



ORDINARY MEETING OF COUNCIL

To be held at **5pm** on

Tuesday 18 November 2014

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

11 November 2014

To the Chairman & Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers** on **Tuesday 18 November 2014** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Bryan Whittaker', with a horizontal line extending to the right.

Bryan Whittaker
Acting General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 18 NOVEMBER 2014**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Mayor's Giving Tree - Support for Local Children

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council endorse the 2014 Mayoral Giving Tree Appeal.

REPORT

Each year the Mayor of Kiama has a "Giving Tree" for children at Christmas. Residents and organisations are invited to place Gifts for children from 0 – 14 years under the tree which are distributed to local Children for Christmas.

In past years, this expression of support from our Municipality, particularly for those in our community who may not be able to fully celebrate Christmas, has been both strong and enthusiastic.

I would like to express my appreciation for that support and hope that, with the help of our charities, voluntary organisations and individuals, we can again bring some Christmas joy to many who may otherwise miss out.

Gifts may be left under the "Giving Tree" situated in the Kiama Library and the foyer of the Council Chambers. We hope this year, once again, the residents of Kiama will support this project which benefits many children in our community.

I will be at the Council Chambers on 26 November 2014 between 11.30am and 12.30pm to personally receive gifts or they can be placed under the trees at anytime from Monday 10 November to Thursday 11 December 2014. It would be appreciated if the gifts were not wrapped, as they need to be sorted into age groups for distribution.

If every organisation in the area can give just one present many children in the Kiama area will enjoy and share the happiness of Christmas, which they might not otherwise do.

7 MINUTES OF COMMITTEES

Nil

8 PUBLIC ACCESS REPORTS

Committee Of The Whole

RECOMMENDATION

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

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

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Removal of Restriction-as-to-User - Lot 244 DP 263906 Barton Drive Kiama Downs

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report considers a request to remove a restriction-as-to user from a Section 88B instrument affecting the subject property

Finance

N/A

Policy

N/A

Attachments

1 Section 88B Instrument

Enclosures

Nil

RECOMMENDATION

That Council

- 1) Council support the release of the second restriction-as-to-user identified within the Section 88B Instrument attached to Deposited Plan 263906.
- 2) All costs associated with the removal of the restriction-as-to-user from the 88B Instrument be borne by the owner of the subject property.
- 3) Council contact the owners of Lots 245 to 247 inclusive in DP 263906 to provide advise that Council would give favourable consideration to a formal request made by them to release the second restriction-as-to-user identified in the Section 88B Instrument attached to Deposited Plan 703905 provided they met all costs associated with the removal of the restriction-as-to-user from their Section 88 Instrument.

BACKGROUND

Council at its meeting of 26 June 2012 considered a report to remove a restriction as to user on an 88B instrument on a property in Barton Drive imposed to restrict development within a buffer zone between that property and the Bombo quarry. The restriction is worded as follows:

Report of the Director Environmental Services

9.1 Removal of Restriction-as-to-User - Lot 244 DP 263906 Barton Drive Kiama Downs (cont)

“That no dwelling house, garage or outbuilding shall be erected on that part of the land burdened provided that this restriction shall not preclude the construction of a tennis court, swimming pool or barbecue upon the land.”

The report noted that as the Kiama Bypass now separates the quarry from this property there was no substantive reason for its continuance.

It was also recognised that a number of other properties were affected by the same restriction and the matter was therefore resolved as follows:

- “1) *Council support the release of the second restriction-as-to-user identified within the Section 88B Instrument attached to Deposited Plan 703905.*
- 2) *All costs associated with the removal of the restriction-as-to-user from the 88B Instrument be borne by the owner of the subject property.*
- 3) *Council contact the owners of Lots 315 to 326 in DP 703905 to provide advise that Council would give favourable consideration to a formal request made by them to release the second restriction-as-to-user identified in the Section 88B Instrument attached to Deposited Plan 703905 provided they met all costs associated with the removal of the restriction-as-to-user from their Section 88 Instrument.”*

A request has now been received from the legal representatives for the owners of Lot 244 No 56 Barton Drive Kiama Downs to have a similar restriction removed from the 88B instrument affecting their property. Their property is located in DP 263906 and was therefore unintentionally excluded from the previous report even though the circumstances affecting the property are identical.

There are also three (3) other properties within DP 263906 that would also benefit from the removal of the restriction and should also therefore be contacted in similar terms to the previous notification.

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Item 9.1

Attachment 1

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER REFERRED TO IN CERTAIN PROVISIONS OF SECTION 88B OF THE CONVEYANCING ACT, 1919.

FRAM: DP 263906
Subdivision covered by Council
Certificate No. 3
of 1983.

PART 2

Terms of Restrictions as to User Fully
Referred to in the Incorporated Plan

That no dwelling house, garage or outbuilding shall be erected upon the lot, nor shall any other building be erected upon the lot, nor shall any pool or barbecue be erected upon the lot.

NAME OF PERSON EMPowered TO RELEASE VARY OR MODIFY THIS RESTRICTION AS TO USER

The Council of the Municipality of Kiama.

Terms of easement for electricity supply & wide
divulged referred to in the incorporated plan

An easement for the transmission of electricity and for that purpose shall all necessary equipment (including transformers and underground transmission mains, wires and cables) together with the right to come and go for the purpose and equipment necessary, installed, maintained and operated by Illawarra Council to enter into and upon the several tenement of any part thereof at all reasonable times and to repair, alter, replace, renew, improve, maintain, upgrade, modify, improve and change the same and to bring and remove thereon or therefrom any materials, machinery, implements and things, provided that the easement shall not be exercised so as to cause any unreasonable disturbance or inconvenience to the several tenement or to the surface of the several tenement and will be exercised in accordance with the original condition.

Terms of restrictions as to user fully
referred to in the incorporated plan

1. That not more than one main building shall be erected or permitted to remain erected on each lot burdened and such main building shall not have an Internal Floor Area (IFA) of more than one hundred and thirty square metres (130 sqm).

2. That no such main building shall be erected or used otherwise than for the purpose of a dwelling house and that the erection of such building shall not prevent the use of part of any such lot for the purpose of a medical practitioner or dentist in the practice of his profession.

This is sheet 2 of 4 Sheet Instrument.

Richard Douglas
Secretary

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND RESTRICTIONS AS TO USER REFERRED TO IN CERTAIN PROVISIONS OF SECTION 88B OF THE CONVEYANCING ACT, 1919.

FRAM: DP 263906
Subdivision covered by Council
Certificate No. 3
of 1983.

PART 2

Terms of Restrictions as to User Fully
Referred to in the Incorporated Plan

10. That no advertisement, hoarding sign or matter of any description shall be erected or displayed on each lot burdened or any part thereof and that no sign shall be erected or displayed on each lot burdened or any part thereof.

NAME OF PERSON EMPowered TO RELEASE VARY OR MODIFY THIS RESTRICTION AS TO USER

11. That no fence shall be erected on each lot burdened to divide it from any adjoining lot or land owned by MINNAMURRA RIVER EYE LIMITED (hereinafter called "Minnamurra") without the written consent of the Council of the Municipality of Kiama and such consent shall not be withheld if such fence is erected without expense to Minnamurra and in favour of any person dealing with the registered proprietor of a lot such as to be shown on the plan being created.

NAME OF PERSON EMPowered TO RELEASE VARY OR MODIFY THIS RESTRICTION AS TO USER

MINNAMURRA RIVER EYE LIMITED (hereinafter called "Minnamurra") is a company registered in the State of New South Wales and is a company controlled by the Council of the Municipality of Kiama and the registered proprietor of any of the land comprised in the said plan contained therein and any person claiming to be the registered proprietor of or proprietor of the land having the benefit of these restrictions.

The Common Seal of MINNAMURRA RIVER EYE LIMITED was hereunto affixed in the presence of:
Secretary



The Common Seal of MILLTON CORPORATION LIMITED was hereunto affixed by the authority of the Board of Directors in the presence of:
Secretary

Richard Douglas
Secretary

This is Sheet 4 of 4 Sheet Instrument.

REGISTRATION SECTION GOVT ARCHIVES CENTRE
CASUALTY 18 LECTURE DR. GOVERNMENTS ACT
DATE, LAMARCA 263906 2/27/1983

1. Bruce Richard Douglas, Under Secretary for Lands and
Mines, do hereby certify that this
document is a photograph made as a permanent record of a
document in my custody this day.
2nd February, 1983

FRAME 2

WARNING: Electronic Document Supplied by LPI NSW for Your Internal Use Only

PLAN FORM 2

Signatures and seals only.

REMARKS

1. THIS PLAN OF SUBDIVISION IS A PROPOSED PLAN OF SUBDIVISION AND IS NOT A FINAL PLAN OF SUBDIVISION. IT IS INTENDED TO BE USED AS A GUIDE ONLY AND IS NOT TO BE USED AS EVIDENCE OF TITLE OR INTEREST IN LAND.

2. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE REAL PROPERTY ACT 1900 (NSW) AND THE REAL PROPERTY REGULATION 2017 (NSW).

3. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1995 (NSW) AND THE LOCAL GOVERNMENT REGULATION 2017 (NSW).

4. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE ENVIRONMENTAL PLANNING AND CONTROL ACT 1979 (NSW) AND THE ENVIRONMENTAL PLANNING AND CONTROL REGULATION 2017 (NSW).

5. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE NATURAL HERITAGE ACT 1978 (NSW) AND THE NATURAL HERITAGE REGULATION 2017 (NSW).

6. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE HERITAGE ACT 2017 (NSW) AND THE HERITAGE REGULATION 2017 (NSW).

7. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE WATER ACT 1912 (NSW) AND THE WATER REGULATION 2017 (NSW).

8. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE MINERAL RESOURCES ACT 1989 (NSW) AND THE MINERAL RESOURCES REGULATION 2017 (NSW).

9. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE ELECTRICITY ACT 1998 (NSW) AND THE ELECTRICITY REGULATION 2017 (NSW).

10. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

11. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

12. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

13. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

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15. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

16. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

17. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

18. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

19. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

20. THE PLAN OF SUBDIVISION IS SUBJECT TO THE PROVISIONS OF THE RESTRICTIONS ON SUBDIVISIONS ACT 1968 (NSW) AND THE RESTRICTIONS ON SUBDIVISIONS REGULATION 2017 (NSW).

Item 9.1 Attachment 1

1. Bruce Richard Parker, District Secretary for Lands and Regional General Agent, is the person who has prepared this document in my custody this day.

3rd February, 1983.

9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

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

The report reviews Development Application 10.2014.168.1 which seeks consent for demolition of existing dwelling and erection of a new dwelling and swimming pool. The report recommends that Council refuse Development Application 10.2014.168.1.

Finance

N/A

Policy

The application proposes significant variations to adopted standards in Councils Development Control Plan and these variations are not supported by staff.

Attachments

- 1 Plans
- 2 Assessment Photographs

Enclosures

Nil

RECOMMENDATION

That Council refuse Development Application number 10.2014.168.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 for the following reasons:

1. The building alignment of the proposed development is not consistent with the objectives under Chapter 2 Section 8 Kiama DCP 2012 – “Building Line Setbacks in Context”.
2. The rear building line does not comply with Chapter 2 Section 12 of Kiama DCP 2012.
3. The proposed development is not consistent with the requirement of Control C2 under Chapter 4 Kiama DCP 2012.
4. The proposed development will be sited inappropriately in relation to neighbouring dwellings.
5. The proposed development does not comply with the objectives and controls

Report of the Director Environmental Services

- 9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

of Chapter 2 Section 5 of Kiama DCP 2012 – Maintenance of views and vistas and as such will impact unreasonably on existing views.

- 6 The proposal is not in the public interest.

Applicant: Lisa Papesch Architecture
 Owner: Mr MA Aubin & Miss RA Keen

BACKGROUND

Development site

The property is described as Lot 387 DP 30547 which is located at 78 Johnson Street Kiama Downs. The site is zoned R2 low density residential pursuant to Kiama LEP 2011. The overall site measures 986.42m² in size and is trapezoidal in shape.

The site currently contains a two storey brick veneer dwelling and is bounded by residential land to the north, west and south containing principally single detached dwellings. The allotment backs onto foreshore land to the east and falls approximately 6.6m from the northwest to the southeast.

Description of the proposed development

The proposal involves the demolition of the existing dwelling and erection of multi-levelled contemporary dwelling and swimming pool.

The proposed dwelling would extend approximately 35m down the allotment in an articulated manner. The dwelling has been designed to occupy the wider portion toward the rear of the allotment.

The proposed dwelling incorporates low skillion, broken roof forms and will be finished in recessive earthy colour tones.

Section 79C assessment

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

Relevant Environmental Planning Instruments

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

The site is located within the coastal zone, as defined by SEPP 71. The site is located within a 'sensitive coastal location' as defined by SEPP 71.

The development would not impact upon coastal processes or heritage and would not interfere with foreshore access. The land is situated north of an existing access lane.

Scenic qualities of the coast are not compromised by the proposal as the site is within a long established urban area containing predominantly single dwellings and dual occupancies. There are potential amenity impacts associated with the proposed setback of the development in particular, existing views will be impacted.

Report of the Director Environmental Services

9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

No erosion, sedimentation or encroachment on marine habitat is anticipated.

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

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

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

- Kiama Local Environmental Plan (LEP) 2011

The subject land is zoned R2 low density residential pursuant to Kiama LEP 2011. Dwelling-houses and their ancillary structures are permitted with consent in the zone. The proposal is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

- Clause 4.3 height of buildings - maximum 8.5m vertical distance between the existing ground level and the highest point of the building, including plant and lift overruns. The maximum height indicated will be 7.7m therefore the proposal is consistent with this standard.
- Clause 4.4 floor space ratio - the proposal is consistent with this standard.

Development Control Plan 2012

Site Area	986.42m ²	
Gross Floor Area	381.6m ² – 39% - .39:1	
	Requirement	Proposed
FSR	0.45:1 - Clause 4.4 Kiama LEP	Complies
Height	8.5 metres - Clause 4.3 Kiama LEP	7.7m Complies
Building Height Plane	Section 6 – Ch 2 – Kiama DCP	Complies
2 Storey requirement	12m from FBL - C2 – Ch 4 – Kiama DCP	Non-Compliance; Refer to Assessment
Lot width	> 15 metres - C42 – Ch 4 – Kiama DCP	Complies
Front Building Line (FBL)	6.0 metres - Sect 12 – Ch 2- Kiama DCP	Complies
Rear Setback	Established rear building line of adjoining properties - Sect 12 – Ch 2- Kiama DCP	Non-compliance (Refer to Additional Assessment of Rear Setback)
Side Setback	900 mm (wall) 675 mm (eaves)	Complies

Report of the Director Environmental Services

9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

Colour and material	Sect 18 – Ch2 – Kiama DCP	Complies
Wall articulation	>15m for side walls C7 – Ch 4 – Kiama DCP	Complies
Cut & fill	<900mm external building perimeter C3 – Ch 4 – Kiama DCP	Complies
Private open space	C23 - C29 (inc) – Ch 4 – Kiama DCP	Complies
Car parking	Max 50% of Street elevation - C31– Ch 4 – Kiama DCP	Complies 41%
Storage	2 bed - 8m ³ 3+ bed - 10 m ³	Complies
Drying areas	C 37 & 38 – Ch 4 – Kiama DCP	Complies
Landscaping	33% of area forward of FBL to be landscaped. 25% of the site to be deep soil landscaped C3 – Ch 4 – Kiama DCP	Complies
Overshadowing	C 55 & 56 – Ch 4 – Kiama DCP	Complies
Overlooking	C54 – Ch 4 – Kiama DCP	Complies
Streetscape	C13 & 14 – Ch 4 – Kiama DCP	Complies
View loss	Sect 5 – Ch 2 – Kiama DCP	To be assessed in 79C report”
Kiama LEP 2011 - Clause 4.6 variation	nil	
Kiama DCP 2012 - Section 35 variation	No building line variation sought	
Kiama DCP 2012 - Section 37 variation	Refer to Assessment under Control C 2 under Chapter 4 of Kiama DCP 2012	

- DCP 2012 – Chapter 11 Waste Requirements

A waste management plan was supplied with the application which deals with demolition and construction waste.

- DCP – Chapter 2 Section 6 - Building Height and Amenity

The proposed development complies with all relevant provisions of DCP 2012.

Any matters prescribed by the regulations

- NSW Coastal Policy 1997

The proposed development is consistent with the NSW Coastal Policy, 1997.

Report of the Director Environmental Services

- 9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)
-

The likely impacts of the proposed development

DCP 2012 - Chapter 2 Section 7 – Front Building Lines

The proposal provides for a compliant building line. All car parking has been set back a minimum distance of 6.0 metres from the front property boundary in compliance with Chapter 2 Section 14 and Chapter 4 Section 5 – Garaging/Car parking of Kiama DCP 2012.

DCP 2012 - Chapter 2- Building Lines

The issue of building lines is dealt with extensively in the abovementioned chapter, commencing at Section 8 which provides the overall context and objectives for the maintenance of various building lines.

Section 8 – “Building Lines Setbacks in Context”, provides commentary and a number of objectives to be considered when assessing development proposals. Four of the objectives are felt to be particularly relevant in assessing the subject proposal, ie:

- To protect the amenity of the locality in which the development is situated.
- To protect the established character of a neighbourhood with a consistent view along the street and water frontage to promote an open street and waterscape.
- To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front.
- To prevent unreasonable loss of views

Section 12 of Kiama DCP 2012 deals specifically with rear building lines and states that:

“habitable structures shall be generally sited on the established rear building line of the adjoining development or six (6) metres whichever is the greater; subject to such development having a reasonable economic life.”

The existing dwelling on the allotment complies with the abovementioned DCP requirements and has a setback of approx 20-23 metres, which is generally on a line drawn between the two adjoining properties.

The new dwelling is proposed to be setback an average of 9.4m from the rear boundary. The minimum rear setback of the northeast corner of proposed dwelling is 8.2m and a maximum offset of 10.9m from the south eastern extremity of the subject allotment. Thus it is proposed to extend the proposed dwelling some 12 metres closer to the rear boundary than the existing dwelling.

The subject allotment and the southern adjoining allotment are the most easterly extended allotments in this section of Johnson Street. These allotments are also ‘fan-shaped’, radiating from the curvature of Johnson Street. Consequently these allotments have greater depths extending towards the foreshore than the immediate neighbouring allotments.

Report of the Director Environmental Services

9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

The applicant has not specifically addressed the issue of rear building line nor applied for a variation to the adopted standard. The potential for redevelopment of adjoining dwellings has been considered, however, having regard to the existing setbacks and view corridors achieved by a number of properties in the area, the current proposal is not considered to meet applicable objectives nor the acceptable solution in regard to rear building lines.

Chapter 4, Control C2 of Kiama DCP 2012 provides a further control in that:

“where development greater than single storey is proposed, that component greater than one storey shall be located within 12.0 metres of the applicable front building line:

- Development in excess of one storey beyond this point will be more critically analysed in respect to the amenity impacts on adjoining properties, by the development, with particular reference to the following:
- Maintenance of privacy into the adjoining dwellings and private open space areas
- Access to natural light and/or overshadowing
- Visual bulk
- Treatments to reduce the likely amenity impacts on adjoining properties might include screens, opaque glazing, highlight windows, increased side setbacks, broken roof lines, split floor levels or a general height reduction.
- New development shall comply with the Building Height Plane.

Whilst Control C2 highlights areas of particular reference it is not exclusive to these amenity impacts.

The proposal has two storey elements extending in excess of 30 metres from the front building line, and it is these elements that have the greatest impact on view sharing.

Noise

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No on-going significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

Concerns have been raised by the owners of the southern adjoining dwelling (No. 76 Johnson Street) in relation to privacy loss and overlooking resulting from the positioning of the proposed development.

The distances have been measured on site and reveal that there will be a spatial separation greater than 13m between the proposed southern balcony and the existing cottage at 76 Johnson Street. These allotments are also separated by a 3.5m wide public access track to the foreshore with established trees that would provide some screening from the proposed development.

Report of the Director Environmental Services

9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

The impacts of the proposed development on No 76 Johnson Street in regard to privacy are not unreasonable.

- Overshadowing

The shadow diagrams provided indicate the southern adjoining property will not be overshadowed by the proposed development until 2pm on the shortest day of the year. Therefore the proposed dwelling design will not unreasonably overshadow the southern adjoining dwelling and its private open space (POS). The southern adjoining dwelling & POS will still receive in excess of 3 hours direct sunlight on the shortest day of the year as provided under Chapter 4, Section 3 Control C26 under Kiama DCP 2012.

The existing trees in the front yard of the southern adjoining property, as well as the existing trees along the northern boundary, will cause overshadowing to the southern adjoining property prior to 2pm on the shortest day of the year.

- Views

View impacts have been assessed according to the objections received in regard to this proposed development. More assessment detail on view impacts will be provided for each specific objection received.

The assessment criteria given in Kiama DCP 2012 requires the assessor to define whether the views in question are private or public views, and if private whether "primary" or "secondary". For example, the sea-crevice & rock shelf/ocean interface directly south east of the subject site is considered to be a "private view" for the purposes of this assessment and is enjoyed particularly by the occupants at No. 80 Johnson Street, although other properties do obtain ocean views via the existing open corridor.

When assessing the impact on view, Kiama DCP Chapter 2 Section 5 requires reference to the Planning Principles adopted by the Land and Environment Court. The current view sharing principle is contained in "Tenacity Consulting v Warringah Council (2004) NSWLEC 140". "NSWLEC 140" calls for qualitative assessment when determining the various degrees of view loss expressed as follows - "negligible, minor, moderate, severe or devastating".

The first step according to "NSWLEC 140" for assessing view impact is an assessment of the value of the view to be affected:

"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

In the case of No 80 Johnson Street, the proposed development will obscure a whole, primary view, ie the view is attained from a sitting position in living areas, kitchen and outdoor deck, of the "interface between land and water" – namely the sea-crevice and rocky shoreline directly adjoining the foreshore to the south east.

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9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

This view is currently obtained across their southern side boundary and is highly valued by the occupants of 80 Johnson Street.

Other properties to the north also benefit from this view corridor, however in these instances the views would be more appropriately described as partial.

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

The ‘primary’ view of the sea-crevice and rocky shoreline to the south east are enjoyed by the owners of No 80 Johnson Street and are obtained from the kitchen window, rear deck and lounge room. These views are also obtained across the side boundary of the proposed development site. The existing views east and west across the front rear boundaries would remain unaffected by the proposed development. These views are also obtained from both standing and sitting positions.

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

Assessment of the extent of impact has been considered for the whole of the property, not just for the views that are affected. Whilst some ocean views would prevail if the proposed development was to precede, the majority of the highly valued sea crevice and rocky interface would be lost, estimated to be in excess of 80%. From a qualitative view point it is considered that the loss of this highly value and significant view from No 80 Johnson Street would be classed as a severe loss.

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

The applicant contends that the portion of the proposed building form that obscures the view from No 80 Johnson Street of the sea-crevice is a single storey portion of

Report of the Director Environmental Services

9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)

the dwelling. This portion of the development is elevated and will stand approximately 5.8m above the natural ground level on the northern elevation. Whilst the applicant has argued that this portion of the structure is a single-storey form, Council staff disagrees. Whilst a portion of the built element is single storey with a high under floor area, the building transforms to a clear 2 storey structure as it goes to the south and it is this element that impacts on view sharing.

The proposed development will extend in excess of 30 metres beyond the 6m building line which is a significant non-compliance. Further the proposal is approx 12 metres further east than the building line established by the existing dwelling and adjoining properties. As is interpreted from the Step 4 above; *“Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.”*

Having regard to the above non-compliances and the severe impact on views, this proposal is considered to be unreasonable.

It should be noted that even if a proposal meets applicable planning controls the issue of a “more skilful” design should be considered. In this instance the applicant has a large envelope to work within, and having regard to the slope of the land, may be able to design a lower profile built form that meets relevant objectives.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed. Manoeuvring is compliant with AS/NZS 2890.1 and the driveway will comply with required driveway long sections.

- Stormwater Management

All stormwater will drain to on-site detention, reuse and overflow site disposal in accordance with a hydraulic detail.

- Environmental Impacts

A hydraulic analysis and conceptual stormwater management plan for this development has been received and will have appropriate capacity and is not likely to result in a nuisance to adjoining properties or cause erosion.

Impact on Soil Resources – construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent should be imposed, if consent is granted, in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources.

- Social and Economic Impacts

The proposed development will have minimal social or economic impacts. The amenity impacts of the proposed development have been considered in detail and concerns raised in submissions warrant recommendation for refusal of the application.

The sustainability of the site for the development

The site attributes are considered to be conducive to development.

Report of the Director Environmental Services

- 9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)
-

Submissions received

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, 5 submissions were received.

Since the initial neighbour notification period the applicant had already responded to an additional information request that included plan revisions that warranted that additional neighbour notification should be undertaken. The recent objections generally remain unchanged with the exception of No's 76 and 79 Johnson Street where further objections are noted.

The following summarised concerns were raised in submissions:

Item 1 - View Loss

Comment - Assessment has concluded that in relation to No.80 Johnson Street, the view impact of the proposed development will be 'severe' where as the impact on the other objectors has been assessed as 'minor'.

Item 2 - Excessive Length - Unacceptable rear setback

Comment - This matter has been assessed in regard to the context of the allotment depth, allotment shape and development expectation of this land. The subject allotment allows a dwelling design that steps down with the contours of the site. This proposal has opted for a comparatively very long building, which does not comply with DCP objectives and impacts severely on existing views.

Item 3 - Proportion and Height

Comment - The proposed development has been assessed to have an FSR of 0.39:1 and significantly complies with height requirements under Kiama DCP 2012 and Kiama LEP 2011.

Item 3 - Privacy Loss

Comment - Assessment of privacy loss revealed that there will be sufficient spatial separation between buildings. The subject allotment is separated by a 3.5m wide public access track to the foreshore with established trees that would provide some screening from the proposed development. The impacts of privacy loss on adjoining properties are not unreasonable.

Item 4 - Solar Impact

Comment - The shadow diagrams provided indicate the southern adjoining property will not be overshadowed by the proposed development until 2pm on the shortest day of the year. Therefore the proposed dwelling design will not unreasonably overshadow the southern adjoining dwelling and its private open space (POS).

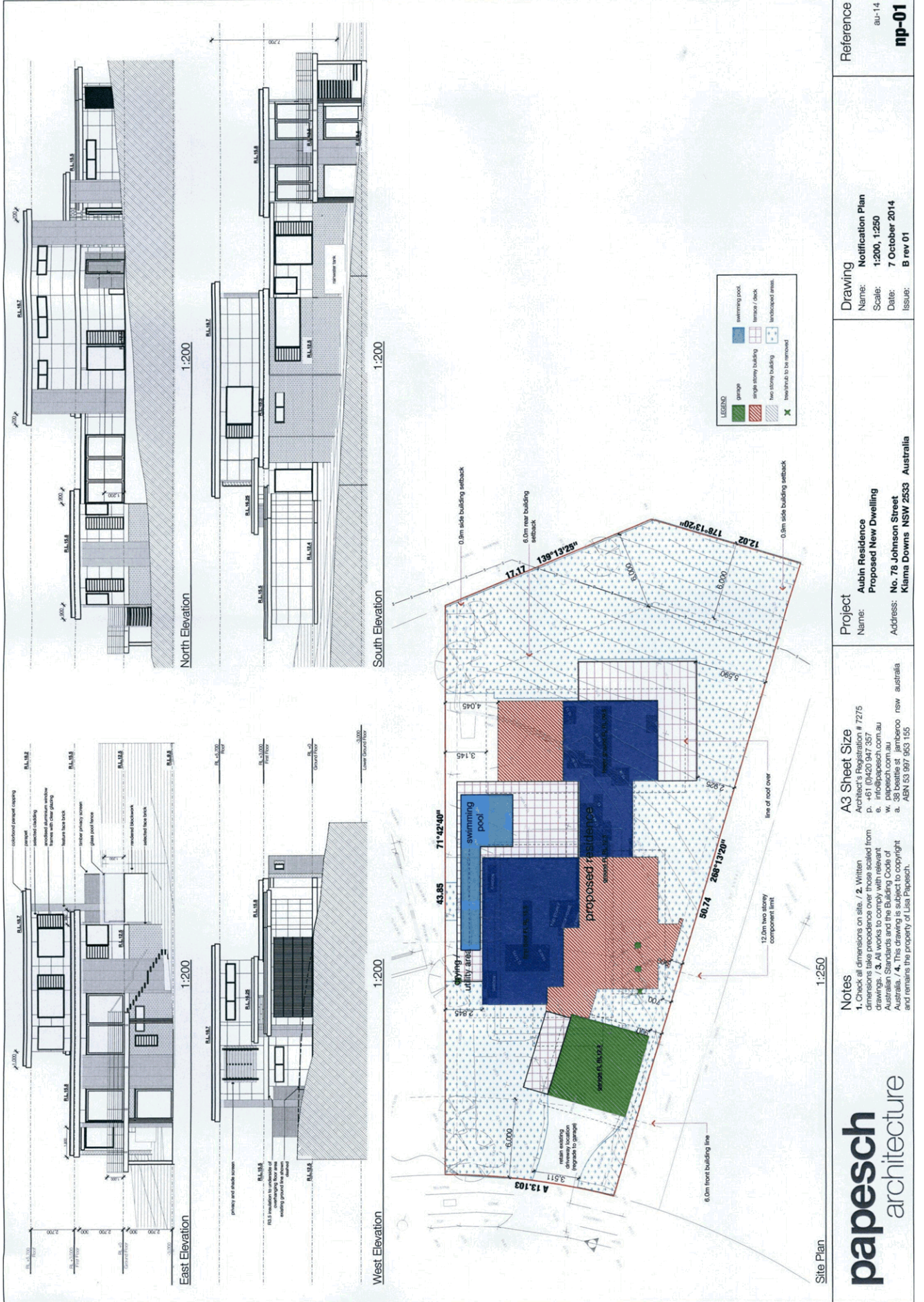
The southern adjoining dwelling and POS will still receive in excess of 3 hours direct sunlight on the shortest day of the year as provided under Chapter 4, Section 3 Control C26 under Kiama DCP 2012.

The public interest

Report of the Director Environmental Services

- 9.2 Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool (10.2014.168.1) (cont)
-

The proposal is considered to be consistent with Kiama LEP 2011 but not with all the building line objectives under Section 8 Chapter 2 and the numeric requirement under Control C2 Chapter 4 of DCP 2012 and accordingly does not meet the view sharing principles of Section 5, Chapter 2, Kiama DCP. Therefore the development proposal is considered to be not in the public interest.



Reference
au-14
np-01



Drawing Name: Notification Plan
Scale: 1:200, 1:250
Date: 7 October 2014
Issue: B rev 01

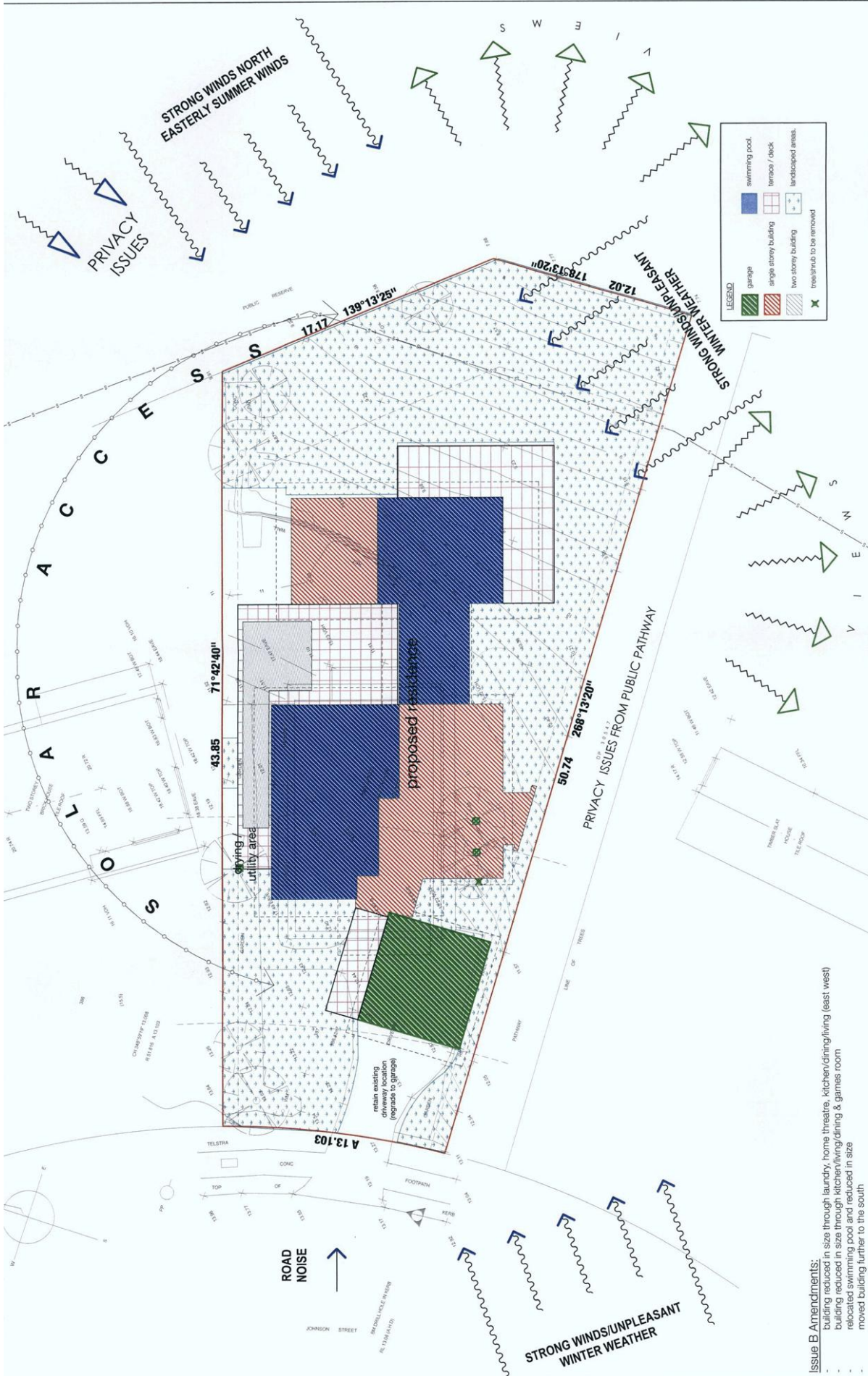
Project Name: Aubin Residence
Proposed New Dwelling
Address: No. 78 Johnson Street
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<p>Issue B Amendments:</p> <ul style="list-style-type: none"> - building reduced in size through laundry, home theatre, kitchen/dining/living (east west) - building reduced in size through kitchen/living/dining & games room - relocated swimming pool and reduced in size - moved building further to the south 	<p>drawing schedule</p> <ul style="list-style-type: none"> da-00 Location Plan & Drawing Schedule da-01 Site Analysis Plan da-02 Site Plan da-03 Demolition Plan da-04 Lower Ground Floor Plan da-05 Ground Floor Plan da-06 First Floor Plan da-07 Roof Plan da-08 Section AA da-09 Section BB da-10 East & North Elevations da-11 West & South Elevations da-12 Swimming Pool da-13 3D Images da-14 Shadow Diagrams <p>Survey Drawing</p>	<p>Drawing</p> <p>Name: Location Plan, Drawing Schedule & BASIX Scale: Date: 7 October 2014 Issue: B rev 01</p> <p>Reference</p> <p>au-14 da-00</p>
 <p>aerial image</p>	 <p>site location map</p>	<p>Project</p> <p>Name: Aubin Residence Proposed New Dwelling</p> <p>Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia</p> <p>A3 Sheet Size</p> <p>Architect: Lisa Papesch # 7275 p. 81 (0)202 947 357 e. info@papesch.com.au w. papesch.com.au a. 38 beattie st jamberoo nsw australia ABN 53 997 953 155</p> <p>Notes</p> <p>1. Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. All works to comply with relevant Australian Standards and the Building Code of Australia. / 4. This drawing is subject to copyright and remains the property of Lisa Papesch.</p> <p>papesch architecture</p>



Issue B Amendments:

- building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
- building reduced in size through kitchen/living/dining & games room
- relocated swimming pool and reduced in size
- moved building further to the south

Reference
 Name: Site Analysis Plan
 Scale: 1:200
 Date: 7 October 2014
 Issue: B rev 01
 au-14
da-01

Drawing
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 Scale: 1:200
 Date: 7 October 2014
 Issue: B rev 01

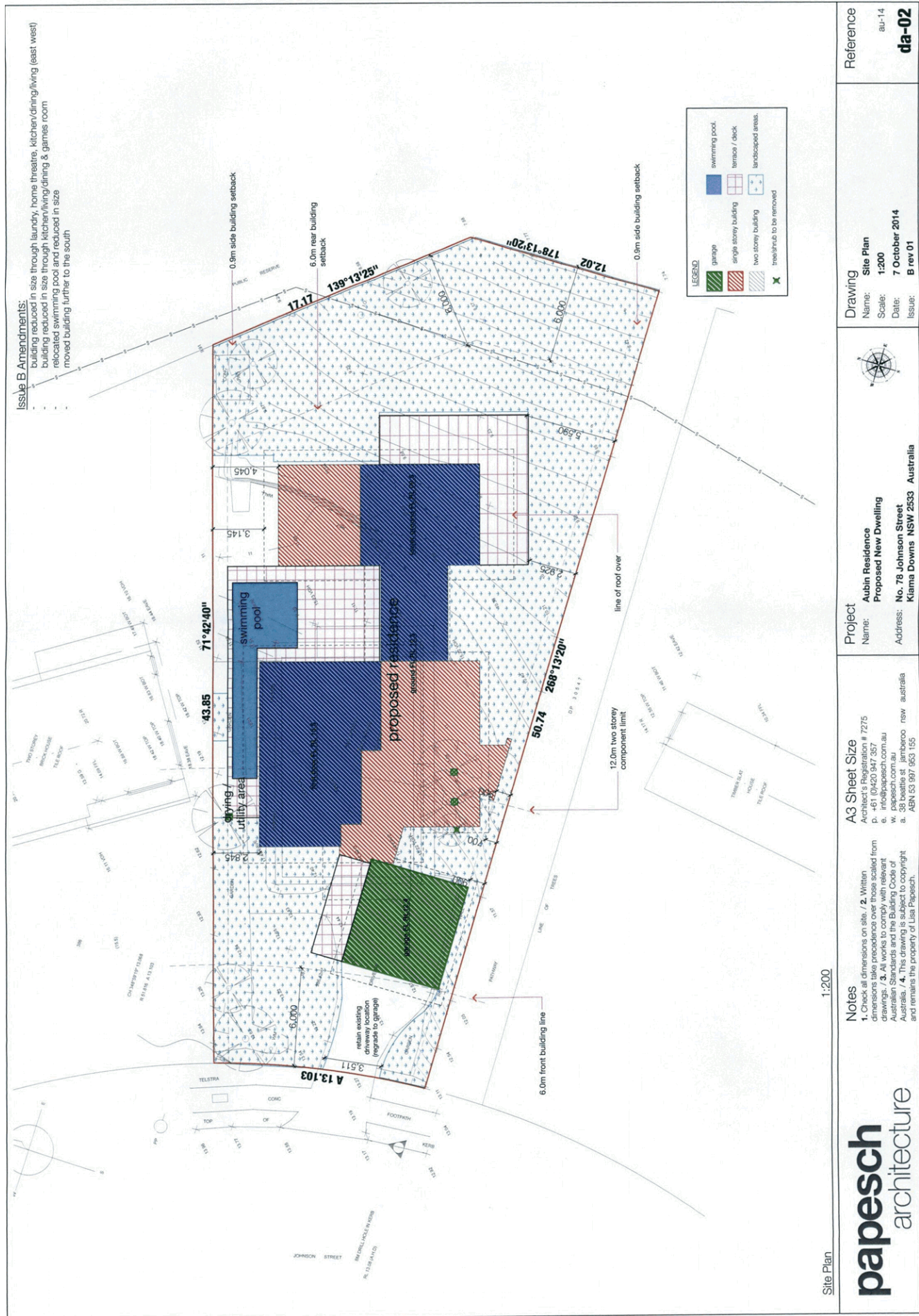
Project
 Name: Aubin Residence
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Issue B Amendments:

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Project
 Name: **Aubin Residence Proposed New Dwelling**
 Address: **No. 78 Johnson Street Kiama Downs NSW 2533 Australia**

Drawing
 Name: **Demolition Plan**
 Scale: **1:200**
 Date: **7 October 2014**
 Issue: **B rev 01**

Reference
 au-14
da-03

Notes

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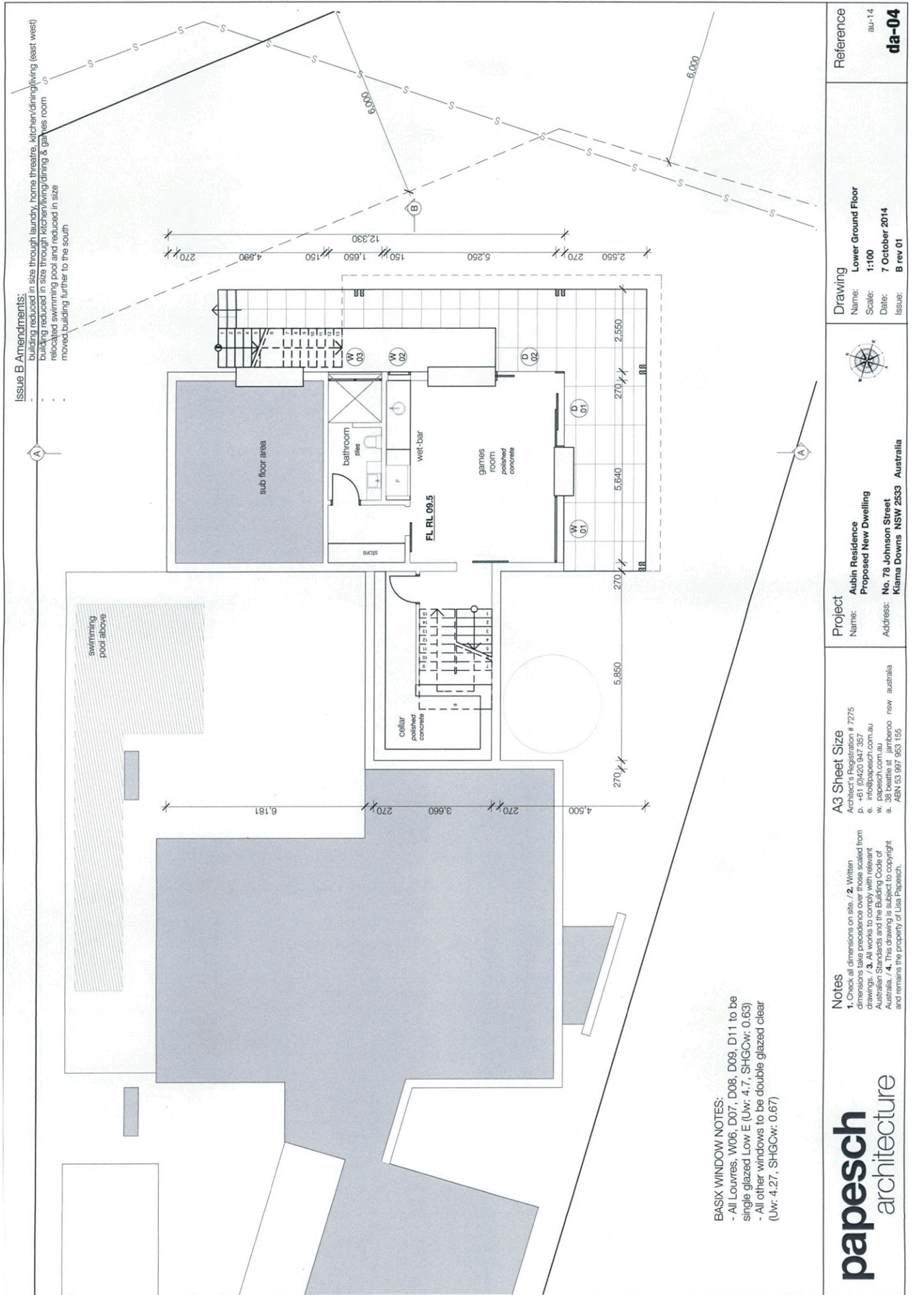
existing residence to be demolished

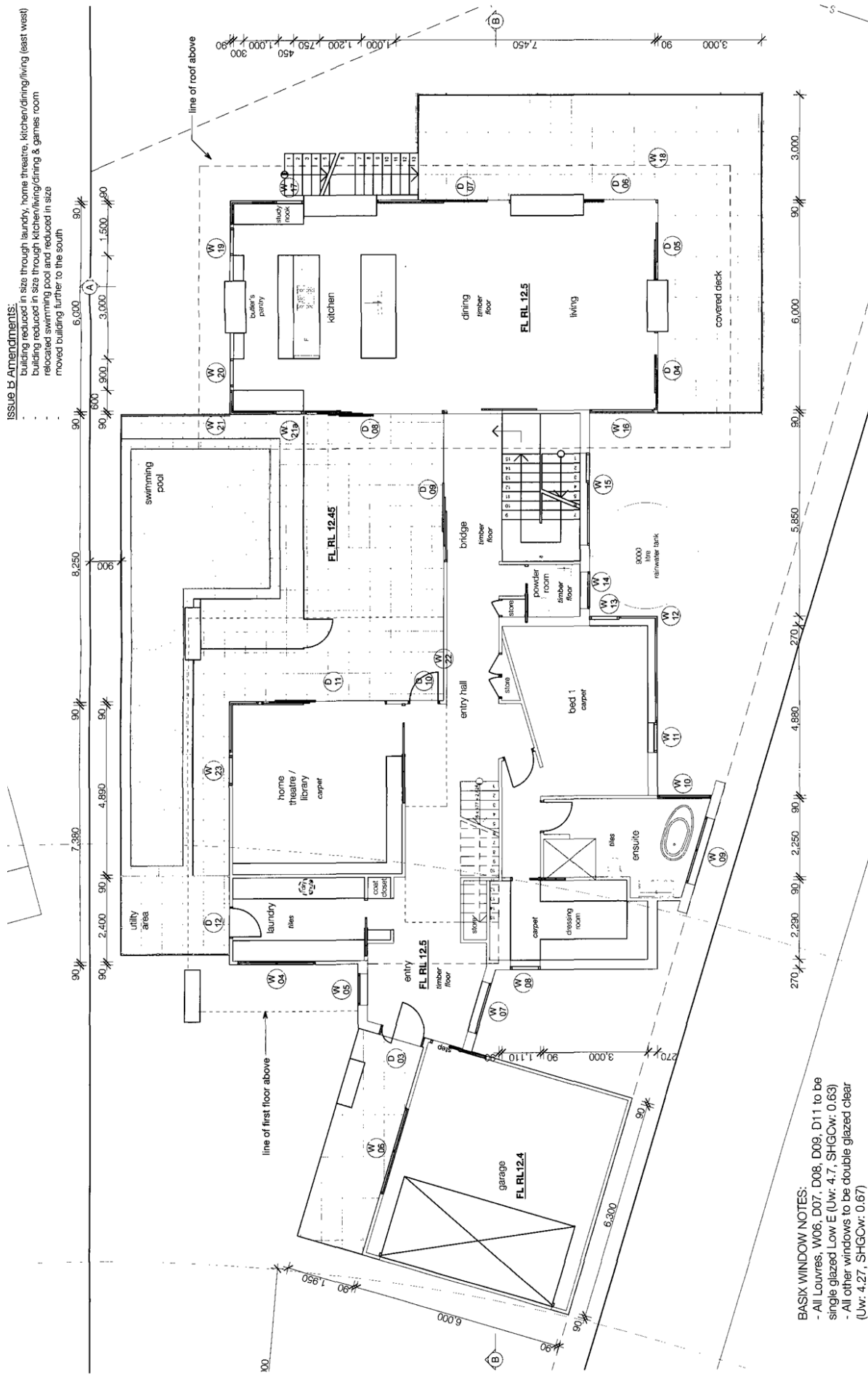
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Attachment 1

Item 9.2

Attachment 1





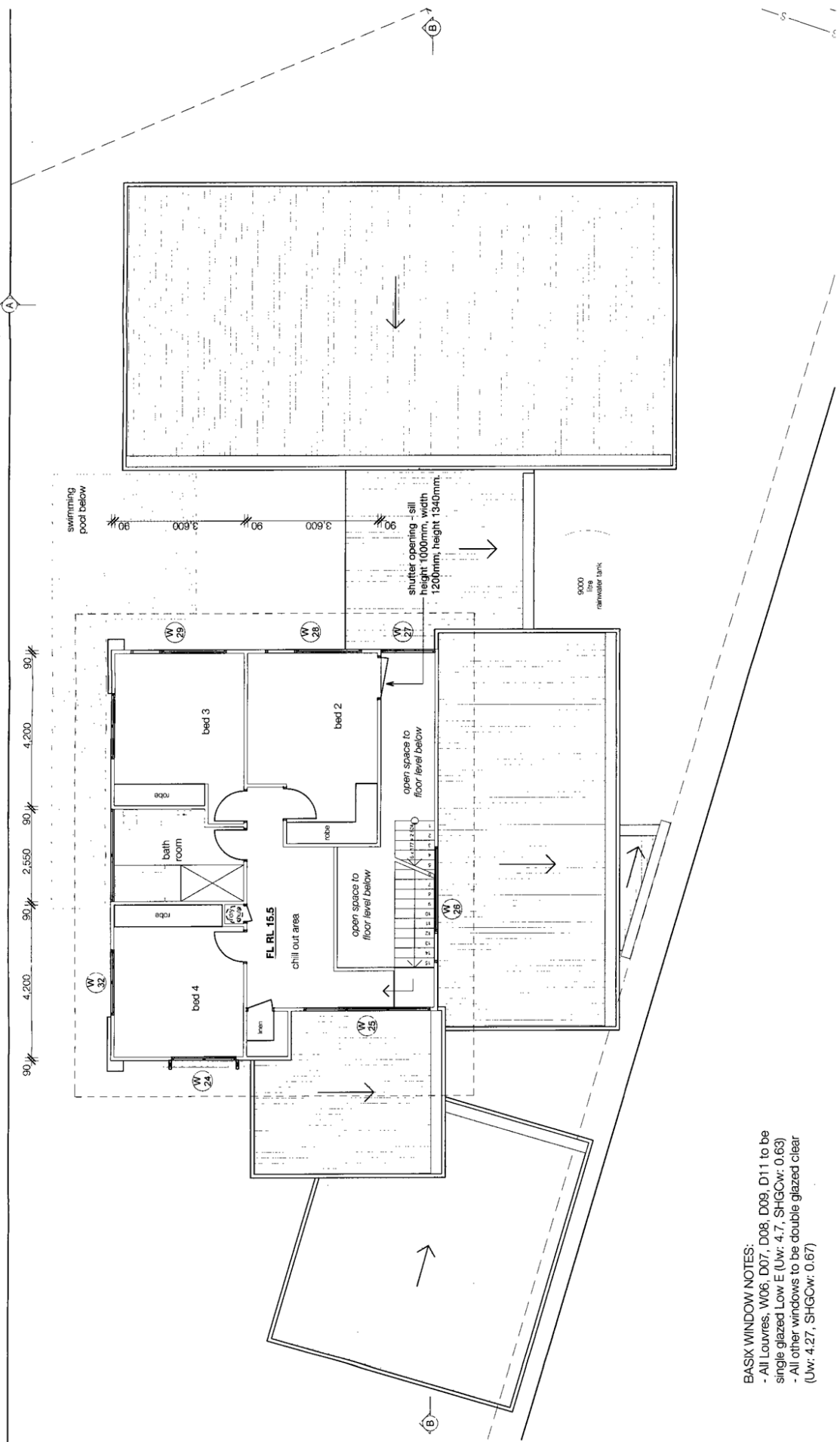
ISSUE 05 Amendments:
 - building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
 - building reduced in size through kitchen/living/dining & games room
 - relocated swimming pool and reduced in size
 - moved building further to the south

BASIX WINDOW NOTES:
 - All Louvres, W06, D07, D08, D09, D11 to be single glazed Low E (Uw: 4.7, SHGCw: 0.63)
 - All other windows to be double glazed clear (Uw: 4.27, SHGCw: 0.67)

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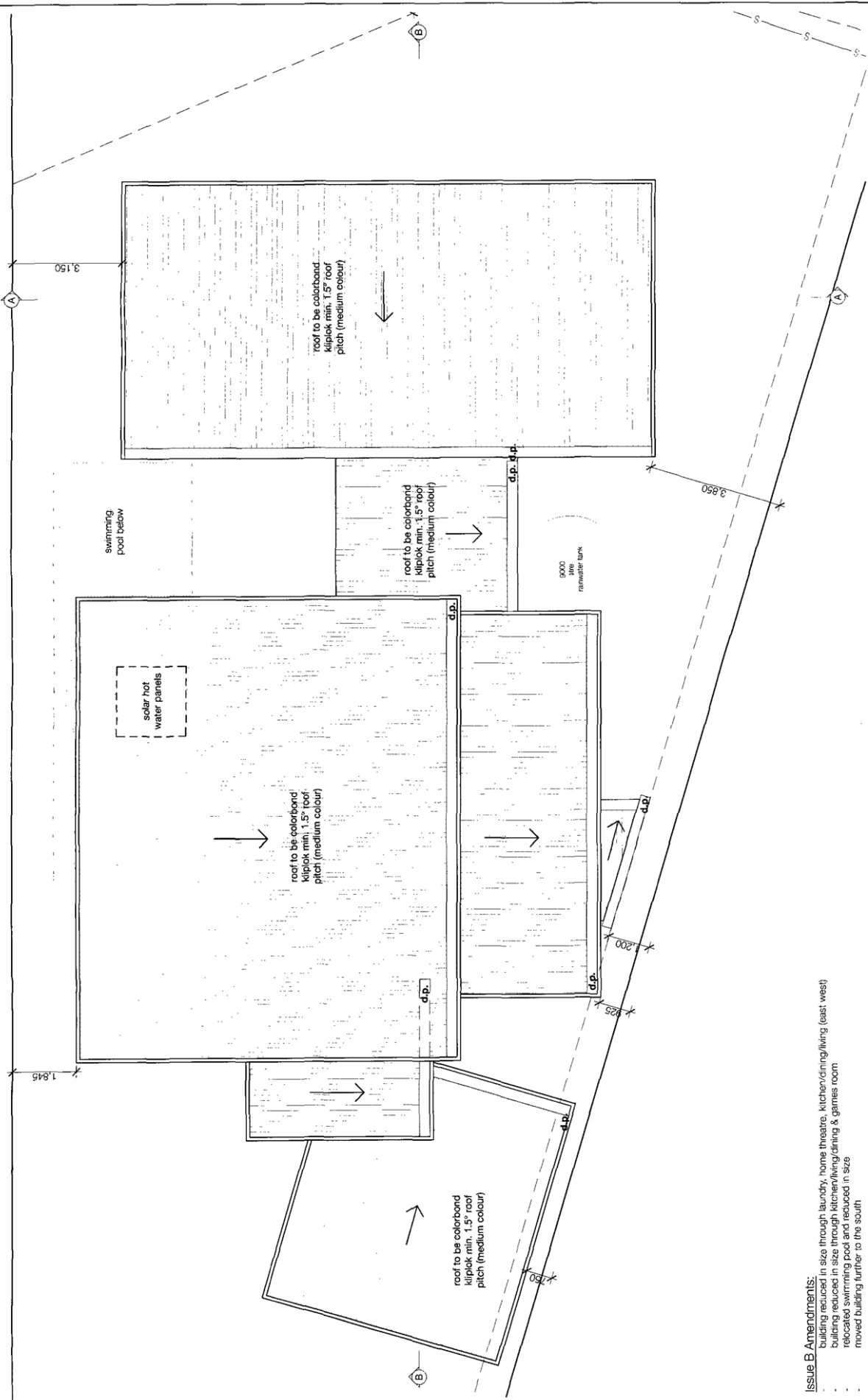
Issue B Amendments:
 - building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
 - building reduced in size through kitchen/living/dining & games room
 - relocated swimming pool and reduced in size
 - moved building further to the south



BASIC WINDOW NOTES:
 - All Louvres, W06, D07, D08, D09, D11 to be single glazed Low E (Uw: 4.7, SHGCw: 0.63)
 - All other windows to be double glazed clear (Uw: 4.27, SHGCw: 0.67)

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Issue B Amendments:

- building reduced in size through laundry, home theatre, kitchen/dining/living (east-west)
- building reduced in size through kitchen/living/dining & games room
- relocated swimming pool and reduced in size
- moved building further to the south

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Project

Name: Aubin Residence
 Proposed New Dwelling
 Address: No. 78 Johnson Street
 Kiama Downs NSW 2533 Australia



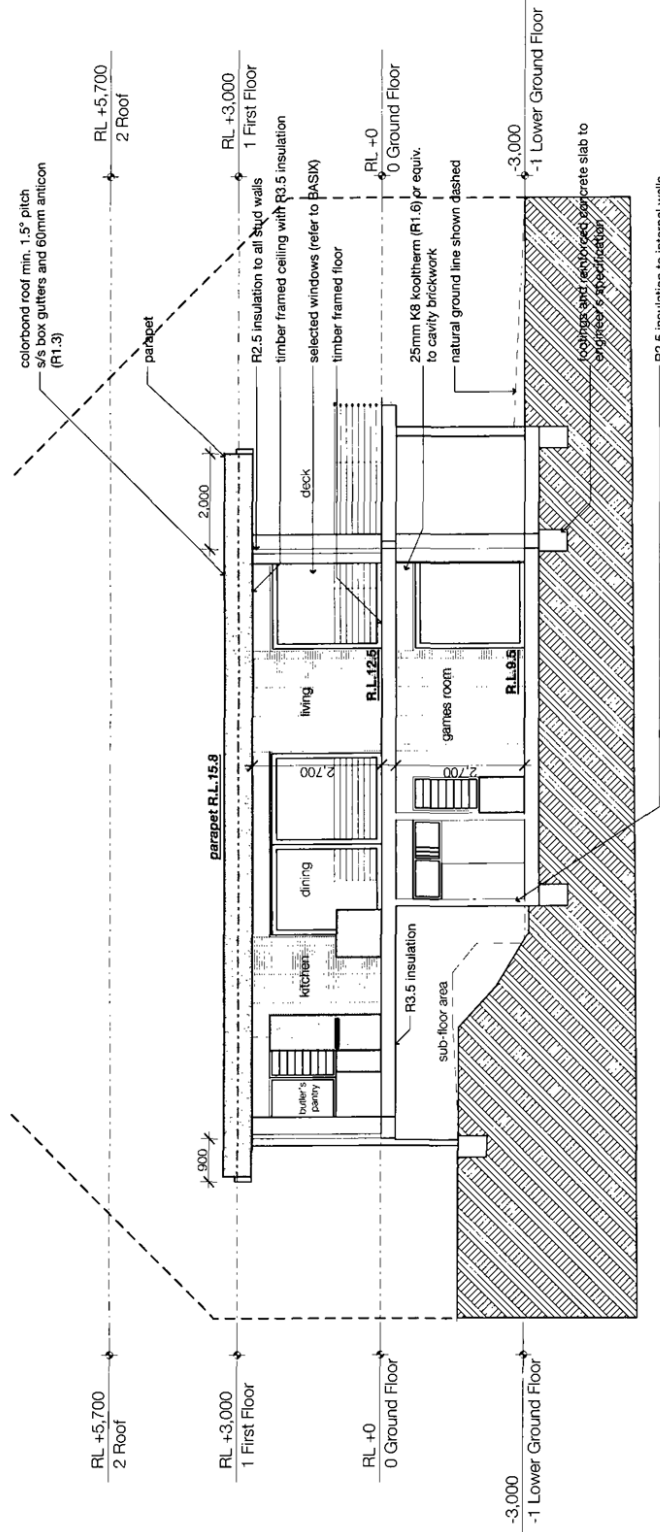
Drawing

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 Scale: 1:100
 Date: 7 October 2014
 Issue: B rev 01

Reference

au-14
da-07

Issue B Amendments:
 - building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
 - building reduced in size through kitchen/living/dining & games room
 - recapped swimming pool and reduced in size
 - moved building further to the south

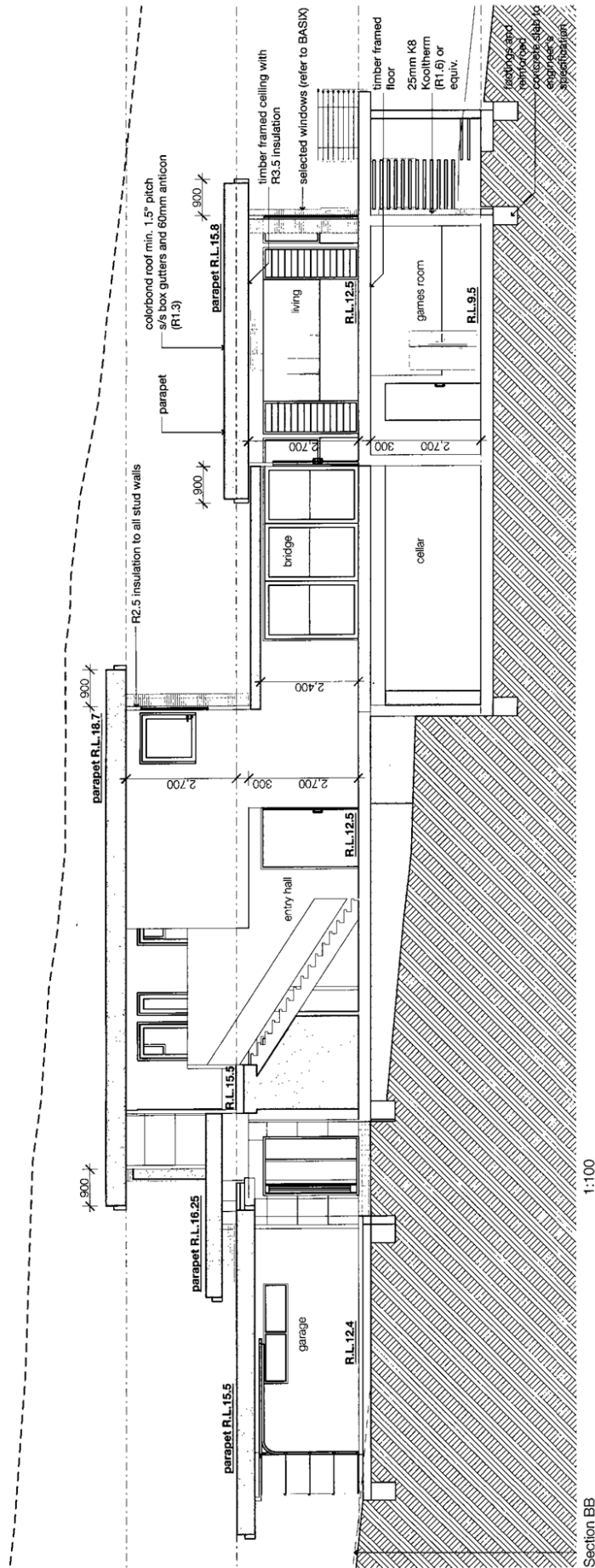


Section AA
 1:100

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- Issue B Amendments:**
- building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
 - building reduced in size through kitchen/living/dining & games room
 - relocated swimming pool and reduced in size
 - moved building further to the south



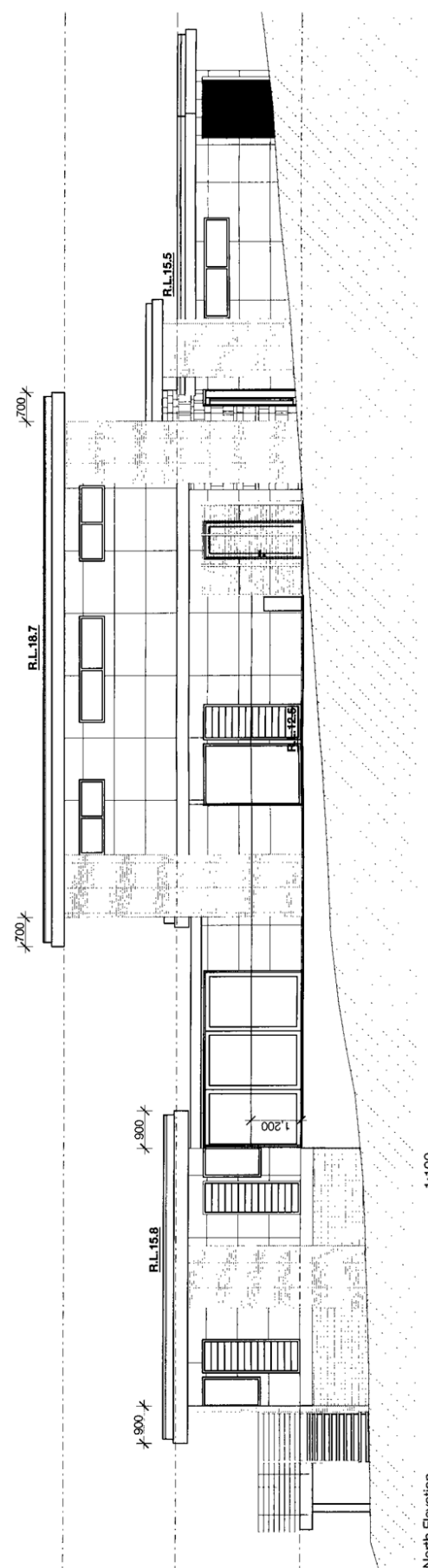
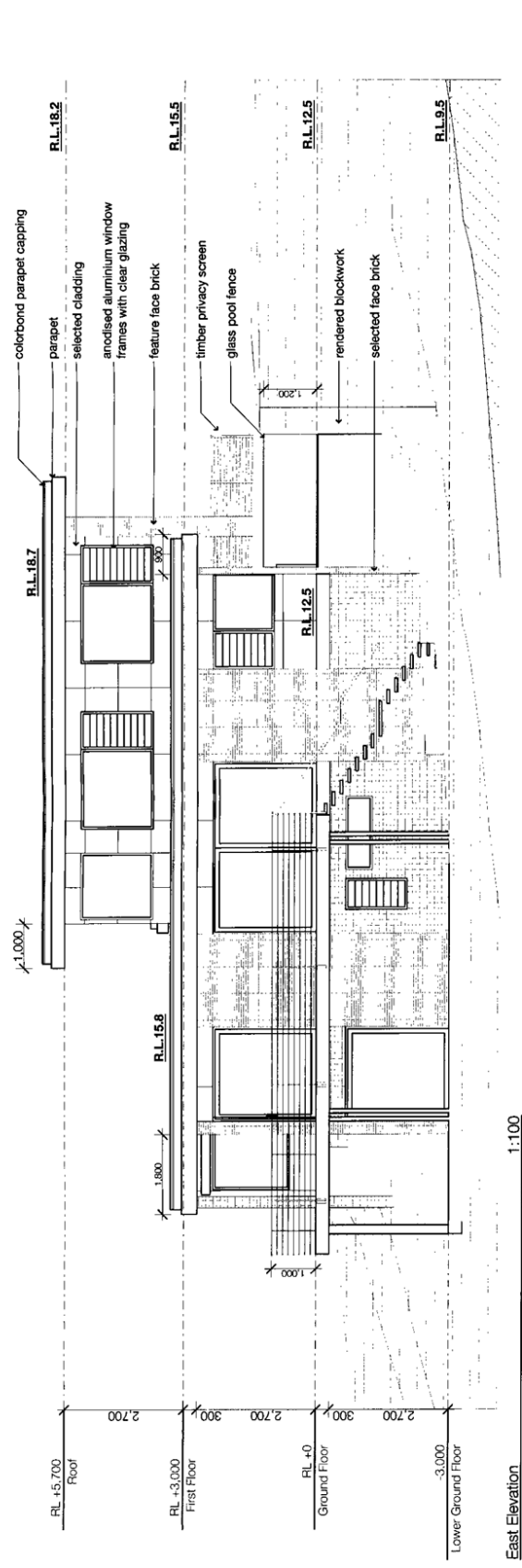
Section BB
1:100

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Issue B Amendments:

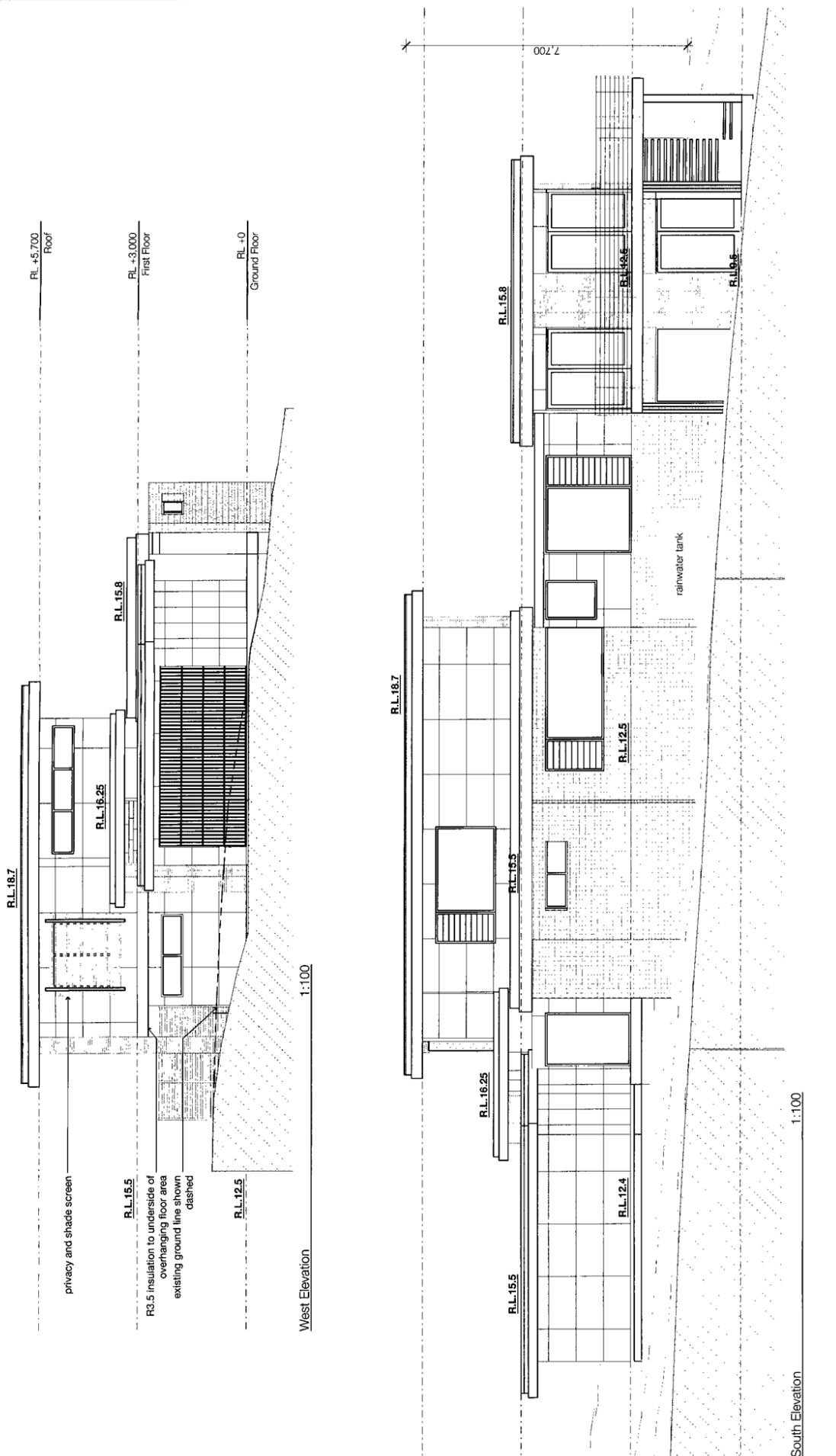
- building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
- building reduced in size through kitchen/living/dining & games room
- relocated swimming pool and reduced in size
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<p>Notes</p> <p>1. Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. All works to comply with relevant Australian Standards and the Building Code of Australia. / 4. This drawing is subject to copyright and remains the property of Lisa Papesch.</p>	<p>A3 Sheet Size</p> <p>Architect's Registration # 7275 p. +61 (0)420 947 357 e. info@papesch.com.au w. papesch.com.au a. 38 boatie st jamberoo nsw australia ABN 55 997 953 155</p>	<p>Project</p> <p>Name: Aubin Residence Proposed New Dwelling</p> <p>Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia</p>	<p>Drawing</p> <p>Name: East & North Elevations Scale: 1:100 Date: 7 October 2014 Issue: B rev 01</p>	<p>Reference</p> <p>au-14 da-10</p>
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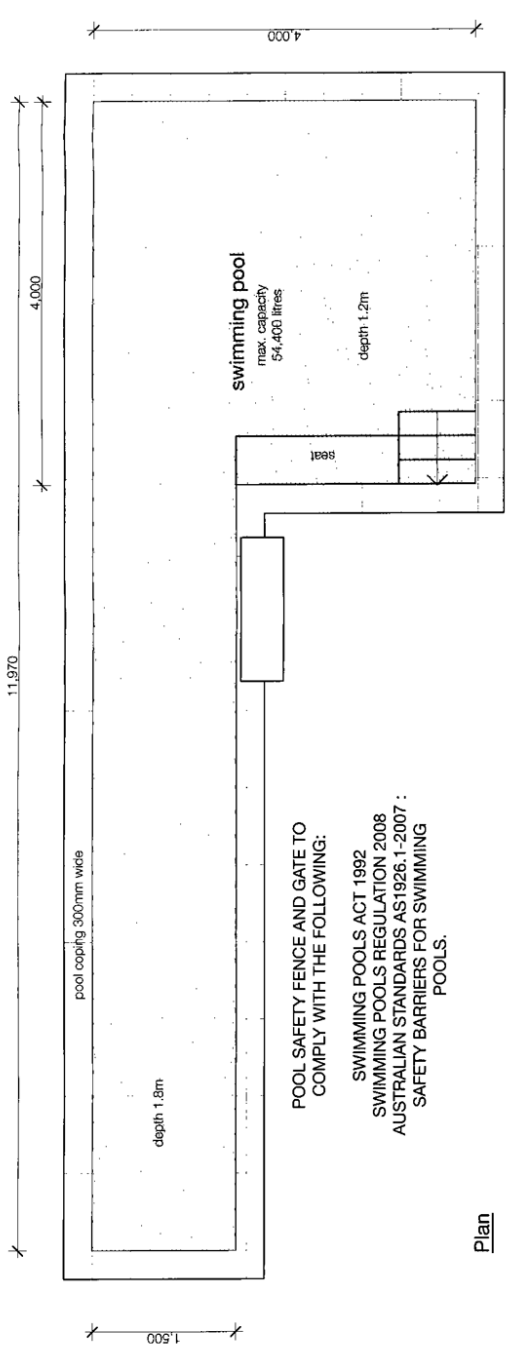
- Issue B Amendments:**
- building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
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<p>Notes</p> <p>1. Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. All work to comply with current Australian Standards. / 4. This drawing is subject to copyright and remains the property of Lisa Papesch.</p>	<p>A3 Sheet Size</p> <p>Architect's Registration # 7275 p. +61 (0)420 947 357 e. papesch@papesch.com.au w. www.papesch.com.au a. 38 Beattie St. Jambaroo NSW Australia ABN 53 957 953 155</p>	<p>Project Name: Aubin Residence Proposed New Dwelling</p> <p>Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia</p>	<p>Drawing Name: West & South Elevations Scale: 1:100 Date: 7 October 2014 Issue: B rev 01</p>	<p>Reference</p> <p>au-14 da-11</p>
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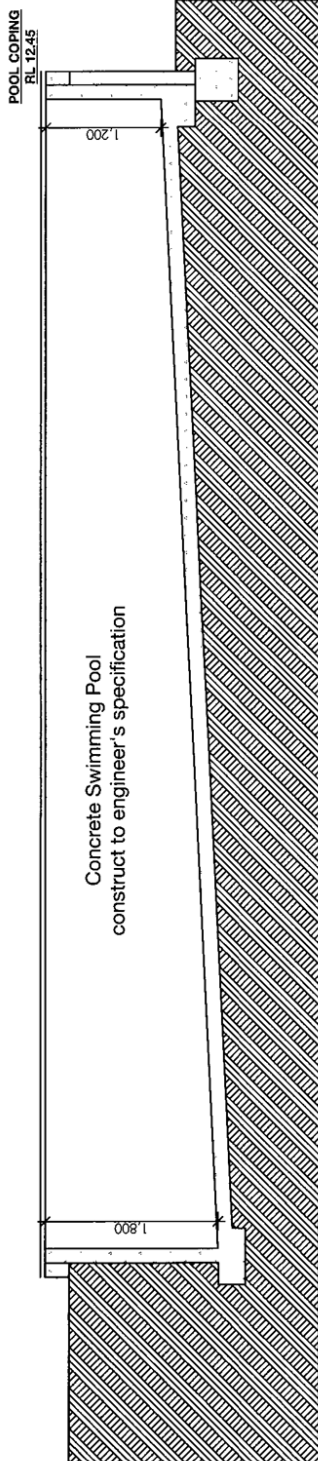
Issue B Amendments:
 - building reduced in size through laundry, home theatre, kitchen/dining/living (east: west)
 - building reduced in size through kitchen/living/dining & games room
 - relocated swimming pool and reduced in size
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Plan

POOL SAFETY FENCE AND GATE TO COMPLY WITH THE FOLLOWING:

SWIMMING POOLS ACT 1992
 SWIMMING POOLS REGULATION 2008
 AUSTRALIAN STANDARDS AS1926.1-2007 :
 SAFETY BARRIERS FOR SWIMMING POOLS.



Section

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Notes
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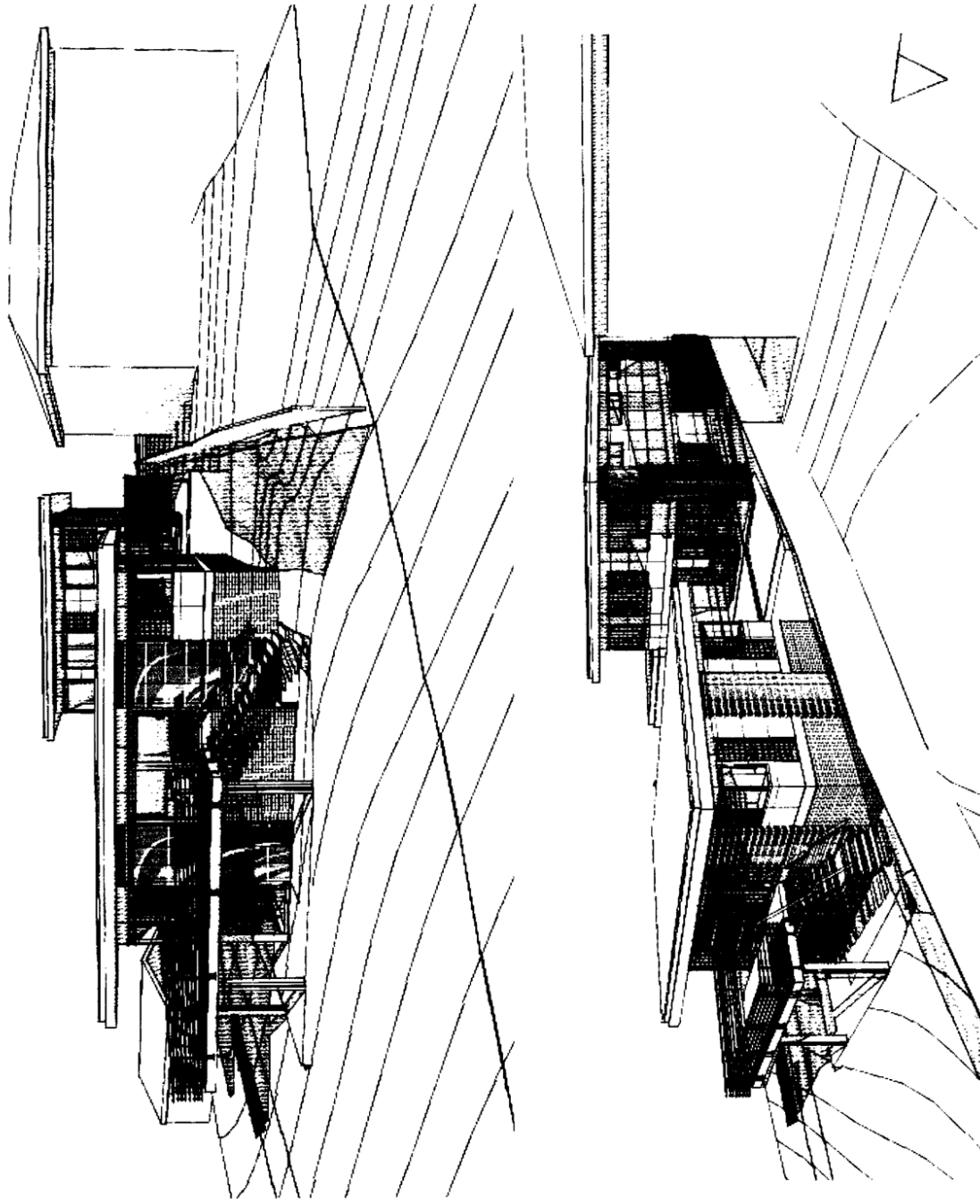
A3 Sheet Size
 Architect's Registration # 7275
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 W. info@papesch.com.au
 A. 38 Bealiba at jirraaco new australia
 A. A5N 53 987 953 155

Project
 Name: **Aubin Residence Proposed New Dwelling**
 Address: **No. 78 Johnson Street Kiama Downs NSW 2533 Australia**

Drawing
 Name: **Swimming Pool Detail**
 Scale: **1:50**
 Date: **7 October 2014**
 Issue: **B rev 01**

Reference
 au-14
da-12

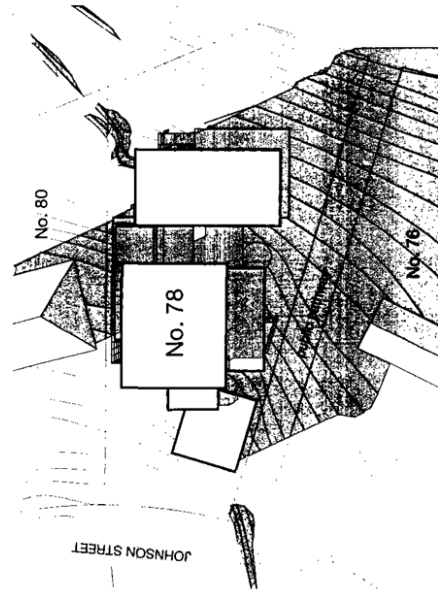
Issue B Amendments:
 - building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
 - building reduced in size through kitchen/living/dining & games room
 - relocated swimming pool and reduced in size
 - moved building further to the south



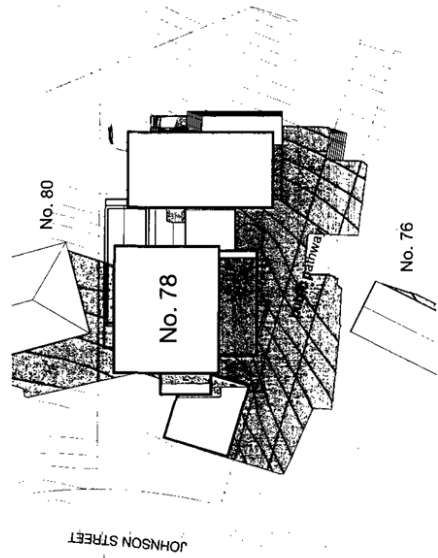
<p>Notes 1. Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. All works to comply with relevant Australian Standards and the Building Code of Australia. All drawings are copyright and remain the property of Lisa Papesch.</p>	<p>A3 Sheet Size Architect's Registration # 7275 p. +61 (0)450 947 357 e. info@papesch.com.au w. papesch.com.au t. +61 (0)450 947 357 a. ASEN 53 987 953 155</p>	<p>Project Name: Aubin Residence Proposed New Dwelling Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia</p>	<p>Drawing Name: 3D Images Scale: Date: 7 October 2014 Issue: B rev 01</p>	<p>Reference 80-14 da-13</p>
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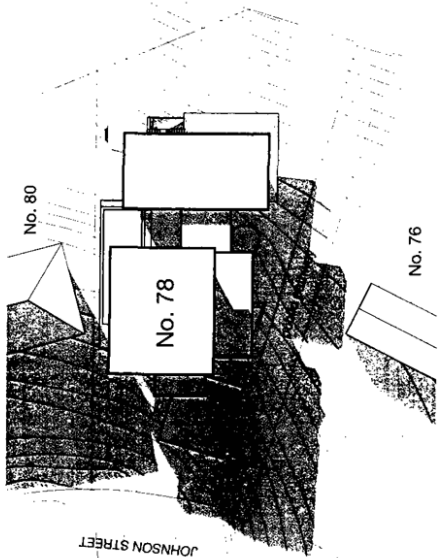
- Issue B Amendments:**
- building reduced in size through laundry, home theatre, kitchen/dining/living (east west)
 - building reduced in size through kitchen/living/dining & games room
 - relocated swimming pool and reduced in size
 - moved building further to the south



22nd June - 3pm



22nd June - 12 noon



22nd June - 9am

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Notes

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Project
Name: **Aubin Residence Proposed New Dwelling**
Address: **No. 78 Johnson Street Kiama Downs NSW 2533 Australia**



Drawing
Name: **Shadow Diagrams**
Scale: **1:500**
Date: **7 October 2014**
Issue: **B rev 01**

Reference
au-14
da-14

APPENDIX 1 Assessment Photographs



Figure 1: Height guide of the north eastern corner wall and parapet eave profile in foreground viewed from both ends of the rear deck - 80 Johnson Street



Figure 2: Current view from 80 Johnson Street

Item 9.2

Attachment 2



Figure 3: - Current View at ground level – 80 Johnson Street

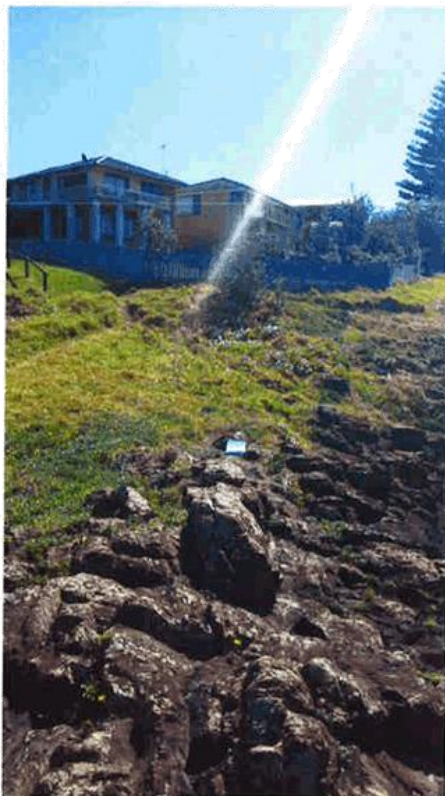


Figure 4: Foreshore views of the proposed development site.



Figure 5: Height guide in foreground – Seated Position – 80 Johnson Street



Figure 6: View Corridor of sea crevice – 79 Johnson Street

9.3 10/50 Vegetation Clearing Code of Practice amendments and review

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

CSP Strategy: 2.3 Ensure our natural and built environments are adaptive to climate change impacts

Delivery Program: 2.3.1 Consider climate change impacts and hazards and implement actions

Summary

Council at its meeting held on 16 September 2014 considered an information report on the impacts of the Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50 Vegetation Code of Practice for NSW that came into effective in August 2014.

Recommendations as outlined in Minute No 14/182 were adopted by Council. This included writing to the Member for Kiama and other State Government Ministers requesting the suspension of the new provisions whilst an immediate review is undertaken.

The review process, originally scheduled for 2015, has been brought forward and submissions closed on 14 November 2014. At the same time as the review was announced, amendments to the 10/50 vegetation clearing entitlement zone for properties exposed to category 2 vegetation were also put forward.

This report details these amendments and outlines details of Council's submission.

Attachments

1 Submission to Rural Fire Service

Enclosures

Nil

RECOMMENDATION

[That Council endorse the attached submission to the Rural Fire Service.](#)

BACKGROUND

This report for information is to update Council on the current amendments to the 10/50 vegetation clearing code of practice introduced on 1 August 2014.

The 10/50 entitlement allowed property owners living within 350 metres of Category 1 and Category 2 Bush Fire Prone Land to remove trees within 10 metres of their home, as well as vegetation within 50 metres, without state or local approval, provided all vegetation was on their land or they had consent of the landowner.

On 30 September, the Rural Fire Service announced amendments to the 10/50 provisions as follows;

- The 10/50 entitlement area for Category 2 Bush Fire Prone Land is now 150metres, reduced from 350 metres; and

Report of the Director Environmental Services

9.3 10/50 Vegetation Clearing Code of Practice amendments and review (cont)

-
- Councils have been invited to review their bushfire mapping with a view to reclassify smaller parcels of vegetation from Category 1 to Category 2, therefore reducing the entitlement area.

Council staff have recently reviewed approved Bushfire maps for the Kiama LGA having regard to the above and relevant bushfire classification criteria. Amendments have been recommended and up to date mapping is currently being prepared.

Council staff have also prepared and entered a submission to the review, taking into account recommendations from the Council meeting held on 16 September 2014. A copy of this submission has been attached to this report.



KIAMA MUNICIPAL COUNCIL

Phone Enquiries:

4232 0444

Reference:

6 November 2014

Shane Fitzsimmons
Commissioner
Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Dear Shane,

**Submission to the 10/50 Vegetation Clearing Regulation Review
November 2014**

Kiama Council is pleased to be able to provide a submission to the review of the 10/50 Vegetation Clearing Code of Practice, and hope you consider the information within this submission as clear and constructive feedback. Kiama Council also believes that the 10/50 clearing entitlement should be suspended during the review process, to allow for the clear inconsistencies and potential conflicts to be considered and dealt with by the review.

In relation to the wording and definitions within the code of practice, we believe there are a number of ambiguities or inconsistencies which include:

- Section 2 Definition of a tree as (a) a single stem or trunk, leaves open for interpretation any tree with more than one trunk, which would not fit into the vegetation classification;
- The Environmental Protection and Biodiversity Conservation Act 1999 is not listed in the acts, instruments or other documents as referred to in the code of practice. However the EPBC Act is noted as over riding the state regulation in the 10/50 FAQ section of the RFS website;
- Section 5.2 states that clearing under the 10/50 code may only be undertaken on parcels of land that contain land mapped as 10/50 vegetation clearing entitlement land. Council believes that these RFS maps should be supplied to each local government area in GIS format to enable Council's to determine which parcels are affected by the regulation;
- Section 7.6 Protection of Riparian Buffers states that clearing of vegetation is not allowed within 10 metres of a 'Prescribed Stream' as

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your council

your community

Item 9.3

Attachment 1

identified by the Office of Environment and Heritage. This definition is inconsistent with other legislative definitions and requirements to do with riparian land. For example controlled activities carried out in, on or under waterfront land are regulated by the Water Management Act 2000 by the Office of Water. Waterfront land is defined as including the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary. There are also recommended vegetated riparian zone (VRZ) widths based on the order of the stream as classified under the Strahler System of ordered water courses. Prescribed streams as a definition for example, only covers Broughton Creek in the Kiama LGA, leaving riparian land along the major watercourse the Minnamurra River unprotected under this regulation. We believe that Section 7.6 Protection of Riparian Buffers should be amended to be consistent with the riparian zones as set out in the NSW Government 'Guidelines for riparian corridors on waterfront land'.

As well as these inconsistencies, Council has a number of points to make which it believes demonstrates the regulation does not consider real fire risk, is creating work for Councils in terms of regulation and assessment, as well as creating potential conflict in the carrying out of its responsibilities under the development application process.

These points are as follows:

- There is practically no protection for threatened species and endangered ecological communities under the 10/50 Regulation, therefore allowing the potential clearing of endangered ecological communities and / or individual threatened species without any consideration for actual fire risk;
- Has resulted in a range of unintended consequences including tree removal in urban and coastal areas of the Kiama LGA that on any objective assessment should have a low bushfire risk rating;
- The 10/50 Clearing Entitlement is inconsistent with a number of the requirements in the Planning for Bushfire Protection 2006 (PBP). Does this trigger a change to the PBP assessment and Asset Protection Zone (APZ) rules? These anomalies include:
 - The PBP requirement to assess vegetation within 140 metres of a development taking into account vegetation type to determine required fire protection levels;
 - The PBP allowance of trees within the APZ with canopy separation and canopy to within 2 metres of the roofline; and
 - The requirement to assess for threatened species, cultural heritage and environmental significance as part of the PBP assessment.
- The 10/50 clearing entitlement limits the ability of Council's to implement LEPs, DCPs and tree preservation provisions via the issue of conditions of consent relating to ecologically or culturally significant vegetation;

- The 10/50 clearing entitlement may limit development that could otherwise have been approved under the PBP, as Councils will need to ensure that any vegetation that needs to be retained or protected remains at least 50m from an approved dwelling. The Council development application process is also required to consider the impacts of a proposal under Section 5A of the NSW EP&A Act 1979. The 10/50 clearing entitlement may have implications for future proposed developments and potentially result in Council having to assume that areas within 50 metres of a proposed dwelling may be under scrubbed and areas within 10 metres of a proposed dwelling may be cleared, even if they are not within a designated Bushfire Prone Area;
- The code does not place any restriction on the vegetation type, or trees which could be considered of heritage significance and/ or have a fire retardant value and provide protection from ember attack as described in the PBP 2006 guide. Eg. Port Jackson Fig trees;
- Any breach of the regulation falls to Council and Office of Environment and Heritage officers to police under their relevant legislation. Council believes it would be hard to prosecute a case against a breach in the relevant legislation in cases where there is an argument over whether the tree is on the border of the entitlement area. Council also has concerns relating to determining whether vegetation would be defined as a tree or vegetation, after the clearing has been undertaken;
- The regulation has already created issues for Council where property owners are trying to remove trees under the regulation which are not compliant, and Council has only become aware of it through the tree removal contractor reporting to Council. Landholders are also requesting removal of Council street trees where they know the 10/50 regulation applies. This requires Council administrative and field based resources which otherwise would not have been required. We suggest the RFS plays a more active role in educating landholders of their responsibilities under the RFS regulation; and
- Council is fielding questions from members of the public where their trees are being pruned by their neighbours under the 10/50 entitlement. The way in which the regulation entitlement is being utilised is creating conflict between parties, and Council is expected to deal with the dispute.

We thank you for the opportunity to submit these comments and observations, and look forward to the outcome of the review.

Yours faithfully



Bryan Whittaker
Acting General Manager
Kiama Municipal Council

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

During 2013, the Department of Planning released a discussion paper titled “*The Illawarra over the next 20 years*” to promote discussion about how the Region should grow by 2031. At the time, the Illawarra region included the Local Government Areas of Wollongong, Shellharbour and Kiama. Since then, NSW Planning and Environment have recognised that the Shoalhaven Local Government Area has important economic and housing connections and should be included in the Illawarra region.

Following receipt of community feedback and the conducting of a number of workshops with Local Government and NSW Government agencies, NSW Planning and Environment has released the draft Regional Growth and Infrastructure Plan. Further rounds of public consultation are being undertaken and written submissions may be made up until 7 December 2014.

Policy

The final Illawarra Regional Growth and Infrastructure Plan will provide the framework and context to guide the preparation of Local Plans. These Local Plans will need to demonstrate that policy outcomes are supported through zonings and other controls contained therein.

Attachments

1 draft submission to Department of Planning and Environment

Enclosures

Nil

RECOMMENDATION

That Council endorse the draft submission attached to this report as its submission to the draft Regional Growth and Infrastructure Plan.

BACKGROUND

The draft Regional Growth and Infrastructure Plan (the draft plan), has been put forward as the strategic plan providing the framework for growth in the Illawarra between now and 2031.

The plan addresses a number of significant areas for consideration and outlines:

Report of the Director Environmental Services

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan (cont)

-
- Where new housing should best be located and the mixture of housing types to meet future demands. The plan outlines housing targets in each local government area.
 - Where commercial, retail and industrial land uses should be located to take best advantage of labour markets, transport and other infrastructure.
 - Significant regional assets and sectors which have the potential to stimulate economic growth.
 - Where the NSW Governments resources are best targeted for new and upgraded infrastructure investment.
 - Identifies that important environmental, cultural and natural resource assets need to be identified and considered in decisions about future growth.

The plan has been formulated having regard to a number of tools which provided the evidence which forms the basis of the plan. These included:

- Urban Feasibility Model which combines current planning controls with financial costs to determine the economic feasibility of residential development.
- Investigations and reports into the current housing market and submarkets.
- Reviews of existing retail centres and industrial lands supply.
- The existing Illawarra Development Program.

A number of established sectors have been identified as making a significant contribution to the Region at the moment, and it is expected that they will continue to do into the future. These sectors include tourism, health, disability and aged care services.

Whilst Council agrees with the objectives and general methodology outlined in the draft strategy, there remains a number of information gaps and areas of potential difference that have the potential to impact on our community and Councils strategies/Local Plan into the future. These are outlined below under the Chapter headings contained in the draft plan.

“Developing A Prosperous Illawarra”

The objective of the measures contained in this chapter is the development of a resilient and robust economy, with a focus on providing in excess of 32,000 new jobs by 2031. The following focus areas for growth have been identified:

- Tourism;
- Health, disability and aged care;
- ICT/knowledge services;
- University and education;
- Transforming manufacturing;
- Logistics and Port related.

Whilst the Kiama Municipality has a role to play in each of these growth areas, tourism, health, disability and aged care will provide a primary focus.

Report of the Director Environmental Services

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan (cont)

The fact that the Illawarra currently earns around \$1.3 billion annually from tourism and receives over 8% of tourist visitations in NSW, reflects the significance of the industry to the local economy. Noting however that the total tourism income in NSW is in excess of \$25 billion, this suggests expenditure in the Illawarra should be more in the order of \$2 billion. Initiatives relating to the provision of tourist accommodation also eco and agri-tourism are particularly supported given the fact that the Kiama Local Government area has been recognised for its distinctive character, which is largely a factor of its well preserved coastal and rural landscapes. It is considered that a focus in these identified areas will not only have the effect of increased visitations but also increasing the average “spend” to align more closely with the NSW average.

The plan acknowledges Kiama Council’s project for the provision of a centre of aged care excellence on the Kiama Hospital site, an investment of around \$60 million in the regional economy. The significance of this project does not simply rest with the initial investment, but with the ongoing service this centre will provide to the community and the associated economic multipliers. This and similar projects, need to be recognised for their regional contribution and supported through the final Regional Growth and Infrastructure plan.

“Meeting the Illawarra’s Demand for Housing”

As highlighted in Council’s submission to “The Illawarra over the next 20 years: A discussion Paper”, the variations between housing targets contained in the current Illawarra Strategy, the aforementioned discussion paper, the draft plan and Council’s own projections is a major concern.

The draft plan puts forward a housing target of 45,000 new dwellings in the Region by 2031, on the basis that there will not be any further expansion of the region’s urban footprint, beyond those areas already strategically identified and endorsed.

Council has undertaken extensive work in the past preparing its current Urban Strategy which was adopted in 2011. A basic premise of this strategy was the accepted housing mix of 43% detached dwellings and 57% medium and high density dwellings. This accepted mix of dwelling types forms the keystone in Council’s strategy for future housing. The draft plan has put forward a mix of 53% detached dwellings (not including dual occupancies) and 47% medium/high density. This change has not been justified in the draft plan and compliance with such percentages may have a significant impact on Council’s ability to meet targets on sites that have been strategically identified. Thus, to meet targets expressed in the draft plan, it will be necessary to consider planning proposals for land not identified in Council’s current Urban Strategy. This would be contrary to the basic premise of the draft plan to not extend development outside existing footprints.

In a similar vein, the overall housing target for single dwelling housing is considerably in excess of current strategic planning projections. Council’s currently identified maximum greenfields potential is 1,285 allotments, which is some 67% less than the single dwelling target of 1,900 identified in the draft plan. This is compounded in the multi-dwelling housing and apartment numbers which are also considerably in excess of currently identified numbers. If the draft plan figures are to be considered, it would realistically require substantial greenfields development outside currently identified locations.

Report of the Director Environmental Services

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan (cont)

The consideration of further greenfield sites outside those already strategically identified requires a great deal of investigation and evidence based assessment. Issues such as the protection of coastal and rural landscapes, the valuation of agricultural land, both in today's terms and potential future production, what are, and may potentially be employment generating lands, the provision of servicing including physical and social infrastructure, are considerations that need to be addressed.

It is further considered that the measures and sites identified in Council's Urban Strategy provide a realistic capacity to meet demand in the life of the strategy. To embark on the investigation of new greenfield sites at this time may impact on the development of the sites and strategies already identified.

Whilst the overall housing target for The Kiama LGA has been reduced from 4,800 in the Illawarra discussion paper to 3600 in the draft plan, it is noted that the report prepared by SGS Economics, "Review of Illawarra Housing Market" puts the demand for housing at 3,000 over the same period as the draft plan. This highlights the variability in formulating realistic targets and the fact that this issue needs to be addressed as a major concern for this Council and one that requires further discussion prior to formalisation of a Regional Growth Plan.

Another major issue considered under "Meeting Housing Demand" is the establishment of an appropriate boundary for the southern expansion of Gerringong. This issue was considered by Council in 2011 as part of the adoption of the Kiama LEP 2011 and Kiama Urban Strategy. During the public consultation associated with these documents, 692 submissions were received in regard to this issue, 688 opposing any expansion of the boundary as existed at that time. The principle reasons put forward for objection were:

- The need to maintain a distinct separation between Gerringong and Gerroa;
- The need to retain productive farmland;
- The need to preserve highly valued rural and coastal vistas;
- Lack of infrastructure to service additional development;
- Impact on existing character of Gerringong and Gerroa.

It should be noted that the provisions of the current Regional Plan recognise the need to define a southern boundary for Gerringong to ensure that Gerringong and Gerroa do not join together and valuable coastal landscapes and agricultural land are retained. The lands identified in the former draft Urban Strategy were seen to be in keeping with this requirement and also were lands identified for urban expansion in the Gerringong Charrette.

At its meeting on 5 April 2011, Council resolved to defer this matter in order that further discussions could be held with the Department of Planning. The Mayor and General Manager subsequently met with the then Ministers for Planning and Transport in regard to a number of issues associated with the LEP and Urban Strategy, including the development boundary to the south of Gerringong. No firm commitment was given by either Minister at that time, and a briefing of Councilors was held with a resulting view that it would be appropriate for Council to now reconsider the Urban Strategy deferred matters rather than await a response from the Ministers or their Departments on key issues discussed.

Report of the Director Environmental Services

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan (cont)

The matter was resubmitted to the meeting of Council held on 20 September 2011.

Council resolved to adopt the Kiama Urban Strategy with the omission of lands identified for urban expansion to the south of Gerringong.

Whilst the adopted strategy had general acceptance from the then Department of Planning in regard to areas identified for potential rezoning, it was not formally endorsed, with the southern development boundary of Gerringong being one of the items that remained unresolved.

In a letter dated 15 February 2012, the Director General of the Department of Planning and Infrastructure advised:

“The (Kiama Urban) Strategy does not provide sufficient certainty about the southern boundary of Gerringong as required under the Illawarra Regional Strategy. Land that Council has excluded from the Strategy at South Gerringong is potentially suitable for urban development given the location of adjoining residential areas on two sides, its proximity to a good commercial centre, good road and rail access and the availability of surplus utilities capacity.”

The draft plan has clearly identified that Planning and Environment wish to work with Council to review what constitutes an appropriate southern development boundary for Gerringong. It would be expected that any review would need to address all issues raised previously and that these issues be addressed by the provision of contemporary information in each instance, further it would include an agricultural lands assessment as referenced in the next section of this report. Having regard to the level of community input received in regard to this issue previously, a public consultation plan would also need to form part of any review.

Managing the Illawarra’s Agricultural and Natural Resources

The draft plan has expanded on the Illawarra Discussion Paper by putting forward a set of principles to identify and protect significant agricultural and resource lands. In so doing the draft plan acknowledges:

“As the draft plan does not propose any further expansion of the Regions urban footprint, beyond those areas already strategically identified and endorsed through the Illawarra Urban Development Program and Shoalhaven Growth Management Strategy, there will be limited land use conflicts arising from this plan”, further

“Our main response to supporting agriculture in the region is a spatial one - to support agricultural productivity by identifying regionally important agricultural lands, and ensuring that these areas have appropriate zones or controls applied in local Plans”.

To support the above objectives, the draft plan has identified three basic principles, each with a number of sub-principles. The three identified principles are:

- Promote and protect sustainable economic activities;
- Maintain, protect and enhance natural assets, including soils, vegetation and fauna;
- Manage settlement and housing.

Report of the Director Environmental Services

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan (cont)

The NSW Department of primary Industries recently undertook a pilot mapping project to identify the agricultural lands needed for food, fibre and bio-energy production. This pilot exercise has been recognised by the draft plan and it is listed as a short term action to “map regionally important agricultural land using agreed mapping principles”. This will form an important part of the evidence base required to consider the future of such lands.

A critical element of such mapping will be what constitutes the agreed mapping principles. Having regard to the varied nature of agricultural undertakings within the Region, it is imperative that each local authority have input into this very important criteria. In this regard the potential impacts of climate change and the loss of agricultural lands in other Regions eg south-west Sydney, are considered to be significant considerations.

In regard to mapped natural resource lands, the draft plan shows a sand resource under one of the Kiama LGA’s most important high conservation value areas and biodiversity corridors at Gerroa. This creates a great deal of uncertainty as to what resource will prevail, the natural high conservation value system or the sand extraction. Clarification is required in regard to how this issue will be addressed.

Managing the Illawarra’s Environment and Heritage

As has been previously highlighted, the Kiama Local Government Area has been recognised for its distinctive character which sets it apart from its neighboring areas. The quality and combination of the coastal and rural landscapes and the way our development sits within this landscape have resulted in an area that is highly attractive as a tourist destination and provides a wide range of recreational opportunities.

The combination of tourism and the provision of recreational facilities have been identified in the draft plan as a focus area for growth and a key economic driver. Councils past actions have been focused on the retention of the attributes that make Kiama a desirable tourist destination and any regional initiative to take a managed approach to the retention and enhancement of this position should be supported.

The draft plan recognises the need to use an evidence base to inform future strategic planning in regard to environmental and heritage issues. Having such information at an early stage allows informed decision making and the adoption of planning controls that prevent or minimise impact on significant areas. Hazards such as flooding, bushfires, sea level rise and climate change will provide new, longer term challenges in the protection of natural assets. This aspect cannot be understated and needs to be a prime consideration in any strategic studies and evaluation of proposed planning controls.

Implementing the plan for the Illawarra

Council has previously highlighted the need to establish a governance structure as part of a Regional Plan and that such structure needs to ensure an ongoing dialogue between the NSW Government and each Council.

The model provided in the draft plan is one that could potentially achieve this outcome. Given that each Council has committed to the investigation of the

Report of the Director Environmental Services

9.4 Your Future Illawarra – Draft Regional Growth and Infrastructure Plan (cont)

establishment of a Joint Organisation of Councils, the potential for linkages between the two models should be considered.

It is reasonable that the content of the final Regional Plan provides the framework and context for the Local plans in each Council area. There have been issues in the draft plan where it has been identified that further information is required, e.g. the carrying out of regionally significant agricultural lands assessment, or where there may be conjecture on current information eg projected housing numbers. The formulation of local plans very much relies on having a sound evidence base and allowing those involved to make informed comment and decisions. As such it is imperative that such issues be resolved in order that the formulation of local plans is done on a firm evidence base.

Part of the implementation will involve the assessment of the achievement of desired outcomes. One of the more significant outcomes will undoubtedly be the construction of new housing, as has been the case with the existing Regional Plan. Growth targets in the current plan have not been realised. This can be attributed to a number of reasons, some of which are externalities that a Regional Plan may have little control over or be able to influence. Implementation may therefore, at times, require a degree of flexibility having regard to prevailing conditions existing. Where this scenario prevails, it is expected that the overriding focus will be one of collaboration and cooperation, not entrenched in individual issues, but rather on achievement of Regional objectives.



KIAMA MUNICIPAL COUNCIL

Phone Enquiries:

Mr Phil Costello
4232 0445

Reference:

(14/77307)

10 November 2014

Brett Whitworth
General Manager, Southern Region
Department of Planning and Environment
PO Box 5475
WOLLONGONG NSW 2520

Dear Brett

Draft Illawarra Growth and Infrastructure Plan

Council considered a report at its meeting held on 18 November in regard to the subject Draft Plan. As a result the following issues are raised and make up Council's submission to the consultation process.

Firstly, the staff of the Wollongong office of Planning and Environment are to be congratulated on the collaborative process undertaken to formalise the draft plan and the endeavours made in regard to consulting with relevant communities.

Whilst Council agrees with the objectives and general methodology outlined in the draft strategy, there remains a number of information gaps and areas of potential difference that have the potential to impact on our community and Council's strategies/Local Plan into the future.

The following issues are raised according to the chapter headings used in the draft plan;

"Developing A Prosperous Illawarra"

The identified focus areas for growth namely:

- Tourism;
- Health, disability and aged care;
- ICT/knowledge services;
- University and education;
- Transforming manufacturing;
- Logistics and Port related;

are endorsed by Kiama Council and we feel we have a role to play in each area. In particular the growth areas of tourism, health, disability and aged care are a primary focus for this Council.

...2/

LOCAL CORRESPONDENCE

GENERAL MANAGER

PO BOX 75

WOLLONGONG NSW 2533

DEPARTMENT OF PLANNING AND ENVIRONMENT

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TELEPHONE: 22 379 679 108

your council

-2-

The fact that the Illawarra currently earns around \$1.3 billion annually from tourism and receives over 8% of tourist visitations in NSW, reflects the significance of the industry to the local economy. Noting however that the total tourism income in NSW is in excess of \$25 billion, this suggests expenditure in the Illawarra should be more in the order of \$2 billion.

Initiatives relating to the provision of tourist accommodation also eco and agri tourism are particularly supported given the fact that the Kiama Local Government area has been recognised for its distinctive character, which is largely a factor of its well preserved coastal and rural landscapes. It is considered that a focus in these identified areas will not only have the effect of increased visitations but also increasing the average “spend” to align more closely with the NSW average.

The plan acknowledges Kiama Council's project for the provision of a centre of aged care excellence on the Kiama Hospital site, an investment of around \$60 million in the regional economy. The significance of this project does not simply rest with the initial investment, but with the ongoing service this centre will provide to the community and the associated economic multipliers. This and similar projects, need to be recognised for their regional contribution and supported through the final Regional Growth and Infrastructure plan.

“Meeting The Illawarra’s Demand for Housing”

As highlighted in Council’s submission to “The Illawarra over the next 20 years: A discussion Paper”, the variations between housing targets contained in the current Illawarra Strategy, the aforementioned discussion paper, the draft plan and Council’s own projections is a major concern.

The draft plan puts forward a housing target of 45,000 new dwellings in the Region by 2031, on the basis that there will not be any further expansion of the regions urban footprint, beyond those areas already strategically identified and endorsed.

Council has undertaken extensive work in the past preparing its current urban strategy which was adopted in 2011. A basic premise of this strategy was the accepted housing mix of 43% detached dwellings and 57% medium and high density dwellings. This accepted mix of dwelling types forms “the keystone” in Council’s strategy for future housing. The draft plan has put forward a mix of 53% detached dwellings (not including dual occupancies) and 47% medium/high density. This change has not been justified and compliance with such percentages will have a significant impact on Council’s ability to meet targets on sites that have been strategically identified. Thus, to meet targets expressed in the draft plan, it will be necessary to consider planning proposals for land not identified in Council’s current urban strategy. This would be contrary to the basic premise of the draft plan to not extend development outside existing footprints.

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In a similar vein, the overall housing target for single dwelling housing is considerably in excess of Council's current strategic planning projections. Council's currently identified maximum greenfields potential is 1285 allotments which is some 67% less than the single dwelling target of 1900 identified in the draft plan. This is compounded in the multi dwelling housing and apartment numbers which are also considerably in excess of currently identified numbers. If the draft plan figures are to be considered, it would realistically require substantial greenfields development outside currently identified locations.

The measures and sites identified in Council's urban strategy provide a realistic capacity to meet demand in the life of the strategy. To embark on the investigation of new greenfield sites at this time may impact on the development of the sites and strategies already identified.

Whilst the overall housing target for the Kiama LGA has been reduced from 4800 in the Illawarra discussion paper to 3600 in the draft plan, it is noted that the report prepared by SGS Economics, "Review of Illawarra Housing Market" puts the demand for housing at 3000 over the same period as the draft plan. This highlights the variability in formulating realistic targets. As highlighted earlier, this issue is a major concern for this Council and one that we are committed to working with Planning and Environment to resolve in order to meet Government and community objectives. In this regard we request further discussion and resolution prior to formalisation of a regional growth plan.

Another major issue considered under "Meeting Housing Demand" is the establishment of an appropriate boundary for the southern expansion of Gerringong. This issue was considered by Council in 2011 as part of the adoption of the Kiama LEP 2011 and Kiama Urban Strategy. During the public consultation associated with these documents, 692 submissions were received in regard to this issue, 688 opposing any expansion of the boundary as existed at that time.

The draft plan has clearly identified that Planning and Environment wish to work with Council to review what constitutes an appropriate southern development boundary for Gerringong. It would be expected that any review would need to address all issues raised during previous community consultation by the provision of contemporary information in each instance. Further it would include an agricultural lands assessment as referenced in Appendix "C.5.1" of the draft plan i.e. "map regionally important agricultural land using agreed mapping principles". Having regard to the level of community input received on this issue previously, a public consultation plan would also need to form part of any review.

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Managing the Illawarra’s Agricultural and Natural Resources

The draft plan has expanded on the Illawarra discussion paper by putting forward a set of principles to identify and protect significant agricultural and resource lands. In so doing the draft plan acknowledges:

“As the draft plan does not propose any further expansion of the Regions urban footprint, beyond those areas already strategically identified and endorsed through the Illawarra Urban Development Program and Shoalhaven Growth Management Strategy, there will be limited land use conflicts arising from this plan”, further

“Our main response to supporting agriculture in the region is a spatial one - to support agricultural productivity by identifying regionally important agricultural lands, and ensuring that these areas have appropriate zones or controls applied in local Plans”.

Kiama Council supports the above objectives and the action referred to above to map regionally important agricultural land using agreed mapping principles. This mapping will form an important part of the evidence base required to consider the future of such lands.

A critical element of such mapping will be the agreed mapping principles. Having regard to the varied nature of agricultural undertakings within the Region, it is imperative that each local authority have input into this criteria. Issues such as potential impacts of climate change and the loss of agricultural lands in other Regions eg south-west Sydney, are considered to be significant considerations.

In regard to mapped natural resource lands, the draft plan shows a sand resource under one of the Kiama LGA’s most important high conservation value areas and biodiversity corridors at Gerroa. This creates a great deal of uncertainty as to what resource will prevail, the natural high conservation value system or the sand extraction. Clarification is required in regard to how this issue will be addressed.

Managing the Illawarra’s Environment and Heritage

As has been previously highlighted, the Kiama Local Government Area has been recognised for its distinctive character which sets it apart from its neighbouring areas. The quality and combination of the coastal and rural landscapes and the way our development sits within this landscape have resulted in an area that is highly attractive as a tourist destination and provides a wide range of recreational opportunities.

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The combination of tourism and the provision of recreational facilities have been identified in the draft plan as a focus area for growth and a key economic driver. Council's past actions have been focused on the retention of the attributes that make Kiama a desirable tourist destination and any regional initiative to take a managed approach to the retention and enhancement of this position is supported.

The draft plan recognises the need to use an evidence base to inform future strategic planning in regard to environmental and heritage issues. Hazards such as flooding, bushfires, sea level rise and climate change will provide new, longer term challenges in the protection of natural assets. This aspect cannot be understated and needs to be a prime consideration in any strategic studies and evaluation of proposed planning controls.

Implementing the plan for the Illawarra

Council has previously highlighted the need to establish a governance structure as part of a Regional Plan and that such structure needs to ensure an ongoing dialogue between the NSW Government and each Council.

The model provided in the draft plan is one that potentially could achieve this outcome. Given that each Council has committed to the investigation of the establishment of a Joint Organisation of Council's, the potential for linkages between the two models should be considered.

It is reasonable that the content of the final Regional Plan form the framework and context for the Local Plans in each Council area. There have been issues in the draft plan where it has been identified that further information is required, e.g. the carrying out of regionally significant agricultural lands assessment, or where there may be conjecture on current information e.g. projected housing numbers. The formulation of local plans very much relies on having a sound evidence base and allowing those involved to make informed comment and decisions. As such it is imperative that such issues be resolved in order that the formulation of local plans is done on a firm evidence base.

Part of the implementation will involve the assessment of the achievement of desired outcomes. One of the more significant outcomes will undoubtedly be the construction of new housing, as has been the case with the existing Regional Plan. Growth targets in the current plan have not been realised. This can be attributed to a number of reasons, some of which are externalities that a Regional Plan may have little control over or be able to influence. Implementation may therefore, at times, require a degree of flexibility having regard to prevailing conditions. Where this scenario prevails, it is expected that the overriding focus will be one of collaboration and co-operation, not entrenched in individual issues, but rather on achievement of Regional objectives.

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To this end Kiama Council is committed to Regional Objectives, which include the identified issues in this submission, and will work with Planning and Environment to formalise and implement an Illawarra Regional Plan.

Yours faithfully

Phil Costello
Director of Environmental Services

Item 9.4

Attachment 1

10 REPORT OF THE GENERAL MANAGER

10.1 Council Meetings 2015

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

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

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

Summary

This report recommends that Council not hold a meeting in January 2015.

Finance

Not applicable.

Policy

Proposed meeting dates are a variation of Council's normal meeting date which is the third Tuesday of each month.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That the first Council meeting in 2015 be held on 17 February 2015.

BACKGROUND

Council meetings are normally held on the third Tuesday of each month. As has occurred in the past, it is proposed that Council vary meeting dates around the Christmas/New Year holiday period. It is proposed that the January meeting be cancelled with the next meeting being held on the third Tuesday of February being 17 February 2015.

10.2 Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors

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

CSP Strategy: 4.4 Ensure a policy framework exists which meets all legislative requirements and community expectations

Delivery Program: 4.4.1 Ensure corporate legislative compliance

Summary

This report recommends that Council adopt the Payment of Expenses and Provision of Facilities Policy considered by Council at its meeting on 16 September 2014 and which was recently publicly exhibited

Finance

This policy concerns payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor, Deputy Mayor and other Councillors in relation to discharging the functions

Policy

Under Section 252 of the Local Government Act, the Policy is required to be adopted by Council.

Attachments

1 Policy on the Payment of Expenses and Provision of Facilities

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

At its meeting on 16 September 2014 Council resolved to give public notice of its intention to re-adopt the Payment of Expenses and Provision of Facilities Policy with minor amendments relating to vehicle expenses incurred by Councillors undertaking Council business and the provision of information technology equipment.

The attached Payment of Expenses and Provision of Facilities Policy was publicly exhibited and closed on 5 November 2014. There were no submissions received.



POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND OTHER COUNCILLORS

PART 1 - INTRODUCTION

1.1 Purpose of Policy:

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

1.2 Policy Objectives:

- 1) To comply with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993.
- 2) To ensure that Councillors are reimbursed for all expenses legitimately incurred in performing the role of Councillor.
- 3) To establish clear guidelines regarding the provision of facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- 4) To provide for facilities and equipment to be made available to the Councillors.
- 5) To promote participation, equity and access.
- 6) To ensure accountability and transparency.

1.3 Making and Adoption of the Policy

This policy was prepared in accordance with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993 as amended.

This policy was placed on public exhibition for a minimum of 28 days. Following the consideration of public submissions by Council the policy was adopted.

1.4 Reporting Requirements

Section 428 of the Local Government Act 1993 requires Councils to include in their annual report:-

- the Council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors;
- the total amount of money expended during the year on providing those facilities and paying those expenses;
- additional information as required by the Local Government (General) Regulation 2005.

1.5 Legislative Provisions

a) Provisions under the Local Government Act 1993

Recent changes to sections 252(5) and 253 of the Local Government Act 1993, made by the Local Government Amendment Act 2005, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the Local Government Act 1993 requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the Local Government Act 1993) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

Section 252 states:-

- 1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- 2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- 3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- 4) *A council may from time to time amend a policy under this section.*
- 5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.

Section 253 states:-

- 1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- 2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- 3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- 4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:-*
 - a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*

- b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - c) *a copy of the notice given under subsection (1).*
- 5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

Section 428(2)(f) requires a council to include in its annual report:-

The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

In addition Section 428(r) requires that councils must report on any other information required by the regulations.

Section 439 of the Act requires every Councillor, member of staff of a Council and delegate of a Council to act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under the Local Government Act or any other Act.

b) Provisions under the Local Government (General) Regulation 2005

Note that changed reporting requirements are to be made under an amendment to clause 217 of the above regulation to allow different reporting arrangements in the annual report.

Clause 217 (Additional information for inclusion in annual reports) states in part:-

- 1) For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:
 - a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*

Clause 403 (Payment of expenses and provision of facilities) states:-

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

- a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

1.6 Other Government Policy Provisions

a) Department of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

b) Department of Local Government Circulars to Councils

The policy must take into account the following Circulars.

- Circular 05/08 Legal assistance for councillors and council employees.
- Circular 02/34 Unauthorised use of council resources.

c) The Model Code of Conduct for Local Councils in NSW

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – December 2004*. The following parts of the code are particularly relevant to s252 policies:-

Use of council resources (pp 23-24)

- 9.14 *You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 9.16 *You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 9.17 *You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*
- 9.18 *The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.*
- 9.19 *You must not convert any property of the council to your own use unless properly authorised.*

d) ICAC Publication - No Excuse for Misuse, preventing the misuse of council resources

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

1.7 Definitions

Expenses: Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a Council's Policy and may be either reimbursed to a Councillor or paid directly by a Council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by Councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

Functions of civic office/civic functions: Functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area. Kiama Municipal Council Councillors-Expenses & Facilities Page 7 Adopted by Council: 18 October 2011 Last Reviewed: 17 November 2013 Next Review: November 2014

1.8 Approval Arrangements

Approval for discretionary trips and attendance at conferences, seminars, training courses and the like shall be, where possible, approved by a full meeting of the Council. If this is not possible then the approval shall be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of Council meetings it shall be given jointly by the Deputy Mayor or another Councillor (if there is not a Deputy Mayor) and the General Manager. Travel outside the State of New South Wales requires approval by a full meeting of the Council. The travel proposal shall be included in the Council business paper.

If any dispute arises about the provision of expenses and facilities the disputed decision will be referred to full Council for determination.

1.9 Private Benefit

Councillors shall not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonuses or any other such loyalty schemes. However it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

1.10 Annual Fees

This policy excludes annual fees paid to the Mayor, Deputy Mayor and Councillors under Sections 248-251 inclusive of the Local Government Act 1993.

1.11 General Expense Allowances

General expense allowances will not be paid.

1.12 Administrators

The adopted expenses and facilities policy will apply to an Administrator if appointed to Council.

PART 2 - PAYMENT OF EXPENSES

2.1 General Provisions

- (a) Reimbursement of Councillors will only be made on the basis of actual expenses incurred in performing the duties of Councillor, a delegate or representing Council (as requested by the Mayor) as authorised by Council. Such expenses do not include those incurred as a result of anything other than Council business. A reimbursement of expenses to a maximum of \$65 daily will be paid for each day a Councillor is absent from the Municipality on Council approved civic duties, including conferences, seminars, training and educational courses. Councillor training is an area of priority and Council will meet reasonable expenses incurred by Councillors in undertaking appropriate training including the course cost, travelling expenses, accommodation costs and out of pocket expenses up to a maximum of \$65.00.

If a Councillor, due to extenuating circumstances, is unable to meet the expected out of pocket expenses to be incurred when attending approved civic duties including conferences, seminars, training and education courses, an out of pocket allowance may be paid in advance at a maximum of \$65 for each day that a Councillor is absent from the municipality subject to the approval of the Mayor and General Manager. The Councillor must provide documentary evidence of appropriate expenditure incurred and reimburse Council for any out of pocket funds not expended. This out of pocket allowance amount will be reviewed annually.

- (b) A mileage allowance for the use of a Councillor's private vehicle shall be paid to each Councillor when performing a function authorised by this policy, subject to this being the most effective mode of transport available.
- (c) All claims for reimbursement must be made on the prescribed form and must be sufficiently detailed and/or accompanied by appropriate documentary evidence. All claims for reimbursement must be made within six (6) months of the expense.

Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required Councillors are to certify that the expenditure was for the purpose intended.

- (d) In respect of the position of Mayor (and Deputy Mayor or Councillor when representing the Mayor), Council shall pay the cost of the elected member and their spouse, partner or accompanying person attending a function in an official capacity within New South Wales.

Council shall meet the reasonable costs of Councillors spouses, partners or accompanying person for attendance at official Kiama Council functions that are of a formal and ceremonial nature.

The cost of Councillors attendance at dinner and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business and when the function is relevant to the Council's interest will be met.

No payment shall be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

- (e) In respect of a conference or seminar, a Councillor who does not attend the majority of the sections of the conference/seminar shall not be eligible for a reimbursement of any sustenance, accommodation and travel expenses, unless extenuating circumstances apply.
- (f) Approved travel shall be in the most efficient and effective manner having regard to the requirements of individual Councillors.
- (g) Councillors shall make payment to Council for any private use of Council facilities as per this policy.
- (h) Council is to be advised on an annual basis of attendances at conferences and seminars by all Councillors and associated costs.
- (i) After returning from a conference/seminar the Councillor or member of staff accompanying the Councillor shall provide a written report to Council on the aspects of the conference/seminar relevant to Council business and/or the local community.

2.2 Specific Provisions

2.2.1 Accommodation

For all approved conferences, seminars, etc Council shall pay the cost of accommodation (including breakfast and parking) provided it is approved by the General Manager. Other out of pocket expenses incurred on approved official duties will be reimbursed on production of appropriate receipts etc attached to the prescribed form. All arrangements and bookings for accommodation shall be made by Council staff.

The Council will pay other costs charged by organisers of conferences and seminars i.e. costs related to official luncheons, dinners and tours which are relevant to the interests of the Council or assist the Councillors to discharge the functions of their civic office.

2.2.2 Expenses

Expenses which are eligible for reimbursement and not included in registration costs while representing Council at courses etc are parking fees, tolls, meals (Councillors only).

Other minor expenses eg. snacks, beverages etc may be reimbursed subject to the approval of the General Manager and Mayor. Receipts must be attached where possible to the approved form for payment.

2.2.3 Travel

The following applies only to travel authorised.

(i) Travel by Vehicle

- (a) Where practicable, travel shall be by way of Council vehicle.
- (b) Where a Councillor uses a private vehicle they shall be reimbursed on a per kilometre basis at the rate currently applying to the Local Government (State) Award.

The Schedule of reimbursements attached to this Policy indicates the rate applicable at this time.

- (c) Travel undertaken on Council business will be by the shortest route possible.
- (d) Councillors may claim reimbursement for travel to and from Council meetings, Council committee meetings and any other meetings at which their attendance has been approved by Council.
- (e) Travel other than by private vehicle (ie. by taxi, train or other public transport) shall be reimbursed on an actual cost basis
- (f) Any claims for reimbursement under this section must be made within two months from the date of the travel, on the prescribed form provided by Council for this purpose.

(ii) Air travel

- (a) Where travel by a Councillor by road vehicle is deemed inappropriate by the Council or the General Manager, travel may be by air.
- (b) The standard of air travel shall be economy class.
- (c) Arrangements and bookings for air travel shall under normal circumstances be made by Council staff.

2.2.4 Registration fees

- (a) All registration fees arising from the approved attendance of a Councillor at a conference or seminar, shall be paid by Council. This shall include any costs of attending official functions and tours. Registration fees and any costs of official functions and tours which apply to a partner or spouse will not be paid by Council.
- (b) Where a Councillor is unable to attend a conference or seminar and a full refund of fees paid cannot be obtained, or an alternate delegate cannot be sent, the Councillor shall be responsible for the payment of any shortfall, unless extenuating circumstances apply.

2.2.5 Care and Other Related Expenses

Councillors can claim up to \$100 per month for reimbursement of carer expenses that were incurred whilst attending to Council business. This may include childcare expenses and the care of immediate family members of Councillors who are elderly, have a disability and/or are sick. Reimbursement of childcare expenses will be made for children under 16 years of age only. Expenses will be paid on production of receipts. The maximum amount claimable per month will be indexed annually in accordance with the Consumer Price Index (CPI).

2.2.6 Legal Expenses

The reasonable legal expenses of a Councillor will only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Local Government Act (Section 731 refers) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:-

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal;
- (ii) Independent Commission Against Corruption;
- (iii) Office of the NSW Ombudsman;
- (iv) Division of Local Government, Department of Premier and Cabinet;
- (v) NSW Police Force;
- (vi) Director of Public Prosecutions;
- (vii) Council's Conduct Review Committee/Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Council's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a General Manager to a Conduct Reviewer/Conduct Review Committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

A Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

A Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

A Councillor is to obtain the approval of Council, where possible, prior to legal expenses being incurred.

2.2.7 Communication Expenses

Councils will not meet expenses for individual Councillors or groups of Councillors to produce and disseminate personalised pamphlets, newsletters and the like.

2.2.8 Gifts and Benefits

In circumstances where it is appropriate for Councillors to give a gift or benefit (for example, on a Council business related trip or when receiving visitors) these gifts and benefits shall be of a token value.

PART 3 - PROVISION OF FACILITIES, EQUIPMENT AND SERVICES

3.1 General Provisions

Council facilities and equipment should only be used by Councillors in the performance of the functions of a Councillor and in the manner prescribed and authorised by Council.

Subject to (a) above, certain designated facilities and equipment contained in this policy may be used by Councillors other than in the performance of the functions of a Councillor, providing the Council is reimbursed as provided in this policy.

3.2 Specific Provisions

3.2.1 Council vehicles

Subject to availability, Council vehicles may be used by Councillors for travel authorised by Council.

3.2.2 Council telephones

- (a) Except in an emergency, Councillors' use of Council phones shall relate to the business of Council only.
- (b) Councillors may have access to Council telephones during hours when the Council Chambers or Administrative Centre is open.
- (c) Council shall, upon request, provide Councillors (excluding the Mayor - see Clause 4.1.5(ii)) with a mobile telephone or a suitable smartphone including data plan (e.g. Apple iPhone or equivalent with the capability for significant electronic data communication such as emails, work documents, photographs, etc.) to facilitate the dissemination of information and aid in communication with and between Councillors as well as between Councillors and others. Councillors will be responsible for all call costs of the mobile telephone so provided. Council will be responsible for the provision, maintenance, repair and/or replacement costs associated with the mobile telephone.

3.2.3 Council Information

- (a) Council Staff will provide appropriate information and documentation to assist Councillors in the performance of their duties.

- (b) Where copies of documents or information are required a request should be made to the General Manager, the appropriate Director or Manager.
- (c) Requests from Councillors for in depth information, research or reports to Council shall be initiated by way of either Council resolution or by authorisation from the General Manager or Mayor.
- (d) Requests for information or assistance should be made to the appropriate Director or Manager or, if such officers are not available, to the most senior person available at the time.

3.2.4 Council Administrative Centre facsimile machines

- (a) Councillors may send and receive using Council facsimile machines during hours when the Council Chambers or Administrative Centre is open.
- (b) Except in an emergency, Councillors' use of Council facsimile machines shall relate to the business of Council only.

3.2.5 (i) Supply of Personal Computer and Tablet devices to Councillors

- (a) Each Councillor shall have the choice of a Desktop Computer or a Laptop Computer, such computers to have minimum specifications as advised by Council's IT Section at the time of purchase.
- (b) Each Councillor may additionally request Council to supply and maintain an Apple iPad or equivalent electronic tablet to Councillors in order to facilitate the dissemination of information and aid in communication with and between Councillors.

3.2.5 (ii) Supply of miscellaneous equipment to Councillors

Miscellaneous equipment can include a printer, fax, scanner, phone, answering machine and shredder.

- (a) Council shall, upon request, install and maintain the above miscellaneous equipment in Councillors' homes in order to facilitate the dissemination of information and aid in communication with and between Councillors.
- (b) Council shall, upon request, install an additional telephone line in a Councillor's home for the sole use of the facsimile/telephone/ answering machine(s) provided by Council.

- (c) Where an additional telephone line is installed, Council shall pay all installation costs. The account issued by the telephone service provider shall be paid in full by the Councillor. Council will reimburse the Councillor on at least an annual basis for the cost of line rental together and for costs associated with Council business.
- (d) Where an additional telephone line is not installed the Councillor will be permitted to use the facsimile machine for private purposes. Costs associated with official use will have to be formally claimed from Council.
- (e) All supplied miscellaneous equipment shall remain the property of Council and shall be returned when the Councillor no longer holds office.
- (f) Council shall supply all paper for use in Council provided miscellaneous equipment.

3.2.6 Sale of Second-hand Council Equipment

Former Councillors have the option to purchase the second-hand Council equipment at a sale price determined by an independent valuation.

3.2.7 Access to Administrative Centre and other Council owned/controlled buildings and areas

- (a) For the purpose of gaining access to authorised areas, Councillors shall be provided with the necessary key(s).
- (b) Councillors shall have access to the Council Chambers and designated committee meeting rooms subject to their availability.
- (c) Councillors shall have access to the administrative sections of the Council Administration Building, only during ordinary business hours except to access the Council Chambers or designated Committee Rooms.
- (d) Three designated car parking spaces shall be made available for Councillors. In the event of those spaces being occupied a Councillor may park in any other unoccupied space in the designated car parking area.

3.2.8 Stationery and postage

Each Councillor upon request will be issued with appropriate stationery on an annual basis as follows:-

"With compliments" slips (250)
Envelopes - pre paid (250)
Business cards (500)
Office of Councillor letterhead (250)

3.2.9 Meals and beverages

Council shall supply all Councillors with appropriate meals, refreshments and/or beverages associated with Council and committee meetings and functions.

3.2.10 Councillors' insignia of office

Councillors shall be provided with the following, upon request:-

- A metal lapel badge consisting of logo and two title bars.
- An engraved plastic lapel badge.
- A supply of 20 Council logo metal lapel badges (small).

3.2.11 Clothing

- (a) Councillors may purchase items of the corporate uniform as provided to staff.
- (b) If purchases exceed the value of \$200, Council shall provide \$100 towards the purchase costs.
- (c) Councillors will be issued on request a Council blazer to be worn at official functions.

3.2.12 Insurance

(i) Personal injury or death

All Councillors and their partners/spouses, whilst engaged in any activity, either directly or indirectly connected with the business of Council shall be covered by Council's Volunteer Workers insurance which covers death and disablement. (Subject to the level of cover and any exclusions which may apply to Council's insurance policy at any point in time.)

(ii) Professional Indemnity

All Councillors are covered for liability arising out of the exercise of the functions of Councillor, if, in the opinion of Council, such actions have been bona fide and/or proper. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

(iii) Public Liability

All Councillors are covered for liability arising out of the exercise of the functions of Councillor. (Subject to the level of cover and any conditions or exclusions which may apply to Councils insurance policy at any point in time.)

(iv) Councillors' Liability (including Council reimbursement)

All Councillors are covered for liability arising out of the exercise of the functions of Councillors where such actions are bona fide and in good faith.

The insurance policy will cover costs, charges, expenses and defence costs [but excludes fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s)].

The policy also covers the attendance by any insured persons(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned by any official body or institution that is empowered to investigate the affairs of the Council by reason of any Wrongful Act committed or allegedly committed by the Councillor in their capacity as Councillor. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

PART 4 - ADDITIONAL FACILITIES PROVIDED TO THE OFFICE OF MAYOR AND DEPUTY MAYOR

4.1 OFFICE OF MAYOR

4.1.1 Mayoral Office

An appropriately furnished office shall be supplied by Council for the office of Mayor.

4.1.2 Secretarial Support

Appropriate secretarial support will be provided for undertaking the duties of Mayor.

4.1.3 Refreshments/Beverages

Appropriate refreshments and beverages will be provided to the Mayoral office for hospitality purposes.

4.1.4 Mayoral Vehicle

- (i) A Council owned vehicle of an appropriate standard shall be provided for the Mayor's use if required. The "appropriate standard" shall be determined by the Mayor and General Manager and shall extend to the standard of vehicle included in the General Manager's Contract of Employment.
- (ii) The vehicle will be registered, insured and fully maintained by the Council.
- (iii) Private use of the vehicle will be permitted in accordance with an agreement similar to the senior staff vehicle agreements.

4.1.5 Mayoral Phones

- (i) A telephone with full STD access shall be provided in the Mayoral office.
- (ii) A portable mobile/car phone shall also be provided to the Mayor upon request. Council shall pay all rental costs and call charges excepting private calls which are to be met by the Mayor.

4.1.6 Mayoral Robes/Chain

The Mayor shall be entitled to wear the Mayoral robes/chain as determined by the Mayor.

4.1.7 Car Parking Space

A designated car parking space shall be provided for the Mayor.

4.2 DEPUTY MAYOR

In the absence of the Mayor, the Deputy Mayor, when performing the functions of Mayor, shall be entitled to use the facilities as stated in 4.1, except for 4.1.4 (Mayoral vehicle) and 3.1.5 (ii) (mobile phone) unless otherwise authorised by the Mayor.

**POLICY ON THE PAYMENT OF EXPENSES
AND PROVISION OF FACILITIES TO MAYOR,
DEPUTY MAYOR AND COUNCILLORS**

SCHEDULE OF REIMBURSEMENTS

2.1 Reimbursement

- (a) A daily reimbursement of expenses to a maximum of \$65 will be paid for each day a Councillor is absent from the Municipality on Council approved civic duties.

2.2.3 Travel by Vehicle

- (i) (b) Councillors who use a private vehicle for Council business shall be reimbursed on a per kilometre travel basis at the rate currently applying to the Local Government (State) Award. As at 1 July 2014 these rates are:-

Less than 2.5 litre engine	0.68¢ per kilometre
2.5 litres and over	0.78¢ per kilometre

3.2.5 (i) Supply of Personal Computers

- (a) Councillors will be reimbursed to a maximum amount of \$750 per annum to cover Internet access costs. Council shall upon request supply and maintain personal computer(s) (PCs) to Councillors in order to facilitate the dissemination of information and aid in communication with and between Councillors.
- (b) Reimbursement shall be paid to Councillors monthly or annually in arrears without production of a receipt.
- (c) Council shall nominate an independent service provider whose monthly access rate shall be the benchmark for determining the allowance paid to Councillors. Individual Councillors will not however be required to use the ISP nominated by Council but will not receive this allowance unless they have an active account with an ISP.
- (d) The amount shall be reviewed annually, or immediately in the event that there is an increase in the monthly Internet access cost of the (ISP) nominated by Council.
- (e) Councillors shall be reimbursed an amount equivalent to any initial set up charges levied by the ISP nominated by Council.

- (f) Councillors shall be provided upon request with any reasonable consumables (including paper and ink/toner cartridges) associated with the use of the personal computer and printer for official Council use.

3.2.5 (ii) (c) Supply of Facsimile/Telephone/Answering Machines

- (i) Councillors will be reimbursed for a maximum amount of \$500 per annum to cover rental costs and costs of official Council use.
- (ii) The amount shall be reviewed annually, taking account of the costs of rental, call costs and usage.

10.3 First quarter report - Operational Plan 2014-15

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

CSP Strategy: 4.14 Ensure continual improvement of Council's Integrated Planning and Reporting framework to meet the Community's long-term vision for Kiama Municipality

Delivery Program: 4.14.1 Ensure compliance with, and continual improvement of, the Integrated Planning and Reporting Framework

Summary

This report provides a progress report to council for the 1st quarter (July to Sept) of the 2014/15 Operational Plan.

Finance

N/A

Policy

Council reports quarterly on the budget and Operational Plan

Attachments

Nil

Enclosures

- 1 Report to Council - Operational Plan - On target - Nov 2014
- 2 Report to Council - Operational Plan - Not in this period - Nov 2014
- 3 Report to Council - Operational Plan - Completed - Nov 2014
- 4 Report to Council - Operational Plan - Behind target - Nov 2014
- 5 Report to Council - Operational Plan - Ahead of target - Nov 2014

RECOMMENDATION

That Council note the report.

BACKGROUND

Council reports quarterly on progress of the delivery of its annual Operational Plan. The Operational Plan outlines the activities staff undertake to give effect to the Council's four year Delivery Program.

The quarterly reports (prepared by exception) are attached as addendums to this report.

The following are some of the highlights of the Operational Plan in the 3 months to end of September 2014.

Report of the General Manager

10.3 First quarter report - Operational Plan 2014-15 (cont)

The implementation of a number of new initiatives within the community care support program has significantly increased outputs in supporting people with a disability and the provision of service in line with agreed funding targets.

A recent access project undertaken by TAFE students has resulted in a schedule of which beaches, public amenities and cafes meet accessibility criteria. This information can then be provided (via website, brochures, digital applications) to members of the community as well as visitors who have access issues and assist them in moving about and participating in community life within the Municipality.

The NAIDOC Awards were facilitated by Kiama Council in mid July and was an incredibly successful evening with excellent feedback from participants regarding the organisation and location for the awards.

A number of significant achievements with Kiama's youth were made during the quarter, in particular the Youth Week skate comp attracting over 189 young people, the Youth Forum held in July, Council's annual Youth Engagement Meeting (an Ordinary Council meeting) was again held at Kiama High School and live videoconferencing sessions on how to record a song and guitar lessons were held.

Kiama Council received two of the prestigious NSW Local Government RH Dougherty Awards. Communications Officer Pip Spence received the top honour in NSW for 'Outstanding Individual Contribution' for her significant contribution to transforming the role of local communications and for her work lifting the profile of Kiama on a national level.

The Kiama Connect project received a highly commended award for 'Excellence in Communications' for delivering a state-of-the-art videoconferencing platform, which utilises the NBN, bringing community engagement into the digital age.

Seven Mile Beach and Warri Beach were recently rated as two of the cleanest beaches in the Illawarra. Every beach in the Kiama council area has rated in the top two brackets for water quality in the latest Beachwatch 2013-14 report.

Workshops were held to increase resident skills in urban gardening and food production as part of Council's ongoing commitment to local food security programs.

A number of new initiatives within the Commonwealth HACC social support services to older people has resulted in significantly increased outputs with respect to services delivered and importantly in assisting older people and contributing to their well being.

An increase in volunteers has allowed the library to increase the number of literacy, information and educational programs on offer (with an increase in participants as well). The Library has received numerous compliments from parents about the Library's volunteers who help out with school holiday activities.

A gas and electricity audit for Kiama Leisure Centre was secured through the state governments Energy Saver Program. The audit will focus on identifying opportunities for investment in upgrades to existing equipment or new equipment which will lead to lower energy consumption and costs at the centre.

There were 54 events held in the quarter at The Pavilion. This is an increase from the 35 for the same time last year, and represents an increase of 54.3%.

Report of the General Manager

10.3 First quarter report - Operational Plan 2014-15 (cont)

The following are activities reported as being behind target within the Operational Plan in the 3 months to end of September 2014 and which require a management response in the following months.

The restructure of the (Community Care Support program) Home Maintenance program resulted in a decrease in winter services. This restructure was necessary however to ensure sustainability of the program. Increased capacity within the program will provide an opportunity to increase future client numbers.

Similarly, although the Community Care Support domestic assistance outputs remain behind target the recent restructure within the program will result in increased outputs being achieved. An increase in client fees over the next 12 months will also increase the capacity of the program to meet target outputs. There has also been a drop in client referrals over the last quarter but it is expected that proposed promotional activities will reverse this.

A drop in referrals for under 65's assistance to people with a disability has impacted on outputs. A planned promotion of personal care services for people with a disability should help rejuvenate referrals in the coming months.

Investigation of a multi function arts space for the Kiama municipality has fallen behind target, however the consultant's report was considered in the October Council meeting.

Progress with the redevelopment and expansion of Blue Haven aged care facility and in particular design and master planning of the proposed facility fell behind target during the quarter as negotiations slowed and site contamination issues emerged.

The activity to obtain development consent and obtain a modified EPA licence for the new waste and organics facility at Minnamurra Recycling Facility fell behind target as quotations from planning consultants were still to be received and there was a substantial delay with the EPA issuing a licence variation (which has now been received).

The development of corporate and community indicators for measuring and 'tracking' Council performance is behind target, however work continues to be undertaken to develop meaningful and useful indicators.

10.4 ISA 2015 Kneeboard Surfing World Titles

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.2 Develop and promote conference and event opportunities within the local area

Summary

This report considers a request from Kneeboard Surf Australia and Kneeboard Surf International for in-kind support to assist with the conducting of the ISA 2015 Kneeboard Surfing World Titles in Kiama from 13-20 September 2015.

Finance

To be financed from the events budget.

Policy

n/a

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

- 1 provides two cabins at the Kiama Harbour Cabins from 13-20 September for the use of international judges and officials
- 2 waives any reserve hire and garbage collection fees.

BACKGROUND

It was reported to the July 2014 Council meeting via an information report that Council has received an application from Kneeboard Surf International to hold the 2015 World Titles in Kiama in September 2015.

The event is planned to run over a week from 13 September to 20 September and it is anticipated that the event will attract over 125 competitors from around the world plus over 100 officials, family and friends.

Council resolved to support the event.

Council has since received correspondence from Kneeboard Surf International seeking the following support:

- 1 two cabins for one week at Kiama Harbour Cabins to house international judges and officials
- 2 waiving of any reserve hire fees and garbage collection fees.

Report of the General Manager

10.4 ISA 2015 Kneeboard Surfing World Titles (cont)

These costs could be met from the events budget.

The participants will book out the majority of Kiama Harbour Cabins and much of Surf Beach and Kendalls Beach Holiday Parks. The Committee has also booked The Pavilion Kiama for a presentation dinner.

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

Nil

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

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

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

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

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

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

- 1 Statement of Investments - Part (b)
- 2 Statement of Investments - Part (c) & (d)

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

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

Report of the Manager Corporate Services

12.1 Statement of Investments (cont)

a) Investment Commentary

The total investment portfolio decreased by \$650K during October 2014. Various revenue was received totalling \$4.9M, including rate payments amounting to \$500K, grants and contributions of \$1.21M, user fees and charges and other revenue of \$1.7M, Blue Haven ILU unit sales of \$290K and Debtor receipts of \$1.2M. Payments to suppliers of \$4.4M and employee wages of \$1.5M amounted to total expenditure of \$5.9M.

Note that the Westpac Bank Account balance shown in (a) of \$1.581M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 October 2014 is \$447K with an annual budget estimate for 2014/2015 of \$1.1M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years with average interest rates on Council's Direct Investment portfolio dropping by 0.19% over the last 12 months. With the Reserve Bank cash rate at 2.5%, and on hold, there does not appear to be any likelihood of any change in rates upward. The current 90 day investment rate quoted by National Australia Bank on 31 October was 3.46%. The previous month's was 3.42% with October 2013 rate being 3.70%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index.

Certification – Responsible Accounting Officer

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

**Phil Mison**

Responsible Accounting Officer

Manager Corporate Services

(b) Council Investments as at 31 October, 2014

DIRECT INVESTMENTS:	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
INSTITUTION	G						
ANZ	AA-	1,000,000.00	Term Deposit	18/06/14	14/01/15	210	3.60
ANZ	AA-	1,000,000.00	Term Deposit	15/04/14	11/11/14	210	3.60
Bankwest	AA-	1,000,000.00	Term Deposit	24/09/14	25/11/14	62	3.40
Bankwest	AA-	500,000.00	Term Deposit	10/09/14	03/12/14	84	3.40
Bankwest	AA-	1,000,000.00	Term Deposit	03/09/14	04/11/14	62	3.45
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	09/10/14	01/04/15	174	3.50
Bank of Qld	A-	1,500,000.00	Term Deposit	13/08/14	11/02/15	182	3.60
Bank of Qld	A-	1,000,000.00	Term Deposit	14/07/14	20/11/14	129	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	21/10/14	17/06/15	239	3.50
Bendigo	A-	1,000,000.00	Term Deposit	09/09/14	04/03/15	176	3.45
Bendigo	A-	1,000,000.00	Term Deposit	19/06/14	18/03/15	272	3.55
Commonwealth Bank	AA-	500,000.00	Term Deposit	30/07/14	28/01/15	182	3.45
Macquarie	A	500,000.00	Term Deposit	18/06/14	15/12/14	180	3.65
ME Bank	BBB+	1,000,000.00	Term Deposit	09/07/14	07/01/15	182	3.50
ME Bank	BBB+	1,500,000.00	Term Deposit	12/02/14	19/11/14	280	3.68
ME Bank	BBB+	1,000,000.00	Term Deposit	15/10/14	06/05/15	203	3.50
NAB	AA-	1,000,000.00	Term Deposit	27/08/14	25/02/15	182	3.65
NAB	AA-	1,470,000.00	Term Deposit	08/10/14	08/04/15	182	3.58
NAB	AA-	1,000,000.00	Term Deposit	14/05/14	12/11/14	182	3.70
NAB	AA-	1,000,000.00	Term Deposit	14/11/13	14/11/14	365	3.67
NAB	AA-	1,000,000.00	Term Deposit	22/10/14	24/06/15	245	3.57
NAB	AA-	1,000,000.00	Term Deposit	27/05/14	26/11/14	183	3.70
NAB	AA-	1,000,000.00	Term Deposit	20/08/14	18/02/15	182	3.65
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	27/10/14	29/01/15	94	3.35
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	01/09/14	10/06/15	282	3.30
IMB Society	BBB	1,000,000.00	Term Deposit	14/08/14	13/05/15	272	3.45
IMB Society	BBB	1,000,000.00	Term Deposit	10/09/14	11/03/15	182	3.40
ING Bank	A-	1,000,000.00	Term Deposit	25/06/14	21/01/15	210	3.65
ING Bank	A-	1,000,000.00	Term Deposit	23/07/14	28/01/15	189	3.49
ING Bank	A-	1,000,000.00	Term Deposit	15/09/14	15/04/15	212	3.49
ING Bank	A-	1,000,000.00	Term Deposit	06/08/14	04/02/15	182	3.37
Rural Bank	A-	1,000,000.00	Term Deposit	03/09/14	24/12/14	112	3.45
Rural Bank	A-	1,000,000.00	Term Deposit	01/10/14	03/02/15	125	3.40
Suncorp	A+	500,000.00	Term Deposit	16/07/14	10/12/14	147	3.45
Suncorp	A+	500,000.00	Term Deposit	28/08/14	10/12/14	104	3.40
Suncorp	A+	1,000,000.00	Term Deposit	28/08/14	24/02/15	180	3.40
Westpac	AA	1,000,000.00	Term Deposit	29/10/14	29/01/15	92	3.38
Westpac	AA	1,000,000.00	Term Deposit	05/02/14	04/02/15	364	3.70
Westpac	AA	1,581,618.37	Bank Account	-	AT CALL		0.84
Westpac	AA	1,967,464.10	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		41,519,082.47			Average Rate-Jan 2014		3.44
					Average Rate-Jan 2013		3.63

MANAGED FUNDS:	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
INSTITUTION						
Lehman Brothers -See Note 1 below	1,144,074.35	Managed	09/12/05	VARIOUS		2.60
TOTAL MANAGED FUNDS	1,144,074.35				Average Rate-Jan 2014	2.60
					Average Rate-Jan 2013	2.72

TOTAL INVESTMENTS	42,663,156.82
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TOTAL INVESTMENTS SEPT 2014	43,313,277.07	-1.52%	Change in total investment over prev 1 month
TOTAL INVESTMENTS OCT 2013	38,237,317.42	11.57%	Change in total investment over prev 12 months

MANAGED FUNDS

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

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,449,241.23
	Grants	1,251,258.00
	Domestic Waste	1,359,016.00
	Waste & Sustainability	204,173.18
	Southern Council's Group	2,785,425.81
Internally Restricted	Blue Haven ILU	4,054,791.49
	Blue Haven Hostel	6,272,939.37
	Blue Haven Nursing Home	1,971,770.83
	Land Development	6,081,524.71
	Waste Business Unit (Plant Replacement)	1,416,579.00
	Plant Replacement - Engineers	884,279.00
	Employee Leave Entitlements	791,669.00
	Carry-over works	1,260,569.00
	Holiday Parks (incl crown reserves)	1,196,545.00
	Contingencies	1,024,040.00
	Computer	200,000.00
	Property Insurance	120,000.00
	Community Bus	209,736.00
	CACP	8,257.00
Loan Funds	Local Infrastructure Renewal Scheme	440,007.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	7,681,335.20
TOTAL INVESTMENTS		42,663,156.82

Note:

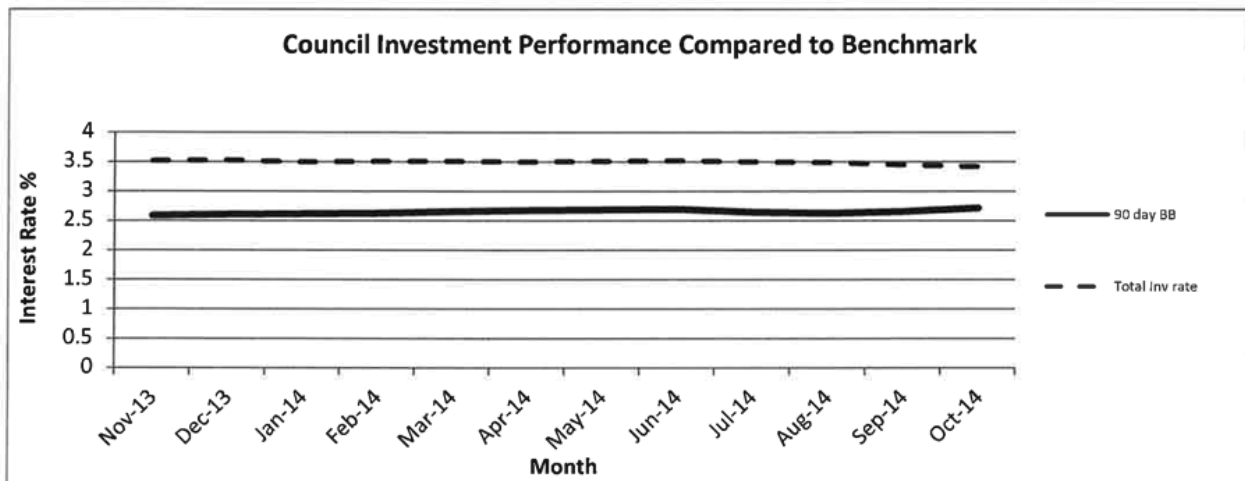
The above Application of Invested Funds reflects audited balances as at 30 June 2014. Actual movement in these balances are recorded at the end of the financial year.

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

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	3.42	2.72
3 months	3.45	2.67
6 months	3.48	2.68
12 Months	3.50	2.65



12.2 Financial Report for the period ending 30 September 2014

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

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

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

Summary

That the revised budget for the period ending 30 September 2015 be received and adopted

Finance

Variation to Council's 2014/2015 Budget

Policy

This report is a requirement under the Local Government Act 1993

Attachments

1 Budget Review Quarter ending 30 September 2014

Enclosures

Nil

RECOMMENDATION

That the revised budget for the period ending 30 September 2014 be received and adopted.

BACKGROUND

In accordance with Clause 203 of the Local Government (General) Regulation 2005 the revised budget for the period is presented for Council's consideration. A detailed budget review statement will be tabled at the meeting. The statement provides for any variations, which have previously been approved by Council, and adjustments to income and expenditure items based on present trends to date.

Report of the Manager Corporate Services

12.2 Financial Report for the period ending 30 September 2014 (cont)

Original Estimates 2014/2015	\$
Expenditure (excluding depreciation)	60,722,765
Revenue	<u>60,722,765</u>
Projected Budget result as at 30/6/15	0
Add: Net variations previously approved by Council	0
Add: Net variations proposed for this quarter ended 30/09/14	0
Projected result on 2014/2015 Original Budget Estimates as at 30/09/14	0
Add: Revenue Revotes (previously reported)	4,128,897
Less Funding	(4,128,897)
Projected Deficit as at 30/09/14 for 2014/2015 Operations	0
Add: Depreciation (non cash)	7,950,000
Projected Deficit Including Depreciation as at 30/09/14	7,950,000

Item 12.2

Budget Review Report

The first quarter review has a nil overall effect based on the original budget figures. Material variations to the budget are included in the following statements.

Summary of changes in the following reports:-	(\$,000)
Income & Expenses Statement - net increase in revenue	381
Capital Budget Statement - net increase in expenditure	<u>843</u>
Resulting in:-	
Cash & Investments Statement - decrease in Restricted Cash	<u>462</u>

Attached are Revised Income Statement, Capital Budget Statement, Cash and Investments, Key Performance Indicators and Contracts & Other Expenses showing the material variances for the September Quarter.

The Budget Review Report will be tabled at the meeting.



Phil Mison

Responsible Accounting Officer
Manager Corporate Services

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 30/09/14 indicates that Council's projected financial position at 30/6/15 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: 

date: 21/10/14

Phillip Mison
Responsible Accounting Officer

Item 12.2

Attachment 1

Kiama Municipal Council

Income & Expenses Budget Review Statement

Budget review for the quarter ended 30 September 2014
Income & Expenses - General Fund

Quarterly Budget Review Statement
 for the period 01/07/14 to 30/09/14

	Original Budget 2014/15	Approved Changes			Revised Budget 2014/15	Variations for this Sep Qtr	Projected Year End Result	Actual YTD figures
		Revotes	Other than by QBRs	Sep QBRs				
Income								
Rates and Annual Charges	18,399				18,399	18,399	18,357	
User Charges and Fees	14,395				14,395	14,407	3,337	
Interest and Investment Revenues	1,111				1,111	1,111	295	
Other Revenues	1,726				1,726	1,791	434	
Grants & Contributions - Operating	9,516				9,516	9,683	1,944	
Grants & Contributions - Capital	984				984	931	-	
Net gain from disposal of assets	508				508	827	79	
Share of Interests in Joint Ventures								
Total Income from Continuing Operations	46,639	-	-	-	46,639	47,149	24,446	
Expenses								
Employee Costs	21,825				21,825	22,025	5,107	
Borrowing Costs	381				381	381	23	
Materials & Contracts	15,956	1,383			17,339	17,401	3,057	
Depreciation	7,950				7,950	7,950	-	
Other Expenses	3,530				3,530	3,397	1,308	
Interest & Investment Losses								
Net Loss from disposal of assets								
Share of interests in Joint Ventures								
Total Expenses from Continuing Operations	49,642	1,383	-	-	51,025	51,154	9,495	
Net Operating Result from Continuing Operations	(3,003)	(1,383)	-	-	(4,386)	(4,005)	14,951	
Net Operating Result from All Operations	(3,003)	(1,383)	-	-	(4,386)	(4,005)	14,951	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRs report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details		(\$,000)
Revenues		
0740 Storm Damage Feb 2013	Insurance Claim	45
0720 Financial Assistance Grant	Increase in allocation	50
0740 Finance & Admin Income	Insurance recovery - Storm damage Feb 2013	45
2812 Organics and Recycling Implementation	Additional grant funds	21
2813 Kiama's Litter Hotspots Project	Capital grant	31
2815 Minnamurra River	Grant	40
2829 Community Recycling Centre	Capital grant received in previous year	(190)
3875 Jamberoo Cycleway	Reduction in capital grant allocation	(40)
3880 Road Safety Officer	Road safety program grants	35
3895 Kiama Netball Courts resurfacing	Capital grant	50
3895 North Kiama NHC security fencing	Capital grant	18
3895 Kiama Surf Club lift	Capital grant	35
3895 Memorial Arch	Capital grant	37
3896 Section 94 New Plan	Funding projects from S94 A Plan	95
7060 Land Development	35 Blackwood St Gerringong Land sale	280
Expenses		
1045 Illawarra Inhome Support	Software purchase	45
2352 Organics and Recycling Implementation	Reallocation for salaries for project	100
2353 Organics and Recycling Implementation	Reallocation from other expenses for project	(79)
3495 Road Safety Officer	Road safety programs	35

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Kiama Municipal Council
Capital Budget Review Statement

Budget review for the quarter ended 30 September 2014
Capital Budget - General Fund

(\$000's)	Original Budget 2014/15	Approved Changes			Revised Budget 2014/15	Variations for this Sep Qtr	Projected Year End Result
		Revotes by QBRs	Other than QBRs	Mar QBRs			
Capital Expenditure							
Assets							
- Plant & Equipment	2,728	162		2,890	123	3,013	
- Information Technology	137	360		497	285	782	
- Land Development				-	50	50	
- Library Resources	87			87		87	
- Infrastructure	3,306	2,224		5,530	385	5,915	
Loan Repayments (Principal)	960			960		960	
Total Capital Expenditure	7,218	2,746	-	9,964	843	10,807	
Capital Funding							
Rates & Other United Funding	2,495	602		3,097	392	3,489	
Capital Grants & Contributions	601	561		1,162	227	1,389	
Reserves:							
- External Restrictions/Reserves							
- Internal Restrictions/Reserves	3,614	1,010		4,624	140	4,764	
New Loans		369		369		369	
Receipts from Sale of Assets							
- Plant & Equipment	508			508		508	
- Land & Buildings							
S94 Developer Contributions		204		204	84	288	
Total Capital Funding	7,218	2,746	-	9,964	843	10,807	
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRs report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details		(\$,000)
0540 Computer Purchases	Stage 2 of Wide Area Network (as resolved by Council at 4 September meeting)	285
2453 Kiama's Litter Hotspots Project	Plant Purchase from grant funding	122
3150 Capital New	North Kiama NHC Security Fencing	35
3150 Capital New	Kiama Surf Club Lift	70
3150 Capital New	Memorial Arch	167
3150 Capital New	Kiama Netball Courts resurfacing	100
3150 Capital New	Jamberoo Valley Cycleway-reduction in grant funding	(40)
3370 Buildings	Gasworks Site Rehabilitation	20
6980 Land Development	Works relating to Blackwood St land sale	50

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Kiama Municipal Council
Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2014
Cash & Investments - General Fund

(\$000's)	Cash Position 30/6/14	Original Budget 2014/15	Approved Changes			Revised Budget 2014/15	Variations for this Sep Qtr	Projected Year End Result	Actual YTD figures
			Revotes	Other than by QBRS	Sep QBRS				
Externally Restricted ⁽¹⁾									
S94 Developer Contributions	3,086	190	(249)	-	(59)	(84)	2,943	3,086	
Grants and Contributions	1,251		(1,251)	-	(1,251)		-	1,251	
Domestic Waste	1,359	127			127	(20)	1,466	1,359	
Waste & Sustainability	204	84	(34)		50	(38)	216	204	
Southern Council's Group	2,785				-		2,785	2,785	
Total Externally Restricted	8,685	401	(1,534)	-	(1,133)	(142)	7,410	8,685	
<i>(1) Funds that must be spent for a specific purpose</i>									
Internally Restricted ⁽²⁾									
Blue Haven ILU	4,055	(90)			(90)		3,965	4,055	
Blue Haven Hostel	6,273	60			60		6,333	6,273	
Blue Haven Nursing Home	1,972	(67)			(67)		1,905	1,972	
S94 Recoupments	363	(150)			(150)	(27)	186	363	
Land Development	6,082	1,752	(862)		890		6,972	6,082	
Carry-over Works	1,260		(1,260)		(1,260)		-	1,260	
Waste Business Unit	1,417	100			100		1,517	1,417	
Employee Leave Entitlements	792				-		792	792	
Holiday Parks	1,196	24	(103)		(79)		1,117	1,196	
Contingencies	1,024	(29)			(29)	(285)	710	1,024	
Plant Replacement	884	(3)			(3)		881	884	
Community Bus	210	(70)			(70)		140	210	
Computer	200	(200)			(200)		-	200	
Property Insurance	120				-		120	120	
CACP	8				-	(8)	-	8	
Unexpended Loan Funds	440		(369)		(369)		71	440	
Total Internally Restricted	26,296	1,327	(2,594)	-	(1,267)	(320)	24,709	26,296	
<i>(2) Funds that Council has earmarked for a specific purpose</i>									
Unrestricted	5,654						5,654	8,332	
<i>(ie. available after the above Restrictions)</i>									
Total Cash & Investments	40,635	1,728	(4,128)	-	(2,400)	(462)	37,773	43,313	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$43,313,277

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 30/09/14

Recommended changes to revised budget

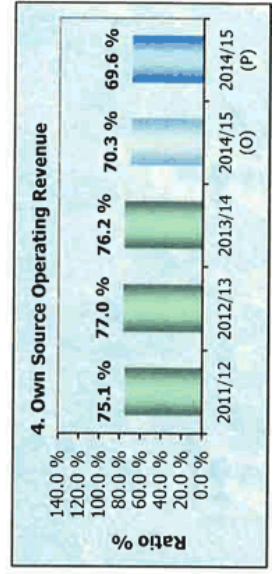
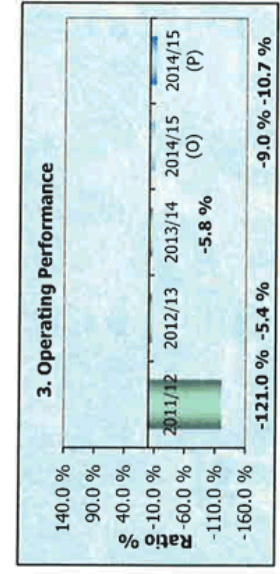
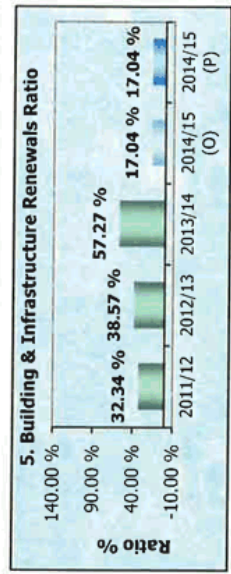
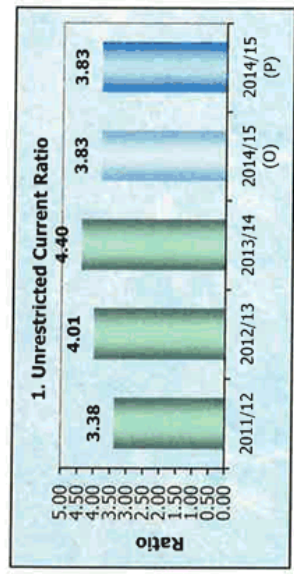
Budget Variations being recommended include the following material items:

Details	Internally Restricted Cash	Transfers from Restricted Cash	(\$,000)
0789	Contingency	Stage 2 of Wide Area Network (as resolved by Council at 4 September meeting)	(285)
1747	CACP	Funding transfer	(8)
2833	Domestic Waste	Funding Drop off trial	(20)
2845	Waste & Sustainability	Funding for Estuary management project	(38)
3887	S94 Recoupments	Funding of previous revenue funded projects	(28)
3896	S94 New Plan	S94 funding of previous revenue funded projects	(84)

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Key Performance Indicators Budget Review Statement
Budget review for the quarter ended 30 September 2014

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	
	14/15	14/15	14/15	13/14	12/13
1. Unrestricted Current Ratio					
Current Assets less all External Restrictions	29,226		3.83	4.40	4.01
Current Liabilities less Specific Purpose Liabilities	7,626	3.83	3.83		
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.					
Industry Benchmark: 2:1					
5. Building & Infrastructure Renewals Ratio					
Asset Renewals	1,076	17.04 %	17.04 %	57.27 %	38.57 %
Depreciation, Amortisation & Impairment	6,313				
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.					
Industry Benchmark: 100%					
3. Operating Performance					
Operating Revenue (excl. Capital) - Operating Expenses	-4,936	-10.7 %	-9.0 %	-5.8 %	-5.4 %
Operating Revenue (excl. Capital Grants & Contributions)	46,218				
This ratio measures Council's achievement of containing operating expenditure within operating revenue.					
4. Own Source Operating Revenue					
Rates & Annual Charges + User Charges & Fees	32,806	69.6 %	70.3 %	76.2 %	77.0 %
Total Operating Revenue (incl. Capital Grants & Cont)	47,149				
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.					



Kiama Municipal Council

Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2014
Part A - Contracts Listing - contracts entered into during the quarter

Quarterly Budget Review Statement
 for the period 01/07/14 to 30/09/14

Contractor	Contract detail & purpose	GST Incl	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Philip C Young Builders Pty Ltd	Refurbishment of Blowhole Point Amenities Building		259,435	01/08/14	4 months	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBR report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/14 to 30/09/14

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	110,953	Y
Legal Fees	18,613	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Details

12.3 Audited Annual Financial Statements 2013/2014

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

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

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

Summary

This report advises that a public notice was placed in the local paper on 12 November 2014 advertising that the Audited Financial Statements will be tabled for consideration at this meeting.

Finance

Audit costs are covered in Council's budget.

Policy

This report is a requirement of the Local Government Act and Local Government (General) Regulations 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That:

- (1) The Annual Financial Statements and Audit Reports for the period ended 30 June 2014 be received and adopted.
- (2) Copies of the Audited Financial Statements and Audit Reports be forwarded to the Office of Local Government.

BACKGROUND

Council at its meeting held on 16 September 2014 resolved to refer the Annual Financial Statements to Council's auditors in accordance with Section 413(1) of the Local Government Act 1993.

Council's auditors are required to report on the General Purpose and Special Purpose Financial Statements, which include the five main Statements, Significant Accounting Policies and Notes to the Financial Statements. They are also required to report on the conduct of the audit.

Report of the Manager Corporate Services

12.3 Audited Annual Financial Statements 2013/2014 (cont)

Report on General Purpose Financial Statements

The audit report by Pitcher Partners advises that Council has complied with all Australian Accounting Standards and obligations and responsibilities under the Local Government Act 1993, and the Local Government (General) Regulation 2005.

Pitcher Partners have issued an unqualified audit report for the General Purpose Financial Statements.

COMMENTS ON THE GENERAL STATEMENTS

The Income Statement for the twelve month period ending 30 June 2014 discloses a net operating deficit for the year of \$4.1M (2012/2013 \$3.5M surplus). The deficit of \$4.1M includes a Fair Value revaluation expense for Investment Properties of \$4.415M, an increase in depreciation of \$1M and unexpended grant and revenue funds revoted into 2014/2015. Council's total equity on the Balance Sheet as at 30 June, 2014 was \$329.6M (2012/2013 \$345.2M).

The inclusion of infrastructure assets as required by Australian Accounting Standards has seen the subsequent increase in depreciation from \$2.734M at 30 June, 1997 to \$8.972M for the 2013/2014 year.

Rates and annual charges represent approximately 33.43% of Council's revenue (2012/2013 31.11%). Employee costs for 2013/2014 represented 40% of Council's total operating expenses (2012/2013 45%)

Performance Indicators

Council's unrestricted current ratio (current assets less all external restrictions over current liabilities less specific purpose liabilities) as at 30 June 2014 was 4.40:1 with the industry benchmark being 1.50:1. The 2014 result is above industry guidelines and takes in to consideration the funds that have been set aside for the Blue Haven Retirement Village for future infrastructure works. Rates and annual charges outstanding percentage (rates and annual charges outstanding over rates and annual charges collectable) was 2.35% and remains within industry guidelines of 5% for the ratio. The Operating Performance ratio has been declining as depreciation expenses have been increasing and land sales have been declining. The Asset Renewals ratio of 57.27% is below industry guidelines of 100% and should improve over future years provided continued funding is allocated to infrastructure maintenance and renewal.

GENERAL

The Financial Statements for the period ended 30 June 2014 reveal that Council's finances provide a reasonable basis for funding the coming year's operations.



Phil Mison

Responsible Accounting Officer

Manager Corporate Services

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Draft Masterplan - Blowhole Point and Kiama Harbour

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

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

Delivery Program: 2.12.2 Pursue opportunities for the implementation of the Kiama Harbour Plan of Management

Summary

Council has previously resolved to commission a consultant to prepare a Masterplan for the Kiama Harbour and Blowhole Point Crown Reserve (R87397). A draft Masterplan has been prepared and this report seeks Council's endorsement to commence public exhibition of the draft Masterplan for comment.

Finance

NA

Policy

Crown Lands Act 1989

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council resolve to commence public exhibition of the draft Masterplan for the Kiama Harbour and Blowhole Point Crown Reserve (R87397) for a minimum 28 days and that a further report be presented to Council following the exhibition period.

BACKGROUND

Council appointed Site Plus to assist in the preparation of a Masterplan for Blowhole Point and Kiama Harbour as part of the review of the current Plan of Management. The current Plan of Management has been in place since 2002. Site Plus has undertaken preliminary stakeholder consultation in the preparation of the draft Masterplan as well as presentation to the Working Party and Councillors.

The aim of the Masterplan is to:

1. review the current Plan of Management for the Kiama Harbour and Blowhole Point headland in consultation with the local community and Council's Working Party.

Report of the Director Engineering and Works

13.1 Draft Masterplan - Blowhole Point and Kiama Harbour (cont)

-
2. create a Masterplan to replace the current Plan of Management document (and associated documents) to identify opportunities to improve the area for the benefit of community and stakeholders.

The objectives of the management plan review process include identifying potential land use opportunities and constraints relevant to the sustainable management of the reserve and identifying the values of the reserve to the community.

The Blowhole Point crown reserve is managed by Kiama Municipal Council as the Reserve Trustee. The reserve covers 30 hectares comprising boat harbour, foreshore areas, rock platforms, passive recreation space, tourist cabin park, amenities buildings as well as other buildings used by various groups including tourist information centre, café and harbour/fishing/boating related uses.

The reserve, which also includes Black Beach and School Flat, experiences heavy usage all year round and the pressures on the reserve are only going to increase. The Masterplan is a vital tool in being able to shape and direct the future uses of the land in order for the community to know how the land will be used and managed in the future and also to continue to take advantage of the tourism market and any reasonable opportunities for commercial development as a means of funding on-going improvements.

The draft Masterplan identifies opportunities in the study area for future improvement/implementation including the long term retention of the tourist cabin park on Blowhole Point, increased car parking provision including boat trailer parking near the harbour, improved/integrated signage, access improvements and the need to maximise the potential of the harbour precinct for commercial and tourist activity. The draft Masterplan document contains numerous coloured plans, maps and images in A3 format and will be presented to Councillors at a pre-meeting briefing.

The Masterplan public exhibition phase will enable the broader community to provide comments on the Masterplan which is effectively a blueprint for future land use improvements and land management for the next 10-20 years. The outcomes of the public exhibition will be reported back to Council with a recommendation to adopt a revised Masterplan for the Blowhole Point and Kiama Harbour Crown Reserve.

13.2 New Lease - Suite A Gerringong Town Hall

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

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

Delivery Program: 2.13.1 Manage community buildings by the creation and implementation of the Community Buildings Asset Management Plan actions

Summary

Suite A in the Gerringong Town Hall is currently occupied under a short term licence agreement for office use. The licensee is prepared to enter into a lease agreement and this report recommends that the lease commence.

Finance

Rental is based on previous valuation assessment for the premises.

Policy

Local Government Act 1993

Attachments

1 Suite A - Gerringong Town Hall

Enclosures

Nil

RECOMMENDATION

That Council enter into a lease agreement for Suite A of the Gerringong Town Hall with Primal Foods Group Pty Ltd as follows:

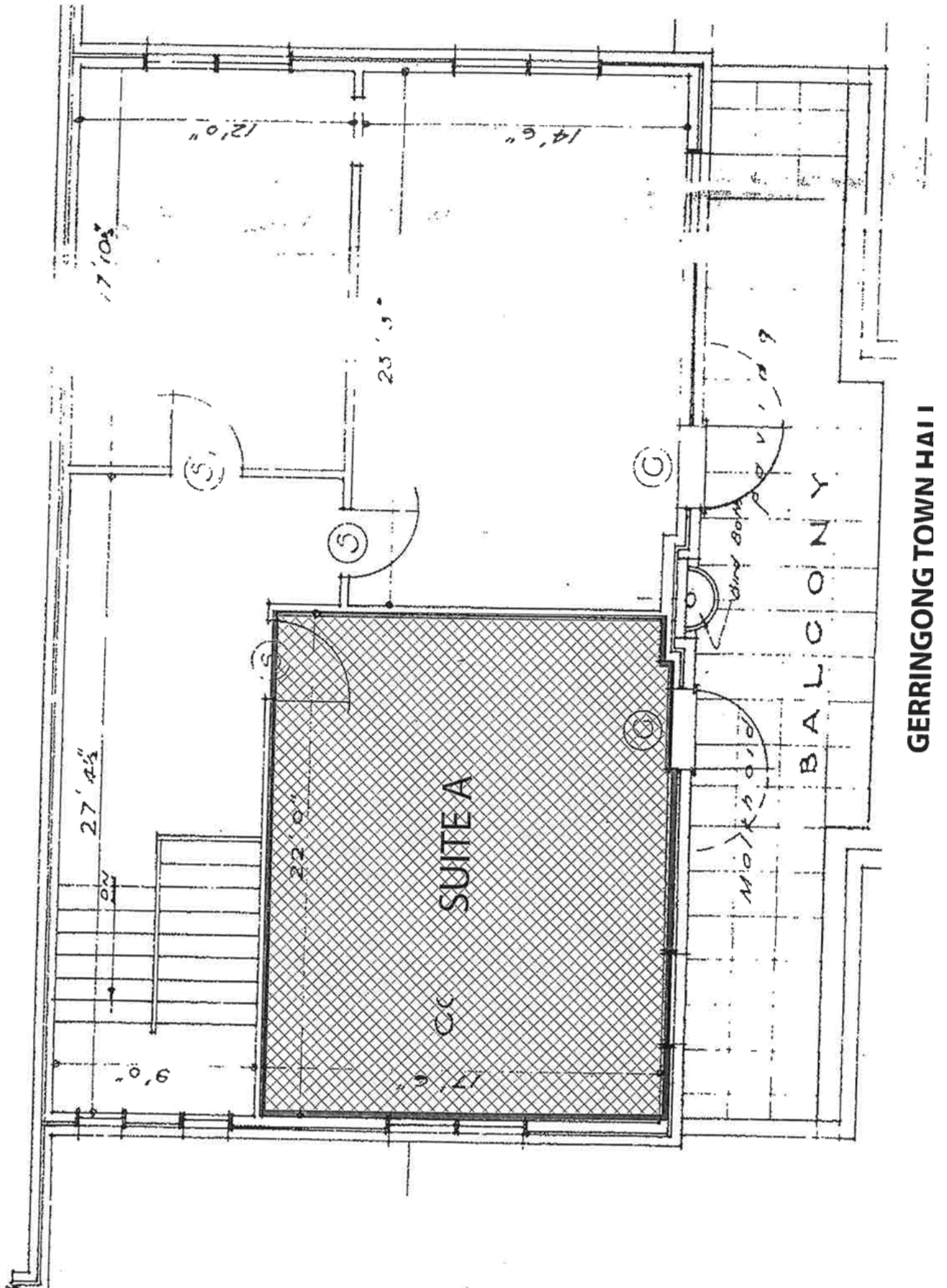
- 1) Lease term of one year commencing 1 January 2015 with a further 2 year option;
and
- 2) Rental of \$9,600 (excluding GST) per annum.

BACKGROUND

In July 2014 Council entered into a licence agreement for the use of Suite A in the Gerringong Town Hall for office purposes. The licence agreement was for six months with negotiations to take place to enter into a lease following this initial period. The licensee has agreed to enter into a lease to commence in 2015.

The Gerringong Town Hall is operational land under the Local Government Act 1993 and there are no specific requirements for Council in relation to the lease of the premises.

Accordingly it is recommended that the new lease commence.



Item 13.2

Attachment 1

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 2015 Kiama Show

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.2.6 Support the growth and development of Kiama's community groups and service sector

Summary

The Kiama Show Society has requested support from Council for the annual 2015 Kiama Show and Show Ball.

Finance

From Events budget:

Rubbish removal fees during the Show - approximately \$2,000

Leisure Centre hire costs – approximately \$1,032

Policy

N/A

Attachments

- 1 2015 Kiama Show -23-24 January - Sponsorship - Waiving of Garbage Fees - Waiver of Leisure Centre Hire Fee for the 2015 Kiama Show Ball - 10/1/2015 - Kiama Show Society

Enclosures

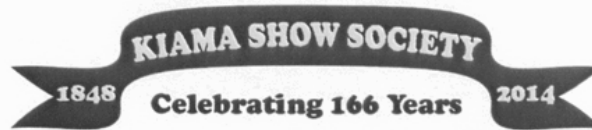
Nil

RECOMMENDATION

That Council provide support for the 2015 Kiama Show by donating the cost of rubbish removal fees and hire of the Leisure Centre.

BACKGROUND

Attached to this report is a letter of request from the Kiama Show Society seeking support from Council for the 2015 Show and the Show Ball. Both these events are part of the long agricultural show history in Kiama and have traditionally been supported by Council. It is recommended that Council continue its support for the Society through the waiving of fees as requested. The approximate cost of the rubbish removal fees is based on the 2014 charge of \$2,018.



Secretary
Sue Granger-Holcombe
P.O. Box 354 Kiama NSW 2533

Phone: 02 4233 1597
Email: secretary@kiamashow.com.au
Website: www.kiamashow.com.au
ABN: 53 539 060 852

1 October 2014

The General Manager
Kiama Council
P.O Box 75
Kiama NSW 2533

Date Received
- 5 OCT 2014
Kiama Municipal Council

Dear Michael

The Kiama Show is a Kiama icon and 2015 will be the 167th celebration and promotion of the agricultural and horticultural resources of Kiama and surrounding areas and the advancements through exhibition, competition and entertainment. Over 10,000 people will enter the gates of the Showground on the 23rd and 24th of January.

The members of the Kiama Show Society are all volunteers who donate their time and efforts in organising a quality family event for Kiama. Some volunteers have had families involved over generations. Other community groups and individuals assist at show time in the set up, organization and clean up. All costs are covered through membership of the Kiama Show Society and sponsorship. Money raised from one show is used for the next Kiama Show – to keep entry fees to a minimum and to provide entertainment.

Sponsors, large and small, have loyally supported the Kiama Show Society each year thus enabling this quality and much loved family event to be enjoyed by the community for 166 years. However, this year Show Society is under considerable financial pressure following a loss for both the Show Ball and the Show in the past financial year.

The Kiama Show Society has again been unsuccessful in receiving sponsorship from Kiama Tourism. This is understandingly disappointing as the Kiama Show was recently awarded a gold medal in the Events and Festivals Category at the recent South Coast Tourism Awards.

As sponsorship is vital to the operation of the Kiama Show, the Society is again requesting Councils financial assistance through "in kind" sponsorship for 2015 Kiama Show. As such we would again request the waiving of the garbage removal costs for the 2015 Kiama Show. We would also request a waiver of the Leisure Centre hire fee and charges for the 2015 Kiama Show Ball booked for Saturday 10th January.

I would also be very keen to discuss any other avenues that Council would be able to assist financially with the 2015 Kiama Show.

We consider ourselves very fortunate to have a wonderful working relationship with Council and appreciate the valued support we receive each year. Your consideration of this request is appreciated.

Yours faithfully,

A handwritten signature in black ink, appearing to read "David Young".

David Young
President, Kiama Show Society Inc.

14.2 Cultural Board Member Nominations

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

Summary

This report advises of and seeks approval for the revised Terms of Reference, and recommends new members to the Board.

Finance

Nil

Policy

Cultural Board Terms of Reference

Community Services Cultural Plan (BERT 2013-2016)

Attachments

1 Kiama Cultural Board - Terms of Reference - October 2014

Enclosures

Nil

RECOMMENDATION

That Council:

- 1) approve the revised Terms of Reference of the Cultural Board
- 2) approve Gregor Cullen and Ross Eggleton for membership on the Cultural Board

BACKGROUND*Terms of Reference*

At its October meeting the Cultural Board reviewed its Terms of Reference in line with a new template developed by Corporate Services. The revised Terms of Reference have only one significant change, bringing the number of community Board Members up from 8 to 10, this allows for the existing Youth position and one extra position.

The Board seeks Council approval of the revised Terms of Reference

Report of the Director Community Services

14.2 Cultural Board Member Nominations (cont)

Cultural Board Membership

At the time of the Cultural Boards October meeting there were two positions vacant. Applications for the positions were called for throughout July to September 2014 and six nominations were received from:

1. Andrea Hope – business and visual arts
2. Cecilia Milani – culturally and linguistically diverse backgrounds
3. Gregor Cullen – visual arts, social enterprise, funding, project development
4. Ross Eggleton – music, Jazz and Blues Club
5. Tania Maree Chambers – visual arts, music, dance
6. Kate Newnham – literature, administration

Based on the information provided in the nominations the Cultural Board and Community and Cultural Development Officer shortlisted and met with:

- Andrea Hope
- Cecilia Milani
- Gregor Cullen
- Ross Eggleton

After extensive discussion based on gender representation, skills, knowledge and experience, arts representation, fit for the Board and progression of the arts into the future, the Kiama Cultural Board recommends Gregor Cullen and Ross Eggleton for membership to the Board.

Following this meeting a resignation was received from Toby Allen, the Board's Youth Representative. This has now created a youth specific vacancy on the Board.

Promotion to fill this vacancy will take place in the new calendar year, once school has resumed and engagement through Kiama High School is possible, in conjunction with other youth targeted services such as SENTRAL, local sport organisations and social media. .



**Kiama Municipal Council
Cultural Board:
Terms of Reference**

Name of Board	Kiama Cultural Board
Status	Council Board <input checked="" type="checkbox"/> Statutory Board <input type="checkbox"/> Sunset Board <input type="checkbox"/> (specify the end date)
Purpose	To act in an advisory capacity to council; to encourage artistic practice and participation within the Kiama local government area To act in an advisory capacity to council on broader cultural concerns within the Kiama local government area To advocate to and for Council on artistic and cultural matters of our community
Objectives	To administer and make recommendations on Council's Cultural Grants and Youth Arts Scholarships To support and advise Council's Community and Cultural Development Officer To be involved in cultural and arts planning within the local government area To act as a conduit between the community and Council on arts and cultural concerns To make recommendations to Council on specific arts and cultural concerns
Board Meetings	Meetings are to be held on a Thursday evening on a bi monthly basis, with provision to meet monthly if required.
Duration	Regular Cultural Board meetings will aim to take no more than two hours.
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.

Item 14.2

Attachment 1

Membership	<p>Minimum of one nominated Councillor</p> <p>Up to 10 non Councillor community representatives</p> <p>Minimum of one representative from the following Council departments:</p> <ul style="list-style-type: none"> • Community Services <p>Other Council officers as required</p>
Meeting Quorum	<p>A Quorum will be deemed to have been met with a minimum of 50% plus one of currently filled active positions.</p> <p><i>Note: 'active' is defined as a member not on Board approved leave of absence</i></p>
Meeting Administration	<p>Meetings are to be chaired by a Councillor or as elected by the Board and endorsed by Council.</p> <p>Where elected by the Board:</p> <ul style="list-style-type: none"> • Election for chairperson will be held annually on the last meeting of the year. • In the event of a tied vote the current Chairperson shall have a casting vote <p>Minutes will be taken by a representative of Council.</p> <p>Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the Board meeting.</p> <p>Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.</p> <p>Members of the Board and Council staff may submit items to Council's Community and Cultural Development Officer for inclusion in the meeting agenda by mail, facsimile, email or telephone.</p> <p>Late items will be subject to acceptance by members present at the Cultural Board meeting.</p>
Communication with Council	<p>Recommendations of the Board shall be referred to Council via the Board Minutes through the Director Community Services.</p> <p>Council may refer information to the Board for comment.</p>
Conflict of Interest	<p>Members of the Cultural Board are to declare any direct conflicts of interest with issues on the agenda at the commencement of the meeting or as soon as the relevant issue is raised.</p> <p>All conflicts of interest declared should be recorded in Minutes, and if appropriate, the parties involved to leave the room while the particular matter is discussed</p>

<p>Selection of Members</p>	<p>When positions become vacant the selection of new Board members will be undertaken:</p> <ul style="list-style-type: none"> i. through a public invitation for EOI by applicants ii. by consideration of applications by Council iii. by Council approval of successful applicants <p>The following factors will be taken into consideration when determining members:</p> <ul style="list-style-type: none"> i. the persons relevant experience & expertise ii. whether the person is a resident of the Kiama LGA iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented <ul style="list-style-type: none"> i. there is representation of a wide range of arts practices vi. that individuals can work together, for the good of the Board, the Council and the Kiama arts community
<p>Responsibility</p>	<p>Board members will:</p> <ul style="list-style-type: none"> i. Act in an advisory role to Council staff ii. Provide strategic guidance on implementation of cultural arts programs and initiatives iii. Provide important links to the communities they represent in promoting and delivering cultural arts iv. Participate in working parties as needed v. At all times comply with Councils Code of Conduct vi. At all times contribute in a positive and respectful manner vii. Avoid disruption, contrary conduct or being wasteful of time and resources
<p>Term of Membership</p>	<p>Non Councillor membership of the Kiama Cultural Board will be for the length of a Council term.</p> <p>NB a specified term doesn't preclude an incumbent from serving consecutive terms</p>
<p>Termination of Membership</p>	<p>Non Councillor member positions may be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the Board ii. completes their term and is not re appointed iii. resigns their membership, in writing, to the Chairperson iv. fails to attend more than 75% of scheduled meetings in a calendar year (year being September to September) unless granted special leave of absence by the Chairperson v. acts in a way that is contrary to their responsibility as outlined (above) <p>NOTE: Council on the recommendation of the Board chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.</p>

<p>Process for Termination</p>	<p>Where a (non Councillor or staff) Board member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant Board member and reinforce the required level of conduct.</p> <p>The Chairperson will make a written record of this and provide to a relevant council officer for recording.</p> <p>The Board member will be able to sight and sign the written record. Where there is re-occurrence of unsatisfactory behaviour the Board member will be warned formally in writing by the Chairperson.</p> <p>Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour on the Board members and Council. In addition counselling will reinforce potential for termination from the Board should the behaviour continue.</p> <p>A written record shall be kept of the formal warning and counselling. If the Board members behaviour does not improve after the formal warning and counselling, the Board member may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
<p>Code of Conduct</p>	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

15 REPORTS FOR INFORMATION

15.1 Roads to Recovery Program from 1 July 2014 to 30 June 2019

Responsible Director: Office of the General Manager

The Hon Warren Truss MP, the Deputy Prime Minister and Minister for Infrastructure and Regional Development has recently written to councils advising of their funding allocation under the Roads to Recovery Program from 1 July 2014 to 30 June 2019.

An extract from the letter is as follows:-

“In addition to our commitment to maintain recovery funding.”

While the doubling of Roads to Recovery funding in the financial year of 2015/2016 is pleasing, this initiative is generally offset by the freezing of The Financial Assistance Grants for the next couple of years and by the non increase of the Roads to Recovery grant by at least a CPI amount each year.

Council has already written to the Federal Government expressing its strong concern regarding the freezing of the Financial Assistance Grants. It is proposed that Council continue to lobby funding by both the New South Wales Government and Federal Government to keep pace with real cost increases and at least CPI amounts.

15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50 Vegetation Code of Practice for NSWResponsible Director: Office of the General Manager

Following the Council meeting on 16 September 2014, Council resolved to write to the Member for Kiama, the Minister for the Illawarra, the Minister for Police and Emergency Services, and the Minister for the Environment in regard to the Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50 Vegetation Code of Practice for NSW. Council has received a reply from Mr Gareth Ward, Member for Kiama. An extract of his letter is as follows:-

“Thank you for taking the time to contact me regarding the Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50 Vegetation Code of Practice for NSW.

I support the legislation as it provides property owners the opportunity to take the necessary actions to protection themselves and their families.

I am aware that the legislation contains a 12 month statutory review.

I enclose a copy of a letter I have forwarded to the Minister for Emergency 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.”

Council has also received a reply from Local Government NSW, an extract from the letter is as follows:-

“Thank you for your letter dated 29 September regarding amendments to the Rural Fires Act 1997 through the Rural Fires Amendment (Vegetation Clearing) Bill 2014 and the subsequent introduction of the 10/50 Vegetation Clearing Code of Practice (the 10/50 Code).

Local Government NSW (LGNSW) made a submission to the public exhibition of the Draft 10/50 Code that closed on the 21 July 2014. In the submission LGNSW stated that the Draft 10/50 Code required more detail, clarification on outstanding questions and needed to incorporate councils feedback on the practical and technical ramifications. LGNSW recommended the NSW Rural Fire Service (RFS) to extend the consultation period and provide additional information to allow stakeholders to provide fully informed feedback.

LGNSW strongly objected to the premature implementation of the Code on 1 August 2014. LGNSW made representations to the Minister for Police and Emergency Services and the RFS seeking to resolve the problems arising from the 10/50 Code.

On 1 October the RFS Commissioner announced immediate amendments to the 10/50 Code, reducing the eligibility area of Category 2 vegetation from 350 meters to 150 meters and commenced

Reports for Information

15.2 Rural Fires Amendment (Vegetation Clearing) Bill 2014 and 10/50
Vegetation Code of Practice for NSW (cont)

an overall review of the 10/50 code. LGNSW will be lodging a submission to the review and encourages councils to do likewise.

The RFS are holding workshops for councils across NSW to canvas the broad issues with the 10/50 Code, to advise of the amendment process, and explain the process for councils to adjust vegetation bushfire classification. To register for the workshops please email 1050@rfsnsw.gov.au

The 10/50 Vegetation Clearing Code of Practice will be considered by council delegates at the Local Government NSW Annual Conference on the 19-21 October 2014.

If you would like to discuss this matter further please contact Shaun McBride on 9242 4072 or shaun.mcbride@lgnsw.org.au

The review process has been brought forward and Council has lodged a submission which is detailed in the report of the Director Environmental Services.

Reports for Information

15.3 Regional Development Australia - CEO's Report October 2014

Responsible Director: Corporate and Commercial Services

The Regional Development Australia Chief Executive Officer's Report for October 2014 is enclosed for Councillors' information.

Enclosures

- 1 RDA CEO's Report - October 2014

Reports for Information

15.4 Commercial Centres and Community Safety Committee - Minutes

Responsible Director: Environmental Services

Enclosed in Councillors' envelopes are the minutes from the Commercial Centres and Community Safety Committee Meeting held on 14 October 2014.

Enclosures

1 Minutes

Item 15.4

15.5 Response to the Joint Standing Committee on Electoral Matters

Responsible Director: Office of the General Manager

Council has received an email from the NSW Electoral Commission advising of the Government's response to the Joint Standing Committee on Electoral Matters report on its "Inquiry into the 2012 Local Government Elections".

This report can be found on:

http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/3310CB62E97A9793CA257CA8000DF143?open&refnavid=CO3_1

15.6 Traffic Gridlock in Kiama - October Long WeekendResponsible Director: Engineering and Works

During the Labour Day long weekend Kiama Council and Lake Illawarra Command worked together on a joint operation to alleviate traffic congestion in the Kiama Township.

Previous public holidays have resulted in traffic gridlock in Kiama's main streets.

Drivers have attempted to avoid traffic backed up along the Princess Highway due to roadwork delays at Gerringong and congestion on the Kiama Bends.

On the recent October long weekend Lake Illawarra Police Command advised motorists through a media campaign against using Jamberoo and Kiama townships as a shortcut to try and avoid congested areas of the Princess Highway.

The message was conveyed that using these routes would not shorten travel time and would only contribute to further traffic delays in the townships.

Motorists were warned to expect traffic delays in the Kiama Municipality during the long weekend.

Council and the Police urged visitors to plan their trip:

- Carry sufficient food and water;
- Use public toilets/rest stops before they reached the Kiama area (informing motorist that there are no public toilets along the Kiama Bends); and
- Plan for extended delays during peak periods.

Lake Illawarra Police Command's Sergeant Jason Harrison warned that Police would be patrolling the Kiama Municipality monitoring speed and dangerous driving.

Council's Road Safety Officer, Janelle Burns highlighted the road safety message that double demerits points would apply over the long weekend and that Police will be enforcing roadwork speed zones.

Motorists were able to find further information and traffic updates on twitter and Face book and were invited to visit www.livetraffic.com.au.

Maps of rest areas and congestion points were available on the Kiama Council's website www.kiama.nsw.gov.au to assist motorist planning their trip.

Media enquiries were available from Kiama Council's Communications unit.

One comment received on Facebook was; "This seems to be working. For the first time in ages on a public holiday there was no congestion on South Kiama Drive".

The Facebook posted message reached 2998 people and was shared 24 times.

Council's Road Safety Officer and Kiama Council's Communications Unit are planning to work closely with Police again in order to carry out a similar campaign for the upcoming Christmas and New Year holiday period in an effort to reduce the traffic gridlock in Kiama.

15.7 Risk Management Institution of Australasia (RMIA) National ConferenceResponsible Director: Corporate and Commercial Services

At the council meeting of 14 July 2014, Council endorsed for Erin Brown, Risk Management Officer, to attend the Risk Management Institute of Australasia (RMIA) National Conference. The conference was held at the Brisbane Convention Centre.

The conference was well represented by member councils from the United Independent Pools and in total approximately 20 representatives from the 19 councils attended the 3 day conference

The conference consisted of three full days of stream sessions, master classes and keynote speakers were interspersed through the conference.

Day 1 was specific to local government risk managers and stream sessions included information on legislative compliance, probity, governance and how to lift your current practices into a stronger space.

Day 2 was the official commencement of the conference and was opened by three keynote speakers. Stream sessions followed and the topics were headed by six areas

- Security Risk
- Business Continuity Management and Resilience
- Enterprise Risk Management
- Appetite, Culture and Leadership
- Human Culture and Workforce
- Financing and Insurance

Day 3 was the closing of the conference and replicated the second day's proceedings

The conference provided the opportunity for Erin Brown to establish strong network ties with other member councils, share valuable lessons and acquire information specific to upcoming trends, threats and best practice in enterprise risk management.

It is important that Kiama Council actively seeks to educate its Officers regarding changes in the risk management, governance and compliance discipline. This will ensure the ongoing drive of Council's continuous risk management program, achieve organisational objectives, minimise risk and ensure continuity of critical business functions.

Erin will work with the Public Officer and Manex over the 2014/15 Operational Plan period to develop an Integrated Corporate Governance Framework encompassing Strategic, Operational and Contract Risk.

15.8 Parking Statistics - October 2014

Responsible Director: Environmental Services

The following are parking statistics for October 2014:

71 Parking Patrols Completed.

27 Infringements Issued.

15.9 Wollongong City Council - Climate ChangeResponsible Director: Engineering and Works

At its Ordinary Meeting held on 16 September 2014, Council resolved to support Wollongong City Council's resolution by writing a letter to the Prime Minister and request that climate change is placed on the agenda for this year's G20 meeting.

A response has been received from the Parliamentary Secretary to the Prime Minister (copy attached) which advises, in part, that "*climate change is an important issue that the Prime Minister has said he expects to come up in the G20*".

Attachments

- 1 Letter from the Parliamentary Secretary to the Prime Minister



PARLIAMENTARY SECRETARY
TO THE PRIME MINISTER

Reference: C14/82614

29 OCT 2014

Mr Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

Dear Mr Forsyth

Thank you for your letter dated 29 September 2014 to the Prime Minister, the Hon Tony Abbott MP, regarding climate change and the G20. The Prime Minister has asked me to reply on his behalf.

The G20 is primarily an economic forum and needs, as the Prime Minister has stressed, to focus tightly on lifting global economic growth. Nevertheless, climate change is an important issue that the Prime Minister has said he expects to come up in the G20. The Prime Minister also expects that leaders might wish to express support for the United Nations as the forum in which climate negotiations take place. In addition, the G20 is making a contribution to addressing climate change through its work on energy efficiency.

The Government remains committed to reducing carbon emissions by 5 per cent below 2000 levels by 2020. This Government has also committed \$8.8 million to the National Climate Change Adaptation Research Facility (NCCARF), so that adaptation research can be integrated into decision-making, particularly in the coastal zone. NCCARF will assist organisations to make informed decisions about climate issues.

I thank you for your interest in Australia's G20 presidency.

Yours sincerely

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

JOSH FRYDENBERG

15.10 Illawarra Councils Group Pilot Process - Joint Organisation Expression of Interest

Responsible Director: Engineering and Works

The four Illawarra Councils have submitted an Expression of Interest Application – Illawarra Council’s Group Joint Organisation Pilot to the Office of Local Government. A copy of the Expression of Interest is enclosed for Councillors’ information.

Enclosures

- 1 Joint Organisation - Expression of Interest

15.11 Council Employee Christmas Function Information

Responsible Director: Corporate and Commercial Services

In accordance with Council policy, employee Christmas functions and contributions towards the cost of the functions have been permitted each year.

In accordance with the policy, contributions are reviewed on an annual basis and provisions are made for the contributions in Council's annual estimates. Delegated authority has been given to the General Manager to approve contributions in accordance with budget allocations.

Contributions for employee Christmas functions in 2014 will be as follows:

Cost Code	Department	Cost
0015.0290.370	Outdoor	\$1,384.00
0015.0290.370	Indoor	\$828.00
0015.0290.370	Leisure Centre	\$249.00
0015.0290.370	Waste Depot	\$249.00
0015.0290.370	Family History Centre	\$162.00
0015.0290.370	Blue Haven	\$718.00
Total		\$3,590.00

Councillors are cordially invited to attend both indoor and outdoor staff Christmas functions as scheduled below:

Indoor

12th December 2014
 Kiama Surf Club
 Commencing at 1:00pm, lunch at 1:30pm

Outdoor

19th December 2014
 Kiama Leagues Club
 Commencing at 1:00pm

Please advise the Indoor and/or the Outdoor Social Club representative if you wish to attend for catering purposes.

It will be necessary to close Council's administration building on the afternoon of the 12 December 2014 as it is difficult to maintain adequate levels of staffing when the Christmas function is on.

15.12 Kiama Hospital RedevelopmentResponsible Director: Community Services

At the October Council meeting a resolution was passed that Council 'prepare a business plan for the development of this site.' During the planning stages of this project a number of documents have been prepared, reported to Council, and further refined. These plans together constitute the business plan for the hospital site and include:

- The financial feasibility documents prepared by Premier Consulting
- The architectural plans prepared by Boffa Robertson architects
- The Capital Expenditure Review and associated attachments
- The business case prepared by Capital Insight consultants for the submission of the Restart Illawarra application

These documents have been informed by a range of specialist input including surveyor, arborist, market analysis, town planner, geotech and heritage consultant.

It is intended that a briefing will be held early in December for Councillors to review the documents that constitute the Business Plan. This briefing will provide an opportunity for Council to review how the Business Plan has evolved as more detailed analysis has been undertaken. Information will also be provided related to the cashflows of the project and the implications for Council's long term financial plan and strategic planning.

15.13 Youth Centre and Girl Guide CottageResponsible Director: Community Services

At the October Council meeting Cllr McClure requested a report on the daily and hourly usage of the Youth Centre and the Girl Guides premises in Hindmarsh Park.

The Youth Centre is currently staffed six days a week. Hours of operation are 9am – 5pm Tuesday through to Saturday and midday – 5pm on Sunday. The centre is open for drop-in from midday – 5pm from Wednesday to Sunday. Opening hours can be subject to some variation to accommodate special events or programs. In addition the smaller cottage is currently hired for guitar lessons on Monday – Wednesday, 3-8pm

The Girl Guide cottage is operated through a lease, which has an expiry date of 14 February 2016. The lease relates to the entire property (Lot 2 DP935308). The allowable use is activities of the Girl Guides of Australia and for use of cultural, educational, sporting and community purposes. Under the lease the Girl Guides have exclusive use and can use the property whenever they choose.

15.14 Leisure Centre Solar HeatingResponsible Director: Corporate and Commercial Services

At the October Council meeting Councillor Way asked for a report detailing *“the cost to install solar heating at the Kiama Leisure Centre. As a renewable energy source, would Government funding for the project be available? Also, could the anonymous donation of \$120,000 be applied to this project?”*

At some stage in the 1990's there was a primitive solar pre-heat system on the Leisure Centre roof. However it was continually damaged by people scaling the quarry wall on the north eastern end of the Leisure Centre and throwing rocks at the system. It was ultimately rendered ineffective and has not been operational for about ten years and it was removed when the roof was recently replaced.

For some years now Council has been examining the options of installing a new solar pre-heat system or moving to a cogeneration system.

At the time the Leisure Centre roof was replaced a rough estimate was provided to install a new solar pre-heat system and it was in the vicinity of \$120,000. This system would provide some heating to the pool water and thereby reducing the pool gas heating cost.

There was no grant funding available at the time the roof was replaced and there were not funds in the budget to cover the cost so it was decided to:

- 1 further investigate available options, and
- 2 wait until grant funding was available to assist with the purchase and installation.

With respect to 1 above Council contacted the Office of Environment and Heritage who is carrying out a subsidised Energy Audit of the Leisure Centre through the Energy Saver Program. The audit comprises a full gas audit and limited electricity audit.

A preliminary report has only just been received and had not been read at the time of preparing this report. Council was invited to comment on the draft and the final report is expected in the new year.

At the same time Council has been in discussion with a company by the name of Engineered Energy Solutions who are doing an audit of Council's electricity usage at the Leisure Centre. That company is of the view that engineering energy saving solutions is far more cost effective than generating energy through solar or any other systems.

Until such time as Council receives and assesses the results of these studies, it would be premature to proceed with the installation of any saving/generation devices or commitment of the donation. Once a decision is made on what is the most cost effective solution, it would then be prudent to wait until grants or subsidies are available to assist with the cost of purchase and installation.

It is proposed that a further report will be provided once those studies have been completed.

15.15 Kiama Access Committee

Responsible Director: Community Services

The minutes of the Kiama Access Committee meeting held on 10 October 2014 are included in Councillors' envelopes.

Enclosures

- 1 Minutes Kiama Access Committee 10 October 2014 pdf

15.16 Sports Honour Roll

Responsible Director: Community Services

Nominations for the Sports Honour Roll were promoted in conjunction with the Arts Honour Roll, for induction at the 2015 Australia Day Awards ceremony. No nominations were received this year and the Committee has agreed that no inductions will be made.

15.17 Installation of Optic Fibre Network Facilities - WAN, CCTV and Public WiFiResponsible Director: Corporate and Commercial Services

At the Ordinary Meeting held on 14 October 2014 Councillor Way asked the following Question without Notice:

“18.2 Installation of Optic Fibre Network Facilities

Councillor Way asked that with installation of the proposed new optic fibre network facilities to accommodate the CCTV, etc what additional expenditure would be required to add the installation of WiFi? Would this WiFi system provide coverage to central Kiama including Hindmarsh Park? Is their capacity within the current works expenditure for the new network to include WiFi installation? Council WiFi be installed at the same time as CCTV to save on costs? The Mayor referred this matter to the Director of Community Services for information and report.”

The installation of a wide area optic fibre network (WAN) has been a long term objective of Council. The aim of the WAN is to provide both short term and long term operational and financial efficiencies by linking all of Council’s Kiama central buildings with a network of high speed capacity cables.

Subsequent to the initial design of the WAN, two projects with the potential to benefit from the WAN infrastructure came to the fore. Firstly with the assistance of state and federal government funding Council resolved to provide closed circuit television (CCTV) security camera coverage within parts of the Kiama CBD. At a later date Council determined to provide a community WiFi service for the public to access the internet within parts of the Kiama CBD free of charge.

Given the commonality of a large component of the hardware requirements of the three projects, management has sought to leverage off the installation of the WAN infrastructure for aspects of the CCTV and WiFi projects. This has resulted in significant savings for the two later projects by:

- only having to bore underground once
- using a common conduit system
- simultaneously installing enough cable for all projects including additional capacity for potential future use
- adding brackets for mounting WiFi access point equipment to the poles required for the CCTV cameras.

Provision of the above elements has been achieved within the existing project budgets. There is however a number of elements of the WiFi project which are not specifically identified in the budget such as the physical access points, switches and WiFi control software.

Council has issued a Request for Quotation (RFQ) which closes on Friday 28 November 2014 for the outstanding WiFi equipment. Following a review of the quotations received it is anticipated that the capacity of the current budget to cover these costs will be reported to Council at the December 2014 meeting.

Reports for Information

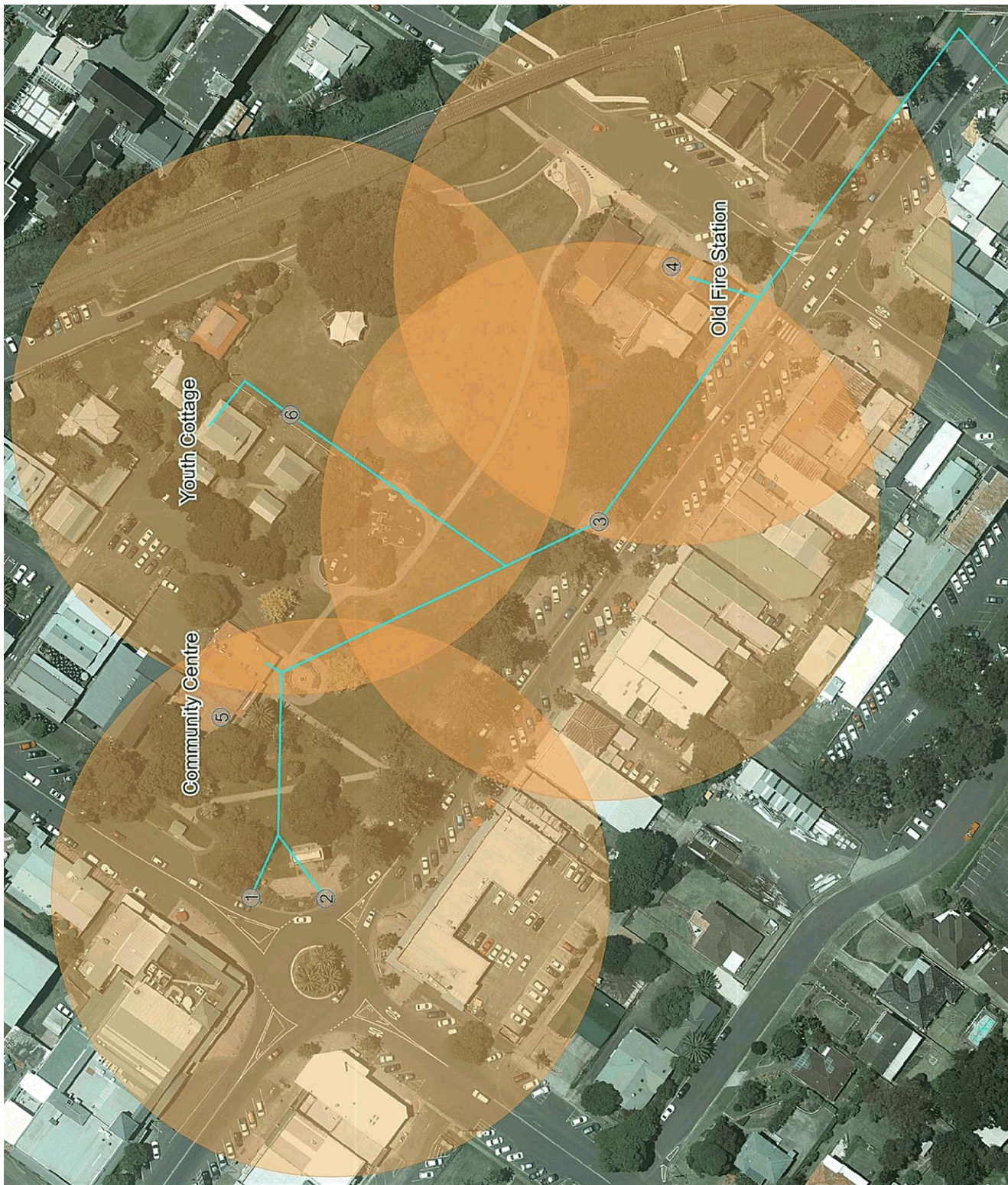
15.17 Installation of Optic Fibre Network Facilities - WAN, CCTV and Public WiFi
(cont)

It should be noted that the financial saving from combining the three projects has already been realised. The provision and installation of the equipment the subject of the RFQ is applicable only to the WiFi project and is no longer dependent on or complementary to the WAN and CCTV projects. It is however recognised that from a community benefit and operational perspective it would be beneficial to complete the CCTV and WiFi projects simultaneously.

Using omni-directional technology it is anticipated that the public WiFi coverage will approximate the area shaded in the attachment to this report.

Attachments

- 1 Map of CCTV and WiFi Omni Beam Proposal



your council, your community

Omni Beam Proposal

- Public WiFi
- Access point locations
- Fibre



Projection: GDA 1984
MGA Zone 56

Cadastre Copyright
LPWA NSW, 06/11/14
Scale: 1:1000 @ A3

Map is supplied by Council on condition that Council will not be responsible for any loss or damage which may result from any use made of the map as a result of any errors or omissions contained in the map. Council does not warrant the accuracy of the map. Council does not establish legal boundaries and ownership advice should be obtained from a surveyor, legal adviser or LPI New South Wales. © copyright KIAMA Municipal Council and others under license. All other trademarks owned. <http://www.kiama.nsw.gov.au>

15.18 Men's Health Event 'Under the Bonnet'Responsible Director: Community Services

Illawarra In Home Support (IHS) currently runs a number of men's groups for vulnerable and socially isolated men to support them to engage in social activities and promote better health outcomes. Therefore in partnership with Foundation 49: Men's Health and Men On Malvern's, IHS held a Men's Health Event '*Under The Bonnet*' on the 18th of September 2014 at the Joyce Wheatley Community Centre.

Councillor Neil Reilly's opening speech was very well received and the program included Stuart Porter, Health Promotion Officer (Illawarra Shoalhaven Local Health District) as guest speaker, who talked about men's health issues. In addition, 'pit stop' style health check stations were set up around classic cars provided by South Coast Vintage Car Club & Dale Whittaker. Medicare Locals, Blooms Chemist Kiama and ISLHD supported the health checks (including blood pressure, cholesterol, weight & girth measurements) and provided information.

Gerringong Lions Club provided a BBQ (cooking over 150 sausages), Kiama Meals On Wheels provided samples and information on healthy eating and Australian Hearing carried out a number of free hearing tests. Tony Mitchell from The Delta Dogs attended with one of his companion dogs and the Kiama Men's Shed and Community Garden set up display tables in the park.

It was a great day and feedback was very positive, reflected in the evaluation forms and also verbal feedback on the day. All agreed it was a great idea to engage men, was well run and there were some really good outcomes. The checks identified a number of men who had health problems and needed follow-up, including one who was sent straight to his GP due to high blood pressure. We had approx 120 men participate, not including those from the Lions club, Men's Shed, Community Garden, and other agencies. IHS has received numerous requests to run the event again next year.

15.19 NSW Carers AwardResponsible Director: Community Services

On Monday 3 November, MP Gareth Ward presented a NSW Carers Award to Myriam Marchant on behalf of the Carers Afternoon Tea Group. The award is to honour and recognise carers contribution to the community.

The Carers Afternoon Tea Group operates fairly independently, with support from Illawarra In Home Support Service Coordinator Myriam Marchant. The group was formed in February 2014, by the carers themselves as an extension of the existing IIHS Carer Support Group. The carers group meets for afternoon tea at the Joyce Wheatley Community Centre, every 2nd Friday of each month, from 2:00pm - 4:00pm. There are currently 10 carers attending on a regular basis.

The benefits to carers attending include:

- Feeling less lonely, isolated or judged
- Gaining a sense of empowerment and control
- Improving their coping skills and sense of adjustment
- Talking openly and honestly about their feelings
- Reducing distress, depression or anxiety
- Meeting new friends

15.20 Bling a Bra AwardResponsible Director: Community Services

Illawarra In Home Support's Sea Side Group entered into the Illawarra ***Bling a Bra for October*** competition which was sponsored by the South East Sydney Illawarra Breast Screen Service. This event is held annually throughout South Eastern Sydney, Illawarra and Shoalhaven areas to raise awareness of Breast Cancer. Clients in the Sea Side Group worked collaboratively for many weeks to 'bling' a total of 19 bras. This was impressive given that the clients' ages range from the late 80's to 100 years, proving that creativity knows no bounds. As a result the Sea Side group attended the Bling a Bra Show Case held at the Lagoon Restaurant in Wollongong on 24 October 2014 where they were presented with third prize in the open category. This was a wonderful result considering the strong competition.

15.21 NSW Volunteer of the Year Awards 2014Responsible Director: Community Services

The NSW Volunteer of the Year Awards is an initiative of the Centre for Volunteering, the peak body for volunteering in NSW. This state-wide Award program recognises and thanks volunteers in NSW who generously give more than 235 million work hours each year in NSW. Volunteers with Illawarra In Home support have been recognized in two categories.

Illawarra In Home Support (IIHS) Volunteers have again taken out the Regional Volunteer Team of the Year Award 2014 (having also won it in 2012). Our outstanding volunteering efforts are highly valued by the community and this award formally recognises their work. Winning the regional award means IIHS will now represent the Illawarra at the 2014 NSW Volunteer of the Year Award ceremony on Friday 5 December 2014 in Sydney where the state awards winners will be announced.

Justin Flanagan became a volunteer with IIHS as part of his high school activities and has continued to volunteer with IIHS having finished school. He was also on the Honour Roll of Nominees for 2014 Youth Volunteer of the Year.

15.22 Kiama Aboriginal Reference Group

Responsible Director: Community Services

The notes from the Kiama Aboriginal Reference Group meeting held on 25 September 2014 are included in Councillors' envelopes.

Only notes are provided because the meeting did not achieve a quorum.

Enclosures

- 1 Kiama Council Aboriginal Reference Group notes of meeting 25 9 2014

Reports for Information

15.23 Minutes of the Kiama Cultural Board Committee meeting held on Thursday 16 October 2014

Responsible Director: Community Services

The minutes of the Kiama Cultural Board Committee meeting held on 16 October 2014 are included in Councillors' envelopes.

Enclosures

- 1 Kiama Cultural Board - Minutes - October 2014

15.24 Kiama Health and Sustainability Committee

Responsible Director: Community Services

Kiama Health and Sustainability Committee meetings scheduled for 21 August and 23 October did not proceed due to a lack of quorum.

15.25 Kiama Youth Advisory Committee - Minutes

Responsible Director: Community Services

The minutes of the Kiama Youth Advisory Committee meeting held on 15 October 2014 are included in Councillors' envelopes.

Enclosures

- 1 Minutes of the Youth Advisory Committee meeting held on 15 October 2014

15.26 Councillor Meeting Register

Responsible Director: Engineering and Works

At Council meeting of 14th October 2014 it was resolved that a meeting register for Councillors be established and that the register be reported to Council at monthly meetings. The register was established on 20th October 2014 and entries up to Monday 10th November are included in Councillors enclosures.

Enclosures

- 1 Councillor Meeting Register

16 ADDENDUM TO REPORTS**17 NOTICE OF MOTION**

Nil

18 QUESTIONS WITHOUT NOTICE**19 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

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

PROCEDURE

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

19.1 Exclusion Of Press And Public:***RECOMMENDATION***

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

20.1 STATEWIDE MUTUAL, METRO POOL AND UNITED INDEPENDENT POOLS

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act. .

20.2 UNITING CHURCH LAND - MANNING STREET - VALUATION AND POTENTIAL PURCHASE

Reason for Confidentiality: This matter deals with information that would, if disclosed, reveal a trade secret as per Section 10A(2)(diii) of the Local Government Act. .

20.3 ARTS HONOUR ROLL INDUCTEES

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local

Government Act. .

20 CONFIDENTIAL REPORTS

20.1 StateWide Mutual, Metro Pool and United Independent Pools

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

CSP Strategy: 4.6 Minimise risk to ensure continuity of critical business functions

Delivery Program: 4.6.2 Manage the Insurance Portfolio to minimise exposure

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

20.2 Uniting Church Land - Manning Street - Valuation and Potential Purchase

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

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

Delivery Program: 4.3.3 Investigate opportunities for new Council commercial activities

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, reveal a trade secret.

20.3 Arts Honour Roll inductees

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for

business relating to personnel matters concerning particular individuals (other than councillors).

21 CLOSURE

Item 20.1 CONFIDENTIAL