



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 20 June 2023

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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- 2 Webcasting Statement
- 3 Acknowledgement of Country
- 4 Statement of Ethical Obligations
- 5 Apologies
- 6 Confirmation of Minutes of Previous Meeting
- 7 Business Arising From The Minutes
- 8 Disclosure of Interest
- 9 Tabling of petitions and other documents
- 10 Public Forum Summary
- 11 Mayoral Minute
- 12 Minutes of Committees
- 13 Report of the Chief Executive Officer
- 14 Report of the Chief Operating Officer
- 15 Report of the Director Planning, Environment and Communities
- 16 Report of the Director Infrastructure and Liveability
- 17 Reports for Information
- 18 Late Items
- 19 Notice of Motion
- 20 Questions for future meetings
- 21 Confidential Summary
- 22 Confidential Reports
- 23 Closure

Members

Mayor
Councillor N Reilly
Deputy Mayor
Councillor I Draisma
Councillor M Brown
Councillor M Croxford
Councillor J Keast
Councillor S Larkins
Councillor K Renkema-Lang
Councillor K Rice
Councillor W Steel

14 June 2023

To the Chairman and Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 20 June 2023** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jane Stroud', written in a cursive style.

Jane Stroud

Chief Executive Officer

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 20 JUNE 2023**

1 OPENING OF MEETING

2 WEBCASTING STATEMENT

This meeting is being recorded and made publicly available on the Council website and persons attending the meeting should refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

Kiama Municipal Council acknowledges the Traditional Custodians of Dharawal Country, the Wodi Wodi people and recognises their continued connection to the land. We pay our respects to elders past, present and emerging and the contribution that they make to our community.

4 STATEMENT OF ETHICAL OBLIGATIONS

Councillors are reminded of their oaths or affirmations of office under section 233A of the Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.

5 APOLOGIES

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council meeting on 16 May 2023

Attachments

- 1 Minutes - Ordinary Council - 16 May 2023 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council meeting held on 16 May 2023 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 16 MAY 2023

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 16 MAY 2023 AT 5PM**

PRESENT: Mayor – Councillor N Reilly,
Deputy Mayor – Councillor I Draisma,
Councillors M Brown, K Rice, W Steel, J Keast, S Larkins,
K Renkema-Lang and M Croxford

IN ATTENDANCE: Jane Stroud – Chief Executive Officer
Jessica Rippon – Director Planning, Environment and Communities
Joe Gaudiosi – Chief Operating Officer
Michael Malone – Director Infrastructure and Liveability
Olena Tulubinska – Chief Financial Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

The Mayor stated that the meeting is being recorded and made publicly available on the Council website, and that persons attending the meeting should refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional owners.

At 5.02pm the standing orders were suspended for random drug and alcohol testing.
Standing orders resumed at 5.35pm.

23/116OC

Resolved that Item 13.1 Presentation of the 2020/21 Annual Financial Statements be brought forward and dealt with.

(Councillors Croxford and Steel)

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

13.1 Presentation of the 2020/21 Annual Financial Statements

It was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Keast that:

1. Councillors acknowledge their responsibility for the preparation and fair presentation of Financial Statements that are free from material misstatement, whether due to fraud or error.
2. Council:
 - a. Note the report on the presentation of the 2020/21 Annual Financial Statements.
 - b. Formally present the 2020/21 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.
 - c. Receives a report that details
 - i. the controls required to rectify the deficiencies, as identified by the Audit Office, in Council's books and records
 - ii. the status of records management and other policies aimed at improving financial management practices, and
 - iii. instances where paper files or records have been archived, destroyed, or gone missing since the 2020 audit report was completed.

Councillor Brown foreshadowed the original motion.

On being **put** this motion was **lost**.

For: Councillors Keast, Renkema-Lang and Rice

Against: Councillors Brown, Croxford, Draisma, Larkins, Reilly and Steel

23/1170C

The foreshadowed motion was **moved** by Councillor Brown and **seconded** by Councillor Croxford that Council:

1. Note the report on the presentation of the 2020/21 Annual Financial Statements.
2. Formally present the 2020/21 Audited Financial Statements and Audit Reports to the public in accordance with sections 418 and 419 of the Local Government Act 1993.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang and Steel

Against: Councillor Rice

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

4 STATEMENT OF ETHICAL OBLIGATIONS

The Mayor read the statement of ethical obligations:

“Councillors are reminded of their oaths or affirmations of office under section 233A of the Act and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.”

5 APOLOGIES

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council meeting on 18 April 2023

23/118OC

Resolved that the Minutes of the Ordinary Council meeting held on 18 April 2023 be received and accepted.

(Councillors Draisma and Renkema-Lang)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Nil

8 DISCLOSURE OF INTEREST

Nil

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
William Barber	15.1	10.2022.212.1 - 69 Werri Street, Werri Beach
Lisa Papesch	15.1	10.2022.212.1 - 69 Werri Street, Werri Beach

11 MAYORAL MINUTE

Nil

Procedural motion: In globo resolutions**23/1190C**

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.4, 13.2, 13.3 and 18.3.

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

12 MINUTES OF COMMITTEES**12.1 Minutes: Blue Haven Advisory Committee Meeting - 3 May 2023**

Councillor Brown raised a **point of order** that Councillors were not complying with clause 20.27 of the Code of Meeting Practice. The Mayor ruled this in order.

It was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Rice that:

1. the Minutes of the Blue Haven Advisory Committee meeting held on 3 May 2023 be received and accepted
2. the terms of reference for the Blue Haven Advisory Committee be amended to:
 - a. specify that at least one non-councillor voting member is to have clinical and aged-care practice skills.

MINUTES OF THE ORDINARY MEETING**16 MAY 2023**

- b. refer to compliance with the Retirement Villages Act in the objectives section.
- c. include the following statement on managing conflicts of interest in the code of conduct section

“Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.” – noting that this is the exact wording used in the ARIC charter.

Councillor Brown foreshadowed the original motion.

23/1200C

At the request of Councillor Draisma and by consent, the **motion was varied and resolved** as follows:

That:

1. the Minutes of the Blue Haven Advisory Committee meeting held on 3 May 2023 be received and accepted
2. Council write to the Blue Haven Advisory Committee for the consideration of changes to the terms of reference which:
 - a) specifies that at least one non-councillor voting member is to have clinical and aged-care practice skills
 - b) refers to compliance with the Retirement Villages Act in the objectives section, and
 - c) includes the following statement on managing conflicts of interest in the code of conduct section:

“Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.” – noting that this is the exact wording used in the ARIC charter.

(Councillors Renkema-Lang and Rice)

For: Councillors Draisma, Keast, Larkins, Renkema-Lang and Rice

Against: Councillors Brown, Croxford, Reilly and Steel

MINUTES OF THE ORDINARY MEETING**16 MAY 2023**

12.2 Minutes: Destination Kiama Tourism Advisory Committee Meeting – 1 May 2023

It was **moved** by Councillor Brown and **seconded** by Councillor Steel that the Minutes of the Tourism Advisory Committee Meeting held on 1 May 2023 be received and the following recommendations therein accepted, being:

1. The Wind and Waves, Kiama Rugby Sevens, Kiama Beach Tag, Sun Up Surf and Skate Festival post event reports are received and accepted.
2. The Tourism Manager follow up further statistical information to complete the acquittal of the Kiama Jazz and Blues Festival 2023.
3. The Destination Event Funding Program Guidelines and associated Agreements are strengthened to ensure obligations and deliverables are clear to event organisers and funding is reduced in future rounds if compliance isn't met.
4. The Man Walk's request is accepted, to move their successful funding application from the 2022/23 financial year to 2023/24 to support their event which has been postponed.
5. The request from Tamara and Dave Campbell is accepted, to support the KISS Arts Festival date change and reallocate funding to support the Kazador and KISS Arts Festival in 2023/24 financial year, allowing the previously allocated total of in-kind and financial support to move between the two events as required.
6. Any remaining funds within the Tourism and Events Festivals and Events Budget is used to support the Destination Kiama, *Kiama Winter Festival* in 2023.
7. The Destination Event Funding Guidelines and associated program documents are endorsed and the timeline for the two rounds of funding for the 2023-2024 financial year deployed.
8. An expression of interest is distributed, and a consultant employed, to facilitate a *Tourism Priority Workshop* with interested survey respondents, partners and Tourism Advisory Committee Members in June 2023 before finalising the Tourism and Events Action Plan for 2023-2024.
9. That two Above and Beyond Awards are awarded at the next Tourism After Hours event to the two candidates nominated.
10. The Tourism Advisory Committee note their support for the consolidation of the Economic Development and Tourism Advisory Committee, along with its confidence within the current members skillset to deliver sound economic development strategy assistance.
11. The Tourism Advisory Committee advise Council that they look forward to the recruitment of the Manager Planning and Economic Development and the subsequent changes to the Terms of Reference.
12. The Tourism Advisory Committee request Council staff engage Indigenous Elders to determine an appropriate name for the newly constructed stairs at Bombo. The suggested name for consultation from the Tourism Advisory Committee is "Thunda"; and call for a date of an official opening.
13. The Tourism Advisory Committee's support is noted for paid parking for visitors within the Municipality in popular tourist destinations.

MINUTES OF THE ORDINARY MEETING**16 MAY 2023**

23/1210C

At the request of Councillor Larkins and by consent, the **motion was varied and resolved** as follows:

That the Minutes of the Tourism Advisory Committee Meeting held on 1 May 2023 be received and the following recommendations therein accepted, being:

1. The Wind and Waves, Kiama Rugby Sevens, Kiama Beach Tag, Sun Up Surf and Skate Festival post event reports are received and accepted.
2. The Tourism Manager follow up further statistical information to complete the acquittal of the Kiama Jazz and Blues Festival 2023.
3. The Destination Event Funding Program Guidelines and associated Agreements are strengthened to ensure obligations and deliverables are clear to event organisers and funding is reduced in future rounds if compliance isn't met.
4. The Man Walk's request is accepted, to move their successful funding application from the 2022/23 financial year to 2023/24 to support their event which has been postponed.
5. The request from Tamara and Dave Campbell is accepted, to support the KISS Arts Festival date change and reallocate funding to support the Kazador and KISS Arts Festival in 2023/24 financial year, allowing the previously allocated total of in-kind and financial support to move between the two events as required.
6. Any remaining funds within the Tourism and Events Festivals and Events Budget is used to support the Destination Kiama, Kiama Winter Festival in 2023.
7. The Destination Event Funding Guidelines and associated program documents are endorsed and the timeline for the two rounds of funding for the 2023-2024 financial year deployed.
8. An expression of interest is distributed, and a consultant employed, to facilitate a Tourism Priority Workshop with interested survey respondents, partners and Tourism Advisory Committee Members in June 2023 before finalising the Tourism and Events Action Plan for 2023-2024.
9. That two Above and Beyond Awards are awarded at the next Tourism After Hours event to the two candidates nominated.
10. The Tourism Advisory Committee note their support for the consolidation of the Economic Development and Tourism Advisory Committee, along with its confidence within the current members skillset to deliver sound economic development strategy assistance.
11. The Tourism Advisory Committee advise Council that they look forward to the recruitment of the Manager Planning and Economic Development and the subsequent changes to the Terms of Reference.
12. The Tourism Advisory Committee's support is noted for paid parking for visitors within the Municipality in popular tourist destinations.

And further the following item from the Tourism Advisory Committee is noted by Council:

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

1. The Tourism Advisory Committee request Council staff engage Indigenous Elders to determine an appropriate name for the newly constructed stairs at Bombo. The suggested name for consultation from the Tourism Advisory Committee is “Thunda”; and call for a date of an official opening.

(Councillors Brown and Steel)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang and Rice

Against: Nil

12.3 Minutes: Finance Advisory Committee meeting - 1 May 2023

23/122OC

Resolved that the Minutes of the Finance Advisory Committee meeting held on 1 May 2023 be received and the recommendations therein accepted, being:

- 23/009FAC that the Finance Advisory Committee note the Monthly Financial Report for February 2023.
- 23/010FAC that the Finance Advisory Committee note:
1. the information relating to the Statement of Investments for March 2023.
 2. the restricted funds position as outlined in the report.
- 23/011FAC that the Finance Advisory Committee:
1. notes the financial result for the year ending 30 June 2021.
 2. notes the governance role played by Council’s Audit, Risk and Improvement Committee in overseeing the preparation and finalisation of the audited 2020/21 financial statements.
 3. notes that Council’s external auditor will present the audited 2020/21 financial statements at the May 2023 Council meeting.
- 23/012FAC that the Finance Advisory Committee note the general update on key financial matters.
- 23/013FAC that the Finance Advisory Committee note the information in the update on the TCorp repayment due in August 2023.
- 23/014FAC that the Finance Advisory Committee note the report and the timeline for the proposed sale of Blue Haven Bonaira pending the reclassification process.
- 23/15FAC that the Finance Advisory Committee note the following have been declared as Business Activities of Kiama Municipal Council from the 2021/22 financial year:
- a) Category One Business Activities
 - Blue Haven

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

- Holiday Parks
- b) Category Two Business Activities
 - Commercial Waste & Hire Services
 - The Pavilion

23/016FAC that the Finance Advisory Committee notes the action tracker updates for May 2023.

(Councillors Brown and Renkema-Lang)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

12.4 Minutes: Kiama Local Traffic Committee Meeting - 2 May 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/123OC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 2 May 2023 be received and the following recommendations accepted:

23/001LTC That a half hour timed parking zone is created on the southern side of Belinda Street Gerringong adjacent to the shop, 141 Belinda Street Gerringong with the installation of regulatory signage. The Committee notes that this is a temporary measure, and that there will be a future traffic study on Belinda Street looking at all of the issues along that street.

23/002LTC That a fifteen minute timed parking zone, to be created on Young Street, Jamberoo adjacent to the Jamberoo post office with the installation of regulatory signage.

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.2 Councillor Brown attendance at the 2023 Australian Regional Tourism Convention in Newcastle

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

23/124OC

Resolved that Council endorse the attendance of Councillor Matt Brown at the 2023 Australian Regional Tourism Convention in Newcastle 10-12 October 2023.

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

13.3 Councillor Reilly attendance at the 2023 Asia Pacific Cities Summit and Mayors' Forum in Brisbane

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/125OC

Resolved that Council approve the attendance of Councillor Neil Reilly, Mayor to the 2023 Asia Pacific Cities Summit and Mayors Forum to be held 11-13 October 2023 in Brisbane.

(Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

13.4 Statement of Investments - April 2023

23/126OC

Resolved that Council:

1. Receives the information relating to the Statement of Investments as at 30 April 2023.
2. Approves the transfer of \$5 million from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report as amended.

(Councillors Croxford and Steel)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

13.5 Strategic Improvement Plan - Monthly Progress Report

23/127OC

Resolved that Council receive the monthly report for May 2023 on the Strategic Improvement Plan 2 and the progress of actions undertaken.

(Councillors Brown and Keast)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Monthly Financial Report - March 2023

23/128OC

Resolved that Council receive and adopt the Monthly Financial Report for March 2023.

(Councillors Brown and Steel)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

14.2 Re-assessment of Additional Special Rate Variation - Request to Amend 2022 Submission

23/129OC

Resolved that Council:

1. resolves to amend its Additional Special Variation (ASV) application of 0.9% in April 2022 from temporary to permanent in line with all other councils that applied and are receiving the ASV.
2. Delegates the Chief Executive Officer to prepare correspondence to NSW IPART outlining that subsequent rate peg announcements would require a reduction of 0.9% against the published rate pegs and seeking this issue be corrected.

(Councillors Draisma and Brown)

For: Councillors Brown, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice
and Steel

Against: Nil

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 10.2022.212.1 - 69 Werri Street, Werri Beach

Councillor Rice foreshadowed an alternate motion.

23/1300C

Resolved that Council:

1. Approve Development Application No 10.2022.212.1 for the construction of a two storey dwelling with a rooftop pool, and the removal of a Norfolk Island Pine tree at 69 Werri Street, Werri Beach subject to appropriate conditions of consent.
2. Agree to the request from the applicant to vary the Section 88B Restriction registered on the title, so as to permit development within 6m of the eastern side boundary.
3. Advise persons who made a submission on Development Application No 10.2022.212.1 of Council's decision.

(Councillors Brown and Steel)

For: Councillors Brown, Croxford, Draisma, Larkins, Reilly and Steel

Against: Councillors Keast, Renkema-Lang and Rice

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

Nil

17 REPORTS FOR INFORMATION

For Item 17.4 Resolution Register – January to March 2023 it was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Brown that the resolution register be updated to include the following resolutions of Council:

1. 22/372OC of 15 November 2022 –resilience reserve and associated special rate variation
2. 22/411OC of 20 December 2022 – Domestic and gender-based violence
3. 22/279OC of 20 September 2022 – Release of Forsyths executive summary

Councillor Brown **withdrew his seconding** of the motion.

Councillor Keast **seconded** the motion.

On being **put** the motion was **lost**.

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

For: Councillors Keast, Reilly, Renkema-Lang and Rice

Against: Councillors Brown, Croxford, Draisma, Larkins and Steel

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/131OC

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

17.1 Minutes: Jamberoo Valley Ratepayers and Residents Association - 2 May 2023

17.2 Question for future meeting: Financial relief opportunities for ratepayers

17.3 Questions for Future Meeting Register - May 2023

Councillors Draisma and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

18 LATE ITEMS

18.1 Draft 2024 Community Strategic Plan, Delivery Program and Operational Plan, Budget, Fees and Charges and associated documents - endorsement for public exhibition

23/132OC

Committee recommendation that Council:

1. endorse the Draft Delivery Program and Operational Plan for public exhibition for a period of 28 day.
2. endorse the Draft Budget for public exhibition for a period of 28 days.
3. endorse the Draft Fees and Charges document for exhibition for a period of 28 days.
4. endorse the Draft Long Term Financial Plan for public exhibition for a period of 28 days. Note that as part of the exhibition process, the Financial Advisory Committee's consultation will be sought on the draft Long Term Financial Plan.
5. Endorse the Draft Community Engagement Strategy for public exhibition for a period of 28 days.
6. Provide the outcomes of the exhibition process and the final document back to Council for adoption prior to 30 June 2023.

(Councillors Brown and Larkins)

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Rice and Steel
Against: Councillor Renkema-Lang

18.4 CEO note in respect to Item 18.2 Financial quarterly budget review – quarter ending March 2023

23/133OC

Committee recommendation that Council replace the attachment to Item 18.2 Financial quarterly budget review – quarter ending March 2023 of the supplementary business paper with the document attached to this CEO note, being the correct version of the Quarterly Budget Review for the period ending 31/03/2023.

(Councillors Keast and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel
Against: Nil

18.2 Financial quarterly budget review - quarter ending March 2023

23/134OC

Committee recommendation that Council:

1. Receive and adopt the quarterly budget review for the quarter ending 31 March 2023.
2. Adopt the revenue, expenditure and capital budget adjustments as noted in the March Quarterly Budget review with the exception of Adjustment 20 (reduction in expenses budget by \$2,553).

(Councillors Keast and Draisma)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel
Against: Nil

18.3 Post exhibition endorsement: Procurement Policy

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/119OC.

23/135OC

Committee recommendation that Council adopt the Procurement Policy.

(Councillors Draisma and Larkins)

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel

Against: Nil

19 NOTICE OF MOTION

19.1 Notice of Motion: paid parking

It was **moved** by Councillor Brown and **seconded** by Councillor Croxford that Council:

1. Further to receiving and noting the report in the April Business Paper on Paid Parking for Kiama's Municipality that an allocation in the 2023/2024 Budget (through the forward budget estimates register) for the formation of a small committee to provide a report to Council on how Paid Parking for Visitors can be implemented in a similar manner to Byron Bay Council.
2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.
3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area.

Councillor Renkema-Lang **proposed** an amendment to the motion which was **not accepted** by Councillor Brown that Council:

1. Refer this matter to the Infrastructure and Liveability Advisory Committee once established requesting they form a working group to develop a report to be provided for Council on how Paid Parking Paid Parking for Visitors can be implemented in a similar manner to Byron Bay Council.
2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.
3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area.

23/136OC

At the request of Councillor Draisma and by consent, the **motion was varied** to read as follows:

That Council:

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

1. Refer this matter to the Infrastructure and Liveability Advisory committee once established requesting they form a working group to develop a report on how Paid Parking for visitors to Kiama's Municipality can be implemented in a similar manner to Byron Bay Council.
2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.
3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Councillor Larkins

19.2 Notice of Motion: Staff engagement and diversity

23/1370C

Resolved that Council:

1. acknowledges the importance of having a diverse and inclusive workplace culture
2. holds a biannual briefing to Councillors to identify trends and initiatives to improve staff engagement and diversity, based on the following criteria:
 - a. data on staff headcount and turnover, recruitment, new staff, departures, Employee Assistance usage;
 - b. data on staff diversity with respect to age, gender, Aboriginal and Torres Strait Islander status and employees with disability;
 - c. gender data in relation to employment type and managerial level;
 - d. gender data in relation to age;
 - e. pay equity (gender pay gap);
 - f. data on reported bullying and harassment claims;
 - g. exit interview feedback, such as:
 - i. What percentage of people who have left the organisation have completed an exit interview?
 - ii. What are the key themes / reasons given in relation to why people leave?
 - h. comparative national data on the gender pay gap, employment of people with disability and people of Aboriginal and Torres Strait Islander descent as reported in organisations such as the Workplace Gender Equality Agency (WGEA), IncludeAbility, Closing the Gap, the Diversity Council or similar.

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

(Councillors Keast and Draisma)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Improving Council's decision-making process for development applications

Councillor Croxford requested a report which provides valuable insights and recommendations to improve the council's decision-making process for development applications covering:

1. Comparative Performance Analysis of Kiama Municipal Council and councils within our category, including the Illawarra and beyond;
2. Evaluation of Refusal Decisions; and
3. Financial Implications and Delegation Limits.

This matter was referred to the Director of Planning, Environment, and Communities for action.

20.2 Iluka Reserve potential sale of lots

Councillor Steel requested a report on the potential sale of 9 blocks of land at Iluka Reserve. This matter was referred to the Director Planning, Environment and Communities for action.

20.3 Akuna Street potential sale

Councillor Steel requested a report on potential sale of land at Akuna Street.

This matter was referred to the Director Planning, Environment and Communities for action.

20.4 Jerrara Dam potential sale

Councillor Steel requested a report on the potential sale of land at Jerrara Dam.

This matter was referred to the Director Planning, Environment and Communities for action.

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

20.5 Cyber security risks

Councillor Keast requested a report on council's strategy to manage Cyber security risks, including:

1. The results of the Cyber Risk Audit presented to the ARIC in December 2022 and progress against recommendations.
2. Council's Cyber security policy and procedures.
3. How Council is preparing / prepared to handle a security breach.

This matter was referred to the Chief Operating Officer for action.

20.6 Finance Advisory Committee recommendations

Councillor Renkema-Lang requested a report on the recommendations made by the Financial Advisory Committee noting which of those recommendations have been actioned (In line with the note on page 4 of the FAC minutes detailed on Page 141 of agenda papers).

This matter was referred to the Chief Financial Officer for action.

20.7 Community Battery Initiative

Councillor Larkins requested a progress update on former council resolution 21/187OC – Community Battery Initiative.

This matter was referred to the Director Planning, Environment and Communities for action.

20.8 Peace Park maintenance

Councillor Larkins requested a report on the maintenance actions taken at Peace Park, Kiama over the past 12 months, including what significant work may need to be required and whether there is a need to update the 'Name a Brick' strategy at the park.

This matter was referred to the Director Infrastructure & Liveability for action.

20.9 Blue Haven medical documentation

Councillor Draisma requested a report on what action is being taken to ensure all medical documentation for residential aged care facility (RACF) clients is current. How does Blue Haven ensure staff are well informed on best practice care in consideration medical conditions and advice, for example, do-not-resuscitate orders. What legislative and regulatory requirements are there to ensure that staff are well informed of required care based on current medical history. When and how clients medical documentation is audited by Blue Haven staff.

This matter was referred to the Chief Operating Officer for action.

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

21 CONFIDENTIAL SUMMARY

23/138OC

Resolved that at this time, 7.44pm 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 Reilly and Rice)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

Public Representations:

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

21.1 Exclusion Of Press And Public:

23/139OC

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

22.1 BLUE HAVEN UPDATE - APRIL 2023

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

22.2 UNSOLICITED PROPOSAL FROM AN AGED CARE OPERATOR

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it as per Section 10A(2)(di) of the Local Government Act and information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

MINUTES OF THE ORDINARY MEETING**16 MAY 2023**

22 CONFIDENTIAL REPORTS**22.1 Blue Haven update - April 2023**

Councillor Croxford raised a **point or order** that there has been no seconder yet debate has been entered into. The Mayor asked for a seconder.

It was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Rice that Council:

1. Notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.
2. Receives a report that details how probity matters and conflicts of interest have been managed for appointments related to the sale of Bonaira and establishment of the BHAC.

Councillor Brown raised a **point of order** that the motion does not comply with the Code of Meeting Practice and implies that probity matters for the sale were not dealt with properly. The Mayor ruled in favour of the point of order as it brings council into disrepute.

23/140OC

Committee recommendation that Council notes the information update pertaining to Blue Haven residential and community aged care operations and retirement village operations.

(Councillors Larkins and Brown)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

22.2 Unsolicited proposal from an aged care operator

It was **moved** by Councillor Brown and **seconded** by Councillor Steel that Council note the unsolicited proposal received on 31 March 2023 and on this occasion decline the opportunity due to legislative requirements.

23/141OC

At the request of Councillor Keast and by consent, the **motion was varied** to read as follows:

That Council note the unsolicited proposal received on 31 March 2023 and decline the opportunity due to legislative requirements.

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

(Councillors Brown and Steel)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

Close of Confidential Committee of the Whole:

23/142OC

Committee recommendation that at this time, 8pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Croxford and Larkins)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

23/143OC

Resolved that at this time, 8pm, Council extend the meeting by 10 minutes.

(Councillors Rice and Keast)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

Adoption of Report

The Chief Executive Officer formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

23/144OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/139OC to 23/143OC be confirmed and adopted.

(Councillors Brown and Croxford)

For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly,
Renkema-Lang, Rice and Steel

Against: Nil

MINUTES OF THE ORDINARY MEETING

16 MAY 2023

23 CLOSURE

There being no further business the meeting closed at 8.04pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 June 2023.

.....
Mayor

Item 6.1

Attachment 1

7 BUSINESS ARISING FROM THE MINUTES

8 DISCLOSURE OF INTEREST

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

10 PUBLIC FORUM SUMMARY

11 MAYORAL MINUTE

11.1 Country Mayors Association meeting - 26 May 2023

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council note the report of the Country Mayors Association meeting held on 26 May 2023.

REPORT

I attended the Country Mayors Association meeting, with the CEO on Friday 26 May 2023 at the Theatrette, Parliament House, Sydney.

When I first attended the Country Mayors Association (CMA), I felt a bit like a fish out of water. Many of these people had been mayors for an awfully long time, and under very difficult circumstances such as, drought, floods, and increasing costs and stresses of living in remote places. To my delight, I found this group, forming one third of all the mayors in New South Wales, welcoming, friendly and a valuable source of advice. I now look forward to their meetings, the diversity of topics and learning from the wisdom of others. It's not only me who sees this group as important and influential, they always attract ministerial attention.

Guests included:

The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads

The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth and Minister for the North Coast

Dr Michael Holland MP, Parliamentary Secretary for Health and Regional Health

Carmel Donnelly, Chair, IPART

The Hon Dugald Saunders MP, Leader of the Nationals, Shadow Minister for Regional NSW, Shadow Minister for Agriculture and Natural Resources

The Hon Sam Faraway MLC, Shadow Minister for Regional Transport and Roads

The Hon Steph Cooke MP, Shadow Minister for Water and Shadow Minister for Crown Land.

Mayoral Minute

11.1 Country Mayors Association meeting - 26 May 2023 (cont)

Address: From the honourable, Rose Jackson, Minister for water, Minister for housing, Minister for homelessness, Minister for mental health, Minister for youth and Minister for the North Coast. *I asked questions regarding Jamberoo sewerage connections and the severe limitations this had on residents, in doing so, I extended an invitation for her to visit our area and would welcome her advice on youth, homelessness, mental health and social housing, she accepted my invitation.*

Address: From the Honourable, Jo Halen Minister for transport and roads, who spoke of the reclassification of roads and suggested previous government's attitude towards this was a great photo opportunity but an unfunded promise.

Cr Linda Scott, President, Australian Local Government Association. Linda presented her report advising that the Association focused on the Federal budget and advising that Local Government was currently receiving 0.5% of tax instead of the 1.5% tax being sought. There is a 75% hole in Federal Assistance Grants which is not being able to be filled. Councils are to receive \$3.1 billion in Financial Assistance Grants over the next twelve months, but it is disappointing the government have not delivered on its pre-election promise for "fair increases." Other budget funding was \$484 million in Roads to Recovery funding • \$60 million over three years in supplementary road funding for South Australian councils • \$200 million Thriving Suburbs Program (local governments eligible to apply) • \$150 million Urban Precincts and Partnerships Program (local governments eligible to apply) • \$120 million Black Spot Program • Additional \$13.5 million round of the Remote Airstrip Upgrade Program • \$236 million over 10 years for flood warning infrastructure (rain gauges) • \$10 million for a national waste education campaign.

Cr Darriea Turley, President, Local Government New South Wales. Darriea provided up to date advice regarding the Emergency Services Levy subsidy advising that the subsidy was not allocated this year and a review of the models are to be undertaken. Cr Turley requested councils to write to their local members and the Minister. The report covered Emergency Services Levy, Red Fleet Update and the IPART Review of Rate Peg Methodology NSW State Election, Cost Shifting Survey, Federal Budget with NSW to Receive \$951.4Million in Financial Assistance Grants and other assistance with Local Roads and Community Infrastructure Program, Skills, Aged Care, Flood and River Gauges, Rental Assistance and Sustainable Urban Development. Disaster recovery Funding, New Bank Closure Protocols, and National General Assembly.

Carmel Donnelly, Chair, IPART

The Ratepayer Review Terms of Reference commenced 30 August 2022, followed by an issues paper and workshops with a draft report due early June 2023 and a final report to the Minister in August 2023. There have been 96 submissions and 2,881 resident/ratepayer respondents. Council feedback has included abolishing rate pegging as the current model does not support council financial sustainability, labour cost changes should be based on the Local Government award and other suggestions. Ratepayer submissions included affordability and cost of living and councils' financial affordability, and councils' financial management and efficiency. Affordability of rates is the most important consideration and residents have positive views about the services provided by councils. Council technical workshops propose the rate peg should include change in base costs, population factor, Emergency Services Levy

Mayoral Minute

11.1 Country Mayors Association meeting - 26 May 2023 (cont)

factor, productivity factor and other adjustments which IPART are looking at as options.

The accounting treatment of Rural Fire Service assets - Motion

RESOLVED that the NSW Country Mayors Association:

1. Confirms its strong position that local councils do not control RFS assets and therefore should not have to account for RFS assets in their financial statements
2. Rejects outright NSW Treasury's current policy position that the State Government does not control the RFS assets, and that Local Government therefore does
3. Rejects and dismisses any argument that vesting under the RFS Act equates to control in terms of accounting standards (where 'substance over form' sees control in the accounting sense sitting squarely with the RFS)
4. Rejects outright the Auditor General's position that she must audit in accordance with Treasury's policy position instead of Australian Accounting standards, noting also that the AG is supposed to be independent of government, not a voice for government
5. Writes to the Premier of NSW and the NSW Parliamentary Accounts Committee to ask that they
 - (i). immediately investigate the basis behind all 40 Councils' qualified financial statements for YE 21/22 (especially given that nothing changed in YE 21/22 from prior years when absolutely NO Councils were qualified for having accounting policies that did not account for RFS assets), and
 - (ii). immediately investigate statutory remedies that enshrine in legislation the reality regarding control of RFS assets, being that RFS assets are entirely controlled by the NSW RFS.

Survey results

The priority survey forwarded to members closed on Friday 19 May 2023. The results are as follows

Q1 - 90% of CMA members responded to the annual survey

Q2 - New top five issues as ranked by CMA members are;

1. Financial sustainability
2. Housing
3. Labour shortages
4. Transport and roads
5. Health

Q3 - New top five emerging issues as ranked by CMA members

1. Planning
2. Disaster preparedness
3. Renewable energy
4. Water security

Mayoral Minute

11.1 Country Mayors Association meeting - 26 May 2023 (cont)

5. Infrastructure – crime, law and order

Q4 - At full value there are more than 2,000 positions vacant over 71 regional councils in NSW

Q5 - 85% of CMA members that completed the survey have in the past two years or will within the next five years undertake a Special Rate Variation

Q6 - 39 responses to CMA requests for further advocacy positions

Item 11.1

11.2 Amending delegation powers for development applications - enhancing efficiency and reducing appeals**Attachments**

Nil

Enclosures

Nil

Item 11.2

RECOMMENDED

That Council delegate to the CEO the authority to determine development applications and modification applications up to a value of \$15,000,000, except for developments:

- a) Where developments are for subdivisions of over fifty (50) allotments; and
- b) Where there are 20 or more objections.

REPORT

The delegation powers of development applications (DAs) play a crucial role in the efficient processing and determination of development proposals within New South Wales councils. In light of the challenges posed by continual appeals to the Land and Environment Court, it is advisable for NSW councils to consider amending their delegation powers. This report presents a case for amending delegation powers so that when twenty or more unique objections are received during the exhibition period of a DA, the application is determined by Council staff. This amendment aims to improve efficiency, leverage the expertise of professionally qualified staff, and alleviate the burden of appeals to the court.

Currently the staff delegations for the determination of development applications were established on 15 December 2020 and are as follows:

20/3880C

Committee recommendation that support Council achieving the targets set by the Public Spaces Legacy program, Council reinstate delegated authority to the General Manager to:

1. *Determine all Development Applications -*
 - a) *with a value of up to \$5 million and that have received no more than five objections during any notification period.*
2. *Determine Modification of Development Applications where -*
 - a) *there is no significant change to the external configuration of the building and,*
 - b) *where the value of the modifications themselves do not exceed the \$5 million threshold and that have received no more than five objections during any notification period.*

Mayoral Minute

11.2 Amending delegation powers for development applications - enhancing efficiency and reducing appeals (cont)

Ultimately there are only three options available for the determination of DAs. These include:

- Development consent - granted, with conditions
- DA refusal - with reasons
- Deferred commencement consent - a consent not operating until one or more important matters are resolved. This is not a common outcome.

Efficiency and streamlining processes

By empowering Council staff to determine DAs when thirty or more unique objections are received during the exhibition period, council can streamline the decision-making process. Currently, the review and assessment of objections often lead to delays and protracted timelines, affecting both applicants and the community. By leveraging the knowledge and experience of professionally qualified staff, councils can expedite the determination process while ensuring thorough consideration of objections. This amendment would enable Council to address objections promptly, minimise lengthy reporting, and provide applicants with timely decisions.

Leveraging professional expertise and reducing appeals

Amending delegation powers would enable professionally qualified staff to make informed decisions based on their expertise and knowledge of local planning policies and regulations. This approach ensures that decisions are made by individuals with a deep understanding of the relevant factors and considerations. Also, by entrusting Council staff to determine DAs, the burden of continual appeals to the Land and Environment Court can be reduced. By providing the opportunity for objections to be addressed by qualified professionals within the Council, the need for external appeals may decrease, leading to greater efficiency and saving both time and resources.

This change enhances efficiency by streamlining processes, allowing for prompt consideration of objections and timely decisions. It also leverages the expertise of professionally qualified staff, ensuring informed and knowledgeable decision-making based on local planning policies. Lastly, reducing the burden of continual appeals to the Land and Environment Court helps save time, resources, and minimises delays for both applicants and the community. By implementing this amendment, Council can improve their development application processes and foster a more effective and responsive planning system.

11.3 Kiama hosts Katherine High School students

Attachments

Nil

Enclosures

Nil

Item 11.3

RECOMMENDED

That Council:

1. Acknowledge the support of local businesses Project Dry Hire, AVCON and Gerroa Surf School in hosting Katherine High School Year 11 students in Kiama.
2. Thank the students and teachers from Katherine High School for visiting.

REPORT

Seventeen Year 11 students from the Northern Territory's Katherine High School have visited Kiama and Gerroa on a six-day business innovation and study tour designed to engage them in learning and broadening their perspective on opportunities beyond school.

The study tour is the brainchild of Greg Miller, the head of English and Humanities at Katherine High, who moved to the Northern Territory from Gerroa when he changed his career from business and finance to teaching.

Mr Miller's reasoning behind the tour is to show kids what's actually possible. The tour occurred in Reconciliation Week.

The trip was made possible by Aaron Shelley and Project Dry Hire, who organised the trip and flew the students down for the opportunity of a lifetime. Mr Shelley facilitated all of the organisations who got on board to make this amazing experience happen.

The students participated in a range of fun activities on our coast, including learning how to surf with Gerroa Surf School and being introduced to the thrill of jet skiing provided by Avcon Projects.

The students attended the AFL Indigenous Round hosted by Kiama Power AFL Club, with four students participating, and visited Kiama High School's Year 11 business class to build relationships.

The students continued their tour to the University of Wollongong and finished their trip in Sydney. There they engaged in leadership and innovation workshops with Deloitte, one of the world's largest consulting companies.

Mr Miller hopes the program will also inspire the Year 11 students to complete school as there is currently a 24% gap between indigenous and non-indigenous students

Mayoral Minute

11.3 Kiama hosts Katherine High School students (cont)

attaining Year 12 completion. Highlighting Closing the Gap initiatives is a great way that communities can work towards reconciliation.

With 30 Katherine High students already on track to finish, the Year 11 cohort has the potential to be one of the biggest graduating classes in the school's history and the largest Aboriginal cohort to complete Year 12 in the Northern Territory.

Council would like to acknowledge and thank local supporters, Gerroa Surf School, Avcon Projects and Project Dry Hire for enabling this trip to happen.

Council thanks the students for visiting the Kiama local government area and hopes the trip leaves the students with lasting memories.

11.4 South Pacific Offshore Wind Project

Attachments

Nil

Enclosures

Nil

Item 11.4

RECOMMENDED

That Council welcomes the decision that BlueFloat Energy has selected an alternate site than the Kiama Coast for the South Pacific Offshore Wind Project, preferring a location between Shellharbour and Clifton. This is aligned with Council's previous determination on this matter.

REPORT

BlueFloat Energy has been investigating the building of 100 floating turbines at two sites off the Illawarra and South Coast, including between Kiama and Jervis Bay. The company has now picked as its focus, an area from Shellharbour to Clifton, for the South Pacific Offshore Wind Project.

The Illawarra region was formally declared as a Renewable Energy Zone (REZ) earlier this year, by the State Minister for Energy. This project will now be located adjacent to the REZ. This region provides a ready-made location for the project given the strong and consistent wind, as well as its proximity to an existing industrial base. It is also noted that the NSW Government has identified that the REZ will help to future-proof the area's economy and job market through the transition to renewable energy.

Benefits of Illawarra location include:

- Located adjacent to the Illawarra REZ
- Strong wind base
- Access to existing energy infrastructure
- Substantial port and transport infrastructure
- Highly skilled workforce
- Strong demand for future hydrogen projects and green steel production.

12 MINUTES OF COMMITTEES

12.1 Executive summary of minutes: South Precinct meeting - 11 May 2023

Responsible Director: Office of the Chief Executive Officer

Attachments

- 1 Executive summary South Precinct - 11/05/2023 meeting [↓](#)

Enclosures

Nil

RECOMMENDED

That the executive summary of the minutes of the South Precinct Committee Meeting held on 11 May 2023 be received and noted.

Background

Attached for Councillors' information is the executive summary of the minutes of the South Precinct meeting held on 11 May 2023.



South Precinct Meeting Executive Summary

Organisation:	South Precinct	Date of meeting:	11 th of May2023
Chair:	Chris Cassidy	Minute taker:	Chris Cassidy
Attendance numbers:	17	Bank balance:	\$ 1114.89

Motions for Council: Nil
Moved : Seconded: Unanimously passed
Moved: Seconded: Unanimously passed
Actions arising / Recommendations:
Nil
Correspondence:
Correspondence In: 1. May 4 - Clr. Renkema- Lang: Meetings with Greater Cities Commissioner 2. May 4 – Clr. Renkema-Lang: Coastal Cities Newsletter 3. May 2 – Brian Pickett: Gerroa Community Association Newsletter 4. May 1 – Clr. Renkema -Lang: Illawarra Shoalhaven Regional matters 5. April 27 – Emily Vaughan: Neil Reilly will attend AGM 6. April 26 – Clr. Renkema -Lang: Council Volunteer Appreciation 7. April 20 – Clr. Renkema -Lang: Coastal Matters 8. April 17 – David Pomery: Illawarra District Weed Authority
Correspondence Out: 1. April 21 – Chris Cassidy: Invitation to KMC for Mayor to attend the AGM 2. April 16 – KMC: Gerringong Surg Club DA 3. April 14 – KMC: Support Barroul House being exempted from Re-classification of Bonaira 4. April 24 – To CEO extending congratulations to the Executive Team on their respective appointments.
Guest speakers:
Nil
General business topics and outcomes:
The Mayor took questions from the floor on a wide range of topics. He was thanked for his attendance.
Ongoing issues to be addressed:
List any ongoing issues still to be addressed by Council

12.2 Executive summary of minutes: Central Precinct - 23 May 2023

Responsible Director: Office of the Chief Executive Officer

Attachments

- 1 Central Precinct - Executive Summary of Minutes - meeting 23/05/2023 [↓](#)

Enclosures

Nil

RECOMMENDED

That the executive summary of the minutes of the Central Precinct Committee Meeting held on 23 May 2023 be received and noted.

Background

Attached for Councillors' information is the executive summary of the minutes of the Central Precinct meeting held on 23 May 2023.

Executive summary – Kiama Central Precinct Minutes

The total number of attendees at the last KCP meeting (23 May 2023) was 21.

There were 12 apologies.

No motions were proposed

Election of KCP Committee for 2023-24

There were six nominations: Mark Greaves, Anne Greaves, John Greer, Janet Peters, Alan Woodward and Warren Simpson.

Warren Simpson declined and the remaining nominees were elected

General Business:

Access to Easts Beach and upgrade to coastal walking track

KCP submission on reclassification of Bonaira property - Alan Woodward

Letter from Gareth Ward MP to Paul Scully re South Kiama PP

Precinct Guidelines and Council Advisory Committees

Discussion on Kiama Associations and Precinct Alliance KAPA

Coastal Management Plan Clr Renkema Lang

Heritage Seminar report - Sue Eggins

Obelisk Protection report - John Greer

Greater Cities Commission and Illawarra Shoalhaven City Plan

Report on briefing with GC Commissioner Jackie Johnson - Clr Renkema Lang

Summary of position on paid parking - Mayor Reilly

Community consultation period open for drafts of :

-Operational Plan

-Budget FY 24

-Lng Term Financial Plan

Ongoing Issues to be addressed:

Awaiting:

Precinct Terms of Reference

More details and guidelines for proposed new Advisory Committees

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 NSW Local Government Remuneration Tribunal - Annual fees payable to Mayors and Councillors

CSP Objective: Outcome 13: Governance is transparent and builds trust

CSP Strategy: 13.4 Create systems of governance and oversight that are current and compliant, and offer transparency and accountable

Delivery Program: 13.4.1 Our Elected Officials are supported through good systems and records

Item 13.1

Summary

The Local Government Remuneration Tribunal has made determinations under Section 241 of the Local Government Act 1993 in respect of the annual fees payable to the Mayor and Councillors effective from 1 July 2023.

Financial implication

There are sufficient funds in the 2023/24 budget to meet a three per cent increase as determined by the Tribunal.

Risk implication

The risk is failing to meet the legislative requirements of sections 248 and 249 of the Local Government Act resulting in damage to reputation and regulatory intervention.

Policy

Local Government Act 1993

Internal consultation

Chief Financial Officer

Communication / Community engagement

Not applicable

Attachments

- 1 OLG Circular: 2023/24 Determination of the Local Government Remuneration Tribunal [↓](#)

Enclosures

Nil

RECOMMENDATION

That the annual fees payable for the period 1 July 2023 to 30 June 2024 be:

1. \$21,730 for each Councillor including the Mayor, and
2. \$47,420 additional fee for the Mayor

Report of the Chief Executive Officer

13.1 NSW Local Government Remuneration Tribunal - Annual fees payable to Mayors and Councillors (cont)

Item 13.1

Background

The Local Government Act 1993 (the Act) provides for the establishment of a Local Government Remuneration Tribunal (Tribunal) to determine categories for councils, together with annual fees payable to mayors and councillors. The Tribunal, in accordance with Section 41 of the Act, must determine no later than by 1 May each year the minimum/maximum fees payable for councillors and mayors for each category.

The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every three years under section 239 of the Local Government Act 1993. The Tribunal undertook a review of the categories as part of its 2023 determination.

In its determination, the Tribunal has acknowledged the issues raised in submissions about the remuneration received by mayors and councillors, including a lack of diversity in representation, the changing nature of work required to be undertaken and changed community expectations. The Tribunal has suggested there would be merit in a comprehensive review of the framework for mayor and councillor remuneration. This will be considered as part of the Government’s examination of the broader issues facing local government.

The Local Government Remuneration Tribunal has determined an increase of 3% to mayoral and councillor fees for the 2023-2024 financial year, with effect from 1 July 2023 with the following minimum and maximum allowances:

Category: Regional Rural	2023/24	
	Minimum	Maximum
Councillor fee	9,850	21,730
Mayoral fee	20,980	47,420

Fees for 2022-2023 were \$21,104.58 for the Councillor fee and \$46,037.70 for the Mayoral fee.

A council cannot fix a fee higher than the maximum amount determined by the Tribunal. If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

2023-2024 fees

Sections 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2023 based on the Tribunal’s determination for the 2023-24 financial year. The annual fee is to be the same for each Councillor and Council is able to pay that fee having regard to the category established by the Tribunal.

This report recommends the maximum amount (as indicated in the table above) to be paid for Councillor fees (\$21,730) and the Mayoral fee (\$47,420) for 2023/2024.



Circular to Councils

Circular Details	Circular No 23-03 / 10 May 2023 / A859646
Previous Circular	22-14 2022/23 Determination of the Local Government Remuneration Tribunal
Who should read this	Councillors / General Managers
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to implement

2023/24 Determination of the Local Government Remuneration Tribunal

What's new or changing

- The Local Government Remuneration Tribunal has determined an increase of 3% to mayoral and councillor fees for the 2023-24 financial year, with effect from 1 July 2023.
- The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every three years under section 239 of the *Local Government Act 1993*. The Tribunal undertook a review of the categories as part of its 2023 determination.
- The Tribunal has determined the creation of two (2) new remuneration categories, 'Metropolitan Major' and 'Rural Large'.
- The Tribunal has also varied the criteria of several existing categories.
- As a result of the creation of the two new categories and changes to the criteria of some of the existing categories, the Tribunal has re-categorised twenty-six (26) councils into a higher existing category or into a new category.
- In its determination, the Tribunal has acknowledged the issues raised in submissions about the remuneration received by mayors and councillors, including a lack of diversity in representation, the changing nature of work required to be undertaken and changed community expectations. The Tribunal has suggested there would be merit in a comprehensive review of the framework for mayor and councillor remuneration. This will be considered as part of the Government's examination of the broader issues facing local government.

What this will mean for your council

- Sections 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2023 based on the Tribunal's determination for the 2023-24 financial year.

Key points

- The level of fees paid will depend on the category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.
- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

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Where to go for further information

- The Tribunal's report and determination is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Brett Whitworth
Deputy Secretary, Local Government

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13.2 Request for donation: Kiama High School students - International Youth Science Forum 2023

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.1 Manage Public Funds in accordance with Financial Management Standards and the Local Government Act

Delivery Program: 12.1.2 Maintain compliance with the Office of Local Government risk management and internal audit framework; including ARIC and internal audit operation in accordance with legislation

Item 13.2

Summary

This report seeks Council's consideration of a request for financial support for three Kiama High School students to attend the International Youth Science Forum in London in July 2023.

Financial implication

Council is asked to consider a donation of \$1,000 to assist in the cost of international travel for the three students. Fees are to be funded from Council's Community Contributions and Donations (Events/Festivals) fund.

Risk implication

The information contained in this report ensures that public funds are managed transparently.

Policy

Not applicable.

Consultation

Not applicable

Communication/Community engagement

Not applicable.

Attachments

- 1 London International Youth Science Forum 2023 Proposal [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council delegate to the CEO to make a financial contribution of \$1,000 to Kiama High School for science students Sophie Yates and Hallie Richmond to assist their attendance at the International Science Forum in London in July 2023.

Report of the Chief Executive Officer

13.2 Request for donation: Kiama High School students - International Youth Science Forum 2023 (cont)

Background

Sophie Yates and Hallie Richmond have been selected to attend the International Youth Science Forum in London in July 2023. Sophie and Hallie are current Kiama High School Year 12 students who have a strong interest in STEM (science, technology, engineering and mathematics) innovations with a particular focus in molecular biology and biomedical sciences.

As previous attendees of the National Youth Science Forum, this exciting experience will present Sophie and Hallie with opportunities to attend lectures from Nobel Laureates and visit facilities at Oxford and Cambridge University.

The London International Youth Science Forum (LIYSF) offers a two-week science summer camp programme, at Imperial College London and The Royal Geographical Society in the UK. Each year 500 students aged 16-21 years old from 70 countries attend a 15-day STEM Summer Camp with lecture demonstrations from leading scientists, scientific visits to world-class laboratories and science universities combined with international cultural interaction.

LIYSF aims to empower young people from all backgrounds to pursue their potential in STEM education and believe that connecting with others from across the globe in person and exchanging ideas is vital to form and establish networks. This enables discussion about global issues and scientific advancements in our world today. LIYSF equips students to take their place in the world as a global citizen.

Sophie and Hallie have so far raised \$5,275 of their \$18,000 target, and will provide a brief presentation to Council at the September Council meeting.

LIYSF 2023

London International Youth Science Forum

Funding proposal: Sophie Yates and
Hallie Richmond of Kiama High School

**Program dates: 26th July-
9th August 2023**

Item 13.2

Attachment 1

Once In a lifetime opportunity

We have recognised you as an active community leader, and we would love to provide you with the opportunity to involve yourself as a supporter in helping us achieve our goal of attending the London International Youth Science Forum this coming July.

We are both extremely passionate science students who have been provided with a once in a lifetime opportunity to connect with leading global innovators within the scientific industry.

LIYSF is a 15 day program held throughout various, prestigious establishments throughout London. This includes the Royal Geographic Society, Imperial College London, Oxford and Cambridge Universities as well as a multitude of other enterprises.

We will have access to specialist lecture demonstrations and keynote addresses from Nobel Prize winners and other scientific trailblazers as well as scientific visits to world class laboratories.

At LIYSF, we will have the opportunity to connect with 500 young people from across over 70 countries allowing the global expansion of our scientific outreach.

We are seeking funding to help us achieve attendance to this prestigious, once in a lifetime opportunity. Financial contributions will be allocated to program and travel costs. (Detailed below).

Expenses	Cost (Per Person)
Program Cost	\$5,520
Return Flights to United Kingdom	\$3,000 (Approx)
Total	\$8,520

Contributions can be made to our official GoFundMe page:
<https://www.gofundme.com/f/liysf-sophie-yates-and-hallie-richmond>

Discoverable by Search:
Sophie Yates and Hallie Richmond LIYSF

About us

Sophie Yates

My name is Sophie Yates and I am a year 12 student at Kiama High School. I am an extremely passionate science student who is always striving for my absolute best. In January, I attended the National Youth Science Forum which acted as the springboard into my evolving passion for science and more specifically, biology. I am currently studying English Extension 1, English Advanced, Biology, PDHPE, Legal Studies and Mathematics Advanced, I truly enjoy all my subjects and learning is something I revel in. At university I hope to study a double degree of Law and Science (Biology major) to hopefully continue to the explore the role of scientific technology in modern society. LIYSF is a once in a lifetime opportunity which will allow me to make global connections and broaden my international perspective on science. The connections with both industry professionals as well as young people make this a truly exceptional opportunity with many learning benefits and opportunities.



Hallie Richmond



My name is Hallie Richmond, I am a senior student at Kiama High School with a growing passion for science. After recently attending the National Youth Science Forum, I was immersed in new and fascinating areas of science which budded my major interest in various STEM careers. I enjoy sports, reading and ultimately learning new things. My favourite subjects are biology and PDHPE which started my evolving interest in the science behind the human body and environment. I plan on continuing this by studying Molecular Biology or Conservation Biology at university. Attending LIYSF would grant me the opportunity to further explore my interests in an academic and culturally immersive setting. This is an amazing, once in a lifetime opportunity that would benefit me both intellectually and socially.

Contact us

School Contacts:

Rut

Email: [Redacted]

Hayden McKay (Head Teacher of S

Email: [Redacted]

Ph: [Redacted]

Student Contacts:

Sophie Yates:

Email: [Redacted]

Ph: [Redacted]

Hallie Richmond

Email: [Redacted]

[Redacted]

Ph: [Redacted]

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Monthly Financial Report - April 2023

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.1 Manage Public Funds in accordance with Financial Management Standards and the Local Government Act

Delivery Program: 12.1.1 Improved financial reporting and legislative compliance through reporting, scrutiny and oversight processes.

Summary

This report recommends receipt and adoption of the Monthly Financial Report for April 2023.

Financial implication

This report relates directly to the financial performance of Council.

Policy

Local Government Act 1993

Local Government (General) Regulation 2021

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Communication/Community engagement

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the Monthly Financial Report for April 2023.

Background

The Monthly Financial Report for April 2023 has been prepared to provide Council an overview of the current year to date financial performance and future projected year end position of Council.

Consolidated Income and Expenditure Statement

The result for year-to-date 30 April 2023 is a surplus of \$13.35 million compared to budget surplus of \$11.17 million resulting in a favourable variance of \$2.18 million.

Report of the Chief Operating Officer

14.1 Monthly Financial Report - April 2023 (cont)

Gain on sale of assets, materials / services and other expenses are the main causes for the variance.

The annual budget for rates and annual charges is not expected to change materially with the current variance shown above being timing in nature.

User fees and charges is marginally higher than expected as revenues across several services are greater than originally budgeted, primarily due to continued post COVID-19 pickup in activity, as follows:

- Kiama Coast Holiday Parks \$484,000 (5.25%)
- Kiama Leisure Centre \$201,000 (11.23%)
- The Pavilion \$81,000 (15.79%)

The result above is despite the Blue Haven business activity recording less than budgeted income of \$427,000 (-9.53%) which is mainly attributed to lower occupancy in the residential aged care facility \$400,000 (-12.46%).

Interest on investments is significantly above budget primarily due to investment of proceeds from the sale of Akuna Street Landholdings in December 2022. The budgeted amount was updated in the March Quarterly Budget Review report and will be reflected in the May monthly financial report.

Grant funding for operating and capital purposes is budgeted on a lineal basis with funds received based on milestones being reached and/or by one off payments such as the pensioner subsidy claim or instalments such as the Financial Assistance Grant. As we approach year end, both grants will be reviewed and reconciled, and any adjustments made.

The substantive gain on sale of assets is due to proceeds received for the sale of property holdings in December 2022, noting this represents the difference between sale proceeds and balance sheet carrying value.

Employee costs variance is \$212,000 below budget (\$345,000 below budget in February 2022) which is largely attributable to the original \$2 million budget allocation for the organisational restructure of which \$500,000 is reflected each quarter. This budget reduced by \$500,000 in the September Quarterly Budget Review remains partially spent. Substantial work is underway on the organisational restructure presently with Manager level roles advertised and under recruitment. Additionally, there are staff shortages resulting in increased overtime and positions have been filled through the use of employment agencies. These costs are recognised in materials and services.

Materials and services favourable variance of \$2.38 million is mainly due to the engineering and maintenance teams not being able to progress works as quickly as planned due to various factors including staffing and contractor shortage. The budgeted amount was updated in the March Quarterly Budget Review report and will be reflected in the May monthly financial report.

The variance in Other expenses is largely offset by the variance in Other income.

Report of the Chief Operating Officer

14.1 Monthly Financial Report - April 2023 (cont)

KIAMA MUNICIPAL COUNCIL



Summary Consolidated Operating Results
For the Period Ending 30 April 2023

	Year to Date				Full Year					
	Actual	Adopted Budget	Variance	Last Year Actual	Last Year Actual	QBR 1		QBR 2		Revised Budget
						2023	2022	2023	2023	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from continuing operations										
Rates and annual charges	21,756	22,432	(676)	16,117	19,319	26,919				26,919
User charges and fees	20,111	19,586	525	24,182	29,019	23,134	(192)	127		23,069
Other revenue	4,843	5,057	(215)	4,713	5,930	4,886		1,134		6,020
Grants and contributions provided for operating purposes	14,773	13,488	1,285	15,986	18,500	16,717	(350)	(53)		16,314
Grants and contributions provided for capital purposes	3,024	5,093	(2,070)	1,144	1,977	6,196	(329)	295		6,162
Interest and investment income	1,289	572	718	110	290	741	11	(66)		686
Other income	-	1,269	(1,269)	-	-	1,523				1,523
Net gain/(loss) from the disposal of assets	16,985	18,609	(1,625)	760	925	14,410		4,199		18,609
Internal Revenue	4,320	5,480	(1,160)	5,602	7,817	6,576				6,576
Total income from continuing operations	87,099	91,587	(4,488)	68,614	83,777	101,102	(860)	5,636		105,878
Expenses from continuing operations										
Employee benefits and on-costs	30,242	30,453	(212)	29,615	35,596	37,599	(1,290)	(104)		36,205
Materials and services	24,358	26,740	(2,382)	24,151	31,066	32,282	(632)	591		32,241
Borrowing costs	1,748	1,334	414	1,356	1,075	1,827	(226)			1,601
Depreciation, amortisation and impairment for non financial assets	9,322	9,322	0	9,555	11,419	11,186				11,186
Other expenses	745	1,997	(1,252)	779	1,415	2,695		(54)		2,641
Internal Expenditure	4,311	5,480	(1,169)	5,920	8,147	6,576				6,576
Total Expenses from continuing operations	70,726	75,327	(4,601)	71,375	88,718	92,165	(2,148)	433		90,450
Operating result from continuing operations	16,373	16,260	113	(2,761)	(4,941)	8,937	1,288	5,203		15,428
Net operating results for the year	16,373	16,260	113	(2,761)	(4,941)	8,937	1,288	5,203		15,428
Net operating result for the year before grants and contributions provided for capital purposes	13,350	11,167	2,183	(3,905)	(6,918)	2,741	1,617	4,908		9,266

Item 14.1

Report of the Chief Operating Officer

14.1 Monthly Financial Report - April 2023 (cont)

Consolidated Balance Sheet

The Balance Sheet is similar to the previous month from a broad net equity perspective. Total cash reserves (cash + investments) have decreased marginally to \$78.07 million at 30 April 2023 compared to \$81.29 million as at 31 March 2023.

Cash will decrease in the May 2023 balance sheet report following the loan repayment to TCorp on 3 May 2023 of \$15 million. Accordingly, the associated liability will also decrease. A further \$15 million repayment is scheduled to be made in June 2023. These amounts are from externally restricted reserves set aside for that purpose.

Current Asset Ratio

The ratio of 0.51 is calculated on figures reported in the consolidated balance sheet which is in line with reported ratio of 0.57 in March 2023. The current asset ratio would be approximately 3.46 with the exclusion of Blue Haven current assets and current liabilities from the calculation.

Item 14.1

Report of the Chief Operating Officer

14.1 Monthly Financial Report - April 2023 (cont)

KIAMA MUNICIPAL COUNCIL

Consolidated

Statement of Financial Position
For the Period Ended 30 April 2023

	Notes	Actual 10 Months 2023 \$'000	Actual 10 Months 2022 \$'000
ASSETS			
Current assets			
Cash and cash equivalents	C1-1 1CA01	16,397	5,263
Investments	C1-2 1CA02	54,675	48,393
Receivables	C1-4 1CA03	3,373	8,260
Inventories	C1-5 1CA04	338	303
Contract assets and contract cost assets	C1-6 1CA08	105	1,218
Current assets classified as 'held for sale'	C1-7 1CA06	-	3,752
Other	1CA05	483	211
Total current assets		75,370	67,399
Non current assets			
Investments	C1-2 1NCA01	7,000	1,014
Receivables	C1-4 1NCA02	196	190
Infrastructure, property, plant and equipment	C1-8 1NCA03	494,018	504,917
Investment property	C1-9 1NCA05	139,078	139,078
Intangible assets	C1-10 1NCA06	-	5,409
Right of use assets	C2-1 1NCA09	41	61
Total non current assets		640,333	650,670
Total assets		715,703	718,069
LIABILITIES			
Current liabilities			
Payables	C3-1 2CL01	135,042	137,561
Contract liabilities	C3-2 2CL05	2,693	8,253
Lease liabilities	C2-1 2CL04	36	99
Borrowings	C3-3 2CL02	1,231	248
Employee benefit provisions	C3-4 2CL03	7,444	7,521
Total current liabilities		146,446	153,682
Non current liabilities			
Payables	C3-1 2NCL01	27	27
Lease liabilities	C2-1 2NCL04	6	78
Borrowings	C3-3 2NCL02	50,362	52,520
Employee benefit provisions	C3-4 2NCL03	768	768
Total non current liabilities		51,164	53,393
Total Liabilities		197,610	207,075
Net Assets		518,093	510,994
EQUITY			
Retained earnings	3EQ01	199,554	206,179
Revaluation reserves	3EQ02	302,166	302,167
Other reserves	3EQ05	-	5,409
Current Year Net Earnings		16,373	-2,761
Total equity		518,093	510,994

Report of the Chief Operating Officer

14.1 Monthly Financial Report - April 2023 (cont)

Blue Haven Income and Expenditure Statement

As mentioned earlier in this report user charges and fees are less than expected by the amount of \$427,000 (-9.53%) primarily because of lower occupancy. RAC was originally budgeted for full occupancy and subsequently reduced to 90%. Even this has proved a challenge with unplanned departures around the new year period. With staffing constraints, a maximum of 85% or 115 residents can be achieved. Occupancy did reduce to 75% but is currently at 80% to 85%. The financial impact is based on year to date or cumulative so the dip to 75% is felt in the year to date occupancy or income position. Additionally, rooms are off-line due to construction defects and not being able to secure GP's for new residents.

The deficit shown in employee costs of \$298,000 (2.91%) is a result of permanent staff undertaking overtime and the continued engagement of casual staff at higher pay rates, whilst the materials and services deficit of \$260,000 (5.08%) is primarily due to increased inflationary costs on these items.

The Blue Haven Income and Expenditure Statement below reflects that Blue Haven overall is behind budget by \$568,000 at the end of April 2023 (\$563,000 behind budget at the end of March).

As noted previously in the reports, and in Councillors workshops, the RAC continues to operate at a substantive loss, currently \$4.34 million as at 30 April 2023 compared to \$3.91 million at 31 March 2023.

An extract of previous month's reports regarding the result for ILU and the lack of depreciation is again included below due to the significance of the matter on the understanding and interpretation of the income and expenditure statement:

The income and expenditure statement below (which includes the non-cash DMF as income – refer 'other revenue') does not reflect any associated significant building expenditure. This expenditure would otherwise be reflected as building depreciation. However, because the ILU's are recorded in the balance sheet as "Investment Property" (refer balance sheet \$139 million), there is no depreciation charge due to assets being deemed investment in nature and subject to periodic revaluation. A depreciation charge of 1.67% (based on a sixty-year life cycle) would incur a depreciation charge of \$2.30 million. A forty-year life cycle would incur a depreciation charge of \$3.40 million per annum.

This issue was incorporated into the 2023-2024 Draft Budget and Long Term Financial Plan currently on exhibition. A depreciation charge of \$3M (based on 45 year straight line depreciation or life cycle has been used). This will provide a clearer reflection of the operating performance next year, notwithstanding an upcoming asset management report that will highlight current costs required for upgrade or major maintenance purposes.

	Year to Date				Full Year				
	Actual	Adopted Budget	Variance	Last Year Actual	Last Year Actual	Original Budget	QBR 1	QBR 2	Revised Budget
	2023	2023	2023	2022	2022	2023	2023	2023	2023
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from continuing operations									
Rates and annual charges	-	-	-	-	-	-	-	-	-
User charges and fees	4,056	4,482	(427)	4,639	5,529	5,840	(418)	(44)	5,378
Other revenue	3,681	3,943	(262)	3,674	4,692	3,632		1,100	4,732
Grants and contributions provided for operating purposes	10,301	10,157	144	10,403	12,139	13,543	(1,354)		12,189
Grants and contributions provided for capital purposes	-	-	-	-	-	-			-
Interest and investment income	749	139	610	-	10	232		(66)	166
Other income	-	1,244	(1,244)	-	-	1,493			1,493
Internal Revenue	1,066	3	1,063	946	1,265	3			3
Total income from continuing operations	19,853	19,968	(115)	19,662	23,635	24,743	(1,772)	990	23,961
Expenses from continuing operations									
Employee benefits and on-costs	10,531	10,232	298	10,587	12,441	12,233			12,233
Materials and services	5,382	5,122	260	5,962	7,660	7,221	(1,097)	96	6,220
Borrowing costs	1,597	1,141	456	1,145	838	1,369			1,369
Depreciation, amortisation and impairment for non financial assets	1,048	1,048	0	1,173	1,409	1,257			1,257
Other expenses	2	1,244	(1,242)	-	-	1,493			1,493
Net loss from the disposal of assets	-	-	-	-	-	-			-
Internal Expenditure	2,345	1,664	681	1,786	3,139	1,996			1,996
Total Expenses from continuing operations	20,904	20,451	453	20,654	25,487	25,570	(1,097)	96	24,569
Operating result from continuing operations	(1,051)	(483)	(568)	(992)	(1,852)	(827)	(675)	894	(608)
Net operating results for the year	(1,051)	(483)	(568)	(992)	(1,852)	(827)	(675)	894	(608)
Net operating result for the year before grants and contributions provided for capital purposes	(1,051)	(483)	(568)	(992)	(1,852)	(827)	(675)	894	(608)



BLUE HAVEN INCOME AND EXPENDITURE STATEMENT

(DEPARTMENTAL SUMMARY)

For the Period Ending 30 April 2023

	YEAR TO DATE										FULL YEAR		
	RACF	ILU	COMMUNITY PROGRAMS		BARROUL HOUSE	BH MANAGEMENT		TOTAL BLUEHAVEN			Last Year Actual 2022 \$'000	Revised Budget 2023 \$'000	
			Actual 2023 \$'000	Actual 2023 \$'000		Actual 2023 \$'000	Actual 2023 \$'000	Actual 2023 \$'000	Adopted Budget 2023 \$'000	Variance 2023 \$'000			Last Year Actual 2022 \$'000
Income from continuing operations													
Rates and annual charges	-	1,127	120	-	-	-	-	-	-	-	-	-	-
User charges and fees	2,809	3,568	24	73	-	-	-	4,056	4,482	(427)	4,639	5,378	
Other revenue	17	-	-	-	-	-	-	3,681	3,943	(262)	3,674	4,732	
Grants and contributions provided for operating purposes	6,595	-	3,706	-	-	-	-	10,301	10,157	144	10,403	12,189	
Grants and contributions provided for capital purposes	-	-	-	-	-	-	-	-	-	-	-	-	
Interest and investment income	385	346	18	-	-	-	-	749	139	610	0	166	
Other income	-	-	-	-	-	-	-	-	1,244	(1,244)	-	1,493	
Internal Revenue	-	-	353	-	-	713	-	1,066	3	1,063	946	3	
Total income from continuing operations	9,806	5,041	4,221	73	713	19,853	19,968	19,968	(115)	19,662	23,635	23,961	
Expenses from continuing operations													
Employee benefits and on-costs	7,181	144	2,495	172	539	10,531	10,232	10,531	10,232	298	10,587	12,307	
Materials and services	4,066	677	556	33	50	5,382	5,122	5,382	5,122	260	5,962	6,146	
Borrowing costs	1,118	479	-	-	-	1,597	1,141	1,597	1,141	456	1,145	1,369	
Depreciation, amortisation and impairment for non financial assets	935	-	-	-	113	1,048	1,048	1,048	1,048	0	1,173	1,257	
Other expenses	-	2	-	-	-	2	1,244	2	1,244	(1,242)	-	1,493	
Net loss from the disposal of assets	-	-	-	-	-	-	-	-	-	-	-	-	
Internal Expenditure	849	404	1,065	17	10	2,345	1,664	2,345	1,664	681	1,786	1,996	
Total Expenses from continuing operations	14,150	1,706	4,116	222	711	20,904	20,451	20,904	20,451	453	20,654	24,569	
Operating result from continuing operations	(4,344)	3,335	105	(149)	2	(1,051)	(483)	(1,051)	(483)	(568)	(992)	(608)	
Net operating results for the year	(4,344)	3,335	105	(149)	2	(1,051)	(483)	(1,051)	(483)	(568)	(992)	(608)	
Net operating result for the year before grants and contributions provided for capital purposes	(4,344)	3,335	105	(149)	2	(1,051)	(483)	(1,051)	(483)	(568)	(992)	(608)	

Item 14.1

14.2 Re-assessment of Additional Special Rate Variation - Request to Amend 2022 Submission

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.1 Manage Public Funds in accordance with Financial Management Standards and the Local Government Act

Delivery Program: 12.1.3 Manage Council's Financial Sustainability through an increase of revenue and funding sources

Item 14.2

Summary

In 2022 NSW Government allowed Councils to apply for an Additional Special Variation (ASV) through IPART of 0.9%.

Financial implication

The 0.9% results in additional revenue of \$174K against the base of some \$20M. In 2023 the rate peg of 1.6% produced additional revenue of \$310K and the combination produced revenue of \$484K.

For 2024 rate revenue purposes, the recently announced rate peg of 5.1% for Kiama Municipal Council can only be applied to last year's rate base after deducting or removing the impact of the 0.9% due to the application by KMC last year that the 0.9% only apply for the temporary one year period.

Risk implication

The financial position of Council is a significant concern. Council have been extremely transparent about this situation and shared regular information and reports on the financial status of the business. The reduction of \$174K has an adverse effect on operating and unrestricted performance results, noting that the reduced rate base will continue into the future.

Policy

n/a

Consultation (internal)

If approved and successful, then the reinstatement of the 0.9% will be communicated prior to finalisation of the Budget and Long Term Financial Plan (LTFP) / Operating Plan processes.

Communication/Community engagement

The Budget and LTFP / Operating Plan processes have been communicated as part of the IP&R engagement process. The various issues of the 0.9% including financial impact and the IPART application were addressed during these various communication and meeting processes.

Attachments

Nil

Enclosures

Nil

Report of the Chief Operating Officer

14.2 Re-assessment of Additional Special Rate Variation - Request to Amend
2022 Submission (cont)

RECOMMENDATION

That Council notes the decision by NSW IPART to not accept Council's request to have its 2022 Application for an Additional Special Variation (ASV) application of 0.9% amended from temporary to permanent in line with other Councils across NSW.

Background

In 2022 NSW Government allowed Councils to apply for an Additional Special Rate Variation through IPART of 0.9%. The 0.9% resulted in additional revenue of \$174K against the base of some \$20M. In 2023 the rate peg of 1.6% produced additional revenue of \$310K and the combination produced revenue of \$484K.

Some 86 Councils applied for the ASV. Only KMC requested 'temporary' setting compared to all others requesting 'permanent'.

Current Situation

The recently announced rate peg of 5.1% for Kiama Municipal Council can only be applied to last year's rate base after deducting or removing the impact of the 0.9% due to the application by KMC last year that the 0.9% only apply for the temporary one year period. An alternate and simple way of understanding the approximate net impact of this is to consider the rate peg of 5.1% for 2024 being reduced by 0.9% to 4.2%.

The reduction of \$174K has an adverse effect on operating and unrestricted performance results, noting that the reduced rate base will continue into the future.

IPART have responded and not accepted Council's request to amend its ASV application in 2022 from temporary to permanent. They advise that Special Rate Variations are an option for all Councils across NSW should their needs, circumstances and criteria align with the application assessment process.

14.3 Statement of Investments - May 2023

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.1 Manage Public Funds in accordance with Financial Management Standards and the Local Government Act

Delivery Program: 12.1.1 Improved financial reporting and legislative compliance through reporting, scrutiny and oversight processes.

Summary

This report provides an overview of Councils cash and investment portfolio and investment performance at 31 May 2023 and endorsement of the restricted funds position.]

Financial implication

Investments are undertaken based upon the best rate on the day and after consideration of spreading Council's Investment risk across various institutions as per the Investment Policy and section 625 of the Local Government Act 1993. The distinction between restricted and unrestricted funds is a key operational and financial understanding.

Risk implication

The risk related to this information is non-compliance with Council's Investment Policy and Office of Local Government guidelines for appropriate monitoring and reporting of changes and the position of restricted funds.

Policy

Clause 625 of the *Local Government Act 1993*

Clause 212 of the Local Government (General) Regulation 2021

Kiama Municipal Council – Investment Policy

Kiama Municipal Council – Restricted Funds Policy

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Financial Accountant

Communication/Community engagement

N/A

Attachments

1 May 2023 Investment Report [↓](#)

Enclosures

Nil

Report of the Chief Operating Officer

14.3 Statement of Investments - May 2023 (cont)

RECOMMENDATION

That Council:

1. Receives the information relating to the Statement of Investments as at 31 May 2023
2. Notes the upcoming payment to NSW TCorp of \$15M on 23 June 2023.
3. Notes and delegates to the CEO to progress new loan negotiations with NSW TCorp for the remaining \$15M currently due in August 2023.

Item 14.3

Background

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy in August 2021. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy.

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. External investment broker advice is also considered at the time.

Movement in investments

Council's average weighted return for May 2023 was 3.43%. Investment rate average of 3.34% compares to 3.41% last month. The 90 Day Bank Bill Swap Rate (BBSW) benchmark return of 3.90% as at 31 May 2023. This difference is because market interest rates are increasing, and Council have longer term fixed investments at lower rates. As a result, Council's return on funds will lag the actual real time 90 Day BBSW until such time as interest rate movements in the economy settle and all of Council's investments have matured and are invested at the settled prevailing (higher) market rates.

If funds are not required, maturing investments will be renewed for shorter terms to take advantage of the rising rate market and allow for cashflows in times where cash outflows are required to meet demand. Council have also negotiated with its banker, Westpac, an interest rate on its General Account which is linked to the 30 Day BBSW. As at 31 May, this rate was 3.77%.

Over the past 12 months, Council's investments portfolio has increased by 3.53% or \$2.04 million from the total investments held in May 2022.

There were five investments that matured during May 2023, with the following action taken under delegation:

- CBA \$1.9 million redeemed and not reinvested

Report of the Chief Operating Officer

14.3 Statement of Investments - May 2023 (cont)

- NAB \$1 million reinvested for 30 days
- NAB \$1 million reinvested for 30 days
- NAB \$1 million redeemed and not reinvested

The investment portfolio is regularly reviewed 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.

Restricted funds movements

During the month of May some movements in restricted funds were amended where required.

The restricted fund movement and balance is contained in *Table 2: Application of Invested Funds*; in the attachment and summarised in the table below.

	Balance last month	Movement	Balance May
External Restrictions			
Developer Contributions	\$11,035,959	\$117,431	\$11,153,390
Loan Restrictions - TCorp	\$30,727,246	-\$14,953,233	\$15,774,013
Blue Haven RAC Prudential	\$4,800,000	Nil	\$4,800,000
Crown Holiday Parks	\$2,954,353	-\$833,056	\$2,121,297
Stormwater Levy	\$227,227	-\$15	\$227,212
Security Bonds, Deposits and Retentions	\$2,378,047	-\$401,639	\$1,976,408
Internal Restrictions			
Employee Leave Liabilities	\$4,000,000	Nil	\$4,000,000
Land Development	\$10,002,000	-\$5,000,000	\$5,002,000
Waste Business Unit	\$602,290	\$278,304	\$880,594
Blue Haven ILU Prudential	\$4,200,000	Nil	\$4,200,000

Movements are the result of normal monthly adjustments based on net monthly income/expenditure results across some items such as Holiday Parks and Waste, and other operational transactions during the month requiring restricted fund action such as developer contributions, security bonds, deposits and refunds, and Bonaira ILU movements that impact TCorp loan restriction.

A tranche of the TCorp loan was due on the 3 May 2023 with a face value of \$15,000,000. Due to the nature of the loan the gross payable was \$15,059,160.54 which includes an interest component of \$105,928.18. The TCorp reserve was therefore reduced by the loan's capital value repayable of \$14,953,233 being the gross amount less the interest component. This reflects a 'gain' of some \$46,767 in clearing the debt of \$15M but ultimately is offset by the opportunity cost of redeeming the investment funds early.

The other main movement is \$5M from Land development Reserve. In accordance with Council's resolution at the May 2023 Council Meeting \$5 million has been transferred from the Land Development Reserve to unrestricted cash.

Report of the Chief Operating Officer

14.3 Statement of Investments - May 2023 (cont)

Additional information on Stormwater Levy

The Stormwater Levy Reserve was included as an externally restricted reserve in the March 2023 investment report (April Council meeting). At that time an undertaking was given to provide further information with regards to the creation of this external restriction.

The stormwater management service charge (stormwater levy) was introduced in 2006 in recognition of councils' key role in stormwater management and their need for a sustainable funding source to support their stormwater services. Funds collected from stormwater levy are restricted by legislation and must be spent on stormwater projects. The additional stormwater services being delivered using the stormwater levy sought to help in improving the health of urban waterways and reducing the impact of local flooding in communities.

As the levy is a static \$25/property, the real value of the levy has been significantly reduced over the past 12 years by ~25%.

Council at its meeting held on 21 March 2017 adopted the introduction of a stormwater levy from 1 July 2017. Stormwater levy is charged to all residential ratable properties with the exception of vacant land.

Funds collected from the charge do not have to be spent in the year they are raised and can be used to fund major programs spanning a number of years. The collection is reflected in the table and will be reconciled at year end against any corresponding expenditure which would reduce the restricted amount. An initial review of prior year financial statements indicated that corresponding expenditure did exist.

Unrestricted funds for future strategic or operational expenditure

The Unrestricted Funds balance as at 31 May 2023 (after the transfer of \$5 million from the Land Development Reserve as per the report and Resolution from Item 13.4 at the 16 May 2023 meeting of Council) is positive \$203,546.

The reduction in unrestricted cash is primarily due to:

- payments to various suppliers of \$7.67 million
- \$1.8 million of Blue Haven RAD exiting refunds
- May 2023 had one extra payroll cycle (five weeks rather than usual four)

The cash outflow was only partially offset by funds received from ratepayers (the fourth rates installment was due in May), new ILU and RAD deposits at Blue Haven, and revenue from Kendall Beach Holiday Park.

Depending on cash flow during June 2023 a transfer of funds from internally restricted reserves may be required to maintain a positive unrestricted funds balance at 30 June 2023.

The second part payment of the TCorp loan amount of \$15 million is expected to be made on 23 June 2023 which is not reflected in the above amount. To cater for the early repayment investments are being redeemed as they mature and not reinvested.

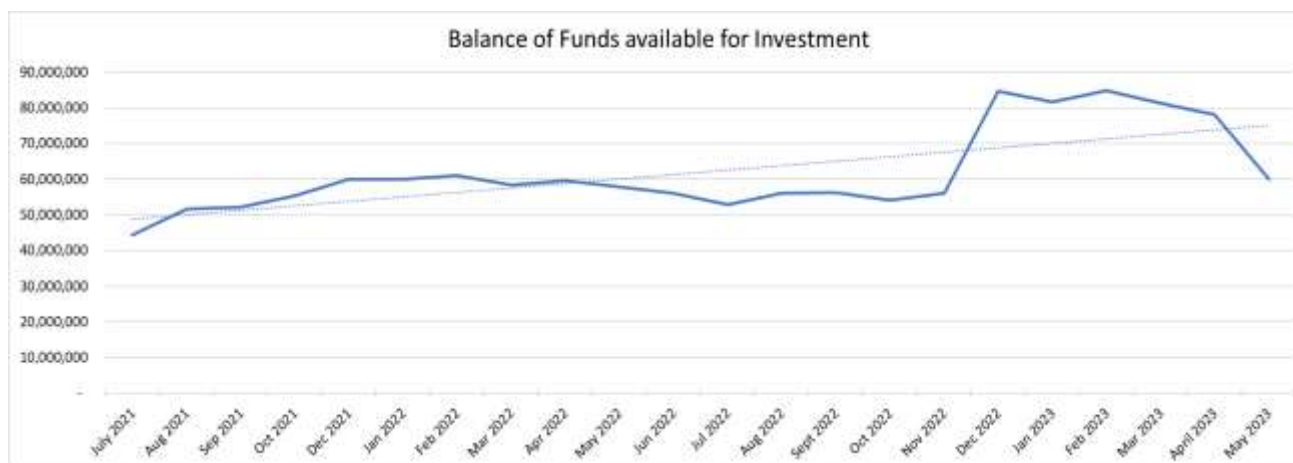
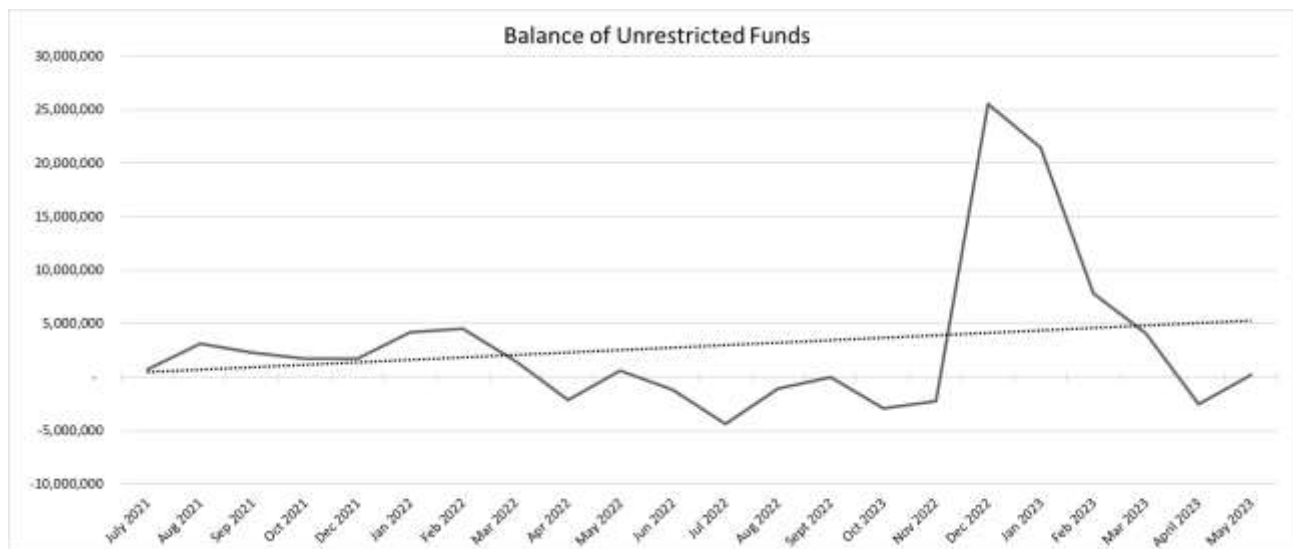
TCorp have recently responded to Council's earlier letter regarding a proposal for extension or re-negotiation of the remaining \$15M due in August 2023. TCorp have indicated preparedness for a 2 year loan to 9 August 2025. The final terms and

Report of the Chief Operating Officer

14.3 Statement of Investments - May 2023 (cont)

conditions are being reviewed and considered. Initial review indicates reasonable interest rates and repayment linking to Bonaira sale.

The graph below shows the positive unrestricted funds position this month.



Item 14.3

Consolidated cash position and Cash Flow Forecast

The recent 2 Year cash flow and Financial Sustainability Strategy are key documents that note Council’s plans to progress through its current financial position. The chart below shows a comparison of actual total cash reserves against the forecast as presented in February 2023 and an updated cash flow forecast. Note that the cash flow forecast was updated after March QBR to reflect the most up date expenditure and revenue budgets.

Report of the Chief Operating Officer

14.3 Statement of Investments - May 2023 (cont)



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 2021 and Council’s Investment Policy.

Olena Tulubinska
Chief Financial Officer

08/06/2023



Council Investments as at 31 May, 2023

INSTITUTION	S & P RATING	MARKET VALUE	INVESTMENT TYPE	DATE LOGGED	MATURITY DATE	TERM (DAYS)	RATE %
Bank of Qld	BBB+	3,000,000	Term Deposit	02-Dec-22	02-Jun-23	182	4.14
Bank of Qld	BBB+	1,000,000	Term Deposit	02-Dec-22	02-Jun-23	182	4.14
NAB	AA-	1,000,000	Term Deposit	04-May-23	05-Jun-23	32	3.85
ING	A	1,000,000	Term Deposit	09-Jun-21	09-Jun-23	730	0.50
NAB	AA-	7,000,000	Term Deposit	09-Jun-21	09-Jun-23	730	0.55
NAB	AA-	1,000,000	Term Deposit	11-May-23	13-Jun-23	33	3.90
NAB	AA-	1,000,000	Term Deposit	16-Dec-22	16-Jun-23	182	4.30
Bank of Qld	BBB+	4,000,000	Term Deposit	09-Jan-23	31-Jul-23	203	4.45
Commonwealth Bank	AA-	25,000,000	Term Deposit	16-Dec-22	31-Jul-23	227	4.42
Westpac	AA-	5,000,000	Term Deposit	23-Aug-21	02-Aug-23	709	0.44
NAB	AA-	1,000,000	Term Deposit	11-Aug-21	11-Aug-23	730	0.60
NAB	AA-	3,000,000	Term Deposit	20-Feb-23	21-Aug-23	182	4.49
Commonwealth Bank	AA-	2,000,000	Term Deposit	24-Feb-23	25-Sep-23	213	4.72
Commonwealth Bank	AA-	3,000,000	Term Deposit	16-Dec-22	18-Dec-23	367	4.67
AIMP	BBB	750,000	Term Deposit	27-Sep-22	26-Sep-24	730	4.95
Total Term Deposits & FRNs		58,750,000					3.34
Tcorplm Cash Fund	AAA	-	Cash Fund				
Westpac (All Bank Accounts)	AA-	1,205,434	Bank Account				3.77%
Total 'At Call' Funds		1,205,434					
TOTAL CASH & INVESTMENTS		59,955,434					
TOTAL INVESTMENTS Apr 2023		84,806,449	-29.30%	Change in total investment over prev 1 month			
TOTAL INVESTMENTS May 2022		57,912,331	3.53%	Change in total investment over prev 12 months			

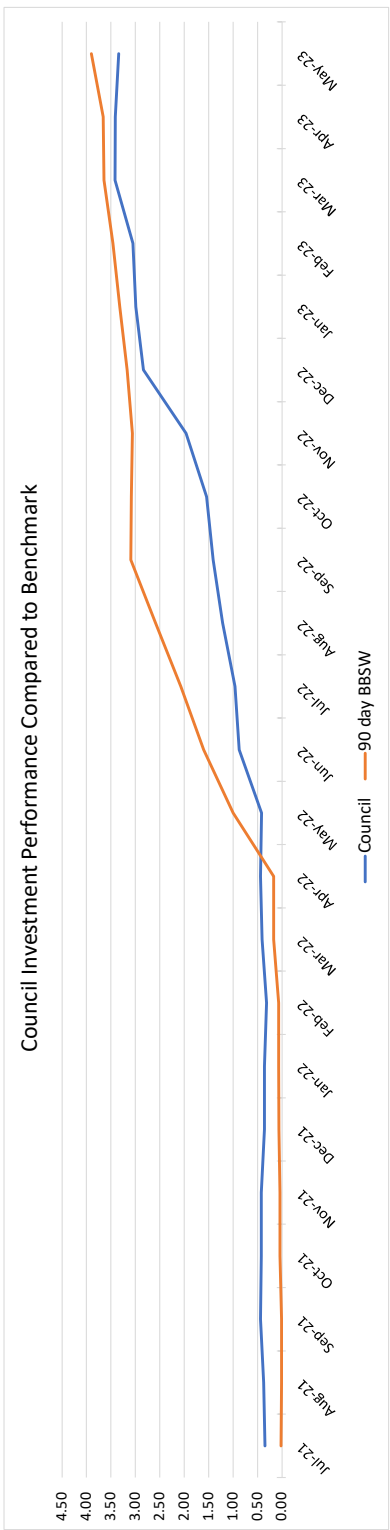
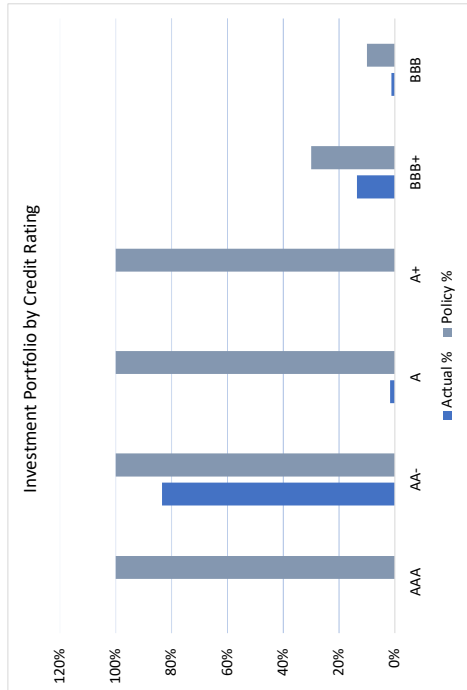
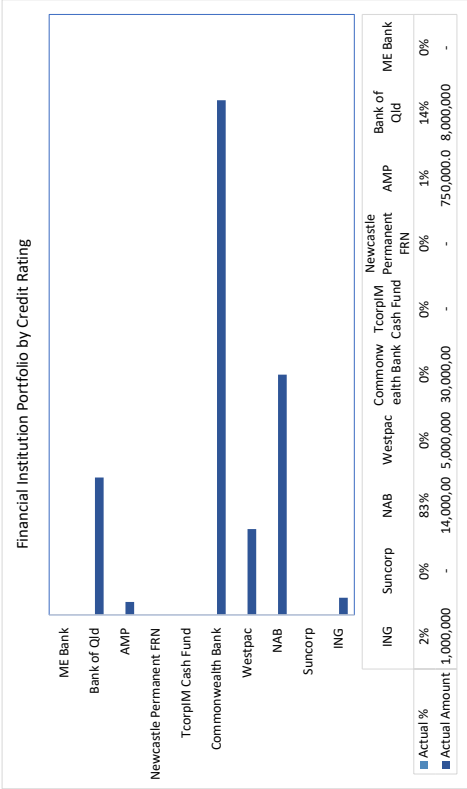
Note: As at 31 May 2023 unrepresented cheques totalled \$1,185,344.80

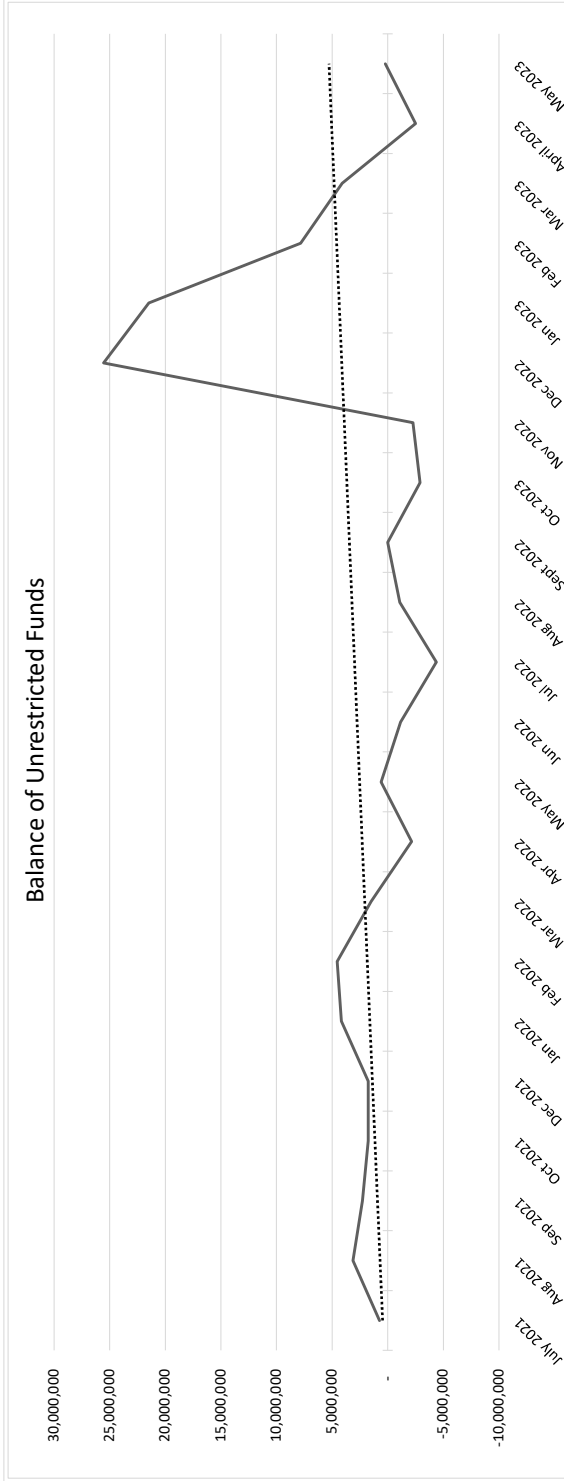
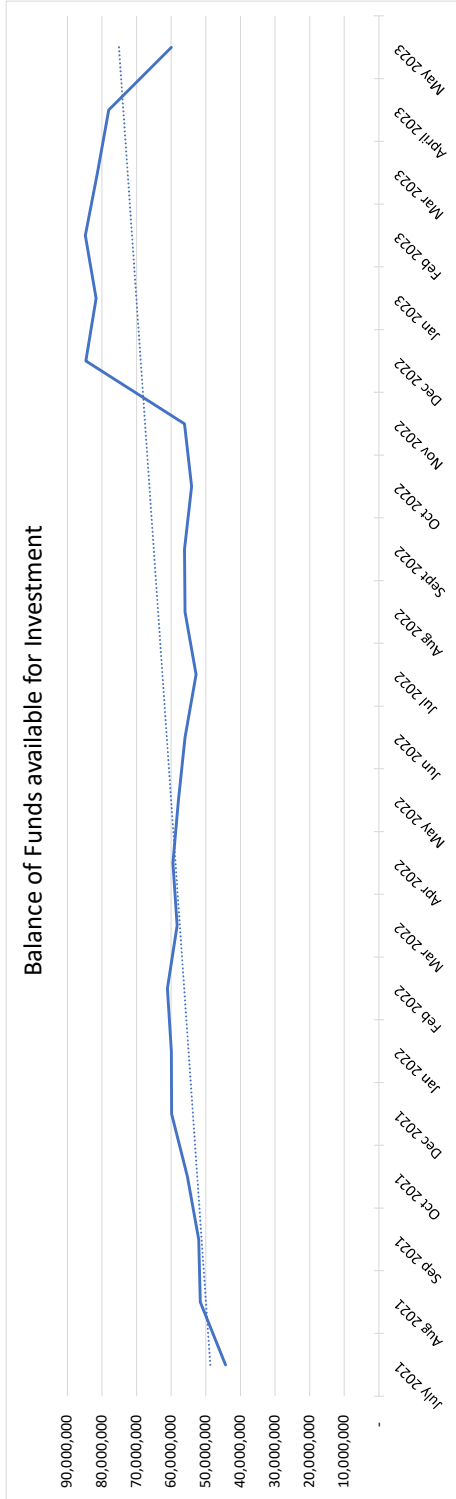
Long Term Credit Ratings (S&P or Moody's or Fitch)	Policy Maximum	Current Holding %	Current Investment \$
A, A+, AA-, AA, AA+, AAA	100%	85%	\$50,000,000
A-	40%	0%	\$0
BBB to BBB+	30%	15%	\$8,750,000
BBB- and below	5%	0%	\$0
**This includes all Term Deposits			\$58,750,000

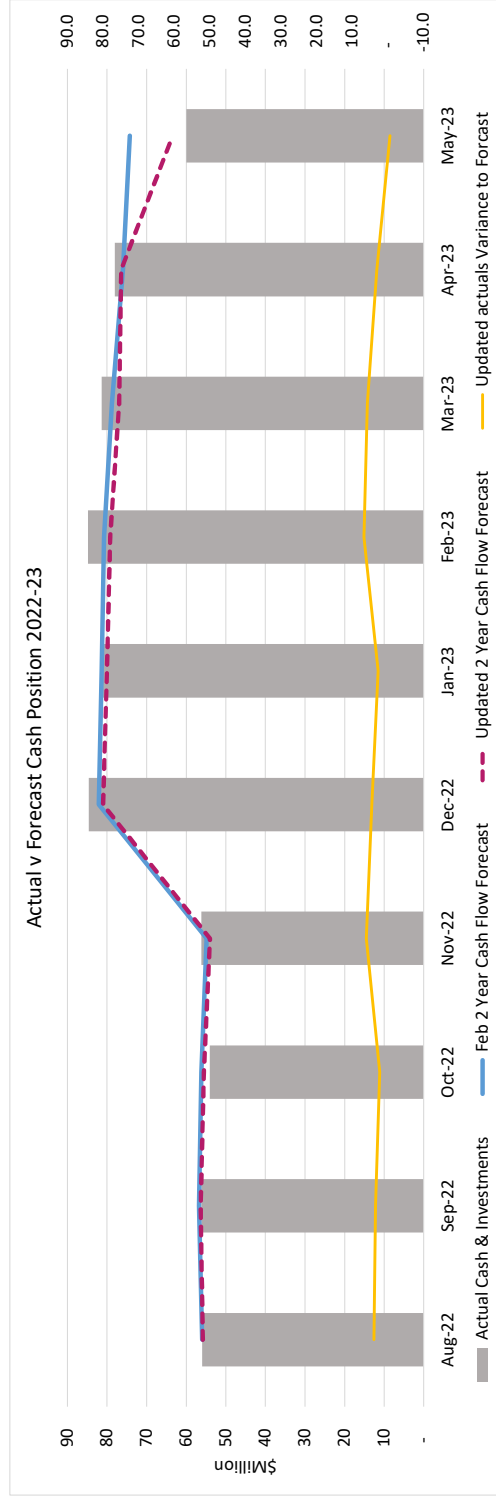
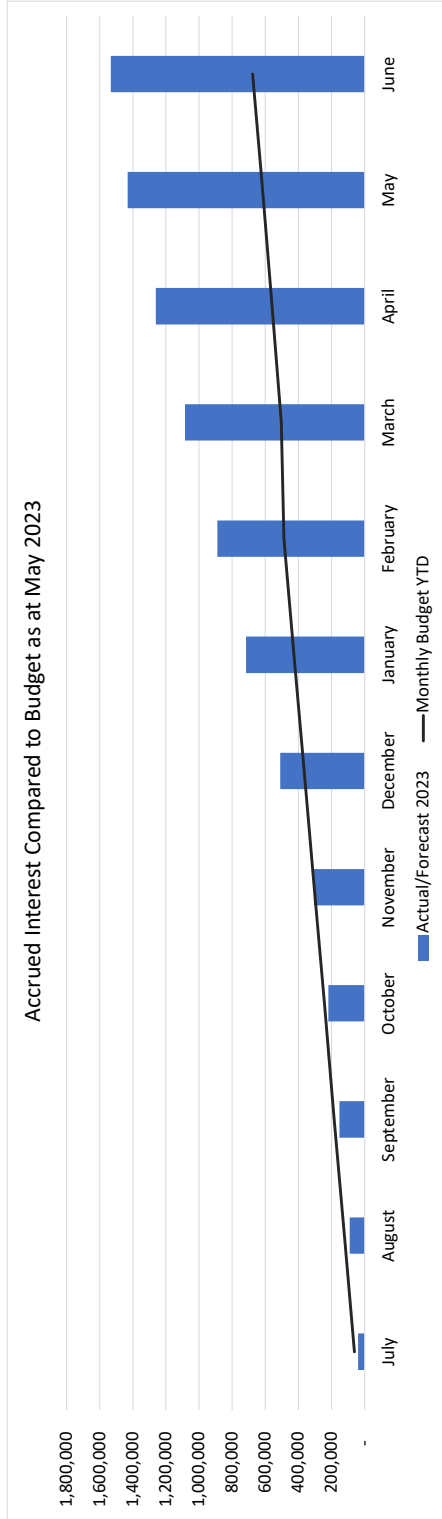
Application of Invested Funds

Restricted Funds	Category	Subcategory	Description	Apr-23	Movement	May-23
Externally Restricted						
	Developer Contributions	Major Works	Developer Contributions	11,035,959	117,431	11,153,390
	Operational	Timing Adjustments	Unexpended Grants	1,455,511		1,455,511
	Operational	Statutory/ External Restriction	Domestic Waste	4,104,551		4,104,551
	Operational	Statutory/ External Restriction	Loan Restrictions - Tcorp	30,727,246	(14,953,232)	15,774,013
	Operational	Statutory/ External Restriction	Blue Haven Terralong ILU Maintenance Levy	1,640,021		1,640,021
	Operational	Statutory/ External Restriction	Blue Haven Bonaire ILU Maintenance Levy	178,016		178,016
	Operational	Statutory/ External Restriction	Blue Haven RAC Prudential Liquidity Management	4,800,000		4,800,000
	Operational	Statutory/ External Restriction	Blue Haven Community Transport Vehicle	315,000		315,000
	Operational	Accumulated Liabilities	Blue Haven Home Care Client credit Balance	408,706		408,706
	Asset Management	Specific	Crown Holiday parks	2,954,353	(833,056)	2,121,297
	Strategic	Community	Leisure Centre Unspent Loan Funding	500,000		500,000
	Stormwater Levy	Statutory/ External Restriction	Stormwater Levy	227,227	(15)	227,212
	Operational	Statutory/ External Restriction	Security bonds, Deposits & Retentions	2,378,047	(401,639)	1,976,408
Internally Restricted				60,724,637	(16,070,510)	44,654,127
	Asset Management	Specific	Carry Over Works	20,500		20,500
	Strategic	Community	Council Elections	49,776		49,776
	Operational	Accumulated Liabilities	Employee Leave Liabilities	4,000,000		4,000,000
	Asset Management	Specific	Land development	10,002,000	(5,000,000)	5,002,000
	Asset Management	Light Fleet and Plant Acquisition	Plant replacement	280,475		280,475
	Strategic	Community	Risk Improvement Incentive	106,237		106,237
	Strategic	Community	Waste Business Unit	602,290	278,304	880,594
	Strategic	Community	Waste and Sustainability	558,180		558,180
	Operational	Specific	Blue Haven ILU Prudential Cover	4,200,000		4,200,000
Unrestricted Funds			Funds to meet current budgeted expenditure	(2,502,381)	2,705,926	203,546
Total Investments				78,041,714	(18,086,280)	59,955,434

Note:
The above Application of Invested Funds will change subject to the preparation of the financial statements.







15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

Nil

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Beach Lifeguard Services 2022/2023 Annual Report

CSP Objective: Outcome 2: We love where we live; we have the services and facilities we need, and the natural beauty of our surroundings enhances our safe, active, and healthy lifestyle.

CSP Strategy: 2.2 Create safe spaces for recreational activities

Delivery Program: 2.2.1 Implement the KMC Lifeguard Strategy 2025 to keep our nominated beaches safe for users; supporting training, equipment provision and upkeep, staffing rosters

Item 16.1

Summary

A report has been completed for the 2022/2023 beach lifeguard patrol season. The report is attached for Councillors' information.

Financial implication

Lifeguard services are funded under the Operational Budget

Risk implication

Providing Lifeguard services and beach supervision reduces the risk of drownings and personal injury

Policy

Lifeguard Services Strategy 2025

Communication/Community engagement

N/A

Attachments

- 1 Ocean Lifeguard Season Report 2022-2023 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council note the report of the Lifeguard Supervisor for the 2022/2023 beach patrol season.

Report of the Director Infrastructure and Liveability

16.1 Beach Lifeguard Services 2022/2023 Annual Report (cont)

Background

At the conclusion of the beach patrol season, Council's Lifeguard Supervisor prepares a report for the information of the Council. The 2022/2023 season report is attached, with the following key findings for the season:

- Council lifeguards operated a total of 405 patrol days – 205 days at beaches where the surf clubs also provide patrol services to the public plus 200 days at non-surf club beaches.
- our beaches experienced a 31% decrease in attendance during the peak season.
- three Emergency Response Beacons (ERB) in conjunction with Surf Life Saving NSW were installed at South Bombo beach, Blowhole and Kendalls beach and assisted in the rescue of 12 people.
- a total of 24 beach closures occurred during the 2022/2023 season.

Incidents, rescues and first aid treatments were lower than the previous season, however unfortunately there was the death of a person in an unpatrolled area at the rock pool in Kiama. In total the lifeguard team performed:

- 116 rescues
- 6,658 preventative actions
- administered 111 first aid treatments.

Kiama Municipal Council Ocean Lifeguard Service Annual Report

2022/23

Annual Lifeguard Services Report

This report contains statistics and information relating to Kiama Municipal Council's Beach Lifeguard Service operations across the seven patrolled beaches within the Kiama LGA for the 2022-2023 season.

This report does not contain any information or statistics from the three Surf Life Saving Clubs operating in the Kiama LGA.



Kiama Municipal Council Ocean Lifeguard Service Annual Report

2022/23

Executive summary

Kiama Council's Lifeguard Service completed a successful patrol season. Kiama's seven patrolled beaches continue to be popular with tourists and the local community. The patrol season commenced 26th September 2022 closing on 24th April 2023. Total patrol season beach usage was **260 000+**. In '21/'22 the attendance total was **304,000+** which equates to a 15.6% decrease in visitors to the beach over the current 22/23 patrol season.

Spring shoulder

Spring shoulder beach attendance (Surf Beach) was 10,357, (200 pp/day). This was around 13% lower than the same period the previous year, attributable to communities being allowed international travel after the pandemic as well as a mild start to spring.

Peak season

Peak season beach attendance was 205,421, equating to an average of 770 pp/day across the 7 patrolled beaches. This is 31% lower than the peak season of 2021/22. Average daily attendance over the seven beaches (adjusted to actual number of patrol days per beach) was:

Seven Mile	1,700
Easts	804
Kendalls	755
Surf	495
Jones	433
Bombo	425
Werri	355

February weekends

February weekend beach attendance across the four non-surf club beaches was 31,500 (985pp/day) which was an increase of 48% on the previous year. Average daily attendances by beach were:

Seven Mile	1,838
Kendalls	1,085
Easts	544
Bombo	469

Autumn shoulder

In the Autumn shoulder period (Surf beach) attendance was 9,985 (269 pp/day). This was 21% lower than the '21/'22 season due to the adverse weather conditions February/March/April Werri Beach had 3,200 people over the eight patrol days (355 pp/day).

General rescues were up on last season for 102 to 116, whereas first aid incidents were down from 182 the previous season to 111 for the 22/23 season. There was an increase in critical incidents compared to last season with most of the rescues and incidents taking place away from the flagged area especially South Bombo and in the river mouth at Gerroa. Of the 9 critical

Kiama Municipal Council Ocean Lifeguard Service Annual Report

2022/23

incidents, all required ambulance service attendance. There was a significant increase in preventative actions, with decrease in general beach and reserve regulations enforcement.

The ratio of rescues to preventative actions was 1:57 which is significantly better than the target ratio of 1:20 and reflects a pro-active lifeguard service.

Council's Lifeguard Services Strategy continues to guide the beach patrol operations with a focus of patrol activity spread across the non-surf club beaches and the three-surf club patrolled beaches there were extended patrols at four of the LGA beaches where there is no surf lifesaving club patrol presence. Weekend patrols at the four non-surf club beaches during February continued. The following service changes were introduced for the 2022/23 season in accordance with the adopted strategy for the purposes of establishing consistent patrol season start dates:

1. The patrol season started one week later in 2022 with the later school holiday break, patrols commencing 26th September 2022.
2. Jones, Werri, Kendalls, Easts, Seven Mile and Bombo beaches patrol start date was the first day of the gazetted NSW government school holiday break, Mon 19th December 2022.
3. The final day of the peak summer patrol period was extended to Sunday 29th January 2023 to provide the maximum level of public beach safety for the community and the likelihood of students not returning to school before then.
4. A common beach closure time of 17:30pm was introduced across all seven beaches for the summer months (opening 10:00am) for consistency of safety messaging to the public in association with our collaborative approach with the three local surf clubs and their patrol hours. Outside the summer months, Council's service was 9:30am to 5:30pm which is suitable given the seasonal weather pattern.
5. With the introduction of the 7.5-hour patrol day, the recording of the daily statistics was altered somewhat (with a statics being recorded at 10am, 11:30, 13:30, 15:30 and 17:30) and thus would account for the decrease in attendance figures.

Kiama Municipal Council Ocean Lifeguard Service Annual Report

2022/23

Lifesaving patrols and beaches

There are three surf lifesaving clubs in our LGA, Kiama Downs, Kiama, and Gerringong.

The respective surf clubs provide volunteer patrols to the corresponding beaches over the patrol season on weekends and public holidays from end September to end April. A total of approximately 216 patrol days are provided by the clubs to the public. The Kiama Council lifeguard service does not operate on these beaches when the surf club patrols are in place.

With the introduction of the Lifeguard Strategy in 2019, Council's service expanded and in season 2022/23 operated a total of 405 patrol days - 205 days at beaches where the surf clubs also provide patrol services to the public plus 200 days at the non-surf club beaches.

Council's services are predominantly delivered Monday-Friday (80%) while surf clubs are exclusively weekend/public holiday aligned.

The Council lifeguard service operates as follows:

Beach	Number of patrol days (season)	Patrol season
Jones	26	6 weeks peak Summer (M-F)
Bombo	50	6 weeks peak Summer + w/ends February
Surf	144	September-April (M-F)
Kendalls	50	6 weeks peak Summer + w/ends February
Easts	50	6 weeks peak Summer + w/ends February
Werri	35	6 weeks peak Summer (M-F) + April School Holidays (M-F)
Seven Mile	50	6 weeks peak Summer + w/ends February

"Peak Summer" is defined as mid-December to end January

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Surf education awareness program

In September the normal education programs for the 5 primary schools in the LGA were undertaken. Topics covered in the education program are:

- sun safety (importance of sun protection at the beach)
- surf safety (recognition of flags, signs, lifesavers/lifeguards, and their requests)
- rescue equipment and methods (what to do, how to use them, how to assist lifesavers and lifeguards)
- first aid (blue bottles, blue ring octopus, box jellyfish etc)
- recognition of dangerous conditions (rips, large waves, river mouths, rocks)
- surf skills (surf swimming, how to catch waves, how to escape from strong currents, rips, float to survive etc)
- the onset of panic (what to do if you need help)

In 2023 the school program will again be offered including more recent surf survival techniques supported by the Australian Professional Ocean Lifeguards Association (APOLA) including "float to survive".

Emergency Response Beacons

In 2022, Council received three Emergency Response Beacons (ERB) in conjunction with Surf Life Saving NSW. These response beacons were located at South Bombo Beach (a notorious black spot for drownings), Blowhole and Kendalls beach. The ERB at South Bombo came into its own over the peak summer season assisting 12 people being rescued, 4 of which were hospitalised for near drowning. The rapid response by members of the public using the intercom system allows for a quick response from lifeguards located at the north end of the beach as well as for the deployment of the rescue water craft from Surf Beach/Kendalls.



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Lifeguard recruitment

- Council recruited 31 casual lifeguard positions out of 46 applications
- Physical testing and interviews were held over 2 recruitment sessions
- The majority of casual lifeguards work across the summer months where all seven beaches are patrolled

Beach usage statistics

Beach attendance data is obtained by lifeguards over five separate periods of the day at two hourly intervals between beach set up and close down. This provides the ability to determine trends in beach use during the day and is relevant for future lifeguard service planning across the seven beaches. The following graphics show the distribution of attendance across the season by beach.

Figure 1

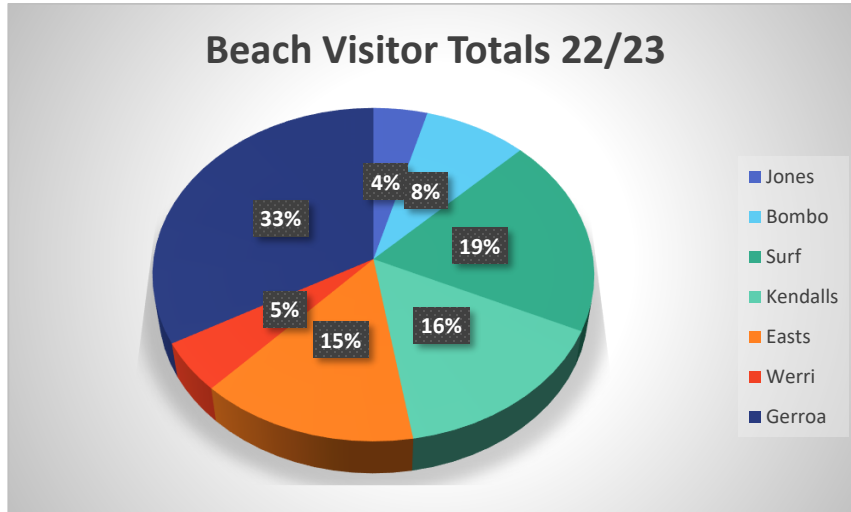
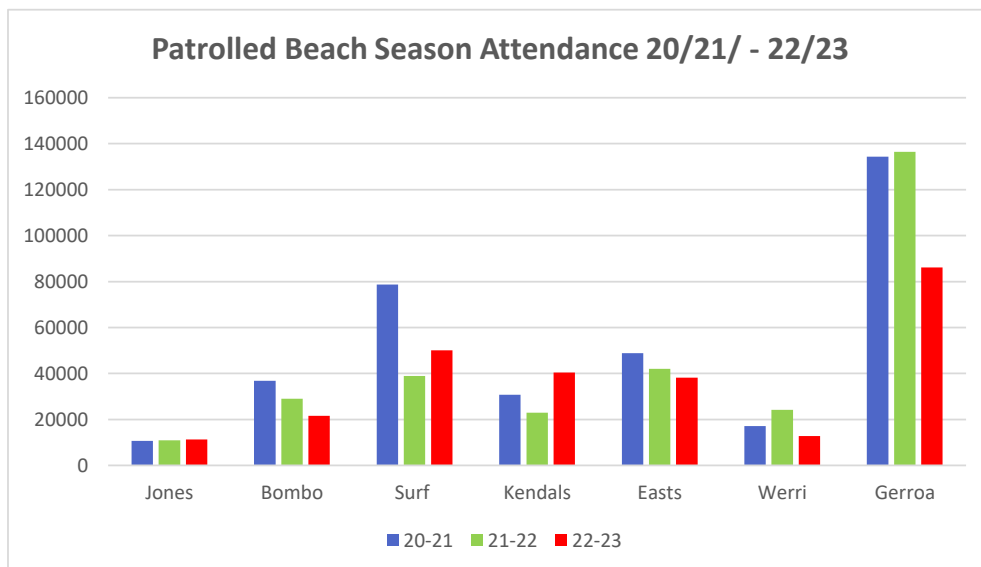


Figure 2



The data over the last three years indicates:

1. *Seven Mile Beach* is the most patronised. It is patrolled the same number of days as Bombo, Kendalls, and Easts (50 days each) being the four non-surf club patrolled beaches. *Seven Mile* can be described as a multiple attraction beach destination which influences the high beach attendance. The combined influences include the Crooked River/inlet, nearby Holiday Parks, residential catchment, and the superior conditions with the predominant summer north-easterly prevailing winds.
2. *Surf Beach* is patrolled for the whole season (144 days) and the total beach attendance numbers reflects this. *Surf Beach* lifeguard services accounts for 19% of the total KMC patrol service (patrol hours/resources). Figure 4 provides the most reliable comparative data (peak summer period) across the seven beaches with regard to comparative average beach attendance and this ranks *Surf Beach* as the third most used beach.
3. *Jones* and *Werri* beaches are the least patronised (and the lowest patrol commitment at 27 days and 37 days respectively). However, the respective surf clubs provide around 70 beach patrol days to each beach providing a much higher level of total lifeguard service to the public.

The beach attendance data over the last season indicates:

1. A significantly increased number of people using *Seven Mile Beach*, *Gerroa*.
2. A moderately higher number of people used *Easts Beach* than the previous year.

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Figure 3

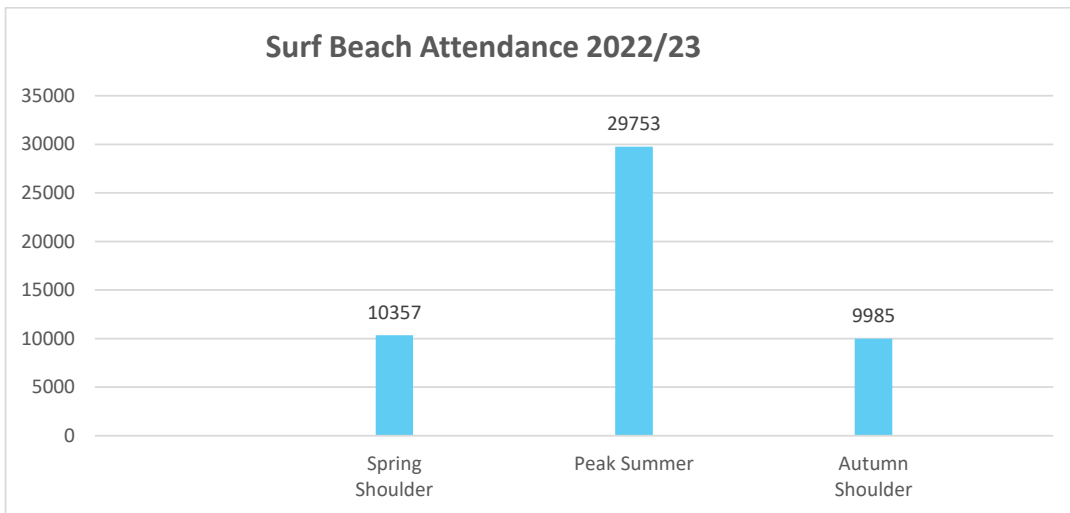
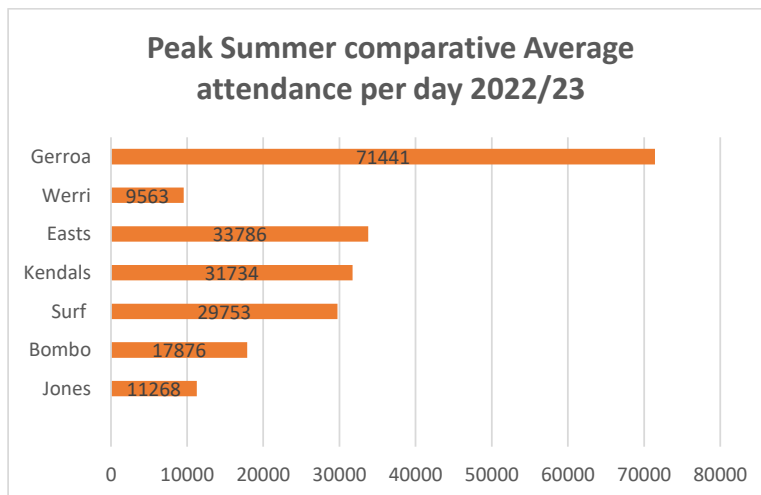


Figure 3 provides Surf Beach attendance data over the three separate periods of the 7-month patrol season: Spring shoulder, peak Summer and Autumn shoulder, being the only continuous patrolled beach during the patrol season. Surf Beach is the main patrolled beach for the Kiama lifeguard service. It is geographically located within the major population catchment of Kiama. Surf Beach is the smallest beach in the LGA (200m length) however is regarded as potentially the most dangerous over the patrol season. It also has the main supporting infrastructure for the lifeguard service to operate on a full seasonal (7 month) basis.



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Figure 4

Figure 4 shows the adjusted peak Summer beach usage across the seven patrolled beaches. This provides the most accurate representation of comparative beach usage by the public, with Seven Mile clearly the most used beach with Easts and Surf experiencing similar numbers and the next most used. This is important data in the consideration of future beach patrol planning and resourcing commitments.

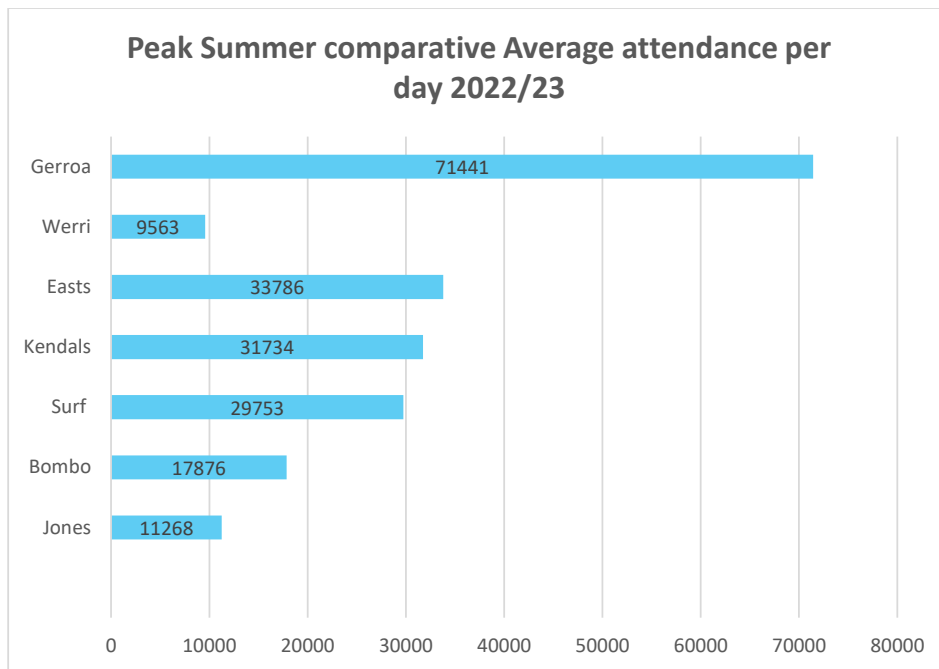
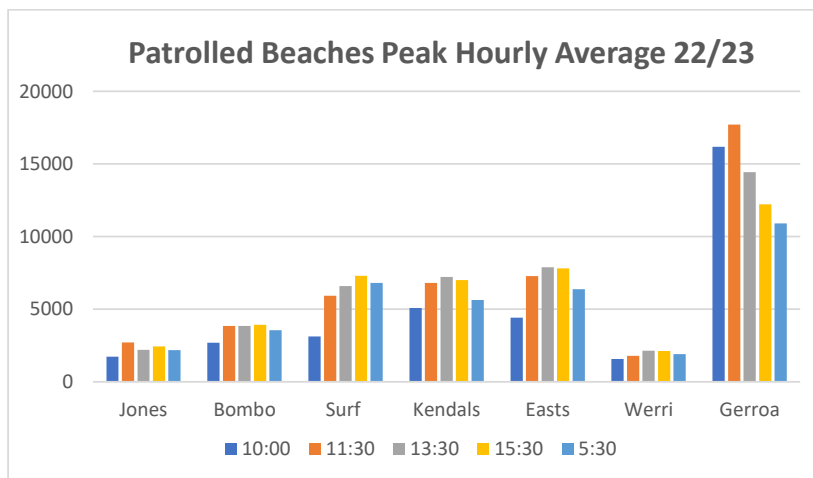


Figure 5



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Figure 5 shows hourly average beach use during the peak summer season. This provides relevant information regarding most frequently used periods during the patrol day. The data indicates that.

1. The 11:30am to 3:30pm period is generally the most popular time for beach users,
2. 5:30pm (beach closure) is generally more popular than the 9:30am patrol start time. This provides an indication that a later beach closure time could be considered in the future. This season, the beaches closed at the common time of 5:30pm for consistency and public safety messaging purposes. If budget permits, it would be justified to trial a 6:00pm beach closure in the future across all seven beaches in the summer months and rely on usage data on public use behaviour to assess ongoing sustainability of the service (closure time).

Summary of Lifeguard Interventions 2022/23 patrol season

1. Incidents (unplanned events requiring lifeguard intervention and any event involving an ambulance or other emergency service)

There were **9 incidents** this season across the LGA beaches (increase from 2021/22).

Over the season there were 4 injury related incidents in the LGA, where lifeguards provided primary care first aid whilst waiting for ambulance to arrive. These are complex situations for the lifeguards to deal with and the lifeguards on duty were effective in their response and handled these critical incidents extremely well.

There was a separate incident at The Rock Pool just after Lifeguards had closed for the day (not being a patrolled beach but part of the patrolling lifeguard response area) where a gentleman entered the pool on a day when a hazardous surf warning issued by the Bureau of meteorology. Unfortunately the patient was deceased in the water and was returned to the shore by two surfers.

2. Rescues (retrieval of a person in distress delivery to a safe place by either using watercraft, PWC's or rescue tubes)

There were 116 rescues this season across the LGA beaches (increase from 2021/22).

South Bombo is still proving to be a popular destination for people and is close to the highway exit. South Bombo continues to be a concern from a safety perspective and although further signage and an emergency response beacon have been installed, visitors continue to swim at that location. Twelve rescue's were conducted there this season of which four were treated for near drowning and taken to hospital by ambulance.

3. Preventative Actions (directive from a lifeguard on duty to a member of public highlighting dangers and risks associated with water activities - public announcements, carrying out

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active water surveillance utilising PWC's or rescue boards, conducting roving patrols using all-terrain vehicles, erecting appropriate risk warning signs highlighting dangers)

There were 6658 incidents of preventative action taken by lifeguards over the season which is a positive response by the lifeguard service to protect the public.

4.First Aids (assessments and interventions to a person whether using medical supplies and equipment or not)

There were 111 first aid situations performed by lifeguards. 43% of these were associated with Surf Beach, attributable to the longer season at this location.

5. Beach & Reserve Regulations breaches (lifeguard issuing a warning to a surf craft rider who surfs within the patrolled swimming area, a dog owner who encroaches on a sections of beach where dogs are prohibited, litter, personal watercraft that encroach within the patrolled area)

There were 755 breaches under the Local Government Act 1993 which are mostly attributed to dog owners flouting the bylaws at beaches where dogs are not permitted.

Summary of Lifeguard interventions

Spring Shoulder:

In the Spring shoulder, the ratio of rescues to preventative actions was 1:54 (target ratio 1:20) reflecting a pro-active lifeguard service.

First aids (minor) administered = 9

Rescues = 6

Beach and reserve regulations undertaken = 90.

During the spring shoulder there were seven beach closures (over 59 patrol days) due to:

- dangerous surf (3) – full day
- storm/lightning zero
- marine creatures - zero
- pollution - zero

Peak Summer:

In the summer peak season, the ratio of rescues to preventative actions was 1:55 (target ratio 1:20) reflecting a pro-active lifeguard service.

First aids (minor) administered = 97.

Beach and reserve regulations undertaken = 466.

During the peak summer there were 19 beach closures (total of 280 patrol days). Reasons for closure:

- dangerous surf (16) – full day
- storm/lightning (2) – 4 hours

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- shark sighting (1) – 1 hour
- tsunami warning (0)
- pollution - zero

February weekends:

In the summer peak season, the ratio of rescues to preventative actions was 1:504 (target ratio 1:20) reflecting a pro-active lifeguard service.

First aids (minor) administered = 1

Beach and reserve regulations undertaken = 67.

- dangerous surf - zero
- storm/lightning - zero
- shark sighting - zero
- tsunami warning - zero
- pollution – zero

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Autumn Shoulder:

In the summer peak season, the ratio of rescues to preventative actions was 1:54 (target ratio 1:20) reflecting a pro-active lifeguard service.

First aids (minor) administered = 10.

Beach and reserve regulations undertaken = 85

- dangerous surf (7)
- storm/lightning (0)
- shark sighting (0)
- tsunami warning (0)
- pollution – (4)

Total lifeguard interventions across the patrolled beaches

The table below shows total interventions by beach across the whole season. However, when analysing total lifeguard interventions relative to number of patrol days over the 2022/23 patrol season.

	Jones	Bombo	Surf	Kendalls	Easts	Werri	7 Mile	Total
Incidents	0	4	1	<u>4</u>	0	0	0	9
Rescues	8	<u>24</u>	12	13	2	15	<u>42</u>	116
Preventative Actions	568	944	1589	1070	822	675	<u>990</u>	6658
First Aids	3	3	39	<u>17</u>	15	15	19	111
Beach & Reserve Regulations	56	108	224	137	<u>69</u>	54	107	1030
Beach Closures	3	4	12	2	<u>1</u>	0	2	24
Total Lifeguard interventions by beach	638	1087	1877	1243	909	759	1160	-

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Surf Beach saw the most preventative actions,
Seven Mile saw the most rescues
Bombo and Kendall's had the most incidents,
Surf Beach had the most first aids administered,
Surf Beach experienced the most beach and reserve regulation breaches

Overall, the beaches with the highest numbers of total lifeguard interventions relative to number of patrol days were *Seven Mile, Kendalls and Bombo*.

16.2 Capital budget adjustments - Landslide repairs - various locations

CSP Objective: Outcome 7: We work together to understand and respond to the need for growth and change

CSP Strategy: 7.1 Understand climate risks and our impacts and take action against these

Delivery Program: 7.1.1 Effectively manage impacts from natural disaster

Item 16.2

Summary

In December 2022 Council awarded Tenders for Landslide Repairs – various locations including Jamberoo Mountain Road, Foxground Road and Wallaby Hill Road, funded under NSW Disaster Assistance Arrangements.

During establishment at the worksites, subsequent works and additional geotechnical inspections during construction a number of variations to the contract scopes have been required to deliver the safe re-opening of the roads. The additional costs for these additional works are now exceeding the contingency allowances within the individual project budgets and the budget needs to be adjusted to fund these required works that have also been approved in principle by Transport for NSW as the administrators of the NSW Disaster Assistance Arrangements.

In addition, at the Jamberoo Mountain Road site, the Natural Disaster Funded reconstruction works, including longitudinal drainage channels, at two proximate sites has resulted in an opportunity to undertake an additional section of pavement replacement for an aged and damaged pavement using contractors engaged to undertake the funded reconstruction works under the existing traffic management. This report recommends the reallocation of existing revenue funding in the Capital Budget to fund this opportunity.

The additional expensed are all expected to be incurred in the June 2023 and hence a budget must be available to fulfill contract obligations.

Financial implication

All costs associated with the rectification and repair of the landslides that occurred at sites will be fully funded through the NSW Disaster Assistance Arrangements. The only contribution required from Council will be staff time in the management and oversight of the contracted works and the reallocation of existing revenue funding under the Capital Budget to fund the non-disaster pavement rehabilitation.

Forward funding of the additional pavement rehabilitation Jamberoo Mountain Road under the existing traffic management by the contractors engaged to undertake the Natural Disaster Funded works will result in a lower cost than if undertaken under a separate program.

Risk implication

The disaster impacted roads are repaired effectively.

Report of the Director Infrastructure and Liveability

16.2 Capital budget adjustments - Landslide repairs - various locations (cont)

Policy

The Local Government Act and the Local Government (General) Regulation 2021 were followed for the tender process.

Consultation (internal)

N/A

Communication/Community engagement

The community have been kept informed of the challenges being experienced on the work sites.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. Reduces the Capital Budget – Buildings & Facilities allocation by \$180,000.
2. Increases the Capital Budget – Roads & Bridges allocation by \$911,235 funded by General Revenue for \$180,000 (from the Buildings & Facilities program) and the NSW Disaster Assistance Arrangements funding for \$731,235.

Background

In March 2022, extreme weather events caused landslide at five sites in the Kiama Local Government Area.

Council engaged specialist geotechnical engineering consulting firm, SLR Consulting to investigate design solutions, document requirements and to prepare Design Drawings for the proposed rectification works to allow Council to call for tender submissions to carry out the work.

SLR Consulting are an experienced, geotechnical engineering consultancy with highly qualified staff who are a recommended provided to the State and Local Governments for these types of natural disaster remediation works. Investigation reports and draft designs were prepared and reviewed by Council and Transport for NSW engineers prior to being approved and incorporated into the tender documents.

Current position

The current budget available for the disaster reconstruction projects under the adopted Capital Budget – Roads & Bridges are insufficient to fund the approved additional reconstruction works and need to be increased by \$911,235 (\$645,235 for Jamberoo Mountain Road and Wallaby Hill Road and \$266,000 for Foxground Road) funded under through the NSW Disaster Assistance Arrangements.

Report of the Director Infrastructure and Liveability

16.2 Capital budget adjustments - Landslide repairs - various locations (cont)

The additional non-disaster pavement works on Jamberoo Mountain Road requires an additional budget of \$180,000 to complete the works in June.

A general revenue funded project in the Capital Budget - Building & Facilities section (a building air-conditioning replacement project) will not be fully expended in 2022/2023 due the need to refine the scope, design and construction program to deliver a more optimal outcome and will now be completed under the 2023/2024 capital budget. This re-phasing allows the reallocation of existing revenue funding to undertake the additional pavement works.

Conclusion

The completion of the disaster reconstruction works to the revised scopes is necessary to enable the safe re-opening of the roads.

Reconstructing the section of non-disaster impacted road pavement on Jamberoo Mountain Road by reallocating existing available revenue funding will enable a continuous section of the road to be completed under existing traffic management arrangements and improve stormwater management for the length of the reconstructed road deliver a more complete pavement outcome.

Accordingly, the budget for the projects should be increased to fund the works.

Item 16.2

17 REPORTS FOR INFORMATION

17.1 Fiona Phillips MP correspondence - Transport for NSW response - Spring Creek restrictive covenant

Responsible Director: Office of the Chief Executive Officer

In line with resolution 22/406OC from the December 2022 Council meeting, Council staff have been pursuing advocacy efforts to seek the lifting of the restrictive covenant at Spring Creek.

In December 2022, Council wrote to Fiona Phillips MP, the Member for Gilmore requesting support in Council's bid to have the State government lift the updated covenant at Spring Creek to allow the sale of land for the supply of vital housing for our community. Ms Phillips wrote to The Hon Sam Faraway MLC, Minister for Regional Transport and Roads and the Shadow Minister, Ms Jenny Aitchison seeking their agreement to work with Council in lifting the covenant.

Attached for Councillors' information is a copy of the Transport for NSW response to Ms Phillips advocacy on Council's behalf.

Communication/Community Engagement

The attached letter provides the community with progress on removing the restrictive covenant from Council owned Spring Creek lands.

Risk implication

The information in this report impacts Council's ability to divest of property, which further impacts the ability to comply with the Performance Improvement Order.

Attachments

- 1 Fiona Phillips correspondence - Transport for NSW response - Spring Creek restrictive covenant [↓](#)



Item 17.1

Ms Jane Stroud
Chief Executive Officer
Kiama Municipal Council
Via Email: council@kiama.nsw.gov.au

2 May 2023

Dear Ms Stroud *JANE,*

As you know, I wrote to the former NSW Minister for Regional Transport and Roads, the Hon Samuel Faraway, about lifting the restrictive covenant at Spring Creek, Kiama. I have received the attached response from the Director Customer Response team at Transport for NSW (TfNSW), Terry McSweeney.

I am disappointed to hear that TfNSW will not be removing this covenant, at this time.

As stated in the response from TfNSW they have mentioned what an important asset the quarry is as a sole supplier of rail ballast and rock materials for the Sydney rail network.

Also outlined in the letter TfNSW stated that Sydney Trains is in the process of developing an alternative ballast supply strategy. As the quarry operations are not scheduled to cease for some time, the state agency's advice is that it is necessary to maintain the covenant restrictions.

I will certainly continue to work with council on any matters as needed.

If I can be of any further help, please contact me on 4423 1782 or email me at Fiona.Phillips.MP@aph.gov.au.

Yours sincerely

Fiona Phillips MP
Member for Gilmore

Attachment 1

🏠 3/59 Junction Street Nowra NSW 2541

🏠 1/6-8 Orient Street Batemans Bay NSW 2536

✉️ PO Box 1009 Nowra NSW 2541

☎️ (02) 4423 1782

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🐦 @fiboydphillips

📷 fionaphillipsmp



OFFICIAL

Our Ref: 01690438

Mrs Fiona Phillips MP
Federal Member for Gilmore
PO Box 1009
NOWRA NSW 2541

Dear Mrs Phillips

Thank you for your correspondence to the former Minister for Regional Transport and Roads on behalf of Kiama Municipal Council regarding lifting the restrictive covenant at Kiama. I am responding to you as a representative of Transport for NSW. I note Council also wrote to the former Minister for Transport and I trust they will accept this as a response to both approaches.

I note Council's comments and appreciate their concerns. I am advised that in 1991 the landowner (formerly RailCorp now Transport Asset Holding Entity – TAHE) paid Kiama Council compensation in return for the placement of the restrictive covenant, which protects the Sydney Trains quarry and its operations. The quarry is the sole supplier of rail ballast and rock materials for the Sydney rail network, and played an integral part in the Government's recent response to resolving landslides affecting road and rail networks within the Blue Mountains and Illawarra.

Please note that Council has historically allowed other properties to be developed within the operational buffer zone. However, the covenant ensures that amenity impacts are minimised while the quarry is in operation, consistent with modern land-use planning best practice.

Transport for NSW is working with TAHE to create a longer-term strategic development plan for the Bombo Quarry Precinct, in consultation with adjoining landowners. This process will provide an opportunity to coordinate, with Council, on issues related to rehabilitation and strategic development planning, in line with the Illawarra Shoalhaven Regional Plan.

Sydney Trains is in the process of developing an alternative ballast supply strategy. However, as the quarry operations are not scheduled to cease for several years, it remains necessary to maintain the covenant restrictions. Consequently, it is inappropriate to consider the release of the covenant at this time. I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read "Terry McSweeney".

04/04/2023

Terry McSweeney
Director Customer Response

PO Box K659, Haymarket NSW 1240

OFFICIAL

17.2 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 June 2023

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information are the minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 6 June 2023.

Communication/Community Engagement

Councillors and staff regularly attend and address precinct and resident association meetings.

Meeting dates for these resident groups are published on Council's website.

Risk implication

This report is for information only and does not impact any risk exposure for Council.

Attachments

- 1 Minutes: JVRRA meeting 06/06/2023 [↓](#)

Jamberoo Valley Ratepayers & Residents Association Inc.
PO Box 146, Jamberoo, NSW 2533.

Minutes of JVRRRA General Meeting 6 June 2023

JVRRRA General Meeting 6 June 2023 Summary of Actions and Motions Passed		
Agenda Item	Topic	Motion / Action
7e	Unexplained water across Jamberoo streets	ACTION: JVRRRA will write to Sydney Water to flag the presence of unexplained water permanently across the roads in Jamberoo
11	Advisory Committees	ACTION: Write to Council requesting more information about expectations for community members who might apply to work on Advisory Committees.
13	Closure of Kiama Cabs	ACTION: Subcommittee to consider Jamberoo transport options and report back to next meeting

Present: Bob Neilson, Ros Neilson, Vivienne Marris, Geoff Reid, Mary Lou Reid, Gail Taylor, Brad Wenzel, Robyn Letham, Kate Troy, Graham Letham, Jo Osborne, Julie McDonald, Roger Lyle, Graham Pike, Karen Lang, Susie Nash, Karen Wyers, Tracey Henderson, Karen Renkema-Lang, Janet Peters, Alan Woodward. Council guests: Jessica Rippon, Joe Gaudiosi.

Apologies: John Friedmann, Stuart Richards, Tristram Miall, Stuart Larkins, Sandra Dingle, Jim Dingle, Max Brennan, Ann Pike.

1. **Meeting opened** at 7.00 p.m. by Vice-Chair, Vivienne Marris.

Acknowledgement of Country: *We would like to acknowledge the Traditional Owners of the land on which we meet today, the Wodi Wodi people of the Dharawal Nation, and pay our respects to Elders past, present and emerging.*

2. **Welcome** to members, Councillors and guests.

3. Guest Speakers

Council Officers Jessica Rippon (Director, Environmental Services) and **Joe Gaudiosi** (Chief Operating Officer) presented an overview of Council's strategic directions under the IP&R (Integrated Planning and Reporting) framework. Under the IP&R framework, there are four planning documents currently on exhibition for public comment:

- Draft Delivery Program and Operational Plan
- Draft Long Term Financial Plan
- Draft Community Engagement and Community Participation Plan
- Draft Fees and Charges 2023-2024

The slides that were presented at the meeting provided an overview of Council's current financial position, challenges and strategies. The actual presentation, along with links to each of the draft documents and extra explanatory notes, is available on the Council website [HERE](#).

Public submissions in response to the draft documents are due 14th June.

Jessica Rippon and Joe Gaudiosi explained that the IP&R framework, a NSW Govt requirement, forms a critical part of Council's Performance Improvement strategy. Their presentation included comments on what Council are planning to do to keep functioning as a going financial concern, while continuing to deliver 'business as usual' services. Pointers were provided to specific issues relating to Jamberoo, such as Jamberoo Mountain Road and the Jamberoo cycleway connection. Council is 'under the pump' at the moment – working through strategies to demonstrate financial viability to the Audit Office. Strategy for Years 1 and 2: Asset divestment to restore liquidity (emergency fix, not a long-term strategy!) Also need operational improvement for Years 3 and onwards. NB: staffing issue is a broad issue in Council. Slowly trying to recruit and build capacity; particularly difficult for a small council, which cannot pay as much as larger councils. Service improvement options still being considered. Trimming Capital Works program, relying on grants funding. Rates: further discussion ongoing; a report will come to Council in June. Wages increase planned. Retirement Villages – in the past Council hasn't shown depreciation of retirement village assets, based on dilapidation reports. Hoping for positive cashflow from general operations once asset sales are through. Next steps: will community please provide feedback on website!

Questions and answers at the meeting:

- **Q:** What is the current waiting period for DAs to be approved?
 - **A:** At the moment the time line is similar to other Councils in NSW – but is seriously hampered by shortage of planning staff. There are several different reasons for delays – complex area.
- **Q:** Is this the first time this kind of Integrated Planning has been carried out?
 - **A:** No, IP&R has been around for a number of years. Annual requirement – but Kiama Council is now promoting this more openly.
- **Q:** What is the status of planning for Developer Contributions? NB: foregoing revenue if not finalised.
 - **A:** New plan has been adopted. Community is pushing back – have to balance between big developers and 'mum and dad' developers. Currently being reviewed and finalised. NB: Council is considering how development contribution money is better spent.
- **Comment:** Council has carried out excellent community engagement with Community Strategic Plan and survey on Open Spaces and Recreational Lands Strategy.
 - **Q:** What is the status of the Open Spaces Strategy public survey?
 - **A:** Currently with Michael Malone, Director of Infrastructure & Liveability.
 - **Q:** Why is that kind of community engagement not represented in the way the current Draft Community Engagement Strategy has been presented to the community?
 - **A:** The existing strategy is aged – the present document is still a rough draft, combining two previous documents (Community Participation Plan and Community Engagement). Needed to go up as part of the suite of documents, but are working further on it. Councillors also want changes. Happy to accept feedback.
 - **Q:** What is the timeline for the draft Precinct Operational Guidelines? Is it a separate document from Community engagement strategy?
 - **A:** They are separate documents; Council is working on aligning the two. Ongoing review. Need all to be adopted by the end of June; work in

progress. Want further input from community. Will be working with the precinct groups to continually update it.

- **Q:** Was Blue Haven ever profitable?
 - **A:** Difficult to answer in terms of profit/cash at hand; residential aged care is a difficult area. There are various reasons for reported losses over last three years; difficult to turn this around soon.
- **Q:** Asset divestment strategy - which assets are involved? Transparency?
 - **A:** Draft divestment Strategy went to Council in February, after public meeting in Pavilion. Jerrara Dam not included.
- **Q:** Capital expenditure: e.g., dog park, minor works on Jamberoo Youth Hall? Options if not works are not subject to grant funding?
 - **A:** Some small amounts available in general funds, but restraint needed. Dog park is on list, and is included in discussions for this financial year.
- **Q:** Parking meters on the agenda?
 - **A:** On the agenda for further discussion – not being considered in present budget; not a quick fix.
- **Q:** Is the cycleway funding still allocated?
 - **A:** Yes, but not sure of the extent – will check with Michael Malone.
- **Q:** Re the issue of positivity - community feels we are paying a high price. How positive is Council?
 - **A:** Recruitment processes – Joe stresses the opportunity to make a difference; organisation has a plan. Confident, if we stick to the plan.
 - **Comment:** Cllr Renkema-Lang mentioned her appreciation of the work into accreditation and improving finances and planning. It has been a very tough year, but progress has been made. Blue Haven has been profitable in the past; Bonaira build involved a perfect storm of financial losses. NB municipal operations and services still involve a loss – everyone working hard to improve it.
 - **Comment:** Ros Neilson stressed that it is important to increase positivity by bring community along with strong community engagement.
- **Q:** How confident is Council that Blue Haven can be sold, in this high-risk environment?
 - **A:** Market will determine this; several enquiries at the moment. NB: small providers find it difficult to provide aged care.

The meeting expressed thanks to Jessica Rippon and Joe Gaudiosi for their time and their careful explanations and answers to questions.

4. [Minutes of JVRRA meeting 2 May 2023](#) Accepted (Geoff Reid, Vivienne Marris)
5. Any Business arising from the Minutes of the JVRRA 2 May meeting not mentioned elsewhere in the Agenda – no business arising.
6. **Correspondence** [IN](#) and [OUT](#)

Date	Sender / Recipient	Topic	Agenda Item No.
4 May	From Cllr Renkema-Lang	Coastal Councils Newsletter; Report on Illawarra-Shoalhaven Greater Cities Commission	

8 May; 30 May	Exchanges with Gareth Ward	Correspondence re relocation of Jamberoo Preschool	
8 May	From Council	Response to concern re debris at base of Jamberoo Mt Pass	
9 May; 22 May	Roger Lyle to Cllr Larkins (cc JVRRA); Fiona Phillips announcement	Community Solar Batter information	12
10 May onwards	Exchange with Louise Croker, South Coast Arts	Guest Speaker July JVRRA meeting	
11 May onwards	Jerrara Dam: Exchanges with Kate Malfroy, Landcare, Illawarra Birders	Jerrara Dam: Planning	10
16 May onwards	From Council, Cllr Larkins	Pedestrian crossing Allowrie St	
16 May	From Council	Drainage problems in Jamberoo	
16 May	From Council	Heritage Review Project	
18 May	From Council	EOIs for community members for new committees	11
23 May	From Michael Malone, Council	Jerrara	10
1 June	From Roger Lyle (Fwd.)	Survey Shellharbour Hospital	
1 June	From Stuart Richards	Delay on news re grants for Heritage Display project	
2 June	From Cllr Renkema-Lang	Meeting with Illawarra Shoalhaven Greater Cities Commissioner	
5 June	Minnamurra Progress Association	Minutes May meeting	

7. Business arising from the Correspondence not mentioned elsewhere in the Agenda.

- a) Thanks for Cllr Renkema-Lang for her report on the Illawarra Shoalhaven Joint Organisation meeting, and the report (2 June) on [meeting with Illawarra Shoalhaven Greater Cities Commissioner](#).
- b) Re Jamberoo Preschool: flood mitigation process is specified in the budget. Gareth Ward has said he will discuss the implications of relocation with stakeholders.
- c) Louise Croker has offered to be the next JVRRA guest speaker re South Coast Arts.
- d) Council has agreed to re-paint the Allowrie Street pedestrian crossing. Stuart Larkins also raised an action request. Lowering the Jamberoo Village speed limit to 40 k.m.h. requires more planning.
- e) [Drainage problems](#) on Allowrie Street and Beattie Street. Council says they have attended to this and also referred the issue of water on Jamberoo streets to Sydney Water. Decision: this be followed up by JVRRA as well. **ACTION:** JVRRA will write to Sydney Water to flag the presence of unexplained water permanently across the roads in Jamberoo.
- f) Heritage review project – inspections were carried out as per the advisory letter.

- g) Heritage display (Stuart Richards) – grant results delayed until the end of June.
- h) [Survey re social impact of new Shellharbour Hospital](#) – open for residents to fill out.
8. [Treasurer's Report](#) for month ending April 2023. (Accepted Mary Lou Reid, Ros Neilson)
- JVRRA Membership renewal for the 2023-2024 year is due in June 2023.** Fee: \$20 for a household of two. Membership forms available for new members. Current members please use direct deposit if possible:
BSB 641 800
Account No: 004506852
Account Name: Jamberoo Ratepayers
Please use your own name in the reference field.
If not using direct deposit, please forward payment Mary Lou Reid (Treasurer) directly at the next meeting.
9. [JVRRA Committee Meeting](#) minutes 26 May 2023. Accepted: Kate Troy, Ros Neilson.
10. **Jerrara Dam:** Updates on discussions, including [JVRRA Letter to Council](#), [response from Director of Infrastructure, Michael Malone](#), and Ralph Stadius' [letter to Council from Illawarra Birders](#). To be followed up pending Report for Information expected in next Council Business Papers.
11. [Council's Advisory Committees](#) – two new committees being formed. [Expressions of Interest called](#) for community members to join the Infrastructure & Liveability Advisory Committee or Sustainable Communities Advisory Committee. **NB EOIs now close 18th June.**
Discussion: It would be useful to have a clearer understanding of what the requirements are, and how much time would be involved. **ACTION:** Write to Council requesting more information about expectations for community members who might apply to work on Advisory Committees.
Suggestion: apply anyway, can always withdraw.
12. **Community Solar Battery** - Update from sub-committee. Brad Wenzel reported that at this stage it is recommended that the concept be put on a 'watch and act' status. Sub-committee has done research: ARENA funding is only for very large-scale installations, and only covers 50% of the spend; battery suppliers advise that the cost of batteries is at this stage prohibitive; Endeavor Energy is not interested; Federal and State politicians have made grants in some suburbs, but other grants not available now.
- The Community Solar Battery Sub-committee (Brad Wenzel, Roger Lyle, Peter Kennedy and Wendy Stamp) are disbanding at this stage. They were thanked sincerely for their efforts on behalf of JVRRA and the community.
- Roger Lyle commented that even though the community battery project is not available today, households can take many actions to reduce their energy bills at this stage. Website: [Energy Made Easy](#).
13. **Jamberoo Public Transport** – effect of closure of Kiama taxi company.
See [Kiama Coaches Bus Timetable](#).
Discussion: will there be alternatives offered to the taxi service? Will Destination Kiama inform the community?

ACTION: Subcommittee to consider Jamberoo transport options and report back to next meeting to inform residents, advocate for alternatives (Kate Troy, Ros Neilson, Vivienne Marris)

14. **KAPA Update** (Ros Neilson, Viv Marris). [Comments on Community Engagement and Participation Plan](#) – compiled by JVRRA, Kiama Central Precinct, South Precinct. Commend Council for putting out the draft Community Engagement Strategy. Tonight’s discussion from Council senior staff reinforces importance of community engagement for making better decisions in this time of difficult challenges for Council. Awaiting further discussion on the Draft Precinct and Community Association Operational Guidelines.

15. **Reminder: JVRRA AGM in August.** All committee positions are open, and newcomers are welcome. See [HERE](#) for a brief description of what’s involved in being a committee member.

16. **General Business**

- Re the anticipated re-opening of Jamberoo Mountain Road: Ros Neilson flagged the possibility of organising a celebratory get-together when the road is eventually repaired. Rob Pallin is considering offering [Ben Ricketts](#) as a venue.

17. **Close of meeting** 8.50 pm.

Next meeting date: Tuesday 4 July 2023, 7.00 p.m.

July Guest Speaker: Louise Croker, South Coast Arts

Please remember to renew your JVRRA membership for 2023-2024

- JVRRA provides a channel for having your voice heard about issues that affect you as a resident/ratepayer.
 - Membership allows you to vote at meetings and elect committee members.
 - JVRRA administration costs are funded entirely by membership fees. Your support is very much appreciated.
-

17.3 Minutes: Minnamurra Progress Association - 5 May 2023

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information are the minutes of the Minnamurra Progress Association meeting held on 5 May 2023.

Communication/Community Engagement

Councillors and staff regularly attend and address precinct and resident association meetings.

Meeting dates for these groups are published on Council's website.

Attachments

- 1 Minutes: MPA meeting - 05/05/2023 [↓](#)



MINNAMURRA PROGRESS ASSOCIATION Inc.
"Dharawal Country"

Email - minnamurraprogressassn@gmail.com

Meeting - 2nd May 2023 at 7.15pm
MINUTES

Acknowledgement of Traditional Owners:

"I would like to acknowledge the traditional custodians of the land on which we meet, the Wadi Wadi people of the Dharawal Nation, and pay my respect to Elders past and present and emerging. We acknowledge that there is much we can learn from First Nations people about the care of land we share. I also extend a warm welcome to those present with Aboriginal or Torres Strait Island descent."

Attendees: I Scott, (Secretary), C Mason, J Forst, G Collinson-Smith, R Armstrong, E Skorulis

Apologies: A Skorulis, M Emerton, J Martens (President), Cllr Keast, Cllr Larkins

Visitors: Cllr Renkema-Lang,

Minutes of last meeting: 4 April 2023 (General)

M: C Mason **SEC:** E Skorulis **AIF:** Y **C:** Y

Business Arising:

- Awaiting responses from Kiama Council and MP Gareth Ward on matters from previous meeting (pre-school election promise, kiss-and-drop zone and crossing at Minnamurra Public School).

Correspondence:

- Minutes from JVRRA meeting
- Cllr Renkema-Lang: Illawarra Shoalhaven regional matters; Report on 2023 National Forum on Coastal Matters.
- Kiama Council: Volunteer expo is to be held at the Kiama Farmers Market on Wednesday, 17 May. Call for MPA volunteers (none forthcoming immediately).
- Coral Wade (MPA Women's Auxiliary) wrote to say that the Auxiliary is open to new members. Email wadecoral@gmail.com if interested.
- School principal expressed her frustration re: update on kiss-and-drop works.

General Business:

- Who do we want to invite to address an upcoming MPA meeting? (Bear in mind that the July meeting is the AGM.) Suggestions:
- Re-invite Mark Emerton to discuss his plans for a future Minnamurra triathlon. Trevethan Reserve has been used for this purpose in the past – could that work again?
- State election winner (MP Gareth Ward)
- Minnamurra Public School principal Linda Wilbraham
- National Parks NSW re Killalea, Minnamurra Falls etc
- Kiama does not appear to offer a weekend ranger service. Cllr Renkema-Lang responded as follows:
 - Council's financial position is shaky. Staff numbers are depleted, including engineering staff. There have been cuts to services. There are serious cash-flow issues. This will not improve in the next 12 months. However, a rate rise is unlikely. Council is doing the best it can with what it has. There is a new manager for the engineering department. There is four-year backlog of infrastructure projects. Performance improvements are in place until July. Budget will be discussed at July meeting. The aged care facility is subject to a year-on-year structural deficit. The Office of Local Government has appointed a temporary advisor, who wants the aged care deficit fixed. Please continue to let Council know if there is an issue which needs fixing, but bear the above in mind when speaking with staff.
- MPA Notice board at café?

Treasurer's Report:

59 memberships for 2022/23
Term Deposit trust a/c \$1,149.45
Cheque Account \$1,495.23
Petty Cash \$10.00 **Total Funds \$2,644.68**

A Skorulis advises that term deposit has been re-invested with Commonwealth Bank

M: G Collinson-Smith **SEC:** J Forst **AIF:** Y **C:** Y

Next Meeting: 6th June - KMC Council Presentation

Meeting closed: 8:02pm

17.4 Question for future meeting: Commercial bin food waste trialResponsible Director: Infrastructure and Liveability

Precis

At the April 23 Council meeting, Councillor Draisma requested a report on any action being taken to explore the possibility of a trial of food waste bins for commercial purposes in the Local Government Area. This matter was referred to the Director Infrastructure & Liveability for action.

Report

Currently most commercial Food Organic waste generated at Kiama commercial premises is disposed of as waste i.e. to landfill; as there is not currently a Food Organics only waste process available to council.

Council's current organics processing and disposal contract is for Food Organics Garden Organics as a blended product. The contractor has tendered based on a mixed product that enables processing to the required material blend, particle size and composting temperatures to achieve a complying product suitable for use.

A Food Organics only product could result in a more challenging and hence more expensive composting process depending on product proportions such as an increased meat and fat components. This was not contemplated at the time of tendering but is a good opportunity for future services.

Our existing Waste Licence for the Minnamarra Depot does not provide for the receipt of Food Organics only and hence the site cannot be used for a trial. Staff would need to go through a process of applying for as licence.

Council's small rear loader compactor could be used for a trial as the truck as a fully sealed hopper; however, there insufficient resources (staff and budget) to undertake a Food Organics only collection run without impacting on existing services. Further work would need to be done on understanding staff, budget, licence and business community interest so that volumes and costings could be analyzed for return on investment.

The goal of increasing landfill diversion through the development of a Food Organics only processing scheme merits investigation. Accordingly, the development of a feasibility assessment process will be considered in finalising the *draft Waste Strategy 2023-24* under the 2023-2024 Operational Plan.

Communication/Community Engagement

There are no planned engagement programs for this matter. Community engagement to prepare reports for information is beyond the level of resourcing that council has. Reports are prepared off desk top analysis only. There is no capacity for staff to conduct engagement activities on report for information.

Risk implication

A trial of Food Organics only disposal model is currently unbudgeted and a cost or potential fee structure has not been developed for consideration.

Reports for Information

17.4 Question for future meeting: Commercial bin food waste trial
(cont)

Council's existing waste management resources are currently utilised for current waste stream (domestic waste/recycling/FOGO and public and commercial waste and recycling) and there is currently insufficient resources available to undertake a trial without potentially impacting on existing services. There is a risk that without new innovations in service offerings that local commercial operators will continue to send waste to landfill that could be otherwise diverted.

17.5 Question for future meeting: Jerrara Dam divestment

Responsible Director: Infrastructure and Liveability

Precis

At the 18 April 2023 and 16 May 2023 Council meetings, Councillor Steel requested a report on the possibility of placing the Jerrara Dam site on the market through an auction process for divestment.

Report

Jerrara dam is located approximately 7km west of Kiama at 125 Mount Brandon Rd (Lot 41 DP 841082) and comprises an area of 53.51 ha (as shown in Image 1 below).



Image 1. Jerrara Dam

The land (Lot 41 DP 841082) is currently classified as “community land” under the *Local Government Act 1993* and forms part of the Jerrara Dam Plan of Management. The land has varied land zonings including RU2 Rural Landscape, C2 Environmental Conservation and C3 Environmental Management which is outlined and mapped within Image 2 of the *Kiama 2011 LEP*.

Item 17.5

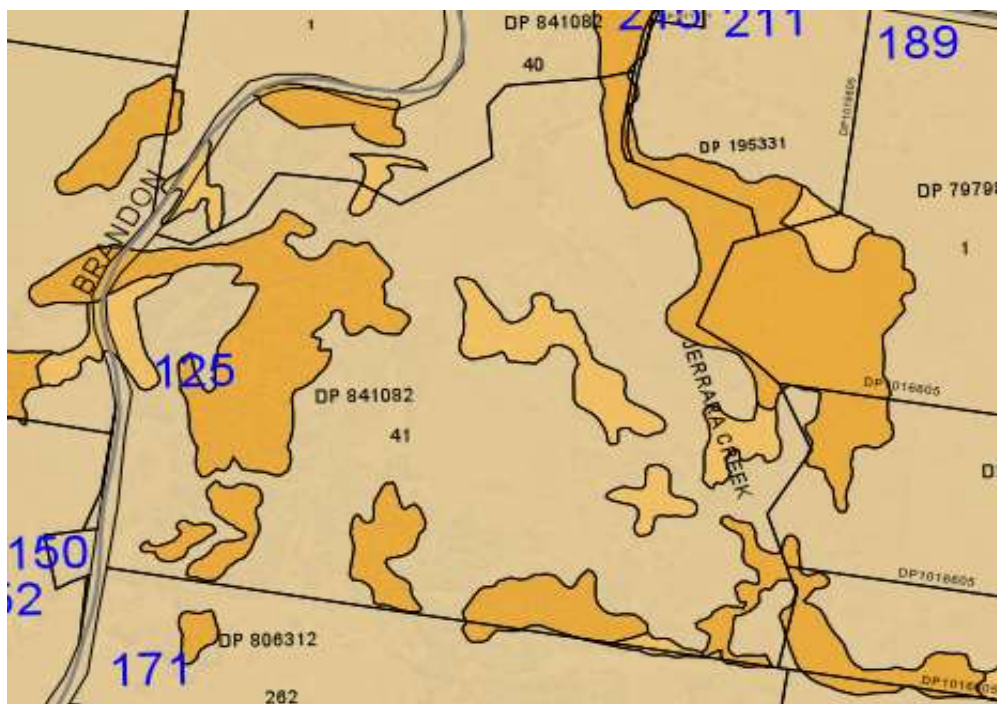


Image 2. Land Zoning (Kiama LEP 2011)

In order allow the land to be sold, a reclassification process would be required to classify the land as Operational. This land can be discussed as part of the finalisation of the property divestment plan process. There would no doubt be financial returns for Council should the land be considered for reclassification and sale, and there would also be a need to a complete community engagement processes required as part of any reclass. There may also be more opportunities for community use on the site as well.

Conclusion

Given the lands current classification as “Community Land” it cannot be listed for an immediate sale.

The site could be considered for inclusion in Council’s Property Divestment Plan; however, given the challenges outlined above and resources that would be required to manage the required reclassification process it would not be achievable until 2024/25 in order to continue resourcing the existing reclassification and divestment projects.

The potential inclusion of this site on the divestment program will be further discussed at the August Councillor workshop.

Communication/Community Engagement

There are no planned engagement programs for this matter. Community engagement to prepare reports for information is beyond the level of resourcing that council has. Reports are prepared off desk top analysis only. There is no capacity for staff to conduct engagement activities on report for information.

Based on the Minutes of Council’s meeting of 18 April 2023 three community organisations wrote to Council setting out their concerns regarding a potential sale of the site. Copies of the letters are attached to this report for information only.

Reports for Information

17.5 Question for future meeting: Jerrara Dam divestment (cont)

Risk implication

The existing classification and public use of the site exposes council to ongoing financial, regulatory and potential public liability risks.

The potential divestment of the Jerrara Dam poses a level of reputational risk given the high biodiversity and the requirement to reclassify the land from Community to Operational.

Attachments

- 1 Gerroa Environmental Protection Society - Jerrara Dam [↓](#)
- 2 Illawarra Birders - Jerrara Dam [↓](#)
- 3 Jamberoo Valley Ratepayers and Residents Association Inc - Jerrara Dam [↓](#)

Kiama Council and Councillors
Manning St Kiama

Gerroa Environmental Protection Society
PO Box 71 Jamberoo 2533
11/05/2023

Dear Councillors and Council

Our members are concerned about a Councillor request for a report regarding possible sale of Jerrara Dam Arboretum.

We would like to provide the following information to ensure Councillors and Council are fully informed about the important values of Jerrara Dam and also request Council classify the Jerrara Dam wetland as a wetland in its LEP.

1. Jerrara dam provides important public open space that is protected from winter winds for the community to use.
2. A portion of the site is set aside for Riding for the Disabled who provide important services for the disability community in the region.
3. It provides a niche tourist destination because it is a favoured location for birdwatchers who return regularly to this location. This value needs to be promoted by Destination Kiama.
4. Its environmental values are exceptional and it could be described as a biodiversity hot spot for the following reasons:
 - It contains one of only two small publically owned coastal freshwater wetlands in the municipality. The man-made Spring Creek wetland and Jerrara Dam are now the only functioning freshwater wetlands remaining in the Municipality and they provide important compensatory habitat for amphibians and birds.

100% of Kiama's original freshwater wetlands have been historically cleared and drained. Kiama had 428 hectares of freshwater wetlands, including the 308-hectare Terragong Swamp at Jamberoo, and the 120-hectares Foys Swamp at Seven Mile Beach. The combined area of Spring Creek and Jerrara dam wetlands would be no more than about 8 hectares, so they provide compensatory wetland habitat equivalent to about 2% of these original wetlands.
 - It preserves a small area of rare lowland subtropical rainforest. This is an Endangered Ecological Community that has been enhanced over the last three decades through community volunteer land care and Council plantings.
 - It contains two rare endangered rainforest species and is cited in the Zieria Granulata Recovery Plan¹ as one of only three locations in public ownership where the endemic endangered plant species Zieria granulata occurs and is protected. This plant is found over a range of 22 kilometres between Shellharbour and Foxground and is estimated that as little as 8000 plants exist over this range². The species is under serious threat of extinction due to its limited range and

¹ Zieria Granulata Recovery Plan, Department of Environment and Conservation. January 2005

² Zieria Granulata Profile <https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10856>

ongoing clearing on privately owned land, particularly in association with hard rock quarrying at Dunmore.

- It is a significant habitat for birds due to its diverse rainforest, grassland, wetland habitat and is considered to be the most important bird observation site in the region (google Jerrara Dam birdwatching to ascertain the level of interest).
- Many of these environmental values are identified and elaborated on in the Council Jerrara Dam Management Plan 1996 (attached)

Since the dam wall was lowered a few years ago the wetland area has become less of an open water body and now functions as a shallow wetland. This provides an enhanced habitat for many waterbirds, particularly waders. We believe it would now meet the criteria for a coastal freshwater wetland and request council consider protecting it in the Kiama LEP.

Howard H Jones

Secretary Gerroa Environmental Protection Society



Jerrara Dam, it's value and potential to Kiama LGA and residents.

29th May 2023

Firstly an introduction, Illawarra Birders has over 100 financial members. We are affiliated with Birdlife Australia, and are active in survey work for NPWS and our three local councils. We also provided and had accepted submissions on the Sub-tropical Rainforest in Sydney Bioregion ECC review for the Federal Government.

In prior years we have conducted very popular birding 'talk and walk' events for Kiama Council. These and other community bird walks are oversubscribed.

We were surprised that Councillor Steel requested a report on how to sell Jerrara Dam at the May Council meeting. This seems to be based off reports going back to 2016.

It misses the significant increase in nature based tourism since COVID. Ourselves, like other bird clubs around Australia, have seen a marked increase in public interest in birdwatching. For example, the Birds in Backyard survey attracted over 1,700 Illawarra participants last year.

Birdwatching and bird photography tourism is on the rise. 2021 research by Dr Rochelle Steven using data from Tourism Research Australia found birdwatching is a fast-growing niche market and birders spend more than the average tourist. This was estimated at \$283M in 2021 for Australia.

Our members living in Kiama are well aware of the financial pressures Council is facing; however Jerrara Dam is unique and not replaceable. Once green space is gone it is almost impossible to replace. As population becomes denser, quiet green space for passive recreation is becoming more valued. It is the perfect complement to Kiama's busy town centre.

We regularly host domestic and international visitors to Kiama LGA, specifically for birdwatching. This is despite not being promoted in Kiama tourism material. When we provide our free bird brochures to the Information Centre, they disappear quickly and I am told the brochure is one of their most popular.

Most keen birders use a global database called eBird; it's run by Cornell University in the USA and houses over 1.3 billion records. A truly outstanding free research tool. It allows them to find the best Hotspots easily.

Jerrara Dam has the most bird species of any publicly accessible place in the Illawarra ... 178 species have been recorded.



Even more than famous and much larger Barren Grounds Reserve with 174. Just for contrast: Spring Creek has 145 and Killalea State Reserve has 169. Whilst these numbers seem similar, birders see a marked difference and travel to spots with higher specie counts.

With our proximity to Sydney, the potential of adding birdwatching or eco education to our already established tourism drawcard is significant.

However, birdwatching is but one potential of Jerrara Dam. It is also a great open air classroom for environmental studies. The established Arboretum, although not recently developed is outstanding. Whenever I take people to Jerrara Dam for the first time they are always impressed with the tranquility.

This despite no promotion by Kiama Council; it wasn't even listed in the Open Spaces and Recreational Strategy public input. Most times I visit, there are others simply walking and enjoying the calm and the great arboretum.

The topography of the land with the 2 creeks, which are subject to flooding, the restricted road access, lack of services and the dam; make it ideal for passive recreation and not much else.

Summary:

1. The original option reports for Jerrara Dam pre dates COVID and the significant extra housing Kiama must now absorb.
2. It is one of the few accessible quiet places in Kiama LGA, the others like Spring Creek, whilst valuable as habitat, have excessive man made noise in the environment.
3. There are already a couple of accomodation venues adjoining, and there is clearly opportunity for more surrounding ECO developments if sensitively done.
4. Birdwatching is a fast growing niche of tourism with high spending participants. Kiama is ideally located to capitalise on this.
5. Councillor Steel's request should have been to update the 2016 report and seek community feedback on options for Jerrara Dam. **The assumption that Council move to sale seems outdated and ill-conceived.**
6. High quality non replaceable green assets such as Jerrara Dam should be last on the disposal list. All other spaces which adjoin existing developed spaces should be dealt with first.

Sincerely

Ralph Stadius

President Illawarra Birders

Mobile: 041 2244 121

To: Kiama Council

Attention:

- Director, Infrastructure and Liveability

Copies to:

- Director, Sustainable Communities
- Director, Destination Kiama and Economic Development
- Councillors

From: Jamberoo Valley Ratepayers & Residents Association Inc. (JVRRRA)

Date: 10 May 2023

Re: Management of Council owned community land at Jerrara Dam

Context: Minutes of Council meeting April 2023

Item 20.2 Jerrara Dam divestment. Councillor Steel requested a report on the possibility of placing the Jerrara Dam site on the market through an auction for disposal. This matter was referred to the Director Infrastructure and Liveability for action.

JVRRRA would like to take the opportunity to offer relevant community input for the attention of the Director Infrastructure and Liveability as he prepares his report on the divestment of the Jerrara Dam site. Our reason for requesting to provide this community input now is that there was no opportunity for community input regarding the Jerrara Dam site in either of the two recent Council surveys that allowed community engagement – that is, the surveys relating to the Management of Open Spaces and Tourism. Furthermore, the previous report commissioned by Council on Jerrara Dam, mentioned in the [February 2020 Council Minutes](#) (Item 9.4, p.6) was tasked with developing only a ‘business case’ for the site, exploring opportunities for financial gain in the management of the site, possibly without considering its environmental importance or its potential for passive tourism. The [Jerrara Dam Plan of Management \(1996\)](#) that was prepared for Council several years ago put the area in an entirely different light.

The management of the Council-owned site at Jerrara Dam was discussed at length at the JVRRRA General Meeting of 2 May 2023, and several relevant emails have been received since then from other community stakeholders. JVRRRA requests that the Director Infrastructure and Liveability read Item 12 of the [Minutes of the 2 May JVRRRA meeting](#) (pp.4-5), which summarises in some detail the views put forward by community stakeholders at the meeting. The discussion touched on the environmental importance of the area, the need for protection of habitat for endangered species, and the considerable value of the area for passive recreation forms of tourism, including birdwatching. The following motion was passed unanimously:

JVRRRA values Jerrara Dam for its wetlands, arboretum and community open space. JVRRRA therefore asks Council not to sell the land but retain it as community land, and requests Council to open discussion with relevant not-for-profit organisations (such as LandCare, WIRES, Birds Australia, etc.) to help develop plans to further enhance its environmental qualities for future generations.

Since the meeting, letters have been received by JVRRRA from Illawarra LandCare confirming their interest in helping to retain the site in public ownership.

- Ailee Calderbank, coordinator of Illawarra LandCare, commented: “Landcare Illawarra and WIRES have discussed the possibility of applying for grant funding for weed control works to

improve habitat for the impressive range of fauna. There are also some Threatened species there, *Zieria granulata* and *Daphnandra johnsonii* and the area is very significant.”

- A link was provided a link to a current bird survey being carried out at the area – see <https://ebird.org/hotspot/L2832895> .
- Links were provided to two research articles published by Kevin Mills and Associates in 2014: [A Survey of the Vertebrate Fauna of the Jerrara Reserve](#) and [The Vegetation of Jerrara Reserve](#).
- Neil McLaren, of LandCare, commented: “Landcare Illawarra have an interest in keeping Jerrara Dam in council ownership & restoring the natural habitat. I’d suggest that it could make a great outdoor education site with a few cabins to host school groups & others.”
- JVRRA is also aware that WIRES ([Kiama Council’s 2022 Community Group of the Year](#)) have a DA before Council for a significant investment in leasing an area of land at the site for the purpose of building of an enclosure for the rehabilitation of wombats – a project that was supported unanimously at the Council meeting of [November 2022, Item 13.5](#).

Parcels of land such as the Jerrara Dam site are rare and valuable. The Kiama LSPS includes many fine words about how our community values our scenic landscapes and natural beauty, but almost all of the land that provides these amenities is in private ownership. JVRRA feels it could be an important win, both for the community and for the environment, if the future of the site could be secured in public ownership.

JVRRA fully understands that proper management of the Jerrara Dam site, in terms of continued actions to enhance and preserve its environmental value, is beyond current Council resources. If, however, a plan of management could be put in place that included partnership links with relevant stakeholders, such as those groups suggested in the JVRRA motion, or even consideration of partnership with NSW Parks and Wildlife, we feel that the benefit to the municipality would last much longer than the short-term financial gain achieved by simply selling the site to the highest bidder.

Thank you for considering these community points of view as you develop the relevant Report to Council.

Kind regards,

Ros Neilson, JVRRA Secretary
On behalf of JVRRA Committee

17.6 Question for future meeting: reducing the number of elected representatives

Responsible Director: Office of the Chief Executive Officer

Precis

At the 18 April 2023 Council meeting, Councillor Croxford requested a report providing a cost benefit analysis to reduce the size of the Chamber from 9 to 7 and from 9 to 5 based on a 2028 adoption. This matter was referred to the Chief Executive Officer for action.

Current state

Kiama Council currently has 9 councillors who are paid an annual fee and are provided with a range of disbursements such as phone calls, internet, devices, conference attendance, catering, vehicle expenses and accommodation, etc.

The table below shows the fees and expenses for the 2021, 2022 and 2023 financial years (noting that 2023 figures are actuals).

	2021	2022	2023*
Mayoral fee	\$44,250	\$40,500	\$42,201
Councillor fees	\$182,565	\$156,738	\$191,697
Superannuation			\$18,727
Councillor expenses	\$34,851	\$33,745	\$28,569
Conferences and training	\$982	\$37,112	\$21,677
Total	\$264,669	\$270,167	\$293,987

* actuals to 7 June 2023

Process to reduce numbers

Section 224 of the Local Government Act 1993 states:

224 How many councillors does a council have?

- (1) A council must have at least 5 and not more than 15 councillors (one of whom is the mayor).
- (2) Not less than 12 months before the next ordinary election, the council must determine the number, in accordance with subsection (1), of its councillors for the following term of office.
- (3) If the council proposes to change the number of councillors, it must, before determining the number, obtain approval for the change at a constitutional referendum.

Effectively Council would be required to make a decision before September 2023 in order for a referendum to be held at the 14 September 2024 election. If voters did agree to any proposed change this would not come into effect until the 2028 election.

The NSW Electoral Commission have advised that the cost of holding a referendum is an extra 10% of the fee. Our fee for the September 2024 election is \$240,594 meaning the referendum would be an additional \$24,060.

Reports for Information

17.6 Question for future meeting: reducing the number of elected representatives (cont)

Outcomes for reducing numbers

Based on Councillor fees for 2023/2024 (to be confirmed at this Council meeting) which are expected to be \$21,730 for councillor fees and \$47,420 for the additional Mayoral fee, the annual cost for 9 councillors is \$195,570 + the mayoral fee, totalling \$242,990.

Using these fees as an example the following savings per annum are created:

	9 councillors	7 councillors	5 councillors
Councillor fee (\$21,730)	\$195,570	\$152,110	\$108,650
Mayoral fee (\$47,420)	\$47,420	\$47,420	\$47,420
Total annual fee	\$242,990	\$199,530	\$156,070
Savings		\$43,460	\$86,920

Over a 4 year term Council there would be a saving of \$173,840 (reducing to 7 councillors) or \$347,680 to reduce to 5 councillors. Note this does not take into account any annual councillor and mayoral fee increases determined by the NSW Local Government Remuneration Tribunal which is likely to be in the vicinity of 10% over the 4 year period.

A reduction in the number of elected representatives would also reduce superannuation and councillor expenses, along with professional development costs on an annual basis.

Reducing the number of elected representatives also impacts representation ratios for residents. Kiama Council currently has one councillor per 2,564 residents. Reducing the number to 7 would result in a ratio of 1:3,296 and to 5 elected councils would result in one councillor representing 4,615.

For comparison our neighbouring councils have the following representation:

	Councillor numbers	Population	Population per Councillor
Kiama	9	23,074	2,564
Wollongong	13 (3 wards)	219,798	16,637
Shellharbour	9 (4 wards)	78,256	8,695
Shoalhaven	13 (3 wards)	109,418	8,417

There are many advantages and disadvantages to be considered in reducing the number elected representatives. Some of these include:

Advantages

- Decision making process may be more effective and efficient
- Reduction in costs, including councillor expenses, superannuation (12% by 2028), professional development, etc

Reports for Information

17.6 Question for future meeting: reducing the number of elected representatives (cont)

-
- Increased commitment, interest and participation by Councillors generally
 - Councillors are more readily identifiable to the community
 - Greater community interest in elections.

Disadvantages

- Increased workload
- Limitation to diversity
- Reduced opportunity for community contact
- Potential for dominance by a particular interest group.

Communication/Community Engagement

Should Council resolve to change the number of elected representatives a referendum would be combined with the 2024 local government election.

Community engagement to prepare reports for information is beyond the level of resourcing that council has. Reports are prepared off desk top analysis only. There is no capacity for staff to conduct engagement activities on a report for information.

Risk implication

The information provided by this report ensures that legislative procedure is being followed.

17.7 Question for future meeting: Soft plastic recyclingResponsible Director: Infrastructure and Liveability

Precis

At the April 2023 Council meeting, Councillor Rice requested a report identifying any equivalent companies to Plasmar (a Sydney based soft plastic recycling company that deals directly with councils across the state to produce useful products that councils can purchase for municipal purposes) that offer a similar service to councils, to include details of the availability and conditions of contracts with Plasmar or equivalent companies and whether any of them deal with joint organisations. This matter was referred to the Director Infrastructure & Liveability for action.

Report

There are some equivalent service providers for the supply of recycled soft plastic products and some with soft plastic recycling or processing capabilities.

The National Plastics Recycling Scheme is currently being developed by the food and grocery industry with funding support from the federal government to collect and process soft plastics. The scheme is being trialed to determine scalability and ensure, as trial areas increase, infrastructure has the capacity to manage the increased volumes. As the Scheme is developed it is likely Joint Organisations will be utilised to capture sufficient volumes of material to create a viable market.

Soft plastic recycling in the Illawarra is currently restricted to clear plastic only and only plastics that an adult can push their thumb through. This is quite restrictive and would be prone to contamination issues without a rigorous inspection scheme for any collection site.

Council does not currently have the resources (people, budget or space) to initiate and manage an appropriate collection facility for soft plastics.

As Council is not currently seeking quotes or tenders for soft plastic recycling there are no contract conditions or specifications available at this time.

The goal of increasing landfill diversion through the development of a Soft Plastics processing scheme merits investigation. Accordingly, the development of a feasibility assessment process will be considered in finalising the *draft Waste Strategy 2023-24* under the 2023-2024 Operational Plan.

Communication/Community Engagement

There are no planned engagement programs for this matter. Community engagement to prepare reports for information is beyond the level of resourcing that council has. Reports are prepared off desk top analysis only. There is no capacity for staff to conduct engagement activities on report for information.

Risk implication

Collection of clear soft plastics improves reputational, environmental and strategic outcomes and may increase landfill diversion rates.

Collection of soft plastic for processing by other involves a high risk of contamination and additional unbudgeted resource requirements.

Reports for Information

17.8 Questions for Future Meeting Register - June 2023 (cont)

17.8 Questions for Future Meeting Register - June 2023

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information is the Questions for Future Meetings Register for June 2023.

Attachments

- 1 Questions for Future Meetings Register - June 2023 [↓](#)

Item 17.8

Questions for Future Meetings Register

16/73192

No	Details	Actions
20 December 2022		
18.3	<p>Insurance arrangements Councillor Keast requested a report on Council's insurance arrangements, in particular focusing on events that are not covered by insurance and which Council owned infrastructure would not have insurance coverage. The matter was referred to the Acting Director Engineering and Works.</p>	Response being prepared by Risk and COO, to be presented to Councillors via briefing.
18.4	<p>Failed implementation of the Finance System Councillor Renkema-Lang requested a report on the likely outcomes, actions and implications of the review of the failed implementation of the Finance System – referred to on page 511 of the 20 December agenda papers – including where available:</p> <ol style="list-style-type: none"> 1. Total expenditure since Council resolved to accept the tender from TechnologyOne at the Ordinary meeting 25 June 2019 (resolution 19/247OC). 2. Original budget, schedule and projected completion date. 3. Initial cost and schedule estimates for data migration services as per resolution to accept the tender from AAXT for the provision of a Data Migration Strategy (20/264OC). 4. Approved variations to budget and schedule for TechnologyOne and Data Migration since the project commenced. 5. Anticipated project completion date. 6. Forecast budget required to finalise the project. 7. Ongoing yearly costs to maintain the system (licence, support and maintenance). <p>The matter was referred to the Chief Financial Officer for action.</p>	<p>A PCG team has been created to progress TechOne implementation and the issue of historical plans, costs and issues will be considered by the PCG and reported to the August 2023 Council Meeting.</p>
21 February 2023		
18.1	<p>Seven Mile Beach community consultation Councillor Rice requested a report on what else stands in the way of actioning Point 2 of the following resolutions 19/1700C, 19/1710C and 19/1720C from 21 May 2019 – “<i>That Council expedites the community consultation to devise new guidelines for the use of Seven Mile Beach</i>” now that finalisation of Council's Crown Lands Management Plans is likely to occur within a few months. The matter was referred to the Director Engineering and Works for action.</p>	To be reported to the July 2023 Council Meeting

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No	Details	Actions
21 March 2023		
20.1	<p>Support for local businesses and investment in live music Councillor Croxford requested a report on how Council can better support local businesses and encourage investment in live music venues, that also addresses the challenges of using private certifiers, and how Council can proactively support the growth and development of the local music scenes while promoting tourism and cultural events in Kiama. The matter was referred to the Director Environmental Services for action.</p>	To be reported to the August 2023 Council Meeting
20.2	<p>Waste Services billing Councillor Croxford requested a report on what was the root cause of the error identified in the waste service billing investigated by the current affairs program. Is there a need to review Council's internal controls and processes to identify any underlying issues that could lead to similar errors in the future? How can we ensure that our systems are robust and effective in preventing such errors, and how can we improve our governance to ensure the ongoing integrity of our billing and accounting practices? The matter was referred to the Director Engineering and Works for action.</p>	An audit has been undertaken to identify any further gaps or errors. Initial results are being investigated. The audit will now be an annual process. This will be reported to the July 2023 meeting.
18 April 2023		
20.1	<p>Rock pools – State Heritage listing Councillor Brown requested a report on what steps and resources are required to have the Kiama Blowhole Point rock pool as well as the Gerringong Boat Harbour rock pool placed on the State Heritage Register. This matter was referred to the Director Planning, Environment and Communities.</p>	To be reported to the August 2023 Council Meeting
20.2	<p>Jerrara Dam divestment Councillor Steel requested a report on the possibility of placing the Jerrara Dam site on the market through an auction for disposal. This matter was referred to the Director Infrastructure and Liveability for action.</p>	Reported to the June 2023 Council meeting.
20.3	<p>Reduction in numbers of elected representatives Councillor Croxford requested a report providing a cost benefit analysis to reduce the size of the Chamber from 9 to 7 and from 9 to 5 based on a 2028 adoption. This matter was referred to the Chief Executive Officer for action.</p>	Reported to the June 2023 Council meeting.
20.4	<p>Soft plastic recycling Councillor Rice requested a report identifying any equivalent companies to Plasmar (a Sydney based soft plastic recycling company that deals directly with councils across the state to produce useful products that councils can purchase for municipal purposes) that offer a similar service to councils, to include details of the availability and conditions of contracts with</p>	Reported to the June 2023 Council meeting.

No	Details	Actions
20.5	<p>Plasmar or equivalent companies and whether any of them deal with joint organisations. This matter was referred to the Director Infrastructure and Liveability for action.</p> <p>Code of Meeting Practice ruling Councillor Brown requested a report as to a ruling on the Code of Meeting Practice regarding Councillors speaking in regards to reports that arise from questions for a future meeting. This matter was referred to the Chief Operating Officer for action.</p>	To be reported to the July 2023 Council meeting along with other amendments required to the Code as requested by OLG.
20.6	<p>Blue Haven community transport business case discussion Councillor Rice requested a report providing a summary of the Blue Haven Business Case's discussion of community transport and an explanation as to why actions towards its divestment were taken, when the future of community transport was not discussed at or beyond the business case briefing. This matter was referred to the Chief Operating Officer for action.</p>	To be reported to the September 2023 Council meeting
20.7	<p>Coastal Walking Track stage 2 Councillor Renkema-Lang requested a report on the status of stage 2 of the Coastal Walking track that details:</p> <ol style="list-style-type: none"> 1. Outstanding issues to resolve between Council and any affected land owners? 2. What further actions need to be taken to ensure the successful completion of Stage 2 noting the following as detailed in the agenda papers for the Council meeting of 21 February 2023: <ul style="list-style-type: none"> • Page 142 – half yearly report on IP&R notes that Council was unsuccessful at applying for funding under the Department of Regional NSW Business Case and Strategy Development Fund? • Page 744 – register of resolutions – 22/039OC 12 April 2022 – Action column states “funding sought and received for Kiama Coast Walk signs” have these been put in place? • Page 749 – register of resolutions – 22/050OC 12 April 2022 – relates specifically on the Kiama Coastal Walking Track and the status is needs attention. Was NSW Coastal Lands Protection Scheme approached for funding? <p>This matter was referred to the Director Infrastructure and Liveability for action.</p>	To be reported to the August 2023 Council meeting.
20.8	<p>Update on resolution 22/411OC Councillor Draisma requested a report providing an update on resolution 22/411OC from the December 2022 Council meeting in relation to domestic and gender-based violence across the region. This matter was referred to the Director Planning, Environment and Communities for action.</p>	To be reported to the August 2023 Council Meeting.

No	Details	Actions
20.9	<p>Disability Inclusion Action Plan update Councillor Draisma requested a report on what action has been taken on drafting a new Disability Inclusion Action Plan and will this be referred to the appropriate committee for response. This matter was referred to the Director Planning, Environment and Communities for action.</p>	To be reported to the August 2023 Council Meeting
20.10	<p>Commercial bin food waste trial Councillor Draisma requested a report on any action being taken to explore the possibility of a trail of food waste bins for commercial purposes in the Local Government Area. This matter was referred to the Director Infrastructure and Liveability for action.</p>	Reported to the June 2023 Council meeting.
16 May 2023		
20.1	<p>Improving Council's decision-making process for development applications Councillor Croxford requested a report which provides valuable insights and recommendations to improve the council's decision-making process for development applications covering:</p> <ol style="list-style-type: none"> 1. Comparative Performance Analysis of Kiama Municipal Council and councils within our category, including the Illawarra and beyond; 2. Evaluation of Refusal Decisions; and 3. Financial Implications and Delegation Limits. 	To be reported to the August 2023 Council Meeting
20.2	<p>Iluka Reserve potential sale of lots Councillor Steel requested a report on the potential sale of 9 blocks of land at Iluka Reserve. This matter was referred to the Director Planning, Environment and Communities for action.</p>	To be reported to the Councillor briefing scheduled for 1 August 2023.
20.3	<p>Akuna Street potential sale Councillor Steel requested a report on potential sale of land at Akuna Street. This matter was referred to the Director Planning, Environment and Communities for action.</p>	To be reported to the Councillor briefing scheduled for 1 August 2023.
20.4	<p>Jerrara Dam potential sale Councillor Steel requested a report on the potential sale of land at Jerrara Dam. This matter was referred to the Director Planning, Environment and Communities for action.</p>	Refer to above item 20.2 – Jerrara Dam Divestment from the 18 April 2023 Council meeting. Reported to the June 2023 Council meeting.
20.5	<p>Cyber Security Risks Councillor Keast requested a report on council's strategy to manage Cyber security risks, including:</p> <ol style="list-style-type: none"> 1. The results of the Cyber Risk Audit presented to the ARIC in December 2022 and 	To be reported to the Councillor briefing scheduled for 4 July 2023.

No	Details	Actions
	<p>progress against recommendations.</p> <ol style="list-style-type: none"> 2. Council's Cyber security policy and procedures. 3. How Council is preparing / prepared to handle a security breach. <p>This matter was referred to the Chief Operating Officer for action.</p>	
20.6	<p>Finance Advisory Committee Recommendations</p> <p>Councillor Renkema-Lang requested a report on the recommendations made by the Financial Advisory Committee noting which of those recommendations have been actioned (In line with the note on page 4 of the FAC minutes detailed on Page 141 of agenda papers). This matter was referred to the Chief Financial Officer for action.</p>	<p>A presentation to the Finance Advisory Committee providing an update on its recommendations has been shared with Councillors on 7 June 2023. This action is now closed.</p>
20.7	<p>Community Battery Initiative</p> <p>Councillor Larkins requested a progress update on former council resolution 21/187OC – Community Battery Initiative. This matter was referred to the Director Planning, Environment and Communities for action.</p>	<p>Reported to the June 2023 Council Meeting</p>
20.8	<p>Peace Park Maintenance</p> <p>Councillor Larkins requested a report on the maintenance actions taken at Peace Park, Kiama over the past 12 months, including what significant work may need to be required and whether there is a need to update the 'Name a Brick' strategy at the park. This matter was referred to the Director Infrastructure & Liveability for action.</p>	<p>To be reported to the July 2023 Council Meeting</p>
20.9	<p>Blue Haven Medical Documentation</p> <p>Councillor Draisma requested a report on what action is being taken to ensure all medical documentation for residential aged care facility (RACF) clients is current. How does Blue Haven ensure staff are well informed on best practice care in consideration medical conditions and advice, for example, do-not-resuscitate orders. What legislative and regulatory requirements are there to ensure that staff are well informed of required care based on current medical history. When and how clients medical documentation is audited by Blue Haven staff. This matter was referred to the Chief Operating Officer for action.</p>	<p>To be reported to the July 2023 Council Meeting</p>

18 LATE ITEMS

19 NOTICE OF MOTION

19.1 Notice of Motion: Australian Pollinator Week 2023

Clr Stuart Larkins has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council:

1. Acknowledges the benefits of pollinators, such as bees, insects and butterflies, are necessary for healthy, secure and resilient ecosystems and food security.
2. Notes with concern the declining pollinator populations globally and in Australia.
3. Notes that many local governments in NSW and Australia have begun incorporating and developing pollinator-friendly strategies.
4. Resolves to communicate and promote to our community Australian Pollinator Week, 11 to 19 November 2023, and the importance of participating in the Australian Pollinator Count 2023.
5. Seeks the CEO's agreement to allowing operational staff as part of their duties, where reasonable and not detracting from scheduled Council work, to participate in the Australian Pollinator Count 2023.

Signed Councillor Stuart Larkins

Purpose

The purpose of this motion is to recognise the importance of pollinators in our region and for Council engagement in Australian Pollinator Week.

Background

It is a well-known scientific fact about the importance of pollinating insects, for the benefit of health, resilience, and prosperity of our natural environment and for human health and wellbeing.

In Kiama, there is a growing number of apiarists – both backyard beekeepers and businesses – who recognise the importance of pollinators. Likewise, they are also concerned about the rapid trend of a decline in pollinator numbers, particularly native bees.

Australian Pollinator Week acknowledges our important and unique insect pollinators during our southern spring (11-19 November). It is a designated week when communities, businesses and organisations can come together to raise awareness of the importance of pollinators and support their needs.

Notice of Motion

19.1 Notice of Motion: Australian Pollinator Week 2023 (cont)

The motion is also to encourage not only the community, but council participation in the Australian Pollinator Count 2023. To become a registered census counter for the pollinator count, you need to be registered as a pollinator counter: <https://www.australianpollinatorweek.org.au/count/>

You simply need to observe some flowers for 10 minutes, record the pollinators you see and register your results online.

Chief Executive Officer response

Council staff often contribute to and participate in various “weeks” and research projects including the annual bird count, livability scorecard and other types of initiatives as part of operations. This proposal would also align with Council’s Community Strategic Plan and supports our rural communities and agricultural producers.

If resolved in the affirmative, the proposed actions can be undertaken within existing resource allocations within the Environment and Compliance Department. The initiative could also be promoted through existing networks and communications methods, such as Council’s Facebook page, newsletters and through our business units as part of normal Council business.

19.2 Notice of Motion: Blue Haven Bonaira

Clr Kathy Rice has submitted the following Notice of Motion for Council's consideration:

MOTION

That:

1. The Planning Proposal to reclassify Lot 2 DP1215276 14A Bonaira Street Kiama, from Community Land to Operational Land be varied to exclude the portion of that land occupied by Barroul House and its curtilage.
2. The portion of Lot 2 DP1215276 14A Bonaira Street Kiama that is occupied by the historic Barroul House and its curtilage, be subdivided from the parent lot and retain its classification as Community Land in perpetuity.
3. Prior to any future progression of Lot 2 DP1215276 14A Bonaira Street Kiama to public tender, the land occupied by the historic Barroul House and its curtilage has been subdivided from Lot 2 DP1215276.

Signed Councillor Kathy Rice

Purpose

The purpose of this motion is to support preservation of Kiama's cultural heritage through keeping one of Kiama's historically significant properties in community hands. This will assist community members to access the property on an ongoing basis.

Background

This motion is a response to the history of Barroul House, the conditions underlying its renovation, the needs of Blue Haven Bonaira residents, and with respect to the deeply held sentiment of the local community. There is a lack of clarity around the future use of Barroul House and this motion provides a pathway towards ensuring that the building remains available for the usage of Blue Haven residents, their friends, families, and the general community. By keeping Barroul House in public ownership the conditions of its renovation funding are upheld and an ongoing business model can be developed by Council in conjunction with all stakeholders.

Chief Executive Officer response

A separate report is provided to this Council meeting on the reclassification process (Planning Proposal) for Blue Haven and will be heard in order of business within the Business Paper. Consideration of this motion will need to be undertaken at the time it is heard and its legality will need to be considered following the decision and vote on the Planning Proposal report. Depending on the outcome of this vote and decision, this motion may remain legal or parts of it may become potentially illegal and not be able to be considered.

Notice of Motion

19.2 Notice of Motion: Blue Haven Bonaira (cont)

In its consideration of this motion Council should also review section 17.7 of the Code of Meeting Practice which states that:

If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

The parcel is currently only one lot and as such can either be classified as community or operational land (in its entirety). The current planning proposal cannot be varied to exclude a portion of the land because a separate classification can only be applied after a subdivision process through a development application has occurred first. If the area on which Barroul House was a separate allotment an alternative classification could be considered for that new parcel of land. Given the current planning proposal is for the current complete allotment, any variation of this nature, at this time, would require a new gateway process to be undertaken. Council would be unable to finalise the current Planning Proposal and the process would need to recommence.

Initial Investigations- Subdivision

As outlined in the Planning Proposal report which is included within this business paper, there are several issues and concerns that have been identified with the proposal to subdivide portions of the lot. The preliminary investigation of this option has been undertaken, noting a further assessment would be required to enable Council to understand whether subdivision could legally occur.

From an initial assessment the following issues could result:

- There are joined services including sewerage, water and electricity within the subject land which make subdivision difficult.
- There is a potential inability to meet provisions and requirements of Kiama Development Control Plan if land is subdivided- noting the location of a car park in the required rear setback of the proposed development and other requirements related to setbacks, access, heritage provisions etc
- Inability to adequately provide access and car parking for either parcel of land- access to a rear site cannot be provided through public community land.
- Potential inability to meet the provisions of the SEPP Seniors living.
- Roads cannot be developed over community land to provide access to adjoining land under the Roads Act
- Lot size requirements and permissibility of development
- The original development proposal utilized the heritage provisions of the LEP to allow for additional height, scope and scale of the development.
- Agreements in place for residents which provides access and services from Barroul House
- Bushfire provisions and asset protection zone requirements
- Fire hydrants are located within the curtilage of the suggested subdivided lot.

Notice of Motion

19.2 Notice of Motion: Blue Haven Bonaira (cont)

Furthermore, the subdivision would not guarantee any differing outcome for Barroul House, that are not otherwise afforded from the current Heriatge listing which is in place. The heritage listing remains and any change or development to the house would require Council approval through a development application process. The heritage listing will remain regardless of the classification of the site as either community land or operational land.

It is also important to note that there is a risk to current lease provisions and agreements in place regarding both sale contracts and agreements from both LUL residents and the RACF which outlined that the facility, including café and meeting rooms would be available to residents who resided at Blue Have Bonaria and that this facility was part of the broader offering onsite.

The funding agreement for \$10 million dollars does not specify that this facility is maintained on community land or in community ownership. The full funding agreement is attached to the report on the reclassification.

There are ongoing challenges with the maintenance and running of the commercial café at the facility and of the ongoing asset maintenance of the house. The intent from all previous documentation reviewed on Blue Haven was for the house to form an integral part of the Blue Haven site and for it to form part of operations. The historic nature and identity of the house are enhanced by its connection on the same parcel of land as an ongoing hospital/nursing home.

The council's decisions of October 2022 and February 2023, subject to the reclass process, remain that any divestment is done so to ensure the ongoing use of the site as a retirement village and aged care facility.

19.3 Notice of Motion: Three Phase Power Coronation Park

Clr Matt Brown has submitted the following Notice of Motion for Council's consideration:

MOTION

That a report be provided to Council on the feasibility and estimate costs for providing reticulated three phase power to Coronation Park to improve the useability of the site, especially for ongoing markets.

Signed Councillor Matt Brown

Purpose

Support community-based events such as Kiama Farmers' Market and other events which require three phase power at Coronation Park.

Background

Providing the necessary infrastructure to support community events is a key role of Council.

Coronation Park is a popular place to hold regular events, such as the Kiama Farmers' Market, as well as events that are not so regular, such as surfing competitions and carnivals.

These events are important to the social and economic fabric of our community.

Three phase power is required for the successful operation of these events which currently must be supplied by the event organiser in the way of a fuel powered generator, usually diesel. This is not ideal in terms of noise and emissions along with the extra space required.

Coronation Park is still a popular place to hold such events and thus it would be prudent for Council to install necessary infrastructure, in the form of three phase power, especially considering Council charges a user fee for the use of the park.

Costing/budget

\$25,000

Chief Executive Officer response

Funding for the proposed project can be included in the draft 2023/2024 Capital Budget that will be considered by Council in late June.

20 QUESTIONS FOR FUTURE MEETINGS

21 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 20 June 2023

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.

21.1 Exclusion Of Press And Public:

RECOMMENDATION

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

22.1 COMMUNITY BATTERY INITIATIVE

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

22.2 DEALINGS IN LAND HOLDINGS - BARNEY STREET, KIAMA

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

22.3 HINDMARSH PARK REDEVELOPMENT - TENDER 1049063

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

22.4 THE HOUSING TRUST - LOT 208 DP 792192 - 9 O'CONNELL STREET, GERRINGONG

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act and discussion in relation to the personal hardship of a resident or ratepayer as per Section 10A(2)(b) of the Local Government Act.

22.5 WRITE-OFF OF OUTSTANDING DEBTS

Reason for Confidentiality: This matter deals with discussion in relation to the personal hardship of a resident or ratepayer as per Section 10A(2)(b) of the Local Government Act.

22.6 1/1 CHAPMAN STREET ENCROACHMENTS

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

22.7 BLUE HAVEN ADVISORY COMMITTEE - MEMBER FEE

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

22.8 BLUE HAVEN UPDATE - MAY 2023

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act.

22 CONFIDENTIAL REPORTS

22.1 Community battery initiative

CSP Objective: Outcome 6: We use our natural resources in efficient and sustainable way; managing, improving or enhancing through protection, restoration and maintenance

CSP Strategy: 6.1 Responsibly manage resources and waste; Limit the waste we send to landfill

Delivery Program: 6.1.1 Meet our future waste infrastructure and service needs through promotional, service delivery and infrastructure programs

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.2 Dealings in land holdings - Barney Street, Kiama

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.2 Manage our assets so that they create financial sustainability for Council

Delivery Program: 12.2.2 Identify Council owned land and property for future use or disposal opportunity; and manage in accordance with the Local Government Act

REASON FOR CONFIDENTIALITY

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

22.3 Hindmarsh Park Redevelopment - Tender 1049063

CSP Objective: Outcome 1: We want a strong sense of community and belonging, where social and cultural life can flourish; and our families, friends and visitors feel welcome and included

CSP Strategy: 1.1 Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.

Delivery Program: 1.1.4 Improving the liveability of Kiama for those with diverse backgrounds and abilities

REASON FOR CONFIDENTIALITY

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

22.4 The Housing Trust - Lot 208 DP 792192 - 9 O'Connell Street, Gerringong

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.1 Manage Public Funds in accordance with Financial Management Standards and the Local Government Act

Delivery Program: 12.1.6 Review service delivery model for strategic assets and services to ensure optimal utilisation and maximum return on investment

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

22.5 Write-off of outstanding debts

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.1 Manage Public Funds in accordance with Financial Management Standards and the Local Government Act

Delivery Program: 12.1.1 Improved financial reporting and legislative compliance through reporting, scrutiny and oversight processes.

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to discussion in relation to the personal hardship of a resident or ratepayer.

22.6 1/1 Chapman Street encroachments

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.2 Manage our assets so that they create financial sustainability for Council

Delivery Program: 12.2.2 Identify Council owned land and property for future use or disposal opportunity; and manage in accordance with the Local Government Act

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than councillors).

22.7 Blue Haven Advisory Committee - member fee

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.2 Manage our assets so that they create financial sustainability for Council

Delivery Program: 12.2.3 Continue to implement Council Resolution 22/1040C for Blue Haven

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.8 Blue Haven update - May 2023

CSP Objective: Outcome 12: Public funds and assets are managed strategically, transparently and efficiently

CSP Strategy: 12.2 Manage our assets so that they create financial sustainability for Council

Delivery Program: 12.2.1 Manage identified Council owned and managed land and property in accordance with legislation and policies of Council exercising strong governance

REASON FOR CONFIDENTIALITY

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

23 CLOSURE