



# ORDINARY MEETING OF COUNCIL

To be held at 5pm on

**Tuesday 22 January 2019**

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
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- 9 Report of the General Manager
- 10 Report of the Director Environmental Services
- 11 Report of the Director Corporate & Commercial Services
- 12 Report of the Director Engineering and Works
- 13 Report of the Director Blue Haven
- 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 A Sloan  
Deputy Mayor  
Councillor M Brown  
Councillor N Reilly  
Councillor K Rice  
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

16 January 2019

To the Chairman and 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 22 January 2019** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Kerry McMurray  
**General Manager**

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**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 22 JANUARY 2019**

**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 Ordinary Council meeting held on 18 December 2018**

##### **Attachments**

- 1 Minutes - Ordinary Council - 18/12/18 [↓](#)

##### **Enclosures**

Nil

##### ***RECOMMENDED***

That the Minutes of the Ordinary Council Meeting held on 18 December 2018 be received and accepted.



# MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.03pm on

## TUESDAY 18 DECEMBER 2018

Council Chambers  
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1



MINUTES OF THE ORDINARY MEETING

18 DECEMBER 2018

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE  
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,  
KIAMA, ON TUESDAY 18 DECEMBER 2018 AT 5.03PM

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

**IN ATTENDANCE:** General Manager, Director Environmental Services,  
Director Corporate and Commercial Services, Director  
Engineering and Works and Director Blue Haven

**1 APOLOGIES**

*18/315OC*

**Resolved** that the apology tendered from Councillor Brown be received and noted and leave of absence granted.

(Councillors Sloan and Reilly)

**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 Ordinary Council meeting held on 20 November 2018**

*18/316OC*

**Resolved** that the Minutes of the Ordinary Council Meeting held on 20 November 2018 be received and accepted.

(Councillors Westhoff and Way)

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

**3.2 Extraordinary Council meeting held on 7 November 2018**

**18/317OC**

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 7 November 2018 be received and accepted.

(Councillors Way and Westhoff)

**3.3 Extraordinary Council meeting held on 3 December 2018**

**18/318OC**

**Resolved** that the Minutes of the Extraordinary Council Meeting held on 3 December 2018 be received and accepted.

(Councillors Sloan and Reilly)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 PUBLIC ACCESS**

Name	Item No.	Subject
Warrick Davidson	16.1	Tingira Reserve – Reposition waste bin to street verge
Warren Simpson	16.1	Tingira Reserve – Reposition waste bin to street verge

**6 MAYORAL MINUTE**

**6.1 Seasons Greetings**

**18/319OC**

**Resolved** that Council extends to all, the wish for a happy and peaceful Christmas and for a safe and prosperous New Year.

(Councillors Honey and Sloan)

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**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

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**6.2 Resignation of Senior Youth Worker Andrew Chatfield**

**18/320OC**

**Resolved** that Council formally thank Andrew Chatfield for his contribution to youth services in the Kiama Municipality and for his years of service to Council.

(Councillors Honey and Sloan)

**6.3 Megan Dalley Memorial, Trainee of the Year Award 2018**

**18/321OC**

**Resolved** that Council congratulates Lee Warren on the receipt of the 'Megan Dalley Trainee of the Year Award' for 2018.

(Councillors Honey and Sloan)

**6.4 Robert East Community Service Award - 2018**

**18/322OC**

**Resolved** that Council congratulate Ian Vickery on receiving the 'Robert East Community Service Award' for 2018.

(Councillors Honey and Sloan)

**7 MINUTES OF COMMITTEES**

**7.1 Minutes: Catchment and Flood Risk Management Committee - 20 November 2018**

**18/323OC**

**Resolved** that the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 20 November 2018 be received and accepted.

(Councillors Sloan and Westhoff)

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

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**7.2 Minutes: Destination Kiama Tourism Advisory Committee - 4 December 2018**

**18/324OC**

**Resolved** that the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 4 December 2018 be received and the recommendations therein accepted. Further that Council's congratulations are extended to all staff involved in the development of the Kiama Visitors Guide for 2019.

(Councillors Reilly and Way)

**7.3 Minutes: Planning Committee - 16 November 2018**

**18/325OC**

**Resolved** that the Minutes of the Planning Committee Meeting held on 16 November 2018 be received and accepted.

(Councillors Sloan and Way)

**7.4 Minutes: Walking Tracks and Cycleways Committee - 14 November 2018**

**18/326OC**

**Resolved** that the Minutes of the Walking Tracks and Cycleways Committee Meeting held on 14 November 2018 be received and recommendations therein accepted.

(Councillors Way and Rice)

**7.5 Minutes: Kiama Local Traffic Committee - 4 December 2018**

**18/327OC**

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 4 December 2018 be received and the recommendations therein accepted.

(Councillors Way and Steel)

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**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

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**7.6 Minutes: Audit Risk and Improvement Committee - 27 November 2018**

**18/328OC**

**Resolved** that the Minutes of the Audit Risk and Improvement Committee Meeting held on 27 November 2018 be received and accepted.

(Councillors Sloan and Westhoff)

**COMMITTEE OF THE WHOLE**

**18/329OC**

**Resolved** that at this time, 05.14pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the General Manager
- Report of the Director Environmental Services
- Report of the Director Corporate & Commercial Services
- Report of the Director Engineering and Works
- Report of the Director Blue Haven
- Addendum to Reports

(Councillors Reilly and Rice)

**8 PUBLIC ACCESS REPORTS**

**18/330OC**

**Committee's recommendation** that at this time, 05.14pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Reilly)

**16.1 Tingira Reserve - Reposition waste bin to street verge**

**Motion**

It was moved by Councillor Honey and seconded by Councillor Westhoff that Council relocate the dog waste bin from its current location in the dog-off leash area on Marsden Headland to the street access point between 41 and 43 Tingira Crescent, Kiama where it was previously located.

The **Motion** on being Put was **Lost**

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

**Amended motion**

**18/331OC**

**Committee's recommendation** that Council leave the bin in its current location however the bin be replaced with a smaller one and that a form of concealment be chosen by the Director of Engineering and Works to hide the bin from view.

(Councillors Steel and Reilly)

The **Amendment** became the **Motion** and was Put and **Carried**

**9 REPORT OF THE GENERAL MANAGER**

**9.1 2019 Australian Coastal Councils Conference - Councillor attendance**

**18/332OC**

**Committee's recommendation** that Council endorse the attendance of Councillors Honey, Way and Reilly at the 2019 Australian Coastal Councils Conference in Kiama on 6-8 March 2019. Further, that other interested councillors be endorsed to attend on an ad hoc basis.

(Councillors Sloan and Rice)

**9.2 North Kiama Community Forum: Request to form a Precinct Committee and Minutes of AGM and Open Meetings 14/11/18**

**18/333OC**

**Committee recommendation** that Council endorse the reformation of the North Precinct and provide:

- \$500 per annum to assist with administration and publicity
- A second hand notebook computer for minute taking and correspondence, and
- A meeting venue free of charge, if necessary.

(Councillors Way and Westhoff)

**10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**10.1 Post Exhibition Report - Chapter 3 Preservation of Trees and Vegetation & Chapter 8 Landscaping - Kiama DCP**

**18/334OC**

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

**Committee recommendation** that Council adopt the final draft of the Kiama DCP Chapter 3 Preservation and Management of Trees and Chapter 8 Landscaping as outlined in this report and attachments with the exception of the minor change to the wording as per the Council resolution from the September 2018 meeting.

(Councillors Watson and Rice)

**10.2 NAIDOC Schools Initiative**

**18/335OC**

**Committee recommendation** that Council agree to participate in the 2019 NAIDOC Week School Initiatives.

(Councillors Westhoff and Reilly)

**10.3 Supporting Initial Gateway - Lot 2 DP 805229 Dido Street, Kiama**

**18/336OC**

**Committee recommendation** that Council:

1. Endorse this Planning Proposal, without the inclusion of the E2 rezoning, to proceed to the Department of Planning and Environment for a Gateway determination.
2. Request plan making delegations for this proposal as a part of the Gateway determination.
3. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

(Councillors Rice and Reilly)

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

Against: Nil

**10.4 Proposed amendments to Road Transport (General) Regulation 2013 - Reduction in parking Fines**

**18/337OC**

**Committee recommendation** that Council:

1. Resolve not to be included in the proposed amendment to the Road Transport (General) Regulation 2013 where reduced parking fines are applicable to

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

specific local government areas.

2. The NSW Treasurer and Minister for Industrial Relations the Honorable Dominic Perrottet MP be notified that Council resolved not to be included in any proposed amendments made under the Road Transport (General) Regulation 2013 reducing parking fines issued in the Kiama Local Government area.

(Councillors Way and Steel)

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

**11.1 Community Engagement and feedback on the proposed Special Rate Variation and draft Operational Plan 2018-19 and Delivery Program 2017-21**

**18/338OC**

**Committee recommendation** that Council

1. acknowledge the submissions received in relation to the proposed special rate variation and that all submissions be included in Council's application to IPART.
2. adopt the amended Operational Plan 2018-19 and Delivery Program 2017-21.

(Councillors Reilly and Rice)

**11.2 Statement of Investments - November 2018**

**18/339OC**

**Committee recommendation** that Council receive and adopt the information relating to the Statement of Investments for November 2018.

(Councillors Watson and Reilly)

**11.3 Footpath Dining Policy amendment**

**18/340OC**

**Committee recommendation** that Council endorse the amendment to the Footpath Dining Policy.

(Councillors Sloan and Westhoff)



MINUTES OF THE ORDINARY MEETING

18 DECEMBER 2018

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

**12.1 Tree Vandalism Policy - adoption**

**RECOMMENDATION**

That Council adopt the amended Tree Vandalism Policy 2018 with a review date of 2 years. Also that the policy be further amended to contain the opening statement "Council is resolutely opposed to tree and vegetation vandalism on Council owned or managed lands".

Further, the Council staff add a reader's note to both the Tree Vandalism Policy and Chapter 3 of the DCP "Preservation of Trees & Vegetation, to advise that cross-referencing is required when reading either policy or DCP or words to that effect.

**18/341OC**

**Committee's recommendation** that the Tree/Vegetation Vandalism Assessment Form be reviewed.

(Councillors Rice and Sloan)

**13 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

**14 REPORTS FOR INFORMATION**

**RECOMMENDATION**

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

- 14.1 Annual General Meeting of the South Coast Cooperative Libraries - 29 October 2018
- 14.2 Conference Report: Councillors Sloan and Watson attendance - NSW Coastal Conference 2018
- 14.3 Southern Phone Annual General Meeting
- 14.5 Parking Statistics - November 2018
- 14.6 Question for Future Meeting: Table Tennis Equipment Use
- 14.7 Question for Future Meeting: Regulation of Holiday Rental Properties
- 14.8 Conference Report: Eco Tourism Conference 2018 - Townsville
- 14.9 Question for Future Meeting: Costings, budget and projections – Minnamurra Boardwalk
- 14.10 Question for Future Meeting: Minnamurra Boardwalk: economic, social, technological, legal and environmental impacts

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

- 14.11 Question for Future Meeting: resurfacing of the informal section of Bland Street
- 14.12 Minutes: Minnamurra Progress Association - 4 December 2018
- 14.13 Minutes: South Precinct Committee - 22 November 2018
- 14.14 Minutes: Kiama Central Precinct - 23 October 2018
- 14.15 Questions for future meetings register as at 11 December 2018
- 14.18 Minutes: Central Precinct Meeting 27 November 2018
- 14.19 Christmas Wishes.

**14.4 Conference Report: Councillors Reilly and Nick Guggisberg attendance – Age Friendly Cities Conference -**

**18/342OC**

**Committee recommendation** that opinion is sought from the Blue Haven Advisory Committee as to any role they might like to play with regard to Aged Friendly Cities Australia.

(Councillors Reilly and Rice)

**14.16 Conference Report: Councillor Rice attendance – SWITCH 2018 Conference -**

**18/343OC**

**Resolved** that Council continue to support the Renew Our Libraries campaign and promote the multiple activities and collections of the library to our community.

(Councillors Rice and Westhoff)

**14.17 Conference Report: Council Rice attendance - Alliance for Healthy Cities Conference -**

**18/344OC**

**Resolved**

1. That the idea of a Mayor's Walk is investigated for the Kiama Municipality.
2. That Kiama submits an annual achievement to the Network of Aged Friendly Cities and also submits a report on Health Plan achievements to the Alliance for Healthy Cities.

(Councillors Rice and Honey)

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

**15 ADDENDUM TO REPORTS**

*18/345OC*

**Committee's recommendation** that at this time, 6.33pm, Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Steel and Westhoff)

**15.1 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 November 2018**

*18/346OC*

**Committee's recommendation** that the Minutes of the Jamberoo Valley Ratepayers & Residents Association be received and noted.

(Councillors Steel and Westhoff)

**15.2 Community engagement and feedback on the proposed Special Rate Variation**

*18/347OC*

**Committee recommendation** that Council acknowledge the further submission received in relation to the proposed special rate variation and that all submissions be included in Council's application to IPART.

(Councillors Rice and Reilly)

**RESUMPTION OF ORDINARY BUSINESS**

*18/348OC*

**Committee's recommendation** that at this time, 6.34pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Watson and Way)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

*18/349OC*

**Committee's recommendation** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the

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**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

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Whole as detailed in the Committee recommendations 18/330OC to 18/349OC above.

(Councillors Reilly and Way)

**16 NOTICE OF MOTION**

Item 16.1 was previously dealt with at Item 8 Public Access

**17 QUESTIONS FOR FUTURE MEETINGS**

**17.1 Parking Stickers**

Councillor Steel requested a review of the use of a sticker system for local resident parking in the Kiama CBD.

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

**17.2 Drug & Alcohol screening program**

Councillor Way requested a report outlining how Council currently applies drug and alcohol policies and the feasibility of extending testing to Councillors on a more regular basis.

The Mayor referred the matter to the Director Corporate & Commercial Services for investigation and report.

**18 CONFIDENTIAL SUMMARY**

**18/350OC**

**Resolved** that at this time, 6.36pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel and Way)

**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.

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

**18.1 Exclusion Of Press And Public:**

**18/3510C**

**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 AWARDING OF THE TENDER TO DEVELOP THE KIAMA COASTAL MANAGEMENT PROGRAM**

**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 NEW LICENCE 100 TERRALONG STREET KIAMA - THE COLLECTIVE**

**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 Way and Steel)

**19 CONFIDENTIAL REPORTS**

**Disclosure of Interest - Councillor Sloan**

Councillor Sloan declared a non- significant non-pecuniary interest in this matter as he has undertaken work for one of the tenderers .Councillor Sloan took no part in discussion or voting on this matter.

Councillor Sloan here left the Chamber 6.38pm

**19.1 Awarding of the tender to develop the Kiama Coastal Management Program**

**18/3520C**

**Committee recommendation** that Council endorse the recommendation of the tender assessment panel and appoint BMT as the successful tenderer, to undertake the development of the Kiama Municipal Council Coastal Management Program

(Councillors Steel and Reilly)

Councillor Sloan here returned to the Chamber 6.39pm

**MINUTES OF THE ORDINARY MEETING**

**18 DECEMBER 2018**

**19.2 New licence 100 Terralong Street Kiama - The Collective**

**18/353OC**

**Committee recommendation** that Council:

1. Enter into a short-term licence with "The Collective Kiama" for use of 100 Terralong Street, Kiama for a term of six (6) months with a six (6) month option to renew.
2. Give the Mayor and/or General Manager delegated authority to sign the licence on behalf of Council.

(Councillors Way and Rice)

**Close of Confidential Committee of the Whole:**

**18/354OC**

**Committee recommendation** that at this time, 6.39pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff and Way)

**Adoption of Report**

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

**18/355OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 18/351OC to 18/354OC be confirmed and adopted.

(Councillors Westhoff and Way)

**20 CLOSURE**

There being no further business the meeting closed at 6.40pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 22 January 2019

.....  
Mayor

**4 BUSINESS ARISING FROM THE MINUTES**

**5 PUBLIC ACCESS SUMMARY**

## 6 MAYORAL MINUTE

### 6.1 Australia Day 2019 Awards

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDED**

That Council formally congratulate the following recipients of the 2019 Australia Day awards for the Kiama Municipality:

Citizen of the Year – Graeme Packer

Senior Citizen of the Year – Tony Mitchell

Young Citizen of the Year – Troy Bartrim

Community Group of the Year – Children’s Medical Research Institute  
Gerringong Branch

### **REPORT**

On behalf of Council and the community, I would like to formally congratulate the recipients of this year’s awards:

Graeme Packer works tirelessly for six months each year organising the Red Shield Appeal in Kiama. This involves recruiting collectors, speaking with businesses, community groups and local schools, and promoting the event. Graeme has been collecting for the appeal for 35 years. He is also an active member of the Kiama RSL and the foundation president of the Seaside Probus Club.

Tony Mitchell is passionate about promoting responsible dog ownership. He founded the Kiama Dog Training Club in the early 90’s and was a founding member of Council’s Companion Animals Management Advisory Committee. Tony actively assists Council with various events such as the Dog’s Day Out and the Sustainability Expo. He is a dedicated volunteer for the Delta Society, a national not-for-profit organisation providing animal assisted therapies for the sick and elderly. Tony regularly visits guests and residents at Carunya (Warilla) and our Bluehaven Nursing Home.

Young Citizen of the Year, Troy Bartrim is actively involved in scouting, receiving his Queen’s Scout Award in 2016. He is an enthusiastic volunteer at the Kiama Community Garden and a member of the Hillside Native Food Forest Landcare Group. Troy’s passion for permaculture and sustainable gardening practices has led to him securing a parks and gardens traineeship at Shellharbour Council.

The Children’s Medical Research Institute Gerringong Branch has been raising funds for the Institute for 60 years. The Gerringong Branch has raised over \$2M to help research into cures for childhood genetic diseases and birth defects.



Mayoral Minute

6.1 Australia Day 2019 Awards (cont)

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This year the formal Australia Day Awards ceremony will be held at Gerringong Town Hall at 8.30am, in conjunction with a citizenship ceremony. The morning will include an address by our Australia Day ambassador, singer songwriter Darren Coggan.

Along with the formal event at Gerringong Town Hall, there will be traditional BBQ breakfasts plus various activities, being held at Old School Park, Gerringong, Jones Beach, Kiama Downs, Surf Beach, Kiama and Reid Park at Jamberoo.

Australia Day is all about reflecting on being Australian, celebrating contemporary Australia and recognising our history. I encourage all our residents and visitors to come along and enjoy the day.

**Item 6.1**

## 7 MINUTES OF COMMITTEES

### 7.1 Minutes: Health & Sustainability Committee Meeting - 11 December 2018

Responsible Director: Environmental Services

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#### Attachments

- 1 Minutes of the Health & Sustainability Committee meeting held 11 Dec 2018 [↓](#)

#### Enclosures

Nil

#### **RECOMMENDED**

That the Minutes of the Health & Sustainability Committee Meeting held on 11 December 2018 be received and accepted.

#### **BACKGROUND**

This report provides the minutes of the Health and Sustainability Committee meeting held on 11 December 2018. The minutes of the meeting are attached for Councillors' information.

**Minutes of the Kiama Health & Sustainability Committee meeting held on  
Tuesday 11 December 2018 in the Council Chambers Committee Room 1 at 4pm.**

**Present:** Councillor Kathy Rice, Naomi Reid, John Fardy, Bruce Flint, Beth Horner, Kay Cope, Karen Tavener-Smith, Nick Guggisberg, Councillor Andrew Sloan, Paul Czulowski, Dima Ousta

1. **Apologies:** Cornelia Graf, Billy Wang (standing apology), Josephine St John (standing apology).

2. **Minutes of Previous Meeting – 09 October 2018**

**Motion:** That the minutes from the last meeting held on 09 October 2018 be accepted as an accurate record of the meeting.

**Moved:** Bruce Flint

**Seconded:** Cllr Kathy Rice

**CARRIED**

3. **Business Arising**

Plastic Packaging

Paul Czulowski informed the Committee that major retailers have signed a general agreement to look into reducing plastic packaging (mainly fruits and vegetables). The Government of NSW Government has a new policy supporting that packaging be made of recycled content or be recyclable.

Better Waste Recycling Fund

The Better Waste and Recycling Fund provides funding to local councils and regional groups of councils to make it easier for their communities to recycle more and decrease the amount of waste sent to landfill. This is available to local councils and group of councils that pay the waste levy. The fund supports a broad range of projects to improve recycling, engage communities, reduce waste generation, and tackle littering and illegal dumping among other projects. The criteria of funding for next round's Better Waste & Recycling Fund will be released in May 2019.

Via this fund, Council expanded Organics Kiama to Council facilities (Blue Haven, Pavilion, main Council building etc.).

Planet Ark launches the Australians Recycling Label

Paul Czulowski will circulate the information on the Australians Recycled Label.

**Action:** Paul to circulate an email with information on the Australians Recycled Label.

Recycling NSW – Return & Earn

Paul Czulowski spoke about the importance of looking at ways of reusing plastic or glass waste in road servicing, cycleways, concrete etc. This will offer a large potential to process recycled materials. Cllr Sloan added he was informed that the Cleary Brothers are using 30-50% crushed glass instead of sand in their products.

Holiday Tax

Naomi Reid followed up with Karen Ronning, Sue Basa and David Mead on whether the Local Government Act permits Councils in NSW to charge a similar charge. She was advised that the tax system is not set up the same way as Europe for Council to be able to charge tourists a holiday tax. Something like this would have to be charged at the Federal level.

Regional Health Planning for Local Government workshop

Naomi Reid shared via email the summary outcomes of the Regional Health Planning for Local Government workshop she attended in September 2018.

**Action:** Naomi to re-circulate the summary outcomes from the Regional Health Planning workshop (previously circulated 13 November)

Composting workshops

Naomi Reid provided feedback to the Committee's request about the funding source of the composting workshops. The *Domestic Waste Management Reserves* funded 4 composting workshops a year delivered at the Kiama Community Garden. Each household received one composting equipment of choice. The *EPA Waste Less Recycle More grant* enabled Council to run monthly workshops over a 2-year period (2015-2017). The grant included the cost of a project officer, composting equipment, Kiama Community Garden facilitation, and hire of venue.

Kiama Body Boarding Competition

Naomi Reid followed up with Billy Wang on the reasoning behind moving the sand for the Kiama Body Boarding Competition. The sand was moved to expose the concrete footpath underneath.

Cities Power Partnership

Clr Andrew Sloan and Paul Czulowski will provide an update on the Cities Power Partnership National Summit that took place on 18-19 October at the next meeting. They will put forward recommendations to be discussed with the Committee. The item will be included in next meeting's agenda.

**Action:** Clr Sloan and Paul to provide an update on Cities Power Partnership conference

Healthy Cities Alliance

Updates noted under "Business without notice".

**4. General Business**

**4.1 Reporting**

The Committee's input and suggestions to current and future health and sustainability programs is highly valued and sought after, and are to be taken into consideration where possible. However, Nick Guggisberg clarified that the Committee is advisory and consultative in nature. Changing the process and adding an extra layer of decision-making and feedback mechanism through the Committee's is not feasible logistically and does not align with Council processes.

Opportunities for the Committee to bring new ideas, discussions and feedback in meetings were discussed and include:

- Proposing new agenda items for discussion. Requests for new items are usually sent 4 to 5 weeks before every meeting.
- Joining a Working Party (such as the Grants Working Party currently).
- Annual review of the Kiama Health Plan (KHP) and proposing new Operational Plans (OPs) annually (e.g. for KHP 2020-2021 this year).
- Providing feedback on documents seeking the Committee's input.

**4.2 Program Updates**

The Committee noted the Program Updates that were shared via email prior to the meeting.

Other updates included:

Container Deposit Scheme – Return & Earn

Council is currently negotiating with its materials recovery contractor for a fair and equitable share of the return & earn (50/50). Clr Rice would like to add to next meeting's agenda the Save our Recycling campaign by local Government NSW.

**Action:** Cllr Rice to provide a report about Save our Recycling campaign by Local Government NSW

Health & Sustainability Grants Program

Minnamurra P&C

Conditions were put for Minnamurra P&C at the July 2018 round, in relation to management of the chickens during weekends, holidays and end of chicken's laying life, as well as on expected chicken flock ration to the size of the enclosure. Minnamurra P&C provided sufficient and satisfactory explanation on the arrangements they will take to care for the birds.

Gerringong Public School P&C

Gerringong Public School P&C have communicated to Council that they wish to keep the grant funds and proceed with the proposed project.

Minnamurra Boardwalk

The final report is not yet available. The review of environmental factors (REF) is expected to come in 2 parts:

- REF on land portion: expected to be out soon.
- REF for the southern portion: expected 1<sup>st</sup> - 2<sup>nd</sup> week of February 2019.

Kiama Health Plan

No submissions were received on the draft Kiama Health Plan while on public exhibition. The document will be submitted to Council for final endorsement at the January 2019 meeting.

Community Gardens Grants Program

Dima reminded the Committee feedback is welcome on the guidelines and application form by the next day (12 December 2018).

**5. Business without notice**

Use of plastic bottles

The Committee would like to discuss the possibility of issuing a statement discouraging the purchasing and use of plastic bottles for Council meetings and events. This could be part of a healthy catering policy. This discussion will be featured in next meeting's agenda.

Health & Sustainability Committee Meeting Documents

From a sustainability point of view, the Committee proposed to avoid having the meeting documents (minutes, program updates, report to Committee etc.) printed in advance and/or printed in colour. It was agreed that Committee members can request them upon need from Naomi or Nick on the day as they arrive to the meeting. They can be printed upon demand.

Increasing Resilience to Climate Change Grants program

Paul Czulowski informed the Committee that NSW Office of Environment and Heritage in collaboration with Local Government NSW has released a grants program to increase resilience to climate change. The grant closes in March 2019 and Paul encouraged the Committee to share with him ideas that could be done locally (could potentially involve GPs, community services etc.). He will be meeting with ISJO soon.

**Action:** Paul to circulate information about the grants program encouraging Committee members to share with him ideas that could be implemented locally.

Alliance for Healthy Cities – 8<sup>th</sup> Global Conference and General Assembly 2018

Cllr Rice updated the Committee about the conference she attended in October 2018 in Malaysia. She confirmed her nomination to be a member of the steering committee was approved.

Healthy Cities Illawarra (HCI) proposal to host the 2020 global conference in the Illawarra was unsuccessful. The next conference will be held in Hong Kong. HCI will try again possibly in 2022.

Some of the conference highlights that were noted:

- The World Health Organisation released the [Active Toolkit](#) that countries can use to increase physical activity.
- Prof. Trevor Hancock from Canada was one of the first looking at Healthy Cities from back in 1986. He spoke about the Anthropocene and Planetary Health; he will be in Australia next year for another conference. Sandra McCarthy suggested he could be invited as a speaker for an event at the Illawarra.
- A speaker from WHO covered the topic of healthy ageing and the environment. The speaker reminded that members of the WHO Age Friendly Alliance are expected to submit yearly updates on their interventions. It was suggested that Kiama could send a yearly report to the Alliance by compiling the progress on Operational Plans that are related to aged care.
- One of the speakers highlighted the importance of exploring the resilience of healthcare systems in relation to climate change (floors, power outages, vector-borne diseases etc.)
- Kathy suggested that Mayor's Walks in Kiama would be worth exploring. In addition to the health and social benefits they can provide, these walks can be an opportunity to highlight the work Council is doing on health and the environment.

#### Kiama Health Moves

Karen Tavener-Smith confirmed the program will be starting in February at the Kiama Leisure Centre for a period of 8 weeks.

**Action:** Dima and Naomi to share the flyer with Committee.

#### Health and Sustainability in Council strategic documents

A new agenda item was suggested for next meeting: exploring opportunities to incorporate health & sustainability in our strategic planning documents. Age friendly Alliance, Healthy City Alliance → are there ways to deepen the inclusion of age-friendly and disability strategies across Council.

#### **6. Correspondence**

Nil.

#### **7. Next Meeting:**

The next meeting of the Kiama Health and Sustainability Committee will be held on 12 February 2019 at 4pm in Council's Committee Room 1.

**There being no further business, the meeting closed at 6.00pm.**

**7.2 Minutes: Youth Advisory Committee - 1 November 2018**

Responsible Director: Environmental Services

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**Attachments**

- 1 Minutes of the Kiama Youth Advisory Committee meeting held 1 November 2018 at Kiama High School [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Kiama Youth Advisory Committee Meeting held on 1 November 2018 be received and accepted.

**BACKGROUND**

This report provides the minutes of the Youth Advisory Committee meeting held 1 November 2018 for Councillors' information.

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**Minutes of the Kiama Youth Advisory Committee meeting held on Thursday 13<sup>th</sup> December 2018 at Kiama High School at 10:47am**

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**Present:** Clr. Mark Westhoff (Kiama Municipal Council, Chair), Clr Neil Reilly (Kiama Municipal Council, Chair) Andrew Chatfield (Kiama Municipal Council) Dylan Powell (Kiama Municipal Council Minutes), Jane Littrich (Kiama High School staff), Amelia Beahan, Benjamin Davis, Carlo Cullen, Emilio Goytizolo, Alira Morgan, Riley O'Byrne, Ethan Corkin.

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**1. Apologies:** Nick Guggisberg (Kiama Municipal Council), Valentine Crome (Kiama Municipal Council Library Services), Jayden Wilshire, Taylor Lee Byrne, Mackenzie Warfield, Bethany Chapman, Lucy Burton, Simon Case, Chloe Storch, Sophie Williams, Chelsea Blanch, Amelia Wall, Carly Abbott

**2. Minutes of previous meeting:**

Moved by Ethan Corkin and seconded by Amelia Beahan. CARRIED

**3. Business arising from previous meeting:**

*3.1 KHS Fest*

Jane Littrich and Emilio Goytizolo formally thanked Kiama Council for their donation of \$600 for the purchase of bubble balls used during the recent KHS fest.

**Committee recommendation:** That the information be noted.

**4. Reports:**

*4.1 SENTRAL programs*

Andrew Chatfield provided an update on current programs and activities at SENTRAL during Term 4 including; Barista training each Thursday from 4 – 6.30pm. Training is free and is perfect for those wanting to learn the basic skills and improve their employability. The Year 6 Transition program will be on offer this term with SENTRAL Youth Workers engaging Year 6 students from the 5 primary schools to participate in a program which explores their emotions and feelings before starting High School.

*4.2 KHS programs – Term 4*

Programs run in conjunction with Kiama High School during Term 4 include; Youth Worker @ KHS Mentoring Program, Youth Advisory Committee and KHS Volunteers.



#### 4.3 *Kiama Strategic Planning Review*

Andrew Chatfield formally thanked the students for their contributions during the recent Kiama Strategic Planning Review Consultations. Andrew reported that 60 students participated and that the information they provided was extremely beneficial and appreciated by Council.

#### 4.4 *Kiama Library*

##### Youth Summer Reading Club

Are you 13-18 years old? Read five books over the summer holidays for a chance to win awesome prizes. Major prizes are 2 tickets to Taronga or Western Plains Zoo, and 2 tickets to Jamberoo Action Park, with other minor prizes to be won. Get your entry form at Kiama Library or from the website. If you are under 13, drop in to the library to find out about the Junior Summer Reading Club.

#### 5. **General Business:**

##### 5.1 *Need for more public toilets in Kiama CBD.*

Ethan Corkin revisited the issue of the lack of public toilets at the western end of Terralong Street. Ethan stated that during his work at Red Rooster, he receives many request regarding the location of public toilets at the western end of Terralong street. Ethan requested that Council further investigate the possibility of creating more amenities closer to Kiama Centro. Crl Neil Reilly responded that he will be meeting with Gino Belsito from Councils Engineering and Works Department and will mention Ethan's request. Crl Reilly reiterated that Council has commenced work on the Gerringong toilet amenities in Reed Park and Minnumurra Toilets at Minnumurra River.

##### 5.2 *Waste management cleanup of the water ways.*

Emilio Goytizolo raised the issue of waste and rubbish visible in the local water ways, especially waste washed up on the shore. Emilio requested that as part of the Kiama High Volunteers program during sport, Council may consider an opportunity to engage students to look at helping to maintain the area in and around Kiama Harbour. Jane Littrich raised a concern regarding possible supervision with students engaged in the activity. Crl Neil Reilly responded that he would make a note of this and talk to Councils Waste Department.

**ACTION:** Crl Reilly to consult with waste management regarding their suggestion.

##### 5.3 *Vandalism concerns.*

Carlo Cullen raised the issue of vandalism occurring across the bridge of the highway approaching the Bombo exit. Carlo explained that the vandalism consisted of orange graffiti sprayed onto the glass panels of the bridge and would like it removed. Crl Reilly stated that it is possibly an RMS

issue and Shellharbour Council issue as the bridge divides Kiama and Shellharbour and that he would follow up with Shellharbour Council.

**ACTION:** Cllr Reilly to follow up with the RMS and Shellharbour Council and report back at the next meeting.

5.4 *SENTRAL gym at Kiama High School.*

Benjamin Davis enquired about the SENTRAL gym being proposed above the old gymnasium at Kiama High School. Riley O'Byrne stated that a lot of people have been talking about it and wanted to know the current status. Dylan Powell reported that logistics are still being worked out with Kiama High School staff regarding public liability and we aim to move forward with the proposal during term 1 2019.

**Committee recommendation:** That the Information be noted.

**There being no further business the meeting closed at 11.08am**

## 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 General Manager
- Report of the Director Environmental Services
- Report of the Director Corporate & Commercial Services
- Report of the Director Engineering and Works
- Report of the Director Blue Haven
- Reports for Information
- Addendum to Reports

## 9 REPORT OF THE GENERAL MANAGER

### 9.1 Interstate Conference: Brisbane - Destination Australia Conference - 14 March 2019

CSP Objective: 3.0 A diverse, thriving economy

CSP Strategy: 3.3 Promote and support tourism in the local area

Delivery Program: 3.3.2 Maximise the tourism economy through the promotion of the Kiama Municipality as a destination and the provision of product options and experiences for all visitors

Item 9.1

#### Summary

This report recommends the attendance of Council's Manager Tourism and Events, Karen Ronning, at the Destination Australia One Day Conference in Brisbane on Thursday 14 March 2019.

#### Finance

The conference cost, as well as estimated travel and accommodation costs, is estimated at \$1,000 which will be covered by the 2019/20 Tourism budget.

#### Policy

All interstate conference attendance requires Council approval.

#### Communication/Community Engagement

A report will be submitted to Council following attendance at the Conference.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council approve the attendance of Council's Manager Tourism and Events, Karen Ronning, at the Destination Australia One Day Conference in Brisbane on Thursday 14 March 2019.

### **BACKGROUND**

Tourism Australia's annual Destination Australia Conference, will be held at Howard Smith Wharves in Brisbane on Thursday 14 March 2019.

Now well established as the top tourism marketing conference in Australia, this event attracts approximately 350 of Australia's most influential tourism leaders. The Conference is tailor-made for Australian tourism businesses and will include topics such as:

- effectiveness of Tourism Australia's campaigns

## Report of the General Manager

## 9.1 Interstate Conference: Brisbane - Destination Australia Conference - 14 March 2019 (cont)

- 
- ensuring a sustainable tourism industry
  - impact of trade wars and Brexit on global tourism
  - economic outlook for key inbound markets
  - How Government will work with the industry.

Keynote speakers include:

- Senator the Hon Simon Birmingham – Minister for Trade, Tourism and Investment
- John O’Sullivan – Managing Director Tourism Australia
- Julie Kinsman – Editor, writer and luxury travel expert
- Girish Jhunjhnuwala – Founder & CEO of Ovolo Hotels.

The program is to be finalised and is not yet available.

Karen Ronning attended the 2018 Conference in Melbourne.

This Conference is particularly relevant to the Destination Kiama Tourism & Events Team and the Destination Kiama Tourism Advisory Committee.

**9.2 Conference attendance: Australian Local Government Women's Association NSW Annual conference - 4-6 April 2019**

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.2 Council embraces good governance and better practice strategies

Delivery Program: 4.2.4 Develop strategic partnerships with regional and other organisations to advance local community priorities

Item 9.2

**Summary**

This report seeks endorsement for Councillor representation at the annual Australian Local Government Women's Association NSW Branch's annual conference on 4-6 April 2019 at the Casula Powerhouse Arts Centre, Casula.

**Finance**

Conference registration and accommodation will be funded from Councillor's expense budget

**Policy**

Payment of Expenses and Provision of Facilities Policy

**Communication/Community Engagement**

A post conference attendance report will be submitted to Council

**Attachments**

- 1 Australian Local Government Women's Association - 2019 NSW Conference program [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council recommend the attendance of Councillor/s to the Australian Local Government Women's Association NSW Conference on 4-6 April 2019.

**BACKGROUND**

The Australian Local Government Women's Association (ALGWA) supports women involved in local government throughout NSW and promotes gender equality within Councils for both elected representatives and staff.

The NSW branch of the ALGWA will be holding its annual conference at the Casula Powerhouse Arts Centre, Casula on 4-6 April 2019. The event is hosted by Liverpool City Council and the theme is "Make your mark".

Full registration including all conference sessions, meals, cocktail dinner and gala dinner is \$1,080.

Report of the General Manager

9.2 Conference attendance: Australian Local Government Women's Association  
NSW Annual conference - 4-6 April 2019 (cont)

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Women and men working or interested in local government can enjoy engaging speakers, workshops, social events, wellness activities and networking opportunities to encourage and inspire women to make their mark. The conference is great opportunity for delegates to exchange ideas and engage in cross-council collaboration on issues affecting women in local government.

Speakers include: Jessica Rowe (journalist), Chloe Esposito (athlete), Dr Neryl East (communication expert) and Leonie McKeon (strategist and author). A copy of the program is attached.

Councillor Kathy Rice attended the ALGWA NSW Conference in Gundagai in 2018.

Council's Organisational Development Coordinator will be advertising for Expressions of Interest for staff members to attend the conference.

Item 9.2



**AUSTRALIAN LOCAL  
GOVERNMENT WOMEN'S  
ASSOCIATION  
NEW SOUTH WALES BRANCH**

## ALGWA NSW ANNUAL CONFERENCE

**LIVERPOOL 4-6 APRIL 2019**



Liverpool City Council is proud to be the host city for the 2019 Australian Local Government Women's Association NSW Branch Annual Conference.

The Australian Local Government Women's Association NSW Branch (ALGWA) supports and promotes women in local government through advocacy, advice and action. The Annual Conference is an opportunity to come together and engage in learning and networking that will assist in personal and professional development.

The conference will be hosted over three days at Liverpool's premier arts and cultural institution, Casula Powerhouse Arts Centre. Women and men working or interested in local government can look forward to engaging speakers, workshops, social events, wellness activities and networking dinners that will encourage and inspire women to make their mark, not only on the industry, but all aspects of their lives.

## REGISTER NOW

**THURSDAY 4 APRIL –  
SATURDAY 6 APRIL 2019**

**CASULA POWERHOUSE  
ARTS CENTRE,  
1 POWERHOUSE ROAD,  
CASULA, 2170**

Registrations, accommodation options and conference information:  
[www.liverpool.nsw.gov.au/council/algwa-2019](http://www.liverpool.nsw.gov.au/council/algwa-2019)

Conference enquiries:  
[MakeYourMark2019@liverpool.nsw.gov.au](mailto:MakeYourMark2019@liverpool.nsw.gov.au)

ALGWA:  
[www.algwa.org.au](http://www.algwa.org.au)

**LIVERPOOL  
CITY  
COUNCIL**





# Program

THURSDAY 4TH APRIL	
<b>4pm – 6pm</b>	Registrations Open <i>Casula Powerhouse Arts Centre</i>
<b>6pm – 8pm</b>	Mayoral Civic Welcome
FRIDAY 5TH APRIL	
<b>7am – 8.15am</b>	Fitness Activity BodyBalance by the river <i>Casula Powerhouse Arts Centre</i>
<b>8.15am – 9am</b>	Networking Breakfast and Registrations <i>Casula Powerhouse Arts Centre</i>
<b>8.30am – 4pm</b>	Registrations Open <i>Casula Powerhouse Arts Centre</i>
<b>9.15am</b>	MC Welcome and Housekeeping Chloe Esposito <i>Theatre</i>
<b>9.20am</b>	Mayor's Official Welcome Mayor Wendy Waller
<b>9.30am</b>	Official Welcome Address ALGWA President Marianne Saliba
<b>9.40am</b>	Keynote Speaker Jessica Rowe Be Brave and Bold
<b>10.40am</b>	Sponsor Speaker United Services Union
<b>11.10am</b>	Morning Tea <i>Turbine Hall</i>
<b>11.30am</b>	Avril Henry Emotional Intelligence and Resilience
<b>12.30pm</b>	Chloe Esposito The numerous factors to success in sport and life
<b>1pm</b>	Lunch <i>Turbine Hall</i>
<b>2pm</b>	Concurrent Workshops 1. Janelle Nisbet – Resilience 2. Dr Neryl East – Communicating with Credibility and Influence
<b>3pm</b>	Discussion Panel
<b>3.45pm</b>	Conference close
<b>7pm – 10pm</b>	Networking Cocktail Dinner <i>Western Sydney University Rooftop</i>

Item 9.2

Attachment 1

SATURDAY 6TH APRIL	
<b>7.30am – 8.30am</b>	Wellness Activity Painting by the river
<b>8.30am – 9.30am</b>	Networking Breakfast <i>Casula Powerhouse Arts Centre</i>
<b>8.30am – 9.30am</b>	Nominations for Executive/President <i>Performance Space</i>
<b>9.30am</b>	MC Opening Chloe Esposito
<b>9.40am</b>	Leonie McKeon Chinese Negotiation Strategies
<b>9.40am – 11am</b>	Voting for Executive/President <i>Performance Space</i>
<b>10.40</b>	Morning Tea <i>Turbine Hall</i>
<b>11am</b>	Janelle Nisbet Interpersonal Effectiveness
<b>12pm</b>	Conference Bids for 2021
<b>12.30 – 2pm</b>	Voting for Conference location 2021
<b>12.30pm</b>	ALGWA Hot Spots Session and wrap up
<b>1.30pm</b>	Lunch <i>Turbine Hall</i>
<b>2pm</b>	ALGWA General Meeting <i>Theatre (TBC)</i>
<b>2.00pm – 4pm</b>	Bullseyes or Bargains? Choose from: Target practice Spend the afternoon working on your aim at Liverpool City Archers OR Retail Therapy Make your mark on the local economy at discounted prices at Fashion Spree outlets
<b>7pm – 11pm</b>	Gala Dinner <i>Casula Powerhouse Arts Centre</i> Theme: Garden Party

Item 9.2

Attachment 1

**GOLD SPONSOR**



**SILVER SPONSORS**



*Register now*

To register online or for more information, please visit [www.liverpool.nsw.gov.au/council/algwa-2019](http://www.liverpool.nsw.gov.au/council/algwa-2019)

**DELEGATE DETAILS**

**First Name**

**Surname**

**Organisation**

**Position**

**Postal address – street number, street name, suburb, state, postcode**

**Contact phone number**

**Email address**

**ACCOMPANYING PARTNER/GUEST DETAILS**

**First name**

**Surname**

**ADDITIONAL INFORMATION** Please note any special requirements you have including:

**Dietary**

**Access**

**Other**

Item 9.2

Attachment 1

**Please indicate your attendance to early morning wellness sessions:**

- Friday 5 April 2019 – BodyBalance by the river (limited places available)
- Saturday 6 April 2019 – Painting by the river

**Please indicate your preference of workshops held on Friday 5 April 2019:**

- Janelle Nisbet – Building Resilience
- Dr Neryl East – Communicating with credibility and influence

**Please indicate your attendance at the following social networking events:**

- Thursday 4 April 2019 – Welcome Reception
- Friday 5 April 2019 – Networking Cocktail Dinner
- Saturday 6 April 2019 – Garden Party Gala Dinner
- Guest/Partner (\$185) – Garden Party Gala Dinner

**Please indicate your preference for the social activities held on Saturday 6 April 2019:**

- Shopping at Fashion Spree
- Archery (limited to first 30 RSVPs)

**For shuttle bus purposes, please add the name of your hotel:**

*Please note: depending on the number of bookings, buses will be running between Mercure Liverpool and Quest Liverpool and the conference venue.*

**Registration Fees**

Registration Type	ALGWA Member (inc GST)	Non-Member (inc GST)
<b>Early Bird</b> Includes Welcome Reception, all conference sessions and meals, Networking Cocktail Dinner and Gala Dinner <i>*Available until 20 January 2019</i>	<input type="checkbox"/> \$980	<input type="checkbox"/> \$1080
<b>Standard</b> Includes Welcome Reception, all conference sessions and meals, Networking Cocktail Dinner and Gala Dinner	<input type="checkbox"/> \$1080	<input type="checkbox"/> \$1190
<b>One day registration</b> Includes conference sessions and conference meals	<input type="checkbox"/> \$630	<input type="checkbox"/> \$680
<b>Networking Cocktail Dinner</b>	<input type="checkbox"/> \$100	<input type="checkbox"/> \$110
<b>Gala Dinner</b>	<input type="checkbox"/> \$170	<input type="checkbox"/> \$185
Extra Partner	<input type="checkbox"/> \$185	<input type="checkbox"/> \$185
<b>Become an ALGWA NSW Member</b>		<input type="checkbox"/> \$80
<b>Total Amount Payable</b>		

**Important Information**

Attendance will be confirmed on receipt of full payment. Please note that the program and speakers list are subject to change without notice. Information collected on this form will be used for conference purposes only and will not be provided to third parties without your consent.

**Cancellation Policy**

Should you not be able to attend the conference, you are welcome to send an alternate delegate in your place. Cancellations will be accepted until Friday 4 March 2019 and will incur a \$100 processing fee.

Cancellations after this date will incur the full registration fee. All cancellations for change of delegate must be provided in writing to **MakeYourMark2019@liverpool.nsw.gov.au**

**Payment Options**

**I would like to pay by:**

- Mastercard       Company Cheque
- Visa                 Direct Deposit

If you have selected to pay by credit card, an invoice will be sent to your nominated email address.

If paying by direct deposit, please email the EFT advice to **MakeYourMark2019@liverpool.nsw.gov.au**

**Bank:** Commonwealth Bank  
**Account Name:** Liverpool City Council  
**BSB:** 062 196  
**Account Number:** 1090 8009

**Total amount payable:**

**Is an invoice required for your payment?**

- Yes       No

Please note, a 0.5% transaction fee will be charged on all credit card transactions. Cardholder signature is required before processing.

Return your completed **Registration Form** to us by **20 January 2019** to secure **Early Bird** rates, otherwise, return by **7 March 2019**.

Email: **MakeYourMark2019@liverpool.nsw.gov.au**

**9.3 Sponsorship request: Kiama Red Cross Fun Run 2019**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

**Summary**

The Kiama Red Cross has requested Council support for the 2019 Kiama Fun Run proposed to be held on 9 June 2019. The event, in its 6<sup>th</sup> year, continues to grow in participation numbers.

**Finance**

\$2,000 from Council's Events/Festivals budget.

**Policy**

The event aligns with Council's philosophy of being a healthy city and contributes to promoting and increasing tourism within the area.

**Communication/Community Engagement**

Council's Communications Team will assist with promotion on our website and social media platforms.

**Attachments**

1 Request For Sponsorship - Kiama Fun Run - Kiama Red Cross [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. provide \$2,000 sponsorship to the Kiama Red Cross for the purpose of holding the 2019 Kiama Fun Run
2. provide the following in kind support:
  - use of the Kiama Coastal Walk – free of charge as per previous years
  - garbage removal (waste management) at no charge
  - loan of Council marquee, bollards and sound system

Pending the approvals by Council for:

- use of the Kiama Coastal Walk & Coronation Park for the Fun Run (Reserve application form)
- key hire form

Report of the General Manager

9.3 Sponsorship request: Kiama Red Cross Fun Run 2019 (cont)

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- Event Waste Management Plan
- Temporary food stall applications
- risk assessment
- provision of Public Liability insurance (certificate of currency – minimum \$20 million)
- traffic management plan.

Item 9.3

### BACKGROUND

The Kiama Red Cross has written to Council (letter attached) to formally request permission to run the Kiama Fun Run on 9 June 2019, utilising the Coastal Walk and Coronation Park as the finish. In addition, \$2,000 sponsorship has been requested.

The fun run event, which will be in its 6<sup>th</sup> year, continues to grow in numbers. With an average of more than 250 participants and an estimated 8 groups staying the weekend the event is proving to be a popular one on the winter calendar. It is hoped that by working with other events being held locally over the long weekend that the number of people staying the weekend will increase along with the number of participants.

The event aligns with Council's philosophy of being a healthy city and has an impact on attracting tourism. It also aligns with Destination Kiama's aim for an expanded year round events calendar.

Council has been very supportive of this event and has been a major sponsor each year.



14 McBrien Drive  
Kiama Downs 2533

Date Received

02 OCT 2018

The General Manager  
Mr K. McMurray  
Kiama Municipal Council  
PO Box 75  
Kiama 2533

Kiama Municipal Council

20<sup>th</sup> September 2018

Dear Kerry

Kiama Red Cross would like to formally request permission to run the Kiama Fun Run on 9<sup>th</sup> June 2019 using the Kiama Coastal Walk and Coronation Park for the finish.

We would like to ask for your support of this event by way of \$2,000 sponsorship.

2019 will be the 6<sup>th</sup> year of the Kiama Fun Run and we are hoping to better the previous events. Kiama Council has been very supportive of this event and with the assistance of the business community as in previous years, we are very hopeful that this may be the best year yet.

Many of the previous participants, both local and visitors, were extremely impressed with the beauty of the Kiama Coastal Walk. Visitors came from as far away as the Hunter Valley and the Blue Mountains as well as Sydney. Some participants used overnight accommodation with many entrants supporting local cafes and restaurants after the event. We feel that this event would again assist tourism in Kiama.

Kiama businesses and local organisations were also very supportive of our fundraising efforts for the Fun Run. The event was very successful in bringing many groups together in a very community spirited way.

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



**9.4 Request for donation: Gerringong Lions Club - Motor Fest / Car Show - 16 February 2019**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.3 Provide and promote cultural and artistic activities and programs

Item 9.4

**Summary**

This report seeks Council's consideration of a request for support from the Lions Club of Gerringong for their annual Car Show in February 2019.

**Finance**

As a not-for-profit organisation the Lions Club are not required to pay any hire fees for Michael Cronin oval however the cost of waste services associated with the use of Michael Cronin Oval will be approximately \$675. Fees are to be funded from Council's Community Contributions & Donations (Events/Festivals) fund.

**Policy**

Not applicable.

**Communication/Community Engagement**

Kiama Council will be acknowledged as a supporter of the event and will assist in promotion of the event via social media.

**Attachments**

- 1 Gerringong Lions Club - request for donation - Car Fest / Motor Show  
16/02/19 [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council donate the provision of waste services for Michael Cronin Oval for the Lions Club of Gerringong's Car Show in February 2019. Further, that the Lions Club of Gerringong be requested to provide appropriate recognition of Council's support of the event on behalf of the community.

**BACKGROUND**

Council has recently received a request from the Lions Club of Gerringong for an in-kind donation of the associated waste service charges for their Car Show to be held in February 2019. The Car Show is a major fundraising event for the Gerringong Lions Club.

Report of the General Manager

**9.4 Request for donation: Gerringong Lions Club - Motor Fest / Car Show - 16 February 2019 (cont)**

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The event, in its second year, held in February 2018 was sponsored by Council and proved highly successful with over \$6,000 being donated to the Lions Prostrate Cancer Research and Treatment Project. It is intended that proceeds from this year's event will also be donated to this Project.

The car show will be held in conjunction with the Gerringong Market Day and a selection of collectable, performance and exotic cars will attract additional visitors to the area, therefore benefiting the local economy also. It is intended to increase the number of participating vehicles to 300. Details of the event are attached.

It is recommended that Council donate the provision of waste services at Michael Cronin Oval for the Gerringong Lions Club's Car Show in February 2019. It is also deemed appropriate that Council request the Lions Club to provide appropriate recognition of Council's support of the event on behalf of the community.

**Item 9.4**

### Motor Fest/Car Show

Gerringong Lions Club is proposing to hold a *Motor Fest / Car Show* on Saturday 16th February 2019 on Michael Cronin Oval & Dorothy Bailey Reserve; Blackwood Street Gerringong.

The purpose of this letter is to seek Kiama Council approval and support for the proposed event on Saturday 16<sup>th</sup> February 2019. We have specifically chosen this date to compliment the Gerringong Market Day, which is held in the Town Hall and old school park in town on the same date. We believe that this can provide the township an increased opportunity to attract tourism to the area while also providing local members of the public an enjoyable day out in the township. We have taken the opportunity to speak with Col Rathbone [by phone] of the Kiama District Sports Association to ensure that our proposed event does not clash with any known sporting event on the same day. Col Rathbone has confirmed to us that our request has been granted, with no events clashing; subject to weather conditions.

#### About The Event

We propose to increase the numbers of participating vehicles, thought to be around 300. That is why we asked if Dorothy Bailey Reserve could also be used in 2019. We will have specific sites for each motor club group and some special invited guests and their vehicles. This event is structured to be a little different than just another car display day. We intend to invite some very specific and unorthodox vehicles along with specifically Collectable, Performance and Exotic vehicles both old and new. We have allocated lots of room around each vehicle to ensure those participating can feel safe in knowing that their vehicle is safe whilst parked while also ensuring that the public attending have easy access and safety. Marshalling of vehicles onto the site to the specific parking positions will be carried out by Lions Club members as will the overall coordination of the event on the day.

As you are aware the Lions organisation operates as not for profit. For that reason we have chosen to have all proceeds raised by the event to be donated to The Lions Prostate Cancer Research and Treatment Project.

We again ask support from the Council in waivering the costs of ground hire and waste costs on the day. All money raised goes directly to the above Foundation; no administration costs are taken or used.

We have had a healthy interest in this event over the two years, which we have held it; raising \$4,000 in 2017 [even with inclement weather] and \$6,000 in 2018. With Kiama Council approval for the event we also propose to make further contact with yourself or appointed contact, the Mayor and local member Gareth Ward to assist us with promoting the event with a tourism perspective.

We look forward to your continued support and receiving your written approval for this proposed Motor Fest / Car Show on Saturday 16<sup>th</sup> February 2019.

We invite you and all Council staff to join us on the day in glorious Gerringong.

Kind regards,

Mark Westhoff

Secretary Lions Club of Gerringong

Ph: 0421 403 662

Em: mark.westhoff56@hotmail.com

**10 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 10.1

**Summary**

This report assesses Development Application No 10.2018.191.1 which seeks consent for the construction of a third level addition to an existing dwelling and an awning over an existing deck. It recommended that Council approve Development Application No 10.2018.191.1 as the proposal is:

- Permissible under Kiama Local Environmental Plan (LEP) 2011 – R2 Low Density Residential;
- Compliant with the zone objectives and is consistent with the relevant development standards of Kiama LEP 2011;
- Consistent with Kiama Development Control Plan (DCP) 2012.

**Finance**

N/A

**Policy**

N/A

**Communication/Community Engagement**

Required: Yes - letter notification.

Notification Period: 14 days from 02/08/2018 to 16/08/2018.

Submissions: 11 submissions received.

**Attachments**1 10.2018.191.1 - plans [↓](#)**Enclosures**

Nil

**RECOMMENDATION**

That Council approve Development Application No 10.2018.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.



## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

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

- Kiama LEP 2011

The subject land is zoned R2 Low Density Residential. Dwelling houses and their ancillary structures are permitted with consent in the zone. The proposal is considered consistent with the zone objectives.

*Clause 4.3 - Height of Buildings*

A maximum of 8.5m vertical distance between the existing ground level and the highest point of the building, including plant and lift overruns. The proposal is consistent with this standard.

*Clause 4.4 - Floor Space Ratio (FSR)*

The proposal seeks a FSR of 0.445:1 which is consistent with the applicable standard of 0.45:1. Amended plans were submitted demonstrating compliance with Clause 4.4 FSR after an earlier design was found to be non-compliant.

**Any Draft Environmental Planning Instruments**

Nil.

**Development Control Plan (DCP) 2012**

The proposed development satisfies the objectives and performance controls within Kiama DCP 2012. The relevant sections of Kiama DCP 2012 are discussed below:

Chapter 2 - Section 6 - Building Height plane - Low Density Development Only

The proposal provides a compliant building height plane.

Chapter 2 - Building Lines – Section 12 & 13

The proposal provides compliant building line setbacks for both side boundaries and the rear boundary, as the proposal is attached to the rear of the dwelling there is no change proposed to the existing front boundary setback.

Chapter 2 – Section 5 - Maintenance of Views and Vistas

The proposed development is designed in such a way as to not significantly alter the main views of the neighbouring properties and will not alter any significant views from public areas.

The following objectives have been considered as part of Council's assessment:

- To maintain view sharing principles through the development and redevelopment of areas.

Comment – the proposed development will not unreasonably affect the primary views of the neighbouring properties, as such the proposal is compliant with this objective

- To ensure that where practical new development is designed and sited not to significantly alter views (including water and or escarpment views).

Comment – the proposal will, but not in an unreasonable way, affect the views enjoyed by properties at 76, 74, 72 and 70 Tingira Crescent.

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

- To ensure that primary private views are maintained through the addition of new development.

Comment – the proposed development will not unreasonably affect the primary views of the neighbouring properties, as such the proposal is compliant with this objective

- To retain views to and from the water.

Comment – minor view loss will occur to water views of the abovementioned properties

- To protect, conserve and maintain the landform of the Municipality.

Comment – the proposed will not affect the natural ground level and will not include excessive cut and fill to the property. The additional storey will make the dwelling slightly taller than the adjacent properties 95 and 91 Tingira Crescent due to the 1.4m rise in the overall height.

- To limit potential for large bulky housing and development.

Comment – the proposal is compliant with the maximum height and FSR requirements for the lot and as such the proposal is compliant with this objective

- To encourage sensitive siting of housing.

Comment – the dwelling and addition are not unreasonably sited on the property.

- To maintain or enhance significant public view corridors and other opportunistic views available from the public domain.

Comment – There is no unreasonable interference with views available from the public domain.

In the assessment of the effect on views resulting from the proposal, reference is to be made to the view sharing principles handed down in the Land and Environment Court.

*“The control refers to “Tenacity Consulting v Waringah [2004] NSWLEC 140 “which provides the following guiding principles in the assessment of views:*

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

Response: the views which 76, 74, 72 and 70 Tingira Crescent enjoy are all considered to be highly valued water views and are the primary views of the properties.

*“The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition,*



## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

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*whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”*

Response: Numbers 76, 74, 72 and 70 Tingira Crescent are all oriented in a southern direction, each of the properties enjoy sitting and standing views from the front of their property. The views in question are all across the front boundary of the affected properties

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

Response: each of the affected properties (76, 74, 72 and 70 Tingira Crescent) have been designed to have living areas taking advantage of the views to the south of “east beach” and the ocean. Each of the affected properties enjoy a wide view of the ocean and beach, as such the view loss that would occur if the proposal was approved would be minor considering the extensive views enjoyed by each of the properties. The proposal will increase the overall height of the building by only 1.4m and will not cover the whole footprint of the building.

Numbers 70 and 72 Tingira Crescent will lose a portion of their view of the beach while 74 and 76 will lose a portion of their view of the sea. All the affected properties will still enjoy extensive view of the beach and ocean

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

Response: the proposed initially had a number of non-compliances including non-compliance with the FSR requirements under Clause 4.4 of Kiama LEP 2011. The applicant was given the opportunity to amend the design and was able to provide a fully compliant design.

As stated above the question is whether the applicant could have provided a more skillful design, given the Lot is only 250.6m<sup>2</sup> and part of an attached dual occupancy it is Councils opinion that the applicant could not provide a more skillful design and therefore the view impact is considered acceptable and the view sharing reasonable.

Chapter 4 – Low Density Development

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

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Overall Controls

The objectives for the overall controls are as follows:

- To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
- To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
- To protect the character of the areas and towns.
- Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
- To provide high level of user amenity through the provision of well-designed, liveable dwellings.
- To provide high level of visual and acoustic privacy for existing and new residents.
- To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
- To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.

The proposal is generally consistent with the objectives and controls of Chapter 4 – Low Density Development.

Chapter 11 Waste Requirements

A Waste Management Plan was supplied with the application which deals with demolition and construction waste. Conditions will be imposed, should consent be given, requiring compliance with the Waste Management Plan during both demolition and construction.

**Any Planning Agreement**

Nil.

**Any Matters Prescribed by the Regulations**

- NSW Coastal Policy, 1997

The proposed development is not inconsistent with the NSW Coastal Policy, 1997.

**The Likely Impacts of the Proposed Development**

- Council Assessment of the Visual Impact

The proposal is considered to be slightly out of character with the surrounding area in regard to size and scale as the proposed extension will result in a third level, although it will only result in a height increase of 1.4m. Due to the existing topography of the site the proposal can achieve the maximum allowable height of 8.5m without unreasonably affecting the views of the surrounding neighbours

To assist Council in its consideration of the visual impacts of the proposal, site inspections were undertaken from the following properties:

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

- 
- 72 Tingira Crescent (existing dwelling).
  - 74 Tingira Crescent (existing dwelling).

Note that both 70 and 76 were contacted to try and organise site inspections, however the owner of number 70 rents the property out and was happy for Council staff to view his objection in line with the objection lodged by the owner of number 72 Tingira Crescent. The owner of 76 did not want to organise an inspection.

It is Council's assessment that while there is still an encroachment on views it is minimal in comparison to the available view from each of the affected properties (being 70, 72, 74, and 76 Tingira Crescent). Furthermore, the proposal is fully compliant so as a consequence, it is considered that the view impacts are unreasonable and are not considered significant enough to warrant refusal of the application.

- Public Domain

The proposed development will not significantly affect views from the public domain.

- Noise

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

- Privacy and Overlooking

Privacy and overlooking issues were raised in the objection received by the owner of 91 Tingira Crescent, who stated that the proposed east facing window in the new addition will look directly into the courtyard area located between the garage and dwelling. This area is approximately 13m<sup>2</sup> and is not considered the main private open space of the dwelling due to its size. The applicant was requested to address this issue and they responded by reducing the size of the window from 2m x 2m to 1.2m x 2m. There is also approximately 11m separation between the window and courtyard due to the laneway between the properties.

The privacy of the subject courtyard will be affected in this case but given the courtyards use and the extent of separation, it is not considered an unreasonable loss of privacy in the circumstance.

- Overshadowing

Overshadowing concerns were raised in the objection received by the owner of 91 Tingira Crescent, the proposal is considered to be compliant as the shadow diagrams provided demonstrate that both adjoining dwellings will receive their minimum 3 hours sunlight to private open space areas.

- Streetscape

Concerns have been raised by multiple objectors regarding the proposal being incompatible with the existing streetscape. The proposal higher than the immediate neighbours due to the additional level but the height is compliant with Kiama LEP height controls and is therefore considered to be reasonable. The applicant has

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

stated this is part of an evolving streetscape as there have been other developments that have gone ahead on other parts of Tingira Crescent which have lead to much more noticeable differences in height, bulk and scale between adjoining dwellings.

This includes the two storey dual occupancy located on 65 Tingira Crescent in comparison to both 67 and 63 Tingira Crescent which are both single storey split level dwellings. Another example the applicant has pointed to is the development on 58 Boanyo Avenue, which has its secondary street frontage onto Tingira crescent and has far greater bulk and scale compared to the surrounding developments.

Due to the evolving streetscape and selected materials and colours its councils opinion that the proposed is generally consistent with the streetscape and that the extent of inconsistency is acceptable.

- Views

View impacts have been discussed earlier in the report. Please see the above under heading “*Chapter 2 – Section 5 - Maintenance of Views and Vistas*” and “*Councils Assessment of Visual Impact*”

- Social and Economic Impacts

The proposed development will have minimal social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns raised in submissions warrant refusal of the application.

### **The Suitability of the Site for the Development**

As discussed throughout this report, the development is of a size, bulk, scale and sitting that are considered to be reasonable having regard to the site. The development is proposed within the R2 Low Density Residential zone and bounded by residential dwellings and a public laneway. The site is considered to be suitable for the proposed development.

### **Submissions**

#### Public Submissions

Notification letters were sent to neighboring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 11 submissions were received which raised the following summarised matters of concern:

Item 1:- “*View sharing*”

Comment - This matter has been discussed in detail within this report and the proposal is not considered to constitute unreasonable view loss and is commensurate with the principles of view sharing.

Item 2:- “*Street Parking*”

Comment – The proposed is an addition to existing dwelling and Kiama DCP 2012 does not call for any additional parking for altering or adding to dwellings.

Item 3:- “*Streetscape & Setting a Precedent*”

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

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Comment - This matter has been discussed in detail within this report. The proposal is considered to be different in terms of height with the immediate neighbours but does not unduly impact streetscape, rather it is part of an evolving streetscape in regards to Tingira Crescent as a whole. As such this does not set an undesirable precedent.

## Item 4:- “Overdevelopment”

Comment – The proposal is completely compliant with the Kiama LEP 2011 and Kiama DCP 2012, being under both the maximum height requirement of 8.5m and the floor space ratio of 0.45:1. Due to compliance with these controls the proposal is not considered to be overdevelopment of the site.

## Item 5:- “Overshadowing”

Comment – A shadow diagram has been provided as part of this application and demonstrates compliance with Chapter 4 of the Kiama DCP 2012 regarding overshadowing and solar access to neighbour properties.

## Item 6:- “Privacy”

Comment – This matter has been discussed in detail within this report and whilst some overlooking will eventuate to an adjoining neighbour the proposal does not constitute unreasonable privacy loss.

## Item 7:- “Private Open Space”

Comment – a referral was sent to a planning officer who after receiving an additional shadow diagram from the applicant, advised that the existing Private Open Space (POS) does not receive the required sunlight and the proposed roof over the existing deck does not exacerbate this non-compliance.

Clause 27 of Chapter 4 allows people to utilise areas forward of the building line as POS. It is acknowledged that the area forward of the building line is currently used as POS due to the slope of the site to the south. The existing fencing and landscaping makes this area relatively private and it enjoys acceptable solar access in winter.

**External Referrals**

Nil.

**Internal Referrals**

- Development Assessment Officer Planning

Objections were raised regarding the non-compliance with the FSR and the existing private open space. Amended plans were submitted by the applicant amending the design slightly to achieve compliance with the FSR requirements, the amended plans also included a shadow diagram of the existing deck area to show that the existing POS was not receiving the required amounts of sunlight therefore the proposed roof does not cause the non-compliance. The officer also advised that in this case having the POS in front of the building line would not result in a negative outcome for the site and streetscape.

**The Public Interest**

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

The proposal is considered to be consistent with Kiama LEP 2011 and Kiama DCP 2012. The proposal is not likely to cause significant adverse impacts to the natural or built environment. Whilst the proposal may cause minimal social impacts on the immediate neighbours it is considered not to be likely to cause significant adverse social and economic impacts, is generally suitable for the site and therefore is considered to be consistent with the public interest.

**Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposed development is considered to be consistent with Kiama LEP 2011 and Kiama DCP 2012.

It is Council's opinion the applicant has taken appropriate steps to achieve compliance with Council's requirements by supplying amended plans reducing the floor area and changing the roof design, the applicant has provided a fully compliant design addressing the concerns of the neighbours.

It is Council's opinion that the amended design is a desired outcome.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised in relation to the environmental impact of the proposal, particularly the likely visual impacts, view loss and privacy.

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

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

**Draft Conditions of Consent****General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2018.191.1 dated *(insert date of Council meeting)* except as amended by the following conditions: (g005.doc)

**Prior to Commencement of Works**

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:

- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

- a Has been informed in writing of the person's name and owner builder permit number;

or

Report of the Director Environmental Services

10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

Item 10.1

- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)
- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
  - c You **must** notify the Council of the appointment; and
  - d You **must** give at least two (2) days' notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the “*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*”, which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form. (pt020.doc)

- (3) A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council **prior to the issuing of a Construction Certificate**. The total contribution required for the development is **\$2,060**.

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPIP}}{\text{CPIc}}$$

Where:

- C = The original contribution amount as shown in the development consent.
- CPIP = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment.

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

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CPIc = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent. (po001.doc)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate. (pt034.doc)
- (5) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.
- Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)
- (6) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (7) A certificate from a practising structural engineer shall be obtained to indicate that the existing structure is capable of supporting the proposed additional loads, and shall be submitted to the Principal Certifying Authority, prior to work commencing. (pt063.doc)

**Stormwater Management**

- (1) Stormwater shall be connected to the existing system. (sm005.doc)

**Inspections**

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

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)



## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

- 
- (3) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (4) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- Monday to Friday - 7.00 am to 5.00 pm
- Saturdays - 8.00 am to 1.00 pm
- No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (5) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

**Erosion and Sedimentation Controls/Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
  - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)

**Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

## Report of the Director Environmental Services

## 10.1 10.2018.191.1 – Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions (cont)

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Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.



5.0a

**SITE LOCATION**



**PROPOSAL**

Material / Colour	Dimensions	Area of Cladding (sq m)	Cladding Type	Weight (kg/m²)	Notes and Joints (kg)
M	1.8	0	Non-wooded parapet cladding	→450 mm	Improved aluminium, single parapet cladding (J-value 1.46, B12C: 0.86)
M	1.82	0	Non-wooded parapet cladding	→450 mm	Improved aluminium, single parapet cladding (J-value 1.46, B12C: 0.86)
E	2.50	0	Non-wooded parapet cladding	→450 mm	Improved aluminium, single parapet cladding (J-value 1.46, B12C: 0.86)
S	3.3	0	Non-wooded parapet cladding	→450 mm	Improved aluminium, single parapet cladding (J-value 1.46, B12C: 0.86)
W	1.9	0	Non-wooded parapet cladding	→450 mm	Improved aluminium, single parapet cladding (J-value 1.46, B12C: 0.86)
M	1.1	0	Non-wooded parapet cladding	→450 mm	Improved aluminium, single parapet cladding (J-value 1.46, B12C: 0.86)

**NOTES**

- Check all dimensions on site.
- 20% allowance for absorption and bleed used for above.
- 20% allowance for absorption and bleed used for above. 93A Tingira Crescent, Kiama, NSW 2533.
- All items to comply with AS/NZS 1530.1, 1530.2, 1530.3 & 1530.4 unless otherwise stated.
- Structural elements to be installed to Australian Standard unless stated otherwise.
- The drawing is valid for 12 months.

**J. D'Alessandro & I. Castelli**  
Existing Residence  
Lot 1 DP 1049544  
93A Tingira Crescent, Kiama NSW 2533

**Cover Sheet**

Project number: DA-1049544-01

Date: 23/07/2018

Drawn by: AM

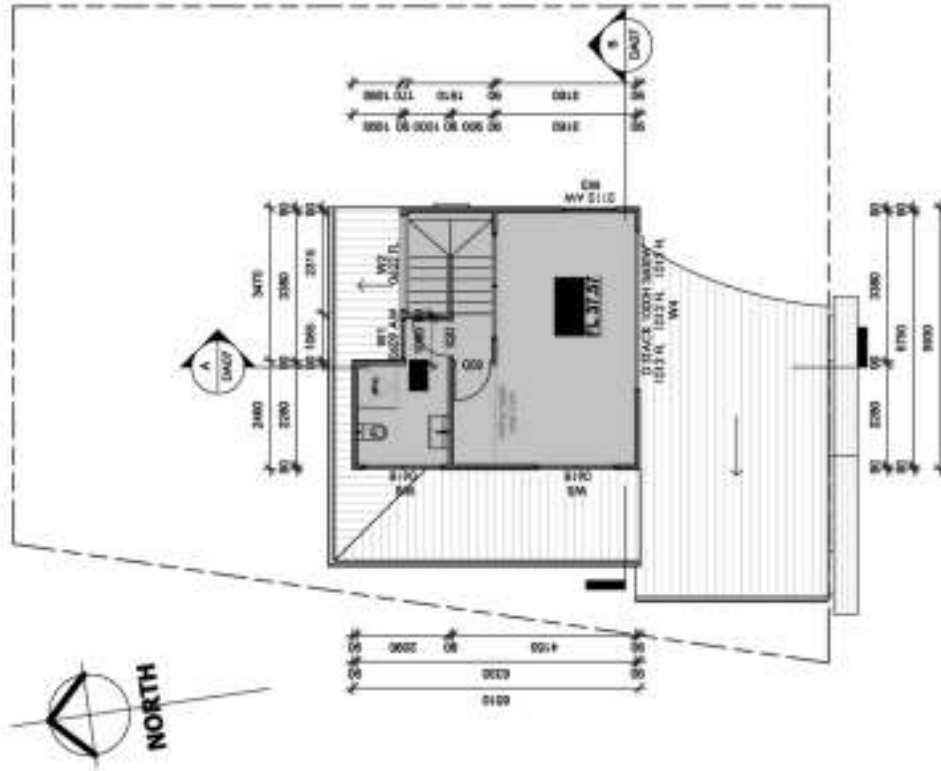
Checked by: RW

**DA00**

**bespoke belle**  
Building Design + Interiors  
annabellemcquillan@gmail.com 0413 760 170

Title: DA-1049544-01  
Date: 23/07/2018  
DA-1049544-01: Revised roof upper level and windows  
25/11/2018

<p><b>FSR (0.45:1)</b> Site Area 250.6 sq.m</p> <p>Existing Lower 45.50 sq.m Existing Ground 37.07 sq.m Addition to Ground 1.08 sq.m Additional Upper 27.79 sq.m</p> <p><b>TOTAL</b> 111.44 sq.m 111.44/250.6= 0.443 FSR</p>		<p><b>Site Plan / Site Analysis Plan</b></p> <p>Project number: 2307/2018 Date: 23/07/2018 Drawn by: AWB Checked by: SHW</p> <p>Scale: 1:200</p>
<p>J. D'Alessandro &amp; I. Castelli Existing Residence Lot 1 DP 1049544 93A Tingira Crescent, Kiama NSW 2533</p>		<p><b>Issue</b> DA Issue A DA Issue C - Revised roof upper level areas &amp; windows</p> <p><b>Date</b> 23/07/2018 25/11/2018</p>
<p><b>bespoke belle</b> Building Design + Interiors annabellemcquillan@gmail.com 0413 760 170</p>		<p><b>Attachment 1</b></p> <p><b>Item 10.1</b></p>

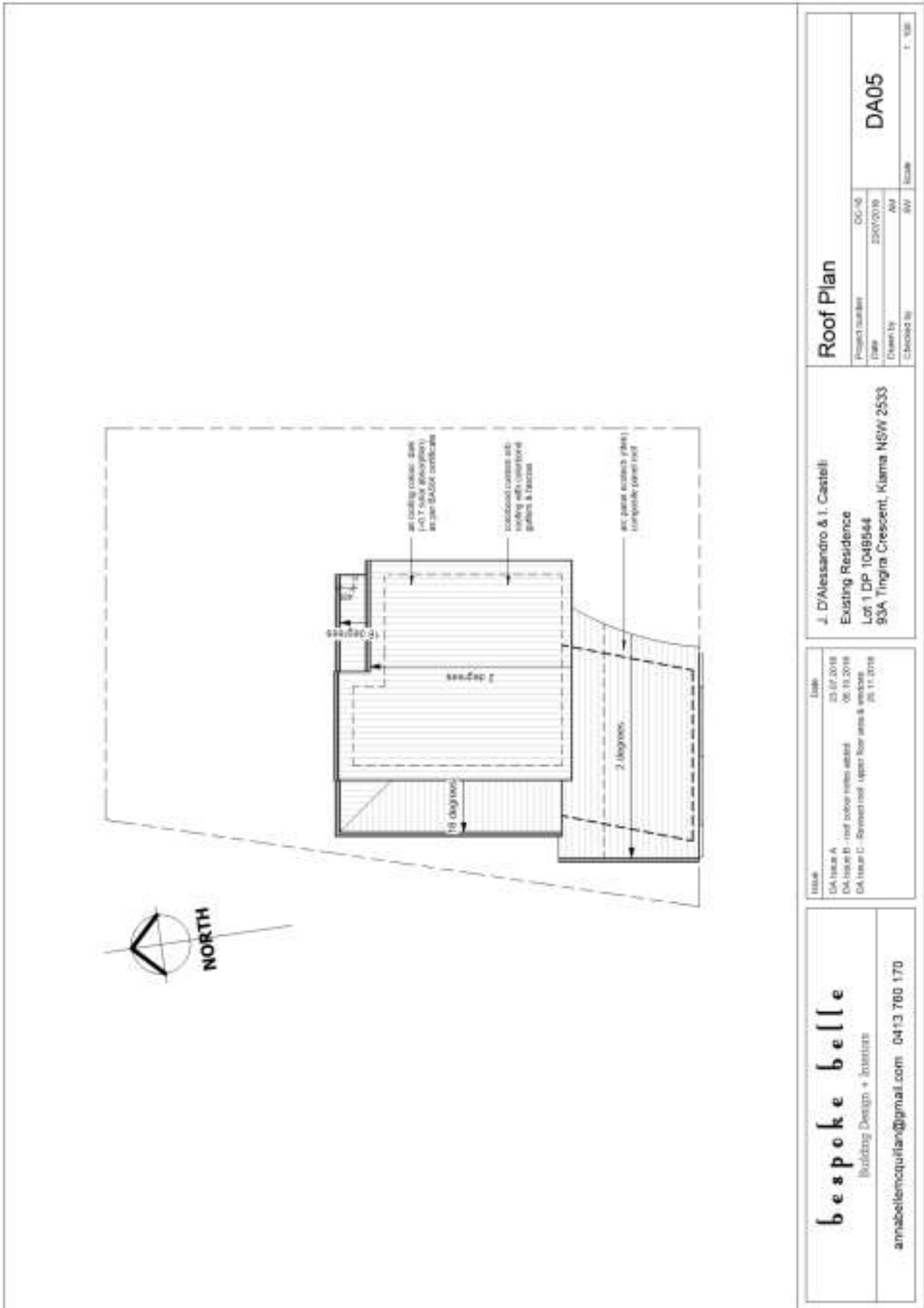


**beapokebelle**  
 Building Design + Interiors  
 annabelle@beapokebelle.com 0413 760 170

Issue: DA Issue A  
 DA Issue C - Revised roof, upper floor area & windows  
 Date: 23.07.2018  
 25.11.2018

J. D'Assandro & I. Caselli  
 Existing Residence  
 Lot 1 DP 1049544  
 93A Tingira Crescent, Kiama NSW 2533

Upper Floor  
 Project number: DA-18  
 Date: 23/07/2018  
 Drawn by: AM  
 Checked by: SW  
 Scale: 1:100  
**DA04**

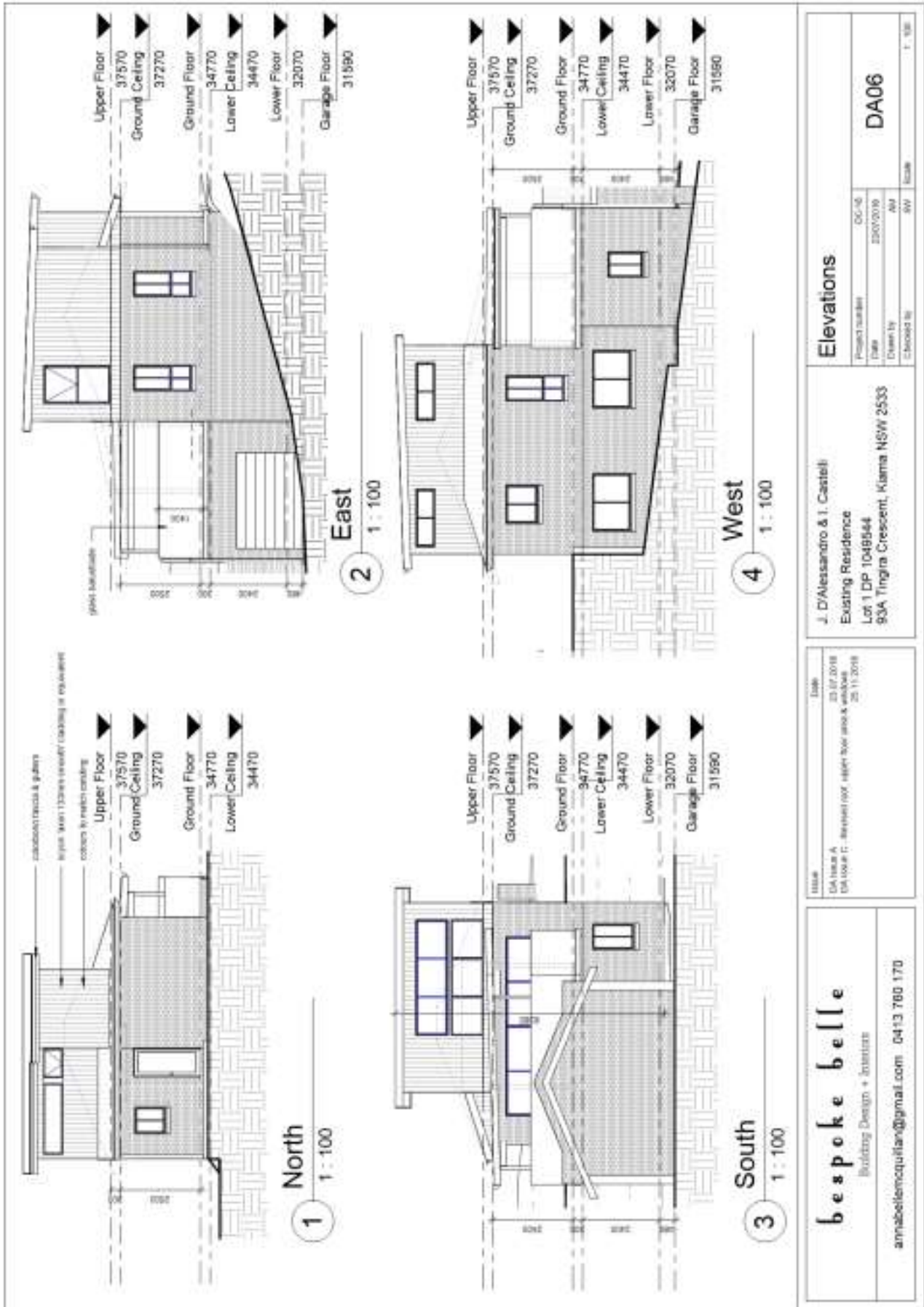


**bespoke belle**  
 Building Design + Interiors  
 annabellemcquillan@gmail.com 0413 760 170

Issue	Date
DA Issue A	23.07.2018
DA Issue B - roof colour notes added	06.10.2018
DA Issue C - Revised roof upper floor area & windows	06.11.2018

J. D'Alessandro & J. Castelli  
 Existing Residence  
 Lot 1 DP 1049544  
 93A Tingira Crescent, Kiama NSW 2533

Roof Plan	
Project number	23070010
Date	06/11/2018
Drawn by	AW
Checked by	AW
Scale	1:100




Attachment 1 Item 10.1

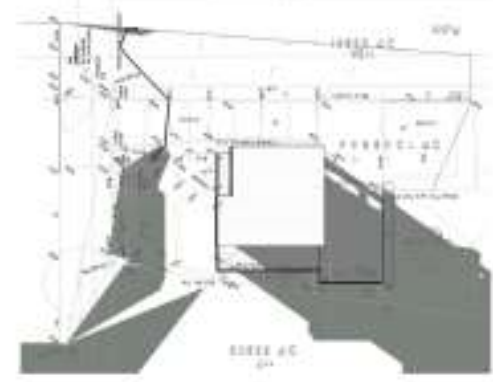
<p><b>bespoke belle</b> Building Design + Interiors annabellemcquillan@gmail.com 0413 760 170</p>	<p><b>Issue</b> DA Issue A DA Issue C - Revised roof upper level windows 25.11.2018</p>	<p><b>Date</b> 23.07.2018</p>
<p>J. D'Alessandro &amp; I. Castelli Existing Residence Lot 1 DP 1049544 93A Tingira Crescent, Kiama NSW 2533</p>		
<p><b>Perspective</b></p>		
Project number	QC-18	DA08
Date	23/07/2018	
Drawn by	AMA	
Checked by	BM	Scale

Item 10.1


Attachment 1



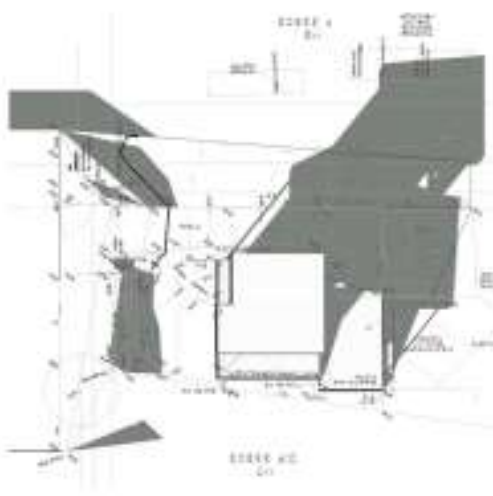




9AM - 22 June



NOON - 22 June

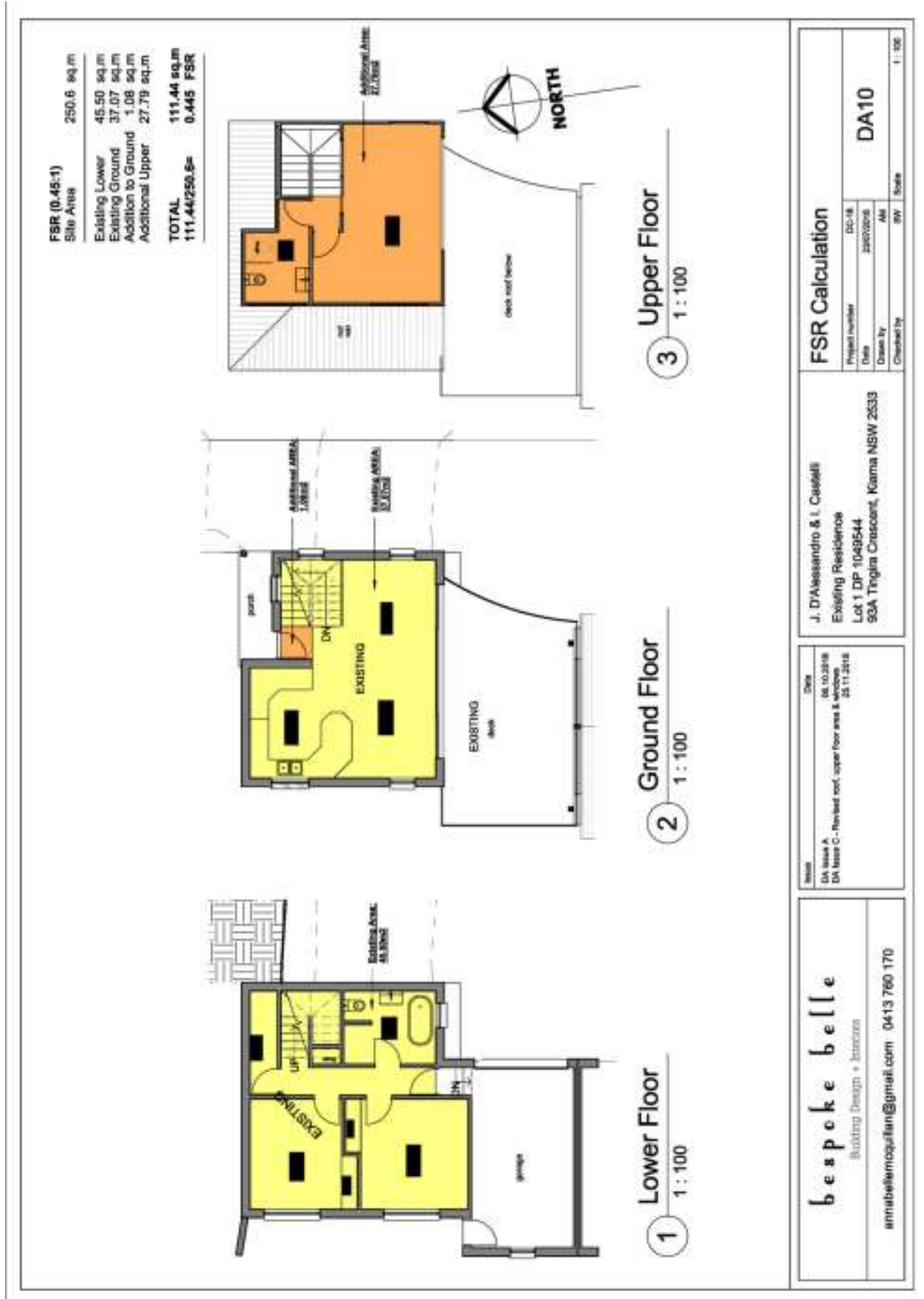


3PM - 22 June

<b>Shadow Diagrams</b>	
Project number	QC-18
Date	23/07/2018
Drawn by	AM
Checked by	SM
Scale	

J. D'Alessandro & I. Castelli Existing Residence Lot 1 DP 1049544 93A Tingira Crescent, Kiama NSW 2533	Date: 23.07.2018 Issue: DA issue A DA issue C - Revised roof upper level and windows Date: 25.11.2018
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<b>bespoke belle</b> Building Design + Interiors	annabellemcquillan@gmail.com 0413 760 170
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Item 10.1

Attachment 1

**10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development

Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 10.2

**Summary**

This report reviews Development Application 10.2017.245.1 which involves the construction of an abattoir with integrated cool room and annexed change room with ablutions.

In accordance with Section 4.10 of the Environmental Planning and Assessment Act, 1979, Part 1 of Schedule 3 of the Environmental Planning & Assessment Regulation, 2000, declares certain forms of development as 'designated development'. Livestock processing industries are declared 'designated development' in prescribed circumstances, including where they are sited within 100m of a natural waterbody.

A qualified Geomorphologist has identified the top of the bank of the mapped watercourses and a registered surveyor, with instruction from the Geomorphologist, has identified the distances to the proposed development. The assessment report and survey plan submitted as a result of this identifies that the proposed development is greater than 100m from the mapped watercourses.

The Geomorphologist assessment also confirms that the natural depression adjacent to the development site is not categorized as a watercourse.

On the basis of this detail Council is satisfied that sufficient information has now been submitted to confirm that the proposed development is not designated development.

The report recommends that Council approve Development Application No 10.2017.245.1 as the proposal is:

- Permissible under Kiama Local Environmental Plan (LEP) 2011 Schedule 1 Additional permitted uses.
- Compliant with the RU2 Rural landscape zone objectives.
- Consistent with Kiama Development Control Plan (DCP) 2012.

**Finance**

N/A

**Policy**

N/A

**Reason for the Report**

This report is submitted to Council because only the elected Council can determine applications involving more than 3 submissions.

Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

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**Communication/Community Engagement**

Required: Yes (onsite notice and letter notification)

Notification Period: 14 days from 31/08/2017 to 14/09/2017

Submissions: 109 submissions (60 supporting & 49 objecting to the proposal)

**Attachments**

1 10.2017.245.1 - revised attachments [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council approve development application 10.2017.245.1 under section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

**BACKGROUND**

The property is described as Lot 103 DP 561082 which is located at 96 Rose Valley Road, Rose Valley.

The overall property measures 53ha in size and is irregular in shape. The property currently contains a dwelling, guest house, meat processing works, rural sheds and associated rural infrastructure connected to the Schottlanders Wagyu Farm.

The property is split zoned being predominantly RU2 Rural Landscape and E2 Environmental Conservation under Kiama Local Environmental Plan (LEP) 2011.

The property is predominantly covered with pastured with the exception of the steeper land that contains remnant vegetation. The land is undulating in its topography.

The subject property is identified in Figures 1 & 2 below:

Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir (cont)

Item 10.2

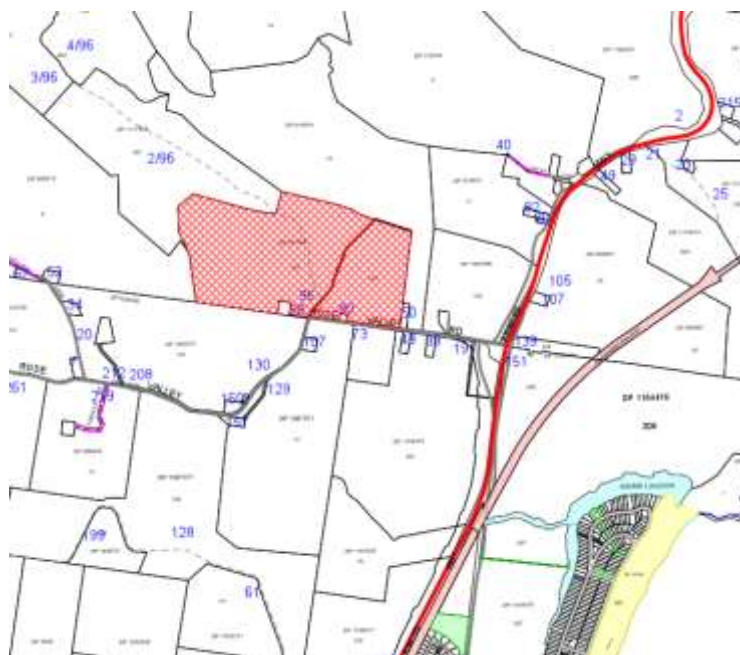


Figure 1 – Locality Plan

Access to the property is obtained from Rose Valley Road. The property is serviced by electricity, telecommunications and water.



Figure 2 – Site Photograph (2016 View)

The property is subject to the following constraints:

- Bushfire affectation;
- Flooding affectation;
- Heritage item indicated in the Kiama LEP 2011 on adjacent land (73 Rose Valley Road, Karrawarra Homestead, item I172);

## Report of the Director Environmental Services

## 10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir (cont)

- Potential aboriginal objects within the E2 zone;
- Services/easements;
- Areas mapped in Kiama LEP 2011 as terrestrial biodiversity/riparian land and water courses (Category 3) and also potential acid sulphate soils (Class 4 & 5).

The 'development site' is contained wholly within the boundaries of Lot 103 DP 561082 and is most accurately described as "Part of Lot 103 DP 561082". The 'development site' is confined to the area occupied by the abattoir building itself, its associated effluent disposal area and its associated stormwater disposal area. The development site is identified in Figure 3 below:

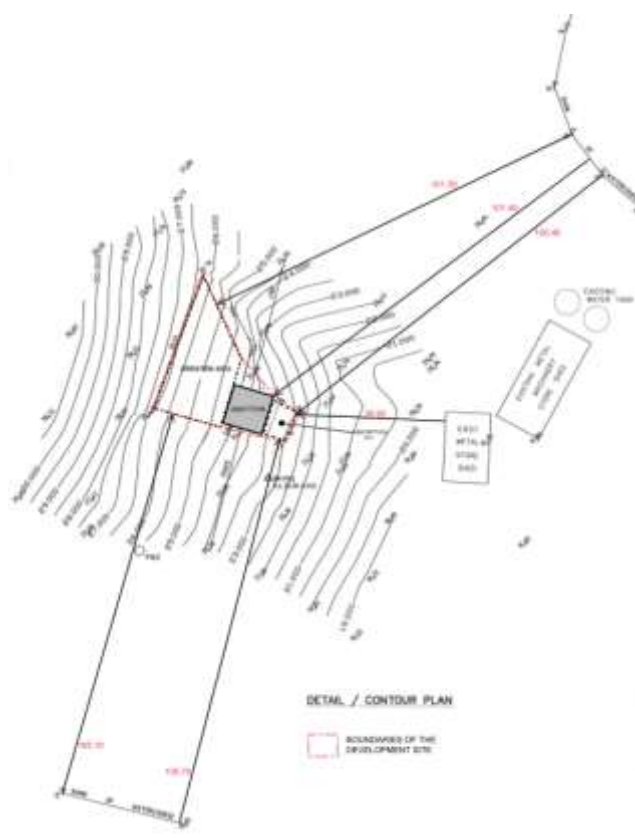


Figure 3 – Boundary of the Development Site Plan

### Background

At the December 2016 meeting of Council it was resolved to “proceed with the preparation and finalisation of the draft *Kiama Local Environmental Plan* and mapping amendment, associated with additional permitted uses at 96 Rose Valley Road, Rose Valley, and the inclusion of sections of Schedule 1 into Clause 4.6(8) of the draft *Kiama Local Environmental Plan* in conjunction with Parliamentary Counsel and the Department of Planning and Environment.”

Following this, on 5 May 2017, Kiama LEP Amendment No 7 was published on the NSW Legislation website, making livestock processing industry a permissible use on the subject land under Schedule 1 Additional permitted uses.

Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir (cont)

For the purpose of Schedule 1 of Kiama LEP 2011, livestock processing industry means an abattoir that is used only for the processing of:

- (a) beef cattle that are reared on the land, and
- (b) not more than 120 beef cattle in any 12 month period.

Development Application 10.2017.245.1 was subsequently lodged and was considered by Council at its November 2018 meeting, whereby it was deemed that insufficient information had been submitted to Council to demonstrate that the proposed development is not designated development. Council consequently resolved to defer determination of the application “to allow consideration of a geomorphologist report and that the matter be reported back to Council no later than the February 2019 meeting”.

**Description of the Proposed Development**

The proposal involves the construction of an abattoir with integrated cool room and annexed change room with ablutions.

It is proposed to slaughter a maximum of 120 Wagyu beef cattle in any given year (an average of 4-5 beasts per fortnight). Only cattle produced on the property will be slaughtered and processed within the abattoir.

The proposed combined abattoir and cool room measures approximately 10m x 10m (100m<sup>2</sup>), with the abattoir measuring 6.55m x 10m (65.5m<sup>2</sup>) and the cool room 3m x 10m (30m<sup>2</sup>). The attached change room measures 2.4m x 4.9m (11.8m<sup>2</sup>). The height of the proposed abattoir building is approximately 6.4m. The proposed building is situated 38m west of an existing Colorbond machinery shed.

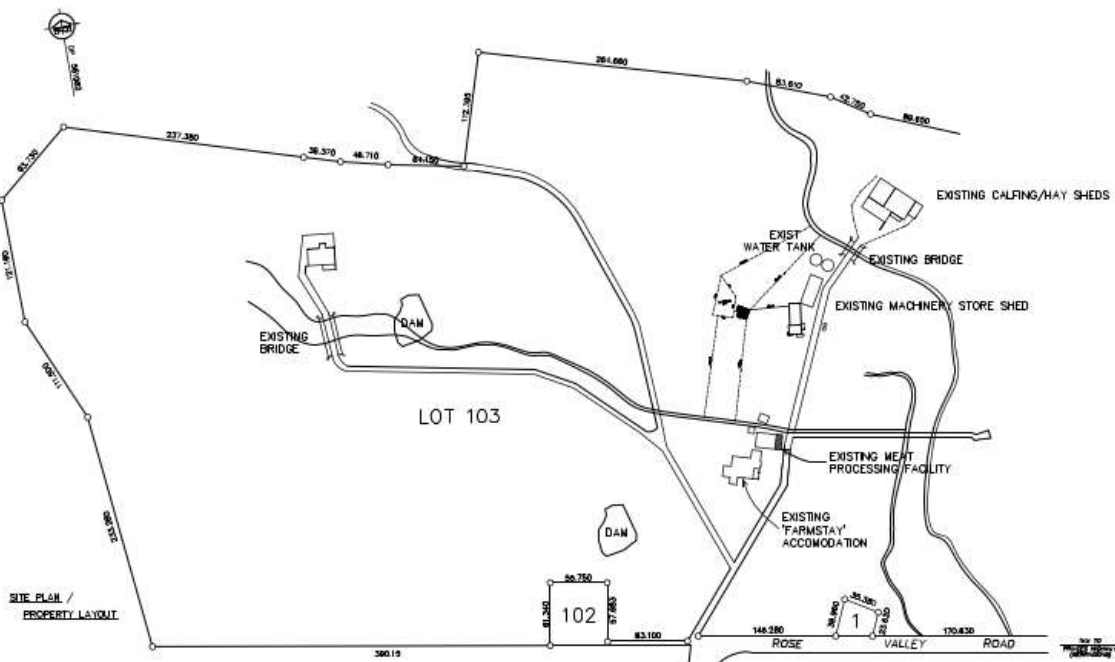
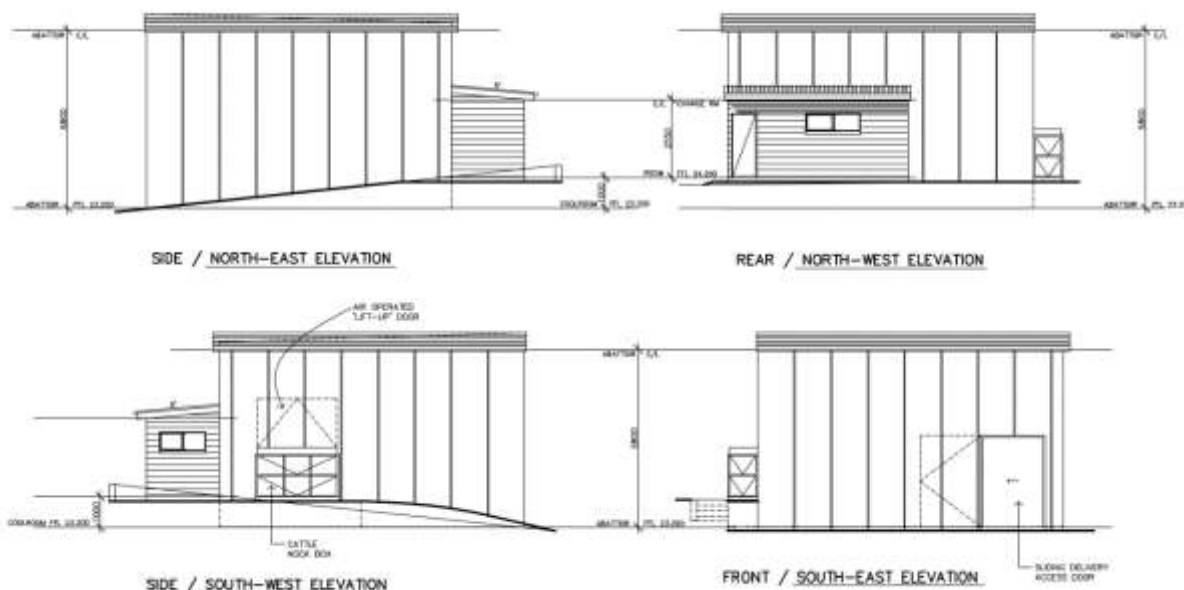


Figure 4 – Overall Site Plan

Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir (cont)



Item 10.2

Figure 5 - Elevations

The proposed hours of operation are 6.00am – 6.00pm, seven days a week. This is the time range within which the abattoir is proposed to operate, but it will not be in constant operation during these times, given the abattoir will only process 4-5 beasts per fortnight. The abattoir will require the employment of up to 3 workers when working.

The exterior of the proposed abattoir (including the roof) is proposed to be clad with Colorbond metal coloured grey-green.

Vehicular access is obtained from Rose Valley Road and from the existing internal driveway on the property, which will be extended to service the abattoir.

The process to be used by the abattoir commences with a beast being walked into the stun box, where the animal is irreversibly stunned. An air operated sliding wall will then rise, releasing the animal into a cradle inside the abattoir building. The carcass is then attached to an overhead crane where it is lifted and hung on a sliding rail, enabling the carcass to be moved through the abattoir from process to process. At the end the cleaned carcasses will be hung in the cool room before being transported to the onsite meat processing plant.

Inedible offal, waste-cuts and other solid wastes will be collected weekly by a licensed contractor and disposed of off-site. Hides are intended to be sold to an off-site tanner. The majority of the blood will be captured in storage containers and taken off-site for processing. No blood processing/rendering operations are proposed to be carried out at the site.

Wash down waste generated from the operations would be treated through the proposed on-site wastewater treatment and effluent reuse system, which is proposed to be located adjacent to the abattoir. Waste from the staff amenities would also be drained to the on-site wastewater treatment system.



Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

Roof water will be directed to an existing rainwater tank, where it is used for watering stock and also for cleaning the abattoir.

#### Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant:-

- Environmental Planning & Assessment Act (EP&A Act), 1979 and Schedule 3 Item 22 of the Environmental Planning & Assessment Regulation (EP&A Regulation), 2000

In accordance with Section 4.10 of the EP&A Act, 1979, Part 1 of Schedule 3 of the Environmental Planning & Assessment Regulation, 2000, declares certain forms of development as 'designated development'. Item 22 of Part 1 of Schedule 3 references livestock processing industries as declared to be 'designated development' in the following circumstances:

- “(a) *that slaughter animals (including poultry) with an intended processing capacity of more than 3,000 kilograms live weight per day, or*
- (b) *that manufacture products derived from the slaughter of animals, including:*
- (i) *tanneries or fellmongeries, or*
  - (ii) *rendering or fat extraction plants with an intended production capacity of more than 200 tonnes per year of tallow, fat or their derivatives or proteinaceous matter, or*
  - (iii) *plants with an intended production capacity of more than 5,000 tonnes per year of products (including hides, adhesives, pet feed, gelatine, fertiliser or meat products), or*
- (c) *that scour, top, carbonise or otherwise process greasy wool or fleeces with an intended production capacity of more than 200 tonnes per year, or*
- (d) *that are located:*
- (i) *within 100 metres of a natural waterbody or wetland, or*
  - (ii) *in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils, or*
  - (iii) *on land that slopes at more than 6 degrees to the horizontal, or*
  - (iv) *within a drinking water catchment, or*
  - (v) *on a floodplain, or*
  - (vi) *within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.”*

With regard to above items (a), (b) and (c), the following comments are made:

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

- 
- a) The abattoir proposes to process a maximum of 120 beasts per annum. At approximately 850kg per beast, this amounts to a maximum processing capacity of 102,000kg per annum, equating to an annual average of approximately 280kg per day. This is significantly less than the 3,000kg per day trigger for designated development. If the DA were to be approved, a condition could be placed on the consent to limit processing on any given day, within the week, to less than 3,000kg live weight;
  - b) The abattoir is for the slaughter of cattle only and will not be used for the manufacture of products derived from the slaughter of those animals; and
  - c) The abattoir is for the slaughter of cattle only and will not involve any processing of wool or fleeces.

With regard to above item (d):

- (i) *within 100 metres of a natural waterbody or wetland*

Comment: The terms 'waterbody' and 'wetland' are defined in Part 4 of Schedule 3 of the EP&A Regulation, 2000.

Natural wetland is defined as including “*marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities*”

The proposed abattoir is not considered to be located within 100m of a wetland.

A natural waterbody is defined as including:

- “(i) *a lake or lagoon either naturally formed or artificially modified, or*
- (ii) *a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the stream, or*
- (iii) *tidal waters including any bay, estuary or inlet.*”

Of the above, only point (ii) is relevant to the development in this instance. In this respect there are watercourses traversing the subject property that are within the vicinity of the proposed abattoir.

Given the intrinsic complexity of accurately identifying the ‘top of the bank’ of the watercourse upon which the buffer distances have to be measured, Council requested that a qualified Geomorphologist attend the site to identify the top of the bank of the watercourses. A geomorphologist (ie a person who has specialised knowledge in respect of and has studied the interactions between the physical shapes of rivers, their water and sediment transport processes, and the landforms they create) is best qualified to accurately identify the top of the bank.

The applicant initially engaged GDK Keighran Geotechnics to undertake this work and the Director of that firm, Mr G D Keighran, subsequently prepared a report. Council sought clarification of Mr Keighran’s qualifications and, while it was confirmed Mr Keighran is a geotechnical engineer, no confirmation was provided that

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

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Mr Keighran specialises in, or has specialist knowledge in, the area of fluvial geomorphology.

Given the asserted marginal compliances with minimum buffer distances from the watercourses on the land, it is necessary for a geomorphologist to go onto the land with the surveyor to identify and peg out where the top of bank of the watercourses are located so that precise measurements from those locations to the abattoir facilities can be provided by the surveyor. Reference to a google map is not considered to be sufficiently accurate.

Following Council's deferral of determination of the application at the November 2018 Council meeting, the applicant engaged Roberts Resources to undertake a geomorphology assessment of the site. The Director and Principal Consultant for the company is Mr Dave Roberts, being a qualified geomorphologist. Mr Roberts attended the site and delineated the top of the bank of the watercourses with pegs/stakes over approximately 30m bank lengths. Roberts Resources then showed the surveyor (Mr Bevan Asher, being a registered surveyor of Asher Silcock Consulting Pty Ltd) the location of the pegs and instructed the surveyor to survey the peg line at these locations. The surveyor then prepared a survey plan, which is attached to this report.

The conclusion reached by the geomorphology assessment is that the closest top of bank to proposed development distance at the southern creek is 100.1m and the closest top of bank to proposed development distance at the northern creek is 100.5m.

Further to the mapped watercourses subject to the above measurements, members of the public have also claimed that there is a watercourse on the property that runs immediately adjacent on the northern side of the proposed development site. No such watercourse is identified/mapped under LEP 2011 Clause 6.5 riparian land and watercourses, nor is there a mapped streamline within the Land and Property Information (LPI) hydro line dataset. The applicant obtained advice from NSW Department of Primary Industries – Water, which advised that, for the purpose of the Water Management Act 2000, the depression adjacent to the development site on the northern side is not considered to be a watercourse. This was supplemented by advice provided by GDK Keighran Geotechnics. They state that there *“is a quite a sharp depression on the northern side of the proposed irrigation area which from air photos appears to have been created some time ago when the access road passing through the property to the adjoining property to the north west was created after altering the catchment and natural drainage paths above the paddock.*

*We confirm that the depression holds no water and even in times of heavy rainfall, we would not define it as a watercourse but may be defined as a grassed swale.”*

This advice has since been reinforced by Mr Roberts of Roberts Resources who is a qualified geomorphologist, and made the following comment:

*“Roberts Resources has studied and investigated the surface feature described as a ‘grassed swale’ in the Keighran Geotechnics Report (report reference 18052/GK/1) and can confirm it is a micro relief feature not a drainage depression.*

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

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*The feature is typical of the many micro-relief-geomorphological landform changes common throughout the area and relate directly to changing landforms in the larger topo-sequence along and across slope. They are common as swales, amphitheatres, rolls, crests and depressions (both open and closed and not related at all to drainage depressions) with gradational irregularities both down and across slope. These have been created during land formation processes over time as well as recent land use practices and development.*

*This micro-relief feature can be described as an 'Open Depression' with zero drainage features or attributes. Its morphological type is an 'Open Micro Depression' and the landform element type is a 'Swale'.*

Having regard to the information provided by the geomorphologist in conjunction with the surveyor, Council is satisfied that the proposed development is greater than 100m from a watercourse.

- (ii) *in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils*

Comment: To determine to presence of acid sulphate soils and/or ground water within the soil profile, an investigation of the abattoir site has been undertaken by Pacific Environmental, dated 19 February 2018.

In relation to groundwater, the investigations did not encounter groundwater at a depth of 1.6m. It is commented that, because of the elevation of the site, groundwater is likely to be located well below the natural surface at the site. It is concluded that the site is not within an area of high water table.

In relation to potential acid sulphate soils, the investigation involved the coring of four (4) test holes to depths ranging from 1.0 to 1.1m below ground level. Field testing was undertaken, whereby the report comments that as *"the site soils contained minor amounts of organic matter the field peroxide test is regarded as an accurate indicator that Acid Sulphate Soils are not present in the soils to be disturbed at the site."*

Soil samples were taken from the development site and sent to a NATA Certified laboratory for analysis for the presence of acid sulphate soils. The report states:

*"The analysis revealed that the soils had an initial pH of 5.4 to 6.3 and a final pH (after oxidation with peroxide) of 4.7 to 5.8). The SPOCA (net acidity (sulfur units) reaction was reported as 0.06 to 0.12%, with a field average of 0.0925%. The Acid Sulphate Soil Manual describes the action criteria for medium to heavy clays (including a factor of safety of 1.5) as a percentage oxidizable Sulphur of 0.1%. This is greater than the field average of 0.0925%. The conclusion that can be derived from this comparison with the laboratory analysis is that the soils are not impacted by Acid sulphate soils."*

Based on the analysis undertaken the conclusion reached that the site is not subject to acid sulphate soils as acid sulphate soils are not present in the soil profile.

- (iii) *on land that slopes at more than 6 degrees to the horizontal.*

Comment: The applicant has provided detailed site survey information over the proposed abattoir site and the associated effluent disposal area. The survey detail

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indicates that slopes involved are less than 6<sup>0</sup>, with the maximum slope identified being 5.87<sup>0</sup>. The slopes recorded have been certified by the registered surveyor from Asher Silcock Consulting Pty Ltd who surveyed the site.

(iv) *within a drinking water catchment.*

Comment: The subject site is not located within a drinking water catchment.

(v) *on a floodplain.*

Comment: 'Floodplain' is defined in Schedule 3 of the EP&A Regulation, 2000, as meaning "*the floodplain level nominated in a local environmental plan or those areas inundated as a result of a 1 in 100 flood event if no level has been nominated.*"

Kiama LEP 2011 does not nominate a floodplain level for the site. Following from this, in reference to flood inundation, a flood study prepared by Jordan Mealey Partners was submitted with a previous DA for a farm shed on the property, determined that the 1 in 100 year flood level in the vicinity of the now proposed abattoir is RL 15.05m AHD. The site of the proposed abattoir is on land having an RL of 23m AHD and the abattoir would have a finished floor level of 23.2m AHD, being 8.15m above the 1% AEP flood level. The irrigation area for the abattoir is further uphill again. Therefore, having regard to the elevation of the development site as shown in Figure 3 and the 1% AEP flood level, it is taken that the proposed abattoir development is not sited on a floodplain.

Subsequent to the report to Council in November 2018, Council has mapped the Draft Ooaree Creek-Werri Lagoon 1% Flood Extent. This mapping clearly identifies that the development site is not impacted by 1% flood event waters.

(vi) *within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste*

Comment: The proposed abattoir is located within 5km of residential zones at Werri Beach and Gerringong, as well as Kiama Heights and Kiama. The applicant comments that: "*Saddleback Mountain-Mt Pleasant ridgeline provides a significant topographical barrier between the abattoir and residential areas in Kiama and Kiama Heights to the point where those areas are not likely to be impacted at all by the proposal.*"

*Assessments of odour and noise impacts have been undertaken and have determined that emissions from the proposal will be less than those recommended by relevant guidelines when measured at the closest residences to the site. It therefore follows that residences located further away within residential zones at Werri Beach and Gerringong will be impacted to a substantially lesser degree.*

*The abattoir will be used during daylight hours only and will be accessed using paved and sealed access roads. Therefore, light and dust will not be a nuisance.*

*In accordance with previous details provided to Council, waste products will be appropriately stored on-site pending their removal by waste contractors.*

*The amount of traffic generated by the proposal will be negligible, with most of the vehicle movements occurring within the subject site itself and not on public roads.*

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*Only waste collection vehicles (estimated at a maximum of 2 per week) will be required to access the site in connection with the abattoir.”*

The proposed development is unlikely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.

### Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development. There is no record or anecdotal evidence of site contamination that would prevent approval of the development.

The land appears to be suitable for the proposed use.

- State Environmental Planning Policy (Rural Lands) 2008

The proposal facilitates the orderly and economic use and development of the land for rural and related purposes. The proposal is consistent with the Aims of the policy and is not inconsistent with the identified rural planning principles.

NSW Department of Primary Industries (DPI) – Agriculture has been consulted during the assessment of this proposal. DPI Agriculture has raised no concerns with the proposal.

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

This Policy aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.

SEPP 71 defines the coastal zone as having the same meaning as in the Coastal Protection Act 1979, which in turn defines the coastal zone as meaning:

- “(a) *the area within the coastal waters of the State as defined in Part 10 of the Interpretation Act 1987 (including any land within those waters), and*
- (b) *the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and*
- (c) *the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).”*

As per (b) above, Figure 6 below is the map outlining the coastal zone, as provided to Council via the NSW Government Planning Portal spatial datasets download.

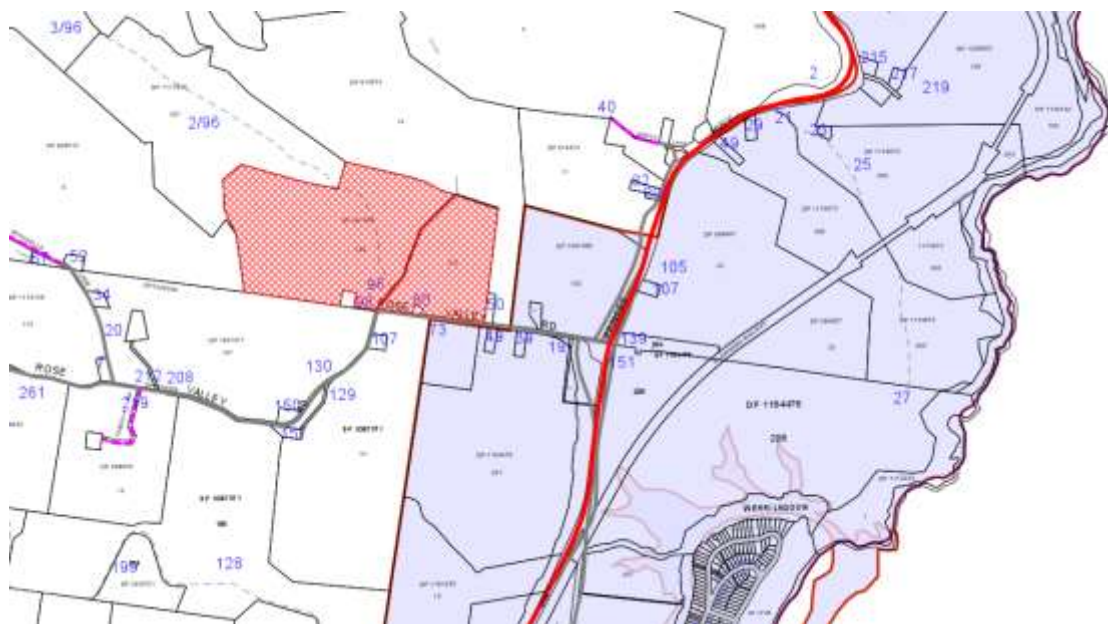


Figure 6 - SEPP 71 mapped Coastal Zone

As identified in Figure 6, the site of the proposed development and the property upon which it is situated, is not located within the coastal zone, as defined by SEPP 71. SEPP 71 is therefore not applicable to the proposed development.

- Kiama LEP 2011

The subject land is zoned part RU2 Rural Landscape and part E2 Environmental Conservation under Kiama LEP 2011. The proposed development is situated entirely within the RU2 zone.

As defined in Kiama LEP 2011, a ‘livestock processing industry’ means “*a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.*”

The proposed ‘livestock processing industry’ (abattoir) is specifically permitted with consent on the site under Schedule 1 (Additional permitted uses) of the LEP.

The RU2 zone objectives are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment: The small-scale abattoir proposed is entirely dependent upon the primary production of beef cattle on the land and will therefore encourage sustainable primary production of the land. The land occupied by the abattoir and the associated effluent disposal area will not undermine the natural resource base upon which the primary production relies.

- *To maintain the rural landscape character of the land.*

Comment: The proposed abattoir and cool room measures 10m x 10m (100m<sup>2</sup>) in floor area with a height of approximately 6.4m. The proposed building is not of a size or scale that is out of character in the rural landscape of Rose Valley. The building

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will present as a rural building amongst a complex of rural buildings on the site and will not be recognisable as an abattoir to a casual observer.

- *To provide for a range of compatible land uses, including extensive agriculture.*

Comment: The proposed abattoir will be directly associated with the existing primary use of the land, being for the primary production of beef cattle.

- *To protect agricultural land for long term agricultural production.*

Comment: The proposed development will secure the continued, long-term agricultural use of the land as a beef cattle property.

- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.*

Comment: The proposed abattoir adds value to the existing cattle farm and provides for further employment opportunity.

Having regard to these objectives the proposed development is considered to be acceptable.

Specific clauses requiring consideration:

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The subject land is not identified on the Height of Buildings Map.

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map. The subject land is not identified on the Floor Space Ratio map.

Clause 5.10 lists requirements for heritage conservation. A basic Aboriginal Heritage Information Management Services (AHIMS) search has been undertaken that identified no Aboriginal sites or places being recorded or that have been declared in or near the subject site.

An item of heritage exists on a neighbouring property, listed in Schedule 5 of Kiama LEP 2011 as "73 Rose Valley Road, Karrawarra Homestead, item 1172". Due to the existing vegetation at 73 Rose Valley Road and the distance between the development site and the neighbouring heritage item (approximately 340m), it is considered that the proposal is not likely to adversely affect the heritage significance of the item and does not compromise the objectives of the clause.

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The LEP maps identify the development site as potentially Class 5 acid sulphate soils. As discussed above under Schedule 3 of the EP&A Act, 1979, an Acid Sulphate Soil Investigation was conducted by Pacific Environmental, dated 19 February 2018. Based on the analysis undertaken, the conclusion is reached that the site is not subject to acid sulfate soils.

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



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Clause 6.3 lists requirements for the development of land which is at or below the known flood planning level. As identified earlier, the 1 in 100 year flood level in the vicinity of the proposed abattoir is RL 15.05m AHD and the proposed abattoir would have a finished floor level of 23.2m AHD. The abattoir is therefore 8.15m above the 1% AEP flood level. The proposal thereby satisfies the objectives of the clause and the matters that are required to be satisfied prior to issue of consent.

Clause 6.4 lists considerations and requirements for land that has been identified as "Biodiversity land" on the Terrestrial Biodiversity Map. Such biodiversity land exists on the steeper vegetated slopes west of the development site. The proposed development is approximately 300m from the nearest mapped biodiversity land. Given the absence of natural habitat within that part of the subject property being proposed for development, combined with a long history of agricultural use of the land, it is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely impacted as a result of the proposed development. It is considered that the proposal meets with the objectives of the clause and the matters that are required to be satisfied.

Clause 6.5 lists considerations and requirements for land that has been identified as riparian land and watercourses. The subject property is traversed by mapped Category 3 watercourses, one to the north and east of the development site, the other to the south of the development site. Neither of these LEP mapped Category 3 watercourses are within 10m of the proposed development (Clause 6.5(2)(b)). The proposal meets with the objectives of the clause and the matters that are required to be satisfied prior to issue of consent.

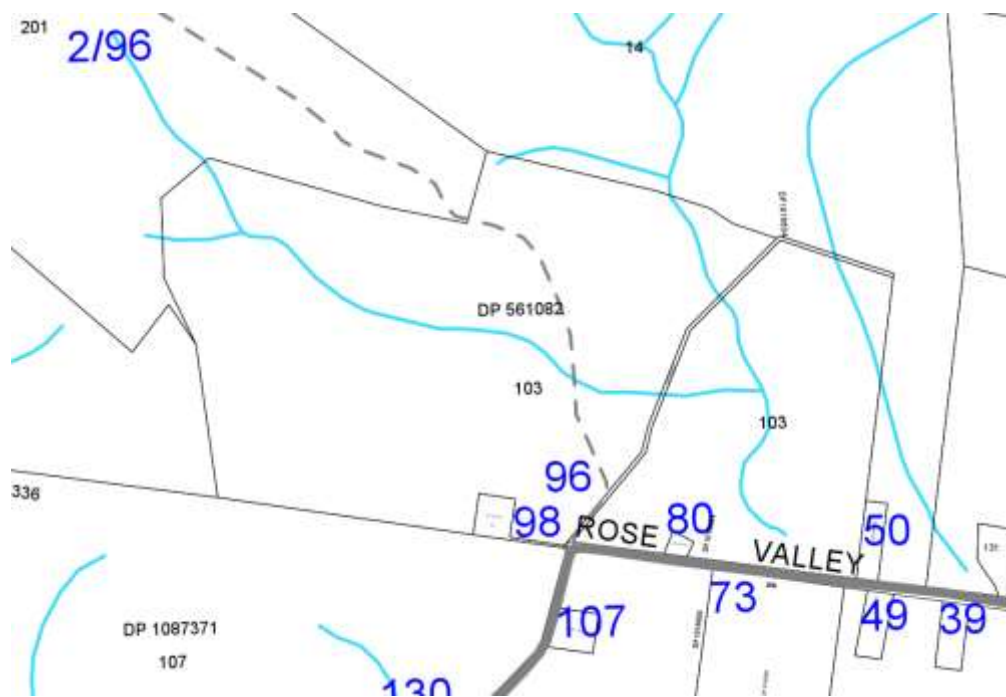


Figure 8 – LEP 2011 Riparian Lands & Watercourses (NB: blue lines represent Category 3 watercourses)

Any draft Environmental Planning Instruments

- Draft State Environmental Planning Policy 55 – Remediation of Land

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**Item 10.2**

The new SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land.

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

The proposed development is considered to be consistent with the requirements of the draft SEPP.

- Draft State Environmental Planning Policy - Primary Production and Rural Development

The Draft SEPP aims to support sustainable agriculture and aquaculture and will consolidated and replace the following existing SEPPs:

- State Environmental Planning Policy (Rural Lands) 2008 (Rural Lands SEPP)
- State Environmental Planning Policy 30 - Intensive Agriculture (SEPP 30)
- State Environmental Planning Policy 52 - Farm Dams and Other Works in Land and Water Management Plan Areas (SEPP 52)
- State Environmental Planning Policy 62 - Sustainable Aquaculture (SEPP 62)
- Sydney Regional Environmental Plan 8 - Central Coast Plateau Areas (SREP 8)

These changes will help ensure planning proposals affecting rural land are properly assessed and provide greater certainty to farmers on the types of activities that will require development consent.

The Rural Lands SEPP currently makes provision for the identification of State Significant Agricultural Land.

No land has been identified under these provisions to date.

The gazettal of the draft SEPP bringing it into law, is not considered to be imminent or certain.

**Kiama Development Control Plan 2012 (DCP)**

The proposed development is consistent with the objectives and performance controls of Kiama DCP 2012. The Sections/controls of the DCP most relevant to the proposal are addressed in the table below:

Control	Comment
Chapter 2 – Overall Controls	
Section 5 – Maintenance	The proposed development does not result in view

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Control	Comment
<p><i>of Views and Vistas</i></p> <p><i>Section 18 – Reflectivity in Building Materials</i></p>	<p>loss of the type that would invoke the view sharing principles. Beyond that, the visual impact of the proposed development is considered to be reasonable (as discussed in further detail below un Views/Visual Impact.</p> <p>The proposed finish colour (grey-green) would suitably blend with the landscape in the context of the proposal. The development does not raise nay matters considered to be contrary to Section 18.</p>
Chapter 6 – Rural Development	
<p><i>C1 – In general an 8.5m building height limit is applied to all rural development</i></p> <p><i>C7 – Rural development must be designed and sited to protect agricultural land and be clustered</i></p> <p><i>Section 2 – Rural Setbacks</i></p>	<p>The proposed abattoir has a maximum height of approximately 6.4m.</p> <p>The proposed abattoir is suitably clustered with other rural buildings on the property. Combined with this, its small scale minimises the impact on agricultural land.</p> <p>Control C17 advocates an agricultural buffer area of at least 150m wide (i.e. where a dwelling is proposed). Conversely, the nearest neighbouring dwelling to the proposed development is approximately 290m away</p>
Chapter 8 – Landscaping	
<p><i>Section 6 – Design Guidelines for Rural Development</i></p>	<p>A satisfactory Landscape Plan has been submitted with the proposal.</p>

The proposed development is not inconsistent with Kiama DCP 2012.

### Any Planning Agreement

Nil

### Any Matters Prescribed by the Regulations

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

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

### Any Coastal Zone Management Plan

Nil

### The Likely Impacts of the Proposed Development

- Landscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is visually compatible with other rural buildings within the landscape. This is discussed in greater detail below under 'Views/Visual Impact'.

- Noise

The proposed development is accompanied by an Acoustic Assessment Report, carried out in accordance with the requirements of NSW EPA Industrial Noise Policy, prepared by Acouras Consultancy (Doc Ref: SYD2017-1032-R001B). The report adopted the following noise receiver locations:

- R1 – 80 Rose Valley Road
- R2 – 98 Rose Valley Road
- R3 – 73 Rose Valley Road

These locations are identified in Figure 9 below:



Figure 9 – Noise receiver locations

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The assessment concludes with the following comments:

*“An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the EPA INP.*

*The proposed construction for glazing, external walls and the roof/ceiling systems are detailed in Section 3.1. Section 3.2 provides an assessment of the proposed equipment that is associated with the operation of the abattoir. Based on the predictions, noise emissions at the receiver locations (R1, R2 and R3) would be inaudible and no further acoustic treatment is required.*

*From our understanding, the expected traffic associated with the new abattoir is expected to reduce the amount of traffic and therefore comply with the EPA RNP guideline.*

*To conclude, the predicted operational noise from the proposed abattoir and STP facility is predicted to fully comply with acoustic requirements of the EPA INP.”*

Should consent be granted to the proposed development, the recommendations of the Acoustic Assessment should be adopted as conditions of consent.

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

As identified in the Acoustic Assessment, no ongoing significant noise impacts are expected as a result of the development.

- Odour

The proposed development is accompanied by an Odour Impact Assessment prepared by Airlabs Environmental (Report No. - APR17073.3). To predict odour impacts from the proposed abattoir, a Level 3 assessment has been undertaken as per the New South Wales (NSW) – Environment Protection Authority (EPA) *Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW*, Department of Environment and Conservation, 2006.

The report makes the following conclusions and recommendations:

*“As the abattoir is in a proposal stage, a desktop approach has been undertaken to determine specific odour emission rates from key odour generating sources, where by emission rates have been determined by drawing reference to literature data from similar facilities. Based on a site inspection and an understanding of the operations, key odour generating sources have been identified, which include:*

- *Operations inside the abattoir, including kill floor.*
- *Operations inside the enclosed meat processing centre (including butchering, sizing and packaging)*
- *Odour emissions discharged to the atmosphere from the exhaust stack of the proposed STP.*

*With respect to odour emissions from the STP, it is noted that all the key components of the STP – including the grease trap, balance and primary tanks,*

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*aeration chamber and clarifiers are completely underground and fully sealed and enclosed and no fugitive odours are expected. All the tanks are vented to the balance tank and the only point of release for the odours is through an exhaust stack, which is off the balance tank. Additionally, prior to discharging to the atmosphere, the odours from the balance tank will be scrubbed by a caustic scrubber. The caustic scrubber is expected to reduce odour emissions by approximately 70 – 90%.*

*To predict odour impacts from the proposed abattoir, a set of sensitive receptors have been identified. Based on the location of the proposed abattoir and considering its surrounds and existing and future population densities, an odour impact assessment criteria of 5 OU has been determined and is considered appropriate for this assessment. Predicted odour concentrations at the identified receptors are compared against the assessment criteria of 5 OU to determine compliance.*

*To predict odour impacts from the proposed abattoir, odour dispersion modelling was undertaken using the combination of the following models – TAPM and CALMET / CALPUFF.*

*Modelling results show that predicted odour concentrations from all the potential odour generating at the proposed abattoir are well in compliance with the relevant odour assessment criteria of 5 OU at all identified sensitive receptors, including receptor no 1 (Schottlander's Farmstay) and receptor no. 2 (Schottlander's Residence).*

*Though, the modelling results demonstrate compliance, the following recommendations are made by Airlabs to ensure no offensive odours are experienced by the community:*

- Maximum slaughter of no more than three (3) cattle in one (1) week and no more than 120 cattle per year. For dispersion modelling, it has been assumed that the three (3) cattle to be slaughtered in one (1) week would be slaughtered and processed on the same day.*
- The meat processing centre should be enclosed whilst processing operations (i.e. butchering, sizing, packaging etc.) are underway.*
- The underground tanks for the STP are to be maintained in such a way that they are properly sealed at all times so that there is no leakage of untreated odours (i.e. fugitive odours).*
- Odours from the STP should be discharged only through the exhaust stack after they have been treated by the wet caustic scrubber, which is expected to reduce odour emissions by 70-90%. The scrubber has to be properly maintained and managed so that there is no change in its expected odour control efficiency.*
- Good management practices are to be implemented, such that no offensive odours are experienced by the community.”*

As identified in the Odour Impact Assessment and subject to the recommendation made, no on-going significant odour impacts are expected as a result of the development. Should consent be granted to the proposed development, the

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recommendations of the Odour Impact Assessment should be adopted as conditions of consent.

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. The development is sufficiently distant from neighbouring dwellings on adjoining allotments so as not to result in unreasonable privacy loss or overlooking.

- Overshadowing

The proposed development will not result in any overshadowing impact of neighbouring land.

- Views/Visual Impact

The proposed abattoir is situated at RL 23m AHD on the lower foothills of the Illawarra Range. The building measures approximately 10m x 10m at the base (excluding the small ( $\approx 12\text{m}^2$ ) annexed change rooms) x 6.4m high and would form a cluster with 2 other rural buildings that are situated on lower ground approximately 40m to the east. A larger building measuring some  $1,400\text{m}^2$  (of irregular shape) is situated on the property approximately 150m to the northeast and a dwelling and farm building is situated on the property approximately 110m to the south.

The abattoir building is proposed to be finished externally in green-grey metal, compatible with the 2 adjacent buildings in colour. This colour is also considered to blend appropriately with the surrounding rural landscape.

A Landscape Plan accompanies the application, identifying proposed landscaping surrounding the abattoir building and its immediate curtilage. The screening vegetation consists of four (4) rows of Riberry Lily Pily (*Syzygium luehmannii*), growing to a height of 8m and a width of 3m and surrounding the abattoir building.

- Visual Impact - Public

The public vantage points from which the subject development would be most visible from is the Princes Highway and Rose Valley Road.

Of note, the development site is not visible from Mount Pleasant Lookout as it is obscured by intervening landform and vegetation. There is only a narrow view corridor in the direction of the development site toward the west-southwest, between vegetation rimming the lookout (the development site is some 1.9km away). Irrespective of this, the primary view from Mount Pleasant Lookout is toward the south over the coastline of Werri Headland, Werri Beach, Werri Lagoon and Gerringong township beyond, with secondary views of the Tasman Sea to the southeast and the Gerringong hinterland (Currys Mountain) to the southwest.

The proposed development is not expected to be clearly visible from the Omega Overpass or from Gerringong Headland, as it is obscured by intervening vegetation. The upper portion of the proposed abattoir building may protrude above the vegetation, but this would not be a conspicuous built form in the landscape, particularly over the distance of approximately 1.4km from the Omega Overpass and 3.5km from the highest point of Gerringong Headland.

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Princes Highway – The subject development would be visible from an approximately 350m length of the highway immediately above (north of) the Rose Valley Road overpass, at a distance of approximately 940m from the development site. With the alignment of the highway, the development will be more evident to south-bound traffic, but would also be visible to a lesser extent to north-bound traffic.

Rose Valley Road – The development proposed would be visible to west-bound traffic on the Princes Highway overpass and along Rose Valley Road to the entrance to the subject property where the road takes a right-turn to the south, away from the development site.

East-bound traffic would be able to see the development from the 160m length of road south of the entrance to the subject property before the road takes a right-turn toward the east, away from the development site.

Rose Valley Road is not a through road, so it will be primarily residents of Rose Valley that will see the abattoir building.

Overall Comment – Public View Impact

Given the sight distances involved from the noted public vantage points to the proposed abattoir, combined with the reasonably modest scale of the building proposed and its recessive finish colours and landscaping, the proposed abattoir is not expected to be an unreasonably conspicuous built form element within the landscape. This is discussed further below with the Overall Comment – Private View Impact.

- Visual Impact – Private

There are a number of private dwellings surrounding the property upon which the development is proposed and the Gerringong township, including Werri Beach, is situated approximately 1.83km and 1.7km, respectively, toward the southeast.

Of the surrounding dwellings external to the subject property, the following table identifies their address, approximate distance and approximate direction from the development site:

<b>Address</b>	<b>Approximate distance</b>	<b>Direction</b>
80 Rose Valley Road	290m	South
98 Rose Valley Road	340m	South west
73 Rose Valley Road	380m	South-south east
50 Rose Valley Road	420m	South east
107 Rose Valley Road	450m	South
49 Rose Valley Road	540m	South east

Overall Comment – Private View Impact

The proposed development would not be visible from dwellings in Werri Beach because of the low elevation of Werri Beach and because of the intervening vegetation.



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Similarly, from Gerringong, although this is more elevated land it is not clear that the development will be visible from dwellings within the township. As identified above, the development is not expected to be visible from Gerringong Headland, which includes some of the most elevated land in Gerringong. If it is visible from private properties in Gerringong, the nearest dwelling in the township is approximately 1.7km from the development site, so over this distance the proposed development is not expected to be prominent or conspicuous within the rural landscape.

Although the proposed development will be visible at closer distances than they are for the most part from public vantage points, the concluding comments are essentially the same. From the closest neighbouring dwelling at 80 Rose Valley Road, the proposed abattoir building is conservative in scale, having a footprint of approximately 112m<sup>2</sup>, being around half that of a farm building that could otherwise be exempt development under the Codes SEPP in a rural zone (i.e. maximum 200m<sup>2</sup> footprint). The proposed building is clustered with other buildings on the property, as required by Kiama DCP 2012 Chapter 6 – Rural Development as discussed previously, is finished in recessive external colour (grey-green) that is consistent with adjacent buildings and appropriately blends with the rural landscape. The development is not expected to be a visually prominent built element within the landscape, particularly when combined with proposed landscaping that will mature, in time, to fully screen the abattoir building.

The cumulative visual impact of the proposed building with the cluster of other rural buildings on the subject property is also considered to be acceptable. The abattoir building would form a reasonably large cluster when considered in conjunction with other rural buildings on the property; however, there are operating dairies within a 1km radius of the development site that also involve a significant cluster of rural buildings. On balance the development is not unlike those building clusters in the context of its rural setting.

Proposed use aside, the appearance of the proposed abattoir building is indistinct from the many other rural buildings throughout the rural areas of the Municipality. Although the proposed abattoir building will add another built element to the rural landscape, the visual implications of the proposed development are not considered to be such that refusal of the development is warranted.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is available.

Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients.

- Stormwater Management

A satisfactory drainage design has been provided with the application.

Roof water will be directed to the existing water tanks. All stormwater will drain to the existing system.

- Environmental Impacts

*Vegetation Removal* – No vegetation is to be removed.

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*Fauna Impacts* – It is unlikely that the proposal will affect any fauna or its habitat.

All aspects of the proposed development will be undertaken on cleared land that has been utilised predominantly for agricultural purposes. Given the absence of natural habitat within those parts of the subject property proposed for development, it is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely impacted as a result of the development.

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

*Impact on Water Resources* – Stormwater will be conveyed to the existing system. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns raised in submissions warrant refusal of the application.

### **The Suitability of the Site for the Development**

The proposal fits within the locality and the site attributes are considered to be conducive to development.

Other issues to consider include:

- Traffic and Access

Council's Engineers have raised no concerns with the proposal in relation to traffic and access matters.

- Contamination from previous land uses

There is no evidence of site contamination on this or adjacent sites that may present a problem for the proposed development.

- Effect on public domain

The proposal is expected to have an acceptable impact on the public domain.

- Utility needs and supply

The proposal is serviced by reticulated water and electricity.

- Safety, security & crime prevention

The proposal has been considered against Crime Prevention Through Environmental Design (CPTED) principles and is considered to be acceptable.

- Operational waste

The proposal adequately considers waste storage and collection. In relation to solid waste disposal, the applicant comments that "*Schottlanders Wagyu have entered into an agreement with Milton District Meats Pty Limited. Milton District Meats have a*

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*by-products truck with separate blood holding tank, which makes a daily trip from Milton Abattoir along the Princes Highway to AJ Bush & Sons at Homebush. The by-products truck passes Rose Valley each day and will collect all solid waste from the proposed abattoir and transport it to AJ Bush & Sons for disposal.”* A letter from Milton District Meats Pty Limited confirming this arrangement accompanies the development application.

Wash down waste generated from the operations would be treated through the proposed on-site wastewater treatment and effluent re-use system, which is proposed to be located adjacent to the abattoir. Waste from the staff amenities would also be drained to the on-site wastewater treatment system.

- Operational noise and odour

These matters are discussed above under ‘The Likely Impacts of the Development – Noise and Odour’. Subject to the imposition of conditions, no significant concern is raised.

- Risks to people & property from natural & technological hazards

No known risks.

- BCA compliance

Council building officer has reviewed the proposal and raises no concerns in relation to BCA compliance.

- Construction impacts

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

## **Submissions**

### Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 109 submissions were received, with 49 submissions objecting to the proposal and 60 submissions supporting the proposal. Note that multiple submissions from the same author are counted as 1 submission.

With this volume of submissions it is difficult to isolate every issue raised for response, so the issues raised have been summarised and grouped with issues taken to be of a similar or associated nature. It is noted that issues raised in expert reports commissioned by objectors (including NSW Soil Conservation Service and University of Wollongong Engineer) are addressed in the discussion of themed issues.

The matters raised objecting to the proposal and in favour of the proposal are separately addressed below, with each matter listed in order based on the general frequency by which the issue was raised in the submissions received:

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### Letters of Objection

Item 1 – Concern is expressed about the impact of the proposed development on watercourses, the catchment and in terms of water quality/pollution. Concern is raised about the impact of the proposal on Werri Lagoon.

Response – The development application is accompanied by a report titled Proposed On-Site Sewage Facilities & Effluent Re-Use Scheme, prepared by Pacific Environmental Services Pty Ltd. Through the course of the assessment of this development application the report has been amended and updated following review from Council's Environmental Health Officer.

Council required the inclusion of upslope stormwater and groundwater diversion drains at a minimum 200mm deep or a minimum 10mm into the underlying clays. Council will further require downslope stormwater and groundwater diversion drains as a fail-safe. Although drip irrigation is designed to evenly spread effluent to be absorbed into the soil or transpired by overlying vegetation, the downslope diversion drains will ensure all surface and subsurface drainage is distributed away from the depression area towards a less environmentally sensitive area. Thus, there will be no risk to any nearby drainage depression or watercourse caused by any movement of effluent from the designated effluent disposal area.

Council's Environmental Health Officer has raised no concerns about the ability of the site to support the proposed on-site sewage treatment facility. Particularly given the small scale of the proposed development, it is considered that effluent associated with the proposal will be adequately disposed of on-site in a manner that will ensure that no additional nutrients or chemicals will enter Werri Lagoon or its tributaries.

The issue of onsite effluent management is discussed in detail below under Item 6.

Item 2 - It is advocated that the proposed development constitutes designated development as it is within 100m of a watercourse and is on land having a slope of more than 6°.

Response – This matter is discussed in detail earlier in the report under EP&A Act, 1979 and EP&A Regulation, 2000, Schedule 3.

Levels of the site have been prepared and signed off on by a registered surveyor, which demonstrate that the grades of the development site do not exceed 6°.

In terms of the proximity of the proposed development to adjacent watercourses, as discussed previously a Geomorphology Assessment supported by a survey plan has now been submitted to satisfy Council that the proposed development is beyond the prescribed 100m threshold (EP&A Regulation, 2000, Schedule 3).

Item 3 – It is queried as to how Council will monitor the cattle numbers at the abattoir.

Response – Should approval be granted, the developer would be legally bound by conditions of the development consent which would be imposed to restrict numbers in accordance with those permitted under Schedule 1 of the LEP.

As with any condition of development consent imposed in relation to the operations of any land use, the developer is bound to comply. If Council becomes aware or is

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made aware of any breach of consent conditions, then there are enforcement actions that may be instigated.

Item 4 – Concern is expressed about the human health risks of the abattoir and the potential for transmission of viruses.

Response – The proposed development was referred to the Illawarra Public Health Unit, which made specific comment in relation to public health matters and in particular, Q fever. Their comments are provided below under ‘External Referrals’.

In light of the small scale of the proposed abattoir and its distance from neighbouring unrelated dwellings, subject to the imposition of conditions (should consent be granted), no significant concern is raised in relation to potential public health implications of the proposed development.

Item 5 – It is argued that the proposed abattoir is in an unsuitable location, with some submissions suggesting it should be in an industrial location

Response – The small scale abattoir proposed is directly and intrinsically connected with the cattle reared on the property. It is sited in a clustered arrangement with other buildings on the property and is of a size and scale that is not inconsistent with other rural buildings in the landscape. The proposed development is permissible on the subject property under the terms of Schedule 1 of Kiama LEP 2011. In light of confirmation received in the Geomorphology Assessment that the development site is greater than 100m from watercourses, the proposed site is generally considered to be suitable.

The only specific industrial zones under LEP 2011 are IN2 – Light Industrial and IN4 – Working Waterfront. There is little industrial land in the Kiama Municipality. Irrespective, it is generally not considered that development of this nature should be restricted to an industrial area.

Item 6 – Concerns are expressed about effluent management on the site.

Response – This matter has been considered in detail by Council’s Environmental Health Officer and no concerns are raised in relation to effluent disposal and management within the property.

In relation to maintenance and operation of sewage treatment plant by staff, Council’s Environmental Health Officer provides the following comments:

*“As per the pacific environmental effluent management report Section 8.0 Summary – Standby/Back up (page 16).*

*The measures that will be imposed as part of conditions of consent in compliance with the report are considered satisfactory. These include:*

- *Back up of all mechanical equipment on site.*
- *Power generator back up.*
- *Commercial pump out of 10,000L balance tank by commercial waste tanker service.*
- *All tanks fitted with high water alarms.*

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- *All site staff to be trained by the installer of the STP.*
  - *Quarterly services to the STP by a licensed service agent. These will be provided to Council as part of standard AWTs approval conditions of consent for the STP.*
  - *24 hour notification call out service.*

*In addition, Council as part of our on-site sewage management strategy, will perform yearly inspections and ensure compliance with the effluent management report and conditions of consent.”*

In response to concerns about high protein and fat contents conducive to the proposed treatment scheme, Council’s Environmental Health Officer comments that the system will have a grease trap to ensure only minimal fats enter the sewage treatment plant. Condition of consent would be imposed, should the development be approved, requiring the operator to enter into a regular grease trap liquid waste service contract with a licensed liquid waste disposal company.

In response to concerns about tank volumes and sizes, Council’s Environmental Health Officer provides the following comments as follows:

*“The 4,000L primary tank is designed to be anaerobic. The 10,000L wet weather storage tank is also designed to be anaerobic with the vent & fan designed to remove gasses produced by this process. The aeration chamber is designed to be run 24 hours a day 7 days per week to keep the contents aerobic. The only position where effluent could settle before distribution to subsurface irrigation area is the pump well. At 1,000L with a 400L per day wastewater load, the contents will flow through as designed. There is also a sand filtration and sand filter backwash system including U.V disinfection.*

*Council does not consider the proposed sizes and design of the system to be an issue.”*

In relation to the subsurface disposal system, Council’s Environmental Health Officer provides the following comments as follows:

*“The site soil analysis contains (0-200mm) clay loam topsoil (cat 4) and (300-1500) uniform clay (cat 5-6). Table M1 of AS/NZS 1547:2012 on-site domestic wastewater management states that category 3 to 5 require adequate depth of topsoil (in the order of 150-250mm of in situ or imported good quality topsoil) to slow the soakage.*

*Drip irrigation heavily involves the transpiration process and therefore the limiting factor is the clay loam topsoil and not the uniform clay as suggested. The effluent management report has adequately calculated the disposal area based on the Design Irrigation Rate of the soils. The calculations are based on the conservative 2.5 mm/day irrigation rate which leads to a larger calculated area required. In-fact, the chosen 500m<sup>2</sup> is twice the area required based on soil permeability and nitrogen loading.*

*There will be no cattle permissible on the effluent disposal area ensuring that no damage of the system and a good cover of grasses remains year round.*

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*The size of the effluent disposal area is considered adequate for the development.”*

**NB:** It was noted previously in the November 2018 report to Council that there was a second effluent disposal area comprising 69m<sup>2</sup> (sited in the north-western corner of the property) that appeared in the proposal as a part of a revised survey plan but for which there was no geotechnical detail provided. The applicant has since confirmed that it *“was an area that had previously been investigated for its suitability as an effluent disposal area. However, detailed assessment of the proposed primary effluent disposal area immediately adjacent to the proposed abattoir determined that this area was more than adequate to accept effluent from the proposed abattoir without the need to utilise the secondary effluent disposal area. Accordingly, the secondary effluent disposal area became redundant – although it was inadvertently included in the original certified survey plan (due to it being surveyed in terms of its proximity to watercourses). The secondary 69m<sup>2</sup> effluent disposal area is not required to service the proposed development and is not proposed as part of this development application. As such, the area has been omitted from the latest certified survey plan.”*

Item 7 – It is suggested that the development will be detrimental to tourism.

Response – The proposed development, particularly in light of its small scale, is unlikely to have any significant adverse impact on tourism to the area. Of the submissions received, it is noted that a greater number specifically support the development for reason of its potential tourism benefits.

Item 8 – Concern is expressed about the proposed operating hours, with comment made that they seem excessive.

Response – The hours of operation nominated by the applicant (6.00am – 6.00pm, seven days a week) are the hours within which the development may operate and should not be taken to be the hours within which the abattoir will constantly operate. It is reiterated that only 120 beasts are permitted to be slaughtered per annum at the abattoir. With this few number over the course of a year, it is clear that the abattoir will not constantly operate 6.00am – 6.00pm, seven days a week, throughout the year.

Item 9 – Concern is expressed about odour associated with the proposed development

Response – This is discussed in detail in the Odour Assessment accompanying the application, which is addressed in this report under the ‘Likely Impacts of the Proposed Development’. No concerns are expressed about odour subject to the imposition of conditions, should consent be granted.

Item 10 – Rainfall data used is from Kiama and not closer to the site at Gerringong or Foxground. It is suggested that rainfall is underestimated.

Response – This matter was raised with Council’s Environmental Health Officer, who expressed no concern with the rainfall data submitted with the application.

It is noted that this issue was raised in response to the initial Planning Proposal to permit the development at the site. The use of Kiama rainfall data was not

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considered to be an issue at that stage either, largely for reason that the Bureau of Metrology's (BOM) station at Gerringong did not have complete data records at the time. It was also noted that Foxground is close to the site but heavily influenced by the neighbouring steep country side.

In terms of the sewage treatment plant the officer concludes that the proposed design of the system and tank volumes/sizes is satisfactory and the size of the effluent disposal area is considered adequate for the development.

Item 11 – Opposition is expressed to the revolving restaurant on the property.

Response – The proposed development does not include a revolving restaurant.

Item 12 – The subject property (Lot) is in the Coastal Zone.

Response – This is addressed in detail earlier in the report. The mapping clearly shows that the subject property generally but more specifically the site of the proposed development, is outside of the mapped Coastal Zone.

Item 13 – A watercourse on the property has been piped

Response – This is a compliance issue and is not directly relevant to the proposal. The development application for the abattoir was considered and assessed against existing site conditions.

Item 14 – It is suggested that the proposed development threatens the heritage significance of the neighbouring heritage listed Karrawarra Homestead.

Response – This is discussed earlier in the report under LEP 2011 Clause 5.10. Given the separation distances involved and the small scale of the development, it is not considered that the development will have any significant detrimental heritage impact.

Item 15 – The proposed development is not in the public interest and provides no benefit to the wider community.

Response – Concerns have been raised about the proximity of the proposed development to adjacent watercourses and the potential for this to trigger designated development, whereby it is agreed in such circumstances that approval of the development (as submitted) would not be in the public interest. A Geomorphology Assessment supported by a survey plan has now been submitted to satisfy Council that the proposed development is beyond the prescribed 100m threshold for designated development (EP&A Regulation, 2000, Schedule 3).

In terms however of the development having no benefit to the wider community, it is arguable that benefits of the development include local employment and the supply of sustainably and locally sourced premium meat product. Irrespective, the development may be considered to be in the public interest, being required to demonstrate some public benefit to the wider community.

Item 16 – It is contended that the proposed development contradicts the zoning of the land and its objectives.

Response – The zone objectives are discussed earlier in the report and the proposal is generally considered to be consistent with the zone objectives, as was highlighted by the Department of Primary Industries – Agriculture in its referral.



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Item 17 – It is contended that the scale of the abattoir is larger than is need for the slaughter of 120 cattle/year.

Response – The proposed abattoir, inclusive of the cool room, measures approximately 100m<sup>2</sup> and accommodates the processes required for the slaughter of the cattle and the preparation and cleaning of the carcass. The proposed building is proportional to the small scale of the abattoir operation.

Item 18 – No flora and fauna impact assessment has been undertaken.

Response – The proposed development does not require vegetation removal as it is sited on cleared, grazed agricultural land. As identified above under LEP 2011 Clause 6.4, no significant adverse flora and fauna impacts are expected.

Item 19 – The development will depreciate local farm values.

Response – This is not a matter for consideration under Section 4.15 of the EP&A Act, 1979. Irrespective there is no empirical evidence to support this assertion.

Item 20 – It is queried how it can be guaranteed that only cattle reared on the property will be slaughtered at the abattoir.

Response – As stated in relation to monitoring of cattle numbers, should the development consent be granted, the developer is legally bound by conditions of the development consent restricting the numbers in accordance with those permitted under Schedule 1 of the LEP.

As with any condition of development consent imposed in relation to the operations of any land use, the developer is bound to comply. If Council becomes aware or is made aware of any breach, then there are enforcement actions that may be instigated.

Item 21 – Concern is expressed about noise from the abattoir.

Response - This is discussed in detail in the Acoustic Report accompanying the application, which is addressed in this report under the 'Likely Impacts of the Proposed Development'. No concerns are expressed about noise subject to the imposition of conditions should consent be granted.

Item 22 – Concern is expressed about increased traffic in Rose Valley Road

Response – Of the submissions received, a greater number specifically support the development for reason that traffic will be reduced. Councils Engineers have raised no concern about traffic associated with the proposed development or the ability of Rose Valley Road to support associated traffic.

Item 23 – Concern is expressed that blood will make its way to Werri Lagoon and attract sharks

Response – The majority of the blood will be contained and transported off-site for disposal. The small amount of blood that will make its way to the abattoir floor will be treated onsite through the effluent disposal system. There is no concern that blood will enter the local waterways.

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### Letters of Support

Item 1 - Comment is made that the farm adopts high standards of animal care and welfare and, similarly, the proposed abattoir on the property will have animal welfare benefits with the humane treatment of cattle not having to be transported to slaughter.

Response – It is expected that the proposed abattoir will entail significant animal welfare benefits, as the cattle will be spared the stresses associated with being transported off-site for long distances by trucks.

Item 2 - Comment is made that the proposed abattoir and the current operations of the farm, promote environmental sustainability and sustainable farming practices.

Response – These appear to be reasonable comments but have not been quantified in the development application.

Item 3 - It is advocated that the small-scale development of the proposal will have no significant negative impacts environmentally or socially.

Response – As discussed in the report, the likely impacts of the proposed development are expected to be acceptable having regard to the rural setting and the distances from neighbouring dwellings.

Item 4 - It is suggested that the proposed development will have positive implications in terms of employment and in terms of tourism.

Response - These appear to be reasonable comments.

Item 5 - The proposed abattoir would be visually in keeping with existing farm sheds, dairies and the rural landscape.

Response – The visual impact of the proposed development is discussed in detail within the report. No concerns are raised in relation to the visual impact of the proposal.

Item 6 - General comment is made that the existing farm is very well run and operated.

Response - These appear to be reasonable comments having regard to recent site inspections.

Item 7 - It is advocated that the proposed development will promote 'local produce', promote local agribusiness and agricultural diversity, as well as keep the agricultural integrity of prime farming land.

Response – It is generally agreed that the proposal is a unique agribusiness venture and an example of agricultural diversification that promotes agriculture in the area.

Item 8 - Comment is made that the wagyu products from the farm are of the highest standard.

Response – Aside from generally acknowledging that wagyu products are widely regarded as a premium product, the quality of the farm produce is not a matter for Council to comment on.

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Item 9 - General positive comment is made about both the application and about the farmer and what appears to be genuine efforts for the abattoir to have minimum adverse impact.

Response – The proposal represents a small scale abattoir and the likely impacts of the proposal are expected to be acceptable.

Item 10 - Comment is made that the environmental impacts of the proposed development have been addressed in the development application.

Response – The environmental impacts of the proposal have been addressed within this report and no significant concerns are raised.

Item 11 – The proposed abattoir will result in reduced traffic on Rose Valley Road.

Response – No concerns are raised with the development in terms of traffic.

Item 12 – Concerns raised by objectors about effluent run-off and pollution are disputed, with the comment that there is likely to be more stringent effluent treatment for the abattoir than exists for dairies.

Response – All effluent and floor waste from the abattoir will be captured and either removed from the site or appropriately treated onsite. No concern is raised in terms of on-site treatment of effluent.

### External Referrals

The application was referred to the following State Government Departments for comment:

- The NSW Department of Primary Industries - Agriculture.

The application was referred to NSW DPI – Agriculture, who responded on 14 September 2017 with the following comment:

*“NSW DPI has reviewed the statement of environmental effects (SEE) and supporting information for the development application. The reports do not raise any specific concerns regarding the impacts on agricultural land in relation to the proposal. The primary use of the land will still remain agricultural and it is not inconsistent with the objectives of the RU2 zone:*

- *to provide opportunities for employment generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.”*

NSW DPI – Agriculture has raised no concerns with the proposal

- Illawarra Public Health Unit

The application was referred to the Illawarra Public Health Unit, who responded on 28 September 2017 with the following comment:

*“NSW Health have reviewed the proposal in terms of potential risks to public health. Particular issues considered include Q fever risk and odour management and potential contributing activities including waste storage and disposal, manure management, dust control and onsite waste water management. This review also considers the water supplied to the premises in*

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*terms of the Private Water Supply requirements of the Public Health Act and Regulations. This aspect needs to be considered as this premises involves food preparation activities as well as use of water by employees on site.*

*It is understood that in the past local residents have raised concern that the proposed abattoir may increase risks of Q fever on the nearby community.*

*It is known that people are infected with Q fever by breathing in infected aerosols or dust when working with infected animals, animal tissues, or animal products. Q fever can be contracted by inhaling dust from wool, hides, straw or grass that contains the Q fever bacteria. Common activities where people are exposed include birthing calves and shearing, ingestion of unpasteurised milk. People in industries that are at higher risk are abattoir and meat workers; farmers, stockyard workers, animal transporters, agriculture college staff and students. Horticulturists and gardeners in environments where dust, potentially contaminated by animal urine, faeces or birth products, is aerosolised (e.g. lawn mowing) may also be at risk.*

*Generally those at increased risk are those working directly with animals, in this particular case it will be the meat workers themselves. Activities outside of the abattoir and meat processing buildings are not likely to generally generate any additional Q fever risk to the surrounding community than the activities that already take place on this property and on other nearby properties. However given the nature of this disease it is important that management practices are implemented to reduce the risk of dust in the vicinity of the proposed abattoir and appropriately deal with manure and other wastes generated from this activity. Many of the recommended Q fever management systems relate to direct animal handling practices by those working in the industries listed above. However it is also recommended that steps are taken to minimise dust in slaughter and animal housing areas. This could be achieved by installing dust suppression measures in yards and pens to help reduce dust and other air borne particles. Another recommended control measure is to keep yard facilities for cattle and other livestock well away for domestic living areas."*

Beyond the above comments, the Illawarra Public Health Unit provided valuable input into the assessment with resulting clarification of issues including dust management, intensity of operations & solid waste management.

**Internal Referrals**

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

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- Landscape Design Officer

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

- Environmental Health Officer

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

### The Public Interest

The proposal is considered to be generally consistent with all relevant Environmental Planning Instruments and Development Control Plan 2012. Previous concerns expressed about the proposed development being within 100m of a watercourse and thereby being designated development have been closely examined by way of a Geomorphology Assessment supported by a survey plan. This material identifies that the proposed development is beyond the 100m threshold prescribed by the EP&A Regulation, 2000, Schedule 3 and therefore approval of the development, as lodged, is within the public interest.

### Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.55 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Development Control Plan 2012 chapters. The proposed development is consistent with the objectives of the RU2 Rural Landscape zone in which it is located.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application

### Draft Conditions of Consent

#### General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2017.245.1 dated *(insert date of Council meeting)* except as amended by the following conditions: (g005.doc)
- (2) The abattoir building, sewage treatment plant and effluent disposal area shall occur entirely within the identified development site boundaries.
- (3) The development shall be finished externally in a grey/green colour that is consistent with the nearest adjacent farm buildings.
- (4) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (5) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)

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- (6) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
- a The variation in hours required.
  - b The reason for that variation.
  - c The type of work and machinery to be used. (g165.doc)
- (7) Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all vehicular access, manoeuvring and parking areas on plans submitted for the development comply with Australian Standard AS2890.1:2004 and AS2890.2:2002.

**Prior to Commencement of Works**

- (1) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
  - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
  - c You **must** notify the Council of the appointment; and
  - d You **must** give at least two (2) days' notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form.  
(pt020.doc)

- (2) A separate application shall be submitted to and approved by Council for the On-site Sewerage Management System prior to release of the Construction Certificate. (pt040.doc)
- (3) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;

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- b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.

**Note:** Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (4) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for the retaining walls in excess of 1.0 metre high. (pt068.doc)
- (6) The applicant shall submit engineer's details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided prior to the issue of a Construction Certificate. (pt070.doc)

**Site Facilities**

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light-weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
  - a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

**Erosion and Sedimentation Controls/Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
  - a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

- 
- collected silt must be disposed of in accordance with Council's Sedimentation Control Policy;
  - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur;
  - c All vehicles entering or leaving the site must have their loads covered;
  - d All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials to avoid tracking these materials onto public roads;
  - e Any sediment deposited on the public way, including footpath reserve and road surface is to be removed immediately. It must not be water down into Councils drainage system;
  - f All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks;
  - g Stockpiles of loose material such as sand, soil, gravel must be covered with geotextile silt fence material;
  - h All the above requirements must be in place for the duration of the construction works and checked for adequacy at the conclusion of each day's work;
  - i At the completion of the works, the work site must be left clear of waste and debris.

Item 10.2

**Inspections**

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

**NOTE:** Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment. (bu015.doc)

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (6) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;



## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

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Monday to Friday - 7.00 am to 5.00 pm

Saturdays - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

- (7) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

### Onsite Sewage Management

- (1) Prior to the commencement of work, an Application to Install a New Sewage Management Facility is to be submitted and approved by Council.
- (2) Prior to the issuing of the Sewage Management Facility Installation Approval, detailed designs and a site plan of all components of the LPED irrigation system including plumbing lines, irrigation lines and all fittings and fencing to exclude stock is to be submitted to Council as part of the Application to Install a New Sewage Management Facility.
- (3) The Onsite Sewage Management facility or Sewage Treatment Plant is to be installed and maintained at all times in strict accordance with the Pacific Environmental Services Pty Ltd wastewater treatment and effluent reuse report entitled "Proposed onsite sewage treatment facilities & effluent reuse scheme at Schottlanders Wagyu Abattoir 96 Rose Valley Road Rose Valley NSW" Amendment dated 21 November 2017.
- (4) The upslope and downslope diversion drains are to be installed as per the Bilkey Reilly & Associates PTY LTD stormwater drainage plans ref: 17076-C1 & 17076-C2 and the Pacific Environmental Australia Pty Ltd Effluent Re-Use Field – Soil Drainage – Schottlanders Wagyu Abattoir dated 7 December 2017. The downslope absorption pit associated with the diversion drain must be positioned greater than 100m from the nearest downslope watercourse.

### Earthwork and Excavated Material

- (1) All earthwork is to be carried out in accordance with AS3798- 2007 Guidelines on Earthworks for Commercial and Residential Developments.
- (2) All fill material excavation or ground activities must be managed under the Civil Contractors Unexpected Finds Guidelines Protocol for managing contamination.
- (3) The placement of fill material must not:
- a) Cause danger to life or property or damage to any adjoining building or structure on the lot or to any adjoining lot, and
  - b) Not redirect the flow of any surface or groundwater or cause sediment to be transported onto an adjoining property.
- (4) Any fill brought to the site must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

- 
- (5) Any fill material generated by construction works is to be stockpiled separately and either:
- a) Disposed of at a licensed facility as General Solid Waste in accordance with the NSW EPA Waste Classification Guidelines Part 1: Classifying Waste; or
  - b) Further assessed and correctly classified in accordance with the NSW EPA Waste Classification Guidelines Part 1: Classifying Waste for the purpose of beneficial re-use and compliance with ENM resource recovery framework (The Excavated Natural Material order 2014). All ENM laboratory results must be recorded and documented. Any reuse will require prior approvals/consents from the receiving site and relevant authorities and compliance with any requirements under the Protection of the Environment Operations (Waste) Regulation; or
  - c) Re-used onsite for earthworks, retaining walls or structural support subject to condition 6 below.
- (6) Prior to the issue of a Construction Certificate, a plan detailing the location (site plan), distribution and reuse of the excavated material from the site is to be submitted to and approved by the accredited certifying authority. The plan is to be compliant with development standards detailed in clause 2.30 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**Noise**

- (1) Prior to any Occupation Certificate being issued, a compliance certificate is to be provided to Council detailing compliance with the following recommendations of the Acouras Consultancy Acoustic Assessment report (Reference: SYD2017-1032-R001B) dated 11 July 2017:
- a) Section 3.1 Table 3 - Proposed External Façade Construction;
  - b) All equipment is to be located internally (or submersed) within the building. Any external ventilation ducts are to be internally lined with 50mm insulation.
- (2) Noise from the premises and equipment must not exceed 5dB(A) above background at the boundary of the property.
- (3) Noise from the premises must comply with the Protection of the *Protection of the Environment Operations Act 1997* and *Noise Control Regulations 2000* this includes time restrictions and noise levels for equipment (such as refrigeration units and mechanical equipment/plant).

**Odour**

- (1) Prior to any Occupation Certificate being issued, a compliance certificate is to be provided to Council detailing compliance with the following recommendations of the Airlabs Environmental Pty Ltd – Odour Impact Assessment Report (Reference: APR17073.3)

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

- 
- a) The abattoir must be fully enclosed whilst processing operations are underway.
  - b) The Sewage Treatment Plant is to be completely sealed and underground.
  - c) A wet caustic scrubber is to be applied to the Sewage Treatment Plants exhaust stack and properly maintained and managed prior to any discharge to the atmosphere.
  - d) Any odours from the Sewage Treatment Plant must be discharged through the above mentioned exhaust stack.
  - e) Good management practices are to be implemented, such that no offensive odours are experienced by the community.

Item 10.2

**Landscaping Works**

- (1) All landscape areas shown on the approved landscape plans (project number MS2017114) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. (lw015.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 52 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)
- (5) Landscaping is to be maintained in perpetuity.

**Prior to Occupation**

- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to release of the Final Occupation Certificate.  
  
Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

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**NOTE:** A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

**Site Operations**

- (1) The abattoir shall be used only for the processing of:
  - (a) beef cattle that are reared on the subject land, and
  - (b) not more than 120 beef cattle in any 12 month period.
- (2) The abattoir shall process no more than 3,000kg live weight in any day of operation.
- (3) The hours of operation of the abattoir are restricted to between 6.00am and 6.00pm. (sop005.doc)
- (4) Delivery and waste collection vehicles entering or leaving the premises for the purpose of the abattoir shall not occur before 7:00am and after 6:00pm Monday to Saturday and not before 8:00am and 6pm on Sundays and Public Holidays.
- (5) Emissions from the abattoir operation (e.g. odour, dust) shall comply with those outlined in the *Protection of the Environment Operations Act 1997 and Regulations*.
- (6) Operations are to be conducted in such a manner as to ensure they do not contaminate or have the potential to contaminate waterways, stormwater, groundwater, soil or air.
- (7) Waste materials generated by the abattoir operation are to be stored in such a way as to not give rise to offensive odours or provide harbourage to vermin. Such waste is to be collected by no later than the day immediately following the depositing of the waste, for disposal at a suitably licenced off-site facility.
- (8) There is to be no blood processing and rendering operations to be conducted at the site.
- (9) The site/premises shall not be used for the retail sale of goods, materials or products. (sop030.doc)
- (10) All materials, waste and equipment shall be stored wholly within the development site.
- (11) The development shall not interfere with the amenity of the neighbourhood by reason of noise, odour, dust, waste water, waste products or the like. (sop085.doc)

**Potable Water**

- (1) The premises must be connected to the reticulated Sydney Water supply.
- (2) A sub meter is to be installed to the reticulated water supply for the abattoir to monitor its use.
- (3) Any non-reticulated drinking water for consumption or for contact with the carcasses or edible offal must comply with the requirements of the *Public Health Act 2010, Public Health Regulations 2012* and NSW Health Private Water Supply Guidelines. The *Public Health Act 2010* and the *Public Health*

## Report of the Director Environmental Services

10.2 10.2017.245.1 - Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley -  
Abattoir (cont)

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*Regulations 2012* require the owner to develop and adhere to an approved quality assurance program that has been submitted to the NSW Public Health Unit.

**Waste/Garbage Storage**

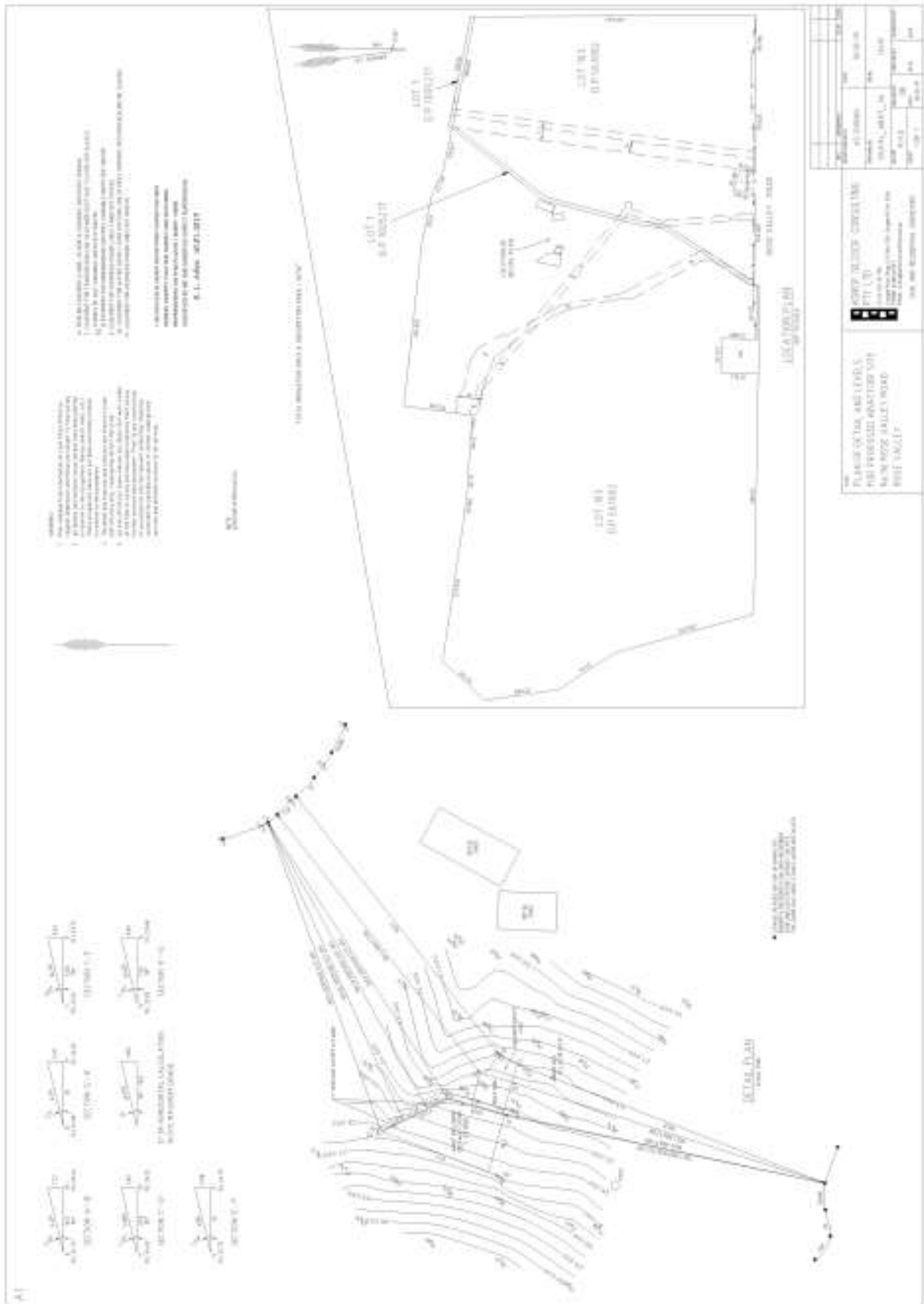
- (1) Rooms used for the washing and storage of waste and garbage receptacles, are to be constructed of solid material and cement rendered and steel troweled to a smooth even surface. The floor of the room is to be impervious material coved at the intersection with the walls graded and drained to an approved floor waste within the room. This is to prevent build-up of waste and waste water that will lead to foul odours. Walls are to be finished with a smooth, impervious surface. The room is to be ventilated, proofed against pests and provided with a hose tap connected to the hot and cold water supply.
- (2) Any external areas where garbage containers are stored are to be paved with an impervious material and the area must be designed to prevent stormwater contamination by being covered, bunded and located away from stormwater drains.

**Food Storage**

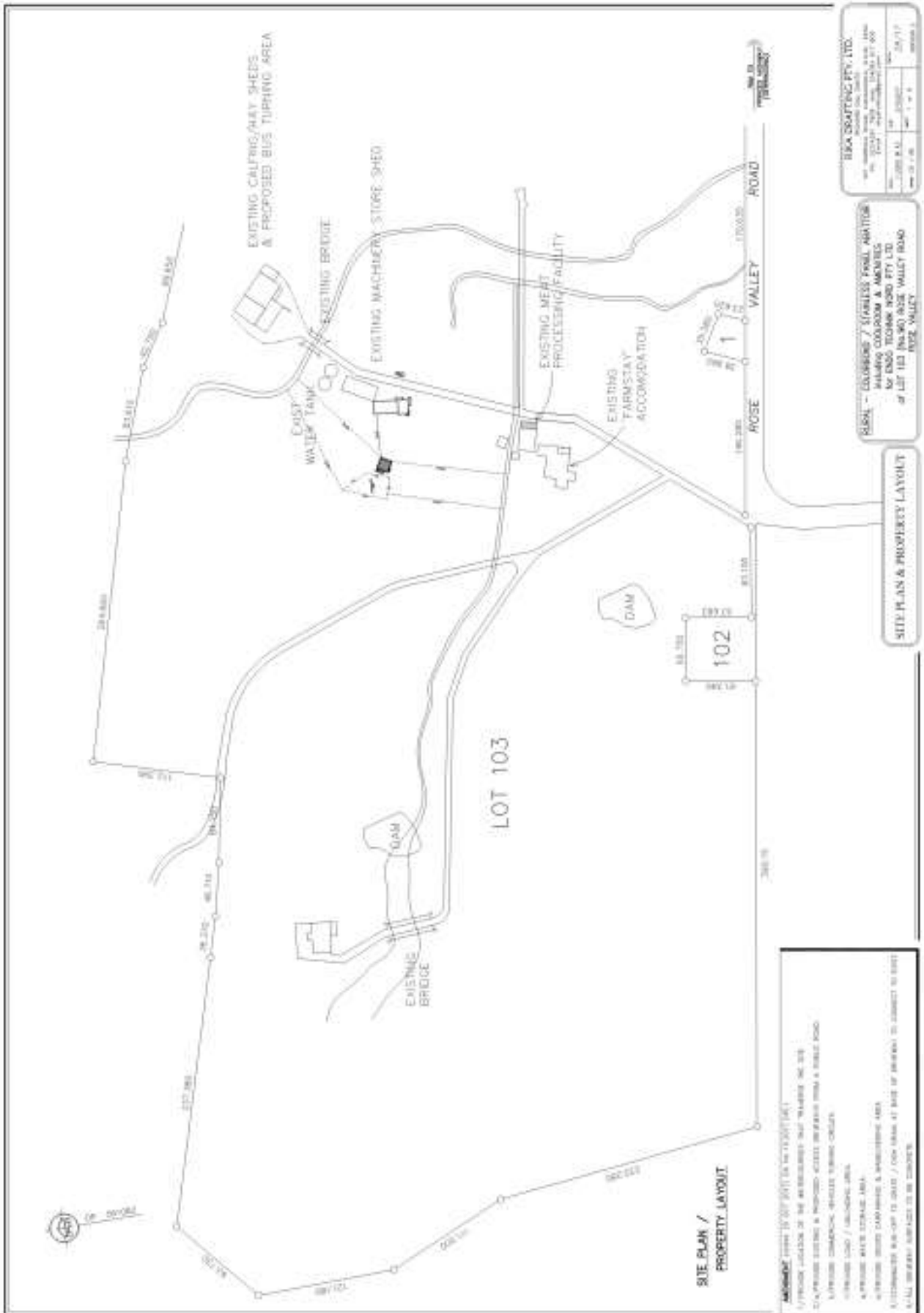
- (1) The premises must have sufficient storage space and shelving 150mm off the floor as no food, packaging or equipment is to be stored on the floor so as to ensure ease of cleaning.

**Storage of Materials**

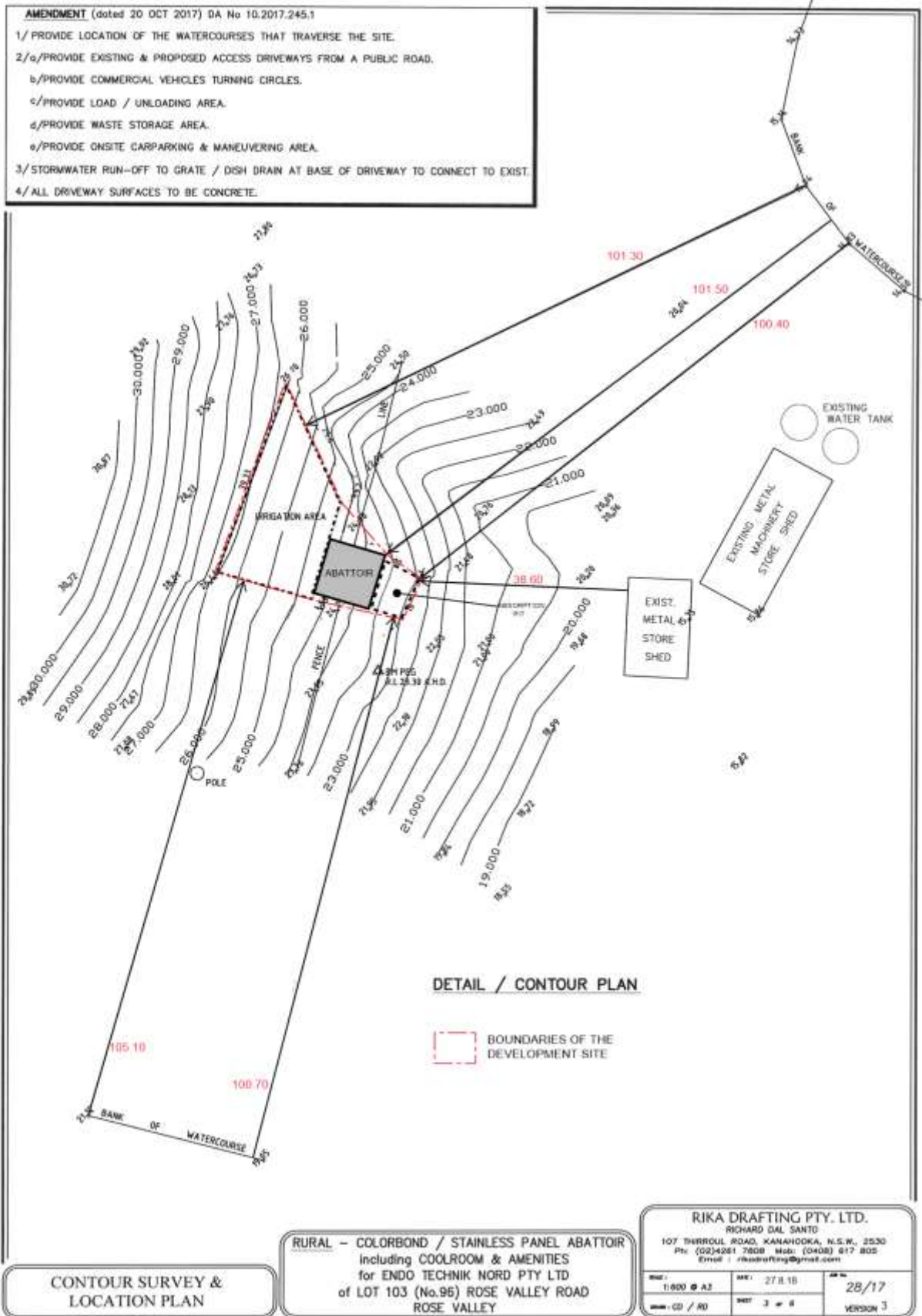
- (1) Facility for materials associated with the administration of the business must be in a room designated for office use; or enclosed cupboard, drawers or similar sealed storage dedicated for that use.
- (2) Facilities for storing chemicals and cleaning equipment must be a room designated for that use; or enclosed cupboard dedicated for that used located outside of the food preparation, storage and display areas; or in a place physically separated from food storage, preparation or display.
- (3) Facilities for storing clothing and personal effects belonging to staff must be a change room; or locker/cupboard in a change room; or enclosed cupboard solely used for the storage of clothing and personal belongings located outside the food preparation, food storage and washing area.



Attachment 1 Item 10.2



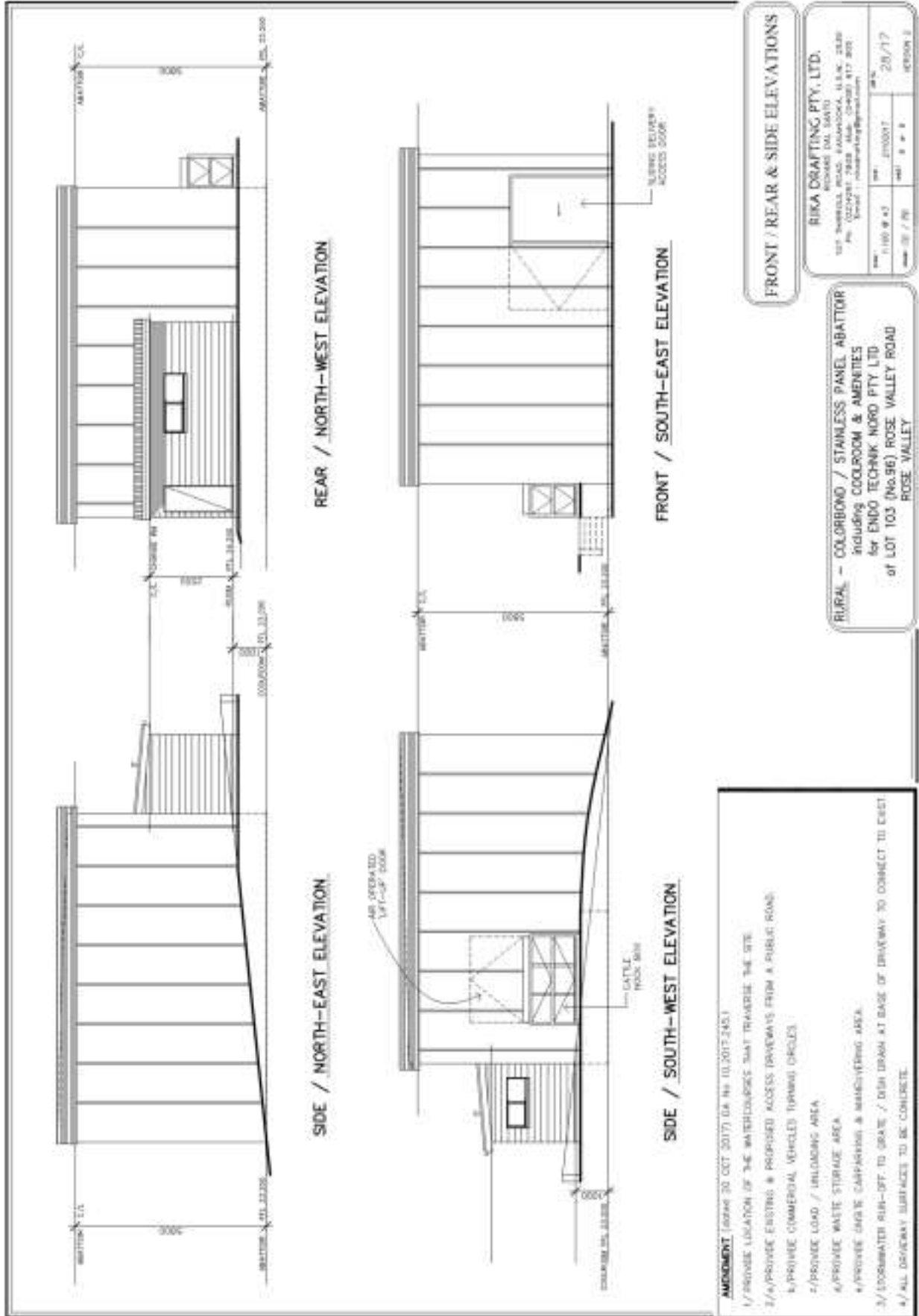
Attachment 1 Item 10.2

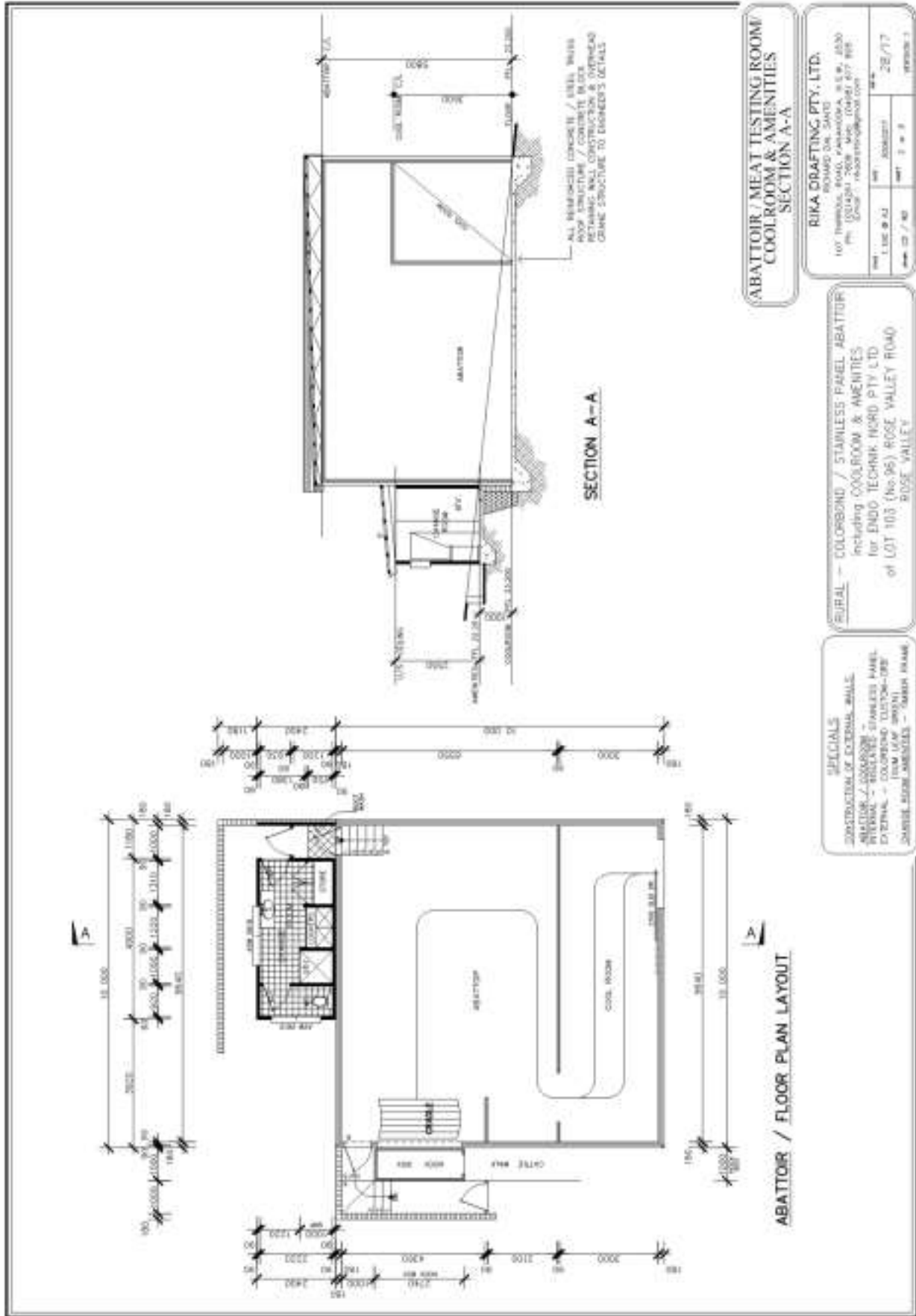


Item 10.2

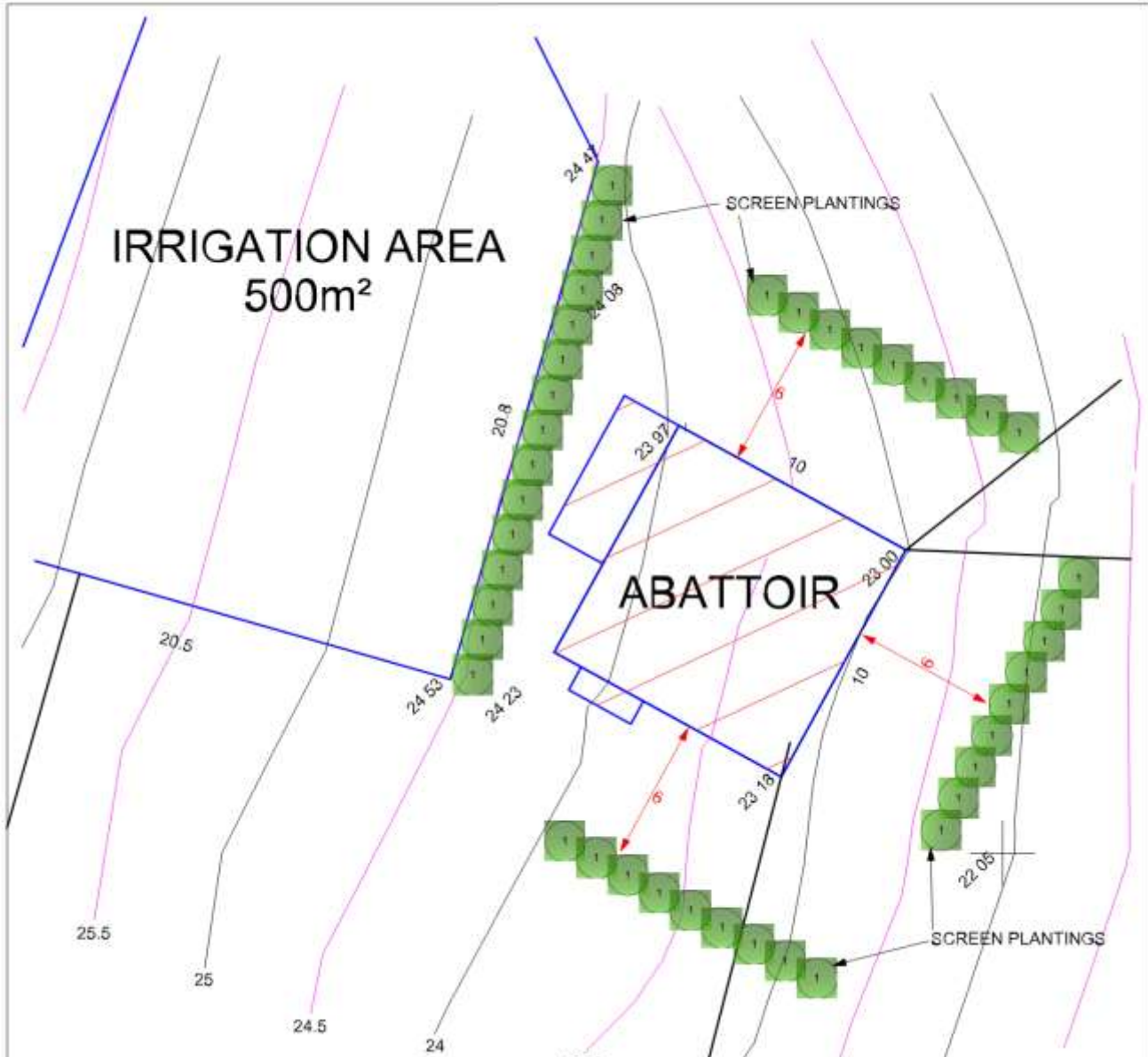
Attachment 1







Attachment 1 Item 10.2



**PLANTING DETAILS**

- 1- **PLANT MATERIAL.** Shall be pest and disease free and of correct shape and form. Plants should be well advanced in the growing container but not potbound.
- 2- **MULCHING.** Is to be placed in all areas of planting to a depth of 75mm. Mulch should be of shredded cypress pine flake or similar. A consistent depth of mulch is to be maintained for a period of six months following initial landscape installation.

**MAINTENANCE PROGRAMME**

- 3- **WATERING.** Planted areas shall be watered regularly to ensure continuous and healthy growth. Water shall be frequently applied in the initial period following planting to the extent that healthy plant growth continues and establishment is rapid. Water shall be made available to all new plantings on as need basis, this is a climate dependant variable.
- 4- **MAINTENANCE PERIOD.** Shall be for a period of 12 months commencing from completion of initial landscape works.



LANDSCAPE PLANTING SCHEDULE					
BOTANIC NAME	COMMON NAME	(H) x (W)	SIZE	QTY	STAKING
1 Syzygium luehmannii	Riberry Lily Ply	8 m x 2 m	200 mm	42	NO

NO.	DATE	REVISION DETAILS	BY	PROJECT	
				LANDSCAPE DESIGN	
				ABBATOIR / MEAT TESTING ROOM	
				COOLROOM & AMENITIES	
CLIENT				PROJECT #	MS2017114
ENDO TECHNIK NORD PTY LTD				DWG DATE	09 / 07 / 2017
				SCALE (A3)	1 : 300
				DRAWN BY	MARK SPENCE
				FILE NAME	MS2017114
				PAGE #	PAGE 1 OF 1
LOT 103 (No.96) ROSE VALLEY ROAD, ROSE VALLEY					



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 ABN: 18 308 089 054

**10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama Development Control Plan (DCP) 2012**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.1 Maintain the separation and distinct nature of local towns, villages and agricultural land

Delivery Program: 2.1.2 Recognise and protect our heritage

**Summary**

This report seeks the final endorsement of amended Chapter 30 – Heritage of Kiama Development Control Plan (DCP) 2012.

**Finance**

N/A

**Policy**

The process of amending the Development Control plan has been carried out consistent with legislative requirements and Council's 'Preparation of Development Control Plans Policy'.

**Communication/Community Engagement**

The draft Chapter 30 was placed on public exhibition from 29 October to 26 November 2018 with an advert being placed in The Bugle, notification provided on Council's website and social media page.

Three (3) submissions were received, raising a variety of matters.

**Attachments**

- 1 Development Control Plan 2012 - Chapter 30 - Heritage - Draft Amendments Version - Following Public Exhibition [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council adopt the final draft of the Kiama DCP Chapter 30 – Heritage as outlined in this report and attachments.

**BACKGROUND**

As part of the assessment of the Golden Valley Road Planning Proposal, shortcomings of the existing provisions of Chapter 30 – Heritage of the Kiama Development Control Plan (DCP) 2012 were identified. In April 2018 Council resolved to prepare amendments to Chapter 30 – Heritage of the Kiama DCP 2012 to ensure the conservation of significant areas and items of Aboriginal Cultural Heritage.

As part of the assessment of the Golden Valley Road Planning Proposal, the Office of Environment & Heritage (OEH) informed Council that it had no objection to the

## Report of the Director Environmental Services

## 10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama Development Control Plan (DCP) 2012 (cont)

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proposed rezoning but recommended that Council and the proponent consider options for conservation of the identified sites of Aboriginal significance.

Currently Chapter 30 of Kiama DCP 2012 outlines that Council may require an archaeological assessment of a site to be carried out prior to determining a DA. In its current state however, the DCP does not require developments to avoid disturbance of areas identified as being of high significance through such an assessment as a priority. This represents a gap in the existing policy and it is considered appropriate to amend the DCP to better conserve Aboriginal cultural heritage.

In October 2018 Council resolved to endorse the draft Amendments to Chapter 30 – Heritage to be placed on public exhibition.

As part of the October 2018 draft the formatting of Chapter 30 was amended to enable greater usability. Specific amendments were made to reflect the Due Diligence Code of Practice and to ensure that developments avoid disturbance of areas identified as being of high significance as a priority. The specific amendment was the insertion of new controls C12 and C13.

**Public Exhibition**

The draft Chapter 30 was placed on public exhibition from 29 October to 26 November 2018 with an advert being placed in The Bugle, notification provided on Council's website and social media page.

During the exhibition period 3 submissions were received. The following points/issues were raised in the submissions:

- The proposed amendments to Chapter 30 are not in accord with the information from the Director of Environmental Services to Council in Item 10.2 Draft Amendment to Chapter 30 - Heritage-Kiama DCP 2012 as recorded in the Ordinary Council Meeting of 16 October 2018.

Concerns were raised that the October 2018 report was misleading and did not fully articulate the proposed amendments to Chapter 30.

Response

The October 2018 report stated:

The formatting of Chapter 30 has been amended to enable greater usability. Specific amendments have been made to reflect the Due Diligence Code of Practice and to ensure that developments avoid disturbance of areas identified as being of high significance as a priority.

The specific amendment is the insertion of new controls C12 and C13.

The submission suggests that 6 new controls were introduced to the 'Aboriginal Cultural Heritage Management' section of the draft. As outlined in the October 2018 report Controls 12 and 13 are new additions to the Chapter. The wording of draft Control 8 was already part of Chapter 30 but has now been assigned a control number. Existing Control 8 has been duplicated in draft Controls 6 and 11 to ensure that the Aboriginal Cultural Heritage Management Development Assessment Toolkit is appropriately utilised. Draft Controls 3 and 9 have been inserted as they currently

## Report of the Director Environmental Services

10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama  
Development Control Plan (DCP) 2012 (cont)

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form part of the endorsed Aboriginal Cultural Heritage Management Development Assessment Toolkit which is currently referenced by Chapter 30.

With the insertion of new controls the current numbering of controls has been rearranged to accommodate these changes.

In this regard, the October 2018 report was not misleading, especially as the draft Chapter 30 was an attachment.

- Duplication of Control 13

The submission pointed out that Control 13 appears in both the Aboriginal and European Heritage Sections.

Response

The duplication was made in error and has been corrected in the attached draft. The number of all the controls have been rearranged to accommodate this change.

- Changes to European Cultural Heritage controls

Concerns have been raised that some of the suggested controls are vague with respect to how they will work in practice. The two major issues raised by the draft proposals relate to adjacency and proximity. Of particular concern is the use of the term "vicinity". The word vicinity can range from meaning nearness in place to a surrounding district. It may include an adjacent place but is not limited in extent solely to adjacent places or sites.

Response

With the exception of the renumbering of the controls, as a result of the insertion of the new controls under the 'Aboriginal Cultural Heritage Management' section, no other changes have been made to the 'European Heritage' section of Chapter 30.

The current use of the term 'vicinity' is consistent with the wording in the Kiama Local Environmental Plan (LEP) 2011. Clause 5.10 of the LEP contains the heritage conservation provisions. Subclause 5 indicates that Council are required to assess if a development will affect the heritage significance of an item or area in the vicinity of the development.

**(5) Heritage assessment**

*The consent authority may, before granting consent to any development:*

- on land on which a heritage item is located, or*
- on land that is within a heritage conservation area, or*
- on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

One of the objectives of Clause 5.10 is to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views. This wording enables assessing officers to assess each application on its

Report of the Director Environmental Services

10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama  
Development Control Plan (DCP) 2012 (cont)

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individual merits rather than prescribing what 'vicinity' means. As guidance is already provided in the LEP, a planning document with more legal weight than the DCP, it is not necessary to provide additional guidance in the DCP.

- Pheasant Point Heritage Conservation Area

Concerns have been raised that the Draft Heritage Amendments to Chapter 30 currently on public display does not include the specific controls for the newly developed Pheasant Point Heritage Conservation Area.

Concerns have been raised that omission of these specific controls leaves Pheasant Point Heritage Conservation Area without the proper protection that is required and the final part of the process that has this area listed on the LEP without the accompanying DCP Controls.

It has been suggested that all the work has been completed and handed to Council for this to happen. It is a simple process for the completion of a task that has the complete support of councillors as well as the community and should have already happened.

Response

At Council's Ordinary meeting dated 21 August 2018, Councillor Reilly requested that the controls that have been developed for the Pheasant Point Heritage Precinct be included in our Development Control Plan (DCP) as a matter of urgency.

Council was originally approached by residents in 2012-2013 requesting a heritage listing, in the form of a Heritage Conservation Area (HCA), be applied to the area encompassing Minnamurra Street, Devonshire Street and Fitzroy Street. At that time, Council had recently undertaken a heritage review as part of the formulation of the Kiama Local Environmental Plan 2011 (LEP 2011) and had considered the whole of that area as not warranting a heritage listing. Properties at 13-21 Minnamurra Street (Minnamurra Street precinct) were listed as item number I125. Number 12 Devonshire Street and 10 Fitzroy Street were both recommended by Council's consultants for listing in the LEP 2011, however these were not carried through into the final document. Council resolved, at its Ordinary Meeting on 17 December 2013, to:

- Develop a precinct specific DCP for the area encompassing Minnamurra, Devonshire and Fitzroy Streets as identified by the National Trust;
- Consult with the owners of 10 Fitzroy Street with a view to the Heritage listing of this property.

Draft controls were partially prepared by Council's Heritage Advisor and at the Council meeting of 27 September 2016, the Director Environmental Services recommended that Council endorse the guidelines for public exhibition and subsequent report back to Council, with an overall view to include them in the Kiama DCP. Having considered the report and draft guidelines, Council resolved to defer the matter of the DCP and instead move forward with an amendment to the LEP to include the area as a HCA.

***9.2 Pheasant Point Draft Development Guidelines and Potential for Listing in LEP 2011 as a Heritage Conservation Area 16/327***

Report of the Director Environmental Services

10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama  
Development Control Plan (DCP) 2012 (cont)

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*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*

Further to the above resolution, the following was recorded in the Minutes of the Council meeting of 18 October, 2016, in relation to the previous Council meeting:

**4. BUSINESS ARISING FROM THE MINUTES**

*Item 9.2 – Heritage Listing of Pheasant Point – Councillors Reilly and Sloan provided clarification that Chapter 30 of the current DCP is sufficient to move as quickly as possible to the gateway proposal and that a special DCP is unnecessary.*

The introduction of Pheasant Point HCA into the LEP 2011 was made on 22 December 2017. Chapter 30 of the DCP has been in operation since 2012 and was subject to extensive community consultation. For any development proposed to occur on a heritage item, in a heritage conservation area or in the vicinity of a heritage item, the DCP requires that a Heritage Impact Statement be prepared addressing the following:

- a) Why the item is of heritage significance; and
- b) What impact the proposed works will have on that significance; and
- c) What measures are proposed to mitigate negative impacts; and
- d) Justification for the option chosen.

This wording, along with the mandatory considerations under Clause 5.10 Heritage Conservation of the LEP 2011, is considered to provide adequate protection for the Pheasant Point Heritage Conservation Area and associated heritage items.

Given the Council's advice that the HCA, in conjunction with the existing Chapter 30 DCP controls, provides appropriate protection to the Pheasant Point heritage values, the introduction of site specific DCP controls for Pheasant Point area were not included in the draft placed on public exhibition.

It is considered that the controls contained within Chapter 30, in conjunction with the considerations in clause 5.10 of the LEP 2011 are sufficient to ensure that the area is adequately protected and that any development that does occur will be sympathetic to the area.

If however, Council is of a mind to now progress with a site specific DCP for the Pheasant Point HCA, it would be appropriate for a further report be requested for Council's consideration and resolution at a future meeting. It would not be appropriate to include controls into the DCP at this stage of the current DCP amendment without a public notification period. This would be consistent with Council's Preparation of Development Control Plans Policy. If supported, the project would then be included into the strategic work program to progress.



Report of the Director Environmental Services

10.3 Endorsement of Amendments to Chapter 30 - Heritage of the Kiama  
Development Control Plan (DCP) 2012 (cont)

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**Conclusion**

As per the provisions of Clause 21(1) of the Environmental Planning and Assessment Regulation 2000 after the draft DCP has been publicly exhibited Council may approve the DCP chapter with such alterations as the Council thinks fit. Following consideration of the three (3) submissions received during public exhibition, it is considered that the draft amendments to Chapter 30 be adopted with the following amendment:

- renumber controls to remove duplication of control 13.

**Item 10.3**



Item 10.3

Attachment 1

30

Heritage

### Section 1 – Introduction

This chapter of the Development Control Plan is focused on ensuring that there is sufficient understanding of the significance of Kiama Local Government Area's heritage, and that future development is undertaken in accordance with legislative requirements and in a way that is sensitive to the significance of heritage items.

### Section 2 – Aboriginal Cultural Heritage Management

<p><b>Aims</b></p> <ul style="list-style-type: none"><li>• To ensure that Aboriginal cultural heritage values, both objects and tangible sites or features as well as intangible spiritual and cultural values, are fully and effectively addressed in the development assessment process and afforded appropriate protection or management consistent with legislative requirements.</li></ul> <p><b>Objectives</b></p> <ul style="list-style-type: none"><li>• To provide detailed controls and guidelines intended to assist in the identification, protection and conservation of Aboriginal cultural heritage sites and values in the Kiama Municipal Council Area for the benefit of its citizens, the community generally and for future generations;</li><li>• To increase proponent's awareness of Aboriginal cultural heritage matters and promote the increased identification and recognition of Aboriginal cultural heritage sites and values in the planning and development process;</li><li>• To provide potential proponents and the wider community with clear and accessible:<ul style="list-style-type: none"><li>○ information on Council's requirements, and other legislative requirements, for the</li><li>○ conservation of Aboriginal cultural heritage sites and values;</li></ul></li><li>• To promote and encourage appropriate and sympathetic site design and development solutions for areas having known, or potential, Aboriginal cultural heritage sites and values;</li><li>• To increase community awareness and appreciation of the Aboriginal cultural heritage sites and values of the Kiama Municipal Council area; and</li><li>• To protect and conserve known or potential places or items Aboriginal Cultural Heritage within the Kiama LGA.</li></ul>
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## Controls

### Aboriginal Cultural Heritage Management Development Assessment Toolkit

- C1 The Aboriginal Cultural Heritage Management Development Assessment Toolkit, adopted by Council 21 May 2013, shall be used to determine if an Aboriginal Cultural Heritage Investigation or Assessment is required.
- C2 An Aboriginal Cultural Heritage Investigation or Assessment (see below) is not required:
- for sites that Council considers as being highly disturbed landscapes (and do not contain a declared Aboriginal Place or known Aboriginal site or object); or
  - where it can be demonstrated that the site has been substantially disturbed over an equal or greater area, and to an equal or greater depth and/or severity, than would result from the proposed development or activity; or
  - where a detailed Aboriginal Cultural Heritage Assessment or archaeological investigation, of an acceptable standard and including the required level of Aboriginal community consultation, has been undertaken over the entire site within the last 10 years.
- C3 The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, prepared by the NSW Department of Environment, Climate Change & Water, shall be used when preparing to undertake development on land which may contain items or places of Aboriginal Cultural Heritage.

### Preliminary Aboriginal Cultural Heritage Investigation

- C4 Council will require, in accordance with the Aboriginal Cultural Heritage Management Development Assessment Toolkit, a Preliminary Aboriginal Cultural Heritage Investigation (level 1 assessment) to be undertaken for a development proposal that is:
- within an environmentally sensitive area, as defined by the Kiama LEP 2011; or
  - for a site containing mature trees, that may be over 150 years old and so have the potential for Aboriginal scarring (including living trees, standing dead trees, stumps or stags, fallen trees and logs); or
  - for a site containing any of the following small scale landscape features that may potentially hold Aboriginal cultural heritage sites/objects:
    - the riparian corridor 200 metres wide on each side of permanent or ephemeral creeks;
    - watercourses (including waterways subsequently modified by post-settlement activity);
    - sandstone outcrops adjacent to waterways/watercourses;

- exposed sandstone platforms or relatively level sandstone outcrops (including platforms and outcrops that may have been buried or covered due to post-contact land uses);
  - rock overhangs/shelters over 1 metre high (especially with relatively level and/or dry floors);
  - areas of undisturbed native vegetation in excess of 100m<sup>2</sup> or covering 10% or more of a site (whichever is the greater for the site in question);
  - spurs, ridgelines, ridge tops and high points or knolls; and
  - cliffs, including areas above or below cliff lines; or
- located within a “sensitive landscape setting” which includes land which is:
    - within 200 metres of waters (meaning any river, stream, lake, lagoon, swamp, wetlands, natural watercourse, or tidal waters including the sea); or
    - located within a sand dune system (including marine/coastal, estuarine, fluvial/riverine or Aeolian dunes); or
    - located on a ridge top, ridge line or headland; or
    - located within 200 metres below or above a cliff face; or
    - within 20 metres of or in a cave, rock shelter, or a cave mouth.
- C5 Aboriginal Cultural Heritage Investigation’s shall be undertaken by a suitably qualified or experienced person, with expertise in Aboriginal cultural heritage, and will include as a minimum:
- a search of the Aboriginal sites database and other information held by the Office of Environment and Heritage;
  - the involvement of, and consultation with, local Aboriginal people or organisations;
  - background research relevant to the site, its Aboriginal cultural heritage context, landscape setting, and land use history; and
  - an on-ground site inspection.

#### **Aboriginal Cultural Heritage Assessment**

- C6 Council will require, in accordance with the Aboriginal Cultural Heritage Management Development Assessment Toolkit, an Aboriginal Cultural Heritage Assessment (level 2 assessment) to be undertaken for development proposal that is:
- within a site that is part of an Aboriginal Place as declared under the *National Parks and Wildlife Act 1974*; or
  - for a site containing a known Aboriginal site or object, as recorded by the Office of Environment and Heritage or identified by previous Aboriginal cultural heritage studies. All known places or items of Aboriginal Cultural Heritage are listed on the NSW Government’s Aboriginal Heritage Information Management System (AHIMS) database.

- C7 Aboriginal Cultural Heritage Assessment's shall be undertaken by a suitably qualified and experienced person, with expertise in Aboriginal cultural heritage, and will be consistent in terms of consultation with the Aboriginal community, process and content with the Office of Aboriginal Cultural Heritage Management Environment and Heritage publication *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) and other applicable guidelines as published by this agency. Adequate consultation with the Illawarra Aboriginal community will be a critical element in the preparation of an Aboriginal Cultural Heritage Assessment.

#### Unexpected Aboriginal Finds

- C8 All Aboriginal relics in NSW are protected under the *National Parks and Wildlife Act 1974*, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site. The following requirements apply to any unexpected find containing Aboriginal cultural material during demolition, excavation or construction:
- All works must cease immediately and the Office of Environment and Heritage (OEH) must be informed of the find.
  - Should there be any human remains in the find, then the NSW Coroner's Office and the NSW Police must also be informed.
  - Following any finds, the OEH, the local Aboriginal Land Council, the Kiama Aboriginal Reference Group and a suitably qualified and experienced archaeologist shall be consulted in the preparation of a management strategy, with all costs to be borne by the developer, which may include the requirement to apply for an Aboriginal Heritage Impact Permit with OEH.
  - The find will be recorded in accordance with the requirements of the *National Parks and Wildlife Act 1974* and OEH guidelines. This will result in the places or items of Aboriginal Cultural Heritage being listed on the AHIMS database.
  - Work shall not recommence on site until advised in writing by the OEH.

#### Known or Potential Aboriginal Cultural Heritage Places or Items

Where the development involving disturbance of a known or potential Aboriginal Cultural Heritage places or items, Council will notify the NSW Heritage Branch of the Office of Environment & Heritage in accordance with the *National Parks and Wildlife Act 1974*.

- C9 As part of their due diligence all applicants shall refer to the AHIMS database to confirm if any known Aboriginal Cultural Heritage places or items are present on or near the subject site.
- C10 Council may require that an archaeological assessment of a site be carried out prior to the determination of a development application.

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- C11 In accordance with the Aboriginal Cultural Heritage Management Development Assessment Toolkit, Council will require an Aboriginal Cultural Heritage Assessment (level 2 assessment) to be undertaken for development on a site that is near or contains any known Aboriginal Cultural Heritage places or items.
- C12 Where development is proposed on sites containing or near known or potential Aboriginal Cultural Heritage places or items, the development is to be designed to avoid disturbing the places or items in the first instance. For residential subdivisions this may include retaining the archaeological sites within public recreational land.
- C13 Where disturbance of Aboriginal Cultural Heritage places or items cannot be avoided an Aboriginal Heritage Impact Permit (AHIP), issued by the Office of Environment and Heritage, will need to be supplied to Council as part of the Development Application.

**Section 3 – European Cultural Heritage Management**

**Aims**

- To ensure that identified values of heritage listed sites are fully and effectively addressed in the development assessment process and afforded appropriate protection or management consistent with legislative requirements.

**Objectives**

- To provide detailed controls and guidelines intended to ensure that new development in the vicinity of a heritage item or on the site of a heritage item, maintains and enhances the heritage values of the item for the benefit of Kiama Local Government Areas' citizens, the community generally and for future generations.
- To provide detailed controls and guidelines intended to ensure that alterations and additions to heritage items are carried out in a manner which maintains and enhances the heritage values of the item for the benefit of Kiama Local Government Areas' citizens, the community generally and for future generations.
- To ensure that public domain heritage items which includes, but is not limited to trees, parks, monuments and cemeteries are adequately maintained and conserved for the benefit of Kiama Local Government Areas' citizens, the community generally and for future generations.

The built European heritage of Kiama LGA is protected under the provision of State Government legislation which includes the *Environmental Planning and Assessment Act 1979* and the *Heritage Act 1977*. To assist in the management of heritage items, levels of significance are assigned to an item. In NSW, a heritage item may be identified as having a State or Local level of significance. Schedule 5 in Kiama LEP 2011 lists 163 heritage items comprising residential and commercial properties, municipal and industrial properties, places of Worship, State and Commonwealth government properties, dry stone walls, cemeteries and grave sites, parks, monuments and trees, movable objects, and archaeological sites. There are thirteen heritage items of State significance identified on the State Heritage Register which are located in the Kiama LGA and these items have value to the people of New South Wales and to the Nation as a whole.

30.6

### When is Development Consent Required?

Certain types of development on land that contains a heritage item will require consent from Council i.e. the submission of a Development Application (DA). Clause 5.10(2) of Kiama Local Environmental Plan (LEP) 2011 lists a range of activities which require development consent.

Developers and their consultants are encouraged to discuss their proposals with Council's Development Assessment Officers prior to preparing concept plans and submitting a Development Application. Council may refer concept plans onto its Heritage Advisor where development impacts require an expert assessment. Such consultation may benefit the applicant in ensuring smooth processing of their application and earlier determination times.

The successful design of new development in the vicinity of a heritage item, on the site of a heritage item, and alterations and additions to a heritage item must have regard, and be appropriate under the following design criteria:

- a) *Character* - The character of the built environment is shaped by many contributing factors including: the natural landform; landscape elements; date and style of buildings; scale and form of buildings; street and subdivision patterns; building setbacks; materials and details; and views, vistas and skylines.
- b) *Scale* - Scale encompasses proportion, height and bulk, and relates to the size of buildings relative to surrounding buildings.
- c) *Form* - Form relates to the overall shape and volume of a building, and the arrangement of its parts including the roof and façade.
- d) *Siting* - Siting relates to the positioning of buildings on allotments, which includes houses, garages and carports.
- e) *Materials and Detailing* - Proposed alterations and additions to heritage items and new development in the vicinity of a heritage item or within the site of a heritage item should recognise and respond to the predominant materials, textures, and details which contribute to the character of a locality.

Also, to ensure that proposed development is appropriate in rural settings, the design criteria within Chapter 6 - Rural Development shall be referred to and suitably addressed.

### When is Development Consent Not Required?

Some works do not require development consent where Council considers that the proposed works are of a minor nature and will not have an adverse impact on the heritage significance of the heritage item. Clause 5.10(3) of Kiama LEP 2011 lists a range of activities which do not require development consent.

Developers and their consultants are advised to contact Council's Development Assessment Officers to confirm if consent is not required for their proposed works.



### **When is a Heritage Management Document Required?**

Council must consider the effect the proposed development will have on heritage items located on the development site or on adjoining lands. To assist Council in assessing impacts, a heritage management document may be required to be submitted with the DA in the form of a Heritage Impact Statement and/or Conservation Management Plan. Developers and their consultants are advised to contact Council's Development Assessment Officers to confirm what heritage management documents are required to be submitted with a DA.

### **What is a Heritage Impact Statement?**

A Heritage Impact Statement (HIS) is a succinct report prepared by a professional heritage consultant which includes the following:

- Why the item is of heritage significance; and
- What impact the proposed works will have on that significance; and
- What measures are proposed to mitigate negative impacts; and
- Justification for the option chosen.

A HIS should be prepared in accordance with NSW Heritage Branch of the NSW Office of Environment & Heritage (OEH) published guidelines.

### **What is a Conservation Management Plan?**

A Conservation Management Plan (CMP) is generally required for items listed in the State Heritage Register and is a more detailed report than a HIS. A CMP consists of two parts:

- Part 1 assesses the significance of a place and its elements and provides a succinct statement of significance; and
- Part 2 provides policies and strategies to help guide future works, management, and maintenance of the place. The policies must address all of the issues required to retain the significance of the place and its elements.

CMP's shall be prepared by professional heritage consultants in consultation with Council. The structure of the CMP should follow the methodology and structure outlined in J.S. Kerr, *The Conservation Plan*, 6<sup>th</sup> edition, National Trust of Australia (NSW) 2004, and NSW Heritage Branch published guidelines.

### **What is the Burra Charter?**

The Burra Charter is a statement of conservation principles developed in 1979 by the Australian Chapter of the International Council on Monuments and Sites (ICOMOS). The Charter provides a set of definitions, principles, processes and practices to guide the conservation of places. The Charter identifies the significance of a place from the following values: Historical, Aesthetic, Social and Scientific.

### How is 'heritage significance' defined?

The NSW Heritage Branch of the Office of Environment and Heritage has established seven criteria for assessing heritage significance, which encompass the four values in the Burra Charter:

- Criterion (a) - An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (b) - An item has strong or special association with the life or works of a person, or group of persons of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (c) - An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- Criterion (d) - An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- Criterion (e) - An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (f) - An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (g) - An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places and Cultural or natural environments.

As a general rule to proposing a change to a heritage item, the Burra Charter advocates a cautious approach: *Do as much as necessary to care for the place and make it useable, but otherwise change it as little as possible and implement changes that do not compromise the cultural significance of the property or locality.*

### What conservation incentives are there?

In order to assist owners and managers of heritage items, Council may grant consent to development for any purpose on the site of a heritage item where there is demonstrated benefit towards the conservation of the item, even though development for that purpose would otherwise not be allowed in the Kiama LEP 2011. Clause 5.10(10) of Kiama LEP 2011 sets out five criteria which must be satisfied before consent can be granted.

Council can also provide advice for owners and managers of heritage items. This type of advice includes information and guidance on infill development, alterations and additions, colour schemes, fencing, and repair and maintenance.

For properties listed on the State Heritage Register or Register of the National Estate, there may be potential for State and/or Federal government funding. There may also be potential tax benefits for heritage listed properties which should be discussed with a qualified professional accountant.

### **Controls for New Developments**

- C14 New development in the vicinity of a heritage item or on the site of a heritage item should harmonise with its surroundings. Through careful analysis and evaluation of the historic context of the heritage item, new development must be appropriate in its scale, form, siting, materials and colour and detailing.
- C15 New development in the vicinity of a heritage item or on the site of a heritage item need not replicate exactly that of the heritage item, but rather through careful analysis of significant design characteristics sympathetically interpret and design new works which are in harmony with the character of the heritage item.
- C16 New development in the vicinity of a heritage item or on the site of a heritage item should recognise the predominate scale (height, bulk, density, grain) of existing development and respond sympathetically in the design of new works.
- C17 The form of new development in the vicinity of a heritage item or on the site of a heritage item need not replicate exactly that of adjacent historic properties, but should however visually respect and relate to them in a positive way.
- C18 The form of new development in the vicinity of a heritage item or on the site of a heritage item should respond to adjacent historic properties with respect to treatment of facades and side elevations visible from the street or prominent locations.
- C19 The design of roof forms for new development in the vicinity of a heritage item or on the site of a heritage item should respect the scale, form, detail and pitch of adjacent historic properties.
- C20 New development in the vicinity of a heritage item should be sited to reflect the prevailing rhythm, spacing, orientation, and front and side setbacks of buildings within a streetscape or landscape which includes a heritage item.
- C21 New development within the site of a heritage item should be sited to minimise adverse impacts on the setting and significant views to and from the place.
- C22 The design of facades/walls in development located in the vicinity of a heritage item or on the site of a heritage item that are visible from the street or prominent location should use materials and colours which are characteristic of the area, such as brickwork, render or timber etc. Other materials may be used but must be harmonious and sympathetic with the character of the area and should be chosen for their complimentary qualities in relation to colour, texture and tonal contrast.
- C23 New buildings in the vicinity or within the site of a heritage item should use colours which harmonise with traditional colour schemes.
- C24 The principal elevation of new buildings located in the vicinity of a heritage item or on the site of a heritage item should provide a level of detail and design of openings that is in proportion with and similar to that of the adjacent heritage item.

- C25 New development in the vicinity of a heritage item should include landscape details such as fences, garden walls and planting treatments which respond to and are sympathetic with the character of the item.

**Controls for Alterations & Additions**

- C26 New infill within town centres which include heritage items should recognise and respond in a sympathetic way to key elements and features which define the historic character of the townscape such as rooflines, parapets, street awnings, shopfronts, and treatment of facades with respect to proportion, modulation and number of openings.
- C27 In designing new additions to single-storey heritage items, generally limit new works to single-storey and preferably locate to the rear of the existing building. The above requirement may be varied to suit specific site conditions. New roof and building mass should not project above or dominate the existing building scale.
- C28 New additions to two-storey heritage items should preferably be single-storey, or double storey with justification. Any new development should generally be located to the rear of the existing building, but may be varied to suit specific site conditions.
- C29 For heritage items, changes to original roofs should be minimal, particularly if seen from the street or prominent locations, and be determined by the building context. Roof elements such as skylights should not be located where visually prominent in the streetscape or prominent locations.
- C30 New work to the rear of an existing building can either extend the existing roof form, pitch and eaves, or, where the roofline is not maintained, be of a more subservient/differential style such as a skillion or flat/parapet style roof.
- C31 Where new roofing of a visually detached addition projects above the existing roofline in the case of a second storey addition, it should be of similar pitch and form to the original.
- C32 The re-roofing of the main body of a house is not generally desirable, except where justified due to deterioration, and only if new roofing matches original materials.
- C33 If visible in the streetscape or prominent locations, new roofing to development in the vicinity of a heritage item, on the site of a heritage item or as part of alterations and additions to a heritage item should be consistent with existing materials.
- C34 The materials, textures, and detailing of alterations and additions to a heritage item and new buildings on the site of a heritage item or in the vicinity of a heritage item need not mimic exactly existing original details, but rather re-interpret and be compatible with the materials, textures and details of a heritage item.
- C35 When proposing to repaint external fabric of a heritage item, re-instatement of traditional colour schemes is strongly encouraged. Evidence of original schemes may be determined by scraping back paint from areas that are not subject to intense weathering. Advice may be sought from Council's Heritage Advisor should you wish to investigate colour schemes for your building.

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- C36 Where new doors, windows or verandahs are visible from the street or prominent location, they should be of similar proportion, size, location and detailing to original elements. If there is no indication of original treatment, the design of new doors and windows should be generally vertically emphasised and kept simple.
- C37 The retention and repair of original architectural details including doors, windows, verandah piers and columns, decorative timber work to verandas and gables, cast iron decoration, roughcast and tile work in principal elevations is encouraged. Original lead lights and coloured glass panes should be preserved.
- C38 Existing incompatible/intrusive elements (e.g. non original aluminium windows and doors, aluminium or vinyl cladding) in principal elevations and prominent locations should be replaced where alterations and additions are proposed.
- C39 Original verandas and external detailing in general should be preserved and restored, or reconstructed where necessary. Removal or infilling of verandahs visible from the street or prominent locations is generally not supported.
- C40 Heritage items with original facades/walls comprised of unpainted brickwork or stonework are not to be painted, rendered or bagged.
- C41 Paint should not be applied to original brickwork, stonework, exposed bricks on chimneys, terracotta chimneypots, tessellated or glazed tiling, slate verandah edging and steps, or any other unpainted surfaces of a heritage item.
- C42 New ancillary buildings including garages and carports proposed within the site of a heritage item should preferably be detached and located in traditional locations, that is, to the rear or side of the dwelling, and set back from the front façade.
- C43 Garages, carports and outbuildings etc. should be designed to be subservient in scale to the main building, with recessive or darker colours that reduce visual prominence.
- C44 Generally designs for garages, carports and out buildings etc. should be kept simple. Do not mimic elaborate design elements of the main dwelling if it over-emphasises the garage or carport appearance.
- C44 Brushed concrete, gravel, crushed sandstone, dark segmental pavers, or driveways designed as separated wheel strips are appropriate in preference to light coloured paving, "faux brick" or stencil finishes which are generally not supported.
- C46 Driveways and hardstands should be a maximum of 3.5 metres at the street frontage and should be kept simple.
- C47 Existing fencing that is original should be retained and conserved.
- C48 Alterations and additions or new buildings in urban areas should generally provide for a new fence of appropriate materials, colours and scale where no fencing exists. Fencing should be kept simple, with a level of detail compatible with the heritage item.

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- C49 Original landscape details including fencing, garden walls, paving and paths, planting schemes and other garden features which contribute to the significance of a heritage item should be retained.

#### Section 4 – Dry Stone Walls

##### Objectives

- To conserve, protect and enhance Kiama LGA's unique historic dry stone walls for the benefit of its citizens, the community generally and for future generations.
- To ensure new development in the vicinity of a dry stone and any alterations to a dry stone is carried out in a manner which minimises adverse impacts.

There are over 360 dry stone walls located within the Kiama Municipal Council area which have been mapped and have had their heritage value assessed. Council has inventory reports for a majority of the dry stone walls noted above which are available to the public. Dry stone walls are identified as items of environmental heritage in Kiama LEP 2011 and consequently any proposal to demolish, damage, alter (including making breaks), dismantle, or destroy these walls (in whole or in part) requires Council's consent. Development Applications (DA) must show the location of dry stone walls accurately plotted on a site analysis plans, engineering plans, layout plans and concept landscape plans, including any walls located on adjoining land, such as within the road reserve. The condition of the dry stone wall, and any proposed alterations to the wall (e.g. to provide access) should be addressed in a Statement of Environmental Effects submitted with the development application. Specialist advice may be necessary from an expert in dry stone walls.

In addition to the above, a Heritage Impact Statement may be required by Council if it is of the opinion that there is the potential for a dry stone wall to be adversely affected by proposed development. It is strongly advised that applicants discuss their proposals with Council before lodging a DA so as to confirm Council's submission requirements and minimise potential delays.

The rebuilding of deteriorated walls is encouraged and may be also required as a condition of the development consent. Competent, experienced dry stone wall builders are to be engaged for such a task to ensure that the integrity of the walls is retained. For the purposes of this DCP, rebuilding shall mean restoration or reconstruction as defined by the Burra Charter.

It is common to see Tecomania hedges or historic planting alongside dry stone walls in the Kiama LGA. These were planted to provide additional windbreaks or shelter for cattle. In some instances these hedges or trees have engulfed the original wall, often to the point where the latter is invisible, and/or has been damaged by a combination of sheltering cattle and invasive tree roots. Because these hedges and rows were cultural plantings by early farmers, they do have some heritage value, and careful consideration needs to be given to their management. Such plantings also provide valuable habitat for native fauna. As a consequence, in some cases it would be desirable to retain the hedge and allow it to contain the old wall within it, rather than cutting or poisoning the hedge in order to display and/or repair the wall. In other cases, the vegetation may be present only sporadically, and represent fortuitous generation rather than deliberate planting by the farmers, and its removal may well be justified based on the significance and integrity of the wall.

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Many walls have become habitat for the plant *Zieria granulata*. This plant is also known as Illawarra Zieria and is protected under the *Threatened Species Conservation Act 1995*. Before any work is undertaken near or on dry stone walls reasonable effort must be taken to identify any vegetation to be removed to ensure that no *Zieria granulata* is harmed. Further information is contained in Council's management plan for the conservation and regeneration of *Zieria granulata* and dry stone walls on Saddleback Mountain Road and Old Saddleback Road, Kiama regarding obligations and procedures.

Finally, the Burra Charter advocates a cautious approach to change: "all that is necessary, as little as possible". The above philosophy should underpin all proposed works to historic dry stone walls.

**Controls**

- C50 Dry Stone Walls shall not be altered, demolished or rebuilt without Council's consent. Non-compliance with this requirement constitutes an offence under the Environmental Planning and Assessment Act 1979.
- C51 The replacement of dislodged or occasional missing stones and the removal of invasive vegetation by hand is regarded as routine maintenance. However, actions such as burning of vegetation alongside or protruding into walls, or blasting it off by water hoses or the like is not permitted, since it can crack the stones, destabilise the walls and destroy the surface lichen.
- C52 Development applications which require the alteration, demolition or rebuilding of dry stone walls will have regard to the heritage significance of the wall and general amenity benefits to the community in retaining walls intact especially where they form site boundaries or are located within roads.
- C53 Council may restrict openings in walls to locations where existing breaks or past damage provides a natural or opportunistic break in otherwise generally intact walls.
- C54 Council may place restrictions on the Section 88B Instrument at Subdivision Certificate approval stage to assist the conservation of dry stone walls.
- C55 Where a dry stone wall is located on the front or rear lot boundary that is adjacent to a road, all buildings and domestic structures (e.g. sheds, pergolas, clothes hoists and the like) must be located at least six (6) metres away from the wall. Screening must also be provided to obscure clothes drying areas from view from the adjacent road.
- C56 Where a dry stone wall is located on a side boundary that is adjacent to a road, all buildings and domestic structures (e.g. sheds, pergolas, clothes hoists and the like) must be located at least 3.5 metres away from the wall. Screening must also be provided to obscure clothes drying areas from view from the adjacent road.

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- C57 Council may consider some breaks or the relocation of stone walls or parts of stone walls which are of relatively minor significance, and where this is considered justifiable in the circumstances of the case. As a general principle, if other means of access and egress can be achieved without having to make a new break in an existing wall, then that course should be adopted. A succession of breaks in walls of heritage significance to provide access to driveways for each dwelling in a proposed subdivision would substantially reduce heritage value and generally will not be permitted. Alternative means of achieving such access, e.g. by having an internal collector road within a subdivision should be considered, as has been implemented previously in the municipality.
- C58 The non-disclosure of the existence of a dry stone wall, or the non-detection and therefore non-recording and assessment by Council, does not constitute a legal reason for undertaking its alteration, demolition or rebuilding without Council consent.

**Item 10.3**

**Attachment 1**



**10.4 Waste to Energy Feasibility Study - Tenterfield Shire Council/New England Joint Organisation**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.4 Effectively manage our waste and resources

Delivery Program: 2.4.1 Manage waste services

**Summary**

Council has received a letter from the Country Mayors Association of New South Wales on behalf of Tenterfield Shire Council and the New England Joint Organisation requesting financial assistance to enable the completion of a comprehensive feasibility study to determine whether a pilot Waste to Energy plant being built at this time is warranted. It is considered the outcome will be of benefit to other country Councils.

**Finance**

A financial contribution of \$15,000 per Council or higher is being requested. No funds were provided in the 2018-2019 Budget for this contribution. This contribution may be reduced if grant funding is obtained.

**Policy**

Any non-budgeted financial contributions require Council's approval.

**Communication/Community Engagement**

N/A

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council resolve not to allocate and make a financial contribution to Tenterfield Shire Council to enable the completion of a feasibility study for a Pilot Waste to Energy Plant.

**BACKGROUND**

Tenterfield Shire Council, in conjunction with the New England Joint Organisation, has undertaken significant research into Waste to Energy technology at a local scale. This research included coordinating an Energy to Waste Forum hosted by the Department of Premier and Cabinet for Country Mayors members held on 1 November 2018 where a number of industry experts spoke about the benefits of this technology, providing examples of its effectiveness in operations in other states.

The association believes that this technology provides a real opportunity for their member Councils to deal with the issue of waste in a more cost effective manner.

## Report of the Director Environmental Services

## 10.4 Waste to Energy Feasibility Study - Tenterfield Shire Council/New England Joint Organisation (cont)

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In order to progress this matter further, financial assistance is being requested to enable the completion of a comprehensive feasibility study to determine whether a pilot plant being built at this time is warranted. The Country Mayors Association is writing to all country Councils seeking financial support for the project as the outcome will be of benefit to all country Councils.

To assist Councils making its decision, the following information (in italic) has been supplied by Terry Dodds, Chief Executive of Tenterfield Shire Council, who is leading this project.

**Waste to Energy – What is the Study About?**

Councils are increasingly coming under pressure on waste, whether it be problems with recyclables, costs of implementing new waste systems or simply costs of disposal either locally, or shipping waste elsewhere.

Waste to Energy is one of the range of solutions which may be able to assist in decreasing the amount of waste going to landfill. These technologies are well developed overseas, and can perform to extremely high environmental standards. Many of these overseas projects are of a very large scale and are only economically viable in areas with high population levels.

The question the study needs to answer is: What is the smallest scale at which economic waste to energy projects can occur in regional areas?

Western Australia is making significant progress in this area with a pilot regional facility at Port Hedland, however one single small scale project is not indicative of the range of regional needs within NSW or indeed elsewhere in Australia.

There is a Waste to Energy Policy in NSW, but it is a very difficult path not only to gain approval, but to even gain interest from the wider industry; both in Australia and internationally.

The policy is currently under review, and Country Mayors recently resolved to request the full involvement of regional councils in that review. To fully participate in this review, we need to have our own independent work done that focuses on the needs of regional councils. Policy change is needed for Waste to Energy to take its place as part of the waste hierarchy and the waste to energy supply mix.

Regional councils have specific issues of lower population densities, longer transport distances and higher overall operating costs. There is a strong view that policy needs to consider regional areas in a different way to Metropolitan areas. In short, the current cookie cutter approach of one size fits all fails regional areas. The study will look, among other things, at:

- What is the overall legislative and regulatory context?
- What are the available technologies that can meet appropriate environmental standards?
- Which of these are scalable to regional areas?
- How do the economics of waste to energy work, including issues such as gate fees, operating costs, but also looking at avoided costs such as lower costs to landfill, lower transport costs and the like.

## Report of the Director Environmental Services

## 10.4 Waste to Energy Feasibility Study - Tenterfield Shire Council/New England Joint Organisation (cont)

- 
- What are the environmental offsets gained; reduction in methane, sulphur, leachate and CO<sub>2</sub>.
  - What are the practical operational aspects that need to be resolved, including site location, energy output and grid connections, financing, maintenance and management of risk?
  - Other than electricity production, what other uses are available; diesel production, steam for industry, biogas etc.
  - How can we be confident of the technologies, and the science behind them? Fully independent experts need to review this – people with no industry affiliation or regulator ties.

Case study areas will be chosen to be representative of a wide range of different regional contexts.

**Who is leading the study?**

*The lead Council is Tenterfield Shire Council, with support from Moree Plains Shire Council and Regional Development Australia – Northern Inland.*

**How much will the study cost?**

*To ensure the study is comprehensive and of most benefit, we expect the study to cost \$540,000. This is essential if it is to have widespread credibility and cover social, environmental as well as financial bottom lines.*

**How long will it take?**

*Ideally, we would like to complete the study within 6 months of confirmation of full funding for the study being achieved*

**Who owns the output?**

*The outputs of the study will be owned and available for use to all contributing councils. The study will help all participants make better, more informed decisions about waste and waste to energy in the future and how waste to landfill can be reduced*

**How much do we need to pay?**

*We are asking for \$15,000 per Council although higher contributions will be accepted. We would like to be able to fund the entire study from local government resources and have full control. If we do get a grant, and find we have excess funds, then the payments by councils will be reduced in proportion.*

**Should Council Support this Proposal?**

As part of the NSW Government's Waste Less, Recycle More (WLRM) initiative, funding was provided to the Illawarra Shoalhaven Joint Organisation (ISJO) who prepared a Regional Waste Avoidance and Resource Recovery Strategy providing a direction for sustainable waste management within the region between 2017 and 2021. The strategy covers the local government areas of Wollongong, Shellharbour, Kiama, Shoalhaven and Wingecarribee.

## Report of the Director Environmental Services

## 10.4 Waste to Energy Feasibility Study - Tenterfield Shire Council/New England Joint Organisation (cont)

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For future waste infrastructure the strategy identifies that the Shoalhaven City Council has plans approved for a new Resource Recovery Park including an Alternative Waste Technology Facility (AWT) to be built and operational by 2020/2021.

Wollongong City Council are reviewing development opportunities at Wollongong Waste and Resource Recovery Park at Whytes Gully, including consideration of the creation of an AWT facility also.

Therefore there is likely to be an opportunity for Kiama Council to disposal of its residual waste at either of these AWT facilities if they are constructed.

Council has also introduced the highly successful Organics Kiama program and other recycling services that the community has embraced which has resulted in 75% recourse recovery rate of residential municipal waste that would otherwise be directed to landfill.

It is therefore considered, having regard to Council's initiative to reduce landfill and the imminent projects by other Councils in the region, that there would be limited benefit to Council by providing the financial contribution to Tenterfield Shire Council for this proposal.

**10.5 Kiama Health Plan 2018-2021 - Endorsement of Final Plan**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.1 Developing and implementing services and programs that promote social cohesion, healthy and active lifestyles for residents of all ages, abilities and interests

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

**Summary**

This report provides the final draft of the Kiama Health Plan 2018-2021 (the plan) following public exhibition for Council's endorsement.

**Finance**

N/A

**Policy**

Kiama Health Plan.

**Communication/Community Engagement**

Upon endorsement by Council, the plan will be made public on Council's website and communicated to the public through Council's communication networks.

**Attachments**

1 Final - Kiama Health Plan 2018-2021 [↓](#)

**Enclosures**

Nil

***RECOMMENDATION***

That Council endorse the final draft of the Kiama Health Plan 2018-2021.

**BACKGROUND**

The Kiama Health Plan has undergone a comprehensive review including community consultations and a final exhibition period.

In reviewing the current plan, national, state, regional and local strategic priorities along with relevant data for Kiama were considered and reviewed, with the process overseen by a Working Party of the Health & Sustainability Committee.

A report containing the outcomes of the consultations, which included the results and subsequent recommendations for inclusion in the revised plan, was endorsed by Council in June 2018.

The revised draft Kiama Health Plan 2018-2021 was endorsed by Council in October 2018 to be placed on public exhibition for comment for a period of 28 days. No formal comments from the community were received during this period.

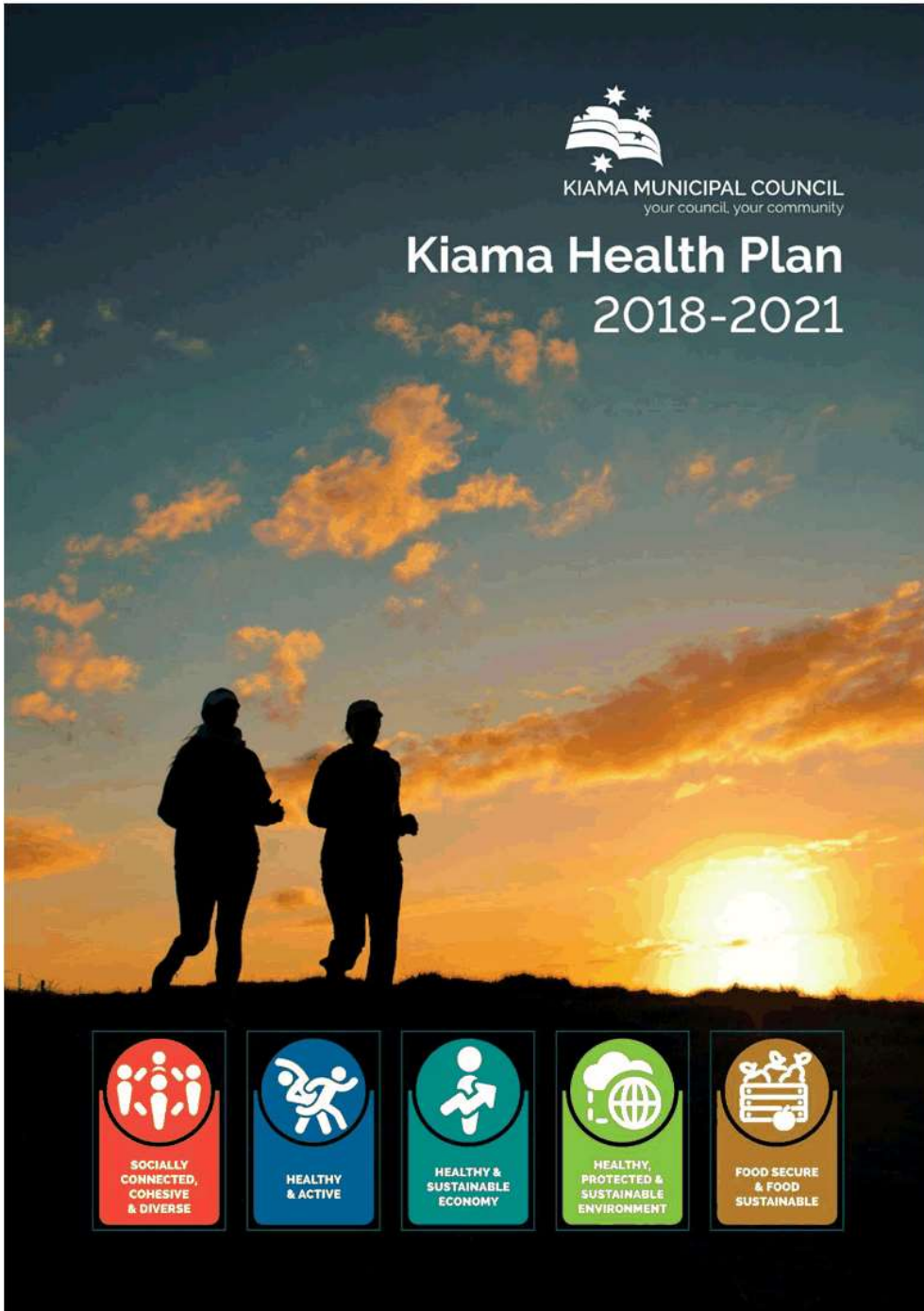
Report of the Director Environmental Services

10.5 Kiama Health Plan 2018-2021 - Endorsement of Final Plan (cont)

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The attached final draft of the plan, which includes minor grammatical and syntax modifications (highlighted using track changes to make it easy to identify the changes), is submitted for Council's final endorsement.

**Item 10.5**



Item 10.5

Attachment 1

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## Our vision

### Community vision

Working together for a healthy, sustainable and caring community.

### Council mission

Kiama Council will work to create a Municipality that has a healthy, vibrant lifestyle, beautiful environment and harmonious, connected and resilient community.

### Council values and principles



Council's principles and values as established in the Strategic Plan are based on the social justice principles of:

**Equity:** There should be fairness in decision making, prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interest of people in vulnerable circumstances.

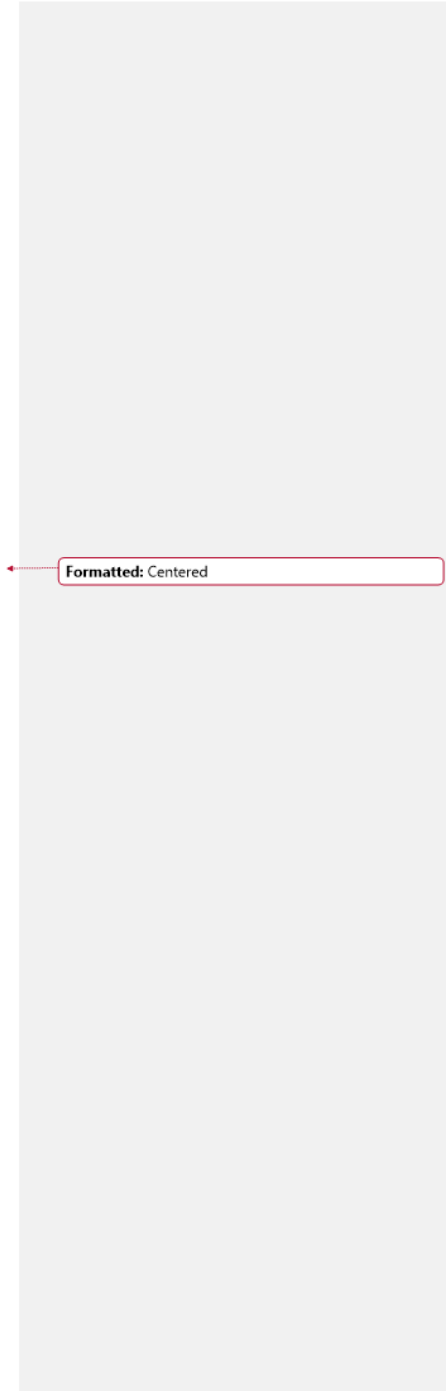
**Access:** All people should have fair access to services, resources and opportunities to improve their quality of life.

**Participation:** Everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.

**Rights:** Equal rights should be established and promoted, with opportunities provided for people.



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Item 10.5

Attachment 1

## Introduction

Local Government has always been considered the level of government closest to the people and it has a lead role in community building. Local Government is now more than just about providing basic services (roads, rates and rubbish) - it is about creating vibrant, liveable and resilient communities. Kiama Council acknowledges this in developing the Community Strategic Plan (CSP) 2011-2021.

The CSP, a state government requirement for all Councils in New South Wales (NSW), provides the framework for developing a sustainable and vibrant community that Kiama residents and Council is seeking.

A healthy community is one that is continually creating and improving the physical, social and economic environments, thereby expanding community resources.

"Health is created where people live, love, work and play. It is created by human beings in their interactions with each other and with their physical environments" (Ilona Kickbusch, WHO).

Kiama Council was one of the first Councils in NSW to develop a Health Plan and Council remains an innovative leader in this policy area. Kiama Council recognises that the health of the community (both human health and environmental health) is a shared responsibility.

This Plan builds on the work and success of previous Health Plans, where all sections of Council work together to develop a healthier community. It involves a "health in all policies" approach.

Healthy urban environments are strengthened through partnerships. Council recognises, values and welcomes the opportunities for co-operative work with agencies and the community.

The strategies outlined in this plan are based on a set of values:

- The promotion of a sense of belonging and connectedness
- Ihe promotion and active support of healthy lifestyles
- Working in partnership and promoting participation
- Collaboration and consultation with our community
- Responsiveness to social, cultural and individual diversity
- Equitable access to services and resources.

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This plan covers a broad range of issues, which Kiama Municipal Council believes interact to have positive benefits for the health of residents, visitors, and the environment. It offers a balance between the practical and theoretical, with links that draw on international, national, state and regional research, policies and best practice.

The Kiama Health Plan is primarily focused on strategies to promote health and well-being and disease prevention. In developing this Health Plan 2018-2021, Council wants to build on the successes and achievements of previous Plans. Council has been recognised nationally and internationally for its health planning and programs. –which include:

~~The first First Health Plan was developed development~~ in 1998/1999, followed by subsequent plans in 2005-2008 and 2011-2017. Council received the Heart Foundation Local Government Award 1998 for Outstanding Policy for Structural Change. This was awarded for the development of the first Health Plan. The second Health Plan was awarded the National Winner of the Heart Foundation 2005 Local Government Awards – National Policy of Healthy Communities. The Health Plan was presented at the 2005 Mayor’s Roundtable Conference Taiwan.

In 2004,

•

~~Heart Foundation Local Government Award 1998 for Outstanding Policy for Structural Change. This was awarded for the first Health Plan development. The second Health Plan was awarded the National Winner of the Heart Foundation 2005 Local Government Awards – National Policy of Healthy Communities.~~

•

Council won the Ggold medal winner of the 2004 NSW Sports Safety Awards – Outstanding Education and Promotion Project or Program ~~In The Field Of~~ the Field of Sports Injury And Prevention Reduction.

• In May 2008,

~~The Plan was presented at the 2005 Mayor’s Roundtable Conference Taiwan.~~

~~The second Health Plan was awarded the National Winner of the Heart Foundation 2005 Local Government Awards – National Policy of Healthy Communities.~~

• ~~Kiama hosted~~ the inaugural Healthy Cities Alliance Australian Chapter National Forum and Meeting. May 2008.

• ~~In June 2008, Mayor Councillor Sandra McCarthy represented the Australian Healthy Cities Alliance in Singapore at the World Cities Summit.~~ In August 2008,

• ~~Kiama Council was was~~ recognised as a World Health Organisation (WHO) Healthy City in August 2008.

~~In November 2008, In November 2008,~~ Kiama Council ~~was was~~ invited to the International Mayors’ Forum in Hangzhou China to give a presentation on Kiama’s Healthy Cities Program/Health Plan. In 2009 and 2010, Kiama Council hosted delegates from Hangzhou City, China to showcase local Healthy Cities initiatives. In 2010 and 2011 Kiama Council hosted delegates from Muju County South Korea to showcase local Kiama Healthy Cities Program/Health Plan Initiatives.

•

• ~~In 2009, Opening of~~ the Coastal Walking Track from Werri Beach to Kiama Heights ~~was opened in 2009.~~

~~In December 2012, In 2009 and 2010, Kiama Council hosted delegates from Hangzhou City, China to showcase local Healthy Cities initiatives.~~

Kiama Health Plan 2018-2021 Updated 10 January 2019 ~~10 December 2018~~

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~~• In 2010 and 2011 Kiama Council hosted delegates from Muju County South Korea to showcase local Kiama Healthy Cities Program/Health Plan Initiatives.~~

~~In December 2012, Kiama Council was awarded a grant from the Department of Families and Community Services to implement the Kiama Age Friendly Project including trialling the use of the WHO Age Friendly Checklist.~~

~~•~~

~~• In August 2013, Kiama Council was awarded the Local Government Partnership Alive and Well Award for "Pioneering Spirit and Early Adopters of Smoke-free Policy".~~

~~• In 2016, the Dementia Friendly Kiama Project received a series of awards including: the National Local Government Award for Innovation – category winner, WHO Best practice in Health Promotion award, and the National Disability Award – Disability Access & Inclusion.~~

~~• More recently, Council received the 2016 & 2018 NSW Local Government Heart Foundation Award for health projects for the Garden to Table project (food sustainability) in 2016, 2018 for and for the Interger Munch Out program in 2018.~~

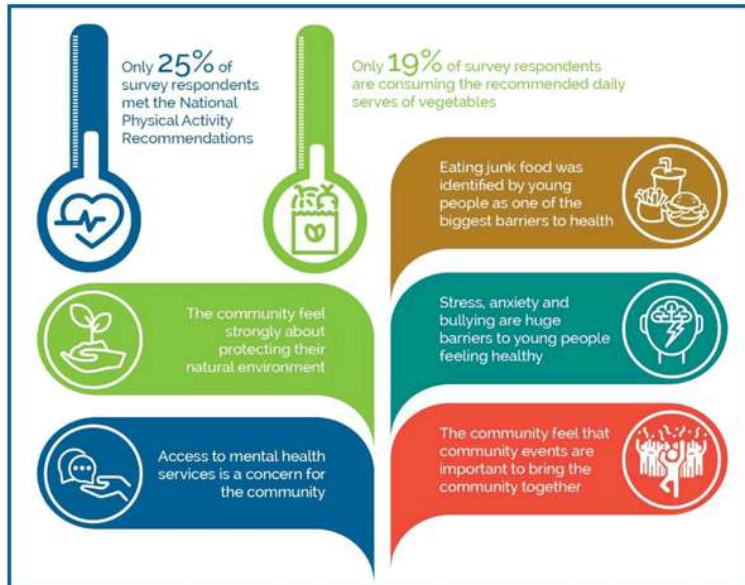
~~The Health Plan will be reviewed annually in line with Council's Operational Plan facilitating new strategies to be incorporated into the plan as needed.~~

## Kiama's health at a glance

~~Our Kiama community is ageing; we have a high rate of cardiovascular disease, incidences of falls and people who are overweight in the community. Social isolation is a major health issue for our older population with approximately 56% of the population who are aged 65 years and older living alone<sup>1</sup>. The risk of hospitalisation due to alcohol attributable conditions is higher in Kiama compared to the rest of NSW. Mental health is a concern for our population with 16 deaths from suicide recorded from 2010-2014. Over 40% of the population residing in our respective local health district had insufficient physical activity levels in 2017<sup>2</sup> and only 8.1% of the population residing in our local health district were consuming the recommended daily serves of vegetables in 2017<sup>3</sup>.~~

~~Kiama Council recently undertook a comprehensive review of the current health plan; some key results can be found below. A full report can be accessed on Council's website [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au).~~

Key community survey and consultation results



<sup>1</sup> Australian Bureau of Statistics 2011, Census Data.  
<sup>2</sup> NSW Government 2017, Physical activity in adults, *HealthStats NSW*, accessed at [http://www.healthstats.nsw.gov.au/indicator/beh\\_phys\\_age/beh\\_phys\\_lhn\\_snap](http://www.healthstats.nsw.gov.au/indicator/beh_phys_age/beh_phys_lhn_snap)  
<sup>3</sup> NSW Government 2017, Fruit and vegetables: recommended daily consumption by adults, *HealthStats NSW*, accessed at [http://www.healthstats.nsw.gov.au/indicator/beh\\_veg\\_status/beh\\_veg\\_lhn\\_snap](http://www.healthstats.nsw.gov.au/indicator/beh_veg_status/beh_veg_lhn_snap)

Integrated planning and reporting framework

The Community Strategic Plan (CSP) forms the first layer of the Integrated Planning and Reporting (IP&R) framework. It identifies the Community's vision and objectives for a minimum ten-year period and identifies strategies to work towards achieving these long-term objectives. It addresses social, environmental, economic and civic leadership issues in an integrated manner

~~Our~~ Kiama Council's Delivery Program for 2017-2021 (reviewed at the beginning of each Council term) focuses on the specific actions ~~we~~ Council will undertake to achieve the objectives of the CSP. Supporting the Delivery Program is the one-year Operational Plan (reviewed annually), which details the activities and services that will be carried out during the year.

The 2018-2021 Kiama Health Plan will now be incorporated into Council's IP&R framework enabling a more formal and accountable process for measuring and reporting on the strategies and actions within the plan.

The Health Plan will be reviewed annually in line with Council's Operational Plan facilitating new strategies to be incorporated into the plan as needed.





## The context for health planning

The Health Plan adopts internationally recognised principles, which have proven to be successful in producing better health and environmental outcomes within a community. Nationally, the environment and health policy development is influenced by the Federal Government being a signatory to international programs and treaties, such as: the World Health Organisations (WHO) Ottawa and Bangkok Charters for Health Promotion, ~~the~~ Rio Agenda 21 and Convention Framework on Climatic Change and Biological diversity, the United Nations Sustainable Development Goals, the Shanghai Declaration 2016 and The New Urban Agenda.

In the development of the Kiama Health Plan, a number of international environmental health and human health policies, in particular, the WHO Ottawa Charter, the WHO Healthy Cities approach, the United Nation's Sustainable Development Goals, Shanghai Declaration 2016 and the New Urban Agenda ~~have been were taken into consideration~~. These frameworks are recognised as excellent models that can provide an integrated planning approach for the management of health and environmental health issues.

Kiama Municipal Council adopts the WHO definition of health as:

*"a state of complete physical, social and mental well-being, and not merely the absence of disease or infirmity."*

The WHO states that the basic requirements for health are peace, shelter, education, food, a stable ecosystem, sustainable resources, social justice and equity.

### Social determinants of health

In formulating this health plan, Council has also considered the role that social determinants play in our community's health.

The social determinants of health are the social, economic and environmental contexts in which people are born, grow, live, work and age. They are closely tied to the distribution of money, power and resources. Thus, health must address issues such as food security, employment, pollution, urbanisation, natural resources depletion, social isolation and poor working conditions.

It is acknowledged that the social determinants do not operate ~~separately or independently of each other in isolation~~. Rather, they are interacting and interdependent, and it is the complex interrelationships between them, which determine the conditions that promote and support health.

### International principles

Several international principles have informed the design of this plan.

#### The WHO Ottawa Charter for Health Promotion, 1986

The Ottawa Charter (WHO, 1986) promotes a community development approach to enhancing health status through 5 action areas, including:

1. **B**uilding healthy public policy
2. **C**reating supportive environments
3. **S**trengthening community action
4. **D**eveloping personal skills
5. **R**e-orienting health care services toward prevention of illness and promotion of health.

#### WHO Healthy Cities Movement, 2003

The WHO, Healthy Cities Principles are critical to placing health on the political and social agenda. The WHO have resourced and supported the Global Healthy Cities Movement to improve the public health of citizens at a local level. In 2016 the WHO identified Healthy Cities as the means or a way forward to achieving the United Nations' Sustainable Development Goals.

The 11 characteristics of a "Healthy City" are:

1. **A** clean, safe physical environment of high quality (including housing quality)-
2. **A**n ecosystem that is stable now and sustainable in the long term-
3. **A** strong, mutually supportive and non-exploitative community-
4. **A** high degree of participation and control by the public over the decisions affecting their lives, health and well-being-
5. **T**he meeting of basic needs (for food, water, shelter, income, safety and work) for all the city's people-
6. **A**ccess to a wide variety of experiences and resources, with the chance for a wide variety of contact, interaction, and communication-
7. **A** diverse, vital and innovative city economy-
8. **T**he encouragement of connectedness with the past, and the cultural and biological heritage of city dwellers and with other groups and individuals-
9. **A** forum that is compatible with and enhances the preceding characteristics-
10. **A**n optimal level of appropriate public health and sick care services accessible to all-
11. **H**igh health status (high levels of positive health and low levels of disease).

Being a Healthy City depends not on current health infrastructure, rather upon, a commitment to improve a city's environs and a willingness to forge the necessary connections in the political, economic, and social arenas. Kiama Council was endorsed as a Healthy City by the WHO in 2008, becoming a member of the International Alliance of Healthy Cities. In recognition of the Healthy Cities approach outlined by the WHO, Kiama seeks to place health high on the political and social agenda, to empower residents to take responsibility for their health and to encourage them to live healthy lives.

**The United Nations Sustainable Development Goals, 2015-2030**

The United Nations' Sustainable Development Goals and their targets were unanimously endorsed in September 2015 by 193 countries, including Australia. Also known as the Global Goals, they are a universal call to action, to end poverty, protect the planet and allow all people the opportunity for better health, education and a peaceful society.

Whilst national strategies and overseas aid are key levers for implementation, much of the action will occur at the subnational and local government levels and involve the private sector and civil society<sup>1</sup>.

Sustainable Development Goals

- |  |  |
|--|--|
| 1. No poverty                              | 10. Reduced inequalities                   |
| 2. Zero hunger                             | 11. Sustainable cities and communities     |
| 3. Good health & wellbeing                 | 12. Responsible consumption and production |
| 4. Quality education                       | 13. Climate action                         |
| 5. Gender equality                         | 14. Life below water                       |
| 6. Clean water and sanitation              | 15. Life on land                           |
| 7. Affordable and clean energy             | 16. Peace, justice and strong institutions |
| 8. Decent work and economic growth         | 17. Partnerships for the goals             |
| 9. Industry, innovation and infrastructure |  |

**United Nations 2016 – The New Urban Agenda**

The New Urban Agenda proposes a comprehensive strategy for sustainable urban development that reflects the deepening understanding of urban systems. The WHO emphasises that a health focus will ensure the New Urban Agenda's success in helping cities to achieve their environmental, social equity and economic goals to support the health and wellbeing of their citizens.

<sup>1</sup> Australian reference to the goals (<https://dfat.gov.au/aid/topics/development-issues/2030-agenda/Pages/default.aspx>)

### National and state priorities

In formulating this plan, Council has also considered national and state priorities.

**National Health Priority Areas**<sup>4</sup> (as of September 2017) are currently:

- Cancer control
- Cardiovascular health
- Injury prevention and control
- Mental health
- Diabetes mellitus
- Asthma
- Arthritis and musculoskeletal conditions
- Obesity
- Dementia.

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**The NSW State Plan 2011-2021**<sup>5</sup> identifies the following goals in addressing health, environment & community issues:

Return quality services (provide the best transport, health, education, policing, justice and family services, with a focus on the customer)

- Keep people healthy and out of hospital
- Provide world class clinical services with timely access and effective infrastructure
- Better protect the most vulnerable members of our community and break the cycle of disadvantage
- Increase opportunities for people with a disability by providing supports that meet their individual needs and realise their potential.

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Strengthen our local environment and communities (improve people's lives by protecting natural environments and building a strong sense of community)

- Protect our natural environment
- Increase opportunities for people to look after their own neighbourhoods and environments
- Make it easier for people to be involved in their communities
- Increase opportunities for seniors in NSW to fully participate in community life
- Fostering opportunity and partnership with Aboriginal people
- Enhance cultural, creative, sporting and recreation opportunities.

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<sup>4</sup> Australian Institute of Health & Welfare (2017), Educational resource: National Health Priorities, available at <https://www.aihw.gov.au/reports/health-care-quality-performance/national-health-priority-areas-first-report/related-material>

<sup>5</sup> NSW Government Department of Premier and Cabinet (2011), 'NSW 2021: A plan to make NSW number one, available at [http://www.ipc.nsw.gov.au/sites/default/files/file\\_manager/NSW2021\\_WEBVERSION.pdf](http://www.ipc.nsw.gov.au/sites/default/files/file_manager/NSW2021_WEBVERSION.pdf)

## The planning process

The process used for updating the Health Plan is detailed below.

### Stage 1: Collection and analysis of data and literature

This stage involved the following:

- ~~a~~ Rreview of national, state, regional and local priorities.
- ~~the~~ Collection and review of data relevant to the Health Plan including statistics and reports.

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Before strategies could be developed it was important to have a thorough understanding of the changes in demographic, health and environmental indicators that have occurred over the last 5 years. This included:

- ~~E~~ the evaluation of previous Health Plans process and impact outcomes (including what worked, what didn't, what's been achieved etc.).
- ~~a~~ Review of literature review on best practice and emerging issues.

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This data compilation provided some baseline information and evidence about potential priorities. From 2006-2016 there has been an increase of 13% to the Kiama LGA population. The health status of the Illawarra Shoalhaven region identifies that our key health issues are:

- ~~o~~ verweight & obesity
- ~~p~~ sychological distress
- ~~r~~ iskey alcohol consumption ~~and~~
- ~~h~~ igher than NSW average hospitalisations due to; alcohol attributable injury, fall related injury, smoking attributable disease, coronary heart disease, chronic obstructive pulmonary disease and diabetes<sup>6</sup>.

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The data informed ~~our~~ the survey and consultation questions and formed the basis of ~~our~~ the review.

### Stage 2: Community consultation

Consultation was multi-faceted with the aim of collecting as wide a variety of opinion as possible within a specific timeframe. Two primary forms of consultation were employed, face-to-face consultations and a community survey. During the face-to-face consultations, the community and stakeholders were asked three simple questions "What helps you support your health on a daily basis? What stops you from being healthy on a daily basis? What ideas do you have to help Council improve your health?". The community survey consisted of several

questions covering a range of health and environmental issues and was distributed using a various online channels including: social media, Council website and e-newsletters as well as a hard copy mail out.

<sup>6</sup> Illawarra Shoalhaven Local Health District (2012), Our Health Care Services Plan 2012-2022.

The following channels were used to attract interest and involvement from groups and residents:

- Mail-out to organisations/groups
- Survey of residents
- Kiosks at community events
- Media campaign
- Community consultations.

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Overall approximately 75 people were consulted through the face-to-face consultations, and 413 surveys were completed and returned.

### Stage 3: Data analysis and development of a review report

Data was analysed and results collated into a report outlining the results of the review process, with the report being submitted to Council in June 2018 for endorsement.

### Stage 4: Identification and prioritisation of issues

The consultation stage identified a long list of issues. Each ~~of the issues~~ was assessed against three prioritisation criteria:

1. Opportunity: ~~(is there is an opportunity for Council to address the issue or should it primarily be addressed by another agency; and are there resources to address the issue?)~~
2. Impact: ~~(i.e. is the issue is-critical to the Kiama Municipality)~~
3. Enthusiasm: ~~(i.e. from Council, Community, Stakeholders/Other agencies).~~

### Stage 5: Strategy development

A four-hour strategy development workshop was held with Council's Health & Sustainability Advisory Committee. Participants were given pre-reading (review report, strategy ideas) prior to participating in the workshop facilitated by Council's Health Promotion Officer. Participants either confirmed current strategies or developed additional draft strategies to address identified gaps arising out of the consultations for the new health plan. Where a new strategy is proposed, this strategy has been highlighted in red text in the below tables containing the various strategies.

Kiama Health Plan 2018-2021 Updated 10 January 2019 ~~10 December 2018~~

### Stage 6: Preparation of plan for endorsement

The draft strategies were incorporated into a new draft Health Plan, which was presented to the Kiama Health and Sustainability Advisory Committee for their consideration. Comments were evaluated and minor changes were made to finalise the plan, which was then presented to Council in October 2018 for endorsement to go on exhibition before final adoption.

### Governance

The Kiama Health and Sustainability Advisory Committee (H&SC) oversees the implementation of the Kiama Health Plan. The Committee consists of Council staff, Councillors, external organisational representatives and community representatives to ensure a coordinated, community based participatory approach to the development, implementation and evaluation of initiatives, with meetings held bi-monthly. The Committee was formed in 2008 (then called the Sustainable Kiama Communities Project) to provide a mechanism for community participation in council planning, project delivery and decision-making via a consultative process around health and sustainability issues in the Kiama LGA.

Council recognises that partnerships are vitally important in implementing this Plan and has developed strong and valuable partnerships in the past. We-Council hopes to strengthen these partnerships and form new ones to achieve our common goals. We-Council will endeavour to initiate and support partnerships at both a local and regional levels to advance Council's strategic objectives and the Health Plan.

Additionally, in order to have greater reach from the strategies and actions in the Health Plan, Council provides funding to deliver two Community Health Grant Programs. The funding gives the community the opportunity to develop and implement programs in Community Gardening and Health & Sustainability, which supports community innovation, partnerships & local ownership of initiatives to support and grow community health.



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## Kiama Health Plan 2018-2021<sup>2</sup>

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### 1.0 Socially connected, cohesive and diverse

- Community connections
- Community events & gatherings
- Information provision
- Culture and arts

Action	Performance Measure	Responsible Officer or Department
OP 1.1.5.7 Maintain up-to-date New Residents Kit	Ensure New Residents Kit is reviewed and updated as required and available for distribution to local residents	Health Promotion Officer
OP 1.1.5.5 Engage with members of the community to promote Council and community health and sustainability events, information and activities	Implement activities to promote Council and community health and sustainability events, information and activities	Health Promotion Officer
OP 4.3.1.4 Distribute information of Council activities and policies on a regular basis through a range of media channels	Community newsletter distributed to residents and ratepayers electronically each week (50 weeks pa) Community newsletter distributed to residents and ratepayers electronically each week (50 weeks pa)	Communications Officer

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<sup>2</sup> The Kiama Health Plan is a living document and will be reviewed annually in line with Council's Operational Plan (OP) to facilitate the incorporation of new OPs as necessary.

<b>OP 1.1.1.2</b> Encourage, develop and acknowledge volunteers	Timebanking program set up and promoted	Cultural and Community Development Officer
<b>Action</b>	<b>Performance Measure</b>	<b>Responsible Officer or Department</b>
<b>OP 1.2.1.6</b> Create a positive volunteer culture within BHC	Targeted volunteer recruitment strategy developed and implemented Volunteer satisfaction levels	Director of Nursing/Facility Manager
<b>OP 1.1.3.2</b> Undertake activities that support the 'Build' strategy identified in Council's BISI cultural planning document	Plans are developed and progressed to be DA ready	Cultural and Community Development Officer
<b>OP 1.1.3.5</b> Undertake activities that support the 'Invest' strategy identified in Council's BISI cultural planning document	"Weave" directory updated and promoted as required Kiama Cultural Grants rounds are held and projects funded. Opportunities for increasing public art installations within the Kiama LGA are investigated	Cultural and Community Development Officer
<b>OP 1.1.3.1</b> Undertake activities that promote cultural diversity	Number of cultural diversity events held pa	Cultural and Community Development Officer
<b>OP 1.2.3.1</b> Develop and implement a program of events for young people	Percentage of program participants report in their evaluations that they feel more confident about themselves having participated in the program.	Senior Youth Worker

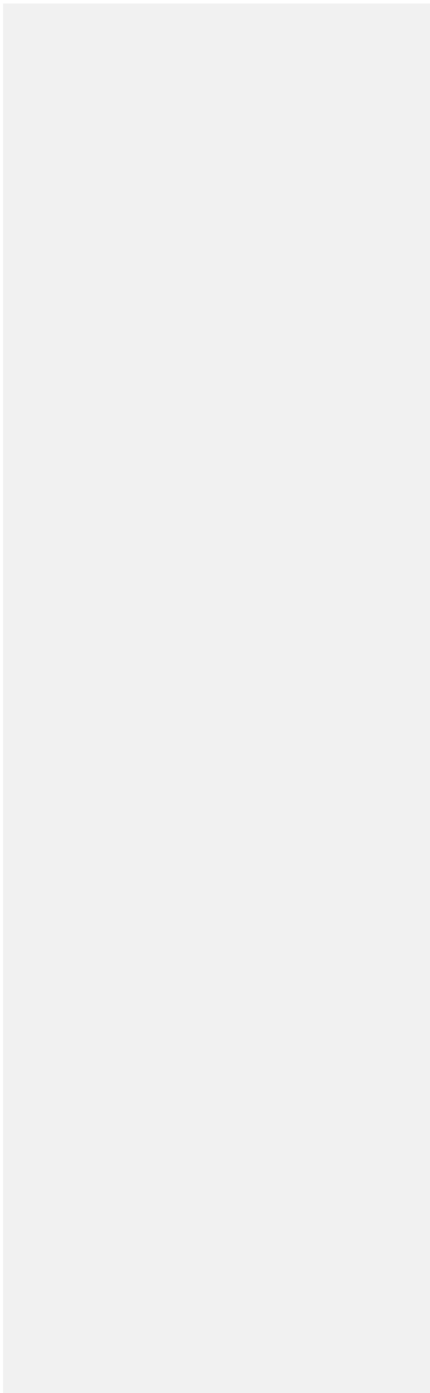
<b>OP 4.3.1.10</b> Promote availability of accessible Council information and events	Accessible Council information and events are promoted.	Communications Officer
<b>Action</b>	<b>Performance Measure</b>	<b>Responsible Officer or Department</b>
<b>OP 4.3.1.3</b> Coordinate information on Council activities and policies on a regular basis through a range of media	Public notices and regular notifications placed in local newspapers	Communications Officer
<b>OP 4.3.1.4</b> Distribute information of Council activities and policies on a regular basis through a range of media	Community newsletter printed and distributed to ratepayers (hard copy) each quarter Community newsletter distributed to residents and ratepayers electronically each week (50 weeks pa)	Communications Officer

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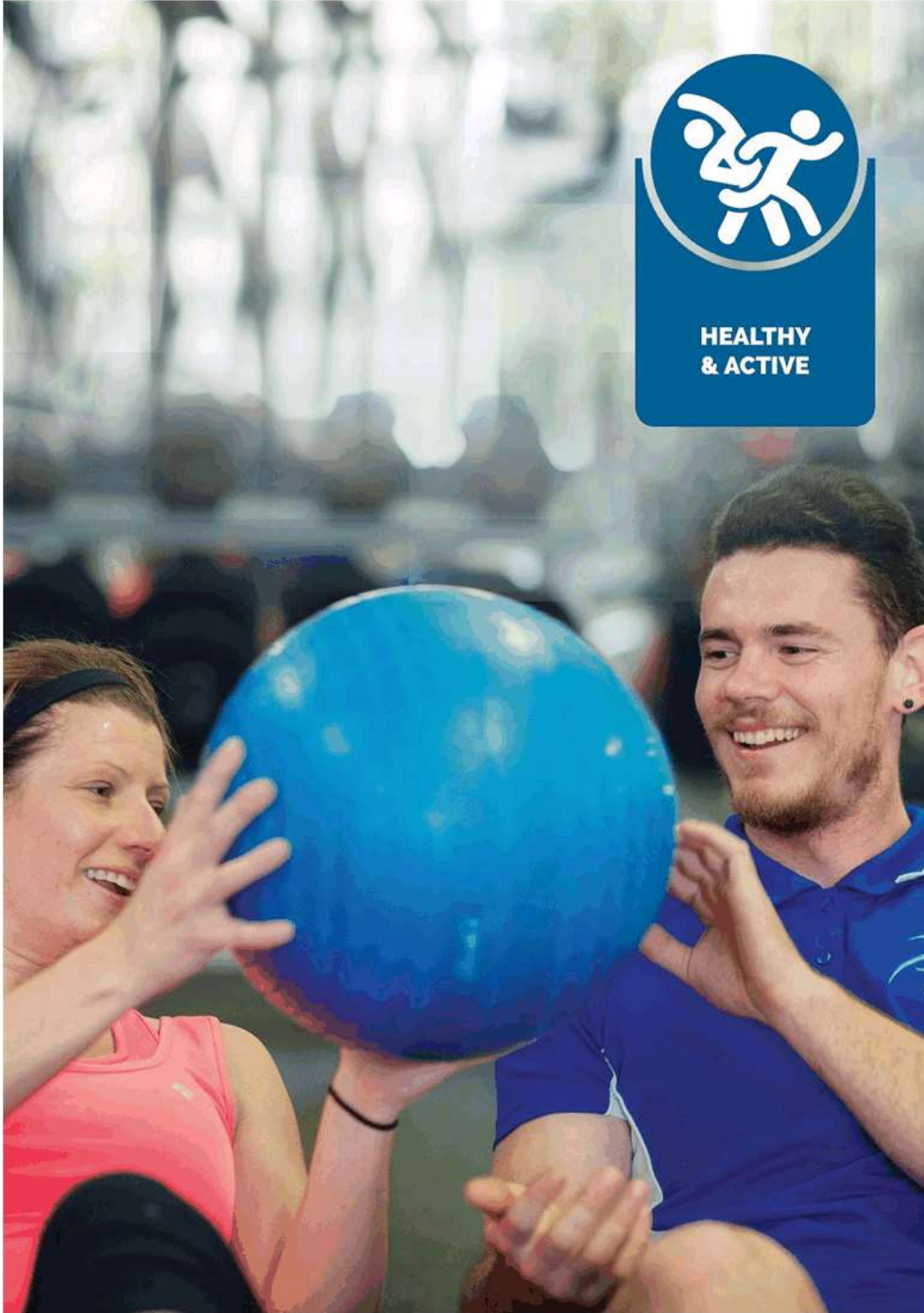
<p><b>OP 2.5.1.4</b> Complete audit of all accessible parking places and identify improvements. Where facilities are to be upgraded or new facilities provided, the plan for these facilities are tabled at Access Committee for comment with the feedback incorporated into the 4-year work program</p>	<p>Completion of audit Plans tabled at Access Committee for comment as required</p>	<p>Manager Design and Development</p>
<p><b>Action</b></p>	<p><b>Performance Measure</b></p>	<p><b>Responsible Officer or Department</b></p>
<p><b>OP 1.2.3.3</b> Provide information, referral, advocacy and support for young people through the SENTRAL youth facility and online mediums</p>	<p>Percentage of program participants report that the support provided by the Youth Service has assisted them.</p>	<p>Senior Youth Worker</p>
<p><b>New OP 19/20</b> Provide information on Council's Website to the community about available mental health support services</p>	<p>Information provided and updated annually Information distributed through Health &amp; Sustainability Newsletter</p>	<p>Health Promotion Officer</p>

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2.0 Healthy and active

- Physical activity
- Mental health and wellbeing and drug and alcohol programs
- Sportsgrounds, pools & infrastructure
- Public health (regulatory)
- Smoke free environments
- Walkways, cycle ways, shaded playgrounds & outdoor exercise equipment

Action	Performance Measure	Responsible Officer or Department
<b>OP 1.1.5.4</b> Engage with and educate members of the community on leading an active, healthy and sustainable lifestyle	Implement activities to engage with and educate members of the community on leading an active, healthy and sustainable lifestyle	Health Promotion Officer
<b>OP 1.3.2.8</b> Implement Public Health Act legislation (public and private swimming pools and water supplies, skin penetration, legionella)	Annual report submitted to NSW Health by due date Action to rectify breaches of legislation commenced within 5 days of notification Registers of premises and compliance are reviewed and updated as required by legislation Inspections of all registered premises conducted in accordance with schedule	Environmental Health Officer
<b>OP 1.1.5.12</b> Ensure effective operations of Leisure centre and Jamberoo Pool to meet community needs	Monitor total Leisure Centre patronage to meet customer needs Maintain number of pool bookings for schools, swim clubs and aquatic customers pa Ensure Leisure Centre membership is maintained at capacity Swim school operation levels are maintained	Leisure Centre Manager

Action	Performance Measure	Responsible Officer or Department
<b>OP 1.1.5.13</b> Maintain or increase user satisfaction of Leisure Centre and Jamberoo Pool facilities and its activities and programs	Customer satisfaction levels in annual customer satisfaction survey reported as good, very good or excellent	Leisure Centre Manager
<b>OP 1.3.1.2</b> Conduct surf awareness education programs in local primary schools	Annual program completed	Leisure Centre Manager
<b>OP 1.3.3.1</b> Implement Local Road Safety Action Plan	Council endorsed recommendations implemented or included In Asset Management Plan Plan, promote and implement Bike Week activities Plan, promote and implement Road Safety Workshop	Road Safety Officer
<b>OP 1.1.5.1</b> Implement a range of health and wellbeing programs for young people	Number of health and wellbeing programs for young people completed Number of young people participating in health and wellbeing programs 80% of program participants report in their evaluations that they feel more confident about their wellbeing having participated in the program	Senior Youth Worker
<b>OP 1.1.6.5</b> Identify and prepare cycleway funding applications	Lodgement of applications for external grant funding for cycleways	Manager Design and Development

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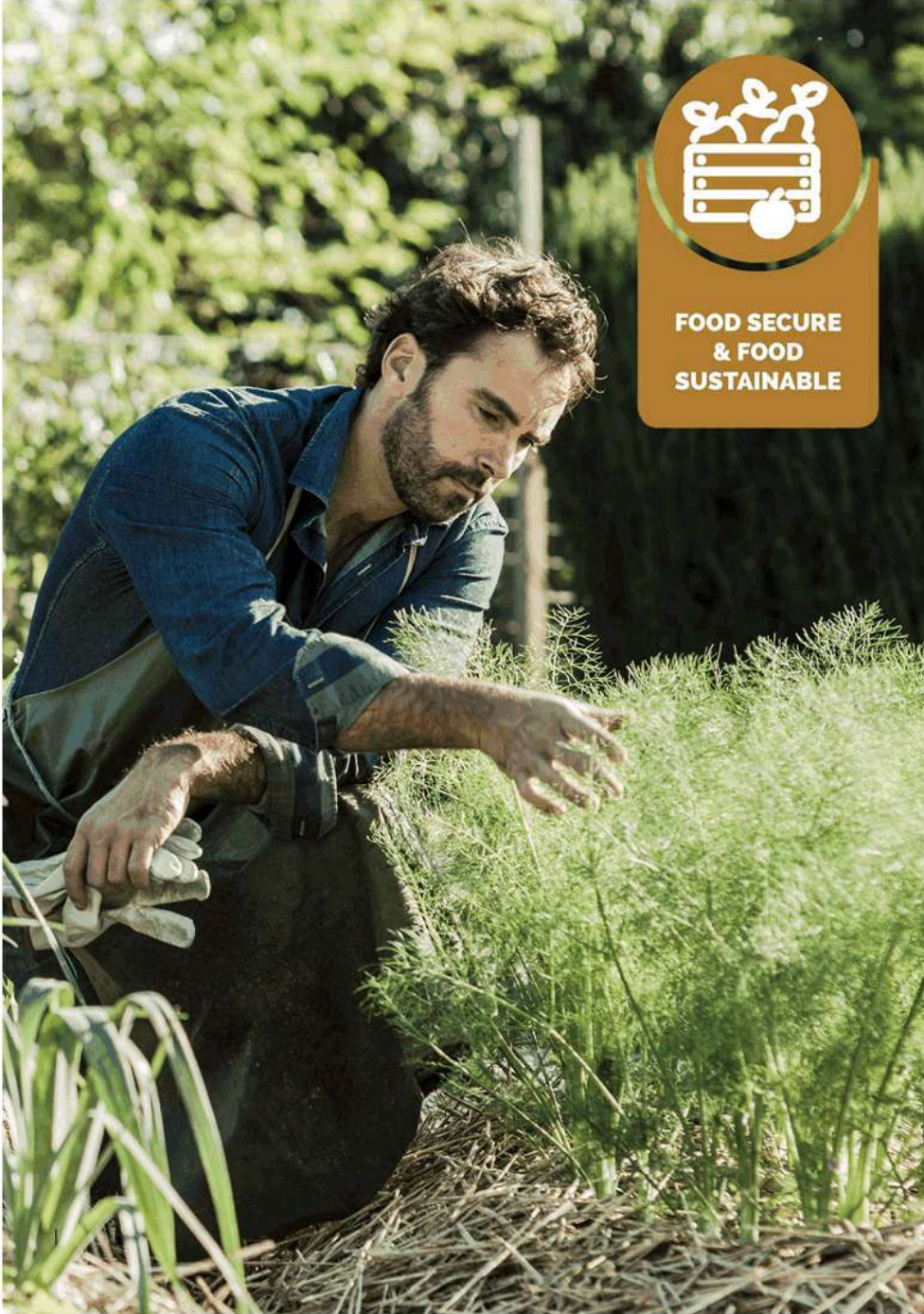


Action	Performance Measure	Responsible Officer or Department
<p><b>OP 1.2.3.2</b> Provide a range of educational and recreational community development programs in conjunction with local schools</p>	Percentage of program participants report in their evaluations that they gained valuable skills and knowledge from participating in the programs	Senior Youth Worker
<p><b>OP 1.1.7.4</b> Improve accessibility of recreational facilities including wheelchair access to seating, shaded areas, outdoor exercise and play equipment</p>	Where facilities are to be upgraded or new facilities provided, the plan for these facilities are tabled at Access Committee for comment with the feedback incorporated into the 4-year work program	Manager Design and Development
<p><b>OP 1.3.3.2</b> Prepare road safety funding applications</p>	Applications lodged for all available grant funding for road safety initiatives	Road Safety Officer
<p><b>OP 1.3.3.6</b> Plan, promote and implement road safety activities</p>	Host NSW Bike Week Activities Host Road Safety Workshops	Road Safety Officer
<p><b>OP 1.3.1.1</b> Undertake scheduled patrol programs for Council beaches</p>	Ratio of rescues conducted to preventative actions undertaken	Leisure Centre Manager

Action	Performance Measure	Responsible Officer or Department
<p><b>OP 1.1.1.7</b> Allocate an accessibility budget to support access resources and assistance to ensure maximum opportunity for all residents to genuinely participate in Council functions, consultations, events and activities.</p>	Annual budget allocated to assist accessibility of Council's community consultations and events	Manager Community and Cultural Development
<p><b>New OP 19/20</b> Implement programs that support the wellbeing of young people and educate them about the risks of drug &amp; alcohol use</p>	Number of programs implemented that incorporate content on this topic	Senior Youth Worker

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3.0 Food secure and food sustainable

- Food & nutrition
- Community gardens
- Food sustainability & security

Action	Performance Measure	Responsible Officer or Department
<p><b>OP 1.3.2.1</b> Administer Food Safety Legislation</p>	<p>Temporary food stall applications determined within 21 working days</p> <p>Inspections conducted in accordance with NSW Food Regulation Partnership</p> <p>Compliance with legislation and food safety standards</p> <p>Food recall system implemented with 48 hours of notification</p>	<p>Environmental Health Officer</p>
<p><b>OP 1.3.2.2</b> Provide Food Safety Education</p>	<p>Provide "I'm Alert" online food education training</p> <p>Number of food safety education workshops</p> <p>Number of Food Safety Newsletters developed and distributed</p>	<p>Environmental Health Officer</p>
<p><b>OP 1.1.5.3</b> Engage with and educate members of the community on healthy, affordable and sustainable food and gardening practices</p>	<p>Implement activities to engage with and educate members of the community on healthy, affordable and sustainable food and gardening practices</p>	<p>Health Promotion Officer</p>



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4.0 Encourage and enhance a healthy and sustainable economy

- Music and art facilities and support
- Supporting and growing the local economy

Action	Performance Measure	Responsible Officer or Department
<b>OP 3.1.3.1</b> Conduct forums and programs that support Economic Development via the Kiama Small Business Forum	Number of forums and programs held supporting the Kiama Small Business Forum	Economic Development Manager
<b>OP 1.1.3.3</b> Undertake activities that support the 'Integrate strategy' identified in Council's BISI cultural planning document	Cultural Board meetings are held each year Deliver the annual Music in the Park program	Cultural and Community Development Officer
<b>OP 3.1.1.2</b> Undertake a 'Demand Study' to ensure an adequate supply of employment lands to meet future needs	Completion of Demand Study	Economic Development Manager
<b>OP 3.1.3.4</b> Develop and promote Kiama's economic and employment opportunities	Development of an Investor's Prospectus	Economic Development Manager

Action	Performance Measure	Responsible Officer or Department
<p><b>OP 1.1.3.4</b> Undertake activities that support the 'Sustain' strategy identified in Council's BISI cultural planning document</p>	<p>The annual Arts Honour Roll program is completed Annual program of Arts Biz education workshops are held in partnership with Shellharbour City Council Number of artists gatherings held to promote networking</p>	<p>Cultural and Community Development Officer</p>
<p><b>New OP 19/20</b> Look for opportunities to promote Healthy &amp; Sustainable Environments through tourism channels</p>	<p>Distribute the Destination Kiama publication through tourism channels Identify opportunities to distribute information on Sustainable tips for visiting Kiama, through various tourism channels in partnership with other Council staff</p>	<p>Manager Tourism and Events</p>
<p><b>New OP 19/20</b> Encourage businesses in the LGA to use environmentally friendly practices</p>	<p>Number of programs and projects implemented per annum</p>	<p>Manager Environment and Health</p>



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5.0 Healthy, protected and sustainable environment

- Natural environment
- Built environment
- Waste management
- Regulatory and statutory
- Council facilities and operations

Built Environment		
Action	Performance Measure	Responsible Officer or Department
<p><b>OP 1.3.2.4</b> Create a register and implement a compliance program as required by the Environmental Planning and Assessment Regulation</p>	<p>Ensure Annual Fire Safety Statements are received annually for all relevant premises</p>	<p>Manager Development Assessment</p>
<p><b>OP 2.1.1.4</b> Assess Planning Proposals against relevant State Government legislation and Council Policy</p>	<p>Requests for Planning Proposals are reported / determined within 90 days of lodgement All Planning Proposals are completed within timeframe set out in Gateway Determination</p>	<p>Manager Strategic Planning</p>
<p><b>OP 1.1.7.2</b> Manage new recreation and open space asset creation</p>	<p>Percentage of Council approved new asset program completed on time, within approved scope, within budget and to agreed standard Percentage of new asset budget expended</p>	<p>Manager Depot Operations</p>

Built Environment		
Action	Performance Measure	Responsible Officer or Department/Action
<p><b>OP 1.1.6.1</b> Manage footpath and cycleway asset renewals</p>	<p>Percentage of Council approved renewal program completed on time, within approved scope, within budget and to agreed standard</p> <p>Percentage of renewal budget expended</p>	Works Coordinator
<p><b>OP 1.1.6.2</b> Manage new footpath and cycleway asset creations</p>	<p>Percentage of Council approved new asset program completed on time, within approved scope, within budget and to agreed standard</p> <p>Percentage of new asset budget expended</p>	Works Coordinator
<p><b>OP 1.1.6.3</b> Implement maintenance program for footpath and cycleway infrastructure and assets</p>	<p>Percentage of Council approved maintenance program completed on time, within approved scope, within budget and to agreed standard</p> <p>All required maintenance completed within 5 days</p>	Works Coordinator
<p><b>OP 1.1.6.4</b> Consult with people with a range of disability types to establish priorities within Council's pathway management plan</p>	<p>Quarterly review of pathways planning invites input from Council's Access Committee</p>	Manager Depot Operations

<b>OP 4.2.4.2</b> Advocate for provision of improved and accessible public transport within and between towns	Advocacy undertaken with key stakeholders	General Manager
<b>Built Environment</b>		
<b>Action</b>	<b>Performance Measure</b>	<b>Responsible Officer or Department/Action</b>
<b>OP 1.1.7.1</b> Manage recreation and open space renewals	Percentage renewal program completed Percentage of Council approved renewal program completed on time, within approved scoped, within budget and to agreed standard	Manager Depot Operations
<b>OP 2.1.1.3</b> Commence research and community engagement process to inform review of strategic and statutory land use planning documents	Vision and principles to inform the review of strategic and statutory land use planning documents complete	Manager Strategic Planning
<b>New OP 19/20</b> Support implementation of smoke free legislation within the Municipality and promote compliance at all Council events	Percentage of outdoor dining venues complying with legislation (target 100%) Percentage of Council community events promoted as smoke free events	Manager Environment & Health

<b>New OP 19/20</b> Look for opportunities to increase the access to public water stations for the community. Dependent on capital works budget endorsement by Council	Number of new public water stations provided in public places	Director Engineering & Works
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Built Environment		
Action	Performance Measure	Responsible Officer or Department
<p><b>New OP 19/20</b> Look for opportunities to provide effective shade (natural and manmade) in public places especially sporting grounds, playgrounds and community events. Dependent on capital works budget endorsement by Council</p>	Number of new shade structures provided in public places	Director Engineering & Works

Natural Environment		
Action	Performance Measure	Responsible Officer or Department
<p><b>OP 2.4.2.1</b> Implement programs identified in the Regional Waste Plan</p>	Programs commenced or completed in accordance with adopted annual work plan	Waste Management Officer

<b>OP 1.3.2.13</b> Investigate public and environmental health complaints	High risk public and environmental health complaints investigated Non-high risk public and environmental health complaints investigated	Manager Environment & Health
<b>Natural Environment</b>		
<b>Action</b>	<b>Performance Measure</b>	<b>Responsible Officer or Department/Action</b>
<b>OP 2.2.3.2</b> Undertake and support on-ground activities and biodiversity education to promote and enhance natural areas	Community education events aligned to National Tree Day and World Environment Day	Environmental Sustainability Officer
<b>OP 2.2.2.1</b> Support and implement local Illawarra Landcare projects	Requests for technical/material support completed within allocated budget	Landscape Officer
<b>OP 2.2.2.2</b> Pursue grant funding for natural area restoration at priority sites on Council land	Appropriate grant applications are reviewed and/or submitted for funding consideration	Environmental Sustainability Officer

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<p><b>OP 2.2.1.1</b> Implement actions identified within adopted Coastal Zone Management Plans in accordance with funding and resource availability</p>	<p>Grant funded programs are delivered to schedule</p>	<p>Environmental Sustainability Officer</p>
<p>Natural Environment</p>		
<p>Action</p>	<p>Performance Measure</p>	<p>Responsible Officer or DepartmentAction</p>
<p><b>OP 2.1.3.1</b> Protect and maintain productive agricultural lands through ensuring Council's statutory and policy documents contain necessary framework</p>	<p>Council to liaise with NSW DPI-Lands to determine a timeframe for agricultural classification mapping project.</p>	<p>Manager Strategic Planning</p>
<p><b>OP 2.5.2.4</b> Manage drainage asset maintenance and operation including gross pollutant traps and drainage pits</p>	<p>All required maintenance completed within 5 days Annual schedule developed</p>	<p>Engineering Administration Officer  Director Engineering and Works</p>

<b>OP 2.4.2.2</b> Implement programs identified in the Regional Litter Strategy	Programs commenced or completed in accordance with adopted annual work plan	Manager Environment & Health
<b>OP 2.4.1.1</b> Operate Community Recycling Centre	Increase in the usage of the Community Recycling Centre Amount of waste diverted from landfill	Manager Waste Services
<b>OP 2.4.1.2</b> Provide scheduled domestic and commercial collections for waste, recycling and organics	Services comply with collection and recycling contract and service schedule	Manager Waste Services
<b>Natural Environment</b>		
<b>Action</b>	<b>Performance Measure</b>	<b>Responsible Officer or Department</b> <b>Action</b>
<b>OP 1.3.2.14</b> Implementation of Protection of Environment Operations (Clean Air) Regulations	Determine applications under Protection of Environment Operations (Clean Air) Regulations within 14 days	Senior Ranger
<b>OP 2.2.1.2</b> Implement programs required as a result of the NSW Coastal Reforms process	Develop Kiama LGA Coastal Management Program in line with agreed work program	Environmental Sustainability Officer
<b>OP 2.2.2.3</b>	All bush regeneration works are completed as scheduled	Landscape Officer



Manage vegetation at Seven Mile Beach Reserve		
<b>OP 2.2.3.1</b> Comply with Noxious weeds Biosecurity legislation through Illawarra District Noxious Weeds Authority	All notifiable events are reported to the Illawarra District Weeds Authority	Landscape Officer
<b>OP 2.4.2.4</b> Develop and implement approved programs funded through the NSW EPA Better Recycling Fund	Programs implemented as per Better Waste Recycling Fund Project Table	Waste Management Officer
<b>Natural Environment</b>		
<b>Action</b>	<b>Performance Measure</b>	<b>Responsible Officer or Department</b> <b>Action</b>
<b>OP 2.4.2.5</b> Undertake scheduled waste management programs and workshops	Total tonnages diverted from landfill from programs undertaken Number of waste management workshops undertaken Number of annual waste management events undertaken	Waste Management Officer
<b>OP 2.4.2.6</b> Process recyclables and organics	Total tonnages of recyclable processed Total tonnages of organics processed Resource Recovery target achieved as set by NSW EPA	Waste Manager

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<p><b>OP 3.1.2.1</b> Develop Agribusiness Policy</p>	<p>New business enquiries resulting from Guidelines completed and implemented</p>	<p>Economic Development Manager</p>
<p><b>New OP 19/20</b> Continue to investigate ways that Council can minimise our energy consumption, water waste and environmental footprint</p>	<p>Number of programs and projects implemented per annum</p>	<p>Manager Environment &amp; Health</p>
<p><b>New OP 19/20</b> Implement the pledges made under the Cities Power Partnership program.</p>	<p>Number of programs and events and pledges implemented per annum (target 2 per annum)</p>	<p>Manager Environment &amp; Health</p>

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**10.6 Kiama Council Community Safety Committee - Terms of Reference**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

**Summary**

This report provides:

- a revised terms of reference for the Community Safety Committee for Council's endorsement;
- a recommendation for Council to endorse the two nominations for the committee as attached to this report;
- recommendations for undertaking a further round of advertising calling for additional nominations, and
- requests Council to nominate at least one Councillor representative for the Committee.

**Finance**

Nil

**Policy**

Kiama Municipal Council CCTV Policy.

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Revised Terms of Reference for the Community Safety Committee Jan 2019 [↓](#)
- 2 Community Safety Committee EOI Aapo Skorulis - redacted [↓](#)
- 3 Community Safety Committee EOI Chris Cassidy - redacted [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council nominate a Councillor representative for the committee and endorse:

- the revised terms of reference for the Community Safety Committee;
- the two received nominations for the Community Safety Committee, and
- a third round of advertising calling for additional expressions of interest to join the Committee.

Report of the Director Environmental Services

10.6 Kiama Council Community Safety Committee - Terms of Reference (cont)

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## BACKGROUND

Two rounds of advertising calling for expressions of interest to join the Community Safety Committee have now been held. The first round closed in late April 2018 and resulted in no nominations being received. The second round closed in mid-December 2018 resulting in two nominations for representatives from both the Southern Precinct and Minnamurra Progress Association, with both appearing to be appropriate for the role. Council is asked to endorse both of these nominations. In addition to these two nominations, NSW Police have confirmed that Acting Inspector Lee Ingmire will be the Police representative from Lake Illawarra Police District. Council also needs to nominate Councillor representative(s) for the committee.

Under the current Terms of Reference (ToR) for the committee, a quorum cannot be achieved without 50% + 1. The ToR are silent on whether this applies to the currently Council endorsed members, or the potential full range of members. The ToR has been revised to clarify this matter, plus to update some other administrative and grammatical aspects of the ToR.

Given that there are still a number of vacancies for the committee, Council's endorsement to re-advertise calling for further expressions of interest to join the committee is sought.

Item 10.6



**Terms of Reference**

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<b>Name of committee</b>	<b>Community Safety Committee</b>
<b>Status</b>	Council committee <input checked="" type="checkbox"/> <input type="checkbox"/> Statutory committee Sunset committee <input type="checkbox"/> (specify the end date.....) <input type="checkbox"/>
<b>Purpose</b>	To create a safer community
<b>Objectives</b>	<ul style="list-style-type: none"> <li>To implement strategies that help people feel safe in the community</li> <li>To achieve lower rates of crime throughout the Municipality</li> <li>To develop, implement and monitor a Community Safety <u>and Crime Prevention Plan</u></li> <li>To monitor and review the operation of the street surveillance systems, its policies and procedures</li> <li>To identify and consider potential crime prevention strategies</li> <li>To provide a forum for issue identification and discussion</li> <li><del>To develop and implement a coordinated and prioritised work program for the Committee</del></li> </ul>
<b>Committee Meetings</b>	Meetings are to be held quarterly
<b>Venue</b>	Meetings will be held at the Kiama Council Chambers or other suitable venues as required.
<b>Membership</b>	<ul style="list-style-type: none"> <li>Minimum of one nominated Councillor (plus Councillor alternate)</li> <li>Up to 2 community representatives</li> <li>A representative of the NSW Police</li> <li>A representative of the Southern and Central Precincts, the Jamberoo Residents and Ratepayers Association and the <u>Minamurra Minnamurra Progress Association</u></li> <li>Minimum of one representative from the following – Council departments: Department of <u>Corporate, Commercial Environment Planning and Community Services PLACES</u>.</li> <li>Other Council officers as required.</li> </ul>

<b>Meeting Quorum</b>	<p>A Quorum will be deemed to have been met under the following criteria:</p> <ul style="list-style-type: none"> <li>i. Minimum of 50% plus 1 <u>of the current membership</u></li> <li>ii. Or per statutory requirements (if required).</li> </ul>
<b>Meeting administration</b>	<ul style="list-style-type: none"> <li>• Meetings are to be chaired by a Councillor or <del>as elected by the committee and endorsed by</del> Council <u>representative</u>.</li> <li>• Minutes will be taken by a representative of Council.</li> <li>• Minutes are required to be submitted for the next Ordinary Meeting of Council immediately following the committee meeting.</li> <li>• Minutes and agendas will be circulated no less than seven days prior to next scheduled meeting.</li> </ul>
<b>Selection of members</b>	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ul style="list-style-type: none"> <li>i. through a public invitation for EOI by applicants</li> <li>ii. by consideration of applications by Council</li> <li>iii. by Council approval of successful applicants</li> </ul> <p>The following factors will be taken into consideration when determining members:</p> <ul style="list-style-type: none"> <li>i. the persons relevant experience &amp; expertise</li> <li>ii. whether the person is a resident of the Kiama Local Government Area</li> <li>iii. there is a gender balance</li> <li>iv. there is representation from across the full Kiama geographical area</li> <li>v. cultural and age diversity is represented</li> <li>vi. committee members are able to demonstrate that they are “connected and representative” of the community</li> </ul>
<b>Responsibility</b>	<p>Committee members will:</p> <ul style="list-style-type: none"> <li>i. act in an advisory role to Council staff</li> <li>ii. provide strategic guidance on implementation of safety programs and initiatives</li> <li>iii. provide important links to the communities they represent in promoting and delivering safety programs and initiatives</li> <li>iv. participate in working parties as needed</li> <li>v. at all times comply with Councils Code of Conduct</li> <li>vi. at all times contribute in a positive and respectful manner</li> <li>vii. avoid disruption, contrary conduct or being wasteful of time and resources</li> </ul>

<b>Term of membership</b>	<p>Non Councillor membership of the Community Safety Committee will be for</p> <p>a) 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>
<b>Termination of membership</b>	<p>Non Councillor member positions will be declared vacant/terminated when a member:</p> <ul style="list-style-type: none"> <li>i. completes their designated term and retires from the committee</li> <li>ii. completes their term and is not re appointed</li> <li>iii. resigns their membership, in writing, to the Chairperson</li> <li>iv. fails to attend more than 75% of scheduled meetings unless granted special leave of absence by the Chairperson</li> <li>v. acts in a way that is contrary to their responsibility as outlined (above).</li> </ul> <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>
<b>Process for termination</b>	<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>
<b>Code of Conduct</b>	<p>At all times Councillors, employees and Council officials must comply with Council's Code of Conduct.</p>

TRIM Reference:

Item 10.6

Attachment 1



# Kiama Council Community Safety Committee



## Nomination Form

21 NOV 2018

Name  Kiama Municipal Council

Phone

Address

Email

Occupation

Are you nominating as a representative of:

- the Central Precinct
  - the Southern Precincts
  - the Jamberoo Residents and Ratepayers Association
  - the Minnamurra Progress Association
- or
- No, I am a general community member

What is your prior experience relevant to the Committee?

See attached brief resume

Item 10.6

Attachment 2

Do you have any professional or technical organisation memberships or qualifications relevant to the Committee?

Minnamurra Progress Association - Public Officer and Treasurer (see attached relevant minutes from 6th November 2018 meeting)

Do you have any involvement with crime or safety services?

Nil - past member of Armidale Search and Rescue

Briefly explain why you would like to serve on the Kiama Community Safety Committee and how you believe you could contribute as a member. Be specific and please use additional paper if required.

I have been a member of the Kiama Municipality for the past 30 years and our family has grown up in the region. A safe community is critical for the well being of its citizens so that they can go about their daily business feeling comfortable and understanding their obligations in contributing to the safety of the area.

What do you hope to accomplish as a member of this Committee?

Maximising opportunities to ensure that the Kiama Municipality is a safe place for all citizens.

I understand that any or all of the information on this form may be verified. If appointed to this Committee I consent to the release of this information and the use of my photo for promotional purposes for this Committee.

Signature

[Redacted Signature]

Date

21/11/18

Please return this form to Kiama Council by email to: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)  
or by post to: PO Box 75, Kiama NSW 2533

Item 10.6

Attachment 2

AAPO SKORULIS

Received

21 NOV 2018

**PROFESSIONAL EXPERIENCE**

**Department of Industry, Innovation and Science (Cwth)**

Mar 2012 - July 2018

**General Manager NSW/ACT State Office AusIndustry**

Kiama Municipality Sydney, NSW

AusIndustry develops and delivers government programs to support business and industry, including several collaborative programs with the Tax, Environment and Energy, and Customs Departments.

*Primary Responsibilities*

- Responsible for Wollongong, Wagga Wagga, ACT, Tamworth, and Newcastle regional offices
- Managed operational requirements, as part of a Commonwealth Government Dept including ministerial liaison, visit coordination, briefs and correspondence, policy partner liaison, program updates along with associated budget appropriation reports, and intelligence briefs

**eWater Ltd & eWater Innovation Pty Ltd**

Nov 2006 - Feb 2012

**Executive Manager, Business Operations**

Sydney, NSW

eWater is a national and international leader in the development, application, and commercialisation of integrated water cycle management products.

*Primary Responsibilities*

- Management and facilitation of all financial, HR, administrative, asset management, contract negotiation and approval, strategic and business planning, logistics, ITC services, IP, legal, and reporting, with staff located across 5 states

**General Manager, Innovation & Commercial Development**

Mar 2004 - Nov 2006

I established an Office of Innovation & Commercialisation in 2004 to enhance the University's profile in anticipation of increased focus from the Federal Government on outcomes of publicly funded research.

*Primary responsibilities*

- Assisted with the development of policies, procedures to commercialize research. Commercial contracting activities turnover: \$8 million per year
- Facilitated education programs for academic staff to develop appropriate skills
- Established a risk management framework for the evaluation of commercial activities
- Managed usage, protection, and identification of the University's intellectual property

**Director, Office of Research**

Oct 1995 - Feb 2004

*Primary Responsibilities*

- Managed a direct staff of 21 and facilitated the work of 300 active research staff
- Administrated the entire research grant funding process. Income managed: \$25 million/year
- Managed acquisition of major infrastructure including associated maintenance and support
- Managed commercial research activities and developed policies and procedures to minimise the risk to University and maximise income. Income: \$8 million/year
- Dealt with ethics issues including human experimentation, animal research and biosafety
- Managed all aspects of postgraduate research student candidature including scholarships and payroll. 320 students, budget of \$5 million/year

**Australian Research Council (ARC)**

Jun 2001 - Nov 2001

**Director, Program Coordination**

Sydney, NSW

Secondment position at the request of the CEO of the ARC

*Primary Responsibilities*

- Prepared documentation for the Board and Minister
- Managed a staff of 30 and approximately \$300 million/year in funding allocations
- Established and coordinated interagency relationships, especially the National Health & Medical Research Council
- Dealt with all post award funding issues in collaboration with finance and DEST legal teams
- Handled change management and interdepartmental issues

***HIGHLIGHTED BOARDS AND COMMITTEES***

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- Board Member – Illawarra Regional Development Board
- Executive Board Member – Sutherland Shire Hub for Economic Development
- Past Director – CRCWS Ltd and member of Executive
- Past Director & Chair – Welded Structures Foundation Ltd

Item 10.6

Attachment 2

Date Received

21 NOV 2018

**MINNAMURRA PROGRESS ASSOCIATION** -----MINUTES 6<sup>th</sup> NOVEMBER 2018

Kiama Municipal Council

**PRESENT:** Cliff MASON (Chair), Graeme & Cheryl COLLINSON-SMITH, Nellie DELHAAS, Aapo SKORULIS, Ian DODSWORTH, Pat PHELAN, Rae McCLYMONT, Wayde SIEMSEN, Ray SMITH, [10 members] + Guest KMC General Manager, Kerry McMURRAY. **Total attendance: 11.**

**APOLIGIES:** Bruce COLE, Cncl Mark WAY, Barry MAHONEY, Wayne NICHOLSON, Del DRAXL, KMC Finance Director Rob OWENS. Apologies were accepted.

MEETING OPENED 7.18 PM.

\*Cliff MASON in the Chair. He welcomed Kiama Council General Manager, Kerry McMURRAY, and our Members.

**MINUTES 2<sup>nd</sup> OCTOBER:** Moved: Wayde S., Seconded: Graeme C-S., CARRIED.

\*Cliff submitted an objection to the Telstra cell tower DA on the basis of confusing design plans and to ensure the tower was not erected behind the iconic Minnamurra (Railway) sign. Councils Brendon Leo has inspected the site and gone back to the applicant requesting more detailed plans. Aapo complimented Cliff on the quality of his submission.

\*Cliff noted that Councillor Way had reported after our last meeting that another complaint had been lodged by an off-shore fisherman about the (Boral) dust cloud over the Minnamurra area. We need to monitor this in future and keep in touch with our member, Selwyn HOLLAND, who is on the Boral Community Consultative Committee.

\* Cliff noted the Associations thanks to Kerry McMURRAY for Councils re-sealing of Charles and Railway Avenues. It was later resolved that we send a formal letter of thanks to Council.

\* Moved Ray S. sec Cheryl C-S. that normal business be suspended to allow introduction of our guest speaker. CARRIED.

**GUEST SPEAKER:** President Cliff introduced Kiama Councils General Manager, Kerry McMURRAY to speak about their fresh application for a Special Rate Variation (SRV).

Kerry explained that through a bureaucratic technicality, Council was forced to re-apply after 12 months for the SRV to apply for another two years, instead of having approved it for the original 3-year period. The proposal goes on public exhibition tomorrow for a three-week period. Any member may make a submission during this period.

Kerry noted that the 3-year SRV was part of the original anti-merger submission two years ago to ensure Kiama Council was "fit for the future", and the fact that the merger was not forced upon local residents meant that the community should support the SRV application. The meeting generally felt that with the many improvements being made recently to the Minnamurra area (like the road re-sealing), the rate rise seemed to be justified.

Item 10.6

Attachment 2

There followed a number of comments and questions (not related to the SRV) as follows:

1. Ray S. expressed concern at the increasing density of housing and units in the area & didn't want it to get like Shellharbour. Kerry noted that Council had been successful through the regional Local Govt. forum of getting the State Government to delay implementing new planning laws for 12 months giving time for Council to tighten its DCP & LEP rules to limit the worst features of the new laws.
2. President Cliff also noted that Minnamurra was zoned Low Density, but this dis still allow subdivisions down to 450m2. He also encouraged members to attend the Kiama Town Centre Study workshops as this provided a forum for comments on parking and development design. Comments could also be made online.
3. The status of the proposed bike park in the quarry was raised. Kerry noted this is still going ahead and is likely to be constructed in February/march next year.
4. Nel D. expressed concern again at the speed of cars on Charles Avenue in front of the school. We should note this to Council who'll ask the Police to conduct more patrols. President Cliff noted that we had hoped to meet with the P&C and approach the State member about getting a drop-off area built on school grounds. Kerry noted that this should be done asap as the State Govt will go into caretaker mode on 1<sup>st</sup> March. It was also noted by a member that the ACT has a slower 25kph school zone and wondered whether ours could be lowered.
5. Cheryl C-S. asked whether the walls of the Federal St railway underpass could be painted or decorated as it looks unsightly at present., Cliff noted that Councillor Way had previously passed on a suggestion for street art similar to the walls of the Kiama Downs Surf Club Toilets & will follow-up this suggestion to Council.
6. Ray S. expressed concern at the newly installed pedestrian "refuge" at the southern end of Charles Ave. He said that when buses pulled up at the bus stop there, traffic was held up as there was no room to overtake and the bus stop should be moved. Whilst a widening of the road bridge over the rail line to allow a pedestrian path on the north side would have been preferable, most realised the chances of getting State Rail to do this in a reasonable time were minimal and the present solution was a reasonable short-term fix.
7. Cheryl C-S. drew attention to the erosion of steps down to the river at the northern end of the James Holt reserve near the boat ramp.

---

After all questions, Pres. Cliff thanked Kerry McMurray for his presentation and time and this was carried with acclamation. Kerry asked us to put the queries into a letter and he would personally follow them up. Mr McMurray then asked to be excused from the meeting.

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CORRESPONDENCE:

1. From KMC inviting the Association to nominate a representative on their Community Safety Committee. This Committee would meet every quarter to develop a Community Safety Plan and the committee would include a representative of the NSW Police. Two members, Aapo SKORULIS

and Cheryl COLLINSON-SMITH expressed interest, and Cheryl then suggested Aapo take the position. This was moved Ian D. sec Rae McC. and Carried. Aapo to apply with our endorsement and Cheryl should be the Alternate.

2. Invitation from Jonathan O'Dea MP to attend a NSW Community Cabinet Visit in Ulladulla, but the President was unable to attend.

3. Invitation for members to attend the final Minnamurra Boardwalk/Cycleway Workshop at Kiama Golf Club 6pm Monday 12<sup>th</sup> November. All members were urged to attend to support this project.

TREASURERS REPORT: Presented by Aapo (as shown below)

Moved: Aapo S, Sec: Pat P., CARRIED.

GENERAL BUSINESS:

1. Wayde S. noted that the solar light over the boat ramp at the bottom of James Oates Reserve was not working. This meant that the strong light half way down the reserve entrance driveway was casting a shadow over the boat ramp and adjacent grasses reserve and at night, users could see broken bottles left by people who were lighting fires in that area. The solar light needs to be fixed and Ranger patrols increased.
2. It was proposed that the Association write a letter of thanks to Council for the recent re-sealing of Charles and Railway Avenues. Agreed, President Cliff to Action.
3. Raffle won by Nellie DELHAAS.
4. Tea hosted by Ian DODSWORTH with thanks.
5. Jeremy MARTENS, to host next meetings supper, but members should also bring a plate as it's our Christmas meeting. Tuesday 4<sup>th</sup> DECEMBER.
6. Guest speaker will be Byron Robinson (KMC) – update on the Minnamurra River Estuary Plan.

MEETING CLOSED 8.25 PM FOR SUPPER.

Treasurer update

52 Members recorded to date for 2018/19.

2<sup>nd</sup> October meeting raffle raised \$26. In addition, a \$3 donation was received.

Deposited \$44.00 on 16 October 2018.

We have:

\$1,113.75 in a term deposit trust account,

\$1,114.69 in our cheque account, and

\$10 in cash

– a total of \$2,238.44



# Kiama Council Community Safety Committee



## Nomination Form

Name

Phone

Address

Email

Occupation

Are you nominating as a representative of:

- the Central Precinct
  - the Southern Precincts
  - the Jamberoo Residents and Ratepayers Association
  - the Minnamurra Progress Association
- or
- No, I am a general community member

What is your prior experience relevant to the Committee?

I am recently retired as a Sole Practitioner, after spending a number of years as a Solicitor working in the Criminal Jurisdiction. For a majority of the time I worked for the Legal Aid Commission in Local and District Courts. This gave me not only a strong working knowledge of the Criminal Justice system, but as a corollary, an insight into what can constitute problematic safety considerations.

I represented the Legal Aid Commission on a working Group, including Magistrates and Police, dealing with, in the main, first offenders in attempting to reduce further offending.

I was an elected Councillor for 16 years and was a strong advocate for Safety by Design Principles being incorporated into large scale Developments.

As a Board Member of a large Club in Western Sydney, I receive Security Reports on a Monthly basis prior to every Board Meeting. This Report monitors, amongst other things, security issues that arise internally and externally to the Club Premises. The Report also ensures that our Safety protocols are constantly reviewed and updated when necessary.

Item 10.6

Attachment 3

Do you have any professional or technical organisation memberships or qualifications relevant to the Committee?

Apart from my participation as a Board Member as already outlined, and my years of experience as a Solicitor, the only other matter I could mention is my membership of the Australian Institute of Company Directors. I constantly monitor the Institute's Website for any short Courses or Topics that impact on a variety of Safety issues, although they are mainly internal matters.

Do you have any involvement with crime or safety services?

I have no current involvement relevant to these issues, however I do spend time keeping myself updated on Legal matters generally.

Briefly explain why you would like to serve on the Kiama Community Safety Committee and how you believe you could contribute as a member. Be specific and please use additional paper if required.

I want to contribute to ensuring that we have a Community that can, as much as possible, go about their lives free of fear of harm or injury. Safety for the most vulnerable members of our Community is an imperative. There is not just the reality of being unsafe, but also the perception of it. I would see an Education component as an avenue to address.

The structure of the Committee ensures broad Community input, drawn as it is from across the various sectors of both professional and day to day experience.

I would hope that my background in the Law and as a Councillor would allow me to make a positive contribution to compliment the other Community members.

What do you hope to accomplish as a member of this Committee?

I would endeavour to work collectively with the other Community members to, as much as possible, provide a safe and secure Community for everyone who resides in or visits our unique part of the world.

I understand that any or all of the information on this form may be verified. If appointed to this Committee I consent to the release of this information and the use of my photo for promotional purposes for this Committee.

Signature 

Date 15.12.18

Please return this form to Kiama Council by email to: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au)  
or by post to: PO Box 75, Kiama NSW 2533

Item 10.6

Attachment 3

## 11 REPORT OF THE DIRECTOR CORPORATE & COMMERCIAL SERVICES

### 11.1 Statement of Investments - December 2018

CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

#### Summary

This report recommends receipt and adoption of the Statement of Investments for December 2018.

#### 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

#### Communication/Community Engagement

N/A

#### Attachments

1 Statement of Investments - December 2018 [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council receive and adopt the information relating to the Statement of Investments for December 2018.

### **BACKGROUND**

Attached is a copy of the Statement of Investments for December 2018.

#### **Investment commentary**

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

Report of the Director Corporate & Commercial Services

11.1 Statement of Investments - December 2018 (cont)

investments with available products that are not part of Council’s portfolio. Independent advice is sought on new investment opportunities.

A decision by the Reserve Bank board meeting on 6 December 2018 has seen the cash rate unchanged at 1.50%. “*The low level of interest rates is continuing to support the Australian economy*”. As progress in lowering unemployment and having inflation return to the midpoint of the target was expected to be only gradual, members also agreed that there was not a strong case for a near-term adjustment in monetary policy. (Minutes of the Monetary Policy Meeting of the Reserve Bank Board, Reserve Bank Australia, 6 December 2018)

The National Australia Bank is quoting the following rates:

<b>3 Months</b>	<b>6 Months</b>	<b>9 Months</b>	<b>12 Months</b>	<b>24 Months</b>
2.71%	2.72%	2.73%	2.74%	Not quoted

As part of Councils medium-term investment strategy a Floating Rate Note has been added to the current portfolio. A Floating Rate Note (FRN) is a type of bond. Bonds are commonly called ‘fixed-income investments’. The interest payment is based on a fixed percentage above the BBSW, therefore referred to as ‘floating’ due to the BBSW rate being variable.

BBSW is an abbreviation for the ‘bank bill swap rate’. It is the wholesale interbank rate within Australia and is published by the Australian Financial Markets Association (AFMA). It is the borrowing rate among the country’s top market makers, and is widely used as the benchmark interest rate for loans.

**Certification – Responsible Accounting Officer**

I, Robert Owens, 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.

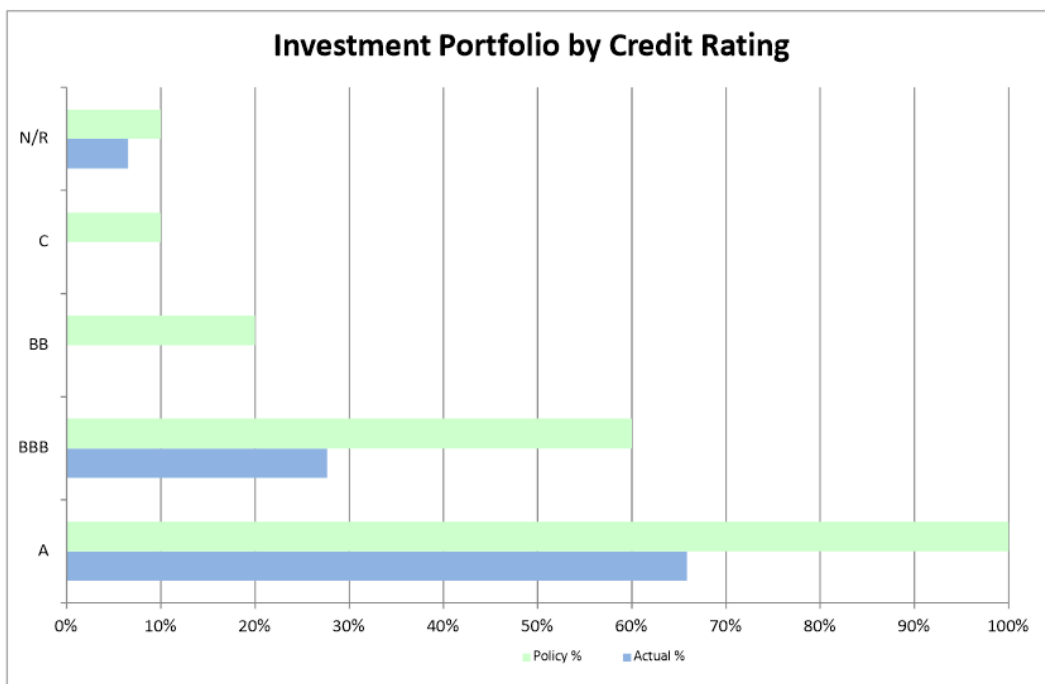


(b) Council Investments as at 31 December, 2018

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A	1,000,000	Term Deposit	21/11/18	22/05/19	182	2.65
AMP	A	2,000,000	Term Deposit	22/08/18	18/02/19	180	2.75
AMP	A	1,000,000	Term Deposit	12/12/18	09/09/19	271	2.75
AMP	A	500,000	Term Deposit	24/10/18	21/10/20	728	2.85
Beyond Bank	BBB+	1,000,000	Term Deposit	11/07/18	16/01/19	189	2.80
Bankwest	AA-	1,000,000	Term Deposit	13/06/18	19/12/18	189	2.75
AMP	A	2,000,000	Term Deposit	22/08/18	18/02/19	180	2.60
Bank of Qld	BBB+	1,500,000	Term Deposit	29/08/18	27/02/19	182	2.80
Bank of Qld	BBB+	1,500,000	Term Deposit	28/09/18	26/06/19	271	2.75
Bank of Qld	BBB+	1,000,000	Term Deposit	24/10/18	21/10/20	728	2.90
ING Bank (Australia)	A1/A	1,000,000	Term Deposit	02/11/18	21/10/20	719	2.88
Bank of Us	N/R	1,000,000	Term Deposit	14/09/18	13/02/19	152	2.85
Bendigo	BBB+	1,000,000	Term Deposit	04/07/18	09/01/19	189	2.70
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	28/11/18	06/03/19	98	2.90
Community Alliance Credit Union	N/R	1,000,000	Term Deposit	28/11/18	13/03/19	105	2.90
ME Bank	BBB	1,500,000	Term Deposit	25/07/18	30/01/19	189	2.60
ME Bank	BBB	1,000,000	Term Deposit	18/07/18	23/01/19	189	2.60
NAB	AA-	1,000,000	Term Deposit	05/12/18	03/04/19	119	2.71
NAB	AA-	1,000,000	Term Deposit	10/12/18	10/04/19	121	2.71
Newcastle Permanent FRN	N/R	1,008,880	Floating Rate Note	28/09/18	27/09/23	1825	3.32
NAB	AA-	2,000,000	Term Deposit	24/10/18	23/10/19	364	2.75
Suncorp	A+	1,000,000	Term Deposit	17/10/18	16/10/19	364	2.65
Suncorp	A+	1,000,000	Term Deposit	11/07/18	06/02/19	210	2.70
<b>Total Term Deposits</b>		<b>27,008,880</b>					<b>2.78</b>
TcorpIM Cash Fund	AAA	3,121,059	Cash Fund		AT CALL		<b>1.82%</b>
Westpac	AA-	3,620,811	Bank Account	-	AT CALL		1.79
<b>Total 'At Call' Funds</b>		<b>6,741,870</b>					<b>1.79</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>		<b>33,750,750</b>			Average Rate- Dec 2018		2.62
					Average Rate- Dec 2017		2.48
<b>TOTAL INVESTMENTS Nov 2018</b>		<b>34,212,555</b>					
<b>TOTAL INVESTMENTS Dec 2017</b>		<b>42,550,108</b>					
							-1.37% Change in total investment over prev 1 month
							-20.68% Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$3.62M includes deposits at month-end not processed to Council's financial system and excludes cheques that have not been presented.

Item 11.1  
Attachment 1



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	4,246,009
	Grants	486,156
	Domestic Waste	2,813,863
Internally Restricted	Waste & Sustainability	403,006
	Blue Haven ILU*	151,138
	Blue Haven Care-Residential*	1,417,602
	Risk Improvement Incentive	78,749
	Carer Respite Centre	1,216,663
	Land Development	3,823,466
	Waste Business Unit (Plant Replacement)	740,367
	Plant Replacement	2,160,252
	Employee Leave Entitlements	3,000,000
	S94 Recoupments	2,320,784
	Carry-over works*	3,025,420
	Holiday Parks	2,741,301
	Contingencies	779,730
	Computer	879,698
	Property Insurance	120,000
	Community Bus	365,086
	CACP	263,581
	Organisational Development	200,000
	Fleet Replacement	100,000
	Council Election	100,000
Leisure Centre Renewal	180,000	
Revolving Energy Fund	315,000	
Future Project Development	70,000	
Arts Precinct	59,000	
The Pavilion	113,149	
Loan Funds	KACCOE Loan Drawdown unexpended	- 1,469,034
<b>Unrestricted Funds:</b>	<b>Funds to meet current budgeted expenditure</b>	<b>2,994,764</b>
<b>TOTAL INVESTMENTS</b>		<b>33,750,750</b>

**Note:**

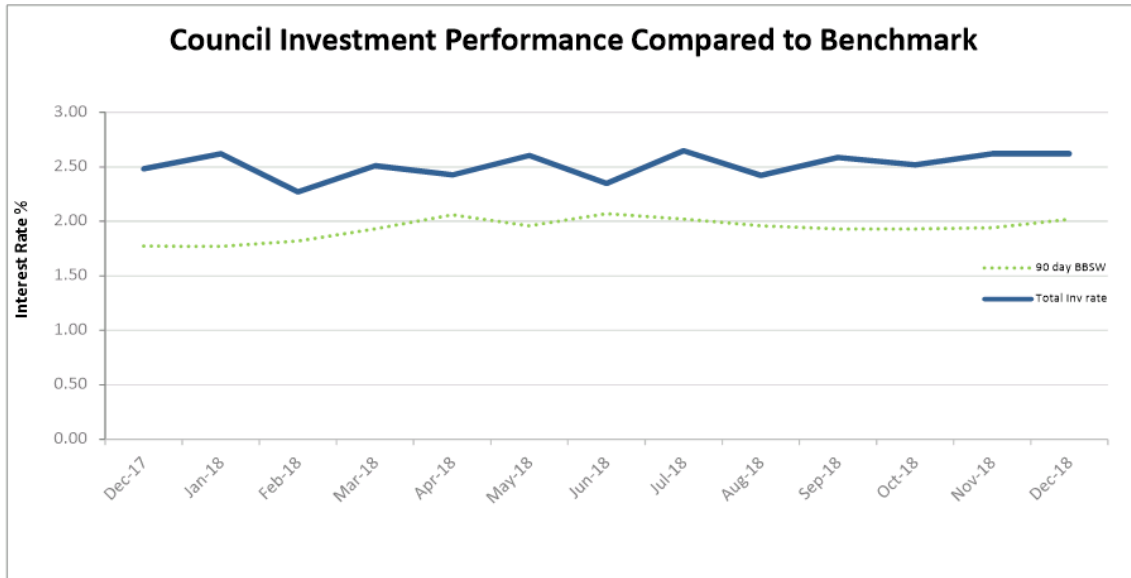
The above Application of Invested Funds reflects audited balances as at 30 June 2018. Actual movement in these balances are recorded at the end of the financial year.

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

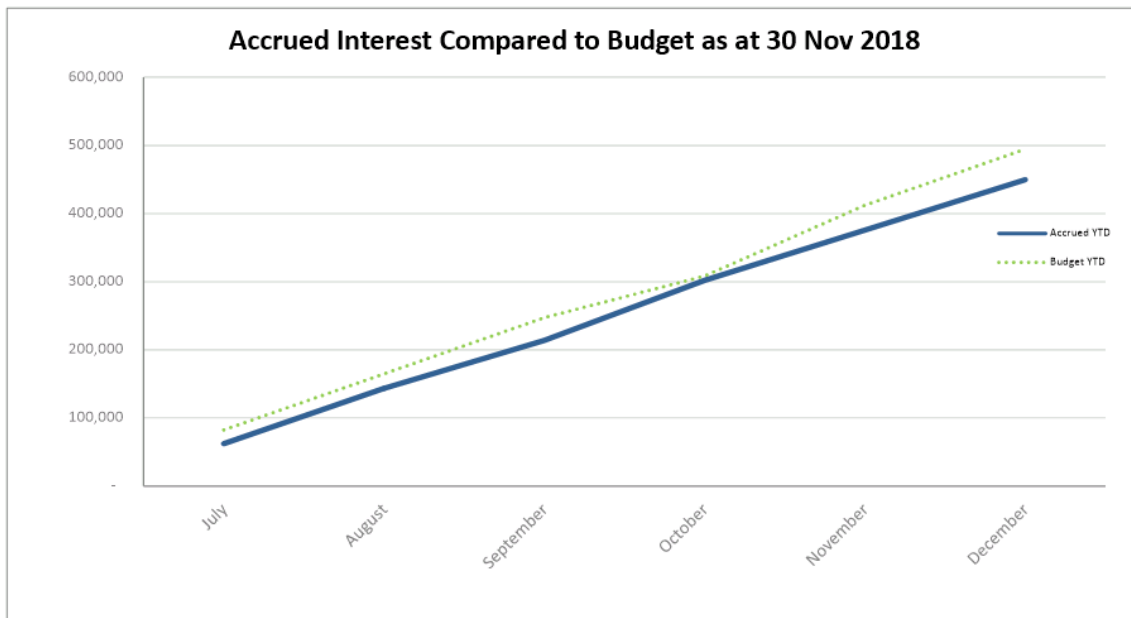
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.62	2.02
3 months	2.59	1.96
6 months	2.57	1.97
12 Months	2.52	1.95



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.





## 12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 12.1 Roads & Maritime Services Asset Handover of Donovan Road, Broughton Village, from Toolijooa Road to Kiama LGA Boundary

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

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

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

#### Summary

This report seeks Council resolution to accept the asset handover of Donovan Road Broughton Village, from Toolijooa Road to Kiama LGA Boundary and \$100,000 in funding from the Roads & Maritime Services to undertake tree management works in the road corridor.

#### Finance

Funding acceptance of \$100,000 into the 2018/19 budget from the Roads & Maritime Services. Council's Asset Register will be updated to include the additional local road infrastructure assets.

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDATION**

That Council formerly advise the Roads & Maritime Services of its acceptance of the transfer of Donovan Road as a local road and the \$100,000 funding offer to complete the residual vegetation and tree hazard remediation works.

### **BACKGROUND**

Subsequent to the completion of the Princes Highway upgrade between Toolijooa Road and Berry, the Roads & Maritime Services (RMS) have declassified the former Princes Highway route through Foxground and Broughton Village to a local road and renamed it Donovan Road in accordance with Council's naming recommendation.

Council has been in discussion with the RMS regarding the handover of all assets within road reserve of Donovan Road from Toolijooa Road to the Kiama/Shoalhaven Local Government Authority boundary (approximately 4.4km). Within these discussions, Council had requested numerous remediation works to be completed prior to the responsibility and ownership of Donovan Road infrastructure assets being transferred to Council. Council has been advised by and has agreed with the RMS that all remediation works for the length of road infrastructure such as

## Report of the Director Engineering and Works

## 12.1 Roads &amp; Maritime Services Asset Handover of Donovan Road, Broughton Village, from Toolijooa Road to Kiama LGA Boundary (cont)

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pavement stabilisations, road surface patching and resurfacing, road line marking, road safety barriers, signage, drainage and bridge works has been completed satisfactorily to Council standards, with the exception of vegetation and tree hazard reduction works.

The RMS has offered Council \$100,000 for it to complete the residual vegetation and tree hazard remediation works as outlined within Council's report, "Tree Hazard Assessment Donovan Road, Broughton Village - Toolijooa Road to Tomlins Road 30/07/2018", to allow the road transfer to proceed without further delay.

Based on the above it is recommended that Council accept the transfer of Donovan Road as a local road and the \$100,000 funding offer to complete the residual vegetation and tree hazard remediation works.

## 12.2 Bin Concealment - Tingira Crescent

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.4 Effectively manage our waste and resources

Delivery Program: 2.4.1 Manage waste services

### Summary

At the Council meeting on 18 December 2018 it was resolved that the bin located on the reserve at the end of the easement between 41 and 43 Tingira Crescent, Kiama would be reduced in size and a form of concealment be chosen.

### Attachments

Nil

### Enclosures

Nil

### *RECOMMENDATION*

That Council determine which form of concealment provided below is to be used on the bin located on the reserve at the end of the easement between 41 and 43 Tingira Crescent, Kiama.

### BACKGROUND

At the Council meeting on 18 December 2018 it was resolved that the bin located on Marsden headland would be reduced in size and a form of concealment be chosen.

The options below are provided. Factors such as ongoing maintenance and accessibility for servicing have been considered with each design.

1. A lattice style structure



2. Timber screen

Report of the Director Engineering and Works

12.2 Bin Concealment - Tingira Crescent (cont)

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Item 12.2

3. Timber enclosure, same as Kiama CBD bins



4. A 3 sided wooden enclosure that can be painted similar to the shipping container at Bombo Beach

Report of the Director Engineering and Works

12.2 Bin Concealment - Tingira Crescent (cont)

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Item 12.2

- 5. Fibreglass rock that is U-shaped to allow access for use and servicing



**13 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

## 14 REPORTS FOR INFORMATION

### 14.1 Clause 4.6 Variations to LEP Development Standards - October, November and December 2018

Responsible Director: Environmental Services

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Attached for information is a table listing all Clause 4.6 variations for October, November and December 2018.

#### Attachments

- 1 Clause 4.6 variation table [↓](#)

**Variations to Development Standards – October, November & December 2018 Reporting Period**

Council DA reference number	Street No	Street	Suburb/Town	Category of development	Zoning of land	Development standard to be varied	Extent of variation	Date DA determined	Approved by Council or Delegation
10.2018.217.1	9/29	Taylor Street	Kiama	split gable awning	R3 – Medium Density	Height of Building Clause 4.3	7.7%	19/12/18	Delegation
10.2016.286.1	33	Collins Street	Kiama	Seniors Living	B2 – Local Business	Height of Building Clause 4.3	15.45%	29/11/18	JRPP
10.2017.307.1	110	North Kiama Drive	Kiama Downs	Alterations & Additions	R2 – Low Density	Foreshore Building Line Clause 6.7	6.8% to 23.5%	16/10/18	Council



**14.2 Kiama Urban Strategy - Dwelling Approval 2017/2018 update**

Responsible Director: Environmental Services

At its ordinary meeting of 16 May 2017, Council considered a report regarding ways to improve public access to Development Application information and to provide quarterly updates on the number of dwellings approved and how these numbers track against the Illawarra-Shoalhaven Regional Plan housing projections.

The Illawarra-Shoalhaven Regional Plan provides housing projections for the Kiama Local Government Area (LGA) needed by 2036. The Kiama Urban Strategy 2011 provides a local strategy response to the Regional Plan's housing projections.

The Department of Planning and Environment (the Department) produces an annual report on land and housing supply for the Illawarra-Shoalhaven Region with input from State service agencies, councils and industry. The report provides an update on the availability of greenfield land and housing in Wollongong, Shellharbour, Kiama and Shoalhaven Local Government Areas. The current report covers two reporting periods 2013/14 and 2014/15. The Department will shortly be releasing a report for the most recent reporting periods. The Department's report uses Council's approval data and Sydney Water connection data. Table 1 is an extract of the approval data provided by Council to the Department.

	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018
<b>Detached</b>	<b>109</b>	<b>70</b>	<b>85</b>	<b>79</b>	<b>111</b>	<b>158</b>	<b>103</b>
<b>Multi-unit</b>	<b>20</b>	<b>99</b>	<b>28</b>	<b>41</b>	<b>99</b>	<b>43</b>	<b>65</b>
Medium density	6	28	24	12	19	29	49
Flat 1-2	0	3	1	0	1	3	0
3+	14	68	3	29	79	11	16
Other	0	0	0	0	0	0	0
<b>Total</b>	<b>129</b>	<b>169</b>	<b>113</b>	<b>120</b>	<b>210</b>	<b>201</b>	<b>168</b>

Table 1: Kiama LGA housing approvals 2011-2018

In accordance with Council's request, at the 16 May 2017 meeting, the following table shows the approvals issued for the first 2 quarters of the 2018/2019 financial year.

	Dwellings Approved	
	July-September	October-December
<b>Detached</b>	<b>18</b>	<b>11</b>

## Reports for Information

## 14.2 Kiama Urban Strategy - Dwelling Approval 2017/2018 update (cont)

<b>Multi-unit</b>	<b>2</b>	<b>73</b>
Medium density	2	12
Flat 1-2	0	0
3+	0	61
Other	0	0
<b>Total</b>	<b>20</b>	<b>84</b>

Table 2: Kiama LGA housing approvals 2018/2019

It should be acknowledged that 91 additional dwellings were approved in the last quarter as part of the Akuna Street Development Application (DA). These numbers have not been included in the table above as the DA was approved by way of a deferred commencement consent. This means that until certain matters are satisfied the consent for this DA is not operational.

The Illawarra-Shoalhaven Regional Plan project that 2,850 additional houses are required for the Kiama LGA by 2036. On average 143 new dwellings are required each year. Since the Regional Plan was published (i.e. November 2015) a total of 683 new dwellings have been approved in the Kiama LGA. This indicates that on average sufficient dwellings numbers are being approved in the Kiama LGA to meet the numbers projected by the Regional Plan.

	<b>2015/2016</b>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2018/2019</b>	<b>Total</b>
Number of Dwellings required by Regional Plan	143	143	143	143	<b>572</b>
Number of Dwellings Approved	210	201	168	104*	<b>683*</b>

Table 3: Comparison of dwelling approvals. (\*2018/2019 financial year to date)

It is noted that during the 2015/2016 and 2016/2017 financial years the Kiama LGA experienced relatively high dwelling approvals. These years are responsible for the Kiama LGA exceeding the numbers projected by the Regional Plan.

It is acknowledged a number of the recommendations endorsed at the ordinary meeting of 16 May 2017 are yet to be finalised. These recommendations are primarily concerned with Council's online DA Tracker and a new Notification Policy. There are a number of strategic reviews which are currently being undertaken which, when completed, will enable the finalisation of these recommendations. These reviews include the commencement of the preparation of a Community Participation Plan, implementation of identified DA process improvements and potential updates to Council's software. A report will shortly be provided to a future Council meeting

## Reports for Information

**14.2 Kiama Urban Strategy - Dwelling Approval 2017/2018 update (cont)**

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outlining all the system and process improvements that have been achieved and those that are proposed.

**Communication/Community Engagement**

The register, requested at the ordinary meeting 16 May 2017, is still being investigated by Strategic Planning and Information Technology staff. As an interim measure these details will be placed on Council's website in a similar fashion to how Council currently report on the variations to LEP standards.

The data associated with the Illawarra Urban Development Programs can also be viewed on the Department of Planning and Environments' webpage.

**14.3 Model Code of Conduct for Local Councils in NSW**Responsible Director: Office of the General Manager

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The 2018 Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 14 December 2018.

Council must adopt the new Model Code of Conduct and Procedures within 6 months of prescription (i.e. 14 December 2018 – 14 June 2019). Council's existing adopted code of conduct and procedures will remain in force until Council adopts a new code of conduct and procedures, based on the Model Code of Conduct and Procedures prescribed under the Regulation.

Council may include supplementary provisions in the adopted codes of conduct and may also impose more onerous requirements than those prescribed under the Model Code of Conduct. However, Council must not dilute the standards prescribed in the Model Code of Conduct.

**Key changes include:**

- Incorporation of the pecuniary interest provisions previously contained in the *Local Government Act 1993* and Regulation
- New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- New rules governing the acceptance of gifts including mandatory reporting
- New ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- Councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

Attached for Councillors' information is a copy of the Office of Local Government circular 18-44 and the Model Code of Conduct for Local Councils in NSW.

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Office of Local Government circular 18-44 - Model code of conduct [↓](#)
- 2 Model code of Conduct 2018 - Office of Local Government OLG [↓](#)



## Circular to Councils

<b>Circular Details</b>	Circular No 18-44 / 18 December 2018 / A621282
<b>Previous Circular</b>	18-24 <i>Status of the new Model Code of Conduct for Local Councils in NSW and Procedures</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
<b>Contact</b>	Council Governance Team – (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

### Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures

#### What’s new or changing

- The new 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) have now been prescribed under the *Local Government (General) Regulation 2005*. The new prescribed Model Code of Conduct and Procedures are available on OLG’s website.
- Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code of Conduct issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so.

#### What this will mean for your council

- Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures. The transitional arrangements for the new Model Code of Conduct and Procedures are set out below.
- Councils’ complaints coordinators should bring this circular and the attached FAQ to the attention of their council’s conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.
- Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the past four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.

#### Key points

- Councils’ existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures

based on the Model Code of Conduct and Procedures prescribed under the Regulation.

- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct that applies to all council officials. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption, instead of a single code of conduct, should councils wish to do so.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that were in force at the time the complaint was made.

#### Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Code of Conduct and Procedures and other associated documents are available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Code of Conduct and Procedures during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

**Tim Hurst**  
Chief Executive

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## FREQUENTLY ASKED QUESTIONS

### What is the purpose of the Model Code of Conduct?

The *Model Code of Conduct for Local Councils in NSW* prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- prescribe uniform minimum ethical and behavioural standards for all councils in NSW
- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials
- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

### How is the Model Code of Conduct prescribed?

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation).

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code of Conduct in their adopted codes of conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code of Conduct with additional provisions in their adopted codes of conduct.

However, councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted codes of conduct. Provisions contained in a council's adopted code of conduct that are less onerous than those prescribed under the Model Code of Conduct will be invalid and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

### How are the Procedures prescribed?

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* are prescribed under section 440AA of the LGA and the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted code of conduct based on the Model Procedures prescribed under the LGA and Regulation. Councils' adopted procedures may contain provisions that supplement the Model Procedures, but a council's adopted procedure has no effect to the extent that it is inconsistent with the Model Procedures prescribed under the Regulation.

### Are joint organisations and county councils required to adopt the Model Code of Conduct and Procedures?

Yes.

**Who does the Model Code of Conduct apply to?**

Section 440 of the LGA specifies the classes of council officials that a Model Code of Conduct prescribed under the Regulation may apply to. Under section 440, a Model Code of Conduct may be prescribed that applies to councillors, members of staff of councils and delegates of councils. For this reason, the Model Code of Conduct prescribed under the Regulation only applies to councillors, council staff and delegates of councils (including members of committees that are delegates of councils). These are all defined as "council officials" for the purposes of the Model Code of Conduct and the Procedures.

Section 440 also allows regulations to be made to apply the provisions of the Model Code of Conduct relating to the disclosure of pecuniary interests to members of a committee of a council (including the Audit, Risk and Improvement Committee) and advisers to councils. A regulation has been made to give effect to this and the new Model Code of Conduct contains provisions prescribing the obligations of committee members and advisers to councils in relation to the disclosure of pecuniary interests.

**What is the regulatory scope of the Model Code of Conduct?**

The Model Code of Conduct applies to any conduct by a "council official" that is connected with their role as a council official or the exercise of their functions as a council official.

It is the personal responsibility of all council officials to ensure that their conduct complies with the ethical and behavioural standards prescribed under the Model Code of Conduct. This applies to both the exercise by council officials of their functions as a council official and any conduct (including in a private capacity) that is connected with their role as a council official.

**Can councils adopt separate codes of conduct for councillors, staff and delegates and committee members?**

Yes. Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct, a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct applying to all council officials.

There is nothing to prevent councils from doing so, provided that the adopted codes of conduct, taken together as a package, reflect all the provisions contained in the prescribed Model Code of Conduct and are consistent with it. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption instead of a single code of conduct for councils wishing to do this.

**Can a council extend the application of its adopted code of conduct to persons other than councillors, council staff and delegates of council?**

Yes. There is nothing under the LGA to prevent a council, when adopting a code of conduct based on the Model Code of Conduct, to extend its application to persons other than councillors, council staff and delegates of council.

In adopting a code of conduct based on the Model Code of Conduct, councils may amend the provisions of the Model Code of Conduct and the associated Procedures to extend their application to contractors, community members of wholly advisory committees and/or volunteers. In doing so, to be effective, councils will also need to



make it a condition of a contractor's engagement or volunteer's or advisory committee member's appointment that they comply with the council's adopted code of conduct.

#### **How many iterations of the Model Code of Conduct and Procedures have there been?**

The Model Code of Conduct has been reviewed every four years to address new and emerging issues and to reflect shifting community standards and expectations. The 2018 version of the Model Code of Conduct is the fourth iteration. The first iteration of the Model Code of Conduct was prescribed in January 2005 in support of amendments to the LGA that required the adoption of a code of conduct based on a prescribed Model Code of Conduct. Before this, councils were free to adopt their own codes of conduct with the result that ethical standards varied from council to council.

The 2018 version of the Procedures is the second iteration. The first iteration of the Procedures was prescribed in March 2013 in support of amendments to the LGA that required the adoption of procedures for the administration of council's adopted codes of conduct based on a prescribed Model Procedure.

#### **Why was the new Model Code of Conduct developed?**

The new 2018 version of the Model Code of Conduct gives effect to a key reform made by amendments passed by the NSW Parliament to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed from three sources, the pecuniary interest provisions of the LGA and the Regulation and the Model Code of Conduct.

Consolidating all ethical standards into a single instrument will:

- result in a better understanding of, and compliance, with ethical standards - council officials will no longer need to be familiar with their obligations prescribed from three separate statutory sources, the LGA, the Regulation and the Model Code of Conduct
- allow pecuniary interest breaches by councillors to be treated as "misconduct", meaning that minor breaches can be dealt with by the Chief Executive of OLG as an alternative to referral to the NSW Civil and Administrative Tribunal (NCAT) and suspensions for pecuniary interest breaches will be counted towards disqualification for the purposes of the "three strikes" automatic disqualification
- allow greater flexibility and efficiency in updating the standards to address emerging issues – amendments will now be able to be made by way of a Regulation amendment.

#### **How were the new Model Code of Conduct and Procedures developed?**

Moving the pecuniary interest provisions to the Model Code of Conduct necessitated a rewrite of the Model Code of Conduct. As part of this process, it was decided to also undertake a comprehensive review of the existing provisions of the Model Code of Conduct (as part of the regular four-year review cycle) and the Procedures.

In undertaking the review, OLG consulted extensively with councils and other stakeholders. In developing the new Model Code of Conduct and Procedures, there have been two rounds of public consultation:

- in late 2016, submissions were invited suggesting changes and improvements to the existing Model Code of Conduct and Procedures

- based on the feedback received from the first round of consultation, consultation drafts of the proposed new Model Code of Conduct and Procedures were developed and issued for comment.

The final versions of the 2018 Model Code of Conduct and Procedures have been informed by the comment received in response to the consultation drafts.

#### **What changes have been made in the 2018 version of the Model Code of Conduct?**

The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

One of the recurrent themes of the feedback received in the first round of consultation on the new Model Code of Conduct was that the “principles-based” approach to prescribing ethical and behavioural standards in the previous version of the Model Code of Conduct resulted in some of the prescribed standards being too vague, meaning that the ethical and behavioural standards expected of council officials were unclear and that almost anything could potentially constitute a breach of a council’s code of conduct. In response to this, the Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

#### **What changes have been made to the previously approved version of the Model Code of Conduct posted on OLG’s website on 5 September 2018?**

Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so. Should councils require further assistance in relation to this, they may contact OLG’s Council Governance Team.

#### **What changes have been made in the 2018 version of the Procedures?**

In response to feedback, changes have been made to the Procedures to address the following issues:

- the role of the general manager in the receipt and initial management of code of conduct complaints about councillors
- the ability of complainants, who are unhappy with decisions of the council, to misuse councils’ codes of conduct by repackaging routine complaints as “code of conduct complaints”

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- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a council's code of conduct.

These changes are outlined below:

**How can councils outsource and centralise the management of complaints about councillors through regional arrangements under the new Procedures?**

The new Procedures have sought to address concerns about the role of the general manager in the receipt and initial management of code of conduct complaints about councillors by giving general managers (and mayors in the case of complaints about the general manager) the flexibility to delegate their functions under the Procedures to another member of staff or a person external to the council.

The new Procedures have also been designed to allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation of councils or another shared arrangement should they choose to do so. This could be done, for example, through the establishment of a broader internal ombudsman function in a joint organisation or regional organisation of councils or through another shared arrangement to service member councils.

In particular:

- councils are able to establish and maintain regional panels of conduct reviewers through a joint or regional organisation of councils or another shared arrangement
- a staff member of a joint or regional organisation of councils or another member council can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) be appointed by general managers of member councils as the complaints coordinator for all member councils
- general managers and mayors of member councils can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) delegate their complaints management functions under the Procedures to a joint organisation or regional organisation of councils or to a staff member of another member council
- councils' internal ombudsman may, with the approval of OLG, be appointed to a panel of conduct reviewers allowing them to exercise the functions of a conduct reviewer, subject to their being able to meet the qualification criteria for conduct reviewers and being able to demonstrate to OLG's satisfaction a requisite degree of independence from member councils.

This offers a number potential benefits:

- centralisation of these functions through a joint organisation, a regional organisation of councils or another shared arrangement has the potential to deliver efficiencies and economies of scale and allows the development of a body of expertise within the region in the management of code of conduct complaints
- it allows general managers and mayors to divest themselves of the sometimes onerous responsibilities associated with code of conduct complaints management, allowing them to focus on their core responsibilities
- it allows all code of conduct complaints about mayors, councillors and general managers to be managed independently of the councils they relate to.

**How do the new Procedures address misuse of councils' codes of conduct?**

The purpose of a council's code of conduct is to prescribe the ethical and behavioural standards council officials are expected to comply with. The purpose of the Procedures is to support the enforcement of those standards. Consistent with this, councils' codes of conduct should not be used to deal with routine complaints.

The definition of a "code of conduct complaint" under the new Procedures has been tightened up to address the potential for misuse of councils' codes of conduct to re-litigate council decisions a person may disagree with or to re-prosecute complaints that have previously been addressed under councils' routine complaints management processes.

To be a code of conduct complaint, a complaint must show or tend to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct. Complaints that do not meet this definition of a "code of conduct complaint" must not be dealt with under the Procedures and are to be dealt with under councils' routine complaints management processes.

The new Procedures make it clear that the following are not code of conduct complaints:

- complaints about the standard or level of service provided by a council or a council official
- complaints that relate solely to the merits of a decision made by a council or a council official or the exercise of a discretion by a council or a council official
- complaints about the policies or procedures of a council
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

**What recourse do the new Procedures provide against persons who inappropriately disclose information about code of complaints they have made?**

Allegations of breaches of a council's code of conduct must not be made publicly and information about code of conduct complaints and the consideration of code of conduct complaints is not to be publicly disclosed. This is to ensure the allegations are dealt with appropriately and fairly in accordance with the prescribed Procedures for the management of code of conduct complaints.

While council officials disclosing this information may face disciplinary action, under the previous Procedures there was no recourse against members of the public who did so. Under the new Procedures, where members of the public publicly disclose information about a code of conduct complaint they have made, general managers can determine, with OLG's consent, that the complainant is to receive no further information about their complaint and any future code of conduct complaints they make (subject to the requirements of the *Government Information (Public Access) Act 2009*).

**When must councils adopt a new code of conduct and procedures based on the new prescribed Model Code of Conduct and Procedures?**

Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

**What are the transitional arrangements for the new Model Code of Conduct and Procedures?**

The following transitional arrangements apply to the new Model Code of Conduct and Procedures:

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures based on the Model Code of Conduct and Procedures prescribed under the Regulation.
- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the LGA (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that was in force at the time the complaint was made.

**Where can I get Word© versions of the new Model Code of Conduct and Procedures?**

If you require a Word© version of the new Model Code of Conduct or Procedures, please contact OLG's Council Governance Team.

# Model Code of Conduct

for Local Councils  
in NSW

2018

Item 14.3

Attachment 2



**MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

2018

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# Part 1: Introduction

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This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

# Part 2: Definitions

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Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

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members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



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**Part 3:**  
**General Conduct**  
**Obligations**

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## General conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power
  - causes, comprises or involves intimidation or verbal abuse
  - involves the misuse of your position to obtain a private benefit
  - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

## Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

## Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- is not wanted by the person
  - offends, humiliates or intimidates the person, and
  - creates a hostile environment.

## Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
  - belittling or humiliating comments
  - spreading malicious rumours
  - teasing, practical jokes or 'initiation ceremonies'



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- e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards
  - f) legitimately exercising a regulatory function
  - g) legitimately implementing a council policy or administrative processes.
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

**Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

**Land use planning,  
development  
assessment and other  
regulatory functions**

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

# Part 4: Pecuniary Interests

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## What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will 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 you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
  - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- Your "relative" is any of the following:
    - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - just because the person is a member of, or a delegate of a council to, 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.

## What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- your interest as an elector
  - your interest as a ratepayer or person liable to pay a charge
  - an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

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- e) an interest you have 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)
  - f) if you are a council committee member, an interest you have 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 you have been appointed to represent the organisation or group on the council committee
  - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - i) an interest you have arising from the making by the council of a contract or agreement with your relative 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 agreements 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:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - k) 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 of the LGA
  - l) 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
  - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

## What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the general manager
  - b) other senior staff of the council for the purposes of section 332 of the LGA
  - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
  - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
  - b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

## What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

## What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 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 they had a pecuniary interest.

## What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

## What disclosures must be made by a councillor?

- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and

- b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

## Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
  - b) 30 June of each year, and
  - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
  - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

Pecuniary Interests

- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.
- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- at any time during which the matter is being considered or discussed by the council or committee, or
  - at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for
- the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a member of, or in the employment of, a specified company or other body, or
  - a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

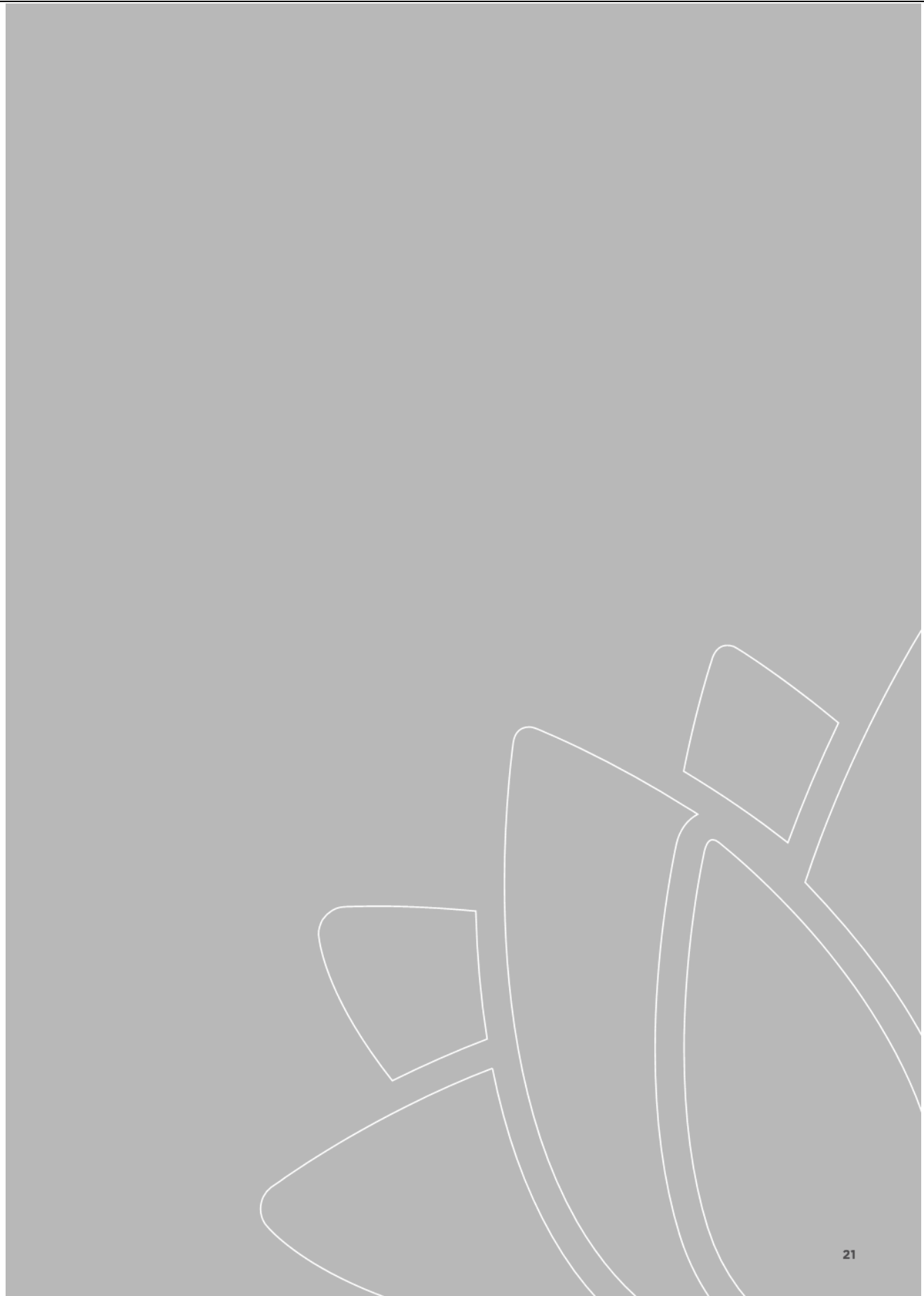
## Disclosure of pecuniary interests at meetings

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 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 they had a pecuniary interest.



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- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



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**Part 5:**  
**Non-Pecuniary Conflicts**  
**of Interest**

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## Non-Pecuniary Conflicts of Interest

## What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

## Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as

practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

- 5.7 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 on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration 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

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- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have 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 they have been appointed to represent the organisation or group on the council committee.

## Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

## Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

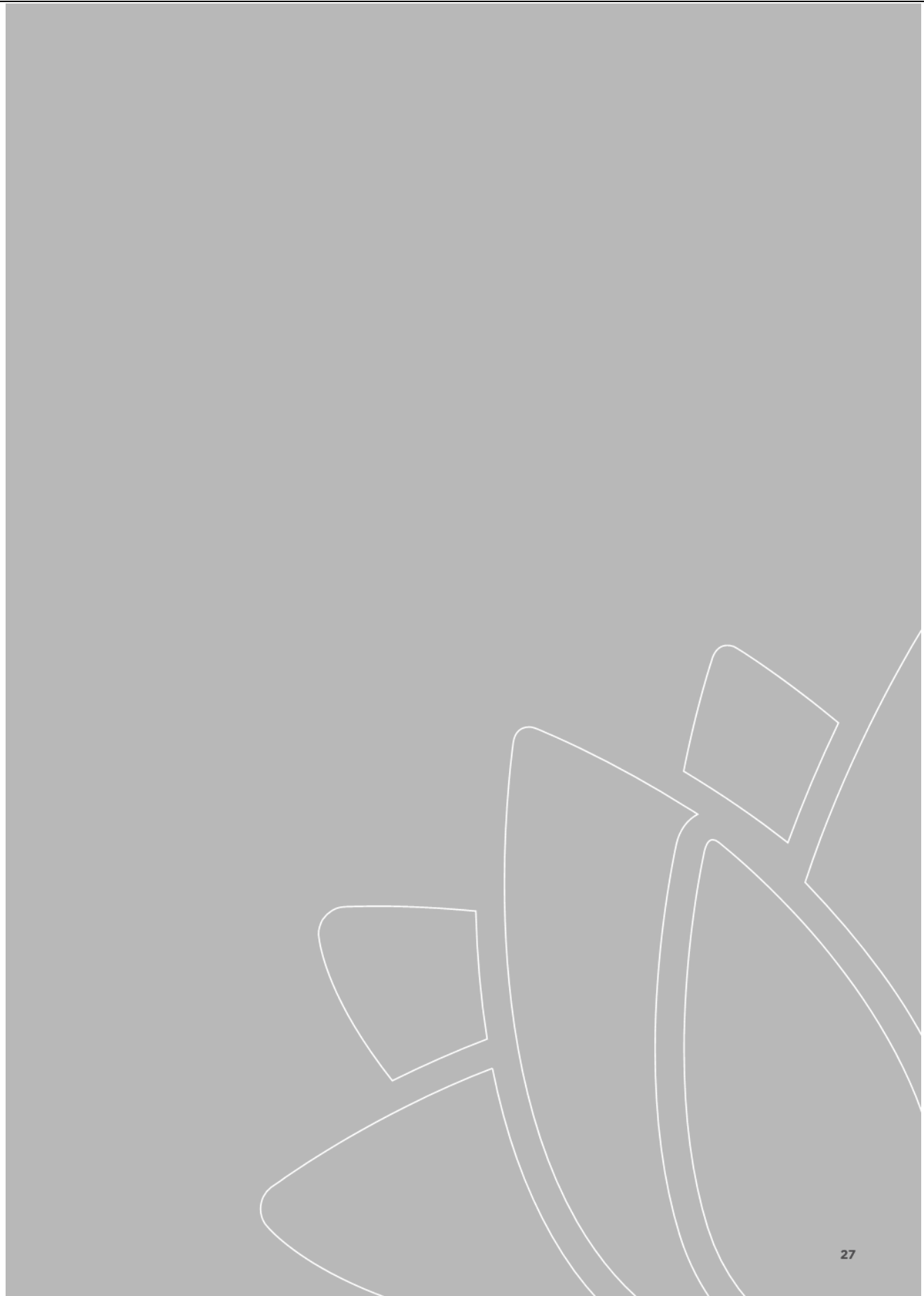
## Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

## Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development 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 members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



Item 14.3

Attachment 2



**Part 6:**

**Personal Benefit**

Item 14.3

Attachment 2

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
  - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

## Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

## How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.

- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- the nature of the gift or benefit
  - the estimated monetary value of the gift or benefit
  - the name of the person who provided the gift or benefit, and
  - the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

## Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - gifts of alcohol that do not exceed a value of \$50
  - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - prizes or awards that do not exceed \$50 in value.

## Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

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### “Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

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### Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

**Part 7:**  
**Relationships Between**  
**Council Officials**

Item 14.3

Attachment 2

## Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

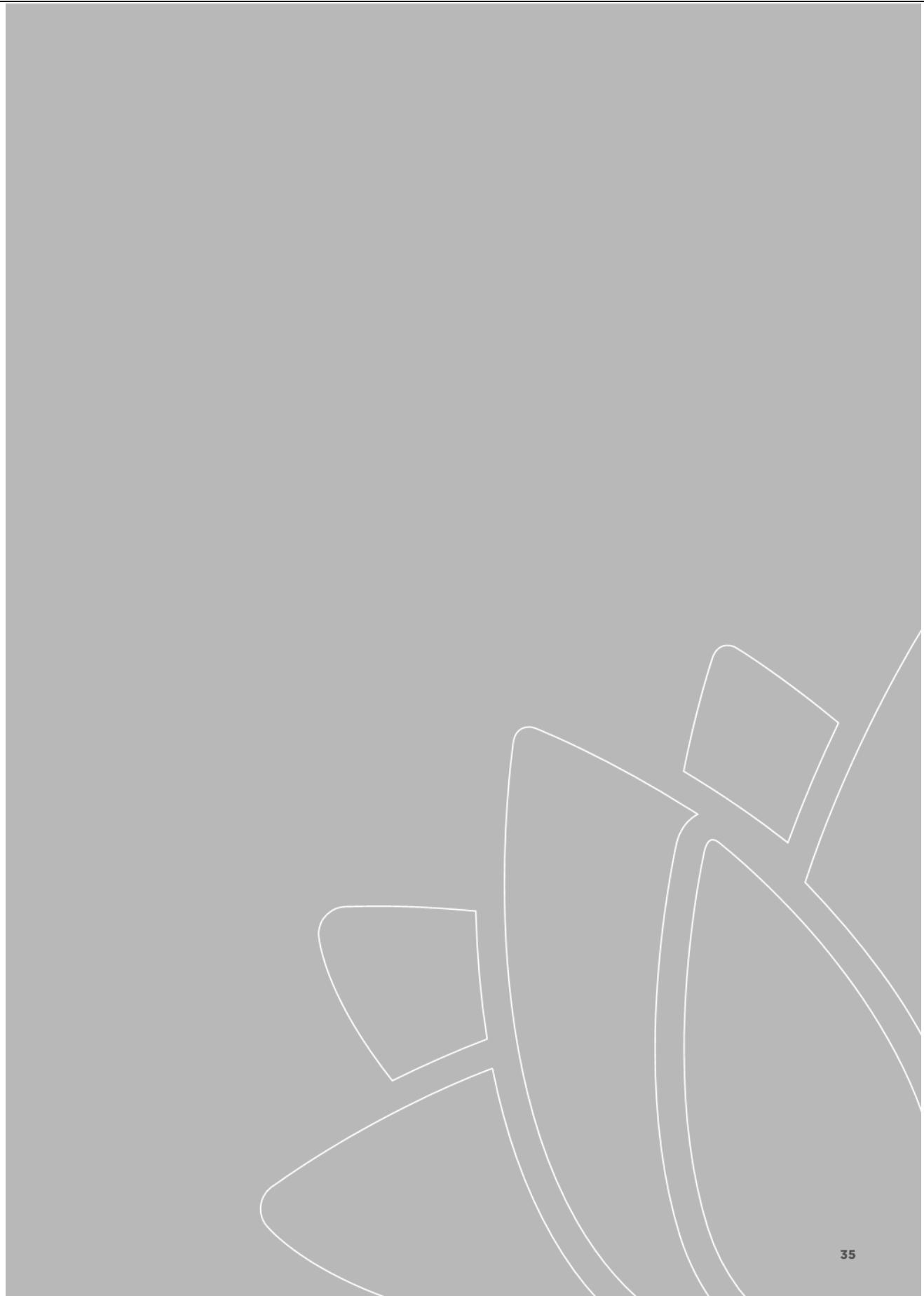
## Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

## Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



Item 14.3

Attachment 2



**Part 8:**

**Access to Information and  
Council Resources**

Item 14.3

Attachment 2

## Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise

available to members of the public, or the council has determined to make the information available under the GIPA Act.

## Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

## Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

## Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- subject to clause 8.14, only access council information needed for council business
  - not use that council information for private purposes
  - not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

## Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - protect confidential information
  - only release confidential information if you have authority to do so
  - only use confidential information for the purpose for which it is intended to be used

- not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

## Personal information

- 8.12 When dealing with personal information you must comply with:
- the *Privacy and Personal Information Protection Act 1998*
  - the *Health Records and Information Privacy Act 2002*
  - the Information Protection Principles and Health Privacy Principles
  - the council's privacy management plan
  - the Privacy Code of Practice for Local Government

## Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- the representation of members with respect to disciplinary matters
  - the representation of employees with respect to grievances and disputes
  - functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- for the purpose of assisting your election campaign or the election campaign of others, or
  - for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

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## Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

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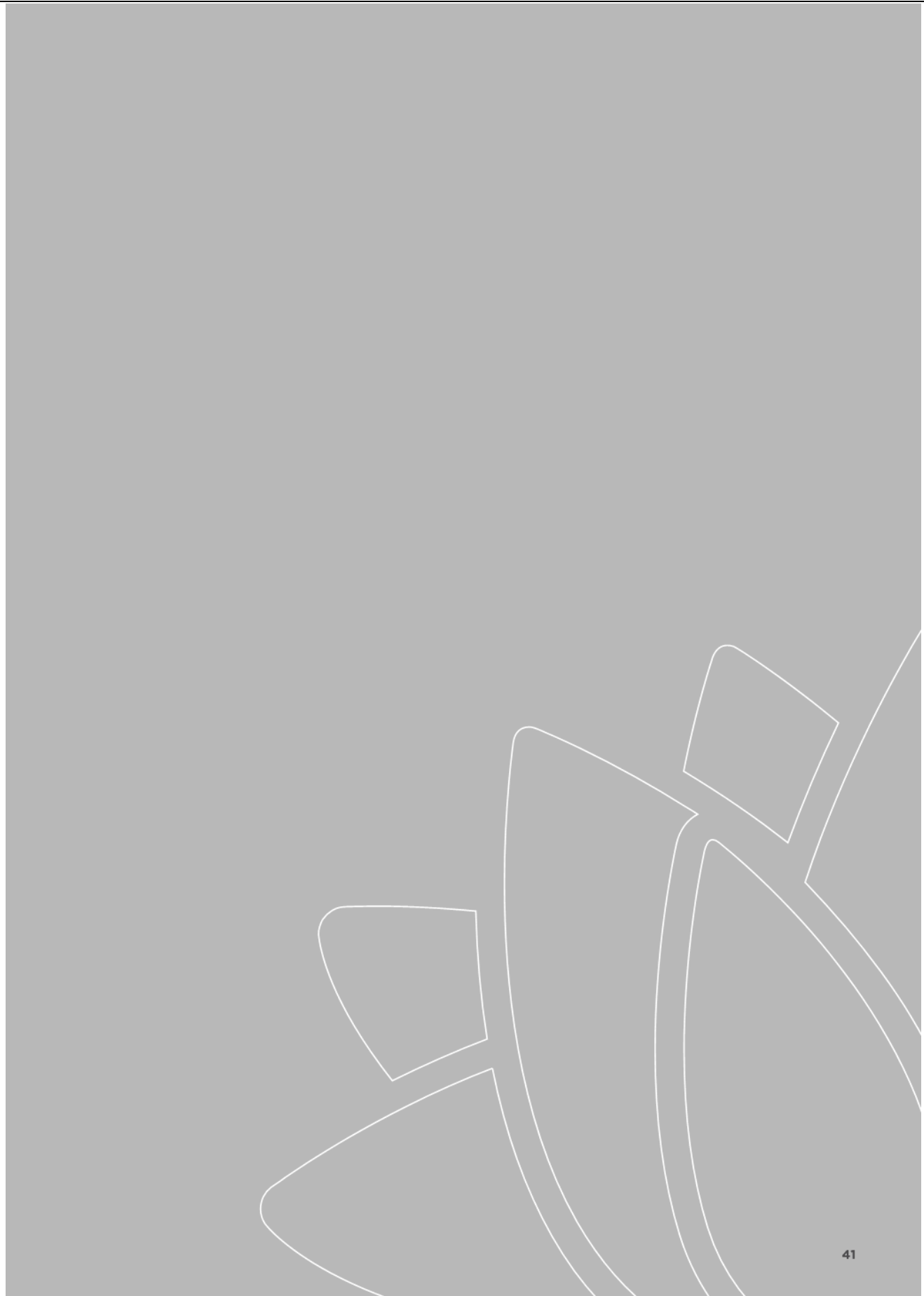
## Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

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## Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.



Item 14.3

Attachment 2

**Part 9:**  
**Maintaining the Integrity**  
**of this Code**

Item 14.3

Attachment 2

## Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- to bully, intimidate or harass another council official
  - to damage another council official's reputation
  - to obtain a political advantage
  - to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - to avoid disciplinary action under the Procedures
  - to take reprisal action against a person for making a complaint alleging a breach of this code
  - to take reprisal action against a person for exercising a function prescribed under the Procedures
  - to prevent or disrupt the effective administration of this code under the Procedures.

## Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- injury, damage or loss
  - intimidation or harassment
  - discrimination, disadvantage or adverse treatment in relation to employment
  - dismissal from, or prejudice in, employment
  - disciplinary proceedings.

## Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.



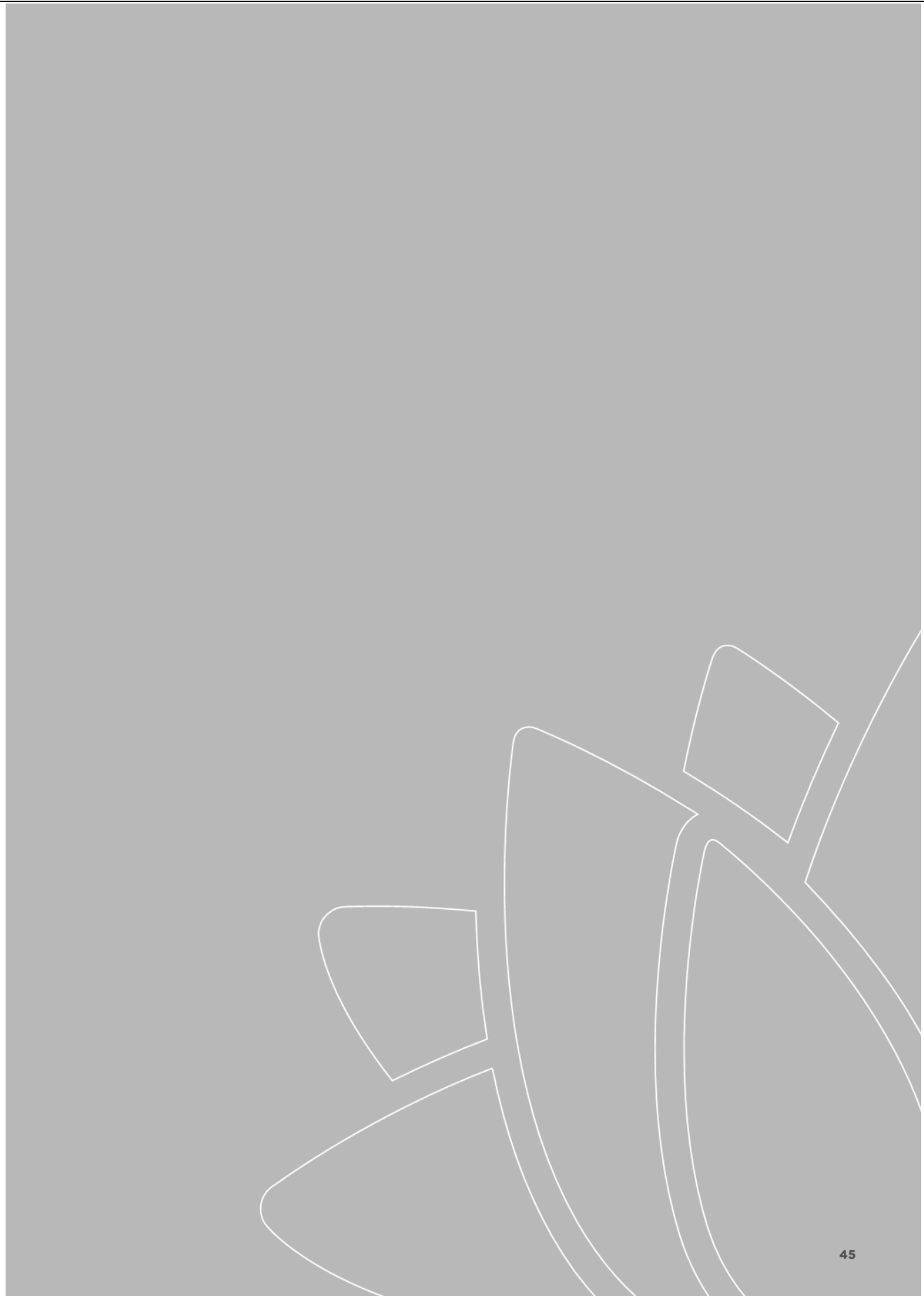
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

### Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

### Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.



Item 14.3

Attachment 2

**Schedule 1:**  
**Disclosures of Interest and Other**  
**Matters in Written Returns**  
**Submitted Under Clause 4.21**

Item 14.3

Attachment 2

# Part 1: Preliminary

## Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

## Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - was made by a relative of the traveller, or
  - was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

## Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - the nature of the interest, or the position held, in each of the corporations, and
  - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - required to apply its profits or other income in promoting its objects, and
  - prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

## Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

## Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

## Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.



## Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - i) a description of the occupation, and
    - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

## Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

## Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

## Schedule 2:

# Form of Written Return of Interests Submitted Under Clause 4.21

Item 14.3

Attachment 2

## 'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

## Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Model Code of Conduct for Local Councils in NSW

Disclosure of pecuniary interests and other matters by *[full name of councillor or designated person]*

as at *[return date]*

in respect of the period from *[date]* to *[date]*

*[councillor's or designated person's signature]*

*[date]*

**A. Real Property**

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
--	--------------------

**B. Sources of income**

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
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2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

**C. Gifts**

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

**D. Contributions to travel**

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

**E. Interests and positions in corporations**

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

**F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**

**G. Positions in trade unions and professional or business associations**

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

**H. Debts**

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

**I. Dispositions of property**

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

**J. Discretionary disclosures**

**Schedule 3:**  
**Form of Special Disclosure of**  
**Pecuniary Interest Submitted**  
**Under Clause 4.37**

Item 14.3

Attachment 2

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

“Relative” is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse’s or your de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor’s principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person’s principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.



Model Code of Conduct for Local Councils in NSW

**Special disclosure of pecuniary interests by** *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the      day of      20 .

**Pecuniary interest**

**Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)**

Relationship of identified land to councillor  
*[Tick or cross one box.]*

The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).

An associated person of the councillor has an interest in the land.

An associated company or body of the councillor has an interest in the land.

**Matter giving rise to pecuniary interest<sup>1</sup>**

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)<sup>2</sup>

The identified land.

Land that adjoins or is adjacent to or is in proximity to the identified land.

*[Tick or cross one box]*

Current zone/planning control

*[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]*

1 Clause 4.1 of the Model Code of Conduct provides that 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. 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, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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*Proposed change of zone/planning control*

*[Insert name of proposed LEP and identify  
proposed change of zone/planning control  
applying to the subject land]*

---

Effect of proposed change of zone/planning  
control on councillor or associated person

*[Insert one of the following: "Appreciable  
financial gain" or "Appreciable financial loss"]*

---

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each  
additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of  
the meeting]



Item 14.3

Attachment 2

**14.4 Model Code of Meeting Practice for Local Councils in NSW**Responsible Director: Office of the General Manager

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The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) was prescribed on 14 December 2018.

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors.

The Model Meeting Code comprises of mandatory and non-mandatory provisions. Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary council elections.

Until Council adopts a new code of meeting practice, the existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed (i.e. 14 December 2018 – 14 June 2019). If a council does not adopt a new code within this 6 month period, any provision of the Council's adopted meeting code that is inconsistent with a mandatory provision of the Model Meeting Code will cease to have any effect.

In addition, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.

Council committees whose members include persons other than councillors may adopt their own rules for meetings, unless the council determines otherwise.

Attached for Councillors' information is a copy of the Office of Local Government circular 18-45 and a copy of the Model Code of Meeting Practice for Local Councils in NSW.

**Communication/Community Engagement**

Council is required to consult with our community prior to adopting a code of meeting practice.

**Attachments**

- 1 Office of Local Government circular 18-45 - Model code of meeting practice [↓](#)
- 2 Model Code of Meeting Practice for Local Councils in NSW 2018 - FINAL [↓](#)

<b>Circular Details</b>	Circular No 18-45 / 18 December 2018 / A621294
<b>Previous Circular</b>	18-35 <i>The new Model Code of Meeting Practice for Local Councils</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
<b>Contact</b>	Council Governance Team – (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## Commencement of the new Model Code of Meeting Practice for Local Councils in NSW

### What's new or changing

- Amendments made to the *Local Government Act 1993* (LGA) in August 2016 by the *Local Government Amendment (Governance and Planning) Act 2016* (the Phase 1 amendments) provide for a model code of meeting practice (Model Meeting Code) to be prescribed by the Regulation.
- Following an extensive consultation process, a Model Meeting Code has been prescribed under the *Local Government (General) Regulation 2005* (the Regulation) and the existing meetings provisions of the Regulation have been repealed. The new Model Meeting Code is available on OLG's website.
- The Model Meeting Code has two elements:
  - It contains mandatory provisions (**indicated in black font**) that reflect the existing meetings provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by councils.
  - It contains non-mandatory provisions (**indicated in red font**) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.
- The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are **indicated in blue font**. References to councils below also include references to joint organisations and county council unless otherwise specified.

### What this will mean for your council

- Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
- A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.
- Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.

### Key points

- Under the transitional provisions of the LGA, councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary elections.
- Until a council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed, (14 December 2018 – 14 June 2019). If a council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the LGA, any provision of the council's adopted meeting code that is inconsistent with a mandatory provision of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that it is inconsistent with the mandatory provision of the Model Meeting Code.
- Irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from 14 December 2019. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- Before adopting a new code of meeting practice, under section 361 of the LGA, councils are still required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. This requirement does not apply to joint organisations.
- In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".
- In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

### Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Meeting Code is available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Meeting Code during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



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# MODEL CODE OF MEETING PRACTICE

for Local Councils in NSW

2018

Item 14.4

Attachment 2



**MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW**

2018

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Model Code of Meeting Practice for Local Councils in NSW

# 1 Introduction

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This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

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## 2 Meeting Principles

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2.1 Council and committee meetings should be:

<b>Transparent:</b>	Decisions are made in a way that is open and accountable.
<b>Informed:</b>	Decisions are made based on relevant, quality information.
<b>Inclusive:</b>	Decisions respect the diverse needs and interests of the local community.
<b>Principled:</b>	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
<b>Trusted:</b>	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
<b>Respectful:</b>	Councillors, staff and meeting attendees treat each other with respect.
<b>Effective:</b>	Meetings are well organised, effectively run and skilfully chaired.
<b>Orderly:</b>	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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## 3 Before the Meeting

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## Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: **[council to specify the frequency, time, date and place of its ordinary meetings]**.

- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note: Councils must use either clause 3.1 or 3.2**

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

**Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.**

**Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.**

## Extraordinary meetings

- 3.3 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.3 reflects section 366 of the Act.**

## Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

## Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

## Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

## Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **[council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

## Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.



## Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the 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
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 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.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A) (a) of the Act.**

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

## Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A) (b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

---

## Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20-10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

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## Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

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## 4 Public Forums

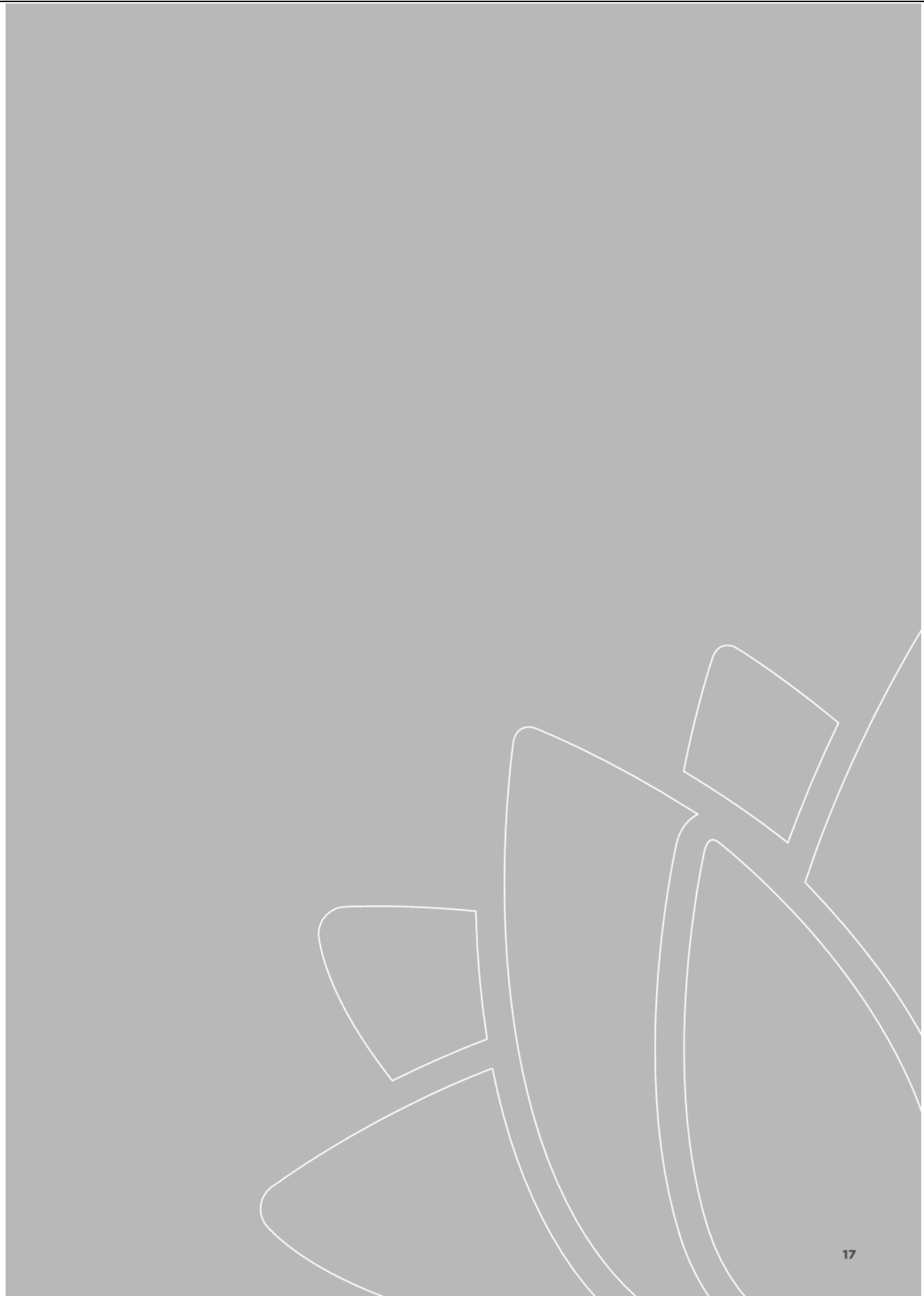
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- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.

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- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
- Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**



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## 5 Coming Together

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## Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

**Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.**

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of

such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

## The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 reflects section 368(1) of the Act.**

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5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

5.11 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

5.13 The general manager must record in the 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 the council, together with the names of the councillors present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

## Entitlement of the public to attend council meetings

5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.16 reflects section 10(1) of the Act.**

5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.18 reflects section 10(2) of the Act.**

**Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council**

and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

## Webcasting of meetings

5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

**Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.**

**Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.**

**Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.**

5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

## Attendance of the general manager and other staff at meetings

5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.23 reflects section 376(1) of the Act.**

5.24 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.24 reflects section 376(2) of the Act.**

5.25 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.25 reflects section 376(3) of the Act.**

5.26 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

## 6 The Chairperson

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## The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

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## Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the 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.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

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## Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

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## 7 Modes of Address

Item 14.4

Attachment 2

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

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# 8 Order of Business for Ordinary Council Meetings

Item 14.4

Attachment 2



- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The general order of business for an ordinary meeting of the council shall be:  
**[councils may adapt the following order of business to meet their needs]**
- 01 Opening meeting
  - 02 Acknowledgement of country
  - 03 Apologies and applications for a leave of absence by councillors
  - 04 Confirmation of minutes
  - 05 Disclosures of interests
  - 06 Mayoral minute(s)
  - 07 Reports of committees
  - 08 Reports to council
  - 09 Notices of motions/Questions with notice
  - 10 Confidential matters
  - 11 Conclusion of the meeting

**Note: Councils must use either clause 8.1 or 8.2.**

- 8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note: If adopted, Part 13 allows council to deal with items of business by exception.**
- 8.4 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

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## 9 Consideration of Business at Council Meetings

Item 14.4

Attachment 2

## Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 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, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

## Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, 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.
- 9.7 A mayoral minute, when put to a 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 a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

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9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

## Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

## Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

## Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

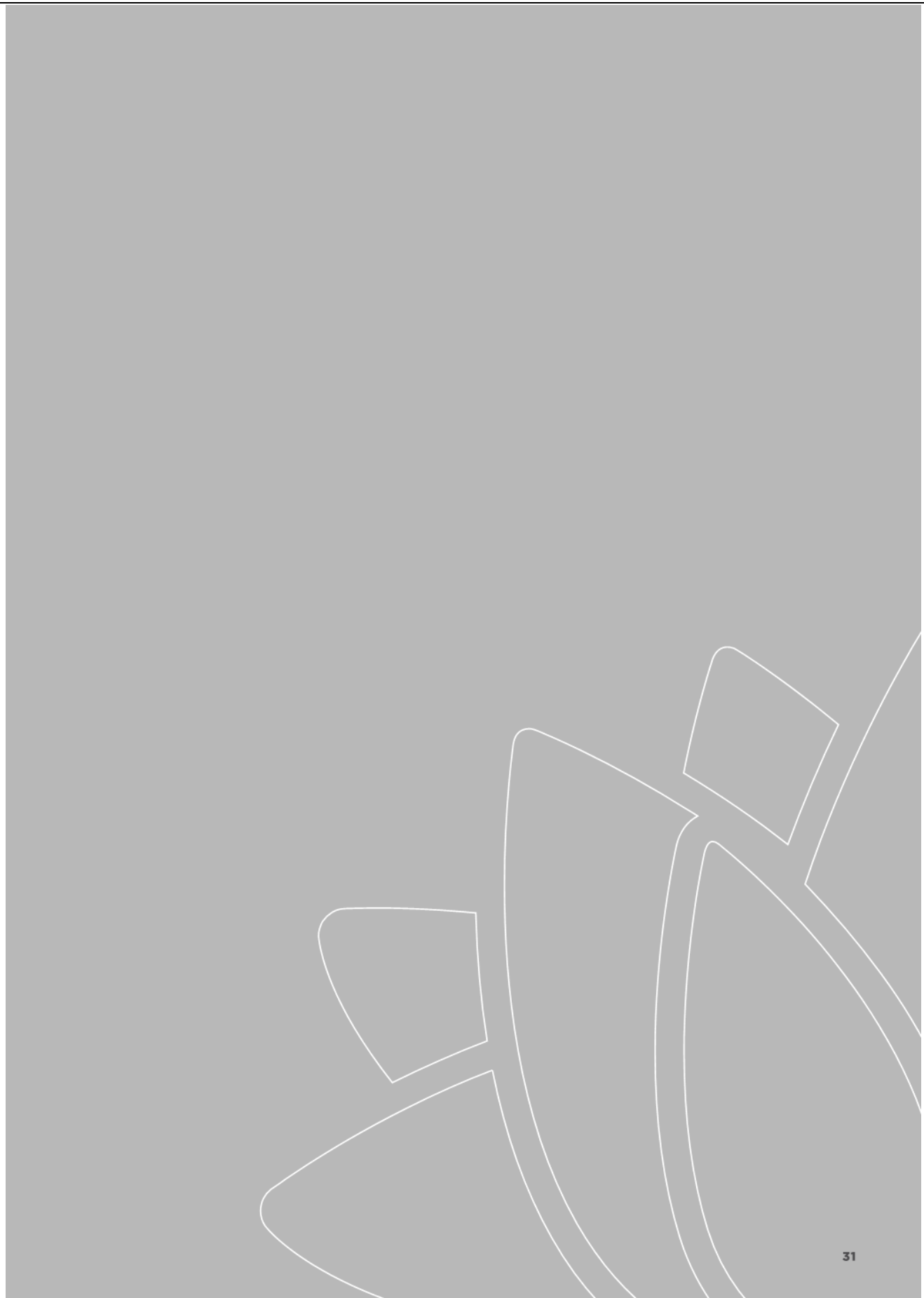
9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

answer a question put to them through the general manager at the direction of the general manager.

9.17 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. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



**Item 14.4**

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# 10 Rules of Debate

Item 14.4

Attachment 2

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## Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

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## Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council..

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## Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

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## Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

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## Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

## Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

## Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 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.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, 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 (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.



- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an 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 (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 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 their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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## Participation by non-voting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

**Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.**

**Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.**

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# 11 Voting

Item 14.4

Attachment 2

## Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

**Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.**

11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

**Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.**

**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.**

## Voting at council meetings

11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion

11.6 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.

11.7 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 (2) councillors rise and call for a division.

11.8 When a division on a motion is called, 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 who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

**Note: If clause 11.11 is adopted, clauses 11.6 - 11.9 and clause 11.13 may be omitted.**

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## Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), 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.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 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.
- 11.15 Clauses 11.12-11.14 apply also to meetings that are closed to the public.

**Note: Clauses 11.12-11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**



**Item 14.4**

**Attachment 2**

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## 12 Committee of the Whole

Item 14.4

Attachment 2

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 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 the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20-10.30 limit the number and duration of speeches.**

- 12.3 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 the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

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# 13 Dealing with Items by Exception

Item 14.4

Attachment 2



- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

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# 14 Closure of Council Meetings to the Public

Item 14.4

Attachment 2

## Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (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 the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

14.2 The council or a committee of the council 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.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

## Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (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.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

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- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) 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.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 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 clause 14.2), 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 clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose 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.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

### Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, 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 under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

## Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

## Expulsion of non-councillors from meetings closed to the public

14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them 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 or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

## Information to be disclosed in resolutions closing meetings to the public

14.20 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. The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act,

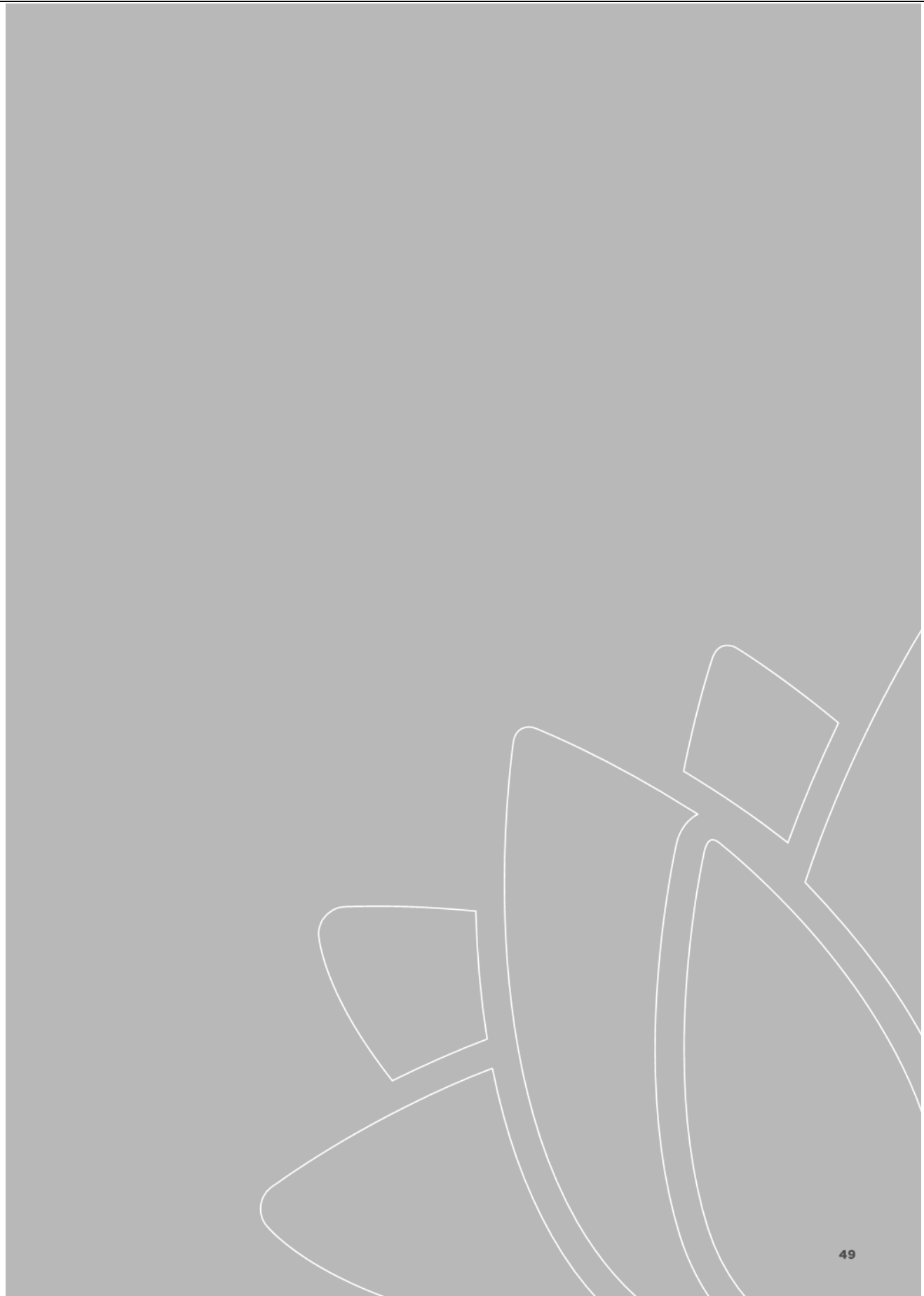
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer 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.

**Note: Clause 14.20 reflects section 10D of the Act.**

## Resolutions passed at closed meetings to be made public

14.21 If 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 the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.



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## 15 Keeping Order at Meetings

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## Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

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## Questions of order

- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

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## Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, 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 rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision 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.

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## Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, 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 the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

## How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

## Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

**Note: Councils may use either clause 15.14 or clause 15.15.**

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.
- 15.24 If any such person, after being notified of a resolution or direction expelling them 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 or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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### **Use of mobile phones and the unauthorised recording of meetings**

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

# 16 Conflicts of Interest

Item 14.4

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- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

## 17 Decisions of the Council

Item 14.4

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## Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.**

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

## Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

17.4 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.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

17.6 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 lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **[council to specify the period of time]** after the meeting at which the resolution was adopted.

17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

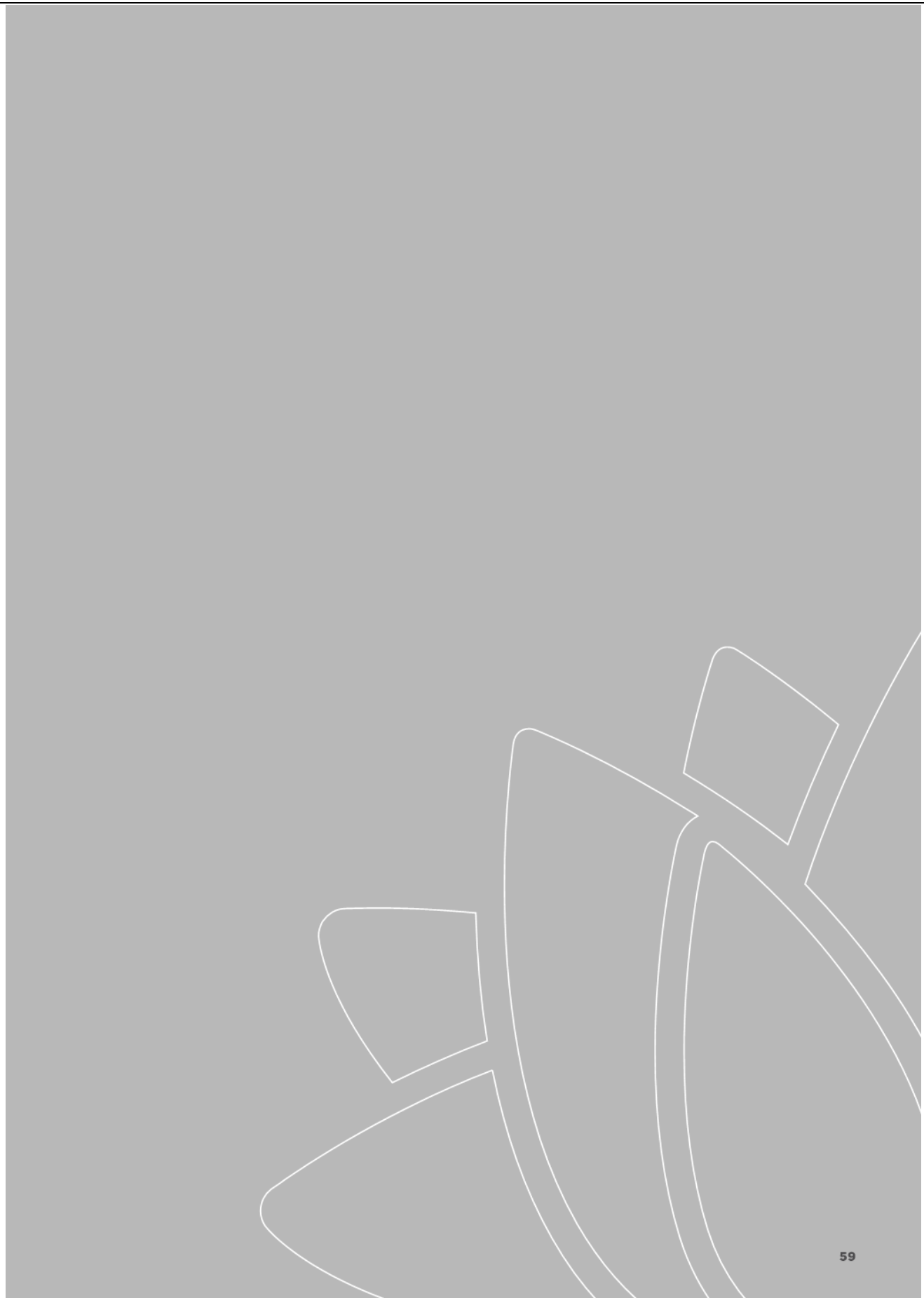
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
  - (b) a motion to have the motion considered at the meeting is passed, and
  - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

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## Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.





**Item 14.4**

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# 18 Time Limits on Council Meetings

Item 14.4

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- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 After the Meeting

Item 14.4

Attachment 2

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## Minutes of meetings

19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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## Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council 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.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

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**Model Code of Meeting Practice for Local Councils in NSW**

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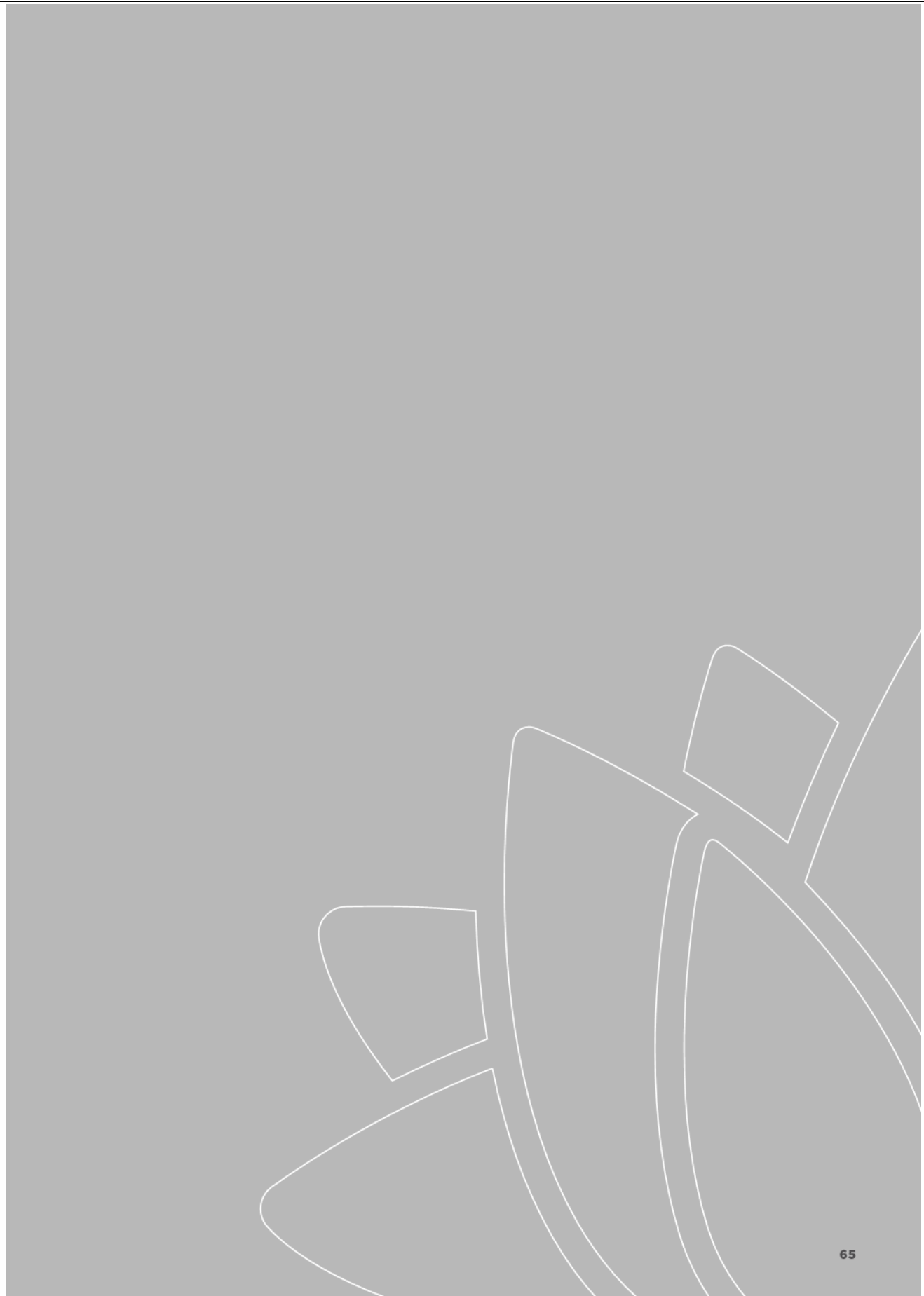
19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

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## **Implementation of decisions of the council**

19.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**



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## 20 Council Committees

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## Application of this Part

20.1 This Part only applies to committees of the council whose members are all councillors.

## Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

## Functions of committees

20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

## Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and

(b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

## Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (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 without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

## Non-members entitled to attend committee meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. 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.

## Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council 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.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. 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.

## Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

## Closure of committee meetings to the public

20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.20 If a committee of the 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 make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

## Disorder in committee meetings

20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

## Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

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## 21 Irregularities

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- 21.1 Proceedings at a meeting of a council or a council 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 declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 Definitions

<b>the Act</b>	means the <i>Local Government Act 1993</i>
<b>act of disorder</b>	means an act of disorder as defined in clause 15.11 of this code
<b>amendment</b>	in relation to an original motion, means a motion moving an amendment to that motion
<b>audio recorder</b>	any device capable of recording speech
<b>business day</b>	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
<b>chairperson</b>	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and  in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
<b>this code</b>	means the council's adopted code of meeting practice
<b>committee of the council</b>	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
<b>council official</b>	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
<b>day</b>	means calendar day
<b>division</b>	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
<b>foreshadowed amendment</b>	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
<b>foreshadowed motion</b>	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
<b>open voting</b>	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
<b>planning decision</b>	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
<b>performance improvement order</b>	means an order issued under section 438A of the Act

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Model Code of Meeting Practice for Local Councils in NSW

<b>quorum</b>	means the minimum number of councillors or committee members necessary to conduct a meeting
<b>the Regulation</b>	means the <i>Local Government (General) Regulation 2005</i>
<b>webcast</b>	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
<b>year</b>	means the period beginning 1 July and ending the following 30 June





**Item 14.4**

**Attachment 2**



Item 14.4

Attachment 2

**14.5 New Councillor Induction and Professional Development Requirements**Responsible Director: Office of the General Manager

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Amendments made to the *Local Government Act 1993* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor”.

In support of this, regulations have been made requiring councils to provide induction training and ongoing professional development for mayors and councillors.

The Office of Local Government has issued guidelines under section 23A of the Act to assist councils to develop and deliver induction training and ongoing professional development activities for mayors and councillors in compliance with the regulations.

Under the guidelines, councils’ induction and professional development programs are to consist of three elements:

**Pre-election candidate sessions** – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged).

**Induction program** – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff

**Professional development program** – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.

Immediate steps will need to be taken to develop and deliver a professional development program for the Mayor and individual Councillors.

From next year information about Councillors’ participation in induction and professional development activities must be published in the annual report.

Attached for Councillors’ information is a copy of the Office of Local Government circular 18-46.

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Office of Local Government circular 18-46 - induction and professional development requirements [↓](#)

<b>Circular Details</b>	Circular No 18-46 / 18 December 2018 / A621298
<b>Previous Circular</b>	18-25 <i>Status of the new Councillor Induction and Professional Development Guidelines</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Council governance staff
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to implement

## New Councillor Induction and Professional Development Requirements

### What's new or changing

- Amendments made to the *Local Government Act 1993* (the Act) by the *Local Government Amendment (Governance and Planning) Act 2016* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".
- In support of this, regulations have been made for induction and other professional development for mayors and councillors. The new requirements under the *Local Government (General) Regulation 2005* are outlined in the attachment to this circular. These requirements do not apply to joint organisations.
- The Office of Local Government (OLG) has prepared guidelines to assist councils to develop and deliver induction and ongoing professional development activities for their mayor and councillors in compliance with the proposed regulations. The Guidelines have been issued under section 23A of the Act.

### What this will mean for your council

- Councils' induction and professional development programs are to consist of three elements:
  - *Pre-election candidate sessions* – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged)
  - *Induction program* – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff
  - *Professional development program* – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.
- Councils will be required to report information in their annual reports on the induction and ongoing professional development activities offered to the mayor and each councillor. The reporting requirements are set out in the attachment to this circular.

**Key points**

- Councils will need to take immediate steps to develop and deliver a professional development program for the mayor and each councillor.
- Councils will need to deliver an induction program for any councillor elected at a by-election before the next ordinary elections.
- Councils will be required to prepare and deliver an induction program for the mayor and all councillors following the next ordinary elections.
- From next year, councils will be required to report on councillor induction and professional development in their annual reports.

**Where to go for further information**

- The Councillor Induction and Professional Development Guidelines are available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- For further information, contact OLG's Council Governance Team on (02) 4428 4100.



**Tim Hurst  
Chief Executive**

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**Attachment**

**The new councillor induction and professional development requirements under the *Local Government (General) Regulation 2005***

- The general manager is to ensure an induction program is delivered for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election.
- The general manager is to ensure an ongoing professional development program is delivered for the mayor and each councillor over the term of the council for the purposes of assisting them to acquire and maintain the skills necessary to perform their role.
- The content of the ongoing professional development program to be delivered to the mayor and councillors is to be determined in consultation with the mayor and each councillor and is to have regard to the specific skills required by the mayor, each individual councillor and the governing body as a whole to perform their roles.
- Mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or ongoing professional development program.
- Councils are to publish the following information in their annual reports:
  - the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
  - the name of the mayor and each councillor who participated in any ongoing professional development program during the year
  - the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
  - the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.
- The above requirements do not apply to joint organisations.

**14.6 Conference attendance: Local Government NSW Tourism Conference 2019**Responsible Director: Office of the General Manager

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Council has received advice that the Local Government NSW Tourism Conference for 2019 will be co-hosted by Central Coast Council and held at the Crown Plaza Terrigal from 17-19 March 2019.

The theme, *Experience Changes Perceptions*, aligns with the NSW Government's \$2 million NSW Road Trips campaign to entice travellers to experience metropolitan, rural and regional offerings off the major highways and into rural and regional towns.

The theme relates to creating tourism experiences that will attract and sustain a local and visiting audience, investment, partnerships and content development. The theme also looks at how to address assumptions tourists make about destinations and how we can change visitor perceptions with real experiences and technology.

Highlights include:

- Half-day session and workshop for staff in accredited visitor information centres. The program explores the value perception of visitor information centres and how to build council support upwards and outwards
- Welcome address from The Hon Adam Marshall MP, Minister for Tourism and Major Events (invited)
- Keynote presentation by Destination NSW
- Presentation on The Visitor Economy Action Plan
- Case studies on cultural heritage, innovation and activation and experience development.

The Conference is the only Local Government Tourism Conference in NSW. In the past Council staff, Kiama Tourism representatives and Councillors have attended the Conference.

Early bird registration (\$660pp) closes on Monday 28 January 2019.

The conference program brochure is attached for Councillors' information.

Councillors should advise of their interest in attending the Conference.

**Communication/Community Engagement**

A post-conference report will be submitted to a Council meeting following the Conference.

**Attachments**

- 1 Draft Program - Local Government NSW Tourism Conference 2019 [↓](#)



## Local Government NSW Tourism Conference 2019 Experience Changes Perception

**SUNDAY 17 TO TUESDAY 19 MARCH 2019**  
**CROWNE PLAZA TERRIGAL**  
Pine Tree Lane, Terrigal NSW 2260

CO-HOSTED BY:



### DRAFT PROGRAM (As of 18 December 2018)

SUNDAY 17 MARCH – AVIC SUMMIT AND WORKSHOP		
12.00pm – 5.00pm	Exhibitors set up for trade exhibition	
1.00pm – 5.00pm	Registration at Crowne Plaza Terrigal	
2.00pm – 5.00pm	Optional AVIC Summit: The Value Perception Book separately on the registration forms	
1.30pm – 2.00pm	Arrival coffee. For all Accredited Visitors Information Network and tourism and operations staff and volunteers	Facilitated by <b>Mark Greaves</b> , Managing Director, The Tourism Group Sponsored by The Tourism Group
2.00pm – 2.20pm	Introduction and overview A National Perspective on Visitor Information Servicing	<b>Mark Greaves</b>
2.20pm – 2.35pm	The value of events for VICs; Case Study Flavours of Mudgee	<b>Alina Azar</b> , Manager Economic Development, Mid Western Council and VIC Manager
2.35pm – 2.55pm	Successful Visitor Servicing including national case studies	<b>Rebecca White</b> , Director, Tourism Eschool
2.35pm – 4.50pm	Workshop groups and working afternoon tea Building support upwards and outwards on the value of visitor servicing and VICs; how do you get buy-in from council and community and how can you influence the outcomes	
4.50pm - 5.00pm	Summary and thanks	<b>Mark Greaves</b>
From 5.30pm	Transfer bus to pick up from Crowne Plaza Terrigal to Norah Head Lighthouse, 40 Bush Street, Norah Head. Return transfer will drop at all website listed accommodation	
6.15pm –9.30pm	Welcome to country and lighthouse tour at Norah Head, transfer to Welcome Reception at Soldiers Point, Soldiers Beach Events Centre Welcome from <b>Gary Murphy</b> , Chief Executive Officer, Central Coast Council Welcome from Premier Sponsor HomeAway/Stayz - <b>Eacham Curry</b> , Director, Government & Corporate Affairs Thankyou from <b>Cr Linda Scott</b> , President LGNSW  <i>Delegate registration will be available at this event</i>	



MONDAY 18 MARCH		
8.00am	Trade exhibition opens	
8.50am – 9.00am	Introduction and housekeeping from MC	<b>Rose Wright</b> , Managing Director, Regionality Pty Ltd
9.00am – 9.05am	Welcome to The Central Coast region	<b>Cr Jane Smith</b> , Mayor, Central Coast Council
9.05am – 9.10am	Introduction to LGNSW Tourism Conference	<b>Cr Linda Scott</b> , President LGNSW
9.10am – 9.25am	Ministerial Address	<b>The Hon Adam Marshall MP</b> , Minister for Tourism (invited)
9.25am – 9.50am	Implementing the Visitor Economy Industry Action Plan (VEIAP)	<b>Justin Vaughan</b> , Manager Tourism Policy, NSW Dept of Industry (invited)
9.50am – 10.30am	An update from Destination NSW	<b>Sandra Chipchase</b> , Chief Executive Officer, Destination NSW
10.30am – 11.00am	<b>Morning tea</b> sponsored by Campervan and Motorhome Club of Australia	
11.00am – 11.15am	Shadow Minister Address	<b>The Hon John Graham MLC</b> , Shadow Minister for Tourism and Major Events
11.15am – 12 noon	Competing or collaborating in a crowded market: Navigating regional resources and layers of governance to effectively market to tourists	Panel Discussion Dept of Industry or ALGA Joint Organisation Exec Officer or Chair Regional Organisation of Councils Destination Network Council
12 noon – 1.00pm	Doing heritage differently: Using case studies describing festivals, grant projects and new media (apps and virtual reality), Heritage Near Me will explore how creating novel experiences has shifted tired perceptions of our heritage	<b>Christian Hampson</b> , Manager, and <b>Madelaine Veronese</b> , Communications Officer, and <b>Sally MacLennan</b> , Senior Heritage Project Officer, Heritage Near Me program, Heritage Division, Office of Environment and Heritage
1.00pm – 2.00pm	<b>Lunch</b> sponsored by Leonards Advertising	
2.00pm – 2.30pm	Moving the Titanic with your little finger – the challenge of changing perceptions of a region. A Lake Macquarie journey	<b>Jacqui Hemsley</b> , Manager Cultural Services, Lake Macquarie City Council
2.30pm – 3.00pm	From Struggle Town to Symphony: a space became a place	<b>Laura Shelley</b> , Events Team Leader and <b>Sara Wightman</b> , Events and Marketing Coordinator, Queanbeyan-Palerang Regional Council
3.00pm – 3.30pm	Experience development – importance to help drive word of mouth advocacy for local government areas	<b>Rebecca White</b> , Director, Tourism Eschool
3.30pm – 4.00pm	Shoalhaven rebrand from board shorts and thongs to many experiences, one destination including case study of the 100 Beach Challenge and the effects of overtourism	<b>Coralie Bell</b> , Tourism Manager, Shoalhaven City Council
4.00pm – 4.30pm	Central Coast changing perceptions	Central Coast Council

Item 14.6

Attachment 1

6.00pm transfer for 6.30pm – 10.00pm	Conference dinner sponsored by Office of Environment and Heritage A Hidden Jewel: Glenworth Valley, 69 Cooks Road, Glenworth Valley Bus transfers from selected hotels from 6.00pm. Check schedules provided
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TUESDAY 19 MARCH		
8.00am	Trade exhibition opens	
8.55am – 9.00am	Welcome to day two	Master of Ceremonies
9.00am 12 noon Site visits	<b>Four site visits, facilitated by Central Coast Council will include morning tea or refreshments. Join the bus at Crowne Plaza</b>	
Site visit 1	<b>Agritourism: a customised food trail.</b> Visit the regions finest artisan producers with 3 destinations to taste the finer things in life. This trip will highlight the role food producers play in a visitor experience and demonstrate the merits of packaging like products to lengthen and improve this experience. We will be driving you to distraction stopping at Fires Creek Winery, Six String Brewery and Distillery Botanica plus a range of producers including Glee Coffee Roasters, Little Creek Cheese and Luka Chocolate	
Site visit 2	<b>Wedding Tourism – how to be a wedding destination.</b> Local entrepreneurs will discuss their role as co-ordinators and innovators of wedding tourism to increase the viability of a region as a wedding destination. With a beautiful backdrop, wonderful restaurants, and a huge range of passionate wedding professionals, the Central Coast is poised to become the perfect destination. Council is supporting growth in this field and the use of Council owned spaces for ceremonies. We will bus to Bell's at Killcare for a mini wedding exhibition and discussion on the value a destination wedding can have on the visitor economy. This will review how to invest in and package an experience	
Site visit 3	<b>Shared Pathways, celebrating and enjoying natural spaces.</b> Taking advantage of the increased demand to travel to unique and remarkable environments, this site visit will highlight how council maintained infrastructure can be a driver for dispersing tourists through a region to experience natural and built environments. You will arrive at Picnic Point and take on the shared pathway to Long Jetty via a short easy bike ride following the Tuggerah Lakes shoreline	Sponsored by Cartoscope
Site visit 4	<b>Reinvesting in Places:</b> gentrification and entrepreneurship. Join us to drive to Woy Woy and the Waterfront to discover how local business owners investing in spaces have improved the appeal of this destination not just for residents	

12.00pm – 1.00pm	Lunch sponsored by CCIA	
1.00pm – 2.30pm	<b>Concurrent topic stream 1 Drive tourism - Driving you to distraction</b>	Sponsored by CCIA Facilitated by <b>Lyndel Gray</b> , Chief Executive Officer, Caravan & Camping Industry Association NSW
1.00pm – 1.30pm	The Canola Trail: a joint marketing venture between Junee, Coolamon and Temora	<b>Craig Sinclair</b> , Economic Development Manager, Temora Shire Council
1.30pm – 2.00pm	Pie Time: A Southern 'Pie-lands' Trail	<b>Steve Rosa</b> , Manager Tourism and Events, Destination Southern Highlands
2.00pm – 2.30pm	Pawfect Road Trips; holidays for the whole family. Caravan and camping case studies for embracing and profiting from pets	<b>Kylie Robertson</b> , Membership Development Manager, Caravan & Camping Industry Association NSW
1.00pm – 2.30pm	<b>Concurrent topic stream 2 Technology and marketing – how do they influence your actual experience? Do virtual reality, artificial intelligence have a place in your experience?</b>	Sponsored by Leonards Advertising Facilitated by <b>Margaux Everett</b> Director Digital and Database Marketing
1.00pm – 1.30pm	Creating experiences through six degrees of separation; how to develop destination marketing campaigns that change perceptions of your region through second hand experiences and vicarious vacations in digital media	<b>Melissa Ritchie</b> , Art Director Account Manager, Wisdom
1.30pm – 2.00pm	From authentic to hyper-authentic – how technology is reshaping the visitor experience	<b>Daniel Cove</b> , Tourism Manager, Bathurst Regional Council
2.00pm – 2.30pm	360 Degrees and the Newcastle Memorial Walk	<b>Anita Monticone</b> , Destination Marketing Officer, City of Newcastle
1.00pm – 2.30pm	<b>Concurrent topic stream 3 Utilising partnerships to package products suitable for niche tourism and new options</b>	Sponsored by Campervan & Motorhome Club of Australia Facilitated by <b>Richard Barwick</b> , Chief Executive Officer   Company Secretary
1.00pm – 1.30pm	How you can exploit hot new niches to drive visitation and engagement	<b>Carolyn Childs</b> , CEO, MyTravelResearch.com
1.30pm – 2.00pm	Warami Mittigar – A cultural partnership built on respect	<b>Justine Dowd</b> Manager, Cultural Heritage & Tourism, City of Parramatta Council
2.00pm – 2.30pm	The Love Lanes Festival illustrating partnerships with local community groups, businesses and land owners to work collaboratively on delivery. It showcases the diverse local community, cultural activities and performers, historical concepts and entertainment using Love as the overarching theme	<b>Central Coast Council</b>
2.30pm – 3.15pm	Keynote The 2018 Australian Deaf Games	<b>Ros Wall</b> , Event Team Leader, Albury City Council <b>Alex Jones</b> , GOC Chairman, Auslan Interpreter
3.15pm	Close	

Item 14.6

Attachment 1

**14.7 Question for future meeting: Parking stickers**Responsible Director: Environmental Services

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At Council's December 2018 meeting Councillor Steel requested a review of the use of a sticker system for local resident parking in the Kiama CBD.

This report provides information on the residential parking system introduced by the City of Sydney Council and matters to be taken into consideration if a similar scheme is to be introduced in the Kiama local government area.

**City of Sydney Council Residential Parking Scheme**

In the City of Sydney the purpose of permit parking is to provide residents the ability to park close to their residential premises especially overnight and on weekends. The areas where permits have been allocated are generally in densely populated suburbs that have the older style terrace houses or dwellings that do not have off street parking.

The Council of the City of Sydney developed and adopted a Neighbourhood Parking Policy for the issuing of parking permits. This policy excludes the Sydney CBD area and also excludes specific areas where multi-unit developments were approved after May 1996 in the former South Sydney Council area and after 1 May 2000 in the former Sydney City Council area.

In the designated parking precinct areas as adopted by Council, as part of the Neighbourhood Parking Policy, permits are issued for specific areas to permanent residents and are valid only within that specific area. The area number is listed on the parking permit. If the area number on the permit matches the area number on the sign the vehicle is generally exempt from parking time restrictions in that location.

When issued a permit frequently exempts users from most time parking limits and parking meter fees if installed in specified areas, but does not guarantee a parking spot on the designated streets. A parking permit does not however exempt vehicle owners from compliance with general road signs such as "No Stopping", "No Parking" or "Loading Zone".

To cover the administrative costs associated with the scheme the Council has introduced an annual charge per permit based upon the type and size of resident's vehicles and this could range from \$80 up to \$244 pa.

Residents in a newly constructed property normally are not be eligible for any type of parking permit. When the Council approves new multi-unit residential developments (including major refurbishments and conversions), they often include a condition that restricts residents of the property from gaining access to the applicable residential parking permit scheme in the locality.

**Matters for Consideration**

At present Council does not have an adopted Neighbourhood Parking Policy that would allow selected residents, their visitors and small businesses in local precinct areas to apply and be issued with a parking permit.

This policy would have to be developed and a public consultation process undertaken prior to a scheme being adopted and introduced. There are significant capital costs associated with the supply and installation of new signage,

## Reports for Information

## 14.7 Question for future meeting: Parking stickers (cont)

administrative costs and enforcement programs would have to be allocated by Council as part of its annual budget process if a scheme was to be developed and implemented.

Parking on the streets in the Kiama CBD area are in very high demand during peak times. To balance competing demands for these parking spaces, most streets have time restrictions in place. Time limits help to ensure parking turnover in this area for business purposes.

In certain streets in the Kiama and other town centres time restricted parking between certain hours applies for example 1hr parking between the hours of 8.30am to 6pm. Outside these hours there are no time limit restrictions that apply and it is possible that people can park on the street overnight.

After the parking time limits expire and the shops close it is considered that there is ample parking in the commercial areas of the Kiama local government area for on street parking.

Part of the development assessment process for mixed use residential and commercial developments Council has to consider the adequacy of residential, commercial and visitor car parking for the particular development and compliance with the required standards. The reliance upon the use of on street car parking for residential development is not considered to be a suitable option. However in circumstances where residents or tenants of premises with inadequate off street parking available to accommodate the number of cars that they own they are left with little alternative but to park on the street.

In the commercial areas where parking time limits apply it is not recommended that residents be granted exemption as they could park in spaces that businesses rely upon for their customers without having to remove their vehicle. For this reason if a scheme was to be developed and implemented it is not likely to be supported by local businesses who rely on trade from the turnover of these parking spaces. It should be noted the current parking time limits does not stop anyone including residents in mixed use developments from parking in these areas provided they do not exceed the time restrictions that apply.

As indicated above, prior to a permit parking scheme being reported to Council for consideration, a needs assessment to determine if the scheme is warranted and a draft Neighbourhood Parking Policy would be required to be developed and placed upon public exhibition. Staff resources will need to be reallocated to complete this work at the expense of the current adopted 2018-2019 Operational Plan activities and actions.

Council records indicates a policy to provide a residential park permit in the commercial town centres is not a high community priority. Since July 2016 to date only two written requests have been submitted requesting Council establish such a scheme to establish and enforce. One request related to on street parking on Terralong Street Kiama and the other on Noble Street Gerringong.

In conclusion it considered that the provision of a residential permit parking scheme would be expensive to establish and enforce with limited need or public benefit at this stage.

**14.8 Question for future meeting: Inspection of public toilets**Responsible Director: Engineering and Works

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At the meeting held on 18 September 2018 Councillor Westhoff requested a report on the progress of the audit of public toilets in the LGA including maintenance findings.

The inspection findings, including possible remediation works and renewal dates, has been attached for information.

The following amenities have been identified in the 2018/2019 Operational Renewal Plan for replacement or refurbishment:

- North Bombo Beach Reserve Amenities, Kiama Downs
- Boat Harbour Reserve Amenities, Gerringong
- Jones Beach Amenities, Kiama Downs
- Kiama Cemetery Amenities, Kiama
- North Street Reserve Amenities, Minnamurra
- Lloyd Rees Reserve Amenities, Gerringong

The following amenities buildings have been allocated to the 2019/2020 Operational Renewal Plan for replacement or refurbishment:

- Kiama Surf Life Saving Club Amenities, Kiama
- Blowhole Point Reserve Tourist Information Centre Amenities, Kiama

**Attachments**

- 1 Public Toilet Condition Assessment Inspections [↓](#)

Public Amenities Assessment						
Asset ID	Location And Type	Street Address	Suburb	Construction Date	Renewal Date	Condition 1-5 (1 is Good 5 is Unserviceable)
16473	Emery Reserve	Park Road	Gerroa	1983	2036	3
16478	Crooked River Road Kiosk	Crooked River Road	Gerroa	1993	2043	3
16463	Boat Harbour Reserve	Jupiter Street	Gerrigong	1978	2019	3
16399	Gerrigong Town Hall	106 Belinda Street	Gerrigong	1993	2036	4
16433	South Wierri	Pacific Avenue	Gerrigong	1993	2036	4
16424	Gerrigong SISC	Pacific Avenue	Gerrigong	1993	2032	3
16432	Lloyd Rees Reserve	Pacific Avenue	Gerrigong	1983	2033	3
25991	Kiama Coastal Walking Track	Elanora Road	Kiama Heights	2013	2065	1
16641	Saddleback Mountain	Saddleback Mountain Road	Kiama	1983	2028	4
24196	Jerrar Dam	Mount Brandon Road	Jerrara	1998	2051	2
16391	Coronation Park	Manning Street	Kiama	2008	2068	4
16464	Surf Beach	Manning Street	Kiama	2008	2019	4
16690	Chitick Oval	Bong Bong Street	Kiama	1968	2028	4
16405	Kiama Showground	Bong Bong Street	Kiama	1998	2057	2
25869	Kiama Boat Ramp	Terralong Street	Kiama	2013	2064	1
16472	Kiama Blowhole Point Rock Pool	Terralong Street	Kiama	2014	2064	1
16438	Kiama Tourist Information Centre	Terralong Street	Kiama	1989	2019	3
16409	Kiama Library	Railway Parade	Kiama	2001	2036	1
16421	Administration Building	Manning Street	Kiama	1989	2028	2
16621	Black Beach	Terralong Street	Kiama	2017	2067	1
16619	Black Beach Amenities North	Shoalhaven Street	Kiama	2013	2038	1
16474	Hindmarsh Park	Terralong Street	Kiama	2003	2030	2
16675	Kiama Cemetery	Riddell Street	Bombo	1983	2019	4
16617	Kevin Walsh Oval	Churchill Street	Jamberoo	1973	2019	4
16400	Bombo Beach	Riverside Drive	Kiama Downs	1983	2019	3
16453	Jones Beach Reserve	North Kiama Drive	Kiama Downs	1988	2019	3
16417	James Oats Reserve	Charles Avenue	Minnamurra	1983	2033	3
16702	North Street Reserve	North Street	Minnamurra	1973	2019	4
17292	Trevelan Reserve	Riverside Drive	Minnamurra	2015	2066	1

**14.9 Question for future meeting: Drug and alcohol testing policy**Responsible Director: Office of the General Manager

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At the meeting held on 18 December 2018 Councillor Way requested a report outlining how Council currently applies drug and alcohol policies and feasibility of extending testing to Councillors on a more regular basis.

Kiama Council does not currently have an explicit policy or procedure covering drug and alcohol usage in the workplace or testing, with the only policy being contained within the General Conduct obligations of the Code of Conduct (sections 9.11, 9.12 and 9.13). This has been identified as a project for the Human Resources and Risk Management team to research, develop and implement in 2019 in consultation with employees and unions. It is intended that any Drug and Alcohol Protocol and/or testing process will include all officers of Council (employees, Councillors, volunteers, contractors, subcontractors, etc).

**Communication/Community Engagement**

N/A



### 14.10 Illegal Dumping Compliance Officer's Quarterly Report – 1 October 2018 – 31 December 2018

Responsible Director: Environmental Services

#### Illegal Dumping Incidents Reported

Total Incidents: 58 - investigations closed: 56 (96.6%).

Total Waste: 409.26 tonnes - investigations open: 2 (3.4%).

This represents a 9.4% increase on the previous quarter.

Waste types in the following table have been consolidated for ease of use.

Waste Type	No. of incidents	Total Weight	Regulatory Actions
Vehicle & Car Parts	3 (5.2%)	80kg	0
Commercial & Industrial	12 (20.7%)	320kg	0
Construction & Demolition	5 (8.6%)	4120kg	0
Household Waste	33 (56.9%)	4670kg	0
Mulch & Greenwaste	0	0	0
Soil & Excavated Material	3 (5.2%)	400 tonne	4
Tyres	1 (1.7%)	60kg	0
Other	1 (1.7%)	10kg	0

#### Illegal Dumping Locations

Waste Type	Locations where dumping occurring
Construction and Demolition	Council Land (100%)
Household Waste	Council Land ((92.9%) RMS (3.6%) Other (3.6%)
Commercial & Industrial	Council Land (100%)
Soil and Excavated Material	Private Land (100%)
Tyres	Council Land (100%)

#### Summary of Closed Incidents

Reason for closing Incident	Number of Incidents
Insufficient Information to Follow Up	47
Regulatory Action Taken	1
No Waste Found	5
Offender/Land Owner Clean Up/No Action Taken	2
Other	1

## Reports for Information

## 14.10 Illegal Dumping Compliance Officer's Quarterly Report – 1 October 2018 – 31 December 2018 (cont)

**Clean Up Details**

At a meeting with ISJO held on 6 December 2018 agreement was reached to estimate costs of clean up to Council based on small load @\$150 to \$200, medium load @ \$300 to \$400 and large load \$500 to \$600.

<b>Cleaned Up By</b>	<b>% of Total Incidents</b>
Council	72.4%*
Land Owner	5.2%
Contractor	1.7%
Offender	5.2%
<b>TOTAL</b>	

\* Estimated clean-up costs - \$4,650.00

**Regulatory Actions**

<b>Action</b>	<b>Number of Actions</b>
Official Caution	1
Penalty Notices	4 (Sect 100 POEO Fail to Pay Prevention Notice issue Fee \$500 ) (Sect 211 POEO Fail to Comply with Chapter 7 requirement \$750.00) (Section 145 Deposit Litter from vehicle \$2500 (Section 145 Deposit Litter Individual \$250)
Court Attendance Notices	0

**Hot Spot Dumping Incidents**

<b>Hot Spot Location</b>	<b>Number of Incidents</b>
Kiama Bends	2
Riverside Drive Minnamurra	6
Jamberoo Mountain Road	3
Swamp Road, Jamberoo	3
Saddleback Mountain Lookout	3

**Illegal Dumping Pro-Activity**

Proactive patrols of hot spot locations have been carried out on 14 occasions during the quarter and it appears that identified hot spots should continue to receive attention.

**14.11 Parking Statistics - December 2018**Responsible Director: Environmental Services

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**CBD Parking**

Parking patrols conducted 19 specific – 31 general area

Infringements issued – 23

Vehicle spaces inspected – 1184

Terralong Street 1/2P - 4 patrols

Terralong Street 1P – 3 patrols

Terralong Street 2P – 1 patrol

Fern Street 1/2P – 3 patrols

Fern Street 1P – 1 patrol

Ocean Street 4P – 2 patrols

Wilson Street 4P – 2 patrols

Manning Street 2P – 1 patrol

Bong Bong Street 2P – 1 patrol

Kiama Harbour 4P – 1 patrol

**School Zone Patrol**

Kiama High 3 patrols -3 infringements

Jamberoo Public -1 patrol – Nil

St Peter and Paul – 1 patrol – Nil

**Reactive Patrols**

No Stopping – 3 penalty notices

Bus Zone – 2 penalty notices

Loading Zone – 2 penalty notices

Park in Reserve- 1 penalty notice

Park on 7 Mile Beach – 2 penalty notices

No Parking – 2 penalty notices

Parallel Park Double Lines – 4 penalty notices

Total amount of infringements issued = \$6878

Specific patrols for January 2019 will be for locations nominated above.

**14.12 Questions for Future Meetings Register as at 16 January 2019**

Responsible Director: Office of the General Manager

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Attached for Councillors' information is the Questions for future meetings register as at 16 January 2019.

**Communication/Community Engagement**

N/A

**Attachments**

- 1 Questions for Future Meetings Register as at 16/01/19 [↓](#)

**Questions for Future Meetings Register**

16/73192

No	Details	Actions
<b>18 September 2018</b>		
17.3	<p><b>Community Response Policy</b> Councillor Rice requested a report on the issues involved and the progress that can be made towards developing a manageable community response policy for the Municipality. The Mayor referred the matter to the General Manger of investigation and report.</p>	Interim update provided to 20 November meeting
17.4	<p><b>Inspection of Public Toilets</b> Councillor Westhoff requested a report on the progress of the audit of public toilets in the LGA including maintenance findings. The Mayor referred the matter to the Director Engineering &amp; Works for investigation and report.</p>	Reported to 22 January 2019 Council meeting
17.5	<p><b>Community Bank premises</b> Councillor Westhoff requested investigation into the possible relocation of the Gerringong Library branch to the unused baby health centre' premises until its permanent move to the new Library and the possibility of then allowing the current Gerringong Library premises for use by the Gerringong &amp; District Community Bank. The Mayor referred this matter to the Director Corporate and Commercial Services for investigation and report.</p>	On-site inspections and meetings with key stakeholders have commenced. Interim report will be provided to the February Council meeting
<b>16 October 2018</b>		
17.4	<p><b>Car parking behind old Mitre 10 site</b> Councillor Way requested a report on the provision of additional car parking at the rear of the old Mitre 10 site facing Akuna Street, Kiama now owned by Council, that would include the demolition of existing sheds and replacing with bitumen and line marking for car parking. The report should also indicate how many additional car parking spaces could be provided and the cost estimate. The Mayor referred the matter to the Director Engineering and Works for investigation and report.</p>	Under investigation – will be reported to February meeting
<b>20 November 2018</b>		
17.1	<p><b>Council Chambers – projection screen</b> Councillor Reilly requested that the Council Chamber's projection screen, located opposite the Councilors, be replaced with a larger screen. The Mayor referred this item to the Director Corporate and Commercial Services for investigation and appropriate action.</p>	Referred to IT

No	Details	Actions
17.5	<p><b>Council Committee for Business Unit</b> Councillor Brown requested advice as to whether it could be beneficial to have a Council Committee looking over the Council Business Units. The Mayor referred this item to the Director Corporate and Commercial Services for investigation and report.</p>	To be reported to the February 2019 meeting
<b>18 December 2018</b>		
17.1	<p><b>Parking Stickers</b> Councillor Steel requested a review of the use of a sticker system for local resident parking in the Kiama CBD. The Mayor referred the matter to the Director Environmental Services for investigation and report.</p>	To be reported to the January 2019 Council meeting
17.2	<p><b>Drug and Alcohol Screening Program</b> Councillor Way requested a report outlining how Council currently applies drug and alcohol policies and the feasibility of extending testing to Councillors on a more regular basis. The Mayor referred the matter to the General Manager for investigation and report.</p>	Update provided to January 2019 Council meeting. Policy to be developed 2019.

**15 ADDENDUM TO REPORTS**

**16 NOTICE OF MOTION****16.1 Footpath Dining Policy amendment**

Cllrs Mark Way and Warren Steel have submitted the following Notice of Motion for Council's consideration:-

***MOTION***

That Council amend the Footpath Dining Policy to reduce the width of pedestrian footpath in Terralong Street Kiama between Railway and Collins Streets from 3.0 metres to 2.5 metres, to allow room for tables and chairs servicing adjacent businesses and that no A-Frame advertising boards be permitted within that pedestrian area.

Signed Councillor Mark Way  
Councillor Warren Steel

**Item 16.1**



## 17 QUESTIONS FOR FUTURE MEETINGS

## 18 CONFIDENTIAL SUMMARY

### CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 22 January 2019

#### 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 TENDER FOR DESIGN AND CONSTRUCTION OF A TERRACED RETAINING WALL, HAVILAH PLACE, KIAMA

**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. .

#### 19.2 KEVIN WALSH OVAL AMENITIES BUILDING RENEWAL, JAMBEROO

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

#### 19.3 LAND AND ENVIRONMENT COURT CLASS 1 APPEALS - LEGAL STATUS REPORT - OCTOBER, NOVEMBER AND DECEMBER 2018

**Reason for Confidentiality:** This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act. .

#### 19.4 NEW INTEGRATED CARER SUPPORT SERVICE - CONSORTIUM PROPOSAL

**Reason for Confidentiality:** This matter deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the

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person who supplied it as per Section 10A(2)(di) of the Local Government Act. .

### **19.5 LIONS CLUB OF KIAMA INCORPORATED - CARER'S COTTAGE - 105 SHOALHAVEN STREET KIAMA**

**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. .

### **19.6 CARRINGTON FALLS RURAL FIRE SERVICE STATION - CONTRACTOR SELECTION**

**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 Tender for Design and Construction of a Terraced Retaining Wall, Havilah Place, Kiama**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.1 Manage road infrastructure through the Road Asset Management Plan

#### **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.*

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### **19.2 Kevin Walsh Oval Amenities Building Renewal, Jamberoo**

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

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

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

#### **REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a competitor of the council.*

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**19.3 Land and Environment Court Class 1 Appeals - Legal Status Report - October, November and December 2018**

Responsible Director: Environmental Services

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**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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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**19.4 New Integrated Carer Support Service - Consortium proposal**

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.2 Planning for and assisting specific needs groups

Delivery Program: 1.2.1 Operate Blue Haven Care

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

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**19.5 Lions Club of Kiama Incorporated - Carer's Cottage - 105 Shoalhaven Street Kiama**

CSP Objective: 2.0 Well planned and managed spaces, places and environment

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.3 Manage community buildings through the Community Building Asset Management Plan

**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.*

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**19.6 Carrington Falls Rural Fire Service Station - Contractor Selection**

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)

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Delivery Program: 2.13.1 Manage community buildings by the creation and implementation of the Community Buildings 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.*

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**20 CLOSURE**

Item 19.1 CONFIDENTIAL