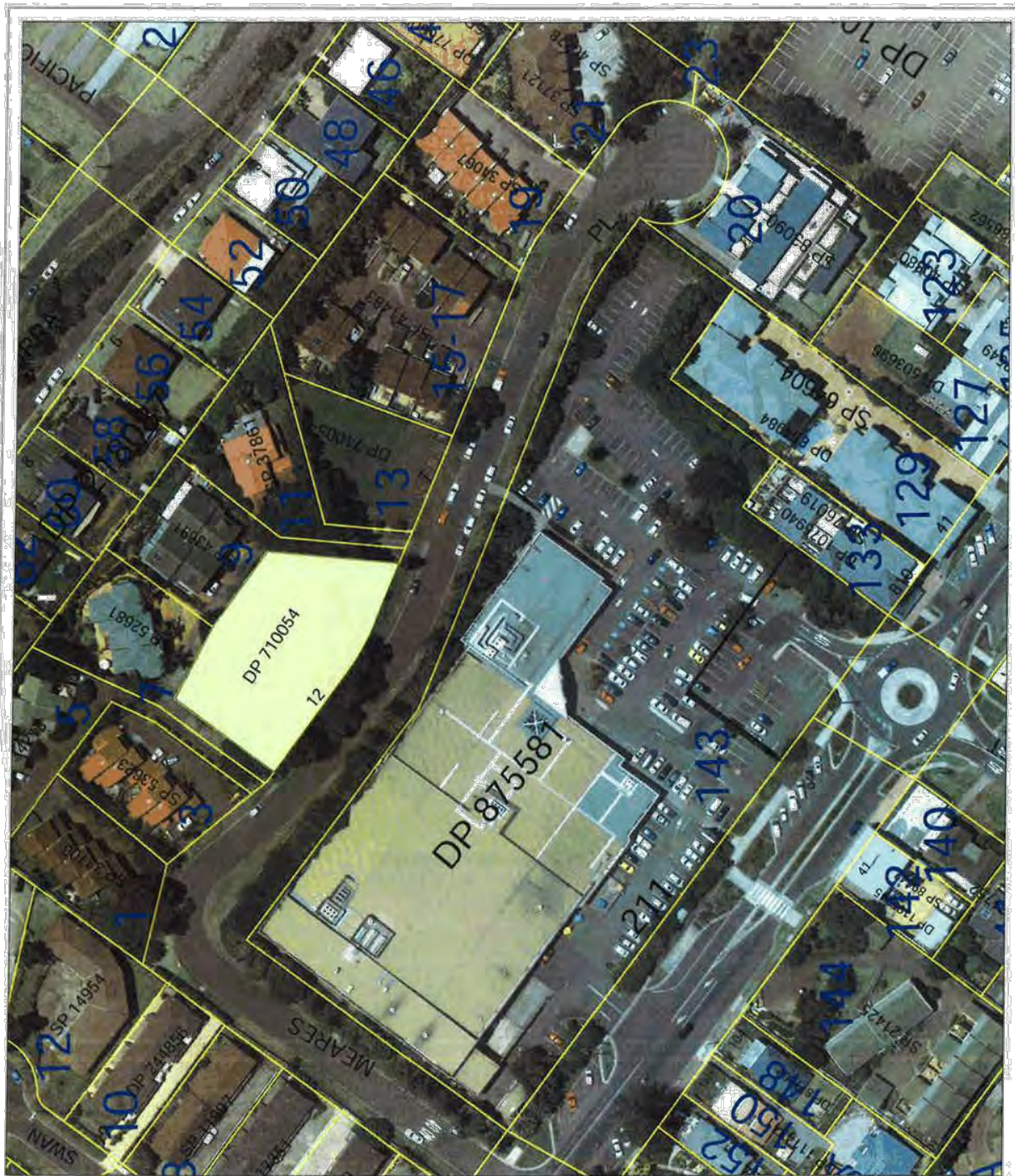
The Kiama Village shopping centre is located on Lot 211 DP 875581. An aerial photograph of the site is attached for reference. The allotment is burdened by an easement under Section 88B of the Conveyancing Act for parking. Kiama Council is the authority benefitted by the easement.


The easement for public parking is created by DP 701248 and is located in the south-east corner of the site fronting Terralong Street. A copy of DP 701248 is also attached for reference. The area covered by the easement is approximately 46m, (along the Terralong Street frontage) x 30m (along the side boundary). A line on the aerial photograph indicates the approximate location of the easement for public parking. The terms of the easement provide for the full and free rights of access to Council, and therefore the general public to park at all hours of the day and night.

In response to a previous concern raised by nearby businesses regarding the ability for the general public to use this section of the carpark a letter was forwarded to the Centre management on 15 August 2014 advising them of the public easement which exists.

Attachments

- 1 Plan - Kiama Village Shopping Centre Carpark




 Cadastre Copyright
 LPLMA NSW, 0209414
 Scale: 1:1300 @ A4
 Projection: GDA 1994
 MGA Zone 56

 This map is prepared by Council or contractor and is provided as a service. It is not intended to be used for any purpose other than that for which it was prepared. Council is not responsible for any errors or omissions or for any consequences arising from the use of this map. It is intended for use as a guide only. It is not intended to be used for any legal or financial purposes. For further information contact council@kiama.nsw.gov.au

PLAN FORM 1

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
IN D.P. 633885

OFFICE USE ONLY

D.P. 701248
 Projected: 16/9/1984
 C.A.N. 4/1/83 OF 19-12-1983
 Title System: TORRENS
 Purpose: PA 51912 & CONSOLIDATION
 Reg. Map: KIAMA SH. 4
 Last Plan: D.P. 679985

Locality: KIAMA
 County: CAMDEN
 Lengths are in metres

Module: KIAMA
 Parish: KIAMA
 Reduction Ratio: 1:1000

Surveyor's Certificate
 I, **BRUCE RICHARD DAVIES**, Surveyor, being duly sworn, certify that the above is a true and correct copy of the original plan as shown to me by the applicant and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder, and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder, and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder.

Owner's Certificate
 I, **THE TORRENS TRUSTEES**, being duly sworn, certify that the above is a true and correct copy of the original plan as shown to me by the applicant and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder, and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder, and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder.

Specialties, walls and statements of transition to publicly accessible roads or to other public roads, drainage, easements or restrictions to be used.

PURSUANT TO SEC. 856 OF THE CONVEYANCING ACT 1958-1984, IT IS INTENDED TO CREATE:

1. EASEMENT TO DRAIN WATER 3 WIDE
2. EASEMENT FOR PARKING
3. RESTRICTION AS TO USER

TERRELONG
 (VARIABLE WIDTH) STREET

2
 1-353 No.

PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

1. Bruce Richard Davies, Under Secretary for Lands and Planning Control, for New South Wales, certify that this plan is a true and correct copy of the original plan as shown to me by the applicant and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder, and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder, and that the same is in accordance with the provisions of the Survey Act, 1958, and the Regulations thereunder.

Electronic document supplied by EPA NSW for your internal use only. /DocID: 070248 /Rev: 12-09-1992 /Ses: OK /Ext: 14-09-2001 17:56 /Page: 1 of 1

15.7 Illawarra In Home Support Men's Health Event - Under the BonnetResponsible Director: Community Services

Illawarra In Home Support (IIHS) has identified that within our client base and the community that men in particular have difficulty engaging or linking into social and health services resulting in loneliness, isolation and poorer health outcomes.

Therefore over the last 2 years IIHS has established a number of Men's Groups for vulnerable and socially isolated men to support them to engage in social activities and promote better health outcomes. These activities include a social group, a regular group walks and social bus trips.

As an extension of our services in partnership with Foundation 49: Men's Health and the Men of Malvern, IIHS will be holding a Men's Health Event '*Under The Bonnet*' on the 18 September 2014. The event will be held at the Joyce Wheatley Community Centre in Hindmarsh Park Kiama from 11am–2pm. The event will include a guest speaker from the Local Health District to talk about men's health issues and 'Pit Stop' style health check stations set up around classic cars to provide participants with interactive health and life style information. Medicare Locals and Blooms Chemist will support the health checks and provide information.

Gerringong Lions Club will operate the BBQ and Kiama Meals On Wheels will provide information on healthy eating. The Delta Dogs will bring in some of their companion dogs and we are waiting confirmation from other community groups such as the Men's Shed, Community Garden, the Vintage Car Club and/or Hot Rod Club.

The aims of the day are to:-

- promote the benefits for men of regular health checks and how easy it can be and the health benefits of socialisation and being involved in community groups
- education for men on community services and other health related services
- promote IIHS Men's Groups/activities.

Reports for Information

15.8 Kiama Road Safety Steering Committee - Minutes

Responsible Director: Engineering and Works

The Minutes of the Kiama Road Safety Steering Committee meeting held on Wednesday 13 August 2014 are enclosed for Councillors' information.

Attachments

- 1 Minutes - Road Safety Steering Committee meeting

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, KIAMA COUNCIL ADMINISTRATION BUILDING ON 13 AUGUST 2014

COMMENCING AT: Meeting commenced at 10.30am

PRESENT: Councillor Dennis Seage, Darren Brady (Manager Design and Development) Janelle Burns (Road Safety Officer), Trevor Cuthbertson (Community Representative), Gillian Smith (Drink Drive Prevention Coordinator), Trina Meredith (Schools representative, Road Safety Education Officer), and Dennis Tracey (Senior Ranger)

APOLOGIES: Gillian Hollingsworth (Schools representative, Sen. Constable Kevin Brown (Lake Illawarra Police), Glenda Castles (RMS Road User Safety Officer)

1 Minutes of Previous Meeting

That the minutes from the previous meeting dated 11 June 2014:
Tabled: Accepted as a true record of the meeting.

2 Business Arising from the minutes

Nil

3 Road Safety Report

3.1 Log Book Run

Information was presented on the upcoming Log Book runs for learner drivers.

The Log Book runs provide an opportunity for learner drivers and supervisors to experience a variety of driving conditions including Police RBT, speed checks and driver reviver.

Day Time Log Book Run

Day time log book runs are held in conjunction with Shellharbour and Kiama Councils between 10.00am-12.30pm.

Sunday 28 September 2014 is the next scheduled night time run for Kiama leaving from Lake Illawarra PCYC

Night Time- Log Book Run

Tuesday night time runs are held at 6.00pm – 8.30pm in Shellharbour and Kiama
Tuesday 14 April 2015 is the next scheduled night time log book run for Kiama, leaving from Lake Illawarra PCYC.

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, KIAMA COUNCIL ADMINISTRATION BUILDING ON 13 AUGUST 2014

All learner drivers must have 40 or more log book hours to take part in the log book run.

3.2. GLS Workshop

The next free workshop for parents and supervisors of learner drivers to help with practical advice on teaching learners how to drive will be held at Kiama Municipal Council, Chambers on **Wednesday 20 August 2014** from 6.00pm – 8.00pm. 10 participants were reported to be booked in to-date

3.3. Traffic Committee Matters

Traffic Matters – Princes Highway

The issue was raised of the traffic gridlock within the Kiama township during the Easter long weekend and the upcoming October long weekend and Christmas holidays.

Discussion was held by the Committee on a resolution to this ongoing problem during holiday periods as discussed in Traffic Committee.

The RMS Regional office has been advised of the concerns of the Kiama Local Traffic Committee with regards to traffic issues experienced in the Kiama township during holiday periods and a meeting with, RMS, Police and Council has been arranged to discuss options.

RSO attended a meeting regarding the gridlock on Kiama Bends at Lake Illawarra Police Station on 15 July 2014.

It was reported that the current road project is on track and scheduled for completion mid 2015.

Media campaigns are in place to alert motorists of delays through Kiama over the upcoming October Long weekend and Christmas break.

Another meeting is scheduled for September 2014.

Committee Recommendation

That Roads and Maritime Services review the removal / separation of barriers in emergency situations on Kiama Bends.

3.4. Safety Around Schools

Reminders were sent on social media notifying drivers of the 40 km speed zone around schools.

Parking conditions around Kiama High School was discussed and raised as a issue

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, KIAMA COUNCIL ADMINISTRATION BUILDING ON 13 AUGUST 2014

at a recent youth forum.

Trina Meredith (Schools representative, Road Safety Education Officer), offered to find out more information about a program introduced at Dapto High School regarding the possibility of students being able to apply for a permit to park in school grounds.

Information on school parking and crossroad program for year 11 and 12 students will be reported back to the committee.

3.5. Road Safety Campaigns

Black Spot Funding – Deadline 29 August 2014

RSO Applying Black spot funding for road improvements in Kiama Local Government Area through the NSW Black spot funding program.

NSW Bike Week - September

A family fun ride and activities to be held during NSW bike week on Saturday 20 September 2014 to encourage community cycling and provide a safe and secure environment for new and less confident cyclists to improve their cycling skills on Kiama's cycle paths. This proposed Bike Week event has the support of the Kiama BUG group.

The 5km ride will start and finish at Black Beach.

Motorcycle Awareness Week

Saturday 18 October to 26 October.

Meet and Greet at Robertson Pie shop is currently being planned for Sunday 19 October 2014.

Alternative Transport Update

Kiama Municipal Council – Project Funding for 2014/2015 Night Bus

Funding for this project has been applied for from Roads and Maritime Services.

4 Ranger's Report

Abandoned vehicles - an increase in abandoned vehicles in Kiama was reported by Dennis Tracey (Senior Ranger).

Illegal Motorbike use – a number of incidences of youth riding motorbikes in the reserves at Bombo and Kiama Downs was also reported by Rangers.

The Police motorbike squad has been notified.

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, KIAMA COUNCIL ADMINISTRATION BUILDING ON 13 AUGUST 2014

5 Road Safety 3 Year Action Plan Update

A three year Road Safety Action Plan has been completed by Kiama Council's RSO and sent to RMS for funding approval of upcoming Road Safety Projects for the next three years targeting speed, fatigue, alcohol and driver distraction.

A regional campaign involving Motorcycle Safety will be also undertaken by Road Safety Officers in the Southern Region including Kiama.

5.1 RMS Quarterly Meeting

The next quarterly meeting is a joint meeting with South West Region.

Dates: Monday 1st - Tuesday 2nd - Wednesday 3rd September 2014

To be held at Wagga Wagga

6 General Business

6.1 Safer Drivers' Course

A Safer Drivers Course will now be available in Kiama run by an accredited RMS local driver trainer school.

The first course will be running on 6 September 2014.

RSO is to attend a Safer Drivers Course on Saturday 16 August 2014 at Bomaderry.

The safer drivers' course is a theoretical and practical course for the under 25 year old learner drivers who have completed 50 actual log book driving hours.

The course is completed in two modules and will now be available for Kiama learner drivers at the Kiama Community College.

On completion of both modules a learner will receive a 20 hour credit in their learners log book.

There being no further business, the meeting closed at 11.15am.

The next meeting of the Committee will be held on Wednesday 26 November 2014 at a new time of 10.00am.

Recommendation

That Council receive the report.

Reports for Information

15.9 Kiama Lquor Accord - Minutes

Responsible Director: Engineering and Works

The Minutes of the Kiama Liquor Accord meeting held on Wednesday 27 August 2014 are enclosed for Councillors' information.

Enclosures

- 1 Minutes - Kiama Liquor Accord meeting

15.10 Wollongong City Council - Climate Change

Responsible Director: Office of the General Manager

Council has received a letter from the Lord Mayor of Wollongong, Councillor Bradbury OAM, seeking Council's support for Wollongong City Council's action in writing to the Prime Minister, the Hon. Tony Abbott MP, urging him to take account of the threat posed by human induced climate change to:

- 1) our coastal infrastructure, and
- 2) the health and long term prosperity of our residents, and place human induced climate change, and its economic, social and environmental consequences, on the agenda for this year's G20 meeting.

A copy of the Lord Mayor's letter has been circulated to Councillors.

Attachments

- 1 Climate Change Threats to Coastal Councils

From: Deanne Heidrich [mailto:DHeidrich@wollongong.nsw.gov.au]
Sent: Wednesday, 27 August 2014 2:35 PM
To: Council Mailbox
Subject: Climate Change Threats to Coastal Councils

The Council of the Municipality of Kiama
council@kiama.nsw.gov.au

Dear Councillors,

I write to you seeking your support as a result of a unanimous Council resolution of Wollongong City Council on 25 August 2014, which resolved for Council to write to :

1. The Prime Minister of Australia, The Hon Tony Abbott MP, urging him to take account of the threat posed by human induced climate change to –
 - 1) our coastal infrastructure; and,
 - 2) the health and long term prosperity of our residents, and place human induced climate change, and its economic, social and environmental consequences, on the agenda for this year's G20 meeting.
2. All other coastal councils around Australia informing them of our action on this matter.

We are a council with a population of just over 200,000 residents and a coastline of around 30 km. We manage infrastructure assets with a value of around \$2.4 billion. Many of these assets are susceptible to damage from storm surges. Such damage is likely to increase as a result of both sea-level rise and more extreme rainfall events.

How much our expenses increase in coming decades will be determined by how swiftly the world acts to reduce greenhouse gas emissions. The City of New York, with a population of just over 8 million, is budgeting to spend \$20 billion between now and 2050 to protect its infrastructure.

Were we to need to spend the same per capita we would require an additional investment of \$500 million. This is around 8 years of our normal capital works expenditure, meaning our capital works program would need to be expanded by 20-25%.

Climate change has been identified by many agencies as a major economic threat. We note that the International Monetary Fund, the Committee for the Economic Development of Australia, and the US G20 emissary Caroline Atkinson, have this year all called for climate change to be on the G20 agenda. We also note that a recent report, Strategy 2020, from the Asian Development Bank has identified climate change as a major threat to

economic growth in that region. To quote their website "in line with its Strategy 2020, ADB is integrating climate change into its planning and investment to ensure continued economic growth and a sustainable future for all in Asia and the Pacific." (<http://www.adb.org/themes/climate-change/overview>)

Therefore it seems apparent that having climate change on the agenda is consistent with the second of the key themes you have set for the November G20 meeting, viz "making the global economy more resilient to deal with future shocks."

If you have any further enquiries, please do not hesitate to contact me.
Yours sincerely

Lord Mayor
Councillor Gordon Bradbery OAM
Wollongong City Council

15.11 Riverside Drive Kiama Downs - Traffic Management PlansResponsible Director: Engineering and Works

At Council's meeting of 19 August 2014 Councillor Rice requested an update on the proposed traffic management facilities on Riverside Drive, near Meehan Drive, Kiama Downs.

\$90,000 is provided in the 2014/15 budget for the construction of a roundabout and pedestrian facility at Riverside Drive/Oxley Avenue. Council's Engineering staff are currently preparing the draft design for submission to the Kiama Local Traffic Committee at its meeting of 7 October 2014. The draft design will then be reported to the Council meeting of 14 October 2014.

Reports for Information

15.12 South Precinct Meeting Minutes 21/8/2014

Responsible Director: Office of the General Manager

The minutes of the South Precinct meeting held on 21 August 2014 are enclosed in Councillors envelopes.

Enclosures

- 1 South Precinct General Meeting Minutes 21 August 2014

15.13 Interlocking Removable Pathway

Responsible Director: Engineering and Works

At Council's meeting of 19 August 2014 Councillor McClure requested an investigation on the cost of interlocking removable pathway material that can be used on Council's beaches to improve the accessibility for people with ambulatory issues.

Council's research has identified Mobi-Mat RecPath as one of the well established removable pathway product available on the Australian market. Mobi-Mat RecPath is manufactured by Deschamps based in France.



Mobi-Mat RecPath is a flexible surface stabilisation over soft sand surface for pedestrians, wheelchairs and strollers. It is made of 100% recycled polyester which provides a comfortable surface to barefoot or handicapped users with sensitive feet. Mobi-Mat RecPath is available in blue and brown colour and 1.5m or 2m in width.

Price information obtained from Mobi-Mat Australian distributor is listed below:

Model	Dimension	Price
A2XDL	5m x 1.5m	\$1500.00
A2XDL	10m x 1.5m	\$2,990.00
A2XDL	15m x 1.5m	\$4,500.00
A2XDL	15m x 1.98m	\$5,700.00

The above price includes GST but excludes freight cost. The freight cost of a recent purchase order from the City of Mandurah, WA for two rolls of 15mx2 Mobi-Mat is \$3,300.

Reports for Information

15.14 Kiama Seniors Week 2015 Committee

Responsible Director: Community Services

Minutes of the Kiama Seniors Week 2015 Committee meeting held on 1 September 2014 are included in Councillors' envelopes.

Enclosures

- 1 Minutes Seniors Week 2015 Committee meeting 2 September 2014

15.15 Kiama Library - Operational hours during the Christmas New Year period

Responsible Director: Community Services

Kiama Library will close at 5.30pm on Wednesday 24 December 2014 and returning to normal operational hours on Friday 2 January 2015. Gerringong Library will be closed on Thursday 25 December 2014 and 1 January 2015.

The Family History Centre will close at 3.30pm on Wednesday 24 December and reopen at 9.30am on Monday 5 of January 2015.

15.16 Food Mapping and Producers AuditResponsible Director: Community Services

This report is to inform Council of a current student placement, from the Public Health Undergraduate Program at the University of Wollongong, being supervised by council's Health Promotion Officer Julie Errey. The project is central to the Kiama Health Plan 2011-2017, and is in response to the endorsement and subsequent recommendations made at the Kiama Council meeting held in October 2013 relating to the Illawarra Food Strategy. The project has three key objectives that are all central to food mapping, food sustainability and food security. The three objectives of the program are to:

1. **Food Mapping Project** –map all food outlets in the Kiama Local Government Area (LGA), and compare with 2007 data.
2. **Online Produce Evaluation**– Identify and contact all online retail businesses that deliver to the Kiama LGA to identify where they source their produce from, and ascertain the percentage of their produce that originates from the Kiama LGA.
3. **Identifying/mapping Local Producers** – Identify and map local food producers. This data will then be compiled into a large shared database, which will be a collaborative effort between Kiama Municipal Council, Shellharbour City Council and Wollongong City Council.

A report will be made available to council by the end of 2014.

15.17 Removal of trees on Riverside Drive BomboResponsible Director: Environmental Services

At Council's meeting on 19 August 2014 it was requested that investigations be undertaken and a report provided on why and on whose authority 8 Casuarina trees were cut down at 10 Riverside Drive Bombo on Thursday 14 August 2014.

This matter has been investigated and the following précis is provided:

- The vegetation was located on the northern side of the dwelling on the subject site and backed onto properties from 28 to 24 Darien Avenue Bombo.
- In May 2014 Council's Tree Management Officer observed the owner of 26 Darien Avenue pruning the Casuarina trees that were hanging over onto his property. It was claimed that the branch removed had been damaged in a recent windstorm. Advice was also provided that a new fence was to be erected between the two properties and this would necessitate the clearing of vegetation, including pruning or removal of the trees, lantana and vines. As the property was being rented he had contacted the managing agent regarding this matter.
- At this time the Tree Management Officer inspected the Casuarina trees and found them to be in poor health with a large amount of deadwood, which was classified as hazardous. Therefore Council would endorse their removal, subject to an application and replanting plan being submitted to Council. Verbal advice was provided that Council would contact the managing agent in this regard.
- The owner of 26 Darien Avenue provided a written response outlining why the pruning had been undertaken.
- In June 2014 a letter was sent to the managing agent of the Riverside Drive property advising them of the poor and hazardous condition of these trees and that Council would endorse their removal, subject to an application and a replanting plan being submitted to Council.
- In June 2014 Council received emails from the managing agent advising that this matter had been referred to the owners of the property for instructions. The agent requested clarification on whether any of the trees were exempt from the requirement of obtaining a permit to prune or remove. The advice provided was that a rubber tree that was on the site did not require a permit neither did the pruning of deadwood from the Casuarina trees.
- In August 2014 the Vegetation Clearing Code of Practice for New South Wales (the 10/50 Code) was made and adopted in accordance with section 100Q of the Rural Fires Amendment (Vegetation Clearing) Bill 2014.
- No 10 Riverside Drive Bombo is located in the 10/50 designated area, and as the legislation was gazetted prior to the date the removal of the trees occurred, then Council approval is no longer required. This would be subject to the owner ensuring compliance with the requirements as specified in the Code.

15.18 Kiama Library SpaceResponsible Director: Community Services

In recent months Kiama Library has seen an increase to the number of community members using the library, especially HSC students during the school holidays. This has resulted in people being unable to find enough space to study or set up their portable devices.

The library expects the September school holidays will also be extremely popular and are making plans to provide more study areas during this time.

Wheels have been attached to the shelving in the young people's area which will allow us to increase the size of the Youth area. Large tables and additional chairs from the auditorium will be moved upstairs to create more study spaces. The library is also investigating how the decking area in the library might be utilised during these busy periods.

15.19 Parking Statistics - August 2014

Responsible Director: Environmental Services

Parking patrols completed	51
Vehicle parking spaces inspected	1842
Infringements issued	18

15.20 Visit by NSW Department of Family and Community Services to Council's Youth ServicesResponsible Director: Community Services

This report is to inform council of recent discussions in relation to young people's mental health in the Kiama area. Council's Senior Youth Worker Andrew Chatfield recently hosted a visit by the NSW Department of Family and Community Services (FaCS) on 19 August. Two caseworkers visited the service to discuss the number of reports to the Department of young people from the Kiama area. The purpose of the visit was to commence discussion around how the Department, the Youth Service and Kiama High School can work together to coordinate support for young people coming to the Department's attention. The Department plans to organise a joint meeting with Kiama High School and the Youth Service to progress the discussion in the near future to address this matter.

Manager of Community and Cultural Development Nick Guggisberg has also mentioned the visit to the Manager Sector Planning & Development at FaCS, and MP Gareth Ward. Mr Ward informed Mr Guggisberg that he already has a forum planned for Friday the 28 November as a result of young people raising mental health as the single most important topic to them. The Forum is to be held at the Pavilion.

15.21 Financial Assistance GrantsResponsible Director: Office of the General Manager

Following the June Council Meeting, Council resolved to write to Federal Member for Gilmore, Ms Ann Sudmalis MP and the Federal Minister responsible for Local Government expressing strong concerns regarding the freezing of the indexation of Commonwealth Federal Assistance Grants (FAGs) announced as part of the 2014/15 Federal Budget. Council has received a response from the Office of the Hon Warren Truss MP, an extract from which is as follows:-

"Thank you for your letter dated 1 July 2014 to the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, regarding the Coalition Government's decision to pause the indexation applied to the Financial Assistance Grant programme for local government. The Deputy Prime Minister has asked me to reply on his behalf. I apologise for the delay in responding.

Further to the Deputy Prime Minister's letter to all Mayors in early June, local governments across Australia will be significant beneficiaries of the Government's record investment in infrastructure.

This Budget begins the task of restoring budget integrity for the long-term, making savings in recurrent expenditure so we can invest in the infrastructure necessary to rebuild our national economy.

The Coalition Government's 2014-15 Budget outlined a \$50 billion investment across Australia to deliver vital transport infrastructure for the 21st Century. This includes many large scale commitments which will trigger more than \$125 billion in infrastructure investment with a significant boost to road funding at the local level.

In relation to your specific concerns on the Financial Assistance Grant programme, the Government has continued the programme which will provide an estimated \$9.3 billion in untied funding to local government over the period 2014-15 to 2017-18 (approximately \$2.3 billion per year). There will be a pause to the indexation applied to the programme from 2014-15 to 2016-17, although as a result of population adjustments, \$30 million extra will be provided to local government in 2014-15. Additional funding for infrastructure investment, along with an extra Roads to Recovery payment, the new Bridges Renewal programme, the Heavy Vehicle Safety and Productivity programme, and the Black Spot programme, is expected to offset the indexation pause for many councils.

The first \$575 million quarterly payment of the 2014-15 Financial Assistant Grant programme was made on Friday 15 August 2014.

Councils will also benefit substantially from the abolition of the carbon tax, saving millions of dollars on new construction costs, waste management emissions taxes, electricity and street lighting costs.

Reports for Information

15.21 Financial Assistance Grants (cont)

We understand that this is a tough Budget and we have not hidden from that. All Australians are being asked to play a part in repairing our nation's financial woes, including local government.

Thank you for raising this matter.”

15.22 7th Making Cities Liveable Conference

Responsible Director: Office of the General Manager

Councillor Kathy Rice along with Julie Errey, Council's Health Project Officer, attending the 7th Making Cities Liveable Conference at Salt Beach, Kingscliff from 9-11 July 2014.

Councillor Rice has provided an outline on the sessions attended. This document has been circulated to Councillors.

Enclosures

- 1 Making Cities Liveable Conference

15.23 Possibility of employing an additional full-time RangerResponsible Director: Environmental Services

At Council's meeting held on 15 July 2014 a question without notice was asked by Councillor Way for a report on the possibility of employing an additional full-time Ranger.

The employment of any additional permanent Council staff like a full time Ranger should be considered and aligned with Council's Workforce Management Plan that is reviewed and updated annually and adopted by Council as part of the annual budget estimates and Operational Plan process.

Council adopted its Workforce Management Plan 2014-17 and no funding was provided for the employment of additional full-time Ranger in the 2014-15 Estimates.

The employment of an additional Ranger would also have to be supported by a business case.

The business case identifies expected total expenditure, income (including grant funding) and any shortfall. It also includes proposed additional duties and a functional analysis, identifies opportunities for job redesign and the reallocation or removal of duties, an efficiency review and other service delivery options (like the appointment of a trainee, or shared position with an adjoining Council).

It is acknowledged that initially Council only had only one designated dog off leash area. However, this has progressively increased to 3 dog off leash beach swimming areas, 1 dog on leash river swimming area, and five other off leash dog areas. Changes to the Companion Animals Act including dangerous, nuisance (barking or roaming) and menacing dog/s legislation, compliance inspections, legal enforcement and reporting requirements to the Department of Local Government has considerably increased the workload of the Ranger Services and administration staff particularly in this functional area .

There is a greater community expectation of immediate response and action by Ranger Services and there may have been an increase in dog ownership associated with new urban developments within the Municipality.

Ranger services administer other legislation and duties including, parking, abandoned vehicles and articles, illegal dumping and littering, overgrown land complaints and enforcement orders, applications and permits for pile burning of vegetation, straying cattle or stock, pound maintenance and cleaning, noise, water, environmental and asbestos, and public safety complaints, (particularly when received after hours and on weekends), prohibited activities on Council reserves or property (camping, fires), review of alcohol free zones. Administration work undertaken includes the documentation associated with responding to phone, email and written customer requests, précis of evidence for legal action, preparation of annual reports required by the Department of Local Government.

There are two full time Rangers that work on a 9 day on five day off roster, to ensure there is at least one Ranger on duty every day of year. The two Rangers overlap only one day each week. There is also a three day per week Parking Ranger that works on random days throughout the week including on weekends when markets and major events occur. The parking duties are also done if possible by the other

Reports for Information

15.23 Possibility of employing an additional full-time Ranger (cont)

Ranger on duty and the Parking Ranger also assists if required to undertake other duties if required including attending to dog attacks.

More recently a Regional Illegal Dumping Enforcement Officer, funded by the EPA has been appointed and works three days per week. This position commenced in June 2014 and focuses only on investigating illegal dumping incidents, proactive detection and enforcement and education. This position was funded, as there was a demonstrated need resulting from a dramatic increase in the incidences of illegal dumping in the Kiama Municipality and the increased clean up and disposal costs incurred by Council.

It is proposed that a business case will be prepared on the need to provide additional Ranger Service staff resources. This will be considered in conjunction with the review of Council's Workforce Management Plan for 2015-2018 and 2015-16 budget estimates.

15.24 Economic Development Committee Minutes

Responsible Director: Corporate and Commercial Services

The minutes of the Economic Development Committee Meetings held on 22 July 2014 and 26 August 2014 are enclosed.

Enclosures

- 1 Economic Development Committee Meeting Minutes 22 July 2014
- 2 Economic Development Committee Meeting Minutes 26 August 2014

15.25 Kiama Youth Advisory Committee - Minutes

Responsible Director: Community Services

Minutes of the Kiama Youth Advisory Committee meeting held on 3 September 2014 are included in Councillors' envelopes.

Enclosures

- 1 Minutes of the Kiama Youth Advisory Committee meeting held on Wednesday 3 September 2014 at Kiama High School PDF

15.26 Illawarra Academy of SportResponsible Director: Community Services

Kiama Council is one of five local government areas that form the catchment area of the Illawarra Academy of Sport and provide financial support to the organisation. This is Council's contribution to supporting the development of local elite athletes. The Mayor is currently represented on the Board by the Director Community Services.

The position of General Manager of the Academy has recently been advertised and the Director Community Services participated on the recruitment panel. There was a very strong field of applicants, however, the successful applicant was Mr Shannon Fraser, who had been acting in the position for approximately ten months. During this time Mr Fraser has demonstrated strong managerial skills, an innovative approach to education and training, proactive interaction with sponsors and commitment to the position.

In addition, the Academy of Sport held its presentation night for scholarship holders on Friday 5 September. As part of this event sponsors, including Council, were acknowledged for their contribution.

16 ADDENDUM TO REPORTS**17 NOTICE OF MOTION**

Nil

18 QUESTIONS WITHOUT NOTICE**19 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 16 September 2014

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.

19.1 Exclusion Of Press And Public:***RECOMMENDATION***

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 detailed under the report headings as detailed below.

20.1 KIAMA HOSPITAL REDEVELOPMENT

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

20.2 TENDER EXPRESSIONS OF INTEREST – WASTE PROCESSING AND DISPOSAL

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act and information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act and information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government

Act. .

20.3 BLUE HAVEN MISSION STATEMENT

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

20 CONFIDENTIAL REPORTS

20.1 Kiama Hospital Redevelopment

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.2 Redevelop and expand the Blue Haven Aged Care Facility

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

20.2 Tender expressions of interest – waste processing and disposal

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.14 Minimise waste and manage it in an efficient and environmentally sensitive manner

Delivery Program: 2.14.1 Manage waste and recycling in accordance with adopted plans

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

20.3 Blue Haven Mission Statement

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.1 Provide residential aged care, including dementia specific care

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a competitor of the council.

21 CLOSURE