

# COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers  
11 Manning Street  
KIAMA NSW 2533

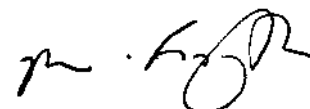
30 January 2014

To Chairman & Councillors:

## NOTICE OF MEETING

You are respectfully requested to attend the next **Ordinary Meeting** of the Council of the Municipality of Kiama, to be held in the Council Chambers, Kiama on **Tuesday, 4 February 2014** commencing at 5.00 pm, for the consideration of the undermentioned business.

Yours faithfully



M Forsyth  
**General Manager**

## BUSINESS OF MEETING

- 1 Adoption of Minutes:-  
Ordinary Meeting of Council on 17 December 2013
- 2 Business Arising from the Minutes
- 3 Public Access
- 4 Mayoral Minute
- 5 Minutes of the Traffic Committee Meeting held on 4 February 2014
- 6 **Senior Officer's Reports**  
Report of Director of Environmental Services  
Report of General Manager  
Report of Director Corporate and Commercial Services  
Report of Manager Corporate Services  
Report of Director of Engineering and Works  
Report of Director of Community Services
- 7 Reports for Information
- 8 Addendum to Reports
- 9 Notice of Motion
- 10 Questions Without Notice
- 11 Confidential Summary
- 12 Confidential Reports
- 13 Confidential Mayoral Minute

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**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**COMMENCING AT:** 5.02 pm

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

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

**APOLOGIES:** Nil

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

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

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**CONFIRMATION OF MINUTES - ORDINARY MEETING – 19 NOVEMBER 2013**

The Minutes of the **Ordinary Meeting** of Council held on 19 November 2013 were acknowledged by the Councillors.

**Adoption:**

**MN183**

**Resolved** that the Minutes of the **Ordinary Meeting** of Council held on 19 November 2013 be confirmed and adopted.

(Councillors McClure & Way)

**BUSINESS ARISING FROM THE MINUTES: NIL**

**CONFIRMATION OF MINUTES – YOUTH ENGAGEMENT MEETING – 26 NOVEMBER 2013**

The Minutes of the **Youth Engagement Meeting** of Council held on 26 November 2013 were acknowledged by the Councillors.

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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 17 DECEMBER 2013**

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**Adoption:**

**MN184**

**Resolved** that the Minutes of the **Youth Engagement Meeting** of Council held on 26 November 2013 be confirmed and adopted.

(Councillors Seage & Reilly)

**BUSINESS ARISING FROM THE MINUTES: NIL**

**PUBLIC ACCESS:**

The General Manager outlined public access which was held on Monday 16 December 2013 in the Council Chambers commencing at 5.06pm as follows:-

Mrs Leanne D'Amico - No 6 Drualla Road Jamberoo – 31 lot Torrens Title Subdivision (10.2013.128.1) (Item 2, DES)

Mrs Hannah Plowman - No 6 Drualla Road Jamberoo – 31 lot Torrens Title Subdivision (10.2013.128.1) (Item 2, DES)

Mr Lawson Fredericks - No 6 Drualla Road Jamberoo – 31 lot Torrens Title Subdivision (10.2013.128.1) (Item 2, DES)

Mrs Karen Dean - Lot 5 DP 628003, 12 Elimatta Place Kiama - 34 Torrens titled dwellings (10.2013.137.1) (Item 5, DES)

Mr Robert Barnes - Lot 5 DP 628003, 12 Elimatta Place Kiama - 34 Torrens titled dwellings (10.2013.137.1) (Item 5, DES)

Mr Eric Chan and Mr Demetrios Stavropoulos - Lot 5 DP 628003, 12 Elimatta Place Kiama - 34 Torrens titled dwellings (10.2013.137.1) (Item 5, DES)

Ms Janelle Walker and Hugh Irving - Kiama Walking Tracks and Cycleway Committee – Minutes (Item 1 – Information Reports)

**MAYORAL MINUTE:**

The Mayoral Minute was acknowledged by the Councillors:

**1 Australia Day and Municipal Achievement Awards - Nomination for Awards**

**MN185**

**Resolved** that Council endorse the decision of the Australia Day Awards Judging Panel and the date of the presentation of these Awards

(Councillors Petschler & Steel)

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**2 Inaugural University Fellowship and Alumni Awards Dinner  
University of Wollongong**

**MN186**

**Resolved** that Council note the report.

(Councillors Petschler & Reilly)

**3 Local Government Excellence in Environment Awards**

**MN187**

**Resolved** that Council formally congratulate the relevant staff, organisations and individuals who contributed to the receipt of the awards.

(Councillors Petschler & Sloan)

**4 Illawarra Infrastructure Fund  
Blue Haven Aged Care Facility Relocation to Kiama Hospital Site**

**MN188**

**Resolved** that Council formally accept the Restart NSW grant of \$8 million for the Blue Haven Centre of Aged Care Excellence proposal.

(Councillors Petschler & Seage)

**5 Season's Greetings to Councillors and Staff**

**MN189**

**Resolved** that we all have a happy and peaceful Christmas with our families, with the wish of a peaceful and prosperous New Year for 2014.

(Councillors Petschler)

**REPORTS OF COMMITTEES:**

**BLUE HAVEN RETIREMENT VILLAGE COMMITTEE MEETING – 4 DECEMBER 2013:**

The Minutes of the **Blue Haven Retirement Village Committee Meeting** held on Wednesday 4 December 2013 were acknowledged by the Councillors.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**Adoption:**

***MN190***

**Resolved** that, subject to the foregoing, the Minutes of the **Blue Haven Retirement Village Committee** Meeting held on Wednesday 4 December 2013 and the recommendations numbered CR416 to CR426 contained therein be approved and adopted.

(Councillors Rice & Way)

**COMMITTEE OF THE WHOLE:**

***MN191***

**Resolved** that at this time, 5.13 pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:-

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

(Councillors Steel & Reilly)

**SENIOR OFFICERS' REPORTS:**

***MN192***

**Resolved** that at this time, 5.13 pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel & Reilly)

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

**2 Lot 221 DP 1179996 No 6 Drualla Road Jamberoo - Thirty-one (31) Lot Torrens Titled Subdivision**

***CR427***

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**Committee recommendation** that Council approve Development Application number 10.2013.128.1 for the nominated Stage 1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the report. The conditions to include the installation of a permanent cul-de-sac at the western end of Road 1 and a pathway constructed between this cul de sac and Downes Place.

(Councillors Steel & Seage)

**For:** Councillors McClure, Reilly, Seage, Sloan, Steel and Way

**Against:** Councillors Petschler, Honey and Rice

**5 Lot 5 DP 628003, 12 Elimatta Place Kiama - 34 Torrens Titled Dwellings**

**CR428**

**Moved** by Councillor Seage and seconded by Councillor Steel that Council defer the Elimatta Avenue development application for further negotiations between Council staff and the developer regarding:

- 1) the replacement of the proposed through road between Elimatta Place and Garden Avenue with a cul de sac in Elimatta Place
- 2) the elimination of units 17A and 17B.
- 3) the provision of a pedestrian track linking the extension of Elimatta Place to the unformed Thomson Street road reserve. The preferred location of this access is adjoining 15B and 16A.

The **Motion** was put and Carried

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

**Against:** Nil

**REPORTS FOR INFORMATION**

**1 Kiama Walking Tracks and Cycleway Committee (DEW) Minutes**

**Disclosure of Interest - Councillor Mark Honey**

At this time, 5.55 pm, Councillor Mark Honey declared an insignificant non-pecuniary interest in this matter. Cllr Honey has an interest in and grazes his cows and harvests hay and silage on land adjoining the optional routes but is not directly affected.



**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**CR429**

**Committee recommendation** that the report be noted.

(Councillors Steel & Reilly)

**RESUMPTION OF ORDINARY BUSINESS:**

**MN193**

**Resolved** that at this time, 6.03 pm, Council resume the Committee of the Whole meeting to deal with matters listed in the reports.

(Councillors Steel & Reilly)

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**

**1 Facebook Petition – Establishment of a Dog Off-Leash Swimming Area Proposal – Seven Mile Beach Reserve**

**CR430**

**Committee recommendation** that Council not proceed with the process for establishment of an off leash area at Seven Mile Beach.

**3 Minnamurra River Estuary Management Plan Review Committee - Vacancy for Community Representatives**

**CR431**

**Committee recommendation** that Graham Pike, Grant Merinuk, Errol McLean, Clifford Mason and Andrew Wilson be appointed to the Minnamurra River Estuary Management Plan Review Committee.

**4 Proposed Tree Planting Policy – Council Reserves and Public Places**

**CR432**

**Committee recommendation** that:-

- 1) Council endorse the formation of an internal working group to investigate the drafting of a policy addressing the planting and management of trees in public places.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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- 2) The activities of the working group are to be project managed by Councils Landscape Officer and the group is to be resourced by relevant staff members.
- 3) The group is to address the issues of:
  - Street tree planting
  - Plantings on public reserves, both active and passive recreation areas,
  - Potential for offsets for removal of urban trees
  - Provision of view sharing principles
  - Increasing biodiversity outcomes
- 4) Following consideration of relevant issues a report is to be submitted to Council.

## **6 Single Use Plastic Bags**

### **CR433**

#### **Committee recommendation that:-**

- 1) the Council write a letter to the State government, in line with the representation made by Wollongong City Council, (refer to enclosure 1 enclosed in Councillors' envelopes), seeking State-wide policy to support the elimination of non-biodegradable plastic bags in our communities.
- 2) all Council-owned or controlled business and commercial activities work towards the elimination of plastic shopping bags in their respective undertakings.
- 3) Council, in conjunction with Regional Councils, investigate the potential for the allocation of regional resources or funding to educate the Illawarra community as to why the move away from single use plastic bags is needed.

(Councillors Reilly & Honey)

## **REPORT OF THE GENERAL MANAGER**

### **1 Local Government Performance Measurement Framework NSW Division of Local Government**

#### **CR434**

**Committee recommendation** that Council support the development of a Performance Measurement Framework as proposed by the DLG and that Council, in its submission raise the issues identified within this report.

### **2 The Model Code of Conduct Annual Report of Complaint Statistics**

#### **CR435**

**Committee recommendation** that the information contained in this report be noted

**3 New Prime Mover Life Education Van  
Rotary Club of Bomaderry Inc**

**CR436**

**Committee recommendation** that Council make a donation of \$1,500 to the Rotary Club of Bomaderry to assist in the provision of a new Prime Mover and Life Education Van.

**4 NSW Bodyboarding State Titles**

**CR437**

**Committee recommendation** that Council advise Surfing NSW that it is prepared to sponsor the NSW Bodyboard State Titles to be held in Kiama in May 2014 by making a donation of \$2,500.

**5 Kiama Tourism**

**Disclosure of Interest – Councillor McClure**

At this time, 6.18pm Councillor McClure declared an insignificant non-pecuniary interest in this matter and advised he would not be participating in the determination of the matter.

**CR438**

**Committee recommendation** that Council:-

- 1) note Councillor Way's resignation from the Board of Kiama Tourism
- 2) appoint Councillor Mark Honey to the vacancy created by Councillor Way's resignation.

(Councillors Reilly & Steel)

**REPORT OF THE MANAGER CORPORATE SERVICES**

**1 Investments  
Statement of Investments**

**CR439**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**Committee recommendation** that the information relating to the Statement of Investments for November 2013 be received and adopted.

**2 Audit  
Stocktake of Stores and Materials**

**CR440**

**Committee recommendation** that Council authorise a net write on of \$133.90

**3 Local Government Act Section 428  
Annual Report 2012/2013**

**CR441**

**Committee recommendation** that Council receive and adopt the Annual Report for 2012/2013.

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

**1 Seven Mile Beach Reserve Trust (R83972)  
Kylie Pickett and Kevin Chilver - Lease Renewal**

**CR442**

**Committee recommendation** that Council as Seven Mile Beach Reserve Trustee enters into a new lease agreement with Kylie Anne Pickett and Kevin Seymour Chilver on that section of Crown Reserve 83972 shown on the attached plan to this report, subject to the consent of the Minister, as follows:

- 1) Lease term of five (5) years with no option period for the use of the premises as a kiosk (shop) for the sale of groceries, food stuffs, refreshments and general camper's requirements.
- 2) New rental of \$29,600 p.a. (excluding GST) with annual CPI increases.
- 3) Lessee to be responsible for gas, electricity, water, garbage service and trade waste/grease trap usage/charges plus property insurance.
- 4) That the lessee be responsible for lease preparation costs.
- 5) That the Mayor and General Manager be authorised to sign under Council seal all documentation relating to this lease renewal.
- 6) That the Minister for Crown Lands be requested to execute the new lease.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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- 7) That the Lessee be advised that Expressions of Interest may be called for a new five (5) year lease at the expiration of this lease

**2 Gerringong Town Hall  
Lease Renewals - Office Suites – Lot 38 DP873965 Fern Street Gerringong**

**CR443**

**Committee recommendation** that Council:-

- 1) enter into new lease agreements as follows:

**Suite A – (Kiama Municipal Council and South Coast Holidays Pty Ltd)**

- a) Lease term of two (2) years with a further two (2) year option period for the use of Suite A for office purposes commencing 1 July 2014 or at such time that the Gerringong Town Hall roof replacement project is completed.
- b) Annual rental of \$9,600 (excluding GST) with annual CPI increases with a rent free period commensurate with the period of time the Gerringong Town Hall is vacant due to roof replacement works.
- c) Lessee to be responsible for Council's property insurance for the relevant Gerringong Town Hall premises calculated on a proportional floor area basis.
- d) The lessee be responsible for lease preparation costs.
- e) The Mayor and General Manager be authorised to sign under Council seal all documentation relating to this lease renewal.

**Suite B – (Kiama Municipal Council and Mr Simon Mansfield)**

- a) Lease term of three (3) years with a one (1) year option period for the use of Suite B for office purposes commencing 1 July 2014 or at such time that the Gerringong Town Hall roof replacement project is completed.
- b) Annual rental of \$3,600 (excluding GST) with annual CPI increases with a rent free period commensurate with the period of time the Gerringong Town Hall is vacant due to roof replacement works.
- c) Lessee to be responsible for Council's property insurance for the relevant Gerringong Town Hall premises calculated on a proportional floor area basis.
- d) The lessee be responsible for lease preparation costs.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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- e) The Mayor and General Manager be authorised to sign under Council seal all documentation relating to this lease renewal.
- 2) endorse the assignment of the lease of Suite C between Kiama Municipal Council and Mr Andrew Wales to Mr Ashley Churchill (Mortgage Smart) commencing 1 January 2014 (with lease expiration date of 30 April 2014) under the same terms as the current lease.
- 3) give in-principle support to a new lease between Kiama Municipal Council and Mr Ashley Churchill (Mortgage Smart) subject to compliance with the assigned lease and that the new lease provisions include:
  - a) Lease term of three (3) years with a further one (1) year option period for the use of Suite C for office purposes commencing 1 July 2014 or at such time that the Gerringong Town Hall roof replacement project is completed.
  - b) Annual rental of \$9,600(excluding GST) with annual CPI increases with a rent free period commensurate with the period of time the Gerringong Town Hall is vacant due to roof replacement works.
  - c) Lessee to be responsible for Council's property insurance for the relevant Gerringong Town Hall premises calculated on a proportional floor area basis.
  - d) The lessee be responsible for lease preparation costs.
  - e) The Mayor and General Manager be authorised to sign under Council seal all documentation relating to this lease renewal.

**REPORT OF THE DIRECTOR OF COMMUNITY SERVICES**

**1 Submission from Kiama High School Student Representative Council**

**CR444**

**Committee recommendation that Council:-**

- 1. conduct a lighting audit of the two areas identified in the SRC report tabled at the Youth Engagement Meeting.
- 2. seeks to address any additional lighting needs identified through the audit.
- 3. investigates mechanisms to facilitate local businesses advertising employment opportunities directly to Kiama High School students.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**2 CCTV Network Design for Kiama CBD**

**CR445**

**Committee recommendation** that Council defer consideration of the matter until the February meeting.

(Councillors Seage & McClure)

**3 Cultural Board Minutes and Kiama Arts Honour Roll 2014**

**CR446**

**Committee recommendation** that Council:

- 1) note that no inductee has been recommended for the Arts Honour roll 2014
- 2) note the Cultural Board Minutes, December 2013

**4 Blue Haven Advisory Committee Recommendations**

**CR447**

**Committee recommendation** that:-

- 1) the booking fee described in the report be implemented for all future residential respite bookings.
- 2) the development of a Memorandum of Understanding between Council and the NSW/ACT Dementia Training Study Centre be noted and supported.
- 3) the accommodation bond in respect of Unit 24 be set at a maximum of \$200,000.
- 4) Council place on exhibition the changes to Council's fees and charges as per the requirement of the Local Government Act 1993.

**REPORTS FOR INFORMATION**

**11 Economic Development Committee (DCCS)  
Draft Minutes**

**CR448**

**Committee recommendation**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**Committee recommendation** that Council:

- 1) apply for funding for branding/marketing purposes
- 2) seek a financial contribution towards the required matching funds from Kiama Tourism and the Kiama & District Chamber of Commerce.

(Councillors Reilly & Steel)

**24 Request for a Heritage Precinct – Pheasant Point Drive, Kiama (DES)**

**CR449**

**Committee recommendation** that Council:

- 1) Develop a precinct specific DCP for the area encompassing Minnamurra, Devonshire and Fitzroy Streets as identified by the National Trust
- 2) consult with the owners of 10 Fitzroy Street with a view to the Heritage listing of this property.

(Councillors Sloan & Steel)

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

**Against:** Nil

**32 Federal Grants Funding (GM)**

**CR450**

**Committee recommendation** that Council:

- 1) continue to encourage the Federal Member to make federal funding available for the Gerringong School of Arts.
- 2) give formal recognition to the Member for Kiama Mr Gareth Ward MP and the Federal Member for Gilmore, Ms Ann Sudmalis for the funding announcements for CCTV Program

(Councillors Reilly & Sloan)

**Adoption**

**CR451**

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



**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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(Councillors Seage & Sloan)

**MN194**

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

(Councillors Seage & Sloan)

**ADDENDUM TO REPORTS**

**1 Sports Honour Roll**

**CR452**

**Committee recommendation** Council endorse the selection of candidates for induction into the Kiama Sports Honour Roll in 2014

(Councillors Seage & Way)

**NOTICE OF MOTION**

**1 Provision of a Community Bus  
Kiama Liquor Accord**

**Disclosure of Interest**

At this time, Councillor McClure declared a significant pecuniary interest in this matter and left the Chambers during discussion thereon. Following the determination of the matter, Councillor McClure returned to the meeting.

**CR453**

**Committee recommendation** that Council:

- 1) approve funding for the hire of a private bus for use by the Liquor Accord on Saturday nights only, between 10pm to 2am for ten (10) weeks with Council to pay for the bus and the Liquor Accord to pay for a driver and fuel
- 2) write to the member for Kiama seeking a re-commitment of State funding to the summer bus.

(Councillors Seage & Steel)

**RESUMPTION OF ORDINARY BUSINESS:**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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***MN195***

**Resolved** that at this time, 7.03 pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel & Sloan)

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT:**

***MN196***

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered CR427 to CR453 above.

(Councillors Sloan & Way)

**QUESTIONS WITHOUT NOTICE:**

**1 Council's Donations**

Councillor Honey asked for a report to be presented to Council on the total amount of donations made by Council with a list of the recipients along with the budgeted amount. The Mayor referred this matter to the Director of Community Services for investigation and report.

**2 Parking Fines**

Councillor Steel asked for a monthly report on the number of parking fines issued in the CBD area. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

**3 Installation of Posts in Darien Avenue and North Bombo Beach to North Bombo Quarry**

Councillor Steel asked if Council could provide a number of directional posts from Darien Avenue and North Bombo Beach to and through the old North Bombo Quarry. The Mayor referred this matter to the Director of Engineering & Works for investigation and report.

**CONFIDENTIAL COMMITTEE OF THE WHOLE:**

***MN197***

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**Resolved** that at this time, 7.09 pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Seage & Steel)

**PUBLIC REPRESENTATIONS:**

The Mayor called for representations regarding issues which had been proposed to be disclosed in Confidential Committee of the Whole.

At this time, Mr Alex Arnold from Illawarra Mercury requested that Item 4 of the Confidential Report dealing with Kiama Tourism be brought to Open Council.

**MN198**

**Moved** by Councillor Seage and seconded by Councillor Reilly that this matter be discussed in public section.

The **Motion** was put and **Lost**

**EXCLUSION OF PRESS AND PUBLIC:**

**MN199**

**Resolved** that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds as detailed in the following recommendations such exclusion to commence as from 7.09 pm.

(Councillors Sloan & Steel)

**CONFIDENTIAL REPORTS**

**1 Information Technology (DCCS)  
Printer and Photocopier Managed Service Solution Agreement**

**CR454**

**Committee recommendation** that Council enter into a four year lease and support contract with Business Machine Specialist Group (BMS) for the provision of a Printer and Photocopier Managed Service.

(Councillors Steel & Seage)

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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**2 Land and Property Development (DEW)  
Lot 200 DP1017091 - 55 Shoalhaven Street Kiama**

**CR455**

**Committee recommendation** that Council:-

- 1) note the information contained within the report.
- 2) seek a further report on this matter by the March 2014 Council meeting.

(Councillors Reilly & Seage)

**3 Blue Haven Redevelopment  
Kiama Hospital Site**

**CR456**

**Committee recommendation** that Council:-

- 1) thank the NSW Government and Member for Kiama for the announcement of \$8 million funding for the development of integrated aged and health care services on the site.
- 2) confirm the Kiama Hospital site as the preferred site for the redevelopment of the Blue Haven Aged Care Facility
- 3) enter into final negotiations with the Illawarra Area Health Service and NSW Government based on the previously adopted principles of agreement with appropriate consideration being given to the cost of restoration of the heritage Bourroul House presently NSW Government owned.
- 4) further investigate the alternative sites should the negotiations not be finalised with the NSW Government.
- 5) thank the staff involved in drafting and lodging the submission and the Mayor and Deputy Mayor for their work in the negotiations.

(Councillors Sloan & Seage)

**4 Kiama Tourism**

**Disclosure of Interest – Councillor McClure**

At this time, 7.31pm, Councillor McClure declared an insignificant non-pecuniary interest in this matter and took no part in the discussion.

**CR457**

**Moved** by Councillor Reilly and seconded by Councillor Sloan that Council seek the agreement of the Board in undertaking a governance review of the operation of the Board which Council will fund and that Council will determine its ongoing support for Kiama Tourism based on the acceptance of the review going forward.

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 17 DECEMBER 2013**

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

**5 Australia Day and Sports Honour Roll**

**CR458**

**Committee recommendation** that Council endorse the selection of candidates for Australia Day and Sports Honour Roll.

(Councillors Seage & Way)

**CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE:**

**MN200**

**Resolved** that at this time, 7.49 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel & Seage)

**Adoption of Report**

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

**MN201**

**Resolved** that the Confidential Committee of the Whole recommendations numbered CR453 to CR458 be confirmed and adopted.

(Councillors Steel & Seage)

There being no further business  
the meeting closed at 7.50 pm.

These Minutes were confirmed at the Ordinary  
Meeting of Council held on 4 February 2014

.....  
Mayor

.....  
General Manager

# MAYORAL MINUTE

## Submitted to the Ordinary Meeting of Council held on 4 February 2014

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### 1 Australia Day Award Ceremony and Australia Day Events

#### **RECOMMENDATION**

That Council:-

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

#### **REPORT**

On 16 January 2014 the winners of Kiama Council's Australia Day & Achievement Awards 2014 were officially announced at a special function held in the Pavilion. During the presentation of the Awards Council also honoured Professor John Bloomfield and Sally Fitzgibbons by inducting them to the Kiama Sports Honour Roll. Professor Bloomfield represented Kiama nationally in surf life saving before becoming an academic specialising in sport and human movement. Sally Fitzgibbons is an elite surfer who has finished in the top three every year she has competed in the World Championship Tour.

Kiama's Australia Day 2013 Award winners were:

Australia Day Citizen of the Year	Warren Turner
Australia Day Young Citizen of the Year	Sally Fitzgibbons
Australia Day Sports Award	Emily Robinson
Australia Day Community Arts Award	Bobbie Miller

Kiama Council's Achievement Award 2014 winners:

Community Achievement Award	Chris Moore
Services to the Aged	Ian Pullar
Youth Achievement	Sarah-Jayne Forrest
Scholastic Achievement	Gwilym Price

During the ceremony Ms Kimberley Abbott delivered an inspirational Australia Day address referring to the influence and support of the local community in pursuing her career in Engineering and taking action to encourage other females to study engineering and to support disadvantaged females in impoverished countries. The Probus Choir and Mr David Christopher provided excellent entertainment.

The Australia Day Citizenship & Awards Ceremony was held on Australia Day outside the Community Centre in Hindmarsh Park with residents and visitors invited to watch the ceremony. There were a total of 11 residents who became Australian Citizens on this day. The Australia Day Address was delivered by Kiama's Australia Day Ambassador for 2014, Lindey Milan (Media Personality and Australian Food Advocate) with entertainment by Penny Hartgerink

Ms Milan was awarded the Medal of the Order of Australia on Australia Day and it was pleasing to be able to congratulate her officially for that honour at the citizenship ceremony. She also attended the barbeque breakfast at Surf Beach, Kiama and spoke briefly at that event.

The breakfasts were again very successful being held at Kiama Downs, Kiama, Jamberoo and Gerringong.

I would like to mention the work done by Mrs Davina Abela in preparing for and organising the Awards events, the barbeque breakfasts and the Australia Day event in Hindmarsh Park. Her efforts made the events run very smoothly and deserve special mention. I also extend appreciation to Mr Joel King, the young community representative on the Australia Day Committee, who set up and monitored the sound systems for both of the major events on a voluntary basis.

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## **2 The 166<sup>th</sup> Kiama Show (C10.018.000)**

### ***RECOMMENDATION***

That Council congratulate Show President David Young and the Kiama Show Society on the successful 166<sup>th</sup> Annual Kiama Show.

### **REPORT**

The Kiama Show Society held the 166<sup>th</sup> Annual Kiama Show at the Kiama Showground on 24 and 25 January 2014. The Kiama Show, which included a number of major attractions and features was highly successful despite some rainfall, affecting attendances on Friday. The Australia Day Ambassador Mrs Lindey Milan who is also the Vice-President of the Royal Agricultural Show Society attended the show on Saturday 25 January 2014.

A tremendous amount of work is undertaken by members of the Show Society leading up to and during the event to ensure that the Show runs smoothly and is a great enjoyment for locals and visitors.

Members of the Show Society should be congratulated on their hard work and creativity in providing such a high standard show.

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### 3 Australia Day Awards

#### **RECOMMENDATION**

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

#### **REPORT**

It is with great pleasure that I formally report to Council that two local residents were honoured in the recent Australia Day Awards. Former Council employee and long term resident of Gerringong Mr Ray Whiting was awarded the Medal of the Order of Australia (OAM).

Ray Whiting has been trustee of the Gerringong Sub-Branch, Returned Services League of Australia since 1975, and Honorary Treasurer from 1973-2009. He was the volunteer caretaker of the Gerringong RSL Memorial Hall, and Treasurer of the Gerringong Sub Section of the Naval Association of NSW. Ray has also volunteered at Meals on Wheels and has been the Head Warden of the Gerringong Uniting Church. He has RSL life membership, the RSL Service Award and Meritorious Award. He is still a visiting welfare officer at Gerringong Mayflower Retirement Village.

Lake Illawarra Police Superintendent Wayne Starling received the Australia Police Medal. Commander Starling has been in the Police Force for 34 years and the Award citation has stated that he had “demonstrated a genuine and passionate commitment to improving the quality of life for disadvantaged, indigenous communities”. The citation further states that “grass roots engagement has been a consistent approach and Detective Superintendent Starling has been a trailblazer in many of these initiatives and has been a strong advocate for his staff and he has worked tirelessly for the whole community”. Last February Commander Starling was in charge of the emergency services responding to the tornados/storms that significantly affected Kiama.

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#### 4 P & O Pacific Jewel

##### **RECOMMENDATION**

That the report be noted.

##### **REPORT**

On Monday 27 January 2014 the P & O Cruise Liner Pacific Jewel was anchored off Kiama. On board the Cruise Liner the Channel 7 Sunrise Program was being filmed and sent live to viewers around Australia.

The anchoring of the cruise liner close to the Kiama township provided a tremendous sight and much interest for locals and tourists. The Kiama backdrop and references to the location of the boat by the Sunrise hosts were a great promotion for the area.

The anchoring of the large cruise liner raised the opportunity for cruise liners to stop in the area with passengers possibly disembarking, being carried to the Kiama harbour by tenders.

Council in conjunction with Kiama Tourism is to make inquiries with Carnival Australia who manages P & O and other cruises in the Australian area on the possibility of future regular visits by cruise liners.



Brian Petschler  
**Mayor**

**COMMENCING AT:** Meeting commenced at 9.00am

**PRESENT:** Councillor Brian Petschler (Chairperson), Bryan Whittaker (Director Engineering and Works), Darren Brady (Manager Design & Development), Darrell Clingan (Local Member's Representative), Andy Gaudiosi (RMS Representative), Janelle Burns (Road Safety Officer), Adam Berry (RMS - Network & Safety Manager), Kevin Brown (NSW Police Representative)

**APOLOGIES:** Nil

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### **1 Minutes of Previous Meetings (C11.002.000)**

The minutes of 5 November 2013 were adopted by Council at its meeting of 19 November 2013.

#### **CR002**

**Committee recommendation** that the minutes from the 5 November 2013 meeting be received and accepted.

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### **FORMAL ITEMS (UNDER RMS DELEGATIONS)**

#### **2 Allowrie Street Jamberoo Temporary Closure – Supermarket Opening Event**

##### **CR003**

**Committee recommendation** that approval is given to the organisers of the IGA Supermarket opening event to temporarily close Allowrie Street, Jamberoo between Young Street and Wyalla Road on Saturday 12 April 2014 from 9:30am to 1:30pm, subject to organisers and suitably qualified traffic controllers complying with the following conditions:

- 1) the road closures and traffic detours to be undertaken by organisers in compliance with the traffic management plan No. 2305 prepared by Traffic Management Services Pty Ltd;
  - 2) notification of this closure be given to Police, Local Emergency Services, Traffic Management Centre of the RMS, businesses and residents effected by the closure;
  - 3) temporary signage and/or variable message signs be installed in various locations in Allowrie Street at least 7 days prior to the event advising of the extended road closures;
  - 4) an advertisement be placed in the local media advising of the closure; and
  - 5) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
- 

#### **3 Irvine and Thomson Streets Kiama Central Median**

Concerns were expressed regarding the impact of a raised central median on road safety,

lighting and large vehicle movements.

**CR004**

**Committee recommendation** that:

- 1) That raised pavement markers be installed along the road centre line at 1-2metre intervals.
  - 2) That advanced curve warning signs be installed at both approaches to the corner.
- 

**4 Weston Place and Kiama High School Access Road (Intersections with Tanner Place) Kiama Stop Sign**

**CR005**

**Committee recommendation** that:

- 1) Stop signs at Weston Place and the Kiama High School access road not be installed
  - 2) A detailed investigation and report on the proposal to install Stop signs at the intersection of Bland & Shoalhaven Streets and the parking area off Shoalhaven St be prepared and referred to the Committee for consideration.
- 

**5 Weston Place Kiama Removal of Cul-de-sac Parking Restriction**

**CR006**

**Committee recommendation** that:

- 1) No changes be implemented to the currently timed parking restrictions in Weston and Tanner Places, Kiama, are required; and
  - 2) Council notify the resident(s) of the Committee's recommendation.
- 

**6 Bonaira Street Kiama No Parking Zone**

**CR007**

**Committee recommendation** that a 'No Parking' zone be created through the installation of regulatory signage on the northern side of Bonaira Street, Kiama near the existing post office box.

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**7 Allowrie Street Jamberoo Proposed Streetscape Upgrade**

**CR008**

**Committee recommendation** that the Traffic components of the concept plan be approved in principle and be forwarded to the RMS for consideration before final approval.

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**8 Convenience Shops – 160 Manning Street, Kiama  
Timed Parking**

**CR009**

**Committee recommendation** that the existing 1 hour timed limited parking be reduced to 30 minute timed limited parking in the parking zone fronting the convenience shops at 160 Manning Street, Kiama.

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**INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)**

**Princes Highway, Kiama - Holiday Traffic Impacts**

Discussion took place regarding the impact of holiday traffic using local streets and obstructing local access throughout Kiama. A request was made to the RMS to utilise VMS signage to alert drivers of the traffic delays occurring through Kiama particularly with the upcoming Easter break. It was also noted that the RMS are considering a proposal to reverse the traffic flow direction on one of the northbound lanes at Mt Pleasant during the holiday season.

**Proposed Pedestrian Facility – Fern Street, Gerringong**

The local member representative asked for information on the progress of a proposal for a pedestrian crossing in the vicinity of the Sandy Wha Road/Fern Street roundabout. The Committee was advised that additional traffic and pedestrian counts were to be conducted following the school holidays and that a detailed report on pedestrian access routes to and from the local school and the need for a pedestrian crossing in this location would be reported to the committee in the near future.

**Wilson & Ocean Street, Kiama - Parking**

A summary of Council Rangers patrols and infringement and warning notices issued was tabled for the committee's advice. In addition it was noted that Council had not received any complaints or requests from residents during the holiday period indicating the success of the parking restriction which have been imposed.

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*There being no further business the meeting closed at 10am*

**The next meeting of the Committee will be held on Tuesday 4 March 2014.**

# REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

## Submitted to the Ordinary Meeting of Council held on 4 February 2014

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

#### Summary

This report reviews the subject development application which seeks consent for an additional use of the site for the purpose of a cafe.

The proposed development is sited within the B7 Business Park zone and is permissible in this zone subject to Council's approval.

No additional on-site car parking is available for the proposed cafe use. The report recommends that Council refuse development application No 10.2013.254 on the grounds of inadequate car parking provision.

#### Finance

N/A

#### Policy

N/A

#### Reason for the Report

This development application is reported to Council as it seeks a significant departure from the car parking requirements of Council's DCP 2012.

#### Council's Vision and Goals

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

#### Report Attachments and Councillor Enclosures

- Attachments – A4 sized floor plan.
- Enclosures – A3 sized floor plan.

#### **RECOMMENDATION**

That Council refuse development application No 10.2013.254.1 for the following reasons:

- (1) Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with control C1 of Chapter 9 of DCP 2012, which requires car parking to be provided on-site at a rate required under Section 1. The proposed development does not comply with this.
- (2) Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development is not in the public interest as there would be inadequate provision of car parking to cater for the proposed development.

**Item 1 Contd.****REPORT**

**Applicant:** Gerringong Epicure Pty Ltd  
**Zone:** B7 Business Park

**Development Site**

The property is described as Lot 2 DP 158665 which is located at No 2 Victoria Street Gerringong.

The site is 508.9m<sup>2</sup> in area and rectangular in shape. The site currently contains a Class 6 building which is occupied by a cheese making and tea workshop.

The site is bounded by Belinda Street to the south, Victoria Street to the east and commercial land currently containing principally dwellings to the north and west.

The site is zoned B7 Business Park pursuant to Kiama LEP 2011.

The site is serviced by water, sewer, electricity and telecommunications.

**Background**

On 3 December 2009 Council granted development consent (10.2009.230) for the “Renovation & fit out of commercial building to accommodate cheese making and tea workshop” on the subject land. Consent condition no. 3 under the sub-heading ‘Site Operations’ stipulates:

- “(3) *The site/premises shall not be used for the retail sale of goods, materials or products, other than where it is ancillary to the approved use of the building including (and limited to):*
- i. in conjunction with and directly related to the use of the Tasting Room and educational facility carried out in that room to participants in workshops carried out in that room; and*
  - ii. food manufactured or packaged within the building as approved by way of this consent. (sop030.doc)”*

Approved by way of the consent are cheese and tea products, as identified in the Statement of Environmental Effects (SEE) and report to Council at the time. The tasting room component of the approved development is the tasting of the cheeses and teas manufactured or packaged within the building.

The developer had contended that development consent 10.2009.230 included permission for use of the site as a ‘cafe’. However Council maintained that such a use is significantly beyond the description of the development provided for in the SEE and plans as reported to Council and subsequently approved.

**Item 1 Contd.**

The developer was advised that should it be proposed to use the site for the purpose of a cafe then this would be subject to a separate development application for concurrent/change of use of the site.

**Description of the Proposed Development**

The proposal involves the additional use of the site as a cafe. It is intended that the cafe operate in conjunction/unison with the approved cheese making and tea workshop.

That part of the existing building not occupied by the cheese making, maturing and packaging room is proposed to be used for the purpose of the cafe. The “workshop” area approved as part of the cheese making and tea workshop will double as the meal preparation area/kitchen for the proposed cafe.

The proposed hours of operation are 8.00am – 6.00pm, being the same as those approved for the cheese making and tea workshop.

The proposed cafe involves 2 staff members during normal operating hours and 4 during peak hours.

Waste is proposed to be collected by the existing kerbside collection service.

No additional on-site car parking is proposed.

**Section 79C Assessment**

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

**Relevant Environmental Planning Instruments**

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

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

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

- Illawarra Regional Environmental Plan No 1 (IREP1)

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



**Item 1 Contd.**

- Kiama Local Environmental Plan 2011 (KLEP 2011)

The subject land is zoned B7 Business Park pursuant to Kiama LEP 2011. The proposed cafe is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Should development consent be granted for the proposed cafe it would be a concurrent consent, in that it would operate concurrently with the separate cheese making and tea workshop development consent.

There are no specific clauses in the LEP requiring consideration in relation to the proposed development.

**Any draft Environmental Planning Instruments**

Nil.

**Development Control Plan 2012 (DCP) 2012**Chapter 9 – Car Parking Requirements

As approved with the cheese making and tea workshop, two (2) car parking spaces exist on-site with one of those spaces a disabled space. It is noted that the development technically required three (3) on-site car parking spaces, under the provisions of Council's then Parking Code, and that a concession of one (1) space was granted, largely for reason that there was not sufficient space on-site to accommodate a third car parking space for the cheese making and tea workshop.

DCP 2012 requires that for mixed developments the car parking for defined uses is to be calculated individually on the basis of each separate use. In terms of the proposed additional cafe use, the performance controls under Chapter 9 require a total of eleven (11) on-site car parking spaces specifically for the cafe use. This figure is calculated as follows:-

<b>Proposal</b>	<b>DCP requirement</b>	<b>Calculation</b>
60m <sup>2</sup> cafe floor area	15 spaces required/100m <sup>2</sup> cafe floor area	15 x 0.6 = <b>9</b>
4 staff	1 staff space required / 2 staff members	4 ÷ 2 = <b>2</b>
		= <b>11 spaces</b>

As the proposed cafe will operate in unison with the existing cheese making and tea workshop, the applicant reasonably argues that there is an extent to which there is a duplication of the car parking use i.e. patrons attending the cheese making and tea workshop will also use the cafe or attend in groups, sharing transport.

**Item 1 Contd.**

The applicant contends that the cafe use in itself would generate eight (8) car parking spaces based on interpolation of the anticipated duplication of parking use between the current cheese making and tea workshop use and proposed additional cafe use. The point raised by the applicant has some validity and the figure of eight (8) car parking spaces required for the cafe use appears to be a reasonable interpolation under the circumstances.

However, no additional on-site car parking is proposed (or is physically available) for the proposed cafe use. The applicant consequently seeks variation from Council to permit the development without any additional on-site parking provision.

Variation request

The applicant acknowledges the Objectives of Chapter 9 of the DCP, being:

- *To provide clear objectives and standards for the provisions of off-street parking.*
- *To ensure adequate parking is available for different land uses in the Municipality.*
- *To ensure adequate on-site parking is provided to alleviate congestion in surrounding streets.*

In support of the request for Council to permit the cafe use with no additional parking, the applicant submits the following points of justification. The points are followed by a Council response:

- *“Since its establishment the subject building has been utilised for uses other than residential. The site forms part of what was once a small village precinct, close to the local hotel and railway station, accessible from nearby farming community and dairy co-op and continues to operate as such today, but for the closure of the diary co-op.”*
- *“the subject site has been approved and used for an array of different commercial activities including a ‘Coffee Shop’ in 2002 and a ‘Health Care Professional’ business in 2007. Both of these approvals are assumed to have generated similar traffic volumes to the proposed use, especially that of the former ‘Coffee Shop’, which is essentially what is being proposed within this development application.”*

Response: It is noted that the site has a history of a variety of different uses. The referenced coffee shop (10.2002.316) was approved on 9 October 2002 and the assessment at the time noted that car parking existed on-site which “*appears to be sufficient for the proposed and existing uses*”. The number of car parking spaces was not identified and, other than the above quote, there is no detail in the assessment addressing car parking requirements.

**Item 1 Contd.**

Since that approval in 2002 it is noted that the cool room and maturing room for the approved cheese making facility now occupies space that was previously used for car parking for the former coffee shop.

Notwithstanding the development history, development proposals are considered in light of the development standards and controls in force at the time the development application is lodged. The historic uses do not justify non-compliance with current parking requirements for the establishment of a new use.

- *“The current approval for cheese making, tea workshop and tasting room has resulted in a significant capital investment in a small-scale local business enterprise, delivering a first class facility to the collection of businesses in Gerringong. The facility adds value to local food produce and the operation continues to attract tourists to the area. The proposed extension of the use to a cafe will enhance its attraction to the local & tourist market.”*

Response: A cheese making and tea workshop is the use specifically proposed and subsequently approved at the site. The capital investment at the site relates to that approved development.

The quality of the current cheese making and tea workshop development is not questioned, nor the fact that it adds a positive element to the retail offering in the area. It is also accepted that the proposed cafe represents an additional and complimentary use for the site and is supported in terms of land use and contribution to the local area.

However the issue to be addressed is lack of car parking. The capital investment associated with the cheese making and tea workshop is a business decision relating to that specific approval and in those terms should not be used to justify dismissal of parking requirements for the additional cafe use.

- *“The owners and operators of the business are locals and while extending their level of service and days of operation (the operating hours will remain unchanged from the previous approval), they also seek to realise a return on their investment. Good businesses naturally attract other good businesses and everyone in the community benefits.”*

Response: The issue of investment has been addressed above. Council is supportive and desirous of business growth and establishment, but in so doing must be mindful that development standards need to be considered to maintain amenity.

- *“The short fall of eight (8) car spaces is considered tolerable as there is sufficient on-street parking available in Victoria Street, Belinda Street, Margaret Street and Campbell Street to cater for eight (8) car spaces.”*

**Item 1 Contd.**

Response: Limited on-street parking fronting the site is available due to the current 'No Stopping' zone in Belinda Street. The distance between the existing driveway and the intersection with Belinda Street within Victoria Street does not permit car parking adjacent to the property.

The existing business across the road (Corner D'or) also relies on street parking (being a premises that enjoys existing use rights and has no formal on-site parking) so the additional cafe use will increase competition for street parking.

It is also noted that development of the B7 Business Park zoned land around and to the north of the site is largely un-realised to date. The majority of these properties have existing residential use, but have potential for change of use or redevelopment. If this was to occur, and street parking was relied upon in lieu of onsite parking, there would undoubtedly be an adverse amenity impact in the area.

- *"The site currently contains 2 car spaces. It is physically impossible to provide any additional spaces on site with compliant manoeuvring areas. The concept of purchasing another site to only provide car parking is not financially feasible as the cost of real estate in the area would render the entire project non-viable."*

Response: Clearly there is no option for additional parking on-site as it is not physically achievable.

The inability to provide the required car parking (or any additional car parking) combined with limited adjacent street parking opportunity, suggests that the site is not suitable for the proposed cafe use as car parking is an integral component of such a traffic generating use.

- *"Within this precinct and nearby there is R3 medium density zoned land that also includes Mayflower Retirement Village. Over time as the R3 zoned land is further developed a cafe in this location would play a key role in servicing the local community. The facility is presently frequented by elderly locals & residents of Mayflower who find the level access, low traffic volumes, quiet setting and neighbourhood suited to their social needs."*

Response: It is acknowledged that this proposal represents quite a unique scenario in relation to land use and siting and is conveniently located for residents of Mayflower Retirement Village.

It is fair to say that this is one of, if not the most, constrained allotments in this B7 zone, in that the existing buildings occupy the majority of the site and the site itself is comparatively small.

- *"If this proposal were in the main town centre of Gerringong, the car parking would not be an issue. However this proposal optimises an approved use and guarantees long term financial viability of an exceptional project in Gerringong. A cafe is a permitted use and compliments other uses on site and within the local precinct."*

**Item 1 Contd.**

Response: If a cafe was proposed in an existing premises in Gerringong town centre the issue of car parking would in fact arise due to the current DCP parking controls (as it did for the “Brooding Italian” coffee shop at the neighbourhood shops in Manning Street, Kiama, where additional parking was formalised on-site as part of that consent. That additional parking has proven itself to be necessary). The subject site competes currently with one adjacent business. However it is noted that the B7 zone is to date largely undeveloped and in the future this may not be the case.

The distinction regarding development in the Gerringong town centre is that there is the opportunity to pay Section 94 contribution in lieu of the provision of on-site car parking in that precinct. The Gerringong car parking contribution plan does not extend to capture the subject site/B7 precinct and therefore payment of Section 94 contribution is not an option in this instance.

- *“It is not unusual to find in any country town, cafes in former corner store buildings adjacent to residential or industrial areas that have no car parking. Some very good local examples of these anomalies include the Sourdough Bakery in Berry, Blue Swimmer in Gerroa and Minnamurra Cafe in Minnamurra. It is clear that a pattern of success appears to follow with such sites that are well run and managed facilities. They bring something special to the local character and community along with local employment and retain spending in the local area.”*

Response: The local businesses cited above are examples of successful undertakings that operate remote from town centres. The comment that they carry with them a special character or ambiance is also fair, due largely to their disconnected location from busy town centres.

The two local cases cited have operated for many years, evolving from “general store” use and were not subject to current requirements. It is noted however that street parking is directly associated with each use and the presence of cars in the adjoining street(s) is very noticeable at peak times. Further the “Blue Swimmer” benefits from available parking in a nearby Council reserve.

- *“There is no demonstrated viable reason to prevent use of the existing facility as a cafe, simply due to a shortfall in car parking spaces, as no measureable negative impacts will result as a consequence of the proposal.”*

Response: The shortfall of car parking spaces is not a simple or incidental issue.

Being remote from the Gerringong town centre, it is acknowledged that the area does not experience the same pressures for car parking spaces, however the potential impact of allowing this proposal without the required onsite car parking is undetermined.

**Item 1 Contd.**

- *“Allowing this proposal to rely on on-street parking for 8 additional car spaces will not prevent any other site in the vicinity from realising its full potential. On street parking will not be utilised by cafe users on a full time basis with the pattern of use changing seasonally and depending on days of the week.”*

Response: It would be expected that development of other sites in the vicinity would satisfy the relevant development standards and performance controls, noting that the subject site is significantly constrained in this regard.

Even with compliant on-site car parking levels, it does not guarantee that there won't be overflow car parking in the street in the future (as there currently would be with the cheese making and tea workshop). The fact that the proposed cafe development relies entirely on street parking has the potential to impact future development in the B7 zone.

- *“The present pattern of usage is sparse and on street parking availability is plentiful at all times of the morning and afternoon despite another retail shop on the opposite corner to No 2 Victoria St.”*

Response: The site has not been marketed as a cafe and therefore does not openly attract that patronage. Should consent be granted for the cafe, it will likely be marketed and advertised accordingly and with that it could be expected that patronage and traffic will increase.

It is also reiterated that once the B7 Business Park zoned land around and to the north of the site is developed in line with the zone land use objectives (permitting light industries, office premises, cafes etc); there will in time be greater pressure and competition for parking in the area.

Permitting the additional cafe use without any commensurate car parking on-site could be seen as a precedent for future development of the area that may involve adaptive re-use of existing buildings. In saying this it is noted that other sites in the area may be capable of accommodating on-site car parking, as opposed to the subject site where additional car parking on-site is not physically achievable.

- *“In the long term, further development of the business/industrial park area will generate the need for a cafe or venue to purchase lunches as the area is generally disconnected from the main town centre. This facility will be able to cater for that need without impacting other operations in the area.”*

Response: It is foreseeable that as the B7 Business Park zoned land develops there will be a demand for a cafe in the area to service the workforce, customers and residents. Converse to the applicant's statement however, it may be that approval of this site for the purpose of a cafe could deter the proposal for another cafe in the area that could otherwise achieve adequate on-site car parking requirements.

**Item 1 Contd.**Discussion

Concerns surrounding the issue of car parking provision aside, it is acknowledged that the proposal carries with it a number of positives. The existing cheese making and tea workshop development has been done well and, in terms of land use, the cafe would compliment/supplement that operation. The dual use would be unique to the area. Accordingly there are social and economic benefits of the proposed cafe at the site, in that the cafe would attract more people to the Business Park and inject a degree of vibrancy to the developing precinct.

There is clearly no physical opportunity to provide additional car parking on-site and similarly there does not appear to be a feasible option of providing car parking on an adjoining or adjacent site. The site is therefore irrevocably constrained, in that any additional traffic generating use of the site will breach Council's car parking requirements. The site is not covered by a Section 94 Plan that would enable a monetary contribution to be made towards the provision of public car parking.

It is also acknowledged that the site is remote from the Gerringong Town Centre and as such it does not currently experience the same congestion and competition for car parking space.

Car parking controls relating to cafes are applied to all proposed cafes for reason of equity, although situations inevitably arise whereby there are circumstances surrounding the development proposal e.g. site circumstances that challenge the need for strict compliance with car parking requirements.

While Council's officers can and do show latitude in the imposition of performance controls where minor variations are proposed and appropriately justified, it is far more difficult to support significant departures from Council's controls such as a waiving of those controls, as is proposed in this instance.

Chapter 9 of the DCP acknowledges that variations to parking requirements may be sought, stating that "*Variations to the standards applied in this Plan may be considered where such inconsistencies are justified, in relation to achieving the aims and objectives of this Plan.*"

The objectives, as quoted previously, are clear and the objective of ensuring "*adequate on-site parking is provided to alleviate congestion in surrounding streets*" is particularly relevant in this instance.

Council's Design and Development section comments that it "*considers that the Kiama Development Control Plan 2012 provides a legitimate guide and control for development throughout the municipality. The inability to provide the 8 additional on-site car parking spaces should therefore not be considered lightly. Council officers would have concerns about setting a precedent should the additional car parking spaces not be provided. Concerns are raised that additional pressure will be created within the existing Victoria Street on-street car parking network. Design and Development section could not support the application in its current form.*"

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**Item 1 Contd.**Chapter 16 – Food Premises

The requirements of Chapter 16 of the DCP can be met by the proposal. Council's Health Officer's raise no concerns with the proposal.

In food premises terms, the facilities and standards required and conditioned for the previously approved cheese making and tea workshop essentially cover the proposed cafe.

**Any Planning Agreement**

Nil

**Any Matters Prescribed by the Regulations**

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

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

**Any Coastal Zone Management Plan**

Nil

**The Likely Impacts of the Proposed Development**

- Streetscape

The proposed cafe will not alter the presentation of the site.

The lack of additional parking on-site and reliance upon parking in the street will be the most notable streetscape implication.

- Noise

No on-going significant noise impacts are expected as a result of the development. The cafe use is complimentary to the approved cheese making and tea workshop, sharing the same hours of operation.

No submissions were received from neighbours raising concern about noise.

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.



**Item 1 Contd.**

No submissions were received from neighbours raising concern about privacy and overlooking.

- Overshadowing

No additional impact.

- Views

The proposal will have no additional impact on views currently available from neighbouring properties.

- Vehicular Access, Parking and Manoeuvring

No additional on-site car parking is proposed. This matter is discussed above under DCP 2012 Chapter 9.

- Stormwater Management

The proposal has no additional stormwater impact beyond that of the existing development.

- Environmental Impacts

*Vegetation Removal* – N/A

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

*Impact on Soil Resources* – N/A

*Impact on Water Resources* – Should development consent be granted by Council a condition of consent will require the developer to obtain a Section 73 Compliance Certificate from Sydney Water prior to operation of the cafe.

- Social and Economic Impacts

The proposed development will likely have minimal adverse economic impacts and there are social benefits of the proposed cafe in that it would attract more people and business activity to the Business Park. The amenity impacts of the proposed development have been considered in detail and concerns are raised in relation to the inability to provide adequate car parking, as discussed previously.

**Item 1 Contd.****The Suitability of the Site for the Development**

The proposed cafe is compatible and complimentary to the approved cheese making and tea workshop on the site. However the inability to provide the required car parking (or any additional car parking) combined with the restricted adjacent street parking, signifies that the site is not suitable for the proposed cafe use as it cannot accommodate car parking required for that use. Proposed street parking has the potential to cause congestion in Victoria Street that will be compounded with the future development of the B7 Business Park zone.

**Submissions**Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, no submissions were received.

**External Referrals**

Nil

**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

An objection has been raised in relation to the proposed development in relation to inadequate parking provisions and refusal of the application has been recommended. This is discussed above under DCP 2012 Chapter 9.

- 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 consistent with relevant Environmental Planning Instruments however does not achieve the requirements for on-site car parking required by DCP 2012.

**Item 1 Contd.**

The social and economic impacts of the proposed development are generally likely to be positive. The cafe use is complimentary to the existing cheese making and tea workshop and would be a unique and appealing development that would attract people to this part of town.

The inability to provide car parking has potential to cause adverse impacts to the built environment due to reliance on already restricted kerb side parking opportunities and associated street congestion, in an area that will progressively be developed for Business Park purposes. This is not considered to be consistent with the public interest.

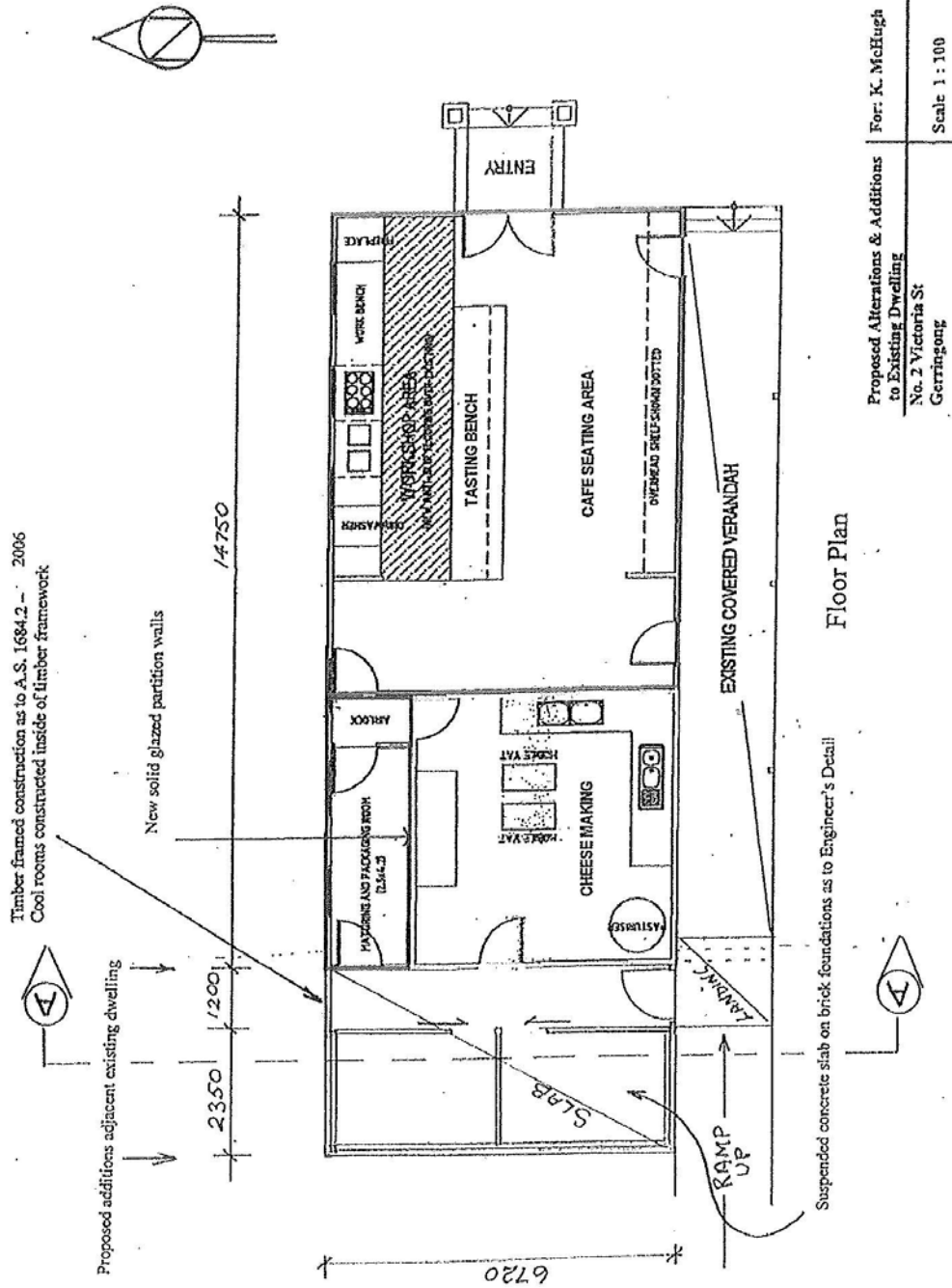
**Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama Local Environmental Plan 2011 but does not satisfy the car parking requirements under Development Control Plan 2012. The proposed development is consistent with the objectives of the B7 Business Park zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and concerns are raised about the lack of available car parking.

The proposed development is not considered to be acceptable due principally to inadequate provision of car parking and refusal is therefore recommended.

# Attachment



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

Council at its meeting 17 December 2013 considered Development Application 10.2013.137.1 for thirty four (34) Torrens titled dwellings on Lot 5 in DP 628003 and resolved as follows:

*“That Council defer the Elimatta Avenue development application for further negotiations between Council staff and the developer regarding:*

- 1) *the replacement of the proposed through road between Elimatta Place and Garden Avenue with a cul de sac in Elimatta Place.*
- 2) *the elimination of units 17A and 17B.*
- 3) *the provision of a pedestrian track linking the extension of Elimatta Place to the unformed Thomson Street road reserve. The preferred location of this access is adjoining 15B and 16A.”*

A copy of the original report is attached at the end of this report.

**Finance**

Section 94 contributions are applicable.

**Policy**

N/A

**Reason for Report to Council**

The previous report was submitted to Council as more than five (5) objections have been received and the proposal involves a subdivision of over thirty (30) lots.

**Council’s Vision and Goals**

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

**Report Attachments and Councillor Enclosures**

- Attachments – Revised site plan (A4) and a copy of original report to Council
- Enclosures – Revised site plan (A3)

**RECOMMENDATION**

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

**REPORT**

Following the resolution of Council referenced above, the applicant provided an amended layout plan which was subsequently assessed as meeting the objectives of the resolution and relevant Council requirements.

**Item 2 Contd.**

In regard to item 1), the provision of a cul-de-sac bulb arrangement was deemed as being too difficult, having regard to the topography of the site and its impact on the total lot yield. The applicant's revised layout plan does however indicate that T-Head turning arrangements, capable of turning waste collection vehicles around, have been provided at the proposed terminus of Elimatta Place and the existing terminus of Garden Avenue.

In regard to item 2), the revised layout plan indicates full compliance with the resolution. The area previously occupied by these lots will be dedicated to Council as a drainage reserve after satisfactory completion of Stage 1.

In regard to item 3), a formalised pathway located within a 2.5 metre wide pedestrian right-of-way has been proposed over Lot 8A and 8B in lieu of the resolution which was to place the access adjacent to the creek corridor. The proposed location is considered suitable as it is located adjacent to the end of the proposed road, which increases public surveillance opportunities, and in turn provides better pedestrian security.

**Draft Conditions of Development Consent****NSW Office of Water General Terms of Approval (GTA)**

- (1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 10.2013.137.1 and provided by Council:
  - (i) Site plan, map and/or surveys;
  - (ii) Structural design and specifications;
  - (iii) Vegetation Management Plans;
  - (iv) Drainage Plan;
  - (v) Flood Study;
  - (vi) Soil and Water Management Plan

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

**Item 2 Contd.**

- (3) The consent holder must prepare or commission the preparation of:
- (i) Revised Vegetation Management Plan;
  - (ii) Works Schedule;
  - (iii) Detailed Watercourse Design Plans;
  - (iv) Detailed Construction and Drainage Plans
- (4) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing.

The following plans must be prepared in accordance with the NSW Office of Waters guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Vegetation Management Plans;
  - (ii) Laying pipes and cables in watercourses;
  - (iii) Riparian Corridors
  - (iv) In-stream works;
  - (v) Outlet structures;
  - (vi) Watercourse crossings.
- (5) The consent holder must:
- (i) carry out any controlled activity in accordance with approved plans; and
  - (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
  - (iii) when required, provide a certificate of completion to the NSW Office of Water.
- (6) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- (7) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- (8) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- (9) The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approvals – to the NSW Office of Water as and when required.
- (10) The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
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**Item 2 Contd.**

- (11) The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by the NSW Office of Water.
- (12) The consent holder must ensure that no materials or cleared vegetation that may:
- (i) obstruct flow,
  - (ii) wash into the water body, or
  - (iii) cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (13) The consent holder is to ensure that all drainage works:
- (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and
  - (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- (14) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- (15) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- (16) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (17) The consent holder must ensure that any excavation does not result in:
- (i) diversion of any river;
  - (ii) bed or bank instability or;
  - (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water;
- (18) The consent holder must ensure that:
- (i) River diversion , realignment or alteration does not result from any controlled activity work and
  - (ii) Bank control or protection works maintain the existing river hydraulic and geomorphic functions, and
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**Item 2 Contd.**

- (iii) Bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
- (19) The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures in a stable river bank in accordance with a plan approved by the NSW Office of Water.
- (20) The consent holder must establish a riparian corridor along the tributary of Unnamed Watercourse in accordance with a plan approved by the NSW Office of Water.

**GENERAL – ALL STAGES**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2011.137.1 dated 4 February 2014 and on the application form except as amended by the following conditions:
- (2) The development shall be carried out in the following order:
  - I. Stage 1 works, which includes: earthworks; road and drainage construction; landscape embellishment and riparian works shall be issued with a Construction Certificate;
  - II. Once Stage 1 work are completed, a Subdivision Certificate for proposed Superlots 1 to 8 shall be issued and registered with NSW Land & Property;
  - III. Construction Certificates for the dwellings on any Superlot shall be issued prior to any construction;
  - IV. Stages 2 to 9, in no particular order, may be issued with Subdivision Certificates upon completion and issue of Occupation Certificate for all dwellings within that Superlot.
- (3) 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.

**Item 2 Contd.**

- (4) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (5) The developer shall bear the cost of relocation or lowering of any service utilities required in the development.
- (6) The developer is made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining written consent of the Director General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone archaeologist of the National Parks and Wildlife Service shall be contacted immediately.
- (7) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans No's. 1 & 2 shall be paid to Council prior to the issue of the Subdivision Certificates.

The total contribution required for the development is as follows:

Stage Number	Plan No 1 Council Wide	Plan No 1 Tree Planting	Plan No 2 Northern Region	Total
1	\$40,402.15	\$1,406.24	\$5,481.70	\$47,290.09
2	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
3	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
4	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
5	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
6	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
7	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
8	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
9	\$17,315.21	\$703.12	\$2,349.30	\$20,367.43
			<b>Total</b>	<b>\$210,229.53</b>

- (8) After any Occupation Certificate has been issued, the landscaping for that stage shall be maintained actively and regularly maintained for a period of twelve months.
- (9) After the Stage 1 Subdivision Certificate has been issued, and at the end of the twelve month 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 have been met.

**Item 2 Contd.**

(10) The landscape works shall remain in situ for the perpetuity of the development.

**STAGE 1 CONDITIONS****PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR CIVIL WORKS**

- (1) A plan detailing all regulatory signage and line marking required for the public roads shall be designed by a chartered professional engineer, shall be submitted to the Principal Certifying Authority and then shall be reported to and approved by the Kiama Local Traffic Committee, prior to the issue of any Construction Certificate.
- (2) All flexible road pavements shall be designed in compliance with the Austroads publication *Pavement Design for Light Traffic – A Supplement to Austroad Pavement Design Guide*. The proposed pavement treatment must be identified and the design detail shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
- (3) The developer shall submit details of all civil engineering works on engineering drawings to the Certifying Authority for approval prior to the issue of a Construction Certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- (a) The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- (b) Plan, longitudinal and cross sectional details shall be provided for the proposed public roads and access driveway. Profiles should also be submitted for future driveways servicing each lot to ensure that they can be serviced in the future.
- (c) The proposed pavement treatment for the proposed public roads and access driveway;
- (d) The proposed refuse/recycle collection points shall be identified and positioned adjacent to the access roadway to accommodate manoeuvring for the AS 2890.2 Medium Rigid Vehicle (8.8m);
- (e) A combined service plan showing: the location and reduced level of all existing and proposed services under the control of public utilities or agencies; footpaths and street tree plantings; and

**Item 2 Contd.**

- (f) A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD).

- (4) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (5) The developer shall submit the flood profile for the natural watercourse and major drainage culvert that traverses for the 1%, 2%, 5%, 10% and 20% Average Exceedance Probability (AEP) flood events to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (6) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (7) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (8) The developer shall construct a minimum 150, 225, 300 & 375, uPVC Class SH inter-allotment drainage system to drain lots to a public road or natural watercourse in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Details of the inter-allotment drainage network proposed must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (9) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
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**Item 2 Contd.**

- (10) The developer shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the '*Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines*'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified Civil Engineer. All modelling shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (11) The developer shall provide design details including the proposed methodology for containing elements associated with a first flush gross pollutant system for the road network prior to discharge to the riparian area. The detailed design treatment shall be prepared by an appropriately qualified Civil Engineer and shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (12) The developer shall provide detailed MUSIC modelling data to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (13) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012. Details shall be prepared by an appropriately qualified Civil Engineer and shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (14) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Details shall be prepared by an appropriately qualified Civil Engineer and shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (15) The developer shall provide a concrete footpath of minimum width 1.2m along one side of all proposed public road works to be constructed. Details of the footpath must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (16) Prior to the issue of the Construction Certificate, the developer shall submit to the Certifying Authority for approval, a detailed design plan of the lighting proposed throughout the development. The lighting design shall comply with the Australian Standard AS/NZS 1158. The developer shall obtain design parameters from Council in order to provide the required level of public lighting required.

**Item 2 Contd.**

- (17) The developer shall submit to the Certifying Authority for approval, prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail.
- (18) A Chartered Professional Engineer shall provide details on plans of any retaining walls required. The details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. Heights over 900mm shall be provided with suitable pedestrian and vehicle barriers.
- (19) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The report shall make reference to the Geotechnical Report prepared by *Asset Geotechnical - dated 24/09/2013 – Ref 2255A* and also cover, but not be limited to:-
- a Extent and stability of proposed embankments and if any of the land is subject to subsidence/slip;
  - b Soil dispersibility;
  - c Slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled;
  - d Recommended geotechnical testing requirements;
  - e Required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
  - f Compaction specification for all fill within private subdivisions;
  - g The level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;
  - h The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
  - i Recommended treatment methods for rectification / remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned;
  - j Requirements for sub-surface drainage lines;
  - k Overall suitability of the engineering drawings for the proposed development.
-

**Item 2 Contd.**

- (20) A Controlled Activity Approval under the Water Management Act from the NSW Office of Water shall be obtained and submitted to the Certifying Authority prior to the issue of the Construction Certificate.
- (21) Compliance with AS/NZS 2890.1 subsection 2.4.5.3 in relation to the provision of vehicle barriers must be demonstrated on the Construction Certificate drawings.

**PRIOR TO STAGE 1 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 all required works must be endorsed with a Construction Certificate; and
  - b You **must** appoint a Principal Certifying Authority; 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.
- (2) A sign must be erected in a prominent position on any site on which 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 supervising engineer 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 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.
- (3) Prior to work commencing, the developer shall lodge with Council a bond of **\$20,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as security for any new and/or remedial work which may be required within the adjoining public road administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction of the development. The bond may be called on for any damage which occurs to the adjoining public road during the period of construction of the development without the need for Council to prove that the damage resulted from works associated with the approved development.

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

**Item 2 Contd.**

- There being no damage to the infrastructure within the road reserve.
  - Twelve (12) months has elapsed from the date of the issue of the subdivision certificate.
  - The submission of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (4) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual. The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the work commencing.
- (5) Prior to work commencing, the developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Elimatta Place and Garden Avenue for the purpose of carrying out activities associated with the development.
- (6) 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.
- (7) The applicant shall provide and maintain temporary security fencing around the development site to prevent unauthorised entry into the site by persons and shall remove the temporary fencing upon completion of all work.
- (8) The applicant shall prepare a dilapidation survey and submit this to Council prior to works commencing. The dilapidation survey must be prepared by a Chartered Professional Engineer and include the public road reserves of Garden Avenue and Elimatta Place.

**DURING STAGE 1 WORKS**

- (1) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) with any variations to that Plan being approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (2) 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.



**Item 2 Contd.**

- 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.
- (3) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (4) No vibratory rollers are to be used during the construction of this work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
- (5) All new construction work shall make smooth junctions with existing work.
- (6) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority.
- (7) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012 and civil engineering drawings approved by the Principal Certifying Authority. (cec070.doc)
- (8) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site.
- (9) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site.
- (10) The applicant and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- (a) motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work;
  - (b) workers compensation insurance; and
  - (c)** ten million dollar public liability insurance.
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**Item 2 Contd.**

- (11) All earthworks associated with the development shall be completed in accordance with the approved Geotechnical Report lodged in support of the Construction Certificate.
- (12) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (13) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (14) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (15) All vehicles being loaded and/or unloaded shall occur within the development site.
- (16) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
- (17) A certified "Works-as-Executed" plan from a chartered professional engineer or registered surveyor shall be submitted to the Principal Certifying Authority before the final inspection for a Certificate of Practical Completion to be issued. The "Works-as-Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified on both public and private land.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

- (1) A Subdivision Certificate shall not be released until all relevant conditions of this development consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
  - (2) The applicant shall complete all riparian works, road works, drainage works and earthworks prior to the issue of any Subdivision Certificate unless otherwise approved in writing by the Principal Certifying Authority.
  - (3) The applicant shall submit the following information to the Principal Certifying Authority prior to the issue of any Subdivision Certificate:
    - a. All relevant construction and compliance certificates.
    - b. Fees appropriate at the time of submission of the application.
    - c. Final plan of subdivision, administration sheet and four (4) paper copies. A copy of the satisfactory plan of subdivision shall also be provided as an electronic file in either DFX or DWG format.
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**Item 2 Contd.**

In this regard the electronic copy must be on MGA (zone 56) orientation, where this is required by the Surveying Regulations 2001, and should preferably use coordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided on disc or thumbdrive.

- d. An Instrument under Section 88B of the Conveyancing Act 1919.
  - e. A Section 73 Compliance Certificate under the Sydney Water Act, 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to the issuing of the Subdivision Certificate
  - f. Written advice from an Energy Provider regarding a supply of electricity to the proposed development.
  - g. Written advice from a Communications Provider regarding the supply of telecommunication services to the proposed development
  - h. Section 94 contributions.
- (4) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Elimatta Place and Garden Avenue and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Subdivision Certificate.
- (5) The proposed lighting network shall be constructed prior to the issue of the Subdivision Certificate. A certificate from a suitably qualified person verifying compliance that all street lighting throughout the development complies with AS/NZS 1158, shall be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate.
- (6) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any Subdivision Certificate.
- (7) Prior to the issue of the Subdivision 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.
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**Item 2 Contd.**

- (8) All landscape areas shown on the approved landscape plans L01/2- PS18203 and L02/2-PS18203 or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. The landscape designer/architect shall provide written certification to Council and the Principal Certifying Authority to certify that the landscape works have been completed in accordance with the approved landscape plans and specification, prior to release of any Subdivision Certificate.
- (9) The developer shall submit to the Principal Certifying Authority, prior to the issue of the Subdivision Certificate an electronic copy of the Works-as-Executed drawing as follows:-
- a A full set of engineering drawings in either DWG or DXF format;
  - b An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
- (10) The developer shall submit to the Principal Certifying Authority, prior to the issue of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:-
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
  - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.
- The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties.
- (11) The developer shall show the 1% AEP storm event inundation line on the Works-As-Executed plan for all watercourses and overflow paths to demonstrate that the building envelope for each lot and access to that envelope is flood free.
- (12) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report shall cover, but not be limited to:
- a All earthwork operations.
  - b The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
  - c A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.

**Item 2 Contd.**

- d Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012. This shall include appropriate test results and test location diagram and date of testing.
  - e Certification of all recommendations contained in the geotechnical report approved in the Construction Certificate dated have been satisfied.
  - f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument.
- (13) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified National Association of Testing Authorities Australia (NATA) registered laboratory for contaminants. Based on the test results certification shall be provided to the Principal Certifying Authority prior to the issue of any Subdivision Certificates by a suitably qualified geotechnical engineering consultant confirming the imported fill is suitable for use in residential development. Any imported fill found to not be suitable for residential use shall be removed / remediated in accordance with the NSW Department of Environment, Climate Change and Water requirements.
- (14) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land:
- a Easement for services;
  - b Easement for water drainage;
  - c Drainage easement over overflow paths;
  - d Easement for water quality;
  - e Right of way;
  - f Restricted building zone over the 1% AEP flood inundation area of the natural watercourse which prohibits the erection of structures, including fences and the placement of fill;
  - g Restriction on the use of land defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer shall provide the 1% AEP flood profile of the natural watercourse with superimposed lot boundary location;
  - h Restriction on the use of land over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
  - i Easement for substation, as the substation shall not be included in the road reserve area.
- (15) The developer shall create an easement to drain water over any encroaching drainage pipes.
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**Item 2 Contd.**

- (16) The developer shall create an easement for services over any encroaching utility services.
- (17) The developer shall acknowledge all existing restrictions on the use of the land and easements on the final plan of subdivision.
- (18) The developer shall chart the natural and piped natural watercourse on the final plan of subdivision.

**STAGE 2 to 9 CONDITIONS****PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR BUILDING WORKS**

- (1) The BASIX commitments shall be indicated on the plans to the satisfaction of the accredited certifier prior to the issue of the Construction Certificate.
- (2) A Waste Management Construction Plan shall be submitted to the accredited certifier. The Waste Management Construction Plan is to be in accordance with Kiama Development Control Plan 2012 requirements. The plan should identify the waste types, estimated quantities and the proposed approved waste management facility for the disposal of construction and excavation materials.
- (3) Engineering details for all proposed footings/foundations must make reference to the geotechnical advice submitted in support of the Subdivision Certificate application for Stage 1 and shall be submitted to the accredited certifier prior to the issue of a Construction Certificate.
- (4) The developer shall submit details of all required access and stormwater infrastructure on plans and specifications to the accredited certifier for approval prior to the issue of the Construction Certificate.

The plans and specification shall include, but shall not be limited to, the following detailed information:

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross sectional detail shall be provided for the proposed driveways including the kerb line level and garage floor levels.
- c The location and reduced level of all services under the control of public utilities or agencies;

**Item 2 Contd.**

All reduced levels shall relate to Australian Height Datum (AHD). (ced030.doc)

- (5) The applicant shall provide a detailed hydrologic and hydraulic assessment in relation to flood impact and the 100% blockage factor in regard to the proposed floor levels and freeboard for the development proposals within Superlots 5 and 8. Particular attention is drawn to lots 15B, 16A and 17B in relation to the flood impact assessment "*Review of Flooding at 12 Elimatta Place Kiama*" prepared by Balance Research and Development. The proposed analysis shall be prepared by a suitably qualified civil engineer and shall be submitted to the accredited certifier for approval prior to the issue of the Construction Certificate.
- (6) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations shall be submitted to the accredited certifier prior to the issue of a Construction Certificate.
- (7) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The developer shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system to the accredited certifier for approval prior to the issue of the Construction Certificate.
- (8) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited certifier for approval prior to the issue of the Construction Certificate.
- (9) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012. The proposed treatments shall be submitted to the accredited certifier for approval prior to the issue of the Construction Certificate.
- (10) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. The proposed treatments shall be submitted to the accredited certifier for approval prior to the issue of the Construction Certificate.

**Item 2 Contd.**

- (11) The developer shall construct a minimum 3.0 metre wide, 150 millimetre thick concrete reinforced with SL72 fabric mesh from the kerb for the full length of all common driveways. Details shall be submitted to the accredited certifier for approval prior to the issue of the Construction Certificate.
- (12) Driveways, car parking and manoeuvring areas shall be paved in materials other than plain concrete or asphaltic concrete (eg brick pavers, exposed aggregate, coloured concrete, stencilled concrete etc). Details of the proposed paving material, including colour, shall be submitted to the accredited certifier prior to the issue of the Construction Certificate. In this regard;
- a Masonry pavers shall comply with design requirements of AS/NZS 4455 and AS/NZS 4456.
  - b Cement concrete access driveways shall be designed and constructed in accordance with the principles of the Cement, Concrete and Aggregates Australia technical notes.
- (13) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. Details shall be submitted to the Principal Certifying Authority for assessment prior to the issue of the Construction Certificate.
- (14) A Landscape Plan prepared in accordance with the requirements of Chapter 8 of Kiama Development Control Plan 2012 shall be prepared and submitted to Council for approval prior to the issue of the Construction Certificate.

**PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORKS**

- (1) The developer shall obtain a Construction Certificate prior to the commencement of any building works.
- (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.
- (3) 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.



**Item 2 Contd.**

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

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

or

b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.

(4) A sign must be erected in a prominent position on the premises on which the erection 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 of the building has been completed.

(5) 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.

(6) 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.

(7) The applicant must provide to Council the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area. Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

(8) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual. The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the release of the construction certificate.

**Item 2 Contd.**

- (9) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access any public road reserve, for the purpose of carrying out activities associated with the development.
- (10) The developer shall lodge with Council a bond of \$5,000, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the Subdivision Certificate.
- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.

**DURING BUILDING WORKS**

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.
- (2) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (3) The development shall be completed in accordance with the approved colour schedule.
- (4) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (5) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (6) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (7) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:

**Item 2 Contd.**

- a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (11) 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.
- (13) The developer shall construct the footpath/driveway crossing in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*".
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**Item 2 Contd.**

- (14) Driveways shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any Subdivision Certificate.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

- (1) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the *development* and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (3) 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.
- (4) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any of the Occupation certificate.

**PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STAGES 2 to 9**

- (1) The applicant shall submit the following information to the Principal Certifying Authority prior to the issue of any Subdivision Certificate:
- a. All relevant construction and compliance certificates.
  - b. Fees appropriate at the time of submission of the subdivision application.
  - c. Final plan of subdivision, administration sheet and four (4) paper copies. A copy of the satisfactory plan of subdivision shall also be provided as an electronic file in either DFX or DWG format.  
In this regard the electronic copy must be on MGA (zone 56) orientation, where this is required by the Surveying Regulations 2001, and should preferably use coordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided on disc or thumbdrive
  - d. An Instrument under Section 88B of the Conveyancing Act 1919.
  - e. A Section 73 Compliance Certificate under the Sydney Water Act, 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to the issuing of the Subdivision Certificate

**Item 2 Contd.**

- f. Written advice from an Energy Provider regarding a supply of electricity to the proposed development.
  - g. Written advice from a Communications Provider regarding the supply of telecommunication services to the proposed development
  - h. Final Occupation Certificates for all dwellings approved on the lot.
  - i. Section 94 Payments
- (2) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land:
- a Easement for services;
  - b Easement for water drainage;
  - c Easement for detention storage;
  - d Right of way
- (3) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for stormwater drainage infrastructure and water quality measures.
- The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919.
- (4) The developer shall acknowledge all existing easements on the final plan of subdivision.
- (5) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision.



# Attachment

## **5 Lot 5 DP 628003, 12 Elimatta Place Kiama - 34 Torrens titled dwellings (10.2013.137.1)**

### **Summary**

This report reviews Development Application 10.2013.137.1 which seeks consent for a development of thirty-four (34) individual Torrens title dwellings in nine stages.

Stage 1 will include:

- Earthworks, road works, drainage works, landscape embellishment and riparian management;
- Eight (8) lot Torrens title subdivision; and
- Road dedication.

Stage 2 will include:

- Thirty-four (34) dwellings, designed as seventeen (17) attached dwellings, constructed over the eight (8) Torrens title lots created in Stage 1; and
- Torrens title subdivision of each dwelling after completion and issue of a final Occupation Certificate.

The proposed development is sited within the R2 Low Density Residential zone and is permissible in this zone, pursuant to Clause 4.1A of Kiama Local Environmental Plan (LEP) 2011, subject to Council's approval.

The proposed development complies with the provisions of Kiama LEP 2011 and the objectives of Kiama Development Control Plan 2012.

The report recommends that Council approve development application No. 10.2013.137.1, subject to conditions.

### **Finance**

Section 94 contributions are applicable.

### **Policy**

N/A

### **Reason for Report to Council**

This development application is reported to Council as more than five (5) objections have been received and the proposal involves a subdivision of over thirty (30) lots.

### **Council's Vision and Goals**

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

# Attachment

## Report Attachments and Councillor Enclosures

- Attachments - A4 sized location map, Stage 1 Subdivision Plan and Stage 2 to 9 Subdivision Plan.
- Enclosures - A3 sized plans and elevations of proposed dwellings.

### **RECOMMENDATION**

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

### **REPORT**

**Owner/Applicant:** Kiama Gardens Pty Ltd and Auxtra Pty Ltd.

#### **Development Site**

The site is described as Lot 5 in DP 628003, has a property address of 12 Elimatta Place Kiama and is zoned R2 Low Density Residential pursuant to Kiama Local Environmental Plan 2011.

The site has a total area of 1.534 Hectares and is irregular in shape. The following roads and land use bound the site:

- To the north-east is Noorinan Street,
- To the south-east is Belvedere Street,
- To the south west are dwellings on residentially zoned land which front Garden Avenue, and
- To the north-west of the site is the unformed Thomson Street.

Currently the site is vacant, overgrown with exotic and invasive plant species, with some native trees and shrubs of minor value being present. A natural watercourse flows through the site and drains the land at its south-east extremity. It is identified in Clause 6.5 of Kiama Local Environmental Plan 2011 as a Category 3 stream. The land has a fall from north to south of approximately 18%.

The site is accessed via Garden Avenue and Elimatta Place (off Belvedere Street) which is referred to as Garden Avenue in DP 628003. It is not known when the name change occurred.

Town water and sewer, electricity and telecommunications are provided to the neighbourhood.

A previous approval was granted on the site (DA 10.2005.101.1) on 31 August 2006 for 40 townhouses which included total site vegetation clearance and substantial earthworks. The applicant claims that this approval is still valid as it has been physically commenced. This claim cannot be confirmed or refuted.



# Attachment

## Description of the Proposed Development

The proposal seeks to create a thirty-four (34) lot Torrens title subdivision in nine (9) stages. The staging of the proposal is as follows:

### Stage 1

Works include:

- Earthworks for the entire site;
- Road construction to linkup Elimatta Place and Garden Avenue;
- Rehabilitation of riparian corridor;
- Landscape embellishment;
- Provision of services and utilities;
- Dedication of the constructed road to Council; and
- The creation of the following eight (8) superlots which are capable of further development:

Superlot Number	Area (m <sup>2</sup> )
1	1191
2	1200
3	1200
4	1478
5	2904
6	1880
7	1757
8	1658

### Stages 2 to 9

- The construction of thirty-four (34) dwellings, designed as seventeen (17) attached dwellings, on the eight superlots created in Stage 1.
- Torrens title subdivision of the proposed thirty-four (34) dwellings is proposed pursuant to Clause 4.1A of Kiama LEP 2011, which permits lots as small as 150 m<sup>2</sup>.

The following configuration is proposed:

Superlot Number	Proposed Lots	Area (m <sup>2</sup> )
1	1A	294
	1B	297
	2A	300
	2B	300
2	3A	300
	3B	300
	4A	300
	4B	300

# Attachment

Superlot Number	Proposed Lots	Area (m2)
3	5A	300
	5B	300
	6A	300
	6B	300
4	7A	315
	7B	349
	8A	386
	8B	428
5	9A	466
	9B	468
	10A	470
	10B	470
	17A	430
	17B	600
6	11A	470
	11B	470
	12A	470
	12B	470
7	13A	470
	13B	470
	14A	464
	14B	353
8	15A	346
	15B	504
	16A	467
	16B	341

## Section 79C Assessment

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

### Relevant Environmental Planning Instruments

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

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

Consideration has been given to the objectives of the SEPP71 and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP.

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

BASIX Certificates were lodged with the application which demonstrates that the dwellings have been designed in accordance with BASIX.

# Attachment

- State Environmental Planning Policy No 55 - Remediation of Land

The previous land uses have been investigated and no concerns are raised. It is therefore considered that the land is suitable for the proposed use.

- Illawarra Regional Environmental Plan No 1 (IREP 1)

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

- Kiama Local Environmental Plan 2011

The subject land is zoned R2 Low Density Residential pursuant to Kiama LEP 2011. The proposal is permitted with consent and it is considered to be consistent with the zone objectives.

Specific clauses of Kiama LEP 2011 requiring consideration:-

Clause 4.1 requires that the minimum subdivision lot size is not less than 450 m<sup>2</sup>. However, as eluded to previously in this report, Clause 4.1A permits lots as small as 150m<sup>2</sup> on R2 & R3 zones where multi-unit housing has been constructed. The proposal therefore complies with this requirement.

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

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

Clause 6.3 lists requirements for the development of land which is at or below the known flood planning level. The land is not mapped as being affected by flooding, however, the effects of the natural watercourse within the site have been taken into consideration. In this respect, the proposal meets the objectives of the clause and the matters prescribed for consideration are deemed to be satisfied.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. The natural watercourse that traverses the site is classified as a Category 3 watercourse. The NSW Office of Water were referred the application in accordance with the provisions of Section 91A of the Environmental Planning & Assessment Act ,1979 and they have issued their General Terms of Approval (GTA) for the proposal, which will form part of the consent, if approved. As the GTA will require rehabilitation and revegetation of the creek corridor, it is considered that the relevant objectives of the clause have been met and the matters prescribed for consideration are deemed to be satisfied.

# Attachment

## **Any draft Environmental Planning Instruments**

Nil.

## **Development Control Plans**

- Kiama Development Control Plan (DCP) 2012

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

The proposal has been assessed against the requirements listed within the relevant chapters of Kiama DCP 2012 and it is considered that all required matters to be addressed have been properly satisfied.

The linking of Elimatta Place and Garden Avenue reflects the objectives of Section 14 of Chapter 7 of Kiama DCP 2012. In particular Control C53 states:

*“New subdivision roads should be designed to be integrated and connected with the existing local road network and the surrounding neighbourhood, wherever possible. In new subdivisions, cul-de-sacs should be minimised, wherever possible, in order to ensure connectivity within the estate.”*

Section 16 of Chapter 7 requires a minimum carriageway width of 5.5 metres having regard to the traffic generated by the development. A 6.0 metre carriageway width is proposed.

## **Any Planning Agreement**

Nil.

## **Any Matters Prescribed by the Regulations**

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

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

## **Any Coastal Zone Management Plan**

Nil.

## **The Likely Impacts of the Proposed Development**

- Context and Setting

The proposal is considered to be in scale and character with the locality, compatible with existing activities and land uses adjacent to the site, and is unlikely to significantly affect existing neighbourhood amenity.

# Attachment

- Subdivision Design

It is considered that the proposal provides for the health and safety of future residents and neighbours, adequately treats and drains stormwater, and can be properly serviced by electricity, telecommunications, water and sewer.

DP 628003 which was endorsed by Council on 17 August 1982, appears clear by its intent that the linking up of Garden Avenue to Elimatta Place (formerly Garden Avenue) was envisaged at that time.

- Building Design

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.

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. Overshadowing impacts to neighbours are considered to be minimal.

The proposal will have no unreasonable impact upon views currently available to neighbours.

- Traffic, Accessibility and Parking

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

A road width of six (6) metres is proposed, which is consistent with the requirements of Kiama DCP 2012. The road design provides for the efficient flow of traffic and for the safe manoeuvring of waste collection vehicles.

- Public Domain

It is considered that after construction has occurred, there will likely be nil or minimal impact to the public domain.

- Construction Impacts

Construction activities have the ability to generate noise, dust and vibration; however, conditions of consent can be imposed on the development consent to ensure that construction impacts are maintained within accepted standards.

# Attachment

Construction activities also have the potential to impact on soil resources by way of erosion and sedimentation, draft conditions of consent have been included to prevent any significant impacts on soil and water resources.

- Environmental Impacts

To Council's knowledge, no critical habitats, threatened species, ecological communities or their habitats or other protected species occur on the site. It is therefore considered that there will be nil or minimal adverse environmental impacts if the application is approved.

- Social Impacts

The proposed development is consistent with the zoning and sits within the established Kiama urban area, utilising existing social infrastructure. It is therefore considered that there will be nil or minimal adverse social impacts if the application is approved.

- Economic Impacts

There is no evidence to suggest that the completed development, will have any adverse economic impacts.

The proposal will create short term jobs during its construction and will also create more housing opportunities within the Kiama area which will likely result in positive economic benefits in the Kiama Local Government Area.

- Heritage Impacts

The site has been highly disturbed through past land clearing practices and it is considered unlikely that any items of Aboriginal heritage exist on the land. Conditions of consent can be imposed on the development consent which list actions that must be taken if any unexpected finds occur.

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

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

## **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, 15 submissions were received from 12 objectors, which raised the following issues:

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# Attachment

Issue	Assessing Officer's Response
<b>General</b>	
Property values will be affected by the proposed development.	There is no evidence to suggest that the completed proposal will adversely alter property prices.
Both sides of the creek are affected by land slippage.	A recent geotechnical report has been lodged in support of the application, which includes recommendations to be undertaken during construction to address stability concerns.
Garden Avenue has a poor road surface and will not cope with the extra traffic.	The existing road surface is the responsibility of Council and it is not reasonable to refuse the proposal on these grounds.
The noise generated by the residents will affect existing amenity.	The noise generated by new residents is likely to be consistent with that of a residential area.
<b>Design</b>	
The linking of Garden Avenue to Elimatta Place would cause noise, traffic and amenity impacts in Garden Avenue.	The traffic impacts have been considered and it is likely that the majority of new residents will access their property from Elimatta Place, therefore causing little to no impacts to residents within Garden Avenue.
The width of the road is narrower than the existing roads that are being connected to making it unsafe to travel along. The road can only provide for single vehicle traffic. No on-street parking is provided within the proposal.	The proposed road is of a suitable width to allow traffic flow with on-street parking. Its width complies with Kiama Development Control Plan 2012 and it is considered that the road is of a sufficient width to provide for traffic flow, access requirements and parking.
Amenities such as a park or playground should be provided.	Councils development controls do not require park or playgrounds for this development.
The size of the proposed lots is too small and the densities of the dwellings on them are too large.	The proposal complies with Kiama Local Environmental Plan 2011 - Principal Development Standards, for height and floor space ratio.
The proposed housing has insufficient private open space, parking and access to sunlight.	The dwellings proposed are consistent with the objectives of Kiama Development Control Plan 2012.
There is no visitor parking provided on the dwelling sites.	The proposal is considered a low density development and there is no requirement for visitor parking in these circumstances. The road width proposed allows visitor parking to occur on the street. This approach is consistent with other development previously approved.

# Attachment

Issue	Assessing Officer's Response
<b>Flooding &amp; Drainage</b>	
The ability of the proposed stormwater system to convey water is questioned. The proposed bridge over the creek will restrict water flows and cause impacts.	Hydraulic designs have been provided and Council's Development & Subdivision Engineer has raised no concerns with the proposed stormwater system including bridge works.
The noise that the movement of water will cause entering drainage structures and pipes will be detrimental.	The noise impacts are likely to be of a short duration and are unlikely to be discernible from the storm event.
Lots 16A & 16B are located in a swamp adjoining the creek. Lots 17A & 17B are constructed on top of a creek bed.	A geotechnical report has been lodged in support of the application which indicates that after earthworks have been carried out the sites will be suitable for future dwelling construction.
<b>Creek Rehabilitation</b>	
The existing trees in the creek area should be kept for all the birdlife and animals that inhabit the area. The preservation of this area should be maintained. Plantings in the creek should be kept low to allow increased sunlight to existing residences to the south.	The work in the creek corridor is a requirement of the NSW Office of Water who have responsibility for this item.
A public reserve should be created over the watercourse and its banks to ensure that regular maintenance is carried out.	Council's maintenance regime will be lessened by maintaining the natural watercourse in private ownership. A restriction can be placed on the title to ensure that land owners maintain the creek and its banks.
No dwellings should be constructed until the creek works have been completed	The creek works will be undertaken and completed prior to any dwelling construction.

## External Referrals

- The NSW Office of Water.

The Office of Water issued their General Terms of Approval which shall be included in the consent if approved by Council.

## Internal Referrals

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



# Attachment

- Senior Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

## **The Public Interest**

The proposal is considered to be in the public interest as it:

- is consistent with all applicable Environmental Planning Instruments and the Kiama Development Control Plan 2012;
- is unlikely to cause any significant adverse impacts to the natural or built environment;
- is unlikely to cause any significant adverse social and economic impacts and is considered suitable for the site; and
- will contribute to the objectives of the Kiama Urban Strategy and the Illawarra Regional Strategy 2006-31 by providing additional housing opportunities.

## **Final Comments and Conclusions**

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with objectives of Kiama Local Environmental Plan 2011 and Kiama Development Control Plan 2012.

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

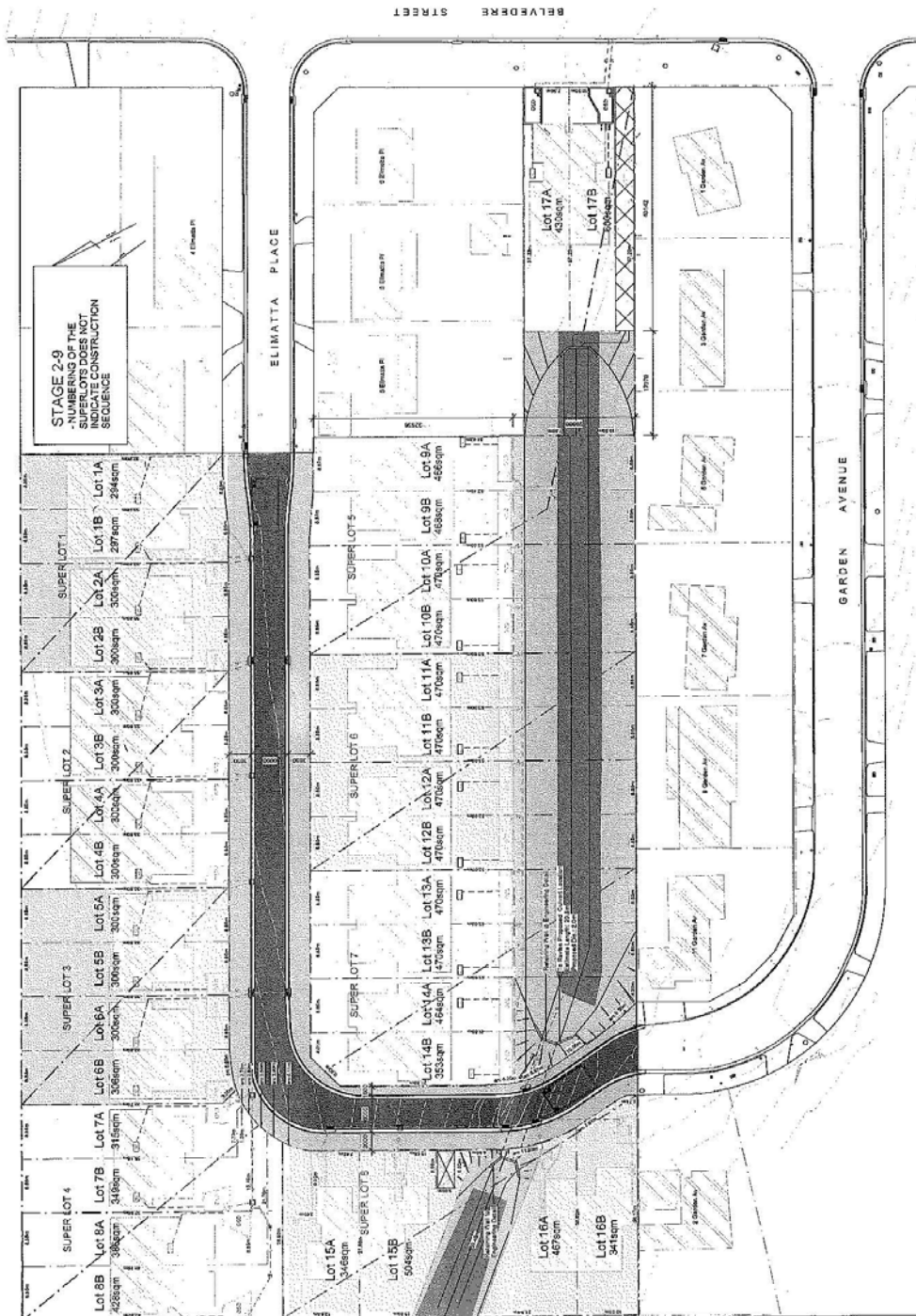
Concerns raised in submissions have been properly considered and do not warrant refusal of the application.

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





# Attachment



### **3 Commercial Centres and Community Safety Committee**

#### **Summary**

At the meeting of the Commercial Centres and Community Safety Committee held on Tuesday 12 November, a recommendation was passed in regard to the adoption of a revised Terms of Reference (ToR) for the Committee. This revised ToR is submitted to Council for adoption.

#### **Policy**

The Commercial Centres and Community Safety Committee operates under a ToR adopted by Council.

#### **Council's Vision and Goals**

The revised ToR reflects Council's strategy of recognising and promoting community safety throughout the Municipality and promoting and encouraging business development.

#### **Report Attachments and Councillor Enclosures**

- Attachments – Existing and Revised ToR
- Enclosures – Minutes from the meeting held on 12 November 2013.

#### ***RECOMMENDATION***

That:

- 1) The revised terms of Reference, included as Attachment 1 to this report, be adopted by Council.
- 2) Council call for expressions of interest to fill vacant Commercial Centres and Community Safety Committee positions identified in the Terms of Reference. At the completion of this process a further report is to be submitted to Council.
- 3) The minutes of the Commercial Centres and Community Safety Committee meeting held on 12 November, be noted.

#### **REPORT**

At its meeting held on Tuesday 12 November, the Kiama Council Commercial Centres and Community Safety Committee agreed to recommend that a revised ToR be adopted for the committee, and that expressions of interest be sought to fill vacant positions on the committee as identified in the revised ToR.

The revised ToR has been formulated to more accurately reflect the extension of objectives and strategies that the Committee feels are appropriate for its operation. It is also considered that the membership of the committee should be expanded to facilitate the achievement of the nominated objectives and strategies.

# Attachment

## EXISTING ToR

### **Kiama Council Commercial Centres Management Committee Charter**

#### **Membership**

- Commercial, retail and business nominations from Kiama, Gerringong and Jamberoo.
- Kiama Councillors
- NSW Police Representative
- Kiama Council Staff – General Manager, Director of Engineering and Works, Director of Environmental Services, Commercial Centre Maintenance and Liaison Officer and Senior Ranger

#### **Objectives of the Committee**

- High quality, safe and active commercial centres.

#### **Purpose of the Committee**

- To provide for the coordinated management of commercial centre;
- To provide a forum for issue identification and discussion;
- To develop and implement a coordinated and prioritised work program for the Committee; and
- To report to Council on its activities through the Director of Environmental Services.
- To ensure that commercial centres are functional.

#### **Meeting Schedule**

- Meetings will be held bi-monthly with an aim to limit the meetings to 1 hour. Meetings to be held on the 2nd Tuesday of the month, commencing at 5.00pm at Kiama Council's Administration Building.

#### **Contact Person**

- Mr Phil Costello – Director of Environmental Services – 4232 0445.

(tplan\ commercial centre management cttee Charter)

# Attachment

## REVISED ToR

### KIAMA COUNCIL COMMERCIAL CENTRES & COMMUNITY SAFETY COMMITTEE

#### Terms of Reference

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

#### Aim of the Committee:

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

#### Objectives of the Committee

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

#### Strategies of the Committee

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

#### Frequency

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

#### Duration

Committee meetings will take approximately one hour.

#### Membership

- Up to 4 representatives of commercial, retail and business, 1 from each centre of Kiama, Kiama Downs, Gerringong and Jamberoo
- Up to 4 representatives from diverse locations across the Municipality, either as an individual or as a representative of a resident group
- Two Kiama Councillors
- NSW Police Representative
- Kiama Council Staff –
  - General Manager, Director of Engineering and Works, Director of Environmental Services, Director of Community Services, Commercial Centre Maintenance and Liaison Officer, Senior Ranger, Manager of Community & Cultural Development

# Attachment

Membership will be on an ongoing basis.

A Councillor will be the Chairperson of the Committee.

## **Member Nomination Process**

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

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

## **Minutes**

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

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

## **Rights and Responsibilities of Members of the Committee**

Each member of the Committee has a right to:-

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

Each member of the Committee has a responsibility to:-

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

## **Termination of Membership**

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



#### **4 Extra Ordinary Meeting - Commercial Centres and Community Safety Committee**

##### **Summary**

An extra ordinary meeting of the Commercial Centres and Community Safety Committee was held on Tuesday 21 January 2014 to consider a Security Audit Assessment and associated recommendations in regard to the installation of security cameras in the Kiama LGA.

##### **Finance**

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

##### **Council's Vision and Goals**

The installation of security cameras is in keeping with Council's strategy of recognising and promoting community safety throughout the Municipality.

##### **Report Attachments and Councillor Enclosures**

- Attachments – Nil
- Enclosures – Minutes of the Extra Ordinary Meeting of the Commercial Centres and Community Safety Committee held on 21 January 2014

##### ***RECOMMENDATION***

That:

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

##### **REPORT**

An extra ordinary meeting of the Commercial Centres and Community Safety Committee was held on Tuesday 21 January to consider a Security Audit Assessment and associated recommendations in regard to the installation of security cameras in the Kiama LGA.

During the meeting a presentation was given by Michael Reid, from Quest Security Solutions, in regard to the Security Audit and Assessment carried out by his firm and the potential for installing a security camera network in the Kiama CBD.

**Item 4 Contd.**

Following this presentation and a question and answer session the Committee resolved to recommend to Council that the Audit results be placed on public exhibition along with their adopted position of installing security cameras in that area of the Kiama CBD as described in recommendation "2" above.

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

### Summary

The draft planning proposal for Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo was endorsed by Council for Gateway consideration on the 19 February 2013.

The Department of Planning and Infrastructure (DoPI) subsequently granted a Gateway Determination (see annexure 1 attached), for the proposal on the 16 October 2013. In accordance with the conditions of this determination, Council placed the planning proposal and supporting documentation on public exhibition from 27 November 2013 until the 17 January 2014.

This report overviews the issues raised in sixty five (65) submissions received during the exhibition of this proposal and recommends adoption of the proposal by Council.

### Finance

N/A

### Policy

Assessment of Planning Proposals requires consideration in accordance with Councils "Planning Proposal Policy".

### Reason for Report to Council

In accordance with Councils adopted "Planning Proposal Policy"

### Council's Vision and Goals

Well Planned Managed Spaces, Places and Environment.

### Report Attachments and Councillor Enclosures

- Attachments Department of Planning and Infrastructure Gateway Determination  
Advice from Department of Planning regarding the applicability of Illawarra Regional Environment Plan 2 (IREP2)
- Enclosures - Tabulated summary of submissions  
Copy of submissions received  
Copy of Report to Council 19 February 2013, Gateway Consideration

### **RECOMMENDATION**

That:

- 1) Council adopt the Planning Proposal submitted for Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo.
- 2) Council proceed with preparation of the planning proposal documents and maps and upon completion these be forwarded to Parliamentary Counsel's Office for agreement.

**Item 5 Contd.**

- 3) Upon receipt of agreed documentation from Parliamentary Counsels Office, the General Manager or Director of Environmental Services exercise the plan making powers under Section 59 (2) and (3) of the Environmental Planning and Assessment Act, delegated to them by the Minister for Planning, in regard to this Planning Proposal

**REPORT****Background**

This planning proposal for the subject site has evolved from the Kiama Urban Strategy (KUS). The KUS was adopted by Council in September 2011 wherein the subject site was adopted as site numbers 25 and 26: Lot 100 DP 1063277 and Lot 1 DP 7881781, Wyalla Road Jamberoo.

The requirement for the provision of some 'seniors' housing and/or its location on this particular site in Wyalla Rd, has been identified in a number of planning documents and background research reports prepared for Council. These have included: Elton Consulting Report on the Community Consultation of the Needs of Seniors in Jamberoo 2009, The Kiama Needs and Directions Study 2006, Locality Based Residential Strategy for Jamberoo Village 2004, Judith Stubbs & Associates report for Kiama LEP review 2006 and associated documents, the Kiama Urban Strategy (adopted by Council 20 September 2011).

Council considered this site as a potential Urban Strategy site for seniors (and a component of residential development) at its meeting of 5 April 2011. An extract from the report is as follows:

*"Council included Lot 100 in the Urban Strategy as a site suitable for seniors living development on the recommendation of its consultant Judith Stubbs and Associates. It is acknowledged that this recommendation proposed a larger number of seniors living housing units. The land is subject to flooding along its frontage with Hyams Creek and following the recent storm event the level of flooding on the site should be further investigated. The site is a good site in relation to both slope and proximity to the Jamberoo Town Centre and its recreation facilities, and Council should have further discussions with the landowner to progress a suitable seniors living development on the site, possibly with some additional residential development in conjunction with adjoining Site No 25 owned by Camarda."*

This site was included with the public exhibition material as a component of the Urban Strategy process. It was exhibited from 17 November 2010 until 31 January 2011. No submissions objecting to this site were received during this exhibition period.

Subsequently, this site was adopted as site number 25 and 26 in the Kiama Urban Strategy. In relation to the overall site, the Urban Strategy states:

**Item 5 Contd.**

*“Due to the high suitability of the rural site identified in Wyalla Road Jamberoo for seniors housing, this site is not being considered further as an urban expansion site for standard residential purposes. Council may need to negotiate further with this landowner to enable the site to be used for seniors living housing suitable to the needs of Jamberoo and surrounds in scale and housing type. This negotiation may include consideration of some additional residential opportunities.”*

It should be noted that the Kiama Urban Strategy has been adopted to ensure that Council meets its Illawarra Regional Strategy housing targets/obligations for the provision of greenfield and urban expansions sites.

On 19 February 2013 Council considered a draft planning proposal for Lot 100 DP 1063277 and Lot 1 DP 7881781, Wyalla Road Jamberoo (sites 25 and 26). This planning proposal aims to rezone the 9 ha approx. site from Zone RU2 Rural Landscape and Zone E3 Environmental Management to Zone R2 Low Density Residential and Zone E3 Environmental Management, and apply associated planning controls to the subject site. At this meeting the following recommendation was endorsed:

**“CR019**

***Committee recommendation*** that Council endorse this planning proposal to proceed to the Department of Planning and Infrastructure for Gateway determination and that Council request plan making delegations for this proposal as a part of the Gateway determination.”

This planning proposal was sent to the Department of Planning and Infrastructure and a Gateway determination was obtained on the 16 October 2013. The Gateway determination stated:

*“ ...Council’s proposal to rezone the subject land at Jamberoo for low density residential and environmental purposes is supported, ....I have also agreed the planning proposals’ inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by local planning studies and the Kiama Urban Strategy. No further approval is required in relation to these Directions.”*

The Gateway determination outlined several matters that will require consideration during the processing of this planning proposal. These, and KMC responses are outlined below:

**Item 5 Contd.**

<b>Gateway Determination Matter</b>	<b>KMC Response</b>
<p>1. Additional information placed on public exhibition with the Planning Proposal including Acid Sulfate Soil, flooding, availability of infrastructure.</p> <p>Once exhibition period undertaken council is to update its consideration of S117 Directions 4.1 Acid Sulfate Soils and 4.3 Flood Prone Lands.</p>	<p>Information placed on exhibition.</p> <p>Updates to KMC's 117 Directions report will occur prior to plan being sent to Parliamentary Counsel.</p>
<p>Prior to undertaking public exhibition, council is to update the planning proposal report (prepared by KMC) to include existing and proposed land zoning, lot size, height of buildings and FSR maps.</p>	<p>Completed and updated report exhibited.</p>
<p>Under s 56(2)(c) and 57 of EP&amp;A Act the exhibition of the planning proposal must be for a minimum of 28 days, and Comply with notice requirements for public exhibition.</p>	<p>Complied – the exhibition period ran from 27 November 2013 to 17 January 2014.</p> <p>Complied - Advertisement of the planning proposal ran in the Kiama Independent, The Illawarra Mercury and the Gerringong Whisper, also on Councils Website.</p>
<p>Consultation is required with the following public authorities: Office of Environment and Heritage Essential Energy Sydney Water Department of Primary Industries – Office of Water</p>	<p>Complied. Responses have been received</p>
<p>A public hearing is not required.</p>	<p>Noted.</p>
<p>The timeframe for completion of the LEP is 12 months from the week following the date of the gateway determination.</p>	<p>Noted.</p>

Council subsequently placed the planning proposal and supporting information on public exhibition for a period not less than 28 days, (27 November 2013 to 17 January 2014).

**Submissions**

Sixty five (65) submissions were received as a result of the public exhibition of this draft planning proposal. Copies of the submissions are enclosed in Councillors' envelopes. A tabulated summary of submissions has been provided as an enclosure to this report. An overview of the issues raised in the submissions is as follows;

**Item 5 Contd.****Submissions Summary**

- 54 Objections to the proposal
- 6 Supported the proposal
- 5 Public Authority Responses.
- Some residents sent more than one submission to Council.

**Major issues raised in the submissions**

<b>Issue Raised</b>	<b>Council response</b>
Flood issues on site	Flood issues onsite have been addressed through a number of consultant studies, and modeling scenarios. These studies have been reviewed by Council and Office of Water. Studies indicate that all proposed residential land can be located above the 1% flood level.
Inconsistency with Illawarra Regional Environmental Plan No 2 – Jamberoo valley. Especially extending the village boundary.	The DoPI have acknowledged consideration of IREP 2 and that the noted inconsistency is of a minor nature which has not prevented issue of Gateway Determination. The intent of the REP has been considered in assessing compliance with the S117 Direction. This consideration has given regard to the supporting studies associated with the KUS, public consultation in regard to KUS and the fact that it has been adopted by Council.
How will the community have assurances that the 'self care housing lots' will be utilised by appropriate persons.	Council has worked with the applicant during the formulation of this planning proposal to ensure the outcomes in regard to seniors housing are achieved. This will be reinforced by instruments on title and site specific development control plan requiring seniors housing in accordance with the current State policy.
Any subsequent development on site will result in a loss of village character for Jamberoo and will have a negative impact on tourism.	The land in question does not form or contribute to the main street precinct or any currently recognized tourism attributes. Whilst this application is for rezoning of the land only, the indicative development potential is not such that would have any significant impact on existing character. Alternatively, it has been put that additional development is required to maintain services in Jamberoo and thus retain the character of a viable village.

**Item 5 Contd.**

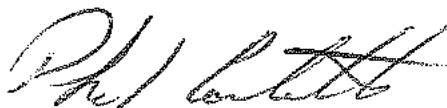
<b>Issue Raised</b>	<b>Council response</b>
Opposing the rezoning of agricultural land for residential development.	The selection of land parcels for possible consideration of future greenfield expansion has been well researched, and aimed at ensuring that the existing character of areas was maintained, also that the parcels of land selected were not integral to agricultural processes or production. Council's urban strategy has focussed on supporting infill development, but also recognises that some Greenfield development is necessary to provide growth and achieve outcomes put forward in the Illawarra regional Strategy.
Not enough services ie (Doctors, Pharmacy, petrol station), school is losing a teacher in Jamberoo.	There is potential for additional people to reside in Jamberoo, thus create sufficient mass for increased servicing and additional support for existing commerce. Notwithstanding, services are located in reasonable proximity.
No provision of a 'high or low' care facility on site.	Whilst the Judith Stubbs report nominated the site as being acceptable for the provision of a high or low care facility in conjunction with self care housing, the applicant has indicated self care housing only in their concept plan. This complies with current SEPP – Seniors Housing. The final development on the site will be determined through the development application process, however it should be noted that a critical mass would be required to support a care facility.
That there is too many seniors housing lots proposed	The KUS has identified this as a preferred site for seniors housing, also recognizing the need to augment this with standard residential development. The concept plan indicating 30 seniors housing allotments and 22 standard residential allotments is considered to represent a viable range of allotments.
The rezoning will set a precedent for future development.	This site has been earmarked through studies and adopted by Council in the KUS. Consideration of a PP on this site will not set a precedent for future development. Council has a planning proposal policy which outlines sites that may be considered for a rezoning. Criterion for consideration includes a nominated site within KUS.
That the height limit proposed of 8.5m and FSR of 0.45:1 is higher than that existing in Jamberoo of "6m". The proposed 0.5:1 FSR proposed for the seniors site will result in high density development.	The current maximum height limit of buildings in Jamberoo is 8.5 metres. This proposal is in keeping with this adopted standard. An FSR of 0.45:1 is also standard for Jamberoo. An FSR of 0.5:1, for the seniors portion of the site only, is considered a minor increase and recognizes the smaller allotment size proposed. Neither of these FSRs are considered to produce high density development.



**Item 5 Contd.****Conclusion**

Council has considered this site for urban development, incorporating "seniors housing" during the formulation of the KUS, and more recently under the Planning Proposal Policy. Council has supported the progressing of the proposal and the Department of Planning and Infrastructure have issued the required "Gateway Determination" to allow the proposal to proceed.

All issues raised during the consultation process have been considered and addressed above. It is not considered that any issues raised are such that would prevent this Planning Proposal from progressing to the formal adoption of the proposal by Council and subsequent preparation and making of the Local Environment Plan.



**Phil Costello**  
**Director of Environmental Services**

# Attachment



Planning &  
Infrastructure

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

Our ref: PP\_2013\_KIAMA\_001\_00 (13/10152)  
Your ref: KB:FC - 13/45430

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

Dear Mr Forsyth,

## Planning proposal to amend Kiama Local Environmental Plan 2011

I am writing in response to your Council's letter dated 16 September 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Wyalla Road, Jamberoo to R2 Low Density Residential and E3 Environmental Management and amend the minimum lot size to 350sqm and 800sqm, maximum building height to 8.5m and maximum floor space ratio to 0.45:1 and 0.5:1 on land proposed to be zoned for residential purposes.

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

While Council's proposal to rezone the subject land at Jamberoo for low density residential and environmental purposes is supported, Council is encouraged to update the planning proposal to reference the proposed development control plan amendment that encourages the use of the site for seniors housing. This will give the community assurance that the site is proposed for seniors housing consistent with the Kiama Urban Strategy.

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

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

# Attachment

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

Should you have any queries in regard to this matter, please contact Lisa Kennedy of the regional office of the department on 02 4224 9450.

Yours sincerely,



16 October 2013

**Neil Selmon**  
**Acting Executive Director**  
**Rural & Regional Planning**  
**Planning Operations & Regional Delivery**

Encl:  
Gateway determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated plan making reporting template

# Attachment



Planning &  
Infrastructure

## Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_KIAMA\_001\_00): to rezone land at Wyalla Road, Jamberoo for low density residential and environmental purposes.*

I, the Acting Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Kiama Local Environmental Plan (LEP) 2011 to rezone land at Wyalla Road, Jamberoo to R2 Low Density Residential and E3 Environmental Management and amend the minimum lot size to 350sqm and 800sqm, maximum building height to 8.5m and maximum floor space ratio to 0.45:1 and 0.5:1 on land proposed to be zoned for residential purposes should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:

- acid sulphate soil
- flooding
- availability of infrastructure and services

Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 4.1 Acid Sulphate Soils and 4.3 Flood Prone Land to reflect the outcomes of the work and consultation undertaken.

2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning, lot size, height of buildings and floor space ratio maps, which are at an appropriate scale and clearly identify the subject land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - Essential Energy
  - Sydney Water
  - Department of Primary Industries - Office of Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it

# Attachment



**Planning &  
Infrastructure**

may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *16th* day of *October* 2013.

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

**Neil Selmon  
Acting Executive Director  
Rural & Regional Planning  
Planning Operations & Regional Delivery  
Department of Planning & Infrastructure**

**Delegate of the Minister for Planning &  
Infrastructure**

# Attachment



**Planning &  
Infrastructure**

## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2013_KIAMA_001_00	Planning proposal to rezone land at Wyalla Road, Jamberoo to R2 Low Density Residential and E3 Environmental Management and amend the minimum lot size to 350sqm and 800sqm, maximum building height to 8.5m and maximum floor space ratio to 0.45:1 and 0.5:1 on land proposed to be zoned for residential purposes.

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

Dated 16 October 2013

A handwritten signature in black ink, appearing to read "Neil Selmon".

**Neil Selmon**  
Acting Executive Director  
Rural & Regional Planning  
Planning Operations & Regional Delivery  
Department of Planning & Infrastructure

# Attachment

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

**Notes:**

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

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP 2013 KIAMA 001 00
Date Sent to Department under s56	16/09/2013
Date considered at LEP Review Panel	10/10/2013
Gateway determination date	16/10/2013

**Table 2 – To be completed by the RPA**

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

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**

# Attachment



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

Our ref: 13/10152  
Your ref:

Dear Michael

Subject: Applicability of Illawarra REP No.2 to Wyalla Road Jamberoo Planning Proposal.

The Department of Planning and Infrastructure has received enquiries from both Council and the community on the applicability of Illawarra Regional Environmental Plan No. 2 Jamberoo Valley (IREP No.2) to the Wyalla Road Jamberoo Planning Proposal. This issue was considered during the assessment of the Proposal for a Gateway Determination.

It is acknowledged that the site is located outside the mapped Jamberoo village boundaries in the IREP No. 2. This inconsistency was deemed to be of a minor nature when the Minister's delegate issued a Gateway Determination for the site. The Gateway recognised that the inconsistency was justified by the Kiama Urban Strategy 2011 and Illawarra Regional Strategy 2006 which identified the site as being suitable for some form of urban development. The Gateway determination did not require any further justification of the Proposal against IREP No. 2.

During the preparation of the Kiama Local Environmental Plan (LEP) 2011, it was publically exhibited that IREP No. 2 was to be repealed with the notification of the Kiama LEP. However, a change to the legal drafting resulted in the omission of the REP from the clause that suspended the application of planning instruments to the LEP. The Department is working to consolidate and repeal old planning instruments as part of the new planning system which will resolve the future of IREP No. 2. Council can be assured that the policy framework of IREP No. 2, as modified by more subsequent strategic planning, will be incorporated into the new Regional Growth Plan.

Should you have any further enquiries, please contact Lisa Kennedy, Environmental Planner on 4224 9457.

Yours sincerely

  
28 January 2014  
Brett Whitworth  
General Manager, Southern Region  
Growth Planning and Delivery



# REPORT OF THE GENERAL MANAGER

## Submitted to the Ordinary Meeting of Council held on 4 February 2014

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### 1 Government Communications Australia Awards 2014

#### Summary

Council has been notified that Communications Officer Pip Spence is a finalist in the Government Communications Australia Awards 2014, in the Best Crisis Communication category, for her work in 'Battered but not broken' which covered the Kiama Council Communications response to the 2013 tornado event.

The awards evening is held concurrently with the 2014 Government Communications Australia conference to be held between 26<sup>th</sup> to 28<sup>th</sup> February 2014.

Council has been asked to register those attending the awards evening.

#### Finance

The cost to attend the three day conference and the awards event is \$1850.

#### Policy

It is policy that requests for staff to attend interstate conferences be considered by council.

#### Council's Vision and Goals

Not applicable

### **RECOMMENDATION**

That:-

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

### **REPORT**

Kiama Council has been notified that Communications Officer Pip Spence is a finalist in the Government Communications Australia Awards 2014, in the Best Crisis Communication category, for her work in 'Battered but not broken' which covered the Kiama Council Communications response to the 2013 tornado event.

The annual Government Communications Australia (GCA) Awards recognise the exceptional work of government communicators. The GCA recognises and rewards outstanding examples of communications strategy and programming in accordance with best practice standards.

The Annual GCA Awards are presented to those organisations and communicators who have achieved outstanding success from innovative and effective communication practices.

Kiama Council's award submission has been selected by the Judges as a finalist in the Best Crisis Communications category, which is to be presented at the GCA Awards Dinner on the 26 February at the Melbourne Hilton on the Park.

There were a high number of entries in the awards this year and being a finalist is a significant achievement.

The awards presentation is part of the Government Communications Australia annual conference, which is scheduled to be held from Wednesday 26 to Friday 28 February 2014.

This is the biggest conference of its kind for all government communications practitioners. GCA is also a partner of Local Government NSW.

The conference will cover a range of topics on corporate communications in the government sector. The conference will include a combination of speakers and open forums, allowing a significant opportunity for learning of new strategies and methods of communicating with local communities as well as significant opportunity for sharing of ideas. It is recommended that all personnel whose role involves public communication should attend including public relations, communications and media practitioners, community engagement personnel, and tourism and events managers.

Council Communications Officer has submitted a request to attend the conference and awards dinner.

Benefits of attending the conference include access to best practice and contemporary information across a suite of media and communication methods and techniques which are directly relevant to communications activities at council including;

- using web video to connect and share messages with the community including incident management as well as stronger engagement with a broader cross section of the community
- strategic and scenario planning for improved community engagement
- social media trends and innovation

The conference provides a valuable opportunity for networking with other councils which can facilitate opportunities for the sharing of communication methods, tools, resources and projects.

Attendance at the conference will help enable council staff to track trends in local government communications as well as identify and embrace where relevant and practicable new techniques and better practice ideas and strategies for more effective engagement with our community.

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

### **Summary**

The NSW Government as part of its local government reform agenda has undertaken a review of the *Local Government Act 1993* (the Act) and the *City of Sydney Act 1998*. To do this, a taskforce was established with terms of reference that included the need to consult widely with the sector and give regard to other local government reviews undertaken by the state government, including the findings from the Independent Local Government Review Panel and the review of the NSW planning system.

During the consultation period council prepared and tendered a submission in response to the Discussion Paper, *A New Local Government Act for NSW*. The submission was endorsed and adopted by council on 25 June 2013 and submitted to the State Government. Council's submission included a suite of comments where it was felt they added value or support to the proposals or where greater clarity of the proposals was required.

The Local Government Acts Taskforce completed its report for the Minister for Local Government and submitted its report to the State Government in October last year. The report was publicly released mid January 2014.

As a result of the release of the taskforce report and recommendations it is prudent to consider the recommendations particularly in the context of council's earlier submission.

An opportunity has been provided for stakeholders to make comment on the final Taskforce recommendations, with submissions sought by 7 March 2014.

### **Finance**

Financial (and other resource) implications associated with recommended changes to the Act and the subsequent impact on council are currently unquantifiable.

### **Policy**

At present the implications of the Taskforce review and recommendations on council policies is unknown. A full review of council policies and procedures will be required once the new legislation, regulations, codes and practises are introduced.

### **Council's Vision and Goals**

The changes to the Act will place continuing emphasis on councils vision and goals including planning for sustainability and building on the strengths of the local community to create a Municipality that is a vibrant place to live, work and enjoy.

## **RECOMMENDATION**

That the information contained within this report be noted.

## **REPORT**

The Taskforce has considered the feedback presented to it during the consultation period and believes the recommendations reflect the needs of local government and the community, and will support a robust and sustainable local government sector into the future.

One of the principle drivers of the Taskforce was to formulate recommendations for a 'principles' based Local Government Act that simplifies many of the regulatory aspects of the legislation.

The Taskforce recognises that there is considerable support for the Act, and as such it's not proposed to rewrite the Act entirely, rather it's recommended to refocus, re-emphasise and simplify the current legislation.

One of the key findings has been the widespread support for the Integrated Planning and Reporting (IPR) framework. Recognising this, the major recommendation of the Taskforce is to restructure the Act to give greater prominence to IPR. It's recommended the IPR framework become the central pillar of how councils operate, with the legislation being drafted to support this. The intention will be to transfer to the IPR process a number of functions that currently sit within a legislative context and in doing so achieve a more streamlined Act that reduces duplication and red tape.

It is the view of the Taskforce that the primary elements of the new Act should establish:

- the local government system, principles and framework
- the accountability and reporting framework
- the performance framework
- the monitoring and intervention framework

It is felt, that with the implementation of the recommended changes to the Act, the full integration of IPR into all aspects of council performance, monitoring and management will be achieved.

The Taskforce has also identified a strong level of support for local and state government to work more cooperatively and strategically. Importantly this translates to ensuring that local, regional and state based strategic plans are (more) closely aligned. It was reported by the Taskforce that there is considerable support for the Inter-governmental Agreement and the Taskforce believes this should become a permanent arrangement.

Additionally the Taskforce recommendations are geared to reduce the level of 'red tape', to avoid excessive prescription and to streamline regulation and create a more flexible operating environment for local government. Many of the Taskforce recommendations focus on adoption and increased use of risk management based decision making within council.

As stated above, a number of other government reviews of the sector are being undertaken concurrently. However, none of these other reviews have been completed which has impacted on the Taskforce review as there are a number of sections of the Act that could not be considered until such time as these reviews are complete.

The following is a synthesis of the Taskforce recommendations and includes commentary on how councils comments (via it's submission in June 2013) have been considered by the Taskforce panel. Many of the issues and suggestions raised in council's submission have been incorporated into the Taskforce's recommendations. Where this hasn't occurred, it's considered that the implications for council are relatively minor from a financial, policy or resourcing perspective.

If the Taskforce recommendations are supported by the government and the Act re written to incorporate these changes there will be implications for council from a policy and implementation perspective, particularly in the IPR process and in the development of future Community Strategic Plans and Delivery Programs. If endorsed and implemented, the changes will require significant support through the DLG to enable a smooth transition. Equally, significant internal work will be required within council to ensure these changes are introduced as seamlessly as possible.

The opportunity to make further representation to the State Government on the Taskforce recommendations notwithstanding, the points raised in councils submission have, as stated above, been largely incorporated into recommendations. Where issues have not been fully addressed or incorporated, the outstanding nature of these are not considered significant enough to warrant a further submission.

Topic/Comment	Recommendation
<p><b>Approach and Principles for the Development of the New Act</b></p>	<p>(1) integrated planning and reporting form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities</p> <p>(2) a flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved, regulations, codes and guidelines should be used</p>

	<p>(3) a more consistent approach be adopted to the definition, naming and use of regulatory and other instruments, noting that currently there is inconsistent use of mandatory and discretionary codes, guidelines, practice notes, discretionary guidelines and the like.</p>
<p><b>Council comment</b>                  Council recommended a flexible and principles based approach to the new Act, and also suggested a prescriptive approach to the regulations and codes be adopted.</p> <p>The Taskforce recommendations therefore are supported.</p>	
<p><b>Structure of the New Local Government Act</b></p>	<p><b>Part I - Structural Framework of Local Government in NSW</b></p> <ul style="list-style-type: none"> <li>• Purpose of Local Government Act</li> <li>• Role of Local Government</li> <li>• Guiding Principles</li> <li>• Legal status of councils (includes establishment)</li> <li>• Roles and Responsibilities of Council Officials</li> </ul> <p><b>Part II - Strategic Framework for Local Government in NSW</b></p> <ul style="list-style-type: none"> <li>• Integrated Planning and Reporting</li> <li>• Community Engagement</li> <li>• Performance of Local Government</li> </ul> <p><b>Part III - Council Operations</b></p> <ul style="list-style-type: none"> <li>• Governance Framework</li> <li>• Financial practices</li> <li>• Public Private Partnerships</li> <li>• Public Land</li> <li>• Regulatory Functions</li> <li>• Other functions</li> </ul> <p><b>Part IV - Tribunals and Commissions</b></p>
<p><b>Council comment</b>                  Council's submission made no reference to the structure of the new Act, however the Taskforce recommendation above is considered logical and sequential</p> <p>The Taskforce recommendations therefore are supported.</p>	
	<p><b>Role of Local Government</b>                  The Role of local government is to provide local democracy, strategic civic leadership, stewardship and sound governance to achieve sustainable social, economic, environmental, health and</p>

<p><b>Purposes of the Local Government Act</b></p>	<p>wellbeing and civic engagement through:</p> <ul style="list-style-type: none"> <li>(1) utilising integrated planning and reporting</li> <li>(2) working in cooperative arrangements with the community, other councils, State and Commonwealth Governments to achieve and report outcomes based on community priority as established through integrated planning and reporting</li> <li>(3) providing or procuring effective, efficient and financially affordable economic assets, services and regulation</li> <li>(4) exercising democratic local leadership and inclusive decision-making</li> <li>(5) having regard to the long term and cumulative effects of its decisions</li> <li>(6) valuing local difference and system diversity</li> <li>(7) committing to the application of the Guiding Principles of local government</li> </ul> <p><b>Guiding Principles of Local Government</b></p> <p>Guiding Principles to be observed by local government are to:</p> <ul style="list-style-type: none"> <li>(1) provide elected community-based representative and participatory local democracy, and open and accountable government</li> <li>(2) foster and balance the needs, interests, social and economic wellbeing of individuals, diverse groups and community</li> <li>(3) adhere to the social justice principles of equity, rights, access and participation</li> <li>(4) encourage stewardship and facilitate sustainable, responsible management of resources, infrastructure and development</li> <li>(5) consider future generations by protecting, restoring and enhancing the quality of the environment to maintain ecologically sustainable development, reduce risks to human health and prevent environmental degradation</li> <li>(6) ensure sustainable management and that all decisions incorporate considerations of risk management and long-term sustainability</li> <li>(7) recognise the responsibility of other levels of government in the provision of local services while accepting that local choices should be made at the local level wherever possible under the principle of subsidiarity</li> <li>(8) achieve and maintain accepted best practice public governance and administration, and act fairly, responsibly, ethically, transparently and in the public interest</li> <li>(9) optimise technology, and foster innovation and continuous improvement.</li> </ul>
<p><b>Council comment</b>  Council’s submission recommended strengthening and streamlining legislation to enable local government to deliver services and infrastructure efficiently, effectively</p>	



and in a timely manner, and to recognise the diversity of local government within NSW; and ensure that the legislation meets the current and future needs of the community and local government.

The Taskforce recommendations are considered to have largely met the points identified by council and are therefore supported.

**Roles and Responsibilities of Council Officials**

On consideration of the final report of the Independent Panel, the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework and any recommendations of the Independent Panel that may be adopted by the State Government.

**Council comment**

Noted. Information will be provided to council once the Taskforce provides the necessary detail.

**Integrated Planning and Reporting (IPR)**

- (1) elevating IPR to form the central framework of the new Act and the primary strategic tool that enables councils to fulfil their civic leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government
- (2) strengthening and embedding the principles of IPR in the Act more broadly, setting minimum standards in the Act and defining process through regulation, codes and/or guidelines
- (3) removing duplication from other parts of the Act, where the principle or practice is already captured in the IPR legislation or guidelines
- (4) ensuring the legislation facilitates a strategic leadership role for councils in their local communities
- (5) moving sections of the Act to other legislation, in order to create an Act that better reflects the strategic role of councils and the framework that ensures and enables that role. The Taskforce proposes the outline displayed in Table 6 as the chapter structure of the new Act
- (6) simplifying the provisions of IPR to increase flexibility for councils to deliver IPR in a locally appropriate manner.

**Council comment**

The recommendation is consistent with councils submission and its considered a logical streamlining of the legislation that clearly places IPR at the centre of council's

functioning. The recommendation will empower councils to serve their communities as the community has identified in the Community Strategic Planning process.

The Taskforce recommendations are considered to have largely met the points identified by council and are therefore supported.

<b>Community Engagement</b>	<p>(1) councils prepare the most locally appropriate and flexible community engagement strategy guidelines. This will provide communities the opportunity to engage, through the following and other locally appropriate principles, and allow a flexible framework for continuing community engagement. The principles for such strategy will:</p> <ul style="list-style-type: none"> <li>a. include commitment to the community being at the centre of local government using ongoing engagement which ensures fairness in the distribution of resources; rights are recognised and promoted; people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life; and people have better opportunities to become informed and involved especially through use of technology</li> <li>b. consider and understand that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the engagement and the scope of the decision(s) to be taken</li> <li>c. consider and understand that interested persons should have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format</li> <li>d. ensure that the views presented to the council will be given due consideration</li> <li>e. consider and understand that councils, in exercising their discretion as to how engagement will proceed in any particular circumstance, will have regard to the reasonable expectations of the community, the nature and significance of the decision or matter, the costs and benefits of the consultation process, and to intergenerational equity</li> <li>f. arrange flexible special engagement procedures in particular instances</li> <li>g. consider all groups, even though it may be difficult to reach every diverse community group, and some groups will choose not to engage.</li> </ul>
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**Council comment**  
 Council suggested the new Act should be consistent with the new planning regime community engagement requirements. Consistency between LGAs is necessary and as such this document should take the lead in providing a blueprint for baseline

consultation.

An overarching set of principles to guide engagement, applicable to any consultation process, rather than being prescriptive for different purposes will hopefully allow Councils to make appropriate decisions around the level of consultation and engagement required in different circumstances.

Whilst it is still unknown whether the new planning regime will articulate specific community engagement requirements, the Taskforce recommendations are considered to be practicable and logical and are largely consistent with council's submission.

<b>Performance of Local Government</b>	<p>Recommended that a performance system is developed that is linked to IPR and includes the following elements:</p> <ul style="list-style-type: none"> <li>(1) a standard series of measures that can compare the performance of councils across the State</li> <li>(2) an analysis of the performance measures results so that councils can identify the actions required to elevate performance</li> <li>(3) a self-assessment of the performance of the governing body on an annual basis</li> <li>(4) in lieu of an end of term report, councils provide a mid-term report as to progress with the Community Strategic Plan.</li> </ul>
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**Council comment**

Whilst not addressed in council's submission, the DLG released a Discussion Paper in December on a proposed Performance Measurement Framework. This was reported to Council in its December meeting and a submission tendered to the DLG indicating 'in principle' support for the introduction of a performance measurement framework.

The taskforce recommendation is considered a pro active and complimentary step to the IPR process

<b>Technology</b>	<ul style="list-style-type: none"> <li>(1) as a general principle the Act should enable optimal, flexible and innovative use of technology by councils to promote efficiency and enhance accessibility and engagement for the benefit of constituents</li> <li>(2) the Act should allow each council to determine the most appropriate use of technology taking into account the Guiding Principles of local government and community engagement through the IPR framework.</li> </ul>
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**Council comment**

Council suggested it would be beneficial if the State Government took a lead in providing portal or software which supports functions of the Act and consistency in LGAs. NOTE: this has not been included in any recommendations. Given the rate of

change in the area of technology, the broad support for each Council to determine the optimum use is a sensible approach. Council also agreed in principal the opportunity to determine the most appropriate use of technology subject to consideration being given to the ability of individual Councils to fund and resource improved technology.

The Taskforce recommendation is considered to be largely consistent with the points identified by council.

<b>Elections</b>	<p>(1) councils to have the option of using universal postal voting or alternative means of voting such as technology assisted voting where feasible as a means of increasing efficiency and voter participation and reducing council costs</p> <p>(2) the Act be drafted so as to enable the adoption of new technologies such as technology assisted voting when feasible to do so</p> <p>(3) include mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election as a means of avoiding the holding of costly by-elections</p> <p>(4) a counting system should be adopted as an appropriate mechanism for filling vacancies that occur within the first year following an ordinary election whereby the unelected candidate who had the next highest number of votes be appointed to fill the vacant position</p> <p>(5) councils to be required to fill vacancies occurring after the first year following an ordinary election and up to 18 months prior to the next ordinary election by the postal voting method</p> <p>(6) where universal postal voting is used for any election, a candidate information booklet is to be included in ballot packs as a way of increasing voter knowledge of the candidates</p> <p>(7) the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure</p> <p>(8) the term of mayors elected by the councillors to be extended from 1 year to 2 years.</p>
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**Council comment**  
 Council indicated the proposal for half term elections was not favoured and the recommendations support this. The move to electronic voting was considered a priority, and this too is reflective in the recommendations.

The Taskforce recommendation is considered to be largely consistent with the points identified by council. The recommendations also include Mayoral positions be extended from one year to 2 year terms.

<p><b>Meetings</b></p>	<p>Provisions relating to council meetings be:</p> <p>(1) consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice</p> <p>(2) modernised and unnecessary prescription and red tape removed</p> <p>(3) designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access</p> <p>(4) flexible to enable remote attendance through technology at council meetings in emergencies such as natural disasters.</p>
<p><b>Council comment</b></p> <p>Council supported the approach to modernise meeting procedures which has been included in the recommendations however the provisions by which this is to occur are unknown (but will be included in the Code of Practice). The use of technology is supported to the extent that council is able to fund and resource it.</p> <p>The Taskforce recommendation is considered to be largely consistent with the points identified by council</p>	
<p><b>Appointment and Management of Staff</b></p>	<p>(1) the strategic responsibilities of the council be clearly separated from operational responsibilities and be aligned with IPR by:</p> <p>the council being responsible:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> for determining those services and priorities required by the community, and for providing the necessary resources to achieve the council's Delivery Program; and</li> <li><input type="checkbox"/> on the advice of the general manager, the council determine the organisation structure to the level that directly reports to the general manager</li> </ul> <p>the general manager being responsible:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> for determining the balance of the organisation structure; and</li> <li><input type="checkbox"/> for recruiting all staff with appropriate qualifications to fulfill each role within the structure. The general manager will consult with council regarding the appointment and dismissal of senior staff</li> </ul> <p>(2) positions meeting the criteria as senior staff be appointed under the prescribed standard contract for senior staff, identified as senior staff positions within the organisation structure, and remuneration be reported in the council's annual report</p> <p>(3) each council to determine arrangements for regulatory responsibilities other than under the Act</p>

	<p>(4) the current prescription in the Act relating to the advertising of staff positions and staff appointments be transferred to regulation or to the relevant industrial award</p> <p>(5) that the maximum term allowable for temporary staff appointments be extended from 1 year to 2 years</p>
<p><b>Council comment</b>                  Council supports the aligning of the council structure with IPR. Council also suggested the GM should be required to consult with the council in relation to the employment and dismissal of senior staff. This has been included in the Taskforce recommendations.</p> <p>The Taskforce recommendation is considered to be largely consistent with the points identified by council.</p>	
<p><b>Pecuniary Interest</b></p>	<p>(1) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and with unnecessary red tape removed</p> <p>(2) consideration be given to utilising technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information, while ensuring that privacy rights are protected</p>
<p><b>Council comment</b>                  The recommendation is consistent with councils comments supporting plain English and easy to understand provisions as well as support for the utilisation of technology</p>	
<p><b>Delegations</b></p>	<p>(1) that the provisions of the Act relating to delegations be reviewed to ensure that they are streamlined, written in plain language and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government</p> <p>(2) that the exceptions to delegations of an operational nature not be carried forward to the new Act, ensuring the council focuses on strategic decisions, consistent with IPR. These would include for example:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> acceptance of tenders</li> <li><input type="checkbox"/> provision of minor financial assistance to community groups</li> <li><input type="checkbox"/> delegation of regulatory functions to another council or shared services body.</li> </ul>
<p><b>Council comment</b>                  Council expressed support for a simplification of the delegation process and for a</p>	

<p>template of standardised delegations. The recommendation of the Taskforce suggests a review will occur relating to specific delegation provisions. There is no reference to development of a standard template, however this is not considered to be a significant oversight.</p>	
<p><b>Financial Governance</b></p>	<p>(1) there be greater focus on principles and definition of financial systems and minimum standards in the new legislative framework and for assimilation of financial governance with the IPR requirements</p> <p>(2) there be a realignment of the regulatory focus under the legislative framework towards systems and risk management rather than process prescription</p> <p>(3) complementing the Guiding Principles of local government, the new Act should articulate a set of financial (or corporate) governance principles that align more effectively with the principles and objectives of IPR, especially in relation to stewardship of resources and accountability. For example:</p> <ul style="list-style-type: none"> <li>a. safeguarding integrity in financial reporting</li> <li>b. making timely and balanced disclosures</li> <li>c. recognising and managing risk</li> </ul> <p>(4) minimum expectations be prescribed by legislation or sub-regulatory instrument. A potential framework is:</p> <ul style="list-style-type: none"> <li>a. financial management governance and oversight</li> <li>b. financial management structure, systems, policies and procedures</li> <li>c. financial management reporting</li> </ul> <p>(5) financial statement requirements be included under IPR annual reporting requirements</p> <p>(6) a further review of rating and finance matters be undertaken as required after the Independent Panel recommendations are determined by the State Government.</p>
<p><b>Council comment</b></p> <p>Councils submission included support for greater focus on a principles based approach and integration with IPR. Whilst council expressed concern regarding a lack of prescriptive standards for financial governance the recommendations address this – refer to (1) and (3) above. Council awaits advice on issues such as rate pegging, asset and financial planning and audit practices</p>	
<p><b>Procurement</b></p>	<p>(1) the adoption of central principles of procurement combined with a medium level of regulation to ensure support of the following principles:</p> <ul style="list-style-type: none"> <li>a. accountability</li> <li>b. value for money</li> <li>c. probity, equity, fairness and risk management</li> <li>d. efficient and effective competition</li> </ul>

	<p>e. market assessment</p> <p>(2) main considerations for each principle be contained in the Act or regulations, with further considerations contained in guidelines or a mandatory code</p> <p>(3) a council’s procurement framework be consistent with its IPR framework</p> <p>(4) rather than the legislation setting a monetary threshold, a more flexible principles-based approach be established to enable councils to determine their threshold based on risk assessment of the proposed procurement and the procurement principles</p> <p>(5) regulation of procurement support councils entering into collaborative procurement arrangements and utilising technologies to assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent</p> <p>(6) a regulation or code to express councils’ default procurement framework</p> <p>(7) councils be qualified to adopt a more strategic approach through “earned autonomy” whereby:</p> <p>a. the Division of Local Government may exempt a council from compliance with a requirement under the regulation or code where it is satisfied that a council’s procurement framework is consistent with the procurement principles; and</p> <p>b. qualification for a council’s earned autonomy may be through an accreditation process or by council’s development and diligent maintenance of policies and practices that are consistent with requirements issued by the Division of Local Government or other oversight entity. Qualification by accreditation is preferred as this should increase the accountability of councils to the community.</p> <p>(8) councils continue to be able to take advantage of purchasing from Commonwealth and State Government procurement panels and the State Government policies which afford exemption from tendering obligations such as when purchasing from registered Australian Disability Enterprises.</p>
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**Council comment**

Council’s support for scrapping of the \$150,000 limit for tendering has been included in the recommendation as has the desire for greater use of a risk management based approach to enacting the tender process. Whilst not stating a figure where the risk management approach should cut in (as recommended by council), the Taskforce recommendation does allow for council autonomy providing they have strong procurement risk management principles in place and operational.

The Taskforce recommendation is considered to be largely consistent with the points identified by council.



<p><b>Capital Expenditure Framework</b></p>	<p>It's recommended a capital expenditure and monitoring guideline be developed that integrates with the IPR framework and enables the appropriate management of risk by councils. This guideline should be tailored to risk levels, including significance of the project, materiality and whole of life costs, and not based on arbitrary monetary thresholds or procurement vehicles.</p>
<p><b>Council comment</b> This recommendation is considered largely consistent with councils support for a risk based approach.</p>	
<p><b>Public Private Partnerships (PPP)</b></p>	<p>(1) that PPP projects continue to be subject to regulation due to the significance of the risks involved</p> <p>(2) aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework.</p>
<p><b>Council comment</b> Council called for a simplification of the PPP process in terms of language and format to improve understanding and implementation and agreed with the proposal for greater integration with IPR.</p> <p>The Taskforce recommendation is considered to be largely consistent with the points identified by council.</p>	
<p><b>Acquisition of Land</b></p>	<p>The Taskforce has recommended that council plans for the compulsory acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community (through the CSP) on the need for additional public land or the sale of public land needs to be included in Delivery Program activities.</p>
<p><b>Council comment</b> Council's submission suggested the definition of public land should remain unchanged, however this wasn't addressed in the Taskforce recommendations. Council supported the proposal that compulsory acquisition of land be linked directly to the CSP and DP.</p>	
	<p>(1) councils be required to strategically manage council-owned public land as assets through the IPR framework</p> <p>(2) balancing reasonable protections for public land use and disposal by retaining the classification regime of public land as either community or operational land and require a council resolution at the time of acquiring or purchasing land to specify the classification, category and proposed use or uses</p> <p>(3) a proposed change in the use or disposal of community land be addressed through the council's Asset Management Planning</p>

<p><b>Public Land</b></p>	<p>and Delivery Program</p> <p>(4) a public hearing be held by an independent person where it is proposed to change the existing dominant use or to dispose of community land, with the results of the public hearing to be reported to and considered by the council before a decision is made</p> <p>(5) any use of a public hearing or other consultation process under the Act be specified in the council’s Community Engagement Strategy</p> <p>(6) recognising the LEP zoning processes and restrictions applying to council owned public land</p> <p>(7) simplifying and reducing the categories and sub-categories of use to which community land may be applied through the Asset Management Planning process so as to identify and accommodate other ancillary or compatible uses appropriate to the current and future needs of the community</p> <p>(8) ceasing the need for separate plans of management for community land to be prepared and maintained, and in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process</p> <p>(9) ceasing the need for a separate report to be obtained from the Department of Planning and the need for ministerial approval where council proposes to grant a lease, licence or other estate over community land in excess of the current 5 years, where an objection has been received by the council</p> <p>(10) proposed leases and licences be addressed as part of the council’s Asset Management Plan and adopted Community Engagement Strategy with the 30 year maximum term to remain unchanged.</p>
<p><b>Council comment</b></p> <p>Council supported the proposal and subsequent recommendation for public land to be managed through the Asset Management planning process and the Delivery Program. Council expressed concern regarding the requirement for council to ‘consider’ the results of a public hearing regarding change of use without any other definitive requirement to act, has not resulted in a change in the Taskforce’s recommendation and NO advice or guidance on how council should respond is offered. Council supported the Taskforce proposal to end the classification of public land as either community or operational however the recommendation from the Taskforce has been to maintain the classification with a resolution by council at time of acquiring or purchasing the land to identify the classification, category and proposed use. The proposal, supported by council, to end the need for management plans to be developed and instead utilise the asset plans and delivery program has been retained. Council also submitted that reporting to the Department of Planning when council proposes to grant leases (in excess of the current 5 years) and when an objection is received was onerous and should be scrapped. This has been supported by the Taskforce.</p> <p>The recommendations are considered largely consistent with council’s submission.</p>	

<p><b>Approvals, Orders and Enforcement</b></p>	<p>(1) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation, provision of statutory minimum standards or thresholds, and councils having discretionary “on-the-ground” functions</p> <p>(2) consideration be given to the notion of a risk based approval process where persons or corporations are given general approval to conduct certain work rather than dealing with applications on a piecemeal basis</p> <p>(3) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed where possible into regulations</p> <p>(4) removal of as many approvals and orders as possible and placing in specialist legislation if they cannot be repealed</p> <p>(5) the principles for dealing with approvals and orders be incorporated into a council’s IPR framework through the Delivery and Operational Plans, including adoption of an Enforcement Policy and any LAPs and LOPs</p> <p>(6) penalties for offences in the Act and regulations be increased to ensure they are proportionate to the nature of the offence, and that the ability to serve a penalty notice should be made an option for additional offences</p> <p>(7) councils be required to adopt an Enforcement Policy stating what factors will be considered in determining whether or not to take action, including the level of risk. The factors should be consistent across all councils</p> <p>(8) improving councils’ ability to recover costs for conducting work on private land</p> <p>(9) aligning council powers of entry with contemporary legislative standards</p> <p>(10) increasing the time limit for commencing summary proceedings from 6 to 12 months.</p>
<p><b>Council comment</b></p> <p>Councils submission indicated that a degree of flexibility is supported however prescriptive standards are an important part of working within a statutory context. The Taskforce recommendation does not support councils submission clearly stating a regulatory review should ‘ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation...’</p> <p>Despite this, statutory minimum standards and on the ground council discretionary function would prevail.</p> <p>The recommendations also propose a risk management process for issuing of approvals with less prescription on how an activity is to occur.</p> <p>Councils will be required to develop Enforcement Policies and the principles for dealing with approvals, orders and enforcement will be established through the IPR process.</p>	

### **3 2014 Australian Coastal Councils Conference**

#### **Summary**

This report advises of the 2014 Australian Coastal Council and recommends that Council endorse the attendance of Councillors.

#### **Finance**

Registration fee is \$1,386.

#### **Policy**

Council approval is required for the attendance of Councillors at conferences.

#### **Council's Vision and Goals**

Council's goals relating to good governance and sound financial resource management are relevant.

#### ***RECOMMENDATION***

That Council determine the attendance of Councillors at the Conference.

#### **REPORT**

The 2014 Australian Coastal Councils Conference is to be held at Ballina from Monday 24<sup>th</sup> to Wednesday 26<sup>th</sup> March 2014

The major topics include:-

- Coastal Australia: a Federal Government Perspective - The Hon Greg Hunt MP, Minister for the Environment (Invited)
- Planning for Uncertainty – Presentation by Andrew Beatty, Beatty Legal, on the legal implications of planning for climate change
- Managing Coastal Risks: An Insurance Perspective – Karl Sullivan, Insurance Council of Australia
- Economic outlook for coastal Australia
- Coastal population – Planning for the Future
- A National Perspective of Coastal Issues – Including regional case studies

The Australian Coastal Councils Conference is organised by the National Sea Change Taskforce of which Council is a member. A copy of the draft program has been circulated to Councillors.

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#### **4 Jamberoo Community Event**

##### **Summary**

This report recommends that Council provides support to the Jamberoo Business Group in holding a community event to coincide with the re-opening of the Fredericks IGA Store.

##### **Finance**

It is recommended that Council make a donation of \$2,000 towards the event. The cost of the event can be met by previously reported budget savings.

##### **Policy**

Not applicable.

##### **Council's Vision and Goals**

Council's goals of have a healthy, safe and inclusive community and a diverse thriving economy are relevant.

##### ***RECOMMENDATION***

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

##### **REPORT**

The fire which destroyed the Fredericks IGA Store at Jamberoo initially had a devastating effect on the local businesses and the community. The store provided many of the food needs of the local residents and was a social hub of Jamberoo.

While the opening of a temporary store was very beneficial, the Jamberoo commercial centre and local residents have continued to struggle.

Council has been advised that the new store should be completed by 12 April 2014 and the Jamberoo Business Group is seeking Council support for the holding of a major community event to celebrate the re-opening and to re-energise the local community.

It is planned to close Allowrie Street for 4 hours on the morning of Saturday 12 April 2014 to hold a community event involving produce stores, mini business expo, wine tasting, cake stalls and entertainment. The entertainment will include amateur and professional musicians in addition to a photographic and art exhibition.

The holding of the event is highly commendable and it is proposed that Council has an organisational role and contributes financially to the entertainment.

A Council officer will work with local community representatives in planning the event with Council taking responsibility for the associated risk management, insurances and street closure.

It is recommended that Council contribute \$2,000 to the event to cover the cost of entertainment, provision of a stage, road closure and other associated costs.

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## 5 Kiama Tourism

### Summary

The report recommends that Council endorse the Terms of Reference for a governance review of Kiama Tourism and that InConsult be engaged to undertake the governance review of the operation of the Kiama Tourism Board

### Finance

The cost of the review will be \$7,605 plus GST. The cost of the review be met by savings previously identified in earlier budget reviews.

### Policy

Not applicable

### Council's Vision and Goals

Council's goal of having responsible civic leadership that is transparent, innovative and accessible is relevant.

## ***RECOMMENDATION***

That:-

- 1) Council adopt the attached Terms of Reference.
- 2) InConsult be engaged to undertake the review at a cost of \$7,605 plus GST.

## **REPORT**

At the meeting on 17 December 2013, Council resolved to seek the agreement of the Kiama Tourism Board in undertaking a governance review of the operation of the Board which Council will fund and that Council will determine its ongoing support for Kiama Tourism based on the acceptance of the review going forward.

The attached Draft Terms of Reference which are based on the Victorian Government's Good Governance Checklist for Not-for-profit Organisations were subsequently prepared and submitted to the Kiama Board meeting held on 22 January 2014. Kiama Tourism resolved to support in principle the governance review subject to adoption of the Terms of Reference by Council.

Quotations have been received from Pitcher & Partners and InConsult to undertake the review. A copy of the quotations have been circulated to Councillors. Both firms have the capacity and experience to undertake the review.

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**ATTACHMENT**

**DRAFT**  
**TERMS OF REFERENCE**  
**KIAMA TOURISM – GOVERNANCE REVIEW**

**1. Roles and Responsibilities**

Individual responsibilities and the role of the board should be clear and understood by all members.

- Are the board members clear about their roles, legal responsibilities and the organisation's expectations?
- Do new board members receive an induction to the organisation, their role and legal responsibilities including conflict of interest?
- Is the role of the board and the organisation's management clearly set out in the constitution (or rules)?
- Are there clear delegations of authority between the board and management, with protocols for communication and decision-making?
- Is there a clear delineation between policy (board) and operations (staff)?

**2. Board Composition**

A board needs to have the right group of people, with a good mix of skills and experience that are matched with the organisation's objectives and strategic goals.

- Does the board have a variety of experience?
- Will the available skills and experience support the operation and function of the organisation now and into the future? Are there any potential skills gaps or learning needs?

**3. Purpose and Strategy**

The board plays an important role in setting the vision, purpose and strategies of the organisation; and adapting these as circumstances change.

- Does the board have a clear vision and purpose for the organisation? Has this been shared with the organisation and stakeholders?

**ATTACHMENT CONTD**

- Does the strategic plan support the vision and purpose for the organisation? Do all the organisation's activities align with the strategy?
- Does the board regularly review the organisation's vision, purpose and strategic plan?

**4. Risk Management**

Risks are very much a part of any organisation's activity. A key function of a board is making sure that risk management systems are in place and being used.

- Does the board review and endorse policies and procedures related to risk management?
- Does management regularly report to the board on its efforts to mitigate and manage risks?
- Does the board devote time in meetings to consider risks and discuss its risk appetite?

**5. Organisational Performance**

Boards should have a view of "what success looks like" and set performance categories and indicators to monitor the success of the organisation.

- Has the board established objectives for the organisation?  
*Note: These can be both financial (such as revenue growth or ratio of expenses to revenue) and non-financial (such as member satisfaction, number of client services delivered)*
- Have performance indicators been set for each objective? Are these realistic and measurable?
- Does the organisation have suitable record keeping systems in place that help to measure and track performance over time?

**6. Board Effectiveness**

The way in which a board is structured and operates can have a direct impact on the ability of an organisation to achieve its objectives.

- Do the board meetings run on time and cover all agenda items? Are discussions constructive and respectful?

## ATTACHMENT CONTD

- Does the board regularly assess the performance of its members and the overall quality of governance?
- Does the board set time aside to think about and plan for the future?
- Does the board make use of sub-committees or advisory panels for larger pieces of work?

### 7. Integrity and Accountability

The board is ultimately responsible for everything an organisation does and does not do. In order to make good decisions, the content and quality of the information it receives is a crucial consideration.

- For each meeting, does the board receive reports from management that show the financial health and overall performance of the organisation?
- Do the reports contain relevant and timely updates? And are they provided in a format that is easily understood by all?
- Where appropriate, do the reports include an update on strategic projects and risk management activities?
- Does the board have sufficient financial skills to understand the organisation's financial position?

### 8. Organisation Building

As part of their overall leadership responsibility, the board plays a strategic role in ensuring that the organisation has the required capacity and capabilities to deliver on its purpose.

- Does the board have a collaborative relationship with the organisation's senior managers?
- Does the organisation's management provide regular reports on resource planning and capacity?
- Does the organisation have the financial resources to retain skilled workers and/or provide development opportunities for workers?

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**ATTACHMENT CONTD**

**9. Culture and Ethics**

A board and its individual members have a leading role to play in promoting a healthy culture within the organisation they serve.

- Does the board have a code of conduct? Is this provided to new members?
- Is there a formal policy on declaring and handling conflicts of interest?
- Does the organisation have a formal code of conduct and agreed set of values and behaviours?

**10. Engagement**

Relationships matter and most of the work of Not For Profit organisations requires collaboration with its membership, government agencies, other organisations, businesses and the community.

- Has the organisation identified its key stakeholders and current relationships? Is there a plan for regular two-way communication?
  - Are there policies and practices in place that actively encourage the organisation's membership to participate in, and vote at, member meetings?
  - Does the board regularly assess its own stakeholder communications? Are they transparent and effective?
-

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

### **Summary**

This report provides an overview of the Final Report of the NSW Independent Local Government Review Panel.

### **Finance**

Not applicable.

### **Policy**

Not applicable.

### **Council's Vision and Goals**

Council's goal of ensuring that we remain a strong, independent and sustainable local government authority that plan deliver and advocate for the needs of our community is relevant.

## ***RECOMMENDATION***

That Council:-

- 1) make a submission in relation to the paper by supporting the principal recommendations other than those relating to the redistribution of financial grants which would affect the revenue of Kiama Municipal Council.
- 2) indicate its in principle support for the regional joint organisations subject to local governments retaining their autonomy and further information being provided on the resourcing and funding of the regional joint organisations.

## **REPORT**

The Independent Local Government Review Panel was appointed by the NSW Government in April 2012. Its task has been to formulate options for governance models, structures and boundary changes:

- To improve the strength and effectiveness of local government
- To help drive the key strategic directions set out in the Destination 2036 Action Plan, and to further the objectives of NSW 2021: A Plan to Make NSW Number One (the State Plan).

The terms of reference of the Panel were to:-

- Investigate and identify options for governance models, structural arrangements and boundary changes for local government in NSW, taking into consideration:
  - ability to support the current and future needs of local communities
  - ability to deliver services and infrastructure efficiently effectively and in a timely manner
  - the financial sustainability of each local government area
  - ability for local representation and decision making
  - barriers and incentives to encourage voluntary boundary changes.
  
- In conducting the review the Panel is to:
  - ensure recommendations meet the different nature and needs of regional, rural and metropolitan communities
  - consult widely with the broader community and key stakeholders
  - take into account the work completed, and future work to be completed, under the Destination 2036 initiative
  - take into account the broader interests of the State including as outlined in the State Plan
  - consider the experiences of other jurisdictions in both the nature and implementation of local government reform
  - take into account the Liberal-National's 2011 election policy of 'no forced amalgamations'.
  - develop options and models to enhance collaboration on a regional basis through regional organisations of councils
  - undertake research into innovation and better practice in local government in NSW, Australia and internationally
  - examine the current local government revenue system to ensure the system is contemporary, including rating provisions and other revenue options
  - identify those functions that are clearly State or local government responsibilities, those that cannot be readily defined and those that have been legislated/regulated as core functions.

Other matters referred to the Panel include

- The future of local governance and service delivery by all levels of government in the far west of NSW
- Proposals for consolidation of local government-owned water utilities

There have been four stages of the review with the final report now released. In the final report the Panel has made 65 recommendations. The recommendations respond to 12 key themes that run throughout the report. They are:-

1. The overarching imperative is to ensure the long-term sustainability and effectiveness of NSW local government: in its present form and under current policy settings the system as a *whole* will not remain sustainable and fit-for-purpose for much longer.
2. The focus of policy should be on strengthening 'strategic capacity' – ensuring that local government has the right structures, governance models, skills and resources to discharge its responsibilities and realise its potential.
3. Major new initiatives are required to tackle the underlying problems of financial weakness and infrastructure backlogs.
4. In particular, a series of measures must be put in place to promote greater 'fiscal responsibility' within local government and to make associated improvements to local government's efficiency, accountability and political governance.
5. Changes to the rating system and rate-pegging are essential to generate the revenues needed to fund infrastructure and services, and – equally as important – to make the system more equitable.
6. Given limited funds, the distribution of grants must change to direct more assistance to areas of greatest need.
7. Stronger regional organisations are vital to ensure increased resource sharing and joint planning, and to support vulnerable rural-remote councils.
8. Structural reform – including council amalgamations – is another essential component of reform, notably in metropolitan Sydney.
9. The process for considering possible amalgamations and boundary changes needs to be overhauled, and a package of incentives introduced to encourage voluntary mergers.
10. The particular issues and problems facing the Far West of NSW require special arrangements.
11. Working relations between local government and State agencies need to be improved across the board, and regional coordination should be the centrepiece of this effort.
12. Reforms must be pursued as an integrated package, not one-off measures.

The principal recommendations of the report are attached. (Attachment 1)

In relation to structures and boundaries, the report makes special reference to the Illawarra and generally consistent with the earlier reports state:-

“It has taken into account a combination of four key factors:-

- Each council appears sustainable for at least the medium term
- Existing boundaries do not pose significant urban management problems
- Water supply and sewerage are handled separately by Sydney Water
- Kiama’s distinctive rural and coastal setting and ‘country town’ character, compared to Wollongong and Shellharbour.”

On that basis, the Panel considers that closer collaboration through a Joint Organisation should enable a sufficient response to regional challenges for some time to come. Emerging issues should be kept under review. If amalgamation options need to be revisited, the Panel suggests that Shoalhaven might be a more appropriate partner for Kiama than Wollongong-Shellharbour, although the new definition of the region could present an obstacle.

A joint organisation is now proposed instead of County Council.

In June 2013 Council made a submission on the previous stage and discussion paper an extract from which is as follows:-

**“Structural Reform**

- Kiama Council generally accepts the County Council proposal with some reservations. Further clarification and detail on how the proposed County Councils will work are required.
- There should be measured approach to the creation of the County Council to ensure that there is not the development of another level of bureaucracy with associated costs and complexities.
- Assets and resources should be retained by the original Councils and not by the County Council.
- Each Council should be equally represented on the County Council. Under the County Council there could be a series of functional committees which might well be based on size of function, population served, cost/benefit of service, etc. These committees could have appropriate (and perhaps a more representative) number of elected members from the Member Councils as well as senior staff involved in those areas.
- There is recognition that County Councils provide an opportunity for a number of joint functions and benefits. The opportunities for combined procurement, selected shared corporate services, regional economic development and joint coastal management are examples that could be explored.



- The three Councils should be able to jointly determine the “high level” corporate services and the appropriate regional level functions. There is concern that specific activities such as libraries are listed as selected regional levels of functions without an assessment of the existing situation in the Illawarra and a case for change.
- The legal status of “County Councils” should enable corporatisation and the carrying out of specified commercial activities on behalf of the Council.
- The County Council should be able to collaborate with other regional bodies and County Councils on issues that may apply more broadly.
- The regional body does not sit over the Local Government bodies serving the region. Rather the reverse, the regional organisation exists to further the interest of its Local Government members.
- The County Councils are for the most part consensual organisations and get things done by forging agreements and partnerships.
- The County Councils require a close matching between the benefits and costs of services. In practice this can mean that each service that is delivered by the regional body has a cost recovery formula.
- While accepting the concept of a county council, Council is strongly opposed to forced amalgamations. Council is pleased that the report recognises Kiama’s financial sustainability and distinctive rural and coastal setting and “country town” character, compared to Wollongong and Shellharbour and that a merger is not necessary.

### **Financial Sustainability**

- Council strongly disagrees with the re-distribution of existing grant funding which may further erode the amount of financial assistance grants to Kiama Municipal Council.

Financial Assistance Grants to Kiama Council have steadily declined in real terms and in relation to CPI increases over many years. It is estimated that financial assistance grants to Kiama Council should be an additional \$1 million this year if the grants had kept up with CPI increases.

### **Better Governance**

- Council is of the view that each Council should be able to determine the form of election of Mayor. The election of Mayor by the Councillors in the case of Kiama Council has worked well and the situation of a popularly elected Mayor not having the support of elected Councillors is of concern. Council is also of the view that the minimum term for Mayors be determined by the elected Council.

- Council opposes the proposal to limit the term of Mayors and Councillors to three (3) terms as this is anti-democratic and potentially reduces the level of experience on Councils.

### **General**

- Council supports the following:-
  - Establishing a State-wide Local Government Finance Agency to bring down interest costs and assist councils to make better use of borrowings.
  - Improving the rating system and streamlining rate-pegging to enable councils to generate essential additional revenue.
  - Maintaining the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years.
  - Taking steps to improve Council and Mayor and General Manager relations.
  - A requirement for Mayors and General Managers to ensure that all councillors have access to adequate administrative and policy support.
  - Appointing a Local Government Development Board for a maximum period of 4 years with a brief to drive and support a concerted program of reform.
  - Building on the new State – Local Government agreement to secure increased collaboration and joint planning between councils and State Agencies.”

The latest report no longer refers to proposed county councils and this model has been replaced by joint organisations (JOs).

The framework for establishing new joint organisations is attached (Attachment 2).

The Panel states it has no desire to “create a fourth tier of government”, nor an additional layer of bureaucracy. Rather, joint organisations would be embedded within the system of local government. Local councils would remain the core of the system: they would “own” and resource the joint organisations in a similar way to Regions of Councils. Selected regional functions would be referred to the joint organisations which would then work alongside their member councils in performing those tasks.

Water supply, sewerage, roads and other infrastructure assets would remain in the ownership of individual councils, unless already owned by a County Council or transferred voluntarily.

The proposed core functions of Joint Organisations (JOs) are listed as follows:-

- Strategic regional and sub-regional planning
- Inter-government relations and regional advocacy
- Information and technical exchanges between member councils
- Activities of existing County Councils
- Regional alliances of local government water utilities
- Road network planning and major projects (through Regional Roads Groups as discussed in section 7.4)
- Collaboration with State and federal agencies in infrastructure and service provision
- Strategic procurement (which could also include accessing state-wide contracts and arrangements)
- Other joint activities specified in the proclamation, such as major infrastructure projects, regional waste and environmental management (including weeds and floodplain management), regional economic development, regional library services and 'high level' corporate services or 'back office' functions
- Administrative and technical support for any 'Rural Councils' established within the JO's area (see section 12.1).

Staffing of JOs would normally be limited to a Regional General Manager and administrative team. There would also be a small group of professional staff engaged in regional strategic planning, inter-government relations, technical support to member councils and management of regional projects. This may involve seconding a few senior management and technical staff from member councils to the JO, although in many cases they could remain based in their current workplace. The Panel does not see any need for transfer or relocation of operational staff. However, where an existing County Council has administrative and operational staff and becomes a subsidiary of a JO, they would become employees of the JO under the Local Government Award.

The scope of shared services would be detailed in a Ministerial proclamation. Some activities might involve all councils in the region, others just some. However, once the proclamation has been finalised, there would be no opting out for at least the life of the Strategic Business Plan. The report states that this is essential to ensure that planned efficiencies can be realised. It is envisaged that a number of shared services activities could be handled by one or more member councils becoming a 'centre of excellence' for the region in specific areas of operation eg human resources, IT, waste management, economic development etc.

While the intent of setting up joint organisations has some merit, the issues of decision making, resourcing and funding the organisation still requires more detail and clarification. It is also important that councils retain their autonomy within the structure of the new joint organisations.

The report states that funding arrangements should be resolved amongst member councils as part of the negotiations to agree the terms of proclamation of the joint organisation. In general terms, the panel sees five main sources of funding for joint organisations.

- Current operating budgets of ROCs and County Councils
- General-purpose financial contributions by member councils
- Special-purpose contributions by member councils towards the cost of Regional Water Alliances and Regional Roads Groups (either cash or in-kind eg secondment of expert professional staff)
- Support through LIRS, the proposed Strategic Projects Fund, and various State grants
- General-purpose federal Financial Assistance Grants.

The recommendation of the latest report that Financial Assistance Grants be redistributed is still a strong concern. There is concern that those councils that have been efficient and well managed providing a good level of services and facilities will be disadvantaged by the redistribution of the existing grant funding. As previously reported to Council, financial assistance grants to Kiama Council have steadily declined in real terms and in relation to CPI increases over many years. Generally local government has been poorly funded by Federal and State Government taxation revenue.

The other points made by Council in its previous submission have generally been accepted by the final report of the Panel with the exception of the election of Mayor by the Councillors. Council is of the view that each Councillor should be able to determine the formal election of Mayor. The report is suggesting a minimum 2 year period term for Mayors.

It is proposed that Council made a submission in relation to the final report and hold further discussions with Wollongong and Shellharbour City Councils in relation to the setting up of a joint regional organisation.

	<p><b>Box 4: Principal Recommendations</b></p> <p><b>Fiscal responsibility</b></p> <ul style="list-style-type: none"> <li>Establish an integrated Fiscal Responsibility Program, coordinated by DLG and also involving TCorp, IPART and LGNSW... (5.4 and 5.3)</li> <li>Introduce more rigorous guidelines for Delivery Programs... (5.2)</li> <li>Place local government audits under the aegis of the Auditor General (5.4)</li> </ul> <p><b>Strengthening the Revenue Base</b></p> <ul style="list-style-type: none"> <li>Commission IPART to undertake a further review of the rating system focused on: options to reduce or remove excessive exemptions and concessions... (6.2); more equitable rating of apartments and other multi-unit dwellings... (6.3)</li> <li>Either replace rate-pegging with a new system of 'rate benchmarking' or streamline current arrangements to remove unwarranted complexity, costs, and constraints to sound financial management (6.5)</li> <li>Subject to any legal constraints, seek to redistribute federal Financial Assistance Grants and some State grants in order to channel additional support to councils and communities with the greatest needs (6.6)</li> <li>Establish a State-wide borrowing facility to enable local government to make increased use of debt where appropriate... (6.7)</li> </ul> <p><b>Meeting Infrastructure Needs</b></p> <ul style="list-style-type: none"> <li>Maintain the Local Infrastructure Renewal Scheme (LIRS) for at least 5 years, with a focus on councils facing the most severe infrastructure problems (7.2)</li> <li>Pool a proportion of funds from the roads component of federal Financial Assistance Grants and, if possible, the Roads to Recovery program in order to establish a Strategic Projects Fund for roads and bridges... (7.2)</li> <li>Adopt a similar model to Queensland's of Regional Roads and Transport Groups... (7.4)</li> </ul> <p><b>Improvement, Productivity and Accountability</b></p> <ul style="list-style-type: none"> <li>Commission IPART to undertake a whole-of-government review of the regulatory, compliance and reporting burden on councils (8.2)</li> <li>Amend JPR Guidelines to require councils to incorporate regular service reviews in their Delivery Programs (8.4)</li> <li>Strengthen requirements for internal and performance auditing as proposed in Box 17 (8.5)</li> </ul> <p><b>Political Leadership and Good Governance</b></p> <ul style="list-style-type: none"> <li>Require councils to undertake regular Representation Reviews... (9.1)</li> <li>Amend the legislated role of councillors and mayors... and introduce mandatory professional development programs (9.2 and 9.3)</li> <li>Amend the legislated role and standard contract provisions of General Managers... (9.5)</li> <li>Develop a Good Governance Guide... (9.7)</li> </ul>	<p><b>Advance Structural Reform</b></p> <ul style="list-style-type: none"> <li>Introduce additional options for local government structures, including regional Joint Organisations, 'Rural Councils' and Community Boards, to facilitate a better response to the needs and circumstances of different regions (10.1)</li> <li>Legislate a revised process for considering potential amalgamations and boundary changes through a re-constituted and more independent Boundaries Commission (10.3)</li> <li>Encourage voluntary mergers of councils through measures to lower barriers and provide professional and financial support (10.4)</li> </ul> <p><b>Regional Joint Organisations</b></p> <ul style="list-style-type: none"> <li>Establish new Joint Organisations (JOs) for each of the regions shown on Map 2... under new provisions of the Local Government Act that replace those for County Councils (11.5)</li> <li>Establish Regional Water Alliances in each JO along the lines proposed in the 2009 Armstrong-Gellatly report (11.3)</li> </ul> <p><b>'Rural Councils' and Community Boards</b></p> <ul style="list-style-type: none"> <li>Establish a working party... to further develop the concept of 'Rural Councils' (12.1)</li> <li>Include provisions for optional Community Boards... (12.2)</li> </ul> <p><b>Metropolitan Sydney, Hunter and Central Coast</b></p> <ul style="list-style-type: none"> <li>Seek evidence-based responses from councils to the Panel's proposals for mergers and major boundary changes... (13.3, 14.1, 14.2)</li> <li>Maximise utilisation of the local government revenue base in the eastern half of the Sydney region in order to free-up State resources... (13.5)</li> </ul> <p><b>Non-Metropolitan Regions</b></p> <ul style="list-style-type: none"> <li>Progressively refer (non-metropolitan) councils... to the reconstituted Boundaries Commission in accordance with Table 11 and the proposed timeline (15.1)</li> </ul> <p><b>The Far West</b></p> <ul style="list-style-type: none"> <li>Agree in principle to the establishment of a Far West Regional Authority (16.3)</li> <li>Adopt the preferred new arrangements for local government set out in Box 40... (16.4)</li> </ul> <p><b>State-Local Government Relations</b></p> <ul style="list-style-type: none"> <li>Introduce new arrangements for collaborative, whole-of-government strategic planning at a regional level (17.3)</li> <li>Amend the State Constitution to strengthen recognition of elected local government (17.4)</li> </ul>
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**Box 30: Framework for Establishing New Joint Organisations**

- JOs would be regional bodies established under new provisions of the Local Government Act replacing those for County Councils
- Membership and ongoing active participation by councils would be mandatory
- Each JO would be established by a separate proclamation which would be negotiated amongst the member councils and with the Minister, with the assistance of expert facilitators provided by the State government
- The proclamation would set out the name, area, membership, functions, staffing and governance and financial arrangements (including payment of any 'dividends' to member councils)
- In finalising a proclamation the Minister would act on the advice of a Ministerial Advisory Group (see section 13.1)
- The governing body would comprise the mayor of each member council, but the proclamation could provide for additional council representatives and for 'participating observers' or advisers from outside local government
- Each JO would prepare a 10 year Strategic Business Plan and 4-year Delivery Program to guide (but not restrict) operations, both to be endorsed by member councils and updated as required
- JOs would be able to establish subsidiaries to undertake specific functions, and would incorporate existing County Councils (for which transitional provisions would apply)
- Subsidiaries would have their own boards, which would be skills-based, and could include senior council staff and people with relevant expertise drawn from outside local government
- Subsidiaries would be required to agree an annual Statement of Intent with the governing body to ensure that their activities and priorities align with those of the JO and its member councils
- JOs would hold annual general meetings open to all councillors of member councils and to the public, at which they would report on and account for their activities, and at which priorities and strategies for the coming year could be discussed
- Other provisions of the Act would apply to JOs as they do to councils, but variations could be made by Regulations or the terms of proclamations (eg to eliminate unwarranted compliance processes).

The Panel's view is that, to facilitate the development of strong, effective organisations, all activities of a JO should be conducted within a single set of regional boundaries (except in those few cases where an existing County Council already operates in more than one region – see Table 5). Also, as a general rule each council should only be a full member of one JO. However, the legislation can be written in such a way as to enable departures from this approach if suitable alternative provisions are agreed and included in the proclamation.

**Metropolitan Sydney and Central Coast**

In the case of the Sydney metropolitan and Central Coast regions the Panel considers that establishment of 'fully-fledged' Joint Organisations should be deferred pending further consideration of options for council mergers. This is discussed further in sections 13.5 and 14.2. In the meantime, the boundaries shown on Map 3 should be used for groupings of councils to undertake joint sub-regional strategic planning.

**Pilot regions**

The Panel is aware of at least 2-3 regional groups of councils that appear interested in becoming 'pilot' regions for the establishment of JOs, including Regional Water Alliances and Regional Roads Groups. If agreed, an early start could be made in those regions based on the proposed new legislative provisions.

**11.6 Functions and structure of Joint Organisations**

The Panel has no desire to create a 'fourth tier of government', nor an additional layer of bureaucracy. Rather, JOs would be embedded within the system of local government. Local councils would remain the core of the system: they would 'own' and resource the JOs in a similar way to ROCs. Selected regional functions would be referred to the JOs which would then work *alongside* their member councils in performing those tasks.

## **7 Payment of Expenses and Provision of Facilities**

### **Summary**

This report recommends that Council adopt the Payment of Expenses and Provision of Facilities Policy considered by Council at its meeting on 19 November 2013 and which was recently publicly exhibited.

### **Finance**

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

### **Policy**

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

### **Council's Vision and Goals**

Council's goal of responsible civic leadership that is transparent, innovative and accessible is relevant.

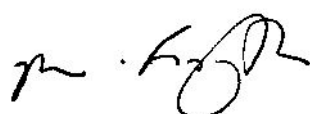
### ***RECOMMENDATION***

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

### **REPORT**

At its meeting on 19 November 2013 Council resolved to give public notice of its intention to re-adopt the Payment of Expenses and Provision of Facilities Policy with minor amendments relating to vehicle expenses incurred by Councillors undertaking Council business and the provision of information technology equipment.

The attached Payment of Expenses and Provision of Facilities Policy was publicly exhibited and no submissions were received.



Michael Forsyth  
**General Manager**

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

### **PART 1 - INTRODUCTION**

#### **1.1 Purpose of Policy:**

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

#### **1.2 Policy Objectives:**

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

#### **1.3 Making and Adoption of the Policy**

This policy was prepared in accordance with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993 as amended. Kiama Municipal Council Councillors-Expenses & Facilities Page 2 Adopted by Council: 18 October 2011 Last Reviewed: 17 November 2013 Next Review: November 2014



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

## **1.4 Reporting Requirements**

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

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

## **1.5 Legislative Provisions**

### **a) Provisions under the Local Government Act 1993**

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

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

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

Section 252 states:-

- 1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*

- 2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- 3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- 4) *A council may from time to time amend a policy under this section.*
- 5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

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

Section 253 states:-

- 1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- 2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- 3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- 4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:-*
  - a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
  - b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
  - c) *a copy of the notice given under subsection (1).*
- 5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

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

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

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

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

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

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

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

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

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

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

- 1) For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:

- a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*

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

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

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

## **1.6 Other Government Policy Provisions**

### **a) Department of Local Government Guidelines**

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

### **b) Department of Local Government Circulars to Councils**

The policy must take into account the following Circulars.

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

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

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

Use of council resources (pp 23-24)

- 9.14 *You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*

- 9.16 *You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 9.17 *You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*
- 9.18 *The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.*
- 9.19 *You must not convert any property of the council to your own use unless properly authorised.*

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

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

## **1.7 Definitions**

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

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

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

## **1.8 Approval Arrangements**

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

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

## **1.9 Private Benefit**

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

## **1.10 Annual Fees**

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

## **1.11 General Expense Allowances**

General expense allowances will not be paid.

## **1.12 Administrators**

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

## ***PART 2 - PAYMENT OF EXPENSES***

### **2.1 General Provisions**

- (a) Reimbursement of Councillors will only be made on the basis of actual expenses incurred in performing the duties of Councillor, a delegate or representing Council (as requested by the Mayor) as authorised by Council. Such expenses do not include those incurred as a result of anything other than Council business. A reimbursement of expenses to a maximum of \$65 daily will be paid for each day a Councillor is absent from the Municipality on

Council approved civic duties, including conferences, seminars, training and educational courses. Councillor training is an area of priority and Council will meet reasonable expenses incurred by Councillors in undertaking appropriate training including the course cost, travelling expenses, accommodation costs and out of pocket expenses up to a maximum of \$65.00.

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

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

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

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

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

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

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

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

## **2.2 Specific Provisions**

### **2.2.1 Accommodation**

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

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

### **2.2.2 Expenses**

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



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

### **2.2.3 Travel**

The following applies only to travel authorised.

#### **(i) Travel by Vehicle**

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

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

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

#### **(ii) Air travel**

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

#### **2.2.4 Registration fees**

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

#### **2.2.5 Care and Other Related Expenses**

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

#### **2.2.6 Legal Expenses**

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

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

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

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

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

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

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

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

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

### **2.2.7 Communication Expenses**

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

### **2.2.8 Gifts and Benefits**

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

## **PART 3 - PROVISION OF FACILITIES, EQUIPMENT AND SERVICES**

### **3.1 General Provisions**

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

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

### **3.2 Specific Provisions**

#### **3.2.1 Council vehicles**

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

#### **3.2.2 Council telephones**

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

#### **3.2.3 Council Information**

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

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

#### **3.2.4 Council Administrative Centre facsimile machines**

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

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

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

#### **3.2.5 (ii) Supply of miscellaneous equipment to Councillors**

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

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

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

### **3.2.6 Sale of Second-hand Council Equipment**

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

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

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

### **3.2.8 Stationery and postage**

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

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

### **3.2.9 Meals and beverages**

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

### **3.2.10 Councillors' insignia of office**

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

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

### **3.2.11 Clothing**

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

### **3.2.12 Insurance**

#### **(i) Personal injury or death**

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

**(ii) Professional Indemnity**

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

**(iii) Public Liability**

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

**(iv) Councillors' Liability (including Council reimbursement)**

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

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

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



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

### **4.1 OFFICE OF MAYOR**

#### **4.1.1 Mayoral Office**

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

#### **4.1.2 Secretarial Support**

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

#### **4.1.3 Refreshments/Beverages**

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

#### **4.1.4 Mayoral Vehicle**

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

#### **4.1.5 Mayoral Phones**

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

#### **4.1.6 Mayoral Robes/Chain**

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

#### **4.1.7 Car Parking Space**

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

### **4.2 DEPUTY MAYOR**

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

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

**SCHEDULE OF REIMBURSEMENTS**

**2.1 Reimbursement**

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

**2.2.3 Travel by Vehicle**

- (i) (b) Councillors who use a private vehicle for Council business shall be reimbursed on a per kilometre travel basis at the rate currently applying to the Local Government (State) Award. As at 1 November, 2009 these rates are:-

Less than 2.5 litre engine	0.65¢ per kilometre
2.5 litres and over	0.74¢ per kilometre

**3.2.5 (i) Supply of Personal Computers**

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

- (e) Councillors shall be reimbursed an amount equivalent to any initial set up charges levied by the ISP nominated by Council.
- (f) Councillors shall be provided upon request with any reasonable consumables (including paper and ink/toner cartridges) associated with the use of the personal computer and printer for official Council use.

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

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

# REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

Submitted to the Ordinary Meeting  
of Council held on 4 February 2014

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## 1 Kiama Leisure Centre Donation of Use of Facility

### Summary

This report seeks Council's consideration of the use of a volleyball court at the Kiama Leisure Centre at no cost by a local athlete seeking to gain selection in both the State and National Under 18 Girls Volleyball Teams.

### Finance

The total value of the donation under Council's 2013/14 Fees and Charges is approximately \$360.

### Policy

Fees and Charges

### Attachments and Enclosures

Nil

### Council's Vision and Goals

Community Strategic Plan Objective 1 – A healthy, safe and inclusive community, Strategy 1.3 – Develop and implement services and programs that promote health and active lifestyle for residents of all ages, abilities and interests.

### **RECOMMENDATION**

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

### **REPORT**

Council has received a request from Mrs Cath Munro for her daughter Dana Munro to be given free use of the Leisure Centre hall for two hours per week for the purpose of training for volleyball.

Dana represented the community in the Under 17 State Volleyball Championships and is hopeful of making both the State and National teams this year.

Access to a volleyball court and net are imperative to correct technique development and advancement. As such the use of the court for two hours per week would be for Dana and her trainers.

Mrs Munro, who is a long term member of the Leisure Centre, points out in her request that while Dana will be competing with city players for selection, country players do not have the same access to training facilities as their city counterparts.

**Item 1 cont'd**

The normal cost of hiring the court varies depending upon the number of participants. General court hire is \$43 per hour. However, if one person wanted to practice basketball for example, the cost would be \$9 per hour. If there were more than five people training the maximum cost would be \$43 per hour.

Given that Dana is training alone (Council would not charge coaches) the cost would be \$9 per hour or \$18 per week for the two hours the court would be used each week.

Mrs Munro has requested use of the centre until approximately mid-year. As the trial dates have yet to be set she was unable to be more definitive.

Assuming she was seeking the use of the centre until the end of June it would equate to 20 weeks at \$18 per week, a total of \$360 loss of income. In addition, there would be a minimal cost to Council as Leisure Centre staff would need to set up and remove the volleyball equipment.

Where possible, Council seeks to support its residents who reach representative standard. It recently approved free use of one basketball court for two residents who had been selected to represent Australia at the special Olympic Asia Pacific Games.

It is recommended that this request be supported, subject to it not clashing with other hall bookings.

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

### Summary

This report provides statistics for the beach lifeguard service from the commencement of the season until Monday 27 January 2014.

### Finance

N/A

### Policy

N/A

### Council's Vision and Goals

The proposal contributes to Council's Community Strategic Plan Objective 1 – A healthy, safe and inclusive community,

### Attachments and Enclosures

Nil

### **RECOMMENDATION**

That the information contained in this report be noted.

### **REPORT**

The peak lifeguard season finished on Monday 27 January 2014 following the Australia Day weekend.

Surf Beach will continue to be patrolled by Council's lifeguards until Anzac Day.

The season statistics to date are as follows:-

Beach	Total Attendance	Rescues	First Aids	Preventative Actions Swimmers	Preventative Actions Craft	Beach and Reserve Regulations
Surf	40,425	39	22	837	238	141
Jones	11,703	0	9	215	80	89
Werri	27,158	27	33	407	92	45
Bombo	31,965	13	26	587	338	312
Easts	53,280	4	20	423	161	172
Gerroa	94,059	14	37	619	277	226
Kendalls	36,881	0	34	415	110	265
<b>Totals</b>	<b>295,471</b>	<b>97</b>	<b>181</b>	<b>3503</b>	<b>1296</b>	<b>1250</b>

**Item 2 cont'd**

These statistics do not include weekends and public holidays on Surf Beach, Warri Beach and Jones Beach which are patrolled on those days by volunteer surf lifesavers.

It has been a particularly busy year on Council's beaches as the weather for the majority of the Christmas/New Year period was dry and sunny.

While the seas were generally calm there were some reasonable swells during the season which contributed to the higher number of rescues (97) than in previous seasons. During the season the lifeguards liaised and worked with the other emergency services during major incidents including two major spinal injuries.

The relationship between Council's lifeguards and volunteer lifesaving clubs within the municipality remains strong.

A number of emails was received from residents and tourists thanking Council lifeguards for their professionalism and diligence.



**Chris Quigley  
Director Corporate and Commercial Services**



# REPORT OF THE MANAGER CORPORATE SERVICES

Submitted to the Ordinary Meeting  
of Council held on 4 February 2014

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## 1 Investments Statement of Investments

### Summary

This report recommends receipt and adoption of the Statement of Investments for December 2013.

### Finance

Not Applicable

### Policy

Requirement of the Local Government (General) Regulation 2005.

### Council's Vision and Goals

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

### ***RECOMMENDATION***

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

### **REPORT**

Attached is a copy of the Statement of Investments for December 2013.

## REPORT ATTACHMENT – ITEM 1

## (a) Council Investments as at 31 December, 2013

DIRECT INVESTMENTS:	S & P	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	RATING	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
ANZ	AAA	1,000,000.00	Term Deposit	11/09/13	15/01/14	126	3.70
ANZ	AAA	1,000,000.00	Term Deposit	16/10/13	14/01/14	90	3.55
Bankwest	AA	1,000,000.00	Term Deposit	11/12/13	13/03/14	92	3.50
Bankwest	AA	500,000.00	Term Deposit	06/11/13	11/02/14	97	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	07/11/13	04/02/14	89	3.65
Bank of Qld	A-	1,000,000.00	Term Deposit	06/11/13	10/02/14	96	3.72
Bank of Qld	A-	1,500,000.00	Term Deposit	07/11/13	12/02/14	97	3.65
Bank of Qld	A-	1,000,000.00	Term Deposit	09/10/13	11/03/14	153	3.75
Bank of Qld	A-	1,000,000.00	Term Deposit	28/11/13	23/04/14	146	3.75
Bendigo	A-	1,000,000.00	Term Deposit	28/08/13	02/01/14	127	3.75
Bendigo	A-	1,000,000.00	Term Deposit	12/11/13	17/02/14	97	3.45
Commonwealth Bank	AA	500,000.00	Term Deposit	01/10/13	29/01/14	120	3.26
Macquarie	A	500,000.00	Term Deposit	19/12/13	20/03/14	91	3.65
ME Bank	BBB	1,000,000.00	Term Deposit	12/09/13	13/02/14	154	3.78
ME Bank	BBB	1,500,000.00	Term Deposit	11/09/13	12/02/14	154	3.78
ME Bank	BBB	1,000,000.00	Term Deposit	30/10/13	06/01/14	68	3.40
NAB	AA	1,000,000.00	Term Deposit	27/11/13	27/02/14	92	3.75
NAB	AA	1,470,000.00	Term Deposit	04/12/13	02/04/14	119	3.76
NAB	AA	1,000,000.00	Term Deposit	04/09/13	08/01/14	126	3.85
NAB	AA	1,000,000.00	Term Deposit	14/11/13	14/11/14	365	3.67
NAB	AA	1,000,000.00	Term Deposit	04/12/13	09/04/14	126	3.76
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	23/10/13	21/01/14	90	3.60
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	10/12/13	12/03/14	92	3.70
IMB Society	BBB	1,000,000.00	Term Deposit	11/11/13	10/02/14	91	3.50
ING Bank	A+	1,000,000.00	Term Deposit	26/09/13	26/03/14	181	3.58
ING Bank	A+	1,000,000.00	Term Deposit	25/09/13	23/01/14	120	3.42
ING Bank	A+	1,000,000.00	Term Deposit	24/09/13	22/01/14	120	3.53
ING Bank	A+	1,000,000.00	Term Deposit	08/10/13	12/04/14	186	3.43
ING Bank	A+	1,000,000.00	Term Deposit	03/07/13	07/01/14	188	4.28
ING Bank	A+	1,000,000.00	Term Deposit	05/09/13	06/02/14	154	3.85
Suncorp	A+	500,000.00	Term Deposit	08/10/13	19/02/14	134	3.55
Westpac	AA	1,000,000.00	Term Deposit	05/12/13	11/06/14	188	3.58
Westpac	AA	1,000,000.00	Term Deposit	05/09/13	05/02/14	153	3.65
Westpac	AA	3,770,229.04	Bank Account	-	AT CALL		0.84
Westpac	AA	2,125,723.53	Maxi Account	-	AT CALL		3.05
<b>TOTAL DIRECT INVESTMENTS</b>		<b>38,365,952.57</b>					
						Average Rate-Dec 2013	3.55
						Average Rate-Dec 2012	4.44

MANAGED FUNDS:	MARKET	INVESTMENT	DATE	MATURITY	TERM		
INSTITUTION	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %	
Lehman Brothers -See Note 1 below	1,321,452.78	Managed	09/12/05	VARIOUS		2.78	
<b>TOTAL MANAGED FUNDS</b>	<b>1,321,452.78</b>						
						Average Rate-Dec 2013	2.78
						Average Rate-Dec 2012	2.32

<b>TOTAL INVESTMENTS</b>	<b>39,687,405.35</b>
--------------------------	----------------------

<b>TOTAL INVESTMENTS NOV 2013</b>	<b>39,308,633.79</b>	<b>0.95%</b>	Change in total investment over prev 1 month
<b>TOTAL INVESTMENTS DEC 2012</b>	<b>35,266,475.88</b>	<b>12.54%</b>	Change in total investment over prev12 months

## MANAGED FUNDS

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

**(b)&(c) REPORT ATTACHMENT – ITEM 1**

**(b) Application of Invested Funds**

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,116,588.19
	Grants	339,680.00
	Domestic Waste	840,154.00
	Waste & Sustainability	212,925.14
	Southern Council's Group	2,125,340.43
Internally Restricted	Blue Haven ILU	4,052,873.49
	Blue Haven Hostel & Nursing Home	7,411,095.19
	Land Development	4,012,626.71
	Waste Business Unit (Plant Replacement)	1,025,057.00
	Plant Replacement - Engineers	651,214.00
	Employee Leave Entitlements	697,603.00
	Carry-over works	1,732,143.00
	Holiday Parks (incl crown reserves)	794,825.00
	Other	591,935.01
Loan Funds	Local Infrastructure Renewal Scheme Round 1	629,545.00
Loan Funds	Local Infrastructure Renewal Scheme Round 2	896,449.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	10,557,351.19
<b>TOTAL INVESTMENTS</b>		<b>39,687,405.35</b>

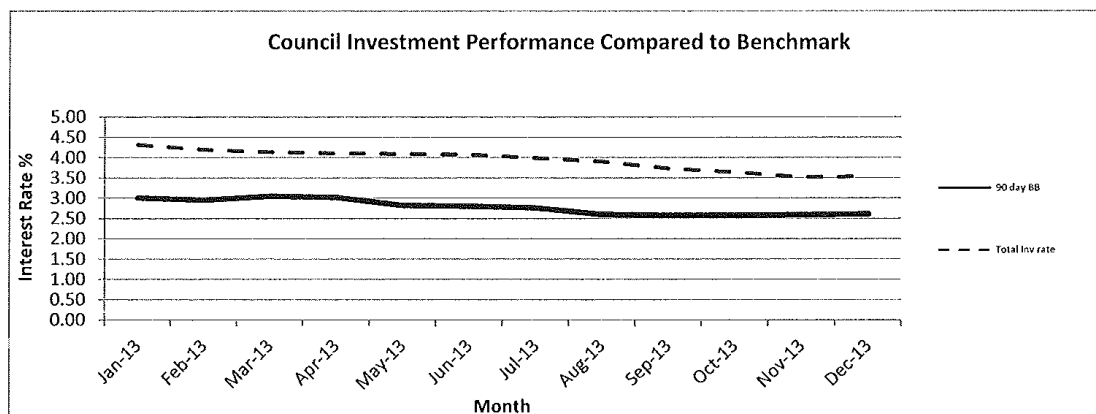
**Note:**

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

**(c) Investment Portfolio Performance**

**Investment Performance vs Benchmark**

	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month	3.53	2.61
3 months	3.56	2.59
6 months	3.72	2.62
12 Months	3.93	2.78



**d) Investment Commentary**

The total investment portfolio increased by \$380K during December. Various revenue was received totalling \$8M, including rate payments amounting to \$1.4M, grants and contributions of \$2M, user fees and charges of \$887K, Blue Haven ILU unit sales of \$665K, Elambra land sales of \$628K, investment maturity of \$2M and Debtor receipts of \$401K. Payments to suppliers of \$4.1M, employee wages of \$1.5M, investment lodgement of \$1M amounted to total expenditure of \$6.6M.

Note that the Westpac Bank Account balance shown in (a) of \$3.77M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 December 2013 is \$643K with an annual budget estimate for 2013/2014 of \$1.3M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years with average interest rates on Council's Direct Investment portfolio dropping by 1% over the last 12 months. With the Reserve Bank cash rate at 2.5%, and on hold, there does not appear to be any likelihood of any change in rates upward. The current 90 day investment rate quoted by National Australia Bank on 13 January was 3.65%. The previous month's was 3.66% with 15 January 2013 rate being 4.25%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index.

**Certification – Responsible Accounting Officer**

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

**Phil Mison**  
Responsible Accounting Officer  
**Manager Corporate Services**

## 2 Financial Statement

### Financial Report for the Period Ending 31 December 2013

#### Summary

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

#### Finance

Variation to Council's 2013/2014 Budget.

#### Policy

This report is a requirement under the Local Government Act 1993.

#### Council's Vision and Goals

The report and recommendation supports Council's goal of Sound Financial and Resource Management by providing accurate external and internal reporting in accordance with statutory requirements.

#### **RECOMMENDATION**

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

#### **REPORT**

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

<b>Original Estimates 2013/2014</b>	<b>\$</b>
Expenditure (excluding depreciation)	60,236,948
Revenue	<u>60,236,948</u>
Projected Budget result as at 30/06/14	0
Add: Net variations previously approved by Council	0
Add: Net variations proposed for this quarter ended 31/12/13	0
<b>Projected result on 2012/2013 Original Budget Estimates as at 31/12/13</b>	<b>0</b>
Add: Revenue Revotes (previously reported)	3,284,848
Less Funding	(3,284,848)

Projected <b>Deficit</b> as at 31/12/13 for 2013/2014 Operations	0
Add: Depreciation (non cash)	7,900,000
<b>Projected Deficit Including Depreciation as at 31/12/13</b>	<b>7,900,000</b>

### **Budget Review Report**

The second quarter review has a nil overall effect (excluding depreciation) based on the original budget figures. Material variations to the budget are included in the following statements.

Summary of changes in the following reports:-	(\$,000)
Income & Expenses Statement - net increase in revenue	411
Less -Capital Budget Statement - net increase in expenditure	<u>124</u>
Resulting in:-	
Cash & Investments Statement - increase in cash of	<u>287</u>

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

The Budget Review Report will be tabled at the meeting.

Phil Mison  
**Manager Corporate Services**

**REPORT ATTACHMENT – ITEM 2**

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/10/13 to 31/12/13

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**REPORT ATTACHMENT – ITEM 2**

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/10/13 to 31/12/13

**Report by Responsible Accounting Officer**

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

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 31/12/13 indicates that Council's projected financial position at 30/6/14 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



date:

16/1/14

Phillip Mison  
Responsible Accounting Officer



REPORT ATTACHMENT – ITEM 2

Kiama Municipal Council  
**Quarterly Budget Review Statement**  
 for the period 01/10/13 to 31/12/13

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 December 2013  
**Income & Expenses - General Fund**

(\$000's)	Original Budget 2013/14	Approved Changes		Revised Budget 2013/14	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
		Revotes by QBRs	Other than QBRs				
<b>Income</b>							
Rates and Annual Charges	17,240	(2)		17,238	2	17,240	17,250
User Charges and Fees	13,627	33		13,660	45	13,705	6,720
Interest and Investment Revenues	1,259			1,259		1,259	461
Other Revenues	2,068		457	2,525	11	2,536	517
Grants & Contributions - Operating	9,469	60	199	9,728	459	10,187	7,822
Grants & Contributions - Capital	770	275		1,045	(101)	944	501
Net gain from disposal of assets	3,625	82	5	3,712	(3)	3,709	2,474
Share of Interests in Joint Ventures							
<b>Total Income from Continuing Operations</b>	<b>48,058</b>	<b>417</b>	<b>- 692</b>	<b>49,167</b>	<b>413</b>	<b>49,580</b>	<b>35,745</b>
<b>Expenses</b>							
Employee Costs	21,885		(2)	21,883	(294)	21,589	12,406
Borrowing Costs	430			430		430	130
Materials & Contracts	14,520	930	617	16,067	327	16,394	8,628
Depreciation	7,900			7,900		7,900	-
Legal Costs							
Consultants							
Other Expenses	3,438		3	3,441	(31)	3,410	1,593
Interest & Investment Losses							
Net Loss from disposal of assets							
Share of interests in Joint Ventures							
<b>Total Expenses from Continuing Operations</b>	<b>48,173</b>	<b>930</b>	<b>- 618</b>	<b>49,721</b>	<b>2</b>	<b>49,723</b>	<b>22,757</b>
<b>Net Operating Result from Continuing Operations</b>	<b>(115)</b>	<b>(513)</b>	<b>- 74</b>	<b>(554)</b>	<b>411</b>	<b>(143)</b>	<b>12,988</b>
<b>Net Operating Result from All Operations</b>	<b>(115)</b>	<b>(513)</b>	<b>- 74</b>	<b>(554)</b>	<b>411</b>	<b>(143)</b>	<b>12,988</b>

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

## REPORT ATTACHMENT – ITEM 2

Kiama Municipal Council

Quarterly Budget Review Statement  
for the period 01/10/13 to 31/12/13Income & Expenses Budget Review Statement  
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details		(\$,000)
<b>Revenues</b>		
0740	Southern Phone Dividend	37
0740	Storm Damage Insurance Recovery - February Storm (offset by expenditure below)	85
3895	Gerringong Library/Museum - Grant funds not approved by RDAF	(100)
3902 & 3906	Natural Disaster Relief Program -Floods March 2011	148
3904	Grant Surf Beach Flood Study- Grant funds not approved	(60)
6800	Leisure Centre - Part Insurance for February Storm (see Capital Budget)	200
<b>Expenses</b>		
0032	Workers Compensation Premium	(400)
	Council's workers Compensation premium has been adjusted down by \$400K by our insurers. The savings are being set aside as the premium could easily change if other claims are made during the year.	
0092, 0095 & 0097	Storm Damage - February Storm	85
2380	Minnamurra Rubbish Tip Increased costs (partly funded by Domestic Waste )	38
3508	Surf Beach Flood Study - dependent of grant funding which was not approved	(60)
3552	Storm Damage -Floods March 2011- Part funding of this is from 2012/13	194

REPORT ATTACHMENT – ITEM 2

Kiama Municipal Council  
 Quarterly Budget Review Statement  
 for the period 01/10/13 to 31/12/13

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2013  
 Capital Budget - General Fund

(\$000's)	Original Budget 2013/14	Approved Changes		Revised Budget 2013/14	Variations for this Dec Qtr	Projected Year End Result
		Carry Forwards by QBRS	Sep QBRS			
<b>Capital Expenditure</b>						
Assets						
- Plant & Equipment	1,637	214		1,851	211	2,062
- Buildings				-		-
- Information Technology	84	593	(1)	676		676
- Land Development	130			130		130
- Library Resources	90			90		90
- Infrastructure	5,577	1,517	37	7,131	(87)	7,044
Loan Repayments (Principal)	1,039			1,039		1,039
<b>Total Capital Expenditure</b>	<b>8,557</b>	<b>2,324</b>	<b>36</b>	<b>10,917</b>	<b>124</b>	<b>11,041</b>
<b>Capital Funding</b>						
Rates & Other Unified Funding	1,568	1,318		2,922	20	2,942
Capital Grants & Contributions	764	299	(1)	1,062	10	1,072
Reserves:						
- External Restrictions/Reserves	35			35		35
- Internal Restrictions/Reserves	2,960	100	(3)	3,057	94	3,151
New Loans	2,725	474		3,199		3,199
Receipts from Sale of Assets						
- Plant & Equipment	505	82	4	591		591
- Land & Buildings				-		-
S94 Developer Contributions		51		51		51
<b>Total Capital Funding</b>	<b>8,557</b>	<b>2,324</b>	<b>36</b>	<b>10,917</b>	<b>124</b>	<b>11,041</b>
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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

## REPORT ATTACHMENT – ITEM 2

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/10/13 to 31/12/13**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Details	(\$,000)
3150 Gerringong Library/Museum - Grant funds not approved by RDAF	(235)
6702 Leisure Centre Capital - reallocation of revenue for purchase of new equipment	200
52146 Manning & Bonaira Streets Roundabout- increased costs offset by savings on other projects	32
52152 Gerroa Footbridge Replacement (see below)	95

**Contract Variation****Crooked River Footbridge**

Council awarded the contract for the construction of the Crooked River footbridge to Sea Slip Pontoons and Products Pty Ltd (SSPP) at its meeting of 16 July 2013, at a tendered price of \$145,969 excluding GST.

During the subsequent development of the detailed design a number of variations were identified.

These included:

- Construct piered footing for the new ramp.
- Provide vertical balustrade in compliance with the Australian Standard.
- Amendment to decking connection to the existing concrete piers.
- The provision of rubber matting to cover the river bed for crane operation to comply with Fisheries NSW requirements.

The provisions of the Local Government Act Tendering Regulations restrict these detailed discussions with individual tenderers, during the tender process.

As a result of these variations the new contract price became \$228,583 excluding GST.

At the time Council undertook an independent financial assessment of the second preferred tenderer, whose tender price was \$214,082. This assessment revealed an unsatisfactory result and two current court actions involving the company. The next nearest tender price was \$342,000 excluding GST.

REPORT ATTACHMENT – ITEM 2

**Quarterly Budget Review Statement**  
for the period 01/10/13 to 31/12/13

Kiama Municipal Council  
**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 December 2013  
**Cash & Investments - General Fund**

(\$000's)	Cash Position 30/6/13	Original Budget 2013/14	Approved Changes		Revised Budget 2013/14	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
			Carry Forwards	Sep QBRs				
<b>Externally Restricted <sup>(1)</sup></b>								
S94 Developer Contributions	2,765	55	(63)	(8)			2,757	2,765
Grants and Contributions	340		(367)	(367)			(27)	340
Domestic Waste	840	153		153	(9)		984	840
Waste & Sustainability	213		(131)	(42)	(173)	(5)	35	213
Southern Council's Group	2,125			-			2,125	2,125
<b>Total Externally Restricted</b>	<b>6,283</b>	<b>208</b>	<b>(561)</b>	<b>(42)</b>	<b>(395)</b>	<b>(14)</b>	<b>5,874</b>	<b>6,283</b>
<sup>(1)</sup> Funds that must be spent for a specific purpose								
<b>Internally Restricted <sup>(2)</sup></b>								
Blue Haven ILU	4,053	335		4	339		4,392	4,053
Blue Haven Hostel	5,407	(36)			(36)		5,371	5,407
Blue Haven Nursing Home	2,004	(79)		4	(75)		1,929	2,004
S94 Recoupments	352	(209)	(100)		(309)		43	352
Land Development	4,013	1,207			1,207		5,220	4,013
Carry-over Works	1,732		(1,732)		(1,732)		-	1,732
Waste Business Unit	1,025	(126)			(126)		899	1,025
Employee Leave Entitlements	698	100		31	131		829	698
Holiday Parks	795	137			137		932	795
Contingencies	312			71	71	301	684	312
Plant Replacement	651	387			387		1,038	651
Community Bus	152	30	(30)		-		152	152
Property Insurance	120				-		120	120
Unexpended Loan Funds	1,130	(656)	(474)		(1,130)		-	1,526
Other	8				-		8	8
<b>Total Internally Restricted</b>	<b>22,452</b>	<b>1,090</b>	<b>(2,306)</b>	<b>80</b>	<b>(1,136)</b>	<b>301</b>	<b>21,617</b>	<b>22,848</b>
<b>Total Cash &amp; Investments</b>	<b>32,398</b>	<b>1,298</b>	<b>(2,867)</b>	<b>38</b>	<b>(1,531)</b>	<b>287</b>	<b>31,154</b>	<b>39,687</b>
<b>Unrestricted</b>	3,663				-		3,663	10,556
<sup>(2)</sup> Funds that Council has earmarked for a specific purpose (ie. available after the above Restrictions)								

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

REPORT ATTACHMENT – ITEM 2

Kiama Municipal Council

Quarterly Budget Review Statement  
for the period 01/10/13 to 31/12/13

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

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

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$39,687,405

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/12/13

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details	(\$,000)
Internally Restricted Cash	
0531 Contingency Reserve                      Transfer to Restricted funds	400
Council's workers Compensation premium has been adjusted down by \$400K. The savings are being set aside as the premium could easily change if other claims are made.	
0789 Contingency Reserve                      Transfer from Restricted funds	(95)
Funds required to cover the Gerroa Footbridge Replacement	

REPORT ATTACHMENT – ITEM 2

Quarterly Budget Review Statement  
for the period 01/10/13 to 31/12/13

Kiama Municipal Council

Key Performance Indicators Budget Review Statement

Budget review for the quarter ended 31 December 2013

(\$000's)	Current Projection Amounts Indicator 13/14	Original Budget 13/14	Actuals Prior Periods 12/13	Actuals 11/12
-----------	--	-----------------------------	-----------------------------------	------------------

<b>1. Unrestricted Current Ratio</b>				
Current Assets less all External Restrictions	27,107	4.17 : 1	4.01 : 1	3.38 : 1
Current Liabilities less Specific Purpose Liabilities	6,496			

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Industry Benchmark: 2:1

<b>2. Debt Service Ratio</b>				
Debt Service Cost	1,445	3.12 %	2.79 %	3.46 %
Income from Continuing Operations	46,374			

To assess the impact of loan principal & interest repayments on the discretionary revenue of council.

Industry Benchmark: 10%

<b>3. Rates &amp; Annual Charges Coverage Ratio</b>				
Rates & Annual Charges	17,240	35.87 %	35.87 %	31.11 %
Income from Continuing Operations	48,058			29.82 %

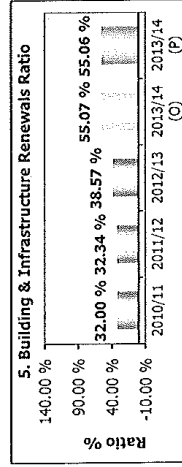
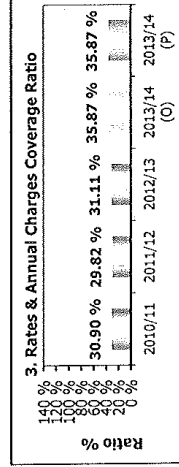
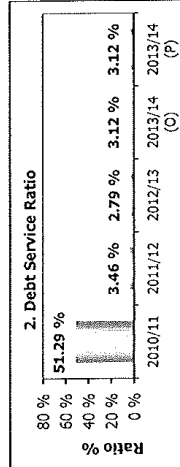
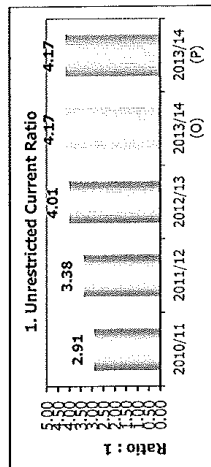
To assess the degree of Council's dependence upon revenue from rates and annual charges and to assess the security of Council's income.

Industry Average: 47%

<b>5. Building &amp; Infrastructure Renewals Ratio</b>				
Asset Renewals	2,930	55.06 %	55.07 %	38.57 %
Depreciation, Amortisation & Impairment	5,321			32.34 %

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

Industry Benchmark: 100%



REPORT ATTACHMENT – ITEM 2

**Quarterly Budget Review Statement**  
for the period 01/10/13 to 31/12/13

Kiama Municipal Council

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 December 2013

**Part A - Contracts Listing - contracts entered into during the quarter**

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
------------	---------------------------	----------------	------------	----------------------	----------------	-------

Nil this period

**Notes:**

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

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



**REPORT ATTACHMENT – ITEM 2**

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/10/13 to 31/12/13

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	75,150	Y
Legal Fees	39,829	Y

**Definition of a consultant:**

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

# REPORT OF THE DIRECTOR ENGINEERING & WORKS

[140204dew)

## Submitted to the Ordinary Meeting of Council held on 4 February 2014

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### 1 Community Development Grants Program – Kiama Blowhole Harbourside Works Project

#### Summary

This report updates Council on the allocation of a \$400,000 grant approved under the above Federal Government program and makes recommendations regarding the assignment of those funds to various works within the project.

#### Finance

The \$400,000 is included in Council's 2013 to 2017 Delivery Program.

#### Policy

N/A

#### Council's Vision and Goals

Council's objective of Well Planned and Managed Spaces, Places and Environment is most relevant.

#### **RECOMMENDATION**

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

#### **REPORT**

Kiama Council was successful in receiving a \$400,000 grant under the Regional Development Australia Fund (Round 3) from the previous Federal Government for the Kiama Blowhole Harbourside Works Project. Towards the end of negotiations of the funding agreement with the Department, the Federal Election was called and the Government was placed in caretaker mode. This meant that the funding agreement could not be finalised and that the reallocation of the grant had to be reconsidered by the new coalition Government.

**Item 1 cont'd**

Council; has recently received notification from the Deputy Prime Minister, Minister for Infrastructure and Regional Development confirming that the Government will fund uncontracted projects from Round 3 of the former Regional Development Australia Fund (RDAF). These projects will be funded from the Government's new "Community Development Grants Program".

The original grant application and approval was for funding towards a list of works identified in the Plan of Management for the Kiama Harbour precinct and identified in Council's 2013-2017 Delivery Program. During the development of the funding agreement with the Department officers it was agreed that for ease of administration, reporting, payments and auditing by both parties, a single project within the full schedule of works would be assigned to the \$400,000 grant. The construction of the western pier head was selected for this purpose.

The approval of the \$400,000 grant under the Government's new "Community Development Grants Program" is subject to confirmation that the project can continue according to the scope and other arrangements agreed prior to the election. A signed funding agreement is to be executed within six months from 23 December 2013. If there has been a change, a request for a change of scope must be provided to the Department in writing, clearly stating the scope changes, the reasons for the changes and revised timeframes for project delivery.

The Department will make a recommendation to the Assistant Minister for Infrastructure and Regional Development as to whether a change of scope be considered or that funding commitment should be withdrawn. If a change of scope is agreed, assessment, approval and funding agreement negotiations are to be completed within six months. No work is to be undertaken prior to the execution of the funding agreement.

Council's original estimate and that used in the development of the Draft Funding Agreement for the western pier head was \$501,650. Since the completion of the new wharf at Kiama Harbour it has become evident that this estimate was significantly understated. Based on a unit rate comparison of the new wharf construction and a preliminary estimate provided by the contractor who built the new wharf, the estimated cost to build the western pier head in accordance with the current design is \$984,500 (excluding GST). This difference is as a result of both an under-estimate of the unit rate and an error in the calculated area of the pier head. Accordingly, in order to proceed with the western pier head, Council would need to fund \$584,500 as opposed to the \$101,650 identified in the Delivery Program (2014/2015), an additional \$482,850. This would have a significant impact on Council's budget and is not considered to be achievable.

As previously stated, the original approval of the \$400,000 grant was for the entire Schedule of Works associated with the Blowhole and Harbourside Project as identified in Council's 2013-2017 Delivery Program. The selection of the western pier head as the works to be funded by the grant was only for the convenience of both parties and simplification of the administration of the project funding, reporting and auditing.

**Item 1 cont'd**

Given the problems associated with the revised estimate for the western pier head, it is recommended that Council consult with the Department and seek the approval of the Assistant Minister for the allocation of the \$400,000 grant to other works within the Schedule of Works.

The guidelines for the new Community Development Grants Program have also been recently released. They specify that under Section 3.2: "Funding will not be provided for ongoing and maintenance costs or for existing staff member salaries of the funding proponent organisation".

There are a number of projects within the Schedule of Works which will be carried out by external resources. In particular, these include the rock pool amenities; children's playground and new crib lock retaining wall. The rock pool amenities are currently being designed and are scheduled for construction during the winter months of 2014, whilst the children's playground and retaining wall are scheduled in the 2015/2016 Delivery Program. The guidelines indicate that funding will cease on 30 June 2017.

The current estimates for these projects are:

Rock Pool Amenities	\$333,780
Children's Playground	\$ 80,000
Retaining Wall	<u>\$128,050</u>
	\$541,830

The estimates for the amenities and retaining walls in particular are subject to more detailed design.

It is therefore, recommended that Council consult with the Department of Infrastructure and Regional Development about developing the Funding Agreement for a number or all of these projects. It is further recommended that Council seek the support of the Member for Gilmore, Mrs Ann Sudmalis for this proposal.

Due to the estimated cost of the western pier head, it is also recommended that it be removed from the Schedule of Works and the Delivery Program 2013-2017 until a detailed design and grant funding becomes available.

## 2 Kiama Quarry Sports Complex Creation of Easement

### Summary

This report relates to the upgrade of power supply to the Kiama Sports Complex and recommends the creation of an easement.

### Finance

Funds allocated in 2013/2014 Budget.

### Policy

N/A

### Council's Vision and Goals

Council Strategy 2.12 Effectively Manages Recreation and Open Space Infrastructure is relevant.

### **RECOMMENDATION**

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

### **REPORT**

Council has allocated funding in the current budget to upgrade the electricity supply to the Kiama Sports Complex. The existing supply mains and fuses are not adequate to cater for the current demand.

The existing electricity supply runs in the Havilah Place road reserve from the Sports Complex amenities building situated on Lot 12 DP708075 to an Endeavour Energy sub-station adjacent to Blue Haven in Havilah Place. The current regulations regarding the installation of new or upgraded service requires that the service is located no greater than 50m from the Endeavour Energy source to the boundary of the serviced land parcel. The existing service is over 100m from the source.

Council therefore had two options to install the upgraded service mains.

**Option 1:** Construct a new section of low voltage network on behalf of Endeavour Energy from the end of the existing network in Havilah Place to the boundary of Lot 12 DP708075.

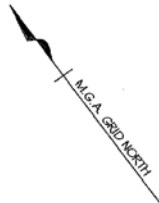
**Option 2:** Create a new easement to supply electricity over Council owned land being Lot 1 DP 850540 (Kiama Leisure Centre) from the boundary of Havilah Place (opposite the Endeavour sub-station) to the boundary of Lot 12 DP708075. Option 2 is by far the less costly of the two options.

Council's Surveyor and Solicitor have prepared a plan and Transfer Granting Easement document to create the easement. The document requires the seal of the Council of the Municipality of Kiama and signature of the authorised officer.

# Attachment

"A"

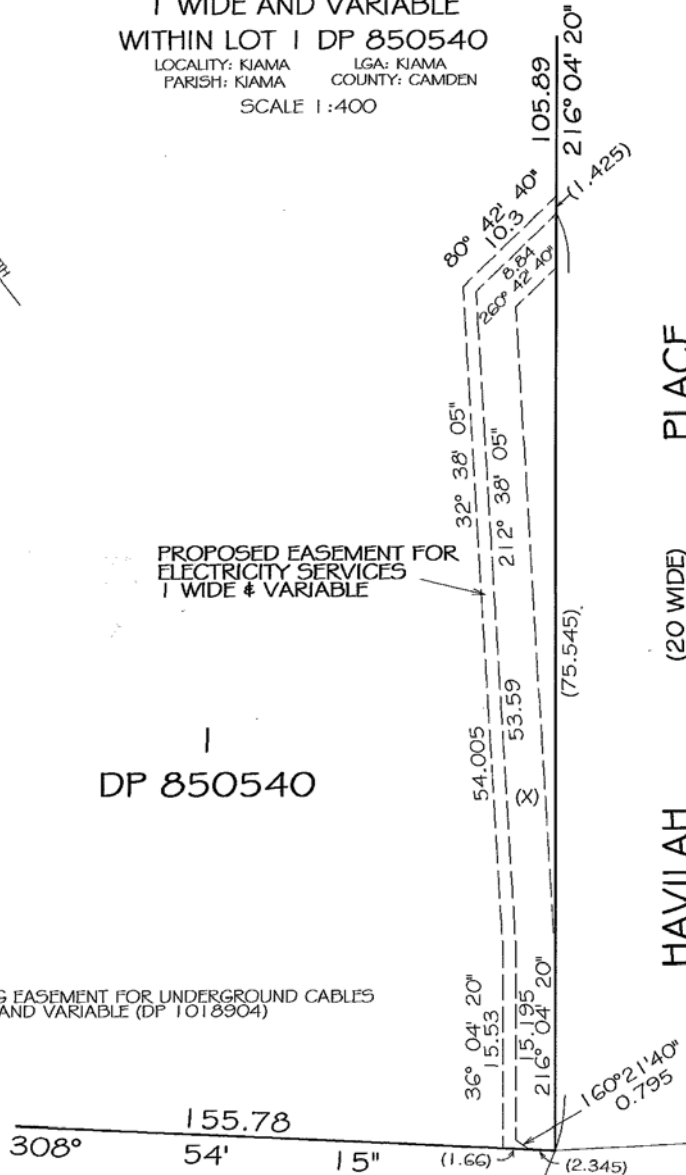
PLAN  
 OF PROPOSED EASEMENT FOR ELECTRICITY SERVICES  
 1' WIDE AND VARIABLE  
 WITHIN LOT 1 DP 850540  
 LOCALITY: KIAMA LGA: KIAMA  
 PARISH: KIAMA COUNTY: CAMDEN  
 SCALE 1:400



1  
 DP 850540

PROPOSED EASEMENT FOR  
 ELECTRICITY SERVICES  
 1' WIDE & VARIABLE

(X) - EXISTING EASEMENT FOR UNDERGROUND CABLES  
 3' WIDE AND VARIABLE (DP 1018904)



HAVILAH PLACE  
 (20' WIDE)

SCARRATT & ASSOCIATES  
 SURVEYORS & LAND CONSULTANTS  
 PO BOX 209 KIAMA 2533  
 PH: 02 4233 1448  
 OUR REF: 26595.EASE 18.11.13  
 2013M7100 (1796) COMP

Bryan Whittaker  
 Director Engineering and Works

# REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

Submitted to the Ordinary Meeting  
of Council held on 4 February 2014

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## 1 Daisy the Decorated Dairy Cow

### Summary

This report updates Council on the current condition of Daisy the Decorated Dairy Cow and seeks approval for a suggested funding strategy that would allow appropriate remedial work to be undertaken.

### Finance

\$10,000

### Policy

Daisy the Cow Policy

### Council's Vision and Goals

CSP 2.16 Ensure public spaces reflect the cultural and artistic diversity of the local community

OP 2.16.1.3 Implement new permanent, temporary and ephemeral public arts

### **RECOMMENDATION**

That Council:

1. Approve remaking Daisy into a fibreglass sculpture
2. Approve the funding of the project through the revoting of \$5,000 from the 2013/14 Cultural Plan budget into the 14/15 financial year, and supplemented with \$5,000 from the 2014/15 Cultural Plan budget (subject to Council adoption of the 2014/15 budget)
3. Consider exploring opportunities for community or business donations for the restoration project as a means of offsetting the cost to Council.

### **REPORT**

Daisy the Decorated Dairy Cow was created in October 1991 by local sculptor Ernesto Murgo. She has been housed and displayed since that time at the Old Fire Station Community Arts Centre and is seen every day by locals and visitors alike.

Daisy was originally made from wire and papier mache, however was later coated in plaster and sisal to protect her original frame.

This has allowed Daisy to give over 22 years of service to the Kiama community as a public art icon and representative of our farming community.

## Report of the Director Community Services- Ordinary Meeting 4 February 2014

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### Item 1 contd.

In 2010 local folk singer and writer, Phyl Lobl, researched Daisy's history and documented it as part of a Kiama Library writing workshop.

Daisy's *Authorised Biography* was published and an exhibition of historical photographs was held in the Old Fire Station Community Arts Centre. Copies of Daisy's biography are included in Councillors' envelopes.

The community response to Daisy at this time was overwhelming, with comments from people attending the exhibition such as:

- Wonderful! Thank you for preserving out town's cultural history
- Amazing, I hope you will be around for a long time Daisy
- What a marvellous Council initiative. This engages the community and tourists on so many levels. The Kiama Cow, much decorated brings so much pleasure.

Copies of the Daisy Biography and Daisy postcards are now sold at the Kiama Library.

During her 22 years Daisy's presence has grown beyond the boundaries of Kiama and been felt far and wide:

- according to gathered evidence it would appear that Daisy was the first of her kind with 'copies' now found worldwide in Zurich, Madrid, Tokyo, New York, Shepparton and Devon. All being created after Daisy's 'birth' date in 1991.
- a Google image search produces photographs of Daisy taken by visitors from not only Australia, but all over the world.
- Daisy is discussed in at least five websites outside of Council's own site. Including the National Library of Australia and Australian Traveller Magazine.
- she also has a twitter account *Daisykiamacow@kiamablownhole* *kiama's famous mascot daisy the cow* [twitter.com/KiamaBlowhole](https://twitter.com/KiamaBlowhole)

A number of years ago local sculptor Anita Larkin was commissioned to do some repair work on Daisy. During this work Ms Larkin was able to establish that Daisy's internal wire framework has rusted away. In recent years Daisy has sustained numerous cracks particularly in her feet and shoulders from carrying the weight of her body. Exhibitors are now advised to limit her movement around the Old Fire Station and to take care when visitors are touching or engaging with her.

Council's Community and Cultural Development Officer has sought views from a number of local artists regarding how Daisy may best be repaired. It has been advised that Daisy is beyond repair without major structural work being undertaken and that ideally Daisy should be recast in fibreglass to ensure durability and moveability.

After further consultation with Anita Larkin it has been recommended that a mould of our original Daisy could be cast and that a 'new' Daisy could be made in fibreglass. Costs associated with such a venture would be approximately \$10,000.



**Item 1 contd.**

Given the general community support for Daisy, it may be possible to explore funding options that would reduce the cost to Council to undertake the restoration:

- Crowd funding – using an Australian arts based crowd funding platform such as Pozible to raise funds from the general community
- Business donations.

Council is asked to approve the recasting of a new Daisy and to consider the above funding options for this project.

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

**Summary**

This report requests Council's endorsement of the appointment of a new member to the Kiama Health & Sustainability Committee.

**Finance**

Nil

**Council's Objectives and Strategies**

- DP 1.3 Develop and implement services and programs that promote health and active lifestyle for residents of all ages, abilities and interests.
- DP 2.2 Encourage our community to adopt sustainable lifestyle practices that support the environment
- DP 2.5 Maintain and enhance biodiversity on public and private land
- DP 2.8 Provide supportive environments that encourage a healthy and sustainable lifestyle

***RECOMMENDATION***

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

**REPORT**

In April 2013, Council advertised for 6 community representatives to join Council's H&SC through an EOI process. Only three of the positions were filled at the time, therefore the EOI was held open. Late last year Council received an EOI from Edwin Humphries to join the H&SC as a community representative. This EOI was tabled at the next H&SC on the 12 December 2013, where a motion was carried to accept Mr Humphries EOI. Council is now asked to endorse this motion. If endorsed, this will bring the total number of community representatives to 4 out of a possible 6.

### **3 International Children's Games Application to Participate**

#### **Summary**

This report advises Council of the International Children's Games to be held in Lake Macquarie in December 2014 and requests consideration of Kiama nominating to become involved.

#### **Finance**

Allocation of time for a staff coordinator from within Community and Cultural Development budget. Assistance to athletes to fundraise for the event.

#### **Council's Objectives and Strategies**

CSP 1.3 Develop and implement services and programs that promote health and active lifestyle for residents of all ages, abilities and interests

OP1.3.2.2 Implement programs and policies that encourage physical activity

#### ***RECOMMENDATION***

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

#### **REPORT**

The International Children's Games (ICG) will be held in Lake Macquarie between December 6 – 11 this year. Information on the website advises that 'The ICG is the largest multi-sport youth games in the world and a member of the International Olympic Committee. Lake Macquarie was the first Australian city to compete in the ICG and will be the first city in the Southern Hemisphere to host the games.' The ICG began in 1968. Further information about the Games can be found at: <http://icg-lakemacquarie2014.com/about-the-games>.

NSW Minister for Sport, Graham Annesley, said: "The Games bring together an alliance of cities and individuals from around the world who share a common goal of forming friendships and promoting health and wellbeing, cultural exchange and education through sport."

The ICG are for athletes aged 12-15 years. The event is expected to attract 5,000 international visitors, including athletes, coaches and supporters. Sports to be included in 2014 are: swimming; gymnastics; track and field; football; sailing; water polo; golf; and BMX.

A community member contacted Council in November 2013 to enquire whether Council would be willing to nominate to participate in the Games. As these are city to city games, athletes can only participate if they represent their city. The request is as follows:

**Item 3 contd.**

*I am a resident of Kiama Municipality and have just found out that the International Children's Games will be held in the Lake Macquarie area in 2014.*

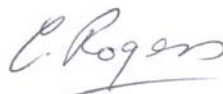
*Our son has shown an interest in competing.*

*In order to compete, Kiama Council has to contact Lake Macquarie City Council and request an invitation to participate.*

*This is the first time the games have been held in the Southern Hemisphere. As Lake Macquarie is only a few hours drive, this is an excellent opportunity for local kids to participate in an international event against like minded kids from other countries.*

Contact has been made with Lake Macquarie and an invitation will be sent to Council in February to participate in the games. Agreeing to participate will place some obligations on Council including organising and registering a team, fundraising, arranging publicity and uniforms. An attachment to this report from the Special Projects Officer at Lake Macquarie explains some of the expectations of participating Councils.

It is recommended that Council support accepting an invitation to the games, in order to provide local young people an opportunity to compete in an international event that promotes the positive values of friendship, cultural exchange and healthy activity.



Clare Rogers  
**Director of Community services**

# REPORTS FOR INFORMATION

Submitted to the Ordinary Meeting of Council  
held on 4 February 2014

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## **1 Staff Appreciation Letters (DEW)**

Council is in receipt of a letter from the organisers of the Kiama Carols in the Park 2013 thanking Council's Waste Services staff for their assistance in putting on this event.

An extract from the letter is as follows:

*"On behalf of the Carols in the Park Committee of the Kiama Ministers' Fraternal, I would like to particularly offer our thanks to the members of the Waste and Recycling Services for their continued assistance in putting on Carols in the Park again this year."*

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## **2 Community Land Plans of Management – Blowhole Point (DEW)**

The inaugural meeting of the Blowhole Point Management Plan Review Committee was held on Wednesday 18 December 2013. A copy of the minutes from the meeting are included in Councillors' envelopes.

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## **3 Regional Development Australia Illawarra – CEO's Report (DCCS)**

The Regional Development Australia Illawarra CEO's Report for December 2013 is enclosed in Councillors' envelopes.

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## **4 Minnamurra Progress Association - Minutes**

The Minutes of the Minnamurra progress Association meeting held on 5 November and 3 December 2014 are enclosed in Councillors' envelopes.

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## **5 Health & Sustainability Committee – Minutes (DOCS)**

The minutes of the Health and Sustainability Committee meeting held on Thursday 12 December 2013 are included in Councillors' envelopes.

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## **6 Draft Disability Inclusion Bill 2014 (DOCS)**

This information informs Council of the foreshadowed introduction of a new Bill to replace the Disability Services Act 1993.

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**Item 6 Contd.**

On 17 December, the NSW Government released the draft *Disability Inclusion Bill 2014* for public consultation. Under the new legislation, councils will be required to develop Disability Action Plans.

The draft Bill foreshadows the introduction of a law in 2014 that will replace the *Disability Services Act 1993*, which has been under review by the NSW Department of Family and Community Services, Ageing, Disability and Home Care (ADHC) since the beginning of 2013. The Bill was developed following consultation with stakeholders, including submissions from Local Government NSW and some Councils in early 2013.

Under the Bill, Disability Action Plans (or DAPs) identify actions to be taken by Council so that people with disability can access mainstream supports and services available in the community and fully participate in the community. The types of measures to be included in the plan, are how Council will:

- 1) provide access to buildings and facilities, such as council chambers, halls, libraries, toilets, and clubs
- 2) provide access to information in accessible formats such as Braille and easy English
- 3) accommodate the specific needs of people with disability, as needs vary depending on the person
- 4) support employment of people with disability e.g. by encouraging and supporting people with disability to work within the council and providing supports and services within the organisation for people with disability; and
- 5) encourage and create opportunities for people with disability to access the full range of services and activities available in the community thereby having people with disability more included in everyday activities and less reliant on specialist disability support services where possible.

When the new law commences, Council will need to be ready to start developing a Disability Action Plan. Timing will be established in the regulations which will follow the new legislation. ADHC will work with Council and will release guidelines on how to develop these plans.

To avoid unnecessary administrative burden, Council will be able to adapt our current strategic planning process to include disability action plans.

Council will need to consult with people with disability in developing our plan. Council can also seek the assistance of the Disability Council NSW about the content and implementation of the plan.

**Reporting**

Disability Action Plans must be publicly available and Council must give a copy of our plan to the Disability Council NSW, which advises the Minister for Disability Services on the content and implementation of plans.

**Item 6 Contd.**

Council must also include in its annual report how it has implemented the plan and provide a copy of that part of the annual report to the Minister for Disability Services. Every year the Minister for Disability Services will report on disability action plans for both government departments and councils in Parliament.

**Consultation**

The NSW Government is currently conducting consultation and inviting feedback and comment on the Draft Bill up until 14 February 2014. Councils Manager of Community & Cultural Development (Nick Guggisberg) has forwarded copies of the Bill along with a summary of likely key areas of impact for Council to: Council's Access Committee, Directors, and Councillors, inviting feedback/comments to be forwarded to him to collate and forward to the government's Disability Inclusion Bill Team.

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**7 Youth Services - 20<sup>th</sup> Anniversary Concert (DOCS)**

In 2014 the Kiama Youth Centre will be celebrating an important milestone, 20 years of service in the Kiama Local Government Area. In that time, staff at the Centre have maintained a level of service that has improved the quality of life of thousands of young people. From humble beginnings, starting with an Area Assistance Scheme grant, obtained by Mario Vallejos to establish a youth service in the recently renovated cottages in Hindmarsh Park, to the current range of services, activities and partnerships now in place, the service has come a long way.

Over that time the service has assisted young people in various moments of crisis, from homeless youth to suicide interventions. It has been challenging, educational, scary at times, but most of all fun and inspiring.

To celebrate this milestone, the Youth Service Event Management Team, comprised of local young people, are planning to stage a concert in Hindmarsh Park in conjunction with the launch of Youth Week. The Youth Centre has helped develop opportunities for performers and provide the support and encouragement young people need to reach their potential. Concerts and entertainment events make up a huge part of our history, from the massive 'Blowout' concerts of the 90's to the recent performances on Hindmarsh Park stage, hundreds of bands have come and gone but the Youth Centre has remained and will continue to advocate and support local musicians.

To assist us in staging the 20<sup>th</sup> anniversary concert, the Kiama Event Management Committee completed a successful funding application and was recently granted \$2,500 from MusicNSW to cover costs. The young people on the committee have been members for over a year and have been very committed to providing safe, affordable and drug and alcohol free entertainment.

**Item 7 Contd.**

The concert has been tentatively set for Saturday 5<sup>th</sup> April to coincide with the launch of Youth Week. National Youth Week is the time of the year where the talents of young people and youth culture can be showcased and celebrated, including promoting young people's right to be seen in public spaces. The 20<sup>th</sup> Anniversary concert will certainly do this and ensure the event is free, accessible and inclusive.

The intention is also to stream the concert live via the Youth Centre's and Council's Facebook pages, though more investigation is required before this can be confirmed. The success of recent live concert streams via Facebook has been encouraging, and indicated that there is an audience there and that the concerts can be viewed anywhere, anytime.

As Kiama Youth Centre moves into its 21<sup>st</sup> year, a much different world from where it started, we look forward to another 20 years of enriching the lives of young people, forming lasting partnerships within the community, and continuing to be innovative, creative, caring and an important cog in Kiama Municipal Council's range of innovative services.

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**8 Community Builders Fixed Term Funding (DOCS)**

Council is advised that the funding of \$11,670 per annum previously received from the Department of Family and Community Services for the Community Builders Fixed Term salary subsidy will cease from 1 April 2014.

The Department provided six months of funding from the 1 July 2013 while the funding scheme was under review and will continue to provide funding for a further three months until 31 March 2014, however from this date this subsidy funding will cease. These funds have to date been a part of the salary budget for Council's Community and Cultural Development Officer.

The funding was provided to Council to support the delivery of the State Government's Community Builders Fixed Term Funding Scheme (previously the Area Assistance Scheme). The Scheme has been in operation for over 25 years and has provided funding to not for profit community groups and services to establish services and projects for their local communities. Many community services such as youth centres, neighbourhood centres and family support services within the region were originally started by accessing this funding scheme.

The Department has not advised to date whether the broader funding scheme has been defunded, however all NSW Councils have been advised that the salary subsidy scheme will no longer be provided.

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**9 Seniors Week – Programs (DOCS)**

Seniors Week will be held from 15-23 March 2014. The seniors week committee have put together a program of events to celebrate the week in the Kiama LGA. Programs are available from Council admin. building, the old council building, Kiama Library, Gerringong Library, North Kiama Neighbourhood Centre, Kiama Community Centre, IGA's in Kiama Downs and Jamberoo. A program is included in Councillors' envelopes.

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**10 Council Donations 2013/2014  
Response to Question Without Notice**

At the December meeting of Council, Cllr Honey asked:

*for a report to be presented to Council on the total amount of donations made by Council with a list of the recipients along with the budgeted amount. The Mayor referred this matter to the Director of Community Services for investigation and report.*

In order to respond to this question it needs to be noted that donations made by Council do not come from a single area of the budget. This is because the donations or contributions are for different purposes and have different approval processes. For example the Holiday Parks utilise a promotional budget to make some annual donations as well as providing sponsorship to events and organisations. Donations that occur annually within the budget are adopted as part of the budget approval process, however, they do not come to Council for specific approval. For the purpose of this report it is assumed that the question without notice referred more specifically to donations which are approved through an individual Council resolution and these will be highlighted. However, some information is also included in regard to the broader range of donations and contributions.

Council resolutions (CR) have been passed to make the following donations or sponsorships in the 2013/14 financial year:

<b>Person/Organisation</b>	<b>Event/Purpose</b>	<b>\$</b>	<b>Comment</b>
Surfing NSW	Australian Junior Surfing Titles	6,000	CR – Dec 2012 - \$6,000 + lifeguard assistance, waste & cabin accommodation. From Events budget.
Folk Festival	Folk Festival by the Sea	YTD - 5,478	CR – Feb 2013 - \$5,000 plus Pavilion Hire & waste services. From Events & Donation budgets
Riding for the Disabled	Used ride-on lawnmower	Approx \$5,000	CR – Mar 2013. Mower donated instead of traded, approx value \$5,000, absorbed in Engineering & Works budget.
Lloyd Rees Festival	Reserve hire	370	CR – June 2013 – Cost of reserve hire. From Events budget.
Gerringong & Kiama Red Cross	Sponsorship - Centenary events 2014	2,000	CR- Sept 2013 – to offset costs of centenary celebrations. From Events budget.
Cancer Council	Relay for Life	YTD – 590	CR – Oct 2013 – Reserve hire, waste and other incidentals. Event not held yet. From Donations budget.

Item 10 Contd.

Person/Organisation	Event/Purpose	\$	Comment
Zoe's Children's Home	Zoe's Children's Home fundraiser	250	CR – Oct 2013 – Toward hire cost of Pavilion. From Donations budget
Doing it for Dexter	Fundraiser	382	CR – Oct 2013 – Cost of hire of Pavilion. From Donations Budget.
Kiama power Australian Football Club	Outstanding invoice for lighting project	YTD – 5,000	CR – Oct 2013 – payment of \$2,567 against outstanding invoice. From Donations budget.
Special Olympics Athletes	Use of Leisure Centre for training		CR – Oct 2013 – use of 1 basketball court, 2 hrs per week until late Nov. Not charged.
Kiama Swimming Club	Purchase freezer	717	CR – Nov 2013 – freezer damaged in tornado. From Donations budget.
Minnamurra Lions Club	Autumn Fest	1,700	CR – Nov 2013 – Reserve hire, waste & recycling fees (approx \$1,700) plus provision of barricades if available. Event not held yet. From Events budget.
Kiama Rugby Sevens	Sponsorship and event support	4,300	CR – Nov 2013 - \$2,500 + use of Pavilion and provision of waste & recycling (approx \$1,800). Event not held yet. From Events budget.
Johnny Warren Memorial Cup	Event support	650	CR – Nov 2013 – Provision of waste & recycling (approx \$650). Event not held yet.
Surfing NSW	NSW Bodyboard State Titles 2014. Sponsorship	2,500	CR – Dec 2013 – From Events budget. Event not held yet.
Rotary Club Bomaderry	Life Education Van	1,500	CR – Dec 2013 – Toward new prime mover. From Events budget.
Kiama Liquor Accord	Summer Bus hire	2,000	CR – Dec 2013 – Donation of bus hire fee for 10 Saturday nights. From Donations budget.
<b>Total</b>		<b>38,437</b>	

**Item 10 Contd.**

In addition to these specific resolutions Council has made donations of \$250 to the following groups under the Donations Policy, which provides for small donations to the value of \$250, with the aim of achieving community development outcomes:

- Jamberoo Rugby League Football
- Jamberoo Public School
- Friends of the Christmas Tree
- Rotary Club of Kiama
- Ms A. Doolan (leukaemia fundraiser)
- Jamberoo Red Cross
- Kiama Gamefishing Club
- Shine Kiama
- Illawarra Classic Motorcycle Club
- Rotary Club of Kiama
- Slow Food Saddleback

Council also makes annual contributions to various organisations that deliver a range of activities or events which enhance the community:

- Christmas Carols x 3, \$3,000 (as per Council policy)
- Kiama Jazz Festival, \$11,000
- Southern Stars, \$2,000
- Art Society, \$1,600
- Surf Lifesaving Clubs (\$1,000 x 3 clubs annually, + \$7,000 to one club in rotation)

Additionally, Council provides opportunities for individuals to apply for grants through the Cultural Grants Program, which has a budget of \$20,000.

Finally, the Holiday Parks also support a range of organisations and activities through their Promotional budgets, including:

- Kiama Tourism, New Years Eve fireworks, \$1,500
- International Bodyboarding Association, accommodation for titles, \$1,054
- Kiama Gamefishing Club, sponsorship Big Fish Classic, \$300
- Kiama Jazz Club, Twilight Jazz Festival, \$1,000
- Kiama Bicycle User Group, sponsorship, \$1,000
- Camp Quality, sponsorship The People's Truck, \$550
- 6 schools in the LGA, \$1,000 each
- Various raffle prizes

The following table outlines the original budget, Year to Date (YTD) Actuals plus Commitments, and Balance in both the Donations and Events budgets:

**Item 10 Contd.**

<b>Budget Name</b>	<b>Original Budget</b>	<b>YTD Actuals Commitments</b>	<b>Balance</b>
Donations	10,000	11,267	-1,267
Events/Festivals	22,500	20,820	1,680
<b>Total</b>	<b>32,500</b>	<b>32,087</b>	<b>413</b>

In considering the above table it should be noted that the Events budget also includes expenditure for other activities in addition to those resolved by Council resolution. The YTD Actuals and Commitments already reflects costs for several events which will be held in the first quarter of 2014.

**11 Gerroa Boat Fishermans Club (DES)**

Following a recent email complaint received by Councillor Reilly regarding the operation of the subject premises, Council’s General Manager has requested that a report be provided to Council outlining the issues.

The complaint received by Councillor Reilly was on behalf of four residents who live in Headland Drive Gerroa, and whose properties adjoin the land upon which the Club is located. The complaint alleges several occasions when noise levels exceeded limits specified in conditions imposed by the Office of Liquor and Gaming. These conditions form part of the liquor license for the premises.

Council’s most recent development approval for the property was a deferred commencement consent issued in June 2009, which became an operational consent in January 2010. This consent was for additions to the existing Club being a function room at the rear of the existing premises. This application was supported by an acoustic report which specified standards of building that would ensure no noise impact from amplified music to adjoining properties provided noise levels within the function room were limited to a maximum of 85dB. The measures prescribed in the acoustic report were subsequently installed and an Occupation Certificate issued in regard to the additions.

The current complaint received by Councillor Reilly alleges a number of occasions during 2013 when the complainants felt that the license conditions were not being met. The Chief Executive Officer (CEO) of the Gerroa Boat Fishermans Club was also sent a copy of the email by the complainants. He has stated that the Club is actively enforcing its management/operational plan which has a strong emphasis on ensuring that adjoining properties are not adversely impacted by the operation of the Club. The management plan includes the following actions:

- Signage in outdoor areas and Club foyer requesting patrons to minimise noise outside the Club premises;
- Outdoor balconies are closed off for public use at 5.00pm when there is no function in the function room and at 8.00pm when a function is being held;
- Noise levels are taken and logged 3 times per evening when amplified music is played within the Club. This is to ensure levels are maintained below the 85dB internal maximum;

**Item 11 Contd.**

- Outdoor smoking area is screened and signposted regarding keeping noise to a minimum, and the area oversighted by a staff member on normal rounds.

Whilst the current complaint alleges several breaches of licence conditions during 2013, it appears no complaint has been made to the Office of Gaming and Racing concerning the alleged breaches. The Office of Gaming and Racing is considered to be a more appropriate regulatory authority having regard to the prescriptive conditions of liquor licence. Any person may make a "Disturbance Complaint" to the Office of Liquor and Gaming. Such complaint is able to be determined by the Director-General or his/her delegate.

Whilst the development consent relating to the function area does contain conditions regarding the operation and preservation of local amenity, the conditions call up standards that are contained in statutes which would necessitate Council establishing a breach of the relevant legislation prior to initiating any action.

In discussions, the CEO has advised that staff action any call received from adjoining property owners regarding amenity issues. Further, the Club is currently investigating the installation of a device on the sound amplification system that will automatically close the system down if sound levels exceed 85dB. The Club's CEO has advised that such a device will be installed in the short term once they have determined which type is appropriate to their circumstances.

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**12 Current Legal Proceedings (DES)**

This report is to provide Council with information regarding development control matters that are currently before the Land and Environment Court:

a) Walker v Sissat and Kiama Council

This relates to an appeal by the neighbour of a property to which Council had approved additions and alterations to an existing dwelling. It is the appellants position that Council did not take into account view loss to the extent to which it should have. This matter is set for hearing on 6 and 7 February 2014.

b) Parker Logan Property v Kiama Council

This matter relates to the refusal by Council of a mixed use and seniors living development at No 44 Manning Street, Kiama. The matter is set down for Section 34 conciliation conference on 17 March 2014 on site. There is also a Councillor briefing to be provided by Council's Solicitor on Monday 3 February 2014.

c) Brendon and Aylsha Nieuwhof v Kiama Council

This matter is in regard to the delegated refusal of a development application in Darien Avenue, Bombo. The proposal related to the addition of a second dwelling on the property to form a dual occupancy with subsequent subdivision. The principal concern of staff was the lack of reasonable view sharing following consideration of the view sharing principles defined by the Land and Environment Court. This matter is now to be considered on site in a Section 34AA compulsory conference on 4 and 5 March 2014.

**Item 12 Contd.**

d) Nastovski v Kiama Council

This matter relates to an appeal against an Order issued by Council to demolish illegal building work associated with a dual occupancy in Love Street, Kiama. This matter is set down for hearing on 10 February 2014.

**13 Monitoring of Car Parking (DES)**

At the meeting of Council held on 17 December 2013, Councillor Steel asked for a monthly report on the number of parking fines issued in the CBD area.

Council Rangers carry out regular parking patrols throughout the LGA. These patrols involve 2 actions, the “chalking” of tyres to record a time and a review to determine if any vehicles are parked in excess of the time permitted in each area.

During December 2013, thirty one (31) parking patrols were carried out which involved the monitoring of in excess of 1200 individual car spaces. As a result of these patrols 18 infringement notices were issued.

**14 Economic Development Committee (DCCS) Minutes**

The Chair endorsed draft Minutes of the Economic Development Committee held on 28 January 2014 are contained in Councillors’ envelopes.

**15 Minutes of the South Precinct**

The minutes of the South Precinct meeting held on 19 December 2013 are enclosed in Councillors’ envelopes.

**16 Carols in the Park (GM)**

Council has received a letter of appreciation from the Carols in the Park Committee thanking Council for its continued support. An extract from the letter is as follows:-

*“On behalf of the Carols in the Park Committee of the Kiama Ministers’ Fraternal I would like to thank Council for its continued support of Carols in the Park this year. Council’s sponsorship of our local event has been as much appreciated this year as it has been in the past for so many years.*

*Could you please also pass on our thanks to all the staff who have helped us out.*

*The evening was a huge success and we were once again blessed with beautiful weather and a very large number of people attending. It is at times like this that the Kiama community can really appreciate the facilities Council provides: a covered comfortable stage area, surrounded by a wonderful park so that families can picnic and enjoy the carols program.*

*Some \$2,100 was also collected from the audience and this year it goes to The Hope Food Barn at Warrawong with its program of supplying food to the needy and the drug and alcohol rehabilitation courses they run.*

*Due to the generous support of the local sponsors with donations of cash and 'in kind' support covering the expenses of putting on the carols, all of the money collected on the night will go to this program.*

*Money from the sale of the glow sticks will go to Zoe Children's Homes in Thailand saving children from being sold into sex slavery.*

*Thanks again for Council's continued support of the event, and assistance provided.*

*Christmas blessings"*

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## **17 Asbestos Awareness Month (GM) WorkCover NSW**

Council has received a letter from WorkCover Authority of NSW in relation to Kiama Municipal Council's involvement in the Asbestos Awareness Month, November 2013. An extract from the letter is as follows:-

*"WorkCover NSW would like to acknowledge Kiama Municipal Council's contribution in raising community awareness of the dangers of asbestos during Asbestos Awareness Month, November 2013. A key objective of Asbestos Awareness Month is to educate our community about the dangers of asbestos and how best to manage it.*

*WorkCover NSW recognises your organisation and the generous donation of time and expertise to raise awareness in the community and assist industry build their capability to manage their workplace health and safety.*

*'Betty' the Asbestos Diseases Research Institute display at School Flat, Black Beach, Kiama on 19 November 2013 received over 30 enquiries.*

*Our joint 'Asbestos Safety' workshop on 19 November 2013 had 33 participants from a variety of businesses.*

*Thank you for your role in promoting safety at work and being an ambassador for safety in the Kiama area. Your commitment to improving safety in your community and motivating other businesses to participate in Asbestos Awareness Month and meet their legislative responsibilities is valued."*

**18 Gerringong Rugby League Football Club (GM)  
Michael Cronin Oval**

Council has received a letter of appreciation from the Gerringong Rugby League Football Club in regard to Council's contribution toward the Michael Cronin Oval upgrade. An extract from the letter is as follows:-

*"It was a great pleasure to welcome you and Member for Kiama, Gareth Ward to Michael Cronin Oval on 18th December, and on behalf of the Committee, players and members, may I say thank you for Council's generous contribution of \$50,000.00.*

*That money, together with our grant from the State Government, means that we will now be able to install a lift in the clubhouse, which will allow our elderly and disabled members access to the excellent viewing of home games from the balcony.*

*When that project is complete, we can commence the next stage of the clubhouse extensions, using the considerable expertise available among our members.*

*As the club moves into its Centenary year, we feel a great relief that we, as a Committee, are now able to showcase our plans for our beloved club, and keep faith with our loyal players and members.*

*Thank you again."*

**19 Australian Junior Surfing Titles 2013 (GM)**

Surfing NSW has forwarded to Council a report and event media clippings of the Australian Junior Surfing Titles held in Kiama in December 2013. A copy of the report and clippings have been circulated to Councillors.

**20 Gerringong School of Arts (GM)  
Gerringong Library, Museum and Community Facility**

Mayor Councillor Brian Petschler has received a reply from the Chief of Staff for the Deputy Prime Minister, the Hon Warren Truss MP, Minister for Infrastructure and Regional Development in relation to Regional Development Australia funding application approved by the previous Government. An extract from the letter is as follows:-



*“Thank you for your letter dated 10 December 2013 to the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, about funding for the Gerringong Library, Museum and Community Facility project from Round Five B of the Regional Development Australia Fund (RDAF). The Deputy Prime Minister has asked me to respond on his behalf and I apologise for the delay.*

*The Government has announced that it does not propose to fund projects announced by the former government from Rounds Five and Five B of the RDAF, including those announced during the election campaign. These projects were Labor's election promises and, naturally, do not bind a new government. The projects were to be funded by the Minerals Resource Rent Tax (MRRT) and, as the MRRT did not raise significant funds, these projects were unfunded. The Deputy Prime Minister wrote to all councils on Monday, 9 December 2013 advising them of the Government's decision.*

*The Coalition Government is committed to supporting and strengthening regional Australia. It will deliver a new \$1 billion National Stronger Regions Fund from 2015, which will construct priority infrastructure projects in regional Australia. This programme may be a source of future funding for the Gerringong Library, Museum and Community Facility project. The Government's Community Development Grants programme is also supporting the economic growth and liveability of the regions, with \$342 million being provided for a range of sporting and community infrastructure projects.*

*Thank you again for raising this matter.”*

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## **21 2014 SafeCity Conference (GM)**

Council has received a letter from Mayor Paul Pisasale of the City of Ipswich Queensland in relation to 2014 Safe City Conference to be held in Ipswich Queensland. Council may wish to determine the attendance of Councillors at the Conference. An extract from the letter is as follows:-

*“Public safety, security and surveillance are issues of concern to all local governments regardless of size and population.*

*In a world where safety, crime and community protection are presenting increased challenges, the positive benefit to any community from a properly managed and resourced Closed-Circuit Television (CCTV) system is without equal.*

*Ipswich City Council has been a pioneer and leader in this field since the first cameras were installed in 1994. Today we manage more than 200 cameras from a state-of-the-art control room staffed 24 hours a day.*

*Importantly, a high degree of cooperation with the Queensland Police Service has enabled Ipswich to deliver impressive results in terms of reducing crime by early intervention.*

*Now recognised as operators of one of the world's most advanced CCTV systems, Ipswich City Council is proud to host the **2014 SafeCity Conference** and I extend an invitation to your Council's security and community safety teams to attend this inaugural SafeCity Conference.*

*The conference has already attracted strong interest from Queensland Police Service, government agencies, private security firms and suppliers of technology to the security industry. It will focus on the application of CCTV and associated disciplines, future-proofing CCTV networks and explore the differences and benefits of various monitoring techniques.*

*The date has been set for the 2014 SafeCity Conference as follows:*

*10-13 June 2014*

*Ipswich Civic Centre, corner Limestone and Nicholas Streets  
Ipswich Queensland*

*A draft program is now available at [www.safecityconference.com.au](http://www.safecityconference.com.au). I look forward to welcoming delegates to the 2014 SafeCity Conference.*

*If you have any questions or queries regarding the conference please contact Ian Brougham on 07 3810 6141 or [ibrougham@ipswich.qld.gov.au](mailto:ibrougham@ipswich.qld.gov.au)*

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## **22 Executive Certificate for Elected Members (GM)**

Council has previously been advised of the Executive Certificate for Elected Members Course established by Local Government NSW in conjunction with the UTS Centre for Local Government and TAFE NSW.

Participants will have the opportunity to acquire skills and knowledge to improve their effectiveness as a leader in their council local community. This course will help them to better understand the legislative responsibilities, and build their skills and capacity to have a positive and well informed impact on council decision making.

The program fee of \$3,500 will cover attendance at three workshops, with the first to be delivered by NSW TAFE and the second and third to be delivered by the UTS Centre for Local Government. The three stages are as follows:-

### ➤ **Stage 1 – Introduction to the Role of an Elected Member (1 day)**

Overview of Local Government in NSW

Understanding where to find assistance – LGNSW functions, peers, role of the DLG etc

Understanding how to review and analyse issues using council policies, decision-making processes and legislative responsibilities

Understanding the separation of responsibilities between councillors and employed staff

Defining advocacy and community representation

➤ **Stage 2 – Legislative Responsibilities of NSW Elected Members (2 days)**

Clarifying limitations on council and councillor jurisdiction

Meeting procedures and Code of Conduct issues

Understanding the requirements of the Integrated Planning and Reporting framework

Introduction to the land-use planning system

Introduction to finance and asset management strategies

➤ **Stage 3 – Effective Decision-Making (2 days)**

Working with others to achieve outcomes

Engaging with the community – representation vs participation

Problem solving and identification of solutions

Setting vision, direction and policy

Balancing short term and longer term needs and issues

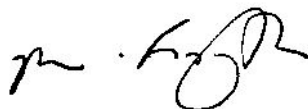
Local area and place-based leadership

Participants will receive a TAFE NSW Statement of Attendance on completion of Stage 1 and on successful completion of Stages 2 and 3 participants will receive a Statement of Attainment for the National Elected Members' Skill Set as well as a UTS Executive Certificate for Elected Members.

Eligible participants wishing to progress to postgraduate tertiary studies will receive one subject credit towards the UTS Centre for Local Government's Graduate Certificate in Local Government Leadership or the Master of Local Government.

The next available dates are 14-16 June and 18-19 July 2014 at Seydney.

Councillors wishing to participate in the Executive Certificate for Elected Members should contact Christine Armstrong to arrange registration.



M Forsyth  
**General Manager**

# NOTICE OF MOTION

## Submitted to the Ordinary Meeting of Council held on 4 February 2014

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### 1 Kiama Scout Hall Relocatable Toilet Facility

Councillor Mark Way has submitted the following Notice of Motion for Council's consideration:-

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

Signed: Councillor Mark Way

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### BACKGROUND

Council allocated \$65,000 for a permanent Toilet facility at this location in 2013/14 Budget.

- This area has now been surveyed by Council staff for provision of this facility.
  - The matter was discussed at a recent meeting of the Kiama Harbour & Blowhole Point Plan of Management Review Committee.
  - The relocation of the Scout Hall to an alternate location and the development of the site to incorporate Rescue Boat storage, Restaurant/Cafe and Public Toilets is an outstanding objective of the current Plan of Management.
  - The Scouts have long term tenure as Trustees of this site and negotiations regarding relocation have been unsuccessful to date.
  - The Committee considered that there may be an opportunity in the longer term to accommodate all of the desired users for this site including the Scout Hall (should they remain on the site) with careful design and some extension of the footprint towards Terralong Street.
  - The urgency for a Toilet in this area remains critical due to high patronage.
  - The Community will also require a toilet facility whilst the Rock Pool Toilet/amenities facility is being constructed as per current Budget.
  - Due to the high visibility of this location an appropriately designed relocatable Toilet must be used and I would propose an Exceloo, as these Toilets are relocatable and in wide use by many other Councils.
  - The Exceloo would also be vandal proof, even though, it is located in a high visible area and would be difficult to be vandalised.
-

- The Toilet should have a 1-Male urinal and WC with 1-female WC. Possibly a bubbler outside for walkers in this area?
- The facility could then be relocated to a suitable location once the matter is determined and redevelopment of the Scout Hall is completed.
- The Crown Lands Department Representative on the Committee has indicated a reluctance to consider approval of a permanent toilet facility at this site pending the review of Plan of Management.
- Crown Lands may consider approval of a well designed temporary toilet facility at this site given the likely delay in achieving the final objective for this site.

This Motion is submitted to amend the previous approval from permanent to a relocatable Toilet facility.

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

Councillor Dennis Seage has submitted the following Notice of Motion for Council's consideration:-

*"That Council consider the construction of a concrete walkway on the western side of Railway Avenue between Beach Street and Links Street so as to join the existing walkway to North Street."*

Signed: Councillor Dennis Seage

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**BACKGROUND**

Ms Kristen Lee-Archer met with Council staff on 3 October regarding safety concerns held by the Minnamurra Public School Parents and Citizens Association. The main concern is the line painted on the eastern side of Railway Avenue for pedestrians including small school children. I concur with the concerns of the Minnamurra P&C and give notice of the following motion.

**RECOMMENDATION:**

That this project be part of our 4 year delivery program and should be considered as a matter of priority in the 2014 budget.

## **CONFIDENTIAL SUMMARY**

### **CONFIDENTIAL COMMITTEE OF THE WHOLE**

#### **Submitted to the Ordinary Meeting of Council held on 4 February 2014**

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

#### **PROCEDURE**

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

### **CONFIDENTIAL REPORTS**

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

##### **Reasons for Confidentiality:**

This matter deals with commercial information of a confidential nature as per Section 10A(c) and (d) of the Local Government Act. The issues placed before Council include details of land prices, which if disclosed, may prejudice the commercial position of Council. The report is proposed for closed committee because the information contained therein is commercially confidential.

### **CONFIDENTIAL MAYORAL MINUTE**

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

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