



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 18 October 2016

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 Finance, Corporate and Commercial Services
- 12 Report of the Director Engineering and Works
- 13 Report of the Director Community Services
- 14 Reports for Information
- 15 Addendum To Reports
- 16 Notice of Motion
- 17 Questions for future meetings
- 18 Confidential Summary
- 19 Confidential Reports
- 20 Closure

Members

His Worship the Mayor
Councillor M Honey
Councillor K Rice
Deputy Mayor
Councillor M Brown
Councillor N Reilly
Councillor A Sloan
Councillor W Steel
Councillor D Watson
Councillor M Way
Councillor M Westhoff

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

12 October 2016

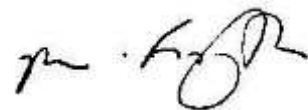
To the Chairman & Councillors:

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**

11 Manning Street, KIAMA NSW 2533 on **Tuesday 18 October 2016** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 18 OCTOBER 2016**

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

3.1 Extraordinary Council on 4 October 2016

Attachments

1 Minutes - Extraordinary Council - 04/10/16

Enclosures

Nil

RECOMMENDED

That the Minutes of the Extraordinary Council Meeting held on 4 October 2016 be received and accepted.



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 4 OCTOBER 2016

Council Chambers 11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE EXTRAORDINARY MEETING

4 OCTOBER 2016

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF
THE

MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 4 OCTOBER 2016 AT 5PM

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor K Rice,
Councillors M Brown, N Reilly, A Sloan, W Steel, M Way and
M Westhoff

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

1 APOLOGIES

An apology was tendered on behalf of Councillor Watson.

16/360

Resolved that the apology as tendered be accepted.

(Councillors Brown and Sloan)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the 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 REPORTS FOR INFORMATION

Nil

4 CONFIDENTIAL SUMMARY

16/361

Resolved that at this time, 5.02pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Way and Brown)

MINUTES OF THE EXTRAORDINARY MEETING

4 OCTOBER 2016

Public Representations:

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

4.1 Exclusion Of Press And Public:

16/362

Committee 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 to deal with the following matters on the grounds as detailed below.

4.1 KIAMA HOSPITAL RE-DEVELOPMENT - CONSULTANT ENGAGEMENT - MULTI-SERVICE ENGINEER

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

(Councillors Sloan and Rice)

5 CONFIDENTIAL REPORTS

4.1 Kiama Hospital Re-development - Consultant Engagement - Multi-Service Engineer

16/363

Committee recommendation that Council resolve to accept the tender from Building Services Engineers Pty Ltd (BSE).

(Councillors Steel and Westhoff)

Close of Confidential Committee of the Whole:

16/364

Committee recommendation that at this time, 5.06pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

Adoption of Report

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

MINUTES OF THE EXTRAORDINARY MEETING

4 OCTOBER 2016

16/365

Resolved that the Confidential Committee of the Whole recommendations numbered 16/362 to 16/364 be confirmed and adopted.

(Councillors Steel and Way)

6 CLOSURE

There being no further business the meeting closed at 5.07pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 October 2016

.....
Mayor

.....
General Manager

3.2 Ordinary Council Meeting on 27 September 2016

Attachments

1 Minutes - Ordinary Council - 27/09/16

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 27 September 2016 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 27 SEPTEMBER 2016

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.2

Attachment 1

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 27 SEPTEMBER 2016 AT 5PM

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor K Rice,
Councillors N Reilly, A Sloan, W Steel, D Watson, M Way and
M Westhoff

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

1 APOLOGIES

1.1 Apology

16/315

16/316 Resolved that the apology from Councillor Mat Brown be received and noted.

(Councillors Steel and Westhoff)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and acknowledged the 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

3.1 Extraordinary Meeting of Council on 20 September 2016

16/317

Resolved that the Minutes of the Extraordinary Meeting held on 20 September 2016 be received and accepted.

(Councillors Way and Watson)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

3.2 Ordinary Meeting of Council on 16 August 2016

16/318

Resolved that the Minutes of the Ordinary Meeting held on 16 August 2016 be received and accepted.

(Councillors Rice and Reilly)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Ms Julie Byrne and Ms Sheldon Watts – Item 9.1 Amendment to Chapter 32 of the Development Control Plan – Cedar Grove Stage 2

Mr Warren Weekes – Item 9.1 Amendment to Chapter 32 of the Development Control Plan – Cedar Grove Stage 2

Mr Greg Mills – Pheasant Point Draft Development Guidelines and Potential for Listing in LEP 2011 as a Heritage Conservation Area

6 MAYORAL MINUTE

6.1 Passing of former Mayor - Mr Paul Saphin

16/319

Resolved that the report be received and noted and that one minute's silence be held in respect of the passing of former Mayor, Mr Paul Saphin..

(Councillors Steel and Way)

16/320

Resolved that at this time Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Steel and Way)

15.1 Olympian Grace Stewart

16/321

Committee recommendation that Council formally congratulate Hockeyroo, Grace Stewart, on her selection and representation at the 2016 Rio de Janeiro Olympic Games.

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

15.2 Gerringong Lions - Group 7 Premiers

16/322

Committee recommendation that Council extends its congratulations to the Gerringong Lions Rugby League Club on their success in winning the South Coast Group 7 Rugby League First Grade Grand Final.

(Councillors Steel and Way)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Meeting held 6 September 2016

16/323

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held electronically on 6 September 2016 be received and accepted.

(Councillors Steel and Westhoff)

COMMITTEE OF THE WHOLE

16/324

Resolved that at this time, 5.06pm, 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 Finance, Corporate and Commercial Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors Steel and Way)

8 PUBLIC ACCESS REPORTS

16/325

Committee recommendation that at this time, 5.07pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Reilly and Way)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

9.1 Amendment to Chapter 32 of Kiama Development Control Plan - Cedar Grove Stage 2

16/326

Committee recommendation that Council endorse the amendments to Chapter 32 – Cedar Grove Stage 2 of the Kiama Development Control Plan and the document be placed on public exhibition for a period of 28 days.

(Councillors Steel and Reilly)

For: Councillors Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

9.2 Pheasant Point Draft Development Guidelines and Potential for Listing in LEP 2011 as a Heritage Conservation Area

16/327

Committee recommendation that Council defer this matter to allow for more comprehensive community engagement and to allow the process to move through and have the heritage conservation area become part of the Kiama Local Environmental Plan.

(Councillors Reilly and Sloan)

For: Councillors Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Matters pertaining to the Report of the Director Environmental Svices were dealt with at Item 8 Public Access Reports.

10 REPORT OF THE GENERAL MANAGER

10.1 Mayoral fee for 2016/2017 - fee limits fixed by Remuneration Tribunal

16/328

Committee recommendation that Council note that the Mayoral Fee for 2016/2017 has been set at \$24,630.

(Councillors Way and Westhoff)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

10.2 Council Committees - appointment of committees and memberships

16/329

Committee recommendation that Council endorse the committee structure for 2016/2017 and the Councillor membership of those Committees as listed below pending a report back to Council regarding the amalgamation of the Estuary Management and Flood Plain Management Committees.

(Councillors Steel and Rice)

Committee	Council Membership	Meeting Times	Membership Nos.
Committee of the Whole	All Councillors	3 rd Tuesday every month (except January), 5pm	All Councillors
Access	Clr Kathy Rice	1 st Friday every 2 nd month, 10am	1 Councillor (Chair)
Australia Day	Clr Mark Honey Clr Neil Reilly Clr Mark Westhoff	As required.	Mayor and 2 Councillors (including Chair)
Blue Haven Management Advisory	Clr Don Watson Clr Kathy Rice	1 st Wednesday, quarterly, 6pm	2 Councillors
Crooked River Estuary Management	Clr Andrew Sloan Clr Mark Westhoff	As required	2 Councillors
Companion Animals Management Advisory	Clr Mark Way	Every 6 months or as required.	1 Councillor
Economic Development	Clr Warren Steel Clr Don Watson Clr Mark Honey	Monthly	3 Councillors (including Chair)
Floodplain Management	Clr Andrew Sloan Clr Mark Westhoff	As required	2 Councillors
Hoi An Friendship	Matt Brown Clr Kathy Rice Clr Neil Reilly Clr Mark Way	As required	4 Councillors and General Manager

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

Committee	Council Membership	Meeting Times	Membership Nos.
Holiday Parks Advisory	Clr Mark Honey Matt Brown Clr Mark Westhoff	As required	Mayor, 1 or 2 Councillors and General Manager
Internal Audit & Risk	Clr Mark Honey Clr Kathy Rice Clr Andrew Sloan	As required	Mayor, Deputy Mayor, 1 Councillor
Kiama Cultural Board including Art Centre and Grants	Clr Mark Honey Clr Neil Reilly Clr Kathy Rice	Last Thursday every month, 5.30pm	Mayor, 2 Councillors and General Manager
Kiama Health & Sustainability Advisory	Clr Kathy Rice Clr Andrew Sloan	Bi-monthly	2 Councillors
Kiama Walking Tracks/Cycleway	Clr Mark Honey Clr Mark Way	As required	1 Councillor (including Chair) and Mayor ex-officio
Long Term Financial Planning and Revenue	Clr Neil Reilly Clr Kathy Rice Clr Andrew Sloan Clr Warren Steel	As required	4 Councillors
Minnamurra River Estuary Management	Clr Andrew Sloan Clr Mark Westhoff	As required	2 Councillors
Occupational Health & Safety	Clr Mark Honey	Quarterly	Mayor (ex-officio)
Performance Review	Clr Mark Honey Clr Kathy Rice Clr Andrew Sloan Clr Mark Way	Every 12 months	Mayor, Deputy Mayor and 2 Councillors
Planning Committee	Clr Mark Honey Clr Andrew Sloan Clr Kathy Rice Clr Mark Way Clr Mark Westhoff		Mayor, Deputy Mayor and 3 Councillors
Seniors' Week	Clr Kathy Rice	As required, 2.pm	1 Councillor (including Chair)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

Committee	Council Membership	Meeting Times	Membership Nos.
Staff Consultative	Clr Mark Honey	Monthly, no set date, 11.30am	Mayor (ex officio)
Streets & Reserves Naming	Clr Mark Westhoff Clr Andrew Sloan	As required.	1 Councillor and 1 Alternative
Traffic	Clr Mark Honey Clr Mark Way	1 st Tuesday every month, 9am	1 Councillor and 1 Alternative
Youth Advisory	Clr Kathy Rice Clr Mark Westhoff	1 st Wednesday every month, 10.40am at Kiama High	2 Councillors

10.3 Fixing days and hours at which Ordinary Meetings of the Council are to be held

16/330

Committee recommendation that Council notes that:

1. the Ordinary General Meetings of the Council be held at 5pm on the third Tuesday of each month other than January, and that Ordinary Meetings throughout the year shall commence at a time determined by Council, provided that when an Ordinary Meeting falls on a Public Holiday, such meeting shall be held on the day following or on such day fixed by resolution of the Council at an Ordinary Meeting preceding such Public Holiday, provided further that the day of any Ordinary Meeting may, for good and sufficient reason, be altered by resolution of the Council at any preceding Ordinary Meeting.
2. public access be held at a time determined by Council on the day preceding the Council meeting with the maximum number of public access being ten (10).

(Councillors Way and Steel)

10.4 Fixing of Councillor fees to be paid to Councillors

16/331

Committee recommendation that Council notes that the Councillor fee for 2016/2017 has been set at \$11,290 per annum.

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

10.5 Fixing time and manner of giving notice (and notice of business) for meetings - Notice of Meetings Policy - 2016/2017

16/332

Committee recommendation that Council notes that:

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

(Councillors Rice and Way)

10.6 Fixing the order of business - Policy on the Order of Business for 2016/2017

16/333

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

(Councillors Steel and Sloan)

10.7 Defining the function of permanent Council Committees - Committee of the Whole

16/334

Committee recommendation that Council confirms and endorses the functions and structure of the Committee of the Whole.

(Councillors Reilly and Way)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

10.8 Council delegates to outside bodies, appointments to regional and other organisations

16/335

Committee recommendation that Council endorse the representatives to outside organisations as listed below.

(Councillors Westhoff and Watson)

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Australian Mayors Council for Climate Protection – Advisory Group – NSW (AMCCP)		Clr Mark Honey	As Mayor	Mayor
Cleary Bros Community Consultative Committee	As required	Clr Andrew Sloan Clr Mark Westhoff	Council	2 Councillors
Friends of Kiama Library	Monthly	Clr Kathy Rice Clr Mark Way (Alt)	Council	1 Councillor and 1 Alternate
Healthy Cities Illawarra Management Committee and International Healthy Cities Alliance (including Australian Chapter)	Quarterly and as required	Clr Mark Honey Clr Kathy Rice (Alt)	As Mayor	Mayor and 1 Alternate
Illawarra Academy of Sport	Bi-monthly	Clr Mark Way (Alt)	Delegate	Director Community Services and 1 Councillor Alternate
Illawarra Bush Fire Management Committee	Quarterly	Clr Don Watson	Councillor Delegate, Staff	1 Councillor and Director Engineering and Works
Illawarra Connection		Clr Warren Steel	Council	1 Councillor
Illawarra District Noxious Weeds Authority Committee	Quarterly	Clr Kathy Rice	Council	1 Councillor & 1 Alternate being Landscape Officer
Illawarra Landcare Co-ordinating Committee	Monthly	Clr Kathy Rice	Council	1 Councillor

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

Committee/Association	Meetings	Councillors Elected	Nature of Appointment	Delegates
Illawarra Pilot Joint Organisation	2 nd Friday alternate month	Clr Mark Honey Clr Kathy Rice	Council	Mayor, Deputy Mayor and Alternate General Manager
Illawarra Regional Airport Management Advisory Committee	As required	Clr Mark Honey		Mayor
Illawarra Regional Information Service	Quarterly	Clr Warren Steel	Delegate	1 Councillor
Illawarra Rural Fire District Service Agreement Committee	Quarterly	Clr Don Watson	Councillor Delegate, Staff	1 Councillor and Director Engineering and Works
Joint Regional Planning Panel	As required	Clr Mark Honey Clr Andrew Sloan (Alt)	Council delegates	Mayor, General Manager and 1 Alternate
Kiama & District Sports Association	Bi-monthly	Clr Mark Way	Council	1 Councillor
Kiama Liquor Accord	As required	Clr Don Watson Clr Matt Brown	Council delegate	2 Councillors and Road Safety Officer
Metro Pool United Independent Pool	Quarterly	Clr Mark Honey	Delegate	1 Councillor and General Manager
South Coast Co-operative Library Service	Bi-monthly	Clr Kathy Rice	Council	1 Councillor
Sydney Catchment Authority's Local Government Reference Panel	As required	Clr Andrew Sloan Clr Mark Westhoff (Alt)	1 Councillor, 1 Staff	1 Councillor, 1 Alternate and Director Environmental Services
Tourism Kiama Board of Management	3 rd Wednesday of each month (5.30 pm)	Clr Matt Brown	Council delegates	1 Councillor and General Manager

10.9 Delegation of functions of the Council - review of delegations to the Mayor, General Manager and Other Staff

16/336

Committee recommendation that Council review and endorse the delegations as detailed in this report.

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

(Councillors Way and Westhoff)

10.10 Payment of Expenses and Provision of Facilities Policy

16/337

Committee recommendation that Council give public notice of its intention to adopt the attached amended -Payment of Expenses and Provision of Facilities Policy.

(Councillors Steel and Reilly)

10.11 Local Government NSW Annual Conference 2016

16/338

Committee recommendation that Council

1. endorse Councillors Honey, Westhoff and Steel as voting delegates to the annual conference
2. does not re-schedule the October Council meeting to avoid a clash with the LGNSW Conference.

(Councillors Steel and Way)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - August 2016

16/339

Committee recommendation that the information relating to the Statement of Investments for August 2016 be received and adopted.

(Councillors Steel and Way)

11.2 Annual Financial Statements 2015/16

16/340

Committee recommendation that :

1. Council's Draft Financial Statements for 2015/2016 be referred to Council's auditors for audit under sect 413 (1).
2. Council resolves in accordance with sect 413 (2c) that the annual financial report is in accordance with:

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

- the Local Government Act 1993 (as amended) and the Regulations made there under;
 - the Australian Accounting Standards and professional pronouncements;
 - the Local Government Code of Accounting Practice and Financial Reporting;
 - presents fairly the Council's operating result and financial position for the year;
 - accords with Council's accounting and other records; and
 - that the Council is not aware of any matter that would render this report false or misleading in any way.
3. Council adopt the Councillors/Management "Statement" and resolve that it be signed and attached to the Financial Statements for 2015/2016.
4. That on receipt of the Audited Reports, a copy is forwarded to the Office of Local Government.

(Councillors Sloan and Steel)

11.3 Fit for the Future - Reassessment

16/341

Committee recommendation that Council endorse the actions of the General Manager in accepting the nomination for financial reassessment as part of the Fit for the Future Reform.

(Councillors Steel and Reilly)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Road Safety Officer Projects 2016-2017 - Roads and Maritime Services funding grant

16/342

Committee recommendation that Council accepts the funding offer of \$25,900 from the NSW Roads and Maritime Services and directs the Road Safety Officer to establish and implement the programs with the required evaluation and financial reporting as per the funding conditions.

(Councillors Westhoff and Steel)

16/343

Committee recommendation that Council send a letter of appreciation to the Kiama Bicycle Users Group to acknowledge their assistance in running the Kiama Bike Week event.

(Councillors Sloan and Rice)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 National Welcome Scroll

16/344

Committee recommendation that Council approve the inclusion of Kiama Council's signature on the National Welcome Scroll

(Councillors Reilly and Rice)

13.2 Cultural Grants Winter Funding Round

16/345

Committee recommendation that Council approve the following recommended Cultural Grants funding applications:

- One World Concert - \$1,600
- Kiama Unity Project 2017 - \$3,000.00
- The Bungalows LP - \$3,000.00 with the condition to provide a free gig for the community
- Salty's music video clip - \$1,500.00 - with the condition to provide a free gig for the community
- Youth Arts Scholarship - Sean Emmett - \$750.00.

(Councillors Steel and Westhoff)

13.3 Kiama Cultural Board Minutes and vacant Board position

16/346

Committee recommendation that Council approve Mrs Terri Rowe to fill the current vacant community representative position on the Kiama Cultural Board.

(Councillors Steel and Westhoff)

13.4 NSW Public Library Conference

16/347

Committee recommendation that Council endorse the attendance of Councillor Rice at the NSW Public Libraries Conference.

(Councillors Westhoff and Way)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

13.5 Sponsorship Kiama Garden Club – Garden Competition

16/348

Committee recommendation that Council approve sponsorship of \$200 towards prizes for the annual garden competition.

(Councillors Steel and Reilly)

14 REPORTS FOR INFORMATION

16/349

Resolved that the following Reports for Information listed for the Council's consideration be received and noted

- 14.1 Kiama Youth Advisory Committee - Minutes
- 14.2 New Aboriginal Liaison Officer for Kiama Council
- 14.3 Walking Tracks and Cycleways Committee - meeting 3 August 2016
- 14.4 Minnamurra Progress Association - Minutes
- 14.5 Minutes of the South Precinct Meeting held on 18 August 2016
- 14.6 Reporting on the Community Satisfaction Survey
- 14.7 Parking Statistics - August 2016
- 14.8 Economic Development Committee Meeting 26 July 2016 - Minutes
- 14.9 Kiama Liquor Accord - meeting 7 June 2016 - Minutes
- 14.10 Kiama Liquor Accord - Annual General Meeting 24 August 2016 - Minutes
- 14.11 Kiama Liquor Accord - meeting 24 August 2016 - Minutes
- 14.12 Kiama Readers Festival
- 14.13 Independent Pricing and Regulatory Tribunal (IPART) - Review of the Local Government Rating System
- 14.14 New South Wales Emergency Services Property Levy
- 14.15 The World Health Organisation (WHO) award for the Dementia Friendly Kiama Project.
- 14.17 Questions for Future Meetings Register as at 21 September 2016.

(Councillors Steel and Way)

14.16 NSW Coastal Conference 2016

16/350

Resolved that Council endorse Councillor Neil Reilly's attendance at the NSW Coastal Conference 2016.

(Councillors Sloan and Steel)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

RESUMPTION OF ORDINARY BUSINESS

16/351

Resolved that at this time, 6.10pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

16/352

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 16/324 to 16/352 above.

(Councillors Steel and Way)

15 ADDENDUM TO REPORTS

Matters pertaining to the Addendum to Reports:

- 15.1 Olympian Grace Stewart
 - 15.2 Gerringong Lions – Group 7 Premiers
- were dealt with earlier in the meeting.

15.3 Australian Coastal Council Association - Committee of Management

16/353

Committee recommendation that Council endorse Councillor Rice's nomination for the Australian Coastal Council Association Committee of Management

(Councillors Rice and Sloan)

16 NOTICE OF MOTION

Nil

17 QUESTIONS FOR FUTURE MEETINGS

17.1 Council meetings held in Municipal villages

Councillor Reilly requested a report on the possibility of holding an Ordinary Council meeting in Jamberoo, Gerringong and Minnamurra during the next 12 months.

The Mayor referred this matter to the General Manager for investigation and report.

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

17.2 Walkway to Boneyard

Councillor Steel requested that a letter be forwarded to the relevant Minister seeking urgent attention to the walkway from Bombo Rail Bridge to the Boneyard which has been blocked to the public for more than 12 months.

The Mayor referred this matter to the Director Engineering and Works for investigation and report.

17.3 Taxi rank at the Kiama Bowling Club

Councillor Steel requested that an investigation be undertaken into moving the taxi rank at the Kiama Bowling Club from Shoalhaven Street to Noorinan Street.

The Mayor referred this matter to the Director Engineering and Works for investigation and report.

17.4 Gerringong Library and Museum funding

Councillor Westhoff requested that an update be provided into the promised funding from Ann Sudmalis for \$1.5M for the Gerringong Museum/Library.

The Mayor referred this matter to the General Manager for investigation and report.

17.5 CCTV Kiama Harbour funding -

Councillor Way requested that an update be provided into the promised funding from Ann Sudmalis for installing CCTV at Kiama Harbour.

The Mayor referred this matter to the Director Community Services for investigation and report.

17.6 Fitness groups operating at Cooke Park, Gerringong -

Councillor Sloan requested that in response to a request from South Precinct and several letters from residents, can a report be provided on the potential to relocate fitness groups operating at Cooke Park, Gerringong to an alternative suitable location.

The Mayor referred this matter to the Director Engineering and Works for investigation and report.

18 CONFIDENTIAL SUMMARY

16/354

Resolved that at this time, 6.14pm, Council form itself into a Confidential Committee

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel and Westhoff)

Public Representations:

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

18.1 Exclusion Of Press And Public:

16/355

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public to deal with the following matters on the grounds as detailed below.

19.1 ILLAWARRA PILOT JOINT ORGANISATION - TREE SERVICES TENDER

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. .

19.2 KIAMA HOSPITAL RE-DEVELOPMENT - CONSULTANT ENGAGEMENT - CIVIL STRUCTURAL ENGINEER & QUANTITY SURVEYOR

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

(Councillors Steel and Sloan)

19 CONFIDENTIAL REPORTS

19.1 Illawarra Pilot Joint Organisation - Tree Services Tender

16/356

Resolved that Council approves the tenderers as recommended in the Illawarra Pilot Joint Organisation Tree Services Panel Final Evaluation Report:

Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

27 SEPTEMBER 2016

19.2 Kiama Hospital Re-development - Consultant Engagement - Civil Structural Engineer & Quantity Surveyor

16/357

Resolved that Council resolve to accept the below tenders, subject to favourable financial checks:

1. Bonacci Group (NSW) Pty Ltd (ABN 29 102 716 352) for the civil and structural engineering disciplines, for the combined price of \$305,000 (incl. GST)
2. Wilde and Woollard Pacific Pty Ltd (ABN 69 081 162 496) for quantity surveying services, for the price of \$249,420 (incl. GST)

(Councillors Way and Steel)

Close of Confidential Committee of the Whole:

16/358

Resolved that at this time, 6.23pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Watson)

Adoption of Report

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

16/359

Resolved that that the Confidential Committee of the Whole recommendations numbered 16/355 to 16/359 be confirmed and adopted.

(Councillors Rice and Way)

20 CLOSURE

There being no further business the meeting closed at 6.24pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 October 2016

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 2016 Illawarra Volunteer of the Year Awards

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council formally congratulates Hannah McInerney on receiving the 2016 Illawarra Youth Volunteer of the Year Award.

REPORT

I recently had the pleasure of attending the 2016 Illawarra Volunteer of the Year Awards held at the Wollongong Golf Club and presenting the Youth Volunteer of the Year Award to Hannah McInerney, an employee of Council.

Volunteers help to keep our country going and are the lifeblood of any community. It is important that recognition be given to show our appreciation of the invaluable contribution and selfless commitment of volunteers.

Hannah is one of those selfless volunteers who confidently and quietly work away in the background not seeking recognition for their efforts.

I know Hannah as a remarkable young woman who has dedicated much of her time to the community through volunteering with the Kiama Surf Club, Jamberoo Rural Fire Service and also the Australian Indigenous Mentoring Experience.

Hannah was the recipient of the 2013 Robert East Award presented by Council to an employee who has carried out significant voluntary work and was also awarded Council's Australia Day Young Citizen of the Year Award earlier this year. Hannah is also a finalist in the 2016 NSW Regional Achievement and Community Award's Volunteering Award. The winner will be announced at a Gala Presentation Dinner at the Novotel Wollongong on 11 November 2016 and I wish her the best of luck.

I am sure Council will join with me in congratulating Hannah on her achievement and thanking her for her support of our community.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Meeting 4 October 2016

Responsible Director: Engineering and Works

Attachments

- 1 Kiama Local Traffic Committee - meeting minutes - 4 October 2016

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 4 October 2016 be received and accepted.

BACKGROUND

The minutes of the Kiama Local Traffic Committee meeting held on 4 October 2016 are attached for information.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 OCTOBER 2016

- COMMENCING AT:** Meeting commenced at 9.06am
- PRESENT:** Mayor Councillor Mark Honey (Chairperson), Councillor Mark Way, Adele Jamieson (RMS Representative), Nathan Boscaro (RMS Representative), Darren Brady (Manager Design & Development), Janelle Burns (Kiama Council Road Safety Officer) and Cathie Bax (Minutes)
- APOLOGIES:** Darrell Clingan (Local Member's Representative), Kevin Brown (NSW Police Representatives), Gino Belsito (Director Engineering & Works)
-

1 Minutes of Previous Meeting

CR080

Committee recommendation that the Minutes of the 6 September 2016 meeting be received and accepted.

Matters arising

Nil

Darren Brady provided an explanation of the role of the committee and its delegations. The Committee is advisory only. Formal recommendations are made for regulatory matters which may or may not be approved at Ordinary Council meetings.

FORMAL ITEMS (UNDER RMS DELEGATIONS)

2 Bong Bong Street and Terralong Street, Kiama – temporary road closures Kiama Show 2017

CR081

Committee recommendation that approval is given to the Kiama Show Society to temporarily close the eastern ends of Bong Bong Street and Terralong Street on Friday 27 January 2017 and Saturday 28 January 2017, subject to compliance with the following conditions:

- 1 the road closures to be undertaken by suitably qualified traffic controllers in compliance with the traffic management plan No. T2305-0361 prepared by Traffic Management Services Pty Ltd.
- 2 notification of this closure be given to Police, Local Emergency Services, businesses and residents affected by the closure.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 OCTOBER 2016

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

3 Minnamurra Street, Kiama – proposed parking bays

CR082

Committee recommendation that on-street carparking bays be signposted and linemarked in Minnamurra Street, Kiama between Collins Street and Shoalhaven Street.

4 Fern Street, Gerringong – proposed street parade – Gerringong Sunrise Rotary Club Inc

CR083

Committee recommendation that approval is given to holding this parade subject to organisers and suitably qualified traffic controllers complying with the following conditions:

- 1 the road closures to be undertaken by organisers using suitably qualified traffic controllers in compliance with the traffic management plan No. 5577 prepared by Platinum Traffic Services Pty Ltd.
 - 2 notification of this closure be given to Police, Local Emergency Services, businesses and residents affected by the closure.
 - 3 an advertisement be placed in the local media advising of the closure.
-

5 Manning Street, Kiama – Work Zone

CR084

Committee recommendation that approval be given to the implementation of a work zone in Manning Street, Kiama subject to the Contractor complying with the following conditions:

1. The Manning Street work zone shall be implemented from 8am – 5pm Monday to Friday and 8am – 12pm Saturdays only. On-street 45 degree angle parking vehicle parking shall be made available outside of these times.
2. Notification of the work zone closures be given to local businesses and residents affected by the closure

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 OCTOBER 2016

3. An advertisement be placed in the local media advising of the work zone closures.
4. That all work zones be removed as soon as practicable, following completion of applicable construction work within the adjacent site.
5. That the Traffic Management Plan be amended to include additional angled parking in Bong Bong Street in the location of the current 'No Stopping' zone.

6 Crooked River Road, Gerroa – Seven Mile Beach Holiday Park 'No Stopping' zone

CR085

Committee recommendation that a 'No Stopping' zone be implemented north of the Seven Mile Beach Holiday Park entry/exit road to the existing pedestrian crossing point through the use of regulatory signage including a sign in the centre of the zone.

7 Surfing NSW – World Junior Surfing Competition – January 2017 Road closures and traffic changes in Bombo

CR086

Committee recommendation that approval be given to Surfing NSW, the organisers of the World Juniors Surfing Competition to be held from Tuesday 3 January 2017 to Friday 13 January 2017 at North Bombo Beach, to implement proposed traffic changes, subject to the organisers and suitably qualified traffic controllers complying with the following conditions:

1. All road closures, diversions and traffic changes be undertaken by suitably qualified traffic controllers in compliance with the traffic management plan No. 9130 prepared by Traffic Logistics Pty Ltd.
2. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
3. Lodgement with Council of an Application for a Section 138 Roads Act Permit and payment of associated fee.
4. Seek a Road Occupancy Licence from the Roads and Maritime Services to install VMS signage along the highway to provide directional guidance to spectator parking at Bombo Beach.
5. Notification of proposed traffic changes be given to Police, Local Emergency Services, businesses and residents effected by the closure.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 OCTOBER 2016

6. An advertisement be placed in the local media advising of the closure.
 7. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
-

8. Charles Avenue and Eureka Avenue, Kiama Downs – pedestrian access

Councillor Mark Way raised an informal item regarding residents' concerns over the pedestrian access at the intersection of Charles Avenue and Eureka Avenue.

Janelle Burns advised that this has been investigated previously where it was found that the intersection is outside the school zone, does not meet the warrants for a pedestrian crossing based on pedestrian/vehicle volume, and improvement measures have been unsuccessful in obtaining funding in Council's capital works program.

Nathan Boscara suggested that pedestrians be directed to a safe crossing east of the intersection through the use of pedestrian refuges, fencing and an additional pathway.

CR087

Committee recommendation that this matter be investigated by Council for the provision of pedestrian access improvement measures at the Eureka Avenue and Charles Avenue intersection.

INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)

9. Riverside Drive, Minnamurra Bends, Kiama Downs – 60km speed zone

Advice has been received from the RMS that they are proposing to reduce the existing 70km/h speed limit to 60km/h along Riverside Drive from 100 metres north of Oxley Avenue to 190 metres south of Federal Avenue.

Janelle Burns will arrange for VMS to be installed along this road when the new speed zone is in effect to ensure motorists are aware of the change.

There being no further business the meeting closed at 10.06am.

The next meeting of the Committee will be held on Tuesday 1 November 2016.

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 Finance, Corporate and Commercial 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 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2 DP 626183 Golden Valley Way Jamberoo

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

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

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

Summary

Council has received a Planning Proposal (PP) on 20 July 2016 for the rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo from RU2 Rural Landscape to R2 Low Density Residential and the amendment of the minimum lot size from 40 hectares to 800m². This report overviews the reports submitted by the applicant against criteria outlined in Council's Planning Proposal Policy and the Department of Planning and Environment's (DoPE) *Guide to Preparing Planning Proposals* and recommends the endorsement of the PP to proceed to DoPE for Gateway determination.

Finance

A fee structure for submittal and review of planning proposals has been developed by Council and is contained in Council's fees and charges schedule. Relevant fees have been paid in regard to this proposal.

Policy

Consideration of requests for rezoning of land require consideration of a number of planning instruments, specifically the *Environmental Planning and Assessment Act 1979*, *Kiama Local Environmental Plan 2011*, Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy and the Kiama Planning Proposal Policy.

Attachments

- 1 Concept Planning Proposal Report – Prepared by TCG Planning

Enclosures

Nil

RECOMMENDATION

- 1) That Council endorse the subject Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination
- 2) That Council request plan making delegations for this proposal as a part of the Gateway determination.
- 3) That on receipt of the Gateway Determination, proceed with recommendations

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
DP 626183 Golden Valley Way Jamberoo (cont)

including requesting any further studies and public exhibition.

BACKGROUND

Council has received a Planning Proposal (PP) for consideration in relation to Lot 2 DP 626183, Golden Valley Road, Jamberoo (known hereafter as 'the subject site'). In line with the Kiama Planning Proposal Policy, this report details the submitted concept PP and provides an assessment of the specialist consultant reports.

Planning Proposal Details

The subject site Lot 2 DP626183, is located on Golden Valley Road, Jamberoo, approximately 100 metres south of the intersection of Golden Valley Road and Allowrie Street. The site is approximately 4.7 hectares with its entire western boundary fronting Golden Valley Road. The site is vacant and has historically been used for agricultural purposes. A dam has been constructed adjacent to the southern boundary of the site. The site is currently zoned RU2 Rural Landscape under the provisions of the *Kiama Local Environmental Plan (LEP) 2011*.

Intent of Planning Proposal

The PP aims to rezone the entire site from RU2 Rural Landscape to R2 Low Density Residential and apply the associated controls in keeping with the adjacent land north and west of the site. The subject site is identified as Site 27b in the Kiama Urban Strategy and has been assessed as a site where a PP should be undertaken. The site was included as suitable following public notification and Councils receipt and consideration of submissions to the Urban Strategy. The site was identified in the Strategy as assisting in providing an appropriately defined and accessible southern boundary to Jamberoo Village.

The PP seeks the following amendments to the *Kiama Local Environmental Plan 2011* to ensure that the site is consistent with the existing residential land within Jamberoo Village. An outline of the existing and proposed controls is provided below:

Controls	Current controls	Proposed controls
Zone	RU2 Rural Landscape	R2 Low Density Residential
Floor Space Ration (FSR)	FSR – none	FSR – C 0.45:1
Height of Building (HOB)	HOB – none	HOB – I 8.5
Lot Size	Lot size 40ha	Lot size – S 800 (m ²)

Review and Assessment of the Planning Proposal

The results of the review will be framed around the requirements of the Kiama Planning Proposal Policy.

Step 1: If the proposal meets any of the following criteria Council staff may agree in principle that a PP be prepared.

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
DP 626183 Golden Valley Way Jamberoo (cont)

Criterion for proceeding to Step 2	Compliance
Land is identified as a nominated area in the Urban Strategy.	The subject site is identified as Site 27b in the Kiama Urban Strategy as it would provide an appropriately defined and accessible southern boundary to Jamberoo Village.
Land can be identified as assisting to meet Council's strategic direction.	N/A
A clear zoning anomaly exists on site.	N/A

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Step 2: Concept Planning Proposal presented to Council.

In order to adequately assess the viability of the land for residential development a number of specialist consultant reports were required to be undertaken by the applicant as part of the Concept PP. The reports were required in order to demonstrate:

- An assessment of environmental impacts;
- The availability of services;
- The suitability of the site for the proposed residential land uses; and
- Potential Traffic Impacts.

The reports provided were reviewed and assessed by staff who found at this point they meet the required level of detail. The results of this assessment process have been summarised below.

Concept Planning Proposal Report – Prepared by TCG Planning

The Concept PP report overviewed the intent of the PP, addressed the justification for the proposal, and gave an overview of the conceptual layout of the possible future residential subdivision of the site. The Planning report also addresses the relevant *State Environmental Planning Policies (SEPPs)*, Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy and applicable Section 117 Ministerial Directions.

The PP report concluded that:

“It is considered that the proposal to rezone the subject site to R2 Low Density Residential and apply relevant development standards is an appropriate amendment to the Kiama Local Environmental Plan 2011 which has been endorsed by Council as a ‘Greenfields’ site in accordance with the Kiama Urban Strategy 2011. The Planning Proposal process to rezone the land is considered the only way to achieve the intended outcomes of this Proposal. The proposal does not request amendments to the current land zoning provisions (objectives and general permissibility of land uses) and intended purpose of the R2 Low Density Residential Zone. The proposal does not include any amendments to development standards which are not consistent with that which have been currently and recently applied to the subject site.

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
DP 626183 Golden Valley Way Jamberoo (cont)

The proposed changes to Kiama Local Environmental Plan 2011, specifically to the Land Zoning Map, Height of Buildings Map, Lot Size Map and Floor Space Ratio Map will reflect the intended future use of the land as detailed in this Proposal, in accordance with Kiama Council's adopted Kiama Urban Strategy for future development identified in Jamberoo and the broader Kiama LGA.

It is considered that the preparation and processing of this Planning Proposal will provide opportunity for community input, particularly from neighbouring residents in the Jamberoo Village, which follows on from previous consultations held by Kiama Council in the preparation and subsequent adoption of the Kiama Urban Strategy and Kiama Local Environmental Plan 2011. Accordingly the progression of this Planning Proposal by Kiama City Council is sought."

Comment

Staff have reviewed the Concept PP report and have concluded that it has addressed all of the relevant issues required, and has indicated that the proposed change will not have significant adverse impacts on environmental or social attributes on site.

The site is not identified as being Biophysical Strategic Agricultural Land by the Department of Planning & Infrastructure's Strategic Agricultural Land Map (Sheet STA_041). The Proposal can be supported as it:

- (a) proposes to rezone only a small portion of rural land available which has historically been used for low scale agricultural purposes,
- (b) the site is located adjacent to existing residential development on two sides
- (c) the site had been investigated, publically exhibited and supported by Council with the adoption of the Kiama Urban Strategy,
- (d) the Proposal does not further fragment agricultural land.

It is important to note the timing of this PP in regards to the Kiama Urban Strategy (KUS) 2011. The KUS identified seven (7) sites for potential residential expansion of the Jamberoo village. The following table illustrates the timing for the rezoning of these sites as intended by the KUS. As the KUS was adopted by Council in September 2011 it can be assumed that 2011 is the starting point for this envisaged timeline. Figure 1 below identifies the sites listed above and places them within the Jamberoo context.

Table 1: Residential Expansion at Jamberoo (greenfield sites).

Jamberoo	Approximate Potential Dwelling Yield	Stage
Site 22	19	1 (0-5yrs)
Site 24		
Site 25		
Site 26	Seniors Living	
Site 27b	47	2 (5-10yrs)

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
 DP 626183 Golden Valley Way Jamberoo (cont)

Site 27	58	3 (10yrs +)
Site 27a		

Sites 25 and 26 have been rezoned to residential as part of Amendment 1 to the *Kiama Local Environmental Plan (LEP) 2011* in August 2014. Works are now underway for the approved residential subdivision of these sites. A Gateway Determination has recently been received from the Department of Planning & Environment enabling Council to proceed with the process of rezoning Site 24.

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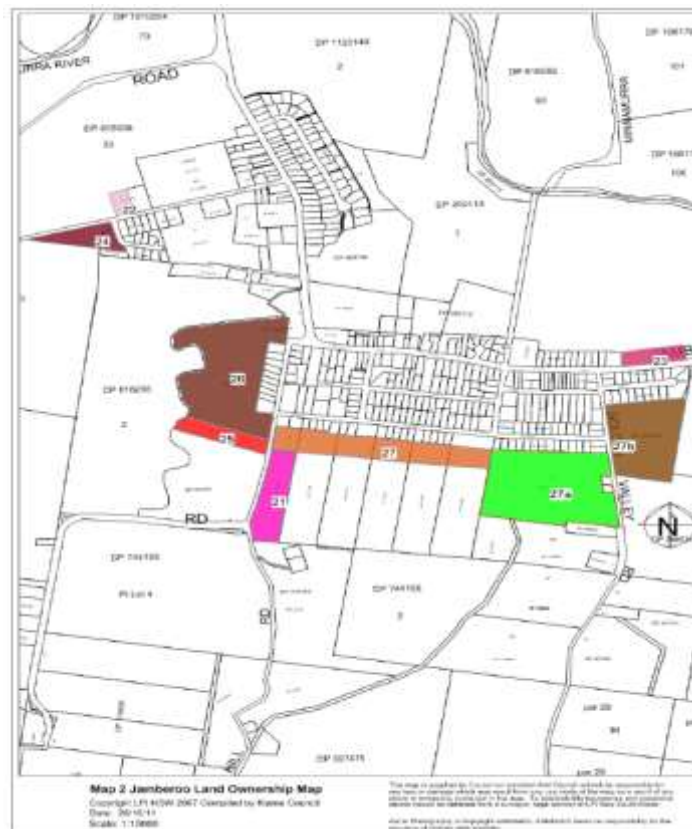


Figure 1: Residential Expansion at Jamberoo (greenfield sites).

As previously mentioned the subject site has been identified by the KUS as Site 27b. The receipt of this PP correlates with the suggested timing of the KUS as it is now five (5) years since Council adopted this strategy and the majority of Stage 1 sites have or are currently being rezoned.

State and Regional Environmental Planning Policies (SEPPs and REPs) Compliance Assessment – Prepared by TCG Planning

The submitted PP has correctly identified the applicable SEPPs and is consistent with SEPP No 55 – Remediation of Land and SEPP (Rural Lands) 2008. Accompanying the concept PP a Stage 1 Preliminary Contamination Assessment was submitted ensuring consistency with SEPP No 55 – Remediation of Land.

It is noted that at the time of drafting the initial concept PP, both the Illawarra Regional Environmental Plan No 1 (IREP1) and the Illawarra Regional

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
DP 626183 Golden Valley Way Jamberoo (cont)

Environmental Plan No 2 – Jamberoo Valley (IREP2) applied to the site. Since this time both IREP1 and 2 have been formally repealed by the State Government and no longer apply to the Kiama Local Government Area. The applicant has been informed of this development and has been requested to amend the concept PP to reflect the current status of the IREPs prior to requesting a Gateway Determination.

Section 117 Ministerial Directions Compliance Assessment – Prepared by TCG Planning

The applicant has carried out an assessment of the Concept PP against the relevant Section 117 Ministerial Directions. With the exception of Direction 1.2 Rural Zones the Concept PP was found to be consistent with the relevant Section 117 Ministerial Directions. As the Concept PP is consistent with the adopted Kiama Urban Strategy, the Illawarra-Shoalhaven Regional Plan and is minor in nature, the inconsistency with Direction 1.2 is justified.

Aboriginal Cultural Heritage Assessment Report

An assessment on any potential impacts of the PP on Aboriginal cultural heritage associated with the site was provided as part of Concept PP. An Aboriginal Cultural Heritage Assessment Report was prepared by Biosis Pty Ltd on behalf of the applicant. The Assessment Report was carried out under Part 6 of the *National Parks and Wildlife Act (1974)* and included a comprehensive field survey of the site. The survey conducted identified two Potential Archaeological Deposits (PADs). These PADs have since been registered on the Aboriginal Heritage Information Management System (AHIMS) as Jamberoo PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833). The Assessment Report outlines that the PP has the potential to result in development activities that may impact on both registered Aboriginal Sites (AS).

Aboriginal Parties were invited to provide their knowledge on the subject site. It was identified that the subject site has a moderate level of cultural significance, although this significance was not clearly defined and specific examples were not provided. As a result of the field survey and consultation process the Assessment Report provided the following recommendations:

1. The proposed re-zoning should proceed;
2. Continued consultation with the Registered Aboriginal Parties; and
3. Application for an Aboriginal Heritage Impact Permit for the entire project area of proposed development including salvage.

The Assessment Report concluded that impact on the identified PADs would be:

“...consistent with impacts proposed by many other development projects within the region. Although the first option considered is always to preserve Aboriginal heritage where possible, there is no inherent reason why an Aboriginal Heritage Impact Permit (AHIP) for impact to the full extent of Jamberoo PAD 1, should not be sought, particularly on archaeological grounds.”

Staff Comment

The Assessment Report was peer reviewed by staff who agreed with the results and conclusion of the submitted Aboriginal Cultural Heritage Assessment Report and

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
DP 626183 Golden Valley Way Jamberoo (cont)

concluded that the PP could proceed with consultation with the NSW Office of Environment and Heritage and potentially the NSW Parks and Wildlife Service.

Stage 1 Site Contamination Assessment & Preliminary Geotechnical Assessment – Prepared by Network Geotechnics Pty Ltd

An investigation of any geotechnical or contamination constraints associated with the site was undertaken by Network Geotechnics Pty Ltd on behalf of the applicant and accompanied the initial Concept PP. The Assessment included an investigation of previous site use, walk-over of the site, and preparation of Stage 1 Report in accordance with SEPP No 55 – Remediation of Lands and preliminary geotechnical and acid sulphate assessment. The Assessment concluded that:

“Based on the desk study and walk-over assessment the risk of the site contamination at 123 Golden Valley Road, Jamberoo (i.e. the Site) is assessed to be low. During the site inspection no illegally dumped material, ACM or disturbed ground was observed. In the unlikely event that contamination is discovered during earthworks, an environmental consultant should be contacted in order to provide advice on suitable remediation. Therefore, it is concluded that the site is suitable for the proposed rezoning for a site contamination perspective.”

Staff Comment

The report was peer reviewed by staff who agreed with the results and conclusion of the submitted Stage 1 Site Contamination Assessment & Preliminary Geotechnical Assessment and concluded that the PP could proceed.

Traffic Impact Statement - Prepared AZTEC Draft & Design

A Traffic Impact Statement was prepared by AZTEC Draft & Design to investigate the potential traffic impacts associated with the rezoning of the site and associated future residential development on the adjacent road network. A traffic survey was undertaken of the existing road network and a concept subdivision layout developed in accordance with the Kiama Development Control Plan 2012, Austroads and Landcom standards. The predicted traffic generation was calculated and the impact on the adjacent road network reviewed utilising the SIDRA intersection software.

The Traffic Impact Statement provided the following recommendations in order to ensure the PP would result in minimal impact on the existing road network and compliance with the above listed policies:

- Minimum lot size to be 800m²;
- Cul-de-sacs/dead end roads be avoided;
- Minimise the number of battle axe blocks;
- Roads to avoid areas of high artefact density;
- Street widths to be in accordance with Landcom standards;
- A perimeter road/landscape buffer be provided adjacent to rural land;
- Access onto Golden Valley Road be widened to 8 metres with a 3.5 metre verge in front of the development site; and

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2 DP 626183 Golden Valley Way Jamberoo (cont)

- Pedestrian links be provided to Hyam Street and along Golden Valley Road.

The following conceptual subdivision layout (Figure 2) accompanied the Traffic Impact Statement and represent compliance with the above listed recommendations.



Figure 2: Conceptual subdivision layout

Staff Comment

The report was peer reviewed by staff who agreed with the results and conclusion of the submitted Traffic Impact Statement and concluded that the PP could proceed.

Services Feasibility Assessment – Prepared by KF Williams & Associates Pty Ltd

A Service Feasibility Assessment was prepared by KF Williams & Associates Pty Ltd to determine the location of all utility services in the vicinity of the site. KF Williams & Associates Pty Ltd contacted both Sydney Water and Endeavour Energy to determine the location of their infrastructure as well as the infrastructure’s capabilities to cope with any future demands associated with the residential rezoning of the site.

The Service Feasibility Assessment concluded that:

“Water, sewer, electricity and telecommunications services can be provided to serve approximately fifty residential lots.

Item 9.1

Report of the Director Environmental Services

9.1 Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2
DP 626183 Golden Valley Way Jamberoo (cont)

The provisions of water and sewer services may require amplification of the existing water and sewer infrastructure. The requirements of amplification will be determined upon lodgement of an application for a Section 73 Certificate."

Staff Comment

The report was peer reviewed by staff who agreed with the results and conclusion of the submitted Service Feasibility Assessment and concluded that the PP could proceed. Council would consult with both Sydney Water and Endeavour Energy upon receiving a positive Gateway Determination.

Assessment Summary

Report	Appropriate to proceed to Gateway
Concept Planning Proposal Report – Prepared by TCG Planning	✓
Aboriginal Cultural Heritage Assessment Report - Prepared Biosis Pty Ltd	✓
Stage 1 Site Contamination Assessment & Preliminary Geotechnical Assessment – Prepared by Network Geotechnics Pty Ltd	✓
Traffic Impact Statement - Prepared AZTEC Draft & Design	✓
Services Feasibility Assessment – Prepared by KF Williams & Associates Pty Ltd	✓
State and Regional Environmental Planning Policies (SEPPs and REPs) Compliance Assessment – by TCG Planning	✓
Section 117 Ministerial Directions Compliance Assessment – Prepared by TCG Planning	✓

Plan Making Delegations

Council has received delegations for local plan making under section 59 of the *Environment Planning and Assessment Act 1979*. It is intended to request Plan making delegations for planning proposals consistent with an endorsed strategy and/or surrounding zones such as this PP. This request will be sent to gateway with the planning proposal delegation following council approval to proceed. Following the Gateway determination, council will be directed as to any further requirements to obtain additional studies and exhibit the Draft Kiama LEP.

Council will receive notification of this with the gateway determination.

Conclusion

The Planning Proposal meets the criteria outlined in the Planning Proposal Policy, as it is an endorsed site, (Site 27b) under the Kiama Urban Strategy.

The technical reports obtained by the applicant have provided enough information to enable Council staff to support this stage of the Concept Planning Proposal.

Planning Proposal

*Rezoning to R2 Low Density Residential
Lot 2 DP 626183, Golden Valley Road, Jamberoo*

Prepared for Mr Branko Simicic

21 September 2016

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This report has been prepared for Mr Branko Simicic in accordance with the scope of services provided by TCG Planning. This report should only be used only for the purpose for which it was expressly prepared and shall not be reproduced by any third party in part or full without the permission of TCG Planning.

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1 Report Scope and Executive Summary

This Planning Proposal has been prepared on behalf of Mr Branko Simicic, the owner of the subject site, identified as being located on Golden Valley Road, Jamberoo described as Lot 2 DP 626183. The site has a total area of 4.662 hectares and is within Zone RU2 Rural Landscape pursuant to Kiama Local Environmental Plan 2011. The site is recognised by Kiama Municipal Council as a Stage 2 Project under the Kiama Urban Strategy, being Site 27b (Council reference PR2073). This future rezoning was initially supported by Council under the Strategy (dated 24 October 2011), subject to the submission (and assessment) of a Planning Proposal seeking to formally rezone the land to R2 Low Density Residential, to allow for a contribution to the housing needs of the Kiama LGA.

A recent Pre-lodgement meeting held with Kiama Council, as discussed in this Statement, at which Council advised that their consideration of a Planning Proposal for the site is considered appropriate and timely, given the Stage 1 proposals under the Kiama Urban Strategy are nearing completion and the site is within single ownership. It is considered there has been an adequate 'take up' of land in Stage 1 of the Kiama Urban Strategy, which is discussed in detail in this Statement, in order to provide the justification for Council's consideration of the site for urban development.

The Planning Proposal requests that Kiama Municipal Council consider the rezoning of the subject site from Zone RU2 Rural Landscape to Zone R2 Low Density Residential pursuant to *Kiama Local Environmental Plan 2011*, to allow for the development for the purposes of residential and related land uses on the subject site. The Planning Proposal seeks to rezone the land by amending the Land Zoning Map associated with Kiama Local Environmental Plan 2011, as well as to amend associated maps relating to Height of Buildings, Floor Space Ratio and Lot Size.

The Planning Proposal has been prepared in accordance with the Department of Planning's 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans' documents (2009) and provides:

- A statement of the objectives and intended outcomes of the proposed additional permitted use for the site;
- An explanation of the provisions that are to be included in the proposed local environmental plan;
- A justification for those objectives, outcomes and provisions and the process for their implementation;
- Details of the recommended community consultation for the planning proposal to be undertaken by Council.

This report concludes that the proposed rezoning of the site for residential purposes is considered appropriate and supportable, and it is therefore requested that Council support the Planning Proposal and forward the proposal to the Minister, to obtain a Gateway Determination to proceed to public exhibition.

2 History of the Lands Subject to this Planning Proposal

2.1 Previous development history of the Subject Site

The current landowner has held the subject property, being Lot 2 DP 626183 for close to 50 years, in association with nearby allotments directly adjoining the site, including Lots 1, 2 & 3 DP 798624 and Lot 3 DP 626183. **Figure 1** illustrates the location of the subject site in context with surrounding streets in Jamberoo.

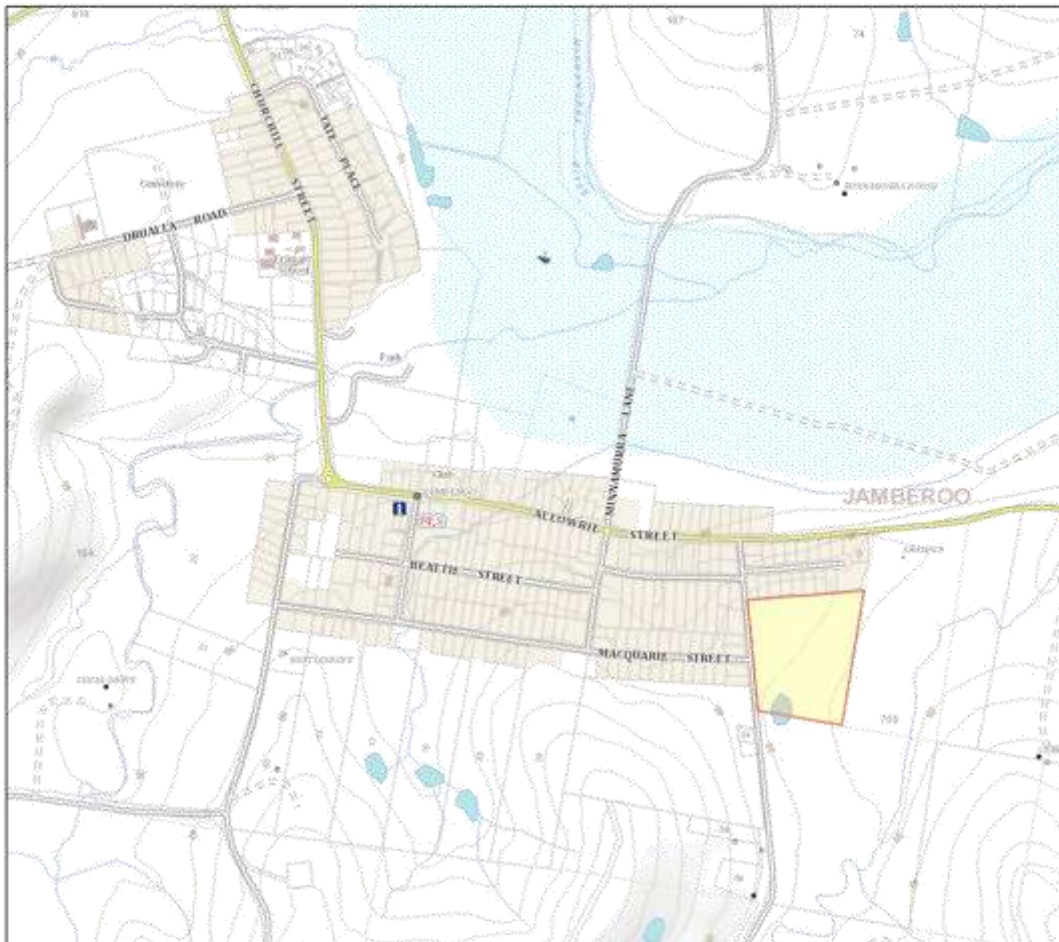


Figure 1 – Cadastral view of subject site in context with surrounding streets in Albion Park (Source: <http://maps.six.nsw.gov.au>)

A Seniors Living development proposal for 145 residential care dwellings (Araluen Park) was lodged with Kiama Municipal Council in 2005 which included the subject site as well as all directly adjoining allotments within the same single ownership in Jamberoo. The proposal was rejected and could not be resubmitted in accordance with revised provisions of the State Environmental Planning Policy (Seniors Living). A suite of supporting documentation was prepared and lodged with the proposed Seniors Living development, a number of which have provided background detail and historical knowledge of the subject site. These relevant studies and background reports are discussed further in **Section 3.3** of this Statement.

TCG Planning submitted a written request to Kiama Council that the subject land (Lot 2 DP 626183), being considered suitable for urban development having minimal physical constraints, be included within a residential zone during Council's consideration of Kiama Local Environmental Plan 2011. The site was not rezoned as part of the new LEP, but was supported by Kiama Municipal Council and endorsed as a Stage 2 Project, (Council reference Site 27b - PR2073), under the Kiama Urban Strategy (24 October 2011). The Urban Strategy provides the following statement in relation to the greenfield sites for Jamberoo, including the subject Site 27b:

"...Site 27, 27a, and 27b were included from an urban design and village structure perspective as it would provide an appropriately defined and accessible southern boundary to Jamberoo Village..."

The Strategy was allegedly, according to the Planner's report considered by Council, forwarded to the then Department of Planning and Infrastructure by Kiama Council. The Strategy requires that the rezoning of the land would be subject to the submission (and assessment) of a Planning Proposal seeking to formally rezone the land to R2 Low Density Residential, to allow for a contribution to the housing needs of the Kiama LGA.

Figure 2 provides a recent aerial photograph of the site showing the subject site in relation to directly adjoining residential land to the north (Hyam Place) and to the west (opposite side of Golden Valley Road).



Figure 2 – Aerial photograph of subject site and surround Jamberoo Village (Source: <http://maps.six.nsw.gov.au>)

2.2 Pre-Lodgement meeting with Kiama Municipal Council

On 20 August 2015 a Pre-lodgement meeting was held with Kiama Council in relation to the subject site and Planning Proposal. Notes from the meeting were provided by Kiama Council as follows:

PRE PLANNING PROPOSAL MEETING

Property – KUS (Stage 2) Site No 27B Lot 2 DP 626183 Golden Valley Road Jamberoo – PR2073 10 August 2015 Commencing at 10.40am (note: the date of the meeting was Thursday 20 August 2015, which appears to be a typographical error).

Present: Kim Bray (Manager Strategic Planning), Darren Brady (Manager Design and Development), Chris Fuller (Manager Development Assessment), and Deborah Boles (Executive Assistant).

Attendees: Kylie Fairhall (Consultant TCG Planning) and Tiana Stmicic (owner's daughter).

Property: Site 27b of Kiama Urban Strategy Lot 2 DP 626182 Golden Valley Road Jamberoo – PR2073.

Proposal: Pre-Planning Proposal to rezone the land from RU2 to R2.

Background to PP process

Kim Bray gave a brief overview of the Planning Proposal Policy and process and advised the applicant of the fees and charges associated with a Planning Proposal. Kim also advised that reports submitted with the Planning Proposal will be assessed either internally (by staff) or externally (if additional professional skills are required).

Potential referrals

If the PP proceeds, external referrals may be required (as directed by Department of Planning and Environment through the Gateway Determination).

Kiama Urban Strategy

Kylie Fairhall also asked the status of specific sites in the Kiama Urban Strategy (Sites 22, 24, 25 and 26) and Kim Bray gave an update.

Applicant background information

Kylie Fairhall discussed a previous proposal (from 2005) which had resulted in a number of consultant/technical studies being prepared for the site. The applicants raised this as they advised that the studies from 2005 proposal included whole of the site and information/recommendations from those reports might be able to be used for the current proposal.

Discussion was held on the appropriateness of the use of these 2005 studies, and the need to ensure that the studies met all current best practice/methodology etc.

Reports required

Kim advised that in order for Council to undertake a transparent process for assessing PPs, all applicants are requested to follow the Planning Proposal Policy in terms of preparation of the proposal. It should be noted that not all PPs require all of the potential studies to be undertaken, or undertaken prior to Gateway. In some instances a Planners statement (or similar) may suffice in the first instance with further information either called for by the Internal Review team or perhaps noted and left to Gateway.

Special mention was made of the following reports that would be required to be submitted with the Planning Proposal:

- Contamination Report.
- Aboriginal Heritage Report.
- Traffic Assessment Report.
- Geotechnical Report – this may be required however can be bundled with the Contamination Report.

Further considerations raised included:

- The need to obtain advice from Sydney Water regarding the reticulated sewage system and capacity may be required.
- Perimeter and internal roads were discussed including road widths for rigid vehicles as well as a pedestrian link to the existing public open space area.
- The applicant was advised that setbacks to the electricity substation may be required and it would be prudent to check.

For your information, mapping needs only to be indicative – if the PP proceeds KMC will prepare mapping for exhibition etc.

Note: While the list of studies/statements required is offered in good faith it should be noted that as a result of the assessment processes additional studies etc may be required.

Although not specifically expressed in Council's above Pre-lodgement Meeting Notes, Council's Manager Strategic Planning (Kim Bray) also verbally advised at the meeting, the following (based on notes taken at the meeting by TCG Planning):

- Stage 1 sites identified under the Kiama Urban Strategy (existing residentially zoned 'greenfields' sites at Kiama, Gerringong and Jamberoo) are all largely developed or in the process of being developed apart from one site, indicating that there has been an adequate 'take up' of land in Stage 1.
- Council (staff opinion) would not be opposed to the lodgement of a site identified in Stage 2.
- Specifically, the subject site is a good site in terms of it being within single ownership, which from Council's perspective means the site is potentially less complicated than others may be.
- Positive about anticipating lodgement of a Planning Proposal for the subject site.

3 Site Context and Land Use

3.1 Subject Site

The land subject to this Planning Proposal, being located on Golden Valley Road, Jamberoo and identified as Lot 2 DP 626183 is located near the south-eastern edge of the village of Jamberoo within the Kiama Local Government Area to the west of Kiama Town Centre. The Planning Proposal has been prepared in response to discussions between TCG Planning, the landowner and Kiama City Council in relation to the timely lodgement of a rezoning request in accordance with the Kiama Urban Strategy on the subject site, pursuant to Kiama Local Environmental Plan 2011.

The subject site is located to the south east of the town centre of Jamberoo, on the lower foothills of the Illawarra Escarpment to the west of Kiama township. The nearest cross street is located to the north of the property being Allowrie Road (Jamberoo Road), Jamberoo. **Figure 1** illustrates the location of the subject site in the context of the Jamberoo village and its surrounds.

The subject allotment has a total area of 4.662 hectares and is within Zone RU2 Rural Landscape pursuant to Kiama Local Environmental Plan 2011. The aerial photograph provided in **Figure 2** shows the context of the subject site within the locality. **Figures 3 to 5** provide views of the subject property.



Figure 3 – View of subject property at Golden Valley Road, Jamberoo (Source: TCG Planning, 2015)



Figure 4 – View north across the western boundary of the subject site fronting Golden Valley Road along fence line (Source: TCG Planning, 2015)



Figure 5 – View east across the southern portion of the subject site showing constructed dam located on the site and view towards Jamberoo Road further to the north (Source: TCG Planning, 2015)

Item 9.1

Attachment 1

3.2 Site constraints

The subject site is undulating, sloping towards the south and west of the property from the high point at the northern end of the property and is cleared of vegetation, with turf/grass covering the site. A recent Section 149 certificate for the subject site (24 September 2015) indicates the land is Zoned RU2 Rural Landscape pursuant to *Kiama Local Environmental Plan 2011*.

The Section 149 certificate indicates that the subject site:

- Does not include or comprise critical habitat;
- Is not located within a conservation area;
- Does not contain an item of environmental heritage;
- Is not affected by the operation of section 38 or 39 of the Coastal Protection Act 1979 according to Council's records;
- Is not affected by any order made under Part 4D of the Coastal Act;
- Council has not been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal works have been placed on the land or that any information required by the Regulations under Section 56B is to be notified;
- Is not located on land proclaimed to be a mine subsidence district;
- Is not affected by road widening or realignment under the Roads Act 1993, an EPI or any resolution of Council;
- Is not affected by Policies relating to landslip, subsidence, bushfire, tidal inundation, acid sulphate soils or any other identified risk;
- Is not affected by flood related development controls and is not located within a flood hazard area, according to Council's records;
- Is not biodiversity certified under Part 7AA of the Threatened Species Conservation Act 1995;
- Is not affected by a biobanking agreement;
- Is not shown as bushfire prone land.;
- Is not affected by a Property Vegetation Plan;
- Council is not aware of a site compatibility certificate for Seniors Housing, Infrastructure or Affordable rental housing applying to the land;

3.3 Supporting Documentation

As provided previously in this Planning Proposal report, a number of studies and background reports were prepared for the subject site in accordance with a previous development proposal which included the subject site. The following relevant documents have been used to gain history into the site and are referenced in this Planning Proposal:

- Report on Conceptual Drainage Plan (prepared by Morse McVey, November 2005)
- Report on Site Conditions for Flooding (Morse McVey)
- Traffic Impact Statement (KF Williams)
- Landscape Statement (Hughes Landscape Architects);
- Access Assessment Report (Accessibility Solutions)
- Management Plan (Treglown Consulting)
- Statement of Environmental Effects (Treglown Consulting)

- Water Cycle Strategy (Morse McVey)

This Planning Proposal is accompanied by the following documentation, a summary of which is provided below:

- Survey Plan prepared by GeoSurv Land and Construction Surveyors dated 20 October 2015 (reference No.150838_A).
- Report on Stage 1 Contamination Assessment with Potential Geotechnical and Acid Sulphate Soils advice prepared by Network Geotechnics dated 20 November 2015.
- Services Feasibility Assessment prepared by KFW dated 10 March 2016 (Reference No. KF112241).
- Aboriginal Cultural Heritage Assessment Report and associated Archaeological Report prepared by Biosis dated 21 September 2016(Final Version 2 as amended).
- Traffic Impact Statement prepared by Aztec Design dated 15 June 2016.

A summary of these reports is provided below:

Traffic Impact Statement

The Traffic Impact Statement was prepared by Aztec Draft & Design which aims to:

- *Identify current traffic movements;*
- *Identify the estimated number of traffic movements likely to be generated from the proposed rezoning of the site to R2 Low Density Residential, based on an approximate potential dwelling yield (as provided by the Kiama Urban Strategy) of up to 50 residential dwellings;*
- *Assess the ability of the surrounding road system to accommodate the increased movements;*
- *Identify potential sight distance and other safety issues;*
- *Identify options for location of access and egress from the site;*
- *Detailed impact assessment of proposal;*
- *Prepare a brief report suitable for Planning Proposal lodgement;*
- *Consideration of Council's requirements in accordance with Kiama DCP 2013.*
- *Identify a possible internal road layout location based on the subject site constraints, nearby development and Council's relevant provision, for inclusion in a Broad Concept Plan to submit with the Planning Proposal.*

The preparation of the Impact Statement included a traffic volume count for 7 days on Golden Valley Way, just south of the intersection with Jamberoo Road and one hour intersection surveys at various intersections as detailed in the assessment and included a SIDRA traffic analysis.

Kiama Council's Urban Strategy provides the following in relation to the greenfield sites for Jamberoo, including the Subject Site 27b:

"...The Planning Proposal should address similar matters as described for Kiama and include a peripheral road to define the village boundary..."

The Traffic Statement addresses Council's preference for a separation to be provided around the perimeter of the site, specifically on the eastern and southern property boundaries which will adjoin rural zoned lands and

addresses a number of guiding principles for the development of the site which should be incorporated into a future development or subdivision plan.

The Study also addresses the findings of the Archaeological Heritage Conservation Assessment prepared by Biosis (lodged in association with the Planning Report) as discussed further in this report.

The Traffic Statement provides an indicative Concept Subdivision Plan (subject to development application approval) showing a potential road and allotment layout and specifically recommends the following general principles for development of the site:

- Concrete footpath widths 1.5 metres (based on Landcom Guidelines).
- Proposed extension of road width of Golden Valley Way to 8.0 metres from the current 6.0 metres.
- Proposed single road access (T-intersection) off Golden Valley Way (ingress/egress) minimum 40 metres to the south of the Macquarie Street intersection, to provide a safe intersection due to the location of the crest in Golden Valley Way and undesirable option of a cross junction with Macquarie Street.
- Proposed internal road width for major access road proposed off Golden Valley Way of 8.0 metres plus 3.5 metre road verge widths (15 metres total width). Proposed internal new access street width of 6.5 metre pavement, 3.5 metre road verge either side (13.5 metres total width).
- Avoid cul-de-sacs and dead end streets.
- Provision of 1.5 metre footpaths within a 3.5 metre road verge on the eastern side of Golden Valley Way and on the main access road within the site, in accordance with Landcom Street Design Guidelines.
- A perimeter road or landscaped setback is provided along the full length of the eastern and southern boundaries to provide a setback to the rural interface. The perimeter access street provided along the eastern boundary runs almost the full length of the site, with the remaining eastern boundary including a proposed pedestrian link through the north east of the site to the existing public reserve off Hyam Street. The perimeter access street along the southern boundary runs more than 50 per cent along the length of the site with the remaining southern boundary width including a proposed landscape buffer.
- Proposed rain garden of 2.5 metre width within the road verge along the southern perimeter internal access street.
- Proposed easements for water drainage and servicing authority access for the site identified.
- Views and outlooks to the east and south east.
- Proposed anticipated allotment yield of approximately 44 lots, based on a minimum allotment size of 800m² (indicative lot layout indicates lots ranging in size from 800m² to 1165m² with larger allotments provided on corner lots to encourage houses to address both street frontages and on sites street access width is reduced due to either road layout or location of drainage easements).
- Lots to be a minimum 15 metres wide to allow for habitable rooms at overlooking the street for passive surveillance.
- Recommends proposed future buildings should be setback 6.0 metres from front property boundaries and provision of front fences with a maximum 1.0 metre height, in accordance with Landcom Street Design Guidelines.

Design Parameters

The Traffic Statement provides that the most important design parameter is integration with the local residential area without impacting on its amenity. Other recommended parameters identified in the Study to be adopted include:

Subdivision

- Integrate existing design parameters i.e. Golden Valley Way widths to be similar to existing.
- Minimum lot size 800m²
- Avoid cul-de-sacs or dead end streets.
- Separate adjacent rural land from residential land by creating road and/or landscape buffer.
- Limit number of battle axe blocks.
- Lots to be min 15m wide to allow for habitable rooms at front overlooking street to achieve passive surveillance.
- Corner lots to be wider to encourage houses to address both street frontages.
- Avoid direct street connections to existing intersections (avoid cross intersections) to encourage better traffic distribution and reduce through traffic speed.
- Create simple street layout for visitors to navigate.
- Provide good pedestrian connectivity to existing network.
- Position lots to take advantage of views.
- Provide landscape verges and integrate with WSUD.
- Provide upright kerb to encourage pedestrian safety and allow easier access to parked cars by occupants.
- Provide 1.5m wide concrete footpaths to allow two pedestrians to walk abreast or to pass.

Building

- Set buildings (garages) back min 6.0m from front boundary to encourage on-site car parking (less street car parking).
- Provide front fences (max 1.0m high) to encourage residence to utilise their front yard and create greater security and provide passive surveillance over street.

Pedestrian Connectivity

In small villages pedestrian connectivity is important to promote health, reduce the impact on the environment and create community awareness. In order to promote this the following is recommended.

- Provide a pedestrian walkway from the proposed development to the existing park at the end of Hyam Street. This provides a link to Jamberoo Road and hence the shopping centre for those residences in the lower part of the estate as they can avoid the incline up to Golden Valley Way and provides a link to the adjoining neighbours.
- Provide 1.5m wide concrete path in Road 1 (major access street).
- Provide 1.5m wide concrete path along the development frontage (Golden Valley Way) to link with the corner of Hyam Street.

Conclusion

The following recommendations are made

- The road layout & geometry be similar to the concept plans contained in Appendix E (to the report).

- Golden Valley Way be widened in front of the development site to have 8.0m carriageway, 3.5m verge with concrete footpath 1.5m wide extending to Hyam Street intersection.
- A footpath link be provided from the north east corner of the site to the park at the end of Hyam Street.

It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

Stage 1 Preliminary Contamination Assessment and Potential Geotechnical/Acid Sulphate Soils Advice

TCG Planning commissioned Network Geotechnics Pty Ltd (NG) on behalf of Branko Simicic to carry out a Stage I Contamination Assessment in accordance with the Planning Guidelines SEPP 55 – Remediation of Land and Contamination Land Management Act 1997 for the subject site at Golden Valley Road, Jamberoo. The final report is dated 20 November 2015 (Ref: W07/3548-A). The objective of this investigation was to carry out a Contamination Assessment in order to assess the risks of site contamination and to assess the suitability of the site for the proposed rezoning. An assessment of potential geotechnical and acid sulphate soil issues were also included in the study, in accordance with the discussions held with Council at the Pre-lodgement meeting as outlined in this Planning Proposal.

Potential Contamination Issues:

In summary, the potential contamination on-site, due to past usage of the site were identified as being possible pesticide and hydrocarbon contamination from use for agricultural purposes and possible fill material in areas such as the dam wall. The nearest groundwater bore is within 100m to the east and down slope of the subject site. The standing water level in this bore is 6m below ground level.

The report provides that:

Based on a review of the sites historical records, and other relevant available information, the following observations can be made:

- *The aerial photographs and other records reviewed indicate the past site usage to have been agricultural, specifically for dairy cattle grazing.*
- *No structures have been constructed on the site.*

Based on the site inspection carried out by an NG Environmental Scientist on 28 October 2015 the following observations can be made:

- *The subject site is covered with grass and a small dam is located in the southwestern corner of the site. A concrete water trough is located near the eastern boundary of the site.*
- *There was no evidence of ACM observed on the ground surface, no visible staining of soil surfaces and no hydrocarbon odours in the surface material. Furthermore, there was no evidence of recent disturbance of the ground surface.*

Conclusions:

*Based on the desk study and walk-over assessment the risk of site contamination at 123 Golden Valley Road, Jamberoo is **assessed to be low**. During the site inspection no illegally dumped material, ACM or disturbed ground was observed. In the unlikely event that contamination is discovered during earthworks, an*

environmental consultant should be contacted in order to provide advice on suitable remediation. Therefore, **it is concluded that the site is suitable for the proposed rezoning from a site contamination perspective.**

Potential Geotechnical Issues

In summary, the report states the following:

From site observations made during the walk-over assessment and other readily available information the following comments can be made:

- The site has a slope of approximately 7° from the western to eastern boundary in the northern section of the site. The slope of the site is approximately 3° from west to east near the dam.
- There may be potential areas of fill throughout the site. The dam wall is likely to contain fill material of unknown quality.
- A groundwater bore (GW013508) is located within 100m to the east of the site boundary. The standing water level in this bore is 6m below ground level. The following soil log was included in the bore record.

.....It is evident that high plasticity clays are likely to be present on the subject site. These soils could be highly reactive.

- Based on the visual observations and desk study, it is assessed that **there would be no geotechnical constraints preventing subdivision development.**

Potential Acid Sulfate Soil Issues:

The following comments relate to the potential for the presence of acid sulphate soils on the subject site:

- The Kiama Local Environment Plan 2011 acid sulphate soils map indicates that the subject site is located within an area of Class 5 acid sulphate soils. This means that no further investigation is required unless works are likely lower the water table.

The nearest ground water bore has a standing water level of 6m below ground surface.

- Acid sulphate soils are typically located in soil horizons less than 10m AHD. The lowest elevation at the subject site is approximately 23m AHD. Therefore, soils less than 10m AHD are unlikely to be disturbed.
- From the geological maps and soil log from nearby bore, it is unlikely that the site is underlain by sediments of either Holocene or Pleistocene age. These sediments are typically associated with acid sulphate soils.

Therefore, there is assessed to be a **low potential for acid sulphate soils to be present within the natural soils at the subject site.**

It is therefore considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

Aboriginal Cultural Heritage Assessment and Archaeological Report

An Aboriginal Cultural Heritage Assessment and associated Archaeological Report have been prepared by Biosis and submitted in association with the Planning Proposal. Biosis confirms that the Assessment has been carried out under Part 6 of the National Parks and Wildlife Act 1974 (NPW Act) and undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCWa 2010) and Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCWb 2010) (the Code).

Two new Aboriginal sites were registered during test excavations on the Aboriginal Heritage Information Management System (AHIMS) as Jamberoo PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833). There is a potential for development activities to impact on both registered Aboriginal sites.

The appropriate government bodies were notified and the Aboriginal community were consulted about the heritage management of the project and registered Aboriginal organisations participated in test excavations on the site as detailed in the Report. The results of the consultation process are included within the documents provided in association with the Planning Proposal.

The recommendations that resulted from the consultation process are provided below.

Recommendation 1: The proposed re-zoning should proceed

Based on the findings of the Aboriginal cultural heritage assessment, it is recommended that the proposed re-zoning can proceed. The development has identified two sites Jamberoo PAD 1 and Jamberoo PAD 2 which have been assessed as possessing high and low scientific significance respectively. Should a future development propose to impact partially or wholly the extent of Jamberoo PAD 1, this would be consistent with impacts proposed by many other development projects in the region. Although the first option considered is always to preserve Aboriginal heritage where possible, there is no inherent reason why an Aboriginal Heritage Impact Permit (AHIP) for impact to the full extent of Jamberoo PAD 1, should not be sought, particularly on archaeological grounds.

The current level of assessment is considered adequate to support a Development Application to Kiama Municipal Council and AHIP application to the Office of Environment and Heritage (OEH). This is assuming that Recommendation 2 is adhered to. The Development Consent and AHIP conditions should include provision for the works outlined in Recommendation 3 to be implemented.

Recommendation 2: Continued consultation with the Registered Aboriginal Parties

It is recommended that consultation continues to inform RAPs about the management of Aboriginal cultural heritage sites in the project area throughout the life of the project. This is in line with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). Biosis is able to undertake this consultation, however if no longer engaged on the project the responsibility will fall to the landowner. A period of no longer than 6 months between contact with the Aboriginal stakeholders must be upheld for the consultation to be considered 'continuous'. If a period of longer than 6 months occurs between contact with the Aboriginal stakeholders, consultation will need to be re-started.

Recommendation 3: Application for an Aboriginal Heritage Impact Permit for the entire project area of proposed development including salvage.

If at the time of development, the proposed development cannot avoid harm to registered sites Jamberoo

PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833), it is recommended that Biosis, on behalf of Branko Simicic, applies to the OEH for an area based AHIP to:

- *Undertake archaeological salvage of site Jamberoo PAD and AS 1. The archaeological salvage should not exceed 10m² and should be undertaken to maximise the recovery of cultural material.*
- *Impact the recorded Aboriginal sites Jamberoo PAD and AS 1 (AHIMS 52-5-0832) and Jamberoo PAD and AS 2 (AHIMS 52-5-0833).*
- *Impact within the limits of the area based destruction AHIP for any further Aboriginal objects encountered during construction unless human remains are involved (as shown in Figure 11).*

- Determine a long-term management of Aboriginal objects recovered during test excavations with close consultation with RAPs.

Recommendation 4: Discovery of Aboriginal Ancestral Remains

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

1. Immediately cease all work at that location and not further move or disturb the remains
2. Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location
3. Not recommence work at that location unless authorised in writing by OEH. As provided in the summary above, the report recommending that the level of assessment undertaken as part of this Planning Proposal is considered adequate to support the proposed rezoning application and also to support a future development application to Kiama Municipal Council and AHIP application including salvage to the Office of Environment and Heritage, subject to continued consultation with Registered Aboriginal Parties.

In response to the findings of the Assessment, it is provided that the indicative broad concept road layout detailed in the Traffic Impact Statement prepared by Aztec Design has considered the location of these sites as part of the road layout plan (indicative only), specifically avoiding areas of high artefact density as provided in the Biosis report (refer to Figure 9 Test Excavation Results provided on page 41 of the Archaeological Report). Refer to the Assessment for detailed discussions on the findings of the assessment.

The Assessment provides that the Planning Proposal can proceed subject to the recommendations of the report. It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

Services Feasibility Assessment

KFW were engaged to prepare a Services Feasibility Assessment in order to determine the servicing capacity for the proposed rezoning and potential future development of the subject site.

The Assessment provides that a feasibility application was made to Sydney Water and an application for technical review was made to Endeavour Energy. A services investigation was also conducted in order to determine the location of all utility services in the vicinity of the site.

In summary, the Assessment provides that all services including water, sewer, electricity and telecommunications services can be provided to serve the proposed rezoning of the subject site and would accommodate the estimated fifty residential lots. It is noted that Sydney Water indicates that the provision of water and sewer services may require amplification of the existing water and sewer infrastructure. The requirement for amplification will be determined upon at subdivision design stage when final anticipated allotment yield is determined, or at lodgement of an application for a Section 73 Certificate. The landowner would need to appoint a servicing coordinator/provider to prepare low pressure modelling and complete concept options for the site to determine the level of amplification required and the level of work on mains upgrading that may be required.

It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

Survey Plan prepared by GeoSurv Land and Construction Surveyors

A Survey Plan has also been prepared recently for the subject site (refer to **Appendix 2** of this Planning Proposal) which is submitted in association with the Planning Proposal).

4 Planning Proposal Legislative Requirements

Part 1 – Objectives or Intended Outcomes

Provide a statement of the objectives and intended outcomes of the proposed instrument

The objective of the Planning Proposal is:

To rezone certain subject land from RU2 Rural Landscape to R2 Low Density Residential and to apply appropriate development controls to those lands in accordance with the provisions of Kiama Local Environmental Plan 2011. This will allow for future residential development adjacent to the existing Jamberoo village urban area in order to provide for future housing supply in accordance with the adopted Kiama Urban Strategy 2011.

In summary, the Planning Proposal intends to apply the R2 Low Density Residential Zone pursuant to Kiama LEP 2011 to the subject site. Further, it seeks to provide for appropriate future development of the site in the application of appropriate development controls relating to the height of buildings, floor space ratio and lot size, which is consistent with existing residential zoned land in Jamberoo village.

Part 2 – Explanation of Provisions

Provide an explanation of the provisions that are to be included in the proposed instrument

The proposed outcome will be achieved by:

Amending the **Land Zoning Map** (Map 008) to the *Kiama LEP 2011* in accordance with clause 2.2 *Zoning of land to which Plan applies* and the *Land Use Table* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this Section, being a rezoning of the land from RU2 Rural Landscape to **R2 Low Density Residential**. (refer to discussion under Section 1 of this Part); and

Amending the **Height of Buildings Map** (Map 008) to the *Kiama LEP 2011* in accordance with clause 4.3 *Height of Buildings* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this Section, which indicates an applicable height of **8.5 metres** (refer to discussion under Section 2 of this Part – currently no height limit applies); and

Amending the **Floor Space Ratio Map** (Map 008) to the *Kiama LEP 2011* in accordance with clause 4.4 *Floor Space Ratio* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this Section, which indicates an applicable floor space ratio of **0.45:1** (refer to discussion under Section 3 of this Part – currently no floor space ratio applies); and

Amending the **Lot Size Map** (Map 008) to the *Kiama LEP 2011* in accordance with clause 4.1 *Minimum subdivision lot size* for the subject land at Lot 2 DP 626183 Golden Valley Road, Jamberoo in accordance with the illustration provided in **Appendix 1** and discussed in **Part 4 – Mapping** of this

Section, which indicates an applicable lot size minimum of **800m²** (refer to discussion under Section 4 of this Part – currently a 40 hectare minimum lot size for subdivision applies).

Detailed discussions regarding the current and proposed provisions are as follows.

Part 2 Section 1 Land Zoning

The subject site being Lot 2 DP 626183 located on Golden Valley Road, Jamberoo is currently zoned RU2 Rural Landscape pursuant to Klama Local Environmental Plan 2011, as shown in **Figure 6**.

Objectives of the RU2 Rural Landscape Zone:

The objectives of the RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.*

The proposed zone for the subject site is R2 Low Density Residential.

Objectives of the R2 Low Density Residential Zone:

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To increase the supply of secondary dwellings for affordable rental housing stock.*
- *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.*

It is noted that the first two objectives of the R2 Zone are standard objectives in accordance with the state wide Standard Instrument, however, objectives 3 and 4 are specific to Klama LEP 2011.

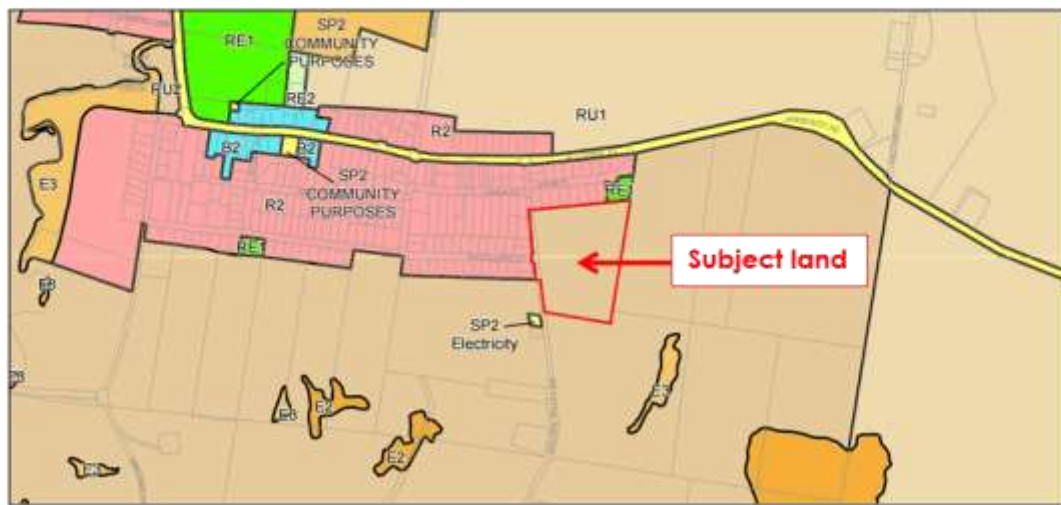


Figure 6 – Extract from Land Zoning Map associated with Kiama LEP 2011 indicating existing zoning RU2 Rural Landscape for the subject site (Source: www.legislation.nsw.gov.au)

The Department of Planning’s Practice Note PN 11-002 titled ‘Preparing LEPs using the Standard Instrument: standard zones’ provides a statement to describe the intent of each land use zone in the Standard LEP Instrument to assist Councils when preparing their Standard Instrument LEP (ie: reference document for use by Kiama City Council in the formulation of Kiama LEP 2011), with relevant zones as follows:

R2 Low Density Zone

‘This zone is intended to be applied to land where primarily low density housing is to be established or maintained. Typically the zone features detached dwelling houses, but it may be appropriate to include ‘dual occupancy’ (attached or detached) or some ‘multi-dwelling housing.’ This is the lowest density urban residential zone and the most restrictive in terms of other permitted uses considered suitable. These are generally restricted to facilities or services that meet the day-to-day needs of residents. This zone is generally not suitable adjacent to major transport nodes or larger activity centres where residential densities should be higher.’

From this statement and the objectives of the R2 Low Density Zone, it can be concluded that the application of the R2 zone to the subject site is considered appropriate given the intended future urban use and density of the subject site in accordance with the Kiama Urban Strategy and consistent with Kiama LEP 2011.

Permissibility of land uses

The **RU2 Rural Landscape Zone** currently permits the following land uses on the subject site:

Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

Permitted with consent

Agricultural produce industries; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dairies (restricted); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Information and education

facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems

The **R2 Low Density Residential Zone** will permit the following land uses:

Permitted without consent

Home occupations

Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings

The proposed rezoning of the subject site is the only means of achieving the objectives and intended outcomes for the subject proposal, given the advice from Kiama City Council in relation to the Kiama Urban Strategy 2011 and interpretation of the provisions of Kiama LEP 2011 indicate that an R2 Low Density Residential Zone is considered appropriate for the subject site. It can therefore be assumed that all alternative options or avenues to address this issue have already been considered by Council in its previous preliminary assessment of the subject site.

The subject site is therefore considered to be suitable for a site specific rezoning of land in accordance with the Kiama Urban Strategy 2011. In this instance, the subject Planning Proposal applies only to the subject site for which TCG Planning have been engaged and a review of any other sites identified as being suitable for urban development in the vicinity of the site is considered to be a major task outside the scope of this Planning Proposal.

The objectives of the proposed zone and relevant planning controls applying to the whole of the site would need to be applied to any proposed future development of the site.

History and Discussion

Kiama Local Environmental Plan 2011 (KLEP 2011) was published in the Government Gazette and thereby became effective on 16 December 2011 and replaced *Kiama Local Environmental Plan 1996 (KLEP 1996)* as the principal environmental planning instrument for Kiama LGA, apart from a small area of 'deferred matter' near Kiama Heights. KLEP 2011 has incorporated the standard form and content, land use zones etc. for local environmental plans as required by the Standard Instrument (Local Environmental Plans) Order which was published on 31 March 2006.

Figure 6 illustrates the current application of the R2 Low Density Residential Zone within the vicinity of the subject site.

Part 2 Section 2 Height of Buildings

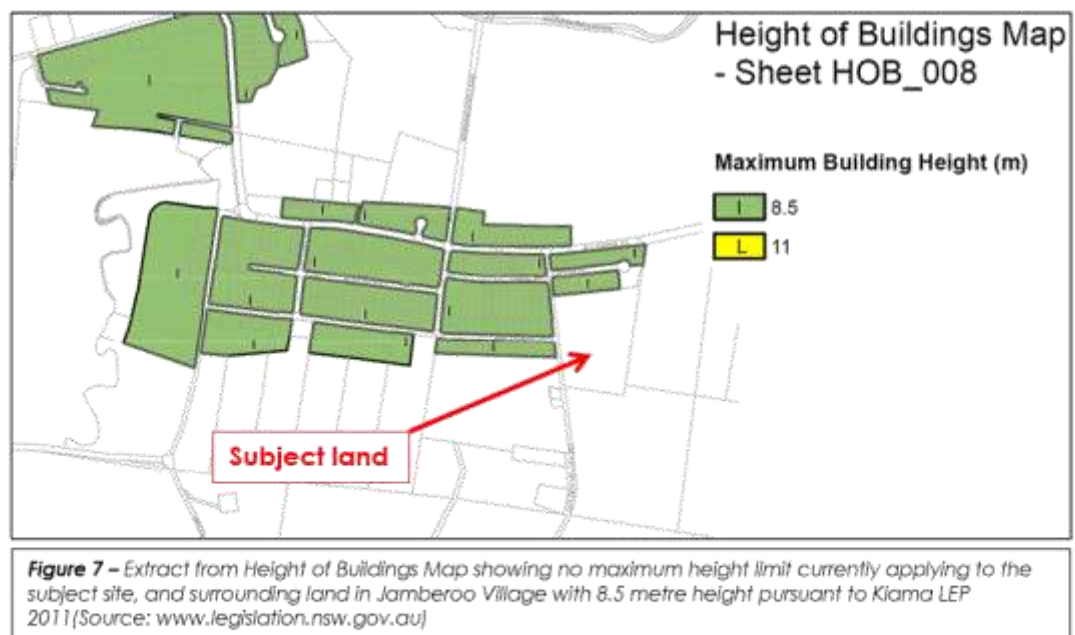
There is no maximum height of buildings currently applying to the subject allotment as provided by the *Height of Buildings Map* associated with *Kiama Local Environmental Plan 2011* (refer to **Figure 6**). The relevant clause

4.3 of *Kiama LEP 2011* is as follows:

- (1) *The objectives of this clause are as follows:*
 - (a) *to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
 - (b) *to permit building heights that encourage high quality urban form,*
 - (c) *to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Discussion:

Generally, but not in every circumstance, the application of height of building controls are related to the land zoning applying to the land. In Kiama LGA, there is no specified maximum height limit which has been generally applied to land within Zone RU2 Rural Landscape, and therefore the subject site currently has no maximum building height. In the R2 Low Density Residential Zone, a 9 metre height limit applies generally to the majority of land within Zone R2 Low Density Residential, however, Jamberoo Village has retained a maximum building height of 8.5 metres which is consistent with the historical development of the village (refer to **Figure 7**). It is intended this maximum height limit of 8.5 metres also be applied to the subject site in order to provide a form of development that is consistent with the character of Jamberoo, therefore this Planning Proposal recommends an increase in the height limit for the subject lands.



Part 2 Section 3 Lot Size Minimum

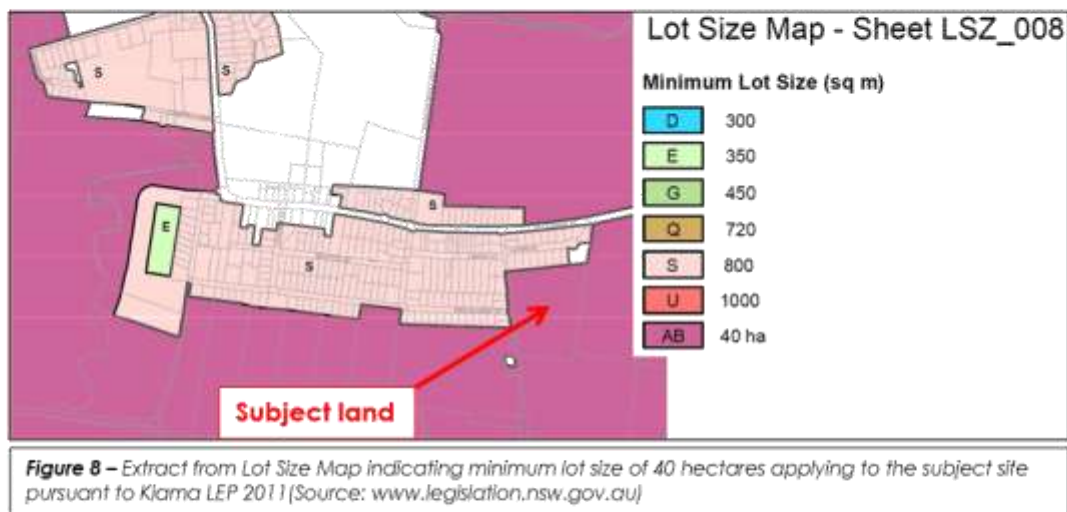
There is currently a minimum lot size for the subdivision of land of 40 hectares currently applying to the subject site as provided by the *Lot Size Map* associated with *Kiama Local Environmental Plan 2011* (refer to **Figure 8**). The relevant clause 4.1 of *Kiama LEP 2011* is as follows:

The objectives of this clause are as follows:

- (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,
- (c) to ensure that lot sizes and shapes are able to accommodate development consistent with relevant development controls,
- (d) to restrict the fragmentation of land for rural residential purposes.

Discussion:

Generally, but not in every circumstance, the application of minimum lot size controls are related to the land zoning applying to the land. In this instance, the 40 hectare minimum lot size for subdivision is consistent in the R2 zone in this location. In the R2 Low Density Residential Zone, a minimum lot size for subdivision of 800m² applies generally to the majority of land within Zone R2 Low Density Residential for Jamberoo. It is intended this minimum lot size would therefore also be applied to the subject site.



Part 2 Section 4 Floor Space Ratio

There is no maximum floor space ratio currently applying to the subject allotment as provided by the Floor Space Ratio Map associated with Kiama LEP 2011 (refer to **Figure 9**). The relevant clause 4.4 of *Kiama LEP 2011* is:

- (1) The objectives of this clause are as follows:
 - (a) to ensure that development is in keeping with the optimum capacity of the site and the local area,
 - (b) to define allowable development density for generic building types.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Discussion:

Generally, but not in every circumstance, the application of floor space ratio controls are related to the land zoning applying to the land. In this instance, there is currently no maximum floor space ratio control applied to lands within the RU2 Rural Landscape Zone.

The definition of 'floor space ratio' (clause 4.5 of KLEP 2011) provides:

"floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area."

The definition of 'gross floor area' of KLEP 2011 provides:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

In the R2 Low Density Residential Zone, a floor space ratio maximum of 0.45:1 has been applied generally to the majority of land within Zone R2 Low Density Residential in Jamberoo Village, however it is noted that a number of locations close to the business centre of Jamberoo and as part of a recent rezoning of land to the west of the village, have a floor space ratio minimum of 0.5 metres. Given the location of the subject site on the fringe of Jamberoo Village, which adjoins rural land to the south and east, and also given there is no further redevelopment of lands proposed in those rural areas as part of the Kiama Urban Lands Strategy, it is intended the minimum floor space ratio of 0.45:1 also be applied to the subject site. This will provide a form of development that is consistent with the character of Jamberoo.

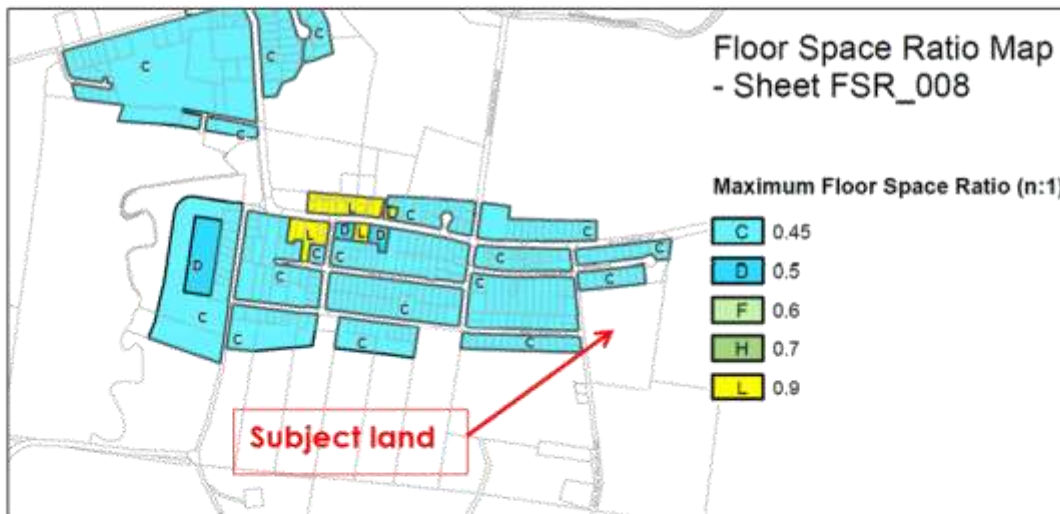


Figure 9 – Extract from Floor Space Ratio Map indicating no maximum floor space ratio applying to the subject site pursuant to Kiama LEP 2011 (Source: www.legislation.nsw.gov.au)

Part 3 – Justification

The justification for those objectives, outcomes and the process for their implementation

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

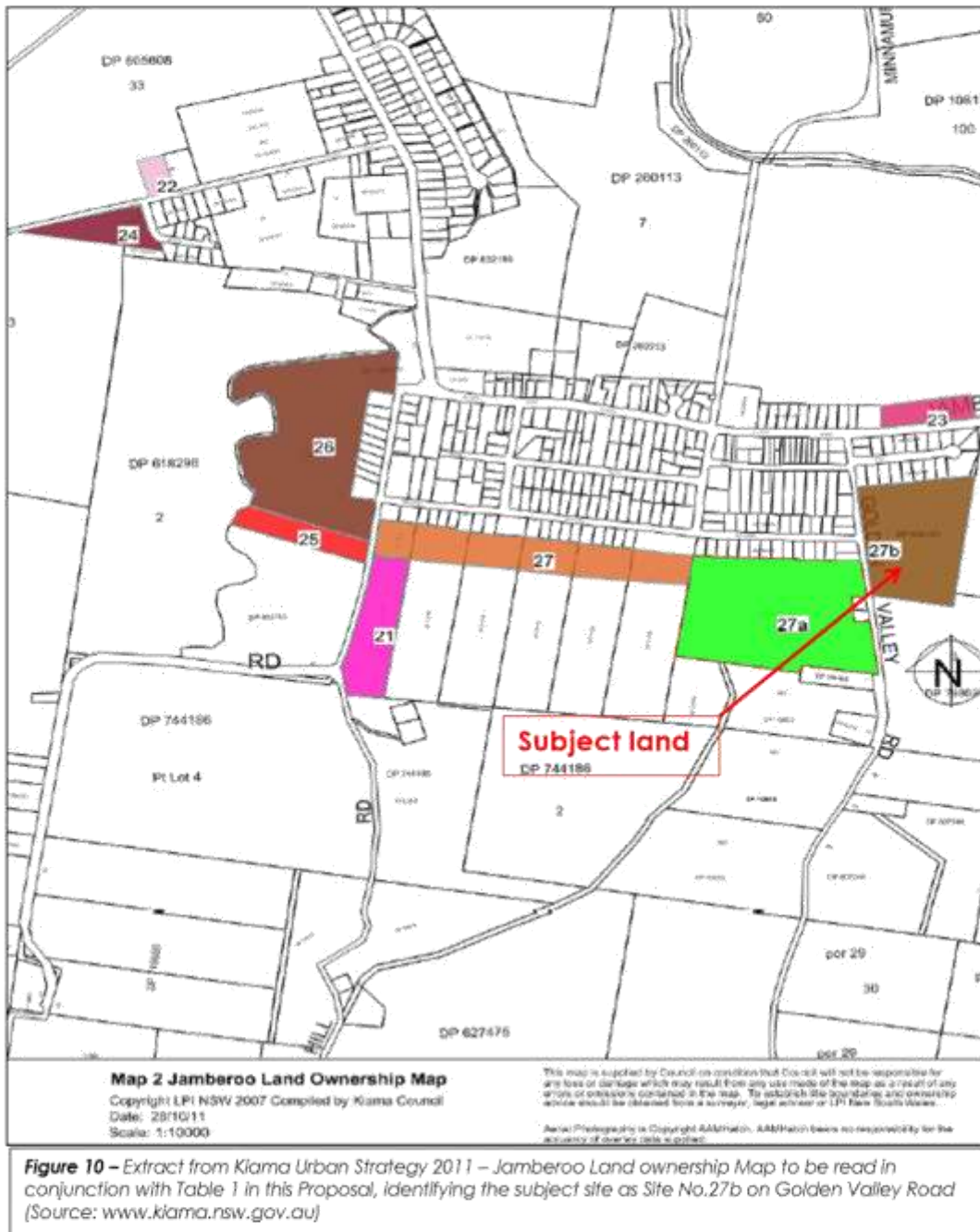
The Planning Proposal is the result of the recommendations contained within the **Kiama Urban Strategy 2011** which was adopted by Kiama Municipal Council on 20 September 2011. The Urban Strategy identifies future development opportunities for infill and expansion of settlement areas within the Kiama LGA.

Under the Strategy, lands currently zoned for residential purposes but had not yet been subdivided at the time of adoption of the Strategy (September 2011) in Kiama, Gerringong and Jamberoo were identified as 'Stage 1' sites of the Urban Release Strategy, which have been given development precedence. Stage 1 development sites under the Strategy are identified as having a total approximate potential dwelling yield of 287 dwellings.

Sites identified for greenfield expansion which would require rezoning are recognized as 'Stage 2' sites under the Urban Release Strategy. The Strategy identifies these sites as being able to progress to Planning Proposal stage, having regard specifically to the requirements of the Illawarra Regional Strategy and the Department of Planning's projected dwelling numbers. The subject site is identified as a Stage 2 site under Section 4.5 Greenfield Urban Expansion within Jamberoo, being 'Site No. 27b', being Lot 2 DP 626183, Golden Valley Road, Jamberoo (refer to **Table 1** below, extracted from the Kiama Urban Strategy 2011 (page 46).

The Strategy identifies a dwelling density of 10 dwellings per hectare at Jamberoo (with 13 dwellings per hectare for Kiama and Gerringong). Kiama Council have advised the Stage 1 sites have been largely developed or in the process of being developed apart from one site (being Site No.22 as shown in **Table 1** and illustrated in **Figure 10**). **Table 1** below (extracted from the Strategy) provides detail on the greenfield sites identified under Stage 2 of the Strategy.

Table 1 – Urban Expansion Proposals to Potential Dwelling Yield and Staging – Greenfield Sites Extract from Kiama Urban Strategy 2011 (page 46, Kiama Municipal Council, 2011)			
Location	Land Area (Ha)	Approximate Potential Dwelling Yield	Stage
Jamberoo			
Sites No 22, 24, 25 Miscellaneous	1.94ha	19	1
Site No 27b	4.7ha	47	2
Simicic			
Site Nos. 27 and 27a Numerous owners	5.8ha	58	3



Item 9.1

Attachment 1

At the pre-lodgement meeting of Council (as discussed previously in this Proposal), it was advised that Council staff would not be opposed to the lodgement of a site identified in Stage 2. Specifically, Council indicated that the subject site is a good site in terms of it being within single ownership, which from Council's perspective means the site is potentially less complicated than other sites. Therefore Council has been positive about anticipating lodgement of a Planning Proposal for the subject site. Specifically, the Urban Strategy provides the following statement in relation to the identification of the applicable greenfield sites for Jamberoo, including the subject Site 27b:

Site 27, 27a, and 27b were included from an urban design and village structure perspective as it would provide an appropriately defined and accessible southern boundary to Jamberoo Village. Village character, heritage and agricultural land issues will be important considerations in determining the boundaries of Jamberoo.

It is therefore considered that there has been an adequate 'take up' of land in Stage 1 of the Strategy and that the lodgement of a Stage 2 rezoning is appropriate at this point in time.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The consideration of the proposed rezoning of the subject site is the only means of achieving the objectives and intended outcomes for the subject proposal, given the background investigations undertaken by the landowner and Kiama City Council for the purposes of preparing the Kiama Urban Strategy as discussed previously. It can therefore be assumed that there are no alternative options or avenues to pursue the rezoning of the subject site other than through the environmental planning instrument process under the *Environmental Planning and Assessment Act 1979*.

The proposed rezoning of the subject property is considered to be consistent with the current and future intended use of the land. The application of the proposed land use controls associated with the rezoning of the site is considered to be justified and the best means of achieving the intended objectives and outcomes.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Illawarra Regional Strategy 2006-2031

The Illawarra Regional Strategy, which applies to the local government areas of Kiama and Wollongong, was prepared by the NSW Department of Planning in 2007 to ensure that sufficient land is provided to accommodate the housing and employment needs of the region over a 25 year period (2006-2031).

The 'Housing and Settlement' section of the Strategy identifies that:

Each Council within the region has different characteristics and will therefore play different roles in regional housing supply.....Kiama is likely to have a more limited role in regional housing supply. Some medium density potential does exist with Kiama and Gerringong providing the best opportunities for urban infill. Some limited new release opportunities may be considered.

The proposal is not inconsistent with the overall broader intended Strategy outcomes and therefore should have minimal impact on housing supply within the suburb of Jamberoo and the broader Kiama Local Government Area.

Illawarra Shoalhaven Regional Plan

The Regional Plan was finalized by the NSW Department of Planning and Environment in November 2015 and applies to the Local Government Areas of Kiama, Shellharbour, Shoalhaven and Wollongong. The plan was first exhibited for community comment as the Draft Regional Growth and Infrastructure Plan (your future Illawarra) Strategy in October 2014. This Regional Plan, according to the document, "provides the strategic policy, planning and decision-making framework to guide the region to sustainable growth over the next 20years."

The Regional Plan identifies a Centres Hierarchy servicing the Illawarra Shoalhaven as follows:

- Metropolitan Centre** – Wollongong
- Major Regional Centre** – Shellharbour Centre and Nowra Centre
- Major Urban Centre** – Warrawong and Dapto
- Regional Centre** – Kiama, Milton-Ulladulla and Vincentia District
- Urban Centre** – Corimal, Fairy Meadow, Figtree, Unanderra, Warilla and Albion Park

It is noted that Jamberoo is not identified in the Plan as a recognized 'Centre' within the hierarchy, however, the hierarchy only identifies larger centres from the regional perspective and would therefore rely on local plans and strategies to identify where smaller town centres and villages may fit within a local government hierarchy.

Appendix B of the Plan provides a Summary of Actions which provides a list of Directions and Actions with relevant timeframes for consideration by relevant lead agencies and key stakeholders. Of relevance to the Planning Proposal are provided in **Table 2**.

Table 2: Illawarra – Shoalhaven Regional Plan - Summary of Actions Extract from Illawarra – Shoalhaven Regional Plan (Department of Planning and Environment, 2015)			
Direction	Action	Lead Agency/Key Stakeholder	Timing
Jamberoo			
2.1 Provide sufficient housing to suit the changing demands of the region	2.1.1 Collaborate with Kiama Municipal Council to review housing opportunities within the Kiama Local Government Area so it can respond to changing housing needs	Department of Planning and Environment/ Kiama Municipal Council	Medium term
2.2 Support Housing opportunities close to existing services, jobs and infrastructure in the region's centres	2.2.1 Investigate the policies, plans and investments that would support greater housing diversity in centres	Department of Planning and Environment/ Councils	Medium term
2.5 Monitor the delivery of housing to match supply with demand	2.5.1 Monitor land and housing supply through the Illawarra Urban Development Program and incorporate the Shoalhaven Local Government Area Department of Planning and Environment	Councils	Ongoing

The Planning Proposal is considered to be consistent with the Regional Plan.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Refer to previous discussion on the Kiama Urban Strategy 2011. This Planning Proposal is consistent with that Strategy, being the major strategic housing strategy for the Kiama local government area, which was prepared in association with the preparation of the Kiama Local Environmental Plan 2011 (prepared in accordance with the Standard Instrument (LEP) Order).

There are no known additional local strategies or local strategic plans applying to the subject land.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The SEPPs and deemed SEPPs that are specifically relevant to the Planning Proposal and the relationship of the Planning Proposal to those SEPPs is identified below (as at June 2016):

No.	State Environmental Planning Policy	Applicability/ Consistency	Comment
1	Development Standards	N/A	Does not apply under KLEP 2011
14	Coastal Wetlands	N/A	
15	Rural Land-Sharing Communities	N/A	
19	Bushland In Urban Areas	N/A	Does not apply to Kiama LGA.
21	Caravan Parks	Applies N/A	Not relevant to Planning Proposal
26	Littoral Rainforests	N/A	No littoral rainforests identified by the policy in the Kiama LGA.
29	Western Sydney Recreation Area	N/A	Does not apply to Kiama LGA.
30	Intensive Agriculture	Applies N/A	
32	Urban Consolidation (Redevelopment of Urban Land)	N/A	The subject land is zoned 'Rural' and is not 'urban land' therefore the SEPP does not apply.
33	Hazardous and Offensive Development	Applies N/A	Not relevant to the Planning Proposal
36	Manufactured Home Estates	Applies N/A	Not relevant to the Planning Proposal
39	Split Island Bird Habitat	N/A	Does not apply to land in Kiama LGA.
44	Koala Habitat Protection	N/A	Does not apply in Kiama LGA.
47	Moore Park Showground	N/A	Does not apply to land in Kiama LGA.
50	Canal Estates	Applies N/A	Not relevant to the Planning Proposal
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
55	Remediation of Land	Applies Y	The subject lands have not been identified as being potentially contaminated, according to Council's records. Refer to Contaminated land assessment prepared in association with the PP and summary in Section 3.3 Supporting Documentation of this Proposal document.
59	Central Western Sydney Economic and Employment Area	N/A	Does not apply to land in Kiama
62	Sustainable Aquaculture	Applies N/A	Not relevant to the Planning Proposal
64	Advertising and Signage	Applies N/A	No advertising proposed – development application stage if applicable.
65	Design Quality of Residential Flat Development	Applies N/A	Residential flat buildings are not permissible in the subject zones.
70	Affordable Housing (Revised Schemes)	N/A	Not in Greater Metropolitan Region.
71	Coastal Protection	N/A	The subject lands are not located within a coastal zone, and Kiama LGA is outside the Greater Metropolitan Region.
	SEPP (Affordable Rental Housing) 2009	Applies N/A	The site does not include residential development that is taken to be for the purposes of affordable housing as the development is not located on land owned by the Land and Housing Corporation.
	SEPP (Building Sustainability Index: BASIX) 2004	Applies N/A	Not relevant to the Planning Proposal – DA stage if required.

No.	State Environmental Planning Policy	Applicability/ Consistency	Comment
	SEPP (Exempt and Complying Development Codes) 2008	Applies N/A	Not relevant to the Planning Proposal.
	SEPP (Housing for Seniors or People with a Disability) 2004	Applies N/A	Seniors housing is permitted under this SEPP, however is not relevant to the Planning Proposal – DA stage if required.
	SEPP (Infrastructure) 2007	Applies N/A	Proposal does not include infrastructure development or development for or on behalf of a public authority.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Does not apply to land in Kiama LGA
	SEPP Kurnell Peninsula 1989	N/A	Does not apply to land in Kiama LGA
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
	State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	Applies N/A	Not relevant to the Planning Proposal.
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	Does not apply to land in Kiama LGA
	SEPP (Rural Lands) 2008	Applies Y	<p>Applies to land in Kiama LGA. The land is not identified as State Significant Agricultural Land.</p> <p>The following response is provided to the relevant Rural Planning Principles contained within the SEPP:</p> <ul style="list-style-type: none"> • The site is considered to be 'rural' given the current zoning, however, the site is not zoned for prime agricultural purposes and the current use of the site has been predominantly vacant and previously grazing. • The Planning Proposal satisfactorily addresses the issues of biodiversity and protection of native vegetation and avoiding constrained land as detailed in the Proposal. • The Proposal will provide an opportunity for settlement and housing that contributes to the social and economic welfare of the community and considers the impact on services and infrastructure and appropriate location. • The Planning Proposal is not inconsistent with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. <p>The following response is provided to the relevant Rural Subdivision Principles contained within the SEPP: The Rural Subdivision Principles are as follows:</p> <ul style="list-style-type: none"> (a) the minimisation of rural land fragmentation, (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses, (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands, (d) the consideration of the natural and physical constraints and opportunities of land, (e) ensuring that planning for dwelling opportunities takes account of those constraints. <ul style="list-style-type: none"> • The Planning Proposal includes reducing the minimum allotment size for subdivision of the subject site, however, this is proposed in conjunction with the rezoning of the land to residential, in line with an adopted Council strategy document. • The Rural Subdivision Principles have therefore

No.	State Environmental Planning Policy	Applicability/ Consistency	Comment
			<p>been addressed as part of the preparation of the Strategy and Identification of the subject site as a 'Greenfields' site in the planning for future dwellings for Jamberoo and the Kiama LGA.</p> <ul style="list-style-type: none"> Any specific site constraint issues have been satisfactorily addressed as part of the preparation of this Planning Proposal.
	State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A	Does not apply to land in Kiama LGA (Ku-ring-gai LGA only)
	State Environmental Planning Policy (State and Regional Development) 2011	Applies N/A	Not relevant to the Planning Proposal.
	State Significant Precincts) 2005	N/A	Not relevant to the Planning Proposal.
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	The land is not located within the Sydney drinking water catchment.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Does not apply to land in Kiama LGA
	State Environmental Planning Policy (Three Ports) 2013	N/A	Does not apply to land in Kiama LGA
	State Environmental Planning Policy (Urban Renewal) 2010	N/A	The land has not been identified as a potential urban renewal precinct
	SEPP (Western Sydney Employment Area) 2009	N/A	Does not apply to Kiama
	SEPP (Western Sydney Parklands) 2009	N/A	Does not apply to land in Kiama LGA

No.	Deemed State Environmental Planning Policy (former Regional Environmental Plan)	Consistency/Applicability	Comment
1	Illawarra Regional Environmental Plan No 1	N/A	Repealed 8 August 2016
2	Illawarra Regional Environmental Plan Jamberoo	N/A	Repealed 8 August 2016.
	Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 16—Walsh Bay	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 18—Public Transport Corridors	N/A	Does not apply to land in Kiama LGA (Fairfield and Paramatta only)
	Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A	Does not apply to land in Kiama LGA (not specified LGA and not located in Greater Metropolitan Region)
	Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 26—City West	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 30—St Marys	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan No 33—Cooks Cove	N/A	Does not apply to land in Kiama LGA
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	Does not apply to land in Kiama LGA

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies the Directions issued by the Minister for Planning to relevant planning authorities under Section 117(2) of the Environmental Planning and Assessment Act 1979. The Directions apply to a planning proposal lodged with the Department of Planning on or after 1 July 2009 (dated 22.09.2015 and accessed on 30 June 2016). As indicated below, the Planning Proposal is consistent with the relevant Section 117 Directions.

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
1. Employment and Resources		
1.1 Business and industrial Zones	N/A	
1.2 Rural Zones	N	<p>Part of this Direction applies, being clause 4 (a) which states: A planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>In accordance with clause 5 of this Direction: A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (e) justified by a strategy which: (i) gives consideration to the objectives of this direction, (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) is of minor significance.</p> <p>The Illawarra-Shoalhaven Regional Plan gives consideration to protecting the agricultural production value of rural land. It is also noted that the subject site does not contain significant agricultural land and is current vacant grassland, previously used for grazing which has been taken into consideration as part of that Strategy.</p> <p>In addition, the Proposal has been justified by the Kiama Urban Strategy 2011 as adopted by Kiama Municipal Council.</p>
1.3 Mining, Petroleum Production and Extractive Industries	N/A	<p>The current zoning RU2, and also the proposed R2 zoning prohibit 'mining' which is defined under the KLEP 2011 as: "... means mining carried out under the Mining Act 1992 or the recovery of minerals under the Offshore Minerals Act 1999, and includes: (a) the construction, operation and decommissioning of associated works, and (b) the rehabilitation of land affected by mining."</p> <p>However, the proposed zoning does not change the current permissibility of mining under the LEP, therefore this Direction does not apply.</p>
1.4 Oyster Production	N/A	
1.5 Rural Lands	N	<p>This Direction applies to the Planning Proposal, as it applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies and to any Planning Proposal which affects land within an existing rural zone and where a proposal includes a change to the current minimum lot size on the subject land.</p> <p>The Planning Proposal is not inconsistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008 [refer to</p>

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		previous discussion under the SEPP in Q5 of this Section). The Planning Proposal is not inconsistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008. (refer to previous discussion under the SEPP in Q5 of this Section).
2. Environment and Heritage		
2.1 Environmental Protection Zones	Y	This direction applies to all relevant planning authorities. However, the Planning Proposal does not contain an environment protection zone or land otherwise identified for environment protection purposes in DLEP 2011. The Proposal addresses all site constraints and provides that the site does not contain any environmentally sensitive areas. The proposal therefore complies with this Direction.
2.2 Coastal Protection	N/A	The subject lands are not located within a Coastal Zone.
2.3 Heritage Conservation	Y	The subject site will not have any anticipated impacts on any listed item of environmental heritage under KLEP 2011. This Direction states that: A planning proposal must contain provisions that facilitate the conservation of: (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that: (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or (b) the provisions of the planning proposal that are inconsistent are of minor significance. An Aboriginal Cultural Heritage Assessment and associated Archaeological Report have been prepared by Biosis and submitted in association with the Planning Proposal. A summary of the findings of this report are provided in Section 3.3 of this Proposal. Based on the findings of the Assessment and Report, Biosis recommends that the proposed rezoning can proceed. The assessment identified two significant sites which have been registered in accordance with correct reporting protocols, with the report recommending that the level of assessment undertaken as part of this Planning Proposal is considered adequate to support a future development application to Kiama Municipal Council and AHP application including salvage to the Office of Environment and Heritage, subject to continued consultation with Registered Aboriginal Parties. In response to the findings of the Assessment, it is provided that the indicative broad concept road layout detailed in the Traffic Impact Statement prepared by Aztec Design has considered the location of these sites as part of the road layout plan (indicative only), specifically avoiding areas of high artefact density as provided in the Biosis report (refer to Figure 9 Test Excavation Results provided on page 41 of the Archaeological Report). The Assessment provides that the Planning Proposal can proceed subject to the recommendations of the report.
2.4 Recreation Vehicle Area	Y	This direction applies to all relevant planning authorities. However, the Planning Proposal does not propose development for the purposes of recreation vehicles and does not contain sensitive land or land with

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		significant conservation values. The proposal therefore complies with this Direction.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed, but does not apply to Kiama LGA, and therefore does not apply to the Proposal.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Y	<p>The planning proposal includes rezoning the subject land to Zone R2 Low Density Residential to reflect the intended future use of the land as residential and will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (will be subject to the provisions of Kiama DCP 2011). <p>The Proposal will provide for existing and future housing need and can be adequately serviced, as provided by the Services Feasibility Assessment prepared by KF Williams and submitted in association with this Planning Proposal (refer to Section 3.3 of this Proposal for a summary of the recommendations).</p> <p>The Proposal does not contain provisions which will reduce the permissible residential density of the land.</p> <p>Refer to Section B – Relationship to strategic planning framework of this Proposal which provides that the proposal has been justified by the Kiama Urban Strategy 2011 as adopted by Kiama Municipal Council.</p>
3.2 Caravan Parks and Manufactured Home Estates	Y	<p>This direction applies to all relevant planning authorities. This direction does not apply to:</p> <ul style="list-style-type: none"> (a) Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989, except Crown land reserved for accommodation purposes, or (b) land dedicated or reserved under the National Parks and Wildlife Act 1974. <p>The Proposal does not relate to Crown land or land dedicated or reserved under the NP&W Act, and is therefore is not inconsistent with this Direction.</p>
3.3 Home Occupations	Y	<p>This direction applies to all relevant planning authorities. Under the provisions of this clause, planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</p> <p>The Proposal includes rezoning of the land to R2 Low Density Residential pursuant to the KLEP which permits home occupations to be carried out in dwelling houses without the need for development consent; therefore the Proposal is consistent with this Direction.</p>
3.4 Integrating Land Use and Transport	Y	<p>The objective of this direction is: "to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The direction applies to all relevant planning authorities, when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p>

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		<p>Under the provisions of this Direction, a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p>The proposal provides a number of measures to ensure integration of land use and transport planning as required by the provisions contained within the relevant DUAP documents.</p> <p>The Planning Proposal provides for the rezoning of the site to R2 Low Density Residential pursuant to the current provisions contained within KLEP 2011 and has been prepared in line with the adopted Kiama Urban Land Strategy. Reference is made to the Traffic Impact Statement prepared by Aztec which is summarised and discussed in Section 3.3 of this Statement. The Proposal endorses the recommendations of the Traffic Impact Statement and provides the following:</p> <ul style="list-style-type: none"> • The site adjoins an existing residential zone; • Provide 1.5m wide concrete footpaths to allow two pedestrians to walk abreast or to pass. • Provide a pedestrian walkway from the proposed development to the existing park at the end of Hyam Street. This provides a link to Jamberoo Road and hence the shopping centre for those residences in the lower part of the estate as they can avoid the incline up to Golden Valley Way and provides a link to the adjoining neighbours. • The site is located with 500m of a regional arterial road for transport; • The proposal includes connection through to an existing area of public open space which will enable pedestrian and cycle way links; • Perimeter roads are provided to enable the land to connect to any future pedestrian and cycle way networks planned for Jamberoo; • The proposal provides opportunity to make land part of a pedestrian cycle network with wide road widths and footpaths. <p>The Planning Proposal is therefore consistent with the aims, objectives and principles of the relevant documents and is therefore consistent with this Direction.</p>
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	
4. Housing, Infrastructure and Urban Development		
4.1 Acid Sulphate Soils	N/A	The land is not identified as containing any potential Acid Sulphate Soils. Refer to Acid Sulphate Soils Statement prepared by Network Geotechnics submitted in association with this Proposal (refer also to Section 3.3 of this Proposal which provides a summary of the Statement).
4.2 Mine Subsidence and Unstable Land	N/A	The land is not located within a mine subsidence district and is not identified as unstable land. Refer to Statement prepared by Network Geotechnics submitted in association with this Proposal (refer also to Section 3.3 of this Proposal which provides a summary of the Statement).
4.3 Flood Prone Land	N/A	The Planning Proposal does not propose to create, remove or alter a zone or a provision that affects flood prone land. The Proposal does not permit development in floodway areas or permit development that will result in significant flood impacts to other properties. Any future subdivision and development subject to development consent.
4.4 Planning for Bushfire Protection	N/A	Site does not contain bushfire prone land.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This direction applies to land to which the following regional strategies apply: (a) Far North Coast Regional Strategy (b) Lower Hunter Regional Strategy (c) South Coast Regional Strategy (excluding land in the Shoalhaven

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
		<p>LGA)</p> <p>(d) Sydney–Canberra Corridor Regional Strategy</p> <p>(e) Central Coast Regional Strategy, and</p> <p>(f) Mid North Coast Regional Strategy.</p> <p>These strategies do not apply to the subject site, therefore this Direction does not apply.</p>
5.2 Sydney Drinking Water Catchments	N/A	Not located within the Sydney Drinking Water Catchment
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Does not apply to Kiama
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Does not apply to Kiama
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	REVOKED	
5.6 Sydney to Canberra Corridor	REVOKED	
5.7 Central Coast	REVOKED	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
5.10 Implementation of Regional Plans	Y	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The Illawarra-Shoalhaven Regional Plan was released in November 2015 and applies to the subject site. This Direction therefore applies.</p> <p>Refer to Section B- Relationship to strategic planning framework in this Proposal for detailed discussion of the relevant provisions of the Illawarra-Shoalhaven Regional Plan in relation to the subject site and Planning Proposal. The specific Actions for Jamberoo contained within the Plan are for Kiama Council and the Department of Planning to:</p> <ul style="list-style-type: none"> • Provide sufficient housing to suit the changing demands of the region • Support Housing opportunities close to existing services, jobs and infrastructure in the region's centres • Monitor the delivery of housing to match supply with demand <p>The Planning Proposal is identified by an adopted local housing Strategy (Kiama Urban Strategy 2011), which is consistent with the Regional Plan as it provides housing delivery close to necessary services, jobs and infrastructure. In addition, the timely lodgement of this application has been deemed as suitable in terms of land release, by Kiama Council's Strategic Planning Department (refer to Pre-lodgement meeting notes in this Proposal). The Planning Proposal is therefore considered to be consistent with the Regional Plan.</p>
6. Local Plan Making		
6.1 Approval and Referral Requirements	Y	The Planning Proposal is considered to be substantially consistent with this Direction, does not contain any provisions requiring concurrence, consultation or referral of a Minister or public authority and is not inconsistent with the objective to encourage the efficient and appropriate assessment of development.

Section 117 Ministerial Direction	Consistent Y/N/NA	Comments
6.2 Reserving Land for Public Purposes	Y	This Direction applies to all relevant planning authorities. The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes and is therefore not inconsistent with the Direction.
6.3 Site Specific Provisions	Y	The Planning Proposal will rezone the land and allow a range of development forms in line with the existing provisions of the R2 Low Density Residential Zone under KLEP 2011. The Proposal does not allow for a particular development proposal. The Planning Proposal does not contain or refer to drawings that show details of the development proposal. A broad concept plan showing a potential indicative road layout for the site is provided as part of the Planning Proposal (prepared by Aztec Design) in relation to transport and access to the site. The Planning Proposal is considered to be consistent with the Direction.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	N/A	Does not apply to Kiama LGA
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	Does not apply to Kiama LGA (Campbelltown City Council and Wollondilly Shire Council only)

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land subject to this Proposal is not identified on the Terrestrial Biodiversity Map under KLEP 2011 as containing Terrestrial Biodiversity. There are no watercourses located on the subject site, nor is there any vegetation currently on the site (contains grass only). It is therefore considered minimal likelihood that critical habitat or threatened species, populations or ecological communities or their habitats would be adversely affected as a result of the proposal.

A 'Threatened Species Profile Search' generated from the Office of Environment and Heritage's online the BioNet Wildlife Atlas database, at the request of Kiama Council, which is provided as **Appendix 3** of this Planning Proposal. The search provides a list of likely species which MAY occur within a 10 kilometre radius of the subject site.

Given the site is cleared of vegetation and does not contain any creeks or watercourses, it is considered that there would be minimal, or negligible impact on any identified species. Kiama Council also advised at the Pre-lodgment meeting as outlined in this report, that a Flora and Fauna Assessment was not required.

The following clauses contained within Kiama LEP 2011 are considered are follows:

Clause 5.9 Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

The Planning Proposal does not include the removal of any trees or vegetation from the site (none located) and this clause will not be amended as part of the subject Planning proposal, however, this clause will continue to apply to future development of the site, should the rezoning proceed.

Clause 6.4 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

This clause applies to land identified as “Biodiversity land” on the Terrestrial Biodiversity Map.

As provided above, the subject land does not contain any ‘Biodiversity land’ as identified on the Terrestrial Biodiversity Map, therefore the Proposal is not inconsistent with the provisions of this clause. However, it should be noted that this clause will continue to apply to future development of the site, should the rezoning proceed. The clause provisions that would apply to future development of the land are:

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development:
 - (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,
 - (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,
 - (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
 - (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Clause 6.5 Riparian land and watercourses

The objective of this clause is to protect and maintain the following:

- (a) water quality within watercourses,
- (b) the stability of the bed and banks of watercourses,
- (c) aquatic riparian habitats,
- (d) ecological processes within watercourses and riparian areas.

This clause applies to:

- (a) land identified as “Category 1 watercourse”, “Category 2 watercourse” or “Category 3 watercourse” on the Riparian Land and Watercourses Map, or
- (b) land that is within:
 - (i) 40 metres from the top of the bank of a Category 1 watercourse, or
 - (ii) 20 metres from the top of the bank of a Category 2 watercourse, or
 - (iii) 10 metres from the top of the bank of a Category 3 watercourse.

As provided above, the subject site does not contain a watercourse as identified on the ‘Riparian Land and Watercourses Map’ associated with KLEP 2011, and is not located within the identified distances of any watercourse as defined, therefore the Proposal is not inconsistent with the provisions of this clause. However, it should be noted that this clause will continue to apply to future development of the site, should the rezoning proceed. The clause provisions that would apply to future development of the land are:

(3) Before determining a development application to carry out development on land to which this clause applies, the consent authority must consider whether or not the development:

(a) is likely to have any adverse impact on the following:

- (i) the water quality and flows within the watercourse,
- (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
- (iii) the stability of the bed and banks of the watercourse,
- (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
- (v) any future rehabilitation of the watercourse and its riparian areas, and

(b) is likely to increase water extraction from the watercourse.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A Stage 1 Preliminary Contamination Assessment has been prepared by Network Geotechnics and submitted in association with the Planning Proposal. A summary of this Assessment is provided in Section 3.3 of this Proposal. The Assessment provides that the site is suitable for the proposed rezoning from a site contamination perspective.

The Report also discusses the potential for geotechnical/land stability and acid sulfate soils issues on the subject site and provides that Network Geotechnics has assessed the site as having "low potential for acid sulfate soils to be present within the natural soils at the subject site." In addition, it states that "there would be no geotechnical constraints preventing subdivision development."

An Aboriginal Cultural Heritage Assessment was prepared by Biosis (as discussed in some detail in **Section 3.3** of this Planning Proposal). Two new Aboriginal sites were registered during test excavations on the Aboriginal Heritage Information Management System (AHIMS) and there is a potential for development activities to impact on both registered Aboriginal sites. In response to the findings of that Assessment, it is provided that the indicative broad concept road layout detailed in the Traffic Impact Statement prepared by Aztec Design has considered the location of identified sites as part of the road layout plan (indicative only), specifically avoiding areas of high artefact density as provided in the Biosis report (refer to Figure 9 Test Excavation Results provided on page 41 of the Archaeological Report). Refer to the Assessment for detailed discussions on the findings of the assessment.

The Assessment provides that the Planning Proposal can proceed subject to the recommendations of the report. It is considered that the Report is adequate to address the proposed rezoning of the land subject to this Planning Proposal.

Any potential issues as provided by the Planning Proposal and supporting documents have been considered and are unlikely to cause any significant potential environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposal will have a positive social and economic effect on the growth of Jamberoo and provide support for local retailers and businesses in the commercial precinct of the village. The Proposal will provide an opportunity for settlement and housing that contributes to the social and economic welfare of the community and considers the impact on services and infrastructure and appropriate location.

The Traffic Impact Statement prepared by Aztec Design and lodged in association with the Planning Proposal (refer to **Section 3.3** of this Planning Proposal for a summary of the report) provides that the proposal will not place any major strain on existing public infrastructure or the current road system capacity and can be accommodated based on the recommendations outlined in the report. The proposal will boost the economic growth of the village of Jamberoo, encouraging business investment, which will provide local employment opportunities.

Any additional social impacts may become apparent during the public consultation process once the Planning Proposal is considered by Council and made available to the general public. The proposal will formalize and recognize the intended future use of the land for residential purposes.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The subject site is within private ownership with no current public access provided to the site. The Proposal could allow for a potential additional 50 residential dwellings which will utilize the existing road infrastructure to the site (via Golden Valley Road).

The following supporting documents have been provided in association with the Planning Proposal which provides an assessment of the adequacy of existing public infrastructure to support the proposal:

The Traffic Impact Statement prepared by Aztec Design and lodged in association with the Planning Proposal (refer to **Section 3.3** of this Planning Proposal for a summary of the report) provides that the proposal will not place any major strain on existing public infrastructure or the current road system capacity and can be accommodated based on the recommendations outlined in the report.

The Services Feasibility Assessment prepared by KF Williams and lodged in association with the Planning Proposal (refer to **Section 3.3** of this Planning Proposal for a summary of the report) provides that the proposal will not place major any strain on existing public infrastructure in terms of electricity, sewer and water system capacity subject to detailed concept modelling at design stage and based on the recommendations outlined in the report.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The proposed agency and public authority consultation will be confirmed with the Gateway determination.

Services Feasibility (Infrastructure) Assessment

KF Williams were engaged by the landowner to prepare a Services Feasibility Assessment, which has been submitted in association with the Planning Proposal. A summary of the report is provided in **Section 3.3** of this Planning Proposal.

In the preparation of this report, the following public authorities were consulted – Endeavour Energy, Sydney Water. A services investigation was also conducted in order to determine the location of all utility services in the vicinity of the site.

Endeavour Energy

As part of the preparation of the Services Feasibility Assessment by KF Williams, a **Request for Technical Review** was provided to the electricity provider for the subject site being Endeavour Energy (formerly Integral Energy), in relation to Planning Proposal in December 2015. A response was received from Endeavour Energy advising that there is sufficient supply capacity to support the proposed load of up to 50 lots. A copy of all correspondence with Endeavour Energy is provided in association with the Services Feasibility Assessment from KF Williams.

It is therefore considered that Endeavour Energy would be likely to support the Planning Proposal as provided, with their consideration of specific detailed development assessment then provided in the preparation for any future development application at subdivision stage. Council may consult further with Endeavour Energy in association with this Planning Proposal if required.

Sydney Water Corporation

As part of the Services Feasibility Assessment prepared by KF Williams, a **Feasibility application** was made to Sydney Water. In summary, the Assessment provides that all services including water, sewer, electricity and telecommunications services can be provided to serve the proposed rezoning of the subject site and would accommodate the estimated approximately 50 residential lots. It is noted that Sydney Water indicates that the provision of water and sewer services may require amplification of the existing water and sewer infrastructure which would occur at subdivision design stage when final anticipated allotment yield is determined, or at lodgment of an application for a Section 73 Certificate.

It is therefore considered that Sydney Water would be likely to support the Planning Proposal as provided, given the existing capacity for the proposed development. Council may consult further with Sydney Water in association with this Planning Proposal if required.

Aboriginal Cultural Heritage Assessment and Archaeological Report

Biosis were engaged by the landowner to prepare an Aboriginal Cultural Heritage Assessment and Archaeological Report which has been submitted in association with the Planning Proposal. A summary of the report is provided in **Section 3.3** of this Planning Proposal.

In the preparation of this report, Biosis Pty Ltd notified the following bodies regarding the proposal, in accordance with required relevant guidelines:

- Krama Municipal Council (KMC)
- NSW Office of Environment and Heritage (OEH)
- NSW Native Title Services Corporation Limited (NTSCORP Limited)
- Office of the Registrar, Aboriginal Land Rights Act 1983 of Aboriginal Owners
- National Native Title Tribunal
- South East Local Land Services (SELLS)
- Illawarra Local Aboriginal Land Council (ILALC)
- Local known Aboriginal stakeholders in the Illawarra as provided by OEH.

Council may consult further with the NSW Office of Environment and Heritage in association with this Planning Proposal as required.

Part 4 – Mapping

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The map in **Figure 11** illustrates the area to which this Planning Proposal applies with the intent to rezone and provide relevant development standards to permit low density residential development on the subject site, as provided in **Appendix 1**.

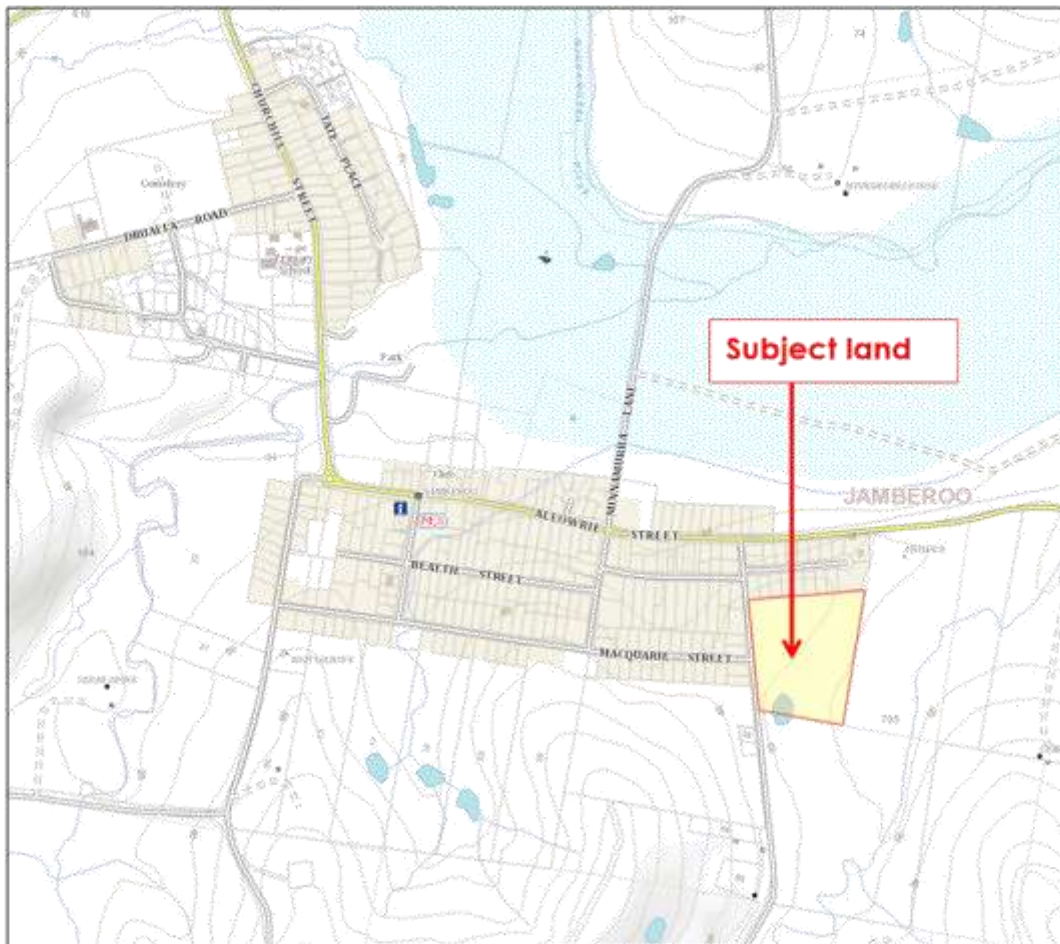


Figure 11 – Cadastre Property Basemap showing location of land subject to this Planning Proposal (Source: www.maps.six.nsw.gov.au, December 2015)

Part 5 – Community Consultation

Details of the community consultation that is to be undertaken on the planning proposal.

Public exhibition

The Planning Proposal to rezone the subject site to R2 Low Density Residential and apply relevant development standards will likely be placed on public exhibition for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Act* and the *Local Government Act*, as well as the Department of Planning and Environment's 'Guide to preparing local environmental plans' document. This will be determined by the Department as part of the Gateway Determination.

Part 6 – Project Timeline

The anticipated timeframes for various stages during the Planning Proposal will be recommended by Council's Strategic Planning Department, considered by the elected Councillors and agreed to, then monitored, by the Department of Planning and Environment throughout the process.

5 Recommendations

It is considered that the proposal to rezone the subject site to R2 Low Density Residential and apply relevant development standards is an appropriate amendment to the Kiama Local Environmental Plan 2011 which has been endorsed by Council's as a 'Greenfields' site in accordance with the Kiama Urban Strategy 2011. The Planning Proposal process to rezone the land is considered the only way to achieve the intended outcomes of this Proposal. The proposal does not request amendments to the current land zoning provisions (objectives and general permissibility of land uses) and intended purpose of the R2 Low Density Residential Zone. The proposal does not include any amendments to development standards which are not consistent with that which have been currently and recently applied to the subject site.

The proposed changes to *Kiama Local Environmental Plan 2011*, specifically to the *Land Zoning Map*, *Height of Buildings Map*, *Lot Size Map* and *Floor Space Ratio Map* will reflect the intended future use of the land as detailed in this Proposal, in accordance with Kiama Council's adopted Kiama Urban Strategy for future development identified in Jamberoo and the broader Kiama LGA.

It is considered that the preparation and process of this Planning Proposal will provide opportunity for community input, particularly from neighbouring residents in the Jamberoo Village, which follows on from previous consultations held by Kiama Council in the preparation and subsequent adoption of the Kiama Urban Strategy and Kiama Local Environmental Plan 2011. Accordingly the progression of this Planning Proposal by Kiama City Council is sought.

Proposed Land Zoning Map



tcg planning

Planning Proposal
Rezoning of land at Lot 2 DP 626183 Golden Valley Road, Jamberoo

Proposed Height of Buildings Map



Proposed Lot Size Map

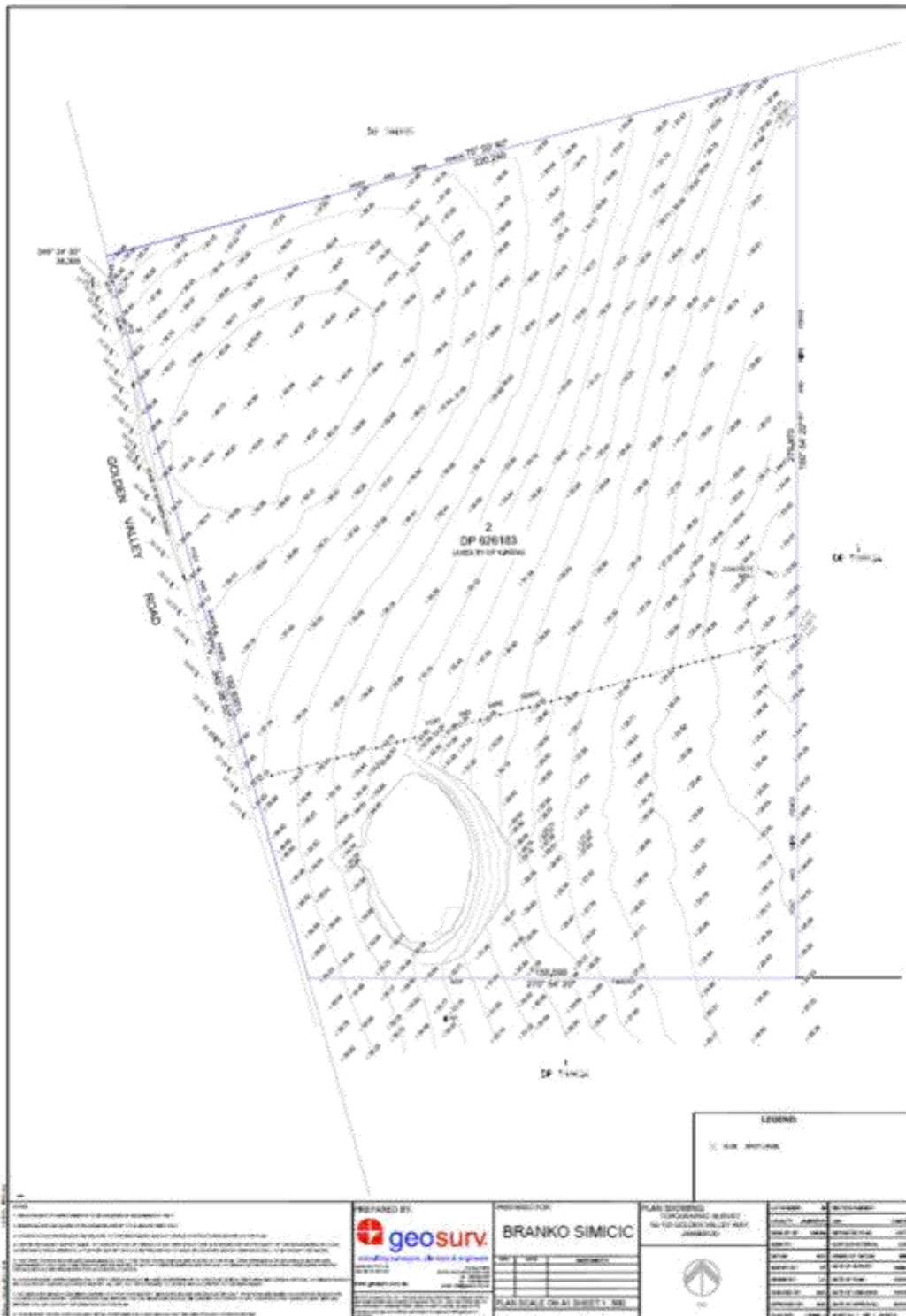


tcg planning

Planning Proposal
Rezoning of land at Lot 2 DP 626183 Golden Valley Road, Jamberoo

Proposed Floor Space Ratio Map





Item 9.1
Attachment 1

Data from the BioNet Atlas of NSW Wildlife website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions. Species listed under the Sensitive Species Data Policy may have their locations denatured (Λ rounded to 0.1Λ; ^Λ rounded to 0.01Λ). Copyright the State of NSW through the Office of Environment and Heritage. Search criteria : Public Report of all Valid Records of Threatened (listed on IUCN Act 1995) Entities in selected area [North: -34.59 West: 150.73 East: 150.84 South: -34.69] returned a total of 258 records of 27 species.

Report generated on 20/09/2016 11:36 AM

Kingdom	Class	Family	Species Code	Scientific Name	Exotic	Common Name	NSW status	Comm. status	Records
Animalia	Amphibia	Hylidae	3166	<i>Litoria aurea</i>		Green and Golden Bell Frog	EL,P	V	3
Animalia	Aves	Ardeidae	197	<i>Botaurus poidoptilus</i>		Australasian Bittern	EL,P	E	1
Animalia	Aves	Ardeidae	196	<i>Ixobrychus flavicollis</i>		Black Bittern	V,P		1
Animalia	Aves	Accipitridae	218	<i>Circus assimilis</i>		Spotted Harrier	V,P,3		3
Animalia	Aves	Caculidae	268	<i>Calliopephala timbriatum</i>		Gang-gang Cockatoo	V,P,3	CE	1
Animalia	Aves	Pittaciidae	309	<i>Lathamus discolor</i>		Swift Parrot	EL,P,3		3
Animalia	Aves	Pittaciidae	302	<i>Neophema pulchella</i>		Turquoise Parrot	V,P,3		13
Animalia	Aves	Pittaciidae	8913	<i>Pezopopus wallicus wallicus</i>		Eastern Ground Parrot	V,P,3		2
Animalia	Aves	Tyrtonidae	9924	<i>Tyto tenebrosa</i>		Sooty Owl	EL,P	E	9
Animalia	Aves	Dasyornithidae	519	<i>Dasyornis brachypterus</i>		Eastern Bristlebird	V,P		4
Animalia	Aves	Pachycephalidae	405	<i>Pachycephala olivacea</i>		Olive Whistler	V,P		3
Animalia	Aves	Artamidae	8519	<i>Artamus cyanopterus cyanopterus</i>		Dusky Woodswallow	V,P		5
Animalia	Aves	Petroicidae	382	<i>Petroica phoenicea</i>		Flame Robin	V,P		2
Animalia	Mammalia	Dasyuridae	1008	<i>Dasyurus maculatus</i>		Spotted-tailed Quoll	V,P		1
Animalia	Mammalia	Phascogaleidae	1162	<i>Phascogale tapoatafa</i>		Brush-tailed Phascogale	V,P		5
Animalia	Mammalia	Pteropodidae	1175	<i>Pteropus tridactylus</i>		Koala	V,P	V	1
Animalia	Mammalia	Potorodidae	1280	<i>Potorous tridactylus</i>		Long-nosed Potoroo	V,P	V	5
Animalia	Mammalia	Vespertilionidae	1834	<i>Myotis schreibersii oceanensis</i>		Grey-headed Flying-fox	V,P	V	14
Animalia	Mammalia	Vespertilionidae	1357	<i>Myotis macropus</i>		Eastern Bentwing-bat	V,P		3
Animalia	Mammalia	Vespertilionidae	1361	<i>Scoteanax rueppellii</i>		Southern Myotis	V,P		2
Plantae	Flora	Apocynaceae	1226	<i>Cynanchum elegans</i>		White-flowered Wax Plant	EL,P	E	5
Plantae	Flora	Brassicaceae	7103	<i>Irenephorus trypherus</i>		Illawarra Irene	EL,P	E	10
Plantae	Flora	Monimiaceae	13219	<i>Daphnandra johnsonii</i>		Illawarra Socketwood	EL,P	E	34
Plantae	Flora	Myrtaceae	11307	<i>Gossia acmenoides</i>		Gossia acmenoides population in the Sydney Basin Bioregion south of the Georges River	E2		5
Plantae	Flora	Rutaceae	5839	<i>Zieria granulata</i>		Illawarra Zieria	EL,P	E	122
Plantae	Flora	Solanaceae	11442	<i>Solanum celatum</i>			EL,P		2

9.2 Planning Committee

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: 2.9.2 Ensure Council's Local Environment Plan and Urban Strategy are current and incorporate the principles of sustainable development

Summary

A resolution was passed at Council's meeting held on 27 September 2016 to form a "Planning Committee" as one of the endorsed Committees of Council. Councillor membership was also endorsed, being the Mayor, Deputy Mayor, Councillors Sloan, Way and Westhoff. As this is a new committee of Council, no terms of reference has been adopted.

Finance

N/A

Policy

N/A

Attachments

- 1 Terms of Reference - Planning Committee
- 2 Terms of Reference - Commercial Centres & Community Safety Committee
- 3 Terms of Reference - Development Industry Committee
- 4 Terms of Reference - LEP Committee

Enclosures

Nil

RECOMMENDATION

That Council adopt the Draft Terms of Reference (attached to this report) for Council's Planning Committee and determine any other membership as appropriate.

BACKGROUND

A resolution was passed at Council's meeting held on 27 September 2016 to form a "Planning Committee" as one of the endorsed Committees of Council. In so doing, 3 previously existing committees have not been included in the endorsed list. These are:

- Commercial Centres and Community Safety Committee.
- Development Industry Committee.
- Local Environment Plan Review Committee – this Committee had a sunset provision for the end of August 2016.

Report of the Director Environmental Services

9.2 Planning Committee (cont)

A copy of each of the relevant Terms of Reference is attached for Council's information.

Having regard to the above, the draft terms of Reference for the Planning Committee has endeavored to cover the major areas of consideration of the aforementioned Committees, whilst allowing the Committee some flexibility in its operation and considerations.

Item 9.2



Kiama Municipal Council - Terms of Reference

Name of committee	Planning Committee
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee (specify the end date) <input type="checkbox"/>
Purpose	To provide a forum for communication between Council, the community and relevant sectoral groups in regard to planning issues that impact on the development and safety of our communities. Through this communicative process the committee will review strategy, policy and actions to ensure that the objectives and outcomes reflect expectations and recommend to Council accordingly.
Objectives	<ul style="list-style-type: none"> To engage members of the community, agencies and various sectoral groups who will relay their experiences and observations in regard to achieving the objectives of adopted policy. To form a consistent and open path of communication from the community to the committee and Council. Consider best professional and technical practice in making economically viable, environmentally sound and socially responsible recommendations to Council in regard to community development and safety To facilitate the dissemination of information to the community in regard to the operation of the committee.
Committee Meetings	Meetings will be scheduled as required.
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as determined by the Committee.
Membership	<ul style="list-style-type: none"> Council's Mayor and Deputy Mayor along with 3 Councillors. Council's Mayor will chair the meetings. Council's General Manager, Directors of Environmental Services and Community Services, Managers of Community and Cultural Development, Development Assessment, Strategic Planning and Environment and Health – as required.
Meeting Quorum	A Quorum will be deemed to have been met under the following criteria: <ol style="list-style-type: none"> Minimum of 50% plus 1. Or per statutory requirements (if required).
Meeting administration	<ul style="list-style-type: none"> Meetings are to be chaired by the Mayor. Minutes will be taken by a representative of Council. Minutes will be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. Minutes and agendas will be circulated seven (7) days prior to next scheduled meeting.

<p>Selection of members</p>	<p>If external committee positions become vacant the selection of new committee 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 and 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. vi. committee members are able to demonstrate that they are "connected and representative" of the community.
<p>Responsibility</p>	<p>Committee members will:</p> <ul style="list-style-type: none"> i. Act in an advisory role to Council staff ii. Participate in working parties as needed. iii. At all times comply with councils Code of Conduct. iv. At all times contribute in a positive and respectful manner. v. Avoid disruption, contrary conduct or being wasteful of time and resources.
<p>Terms of membership</p>	<p>Non councillor membership of the Planning Committee will be for the terms of the current elected Council.</p>
<p>Process for termination</p>	<p>Where a (non Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue.</p> <p>A written record shall be kept of the formal warning and counselling. If the Committee member's behaviour does not improve after the formal warning and counselling, the Committee member may, on the recommendation of the chairperson, be terminated by Council resolution.</p>
<p>Code of Conduct</p>	<p>All Committee members are subject to Council's Code of Conduct.</p>

(16/76367)

KIAMA COUNCIL COMMERCIAL CENTRES & COMMUNITY SAFETY COMMITTEE

Terms of Reference

The Commercial Centres and Community Safety Committee (the Committee) will act in an advisory capacity.

Aim of the Committee:

- High quality, safe and active commercial centres
- A safe community

Objectives of the Committee

- To provide for the coordinated management of commercial centres
- To ensure that commercial centres are functional
- To implement strategies that help people feel safe in the community
- To achieve low rates of crime throughout the Municipality

Strategies of the Committee

- To develop, implement and monitor a Community Safety Plan
- To identify and consider potential crime prevention strategies
- To provide a forum for issue identification and discussion in relation to Commercial Centres and Community Safety Committee
- To develop and implement a coordinated and prioritised work program for the Committee for submission to Council

Frequency

Meetings will be held bi-monthly, on the 2nd Tuesday of the month, at 3pm in Council Chambers, unless otherwise advised.

Duration

Committee meetings will take approximately one hour.

Membership

- Commercial, retail and business nominations from Kiama, Gerringong and Jamberoo
- Up to 4 representatives from diverse locations across the Municipality
- Two Kiama Councillors
- NSW Police Representative
- Kiama Council Staff –
 - General Manager
 - Director of Engineering and Works
 - Director of Environmental Services
 - Director of Community Services

- Commercial Centre Maintenance and Liaison Officer
- Senior Ranger
- Manager of Community & Cultural Development

Membership will be on an ongoing basis.

A Councillor will be the Chairperson of the Committee.

Member Nomination Process

Kiama Council Commercial Centres and Community Safety Committee will call for nominations to the committee as required to fill vacant positions. Kiama Council will invite nominations in a variety of ways including advertising for Expressions of Interest in Council's page of the Kiama Independent, Council website and Facebook.

All members of the committee will be provided with a copy of the Terms of Reference of the Committee.

Minutes

Minutes will be taken by a Council staff member and submitted to the next Council meeting for information and confirmation.

Recommendations from the minutes requiring Council endorsement will be written as a Report to Council by the most appropriate Director for the issue.

Rights and Responsibilities of Members of Kiama Council Community Support Advisory Committee

Each member of the Committee has a right to:

- Expect staff representing the various sections of Council will treat them with courtesy and respect
- Have their contribution heard by other members
- Give constructive feedback and input into the operations of Council in relation to issues relevant to the Committee

Each member of the Committee has a responsibility to:

- Abide by Council's policies and meeting procedures in regard to issues such as conflict of interest and confidentiality
- Act in accordance with the specified role of the committee
- Conduct themselves ethically and represent the Committee in a positive way
- Attend Committee meetings or, if unable to attend, send apologies
- Not take action relating to the Committee without the express consent of Kiama Council, including not interfering with the day to day operations of Council staff
- Not discuss confidential issues with people outside of the Committee
- Treat other members of the Committee and Council staff with respect
- Follow Kiama council grievance procedures to resolve any conflict

Termination of Membership

Council management reserves the right to terminate membership in the instance of a serious breach of the above responsibilities.



Kiama Development Industry Committee Terms of Reference

PURPOSE

- To provide a forum for communication between Council and the Development Industry and by so doing identify and address issues/impediments and associated actions to facilitate the timely and efficient functioning of the industry.
- To assist with the implementation and review of relevant strategies as identified, and in particular the development industry related sections of the Kiama Local Environment Plan (LEP) and Development Control Plan (DCP).

OBJECTIVES

- To consider best professional and technical practice in making economically viable, environmentally sound and socially responsible recommendations to Council.
- To facilitate timely communication and dialogue between Council and the Development Industry.
- To engage members of the Development Industry who will represent their respective trades / profession and assist in the dissemination of codes of practise and Council recommendations to their peers.

COMMITTEE MEETINGS

Meetings will be scheduled bi monthly or as required.

VENUE

Meetings will be held at the Kiama Administration Centre or alternative venues as determined by the Committee.

MEMBERSHIP

- Two (2) Councillors, one of whom, will chair the meetings.
- Council minuter taker.
- Council personnel from Environmental Services as well as Engineering and Works.
- Local representatives of the Building Industry including, but not exclusive to, a Builder, Drafts person, Drainage Engineer, Surveyor, Certifier, Plumber and Concreter.



**Kiama Municipal Council
Local Environmental Plan Review Committee
Terms of Reference**

Name of committee	Kiama Local Environmental Plan Review Committee
Status	Council committee <input type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input checked="" type="checkbox"/> (specify the end date – August 2016)
Purpose	<ul style="list-style-type: none"> To provide a forum for communication between Council, the community and relevant sectoral groups in regard to the appraisal and review of Council’s current Local Environmental Plan (LEP). Through this communicative process the Committee will consider the impact of strategies contained in the LEP against achievement of the overall objectives of the document and make recommendations to Council. The Committee is not charged with considering individual planning proposals or site specific land use planning issues.
Objectives	<ul style="list-style-type: none"> To engage members of the community and its various sectoral groups who will relay the experiences and observations of their sector in regard to the functionality and operation of the LEP to the committee. To form a consistent and open path of communication from the community to the committee and Council. Consider best professional and technical practice in making economically viable, environmentally sound and socially responsible recommendations to Council. To facilitate the dissemination of information to the community in regard to the operation and review of the LEP.
Committee Meetings	<ul style="list-style-type: none"> Meetings will be scheduled quarterly or as required.
Venue	<ul style="list-style-type: none"> Meetings will be held at the Kiama Administration Centre or alternative venues as determined by the Committee.
Membership	<ul style="list-style-type: none"> Three (3) Councillors, one of whom will chair the meetings. One community representative for each of the following geographic areas; Gerringong/Gerroa, Kiama, North Kiama/Minamurra, Jamberoo. One representative of rural land holders. One representative from each of the following Council Committees, Health and Sustainability, Economic Development and Development Industry Committees. Councils General Manager, Director Environmental Services and Manager of Strategic Planning.
Meeting Quorum	<ul style="list-style-type: none"> A Quorum will be deemed to have been met under the following criteria: <ol style="list-style-type: none"> Minimum of 50% plus 1. Or per statutory requirements (if required).
Meeting administration	<ul style="list-style-type: none"> Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. Minutes will be taken by a representative of Council. Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.

Item 9.2

Attachment 4

Selection of members	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ol 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> <ol 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. vi. committee members are able to demonstrate that they are "connected and representative" of the community.
Responsibility	<p>Committee members will:</p> <ol style="list-style-type: none"> i. Act in an advisory role to Council. ii. Provide commentary on implementation of strategy contained in Council's adopted LEP. iii. Provide important links to the communities they represent in promoting Council's LEP. iv. Participate in working parties as needed. v. At all times comply with Council's 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.
Term of membership	<p>Non Councillor membership of the Kiama Local Environmental Plan Review Committee will be for a two year term. NB a specified term doesn't preclude an incumbent from serving consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ol style="list-style-type: none"> i. completes their designated term and retires from the committee ii. completes their term and is not re appointed iii. resigns their membership, in writing, to the Chairperson iv. fails to attend 3 consecutive scheduled meetings 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 committee 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>
Process for termination	<p>Where a committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant Council officer for recording. The committee member will be able to sight and sign the written record. Where there is reoccurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling. If the committee member's behaviour does not improve after the formal warning and counselling, the committee member may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>All Committee members are subject to Council's Code of Conduct.</p>

15/32365

9.3 Planning Proposal Policy

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

CSP Strategy: 2.1 Maintain the separation and distinct nature of the towns and villages of our local area

Delivery Program: 2.1.1 Implement and review the Urban Strategy

Summary

The purpose of this report is to review the existing planning Proposal Policy and outline amendments to bring it into line with State Government guidelines.

Finance

N/A

Policy

The report represents a change in the position previously taken by Council staff when preparing and assessing Planning Proposals. The changes will align Council's requirements with State guidelines.

Attachments

1 Planning Proposal Policy - Amendment No 1

Enclosures

Nil

RECOMMENDATION

That Council endorse the draft Planning Proposal Policy to replace the existing Policy adopted in 2012.

BACKGROUND

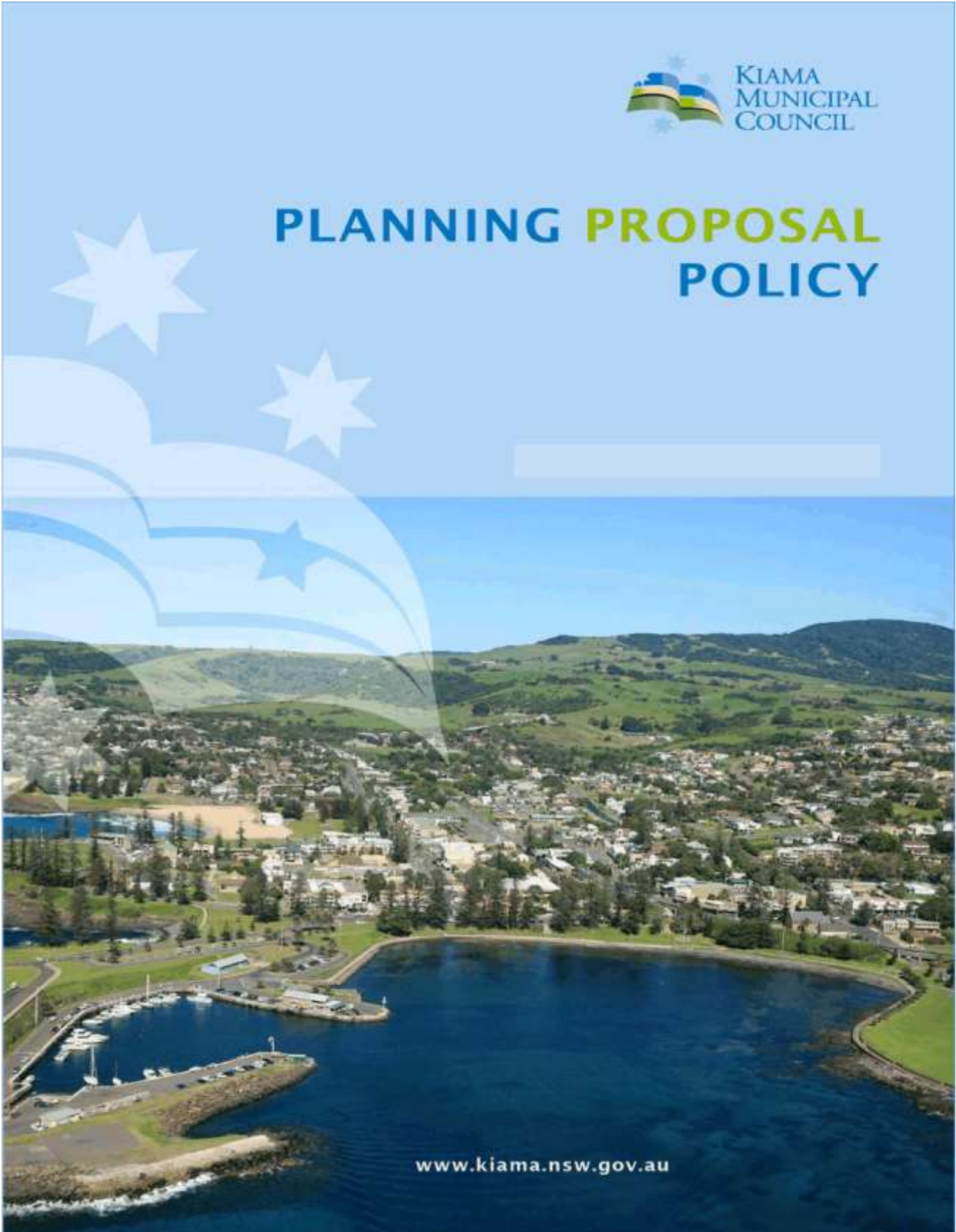
Council's Planning Proposal Policy was adopted on 21 February 2012. The purpose of the policy was to provide guidance to consultants and the general public regarding the level of information required for the lodgement of a Planning Proposal as well as outlining the steps involved amending the Local Environmental Plan 2011.

The Policy could be considered onerous when compared to the NSW Department of Planning & Environment's (DoPE) 'A Guide to Preparing Planning Proposals', in that a number of detailed reports are required to be submitted to Council prior to seeking Gateway Determination from DoPE.

The proposed changes to the Policy do not preclude reports from being prepared at this stage, rather it will bring the Policy into alignment with the DPE guide which recognises that each Planning Proposal is unique and that it is difficult to prescribe a set list of required information to support a planning proposal in each and every case. Proponents will be encouraged to seek a pre-lodgement meeting with Council staff to ascertain what may be required prior to submitting a draft Planning Proposal to Council for assessment.



PLANNING PROPOSAL POLICY



www.kiama.nsw.gov.au

Item 9.3

Attachment 1

It is to be noted that with the endorsement of the Urban Strategy and the gazettal of LEP 2011, Council has set its planning and development directions.

Speculative requests for planning proposals that fall outside of nominated areas in the Council's Strategic Planning documents including the Kiama Urban Strategy will not generally be supported.

Steps in the Process for Planning Proposals where Council is the Consent Authority

1. Applicants meet with Council staff to discuss the concept of a planning proposal

If the proposal meets any of the following criteria:

- Land is identified as a nominated area in the Urban Strategy.
- Land can be identified as assisting to meet Council's strategic direction.
- A clear zoning anomaly exists on site.

Council staff may agree in principle that a concept planning proposal be prepared.

2. Concept planning proposal presented to Council

The concept for a planning proposal is initially considered by Council. In order for Councillors and staff to be able to ascertain appropriateness of any concept planning proposal they need to be able to determine if the concept and the subject site:

- Are appropriate for the proposed development.
- Constraints on site have been identified, and any proposed development on site will need to have consideration of these constraints. This would include assessing infrastructure servicing availability and any amplification needs identification of any environmental and physical constraints such as flood affectation, land stability, natural hazards, contamination, natural environment, Aboriginal and European cultural heritage and scenic landscape considerations.

It is recommended that you contact relevant service providers prior to preparing a Planning Proposal (eg Sydney Water, Endeavour Energy). Consideration of the proposed impacts on traffic & transportation, town services and social infrastructure.

- The capacity of the site is identified and optimised including establishing lot yield potential and density, identifying a priority for release where staging is proposed.

The concept planning proposal will need to be prepared in accordance with relevant sections (including sections 54 and 55) of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Infrastructure Guidelines including "A guide to preparing planning proposals".

The planning proposal must include the following information:

Part 1 - A statement of objectives and intended outcomes of the proposal,

Part 2 - An explanation of the provisions that are to be included in the proposal,

Part 3 - Justification of the objectives, outcomes and provisions including the process of how these are to be implemented. Including consideration of:

Section A - Need for the planning proposal

Section B - Relationship to strategic planning networks

Section C - Environmental, social and economic impact

Section D - State and Commonwealth Interests

An Information Checklist is available in Attachment 1 of "Guide to Planning Proposals"

Part 4 - Community Consultation – includes the details of the community consultation that will be undertaken. This work will be undertaken by Council if supported.

Where technical studies were carried out as a part of the planning proposal, consideration of their findings will need to be described under relevant headings in this section. Technical studies submitted with the planning proposal will be made available during consultation with the community and public authorities.

The proposal will also need maps prepared in accordance with the Department of Planning and Environment's "Standard Technical Requirements for Spatial Datasets and Maps, 2015", containing details such as, (but not limited to), proposed land use zones, constraints including environmental constraints, flood affected areas etc.

The concept planning proposal will need to be considered by Council. Council staff will prepare a report on the concept proposal including an overview of findings of the reports including where required, peer review of any consultants reports lodged.

At the completion of review of the concept planning proposal, Council has the following options available:

- Council may resolve to support the concept planning proposal. In this instance Council will forward the Planning Proposal to the Department of Planning and Environment for a "Gateway Determination".
- Council may seek amendments or changes to the concept planning proposal.
- Council may resolve not to support the concept planning proposal.

It should be noted that even if Council resolves to prepare or support a planning proposal - this does not guarantee that the subsequent proposal or rezoning will proceed.

3. Gateway Determination

If supported the planning proposal proceeds to 'Gateway' to receive a Gateway Determination. This process is undertaken by the Minister (or delegate) and will determine whether the planning proposal proceeds.

The gateway process reviews the proposal and may indicate further detailed studies be undertaken. The community consultation process which can involve both the community and public authorities is determined at this time. The Minister or their delegate can vary the planning proposal at this time.

4. Consultation

The proposal is returned to Council and is publicly exhibited for the time period set at gateway. Consultation with public authorities is also undertaken at this time. Individuals making a submission may also request a public hearing.

5. Assessment

Council reviews submissions made during the consultation period. The planning proposal may be varied at this point.

The finalised planning proposal is again considered by Council. Council may at this point:

- Resolve to support the proposal. In this instance planning proposal is forwarded to the Department of Planning and Infrastructure for the Department to prepare the legal instrument.
- Council may seek amendments or changes to the proposal.
- Council may resolve not to support the concept planning proposal.

6. Decision

The planning proposal is forwarded to the Department of Planning and Environment to be drafted into the legal instrument. With the Minister's (or delegate's) approval the plan becomes law and is published on the NSW legislation website.

Notes

1. There are costs associated with the Council's consideration of planning proposals. An overview of associated costs can be found in Council's fees and charges schedule.
2. Council has the ability to recoup costs associated with preparing planning proposals. Section 54(3) of the Environmental Planning and Assessment Act provides that where an owner of land asks a relevant planning authority to exercise its powers under Division 4 (and prepare a planning proposal), the relevant planning authority may recover the costs of preparing the planning proposal from the landowner. The regulations allow relevant planning authorities to enter into an agreement with such persons for payment of the costs and expenses incurred by the authority in undertaking studies and other matters required in relation to the planning proposal.
3. Council may also recoup, from the applicant costs associated with a peer review of any consultant report provided during the concept planning proposal stage.

"Clause 54 (3) A relevant planning authority that is requested by the owner of any land to exercise its functions under this Division in relation to the land may, as a condition of doing so, require the owner to carry out studies or provide other information concerning the proposal or to pay the costs of the authority in accordance with the regulations."

Fees

Please refer to Council's fees and charges for the processing of a planning proposal.

9.4 Merger of the Estuary Management and Floodplain Management committees

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

At its meeting on 28 September 2016, Council requested a report regarding the amalgamation of the Estuary Management and Floodplain Management Committees. Office of Environment and Heritage advice on the merger of the committees indicates that the merger is possible and has been adopted by other Councils, and that Council has the responsibility and authority to decide on the appropriate approach to ensure the committee is effective for its area.

Finance

N/A

Policy

Council has adopted the Minnamurra River and Crooked River Coastal Zone Management Plans, as well as completed floodplain studies for Spring Creek and Surf Beach catchments and recently accepted funding to undertake an Ooaree Creek and Werri Lagoon flood study.

Attachments

1 Draft TOR

Enclosures

Nil

RECOMMENDATION

That Council:

1. Dissolve the Minnamurra River and Crooked River Estuary Management Plan review committees
2. Dissolve the Floodplain Management Committee
3. Resolve to establish an Estuary and Floodplain Management Committee
4. Consider and amend where necessary the Draft Terms of Reference and resolve to seek expressions of interest for membership of the committee

BACKGROUND

The Minnamurra River and Crooked River Estuary Management Plan review committees were formed with the specific role of undertaking a review of the existing estuary management plans, and to produce Coastal Zone Management Plans for

Report of the Director Environmental Services

9.4 Merger of the Estuary Management and Floodplain Management committees (cont)

both rivers. Both CZMPs have been developed and adopted by Council however the role of the committees in overseeing the implementation of management actions and providing guidance and advice to Council on priority areas for action has not been established in an updated committee role.

Similarly the floodplain management committee has met as required to oversee the development of the flood studies for specific catchments with the Kiama LGA. Two such flood studies have been adopted by Council and there have been no ongoing implementation actions associated with these flood studies. Further studies are to be undertaken in other catchments. Where applicable floodplain risk management plans may need to be developed.

There are efficiencies to be gained from merging the estuary and flood committees, primarily with Council staff membership on one, not three committees. However careful consideration of committee membership and clear terms of reference will be required to ensure objectives for both areas are met.

The major difference between an estuary management and flood plain management committee is that there are actions identified within the Minnamurra River and Crooked River CZMPs for implementation, both on public and private lands, whereas to date the flood studies prepared for Council have not had any management actions/programs associated with the studies.

The estuary management CZMPs are also aimed at addressing and maintaining estuary health and community access. Flood studies and associated risk management plans if developed, are aimed at mitigating the effects of flooding on urban areas of the LGA and providing information to feed into future planning issues and their solutions.

The other consideration is for interagency collaboration, and having one committee provides efficiencies for agency staff to attend on a needs basis and negates the issue of having to provide resources to attend 3 committees rather than 1.



Draft Terms of Reference

Name of committee	Estuary and Floodplain Management Committee:
Status	Council committee <input type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee (specify the end date) <input type="checkbox"/>
Purpose	Role of the Committee: 1. Advise Council on estuary management and floodplain management matters 2. Provide advice to Council on implementation of management actions in Council's adopted Coastal Zone Management Plans (CZMPs) 3. Facilitate broader community consultation of the objectives of the CZMPs and Floodplain Management Studies 4. Make recommendations to Council for consideration based on objectives and identified actions within the adopted CZMPs 5. Establish flood prone lands within the Municipality through the preparation and assessment of flood studies 6. Make recommendations regarding actions to strategically manage flood risks through the development of Floodplain Risk Management Plans where required
Objectives	To provide input and advice to Council to assist in the management of the Kiama LGA's estuaries and floodplains in line with statutory requirements and relevant Government programs and policies.
Committee Meetings	Meetings are to be held on a quarterly basis
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership	<ul style="list-style-type: none"> • Minimum of one nominated Councillor (plus Councillor delegate) • Up to 8 non Councillor representatives • Representatives per statutory requirements (if required) • Minimum of one representative from the following Council departments: <ul style="list-style-type: none"> ○ Engineering and Works ○ Environmental Services

	<ul style="list-style-type: none"> • Other Council officers as required. • State Government Agency Representatives as required from: <ul style="list-style-type: none"> ○ NSW Office of Environment and Heritage ○ NSW Department of Primary Industries ○ NSW South East Local Land Services ○ NSW Department of Industry – Crown Lands ○ NSW Roads and Maritime Services ○ NSW State Emergency Services ○ NSW Department of Planning
Meeting Quorum	<p>A Quorum will be deemed to have been met under the following criteria:</p> <ul style="list-style-type: none"> i. Minimum of 50% plus 1 ii. Or per statutory requirements (if required).
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.
Selection of members	<p>When positions become vacant the selection of new committee 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 Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented vi. committee members are able to demonstrate that they are "connected and representative" of the community
Responsibility	<p>Committee members will:</p> <ul style="list-style-type: none"> i. act in an advisory role to Council staff

	<ul style="list-style-type: none"> ii. provide strategic guidance on implementation of estuary and flood plain management programs and initiatives iii. provide important links to the communities they represent in promoting and delivering information relating to the estuary and flood plain management program 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
Term of membership	<p>Non Councillor membership of the Estuary and Floodplain Management Committee will be for</p> <ul style="list-style-type: none"> a) the length of a Council term <p>NB a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the committee ii. competes 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 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 committee 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>
Process for termination	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

9.5 Companion Animals Management Advisory Committee - Draft Terms of Reference

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

CSP Strategy: 2.8 Provide supportive environments that encourage a healthy and sustainable lifestyle

Delivery Program: 2.8.1 Develop, implement and promote infrastructure, policies and programs that support a healthy and sustainable lifestyle

Summary

This report considers the Terms of Reference and membership of the Companion Animals Committee.

Finance

N/A

Policy

Requires Council's resolution.

Attachments

1 Draft Terms of Reference

Enclosures

Nil

RECOMMENDATION

That Council

1. Endorse the attached Terms of Reference for the Companion Animals Management Committee
2. Seek expressions of interest for membership to the Committee in accordance with the Terms of Reference.

BACKGROUND

Further to Council's consideration of Terms of Reference and membership to Council's Committees, a draft Terms of Reference is attached for the Companion Animals Management Advisory Committee



Draft Terms of Reference

Name of committee	Companion Animals Management Advisory Committee:
Status	Council committee <input type="checkbox"/> Statutory committee <input checked="" type="checkbox"/> Sunset committee (specify the end date ..2016.....) <input type="checkbox"/>
Purpose	To ensure a co-ordinated and pro-active advisory body to Council on matters relevant to the provisions of services and facilities for the recreation and welfare of companion animals in Kiama Municipality
Objectives	To act as community representatives To provide information and recommendations to council To facilitate effective community awareness and responsible companion animal ownership To raise the profile of council's management of companion animals
Committee Meetings	Meetings are to be held on a needs basis.
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership	<ul style="list-style-type: none"> • Minimum of one nominated Councillor (plus Councillor delegate) • Up to 5 non Councillor representatives • Representatives per statutory requirements (if required) • Minimum of one representative from the following Council departments: Environmental and Health Services • Other Council officers as required.
Meeting Quorum	A Quorum will be deemed to have been met under the following criteria: <ol style="list-style-type: none"> i. Minimum of 50% plus 1 ii. Or per statutory requirements (if required).
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting.

	<ul style="list-style-type: none"> • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.
Selection of members	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ol 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> <ol style="list-style-type: none"> i. the persons relevant experience & expertise ii. whether the person is a resident of the Kiama Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented vi. committee members are able to demonstrate that they are "connected and representative" of the community
Responsibility	<p>Committee members will:</p> <ol style="list-style-type: none"> i. act in an advisory role to Council staff ii. provide strategic guidance on implementation of companion animal programs and initiatives iii. provide important links to the communities they represent in promoting and delivering the benefits of pet ownership 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
Term of membership	<p>Non Councillor membership of the Companion Animals Management Advisory Committee will be for:</p> <ol style="list-style-type: none"> a) the length of a Council term b) the length of the sunset committee c) a two year term <p>NB a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ol style="list-style-type: none"> i. completes their designated term and retires from the committee ii. competes 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 unless granted special leave of absence by the Chairperson

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

10 REPORT OF THE GENERAL MANAGER

10.1 Kiama Council Code of Meeting Practice

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

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

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

Summary

This report presents a draft Code of Meeting Practice for endorsement by Council and placed on public exhibition for comment.

Finance

Not applicable

Policy

Not applicable

Attachments

1 Draft Code of Meeting Practice

Enclosures

Nil

RECOMMENDATION

That Council endorse the attached draft Code of Meeting Practice and place the draft Code on public exhibition for comment.

BACKGROUND

Council's Code of Meeting of Practice has been reviewed and a new draft Code of Meeting Practice which consolidates a number of Council's existing policies and provides a more comprehensive document has been prepared.

The new Code is made under the Local Government Act 1993 in accordance with the Local Government (General) Regulation 2005 and Meeting Practice Note 16 and subsequent amendments.

The object of the Code is to provide for the convening and conduct of meetings of Kiama Municipal Council and for committees of Council. The provisions of the Code are substantially based on the provisions of the Local Government Act, the Local Government (General) Regulation and Council policy decisions. The revised Code

Report of the General Manager

10.1 Kiama Council Code of Meeting Practice (cont)

is also more comprehensive and presents Council's policies in relation to Council meetings in one document.

If adopted the Council and all committees of Council of which all members are Councillors, must conduct their meetings in accordance with the Code in accordance with Section 360 of the Local Government Act. The draft Code of Meeting Practice is submitted for Council's endorsement. Subject to Council endorsement, the draft code will be placed on public exhibition for comment.

Item 10.1



(Draft)

Code of Meeting Practice

October 2016

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Introduction

This Code is made under the Local Government Act 1993 and in accordance with the Local Government (General) Regulation 2005 and Meeting Practice Note 16 and subsequent amendments.

The object of this Code is to provide for the convening and conduct of meetings of Kiama Municipal Council and of committees of Council. The provisions of this Code are substantially based on the provisions of the Local Government Act, the Local Government (General) Regulation and Council policy decisions.

Council and all committees of Council of which all members are Councillors must conduct their meetings in accordance with this Code (Section 360).

In adopting this Code of Meeting Practice, Kiama Municipal Council commits itself to the following principles:

- 1) Meetings should be orderly, efficient and earn the respect of the Municipality's ratepayers, residents and visitors;
- 2) Councillors and staff have an obligation to conduct themselves at meetings to accepted standards of behaviour and make positive contributions to the issues being considered. Importantly, Councillors and staff should not reflect adversely on their peers or each other publicly;
- 3) Meetings should be held in an environment which facilitates respect shown for the views of others and regard for due process of law, reasonableness and fairness; and
- 4) Council meetings should comply with the basic organisation principle of Councillors not involving themselves in the day-to-day administration of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

Part 1 – Preliminary

1. Citation

This Code may be cited as the "Code of Meeting Practice."

2. Commencement

A number of meeting policies have been adopted/confirmed annually since 1993. This Code of Meeting Practice consolidates these policies into a single compliant code.

3. Definitions

In this Code -

Amendment, in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson:

- a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the Act (see Clause 19-21 of this Code); and
- b) in relation to a meeting of a committee of Council - means the person presiding at the meeting as provided by Clause 267 of the Local Government (General) Regulation 2005 (see Clause 57 of this Code).

Committee, in relation to Council, means a committee appointed or elected by Council in accordance with Clause 260 of the Local Government (General) Regulation 2005 (see Clause 50 of this Code), or Council when it has resolved itself into Committee of the Whole.

Councillor, is a person elected or appointed to civic office as a member of the governing body of Council and includes the Mayor.

General Manager, is the General Manager of Council.

Planning decision, means a decision made in the exercise of a function of Council under the Environmental Planning and Assessment Act 1979.

Record, means a document (including any written or printed material) or object (including a sound recording, video recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the Minutes of meetings of Council or of a committee of Council.

the Act, means the Local Government Act 1993.

the Regulation, means the Local Government (General) Regulation 2005.

Part 2 – Convening of Council meetings

4. Ordinary meetings of Council

- 1) Council is required to meet at least ten times each year, each time in a different month.
- 2) The ordinary meetings of the Council shall be held on the 3rd Tuesday of each month (February to December) at 5pm in the Council Chamber, Administration Centre, 11 Manning Street, Kiama and in accordance with Council's adopted meeting schedule.
- 3) Council may from time to time resolve to hold ordinary meetings of Council at other locations within the Municipality.

5. Convening a meeting

A meeting cannot be held unless due notice in writing has been given to all members and a quorum is present (see Clauses 8 and 14 of this Code).

6. Calling of extraordinary meetings upon request by Councillors

- 1) If the Mayor receives a request in writing signed by at least two Councillors (one of which may be the Mayor), the Mayor must call an extraordinary meeting of council to be held as soon as practicable, but in any event within 14 days after receipt of the request.
- 2) The purpose of the meeting must be stated in the Notice of the meeting.

7. Public notice of meetings

- 1) Council shall give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors. Meeting details are displayed bi-weekly in the Council Column in the local press prior to the meeting.
- 2) Council and each such committee must have available for the public at Council's offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business paper (such as correspondence and reports) for the meeting.
- 3) In the case of a meeting whose agenda includes the receipt of information or discussion of matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item); and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for those items of business.
- 4) The copies of the business paper are to be available to the public as nearly as possible to the time they are available to Councillors.
- 5) The copies are to be available free of charge.

- 6) A notice given under this section or a copy of an agenda or of a business paper made available under this section may, in addition, be given or made available in electronic form.

8. Notice of meetings

- 1) Notice of all ordinary and extraordinary meetings of the Council shall be given in writing and placed in Councillors' cubicles or by hand to each Councillor not less than three days prior to the meeting.
- 2) Notice of less than three days may be given of an extraordinary meeting called in an emergency.
- 3) A notice under this section, and the agenda for, and the business papers relating to the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice and the agenda and business paper in that form.
- 4) Proceedings at a meeting of Council or a committee are not invalidated because of a failure to give notice of the meeting to any Councillor or committee member.

DRAFT

Part 3 – Business papers for meetings

9. Business papers for Council meetings

- 1) The General Manager must ensure that the agenda for a meeting of Council states:
 - a) all matters to be dealt with arising out of the proceedings of former meetings of Council; and
 - b) if the Mayor is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the agenda is prepared to put to the meeting and before the meeting without notice; and
 - c) any business of which due notice has been given, subject to sub-clause 2 of clause 10 of this Code.
- 2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- 3) The General Manager must cause the agenda for a meeting of Council or a committee to be prepared as soon as practicable before the meeting.
- 4) The General Manager must ensure that the details of any item of business to which Section 9(2A) of the Act applies are included in a business paper for the meeting concerned.
- 5) Copies of agendas and business papers for Council and committee meetings (not being confidential business papers) will be available at Council's offices and at each meeting, for inspection or taking away by any persons free of charge. A copy is also available at the Kiama Library, Minnamurra Shop, Gerroa Post Office and North Kiama Drive Neighbourhood Centre. Copies of business papers will also be available for viewing and downloading from Council's website (www.kiama.nsw.gov.au). The copies are to be available to the public as nearly as possible to the time they are available to Councillors.

Ordinary Council business papers are to be provided to Councillors at least six days before the meeting.

10. Business papers for extraordinary meetings

- 1) The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with matters stated in the notice of the meeting.
- 2) Despite sub-clause (1), business may be transacted at an extraordinary meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
 - a) a motion is passed to have the business transacted at the meeting; and

- b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- 3) Despite clause 250 of the Regulation, only the mover of a motion referred to in sub- clause (2) can speak to the motion before it is put.
- 4) Extraordinary Council meeting business papers are to be provided to Councillors at least three days before the meeting.

11. Items for agenda closing times

Notices of motion for Council meetings

All notices of motion and all items intended for inclusion in the agenda for consideration at any meeting of the Council shall be delivered, or sent by post or email, so as to reach the General Manager or the Public Officer of the Council in accordance with the following schedule:

Ordinary meetings of the Council

Not later than 12 noon on Monday in the week preceding the meeting (ie one week and one day prior to the meeting).

[Note: Minimum notice requirements are set out in Clause 8 of this Code]

Late items

As circumstances necessitate, reports not listed for consideration on the business paper may be tabled at an ordinary meeting. The General Manager is authorised to submit late agenda items.

Late reports should only be brought forward in the case of necessity and are to be forwarded to Councillors via email no later than midday on the day prior to the meeting at which the item is to be considered.

For matters not listed on the agenda of meetings and where less than three days' notice has been provided in accordance with clause 8 of this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.

Requested items

That Councillors requesting that an item, which is to be dealt with under delegated authority (including development applications that are subject to reviewable conditions), be brought to Council for determination, do so;

- a) in writing, signed by at least two Councillors, to the General Manager; or
- b) by emailing the Director Environmental Services of the Council without the necessity for a signature. It being noted that for an item to be validly requested and brought before Council, the Public Officer will need to receive two individual emails from at least two Councillors,

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items, which are to be dealt with under delegation, and which have not been the subject of a request to be brought before Council by at least two Councillors, and for which the General Manager considers that compelling exception circumstances exist, he may bring such matters before Council.

12. Lodgement of notice of motion (see clause 11 for timeframes)

Form giving notice of motion

That every notice of motion relating to any new subject, or matter not already before the Council shall distinctly state the precise object proposed, be duly signed by the member of the Council giving the notice and be submitted to the General Manager in accordance with clause 11 of this Code.

Order of notices of motion

That all notices of motion shall be dated and numbered as received and shall be entered by the General Manager on the business paper in the order in which they are received and, except upon resolution of the Council, all such notices of motion shall be taken and considered in the order in which they appear on the business paper.

Notice of rescission motion

That where relevant, every notice of motion to rescind, duly given in accordance with the provisions of the Local Government Act or Regulations and submitted to the General Manager in accordance with this Code and not already dealt with by the Council, shall include, as a separate item, notice of any motion proposed to be brought forward subsequent upon the motion or motion to rescind being carried by the Council (see also clause 43 of this Code).

Part 4 – Attendance at Council meetings

13. What is the quorum for a meeting?

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

(Kiama Municipal Council has nine Councillors. A quorum is five Councillors.)

14. What happens when a quorum is not present?

- 1) A meeting of Council must be adjourned if a quorum (see definition at Clause 13 of this Code) is not present:
 - a) within half an hour after the time designated for the holding of the meeting; or
 - b) at any time during the meeting.
- 2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - a) by the Chairperson; or
 - b) in his or her absence - by the majority of the Councillors present; or
 - c) failing that, by the General Manager.
- 3) The General Manager must record in Council's Minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

15. Presence at Council meetings

A Councillor cannot participate in a meeting of Council unless personally present at the meeting.

In the event that a Councillor is physically within the Council Chamber, the Councillor is taken to be present at the meeting.

Any Councillor who is present in the Council Chamber during a meeting of Council or a Council committee is taken to be acting in the capacity of a Councillor and this overrides any rights the Councillor may have as a resident. As such, a Councillor cannot address Council or a Council committee as a member of the public on any matter whatsoever.

Protocol requires Councillors present at the meeting to be seated at the Council meeting table while the meeting is in progress.

16. Departure from Council meetings

- 1) Councillors are required, on proposing to retire from a meeting of the Council for the remainder of that meeting, to give prior notice of the intended departure to the Chairperson.

- 2) Prior to leaving their seat at a meeting of the Council, Councillors are required to seek permission of the Chairperson.

17. Who is entitled to attend meetings?

- 1) Except as provided by this part:
 - a) everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors; and
 - b) Council must ensure that all meetings of the Council and of such committees are open to the public.
- 2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting:
 - a) by a resolution of the meeting, or
 - b) by the person presiding at the meeting of the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- 3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the Regulations.

17a. Which parts of a meeting can be closed to the public?

- 1) A Council, or a committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
 - a) the discussion of any of the matters listed in sub-clause (2) below, or
 - b) the receipt or discussion of any of the information so listed.
- 2) The matters and information are the following:
 - a) personnel matters concerning particular individuals (other than Councillors),
 - b) the personal hardship of any resident or ratepayer,
 - c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - d) commercial information of a confidential nature that would, if disclosed:
 - i. prejudice the commercial position of the person who supplied it, or
 - ii. confer a commercial advantage on a competitor of the Council, or
 - iii. reveal a trade secret,
 - e) information that would, if disclosed, prejudice the maintenance of law,
 - f) matters affecting the security of the Council, Councillors, Council staff or Council property,

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - i) alleged contraventions of council's Code of Conduct.
- 3) A Council, or a committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
 - 4) Members of the public may be allowed to make representations to or at a Council or committee meeting for a period of up to three minutes, immediately after the motion to close the part of the meeting is moved and seconded, as to whether that part of the meeting should be closed at the discretion of the Council.

17b. Further limitations relating to closure of parts of meeting to public

- 1) A meeting is not to remain closed during the discussion of anything referred to in section 10A(2) of the Act:
 - a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) of the Act unless the advice concerns legal matters that:
 - a) are substantial issues relating to a matter in which the Council or committee is involved, and
 - b) are clearly identified in the advice, and
 - c) are fully discussed in that advice.
- 3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2) of the Act).
- 4) For the purposes of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a) a person may misinterpret or misunderstand the discussion, or
 - b) the discussion of the matter may:

- i. cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - ii. cause a loss of confidence in the Council or committee.
- 5) In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must have regard to any relevant guidelines issued by the Chief Executive Officer of the Office of Local Government and the Department of Premier and Cabinet.

17c. Notice of likelihood of closure not required in urgent cases

Part of a meeting of a Council, or of a committee of the Council of which all the members are Councillors, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- 1) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A(2) of the Act; and
- 2) the Council or committee, after considering any representations made under section 10A(4) of the Act, resolves that further discussion of the matter:
 - a) should not be deferred (because of the urgency of the matter), and
 - b) should take place in a part of the meeting that is closed to the public.

17d. Grounds for closing part of meeting to be specified

- 1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the Minutes of the meeting.
- 2) The grounds must specify the following:
 - a) the relevant provision of Section 10A(2) of the Act,
 - b) the matter that is to be discussed during the closed part of the meeting,
 - c) the reason/s why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17e. Disclosure of information at closed meetings

If a meeting or part of a meeting of Council is closed to the public in accordance with section 10A(1) of the Act, a person must not without the authority of Council, disclose otherwise than to Council or to a Councillor information with respect to the discussion at or the business of the meeting.

17f. Resolutions passed at closed meetings to be made public

If a Council passes a resolution during a meeting, or part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

18. Attendance of the General Manager at meetings

- 1) The General Manager is entitled to attend, but not to vote at, any meeting of Council or any meeting of a committee of Council of which all the members are Councillors.
- 2) The General Manager is entitled to attend a meeting of any other committee of Council and may, if a member of the committee, exercise a vote.
- 3) However, the General Manager may be excluded from a meeting of Council or a committee while Council or a committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

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Part 5 – Procedure for the conduct of Council meetings

19. Who presides at meetings of Council?

- 1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any), presides at meetings of Council.
- 2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at the meeting of Council.
- 3) If no Chairperson is present at the meeting of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.
- 4) The election must be conducted:
 - a) by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election; or
 - b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.

20. Chairperson to have precedence

When the Chairperson rises or speaks during a meeting of Council:

- 1) Any Councillor then speaking or seeking to speak must immediately resume his or her seat and be silent to enable the Chairperson to be heard without interruption; and
- 2) Every Councillor present must be silent to enable the Chairperson to be heard without interruption.
- 3) Any Councillor wishing to move or amend a motion or speak to a motion or address the meeting of the Council in any way shall stand and direct all matters to the Chairperson.
- 4) Any contravention of this sub-clause shall constitute an act of disorder.

Clause 3) above does not apply to Committee of the Whole where Councillors can remain seated.

21. Chairperson's duty with respect to motions

- 1) It is the duty of the Chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful as well as any motion that contravenes any existing Council resolution made within the 3 month period that would require a rescission motion to be submitted (see Clause 43 of this Code).

- 3) Subject to Clause 35 of this Code, any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

22. Order of business

- 1) Ordinary Council meetings shall proceed according to the following order of business:
 - 1 Apologies
 - 2 Acknowledgement of Traditional Custodians
 - 3 Confirmation Of Minutes Of Previous meeting
 - 4 Business Arising From The Minutes
 - 5 Public Access Summary
 - 6 Mayoral Minute
 - 7 Minutes of Committees
 - 8 Public Access Reports
 - 9 Report of the Director Environmental Services
 - 10 Report of the General Manager
 - 11 Report of the Director Corporate and Commercial Services
 - 12 Report of the Manager Corporate Services
 - 13 Report of the Director Engineering and Works
 - 14 Report of the Director Community Services
 - 15 Reports for Information
 - 16 Addendum To Reports
 - 17 Notice of Motion
 - 18 Questions Without Notice
 - 19 Confidential Summary
 - 20 Confidential Reports
 - 21 Closure
- 2) Business at Council and Council committee meetings will be transacted in the order in which it appears on the Agenda of the Business Paper for the meeting.
- 3) The order of business fixed under Sub- Clause (1) may, however, be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- 4) As provided by Clause 239(3) of the Local Government (General) Regulation only the Mover of a Motion to alter the Order of Business may speak to the Motion before it is put.

23. Giving notice of business

- 1) Council must not transact business at a meeting of the Council unless:

- a) notice of the business has been sent to the Councillors in accordance with Clause 8 of this Code.
 - b) a Councillor has given notice of the business in accordance with Clauses 11 and 12 of this Code.
- 2) Sub-Clause (1) above does not apply to the consideration of business at a meeting if the business:
- a) is already before, or directly relates to a matter that is already before, the Council; or
 - b) is the election of a Chairperson to preside at the meeting as provided for by Clause 236(1) of the Regulation; or
 - c) is a matter or topic put to the meeting by the Chairperson in accordance with Clause 243 of the Regulation; or
 - d) is a motion for the adoption of recommendations of a committee of the Council.
- 3) Despite Sub-Clause (1) above, business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors, only if:
- a) a motion (which may be moved without notice) is passed to have the business transacted at the meeting; and
 - b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
 - c) in respect to Rescission Motions, the following procedure may be invoked when appropriate:
 - d) the Mayor, the Deputy Mayor or Councillor presiding at the meeting may, on the motion of another Councillor to consider the Rescission Motion(s) as a matter of great urgency, rule that the matter is of great urgency and if the motion is passed, the Rescission Motion(s) will be transacted at that meeting.
- 4) Despite Clause 37 of this Code, only the mover of a motion referred to in Sub-Clause (3) above can speak to the motion before it is put.

24. Council meeting prayer and acknowledgement of local indigenous people

That an acknowledgement of local indigenous people be offered at the commencement of each ordinary and extraordinary meeting of the Council as follows:

"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."

25. Addressing of Council by members of the public

Kiama Council provides for public access to Councillors before Council meetings.

Council is committed to providing access to it by the public, but must maintain the rules and conventions set down in the Local Government Act (1993) and Regulations. Accordingly, the following information is provided:

- 1) The Mayor (or Chairperson of the meeting) has control of the meeting and of public access. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this code for public access to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- 2) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation, or if the matter is outside the guidelines, or if the matter contravenes the Act or Regulations. Accusations or allegations of wrongdoing against members or staff will not be allowed in the public access section. These matters are to be addressed formally in writing to the Mayor, to the General Manager, or to the other appropriate bodies.
- 3) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the public access section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- 4) In relation to a specific development application any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council in public access when that development application is reported in accordance with Council's policy (see guidelines below). Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall not be eligible for public access.

Guidelines

- 1) A period of up to 90 minutes is normally allocated for public access the night prior to the Council's ordinary meetings. Applicants who are accepted for public access will be notified of such acceptance prior to the public access meeting.
- 2) The public access section in regard to ordinary meetings will occur the evening prior to the ordinary meeting. The public access period is to be from 5pm to 6.30pm (or as close thereto as possible). Where the evening prior to the ordinary meeting is a public holiday public access will be held at the beginning of the Council meeting commencing at 5pm.
- 3) Individuals or groups are required to register to appear before Council at that time, such registration to be made between 9.30am on the Friday preceding the meeting (or three days before in the case of an extraordinary meeting) and 3pm on the day prior to the day of the Council meeting. Where the evening prior to the ordinary meeting is a public holiday public access registration will close at 11am on the day of the Council meeting. Further, individuals or groups are to be limited to a maximum of five minutes in these presentations. A maximum of ten people will be granted public access to a Council meeting. A limit of one person supporting and one person opposing an item will be allowed. Note that in regard to the five minute allocated time slot, it is permissible for the slot to be divided by two parties if so mutually agreed. Registration can be made by telephoning (02) 4232 0402.

- 4) Presentations are to be made verbally, and it is a condition of Public Access that when dealing with development applications, no new information is to be introduced during such access. Written material is not to be circulated at the meeting. Written information will be circulated to all Councillors if it is made available to Council staff before 4pm on the day of the public access meeting or when the public access is to be part of the ordinary meeting (see (3) above) before 11am on the day of the meeting.
- 5) Councillors may ask questions of deputations or individuals during this period, but any formal action will not be taken until due consideration has been given to the issue.
- 6) Any matters for discussion must pertain to business placed before Council at the meeting to be held the following day or on the same night (when the previous day is a public holiday). Any matters for discussion exclude business relating to the Minutes of the previous Council meeting and reports relating to nominations for Council committees.

26. Tabled documents/ petitions

- 1) Documents (other than petitions) are not to be tabled during a meeting, either by a Councillor or a member of the public, in relation to a matter before that meeting, except in exceptional circumstances and then only with the leave of the Chairperson whose decision will be final.
- 2) In the event that a Councillor wishes to table a document not covered by (1) above, the document/petition must be given to the General Manager at least two hours prior to the commencement of the meeting.
- 3) Subject to sub-clause (b) above, petitions may be tabled at Council meetings. There is to be no discussion or debate in relation to any petition tabled by a Councillor at a Council meeting. A report on the action taken in relation to any petition tabled at a Council meeting will either be included in the Business Paper of a subsequent Council/committee meeting.
- 4) Any other documents that a Councillor or a member of the public wishes to submit to Council should be forwarded to the General Manager in the normal manner.

27. Report of an Office of Local Government representative to be tabled at a Council meeting

When a report of an Office of Local Government representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- a) is laid on the table at that meeting, and
- b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

28. Method of adoption of reports

That, in dealing with and considering the reports and recommendations of committees of the Council which do not have delegated authority, the following procedures shall apply:

- 1) Each report of a committee shall be dealt with separately.

- 2) The Mayor shall then call for a member of that committee as mover and for a member as seconder, to a resolution in the following terms:

"That the report and recommendations of the committee from its meeting held on [date], except items [items] etc be and are hereby adopted."
- 3) The excluded items shall then be taken and dealt with separately. The Mayor shall call for the Chairperson of the committee or another member as mover and for a member as seconder, of a motion in terms of the committee's recommendation or some alternative motion.
- 4) The Councillor/s having nominated a challenge to the item is/are then called on by the Mayor.

Debate on the motion then ensues, including meeting procedure, for opposition to or amendments of the motion, or proposal of a procedural motion.
- 5) The Minutes of the Council meeting shall record in full the content of all motions, amendments, etc. arising from any challenged item.

29. Disclosure of interests

Pecuniary and non-pecuniary interests

- 1) A Councillor who has a pecuniary or non-pecuniary interest in any matter with which Council is concerned and who is present at a meeting of Council at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable. Disclosures are to be made verbally at Council and committee meetings.
- 2) If any Councillor declares a pecuniary interest in any matter, the Councillor must not be present at, or in sight of, the meeting of the Council:
 - a) at any time during which the matter is being considered or discussed by the Council; or
 - b) at any time during which the Council is voting on any question in relation to the matter.

Disclosures to be recorded

A disclosure made at a meeting of Council and the reasons for the disclosure must be recorded in the Minutes of the meeting.

[Note: Further details in relation to the disclosure and management of Pecuniary & Non-pecuniary interests are contained in Appendix A to this Code.]

30. Mayoral Minutes

- 1) If the Mayor is the chairperson at a meeting of a Council (or a Council committee, where the committee consists entirely of Councillors), the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

- 2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- 3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
- 4) In the absence of the Mayor and when acting in the role of the Mayor, the Deputy Mayor is entitled to submit Mayoral Minutes in accordance with this clause.

31. Absence of mover - notice of motion

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of Council:

- a) any other Councillor may move the motion at the meeting; or
- b) the Chairperson may defer the motion until the next meeting of Council at which the motion can be considered.

32. Motions to be seconded

A motion or an amendment cannot be debated unless or until it has been seconded and the names of those moving and seconding the motion clearly indicated to the meeting. This clause is subject to clauses 30 and 37 of this Code.

33. How subsequent amendments may be moved

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one amendment can be before Council at any one time.

34. Procedural Motions

- 1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson. A procedural motion, having been moved and seconded, shall take precedence over the question before the Chair which shall be suspended pending decision on the procedural motion.
- 2) Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 3) Unless otherwise provided, a procedural motion cannot be amended.
- 4) Where the procedural motion is lost, the suspended business shall then proceed.

[Note: A procedural motion is not an amendment to the question before the Chair.]

As its description implies, it is directed towards the way or manner in which the Council will deal with the matter before it, and does not contain or imply a decision on the matter).

35. Motions of dissent

- 1) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend business before the meeting until a decision is made on the motion of dissent. A point of order must relate to a breach of order or an irregularity in proceedings.
- 2) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 3) Despite clause 34 of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

36. Questions may be put to Councillors and Council employees

- 1) A Councillor:
 - a) may, through the Chairperson, put a question to another Councillor; and
 - b) may, through the General Manager, put a question to a Council employee.
- 2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3) The Councillor must put every such question directly, succinctly and without argument.
- 4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this Clause.

37. Limitation as to number of speeches

- 1) A Councillor who, during a debate at a meeting of Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 3) A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment and for longer than five minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 4) Despite sub-clauses (1) and (2), a Councillor may move that a motion or amendment be now put:

- a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - b) if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 5) The Chairperson must immediately put to the vote, without debate, a motion moved under sub-clause (4). A seconder is not required for such a motion.
 - 6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under sub-clause (1).
 - 7) If a motion that the original motion or amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

38. What are the voting entitlements of Councillors?

- 1) Each Councillor is entitled to one vote.
- 2) The person presiding at a meeting of Council has, in the event of an equality of votes, a second or casting vote.

39. Voting at Council meetings

- 1) A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 2) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's Minutes.
- 3) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division.
- 4) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those that vote against it are respectively recorded in the Council's Minutes.
- 5) Voting at a Council meeting, including voting in an election at such a meeting (but excluding the election of Mayor or Deputy Mayor), is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot. This Clause is subject to clause 39a of this Code.

39a. Recording of voting on planning and tender matters

In this clause, 'planning decisions' means a decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979.

Including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under the Act, but not including the making of an order under Division 2A of Part 6 of that Act.

The General Manager is required to keep a register containing, for each planning and tender decision made at a meeting of the council or a council committee, the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning or tender decision is put at a meeting of the council or a council committee.

Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.

This clause extends to a meeting that is closed to the public.

39b. Reasons for decisions

Councillors are required to give reasons for their decisions when they approve development applications or tenders against the recommendation of staff and the reasons are to be included in the Minutes of the Council or committee meeting.

40. What constitutes a decision of Council

A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

41. Making resolutions public after (part) meeting closed

When the Council or a committee of the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

42. Council meeting adjournment

- 1) The Chairperson is empowered to adjourn a meeting of a Council for a time specified or as agreed to by the Council.
- 2) Council and Council committee meetings shall adjourn at 10pm unless a motion is moved beforehand to extend the meeting.

43. Rescinding or altering resolutions

- 1) A resolution passed by Council, or a committee whose membership consists only of members of the Council and which has full delegation of authority to determine matters, may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code.

- 2) If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. Section 372(1) of the Act requires notice of a rescission motion to be given in accordance with Council's Code of meeting Practice. As such, for rescission motions that are lodged at the same meeting as the matter proposed to be rescinded was carried, the rescission motion will be held over and listed on the agenda at the subsequent ordinary or extraordinary meeting of the Council or the next meeting of the relevant committee, whichever occurs first.
- 3) If a motion has been negated by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code (see clause 23(1) of this Code.)
- 4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by Council, must be signed by three Councillors if less than three months have elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion is negated, no similar motion may be brought forward within three months. This sub-clause may not be evaded by substituting a motion differently worded, but in principle the same.

Section 372(5) of the Local Government Act allows an original motion to be negated (that is, lost) twice before a three month ban is placed on any Councillor putting forward another motion to the same effect. However, to even bring the motion forward the second time will require three Councillors' signatures if less than three months has passed since the first time the motion was defeated (section 372(4) of the Act).

A motion to rescind or undo an earlier resolution can only be lost once before a three month ban is placed on any Councillor 'bringing forward' another motion to the same effect (section 372(5) of the Act). 'Brought forward' means moved at a council or committee meeting. It is possible for notice of motion to be given (but not for the motion to be moved) before the expiry of the three month period referred to in section 372(5) of the Act.

- 6) A motion to which this Clause applies may be moved on the report of a committee of Council and any such motion must be recorded in the Minutes.
- 7) A notice of motion to rescind a resolution, arising from a meeting of a committee which has full delegation of authority to determine matters, will be listed on the agenda for the subsequent ordinary or extraordinary Council meeting or a meeting of that committee, whichever occurs first, for determination. A notice of motion to rescind a resolution, arising from a Council meeting, will be listed on the agenda of the next available meeting (this could include a committee meeting subject to:
 - a) the matter being a matter which is able to be delegated under section 377 of the Local Government Act 1993;
 - b) the matter being submitted to the most appropriate committee based on the subject matter of the rescission motion; and
 - c) the matter being submitted to a committee for which all the Councillors are members) (see also clause 23(3)(c)).

- 8) A notice of motion to rescind shall not be valid unless received by the General Manager in writing in accordance with this Clause. This includes being received by the General Manager by email. In this regard, Councillors must email the General Manager individually to provide evidence of their support for a rescission motion. Three emails will be required to be received by the General Manager in relation to any particular matter and in accordance with this clause in order for the rescission motion to be considered valid.
- 9) A Councillor may only withdraw his/her signature from a notice of motion to rescind, with the consent (in writing) of the other signatories (so as to give the other Councillors an opportunity to obtain another signatory to the rescission motion, if necessary). If, as a result of a signature being validly withdrawn, the notice of motion to rescind is left with less than three valid signatures, the motion lapses and the matter the subject of the motion will be actioned by the General Manager.
- 10) Rescission motions are unable to be withdrawn, by the Councillors who have submitted the motion, after the deadline for business paper preparation (which is 12 noon on the Monday in the week preceding the meeting in question). Once a rescission motion has been listed on a business paper (which is taken to be at 12 noon on the Monday in the week preceding the meeting in question) it cannot be removed or withdrawn and will lapse at the meeting in question if no Councillors are prepared to move/second it.
- 11) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.
- 12) The General Manager shall notify all Councillors (by telephone, facsimile or email) within one working day of the receipt by the General Manager of a valid rescission motion.
- 13) It is Council's practice not to implement decisions of the Council until 12 noon on the working day following the Council and/or committee meeting.
- 14) If the General Manager receives a rescission motion after 12noon on the working day following any meeting and action on the resolution in question has not already been carried into effect but is expected before the rescission motion can be decided on by the Council, the General Manager will not act upon the resolution in question until the rescission motion has been considered.
- 15) Notwithstanding the provisions of clauses 43(1) and 43(2) Council or a Council committee may, by resolution, provided that the majority of Councillors present agree, re-commit a matter for further consideration at the same meeting at which the matter has been resolved, to avoid the necessity to rescind the resolution. However, re-committal will not be allowed if the meeting lapses for the want of a quorum or is adjourned to another day.
[Note: the purpose of clause 15 is to permit the Council (or Council committees) to revisit a decision taken, where it is realised after the vote on the matter, because there may have been confusion or misunderstanding during the debate, that the decision may be inconsistent with the wishes of a majority of Councillors.]

44. Certain circumstances do not invalidate Council's decision

Proceedings at a meeting of Council or a committee are not invalidated because of:

- a) a vacancy in a civic office; or

- b) a failure to give notice of the meeting to any Councillor or committee member; or
- c) any defect in the election or appointment of a Councillor or committee member; or
- d) a failure of a Councillor or a committee member to disclose a pecuniary interest at a Council or committee meeting in accordance with section 451 of the Act; or
- e) a failure to comply with this Code.

45. Apologies/leave of absences

- 1) For the purpose of section 234 of the Local Government Act, the acceptance by the Council of an apology tendered by a Councillor for the non-attendance of the Councillor at a Council or committee meeting is deemed to be leave granted by the Council for the absence of the Councillor from that meeting provided that the apology is tendered prior to the meeting.
- 2) If a Councillor attends a Council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future Council meeting.
- 3) Section 1) above does not prevent the Council from granting further leave of absence in respect of any future Council meeting.
- 4) A Councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent.
- 5) A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days notice of his or her intention to attend.

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Part 6 – Keeping order at meetings

46. Questions of order

- 1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 2) A Councillor who claims that another Councillor has committed an act of disorder or is out of order, may call the attention of the Chairperson to the matter.
- 3) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 4) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.
- 5) When the Chairperson rules that an act of disorder has been committed by a Councillor, the details, as stated by the Chairperson at the meeting, are to be recorded in the Minutes of the meeting.

47. Acts of disorder

- 1) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a committee of Council:
 - a) contravenes the Act or any Regulation in force under the Act; or
 - b) assaults or threatens to assault another Councillor or person present at the meeting; or
 - c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council, or addresses or attempts to address Council on such a motion, amendment or matter; or
 - d) insults or makes personal reflections on or imputes improper motives to any other Councillor or staff member; or
 - e) could be seen to insult, harass or bully a member of the public or staff member who is addressing the Councillors; or
 - f) puts a question to a member of the public addressing the Councillors that;
 - (i) is hypothetical, rhetorical, not relevant to the matter before the meeting or is actually a statement; or
 - (ii) is not a question in response to a statement about the performance, credibility, integrity or reputation of the Council and its associated entities; or
 - (iii) which otherwise indicates that the Councillor is seeking to engage the speaker in debate; or

- g) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring Council or the committee into contempt.
- 2) The Chairperson may require a Councillor:
- a) to apologise without reservation for an act of disorder referred to in sub-clause (1)(a) or (b) above; or
 - b) to withdraw a motion or an amendment referred to in sub-clause (1)(c) above and, where appropriate, to apologise without reservation; or
 - c) to retract and apologise without reservation for an act of disorder referred to in sub-clause (1)(d) or (e) above; and
 - d) to apologise without reservation for an act of disorder (committed at the preceding Council or committee meetings) for which that Councillor failed to apologise for without reservation when requested by the Chairperson at the time.
- 3) Expulsion
- a) A Councillor may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under sub-clause (2). The expulsion of a Councillor under sub-clause (2) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
 - b) Prior to any expulsion the Chairperson must adjourn the meeting for a minimum period of five minutes.
 - c) Upon resumption of the meeting, and prior to expulsion of a Councillor taking place, the Chairperson shall specify the breach of the Code/reasons for the proposed expulsion and provide an opportunity for the subject Councillor to respond to the alleged breach/reasons for expulsion.
- 4) The Mayor may expel from a meeting a Councillor who fails to comply with a requirement made under sub-clause (2) above.

48. How disorder at a meeting may be dealt with

- 1) If disorder occurs at a meeting of Council, the Chairperson may adjourn the meeting for a period of not more than fifteen minutes and leave the chair. Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub-clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- 2) A member of the public may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.
- 3) The Mayor may expel a member of the public from a Council meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.

49. Power to remove persons from meeting after expulsion resolution

If a meeting of Council resolves to expel or the Mayor expels from the meeting a Councillor for failing to comply with a requirement made under clause 47 of this Code, or a member of the public for disorderly conduct, and the Councillor or member of the public fails to leave the meeting immediately after the resolution is passed, a police officer, or any person authorised by Council for the purpose, may, by using only such force as is necessary, remove the Councillor or the person from the meeting and, if necessary, restrain the Councillor or the person from re- entering the place where the meeting is being held until that person publicly apologises without reservation.

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Part 7- Council committees

50. Committee of the Whole

- 1) Council may resolve itself into Committee of the Whole to consider any matter before Council.
- 2) All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in Committee of the Whole, except the provision limiting the number and duration of speeches and the need for Councillors to stand while speaking.
- 3) The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 4) Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's Minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

51. Council may appoint and wind up committees

- 1) Council may, by resolution, establish such committees as it considers necessary and may wind up such committees.
- 2) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

52. What is the quorum of a committee?

The quorum of each committee is as stipulated by the Council at the annual appointment of the committee membership or if the Council has not decided a number - a majority of the members of the committee.

53. Functions of committees

- 1) Council must specify the functions of each of its committees when the committee is appointed or elected, but may from time to time amend those functions.
- 2) A committee cannot act outside the extent of the functions granted by Council.
- 3) If Council, by resolution, delegates authority to a committee to make decisions, then any decisions made by the committee under such authority shall be decisions of Council. (section 49(6), Interpretation Act 1987)

54. Notice of committee meetings to be given

- 1) The General Manager must send to each member of a committee at least three days before each meeting of the committee, a notice specifying:
 - a) the time and place at which and the date on which the meeting is to be held; and
 - b) the business proposed to be transacted at the meeting.
- 2) However, notice of less than three days may be given of a committee meeting called in an emergency.

55. Non-members entitled to attend committee meetings

- 1) A Councillor who is not a member of a committee is entitled to attend, and speak at, a meeting of the committee.
- 2) However, the Councillor is not entitled:
 - a) to give notice of business for inclusion in the agenda for the meeting; or
 - b) to move or second a motion at the meeting; or
 - c) to vote at the meeting.

56. Chairperson and Deputy Chairperson of committees

- 1) The Chairperson of each committee must be:
 - a) the Mayor; or
 - b) if the Mayor does not wish to be the Chairperson of that committee - a member of the committee elected by Council; or
 - c) if Council does not elect such a member - a member of the committee elected by the committee.

[Note: the Mayor does not delegate his/her right to assume the Chair of any committee at any time, even allowing for the resolution by Council of committee structures from time to time.]

- 2) Council may elect a member of a committee as Deputy Chairperson of the committee. If Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson.
- 3) If neither the Chairperson nor the Deputy Chairperson of a committee is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee.
- 4) The Chairperson is to preside at a meeting of a committee. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

57. Absence from committee meetings

- 1) A member ceases to be a member of a committee if the member (other than the Mayor):
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year (being the period beginning 1 July and ending the following 30 June) without having given to the committee acceptable reasons for the member's absences.
- 2) Sub-Clause (1) does not apply if all the members of Council are members of the committee.

58. Committee procedures

Subject to clause 57(1) of this Code of meeting Practice each committee of a Council may regulate its own procedure. However, all the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of committee meetings.

For committees which do not have delegated authority and which only make recommendations to Council, their Minutes shall contain the names of movers and seconders and the text of motions and amendments and whether those motions or amendments were passed or lost.

59. Voting at committee meetings

- 1) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).
- 2) Whenever the voting of a motion put to a meeting of a committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote.

60. Reports of committees

- 1) If in a report of a committee distinct recommendations are made, the decision of Council may be made separately on each recommendation.
- 2) The recommendations of a committee are, so far as adopted by Council, resolutions of Council.
- 3) If a committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the Council.

61. Committee may expel certain persons from its meetings

- 1) A committee may, by resolution, expel from a meeting a Councillor or member of the public who fails to comply with a requirement under Clause 47(2) of this Code.
- 2) The Chairperson may expel from a meeting a Councillor or member of the public who fails to comply with a requirement under Clause 47 and 48 of this Code.
- 3) If a meeting or part of a meeting of a committee is closed to the public in accordance with section 10(A) of the Act, the committee may, by resolution expel, from the place where the meeting is being held any person who is not a Councillor or member of the committee in accordance with Section 10(2)(a) or (b) of the Act.
- 4) If any such person, after being notified of such a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a Police Officer, or any person authorised for the purpose, by the Council, committee or person presiding may, by using only such force as is necessary, remove the person from that place, and, if necessary, restrain the person from re- entering, that place.

62. Committee meeting adjournment

The Chairperson is empowered to adjourn a meeting of a committee for a time specified or as agreed to by the committee.

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Part 8 – Minutes

63. Minutes

- 1) Council and each committee must ensure that full and accurate Minutes are kept of the proceedings of each meeting of Council and of each committee including:
 - a) the name of the Councillors present at the meetings and any apologies/leave of absences;
 - b) the names of officers in attendance and their organisational titles;
 - c) the name of any other person, excluding members of the public, in attendance at the meeting and the organisation they represent or the capacity of their attendances;
 - d) the arrival and departure of Councillors during the course of the meeting (including any temporary departures or arrivals);
 - e) details of each motion moved and of any amendments moved to it; including:
 - motions which are validly moved, but which lapsed for the want of a seconder; and
 - motions that are ruled out of order by the Mayor/Chairperson because they are:
 - i) not considered urgent
 - ii) are considered unlawful
 - iii) are considered to be outside of Council's jurisdiction;

[Note: The wording of motions ruled out of order by the Mayor/ Chairperson because they are defamatory or potentially defamatory in nature will not be included in the Minutes (in this case only the Mayors ruling will be included.)

 - f) the names of the mover and seconder of any motion or amendment;
 - g) whether the motion or amendment is carried or lost;
 - h) a record of the voting (for and against) each planning and tender matter;
 - i) a record of the reasons for approving development applications or tenders against the recommendations of staff;
 - j) details of any procedural motions moved;
 - k) motions passed unanimously, if requested, should be noted;
 - l) where a valid Division is called, a table of the names of every Councillor and the way their vote was cast, either For or Against;
 - m) when requested by Councillors, a record of their opposition to any motion;

- n) details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
 - o) details of any members of the public who address meetings;
 - p) the time and reason for any adjournment of the meeting or suspension of standing orders;
 - q) the details of any disclosures of pecuniary interests by the Councillors;
 - r) the details of any acts of disorder as ruled and the reasons as stated by the Chairperson at any meeting;
 - s) any other matter which the General Manager thinks should be recorded to clarify the intention of the meeting or the reading of the Minutes; and
 - t) the date, time and venue where the meeting was commenced, adjourned, resumed and/or concluded.
- 2) The correctness of the Minutes of a meeting shall only be confirmed on the motion of two Councillors.
 - 3) A motion or discussion with respect to such Minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
 - 4) The Minutes must, as soon as they have been confirmed at a subsequent meeting of Council or a committee, be signed by the Chairperson of that subsequent meeting.

64. Inspection of the Minutes of Council or a committee

- 1) An inspection of the Minutes of Council or committee is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those Minutes.
- 2) The General Manger must ensure that the Minutes of Council and any Minutes of a committee are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Part 9 – Miscellaneous

65. Information relating to proceedings at closed meetings not to be disclosed

1) Disclosure of information

A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:

- a) with the consent of the person from whom the information was obtained; or
- b) in connection with the administration or execution of this Act; or
- c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
- d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Government Information (Public Access) Act 2009 (GIPAA); or
- e) with other lawful excuse.

1A) Meeting closed to the public

In particular, if part of a meeting of a Council or a committee of a Council is closed to the public in accordance with section 10(A)(1), a person must not, without the authority of the Council or the committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.

1B) Exemptions to subsection (1A)

Subsection (1A) does not apply to:

- a) the report of a committee of a Council after it has been presented to the Council; or
- b) disclosure made in any of the circumstances referred to in subsection (1)(a)-(e); or
- c) disclosure made in circumstances prescribed by the Regulations; or
- d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with Section 12 of the Local Government Act.

66. Public access to correspondence and reports

- 1) Council and a committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 2) This section does not apply if the correspondence or reports:

- a) relate to a matter that was received or discussed; or
 - b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- 3) This section does not apply if the Council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Section 10A(2) of the Act, are to be treated as confidential.

67. Live streaming and video recording of Council and committee meetings by Council

Meetings of Council and committees, which have full delegation to determine items on their agenda, shall be live streamed and video recorded by the Council, except for those portions which the committee or the Council has resolved to close in accordance with Section 10A(2) of the Local Government Act.

- 1) The purpose of live streaming and video recording meetings of Council and committees is to:
 - a) allow members to remotely view meetings;
 - b) increase public accessibility to Council meetings;
 - c) allow accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes; and
 - d) video recordings of meetings will be destroyed two years after the date of the meeting, however, recordings may be retained for a longer period at the General Manager's discretion.
- 2) Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for live streaming/video recording of Council/committee meetings) alerting attendees to the fact that the proceedings are being recorded for the purposes of Clause 67 of Council's Code of Meeting Practice.
- 3) The Presiding Officer (Chairperson) will, at the commencement of meetings, inform those in attendance that the proceedings are being live streamed / video recorded for the purpose of this clause of the Code of Meeting Practice and remind them that any comments should only include personal information that is relevant or necessary to the matters under consideration by the Council/committee.

68. Use of mobile phones prohibited during Council and committee meetings

Councillors and members of the public are prohibited from using mobile phones for voice conversations in the Council Chamber during meetings of the Council or Council committees. Mobile phones should be turned-off or changed to 'silent mode' prior to entering the Council Chamber.

69. Public approaching Councillors during meetings

Members of the public are prohibited from approaching Councillors in the Council Chambers when a meeting is in progress.

70. Mode of address

Councillor and Council employees shall at all times:

- a) address Councillors by their official designation, as Mr/Madam Mayor or Councillor, as the case may be;
- b) address Council employees by their position title;

and must address their remarks through the chair.

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Appendix A

Conflicts of interest guidelines

Introduction

The possibility of conflict between public duty and private interest is an ever-present risk for council officials. Sometimes, by virtue of their official status, position, functions or duties, council officials have the power to make decisions or act in ways that can further their own private interests. This may cause a real or perceived conflict between council official's private interests and their public duty.

As a general principle, no person should obtain a private benefit or advantage by virtue of their position as a council official. Additionally, no public official should misuse the power or authority of their position to unfairly influence or decide a matter where they have a real or perceived private interest.

Most council officials are at some stage likely to experience a situation where they may have a non-pecuniary conflict of interests. This is most likely to arise out of family or personal relationships or perhaps through an association they, or someone close to them, may have through an involvement in a sporting, social or other kind of group or association. The greater their involvement with the club or organisation, the greater likelihood of a real or perceived conflict of interests. It may also involve an interest of a financial nature that does not amount to a pecuniary interest as defined by the Act.

What is a conflict of interest & what is required of you in assessing possible interests?

A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

You must avoid or appropriately resolve any conflict of interests. Perceptions of conflict of interest are as important as actual conflict of interest. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.

Any conflict between your interests and those of Council must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.

It is essential that you properly address conflict of interest issues that may arise. You must:

- try to understand the concept and practical implications of conflict of interest issues
- accept that failure to resolve an actual or reasonably perceived conflict of interest is unacceptable in local government
- take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interest.

Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a Council or committee meeting, both the disclosure and nature of an interest must be recorded in the Minutes.

Private interests can be of two types: pecuniary or non-pecuniary.

What is a “pecuniary interest”?

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated (Section 442 of Local Government Act).

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter.

However, a person will be taken to have a pecuniary interest in a matter if that person’s spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter (Section 443 Local Government Act).

The Local Government Act requires that:

- Councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
- Councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
- designated persons immediately declare, in writing, any pecuniary interest (section 459)
- members of staff (other than designated persons) must disclose in writing to their supervisor or the General Manager, the nature of any pecuniary interest they have in a matter that they are dealing with as soon as practicable upon becoming aware of the interest.

What is a “non-pecuniary interest”?

A non-pecuniary interest is a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (egg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Council’s Code of Conduct recognises two forms of non-pecuniary conflict of interests:

- significant
- less than significant

As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person’s spouse, current or former spouse or partner, de facto or other person living in the same household;
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship;

- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

Council officials should make an assessment of the circumstances to help them determine if a conflict is significant. The nature of a friendship or business relationship, the frequency of contact the duration of the friendship or relationship and/or the strength of an affiliation with an organisation are all matter that should be considered when assessing whether or not a conflict of interests is significant or less than significant.

Councillors should note that matters before Council involving campaign donors may give rise to a non-pecuniary conflict of interest.

Remoteness

A person does not have an interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision that person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a Councillor or the General Manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interests in such a matter.

Who has a pecuniary interest?

- 1) A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - a) the person; or
 - b) another person with whom the person is associated as provided below.
- 2) A person is taken to have a pecuniary interest in a matter if:
 - a) the person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter; or
 - b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

[Note: relative, in relation to a person, means any of the following:

 - (i) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the persons' spouse;*
 - (ii) the spouse, de facto partners of the person or of a person referred to in (i) above.]*
- 3) However, a person is not taken to have a pecuniary interest in a matter as referred to in (2) above:
 - a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body;
 - b) just because the person is a member of, or employed by, a Council or a statutory body or is employed by the Crown; or

- c) just because the person is a member of, or a delegate of a Council, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

No knowledge

A person does not breach the code of conduct if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

What interests do not have to be disclosed (Section 448)?

The following interests do not have to be disclosed for the purposes of the Local Government Act:

- 1) an interest as an elector
- 2) an interest as a ratepayer or person liable to pay a charge
- 3) an interest in any matter relating to the terms of which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part;
- 4) an interest in any matter relating to the terms on which the provisions of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part;
- 5) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not) [for further information in relation to club membership and options for managing conflicts, see the case studies under the heading "Disclosure and management of non-pecuniary interest"];
- 6) an interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee;
- 7) an interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreement as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area.
 - a) the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation
 - b) security for damage to footpaths or roads
 - c) any other service to be rendered, or act to be done, by the Council or under any Act conferring functions on the Council or by or under any contract
- 8) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor);
- 9) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under Section 252;
- 10) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor;

- 11) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person;
- 12) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council committee;
- 13) an interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.

Management of non-pecuniary conflict of interests

Non-pecuniary interests must be disclosed in meetings.

Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the Minutes. This disclosure constitutes disclosure in writing.

How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

If you are a Council official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- 1) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official; or
- 2) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue*.

[Note: Despite the above, a Councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with the above.]

If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

Political donations exceeding \$1,000

Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, Councillors should have reasonable knowledge of contributions received by them or their "official agent" that directly benefit their election campaign.

Where a Councillor or the Councillor's official agent has received political contributions or political donations exceeding \$1,000 which directly benefit their campaign:

- a) from a political or campaign donor or related entity in the previous four years; and
- b) where the political or campaign donor or related entity has a matter before council,

then the Councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interest by having no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue*.

Councillor should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a Councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

Other business or employment

If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the General manager in writing.

As a member of staff, you must ensure that any outside employment or business you engage in will not:

- conflict with your official duties
- involve using confidential information or council resources obtained through your work with the council
- require you to work while on council duty
- discredit or disadvantage the council.

Personal dealings with council

You may have reason to deal with your council in your personal capacity (eg as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead member of the public to believe that you are seeking preferential treatment.

Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- 1) It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- 2) Limit involvement if practical (e.g. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- 3) Remove the source of the conflict (e.g. Relinquish or divesting the personal interest that creates the conflict).

- 4) Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest).

Case Study...

A Councillor is a member of a large metropolitan club. However, he/she is not active in the club or involved with the management of the club. In this situation, the Councillor merely enjoys the facilities of the club as a privilege of membership.

Should a matter relating to the club arise at Council, it is appropriate that the Councillor informs the Council of his/her membership (i.e. declare a non-pecuniary conflict of interests that is less than significant). It is unlikely that his/her interest as a club member would overshadow his/her role as a Councillor representing the view of residents and ratepayers generally.

Therefore, he/she could participate in the decision making process.

Case Study....

A Councillor is a member of a club in a small community. The Councillor is very active in the running of the club and while not an office holder, he/she is well known to all club members.

The club has recently submitted a development application to the Council for a major extension of its facilities.

In this situation, there may be a public perception that the Councillor's activities with the club would make it difficult for the Councillor to view the matter as representative of residents and ratepayers generally. This may meet the definition of a significant non-pecuniary conflict of interests. If so, the Councillor should disclose his/her conflict of interest in the matter when it comes up for consideration. The Councillor must then refrain from participating in Council's discussion and voting on the matter. The Councillor must leave the room during the discussion and vote on the matter.

In both these situations, the Councillors have two different interests in the matters. The first is their interest as a Councillor representing residents and ratepayers generally; the second is as club members who are keen to see the club prosper and provide better facilities for its members. There is nothing wrong with a Councillor having community as well as civic interests, though there are times when these interests may be perceived as a significant

Case study.....

A Councillor is the patron of a club in the local area by virtue of the fact that Councillor is a well-known and respected person in the community. The Councillor does not participate in club activities on a regular basis, but is involved in promoting the club, raising awareness of the clubs events and championing the clubs cause.

The club has recently submitted an application to the Council for the renewal of its lease of a Council facility at a discounted rate.

In this situation, the Councillor has an interest as a patron of the club and as one who is keen to see the club prosper and provide better facilities for its members.

There may be a public perception that the Councillor's activities with the club would make it difficult for the Councillor to view the matter as representative of residents and ratepayers generally. This may meet the definition of a significant non-pecuniary conflict of interests. If so, the Councillor

should disclose his/her conflict of interest in the matter when it comes up for consideration. The Councillor must then refrain from participating in Council's discussion and voting on the matter. The Councillor must leave the room during the discussion and vote on the matter. The Councillor's decision, in this instance needs to take into account the level of involvement he/she has with the club.

If the Mayor or a Councillor is the patron of a local club/organisation they should declare a non-pecuniary interest in any relevant matter as there is likely to be a community perception that a personal interest exists. Even though the Mayor often automatically becomes the patron of a club/organisation (because of his position), possibly even without his/her knowledge, he/she should declare a non-pecuniary interest in the matter when/if a related matter comes before the Council and/or a Council committee.

It is up to each individual Councillor to determine whether he or she has a significant or less than significant non-pecuniary interest in matter before the council and this will subsequently determine whether they should vote on the matter in question.

Disclosure to be recorded (Section 453) A disclosure (and the reason(s) for the disclosure) made at a meeting of the Council or Council committee or sub-committee must be recorded in the Minutes of the meeting.

Some examples of conflict of interests

The following information is taken from the ICAC "Under Careful Consideration: Key Issues for Local Government" publication 1 and provides some examples of where conflict of interests may occur within Councils.

"Tendering and purchasing

A Council has advertised for a firm to supply and fit office equipment. A Councillor who is a representative on the Council's panel assessing the tender bids has a close friend who is a senior executive in a firm submitting a bid. This may affect, or may be suspected to affect, the Council's ability to make an unbiased decision."

"Elected officials – business interests

Many Councillors have business and professional interests in the local government area that they represent. Conflicts can arise if their public positions allow them access to information and opportunities that could be used to advance their personal and business interests. For example, a Councillor may be tempted to influence an application to set up a new business in the town (area) if his (her) own business could lose custom as a result."

Conflict of interest checklist

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:

1. Do you have a personal interest in a matter you are officially involved with?
2. Is it likely you could be influenced by a personal interest in carrying out your public duty?
3. Would a reasonable person believe you could be so influenced?
4. What would be the public perception of whether or not you have a conflict of interests?
5. Do your personal interests conflict with your official role?

6. What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

The following checklist should be considered by any person who considers that they may have an interest in a matter with which Council is concerned. This checklist should be used as a guide only.

If after considering the checklist you are still unsure of your obligation, please immediately contact the General Manager who may, if appropriate, seek advice to clarify whether an interest exists.

Note that this checklist does not affect your obligation to disclose all interests in accordance with sections 444 and 445 of the Local Government Act.

- 1) **Do I, a relative, friend or associate stand to gain or lose financially from Council's decision or action on this matter?**

ICAC. Under Careful Consideration: Key Issues for Local Government. Guidelines to Reduce Conflicts of Interest in Councils. March 1997.

Yes: a pecuniary interest exists – you must declare the interest and leave the meeting when the matter is being discussed and voted on.

No: no statutory pecuniary interest exists, continue consideration of non-pecuniary (conflict of) interest.

- 2) **Non-pecuniary (conflict of) interest considerations:**

- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?
- Is the person an election campaign donor or someone who helped during my election campaign?
- If I do participate in assessment or decision making, would I be unhappy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by a personal interest in performing my public duty?

Yes: If the answer to any of the above questions is yes, then the Councillor should declare a non-pecuniary interest in the matter in question. The management of the interest will depend on whether the Councillor determines that the non-pecuniary interest is significant or less than significant, based on the considerations listed under the heading "Disclosure and management of non-pecuniary interest."

- 3) **Is the matter so remote or insignificant that it could not reasonably or objectively be regarded as likely to influence any decision which you might make in relation to the matter?**

Yes: no conflict of interest exists

- 4) Will the relevant matter affect you or an associate more than any other member of the community?

Yes: disclose the interest - the management of the interest will depend on whether the Councillor determines that the non-pecuniary interest is significant or less than significant, based on the considerations listed under the heading "Disclosure and management of non-pecuniary interest."

- 5) Am I confident of my ability to act impartially and in the public interest?

No: disclose the interest – you need to exclude yourself from consideration and voting on the relevant matter.

DRAFT

10.2 Request for Sponsorship - Kiama Red Cross 2017 Fun Run

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

The Kiama Red Cross has requested Council support the 2017 Kiama Fun Run proposed to be held on 11 June 2017. The event has grown since its inaugural running in 2014 from 161 entrants to over 350 this year. The event contributes to promoting and supporting Kiama as a healthy city and also increases tourism within the area.

Finance

\$2000 from Council's Events/Festivals fund.

Policy

Council has a Partnership Agreement with Red Cross.

Attachments

1 Letter seeking sponsorship

Enclosures

Nil

RECOMMENDATION

That Council provides \$2000 sponsorship to the Kiama Red Cross for the purpose of holding the 2017 Kiama Fun Run.

BACKGROUND

The Kiama Red Cross has written to Council (letter attached) to formally request permission to run the Kiama Fun Run on the 5th June 2016, utilising the Coastal Walk and Coronation Park as the finish. In addition \$2,000 sponsorship has been requested.

This event was first held in 2014 as part of the Red Cross centenary celebrations. Due to its success it was again held in June 2015. Both years Council has provided sponsorship. In 2015 the money was provided from Council's tourism budget.

According to the participation figures provided by the Red Cross the number of entrants has more than doubled in the three years the event has been held. It is recommended that this event continue to be supported. Council also has a partnership agreement with Red Cross and Council's support would be in the spirit of the agreement.



14 McBrien Drive
Kiama Downs 2533

The General Manager
Mr M. Forsyth
Kiama Municipal Council
PO Box 75
Kiama 2533

Date Received

29 AUG 2016

Kiama Municipal Council

28th August 2016

Dear Michael

Kiama Red Cross would like to firstly formally request permission to run the Kiama Fun Run on 11th June 2017 using the Kiama Coastal Walk and Coronation Park for the finish.

Secondly we would like to ask for your support of this event by way of \$2,000 sponsorship.

We are very appreciative of Council's previous sponsorship of this event in 2014, 2015 and 2016. In those three years we have grown the event from 161 entrants to more than 350 in 2016. Each year it has been a resounding success both financially for Red Cross and community wise with the great reports from businesses, entrants and helpers. We are hoping to continue to grow this event annually and with Kiama Council's assistance we are sure this will happen.

From feedback after each event many visitors have commented on the beauty of the Kiama Coastal Walk and the amenity of the Kiama township. Many Kiama businesses have been very supportive of the Fun Run by donating vouchers towards the prizes. These businesses have shown how community minded they are and have reported increased visitations and expenditure on the day of the Fun Run.

Kiama Red Cross is working with the Kiama Tourist Bureau and Kiama and District Business Chamber to improve the event by marketing it further afield.

We feel that this event would again encourage participants to maximise their time in Kiama.

We look forward to your anticipated support of this proposal. Any assistance you can give to Red Cross would be greatly appreciated.

Yours faithfully,

Judi O'Brien
Fun Run Coordinator
Kiama Red Cross

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - September 2016

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 September 2016.

Finance

N/A

Policy

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

Attachments

1 Statement of Investments September 2016

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for September 2016 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for September 2016.

Investment Commentary

The total Investment portfolio decreased by \$260K during September 2016.

Income Received:		Expenses Incurred:	
Rate payments	\$1.8 M	Employee salaries	\$1.3 M
User Fees & Charges	\$1.6 M	Payment to suppliers	\$2.8 M
Grants & Contribution	\$1.0 M	Investments	\$2.0 M
Debtor Receipts	\$0.8 M		
ILU & Hostel Bonds	\$0.6 M		
Total	\$5.8 M	Total	\$6.1 M

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 the Reserve Bank cash rate now at 1.5% there does not appear to be any likelihood of any change in rates upward in the short term.

The National Australia Bank is quoting the following rates:

Previous Month	As at 30/9/16	As at 30/9/15	90 days	1 year	2 years	3 years
2.54%	2.60%	2.88%	2.60%	2.65%	2.65%	2.65%

Certification – Responsible Accounting Officer

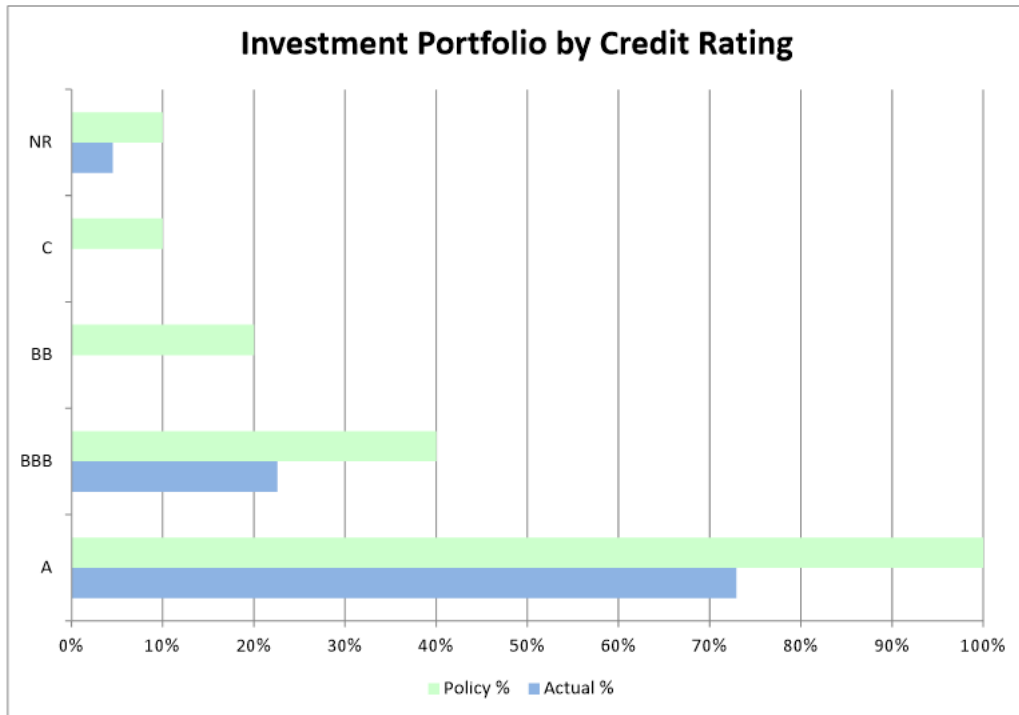
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

(b) Council Investments as at 30 September, 2016

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000.00	Term Deposit	12/09/16	13/09/17	366	2.80
AMP	A+	1,000,000.00	Term Deposit	09/05/16	09/11/16	184	3.00
AMP	A+	1,000,000.00	Term Deposit	23/05/16	23/11/16	184	3.00
AMP	A+	1,000,000.00	Term Deposit	01/06/16	30/11/16	182	3.00
AMP	A+	1,000,000.00	Term Deposit	11/08/16	08/03/17	209	2.95
AMP	A+	500,000.00	Term Deposit	19/08/16	22/03/17	215	2.95
Beyond Bank	BBB+	1,000,000.00	Term Deposit	29/08/16	01/03/17	184	2.65
Beyond Bank	BBB+	1,000,000.00	Term Deposit	07/09/16	29/03/17	203	2.65
Bankwest	AA-	1,000,000.00	Term Deposit	21/09/16	16/11/16	56	2.55
Bank of Qld	A-	1,000,000.00	Term Deposit	06/07/16	11/01/17	189	2.95
Bank of Qld	A-	1,000,000.00	Term Deposit	30/03/16	02/11/16	217	3.10
Bank of Qld	A-	1,500,000.00	Term Deposit	17/08/16	17/05/17	273	2.80
Bank of Qld	A-	1,000,000.00	Term Deposit	18/07/16	25/01/17	191	2.95
Bank of Qld	A-	1,000,000.00	Term Deposit	21/07/16	01/02/17	195	2.90
Bank of Qld	A-	1,000,000.00	Term Deposit	02/05/16	02/11/16	184	3.10
Bank of Qld	A-	1,500,000.00	Term Deposit	23/03/16	26/10/16	217	3.10
Bendigo	A-	1,000,000.00	Term Deposit	04/08/16	02/08/17	363	2.70
Bendigo	A-	1,000,000.00	Term Deposit	22/06/16	04/01/17	196	2.75
Community Alliance Credit Union	NR	1,000,000.00	Term Deposit	09/09/16	06/09/17	362	2.85
Community Alliance Credit Union	NR	1,000,000.00	Term Deposit	09/09/16	13/09/17	369	2.85
ME Bank	BBB+	1,000,000.00	Term Deposit	15/03/16	15/03/17	365	3.07
ME Bank	BBB+	1,500,000.00	Term Deposit	24/02/16	22/02/17	364	3.05
ME Bank	BBB+	1,000,000.00	Term Deposit	05/09/16	05/04/17	212	2.65
ME Bank	BBB+	1,000,000.00	Term Deposit	20/04/16	20/04/17	365	3.15
NAB	AA-	1,000,000.00	Term Deposit	05/07/16	04/01/17	183	2.97
NAB	AA-	1,000,000.00	Term Deposit	20/07/16	14/12/16	147	2.93
NAB	AA-	1,000,000.00	Term Deposit	28/09/16	27/09/17	364	2.74
NAB	AA-	2,000,000.00	Term Deposit	11/08/16	07/06/17	300	2.80
NAB	AA-	1,000,000.00	Term Deposit	11/05/16	12/10/16	154	3.01
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	20/06/16	21/12/16	184	2.70
Newcastle B/S	BBB+	1,500,000.00	Term Deposit	19/08/16	22/03/17	215	2.70
IMB Society	BBB	1,000,000.00	Term Deposit	13/07/16	19/10/16	98	2.75
ING Bank	A-	1,000,000.00	Term Deposit	27/07/16	25/01/17	182	2.77
ING Bank	A-	1,000,000.00	Term Deposit	03/08/16	08/02/17	189	2.95
ING Bank	A-	1,000,000.00	Term Deposit	10/08/16	15/02/17	189	2.96
Rural Bank	A-	1,000,000.00	Term Deposit	11/07/16	07/12/16	149	2.85
Suncorp	A+	1,000,000.00	Term Deposit	27/04/16	31/10/16	187	3.10
Suncorp	A+	1,000,000.00	Term Deposit	30/05/16	01/12/16	185	3.00
Suncorp	A+	1,000,000.00	Term Deposit	16/06/16	18/01/17	216	3.03
Westpac	AA-	704,292.42	Bank Account	-	AT CALL		0.84
Westpac	AA-	2,581,578.82	Maxi Account	-	AT CALL		1.30
TOTAL DIRECT INVESTMENTS		44,285,871.24					
						Average Rate-Sept 2016	2.80
						Average Rate-Sept 2015	2.80

TOTAL INVESTMENTS AUG 2016	44,543,989.14	-0.58%	Change in total investment over prev 1 month
TOTAL INVESTMENTS SEPT 2015	41,060,920.98	7.85%	Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$700K includes deposits at month-end not processed to Council's financial System and cheques that have not been presented.
Council staff have been reviewing investment rates with 6 short to medium term investments currently included in our portfolio



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	4,213,509.69
	Grants	389,611.00
	Domestic Waste	2,083,279.00
	Waste & Sustainability	315,791.18
	Southern Council's Group	2,586,700.70
Internally Restricted	Blue Haven ILU	4,146,557.12
	Blue Haven Care-Residential	8,913,295.65
	Carer Respite Centre	820,565.33
	Land Development	2,937,484.00
	Waste Business Unit (Plant Replacement)	1,042,260.00
	Plant Replacement - Engineers	1,326,661.00
	Employee Leave Entitlements	2,000,000.00
	S94 Recoupments	1,422,606.86
	Carry-over works	2,299,446.00
	Holiday Parks - Crown Reserves	1,421,581.00
	Holiday Park - Kendalls Beach	363,657.00
	Contingencies	779,730.00
	Computer	679,698.00
	Property Insurance	120,000.00
	Community Bus	149,598.17
CACP	355,562.53	
Organisational Development	300,000.00	
Fleet Replacement	50,000.00	
Unrestricted Funds:	Funds to meet current budgeted expenditure	5,568,277.01
TOTAL INVESTMENTS		44,285,871.24

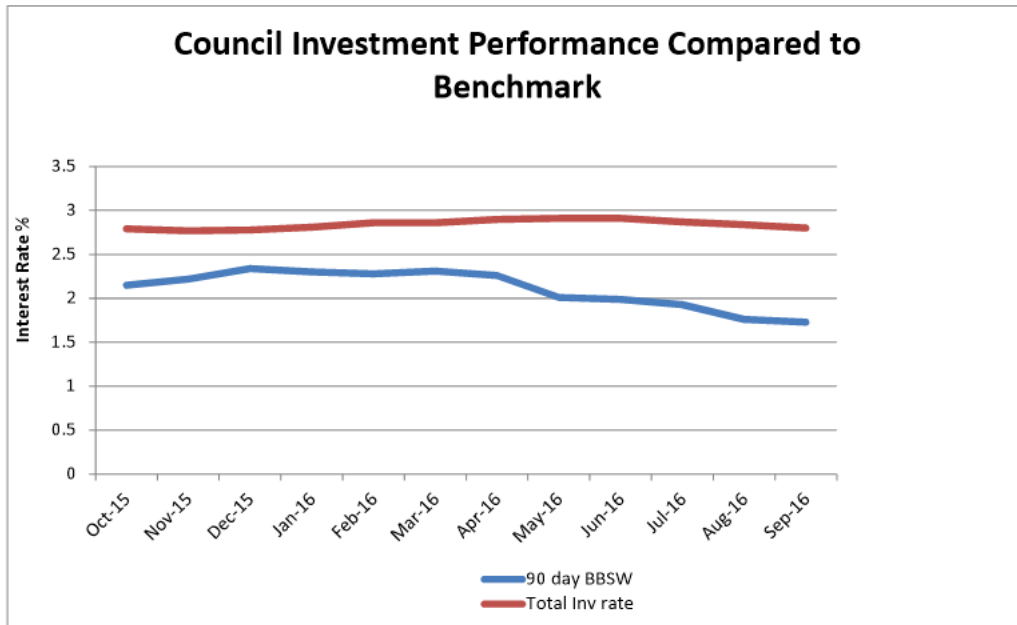
Note:

The above Application of Invested Funds reflects unaudited balances as at 30 June 2016. Actual movement in these balances are recorded at the end of the financial year. Movements for 2015/16 are yet to be audited. The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

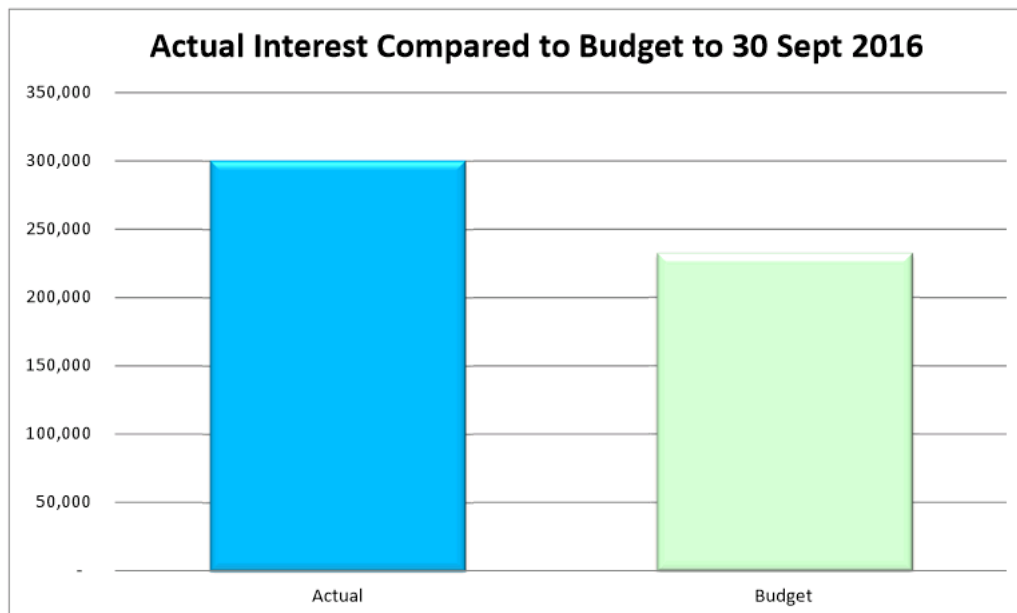
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.80	1.73
3 months	2.84	1.81
6 months	2.87	1.95
12 Months	2.84	2.11



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



Council's interest on investment budget estimate has been conservative based on the trend with interest rates.

Item 11.1
Attachment 1

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Terms of Reference - Walking Tracks & Cycleways Committee and Streets & Reserves Naming Committee

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

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

Delivery Program: 2.10.2 Manage footpaths and cycleway infrastructure for the community by the implementation of the Shared Pathway Asset Management Plan actions

Summary

This report covers the Terms of Reference for the Cycleways & Walking Tracks Committee and the Streets & Reserves Naming Committee.

Finance

N/A

Policy

N/A

Attachments

- 1 Terms of Reference - Walking Tracks & Cycleways Committee
- 2 Terms of Reference - Streets & Reserves Naming Committee

Enclosures

Nil

RECOMMENDATION

That Council:

1. accept the revised Terms of Reference for the Cycleways & Walking Tracks Committee and the Streets & Reserves Naming Committee.
2. advertise an Expression of Interest for new community members for each of these Committees.
3. formally thank all the current community Committee members for their contributions over the previous years and advise them that they are welcome to apply for the new committee.

BACKGROUND

At the September 2016 Council meeting, a report on the committee structure for 2016/2017 and the Councillor membership of those committees was tabled for the endorsement of the Council. This report included the Cycleways & Walking Tracks Committee and the Streets & Reserves Naming Committee.

Report of the Director Engineering and Works

12.1 Terms of Reference - Walking Tracks & Cycleways Committee and Streets & Reserves Naming Committee (cont)

Subsequent to the re-establishment of these Committees, the Terms of Reference (ToR) for each were reviewed and updated in accordance with Council's standard ToR template. One of the main changes in the ToR, relates to Terms of Membership of Committee members which is now listed to coincide with the length of the Council term.

While it is acknowledged that many of the current Committee members have made invaluable contributions over a number of years, the advertising of Expressions of Interest for these Committees on a 4 yearly basis provides an opportunity for other community representatives to become involved and bring fresh ideas and knowledge to the Committees. Notwithstanding this, current Committee members are welcome to re-apply to the Expressions of Interest.



Terms of Reference

Name of committee	Kiama Walking Tracks & Cycleways Committee
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee (specify the end date) <input type="checkbox"/>
Purpose	To investigate, develop and promote regional and local walking tracks, cycle routes and shared pathways in the Municipality.
Objectives	To provide information and recommendations to Council. To raise the profile of Council's walking tracks, cycle routes and shared pathways.
Committee Meetings	Meetings are to be held quarterly on the second Wednesday of the month on dates agreed.
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership	<ul style="list-style-type: none"> • Minimum of one nominated Councillor (plus Councillor delegate) • Up to seven non-Councillor representatives • Other Council officers as required.
Meeting Quorum	A Quorum will be deemed to have been met under the following criteria: <ol style="list-style-type: none"> i. minimum of 50% plus 1 ii. or per statutory requirements (if required).
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor • Minutes will be taken by a Council officer • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting • Minutes and agendas will be circulated no less than seven days prior to the next scheduled meeting.
Selection of members	When positions become vacant the selection of new committee members will be undertaken: <ol 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 and expertise ii. whether the person is a resident of the Kiama Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented vi. committee members are able to demonstrate that they are "connected and representative" of the community.
Responsibility	<p>Committee 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 walking tracks and cycleways programs and initiatives iii. provide important links to the communities they represent in promoting and delivering walking tracks and cycleways iv. participate in working parties as needed v. at all times comply with Council's 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.
Term of membership	<p>Non-Councillor membership of the Kiama Walking Tracks & Cycleways Committee will be for the length of a Council term.</p> <p>NB: a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Termination of membership	<p>Non-Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the committee ii. competes 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 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 Committee 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>
Process for termination	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant</p>

	<p>Council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

TRIM Reference: 16/68079



Terms of Reference

Name of committee	Streets and Reserves Naming Committee
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/> (specify the end date)
Purpose	To develop a philosophy for the naming of streets and reserves. To compile a list of names to use for streets and reserves within the Municipality. To recommend appropriate names for new streets, and new and unnamed reserves. To nominate appropriate areas, zones or precincts for naming.
Objectives	To provide information and recommendations to council.
Committee Meetings	Meetings are to be held as and when required.
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership	<ul style="list-style-type: none"> • Minimum of one nominated Councillor (plus Councillor alternate) • A representative of the Kiama and Districts Historical Society and the Gerringong Historical Society • A local historian • A representative of the Kiama Family History Centre • A representative of the local Aboriginal community • A resident with knowledge of local native flora and fauna • A representative from Council's Engineering & Works department • Other Council officers as required.
Meeting Quorum	A Quorum will be deemed to have been met under the following criteria: <ol style="list-style-type: none"> i. minimum of 50% plus 1 ii. or per statutory requirements (if required).
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council.

	<ul style="list-style-type: none"> • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.
Selection of members	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ol 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> <ol style="list-style-type: none"> i. the person's relevant experience & expertise ii. whether the person is a resident of the Kiama Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented vi. committee members are able to demonstrate that they are "connected and representative" of the community
Responsibility	<p>Committee members will:</p> <ol style="list-style-type: none"> i. Act in an advisory role to Council staff ii. Ensure compliance with the NSW Naming Guidelines iii. Provide background and supporting information on names chosen illustrating important community links iv. At all times comply with Council's Code of Conduct v. At all times contribute in a positive and respectful manner vi. Avoid disruption, contrary conduct or being wasteful of time and resources.
Term of membership	<p>Non Councillor membership of the Streets and Reserves Naming Committee will be for the length of a Council term.</p> <p>NB a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ol style="list-style-type: none"> i. completes their designated term and retires from the committee ii. competes 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 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 committee 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>
Process for termination	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

TRIM Reference: 16/68079

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Adult Change Facility for Kiama Harbour

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.1 Encourage and support residents from socially and culturally diverse backgrounds to participate in all aspects of community life

Delivery Program: 1.1.2 Monitor and improve accessibility within the Municipality

Summary

This report recommends that Council allocate \$36,000 to build an adult change facility at Kiama Harbour that would be supplemented by \$32,000 from the Local Government NSW to meet the overall construction cost, and that an additional accessible parking space be provided at the harbour.

Finance

\$36,000 from Section 94 Recoupment Reserve

Policy

Council resolved to identify suitable locations for adult change facilities within the Municipality.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. endorse the allocation of \$36,000 from the Section 94 Recoupment Reserve towards the installation of an adult change facility at Kiama Harbour in order to be eligible for \$32,000 of funding from Local Government NSW
2. refer the conversion of the most eastern car parking space to be an accessible parking space to the Kiama Local Traffic Committee for review and approval

BACKGROUND

In January 2016, the Department of Family and Community Services, through Local Government NSW (LGNSW) wrote to all councils seeking nomination of potential sites for the retro-fitting of existing toilet facilities to include an adult change facility.

In consultation with Council's Manager Engineering & Works and Manager Community & Cultural Development three potential sites were nominated; an

Report of the Director Community Services

13.1 Adult Change Facility for Kiama Harbour (cont)

extension to the accessible toilets at Kiama Harbour, the Jones Beach toilet block, and the Kevin Walsh Oval Amenities Building in Jamberoo.

All three sites were assessed by an Access Consultant engaged by LGNSW during August. The consultant identified the Kiama Harbour site as the most appropriate and asked for an estimate of costings associated with building an extension and fitting of adult change facilities. Council's Manager Engineering & Works provided an estimate of costings of \$70,000.

Local Government NSW have subsequently confirmed they can offer \$32,000 towards the costs, contingent on Council agreeing to cover any shortfall. Once this commitment has been made, LGNSW will issue a formal contract for the funding with the project to be completed by the end of June 2017.

In addition to the extension of the current facilities, an additional accessible parking space would need to be provided close to the facility. It is therefore recommended that council refer the conversion of the most eastern parking space at the harbour near the zebra crossing into an accessible parking space to the Kiama Local Traffic Committee for review and approval.

13.2 Terms of Reference - Community Services

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

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

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

Summary

Terms of Reference for Council committees within the Community Services Department

Finance

Not Applicable

Policy

Not Applicable

Attachments

- 1 Draft Terms of Reference - Kiama Access Committee
- 2 Draft Terms of Reference - Blue Haven Advisory Committee
- 3 Draft Terms of Reference - Kiama Cultural Board
- 4 Draft Terms of Reference - Kiama Health & Sustainability Advisory Committee
- 5 Draft Terms of Reference - Seniors Week Committee
- 6 Draft Terms of Reference - Youth Advisory Committee

Enclosures

Nil

RECOMMENDATION

That Council adopt the Terms of Reference for the following Committees:

- Access Committee
- Blue Haven Advisory Committee
- Cultural Board
- Health & Sustainability Committee
- Seniors Week Committee
- Youth Advisory Committee

Report of the Director Community Services

13.2 Terms of Reference - Community Services (cont)

BACKGROUND

The draft Terms of Reference (ToR) for the following Council committee's for the Community Services Department are attached for Council's consideration.

Aboriginal Reference Group

Access Committee

Blue Haven Advisory Committee

Cultural Board

Health & Sustainability Committee

Seniors Week Committee

Youth Advisory Committee

Item 13.2



Terms of Reference

Name of committee	Kiama Access Committee:
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee (specify the end date) <input type="checkbox"/>
Purpose	The Committee aims to provide a forum for community and organisational representatives of people with a disability to collaborate with Council to address issues of accessibility within the Community.
Objectives	To ensure services and facilities in the community are accessible to those with a disability To encourage the establishment and maintenance of access to all existing public use buildings, services and facilities and to ensure their effective use by a person with a disability To promote an awareness of the needs of those with disabilities To ensure all development proposals in the community are provided with practical and relevant planning and design details To address issues of access relating to public spaces and buildings as they are brought to the Committee's attention To review and give comment on development applications, where appropriate, in regard to compliance with Australian Standards relating to access, including adequacy of provision of parking for people with a disability Monitor issues relating to street furniture, altering ground levels, public transport shelters, parking, signage and any other factors affecting accessibility for their impact on those with a disability To actively demonstrate, by example, Council's awareness of the needs of those with a disability
Committee Meetings	The Kiama Council Community Access Advisory Committee will meet on a bi-monthly basis, with provision for monthly meetings if required
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership	1 x Nominated Councillor representative or Delegate 4 x Council staff Representatives: Manager Community & Cultural Development; Manager Development Assessment; Manager Design & Development; Road Safety Officer 5 – 7 Community and organisational representatives, comprising a cross section of representation of the needs of people with a disability eg. vision, physical, hearing or age related impairment The Nominated Councillor representative will be the Chairperson of the

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Attachment 1

	Committee.
Meeting Quorum	A Quorum will be deemed to have been met under the following criteria: i. Minimum of 50% plus 1
Meeting administration	<ul style="list-style-type: none"> • Minutes will be taken by the Manager Community & Cultural Development or their delegate. • Minutes will be submitted to the next Council meeting for information. • Recommendations from the minutes requiring Council endorsement will be written as a Report to Council by the Manager Community & Cultural Development and submitted to the next Council meeting. • A copy of all minutes will be circulated within 2 weeks of the meeting being held
Selection of members	<p>When positions become vacant or at the start of each Council term, the selection of new committee members will be undertaken:</p> <p>Kiama Council will invite nominations in a variety of ways including advertising for Expressions of Interest and direct appointment of organizational representatives to replace staff who are resigning.</p> <p>Kiama Council Access Committee will call for nominations to the committee as required to fill vacant positions.</p> <p>Upon resignation of an organisational representative, a review will occur to determine whether a request will be made to the same organisation to provide an alternate representative or whether there may be other suitable organisations who would like an opportunity to be represented.</p> <p>Upon resignation of a Community Representative, if an organisation does not wish to provide an alternative representative, or if the Committee wishes to seek interest from other organisations, nominations will be sought through Expressions of Interest, advertised by Council.</p>
Responsibility	<p>Each member of Kiama Council Access Committee has a right to:-</p> <ul style="list-style-type: none"> Expect staff representing the various sections of Council will treat them with courtesy and respect Have their contribution heard by other members Give constructive feedback and input into the operations of Council in relation to access issues <p>Each member of the Advisory Committee has a responsibility to:-</p> <ul style="list-style-type: none"> Abide by Council's policies and meeting procedures in regard to issues such as conflict of interest and confidentiality Act in accordance with the specified role of the committee Conduct themselves ethically and represent the Access Committee in a positive way Attend Access Committee meetings or, if unable to attend, send apologies; Not take action relating to the Access Committee without the express consent of Kiama Council, including not interfering with the day to day operations of Council staff Not discuss confidential issues with people outside of the Access Committee Treat other members of the Committee and Council staff with respect Follow Kiama council grievance procedures to resolve any conflict
Term of membership	Membership will align with Council terms.

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

TRIM Reference:

[16/77909]



Terms of Reference

Name of committee	Blue Haven Advisory Committee:
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/> (specify the end date)
Purpose	To monitor the activities of Blue Haven (comprising Blue Haven Village, Blue Haven Care Home and Blue Haven Care In Home Support) and provide relevant advice to Council. To provide transparency in decision making relating to Blue Haven and encourage inclusive planning processes
Objectives	The Kiama Council's Blue Haven Advisory Committee forms part of the governance structure of Blue Haven, assisting the organisation to meet the aged care accreditation standards. The role of the committee will be to assist Blue Haven maintain a high quality service. The Committee will: <ul style="list-style-type: none"> • Receive relevant reports from the Executive Officer/General Manager, Director Community Services, DON, ILU Manager, ILU Residents Committee and Community Programs Manager and provide advice and feedback on issues raised including: <ul style="list-style-type: none"> • Financial reporting & ACFI claiming • Vacancy rates • Work Health & Safety issues • New and revised policies • Provide opportunity for consumer representation in decision making about service delivery, enhancement and coordination • Strategic planning - give consideration and provide advice regarding new service development and service expansion • Give feedback and recommendations based on information exchanged with relevant groups or community members represented by the Committee • Consider management and practice issues, in accordance with Council policies and procedures • Matters to be considered may be referred to the Committee by Council. Committee members may raise any other matters of relevance to Blue Haven operations at Committee meetings

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Attachment 2

	<ul style="list-style-type: none"> • Unless authorised by the General Manager, Committee members have no authority to represent the Committee, Blue Haven, or Council, nor to expend funds or incur liabilities • Committee members have no authority to direct staff • While Committee members must act in accordance with the Committee's Charter and exercise due diligence, individual Committee members have no personal liability for the Committee's recommendations to Council
Committee Meetings	Meetings are to be held Quarterly on 1 st Wednesday
Venue	Meetings will be held at the Blue Haven Care Independent Living Units meeting room
Membership	<ul style="list-style-type: none"> • Mayor plus minimum of two nominated Councillors • Up to seven non Councillor representatives • Staff representation from the following Council departments: Community Services and General Manager • Other Council officers as required.
Meeting Quorum	<p>A Quorum will be deemed to have been met under the following criteria:</p> <ul style="list-style-type: none"> i. Minimum of 50% plus 1
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or Chairperson elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.
Selection of members	<p>When positions become vacant the selection of new committee 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 person's relevant experience and expertise ii. whether the person is a resident of the Kiama Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented vi. committee members are able to demonstrate that they are "connected and representative" of the community

Responsibility	<p>Committee 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 programs and initiatives iii. provide important links to the communities they represent in promoting and delivering information 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
Term of membership	<p>Non Councillor membership of the Blue Haven Advisory Committee will be for a four year period, commencing 2 years into the elected Council term. NB: Committee members may reapply to serve on consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the committee ii. competes 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 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 committee 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>
Process for termination	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>



**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 (specify the end date) <input type="checkbox"/>
Purpose	To act in an advisory capacity to council on cultural matters To encourage artistic practice and participation within the Kiama local government area To advocate to and for Council on artistic and cultural matters
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 evenings on a bi monthly basis, with provision to meet monthly if required
Meeting 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.

Membership	<p>Minimum of one nominated Councillor</p> <p>Up to 10 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.</p>
Meeting Administration	<p>Meetings are to be chaired by a Councillor or chairperson 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 person's 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 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>



**Kiama Municipal Council
Kiama Health & Sustainability Advisory Committee:
Terms of Reference**

Name of committee	Kiama Health & Sustainability Advisory Committee
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/> (specify the end date)
Purpose	To ensure a coordinated, community based approach to the development, implementation and evaluation of Kiama Council's various health and sustainability initiatives including the Kiama Health Plan.
Definitions	<p>Health can be defined as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity' (WHO, 1946)</p> <p>Sustainability can be defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs' (Brundtland Commission, 1987).</p> <p>Kiama Health Plan provides a framework to support the various departments of Council to work together on health and sustainability initiatives within our Municipality. Kiama Council recognises that the health of the community (both human and environmental health) is a shared interdependent responsibility. The plan aims to improve the health, wellbeing and quality of life for all residents and visitors to the Kiama Municipality. Secondly it aims to improve, protect and enhance the environment for the benefit of present and future generations. The four main pillars of the plan are: strengthening community, supportive social environments for health, healthy economy, and health of the environment. The Kiama Health Plan sits within Council's Community Strategic Plan for a liveable resilient community.</p>
Objectives	<ul style="list-style-type: none"> • To provide access for individuals/groups to have input into and participate in the preparation, review and implementation of Council's Health Plan, and other Council sustainability initiatives • To provide advice and support to council on the development of initiatives that meet the actions within the Kiama Health Plan • Provide information and recommendations to Council • Facilitate effective community input, collaboration and networking in relation to the Kiama Health Plan • To raise the profile of Council's health and sustainability initiatives in the wider Kiama community • Review any resources, surveys or information related to initiatives in the Kiama Health Plan that will be distributed to the community and provide

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	input and feedback on its appropriateness.
Committee Meetings	Meetings will be held every 2 months
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues on a needs basis.
Membership	<ul style="list-style-type: none"> • Minimum of Two (2) nominated Councillors • up to five (5) community representatives • Minimum of one representative from the following Council departments: Community Services, Environmental Services, Engineering and Works • Other Council officers as required • Up to two (2) external organisational representatives
Meeting Quorum	<p>A Quorum will be deemed to have been met under the following criteria:</p> <ul style="list-style-type: none"> i. Minimum of 5 committee members present ii. Out of the 5 present, at least 2 are community representatives and one is a councillor.
Meeting administration	<p>Meetings are to be chaired by a councillor or as elected by the committee and endorsed by Council.</p> <p>Minutes will be taken by a representative of council.</p> <p>Minutes are required to be submitted to the next Ordinary Meeting of Council immediately following the committee meeting.</p> <p>Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.</p>
Selection of members	<p>When positions become vacant the selection of new committee 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 vi. committee members are able to demonstrate that they are "connected and representative" of the community
Responsibility	<p>Committee 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 health & sustainability programs and initiatives iii. Provide important links to the communities they represent in promoting and delivering health & sustainability initiatives iv. Participate in working parties as needed v. At all times comply with councils Code of Conduct

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	<p>vi. At all times contribute in a positive and respectful manner</p> <p>vii. Avoid disruption, contrary conduct or being wasteful of time and resources</p>
Working Parties	<p>Working Parties will be established to assist in implementation of various health and sustainability programs as identified in the adopted Kiama Health Plan, and other Council Management Plans or as identified and resolved by Council from time to time.</p>
Terms of membership	<p>Non councillor membership of the Kiama Health and Sustainability Committee will be until the end of the current council term.</p> <p>Non councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the committee 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 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 committee 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>
Addressing Unsatisfactory behaviour	<p>Where a (non Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record. Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the chairperson. 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 committee members and Council. In addition counselling will reinforce the potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling. If the committee members' behaviour does not improve after the formal warning and counselling, the committee member may, on the recommendation of the chairperson, be terminated by council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

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Terms of Reference

Name of committee	Seniors Week Committee:
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/> (specify the end date)
Purpose	To ensure a co-ordinated and pro active program for Senior Week each year.
Objectives	To compile a program of events for seniors in the local community
Committee Meetings	Meetings are to be held as required.
Venue	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
Membership	<ul style="list-style-type: none"> • Minimum of one nominated Councillor (plus Councillor delegate) • Non Councillor representatives from community groups organising events for the program • Representatives per statutory requirements (if required) • Minimum of one representative from the following Council departments: Community Services • Other Council officers as required.
Meeting Quorum	<ul style="list-style-type: none"> • Not applicable
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.
Selection of members	When positions become vacant the selection of new committee members will be undertaken: <ul style="list-style-type: none"> i. through a public invitation for representatives from community groups willing to organise events for the Seniors Week program

Responsibility	<p>Committee 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 event programs and initiatives iii. provide important links to the communities they represent in promoting and delivering events 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
Term of membership	<p>Non Councillor membership of the Seniors Week Committee will be for as long as the community group they represent are organising events for Seniors Week</p> <p>NB a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. the group they represent no longer organises events for the Seniors Week program <p>NOTE: Council on the recommendation of the committee 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>
Process for termination	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

TRIM Reference:



Terms of Reference

Name of committee	Youth Advisory Committee:
Status	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/> (specify the end date)
Purpose	The Youth Advisory Committee is a formal mechanism for Council in communicating and consultation with young people, and for young people to raise matters of concern with Council.
Objectives	To ensure young people have a voice within Council and to provide a mechanism through which Kiama Municipal Council and the Youth Services Team can receive information and advice on matters relating to the needs and concerns of young people in the Kiama LGA , including the effectiveness of new policies, programs and services targeted at young people and/or youth related organisations.
Committee Meetings	1 st Thursday of month at 10.30am
Venue	Meetings will be held at Kiama High School
Membership	<ul style="list-style-type: none"> • Minimum of one nominated Councillor (plus Councillor delegate) • Minimum of one representative from SENTRAL Youth Services • Students from Kiama High School Student Representative Council (SRC) • Other Council officers as required. • Other students from Kiama High School
Meeting Quorum	A Quorum will be deemed to have been met under the following criteria: i. Minimum of 5 students, a councillor and one Council officer
Meeting administration	<ul style="list-style-type: none"> • Meetings are to be chaired by a Councillor or as elected by the committee and endorsed by Council. • Minutes will be taken by a representative of Council. • Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting. • Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.
Selection of members	Members are chosen through their responsibilities as a member of Kiama High School's Student Representative Committee (SRC). New SRC members are voted in twice per year and will become Youth Advisory

	<p>Committee members for a 6 month period.</p> <p>The following factors will be taken into consideration when determining new members independent of the SRC:</p> <ul style="list-style-type: none"> i. the persons relevant experience & expertise ii. whether the person is a resident of the Kiama Local Government Area iii. there is a gender balance iv. there is representation from across the full Kiama geographical area v. cultural and age diversity is represented vi. committee members are able to demonstrate that they are "connected and representative" of the community
Responsibility	<p>Committee 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 youth programs and initiatives iii. provide important links to the communities they represent in promoting and advocating on youth issues 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
Term of membership	<p>Non Councillor membership of the Youth Advisory Committee will be for the length of a Council term</p> <p>NB a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Termination of membership	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> i. completes their designated term and retires from the committee 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 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 committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Council Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.</p>
Process for termination	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant</p>

	<p>council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. 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 committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>
Code of Conduct	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

TRIM Reference:

[16/77861]

14 REPORTS FOR INFORMATION

14.1 Parking Statistics - September 2016

Responsible Director: Environmental Services

CBD Parking

Parking patrols conducted – 27 site specific – 30 general area.

Infringements issued – 26.

Vehicle spaces inspected – 1644.

Market Days -17/18 and 24/9.

Fern Street 1/2P – 4 patrols.

Fern Street 1P – 3 patrols.

Rosebank PI 2P – 2 patrols.

Collins Street 2P – 2 patrols.

Railway Prd 2P – 1 patrol.

Manning Street 2P – 2 patrols.

Terralong Street 1/2P – 5 patrols.

Terralong Street 2PE – 1 patrol.

Terralong Street 2P – 6 patrols.

Terralong Street 1PW – 1 patrol.

School Parking

Kiama Public 2 patrols resulting in nil infringements.

Minnamurra Public 1 patrol resulting in nil infringements.

Jamberoo Public 1 patrol resulting in nil infringements.

Kiama High 2 patrols resulting in 8 infringements.

Reactive Issues

No Stopping – 3 infringements.

Path/Strip – 11 infringements.

Bus Zone – 6 infringements.

Disabled – 1 infringement.

Load Zone – 3 infringements.

Total amount of infringements = \$ 9675.

Specific patrols for October will be locations nominated above.

14.2 Kiama Access Committee Minutes

Responsible Director: Community Services

This report encloses the minutes of the Kiama Access Committee meeting held 2 September 2016 for Council's information.

Attachments

- 1 Minutes - Kiama Access Committee - 2/9/16

**Minutes of the Kiama Access Committee meeting held on Friday 2 September 2016
in the Council Chambers Committee Room 1 at 10am.**

Present: Graham Fairbairn, Beryl Batten, Chris Fuller, Darren Brady, Mel Gorman

1. **Apologies:** Cllr. Gavin McClure, Andy Farrell, Nick Guggisberg, Janelle Burns.
2. **Minutes of previous meeting**

The minutes from meeting of 8 July 2016 were accepted as true and correct

Moved: Beryl Batten **Seconded:** Graham Fairbairn **Carried**

3. **Business arising from the minutes**

3.1 *Black Beach Accessible Parking*

Nick Guggisberg has sent photos to Darren Brady. Darren has investigated and has concluded that the path provision is unnecessary at this time as the grass access is considered to be firm and any additional pathways are not warranted.

3.2 *Werri Beach Holiday Park*

Chris Fuller advised that he has received applications for Caravan park licences and will be contacting Andy Farrell shortly to arrange joint inspection.

3.3 *Development on Corner of Terralong and Thompson Streets*

Darren Brady advised that the footpath in the vicinity of this development has now been repaired.

3.4 *Colour of Bollards in Footpath Areas*

Council at its' July Meeting has now agreed to provide reflective adhesive strips to all bollards in footpath areas.

3.5 *Calendars for Garbage Collection*

Beryl advised that she is yet to receive the correspondence to pass on to Council regarding the suggestion of an alternative calendar arrangement for the visually impaired.

3.6 *Werri Beach Footpath to the Rock Pool*

Darren Brady reported that he had investigated this matter and advised the Committee that it was not appropriate to raise the path as it would likely cause a trip hazard for people walking on the sand.

4. **Correspondence**

The correspondence matters were dealt with under General Business

5. **Development Applications**

Nothing to table.

6. **General Business:**

6.1 *Parking Permit for Dementia Carer*

A request was received for the provision of a parking permit from a dementia carer living in an upstairs unit in Terralong Street. The committee noted that it would not be

[16/52325]

This is **Page 1** of the Kiama Access Committee meeting held on 8 July 2016.

appropriate to provide a parking permit in this location as it would reduce available timed parking and would set an undesirable precedent.

Action : That Nick Guggisberg write to the carer advising of the Committee's decision.

6.2 Provision of Better Access and Seating at Dog Off Leash Areas at Gerringong and Gerroa

Darren Brady advised that any additional seating in and around dog off leash areas would require placing in capital works list for future budget considerations.

Darren also advised that the provision of pathways and improved formal access to the two dog off leash areas would go against the desired primitive nature of dog off leash areas and therefore was not supported. The Committee supported this position

Action : Darren Brady to add seating for the Gerringong and Gerroa dog Off leash areas.

Action : Nick Guggisberg reply advising of the Committees' position.

6.3 Need for a cross over from Accessible Car Parking space outside Amaki Cottage onto the footpath

The Committee considered the matter raised and determined that there were no significant safety issues resulting from the need for users of the accessible parking space to access the cross over via mobilising along the end of the road in-front of the bus stop. The committee considers that given the road is very wide at this point, it provides for a safe distance between vehicles and pedestrians.

Darren Brady also advised that the steepness of the verge at the location of the car parking space presented significant challenges if a crossover were to be installed at this point.

Action : Nick Guggisberg reply advising of the Committees' position.

7. Next meeting:

The next meeting of the Kiama Access Committee will be held on Friday 4 November 2016.

There being no further business the meeting closed at 11.00am

[16/52325]

This is **Page 2** of the Kiama Access Committee meeting held on 8 July 2016.

14.3 South Precinct Meeting Minutes

Responsible Director: Office of the General Manager

The minutes of the South Precinct meeting held on 15 September 2016 are enclosed for Councillors' information.

Attachments

- 1 South Precinct Meeting Minutes - 15 September 2016

MINUTES OF THE SOUTH PRECINCT MEETING

held on Thursday 15 September 2016 at Gerringong Town Hall

Meeting Opened at 7.30pm

Attendance: 22 people present

Chair: Darrell Clingan

Minutes: Linda Brazier

Apologies: Hedi Stein, Albert Stein, Howard R. Jones, Raewyn Thomson

Minutes of Previous Meeting:

Moved that the minutes of the ordinary meeting of 21 July 2016 be accepted, with minor amendments;

Irene Clingan/ Stephen Brazier carried

Moved that the minutes of the meeting of August 2016 "meet the candidates" meeting be accepted;

Irene Clingan/ Stephen Brazier carried

Business Arising From Minutes

1. Belinda and Noble streets traffic congestion – referred to general business
2. Cooke Park excessive use by commercial fitness/exercise groups – general business
3. Parking in Belinda street – general business

Correspondence

OUT

1. KMC re. DA on cnr Belinda and Noble street on excessive height, traffic management
2. KMC General Manager re. traffic congestion/parking problems in vicinity of Belinda, Morrow, Cole and Noble streets

- 3.KMC Tim McLeod, Manager Property re. Cooke Park use for fitness training groups
4. Ann Sudmalis, MP re. congratulations on re-election and acknowledgement of new library/museum project
5. Invitations to local candidates to attend “meet the candidates” night

IN

1. KMC Tim McLeod, Manager Property, re. Cooke Park
2. Ann Sudmalis re. Federal Govt grant of\$1.25 million for museum/library project
3. KMC Phil Costello, Director Environmental Services, re DA’s on Council website – no change.

Action: new councillors to be lobbied for improvements to the amount of information made available

4. Emails re. proposal for abattoir in Rose Valley

Council Papers

None

Development Applications

1. Amended plans for the main residence at 242 Fern street Gerringong,(Inghams development) have been re submitted to council. No opposition has been expressed to Precinct.

Traffic Committee

No report

Neighbourhood Watch

No report

General Business

1. Traffic congestion, parking problems and unsafe pedestrian access still major concerns in Morrow and Belinda Streets. It was suggested that Belinda street be made one way only, or no parking on one side

Action: Peter Hainsworth will put a written proposal to Precinct.

2. Norfolk Is pines –damage caused to a resident’s property was repaired at owner’s expense. KMC insurance does not cover such costs.

3. Traffic review – suggested that the roundabout be considered within overall traffic management review – to deter drivers going over it.

4. Cooke Park – not appropriate for fitness groups; guidelines for use excludes exercise activities near monuments, barbecues, picnic facilities playgrounds, etc. (condition 9). There are other parks and reserves more suitable.

Action: Precinct to resend correspondence directly to Cr Andrew Sloan to urge him to follow up the matter.

5. Erosion of Werri Beach southern end – no action

6. Maria Baden from Rose Valley addressed the meeting – spoke about current proposal before Council for a small abattoir at the Schottlander’s Wagyu beef cattle farm in Rose Valley.

Debra Sandy spoke against the abattoir proposal, on behalf of Rose Valley residents, citing it as being contrary to the LEP.

It was noted that the State Govt has given approval for KMC to change the LEP to allow use for an abattoir. Any changes to the LEP will have a consultation period where individuals can make submissions.

Meeting closed at 8.50 pm

Next Meeting: Thursday 20 October 2016 at Gerringong Town Hall, 7.30pm

Darrell Clingan Chairperson

Linda Brazier Minutes Secretary

14.4 Successful Youth Opportunities funding applicationResponsible Director: Community Services

This report is to advise Council of the success of a \$50,000 funding application, under the Youth Opportunities grants program, administered by the NSW Department of Family and Community Services (FACS). The application proposed a program titled "Connecting Generations through Healthy Lifestyles".

The proposed project aims to create a holistic approach to healthy, active living and eating for young people and to build community connections with older residents through young people hosting intergenerational dinners.

The project will include the following strategies:

- The delivery of four eight week healthy cooking programs that will run in line with school terms
- Four terms worth of fitness classes for young people
- Four x intergenerational luncheons (one at the end of each term) hosted by the young people for seniors.

The bulk of the funding will be used to pay a project coordinator to implement the strategies.

The start date for the project will be early January 2017, running through to the end of December 2017.

14.5 Kiama Library and Family History Centre Christmas New Year Operational Hours

Responsible Director: Community Services

Kiama Library will close at 2pm on Saturday 24 December 2016 and return to normal operational hours on Tuesday 3 January 2017. Gerringong Library will close at 4.30pm on Thursday 22 December 2016 and reopen on Thursday 5 January 2017.

The Family History Centre will close at 2pm on Saturday 17 December and reopen at 9.30am on Tuesday 3 January 2017.

14.6 Lake Illawarra Local Area Command crime prevention strategy to address steal from motor vehicle offencesResponsible Director: Community Services

Kiama Council has agreed to support a Lake Illawarra Local Area Command (LILAC) initiative to implement a crime prevention strategy addressing 'steal from motor vehicle' offences within the Illawarra area. LILAC report that this offence is persistently high and that most of the offences are from vehicles left unlocked. This offence is acknowledged in the Kiama Council Crime Prevention Plan 2013, although to date no strategies have been implemented to directly address the issue.

The LILAC report that this type of crime tends to spike in the summer period. The LILAC initiative will address this type of offence using two strategies:

- 1) a local social media campaign
- 2) all 'steal from motor vehicle' victims will be sent a 'steal from motor vehicle' crime prevention information package containing a car air freshener printed with the message 'Park smarter, lock it or lose it'.

The LILAC have requested support from all three local councils within the Lake Illawarra Local Area Command to make this project a success and be ready to implement prior to the peak summer period. Quotes have been obtained by the LILAC with the most economical quote for 3000 air fresheners @ \$0.84 each plus freight and GST being \$2831.40, through Promotion Productions Australia. This would be a total cost of \$943.80 per council.

The air freshener will the crime prevention message and an image of a vehicle will also include a message reading 'proudly supported by' (each council's official logo) and the NSW Police logo. The air freshener is in full colour and printed on both sides.

Funding for the initiative will be allocated from the Health Promotion budget.

14.7 Question for Future Meeting - Election Funding Commitments

Responsible Director: Community Services

During the 2016 Commonwealth election campaign, Ann Sudmalis, member for Kiama made funding commitments in relation to the Gerringong Library and Museum project and the installation of CCTV cameras at Kiama harbour. Council has received written confirmation of both these commitments.

The Gerringong Library and Museum received a commitment of \$1.25 million. This is to be funded from the Community Development Grants (CDG) program which will be administered by the Department of Infrastructure and Regional Development. Council has been advised that a Departmental officer will be in contact to discuss the next steps. Work cannot commence until a Deed of Agreement has been entered into.

The CCTV project received a commitment of \$14,000 to install two cameras at Kiama Harbour and connect them to the existing network. Council has been advised that an application will have to be submitted under the Safer Communities fund, administered by the Attorney-General's Department. The funding round is anticipated to open in late 2016. Once applications have been assessed a Funding Agreement will need to be entered into prior to work commencing.

14.8 Question for Future Meeting: Council meetings held in Municipal villages

Responsible Director: Office of the General Manager

At the 27 September 2016 meeting Council Reilly requested a report on the possibility of holding an Ordinary Meeting of Council in Jamberoo, Gerringong and Minnamurra during the next 12 months.

This report serves to advise Councillors that investigation into the possibility of conducting meetings at remote sites whilst still allowing public access via web streaming as well as recording the meetings is being undertaken by Council's Information Technology department. A report detailing the findings including costs will be presented to Council at a future meeting.

14.9 Joint Organisations

Responsible Director: Office of the General Manager

Kiama Municipal Council with Shoalhaven, Shellharbour and Wollongong City Councils has been participating in one of five pilot regional organisations established under the Local Government reform program. The pilot joint organisation replaced the Southern Councils Group.

The three core functions of a joint organisation are:

- regional strategic planning and priority setting
- intergovernmental collaboration
- regional leadership and advocacy

The pilot organisation has been successful with the development of a strategic organisational plan and the sponsorship of significant regional initiatives including the Youth Employment Strategy. There has been good evidence of intergovernmental collaboration.

The Office of Local Government is now seeking feedback until 27 October 2016 on the proposed map of Joint Organisation boundaries. The proposal map shows the Illawarra Joint Organisation boundaries consistent with the boundaries of the pilot joint organisation. It is not proposed that Council make a submission proposing altering the boundaries.

The boundary criteria for joint organisations is that each joint organisation should:

- align or 'nest' within strategic growth planning boundaries
- demonstrate clear community of interest between member councils and regions
- not adversely impact on other councils or JOs, for example, leaving too few council's to form a JO
- be based around a strong regional centre, where possible
- be of appropriate scale and capacity to partner with the NSW Government, Commonwealth Government and other partners.

Attachments

- 1 Joint Organisations: Getting the boundaries right



Joint Organisations: Getting the boundaries right

Item 14.9

Attachment 1



SEPTEMBER 2016

Why are we building Joint Organisations?

Joint Organisations are a vital part of the NSW Government's plan to strengthen councils and communities.

A network of robust, connected Joint Organisations (JOs) will provide a forum for councils, State agencies and others to come together at a regional level to work on shared priorities. This will help to deliver important regional projects, delivering better outcomes for communities.

We are working with councils to develop a shared model for JOs. This model has been built through consultation and the experiences of five Pilot regions, which trialled options for the model during 2015.

JOs will work with local councils and State agencies to develop new ways of working together and with others, and a real commitment to change from everyone involved.

What will they do?

JOs will undertake three core functions:

- regional strategic planning and priority setting
- intergovernmental collaboration
- regional leadership and advocacy

The Office of Local Government recently consulted on a proposed model through the paper, *Joint Organisations: Towards a new model for regional collaboration*. That paper in turn reflected feedback in response to an initial paper, *Joint Organisations: Emerging Directions*, released in October 2015.

There has been positive feedback and strong support to date. An independent evaluation has confirmed that JOs can enhance regional strategic planning and intergovernmental collaboration to benefit regions.



Why are boundaries important?

Regional and rural councils will each be a voting member of a JO, providing a stronger voice for their local community at a regional level. In light of their unique circumstances, separate regional arrangements are being developed for Far West councils as part of the Far West Initiative.

Building a robust, reliable body for councils at a regional level will help to connect member councils' local plans and priorities with planning by other levels of government. It will also promote the active participation and commitment of all councils and agencies in each region. Clear boundaries will provide everyone with certainty and provide a basis to build the strongest possible relationships over time.

How big should Joint Organisations be?

While fifteen JOs were originally considered, the Government has yet to make a decision about the number of JOs or their final boundaries.

Our most recent feedback indicates that councils are open to considering forming part of a larger JO, perhaps with sub-regional arrangements. This would help to reduce resourcing costs for member councils and help to accommodate existing council relationships.

Which councils should work together?

Each JO will focus on delivering its three core functions through a shared model, helping to strengthen collaboration to deliver better community outcomes. As such, the boundaries will need to bring together members to fulfil those core functions for a specific region.

Importantly, councils will still be able to work with other councils outside their JO. This could be achieved by becoming an Associate (non-voting) member of another JO or simply continuing existing initiatives to deliver shared services, procurement, etc.

What are the boundary criteria?

The NSW Government has consulted councils on criteria for setting JO boundaries several times since releasing *Fit for the Future* in 2014. The final criteria, which are set out in the box below, have been generally supported by councils.

Each JO should
✓ align or 'nest' within strategic growth planning boundaries
✓ demonstrate clear community of interest between member councils and regions
✓ not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO
✓ be based around a strong regional centre, where possible
✓ be of appropriate scale and capacity to partner with the NSW Government, Commonwealth Government and other partners.

What is a *community of interest*?

For the purposes of determining JO boundaries, a community of interest may exist where member councils and the local communities they serve share common or closely related interests and goals, are geographically connected, share similar social and cultural identities and the sense that they 'belong together' as part of a cohesive region. Community of interest also relates to the ways that councils are bound together by common planning and growth interests.

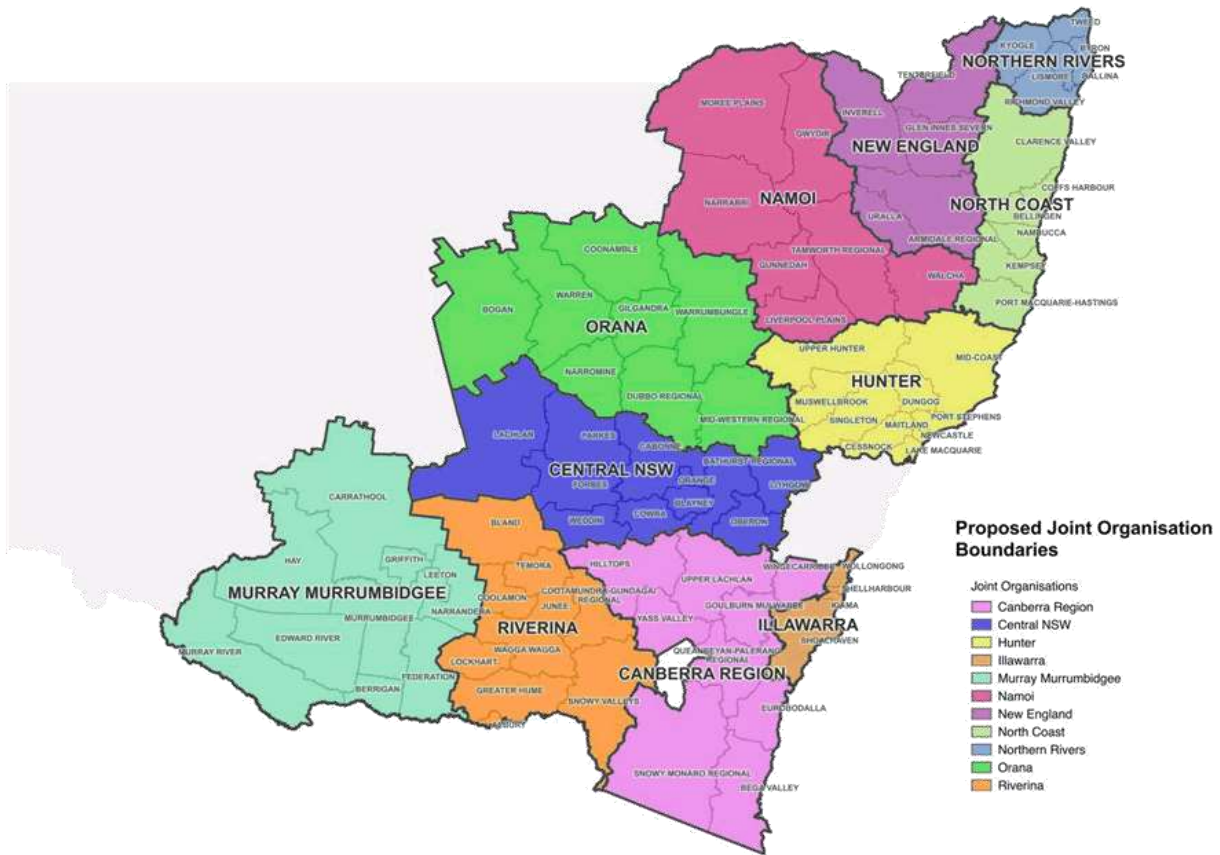
Why do JOs need *scale and capacity*?

Feedback received to date has emphasised that JOs need to be both viable and workable. They will need to promote consistent regional strategic planning, priority setting and collaboration.

JOs will also need to be capable of supporting member councils through coordinating optional functions such as sharing data, systems, staff, services, tools and expertise.

What are the proposed boundaries?

The proposed map below is based on the final boundary criteria and feedback to date. This is designed to be a basis for further discussion and consideration.



Have your say

All councils in regional and rural NSW are invited to provide feedback on the proposed map of JO boundaries by 5pm on **Thursday 27 October 2016** via email to jointorganisations@olg.nsw.gov.au.

A decision on boundaries will then be made and the final members of each JO announced. It is intended that each JO will be proclaimed under the *Local Government Act 1993* to begin operation in early 2017.

Further information

Please contact the Joint Organisations Team at the Office of Local Government on 02 4428 4100 or via email at jointorganisations@olg.nsw.gov.au.

Reports for Information

14.10 7th Annual Global Conference of the Alliance of Healthy Cities

Responsible Director: Office of the General Manager

Attached for Councilor's information is a report from Councillor Kathy Rice who recently attended the 7th Annual Global Conference of the Alliance of Healthy Cities in Wonju, South Korea.

Attachments

- 1 Conference report by Clr Kathy Rice

Item 14.10

The 7th Global Conference of the Alliance for Healthy Cities
“Our cities, Our health, Our future”
August 29 – September 1, 2016 / Wonju City, Republic of Korea

The theme of the 2016 Alliance for Healthy Cities Conference was “Our Cities, Our Health, Our Future”

The keynote lecture on this theme was delivered by Dr. Young Soo Shin, the Regional Director of the WHO Western Pacific Regional Office. Dr. Shin began by looking at the achievements of the WHO Healthy City Programme.

The WHO Healthy City Programme has now existed for more than two decades. It has shifted the approach of public health from a focus on individuals to an approach addressing the structural and political determinants of health. It has engaged national and local government leaders who are responsible for education, for transport, for food and nutrition, for housing, for sanitation and urban planning, because the power to keep people healthy lies, for the most part, outside the health sector.

Yet still, in many parts of the Western Pacific Region there continues to be inequality of access to infrastructure by poorer people, unhealthy food is too accessible, the risks from air pollution and second hand smoke persevere, high rates of road accidents occur and urban disasters displace millions each year. There is still much action needed.

In September 2015 the United Nations Development Programme revised the Sustainable Development Goals. <http://www.undp.org/content/undp/en/home/sustainable-development-goals/background.html> If the Healthy City Programme is to have continued impact, these goals must attract the dedicated action of cities.



Healthy Cities have the potential to be proactive and anticipate, mitigate and adapt in innovative ways to the new health challenges that evolve in urban settings. These challenges include the adverse health impacts of climate change, migration, natural disasters, growing health inequities, demographic ageing and emerging diseases.

To do this, Healthy Cities in the Region will need to scale up and proliferate. A whole-of-system approach is needed, with the scope to anticipate and respond to emerging challenges before they impose enormous burdens on systems and resources.

(Reference: Regional Framework for Urban Health in the Western Pacific Region 2016 – 2020)

The Foresight Approach towards Healthy and Resilient Cities

To assist delegates imagine how Healthy Cities might prepare for long term possibilities, the conference was introduced to 'The Foresight Approach' for delegates to consider whether this approach could be consistent with the values of healthy cities and whether it could add value to a Healthy City.

Futures' thinking has been practised in the corporate sector for at least 40 years and is most frequently resourced with data from experts. The Foresight Approach is a system for anticipating the future that deviates from a strict reliance on data and synthesises ideas derived from Prediction - using the past, Exploration – imagined new potential and Resolution – overcoming current problems.

The Foresight approach as presented to the conference was described as a bottom up method that could engage members of the community in exercises conducted by trained facilitators.

The first presenter was Dr. Susan Mercado, Director of Non Communicable Diseases and Health throughout the Life-Course, WHO Western Pacific Regional Office. Her presentation was entitled 'From Reactive to Proactive'

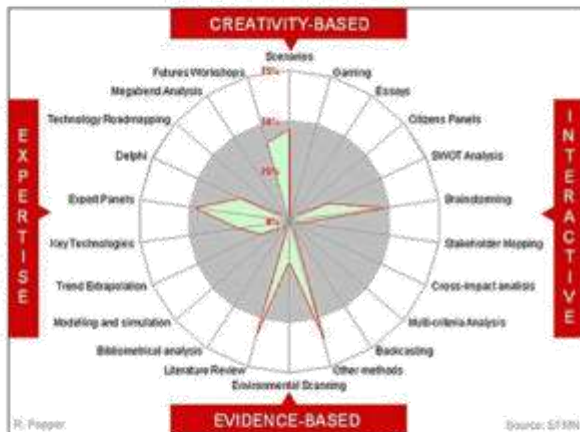
Susan presented examples that illustrated how the past could have helped planning to be proactive yet it hadn't. Narrow urban streets in Asian countries have become congested by cars and cause hours of traffic disruption. Climate change and its impact has been observed for many years, but less developed Asian cities still have garbage on the street that clogs drains and creates an even more complex disaster when it is dispersed during floods. Knowledge to prevent non-communicable diseases is widespread, but in low and some middle income countries many women are still dying far too young. The social role of grandmothers in passing on knowledge and parenting support to their children has been disrupted.

Whenever disasters or disruption have occurred in the community there is a recognised impact on mental health. Prevention or mitigation of many emergencies can occur with proactive planning, but a comprehensive multi sectoral approach is needed. The health sector needs to be included and provided with funding to address prevention rather than only being resourced as a response to sickness.

Dr Sally Fawkes, (Senior Lecturer Department of Public Health, La Trobe University Melbourne), spoke on 'The How and Why of the foresight approach'. Her major point was that for foresighting to be effective, community engagement must be increased to a broad scale so that an immense number of

ideas can be accumulated and filtered. Throughout the process diverse stakeholders are brought together and multiple methods of information collection and analytics are used. The new forms of knowledge created can then underpin policy for achievement of preferred longer term scenarios.

Tools of Foresight

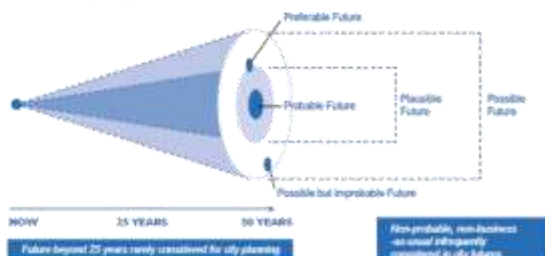


Ms Cheryl Chung (Deputy Director of Strategic Planning, Lee Kuan Yew School of Public Policy, Singapore University), presented 'Experience from Singapore on the future agenda of Government'. She suggested that all policy making should be oriented toward the future. Prior to any policy decisions being made, a broad range of ideas must be canvassed and their relevance as issues influencing future policy assessed. She gave an example of an idea that was suggested to contain the area that car parking takes up 'Use driverless cars that function as public transport by incessantly driving set circuits without parking'. Healthy City Policy favours active transport so this idea wouldn't greatly increase the physical activity of commuters. Further, by increasing car infrastructure the expectation that car centric infrastructure would continue to develop over time would be reinforced. Instead, it was decided that the first and last sectors of connectivity to other public transport needed improving, as did bicycling infrastructure. This example illustrates how when assessing the issues that emerge during foresight activities it is important to try and understand their first and second order health implications. When the public and other stakeholders are broadly encouraged to be involved in future planning, the resultant policy has a much better chance of being open and inclusive.

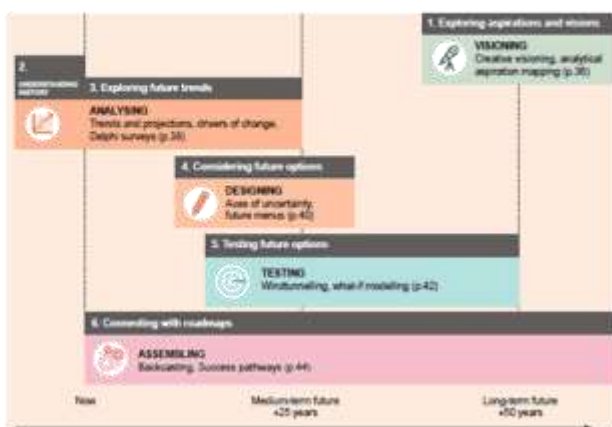
This session concluded with a very informative presentation by Professor Nick Dunn. (Professor of Urban Design, Lancaster Institute of Contemporary Arts, Lancaster University, England) Throughout his presentation he consistently referred to two documents, Future of Cities: Foresight for Cities, and Future of Cities: An Overview of the Evidence. These documents can be readily accessed. <https://www.gov.uk/government/publications/future-of-cities-foresight-for-cities> <https://www.gov.uk/government/publications/future-of-cities-overview-of-evidence>

City foresighting involves exercises to uncover new ideas, challenge existing assumptions about the future and explore the interactions between future trends and the forces driving change.

Figure 1. City foresighting considers different types of futures



It involves five types of thinking, Visioning, Analysing, Designing, Testing and Assembling.



(Reference: Foresight for Cities, see link above)

The process offers the benefits of exposing local strengths, enhancing resilience, strategy refinement, investor confidence, strategic partnerships, tackling challenges and civic engagement.

Many of the future cities are already here, but it is how they are re-mixed and re-organised that will matter. When engaging in Foresight activities there is no need to conclude any part with a glossy final report as a city will always be in progress and Foresight thinking should be continuous.

The information that I have presented above conveys the overarching message of the conference. Other sessions can be accessed via <http://afhc2016.wonju.go.kr/material/proceedings.php>

Parallel Sessions

Many of the presentations in the parallel sessions were specific to the participating cities although some of the themes, such as those below could also be appropriate for Kiama.

- Designing buildings to encourage stair walking rather than using escalators
- Creating seniors story books through life review and art therapy, then sharing book with others
- Animal assisted activities for those with dementia who are over 65 years of age
- Engaging senior citizens to use their inspiration from the past to paint / decorate public surfaces
- Engaging Elderly in problem solving and participation in community environmental projects
- Providing incentives to install rooftop solar panels
- Providing incentives for energy and water conservation and incorporation of green spaces into building design
- Using phone apps and community activities to encourage more people to walk

I presented my paper on Dementia Friendly Kiama to approximately 100 delegates at one of the parallel sessions. Wherever there were aspects of the Kiama project that could be accessed online I had included links to this material on the slides I presented. These opportunities for extra information were readily taken up with many of the audience getting out their phones to photograph these slides. My presentation was very well received and I had two approaches from people wanting to keep in touch with Kiama as our project progresses. They were the President of the Alliance for Healthy Cities in Taiwan, Mr Te-jen Hung and the Mayor of the City of Obu Japan, Mr. Hideto Okamura.

Dementia and Ageing is an issue that is prominent in health planning across the region and Kiama is being recognised as being a leader in this field.

14.11 Council Committees

Responsible Director: Office of the General Manager

At the Council meeting held on 27 September 2016 Council determined the councillor membership of committees.

With the aim of having the term of Council committees coincide with the term of a new Council, the terms of reference of the endorsed committees are being reviewed. Reports will be submitted to Council proposing the adoption of the terms of reference of the committees and the advertising of community representative positions to enable Council to determine any new interests for community membership of the committees.

14.12 Questions for Future Meetings Register

Responsible Director: Office of the General Manager

Attached for Councillors' information is the Questions for Future Meetings register as at 11 October 2016.

Attachments

- 1 Questions for Future Meetings Register 11 October 2016

Questions for Future Meetings Register

16/73192

No	Details	Actions
20 October 2015 Meeting		
18.2	<p>Secure Storage for Caravans and Boats Councillor Seage requested a report on the feasibility of Council providing a secure storage area for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.</p>	<p>Report to November Council meeting (combined with 18.4) Site inspection carried out and further investigation to be carried out.</p>
18.4	<p>Possible Commercial Opportunity for Caravan Storage Councillor Steel requested a report on approving a local park area (approx. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.</p>	<p>Report to November Council meeting (combined with 18.2)</p>
15 March 2016		
18.12	<p>Design standards for signage Councillor Reilly requested that a report be prepared on the development of a design standard that covers colours, styles and signage for all Municipality infrastructure. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.</p>	<p>Report to future Council meeting</p>
26 April 2016		
18.2	<p>Brown Street Cutting Councillor McClure asked for a report on what can be done to improve the Brown Street cutting. At present the cutting appears unstable and provides no pedestrian access. The Mayor referred this matter to the Director of Engineering and Works for investigation and report.</p>	<p>Report to future Council meeting</p>
15 May 2016		
18.1	<p>Cycleway and walkway along Minnamurra Bends Councillor Steel requested a report be completed on the feasibility of the installation of a cantilevered walkway/cycleway along the western side of Riverside Drive around the Minnamurra bends, Kiama Downs. The Mayor referred this matter to the Director of Engineering & Works for investigation and report.</p>	<p>Report to a future Council meeting</p>
18.4	<p>Cycleway and boardwalk around Minnamurra Bends – expression of interest Councillor Way requested that an expression of interest be prepared for suitable parties to prepare an options report to identify a suitable system that could be constructed along Riverside Drive, from</p>	<p>Report to future meeting</p>

No	Details	Actions
<p>Meehan Drive around Minnamurra Bends to Minnamurra Bridge for the purpose of:</p> <ul style="list-style-type: none"> • safe access and travel for pedestrians and cyclists • minimising the footprint on the surrounding natural environment • designing a cycleway/walking path that is cost effective and enhances the aesthetics of the surrounding area • preparing innovative design concepts that may include cantilever, cable gantries, pier and beam or any other solutions that will accommodate a shared pathway • prepare a fee proposal for the preliminary report/concept design. <p>The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>		
<p>28 June 2016</p>		
18.2	<p>Replacement of CFL streetlights Councillor Sloan requested a report on the feasibility of replacing CFL streetlights with LED lamps. The Mayor referred the matter to the Director of Engineering & Works for investigation and report.</p>	Report to future meeting
<p>16 August 2016</p>		
17.1	<p>Disability parking sign - Collins Street Councillor Reilly requested a review of the placement of the disability parking sign near the bus stop on Collins Street in front of the Masonic Hall. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	Report to future meeting
17.3	<p>Review of taxi stand at Kiama Bowling Club Councillor Steel requested that the site of the taxi stand at the Kiama Bowling Club be removed or consideration be given to the taxi stand being moved from the eastern side of the Bowling Club to Shoalhaven Street. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	Report to future meeting
<p>27 September 2016</p>		
17.1	<p>Council meetings held in Municipal villages Councillor Reilly requested a report on the possibility of holding an Ordinary Council meeting in Jamberoo, Gerringong and Minnamurra during the next 12 months. The Mayor referred this matter to the General Manager for investigation and report.</p>	Report to October meeting and final report to future meeting
17.2	<p>Walkway to Boneyard update Councillor Steel requested that a letter be forwarded to the relevant Minister seeking urgent attention to the walkway from Bombo Rail Bridge to the Boneyard which has been blocked to the public for more than 12 months. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	Report to future meeting

No	Details	Actions
17.3	<p>Taxi rank at the Kiama Bowling Club Councillor Steel requested that an investigation be undertaken into moving the taxi rank at the Kiama Bowling Club from Shoalhaven Street to Noorinan Street. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	Report to future meeting
17.4	<p>Gerringong Library and Museum funding Councillor Westhoff requested that an update be provided into the promised funding from Ann Sudmalis for \$1.5M for the Gerringong Museum/Library. The Mayor referred this matter to the General Manager for investigation and report.</p>	Report to October meeting
17.5	<p>CCTV Kiama Harbour funding Councillor Way requested that an update be provided into the promised funding from Ann Sudmalis for installing CCTV at Kiama Harbour. The Mayor referred this matter to the Director Community Services for investigation and report.</p>	Report to October meeting
17.6	<p>Fitness groups operating at Cooke Park, Gerringong Councillor Sloan requested that in response to a request from South Precinct and several letters from residents, can a report be provided on the potential to relocate fitness groups operating at Cooke Park, Gerringong to an alternative suitable location. The Mayor referred this matter to the Director Engineering and Works for investigation and report.</p>	Report to future meeting

Reports for Information

14.13 Blue Haven Advisory Committee - Minutes

Responsible Director: Community Services

Minutes of the Blue Haven Advisory Committee meeting held on 7 September 2016 are attached.

Attachments

- 1 Minutes - Blue Haven Advisory Committee

Minutes Blue Haven Advisory Committee meeting held 7 September 2016 at Blue Haven Meeting Room

Present	Clare Rogers, Fiona Whittaker, Kerrilyn O'Keefe, Julie Bartlett, Caroline, Alan Fowle, Ian Pullar, Ian Wilson, Barry Wilson, Michael Forsyth, Brian Petschler.
Apologies	Pam Waters, Sandra McCarthy, Clr. Kathy Rice, Clr. Neil Reilly, Steve Dawson, Ngaire Brennan

Minutes of previous meeting – Moved**Business arising from the minutes**

No commitment from Members of Parliament (MP's) regarding Aged Care Funding Instrument (ACFI).

4 Reports*4.1 Governance & Strategy*

Recommendation Noted

4.2 Volunteer Project

Recommendation Noted

4.3 Housekeeping Review

Recommendation Noted

4.4 Residents Forum

Recommendation Noted

4.5 Facility Report

Recommendation Noted

4.6 Financial Report

Recommendation Noted – Date of report to be added

5 General Business - Nil*6 Confidential Reports**6.1 Blue Haven Redevelopment*

Recommendation Noted and endorsed

6.2 Blue Haven – Independent Living Units

Recommendation Noted

7 Business without notice

7.1 Garden around Dementia Ward

The garden area needs attention. Friends of Blue Haven (FOBH) are willing to provide funding.

Action Report back to Caroline Crowe-Maxwell (Treasurer FOBH).

7.2 Appreciation

Brian Petschler expressed appreciation of Chairman and members of the committee over the time he has been involved. It has been a wonderful experience

7.3 Motions of Condolence

Condolence for passing of a former Mayor, Mr Paul Saphin last week. He was one of the initiators of Blue Haven.

7.4 Retirement of Brian Petschler

Motion of thanks to Brian for his commitment.

7.5 Committee Photo

Agreed to meet to take new Committee photo for Annual Report. Time to be arranged.

[16/78764]

15 ADDENDUM TO REPORTS

16 NOTICE OF MOTION

16.1 Kiama Independence Day

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council set aside, each year, the date of third of February as 'Kiama Independence Day' and mark this day with a morning tea and at that time hold a public speaking competition on an appropriate topic.

Signed Councillor Neil Reilly

16.2 Community Engagement

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council:

1. review and upgrade the Community Engagement Strategy section of the Kiama Community Strategic Plan 2013-2023 as required by The NSW Integrated Planning and Reporting framework.
2. produce an implementation plan and timeline
3. develop Community Engagement Policy Guidelines and Toolkit*

Signed Councillor Neil Reilly

For the benefit of Councillors I provide the following expansion on point 3 above:

Community Engagement Policy

Council should maintain a Community Engagement Policy which governs Council's investment into engagement practices.

The policy defines the principles underpinning Council's engagement activities, the role of Councillors, Council staff and consultants responsible for engaging with the community on behalf of Kiama Municipal Council, and the mechanisms which Council will use to engage the community.

It should be used as a point of clarification and direction when consideration of potential engagements is undertaken.

Community Engagement Guidelines

Guidelines could provide direction on when to engage and the appropriate level of engagement. Basically, this would be instructions on how to engage and the planning of engagement activities as well as how to evaluate engagement activities.

Community Engagement Toolkit

This proposed toolkit should provide templates, sample questions and models, as well as other tools to assist in community engagement. LGNSW and The International Association for Public Participation (quoted in our current strategy) could assist in the development of this.

17 QUESTIONS FOR FUTURE MEETINGS

18 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 18 October 2016

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.

18.1 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.

19.1 KEVIN WALSH OVAL AMENITIES BUILDING RENEWAL

Reason for Confidentiality: This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

19 CONFIDENTIAL REPORTS

19.1 Kevin Walsh Oval amenities building renewal

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

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

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

20 CLOSURE