

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

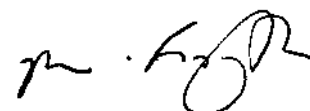
11 March 2014

To Chairman & Councillors:

NOTICE OF MEETING

You are respectfully requested to attend the next **Ordinary Meeting** of the Council of the Municipality of Kiama, to be held in the Council Chambers, Kiama on **Tuesday, 18 March 2014** commencing at 5.00 pm, for the consideration of the undermentioned business.

Yours faithfully



M Forsyth
General Manager

BUSINESS OF MEETING

- 1 Adoption of Minutes:-
Ordinary Meeting of Council on 18 February 2014
- 2 Business Arising from the Minutes
- 3 Public Access
- 4 Mayoral Minute
- 5 Minutes of the Blue Haven Retirement Village Committee Held on the 5 March 2014
- 6 Minutes of the Traffic Committee Meeting held on 13 March 2014
(Copy to be given out at Public Access Meeting)
- 7 **Senior Officer's Reports**
Report of Director of Environmental Services
Report of General Manager
Report of Director Corporate and Commercial Services
Report of Manager Corporate Services
Report of Acting Director of Engineering and Works
Report of Acting Director of Community Services
- 8 Reports for Information
- 9 Addendum to Reports
- 10 Notice of Motion
- 11 Questions Without Notice
- 12 Confidential Summary
- 13 Confidential Reports
- 14 Confidential Mayoral Minute

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

COMMENCING AT: 5.03 pm

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

IN ATTENDANCE: General Manager, Director of Environmental Services, Director of Corporate and Commercial Services, Director of Engineering and Works and Director of Community Services

APOLOGIES: Nil

The Mayor declared the meeting open and acknowledged the traditional custodians:

“On behalf of Kiama Council, I would like to show respect and acknowledge the traditional custodians of this land, of elders past and present, on which this event takes place.”

CONFIRMATION OF MINUTES - ORDINARY MEETING – 17 DECEMBER 2014

The Minutes of the **Ordinary Meeting** of Council held on 17 December 2014 were acknowledged by the Councillors.

Adoption:

MN001

Resolved that the Minutes of the **Ordinary Meeting** of Council held on 17 December 2014 be confirmed and adopted.

(Councillors Steel & Rice)

BUSINESS ARISING FROM THE MINUTES:

PUBLIC ACCESS:

The General Manager outlined public access which was held on Monday 3 February 2014 in the Council Chambers commencing at 5.00pm as follows:-.

Mr Timbs - Development Application 10.2013.254, Proposed Cafe – Lot 2 DP 158665 No 2 Victoria Street, Gerringong (Item 1 - DES)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

Mr Robert Barnes - Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled Dwellings (Item 2 – DES)

Mr Eric Chan - Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled Dwellings (Item 2 – DES)

Mr Rob McKinnon - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

Mr Friedman - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

Mr Phil Lewis - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

Mr Peter Taranto - Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo (Item 5 – DES)

MAYORAL MINUTE:

The Mayoral Minute was acknowledged by the Councillors:

1 Australia Day Award Ceremony and Australia Day Events

MN002

Resolved that Council:-

- 1) extend congratulations to the 2014 Australia Day Awardees;
- 2) thank Kimberly Abbott for the Australia Day Address;
- 3) thank Councillor Steel and Councillor Mark Way along with the General Manager, Mrs Davina Abela, Mr Joel King (community representative) and Ms Pip Spence on the organisation of the successful Australia Day.

(Councillor Petschler & Councillor Steel)

2 The 166th Kiama Show (C10.018.000)

MN003

Resolved that Council congratulate Show President David Young and the Kiama Show Society on the successful 166th Annual Kiama Show.

(Councillor Petschler & Councillor McClure)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

3 Australia Day Awards

MN004

Resolved that Council send a letter of congratulations to Mr Ray Whiting and Lake Illawarra Local Area Commander Superintendent Wayne Starling.

(Councillor Petschler & Councillor Reilly)

4 P&O Pacific Jewel

MN005

Resolved that the report be noted.

(Councillor Petschler & Councillor Steel)

5 Nomination of 2 Councillors to Attend the Section 34 Conciliation Conference

MN006

Resolved that Councillors Petschler and Sloan attend the Section 34 Conciliation Conference to be conducted by the Land and Environment Court on 17 March 2014. Councillors will present reasons for Council's refusal of the development application and design outcomes that Council is seeking from the development of the site.

(Councillor Way & Councillor Steel)

REPORTS OF COMMITTEES:

KIAMA TRAFFIC COMMITTEE MEETING – 4 FEBRUARY 2014:

The Minutes of the **Kiama Traffic Committee Meeting** held on 4 February 2014 were acknowledged by the Councillors.

Adoption:

MN007

Resolved that the Minutes of the Kiama Traffic Committee Meeting held on 4 February 2014 and the recommendations numbered CR002 to CR009 contained therein be approved and adopted.

(Councillors McClure & Seage)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

COMMITTEE OF THE WHOLE:

MN008

Resolved that at this time, 5.15 pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:-

Report of the Director of Environment Services
Report of the General Manager
Report of the Director of Corporate & Commercial Services
Report of the Manager Corporate Services
Report of the Director of Engineering & Works
Report of the Director of Community Services
Reports for Information
Addendum to Reports

(Councillors Sloan & Steel)

SENIOR OFFICERS' REPORTS:

MN009

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

(Councillors Sloan & Steel)

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

**1 Development Application 10.2013.254, Proposed Cafe – Lot 2 DP 158665
No 2 Victoria Street, Gerringong**

CR010

Moved by Councillor Rice and seconded by Councillor Reilly that having regard to the individual circumstances of this application, i.e.

- The B7 Business Park zoning of the allotment and the sites corner location, along with the location of the existing buildings on the allotment,
- The change of use is from one commercial use to another commercial use, both of which are food preparation and sale oriented,
- There is no Section 94 plan which would support the making of a contribution in lieu of onsite provision of carparking, and
- The historic uses of the site,

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

It is moved that a variation be granted to Councils DCP Chapter 9 Car parking requirements and that Council approve Development Application No 10.2013.254.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the following conditions;

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 10.2013.254.1 dated ---- and on the application form except as amended by the following conditions:
 - a) Use of the site as a Cafe' is not permitted until an Occupation Certificate has been issued by an Accredited Certifier.
 - b) All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
- (2) Compliance with the following regulations and standards is required at all times:
 - Design, construction and fit-out of food premises AS4674-2004;
 - Food Act 2003;
 - Food Regulations 2010;

Prior to Operating

- (1) Prior to operating, the proprietor must contact Council's Environmental Health Officer to organize a final inspection.
- (2) The applicant must contact Sydney Water (Mark Robinson Trade Waste Officer from Sydney Water, contact number is 0408 614 233) to gain advice as to whether a trade waste approval is required. If such an approval is required the applicant must submit a copy of the trade waste approval to Kiama Municipal Council prior to the operation of the shop. If a grease trap is deemed not required by Sydney Water, information detailing such is to be forwarded to Council prior to operation.
- (3) Prior to operating, the proprietor must notify the Food Authority of the food premises Food Safety Supervisor.
- (4) Prior to operating, the proprietor must complete Councils Food Registration Form.
- (5) Prior to operating, the proprietor must provide Council with the Food Authorities notification reference number.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

Site Operations

- (1) The hours of operation of the business shall generally be restricted to between 8.00 a.m. and 6.00 p.m. unless otherwise approved in writing by Council.
- (2) No advertising signs shall be erected without firstly obtaining development consent.
- (3) Noise from the premises and equipment must not exceed 5dB(A) above background noise.
- (4) The development shall not interfere with the amenity of the neighbourhood by reason of noise, fumes, steam, grit, waste products or otherwise.

Reasons

- 1) Minimise any likely adverse environmental impact of the proposed developments.
- 2) Ensure that the proposed development complies with the provisions of any relevant Environmental Planning Instruments and Council's Codes and Policies.

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

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

Against: Nil

2 Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled dwellings (10.2013.137.1)

CR011

That Council approve Development Application No 10.2013.137.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the Director's report.

(Councillor Seage & Councillor Steel)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

5 Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo

CR012

That:

- 1) Council adopt the Planning Proposal submitted for Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo.
- 2) Council proceed with preparation of the planning proposal documents and maps and upon completion these be forwarded to Parliamentary Counsel's Office for agreement.
- 3) Upon receipt of agreed documentation from Parliamentary Counsels Office, the General Manager or Director of Environmental Services exercise the plan making powers under Section 59 (2) and (3) of the Environmental Planning and Assessment Act, delegated to them by the Minister for Planning, in regard to this Planning Proposal

(Councillor Steel & Councillor Honey)

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

Against: Councillors Rice, Seage and Sloan

RESUMPTION OF ORDINARY BUSINESS:

MN010

Resolved that at this time, 6.05 pm, Council resume the Committee of the Whole meeting to deal with matters listed in the reports.

(Councillors Steel & Seage)

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

3 Commercial Centres and Community Safety Committee

CR013

That:

- 1) the revised terms of Reference, included as Attachment 1 to this report, be amended as follows:-

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

- (a) Under the heading: "Strategies of the Committee"
- Dot point 3 to read: "To provide a forum for issue identification and discussion in relation to Commercial Centres and Community Safety Committee.
 - Dot point 4 to read: "To develop and implement a coordinated and prioritised work program for the Committee for submission to Council".
- (b) Under the heading: "Minutes"
- First paragraph to read: "Minutes will be taken by a Council staff member and submitted to the next Council meeting for information and confirmation."
- 2) Council call for expressions of interest to fill vacant Commercial Centres and Community Safety Committee positions identified in the Terms of Reference. At the completion of this process a further report is to be submitted to Council.
- 3) The Minutes of the Commercial Centres and Community Safety Committee meeting held on 12 November, be noted.

(Councillor Seage & Councillor McClure)

4 Extraordinary Meeting - Commercial Centres and Community Safety Committee

CR014

That:

- 1) The draft design for approximate placement of CCTV cameras and the scope of the area under surveillance, prepared by Quest Security Solutions regarding Kiama CBD camera surveillance, be placed on public exhibition for a period of 28 days during which time the community will be invited to comment on the design.
- 2) It be noted that the proposed installation of security cameras will be contained in the following area of the Kiama CBD: just west of Collins Street, east to Manning Street, south on Manning Street to Bong Bong Street, then west on Bong Bong Street to Railway Parade, north on Railway Parade to Terralong Street.
- 3) Following exhibition of the above, a report be provided back to Council.

(Councillor Seage & Councillor McClure)

REPORT OF THE GENERAL MANAGER

1 Government Communications Australia Awards 2014

CR015

That:-

- 1) the attendance of Ms Pip Spence at the 3-day Government Communications Conference in Melbourne including attendance at the Awards dinner be endorsed.
- 2) Council congratulate Ms Pip Spence on being shortlisted as a finalist in the Government Communications Awards.

2 Local Government Acts Taskforce A New Local Government Act for NSW

CR016

That:-

- 1) the information contained within this report be noted.
- 2) Council congratulate the General Manager and Corporate Planner on the report.

(Councillor Seage & Councillor Sloan)

3 2014 Australian Coastal Councils Conference

CR017

That Council approve the attendance of Councillors Reilly and Seage at the 2014 Australian Coastal Councils Conference.

(Councillor Steel & Councillor Rice)

4 Jamberoo Community Event

CR018

That Council has an organisational role and contributes \$2,000 to the holding of the event.

(Councillor Reilly & Councillor Seage)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

5 Kiama Tourism

Disclosure of Interest – Councillor Gavin McClure

At this time, Councillor Gavin McClure declared an insignificant, non pecuniary interest in this matter as a member of the Board. Councillor McClure took no part in the discussion thereon.

CR019

That:-

- 1) Council adopt the attached terms of reference with the additional requirement that the Consultant is to seek individual input/comment from all current Directors of the Board and those who have served on the Board at any time in the past two years.
- 2) InConsult be engaged to undertake the review at a cost of \$7,605 plus GST, and
- 3) delegation be provided to the General Manager to negotiate a cost variation with InConsult if required so that the consultation can occur.

(Councillor Sloan & Councillor Reilly)

An **Amendment** was **Moved** by Councillor Seage and seconded by Councillor Honey that Kiama Tourism be given a choice of:-

- 1) Council adopt the attached terms of reference with the additional requirement that the Consultant is to seek individual input/comment from all current Directors of the Board and those who have served on the Board at any time in the past two years; or
- 2) A Board of Inquiry made up of Councillors.

The **Amendment** was put and **Lost**.

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

**6 Revitalising Local Government
Final Report of the NSW Independent Local Government Review Panel**

CR020

That:-

- 1) Council make a submission in relation to the paper by supporting the majority of the principal recommendations.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

- 2) Council indicate its in principle support for the regional joint organisations subject to local governments retaining their autonomy and equal representation and further information being provided on the resourcing and funding of the regional joint organisations.
- 3) Council raise concern in relation to the redistribution of financial grants which would affect the revenue of Kiama Municipal Council
- 4) Council adopt a policy position that the structure of the governing body of any Illawarra Regional Joint Organisation which may be developed from the Review Panel recommendations be based on the model utilised successfully by the Southern Council's Group i.e. equal representation.

(Councillor Steel & Councillor Honey)

7 Payment of Expenses and Provision of Facilities

CR021

That Council adopt the exhibited Payment of Expenses and Provision of Facilities Policy.

(Councillor Rice & Councillor Way)

REPORT OF THE DIRECTOR OF CORPORATE AND COMMERCIAL SERVICES

**1 Kiama Leisure Centre
Donation of Use of Facility**

CR022

That Council donates the use of one volleyball court for two hours per week until approximately the end of June 2014 to enable the athlete named in this report to train for selection in the State and National Under 18 Girls Volleyball Teams.

**2 Beach Lifeguards
2012-13 Holiday Season Statistic Report**

CR023

That the information contained in this report be noted and the staff be commended for the report

REPORT OF THE MANAGER CORPORATE SERVICES

1 Investments Statement of Investments

CR024

That the information relating to the Statement of Investments for December 2013 be received and adopted.

2 Financial Statement Financial Report for the Period Ending 31 December 2013

CR025

That the revised budget for the period commencing 1 October 2013 and ending 31 December 2013 be received and adopted.

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

1 Community Development Grants Program – Kiama Blowhole Harbourside Works Project

CR026

That:-

- 1) Council makes application to the Department of Infrastructure and Regional Development to allocate the \$400,000 to various projects as identified in this report within the Kiama Blowhole Harbourside Schedule of Works.
- 2) the Federal Member for Gilmore, Mrs Ann Sudmalis be requested to support this proposal.
- 3) western pier head be removed from the Schedule of Works and the 2013-2017 Delivery Program at the next budget until a detailed design and grant funding becomes available.

2 Kiama Quarry Sports Complex Creation of Easement

CR027

That the Mayor and General Manager be given delegated authority to sign under Council seal all documentation associated with the creation of the easement.

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

1 Daisy the Decorated Dairy Cow

CR028

That Council:-

- 1) approve investigating the restoring of Daisy into a fibreglass sculpture with a further report to Council on the proposed costs and methods.
- 2) consider exploring opportunities for community or business donations for the restoration project as a means of offsetting the cost to Council.

2 Kiama Health & Sustainability Committee (H&SC) Expression of Interest (EOI) to join the committee as a community representative

CR029

That Council endorse the recommendation of the Health & Sustainability Committee to accept the Expression of Interest from Edwin Humphries to join the committee as a Community Representative.

3 International Children's Games Application to Participate

CR030

That Council support Kiama accepting an invitation to participate in the 2014 International Children's Games to be held in Lake Macquarie in December.

REPORTS FOR INFORMATION

10 Council Donations 2013/2014 Response to Question Without Notice

CR031

That the staff be thanked for the presentation of the information.

(Councillor Honey & Councillor Way)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

Adoption

CR033

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

(Councillors Steel & Seage)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT:

MN011

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered CR010 to CR033 above.

(Councillors Way & Steel)

RESUMPTION OF ORDINARY BUSINESS:

MN012

Resolved that at this time, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel & Seage)

NOTICE OF MOTION

**1 Kiama Scout Hall
Relocatable Toilet Facility**

It was **moved** that Council make application to the Crown Lands Department for the provision of a Relocatable Toilet facility, adjacent to the Scout Hall at Kiama Harbour.

(Councillor Way & Councillor Seage)

MN013

An **Amendment** was **Moved** by Councillor Petschler and seconded by Councillor McClure that a report be submitted to Council by the Director of Engineering and Works with the concurrent consent of the Crown Lands Department to be sought.

The **Amendment** was put and **Carried** and became the adopted Motion.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

**2 Construction of a Concrete Walkway
Railway Avenue**

MN014

Resolved that Council consider the construction of a concrete walkway on the western side of Railway Avenue between Beach Street and Links Street so as to join the existing walkway to North Street as a priority in the next budget.

(Councillor Seage & Councillor Sloan)

QUESTIONS WITHOUT NOTICE:

1 Council Chambers – Hearing Loop

Councillor Seage requested Council provide a brief report on the installation of a hearing loop in the Council Chambers. The Mayor referred this matter to the Director of Corporate and Commercial Services for investigation and report.

2 Development Application Submissions

Councillor Seage requested that Council include the original date of the Development Application (DA) submission in the weekly report of approved DAs to Councillors.

3 Minnamurra River - Dogs

Councillor Steel requested a report on the consideration to rescind the order to allow dogs to swim on a lead with their owner in the Minnamurra River. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

4 Storage Dump Bombo Beach

Councillor Steel requested a report on the installation of a dump point at the north end of Bombo Beach to attract the grey nomad tourists. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

5 State of the Environment Report

Councillor Sloan asked if Council could provide an update on the drafting of the State of the Environment Report and advise when a draft is due to be released. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

6 Intersection of Riverside Drive and Meehan Drive

Councillor Rice requested Council to provide a report on the progress on the negotiations with Roads and Maritime Services regarding the completion of the proposed roundabout and pedestrian crossing in Riverside Drive, along with any further information relevant to the eventual status of the traffic management conditions in Riverside Drive. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.

CONFIDENTIAL COMMITTEE OF THE WHOLE:

MN015

Resolved that at this time, 7.25 pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel & McClure)

PUBLIC REPRESENTATIONS:

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

EXCLUSION OF PRESS AND PUBLIC:

MN016

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds as detailed in the following recommendations such exclusion to commence as from 7.25 pm.

(Councillors Steel & Seage)

CONFIDENTIAL REPORTS

**1 Elambra Estate, Gerringong (DCCS)
Stage 7 – Sale Price of Lot 729**

CR034

That Council adopt the recommendation as detailed in the report.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 4 FEBRUARY 2014

CONFIDENTIAL MAYOR MINUTE

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

CR035

That the report of the Performance Review Committee be deferred until the next meeting.

(Councillor Sloan & Councillor Reilly)

CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE:

MN017

Resolved that at this time, 7.44 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors McClure & Seage)

Adoption of Report

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

MN018

Resolved that the Confidential Committee of the Whole recommendations numbered CR034 to CR035 be confirmed and adopted.

(Councillors McClure & Seage)

There being no further business
the meeting closed at 7.45 pm.

These Minutes were confirmed at the Ordinary
Meeting of Council held on 18 March 2014

.....
Mayor

.....
General Manager

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD
ON WEDNESDAY 5 MARCH 2013**

COMMENCING AT: 6:00pm

PRESENT: Clr B Petschler (Mayor) - Clr K Rice, Mr A Fowlie, Mr R Goff, Mrs J Bartlett, Mr B Wilson, Mrs F Whittaker, Mrs L Humphries, Mrs A Elliott, Mrs C Crowe- Maxwell, Mr M Forsyth, Mrs H McInerney, Mr I Wilson, Mrs C Rogers Mr S Dawson

APOLOGIES: Mrs P Walters

1 Minutes of Previous Meeting (SC657)

CR 036

Committee Recommendation that the information be noted.

2 Residents' Discussion Forum (SC657)

CR 37

Committee Recommendation that the information be noted.

3 Blue Haven Redevelopment Project (SC657)

CR 038

Committee Recommendation that the information be noted.

Director of Nursing and Hostel Supervisor's Report

- 1 Statistics
- 2 Staffing Students & Training
- 3 Training 2013
- 4 Occupancy/Vancies
- 5 Accreditation
- 6 NSW Food Authority Audit
- 7 Electronic Rostering/Payroll
- 8 Senior's Week

CR 039

Committee Recommendation that Items 1- 8 be noted.

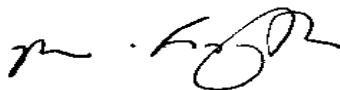
CHIEF EXECUTIVE OFFICER'S CONFIDENTIAL REPORT

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

CR 040

Committee Recommendation that the information be noted.

There being no further business
the meeting closed at 7:20pm



Michael Forsyth
General Manager

REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

Submitted to the Ordinary Meeting of Council held on 18 March 2014

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

Summary

This report reviews the proposal to release a restriction on the use of land which currently limits the erection of a dwelling house on the subject land to single storey in height.

The report recommends that Council release the subject restriction on the grounds that Council's current development controls no longer emphasise single storey rural dwellings and the land in this instance, being undulating in topography, is conducive to a dwelling partially comprising two (2) storeys.

Finance

N/A

Policy

N/A

Reason for the Report

This matter is reported to Council for reason that Council is the authority benefited by the restriction and therein is the authority empowered to release the restriction.

Council's Vision and Goals

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

Report Attachments and Councillor Enclosures

- Attachments – A4 sized copy of DP 1006083 and accompanying 88b Instrument.
- Enclosures – Nil.

RECOMMENDATION

That:

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

REPORT

Applicant: Mr and Mrs Folder

Zone: Part RU1 Primary Production/Part E3 Environmental Management –
Kiama LEP 2011

Item 1 Contd.**Restriction on use of land**

The subject lot is currently burdened by a restriction on the use of land. Terms of restriction secondly referred to in DP 1006083 protects the knoll (being the highest area) of the subject property from being built upon. The restriction thirdly referred to in Deposited Plan (DP) 1006083, is worded as follows:

“3.1 No dwelling house shall be erected or permitted to remain on the lot burdened unless it is:

- 3.1.1 constructed of non-reflective materials and coloured in recessive, earthy tones;*
- 3.1.2 single storey in height except where a second storey loft can be provided without obvious visual impact;*
- 3.1.3 no closer than 100m to adjacent dwelling houses.*

3.2 The keeping of cats, dogs (other than working dogs) and goats on the burdened lot is prohibited.

3.3 The further subdivision of the burdened lot is prohibited other than subdivision for the purpose of widening public road, making minor adjustments to common property boundaries, or rectifying an encroachment on a parcel of land.”

Restriction numbered 3.1.2 is the focus of this report.

Background

Development application 10.2013.158 was lodged with Council seeking consent for a partial two (2) storey dwelling house on the subject land, which breached the terms of the registered restriction on use of land numbered 3.1.2 above. For this and other reasons, that development application was withdrawn from Council on 3 October 2013.

Following withdrawal of the DA, discussions were held with the land owner as to how development of a dwelling house on the site may progress. Those discussions included relocation of the proposed dwelling in order to overcome the complications experienced with DA 10.2013.158 which led to its withdrawal. It was also highlighted that formal release of the registered restriction limiting a proposed dwelling to single storey in height could only be authorised by Council, being the authority benefited by the restriction.

Proposal

In order to remove the single storey height limit constraint to development of the site, as discussed in detail below, it is proposed to release restriction numbered 3.1.2 in DP 1006083.

Item 1 Contd.

The applicant has supported the proposal with the following justification:

“At the time this land was subdivided, the relevant Council DCP that governed the construction of rural residences required that the construction of a rural residence was to be restricted to single storey construction.

In the following years, there have been a number of rural residences that have been approved for construction that contain a two storey component, many similar to this project, where a garage is provided to the subfloor area contained under a single level dwelling.

The topography of this site lends itself to the provision of a garage to a subfloor area, as there is approximately 2.4m fall across the building area. Construction of a single level home would still result in a height of 2.4m subfloor brickwork. We have attached a Cross Section that illustrates the location of the garage in this proposal.

Clause C1 of Chapter 6 - Rural Development, of the recently introduced Kiama DCP 2012, now allows for 2 storey construction in rural areas, with a maximum height of 8.5m.

We therefore request, that Council waives the single storey height restriction which originally applied to this land, to allow for the construction of the proposed single level dwelling, with an entry and garage on a basement level.”

Discussion

To justify release of the subject restriction, the reasons submitted by the land owner are considered to be valid and well founded.

The landowner has advised it is imminent that a revised development proposal will be submitted to Council as a new development application. During discussions held with the land owner/developer there was consensus that, due to the topography of the property, a partial two storey dwelling is suitable for the property and could be appropriately sited so as to have acceptable visual impact. In this regard the revised location for a dwelling is far less visible than the previously proposed dwelling, but still sited on the hillside. The sloping nature of the site lends itself to a dwelling with a two storey component.

The land owner makes the relevant point that Council's current Development Control Plan (DCP) 2012 does not require rural dwellings to be single storey in height, which was a requirement of the preceding DCP which was in force when the restriction on use was imposed and was clearly relevant at the time. The land owner's argument is valid that the restriction is now superfluous given the current planning controls pursuant to DCP 2012.

Item 1 Contd.

Council's current DCP 2012 includes a chapter dedicated to rural development (Chapter 6), the objectives and controls of which will be considered with future development of the subject rural zoned site. The objectives and controls of Chapter 6 of the DCP are sufficient to guide development of this site without the need for a restriction on use of land, in this instance, limiting a dwelling house to single storey on the land.

In summation, and having regard to the following reasons, it is considered reasonable to release the restriction on use of land that currently limits the erection of a dwelling house on the subject land to single storey in height:

- The undulating topography of the subject land, by its nature, lends itself to partial 2 storey dwelling
- The most elevated and visually prominent section of the property remains protected from development by separate restriction on use
- The rural development controls within current DCP 2012 do not stipulate that rural dwellings are to be single storey in height (as opposed to the preceding DCP No 35). DCP 2012 contains other controls that guide the siting and design of proposed rural development, including limiting the height of rural dwellings to 8.5m.

There are a number of similar restrictions that have been placed on other rural properties throughout the Municipality. It is considered appropriate to seek delegation for the General Manager to deal with these matters as and when they occur in the future.

Attachment

Box:KIAMA /Doc:DP 1006083 P /Rev:17-Mar-2000 /Sta:OK.OK /Prt:14-Jun-2001 19:18 /Pgs:ALL /Seq:1 of 2
 WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only

PLAN FORM 2
 PLAN SHEET 2
 PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

OWNER'S DETAILS:
 Crown Lands Office Approval
 Land Owner: Approved Owner
 Plan Date: 2013/03/18

SUBMISSION CERTIFICATE:
 This plan and the provisions of a 1996 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 are hereby submitted for approval and approval is hereby granted for the SUBMISSION.

APPROVED BY:
 Approved by: KIMBA COUNCIL
 Date of endorsement: 23/03/2013
 Approved by: 01/04/2013

REVISIONS:
 REVISIONS REFERENCE: 18/06/97/15/5/05 SUBMITTAL
 REVISIONS REFERENCE: 18/06/97/15/5/05 SUBMITTAL

PLAN FORM 2
 PLAN SHEET 2
 PLAN DRAWING ONLY TO APPEAR IN THIS SPACE

MARK

MARK	1:50 CO-ORDINATES	ZONE	ACC.
SMH 48717	283 204.588	153 749.886	56/1 9
SMH 48718	282 845.512	153 413.402	56/1 9
TS 160	273 864.272	142 725.083	56/1 1
TS 5087	285 396.103	157 376.960	56/1 1

NOTE: 1:50 CO-ORDINATES ADOPTED FROM N.S.W. DEPT. OF L. & W.C. (S.C.I.M.S.) AT 21 MAY, 1999
 COMBINED SCALE AND SEA-LEVEL CORRECTION: 0-99999

PLAN OF SUBDIVISION OF LOT 12 DP 610163 AND PART LAND IN CONVEYANCE N° 820 BOOK 8366

LOCALITY: KIAMA
 GARRIBONG & ROSE VALLEY
 BROUGHTON
 CAMDEN

Scale: 1:500
 Reduction Ratio: 1:1500

Author: A.E. 13.3.2000
 C.L. 8/6/00 CERTIFICATE
 The Survey TOWNSHIP & C.O.L.D. SYSTEM
 Purpose: SUBDIVISION
 Ref. No: W8297-11
 Ref. No: W8295-7
 Last Plan: DP 610163 (P1)

Panel: DP 1006083 (P1)

Notes:
 1) BASEMENT FOR OVERHEAD POWER LINES 9 WIDE & VARIABLE
 2) RESTRICTION ON USE OF LAND

Scale: 1:500
 Reduction Ratio: 1:1500

Author: A.E. 13.3.2000
 C.L. 8/6/00 CERTIFICATE
 The Survey TOWNSHIP & C.O.L.D. SYSTEM
 Purpose: SUBDIVISION
 Ref. No: W8297-11
 Ref. No: W8295-7
 Last Plan: DP 610163 (P1)

Panel: DP 1006083 (P1)

Notes:
 1) BASEMENT FOR OVERHEAD POWER LINES 9 WIDE & VARIABLE
 2) RESTRICTION ON USE OF LAND

Attachment

MA /Doc:DP 1006083 B /Rev:17-Mar-2000 /Sts:OK.OK /Prt:14-Jun-2001 23:21 /Pgs:ALL /Seq:1 of 4
 : Electronic Document Supplied by LPI NSW for Your Internal Use Only

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
 RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED
 PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 1 of 4 Sheets)

DP1006083

Plan of Subdivision of
 Lot 12 DP 610163 and part land in
 Conveyance No 820 Book 2368
 covered by Council's
 Certificate No. 23 of 00

Full name and address of the owner
 of the land:

ALNE BANK FARMS PTY LIMITED
 ACN 000 149 262
 "Alne Bank", Princes Highway
 GERRINGONG NSW 2534

PART 1

1. Identity of Easement to be created and
 firstly referred to in abovementioned plan: Easement for Overhead Power
 Lines 9 wide and variable

Schedule of lots affected

Lot burdened
 101

Authority benefited
 Integral Energy Australia

2. Identity of Restriction to be created and
 secondly referred to in abovementioned plan: Restriction on Use of Land

Schedule of lots affected

Lot burdened
 101

Authority benefited
 The Council of the Municipality
 of Kiama

3. Identity of Restriction to be created and
 thirdly referred to in abovementioned plan: Restriction on Use of Land

Schedule of lots affected

Lot burdened
 101

Authority benefited
 The Council of the Municipality
 of Kiama

David Bindman

Attachment

Box:KIAMA /Doc:DP 1006083 B /Rev:17-Mar-2000 /Sts:OK.OK /Prt:14-Jun-2001 23:21 /Pgs:ALL /Seq:2 of 4
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**INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS ON THE USE OF LAND INTENDED TO BE CREATED
PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 2 of 4 Sheets)

Plan:

Plan of Subdivision of
Lot 12 DP 610163 and part land in
Conveyance No 820 Book 2368
covered by Council's
Certificate No. 23 of 99

DP1006083

PART 2

1. Terms of Easement firstly referred to in abovementioned plan:

- 1.1 Full and free right and licence for the Authority Benefited to erect electricity equipment on the surface, and undersurface of the lot burdened for the purpose of transmission of electricity and incidental purposes, together with the following rights:
- (a) to enter pass and repass on the lot burdened (with or without vehicles) at all reasonable times (and at any time in the event of an emergency) and to remain there for any reasonable time with or without workmen materials or machinery, and
 - (b) to cut, trim, remove and lop trees, branches, roots, foliage and other vegetation on the lot burdened which encroach on or may interfere with or prevent reasonable access to the easement site or the electricity equipment, and
 - (c) to remove any encroachments from the easement site, and
 - (d) to excavate the easement site for the purposes of this easement.
- 1.2 In exercising its rights under this easement the Authority Benefited will take reasonable precautions to minimise disturbance to the surface of the lot burdened and will restore that surface as nearly as practicable to its original condition.
- 1.3 The Owner of the lot burdened covenants with the Authority Benefited that the Owner:
- (a) will not erect or permit to be erected any structure on or over the easement site, and
 - (b) will not alter the surface level of the easement site or carry out any form of construction affecting its surface, undersurface or subsoil, and

David Dindman

Attachment

Box:KIAMA /Doc:DP 1006083 B /Rev:17-Mar-2000 /Sts:OK.OK /Prt:14-Jun-2001 23:21 /Pgs:ALL /Seq:3 of 4
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Lengths are in metres

(Sheet 3 of 4 Sheets)

Plan

Plan of Subdivision of
 Lot 12 DP 610163 and part land in
 Conveyance No 820 Book 2368
 covered by Council's
 Certificate No. 23 of 99

DP1006083

(c) will not do or permit anything to be done or fail to do anything whereby access to the easement site by the Authority Benefited is restricted,

without the written permission of the Authority Benefited and in accordance with such conditions as the Authority Benefited may reasonably impose.

1.4 "Authority Benefited" means Integral Energy Australia (and its successors) and its employees, agents, contractors and persons authorised by it.

"Owner" means the registered proprietor from time to time of the lot burdened (including those claiming under or through the registered proprietor).

"Electricity equipment" means electricity transmission poles, towers, wires, cables, and ancillary electrical equipment.

"Erect" includes construct, repair, replace, maintain, modify, use and remove.

"Easement site" means that part of the lot burdened subject to the easement.

The terms implied by s.88A (2A) and Schedule 4A Part 8 of the Conveyancing Act 1919 are excluded.

2. Terms of Restriction secondly referred to in the abovementioned plan:

No building shall be erected or permitted to remain within that part of the burdened lot shown as affected by this restriction on the plan.

3. Terms of Restriction thirdly referred to in the abovementioned plan:

3.1 No dwelling house shall be erected or permitted to remain on the lot burdened unless it is:

3.1.1 constructed of non-reflective materials and coloured in recessive, earthy tones;

3.1.2 single storey in height except where a second storey loft can be provided without obvious visual impact;

David Windman

Attachment

Box:KIAMA /Doc:DP 1006083 B /Rev:17-Mar-2000 /Sts:OK.OK /Prt:14-Jun-2001 23:21 /Pgs:ALL /Seq:4 of 4
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Lengths are in metres

(Sheet 4 of 4 Sheets)

Plan:

Plan of Subdivision of
Lot 12 DP 610163 and part land in
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covered by Council's
Certificate No. 23 of 99

DP1006083

- 3.1.3 no closer than 100 metres to adjacent dwelling houses.
- 3.2 The keeping of cats, dogs (other than working dogs) and goats on the burdened lot is prohibited.
- 3.3 The further subdivision of the burdened lot is prohibited other than subdivision for the purposes of widening a public road, making minor adjustments to common property boundaries, or rectifying an encroachment on a parcel of land.

THE COMMON SEAL of ALNE BANK)
FARMS PTY LIMITED ACN 000 149 262)
was hereunto affixed pursuant to a resolution)
of its Board of Directors in the presence of)

David Kinnear
Director



Gyudmarsh
Secretary

Approved by the Council of the Municipality of Kiama:

m. for
for General Manager

Date: 9/8/99

David Kinnear

REGISTERED PE 15/3/2000

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

Summary

Council at its meeting held on 19 November 2013, resolved to endorse draft Chapter 3 of Kiama Development Control Plan (DCP) 2012 – Preservation and Management of Trees and Vegetation, and to place this draft chapter on public exhibition for a period of no less than 28 days. At the completion of this exhibition period a further report was required to be submitted to Council.

Draft Chapter 3 - Preservation and Management of Trees and Vegetation aims to provide clear guidelines and specific controls which can be used for the preparation and assessment of Tree Management and Development Applications.

Finance

N/A

Policy

As the exhibited draft is now being recommended to be adopted as a chapter of Council's DCP, a Council resolution is required.

Reason for the Report

In accordance with previous resolution of Council

Council's Vision and Goals

This initiative links with Council's Goal to make open and transparent decisions with a strategy of promoting and encouraging opportunities for inclusive community engagement.

Report Attachments and Councillor Enclosures

- Attachments:
 - Attachment 1 - November 2013 Report
 - Attachment 2 - Draft Development Control Plan - Chapter 3 - Preservation & Management of Trees & Vegetation
 - Attachment 3 - Tree Management Application
 - Attachment 4 - Fact Sheet
- Enclosures – Nil.

RECOMMENDATION

That the attached Chapter 3 - Preservation & Management of Trees & Vegetation, be adopted as part of Council's DCP.

REPORT

The draft document was exhibited from 11 December 2013 to 31 January 2014.

Two (2) external and one (1) internal submission was received in regard to the document and these are attached to this report along with a copy of the original report Council report.

Item 2 Contd.

The issues raised in all submissions have been addressed and amendments made to the draft document where appropriate. It should be noted that the amendments do not change the intent or requirements of the original document but have been made to provide clarification.

The internal submission, simply corrected various spelling and editorial errors. External submission 1, suggested that *Pittosporum Undulatum*, otherwise known as Sweet Daphne, be removed from the Exempt Species List; however, after consultation with Council's Tree Officer, it was determined that whilst this is a species native to the area, it is also a very common species which grows prolifically in the area and therefore should be able to be removed without the need to make application to Council.

External submission 2, suggested some minor editing amendments, as well as identifying a potential fault in the explanation of Section 2.2 – "When is Approval Required". The clause has therefore been amended to ensure that trees within the curtilage of a heritage item or cultural plantings associated with a heritage item require approval. The submissions table is included below, for review.

Items	Changes	Comment
Internal Submission		
Submission 1	Edited various words for clarity without changing intent of document.	Make changes as per recommendations.
External Submissions		
<i>Submission 1</i>		
Appendix 1 -	Remove <i>Pittosporum Undulatum</i> (<i>Sweet Daphne</i>) from the exempt species list.	As per advice from KMC Tree Officer, do not make changes to remove Sweet Daphne from the exempt species list – this is a very common endemic species, which grows prolifically in the area.
<i>Submission 2</i>		
Section 2.2 - "When is Approval Required?"	Amended Section 2.2 to clarify intent of clause.	Make changes as relevant.
Section 2.2 - "When is Approval Required?"	Added clause to clarify requirements for work within the curtilage of a heritage item.	Do not make changes as per recommendation – is to remain the same.
Section 2.3 – "When is Approval Not Required?"	Edited various words for clarity without changing intent of document.	Make changes as per recommendation.
Section 4.4	Amend clause to clarify requirement of clause	Make changes as per recommendation.

Item 2 Contd.

Items	Changes	Comment
Appendix 1	Edit exempt species list to change intent of the document.	Do not make changes as per recommendation. The Tree Officer has advised that some non-native fruit trees are considered significant cultural plantings.
Appendix 2	Edit Process Flowchart to provide clarity, without changing the intent of the document.	Make changes as per recommendation.

A copy of the final document is attached to the report.

Phil Costello
Director of Environmental Services

Attachment 1

3 Draft Chapter 3 – Kiama DCP 2012 – Preservation and Management of Trees and Vegetation

Summary

This report seeks Council endorsement to publically exhibit “Draft” Chapter 3 - Kiama Development Control Plan 2012 – Preservation and Management of Trees and Vegetation (Chapter 3), on public exhibition for twenty-eight (28) days for the purpose of receiving public submissions.

Finance

Costs involved in commissioning Councils’ Consulting Arborist to provide information for draft Chapter 3 – Preservation and Management of Trees and Vegetation.

Policy

Chapter 3 will be reported to Council for adoption following completion of the public exhibition period.

Reason for the Report

Draft Chapter 3 requires Council’s endorsement to be placed on public exhibition.

Council’s Vision and Goals

This report meets the objectives:

- well planned and managed spaces, places and environment; and
- responsible civic leadership that is transparent, innovative and accessible.

Report Attachments and Councillor Enclosures

- Attachments – Nil.
- Enclosures – ‘Draft Chapter 3 – Preservation and Management of Trees and Vegetation’.

RECOMMENDATION

That Council endorse draft “Chapter 3 - Kiama Development Control Plan 2012 – Preservation and Management of Trees and Vegetation”, to be publicly exhibited for twenty-eight (28) days for the purpose of receiving public submissions.

REPORT

Draft Chapter 3 - Preservation and Management of Trees and Vegetation contains controls by which Applicants and Development Assessment staff can prepare and assess Tree Management and Development Applications.

Currently, all information relating to the preservation and management of trees is contained as a single document, within existing Chapter 3 of DCP 2012. A Council Working Group, consisting of relevant technical staff and Councillor’s Rice, Honey, and McClure, was formed to undertake a review. Councillors identified the need for highlighting the mechanism for review of Tree Management Applications, which provides those applicants dissatisfied with Council decision further recourse. Further, Council’s list of trees exempt from the requirement for a removal application and other administrative processes have been reviewed.

Attachment 1

Item 3 Contd.

As a result of this review, Chapter 3 has now been re-drafted and the information contained therein has now been presented in three (3) separate documents:

- Tree Management Application Form
 - Contains essential administrative information required for submitting a Tree Management Application form.
- Draft DCP Chapter 3 - Preservation and Management of Trees and Vegetation
 - Contains essential technical information required for assessing the health and value of the tree, also
 - Information regarding the implementation of controls, tables and flow charts along with a reordering of the document, which will allow applicants to locate relevant information quickly, as well as assist with readability of the chapter.
- Fact Sheet: Tree Management Review
 - Contains essential information required for the review of Tree Management Applications. The Fact sheet is beneficial, in that the applicant is only required to read the document if there is a need for review.

The proposed new structure and layout of Draft DCP Chapter 3 will allow Council stakeholders to easily access and understand information relevant to trees within the Kiama Local Government Area.

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation



3

Preservation & Management of Trees & Vegetation

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

3

Preservation & Management of Trees & Vegetation

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Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

SECTION 1 - INTRODUCTION

This Chapter of the Development Control Plan (DCP) outlines Kiama Municipal Council’s requirements for the preservation and management of trees and other vegetation. These controls support Clause 5.9 of the Local Environmental Plan (LEP), by defining a prescribed tree or vegetation. The chapter also outlines Council’s requirements for the submission, assessment and determination of applications for the pruning and removal of tree(s) and other vegetation on public and private land within the Kiama Local Government Area (LGA).

1.1 OBJECTIVES

The objectives of this Development Control Plan are:

- To conserve trees of ecological, heritage, aesthetic and cultural significance;
- To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within Kiama Local Government Area;
- To identify exempt trees and other vegetation that may be pruned or removed without the necessity for a Tree Management Application or Development Consent; and
- To ensure all new developments consider existing trees on or adjacent to the development site and provides opportunity for the healthy growth of large trees.

1.2 LEGISLATIVE FRAMEWORK

This Chapter of the DCP should be read in conjunction with *Kiama Local Environmental Plan 2011*, particularly:

- 5.9 *Preservation of trees and vegetation*,
- 5.10 *Heritage conservation*
- 5.11 *Bush fire hazard reduction work*

Several other Acts and State Environmental Planning Policies (SEPP’s) affect tree management within the LGA and may need to be considered. These include, but may not be limited to:

Environmental Planning Instruments
Illawarra Regional Environmental Plan (REP1 & IREP2) (Deemed SEPP)
NSW Environmental Planning and Assessment Act 1979
NSW State Environment Planning Policy 14 Coastal Wetlands
NSW State Environment Planning Policy 26 Littoral Rainforests
Native Vegetation Act 2003
Threatened Species Conservation Act 1995
National Parks and Wildlife Act 1974
Fisheries Management Act 1994
Environmental Protection and Biodiversity Conservation Act 1999
Water Management Act 2000
Forestry Act 1916

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

1.3 POLICY APPROACH

Tree management work, including the pruning or removal of a tree will generally be considered and determined either through a:

- (a) Tree Management Application (generally for individual/small scale tree removal in urban areas);
- (b) Development consent as part of a development application; or as
- (c) Complying Development Certificate; or as
- (d) Exempt work, as described in this document

To determine what type of application should be submitted, the following matters should be considered.

SECTION 2 - APPLICATION

2.1 WHAT IS A PRESCRIBED TREE?

Clause 5.9(3) of the Kiama Local Environmental Plan 2011 identifies what is known as a ***'Prescribed'*** tree or vegetation. For the purpose of Clause 5.9(3) of the Kiama Local Environmental Plan 2011 a prescribed tree/ vegetation is identified as all trees/ vegetation not listed as exempt which:

- are three (3) metres or more in height; or
- have a diameter of 200mm or more at a height of one (1) metre above the ground; or
- have a branch spread of three (3) metres or more

2.2 WHEN IS APPROVAL REQUIRED & WHAT IS REQUIRED?

Approval Is Required When.....	Application Requirement
A tree(s) is identified as a 'Prescribed Tree'	Tree Management Application
A tree is: <ol style="list-style-type: none"> 1. an item of environmental heritage; or 2. within the curtilage of a heritage item; or 3. a cultural planting associated with a heritage item. 	Development Application
A tree/vegetation is: <ol style="list-style-type: none"> 1. native vegetation; and 2. located on RU1, RU2, RE1, E1, E2 or E3 zoned land 	A Development Application with responsible State Government Department/ Agency – i.e: Southern Rivers Catchment Authority or other exemption under provision of Native Vegetation Act 2003.

2.3 WHEN IS APPROVAL NOT REQUIRED?

Approval for the pruning or removal of any tree listed in Appendix 1 - ***'Exempt Tree Species List'*** is not required, provided that the tree is not:

- located within the curtilage of a property that is a listed heritage item; or
- located on a property that has an active development consent, which includes the removal of the subject tree; or
- located on a property that is subject to an area-specific planning instrument.

NOTE: IF YOU ARE UNSURE OF WHETHER OR NOT APPROVAL IS REQUIRED, PLEASE CONTACT A COUNCIL OFFICER.

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

SECTION 3 - EXEMPTIONS FROM THE NEED FOR A TREE MANAGEMENT APPLICATION OR DEVELOPMENT CONSENT

Neither a Tree Management Application nor Development Consent is required for the cutting down, pruning, removal of any tree or other vegetation in the following situations:

- E1 Where a 'Prescribed Tree' is included in Council's Exempt Tree Species List in Appendix 1 to this Chapter (excluding trees within the curtilage of the heritage item or heritage conservation area).
- E2 Where a Complying Development Certificate is issued under Division 1 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and such tree removal is in accordance with the associated provisions.
- E3 Where a prescribed tree has been approved for removal or management under a development consent.
- E4 Where the clearing of native vegetation is authorised under the Native Vegetation Act 2003, as administered by the relevant Catchment Management Authority or responsible State Government Department/ Agency.
- E5 Where the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause.
- E6 Where a prescribed tree is identified as a noxious weed under the Noxious Weeds Act 1993 or any management plan published by the Illawarra District Noxious Weeds Authority or other Authority.
- E7 Where action is carried out by Council, State Emergency Service, Rural Fire Service, or another infrastructure authority/emergency service authority in response to an emergency (i.e. where there is an immediate threat of injury to persons or damage to property).
- E8 Any works to make safe a prescribed tree where there is an immediate threat of injury to persons or damage to property, either during or within 48 hours following a severe weather event.
- E9 Removal of dead trees and dead wood, as long as the trees are not a threatened species habitat or a habitat tree.
- E10 Where clearing or pruning of a tree, including prescribed trees, is required or authorised to be undertaken under one of the following;
 - (a) Section 88 of the Roads Act 1993;
 - (b) Section 131 of the National Parks and Wildlife Act 1974;
 - (c) Section 48 of the Electricity Supply Act 1995;
 - (d) Plantations and Reafforestation Act 1999 - where a prescribed tree is located within an "approved plantation", as per the definitions stated within this act.
 - (e) Forestry Act 1916 - where a prescribed tree is located within a "State Forest" or on land reserved for sale as a "timber forest reserve", as per the definitions within this act.

Note: Council requires notification for the pruning, lopping or removal of any tree on the Exempt Tree Species List. Contact Council's Customer Service on (02) 4232 0444 or email council@kiama.nsw.gov.au to provide the following details;

Exempt tree works - type of works (prune/ remove)	Tree species
Property address where the tree is located	Date of works
Photographs of tree(s)	

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

SECTION 4 - CONTROLS

4.1 GENERAL CONTROLS

- C1 Where tree pruning or removal is to be carried out as a result of a Development Consent or Tree Management Application (TMA), all works are to be carried out in accordance with the following;
- i) *Australian Standard 4373 2007- Pruning of Amenity Trees (AS4373)*
 - ii) *Australian Standard 4970 2009 - Protection of Trees on Development Sites (AS4970)*
- C2 Where a Development Application or Tree Management Application is submitted for tree removal or pruning, Council will base any decision to remove a tree or trees on one or more of the following:
- i. The condition of the tree, where a tree is dead or dying, or where it is assessed to pose a hazard.
 - ii. The ecological significance of the tree, including the trees habitat value.
 - iii. Public infrastructure damage being caused by the tree, which is considered significant and which cannot be overcome by any other reasonable and practicable means.
 - iv. Damage to significant structures on private land where mitigation of the damage cannot be overcome by any other reasonable and practicable means.
 - v. Any other reason at the discretion of Council's staff, which can be justified either on technical or legal grounds.
- In all instances, public safety will be the highest priority.
- C3 A Development Application or Tree Management Application submitted for tree removal or associated tree works because of shedding leaves, bark, sticks, flowers, fruit, exudates, view improvements or any other reason associated with a tree or trees normal life cycle, is not justification for removal/ pruning and not likely to be supported.
- C4 Where a Development Application or Tree Management Application is submitted for tree removal or associated tree works, Council reserves the right to request additional reports. This may include, but is not limited to; a Consulting Arborist report (see details in Appendix 3), geotechnical report, plumbing report, or any other technical information required to undertake an assessment.
- C5 Council reserves the right to implement or impose any tree protection measures that are necessary to ensure the ongoing amenity and safety of trees.
- C6 Tree works carried out without the appropriate approval or not in accordance with an approval will be dealt with in accordance with the relevant legislation.

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

4.2 CONTROLS APPLYING TO PUBLIC LAND

- C7 The owner of land that adjoins public land, can submit a Customer Request for the removal of a tree located on that land, provided the tree on public land is an **Exempt Tree Species** listed in Appendix 1 of this Policy and is not considered to have streetscape, local amenity, historical, horticultural or environmental value.
- C8 Where a Customer Request for pruning is submitted for work of a cosmetic nature, solar access issues, streetscape, ecological or to alleviate nuisance issues and that work will not compromise the health, safety, species, integrity of the tree, or compromise amenity for other members of the community, Council will carry out the works.

4.3 TREE MANAGEMENT APPLICATION CONTROLS

Installation of Solar Photo Voltaic (PV) Panels, and/or Solar Hot Water Systems

- C9 Where a Tree Management Application is submitted for the removal or pruning of tree(s) for the installation of solar PV panels or solar hot water systems, Council may require the following;
- An assessment from the installer outlining the extent to which the tree(s) impact upon the PV panels, taking into account summer and winter sun elevations.
 - Shadow diagrams prepared by an architect/draftsman, who is unrelated to the installation process.
- C10 Where a Tree Management Application is submitted for the removal or pruning of a tree(s) which Council's Arborist deems to be a locally or regionally significant tree species, an alternate location for the installation of the solar panels may need to be investigated.
- C11 Where a Tree Management Application is submitted for the removal or pruning of a tree(s) which Council's Arborist deems healthy and structurally sound, but of little significance to the local amenity and environment, Council may allow the removal of the tree(s) upon receipt of documentation that the solar panels have been installed. The significance of a tree should be determined by lodging a Tree Management Application prior to the installation of any solar PV panels or solar hot water system.

4.4 DEVELOPMENT APPLICATION (DA's) CONTROLS

- C12 Where a development is likely to affect retained trees located on a development site and/ or adjoining site, a Tree Impact Assessment Report shall be submitted with the Development Application. The report shall be prepared in accordance with *Australian Standard AS4970-2009 Protection of Trees on Development Sites* (as amended) and shall include a Tree Protection Plan that specifies protection measures to be implemented during the pre-construction, construction and post-construction stages of the development.

Council may require the redesign of a development proposal in order to retain a significant tree or vegetation on the site or adjoining the site. The design of housing must retain sufficient curtilage around existing vegetation, to ensure their practical retention and health, by not damaging their root system or altering drainage.

- C13 A landscape plan is required to be lodged with most Development Applications. The landscape plan should identify all tree(s) on the site and adjoining sites that are located within 10 metres of any proposed works, including those proposed for removal.
- C14 Where Council has authorised removal of a tree or trees, it may condition the installation of new trees, wherever planting opportunities are identified.

Attachment 2

Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

- C15 Where a development application involves the removal of any tree or work close to a tree, an Arborist report prepared by a Consulting Arborist may be required to be submitted, substantiating the tree works or removal of the tree(s) and their ongoing management.
- C16 A development application and an accompanying Arborist report, prepared by a Consulting Arborist, is required for the proposed removal of a locally significant tree, threatened flora species, endangered population or endangered ecological community.
- C17 Where action is required or authorised to be done by way of a development consent, a person must not wilfully or deliberately fail to plant, protect or care for a tree(s) which is/ are required to be planted, protected or cared for as a condition of consent under a Tree Management Application or development consent issue by Council.
- C18 Failure to protect identified trees will result in Council taking enforcement action under section 126 of the *Environmental Planning & Assessment Act 1979*. This can incur both financial penalties, as well as the requirement to have the tree(s) replaced with a tree(s) of the same species and to a similar stage of growth, to that it would have attained at the completion of the work.
- C19 In accordance with the provisions of section 82A of the *Environmental Planning and Assessment Act 1979*, any applicant dissatisfied with a decision on a Development Application for tree works may request a review of the determination.

4.5 HERITAGE CONTROLS

- C20 A Development Application is required for the pruning or removal of a tree that is a listed heritage item, is a cultural planting associated with the heritage item or is located within the curtilage of a listed heritage item.

SECTION 5 – RIGHTS OF APPEAL AGAINST COUNCIL'S DECISION

An Applicant who is dissatisfied with Council's decision has a right to seek a review or appeal.

Tree Management Applications:

Applicants can seek review by referring details on Council's Tree Management Application form and Council's Fact Sheet: Tree Management Review.

Development Applications:

Applicants seeking review of a Development Application or the review of conditions imposed on a Development Consent can make application for review or modification under either Section 82A or Section 96 of the *Environmental Planning & Assessment Act 1979*.

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Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

APPENDIX 1 – EXEMPT TREE SPECIES

The following table provides a list of tree species which are exempt or partially exempt.

Exempt Tree Species	
Tree Name	Common Name
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia saligna</i>	Golden Wreath Wattle
<i>Alianthus altissima</i>	Tree of Heaven
<i>Acer negundo</i>	Box Elder
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster species</i>	Cotoneaster
<i>Cupressus macrocarpa "Brunniana"</i>	Golden Pine
<i>Erythrina x sykesii</i>	Coral tree
<i>Ficus elastica</i>	Rubber trees
<i>Fraxinus griffithii</i>	Evergreen Ash
<i>Grevillea robusta</i>	Silky Oak
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Privet
<i>Ligustrum sinense</i>	Privet
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Nerium oleander</i>	Oleander
<i>Olea Africana</i>	African Olive
<i>Pinus radiata</i>	Radiata Pine
<i>Pittosporum undulatum</i>	Sweet Daphne
<i>Populus species</i>	All poplar trees
<i>Robinia pseudoacacia</i>	Black locust
<i>Salix species</i>	All Willows
<i>Schefflera sp.</i>	Umbrella tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Toxicodendron succedaneum</i>	Rhus Tree
<i>xCupressocyparis leylandii</i>	Leylandii Pines (all varieties)

Some domestic fruit trees are grown for the purpose of fruit or fodder production and maybe exempt; however, some fruit trees form part of cultural plantings and will not be considered exempt.

Exempt species include but are not limited to: (i.e. Citrus species, Eriobotrya sp. (Loquat), Morus sp. (Mulberry tree), Prunus sp. – Stone fruit, Pyrus (Pear) and (Banana)

If you are unsure of the status of a fruit tree, contact Council's Tree Officer.

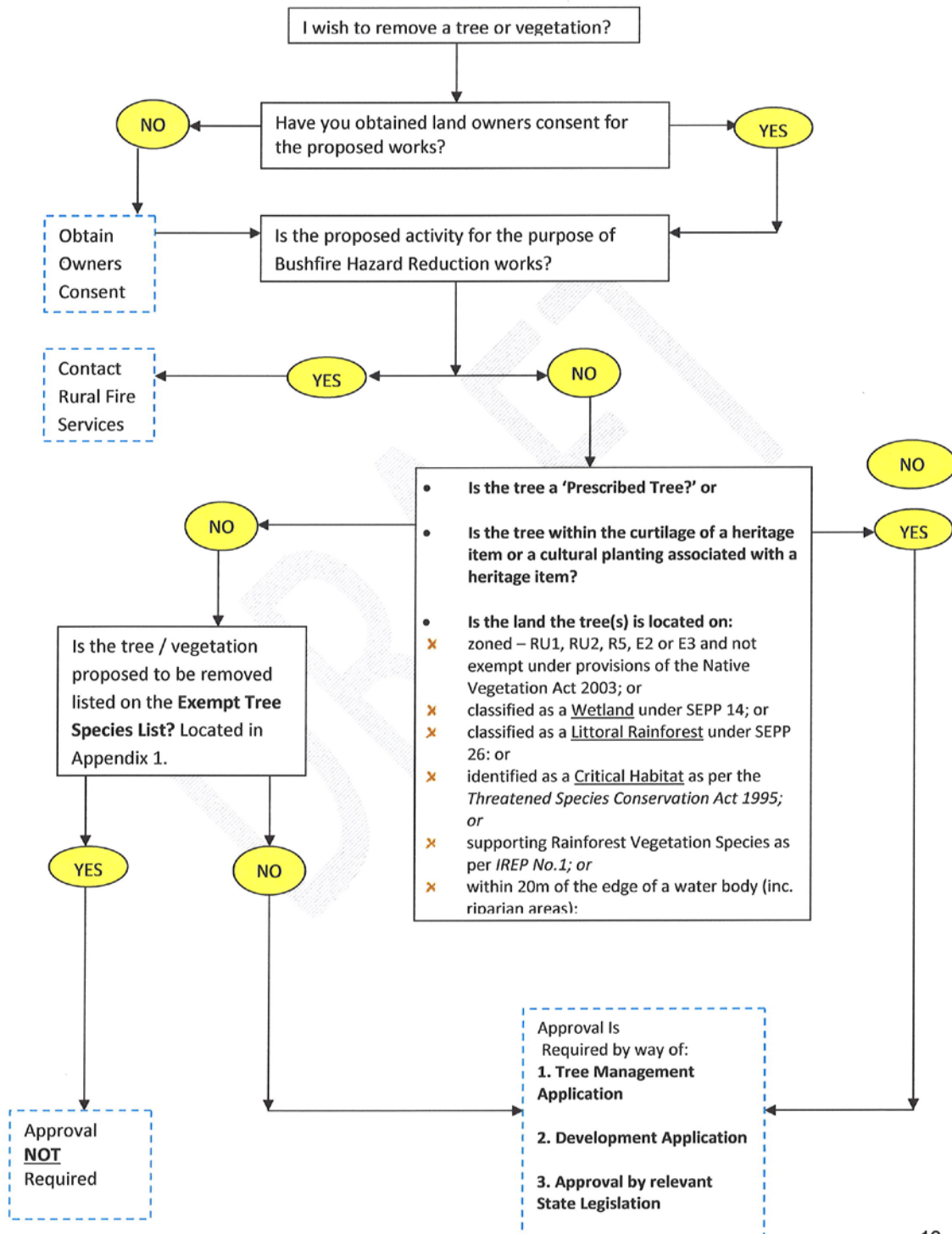
NOTE: This exemption does not apply to native species of fruit trees.

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Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

APPENDIX 2 – PROCESS FLOWCHART:

Please note, refer to Tree Management Application for further details.



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Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

APPENDIX 3 – GENERAL INFORMATION REQUIRED FOR CONSULTING ARBORIST REPORT

An Arborist report must contain at a minimum, but not be limited to the following information:

- (a) Details of the Consulting Arborist undertaking works, including; name, address, telephone number and qualifications.
- (b) Address details of site subject to the application
- (c) Details of person/organisation that commissioned the Arborist's report
- (d) Date of inspection(s)
- (e) The method of investigation/ techniques used in the research and preparation of the report
- (f) A statement outlining the aims of the report
- (g) **A scaled site plan** illustrating:
 - i. lot boundaries, dimensions and north point
 - ii. numerical identification of **all** trees on the subject site, including those proposed for pruning, lopping or removal within the application
 - iii. trees located on adjoining properties, that are located within 10 metres of any proposed work should be identified
 - iv. identification of tree(s) by genus, species and common name
 - v. the Tree Protection Zone (TPZ) and Structural Root Zone, as determined by the Consulting Arborist
 - vi. existing infrastructure located on the site, including services, driveways and buildings shall be identified
- (f) A table showing, for each tree:
 - i. number of the tree as indicated in the plan
 - ii. tree name, botanical and common name
 - iii. age class
 - iv. height
 - v. trunk diameter at 1.4 metres above ground level
 - vi. crown spread
 - vii. health and condition, and estimated useful life expectancy
 - viii. a recognised tree rating system such as SRIV, TREE-AZ or SULE
- (g) Details of other relevant information, including presence of tree hollows for wildlife, structure/weaknesses, root form and distribution, pests and diseases and/or a Tree Hazard Assessment.
- (h) Supporting evidence including photographs and laboratory results, root mapping, etc;
- (i) Proposed replacement plantings, landscaping and soil remediation;
- (j) Tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved;
- (k) Sources of information referred to in the report;
- (l) Any other relevant matters.

Note: Potential habitat trees', containing hollows, likely to house arboreal wildlife (such as possums) or potential bird nesting sites, require an experienced wildlife handler (i.e. a member of the Native Animal Network Association or WIRES) to be present at the time of pruning/removal. Council requires signed letter from the wildlife handler at the conclusion of the pruning/removal, stating their presence. It is recommended that nesting boxes be installed in the closest retained trees to replace hollows, irrespective of whether the lost hollow was a habitat at the time of removal.

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Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

APPENDIX 4 – DEFINITIONS

Consulting Arborist is a qualified Arborist who has attained a Diploma (Level 5) of Arboriculture or equivalent qualification, based upon the Australian Qualification Framework.

arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

catchment management authority means a catchment management authority established under the Catchment Management Authorities Act 2003.

Council means the council of a local government area and, in relation to a particular development, means the council of the local government area in which the development will be carried out.

dead tree means any tree that is no longer capable of performing any one of the following processes:

- Photosynthesis;
- Take up of water through the root system;
- Hold moisture in its cells; or
- Produce new shoots.

destroy means any activity leading to the death, disfigurement or mutilation of a tree.

development application means an application for consent under the Environmental Planning and Assessment Act (including any application to modify a development consent).

exempt tree species is any tree listed within the Exempt Tree Species list in Appendix 1 of this document.

habitat tree means any tree which is a nectar feeding tree, roost and nest tree or a hollow-bearing tree which is suitable for nesting birds, arboreal marsupials (possums), micro-bats or which support the growth of locally indigenous epiphytic plants such as orchids.

injury means any activity or damage to a tree and includes;

- removal
- lopping and topping
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar, etc onto the root zone or parts of the tree
- cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons, including vandalism
- ring-barking, scarring the bark when operating machinery, fixing objects by nails, staples or wire or fastening materials that circle and significantly restrict the normal vascular function of the trunks or branches
- damaging a trees root zone by compaction, excavation or asphyxiation and includes unauthorised land filling or stockpiling of materials around the tree trunk
- underscrubbing, unless carried out by hand tools such as brushcutters and the like.

native vegetation has the same meaning as in Part 6 of the Native Vegetation Act 2003

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Draft Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

noxious weed means a plant declared noxious under the *Noxious Weeds Act 1993*.

Other Vegetation means:

Remnant Native Vegetation including:

- (i) trees,
- (ii) understorey plants,
- (iii) ground cover,
- (iv) plants occurring in a wetland.

Note: Native Vegetation has the same meaning as in the Native Vegetation Act 2003.

prescribed tree - any tree/ vegetation that is not listed as exempt which:

- are three (3) metres or more in height; or
- have a diameter of 200mm or more at a height of one (1) metre above the ground; or
- have a branch spread of three (3) metres or more

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pruning is the removal of any branch or root, dead or alive from a tree which conforms to the pruning types defined within the Australian Standard AS4373 Pruning of Amenity Trees. The pruning types are: dead wooding; crown thinning; selective pruning; formative pruning; reduction pruning; crown lifting; pollarding; remedial pruning; and line clearance. Lopping and topping are not types of pruning.

remnant tree or vegetation means a native tree or any patch of native vegetation which remains in the landscape after removal of the majority of the native vegetation in the locality.

remove means to cut down, take away or transplant a tree from its place of origin.

significant tree: important; of consequence.

Example: due to prominence of location, or in situ, or contribution as component of the overall landscape for amenity or aesthetic qualities, or curtilage to structures, or importance due to uniqueness of taxa for species, subspecies, variety, crown form, or as an historical or cultural planting, or for age, or substantial dimensions, or as remnant vegetation, or habitat, or a rare or threatened species, or uncommon in cultivation, or of Aboriginal cultural importance, or is a commemorative planting.

SEPP – Any *State Environmental Planning Policy* of relevance to this document – refer to

<http://www.legislation.nsw.gov.au/>

Tree Management Application (TMA) means an application to Council to remove, lop or prune a prescribed tree.

tree management works means any act which is likely to interfere with or cause injury to a tree.

Attachment 3



Tree Management Application

(For the removal or pruning of trees on private property)

A: 11 Manning Street, Kiama NSW 2533
 P: PO Box 75, Kiama NSW 2533
 W: www.kiama.nsw.gov.au

P: 4232 0444
 F: 4232 0555
 E: council@kiama.nsw.gov.au

Important: To assist in determining whether you require a Tree Management Application or Development Application please read Kiama Development Control Plan 2012 *Chapter 3 – Preservation and Management of Trees & Vegetation* and refer to the flowchart attached to this document.

Part 1: Applicant Details

Applicant name:	
Business / Company Name:	
Residential address:	
Postal address:	
Contact phone number/s:	
Email address:	

Part 2: Owner Details

If the applicant is **NOT** the property owner, then the owner/secretary of the Body Corporate must consent to the lodging of this application by completing this section **OR** see notes on overhanging neighbouring trees.

Owner name:	
Body Corporate / Company:	Please ensure common seal is stamped on this form.
Address:	
Contact phone number/s:	
SIGNATURE:	

Part 3: Land Entry Details

Council Officers may require access to your property in order to process and determine your application. In accordance with section 118 of the *Environmental Planning and Assessment Act 1979*, submission of this application authorises Council Officers to enter your premises for the purpose of an inspection.

Do Council Officers require your attendance to access the site? Yes No (delays may result if your presence is required)

Are there any dogs or security measures Council needs to know about? Yes (please specify) No

NOTE: Staff may contact beforehand to make any necessary arrangements, should access issues arise.

Please specify:

Office Use only:

Payment: \$ _____ Receipt No: _____ Date: _____ Register No: _____

Attachment 3

Part 4: Site Details

Address where tree is located:	
Lot & DP No (if known):	
Do you own this property?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if No you must obtain the owner's consent at Part 2 of this form)

Part 5: Tree Details

- a) Has an Application for Tree Pruning or Removal been submitted for the tree(s) previously? Yes No
If so was it..... Refused Approved Pending N/A
- b) Is there a Development Application or Complying Development Application applying to this property? Yes No
If so, please supply the application number_____
- Do the conditions of consent require the retention of any trees? Yes No
- c) Do you intend to submit a Development Application which would affect the tree(s) Yes No
- d) Has additional information (eg: Arborist report) been submitted which support the above claims? Yes No

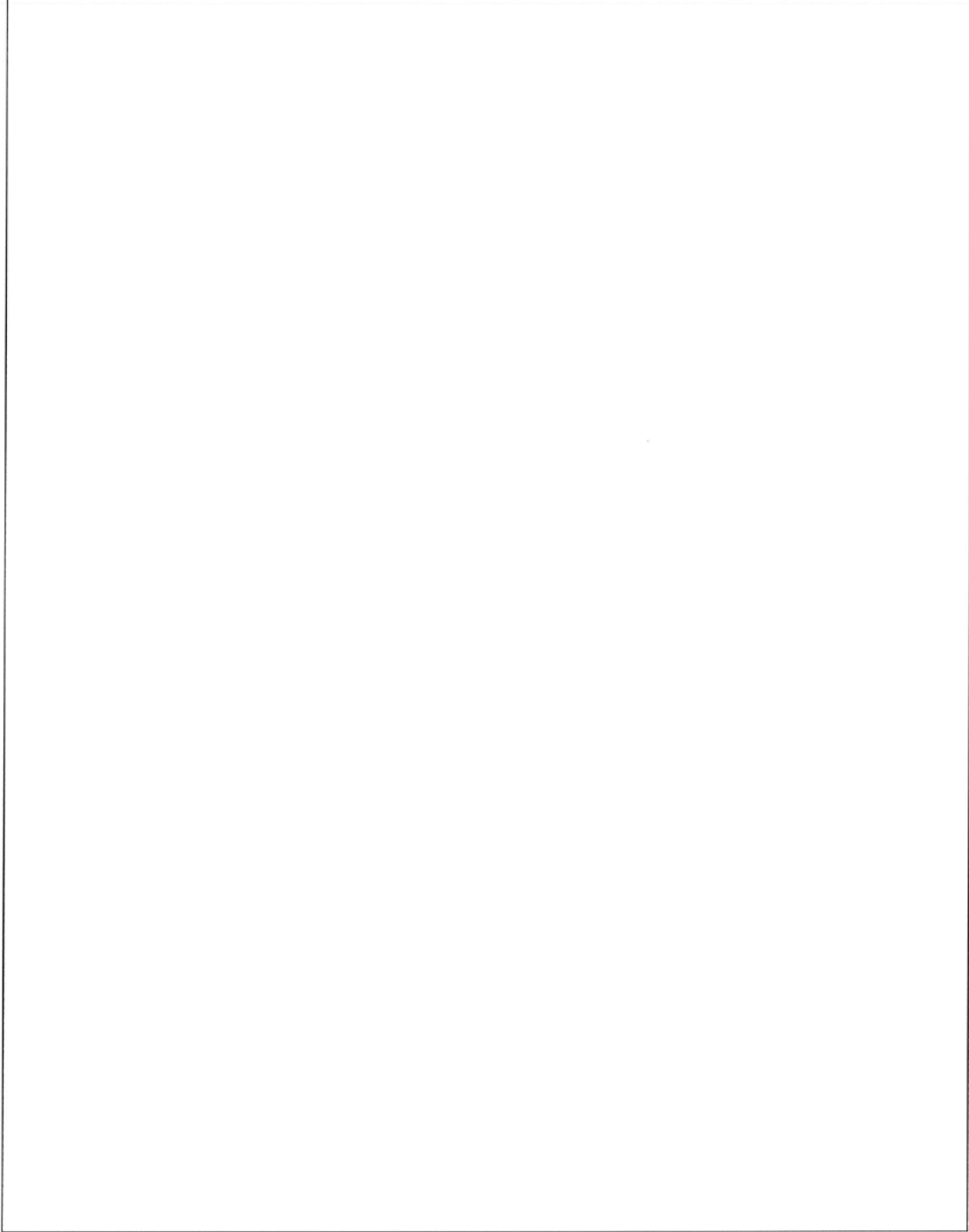
Part 6: Proposed Works

Tree Number	Tree species or common names (if known)	Location within property	Work proposed (prune, remove or remove & replace)	Reason for works
<i>Eg</i>	<i>Not sure – some type of Eucalyptus tree</i>	<i>front yard near water feature</i>	<i>remove & replace</i>	<i>There is a split in the trunk and a large branch fell off last week.</i>
1				
2				
3				
4				
5				

Attachment 3

Part 7: Site Diagram

Indicate the distance of the tree/s in relation to buildings, property boundaries and the street. Please mark "north" with an arrow.



Attachment 3

Part 8: Lodgement Details

Method of Lodgement:

Tree Management Applications can be submitted along with the prescribed fee by mail, email, fax or in person at Council's Administration Centre – address details are on the front page of the application.

Payment Details:

Payment can be made by cheque, EFTPOS or credit card. Cheques should be payable to "Kiama Municipal Council". If sending the application by mail, email or fax, please complete Council's Credit Card Payment form. This is available from the "Forms Page on Council's website.

Prescribed Fees:

Inspection of 1-5 trees on the same site	\$25.00
Inspection of 6-10 trees on the same site	\$35.00
Inspection of 11-20 trees on the same site	\$45.00

Tree Inspection Identification:

Tree(s) to be inspected should be identified on site with a ribbon, tape, or non-permanent marker.

Application Process Times:

Council has **21 days** from the date of receipt of the application, to process a Tree Management Application. This is subject to the applicant providing all necessary documentation.

Determination:

Council will advise the Applicant of its determination (and any applicable conditions) in writing. If you are engaging the services of a Consulting Arborist, approval documentation will need to be provided prior to work being undertaken.

Where an application is refused, reasons for refusal will be detailed in a letter to the applicant; however, fees will not be refunded. Please refer to Council's Fact Sheet: Tree Management Review and the process outlined below.

Approval Timeframes:

An approved Tree Management Application is valid for one (1) year from the date of approval.

Work Quality and Method:

- All pruning is to be in accordance with the Australian Standard 'Pruning Amenity Trees' (AS4373 – 2007).
- Failure to comply is considered a breach of the Kiama Municipal Council's Development Control Plan 2011, Chapter 3 Preservation of Trees.
- Approved works should be executed to comply with the NSW Work Cover Code of Practice Amenity of Tree Industry 2007 No.034.

Additional Information:

Council reserves the right to request additional reports, prepared by a suitably qualified person, in order to verify any application. This includes, but is not limited to; Arborist report, structure report, geotechnical report, plumber report, or any technical information required in undertaking an assessment.

Compliance:

Any person who breaches, causes or permits a breach of the Kiama Municipal Council's Development Control Plan 2011, Chapter 3 Preservation of Trees; is guilty of an offence under the *Environmental Planning and Assessment Act 1979*.

Neighbouring Tree(s):

- Depending on the situation, Council may give consent to prune a tree(s) encroaching upon your property from a neighbouring property. If the tree or branch to be pruned/ removed is within the neighbour's boundary the owner of the tree must sign the application. If branches are overhanging, the owner of the property affected by trees in a neighbouring property may apply for a Tree Management Application for Pruning and/or Removal to prune that part of the tree overhanging the boundary. Although the owner of the tree is not required to sign the application,

Attachment 3

a Tree Management Application must be applied for. Any such Tree Management Application granted by Council does not authorise the applicant (or engaged contractor) to enter any neighbouring property in order to carry out the approved pruning works. Council will not consent to pruning beyond the neighbouring property boundary **without** mediation with the property owner or agent.

Disputes Between Neighbours:

Council will not become involved in neighbourhood disputes pertaining to trees. Parties involved can contact an appropriate mediation service – Community Justice Centre on 1800 650 987, www.cjc.nsw.gov.au or refer to the Tree (Dispute Between Neighbours) Amendment Act 2006.

Rights of Appeal against Council Decisions

Where a Tree Management Application for the removal or pruning of a tree is refused, applicants who are dissatisfied with the outcome of a Council decision are able to make 'Application for Appeal'. The following information is required in order for Council to assess an Application for Appeal;

- i. Applications for Appeal must be lodged within three (3) months from the original date of the:
 - (a) refusal letter being issued
 - (b) consent being granted subject to conditions.
- ii. Additional information will be prepared by an expert in the relevant field and provide appropriate reasons for Council reconsidering their decision.

In the instance you have submitted an 'Application for Appeal' and you are still dissatisfied with Council's review and determination, applicants may apply to the Land and Environment Court for a cost of only **\$217** for individual applicants and **\$434** for corporations. Application can be lodged at the Land and Environment Court directly by the applicant, without the requirement to obtain legal representation. Please refer to Councils Fact Sheet: Tree Management Review and the Land and Environment Courts website for further information.

Part 9: DO NOT COMPLETE AN APPLICATION FORM FOR:

Street/ Park & Reserve Trees:

DO NOT complete the application form if the tree in question is a street/ nature strip tree or location on public land (park/ reserves). Request for assessment of these trees can be made online at www.kiama.nsw.gov.au or by telephoning Council on 4232 0444 or by placing your concerns in writing to The General Manager, Kiama Municipal Council, PO BOX 75 KIAMA NSW 2533.

Electricity / Power Lines:

For trees impacting on electrical service wires within your property, contact Endeavour Energy on 131 081. Consent is not required from Kiama Municipal Council; however, if you are pruning more than the minimal amount required by Endeavour Energy, Council approval may be required.

Part 10: Privacy and Personal Information Protection Notice

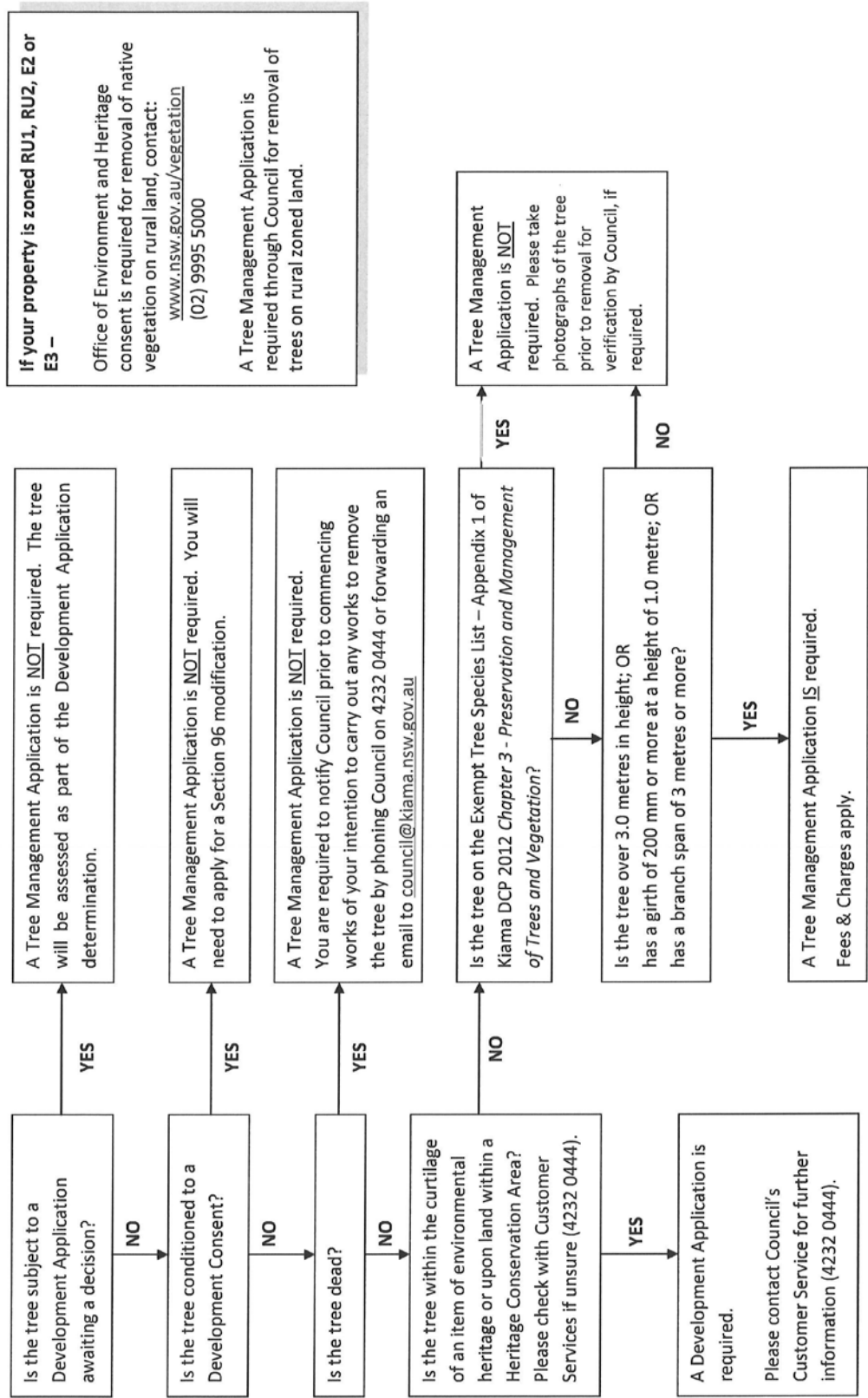
The personal details requested on this form are required under the Environmental Planning & Assessment Act 1979 and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Kiama Council Officers and other people authorised under the Act. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.

Part 11: Applicant Declaration

I declare that the information provided in this application is true and correct at the time of signing and that the owner of the tree/s has been informed of this application. I have read and understand Part 3 of this form and authorise Council Officers to access my land to carry out inspections for the purposes of determining this application.

Applicant Signature:	Date:
----------------------	-------

Attachment 3



Attachment 4

FACT SHEET: Tree Management Review

NOTE: THIS INFORMATION ONLY RELATES TO THE REVIEW OF TREE MANAGEMENT APPLICATIONS.

REVIEW FOR THE DETERMINATION OF DEVELOPMENT APPLICATIONS OR THE REVIEW OF CONDITIONS IMPOSED ON A DEVELOPMENT CONSENT CAN MAKE APPLICATION FOR REVIEW OR MODIFICATION UNDER EITHER SECTION 82A OR SECTION 96 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979.

Kiama Municipal Councils Current Review Process

Council's current "*Preservation & Management of Trees & Vegetation*" policy provides a mechanism for review to applicants who are dissatisfied with the outcome of a Council decision relating to a Tree Management Application made for the removal or pruning of a tree(s). In order for Council to assess an 'Application for Review,' the following applies;

- i. Applications for review must be lodged within three (3) months from the original date of the:
 - (a) refusal letter being issued
 - (b) consent being granted subject to conditions.
- ii. Additional information will be prepared by a suitably qualified person in the relevant field and provide appropriate reasons for Council reconsidering their decision.

Any review will be assessed by another qualified Council officer and may be determined either under delegated authority or may be reported to Council for its determination. Alternatively you may make application to the Land and Environment Court.

Still Dissatisfied?

In the instance you have submitted an 'Application for Review' and you are still dissatisfied with Council's review and determination, the Land and Environment Court provides a cost effective appeal mechanism, independent of Council.

An Alternate Review Process:

As trees have become one of the main causes of disputes, the *Trees (Disputes Between Neighbours) Act 2006* was established to provide a mechanism for neighbours to resolve neighbourhood disputes regarding trees in a cost effective and efficient manner. The *Trees (Disputes Between Neighbours) Act 2006* also provides for Applicants dissatisfied with Council decisions, to make application to the Land and Environment Court under the same provisions.

Where does the *Tree Act* apply?

The *Tree Act* applies to any privately owned land located in a residential, village, township, industrial or business zone. Rural residential zoned land and Crown land (excluding schools) are exempt.

Attachment 4

Why would you make an application under the *Tree Act*?

You can make application under the *Trees (Disputes Between Neighbours) Act 2006* for the following reasons;

- in the instance of neighbourhood disputes, if you cannot resolve a dispute directly with the owner of the property on which the problem tree is located;
- in the instance of the Application and review process at local Council being exhausted;

You can apply to the Land and Environment Court for an order to remedy, restrain or prevent further damage being caused by the tree. Additionally, you may also apply for compensation for any damage already caused by the tree, such as damage to property or to business trade.

Who can make an application under the *Tree Act*?

An owner or occupier of a property adjoining the property on which the problem tree is located is able to make an application to the Land and Environment Court under the *Tree Act*.

How do you make an application under the *Tree Act*?

Application can be made directly to the Land and Environment Court for a cost of only **\$217** for individual applicants and **\$434** for corporations.

The application can be lodged at the Land and Environment Court directly by the applicant, without the requirement to obtain legal representation.

What do the Land and Environment Court take into consideration?

All matters to be considered by the Land and Environment Court in relation to an application are set out in section 12 of the *Tree Act*.

Application forms and other requirements are set out on the Land and Environment Court website.

REPORT OF THE GENERAL MANAGER

Submitted to the Ordinary Meeting
of Council held on 18 March 2014

1 Risk Management Enterprise Risk Management

Summary

This report recommends that Council adopts the Enterprise Risk Management Policy and the Enterprise Risk Management Strategy.

Finance

The effective operation of Risk Management includes resourcing in the current budget.

Policy

Council has previously adopted the Internal Audit and Risk Committee Charter and an Internal Audit Strategic Plan.

Council's Vision and Goals

Council's goals of Good Governance and Sound Financial and Resource Management are relevant.

RECOMMENDATION

That Council:-

- 1) adopt the Enterprise Risk Management Policy and
- 2) adopt the Enterprise Risk Management Strategy.

REPORT

Council needs to have in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks. Accordingly Council is committed to a systematic, proactive and enterprise wide approach to managing risk.

The Internal Audit and Risk Committee endorsed the engagement of InConsult to assist Council to develop and implement an Enterprise Risk Management system (ERM). The majority of the assistance is funded as part of the MetroPool Risk Enhancement Program.

Mitchell Morley from InConsult has developed a Draft Enterprise Risk Management Policy and a Draft Enterprise Risk Management Strategy with input from staff and the Internal Audit Committee.

The two key elements of the framework are the Enterprise Risk Management Policy, which establishes a mandate and commitment for managing risk, and the Enterprise Risk Management Strategy which details the procedures and processes by which risk management will be implemented within the organisation.

Workshops with staff have already commenced to identify and document risks in the organisation.

The Internal Audit Committee has recently considered the Draft Policy and Strategy and has recommended that Council adopt them.

The Enterprise Risk Management Policy and Enterprise Risk Management Strategy are now referred to Council for adoption.

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

Summary

This report provides an update on the possible purchase of at least part of the subject land from RailCorp to enable a service station development.

Finance

Any acquisition of land by Council would need to be financed by Council's Land Development Reserves.

Policy

Not applicable.

Integrated Planning Reporting

This report relates to Delivery Program Action 3.5.2 – Investigate, promote and facilitate opportunities to attract development of a petrol station within the local area.

RECOMMENDATION

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

REPORT

At the meeting on 20 August 2013 Council resolved, subject to a satisfactory development concept plan, to negotiate with NSW Government and RailCorp for the purchase of part of the subject land to enable the development of a service station.

Council also resolved to provide RailCorp with valuations of the land and that the agreement for the property exchange be subject to a satisfactory rezoning of the land and preliminary geotechnical assessment.

Following Council's resolution the valuations of the land commissioned by Kiama Council were forwarded to RailCorp with a request that RailCorp confirm that they are prepared to negotiate with Kiama Council for the purchase of the subject land. Council subsequently forwarded letters to RailCorp seeking their earliest reply in relation to the matter. A letter was also forwarded to the Member for Kiama, Mr Gareth Ward MP seeking his assistance in relation to the issue.

On 13 February 2014 the Director of Environmental Services Mr Phil Costello and the General Manager Mr Michael Forsyth attended a meeting with representatives from RailCorp and Property NSW in Sydney. During the meeting Council representatives were advised that the Ministry for Transport has advised that the land is no longer required for transport purposes and as such can be disposed. Property NSW advised that they would be prepared to consider exclusive negotiations with Council relating to

the land on the basis that the development of part of the site for a service station would provide local economic benefits and public good. Property NSW further advised that exclusive sale approval would also be dependent on the confirmation that the land can be feasibly used as a service station. To expedite the matter Martin Morris and Jones who have significant experience in the design of service station sites have been engaged to prepare a concept plan to confirm that a service station would be workable and feasible.

As previously advised the land requires rezoning. The Director of Environmental Services is investigating the most appropriate zoning amendment to permit the erection of a service station with the residue likely to be recommended for rezoning to residential. In the preparation of the gateway proposal, traffic noise and geotechnical assessment will be undertaken.

Following receipt of the plan and advice from Martin Morris and Jones a further report will be submitted to Council.

3 Integrated Planning and Reporting Operational Plan Quarterly Report 2nd Quarter and Delivery Program Report 1st half

Summary

This report provides a progress report to council for the 2nd quarter of the 2013/14 Operational Plan. In addition this report also includes for the first time, the report on council's first half progress toward achieving the outcomes identified within the 2013/17 Delivery Program.

Finance

Activities identified within the Operational Plan should meet the 2013/14 Budget.

Policy

Not applicable

Council's Vision and Goals

Integrated Planning and Reporting is firmly embedded within council's mission of creating a Municipality that has a healthy, vibrant lifestyle, beautiful environment and a harmonious, connected and resilient community.

Council's Objectives and Strategies

DP 4.14.1 Ensure compliance with and continual improvement of the Integrated Planning and Reporting framework

OP 4.14.1.1 Implement and review all components of the Integrated Planning and Reporting framework.

RECOMMENDATION

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

REPORT

In accordance with a number of provisions under the *Local Government Act 1993* council is required to regularly report (every six months) on the progress toward achieving the outcomes identified within the Delivery Program. In addition to the legislative requirement to report on progress of the Delivery Program, council also reports quarterly on the annual Operational Plan as well as providing up to date financial reporting.

This current report integrates the annual Operational Plan as well as the Delivery Program.

Council will recall the Delivery Program is the point where the council takes ownership of the Community Strategic Plan objectives and where these community's strategic goals are systematically translated into actions within the resources made via the Resourcing Strategy (which includes the long-term financial plan, asset management strategy and the workforce management plan).

Because the Delivery Program is the key accountability mechanism for each four year term of council, it is important it embraces all levels of council's activities. The intention of the Delivery Program then is to create a document that councillors and staff should view as the central reference point for decision making and performance monitoring. All of our plans, projects, activities and funding allocations directly link to the Delivery Program.

Below the Delivery Program is the annual Operational Plan. The Operational Plan must include the activities that achieve the outcomes identified within the Delivery Program, that is, the individual projects and activities that are undertaken each year to achieve the commitments made in the Delivery Program.

Clear 'line of sight' between all three plans should be apparent – the strategies identified in the Community Strategic Plan should be carried through to the Delivery Program and the actions identified in the Delivery Program should be carried through to the Operational Plan.

The Delivery Program is established to achieve outcomes across the four pillars of;

1. A healthy, safe and inclusive community
2. Well planned and managed spaces, places and environment
3. A diverse, thriving economy
4. Responsible civic leadership that is transparent, innovative and accessible

The quarterly Operational Plan report and the half yearly Delivery Program reports are attached as addendums to this report.

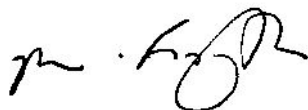
The following are some of the highlights of the Delivery Program activities up to the end of December 2013.

DP No.	Action <i>Highlight</i>
4	Improve council collaboration with the Aboriginal Community <i>Our Aboriginal Liaison Officer was employed and is building local relationships to help re-establish our Aboriginal Reference Group</i>
1.2.2	Provide access to artistic exhibition space <i>Gallery space has been fully booked by new exhibitors as well as regular exhibitors</i>

- 1.2.4 Implement and support community, cultural and artistic activities and development programs
The cultural grants budget was increased by \$5000 from the previous year; Youth Arts Scholarship was approved; project and program activity evaluations reflect a high level of community satisfaction
- 1.4.2 Redevelop and expand the Blue Haven Aged Care Facility
Illawarra Restart funding of \$8 million was awarded during this period
- 1.5.3 Enhance and develop young people's skills through the provision of targeted programs and a drop in service
Program numbers have increased through partnerships developed with local schools and youth service providers & program evaluations reflect satisfaction with these services
- 1.7.1 Provide and promote volunteering opportunities within the community and council operations
Volunteer numbers have increased due to partnerships with education providers
- 2.10.2 Managing footpath and cycleway infrastructure (new footpaths and cycleways)
Johnson St, Talinga Ave and Jamberoo Rd projects were completed
- 2.13.3 Manage dam infrastructure to comply with Dam Safety Act
The Jerrara Dam Safety Emergency Plan has been implemented in accordance with our statutory responsibility and to ensure there are adequate controls in place until decommissioning
- 2.14.1 Manage waste and recycling in accordance with adopted plans
58.7% of total waste generated is recycled
- 2.14.3 Ensure compliance with legislative requirements specific to waste management
All monitoring and reporting has complied with the EPA licence
- 2.3.1 Consider climate change impacts and hazards and implement actions
During this period council secured grant funding for solar hot waters for installation at the works depot and the SES building
- 3.6.1 Coordinate the management of Kiama Coast Holiday Parks
Income for the first half is up 3.5% than the same period in the previous 12 months
- 4.5.1 Provide innovative and engaging digital and social media solutions for our community
Council continues to attract increased traffic through social media including Facebook and Twitter and is continuing to improve the new website to enable more effective use and engagement
-

The following are some of the highlights of the Operational Plan for the quarter up to the end of December 2013.

- Community transport services continues to exceed its targets, with high numbers of clients participating in the trips being offered e.g. shopping trips
- The Gerroa Footbridge was designed, constructed with completion in October as part of emergency works
- The South Werri playground was completed in December
- Completion of the Kiama Harbour wharf upgrade in October
- Collaboration with the University of Wollongong on a research initiative to reduce underage drinking
- Completion of the Illawarra Emergency Management Plan
- Over 265 tonnes of garbage and 94 tonnes of recyclables have been collected from commercial premises
- There were over 10,000 tonnes of garden organics and 767 tonnes of recyclables collected for processing during the quarter
- Energy efficiency through the purchase of a voltage power optimisation unit was installed in the Administration building
- Holiday park income for the quarter was \$30, 256 more than the same period last year
- The Pavilion has hosted a number of events including the Australian Mathematical Institute Conference – DELTA conference
- The new KMC website was launched
- The NSW and Federal Government provided a funding commitment to the installation of CCTV in the Kiama Township



Michael Forsyth
General Manager

**REPORT OF THE DIRECTOR CORPORATE
AND COMMERCIAL SERVICES**
Submitted to the Ordinary Meeting of Council held on 18 March 2014

**1 Economic Development
Outdoor Movies**

Summary

This report gives a summary of the outdoor movie events held over the summer in the Kiama LGA.

Finance

Events Budget

Council's Vision and Goals

The report supports Council's goals of maintaining a vibrant and diverse economy through engaging relevant local organisations to achieve a targeted approach to business and economic development.

Attachments and Enclosures

Nil

RECOMMENDATION

That Council:-

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

REPORT

In March 2013, Councils Economic Development committee, through committee member Michael Cole, introduced the idea of holding movies in the Kiama LGA over the warmer summer months. It was suggested that the IMB may be willing to sponsor such an event. It was decided to hold four events over summer between December and February. A formal approach was made to the IMB resulting in them providing \$3,000 sponsorship.

In order to run these events successfully, technical specialists were sought who had the expertise and equipment capable of screening outdoor movies. We were fortunate to secure the services of Bjorn Ulfsson, Events and Hospitality teacher,

Item 1 cont'd

TAFE Illawarra, who had extensive experience running similar events in Wollongong. We were also fortunate to engage a casual events student Lauren Illingworth who once again had experience in coordinating outdoor movie events in the Wollongong LGA, and who demonstrated vast amounts of flexibility, initiative and knowledge in the coordination of the event.

It was agreed that there would be no charge to attend these events, due to a number of factors:

- the cost involved with setting up fencing and security to charge admittance
- the movie licensing fee was much higher if there was an entry fee to attend the movie.

There was a number of other costs associated with showing these movies, such as performance licensing to Roadshow Public, and APRA for the sound tracks. Although the events were free to the public, there was a gold coin donation collection for the Red Cross Bush Fire appeal and a total of \$1110.20 was collected. At all of the events, there were stalls selling coffee, popcorn and gelato. For each event, local businesses were approached to have a stall.

The first movie on 6 December held in Hindmarsh Park was the locally produced Storm Surfers. This date coincided with the Australian Junior Surfing titles being held at that time in Kiama. This movie was heavily promoted to the competitors and the surfing fraternity and attracted approximately 230 attendees. The event MC was Luke Madden and footage from the junior competition was shown as a trailer to the main movie.

The second movie "Brave" was held on Kevin Walsh Oval in Jamberoo on 1 February and attracted approximately 250 attendees. In the lead up to the event, a snap poll was held at The IGA Jamberoo and the Jamberoo newsagency, giving residents a choice of the movie they would like to see. "Brave" was the winner, and this movie was an ideal selection for the primary school aged students and families who were attracted to the movie. The night was absolutely perfect for an outdoor movie, and the movie was perfect to capture the primary school aged audience for which the movie was targeted. As a trailer for this movie, it was decided to interview and film the local businesses as a way to promote their services and also to develop some community pride in the event. Local resident Wendy Latham was the interviewer, and was most enthusiastic and persuasive in convincing the businesses to take part in the filming. In addition the Jamberoo Public School P&C ran a canteen.

The third movie, Valentine's Day, was held in Kiama on 14 February (Valentine's Day). The weather on that day was somewhat overcast, but the decision was made to proceed with the event. Even though there was no rain, this did impact on the attendance with approximately 200 people at this movie.

Item 1 cont'd

The fourth movie was "Pitch Perfect" at Gerry Emery Oval in Gerringong. The reason the event wasn't held in Old School Park was that it was too windy for the inflatable screen and there is too much artificial light. The Gerringong Cricket club was most supportive of the event, and ran the canteen on the evening. This movie was very well supported by the Gerringong community with approximately 350 people in attendance. Once again, a short film of local businesses was shown prior to the movie with Leanne Mitchell of Numbers Count as the interviewer. This generated much discussion and referrals from the businesses as they encouraged their customers to go to the movies to see them on the big screen!!

The marketing for these events was mostly done through social media and the Kiama Independent. Community publications such as the Jamberoo School newsletter and the Gerringong Whispers were incredibly successful in spreading the word to the local communities. Kiama Tourism has a regular broadcast with i98FM and they used the weekly segments to promote the events quite effectively.

To achieve attendance from a broader geographical market for future events, it is recommended that Council partner with a media organisation to ensure that a more cohesive and effective marketing campaign can be undertaken. This would mean of course that more funds would need to be allocated towards marketing.

Council has received feedback from these events, all of which has been very positive and some with future movie suggestions. There were also requests to hold an event during the January holidays. The events were incident free, and posed minimal risk to Council in the implementation. Should the events be held again next year it is recommended that we run a short film competition to be shown as a trailer to the movies, and organised through the schools and the Youth Centre. The theme could be to design a short film showcasing your favourite parts of the Kiama LGA. The competition would serve the following purposes:

- raise the profile of the event within the community
- provide an opportunity for creativity and innovation within the community
- create real interest and add another element to the events and increase visitation
- develop real footage capable of promoting the local area

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

Summary

This report advises of the 2012/2013 Southern Phone Company dividend and recommends Council's support of the Company's marketing effort.

Finance

2013/2014 income

Policy

This section was considered and is not relevant.

Council's Vision and Goals

Council's Community Strategic Plan strategy of identifying opportunities to expand existing funding sources to meet community needs is relevant.

RECOMMENDATION

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

REPORT

Council is a shareholder in the Southern Phone Company Limited, a local government-owned telecommunications provider.

There are 41 councils that hold two shares each in Southern Phone, purchased for \$1 each. Southern Phone is an unlisted Public Company and is believed to be the most successful commercial enterprise yet developed by a group of councils in Australia.

Only councils can hold shares in the company, with the shareholding being a means of returning profits to the community.

The company is a national full-service telecommunications provider offering fixed line, mobile and internet services to customers in all states of Australia.

The company's Board has declared a dividend of \$2,700,000. This is double the \$1,350,000 dividend paid last year and six times larger than the dividend paid in the year before that.

The dividend is paid to a formula where 20% is split equally among all 41 shareholders and 80% is paid according to the amount of business generated in the council's area.

The dividend paid to council this year is \$64,740. In line with Council's earlier resolution these funds will be directed to improving access to the grandstand and club room at Michael Cronin oval including the installation of a lift. As a shareholder in the Southern

Item 2 cont'd

Phone Company and in recognition of the return of dividends to the community it is recommended that Council support the marketing effort of the Company.

Chris Quigley
**Director Corporate and
Commercial Services**

REPORT OF THE MANAGER CORPORATE SERVICES

Submitted to the Ordinary Meeting
of Council held on 18 March 2014

1 Investments Statement of Investments

Summary

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

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Council's Vision and Goals

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

RECOMMENDATION

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

REPORT

Attached is a copy of the Statement of Investments for January 2014 and February 2014.

REPORT ATTACHMENT – ITEM 1

(a) Council Investments as at 31 January, 2014

DIRECT INVESTMENTS:		S & P	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	RATING	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %	
ANZ	AAA	1,000,000.00	Term Deposit	15/01/14	18/06/14	154	3.55	
ANZ	AAA	1,000,000.00	Term Deposit	14/01/14	15/04/14	90	3.60	
Bankwest	AA	1,000,000.00	Term Deposit	11/12/13	13/03/14	92	3.50	
Bankwest	AA	500,000.00	Term Deposit	06/11/13	11/02/14	97	3.50	
Bankwest	AA	1,000,000.00	Term Deposit	06/01/14	10/04/14	94	3.50	
Bank of Qld	A-	1,000,000.00	Term Deposit	07/11/13	04/02/14	89	3.65	
Bank of Qld	A-	1,000,000.00	Term Deposit	06/11/13	10/02/14	96	3.72	
Bank of Qld	A-	1,500,000.00	Term Deposit	07/11/13	12/02/14	97	3.65	
Bank of Qld	A-	1,000,000.00	Term Deposit	09/10/13	11/03/14	153	3.75	
Bank of Qld	A-	1,000,000.00	Term Deposit	28/11/13	23/04/14	146	3.75	
Bendigo	A-	1,000,000.00	Term Deposit	02/01/14	07/05/14	125	3.55	
Bendigo	A-	1,000,000.00	Term Deposit	12/11/13	17/02/14	97	3.45	
Commonwealth Bank	AA	500,000.00	Term Deposit	29/01/14	30/07/14	182	3.40	
Macquarie	A	500,000.00	Term Deposit	19/12/13	20/03/14	91	3.65	
ME Bank	BBB	1,000,000.00	Term Deposit	12/09/13	13/02/14	154	3.78	
ME Bank	BBB	1,500,000.00	Term Deposit	11/09/13	12/02/14	154	3.78	
ME Bank	BBB	1,000,000.00	Term Deposit	06/01/14	09/04/14	93	3.58	
NAB	AA	1,000,000.00	Term Deposit	27/11/13	27/02/14	92	3.75	
NAB	AA	1,470,000.00	Term Deposit	04/12/13	02/04/14	119	3.76	
NAB	AA	1,000,000.00	Term Deposit	08/01/14	14/05/14	126	3.77	
NAB	AA	1,000,000.00	Term Deposit	14/11/13	14/11/14	365	3.67	
NAB	AA	1,000,000.00	Term Deposit	04/12/13	09/04/14	126	3.76	
NAB	AA	1,000,000.00	Term Deposit	08/01/14	21/05/14	133	3.77	
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/01/14	22/04/14	91	3.50	
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	10/12/13	12/03/14	92	3.70	
IMB Society	BBB	1,000,000.00	Term Deposit	11/11/13	10/02/14	91	3.50	
ING Bank	A+	1,000,000.00	Term Deposit	26/09/13	26/03/14	181	3.58	
ING Bank	A+	1,000,000.00	Term Deposit	23/01/14	25/06/14	153	3.49	
ING Bank	A+	1,000,000.00	Term Deposit	22/01/14	23/04/14	91	3.61	
ING Bank	A+	1,000,000.00	Term Deposit	08/10/13	12/04/14	186	3.43	
ING Bank	A+	1,000,000.00	Term Deposit	07/01/14	07/05/14	120	3.48	
ING Bank	A+	1,000,000.00	Term Deposit	05/09/13	06/02/14	154	3.85	
Suncorp	A+	500,000.00	Term Deposit	08/10/13	19/02/14	134	3.55	
Westpac	AA	1,000,000.00	Term Deposit	05/12/13	11/06/14	188	3.58	
Westpac	AA	1,000,000.00	Term Deposit	05/09/13	05/02/14	153	3.65	
Westpac	AA	1,028,503.90	Bank Account	-	AT CALL		0.84	
Westpac	AA	2,130,056.51	Maxi Account	-	AT CALL		3.05	
TOTAL DIRECT INVESTMENTS		37,628,560.41			Average Rate-Jan 2014		3.53	
					Average Rate-Jan 2013		4.37	

MANAGED FUNDS:		MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION		VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
Lehman Brothers	-See Note 1 below	1,386,071.08	Managed	09/12/05	VARIOUS		2.35
TOTAL MANAGED FUNDS		1,386,071.08			Average Rate-Jan 2014		2.35
					Average Rate-Jan 2013		1.93

TOTAL INVESTMENTS	39,014,631.49
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TOTAL INVESTMENTS DEC 2013	39,687,405.35	-1.72%	Change in total investment over prev 1 month
TOTAL INVESTMENTS JAN 2013	35,752,625.32	9.12%	Change in total investment over prev12 months

MANAGED FUNDS

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

(b) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,116,588.19
	Grants	339,680.00
	Domestic Waste	840,154.00
	Waste & Sustainability	212,925.14
	Southern Council's Group	3,345,742.43
Internally Restricted	Blue Haven ILU	4,052,873.49
	Blue Haven Hostel & Nursing Home	7,411,095.19
	Land Development	4,012,626.71
	Waste Business Unit (Plant Replacement)	1,025,057.00
	Plant Replacement - Engineers	651,214.00
	Employee Leave Entitlements	697,603.00
	Carry-over works	1,732,143.00
	Holiday Parks (incl crown reserves)	794,825.00
	Other	591,935.01
Loan Funds	Local Infrastructure Renewal Scheme Round 1	431,395.00
Loan Funds	Local Infrastructure Renewal Scheme Round 2	762,855.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	8,995,919.33
TOTAL INVESTMENTS		39,014,631.49

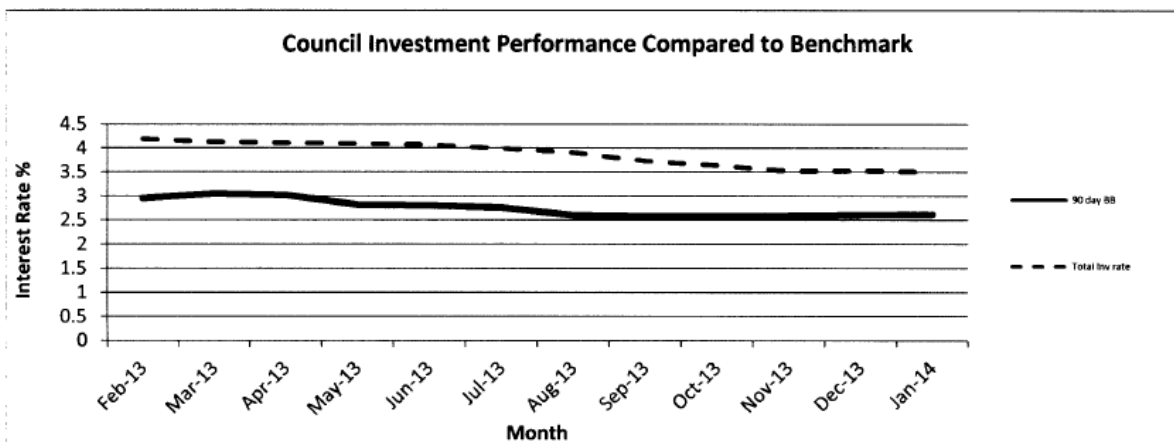
Note:

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

(c) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month	3.50	2.62
3 months	3.52	2.61
6 months	3.64	2.60
12 Months	3.87	2.75



(a) Council Investments as at 28 February, 2014

DIRECT INVESTMENTS:	S & P	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	RATING	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
ANZ	AAA	1,000,000.00	Term Deposit	15/01/14	18/06/14	154	3.55
ANZ	AAA	1,000,000.00	Term Deposit	14/01/14	15/04/14	90	3.60
Bankwest	AA	1,000,000.00	Term Deposit	11/12/13	13/03/14	92	3.50
Bankwest	AA	500,000.00	Term Deposit	11/02/14	13/05/14	91	3.50
Bankwest	AA	1,000,000.00	Term Deposit	06/01/14	10/04/14	94	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	04/02/14	05/11/14	274	3.70
Bank of Qld	A-	1,000,000.00	Term Deposit	10/02/14	13/05/14	92	3.60
Bank of Qld	A-	1,500,000.00	Term Deposit	12/02/14	13/08/14	182	3.70
Bank of Qld	A-	1,000,000.00	Term Deposit	09/10/13	11/03/14	153	3.75
Bank of Qld	A-	1,000,000.00	Term Deposit	28/11/13	23/04/14	146	3.75
Bendigo	A-	1,000,000.00	Term Deposit	02/01/14	07/05/14	125	3.55
Bendigo	A-	1,000,000.00	Term Deposit	17/02/14	19/06/14	122	3.35
Commonwealth Bank	AA	500,000.00	Term Deposit	29/01/14	30/07/14	182	3.40
Macquarie	A	500,000.00	Term Deposit	19/12/13	20/03/14	91	3.65
ME Bank	BBB	1,000,000.00	Term Deposit	13/02/14	09/07/14	146	3.58
ME Bank	BBB	1,500,000.00	Term Deposit	12/02/14	19/11/14	280	3.68
ME Bank	BBB	1,000,000.00	Term Deposit	06/01/14	09/04/14	93	3.58
NAB	AA	1,000,000.00	Term Deposit	27/02/14	27/08/14	181	3.75
NAB	AA	1,470,000.00	Term Deposit	04/12/13	02/04/14	119	3.76
NAB	AA	1,000,000.00	Term Deposit	08/01/14	14/05/14	126	3.77
NAB	AA	1,000,000.00	Term Deposit	14/11/13	14/11/14	365	3.67
NAB	AA	1,000,000.00	Term Deposit	04/12/13	09/04/14	126	3.76
NAB	AA	1,000,000.00	Term Deposit	08/01/14	21/05/14	133	3.77
NAB	AA	1,000,000.00	Term Deposit	27/02/14	20/08/14	174	3.75
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/01/14	22/04/14	91	3.50
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	10/12/13	12/03/14	92	3.70
IMB Society	BBB	1,000,000.00	Term Deposit	10/02/14	12/05/14	91	3.50
ING Bank	A+	1,000,000.00	Term Deposit	26/09/13	26/03/14	181	3.58
ING Bank	A+	1,000,000.00	Term Deposit	23/01/14	25/06/14	153	3.49
ING Bank	A+	1,000,000.00	Term Deposit	22/01/14	23/04/14	91	3.61
ING Bank	A+	1,000,000.00	Term Deposit	08/10/13	14/04/14	188	3.43
ING Bank	A+	1,000,000.00	Term Deposit	07/01/14	07/05/14	120	3.48
ING Bank	A+	1,000,000.00	Term Deposit	06/02/14	06/08/14	181	3.66
Rural Bank	A-	1,000,000.00	Term Deposit	28/02/14	03/09/14	187	3.79
Suncorp	A+	500,000.00	Term Deposit	19/02/14	16/07/14	147	3.55
Westpac	AA	1,000,000.00	Term Deposit	05/12/13	11/06/14	188	3.58
Westpac	AA	1,000,000.00	Term Deposit	04/02/14	05/11/14	274	3.70
Westpac	AA	1,471,566.10	Bank Account	-	AT CALL		0.84
Westpac	AA	2,133,978.14	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		40,075,544.24				Average Rate-Feb 2014	3.53
						Average Rate-Feb 2013	4.25

MANAGED FUNDS:	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
Lehman Brothers -See Note 1 below	1,429,979.50	Managed	09/12/05	VARIOUS		2.81
TOTAL MANAGED FUNDS	1,429,979.50				Average Rate-Feb 2014	2.81
					Average Rate-Feb 2013	1.77

TOTAL INVESTMENTS	41,505,523.74
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TOTAL INVESTMENTS JAN 2014	39,014,631.49	6.00%	Change in total investment over prev 1 month
TOTAL INVESTMENTS FEB 2013	36,961,443.18	12.29%	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).

(b) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,116,588.19
	Grants	339,680.00
	Domestic Waste	840,154.00
	Waste & Sustainability	212,925.14
	Southern Council's Group	3,232,037.43
Internally Restricted	Blue Haven ILU	4,052,873.49
	Blue Haven Hostel & Nursing Home	7,411,095.19
	Land Development	4,012,626.71
	Waste Business Unit (Plant Replacement)	1,025,057.00
	Plant Replacement - Engineers	651,214.00
	Employee Leave Entitlements	697,603.00
	Carry-over works	1,732,143.00
	Holiday Parks (incl crown reserves)	794,825.00
	Other	591,935.01
Loan Funds	Local Infrastructure Renewal Scheme Round 1	430,389.00
Loan Funds	Local Infrastructure Renewal Scheme Round 2	762,855.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	11,601,522.58
TOTAL INVESTMENTS		41,505,523.74

Note:

The above Application of Invested Funds reflects audited balances as at 30 June 2013. Actual movement in these balances is recorded at the end of the financial year. Loan fund balances show progressive use of funds.

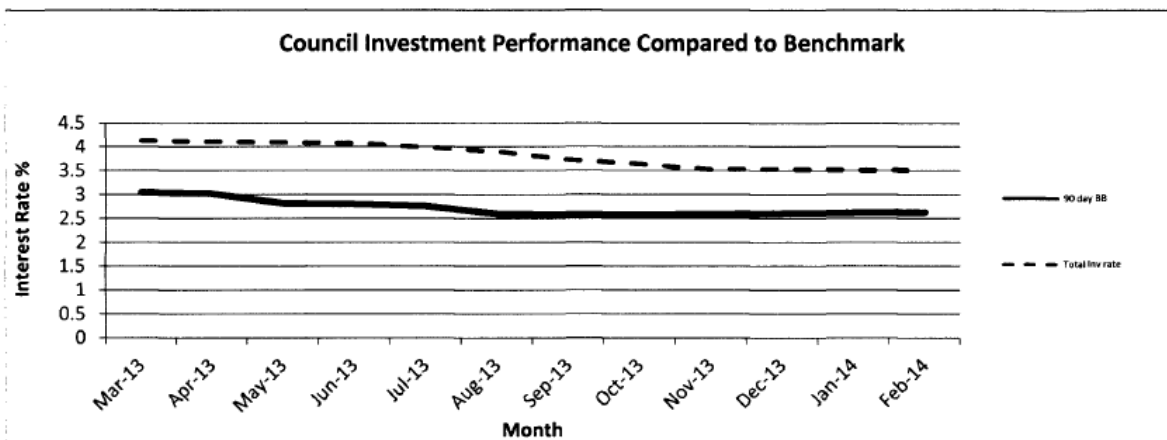
Southern Council's Group balance shown includes a progressive balance.

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

(c) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	3.51	2.63
3 months	3.51	2.62
6 months	3.57	2.60
12 Months	3.81	2.72



d) Investment Commentary

The total investment portfolio increased by \$1.8M during January and February 2014. Various revenue was received totalling \$12M, including rate payments amounting to \$2.6M, grants and contributions of \$3.7M, user fees and charges of \$2.36M, Blue Haven ILU unit sales of \$1.3M, Elambra land sales of \$445K and Debtor receipts of \$1.6M. Payments to suppliers of \$7.5M, employee wages of \$2.5M and investment lodgements of \$4M amounted to total expenditure of \$14M.

Note that the Westpac Bank Account balance shown in (a) of \$1.471M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 28 February 2014 is \$929K with an annual budget estimate for 2013/2014 of \$1.3M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years with average interest rates on Council's Direct Investment portfolio dropping by 1% over the last 12 months. With the Reserve Bank cash rate at 2.5%, and on hold, there does not appear to be any likelihood of any change in rates upward. The current 90 day investment rate quoted by National Australia Bank on 25 February was 3.6%. The previous month's was 3.6% with February 2013 rate being 4.2%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index.

Certification – Responsible Accounting Officer

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

Phil Mison
Responsible Accounting Officer
Manager Corporate Services

REPORT OF THE ACTING DIRECTOR ENGINEERING & WORKS

[140318adew]

Submitted to the Ordinary Meeting of Council held on 18 March 2014

1 Resignation of Mr David Leigh as Local Controller Kiama SES

Summary

Mr Leigh has notified Council of his resignation as Local Controller of the Kiama SES after 14 years in the position. This report provides information on his services and achievements and recommends formal congratulations and thanks to him for his outstanding community contribution.

Finance

N/A

Policy

N/A

Councils Vision and Goals

Council's Strategy 1.6 to recognise and promote community safety throughout the Municipality is most relevant.

Attachment

1 SES History of David Leigh

RECOMMENDATION

That Council formally thank Mr David Leigh for his outstanding service to the community as Local Controller of the Kiama SES Brigade unit for a period of 14 years.

REPORT

Mr David Leigh has recently advised the Acting Commissioner of the NSW State Emergency Service of his resignation as Local Controller of the Kiama SES Brigade Unit effective from 11 April 2014.

Mr Leigh has served in this role for a period of 14 years and has done so in an extremely efficient manner. Mr Leigh has maintained a strong working relationship with Council and advanced the membership and professional skills of the unit considerably during his tenure. A summary of his service, not only in Kiama, in volunteer emergency management is detailed below.

Item 1 cont'd

Mr Leigh will remain as a member of the unit and his replacement will be determined through an assessment process to be carried out by the SES with the input of Council.

It is considered appropriate for Council to formally thank Mr Leigh for his outstanding service to the community.

Attachment

SES History of David Leigh

(Member No. 40005724)

Prior History in Volunteer Emergency Management

1978 to 1980 – Foundation member of Warren and District Volunteer Rescue Squad

1982 to 1988 – Foundation member of Lithgow and District Volunteer Rescue Organisation

Vice-Captain for two years

Captain for two periods of total of five years.

Significant event included the tragic loss by drowning of a senior experienced member during a flood rescue operation.

Nov. 1993 – joined Kiama SES and appointed Deputy Local Controller

April 2000 – appointed Local Controller

Highlights as Deputy Controller

- Involved in the 1997 Thredbo landslide incident
- Assisted at Randwick SES during 1999 Sydney Hailstorm event
- Managed marshalling of 2000 Sydney Olympic Torch Relay event in Kiama

Highlights as Local Controller

- Managed major storm event of August 2003 (record number of “Request for Assistance” for Kiama Unit)
- Attended Jamberoo Mt Rd bus crash Sept 2005
- Managed Kiama SES response to Illawarra 2010 Father’s Day storm event
- Attended paramedic fatality at Robinson Christmas Eve 2012
- Responded to Kiama Tornados event February 2013
- Received two Commissioners Unit Citations (for Unit actions at Incident at Robinson and also for Unit actions at semi-trailer accident at Bombo.
- Unit receipt of inaugural Premiers Emergency Services Award in 2002

- Oversighted members attending out-of-area assistance to various flood, storm and cyclone events.
- Assisted at Rural Fire Service operations during a number of local fire events.
- Unit teams competing in Road Crash Rescue competitions in Melbourne and New Zealand
- Unit teams competing in SES Rescue competitions in Regional State and National levels
- Overseeing volunteers develop important life-saving and rescue skills and utilising those skills in real emergency situations.
- Gaining two flood rescue boats
- Securing approval for and purchasing a second 4-wheel drive vehicle.
- Involvement in the Local Emergency Management Committee
- Membership increased from 42 to 56 volunteers

Changes as Local Controller within the SES

- Improved rescue techniques and development of specialised rescue equipment
- Greater emphasis, improved training and distribution of specialised equipment for flood rescue
- Greater awareness and understanding of tsunami risk and associated response planning
- Significant technology advances in management of large and small events
- Centralised Call taking of "Requests for Assistance"
- Introduction of a common state wide government two-way radio network

2 Kiama Memorial Arch - Hindmarsh Park Funding

Summary

This report is an update on the funding applications for the stabilisation of the Kiama Memorial Arch in Hindmarsh Park.

Finance

Total Project cost estimated at \$222,000, \$10,000 Grant Funding Offered by the State Governments Community War Memorial Fund, \$100,000 Application to the Federal Government Anzac Centenary Local Grants Program pending, \$45,000 included in Councils 2013/14 budget.

Policy

N/A

Council's Vision and Goals

Councils Strategy 2.13 to effectively manage other assets to cater for current and future generations is most relevant

RECOMMENDATION

That Council:

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

REPORT

Council has recently received notification of the provision of \$10,000 in funding from the State Government for the stabilization of the Memorial Arch under the Community War Memorial Fund. The application was made for \$77,200.

As Council will be aware investigation into the lean of the arch have been recently carried out and funded by Council. These have included geotechnical investigation by core drilling and sampling of the fill material which the arch is founded on and CCTV inspection of the stormwater drainage pipe which passes under the corner of the arch. The geotechnical report as expected revealed poor quality uncompacted fill material under and surrounding the arch and a broken drainage line which is contributing water to the fill material.

Item 2 cont'd

The treatment recommended by the consultant geotechnical engineer and supported by Council Engineering staff is for the installation of eight micro piles around the arch founded on bedrock some 11 to 12 metres below the surface, the construction of a ring beam over the piles which will be connected to the existing footing. In addition, the correction of the stormwater pipe will be required, which can be funded through Council's asset renewal program funding.

Several quotes were received from recognized piling companies for the recommended treatment ranging from \$150,000 to \$260,000. Council has estimated the total project cost of \$222,000 based on these estimates and associated works.

Council has also lodged an application for \$100,000 from the Federal Government's Anzac Centenary Local Grants Program. Applications for this funding close on 28th February 2014.

Even if Council receives the full amount requested there is likely to be a shortfall in funding based on the estimates prepared of around \$67,000. However the final amount will not be able to be determined until a Tender process is carried out.

The Memorial Arch is a significant piece of public infrastructure which must be protected. It is therefore recommended that Council accept the funding offered under the Community War Memorials Fund and continue to pursue Federal funding for this project. Following confirmation of the funding to be provided and the receipt of tender prices, any shortfall in funding needs to be considered by the Council in its future budget.

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

Summary

This report seeks Council endorsement to place the draft Spring Creek Catchment Flood Study on public exhibition.

Finance

N/A

Policy

NSW Government's Flood Prone Land Policy

Council's Vision and Goals

Council's Strategy 2.11 Effectively manage the drainage network to cater for current and future generations.

Enclosure

- 1 Draft Flood Study

Attachments

- 1 Catchment Map
- 2 Floodplain Risk Management Process

RECOMMENDATION

That Council:

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

Item 3 cont'd**REPORT**

Council at its meeting of 16 October 2012, endorsed the acceptance of \$60,000 in grant funding under the NSW Floodplain Management Grants Scheme to undertake flood study modelling of the Spring Creek Catchment area.

The aim of the Floodplain Management Grant scheme is to assist in funding local government to implement the NSW Government's Flood Prone Land Policy as outlined in the NSW Government's Floodplain Development Manual. The primary objective of the policy is to reduce the impacts of flooding and flood liability on communities as well as the private and public losses resulting from floods, using ecologically positive methods wherever possible. The NSW Government recommends local councils understand and manage their flood risk through the floodplain risk management process as outlined in the manual. Under this scheme financial and technical support is given to Councils to:

- make informed decisions on managing flood risk by preparing flood studies and subsequent floodplain risk management plans under the floodplain risk management process;
- implement future floodplain risk management plans to reduce flood risk to both existing and future development, and reduce losses through a range of property, flood and response modification measures as outlined in the manual; and
- provide essential information to the State Emergency Service to enable the effective preparation and implementation of local flood plans to deal with flood emergency response.

Due to the combination of steep escarpment and flat coastal plains many of the catchments in the Kiama LGA are susceptible to flash flooding. Flash flooding occurs when large amounts of rain fall during a short period, causing creek waters to rise quickly and with very little warning before water enters properties. The Spring Creek catchment (see Attachment) is a relatively small catchment of well defined gullies that drain into the Spring Creek wetland before out letting onto Bombo Beach. The catchment is predominantly rural except for the West Kiama area on the eastern edge of the catchment and around the lower wetland which are urbanised. A number of flood studies supporting individual developments have been completed in the past, however no overall catchment flood study has been undertaken to allow further floodplain risk management to be implemented.

On this basis, this catchment was identified by the Kiama Floodplain Committee as a priority based on past urbanisation, increasing development potential in the lower catchment areas and existing anecdotal evidence of flooding in various locations in this catchment.

Item 3 cont'd

Council sought quotations and subsequently engaged an engineering consultancy to undertake a Flood Study of this catchment in accordance with the objectives of the NSW Floodplain Development Manual which were:

- to determine the flood behaviour including design flood levels and velocities over the full range of flooding up to and including the Probable maximum Flood (PMF), from storm runoff in the Spring Creek Catchment and from tidal influences;
- to provide a model that can establish the effects on flood behaviour of future development;
- to assess the sensitivity of flood behaviour to potential climate change effects such as increases in rainfall intensities and sea level rise; and
- to assess the provisional hydraulic categories and undertake mapping of provisional hazard, preliminary emergency response planning classifications, and preliminary flood planning extent areas.

In addition to existing aerial laser surveys, additional ground surveying and investigation of the watercourses and existing drainage structures was also completed. Council and its consultant undertook consultation with owners and residents via a letter and questionnaire direct mailed to all owners and occupiers of those properties in close proximity to the main watercourses (approximately 60 in total) and which were considered as potentially being flood affected or on the flood fringe.

An advertisement was placed in the Kiama Independent and Illawarra Mercury newspapers and Council's website, informing residents of the study and advising that a survey was being undertaken. From the distribution, 26 responses were received, with evidence provided of flooding impacts which was used in the development and calibration of a flood model against the 21 March 2011 storm event.

From this flood model, a number of flood maps were prepared for various storm events ranging between the 20% (1 in 5 year) and 1% (1 in 100 year) Annual Exceedance Probability (AEP) event to the extreme PMF event. Provisional hazard and hydraulic category mapping has also been completed for the 5% and 1% AEP events.

The draft Spring Creek Flood Study report has been reviewed and discussed at the recent meeting of the Kiama Floodplain Committee. The Committee recommended that the report be placed on public exhibition seeking submissions.

Although this study identifies the extent of the flooding, further Risk Management Studies would be required to determine the likely impacts of the flooding on these properties, for example, above or below floor flooding, safety and evacuation risks, economic and social damage, land use management etc and preferred mitigation methods in consultation with the community.

Item 3 cont'd

Council has an obligation to make this information available to owners and prospective purchasers etc., of potentially flood affected properties. Under Section 733 of the Local Government Act, a Council is exempt from liability for flood prone land in respect of:

- a) any advice furnished in good faith by the Council relating to the likelihood of any land being flooded or the nature or extent of any such flooding; or
- b) anything done or omitted to be done in good faith by the Council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.

Council's Planning Certificates are issued under Section 149 (2) and 149 (5) of the Environmental Planning and Assessment Act 1979. They contain information on how a property may be used and the restrictions on development. When land is bought or sold the Conveyancing Act 1919, requires that a Section 149 Planning Certificate be attached to the Contract for Sale.

A 149 (2) certificate will advise whether Council has adopted a policy which affects the land in relation to a number of risks, including flooding. A 149 (5) certificate will provide more detailed flood information including whether Council suspects the property to be flood hazard affected or not flood hazard affected. For property purchases, legislation only requires that a certificate under section 149(2), which is the short version, be attached to the contract documentation. However many real estate agents, or solicitors, will include 149 (5), the more detailed version.

It is proposed that in conjunction with the public exhibition of the draft Spring Creek Flood Study, that Council modify its 149 (5) certificates for all properties identified as being within the 1% AEP flood mapped area as an interim measure. This will notify any prospective purchases that flood information is available, however until a final Spring Creek Flood Study is adopted, no information can be included on the 149 (2) certificates.

As per the recommendations of the Floodplain Committee, it is proposed that the public exhibition occur for a minimum of one month, to allow adequate time for submissions.

At the close of the exhibition period a further report will be presented to Council on the outcome of the public exhibition and future adoption (or otherwise) of the Spring Creek Flood Study.

Item 3 cont'd

Attachment



Item 3 cont'd

Attachment

The Floodplain Risk Management Process

This process is overseen by the Floodplain Risk Management Committee which is established by the local Council and includes community groups and state agency specialists.



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

Summary

The current plans of management for Jones Beach and Cathedral Rocks were adopted by Council in 2001. Council has previously resolved to review these plans of management. A draft revised plan of management has been prepared and is recommended to be placed on public exhibition for comment.

Finance

N/A

Policy

Local Government Act 1993

Council's Vision and Goals

The management of community land is relevant to a number of Council's environmental and community goals and strategies.

Enclosure

1 Draft Plan of Management – Jones Beach/Cathedral Rocks

RECOMMENDATION

That Council resolve to exhibit the revised draft plan of management for Jones Beach/Cathedral Rocks and a report be prepared for Council's consideration at the end of the exhibition period.

REPORT

The current community land plans of management were adopted by Council in 2001. In February 2013, Council resolved to review the plans of management. During 2013, Council conducted two public information evenings, called for expressions of interest to form a working party to assist Council in its review of the plans and appointed five community members to form a working party to review the plans of management. The working party has met on six occasions to identify the key issues to work towards a single revised plan of management for the area.

The revised draft plan of management for public exhibition is attached to this report. At the conclusion of the exhibition period, a further report will be presented to Council reviewing the outcome of public submissions and a recommendation to adopt a revised plan of management.

5 Review of Community Land Plan of Management Neighbourhood Parks

Summary

The current plan of management for neighbourhood parks was adopted by Council in 1996. Since that time some of the community land identified in the plan has been reclassified and disposed. Council has also acquired new public reserves through land dedicated with residential subdivisions over time. The plan of management should be updated to reflect Council's current ownership of community land categorised as parks.

Finance

N/A

Policy

Local Government Act 1993

Council's Vision and Goals

The management of community land is relevant to a number of Council's environmental and community goals and strategies.

Enclosure

1 Draft Plan of Management – Neighbourhood Parks

RECOMMENDATION

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

REPORT

The current plan of management for neighbourhood parks was adopted by Council in 1996. The plan of management groups a number of pocket public reserves into this single plan of management and is referred to as a generic plan of management. Since 1996 Council has reclassified some of the community land originally identified.

In addition, there are some single-site plans of management for neighbourhood parks adopted by Council since 1996 which should be combined into the generic plan of management and repealed as individual plans of management. By combining these into the Neighbourhood Parks (generic) Plan of Management, the total number of separate plans of management will be reduced which is a more effective way of managing community land.

The total number of land parcels to make up the revised generic plan of management is fifty-four.

Item 5 cont'd

After this plan of management review is complete, a separate project will be the identification of all land dedicated to Council since 1996 as public reserve into this new plan of management for neighbourhood parks. This will be undertaken in a separate review because legislation requires Council to undertake a public hearing with respect to any (new) land proposed to be categorised and form part of a community land plan of management. The review of the current plan of management in the first stage described above does not require a public hearing under the Act and should proceed separately.

6 Compulsory Acquisition of Land Princes Highway Foxground

Summary

The report recommends that Council grant its concurrence to RMS to compulsorily acquire minor areas of land along the current Princes Highway through Foxground to facilitate the on-going work of the RMS to upgrade the Highway.

Finance

N/A

Policy

Roads Act 1993

Council's Vision and Goals

The sound management and planning of space and places is applicable.

Attachments

- 1 Aerial photo – location
- 2 Deposited Plan

RECOMMENDATION

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

REPORT

RMS is required to undertake an acquisition of land from the adjoining owner along the Princes Highway generally opposite Foxground Road. The area of land in question is 31.8m² in area. This land is described as Lot 433 DP1186383.

During this process RMS discovered that another section of the current Princes Highway corridor is fenced and used by the same land owner. This section of land is described as Lot 424 DP1186383 and is 70.6m² in area. RMS would like to acquire Lot 424 and transfer the land back to the landowner. There would be zero compensation for this transaction as RMS is proposing to acquire the previously referred Lot 433 from the landowner.

Based on the per hectare rate for land acquisitions in that area, the value of the 70.6m² of land equates to approximately \$300.

Item 6 cont'd

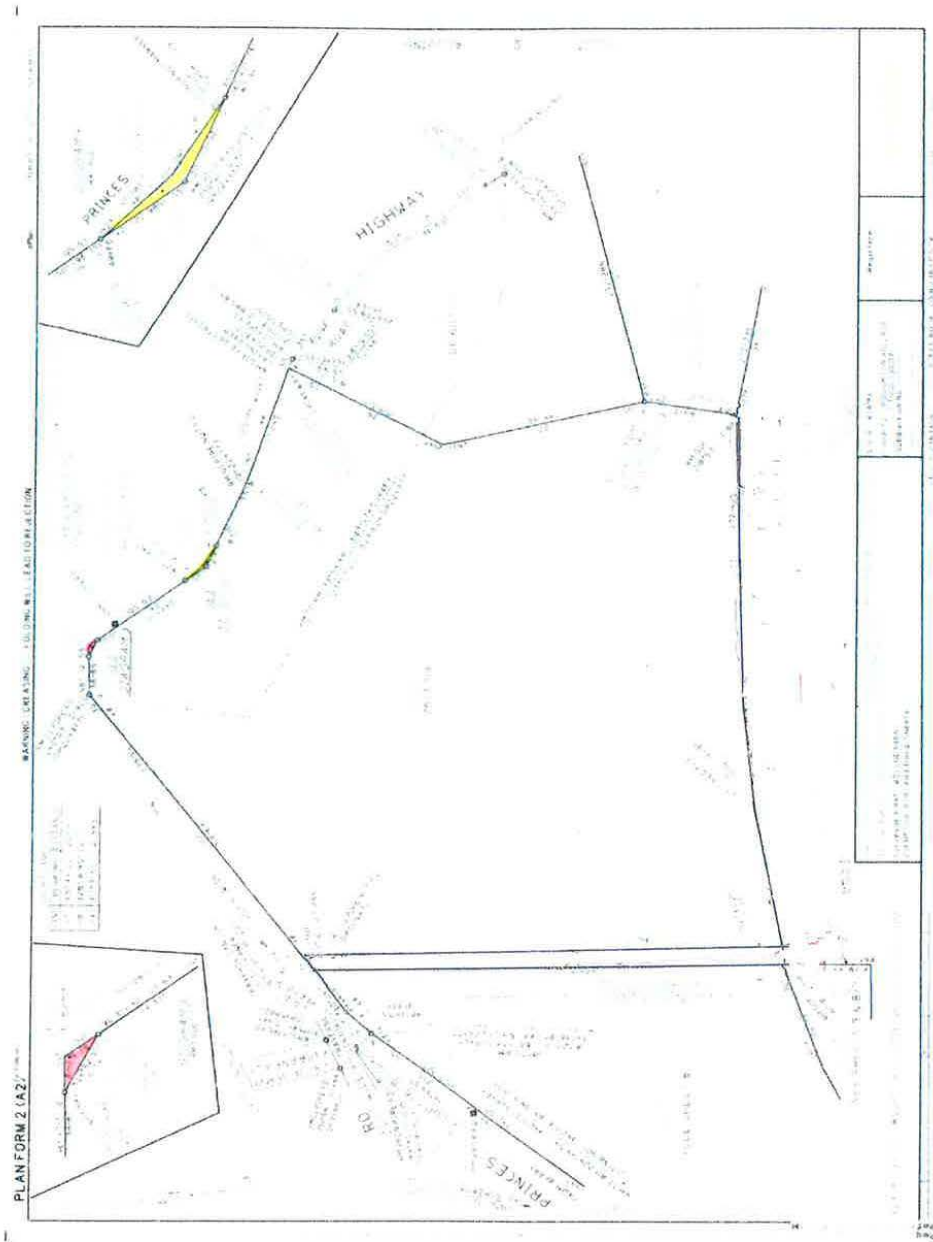
Given the small areas of land involved and considering the overall objective of RMS in this instance in undertaking a major capital investment in the upgrade of the Princes Highway, Council should grant its concurrence. The nil compensation is justified on the basis that RMS are acquiring a separate section of land from the landowner for road purposes.

Attachment



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Attachment



7 Dedication of Public Road and Road Closure Daltons Road Jamberoo

Summary

Council has received correspondence on behalf of the owners of land in Jamberoo in the process of completing conditions of Council consent to the subdivision of their property described as Lot 138 DP751279. Survey work has revealed that a section of Daltons Road does not follow the actual registered road reserve. This report recommends a process to correct this situation involving the dedication of land as public road, separate road closure and transfer of land.

Finance

The proposal incorporates the dedication of actual formed road as public road and as a trade off, the transfer of ownership of the legal road corridor to the land owner. Therefore there is zero financial impact associated with the proposal.

Costs will be incurred with the associated road dedication and road closure and transfer and negotiations will need to be undertaken with the owner for the sharing of these costs.

Policy

Roads Act 1993

Local Government Act 1993

Council's Vision and Goals

This report supports Council's goal of acting ethically and fulfilling all legal and statutory responsibilities, as well as controlling and planning development of our built environment for the wellbeing of the community.

Attachments

- 1 Aerial photo – location
- 2 Sketch plan

RECOMMENDATION

That Council:

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

Item 7 cont'd

- 4) enter into a deed of agreement with the owner of Lot 138 regarding cost apportionment relating to the road dedication, closure and transfer of land.

REPORT

The owners of land in Daltons Road Jamberoo are completing conditions of development consent DA10.2008.271.1 issued by Council for the subdivision of the lot. Conditions of consent were imposed relating to the identified departure of the used roadway outside the actual road reserve boundaries. However, the discrepancies are so great that it is necessary to identify the actual formed bitumen road through Lot 138 and dedicate it as a public road.

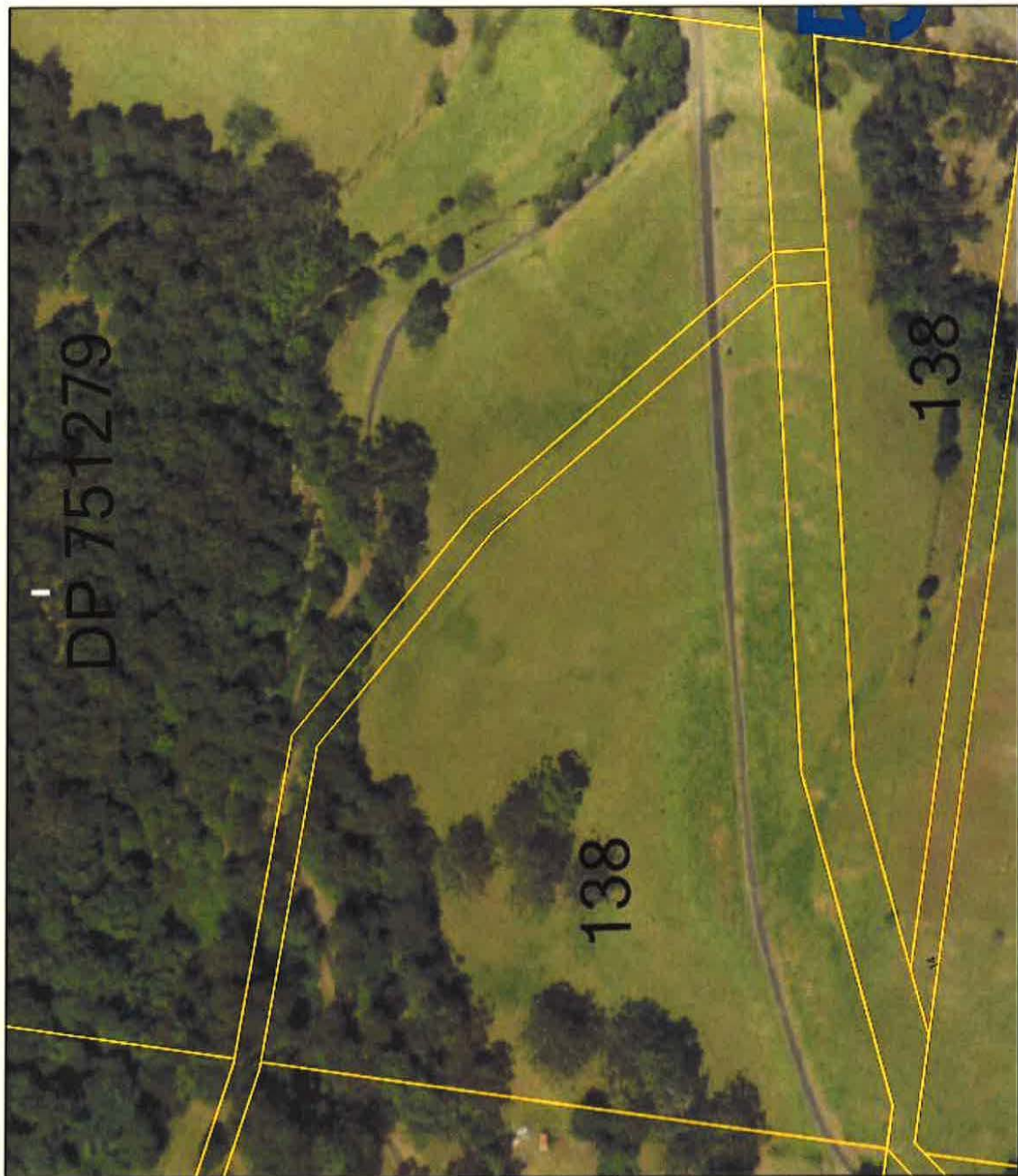
In association with this it is necessary to deal with the existing road reserve corridor extending through the lot by seeking closure of the "road". In the circumstances, the dedication of the actual road and vesting in Council needs to be compensated on ground by the transfer of the closed road reserve back to the owner.



As a result, Council will have the formed road within a dedicated public road corridor which is important for asset, legal and liability reasons. This is of importance to Council.

The landowner will have the actual public road removed from their property but will not lose any land by the act of vesting the intended closed road in their title. The private landowner therefore will not benefit from this process with the exception of removing the liability of the non-dedicated public road through their land. Accordingly, these actions will also enable the landowner to complete the conditions of consent imposed by Council with regard to the previous DA for subdivision.

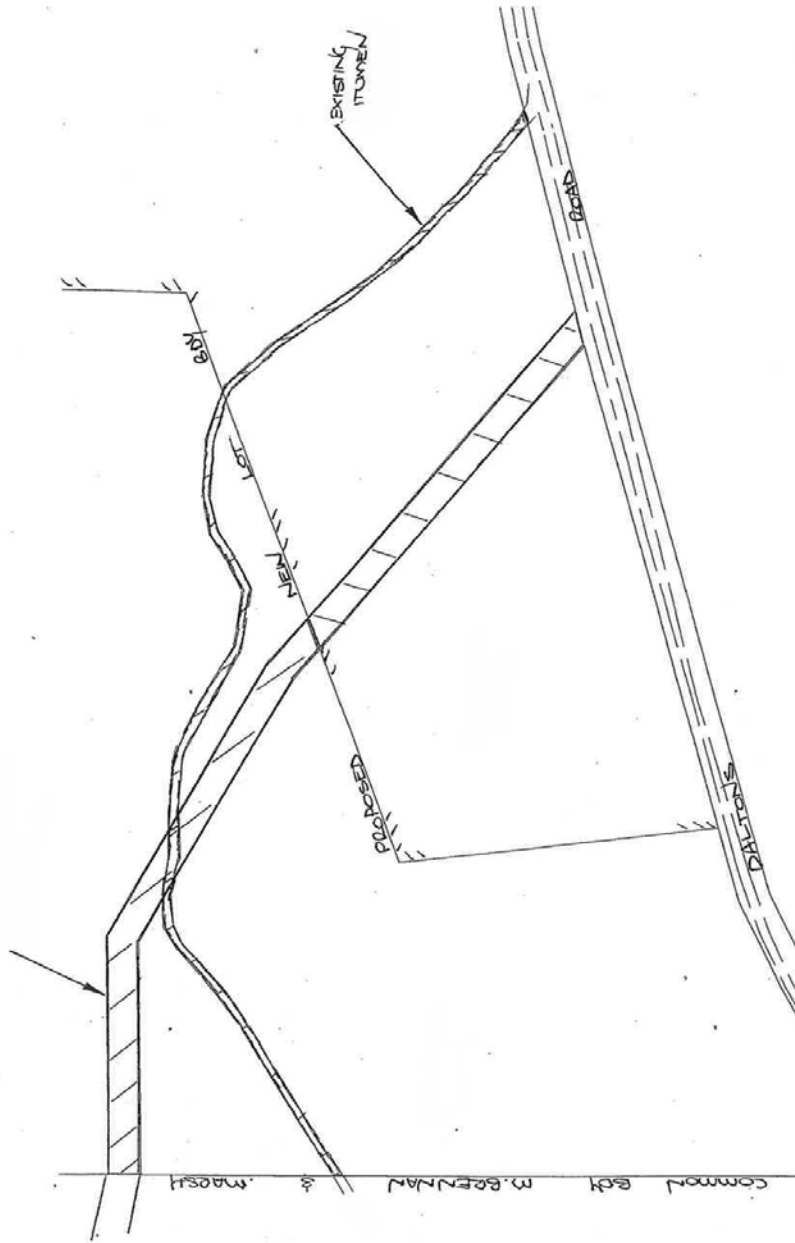
As the landowner is currently involved with private subdivision works to complete conditions of development consent and incurring costs associated with that, it is important for Council to ensure there is a fair cost apportionment for the actual tasks required to complete the specific road dedication, closure and transfer referred to in this report.

Attachment



 <p>your council. your community</p>	 <p>Professional Engineer No. 123456789 12/12/12</p>
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Attachment



8 Kiama Harbour Relocatable Toilet Facility

Summary

This report provides detail on the proposal to install a relocatable toilet next to the Rescue Boat Shed at Kiama Harbour.

Finance

The estimate cost of the purchase and installation of the relocatable toilet facility is between \$69,948 to \$72,965.

Council allocated \$65,000 for a permanent toilet facility near the Boat Shed in 2013/2014 budget.

Policy

N/A

Council's Vision and Goals

Council's goal of developing, maintaining and advocating for infrastructure and facilities which promote healthy and active lifestyle is relevant.

RECOMMENDATION

That subject to formal support from the Lands Department being provided:

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

REPORT

At Council's meeting of 4 February 2014 Council resolved to receive a report from Council's Engineering and Works Department on the installation of a relocatable toilet facility adjacent to the Surf Life Saving Club (SLSC) Boat Shed at Kiama Harbour, with the report to indicate relevant design features and likely costs.

The proposed site for the relocatable toilet is the relevant flat area on the western side of the SLSC Boat Shed where the barbecue table and picnic tables are currently located (Attachment 1).

Council's existing gravity sewer main runs along the Blowhole Point Road from Kiama Harbour Cabins to Terralong Street, underneath the embankment south of the site. The proposed site is lower than Council's existing gravity sewer main, therefore, a pump is required to pump the sewerage up and into a new junction in Council's existing sewer main.

Item 8 cont'd

It is understood the Scout Hall and SLSC Boat Shed had installed a sewer pump in late 2010 following permission from Council to connect to the above sewer main. To effectively discharge the sewerage from the new toilet to Council's sewerage system, it is considered that the most economical solution is to connect sewer lines from the new toilet to the existing septic tank and pump system used by the Scout Hall and SLSC Boat Shed.

Contact has been made with both Kiama Scout Group (KSG) and SLSC to seek their support for the installation of the toilet facility and connection into their pumping system. No response has been received from SLSC at the time of the preparation of this report; however KSG has responded with a list of items they would like considered before agreeing to the proposal. Council is still investigating the cost and feasibility of the requests.

Proprietary Relocatable Toilet Units

There are a number of proprietary relocatable toilet units available on the market that are suitable for this application. Three well established models from Exeloo, Modus and Landmark have been investigated for the purchasing and installation of a relocatable toilet facility with two unisex toilet cubicles, main design features of each product are illustrated as following:

Product 1 Ecoloo Pacific Twin (Figure 1 & 2)

Exeloo's Ecoloo Pacific Twin has one unisex ambulant toilet cubicle and one unisex disable toilet cubicle, the toilet unit is made of galvanised steel frame with cement sheeting cladding finished with Acrylic paint. The package doesn't include the floor structure thus an in- situ concrete slab is required to provide support for the toilet unit.

Due to the flatness of the site, the sewerage from the toilet is not able to be gravity discharged to the existing pump used by the Scout hall, therefore, a new pump with a collection tank is required to pump the sewerage up to Council's sewer main along the Blowhole Point Road.

Product 2 Modus Yarra2 (Figure 3 & 4)

Modus Yarra2 toilet unit comprises of two unisex disable toilet cubicles, the building structure is made of galvanised steel frame with Colorbond cladding and skillion roof.

Again, the package doesn't include the floor structure, thus an in- situ concrete slab is required to provide support for the toilet unit. The Modus Yarra2 unit will also have a relevant higher re-assembling cost when it is relocated to another site.

Item 8 cont'd

Due to the flatness of the site, the sewerage from the toilet is not able to be gravity discharged to the existing pump used by the Scout hall, therefore, a new pump with a collection tank is required to pump the sewerage up to Council's sewer main along the Blowhole Point Road.

Product 3 Landmark K9103 Carnarvon (Figure 5 & 6)

Landmark Carnarvon model has one unisex disable toilet cubicle and one unisex ambulant toilet cubicle, the toilet structure is made of galvanised steel frame with Colorbond cladding finish and skillion roof.

The main advantage of this model comparing with other products is the toilet unit can be sit on the elevated footings, therefore, sewerage can be discharged to the existing pump used by the Scout Hall by gravity. However, a nine metre long disabled access ramp is required to be built to connect the existing street to the toilet floor.

Main design features and costs of purchasing and installation of each model are summarised as an attachment. Council has allocated \$65,000 in its 2013/14 Budget for this facility. As two of the units are slightly above the budget allocation, the shortfall is proposed to be made up from expected savings in the next quarterly review.

Summary

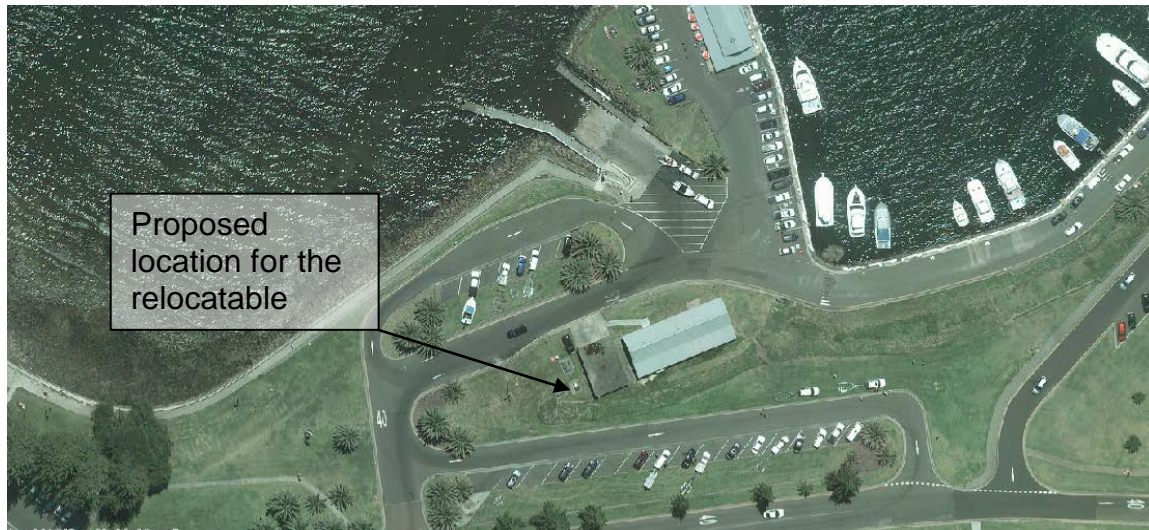
Formal confirmation of the verbal support provided by the Lands Department is still pending at the time of the preparation of this report.

Subject to a cost effective agreement from KSG and SLSC for the connection to their existing pumping system, it is considered Landmark's Carnarvon toilet unit represents the best value for money, the toilet unit has a 10-year structural warranty and it is fully relocatable with no additional pumping system required.

However, if Council is not able to negotiate a suitable agreement with KSG and SLSC to connect the new toilet facility to the existing pumping system on site, it is then recommended that Modus Yarra2 to be selected, consequently a relevant higher re-assembling cost will occur when it is relocated to another site and the new pumping system constructed will not able to be recycled.

Attachment

Site Plan



Proposed location for the relocatable toilet facility

Attachment

Figures



Figure 1 – Ecoloo Pacific Twin

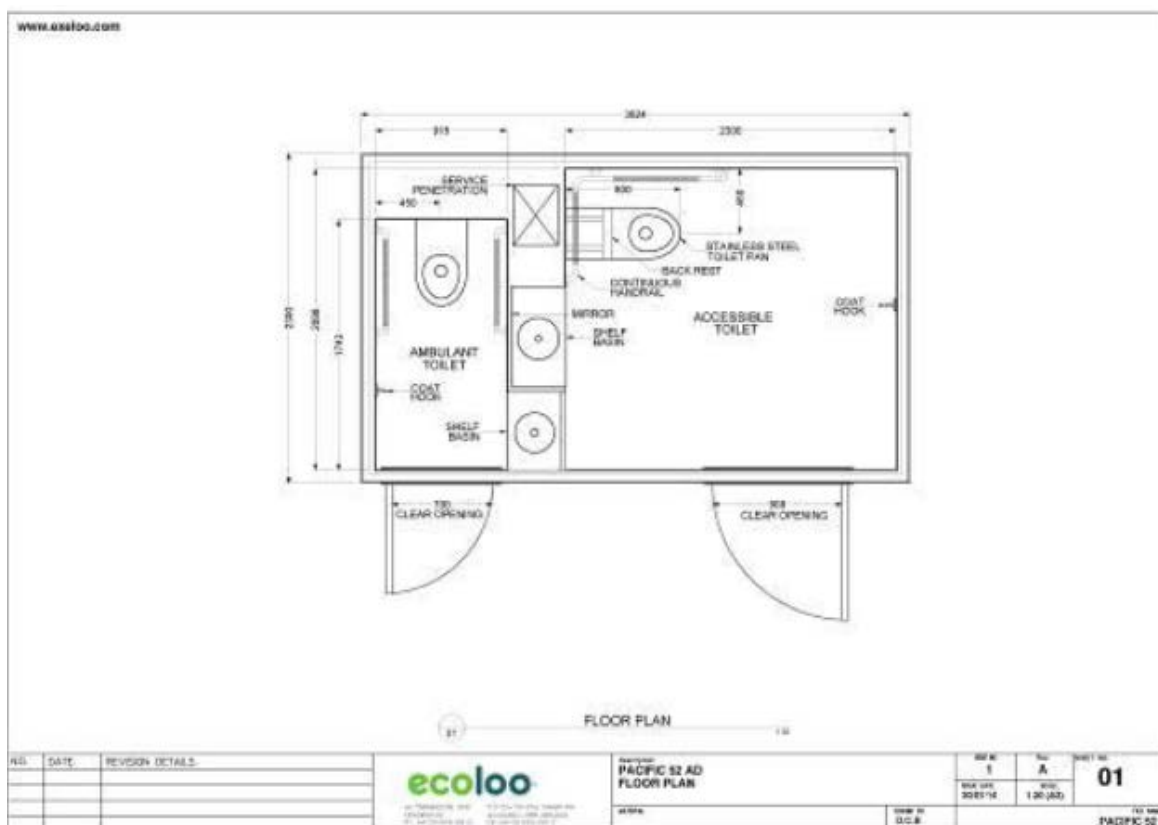


Figure 2 – Typical floor plan of Ecoloo Pacific Twin



Figure 3 – Modus Yarra2

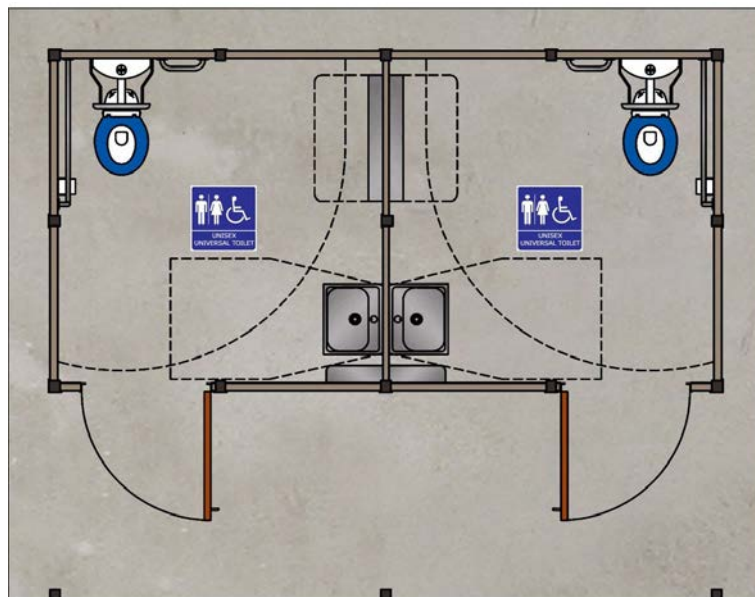


Figure4 – Typical floor plan of Modus Yarra2



Figure5 – Landmark K9103 Carnarvon

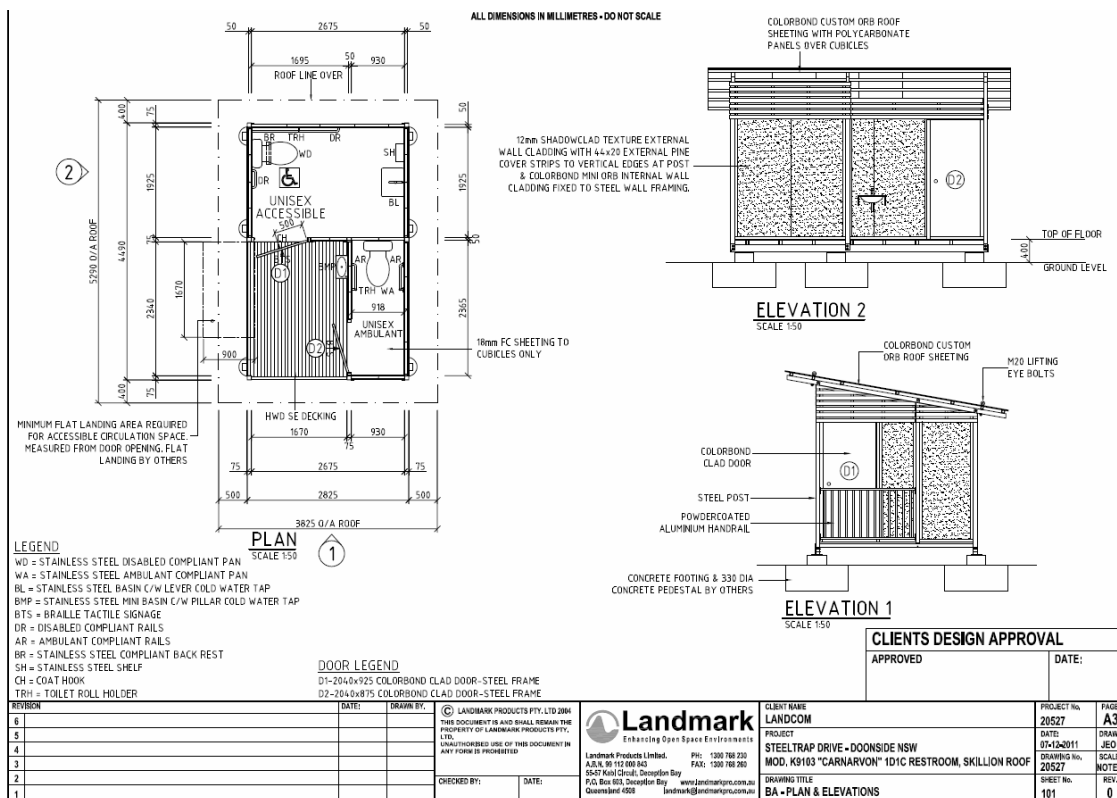


Figure 6- Typical floor plan and elevations of Landmark Carnarvon

Attachment

Brand & Model	Exeloo Pacific Twin	Modus Yarra 2	Landmark Carnarvon
Features			
Relocatability	Fully Relocatable	Re-assembling required	Fully Relocatable
No. of Unisex disable cubicle	1	2	1
No. of Unisex Ambulant cubicle	1	-	1
Frame	Galvanised steel	Galvanised steel	Galvanised steel
Floor	In-situ concrete Not Included	In-situ concrete Not Included	Galvanised steel frame with unpainted FC flooring
External Walls	Cement Sheeting with Acrylic paint finish	Colorbond Ultra cladding	Colorbond Ultra cladding
Internal Walls	Cement Sheeting with Acrylic paint finish	Mini Orb - Zinalume finish	Colorbond Ultra cladding
Roof	Colorsteel foam core flat panel	Colorbond Ultra roof sheeting	Colorbond Ultra roof sheeting
Doors	White powder coated aluminium swing door	Colorbond Ultra external, Zinalume internal	Steel framed Colorbond clad door
Locking and handle	Mechanical dead bolt locks	Heavy duty indicating lock	Stainless handle
Toilet Pan	Stainless steel toilet pan with closed front toilet seat	Porcelain Pans	Stainless steel
Hand Basin	Stainless steel bench basin with timed flow tap	Knee operated stainless steel wash basin with time flow taps	Stainless steel with a spring closing CAM or Button action cold water tap and a stainless steel shroud
Baby change Table	Nil	Rubbermaid folding baby change table	Vertical Polyethylene Baby change table
Toilet Tissue Dispenser	Stainless steel double roll holder	Standard single roll	Stainless Steel

Item 8 cont'd

Flushing unit	Concealed mains pressure flushing valve or a cistern	Porcelain Cistern	Stainless Cistern
Mirror	Stainless steel	Nil	Nil
Handrails	Stainless steel	Stainless steel	Stainless Steel
Verandah decking and handrails	-	-	ACQ treated hardwood and galvanised steel handrail
Ramp	Not Require	Not Require	Concrete ramp to be constructed by Council
New Pump system	Required	Required	Not Required
Warranty	12 months workmanship warranty	12 months workmanship warranty	10 years structural warranty

Table 1 – Summary of key design features of three relocatable toilet units

Brand & Model	Exeloo Pacific Twin	Modus Yarra 2	Landmark Carnarvon
Cost			
Relocation of picnic and barbecue tables	\$1,273	\$1,273	\$2,268
Supply and deliver	\$62,600	\$30,470	\$39,290
Installation	\$20,000	\$18,890	\$18,890
Pumping system	\$20,382	\$20,382	-
Reinstatement of kerb, gutter & pavement	\$450	\$450	-
Concrete Ramp	-	-	\$8,000
Engineering Certification	\$1,500	\$1,500	\$1,500
Total	\$106,205	\$72,965	\$69,948

Table 2 – Summary of cost estimates for the construction



Darren Brady
Acting Director Engineering and Works

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

Submitted to the Ordinary Meeting of Council held on 18 March 2014

1 CCTV in Kiama CBD

Summary

This report advises Council of the outcome from the Community Consultation on the Draft Design for installation of CCTV cameras in Kiama CBD.

Finance

Installation of a security camera network is being predominately funded via grant monies and also an allocation in Council's current budget.

Council's Objectives and Strategies

CSP 1.6 Recognise and promote community safety throughout the Municipality
DP 1.6.7 Develop and implement a Community Safety Plan

RECOMMENDATION

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

REPORT

The consultation period for residents and business owners to comment on the Draft CCTV Design finished on the 11th March. Any late submissions will be separately reported at the next Council meeting.

From the consultation, it can be determined that there is very strong support for Kiama Council to install a CCTV Camera Surveillance System in Kiama CBD. In total, 37 surveys were completed with an additional 5 emailed comments/feedback (42 respondents in total) resulting in: 30 respondents (72%) in support of the installation of CCTV in Kiama CBD, and 11 respondents (26%) against the installation of CCTV in Kiama CBD. One consultation respondent (2%) indicated that they agree that CCTV surveillance is required, but expressed that unless the area "...directly surrounding the (Kiama Village) shopping centre and surrounding footpaths" was included, then "...the exercise will be a waste and not in the best interest of the key stakeholders in the town."

Item 1 contd.

In regards to the survey question: "Would you like to see other areas of Kiama LGA covered by CCTV?", 32 consultation respondents (76%) indicated they would like to see other areas of Kiama LGA covered by CCTV surveillance, and 14 consultation respondents (34%) indicated they didn't see the need for further areas to be covered. Additional areas that survey respondents indicated that they would like to see covered by CCTV surveillance included: Gerringong, Gainsborough, Jamberoo and Minnamurra and the area directly surrounding the Kiama Village shopping Centre, Blowhole point, plus northbound, southbound and westbound entry's into Kiama.

Comments expressing non support for CCTV generally resolved around:

- privacy issues
- CCTV being an ineffective strategy to reduce crime
- deploying more police would be more effective
- not cost effective
- level of criminal activity in Kiama does not justify the expenditure

2 Cultural Board Minutes, Cultural Grants and Arts Honour Roll

Summary

This report provides Council with; minutes of the March Kiama Cultural Board meeting and seeks approval for recommendations concerning the Cultural Grants and Youth Arts Scholarships, and Arts Honour Roll.

Finance

Impact on 2013/2014 Budget

Policy

Community Services Cultural Plan (BERT 2013-2016)

Council's Vision and Goals

- CSP 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being.
- DP 1.2.4 Implement and support community, cultural and artistic activities and development programs
- OP 1.2.4.2 Undertake the activities of Council's current cultural planning document

RECOMMENDATION

That Council;

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

Item 2 contd.

REPORT

Cultural Grants

The minutes of the Kiama Council Cultural Board meeting are included in the Councillors' envelopes.

The Kiama Council Cultural Board Sub Committee met on Tuesday 4 March 2013, to assess eight (8) Cultural Grant applications and two (2) Youth Arts Scholarship applications, totalling to the value of \$ \$22,758. With combined funds available for distribution during the February round being \$12120.

The Sub Committee recommended four (4) Cultural Grant applications totalling \$9000 and two (2) Youth Arts Scholarships totalling \$2000 to the full Cultural Board meeting on Thursday 6 March 2014, which were approved for recommendation to Council.

Cultural Grants

Cultural Diversity Experience \$1000

Joint project with St Peters and Paul Catholic Church and SCARF Wollongong. Three activities planned within a social justice context to raise young people's awareness of and respect for cultural diversity through celebration of cultural arts eg dance and song.

Kingdog & the Catz Music Video \$3000

The filming of a music video for the single Romance. To be filmed in the local Kiama community and will include some of the iconic landmarks and venues of Saddleback Mountain, Kiama Blowhole and Jamberoo Pub. Launch viewing of the video to be held at the Gerringong Town Hall featuring a live show and two other local artists.

Album Development \$2000

The recording of an original album by Kiama resident Kevin Sullivan featuring 10-12 songs, one being about Kiama, in a professional recording studio with session musicians. Funding condition, that session musicians be Kiama based musicians where practical.

Kiama Arts Scene Podcasts \$3,000

The project will comprise of 10 podcasts hosted, recorded and produced by local comedian Jack Druce and a variety of artists including visual media, musicians and writers from the Kiama LGA.

Youth Arts Scholarships:

Kiama Young Musicians Ensemble \$1000

To bring in guest tutors to run workshops that enhance high level orchestral skills and participation in the Sydney Symphony Orchestra Playerlink experience.

Olivia Deans \$1000

To attend workshops at the Wollongong Art Gallery in areas such as pastels, painting and sculpting, alternatively, weekend workshops in print making, painting and drawing through ARTEST.

Item 2 contd.

Arts Honour Roll

Honour Roll Policy

Two (2) changes are made in the revised policy document:

1. Amended wording of the definition of Kiama resident. This change does not change the original meaning of the definition, but merely seeks to clarify the original intent.
2. Changes to the time frame in the assessment process, giving additional time to complete the process.

Nomination Form and Selection Criteria

The selection criteria has been reduced from four (4) to three (3) with an explanation of the type of information required included. More information regarding eligibility has been included and more clearly displayed.

An assessment tool that includes a quantitative and qualitative process similar to that used in human resource interview processes has also been adopted.



Fiona Whittaker
A/Director of Community Services

REPORTS FOR INFORMATION

Submitted to the Ordinary Meeting of Council
held on 18 March 2014

1 Jamberoo Valley Shared Pathway – Swamp Road to Jamberoo (ADEW) Letters from Illawarra Bicycle User Group and Kiama Bicycle User Group

Council is in receipt of a letter from the Illawarra Bicycle User Group Inc., regarding the extension of the Swamp Road to Jamberoo cycleway.

An extract from the letter from the Illawarra BUG is as follows:

“On behalf of the Illawarra Bicycle Users Group I would like to extend our sincere congratulations to Kiama Council for implementing the extension to the shared path network towards Jamberoo.

The Illawarra Bicycle Users Group is a group of local cyclists, predominately from Wollongong and Shellharbour, supporting and promoting cycling in all its forms as a sustainable way to improve the wellbeing of our community and reducing our environmental footprint.

Our members, friends and families often use the cycling facilities provided by Kiama Council as a way of enjoying the scenery, improving our wellbeing and helping to sustain the coffee shops and other business along the way.

We have been pleased to see work start on the extension of the shared path to Jamberoo along Swamp Road in early February. We consider that Kiama Council and those involved in processing the Swamp Road Cycleway deserve our sincere congratulations!

We believe that it’s important to have safe cycleways available for all the community and particularly so for our young and inexperienced riders. The Swamp Road Cycleway will certainly be a fantastic addition to cycling infrastructure in our area helping to attract visiting cyclists in addition to the large number of locals using the route.

We know from our own experience and involvement in events such as BNSW Discovery Weekends that the availability of safe cycling routes is a key community resource. Safe cycling routes assist to promote tourism opportunities, which provide economic benefits for the whole community. These factors are things which we value highly and which we strongly support in our local area.

Once again, congratulations to Council and those involved in turning dreams into reality.”

An extract from the letter from the Kiama BUG is as follows:

I write to you on behalf of Kiama Bicycle User Group, in support of the Swamp Road Cycleway and to congratulate Kiama Council for implementing this important infrastructure initiative.

Item 1 cont'd

I should mention that Kiama BUG is a not-for-profit organisation representing well over 100 cyclists within the Kiama and the Illawarra and is an affiliated member of Bicycle NSW. Many of our cyclists use the local cycling infrastructure and facilities in the area on a daily basis. Of course, our primary focus is to promote safe cycling in all its forms as a way of improving the health and wellbeing of our communities. Our objectives align with the government's objectives of increasing active transport, such as cycling and walking, as an important part of the transport mix in NSW. We are aware of the improvements this can bring to the health of our citizens and to the wellbeing of those in our communities.

We note that the first week in February marked that beginning of construction work on the Swamp Road Cycleway. We consider that Kiama Council and those involved in progressing the Swamp Road Cycleway deserve our sincere congratulations! Kiama BUG is particularly pleased with the pragmatic decision by council to get on with the cycleway even though alternate routes held favour. We believe that it's important to have safe cycleways available for all the community and particularly so for young and inexperienced riders. The Swamp Road Cycleway will certainly be a fantastic addition to cycling infrastructure in our area.

We know from our own experience and involvement in events such as BNSW Discovery Weekends that the availability of safe cycling routes is a key community resource and asset. Safe cycling routes assist to promote tourism opportunities, which provide economic benefits for the whole community. These factors are things which we value highly and which we strongly support in our local area.

Once again, congratulations to Council and those involved in turning dreams into reality."

For the information of Council.

2 Kiama Walking Tracks and Cycleway Committee (ADEW) Minutes

The minutes of the Kiama Walking Tracks and Cycleway Committee meeting held on Wednesday 12 February 2014 are enclosed in Councillors' envelopes.

3 Kiama Road Safety Steering Committee (ADEW)

The minutes of the Kiama Road Safety Steering Committee meeting held on Wednesday 12 February 2014 are enclosed in Councillors' envelopes.

4 Kiama CBD Liquor Accord – Minutes (ADEW)

The Kiama Liquor Accord Ordinary Meeting was held at the Gerroa Boat Fishermans Club, Gerroa on Wednesday 19 February 2014. The Minutes from the meeting are enclosed in Councillors' envelopes.

5 Kiama Harbour Works Program (ADEW) Community Development Grant

Council will recall a recent report on the reallocation of the \$400,000 grant funding previously provided under the Regional Development Australia Program for the above project.

The newly elected Federal Government established a new program known as the Community Development Grants program and required Councils to confirm that there were no changes to the previously negotiated funding agreement before approving the reallocation of approved funding.

In Kiama's case, changes occurred with the cost estimates for the Western Pier Head which was to be partially funded by the grant and as such Council resolved to make application to the Department of Infrastructure to allocate the funding to other projects within the Schedule of Works including the new amenities building at the Rock Pool.

Council staff have since negotiated with the Department staff and received notification that the full \$400,000 originally approved will be allocated to the project.

A funding agreement is to be prepared prior to commencement of the works which are scheduled in the last quarter 2013/14.

6 Riverside Drive Kiama Downs (ADEW) Traffic Management

At Council's meeting of 4 February 2014, Councillor Rice requested a report on progress of negotiations with the NSW Roads and Maritime Services on the completion of a proposed roundabout and pedestrian crossing in Riverside Drive, Kiama Downs.

As background on this matter, in early 2007 Council developed and placed on public exhibition a conceptual integrated traffic management plan for Riverside Drive. A proposal of this scheme was the construction of new roundabouts at the intersection of Riverside Drive/Oxley Avenue and Riverside Drive/Meehan Drive to replace the existing traffic signals at the latter.

However advice received from the former NSW Roads and Traffic Authority (RTA) indicated they would not be supportive of the replacement of the existing traffic signals with a roundabout, as pedestrian movements would not be controlled and a refuge arrangement would be required on all approaches.

The existing traffic signals provide a higher level of safety for pedestrians from the existing pedestrian controls, which is especially relevant considering the number of school aged children who use this crossing point when accessing the school, shops and beach.

Item 6 cont'd

Nevertheless, Council is again reviewing the intersection design which may include the removal of the traffic signal lights and restoration of a channelised intersection, along with the roundabout at Oxley Avenue and Riverside Drive intersection, in conjunction with a pedestrian crossing between Oxley Avenue and Meehan Drive. At present Council has allocated funding in its Delivery Program for 2014/15 to complete this work. Apart from approval of the final design by the Kiama Local Traffic Committee, the only negotiations with the RMS would be in relation to co-ordinating the removal of the existing traffic signals.

In terms of recent media reports on traffic speeds in Riverside Drive, while the above works are expected to result in reduced traffic speeds in this area, the setting of posted speed limits on all roads within NSW is the authority of the RMS.

7 Regional Development Australia Illawarra – CEO’s Report (DCCS)

The Regional Development Australia Illawarra CEO’s Report for February 2014 is enclosed in Councillors’ envelopes.

8 Kiama Floodplain Management Committee – Minutes (ADEW)

The Kiama Floodplain Management Committee meeting was held in Committee Room 1, Council administration building on Friday 28 February 2014. The Minutes from the meeting are enclosed in Councillors’ envelopes.

**9 South Precinct Meeting
Minutes**

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

10 Regional Development Australia Fund (GM)

Council has received a letter from the Federal Member for Gilmore, Ms Ann Sudmalis MP in relation to the funding of the Gerringong School of Arts, Gerringong Library, Museum and Community Facility. An extract from her letter is as follows:-

“Thank you for taking the time to contact me regarding your concerns with the Federal Government's decision regarding funding under the Regional Development Australia Fund.

Like you, I too am disappointed to read the outcome of the well supported community project application for the Gerringong School of Arts, Gerringong Library, Museum and Community Facility.

Item 10 cont'd

Whilst I feel let down that the community will not benefit from this project in the immediate future, I have no hesitation in providing my support should Council choose to apply again under the National Stronger Regions Fund in 2015.

Unfortunately, as the Chief of Staff has advised these projects promised by the previous Labor Government were unfunded. A central part of our Government's plan for a stronger economy is getting the Budget under control and whilst this project is declined at this time, there is every likelihood that it may be successful next year.

Once again, I apologise for the current result, but look forward to supporting your application in 2015."

11 Summer Bus (GM)

Council has received a reply from the Member for Kiama, Mr Gareth Ward MP in relation to Council's concern regarding the removal of funding by the State Government towards the Summer Bus. An extract from his letter is as follows:

Thank you for taking the time to contact me expressing concern at the removal of funding by the State Government towards the Summer Bus.

I agree that the Summer Bus is a necessity for ensuring people get home safely, without feeling compelled to drive over the alcohol limit, or being coaxed into anti-social behaviour.

I enclose a copy of a letter I have forwarded to the Minister for Roads and Maritime Services and will contact you as soon as a response is received.

Once again, thank you for taking the time to contact me and if ever I can be of assistance in relation to this or any other matter, I would be delighted to help in any way I can.

A copy of the letter forwarded by Mr Gareth Ward MP to the Minister for Roads and Ports the Hon Duncan Gay MLC has been circulated to Councillors.

12 CCTV Cameras (GM)

Council has received a reply from the Member for Kiama Mr Gareth Ward MP in relation to proposed legislative changes to allow the Kiama Municipal Council's CCTV cameras to be accessed by NSW Police. An extract from the letter is as follows:-

"Thank you for taking the time to contact me regarding legislative changes to allow the Kiama Municipal Council's CCTV cameras to be accessed by NSW Police.

Item 12 cont'd

I enclose correspondence I have received from the Hon. David Clarke MLC, Parliamentary Secretary for Justice who has informed me that legislative amendments are not required to create a system of sharing information gathered by the Council. The Parliamentary Secretary has suggested creating an agreement between the Kiama Municipal Council and the NSW Police Force that would ensure appropriate operating procedures and protocols.

After having had the opportunity to review the Parliamentary Secretary's remarks, please don't hesitate to contact me again. I would be more than happy to seek further clarification from the Minister or seek answers to any relevant questions you may have.

Once again thank you for taking the time to contact me. If I can ever be of any assistance in the future, please do not hesitate to contact me."

A copy of the letter forwarded to the Member for Kiama from the Hon David Clarke MLC, Parliamentary Secretary for Justice has been circulated to Councillors.

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

The Australian Local Government Association has written to Council advising that the 2014 National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra from 15-18 June 2014. Councils are invited to participate in the 2014 NGA by submitting a motion for consideration.

The call for motions is under the theme "Getting Down to Business". This theme reflects the renewed focus across all levels of government on the roles and responsibilities of the public sector and the challenges of meeting our communities' needs.

To be eligible for inclusion in the NGA Business Papers motions must meet the following principles:-

- 1) Fall under the NGA theme;\
- 2) Be relevant to the work of local government nationally; and
- 3) Complement or build on the policies of state and territory local government associations.

To assist councils in preparing motions, a Discussion Paper has been prepared, a copy of which has been circulated to Councillors. It is also available on the ALGA website at www.alga.asn.au.

Motions are to be received by the ALGA no later than 17 April 2014.

It is suggested that Council determine motions to be submitted at the March Council meeting.

14 Youth Advisory Committee (A/DOCS) Minutes

The minutes of the Youth Advisory Committee meeting held on 5 February & 5 March 2014 are included in Councillors' envelopes.

15 Timebanking (A/DOCS)

Council is advised of an information session held at North Kiama Neighbourhood Centre by NSW Office of Communities - Volunteering, to promote opportunities to establish local Timebanking centres.

Timebanking is an initiative of NSW Government that has been established to:

- Recognise and support the 6 million Australians who volunteer to support their communities.
- Promote and assist the vital social and community functions that are provided voluntarily.
- Address the declining number of volunteer hours donated per volunteer.
- Manage the volunteer sector and activities in a 21st century style.

Timebanking is a web-based system that allows an exchange of voluntary hours where each volunteer gets to choose when, where, for how long and with whom they volunteer.

Volunteers register on-line with Timebanking.com.au and identify the activities that they are able to provide. At the same time the volunteer can register specific tasks that they would like a volunteer to do for them. Registered members can then independently contact another member and discuss how one can assist the other with that voluntary task.

The Timebanking system can also support most varieties of volunteering such as sports team organisers, community gardeners, surf life savers, emergency volunteers, meals on wheel deliverers, Men's Shed leaders and school canteen parents.

By registering the hours that they are already doing, they can then exchange these for some help to ensure they can continue their own volunteering, for example lawn mowing, window washing, dog walking or homework coaching. Alternately hours can be given to the local 'community chest' of hours that the local Timebanking coordinator may use to assist those who aren't able to generate volunteer hours themselves.

A Timebanking trial was conducted in Hunter, Newcastle, Central Coast and Lake Macquarie areas in 2013. It attracted 4,100 members and 8,400 hours of voluntary service were traded. NSW Department of Communities is now looking to extend the concept to 30 additional communities including the Illawarra area.

Item 15 cont'd

Illawarra based neighbourhood centres and some community services have expressed initial interest in becoming a Timebanking Hub for Kiama.

If established, a Kiama Timebanking Hub has the potential to re-develop local neighbourliness, increase the sharing of skills across generations and to give practical recognition to the importance of volunteers to our local community and economy.

More web-based information on the NSW Timebanking initiative is available on <http://www.volunteering.nsw.gov.au/volunteers/timebanking>

16 Kiama Library Opening Hours (A/DOCS)

A question was raised at the Youth Engagement meeting held in November 2013 in regards to the opening hours of the library. Kiama Library's current operational hours are 9.30am to 5.30pm Monday, Wednesday, Thursday and Friday, 9.30am to 8pm on Tuesday and 9.30am to 2pm on Saturday. The 9.30am start is consistent with other libraries in the Illawarra and achieves the standard required by the State Library of NSW.

Consultation with the Kiama High School Librarian has confirmed that students are able to access the Kiama High School library from 8.30am weekday mornings and the Librarian is available to help students with their reference and internet needs. Kiama Library will continue to provide support to Kiama High school students through the HSC information seminars held in February and March each year and the 'HSC lock in' scheduled for early October 2014.

**17 Kiama Family History Centre (A/DOCS)
The Family, Local and Social History Expo**

The Kiama Family History Centre will be celebrating their 25th anniversary with a Family, Local and Social history expo on Saturday 12 of April 2014. The free expo will be held from 9.30am until 4pm at The Pavilion, Kiama. Family History and Historical societies from across NSW will be participating in the event including the Fellowship of First Fleeters, Shoalhaven Historical Society and Convict Connections Group. Many of the organisations will help people find out more about their family history or history about a specific area.

Walking tours of Kiama will also be conducted throughout the day and well-known genealogist Cora Num and Gail Davis from State Records NSW will be guest speakers at the event.

**18 Kiama Library (A/DOCS)
VALA 2014 Conference**

Michelle Hudson presented a paper titled *The library of the future: Kiama Library and the NBN* at the VALA 2014 conference in Melbourne on the 4 March 2014. The session theme was Near Futures and other speakers included Warren Cheetham from City Libraries Townsville reporting back from his VALA Travel Scholar. Warren visited many libraries in the United States investigating how libraries use high speed broadband to deliver library programs. Warren's report tied in well with the Kiama Library presentation on how the library delivered the Digital Hub project and the different programs the library supported during the last 2 years. The final presentation by Tom Denison from Monash University gave an overview of his research project which explored the impact Digital Hubs had made on their communities. The peer reviewed papers from the Near Futures session are available from the VALA website <http://www.vala.org.au/vala2014-conference-programme>

**19 National Youth Week 2014 (A/DOCS)
What's on in Kiama**

National Youth Week runs from 5 April 2014 to 13 April 2014 this year. The Kiama Youth Centre has organised a range of programs and activities for young people between the ages of 12 – 24 years.

Youth Week in Kiama will commence with a celebration of the Youth Centre's 20th anniversary with a concert at the Kiama Pavilion featuring local musicians on Saturday 5 April 2014. The 20th anniversary concert has been organised by the Youth Centre's Event Management Committee. This committee comprises a group of young people who have a passion for music and creating events aimed at showcasing local talent. The Event Management Committee applied for funding to stage the event and was successful in obtaining \$2500 from MusicNSW's Indent program. The 20th anniversary concert will commence at 10.30am and finish at 5.30pm. 15 local performers have been provided an opportunity to perform and the concert will be streamed live via the Youth Services facebook page. This will ensure that any young people who are geographically isolated can also be involved in this event.

Another feature of the Youth Week program is the 4th annual skateboard competition on 12 April 2014 from 9am to 5pm at the Kiama Skate Park. This event is held in conjunction with Sydney Regional Skateboarders Association and regularly draws big crowds with its mix of extreme sport, music and a family friendly atmosphere.

For the second year running the 'Youth Week' Cup will be presented to a local sporting team. Last year the cup was awarded to the Kiama Knights under 15's Rugby League team. This year the Gerringong under 14's Netball team will be involved by helping to promote the amazing talent and representation young people have in the sporting community. Youth services are currently working with the team to identify ways that we can support and sponsor their game.

Item 19 cont'd

This year will also provide an opportunity for a local student from Kiama High School to 'Shadow the Mayor'. The aim of this program is to provide an insight into the role of the Mayor and how Local Government works. This was extremely successful last year, with the student involved stating that it was a great opportunity and she valued the experience.

More information on all Youth Week programs and events can be found on Councils website and through the Kiama Youth Services facebook page.

**20 Health & Sustainability Committee (A/DOCS)
Minutes**

Minutes of the Health & Sustainability Committee meeting held on 27 February 2014 are included in Councillors' envelopes.

**21 Kiama Access Committee
Minutes**

Minutes of the Kiama Access Committee meeting held 7 February 2014 are included in Councillors' envelopes.

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

Council has for some time been working closely with local businesses on ways to assist them to optimise the benefits of having NBN access. Council in conjunction with the Kiama Community College, Enterprise Connect, The Smith Family and University of Wollongong have developed The Digital Champions program and as part of this have implemented "iUnivariate". The "i" is for innovation which is the top priority for both students and business representatives taking part in the program.

Late last year, expressions of interest were sought from local businesses to take part in this project and in October 2013 an information session was held with twelve businesses taking part. The challenge for the businesses was to identify a problem that required an innovative solution utilising digital technology. The program entailed teams of six students from a variety of faculties and backgrounds who work together to develop innovative solutions for that business.

As a result of the information session and subsequent application process, three local businesses were selected to take part in the program. Droppoint, Burnett Trees and Kiama Council submitted applications outlining their business challenges and identified outcomes desired from the program. The business proposal needed to be complex enough to challenge the multi disciplinary students, and to result in real life business exposure to enhance the student graduate experience.

Item 22 cont'd

Earlier this month, seven teams of students embarked on a crash course in finding solutions to these challenges. The students faced the test of becoming a working team, to use their research skills and to deliver workable achievable recommendations for the organisations that they were matched with - all in a time frame of four weeks.

On the 28 February, the three participating businesses were presented with a business report with recommendations developed from each iUnivariate team as a response to the business challenge set at the beginning of February by each business. The businesses then selected a winner based on the best presentation and report based on criteria such as:

- innovation
- usability
- understanding of the organisations needs and budgetary constraints
- graduate capabilities and professionalism
- presentation
- report quality

An announcement and presentation of winners was made with comments given by each individual business as to the reasons for their choice. The results were overwhelmingly positive with all three organisations receiving high quality innovative solutions to their business challenges that are all capable of being implemented in the short term. One business was so impressed with the outcome that they predicted that additional employment opportunities were likely to eventuate.

The business problem that council was seeking a solution for was to research, critically evaluate and make recommendations as to the most appropriate form of feedback platform available to council, taking into account:

- input from a range of mediums including hard copy, online and social media
- efficient and effective reporting capabilities
- cost effective way to measure the performance of various business units and sections under one surveying option.

The outcome for Council was an innovative system of potential survey and feedback options which officers are currently evaluating.

The students were equally thrilled and grateful for the opportunity to work closely with businesses, and to also develop their presentation skills and receive meaningful feedback on their performances.

The iUnivariate program was an excellent example of collaboration between many diverse stakeholders and the private sector that resulted in a win-win for all parties involved.

23 Economic Development (DCCS) International Women's Day Breakfast

On Thursday 6 March Council held an International Women's Day Breakfast at The Pavilion Kiama. The event was organised by Council in partnership with Inspiring Women's Network Kiama and Business in Heels Illawarra. The theme for 2014 International Women's Day was "Inspiring Change". The aim of International Women's Day is to encourage advocacy for women's advancement throughout the world and calls for women to challenge the status quo for women's equality and to inspire positive change.

The cost to attend the breakfast was \$15.00 and there were 73 women in attendance to hear two guest speakers motivate and inspire the audience. Annalisa Haskell CEO of the Local Government Managers Australia NSW, spoke about the importance of making positive career choices and to have the courage to make difficult and forceful decisions about your career, and to think outside the square to achieve your goals.

Jodie Cooper, Life Coach, Author and motivational speaker, spoke about the "positivity of change", and the importance of positive thinking and goal setting. The event MC was Candice Hazeltine, a radio announcer and creative writer with 2ST who spoke of her journey to become a radio announcer, and sometimes having to take a backward step to get ahead in your chosen field.

The event was well supported with many local sponsors and local businesses who donated lucky door prizes.

24 State of the Environment Report (SoE) (DES)

At its meeting held on 4 February 2014 a question without notice was asked by Councillor Sloan requesting an update on the drafting of the SoE Report and when a draft is due to be released.

The next State of the Environment Report is due to the Division of Local Government, Department of Premier and Cabinet by 30 November 2016 for the period covering the financial years 2012/13 – 2015/16. This is in accordance with Section 428A of the Local Government Act:

"S428A State of the environment reports

- (1) The annual report of a Council in the year in which an ordinary election of councillors is to be held must include a report (a state of the environment report) as to the state of the environment in the local government area in relation to such environmental issues as may be relevant to the objectives for the environment established by the community strategic plan (the environmental objectives)".*

25 Minnamurra River - Dogs (DES)

At its meeting held on 4 February 2014 a Question without Notice was asked by Councillor Steel requesting a report on the considerations required to rescind the current prohibition on dogs swimming in nominated areas of the Minnamurra River.

The Plans of Management for Minnamurra River Reserves (Community Land) and the Minnamurra Headland Reserve Plan of Management as adopted by Council, list certain prohibited activities. These activities have been identified as those which may be damaging, disruptive and/or present a danger to either users of the reserve or neighbouring properties.

Under these Plans of Management a dog is not permitted in the following places, whether or not they are leashed or otherwise controlled:

- Within 10 metres of any playing apparatus provided or part for the use of children;
- Within 10 metres of any apparatus provided for the preparation or consumption of food by humans.
- Public bathing areas including a beach that Council has ordered that dogs are prohibited and upon which there are signs notifying the Council order of prohibition.
- Any areas provided or set aside for public recreation or the playing of games that Council has ordered that dogs are prohibited and upon which there are signs notifying the Council order of prohibition.

Council must also consider any activities that will affect public safety of users of the reserve, and consider any specific legislation including the conservation of wetlands, wildlife and threatened species. The Crown Lands area from James Holt Reserve around to Trevethan Reserve, is designated State Environmental Planning Policy (SEPP) 14 Wetlands. South of James Holt Reserve to North Street Reserve there are a number of pockets of Mangroves below the high water mark, and sea grass beds on the sand/mud flats out to the main channel, which are exposed at low tide. The Council reserve is covered by Minnamurra River Reserves Community Land Plan of Management. James Oates Reserve and Minnamurra Headland are covered by the Minnamurra Headland Plan of Management.

The Killalea State Recreation Reserve, covering the northern side of the Minnamurra River, referred to as the spit, has a large patch of regionally significant vegetation and habitat which could support threatened flora and/or fauna. As this area is readily accessible to members of the public from the Minnamurra side of the river, the Killalea State Park Trust and Management would need to be included in the discussion around the impacts of any proposed changes.

In regard to Minnamurra River, Council's responsibility extends to the low water mark. Therefore consultation with other applicable government authorities such as the RMS and the Trades and Investment Crown Lands Department will be required.

Item 25 cont'd

The process involved to vary any Plans of Management include a Council resolution to proceed to vary the Plan, followed by a formal public consultation process, including relevant State agencies, before final determination is made on the matter. It would be recommended that the views of State agencies be sought prior to initiating any formal process.

It is also appropriate to refer this matter to Council's Companion Animals Management Committee.

26 Commercial Centres and Community Safety Committee – Minutes (DES)

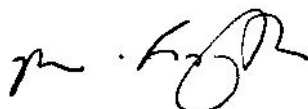
The minutes of the Commercial Centres and Community Safety Committee Meeting held on 11 February 2014 are enclosed in Councillors' envelopes.

27 Hearing Loop – Council Chambers (DCCS)

At the Ordinary Meeting held on 4 February 2014 Councillor Seage requested a brief report on the installation of a hearing loop in the Council Chambers.

Officers have investigated the matter and advise that a hearing loop can be installed without significant difficulty. Funding for the installation is included in the draft 2014/2015 budget.

Council is awaiting final approval from the Australian Government on the expenditure of Digital Local Government grant money towards the upgrading of the chamber's audio and visual equipment to allow for real time public access/engagement and live streaming of meetings. Pending this approval the upgrading of the chamber may be completed this financial year. The company or companies undertaking the upgrade will have the capacity to install the hearing loop as an integral part of that work.



M Forsyth
General Manager

CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 18 March 2014

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

PROCEDURE

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

CONFIDENTIAL REPORTS

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

Reason for Confidentiality: Under Section 10A(2)(d) of the Local Government Act 1993, it is considered the commercial information contained in this report is of a confidential nature that would, if disclosed;

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

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

Reason for Confidentiality: Under Section 10A(2)(d) of the Local Government Act 1993, it is considered the commercial information contained in this report is of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret.

3 Gerringong Town Hall Roof Replacement

Reason for Confidentiality: This matter deals with commercial information of a confidential nature as per Section 10A(2)(d) of the Local Government Act. Issues placed before Council include details of tender prices under negotiation and which may prejudice the commercial position of the persons who supplied it. The report is proposed for a closed committee because the information contained in this report is confidential commercial information.

CONFIDENTIAL MAYORAL MINUTE

1 Kiama Tourism

Reason for Confidentiality: The subject report concerns possible litigation and as such is proposed for closed committee as per Section 10A(2)(g). The matter is proposed for closed committee because the information contained therein is confidential legal advice.

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

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals as per Section 10A(2)(a) of the Local Government Act. The issues to be discussed are the review of the performance agreements for the Executive staff. The report is proposed for closed committee because it relates directly to staff issues affecting only the particular individuals concerned.