To Chairman & Councillors:

NOTICE OF MEETING

You are respectfully requested to attend the next Ordinary Meeting of the Council of the Municipality of Kiama, to be held in the Council Chambers, Kiama on Tuesday, 19 October 2010 commencing at 5.00 pm, for the consideration of the undermentioned business.

Yours faithfully

M Forsyth
General Manager

BUSINESS OF MEETING

1 Adoption of Minutes:-
   Ordinary Meeting of Council on 21 September 2010
2 Business Arising from the Minutes
3 Public Access
4 Mayoral Minute
5 Minutes of the Traffic Committee Meeting held on 5 October 2010
6 Minutes of the AGM Blue Haven Retirement Village Committee on 6 October 2010
7 Minutes of the Streets and Reserves Naming Committee Meeting held on 7 October 2010
8 Senior Officer's Reports
   Report of Director of Environmental Services
   Report of General Manager
   Report of Director Strategic and Commercial Services
   Report of Manager Corporate Services
   Report of Director of Engineering and Works
   Report of Director of Community Services
9 Reports for Information
10 Addendum to Reports
11 Questions Without Notice
12 Confidential Summary
13 Confidential Reports
MAYORAL MINUTE

Nil

REPORT OF DIRECTOR OF ENVIRONMENTAL SERVICES

2. No 157 & 159 Princes Hwy, Kiama Heights – Boundary Adjustment

REPORT OF THE GENERAL MANAGER

1. Conservation Volunteers Australia
2. ALGWA
3. Kiama Rugby Football Club – Kiama Rugby Sevens
4. Kiama Men’s Shed
5. Kiama Lions club Race Day
6. Kiama/Jamberoo RSL Sub-Branch

REPORT OF DIRECTOR STRATEGIC AND COMMERCIAL SERVICES

1. Southern Phone Company AGM
2. Future Operation of Craft and Food Markets – Black Beach Reserve

REPORT OF MANAGER CORPORATE SERVICES

1. Investments – Statement of Investments

REPORT OF DIRECTOR ENGINEERING AND WORKS

1. Council Reserves – Outdoor Fitness Equipment
2. Black Beach Kiama – Annual Christmas Carnival
3. Gainsborough Chase Reserve – Proposed Lions Club Storage Shed
4. NSW Rural Fire District Service Agreement – Illawarra Zone

REPORT OF DIRECTOR OF COMMUNITY SERVICES

1. Attendance at Interstate Conference

REPORTS FOR INFORMATION

1. Walking Tracks & Cycleways Committee – Minutes
2. E-cycle – Electronic Waste Recycling Program
3. Garbage – Depots – Council’s Clean Up Collection
4. Environment – Air and Noise
5. South Precincts – Minutes
6. Local Government and Shires Associations of NSW
# REPORTS FOR INFORMATION (CONTD) INF

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<td>25</td>
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<td>16-17</td>
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# ADDENDUM TO REPORTS ADD

Nil

# CONFIDENTIAL SUMMARY

# CONFIDENTIAL REPORTS CONF

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# CONFIDENTIAL MAYORAL MINUTE

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<td>1</td>
<td>Contract Employment of Staff</td>
<td>1-2</td>
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</table>
COMMENCING AT: 5.03 pm

PRESENT: Her Worship the Mayor Councillor S McCarthy and Councillors P Bowman, M Dare-Ward, T Fredericks, B Petschler, N Reilly, W Steel, B van der Wijngaart and L Wheeler

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

APOLOGIES: None

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

“We acknowledge, pay respect to and thank the traditional, historical and current custodians of the land on which this meeting is being held.”

CONFIRMATION OF MINUTES - ORDINARY MEETING - 24 AUGUST 2010

The Minutes of the Ordinary Meeting of Council held on 24 August 2010 were acknowledged by the Councillors.

Correction:

Reference to the Mayor under Public Representations on page 11 of the Minutes should read “The Acting Mayor”.

Adoption:

MN128

Resolved that the Minutes of the Ordinary Meeting of Council held on 24 August 2010 be confirmed and adopted.

(Councillors van der Wijngaart & Reilly)

BUSINESS ARISING FROM THE MINUTES: (C17.010.000)

NIL
PUBLIC ACCESS: (C17.010.000)

The General Manager outlined public access which was held on Monday 20 September 2010 in the Council Chambers commencing at 5.00pm as follows:-

Kevin Hodgson – Dogs on Beaches – Werri Beach (Item 1, DES)

Geoff Wilson – Terralong Street Kiama – Proposed Streetscape Upgrade (Item 1, DEW)

(Councillors Reilly & van der Wijngaart)

MAYORAL MINUTE:

The Mayoral Minute was acknowledged by the Councillors:

1 Kiama and Hoi An Vietnam Friendship Agreement (P36.005.001)

MN129

RECOMMENDATION

That the report be noted. (Councillors McCarthy & van der Wijngaart)

2 Cancer Council of NSW – Local Government Association Conference (C15.001.000)

MN130

RECOMMENDATION

That Council submit a late motion to the NSW Local Government Association which will read as follows:-

a) That the Local Government Association of NSW gives its support to the Cancer Council of NSW “Saving Life” Campaign by calling on all State political parties to give due consideration to the five issues outlined for future State Government action to reduce the impact of cancer on all NSW communities.

b) That the Local Government Association of NSW encourages councils to lend their support to the Cancer Council NSW “Saving Life” campaign by:-

- Informing their community about the campaign so that citizens can also lend their support to the campaign; and
• Write letters of support for the campaign to the Premier and to the Leader of the Opposition calling on them to give due consideration to the five issues outlined for future State Government action to reduce the impact of cancer on all NSW communities.

(Councillors McCarthy & Reilly)

3 Peace Park, Manning Street Kiama (L31.038.000)

The Mayor spoke of a ceremony held on Saturday 11 September 2010 which was attended by Councillor Ben van der Wijngaart, Councillor Monique Dare-Ward, the General Manager Mr Michael Forsyth and approximately 25 people who as children, grew up in orphanages and homes. Representatives of the organisation CLAN (Care Leavers Australia Network) which is a network for people who grew up in Australia’s orphanages, children’s homes and in foster care attended.

4 2010 Kiama Wine Show

MN131

RECOMMENDATION

That Council congratulate the Kiama Show Society on the holding of another successful Kiama Wine Show.

(Councillors McCarthy & Steel)

5 Faces in the Street Photographic Competition and Exhibition (L33.001.000)

MN132

RECOMMENDATION

That Council congratulate the Kiama Library on the successful Faces in the Street photographic competition and exhibition.

(Councillors McCarthy & Petschler)

6 Tour of United Kingdom, Germany and France (C17.011.000)

MN133

RECOMMENDATION

That Council:-

1) note the report;
2) write to Burgermeister Wolfgang Geistert congratulating him on the annual Fisherfest Festival and 760 years old heritage town;

3) forward copies of “Promote Kiama, Blue Haven and Health Plan and Kiamasphere Plans

The Mayor thanked Councillor van der Wijngaart for his leadership at the Council for filling the role of Acting Mayor in her absence and also all the Councillors for their hard work over the past couple of months.

(Councillors McCarthy & van der Wijngaart)

7 Sports Associations Kiama District (C10.022.000)

MN134

RECOMMENDATION

That Council congratulate the Gerringong RLFC U18s and First Grade teams and the Division 4 Womens Hockey for winning their recent Grand Final matches.

(Councillors McCarthy & Wheeler)

8 Federal Election (I28.018.000)

MN135

RECOMMENDATION

That Council congratulate the Member for Gilmore, Mrs Joanna Gash for her re-election. Also Councillors Reilly and van der Wijngaart for their input to the democratic process.

(Councillors McCarthy & Dare-Ward)

REPORTS OF COMMITTEES:

KIAMA TRAFFIC COMMITTEE MEETING – 24 AUGUST 2010: (C11.002.000)

The Minutes of the Kiama Traffic Committee Meeting held on 24 August 2010 were acknowledged by the Councillors.

Adoption:

MN136
Resolved that, subject to the foregoing, the Minutes of the Kiama Traffic Committee Meeting held on 24 August 2010 and the recommendations numbered CR289 to CR290 contained therein be approved and adopted.

(Councillors Petschler & Fredericks)

BLUE HAVEN RETIREMENT VILLAGE COMMITTEE MEETING – 1 SEPTEMBER 2010: (B05.017.000)

The Minutes of the Blue Haven Retirement Village Committee Meeting held on 1 September 2010 were acknowledged by the Councillors.

Adoption:

MN137

Resolved that, subject to the foregoing, the Minutes of the Blue Haven Retirement Village Committee Meeting held on 1 September 2010 and the recommendations numbered CR281 to CR288 contained therein be approved and adopted.

(Fredericks & Petschler)

COMMITTEE OF THE WHOLE: (C17.010.000)

MN138

Resolved that at this time, 5.23 pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:-

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

(Councillors van der Wijngaart & Reilly)

SENIOR OFFICERS’ REPORTS:

MN139

Resolved that at this time, 5.23 pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors van der Wijngaart & Bowman)
REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES

1   Dogs on Beaches – Werri Beach (A03.016.000)
    Werri Beach Dog Off-Leash Swimming Area - Review of Hours of Operation

CR291

RECOMMENDATION

That:

1) Council approve amendment to the hours of operation and conditions of use of the Werri Beach Dog Off-Leash Swimming Area to before 9:00 am and after 3:00 pm for the period May to August and before 9:00 am and after 5:00 pm for the period between September and April.

2) Council not proceed with a consultation process to consider establishing a dog off-leash or on leash swimming area at Jones Beach Kiama Downs

   (Councillors Petschler & Steel)

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

1   Proposed Streetscape Upgrade

CR292

RECOMMENDATION

That:

1) Council adopt option 3 for the streetscape upgrade in Terralong Street between Collins and Thomson Streets, Kiama, with a median defined by bluestone blocks and painted lines; and

2) the identified option be referred to the Kiama Local Traffic Committee for consideration.

   (Councillors van der Wijngaart & Dare-Ward)

3) Council congratulate the staff responsible for the appearance of the gardens in the town centre.

   (Councillors Dare-Ward & van der Wijngaart)
RESUMPTION OF ORDINARY BUSINESS: (C17.010.000)

MN140

Resolved that at this time, 5.37 pm, Council resume the Committee of the Whole meeting to deal with matters listed in the reports.

(Councillors van der Wijngaart & Petschler)

REPORT OF THE GENERAL MANAGER

1 Mayoral Fee for 2010/2011 (C17.002.000)
Fee Limits Fixed by Remuneration Tribunal

CR293

RECOMMENDATION

That Council note that the Mayoral Fee for 2010/2011 has been set at $19,790.

(Councillors Petschler & van der Wijngaart)

2 Fixing of Councillors Fees to be Paid to Councillors (C17.002.000)
Councillors Fees for 2010/2011

CR294

RECOMMENDATION

That Council note that Councillors’ Fees for 2010/2011 have been set at $9,060 per annum.

(Councillors van der Wijngaart & Dare Ward)

3 Election of Mayor (C17.001.000)
Mayoral Election

At this time the General Manager, acting as Returning Officer, called for nominations for the position of Mayor. One nomination was received, that being for Councillor McCarthy. Councillor McCarthy indicated that she wished to stand for the position. The Returning Officer thereupon declared Councillor McCarthy elected as the Mayor for the period until September 2011.
4 Election of Deputy Mayor (C17.001.000)
   Deputy Mayor

Written nominations were called for by the General Manager acting as Returning Officer as provided in the Local Government Act. Two (2) nominations were received, these being for Councillor Ben van der Wijngaart nominated by Councillors Dare-Ward, Wheeler and McCarthy and Councillor Steel nominated by Councillors Fredericks and Petschler. Both Councillors indicated that they wished to stand for the position.

CR295

Moved by Councillor Petschler and seconded by Councillor Steel that the election for the Deputy Mayor be conducted by a show of hands.

The Motion was put and Carried.

A show of hands for the election of the Deputy Mayor was then conducted, resulting in the election of Councillor van der Wijngaart by 5 votes to 4. The General Manager then formally declared Councillor van der Wijngaart elected as the Deputy Mayor for the period until September 2011.

5 Defining the Function of Permanent Council Committees (C11.001.000)
   Committee of the Whole

CR296

RECOMMENDATION

That Council confirm and endorse the functions and structure of the Committee of the Whole.

(Councillors Petschler & Dare-Ward)

6 Fixing Days and Hours at Which Ordinary Meetings of the Council are to be Held (C17.010.000)
   Meeting Times

CR297

RECOMMENDATION

That:-

1) the Ordinary General Meetings of the Council be held on the third Tuesday in each month and that Ordinary Meetings throughout the year shall commence at 5.00 pm, provided that when an Ordinary Meeting falls on a Public Holiday, such meeting shall be held on the day following or on such day fixed by resolution of the Council at an Ordinary Meeting preceding such Public Holiday, provided
further that the day of any Ordinary Meeting may, for good and sufficient reason, be altered by resolution of the Council at any preceding Ordinary Meeting

2) public access be held at 5.00 pm on the day preceding the Council meeting with the maximum number of public access being ten (10).

(Councillors Steel & van der Wijngaart)

Councillor Reilly requested his name be recorded against the motion.

CR298

Moved by Councillor van der Wijngaart and seconded by Councillor Steel that a report be provided to Council on the pros and cons of changing the meeting times of the monthly Council and Open Access meetings.

The Motion was put and Carried.

7 Fixing Time and Manner of Giving Notice (And Notice of Business) for Meetings (C17.010.000)
Notice of Meetings Policy – 2010/2011

CR299

RECOMMENDATION

That:-

1) the General Manager shall, wherever possible, give six days notice to Councillors of Ordinary Council Meetings (and of the business proposed to be transacted at those meetings). In cases of emergency, the requirements of Section 367(2) of the Local Government Act 1993 or Clause 241 of the Local Government (General) Regulation 2005 shall apply;

2) for Extraordinary Council Meetings, the period of notice of the meeting and of the business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Section 367(2) of the Local Government Act 1993, or Clause 242 of the above Regulation; and

3) for Committee Meetings, the period of notice of the meeting and of business proposed to be transacted thereat shall be three days, except in cases of emergency as provided in Clause 241 and 242 of the above Regulation.

(Councillors Steel & Petschler)
8  Fixing the Order of Business (C17.010.000)

CR300

RECOMMENDATION

That Council approve the continuation of the general order of business as detailed in the Agenda for the Ordinary Meeting held on 21 September 2010 and that Council delegate to the Mayor and General Manager the power to alter such order of business as required

(Councillors van der Wijngaart & Petschler)

9  Expenses to be Paid to Delegates Attending Meetings (C17.002.000)
   Delegates Expenses

CR301

RECOMMENDATION

That Council give public notice of its intention to adopt the current policy on Councillors Expenses and Provision of Facilities for the next twelve (12) month period.

(Councillors van der Wijngaart & Wheeler)

10  Council Committees (C11.001.000)
    Appointment of Committees and Memberships

CR302

RECOMMENDATION

That Council endorse the committee structure for 2010/2011 and nominate the Councillor membership of those Committees as listed below.

(Councillors Dare Ward & Bowman)
# LIST OF COUNCIL COMMITTEES

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<th>Council Membership</th>
<th>Meeting Times</th>
<th>Membership Nos.</th>
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</thead>
<tbody>
<tr>
<td>Committee of the Whole</td>
<td>All Councillors</td>
<td>Every 3rd Tuesday</td>
<td>All Councillors</td>
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<tr>
<td>Aboriginal Reference Group</td>
<td>Mayor, Deputy Mayor</td>
<td>As required</td>
<td></td>
</tr>
<tr>
<td>Access</td>
<td>Clr McCarthy, (alternative Clr Reilly)</td>
<td>3rd Friday; 10.00am</td>
<td>1 Councillor (Chair)</td>
</tr>
<tr>
<td>Australia Day</td>
<td>Clr van der Wijngaart (Chair) Clrs Fredericks &amp; Petschler</td>
<td>As required.</td>
<td>2 Councillors (including Chair)</td>
</tr>
<tr>
<td>Blue Haven Management Advisory Committee</td>
<td>Clrs Petschler, van der Wijngaart &amp; McCarthy</td>
<td>1st Wednesday; Quarterly, 7.30pm</td>
<td>3 Councillors</td>
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<tr>
<td>Commercial Centres Management Committee</td>
<td>Clr Reilly (Chair) &amp; Clr Bowman</td>
<td>Dates set</td>
<td>2 Councillors (including Chair)</td>
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<tr>
<td>Community Strategic Plan Development Overseeing Committee</td>
<td>Clrs Petschler &amp; van der Wijngaart</td>
<td></td>
<td>2 Councillors (including Chair)</td>
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<tr>
<td>Community Support Advisory Committee</td>
<td>Clr McCarthy (alternative Clr Bowman)</td>
<td>Quarterly 4th Thursday, 1.00pm</td>
<td>1 Councillor, 1 Alternative plus Manager Community Support &amp; Development</td>
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<tr>
<td>Companion Animals Management Advisory Committee</td>
<td>Clr Dare-Ward</td>
<td>Every 6 months or as required.</td>
<td>1 Councillor (including Chair)</td>
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<tr>
<td>Committee</td>
<td>Council Membership</td>
<td>Meeting Times</td>
<td>Membership Nos.</td>
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</tr>
<tr>
<td>Economic Development Committee</td>
<td>Cllr Steel (Chair), Cllrs Petschler &amp; van der Wijngaart</td>
<td>Monthly</td>
<td>3 Councillors (including Chair)</td>
</tr>
<tr>
<td>Gerringong School of Arts Committee</td>
<td>Cllrs McCarthy &amp; Wheeler</td>
<td>As required</td>
<td>2 Councillors</td>
</tr>
<tr>
<td>Internal Audit &amp; Risk Committee</td>
<td>Mayor, Deputy Mayor &amp; Cllr Petschler</td>
<td>As required</td>
<td>Mayor, Deputy Mayor, 1 Councillor and 2 independents</td>
</tr>
<tr>
<td>Beach Use Committee</td>
<td>Cllr van der Wijngaart (alternative – Cllr McCarthy)</td>
<td>As required</td>
<td>1 Councillor</td>
</tr>
<tr>
<td>Kiama Cultural Board</td>
<td>Cllrs Reilly &amp; Bowman</td>
<td>Last Thursday of month, 5.30pm</td>
<td>2 Councillors</td>
</tr>
<tr>
<td>Kiama Health &amp; Sustainability Advisory Committee</td>
<td>Cllrs Dare-Ward, van der Wijngaart, Reilly &amp; McCarthy</td>
<td>Bi-monthly</td>
<td>4 Councillors</td>
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<tr>
<td>Kiama Walking Trails/Cycleway</td>
<td>Cllr Wheeler (Chair) &amp; Cllr McCarthy</td>
<td>As required</td>
<td>2 Councillors (including Chair)</td>
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<tr>
<td>Kiama Zumalai Friendship Committee</td>
<td>Cllrs McCarthy &amp; Reilly (co-chaired by Cllr Reilly and community member)</td>
<td>As required</td>
<td>2 Councillors</td>
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<tr>
<td>Long Term Financial Planning Committee</td>
<td>Cllrs Steel, Petschler &amp; van der Wijngaart</td>
<td>As required</td>
<td>3 Councillors</td>
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<tr>
<td>Minnamurra Estuary Management</td>
<td>Cllr Wheeler (Chair)</td>
<td>As required</td>
<td>1 Councillor (including Chair)</td>
</tr>
<tr>
<td>Committee</td>
<td>Council Membership</td>
<td>Meeting Times</td>
<td>Membership Nos.</td>
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<tr>
<td>Occupational Health &amp; Safety</td>
<td>Mayor</td>
<td>Quarterly</td>
<td>Mayor (ex officio)</td>
</tr>
<tr>
<td>Performance Review</td>
<td>Mayor, Deputy Mayor, Clrs Petschler &amp; Steel</td>
<td>Every 12 months</td>
<td>Mayor, Deputy Mayor and 2 Councillors</td>
</tr>
<tr>
<td>Road Safety Steering Committee</td>
<td>Clr van der Wijngaart (Chair)</td>
<td>Quarterly</td>
<td>1 Councillor (including Chair)</td>
</tr>
<tr>
<td>Seniors' Week</td>
<td>Clrs Bowman, Reilly &amp; Steel</td>
<td>As required; 2.00pm</td>
<td>3 Councillors (including Chair)</td>
</tr>
<tr>
<td>Staff Consultative</td>
<td>Mayor</td>
<td>Monthly; No set date; 2.30pm</td>
<td>Mayor (ex officio)</td>
</tr>
<tr>
<td>Streets &amp; Reserves Naming Committee</td>
<td>Clrs Steel &amp; van der Wijngaart</td>
<td>As required.</td>
<td>2 Councillors</td>
</tr>
<tr>
<td>Traffic</td>
<td>Clr Petschler (Chair), (alternative Clr Fredericks)</td>
<td>Monthly, 1st Tuesday; 9.00am</td>
<td>1 Councillor and 1 alternative</td>
</tr>
<tr>
<td>Youth Advisory Committee</td>
<td>Clrs Dare-Ward &amp; Reilly</td>
<td>1st Wednesday of month, 4.00pm</td>
<td>2 Councillors</td>
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</table>
11 Council Delegates to Outside Bodies (C11.005.000, R37.006.000)
Appointment to Regional and Other Organisations

**CR303**

**RECOMMENDATION**

That Council endorse its representatives to outside organisations as listed below.

(Councillors Steel & van der Wijngaart)

**LIST OF DELEGATES TO OTHER BODIES**

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<th>Nature of Appointment</th>
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<td>Australian Mayors Council for Climate Protection – Advisory Group – NSW (AMCCP)</td>
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<td>Mayor</td>
<td>As Mayor</td>
<td>Mayor</td>
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<tr>
<td>Coach House Gallery Management Committee</td>
<td>Bi-Monthly</td>
<td>Clr Wheeler (alternative Clr McCarthy)</td>
<td>Council</td>
<td>1 Councillor</td>
</tr>
<tr>
<td>Community Safety Precinct Committee</td>
<td></td>
<td>Mayor</td>
<td>As Mayor</td>
<td>Mayor</td>
</tr>
<tr>
<td>Friends of Kiama Library</td>
<td>Monthly</td>
<td>Clr Reilly (alternative Clr Steel)</td>
<td>Council</td>
<td>1 Councillor and 1 alternative</td>
</tr>
<tr>
<td>Healthy Cities Illawarra Management Committee</td>
<td>Quarterly</td>
<td>Mayor (alternative Clr van der Wijngaart)</td>
<td>As Mayor</td>
<td>Mayor and 1 alternative</td>
</tr>
<tr>
<td>Illawarra Academy of Sport</td>
<td>Bi-monthly</td>
<td>Clr Fredericks (alternative Clr Bowman)</td>
<td>Delegate</td>
<td>1 Councillor and 1 alternative</td>
</tr>
<tr>
<td>Illawarra Bush Fire Management Committee</td>
<td>Quarterly</td>
<td>Clr Bowman</td>
<td>Councillor, Delegate, Staff</td>
<td>1 Councillor and DEW</td>
</tr>
<tr>
<td>Illawarra Community Housing Trust</td>
<td>Bi-Monthly Third Wednesday 5pm</td>
<td>Clr Reilly</td>
<td>Council</td>
<td>1 Councillor</td>
</tr>
<tr>
<td>Illawarra District Noxious Weeds Authority Committee</td>
<td>Quarterly</td>
<td>Clr Wheeler</td>
<td>Council</td>
<td>1 Councillor</td>
</tr>
</tbody>
</table>
### Committee/Association

<table>
<thead>
<tr>
<th>Committee/Association</th>
<th>Meetings</th>
<th>Councillors Elected</th>
<th>Nature of Appointment</th>
<th>Delegates</th>
</tr>
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<tbody>
<tr>
<td>Illawarra Landcare Coordinating Committee</td>
<td>As required</td>
<td>Clr Dare-Ward (alternative Clr van der Wijngaart)</td>
<td>Council</td>
<td>1 Councillor and 1 alternative</td>
</tr>
<tr>
<td>Illawarra Regional Information Service</td>
<td>Quarterly</td>
<td>Clr Petschler</td>
<td>Delegate</td>
<td>1 Councillor</td>
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<tr>
<td>Illawarra Rural Fire District Service Agreement Committee</td>
<td>Quarterly</td>
<td>Clr Bowman</td>
<td>Councillor, Delegate, Staff</td>
<td>1 Councillor and DEW</td>
</tr>
<tr>
<td>International Healthy Cities Alliance</td>
<td>As required</td>
<td>Mayor &amp; GM</td>
<td>As Mayor and GM</td>
<td>Mayor &amp; GM</td>
</tr>
<tr>
<td>Kiama &amp; District Sports Association</td>
<td>Bi-monthly</td>
<td>Cirs Bowman (alternative Clr Fredericks)</td>
<td>Council</td>
<td>1 Councillor and 1 alternative</td>
</tr>
<tr>
<td>Kiama Liquor Accord</td>
<td>As required</td>
<td>Cirs Bowman, Steel &amp; McCarthy</td>
<td>Council delegate</td>
<td>3 Councillors and Road Safety Officer</td>
</tr>
<tr>
<td>South Coast Co-operative Library Service</td>
<td>2 months</td>
<td>Clr McCarthy (alternative Clr Steel)</td>
<td>Council</td>
<td>1 Councillor</td>
</tr>
<tr>
<td>South East Australian Transport Strategy Inc (SEATS)</td>
<td></td>
<td>Clr Reilly (alternative Clr Petschler)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Southern Councils Group</td>
<td>2nd Friday alternative month</td>
<td>Mayor, Deputy Mayor (alternative Clr Steel)</td>
<td>Council</td>
<td>Mayor, Deputy Mayor GM and 1 alternative</td>
</tr>
<tr>
<td>Sydney Catchment Authority’s Local Government Reference Panel</td>
<td></td>
<td>Clr Wheeler (alternative Clr Bowman)</td>
<td>1 Councillor, 1 Staff</td>
<td>1 Councillor, 1 alternative and DES</td>
</tr>
<tr>
<td>Tourism Kiama Board of Management</td>
<td>2nd Wednesday of alternative month (6 pm)</td>
<td>Cirs Fredericks &amp; Petschler</td>
<td>Council delegates</td>
<td>2 Councillors &amp; GM</td>
</tr>
<tr>
<td>The Illawarra Connection</td>
<td>Bi-monthly</td>
<td>2 Councillors</td>
<td>Council delegates</td>
<td>2 Councillors</td>
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</tbody>
</table>
12 Delegation of Functions of the Council (S40.036.000)
Review of Delegations to the Mayor, General Manager and Other Staff

CR304

RECOMMENDATION

That Council review and endorse the delegations as detailed in this report.

(Councillors Petschler & van der Wijngaart)

13 Council Meetings and Office Hours (C17.010.000)
Christmas/New Year Holiday Period

CR305

RECOMMENDATION

That:-

1) the first Council meeting in 2010 be held on 15 February 2011 with subsequent meetings being held on the third Tuesday of the month;

2) the December meeting be held on 14 December 2010;

3) Council close the Administration Centre from 25 December 2010 to 3 January 2011 (inclusive).

(Councillors Steel & Bowman)

14 Disclosure of Interest (C17.005.000)
Councillors and Designated Staff

CR306

RECOMMENDATION

That Council note receipt by the statutory due date of 30 September 2010 of Disclosure of Interest Returns by nine Councillors and all designated staff for the period ending 30 June 2010.

(Councillors Steel & Bowman)
15  NSW Local Government Association 2010 Annual Conference (C15.001.000)

CR307

RECOMMENDATION

That Council endorse Councillors Reilly, van der Wijngaart and Dare-Ward as the voting delegates at the conference.

(Councillors McCarthy & Bowman)

16  Code of Conduct (A04.005.000)

CR308

RECOMMENDATION

That Council appoint Mr Gerry Holmes, Mr David Clark and Mr John Peedom to Council's Conduct Review Committee.

(Councillors Dare-Ward & Petschler)

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

(Councillors Steel & Petschler)

ADDENDUM TO REPORTS

1  Kiama Surf Club (DA10.2010.99) (GM) Extensions

CR309

RECOMMENDATION

That Council determine to enter into an agreement with the Roman Catholic Church, Department of Land and Water Conservation and the Kiama Surf Club as proposed in this report.

(Councillors van der Wijngaart & Reilly)
REPORT OF THE DIRECTOR OF STRATEGIC AND COMMERCIAL SERVICES

9  Kiama Surf Lifesaving Club (C10.005.000)  
   Sponsorship Drive

CR310

RECOMMENDATION

That Council note the advice of the General Manager that the sponsorship drive is now fully funded.

(Councillors van der Wijngaart & Steel)

REPORT OF THE MANAGER CORPORATE SERVICES

1  Investments (F22.033.000)  
   Statement of Investments

CR311

RECOMMENDATION

That the information relating to the Statement of Investments as at 31 August 2010 be received and adopted.

(Councillors Petschler & van der Wijngaart)

2  Financial Statements 2009/2010 (F22.001.000, F22.014.000)  
   Annual Financial Statements

CR312

RECOMMENDATION

That:


2. It be noted that the General Purpose Financial Statements for the period ending 30 June 2010 comprising the Income Statement, Statement of Comprehensive Income, Balance Sheet, Statement of Changes in Equity, Statement of Cashflows, Summary of Significant Accounting Policies and Notes to the General Purpose Financial Statements were tabled at the Council Meeting held on 21 September 2010.
3. The Councillors and Management having considered the various matters pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended), hereby resolve that:

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulation made thereunder;
- The Australian Accounting Standards and professional pronouncements;

To the best of our knowledge and belief, these Statements:

- Present fairly the Council’s operating result and financial position for the year; and
- Accord with Council’s accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

4. It be noted that the Special Purpose Financial Statements for the period ending 30 June 2010 comprising the Income Statement of Business Activities and Balance Sheet of Business Activity, Significant Accounting Policies and notes to the Special Purpose Financial Statements were tabled at Council’s meeting to be held on 21 September 2010.

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement “Application of National Competition Policy to Local Government”;

To the best of our knowledge and belief, these Reports:

- Present fairly the Council’s operating result and financial position for each of Council’s declared Business activities for the year, and
- Accord with Council’s accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.
5. The Mayor, a Councillor, the General Manager and the Responsible Accounting Officer are authorised to sign the Declarations to the Financial Statements required by Section 413(2)(c) of the Local Government Act 1993 (as amended) and attachments to the Financial Statements made in accordance with the above resolution.

6. Council shall adopt the Report of the Councillors’ and authorise the Mayor and one other member of Council to sign the report.

   (Councillors Petschler & van der Wijngaart)

REPORT OF THE DIRECTOR OF ENGINEERING AND WORKS

2 Thomson Street Kiama (PR.11507) Proposed Closure and Sale of Unformed Part – Vulken Construction Pty Ltd

CR313

RECOMMENDATION

That Council:

1) accede to the Applicant’s request in terms of applying for the road to be closed;

2) pursuant to section 34 of the Act make an application to LPMA for the closure of the road as shown in Attachment 1;

3) give the Mayor and General Manager delegated authority to sign, under seal where required, any application, deed, plan or instrument in connection with the road closure and the vesting of the road closure land in Council as operational land; and

4) subject to an agreed sale price, give the General Manager delegated authority to sell the road closure land to the applicant.

   (Councillors van der Wijngaart & Bowman)

REPORT OF THE ACTING DIRECTOR OF COMMUNITY SERVICES

1 Kiama Cultural Board (C13.059.000) Minutes – Cultural Contributions

CR314

RECOMMENDATION

1. That Council approve the following Cultural Contribution grants:
• Jamberoo FutureCare - $2,000
• Gerringong Pics and Flicks - $3,000
• Sherri Harkness - $1,500
• Sing Australia - $1,000

2. That Council approve the following Youth Arts Scholarships:
   • Dana Tombs - $500
   • Jack Druce - $500

3. That Council give approval to run another round of the Youth Arts Scholarship in conjunction with the January 2011 Cultural Contributions funding round, utilising the unspent funding from the Port Kembla Port Corporation and Pics and Flicks.

   (Councillors Bowman & Reilly)

2 Old Fire Station Community Arts Centre (C12.001.000)
   Hire Application Criteria

CR315

RECOMMENDATION

That council endorse:

1. The following criteria for the selection of applicants seeking to exhibit at the Old Fire Station Community Arts Centre:

   1st Priority  Independent artisans who are Kiama LGA residents
   2nd Priority Artisan groups where all members are Kiama LGA residents
   3rd Priority Artisan groups where some members are Kiama LGA residents
   4th Priority Independent artisans who live outside the Kiama LGA (priority given based on geographical proximity)

2. Exhibitors be required to vacate the Old Fire Station Community Arts Centre by Monday afternoon for maintenance on Tuesday mornings, with new exhibits setting up from 12 noon Tuesday.

3. The Daisy Policy be modified to require that exhibitors place Daisy in the doorway of the Old Fire Station only rather than at the top of the footpath.

   (Councillors van der Wijngaart & Dare-Ward)

3 Kiama Library (L33.001.000)
   Donation

CR316
RECOMMENDATION

1) That Council formally thank Mr Chiang for his generous financial support of Kiama Library; and

2) That a report be brought forward on the donor.

(Councillors Dare-Ward & Wheeler)

REPORTS FOR INFORMATION

2 South Precincts (P36.008.000) (IRM) Minutes

CR317

Moved by Councillor Wijngaart and seconded by Councillor Dare-Ward that Council investigate the operation of movies at the Town Hall during the school holidays.

The Motion was put and carried.

14 Purchase of Oil Paintings (C13.031.000) (GM)

CR318

Moved by Councillor Dare-Ward and seconded by Councillor Wheeler that Council consider the purchase of one of the Wendy O’Malley “The Great Rock” paintings at an approximate price of $600.

The Motion was put and carried.

CR319

Moved by Councillor Petschler and seconded by Councillor Bowman that Council review the Kiama Art Society Show Art Acquisition Policy.

The Motion was put and carried.

Adoption:

CR320

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

(Councillors Petschler & van der Wijngaart)
MN141

RESUMPTION OF ORDINARY BUSINESS: (C17.010.000)

MN142

Resolved that at this time, 6.35 pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Petschler & van der Wijngaart)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT:

MN143

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered CR291 to CR320 above.

(Councillors Dare-Ward & van der Wijngaart)

NOTICE OF MOTION: (C17.007.000)

MN144

1  Procurement Policy – Purchase of Eggs (C17.007.000, S40.005.000)

Resolved that Council:-

1) in all its own dealings bans the use and procurement of eggs that have not been sourced from certified free range suppliers. This includes the purchase of eggs for Blue Haven and all council functions.

2) makes as a contractual condition for caterers to be employed in any capacity for or by Kiama Municipal Council that only eggs sourced from certified free range suppliers are to be used.

3) recognise and acknowledge other local businesses, organisations and households who adopt a similar policy.

4) publicise this policy on its website and that Council alert suppliers of products as the matter arises.

5) i) write to the State Minister for Primary Industry stating that Kiama Council condemns the Battery Egg industry and calls for the immediate phasing out of that industry.

ii) demands the adoption of a uniform legal definition of Free Range, and appropriate labelling for the different types of eggs currently in production which will appear both on the actual egg carton and in products which have used eggs in their ingredients.
iii) supports a moratorium on the construction of new battery cages for egg production in NSW.
iv) request that the NSW Government lobby the national regulator, Food Standards Australia and New Zealand, to ban the sale of battery cage eggs in Australia.
v) supports any similar motions at the LGA, and in any other area in which it may be expected to voice a position, relevant to this policy.

(Councillors Dare-Ward & van der Wijngaart)

QUESTIONS WITHOUT NOTICE: (C17.008.000)

1 Black Beach Rock Pool (L31.018.000)

Councillor Wheeler asked if it is possible for Council to install a set of ladder steps for the Black Beach Rock Pool. The Mayor referred this matter to the Director Engineering and Works for information and report.

2 The Pavilion Kiama – Signage (PR.2890)

Councillor Wheeler asked if Council could provide signage at the entrance to The Pavilion to indicate significant events. The Mayor referred this matter to the Director Strategic and Commercial Services for information and report.

3 Disabled Parking (C13.025.000)

Council van der Wijngaart asked if Council could investigate and report on the feasibility of installing a disabled parking space towards the Western end of Terralong St or on Thomson Street to assist clients visiting Laverty Pathology, the Terralong Medical Clinic and the Cancer Council Centre. The Mayor referred this matter to the Director Engineering and Works for information and report.

4 Food and Nutrition Policy (E21.022.003)

The Mayor, Councillor McCarthy asked for a report to be prepared identifying options for development of a Food and Nutrition Policy as part of the review of Kiama Council’s Public Health and Sustainability Plan. The Mayor referred this matter to the Director Environmental Services for information and report.
CONFIDENTIAL COMMITTEE OF THE WHOLE: (C17.010.000)

MN145

Resolved that at this time, 6.45 pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors van der Wijngaart & Wheeler)

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.

EXCLUSION OF PRESS AND PUBLIC:

MN146

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds as detailed in the following recommendations such exclusion to commence as from 6.45 pm.

(Councillors Steel & van der Wijngaart)

CONFIDENTIAL REPORTS

1 Dangerous Dog (A03.005.002) (DES) Request for Dangerous Dog Declaration to be Revoked

CR321

RECOMMENDATION

That Council:

1) retain the Dangerous Dog Declaration of a dog, lifetime registered animal microchip number 943094330094337 Bull Arab male, tan and white approx five (5) years old issued by Wingecarribee Shire Council on 1 May 2009.

2) resolve to approach Wingecarribee Shire Council and the Department of Local Government for financial assistance to cover legal costs should this matter go to court as a test case.

(Councillors van der Wijngaart & Petschler)
2 Development Control Plans (T43.003.001, C17.010.002) (DES)
Draft Kiama DCP 2010 Low Density Housing Policy

CR322

RECOMMENDATION

That:

1) The draft DCP chapter dealing with low density housing policy be supported to enable to be jointly exhibited with the draft Kiama LEP 2010.

2) Should the Draft DCP chapter require modification as a result of amendment to the Draft Kiama LEP 2010 prior to exhibition, the Director of Environmental Services be authorised to undertake these modifications.

3) That the Director of Environmental Services investigate the use of the Community Strategic Plan Development Overseeing Committee in an overseeing role for the public consultative phase of Council’s draft LEP.

(Councillors van der Wijngaart & Petschler)

3 Community Options – Illawarra In Home Support (C13.006.000)

CR323

RECOMMENDATION

That Council support entering into a deed is recommended in the report.

(Councillors Petschler & Bowman)

CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE: (C17.010.000)

MN147

Resolved that at this time, 6.56 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors van der Wijngart & Petschler)

Adoption of Report

The General Manager formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.
MN148

Resolved that the Confidential Committee of the Whole recommendations numbered CR321 to CR323 be confirmed and adopted.

(Councillors Wheeler & Reilly)

There being no further business
the meeting closed at 6.57 pm.

These Minutes were confirmed at the Ordinary
Meeting of Council held on 19 October 2010.

...................................... ......................................
Mayor General Manager
1 Contract Employment of Staff (S40.033.000, S40.033.001)
General Manager, Employment Contracts/Performance Agreements

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals as per Section 10A(2)(a) of the Local Government Act 1993. The issues to be discussed are matters relating to contract employment of staff. This report is proposed for closed committee because it relates directly to staff issues affecting the particular individuals identified therein.

RECOMMENDATION

That Council:-

1) determine whether it wishes to offer a new contract to the General Manager;

2) engage the services of the Company outlined in this report to review the responsibilities and Total Remuneration Package of the General Manager’s position.

REPORT

The General Manager’s current employment contract expires on 14 September 2011. Clause 5 of that contract provides:-

5.1 At least 9 months before the termination date (or 6 months if the term of employment is for less than 3 years) the employee will apply to Council in writing if seeking re-appointment to the position.

5.2 At least 6 months before the termination date (or 3 months if the term of employment is for less than 3 years) Council will respond to the employee’s application referred to in subclause 5.1 by notifying the employee in writing of its decision to either offer the employee a new contract of employment (and on what terms) or decline the employee’s application for re-appointment.

5.3 At least 3 months before the termination date (or 1 month if the term of employment is for less than 3 years) the employee will notify Council in writing of the employee’s decision to either accept or decline any offer made by Council under subclause 5.2.

5.4 In the event the employee accepts an offer by Council to enter into a new contract of employment, a new contract of employment will be signed.
With respect of Clause 5.1 of the contract the General Manager has until 14 December 2010 to apply to Council in writing to seek re-appointment to the position. He has done so by letter to the Mayor, Councillor Sandra McCarthy dated 12 October 2010.

In accordance with Clause 5.2 of the contract, Council then has until 14 March 2011 to notify the General Manager in writing of its decision to either offer the General Manager a new contract of employment (and on what terms) or decline the General Manager’s application for re-appointment.

With respect to the terms of any new contract, given the significant additional responsibility that will be placed upon the position during the term of the contract with the expansion to the Blue Haven Aged Care facility, it is appropriate that the ongoing responsibilities of the position be reviewed. By using an external consultant, Council is ensuring that an objective assessment is made of the salaries and benefits of the General Manager.

Mastertek Pty Ltd has been approached and has submitted a Proposal and Scope to carry out this review. The Director of the Company, Graham Childs, has a long history of consulting in both Local Government and the private sector. Graham worked with the Local Government and Shires Associations and the Local Government Unions to develop the job evaluation system that is widely used across Local Government in NSW.

The project methodology would be as follows:-

**Step 1 – Project Planning**
- Project plan, timelines and deliverables

**Step 2 – Understand the dimensions of the General Manager’s role**
- Obtain a detailed understanding of the role including any unique features
- Identify potential comparative organisations

**Step 3 – Undertake Market Benchmark Analysis**
- Prepare detailed marked comparison report

**Step 4 – Present Final Report to Council**
- Finalise report to Council

An estimate for the scope of the work is approximately $5,500 and will include two visits to Council, firstly to interview the General Manager and secondly to present the findings to Council.
A copy of the Proposal submitted by Mastertek is contained in Councillors' envelopes.

Sandra McCarthy
Mayor
COMMENCING AT: Meeting commenced at 9.09am.

PRESENT: Councillor Brian Petschler (Chairperson), Bryan Whittaker (Director Engineering and Works), John Harper (RTA Representative), Kevin Brown (Police Representative), Darren Brady (Manager Design and Development), Joe Miklosi (Road Safety Officer) and Joanne Henry (Minutes)

APOLOGIES: Ray Redgrave (Local Member’s Representative)

Bryan Whittaker gave an overview of the traffic issues raised by the Jamberoo Valley Ratepayers and Residents Association regarding Allowrie Street, Jamberoo.

The meeting was adjourned at 9.17am and the Committee proceeded to Jamberoo for on-site inspection with representatives from the Jamberoo Valley Ratepayers and Residents Association.

Representatives meeting with the Committee were Vic East, Geoff Boxsell and Andy Waugh.

Following the on-site inspection the formal meeting recommenced at 10.16am in Committee Room 1.

1 Minutes of Previous Meetings (C11.002.000)

The minutes of 3 August 2010 were adopted by Council at its meeting of 24 August 2010 and the minutes of 7 September 2010 were adopted by Council at its meeting of 21 September 2010.

CR324

Committee recommendation that the minutes from the 3 August 2010 meeting and the 7 September 2010 meeting be received and accepted.

FORMAL ITEMS (UNDER RTA DELEGATIONS)

2 Bong Bong Street Kiama (ST.0031, R38.003.000, T44.008.000) Temporary Closures – South Coast Sport, Health and Leisure Expo Fun Run

The Committee were advised that the Fun Run will be implemented along the same route as those conducted in 2008 and 2009.
CR325

Committee recommendation that approval be given to the organisers of the South Coast Sport, Health and Leisure Expo Fun Run to temporarily close various streets and intersections on Saturday 13 November 2010, subject to organisers and suitably qualified traffic controllers complying with the following conditions:

1) the road closures to be undertaken by suitably qualified traffic controllers in compliance with the Traffic Management Plan No. T2305-528 prepared by Traffic Management Services Pty Ltd;

2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;

3) an advertisement be placed in the local media advising of the closure; and

4) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.

3 Fern Street Gerringong (ST.0112, R38.003.000, T44.008.000)

Proposed Street Parade – Gerringong Sunrise Rotary Club Inc.

The Committee was advised that the Street Parade will be conducted along the same route as 2009.

CR326

Committee recommendation that approval be given to hold the street parade subject to organisers and suitably qualified traffic controllers complying with the following conditions:

1) the road closures to be undertaken by suitably qualified traffic controllers in compliance with the Traffic Management Plan No. 54-1466 prepared by South East Traffic Management Pty Ltd;

2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure; and

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

4 Bele Place Kiama (ST.0023, T44.008.000)

No Stopping Restriction

The Committee were advised on traffic issues associated with the parking of vehicles in the cul-de-sac.
Committee recommendation that a ‘No Stopping’ zone be created through the installation of regulatory signage and kerbside linemarking at the cul-de-sac end of Bele Place, Kiama.

5 Terralong Street Kiama (ST.0296, T44.008.000) Proposed Streetscape Upgrade

A plan was tabled at the meeting and the Committee discussed the upgrade option endorsed by Council.

Committee recommendation that the traffic components of the concept plan for proposed streetscape upgrade in Terralong, Kiama be approved as per the plan tabled.

6 Terralong Street Kiama (ST.0296, T44.008.000) Proposed Relocation of Disabled Parking Space

Discussion was held on the proposed re-location of the disabled parking space as outlined on the plan tabled at the meeting.

Committee recommendation that the relocation of the existing disabled parking space on the north side of Terralong Street further west and closer to Thomson Street, Kiama be approved.

There being no further business, the meeting closed at 10.46am.

The next meeting of the Committee will be held on Tuesday 2 November 2010.
MINUTES OF THE ANNUAL GENERAL MEETING OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD ON WEDNESDAY 6 OCTOBER 2010, COMMENCING AT 7.00PM.

PRESENT: Councillor S McCarthy (Mayor), Clr B Petschler, Mr A Fowlie (Chairman), Mrs P Waters, Mr J Hinton, Mr S Dawson, Mr M Forsyth

APOLOGIES: Clr B van der Wijngaart, Mrs S King, Mr I Wilson, Mrs C Crowe-Maxwell, Mrs J Wheatley

BUSINESS OF MEETING

1 Confirmation of Minutes – Annual General Meeting held Wednesday, 7 October, 2009 (B05.017.000)

CR335

Committee recommendation that the minutes of the Annual General Meeting held on 7 October, 2009 be confirmed and adopted.

2 Presentation of Chairman's Report (B05.017.000)

CR336

Committee recommendation that the Chairman's report be received and adopted.

3 Presentation of CEO's Report (B05.017.000)

CR337

Committee recommendation that the CEO’s report be received and adopted.

5 Presentation of Financial Statements - Independent Living Units (B05.017.000)

CR338

Committee recommendation that the Financial Statements for the 2009/2010 year in respect to the Independent Living Units as presented to the Annual General meeting be received and adopted.

6 Presentation of Financial Statements – Aged Care Facility (B05.017.00)

CR 339

RECOMMENDATION:

That the Financial Statements for the 2009/2010 year in respect to the Aged Care Facility be received and adopted.
MINUTES OF THE ANNUAL GENERAL MEETING OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD ON WEDNESDAY 6 OCTOBER 2010, COMMENCING AT 7.00PM.

7 Presentation of Financial Statement – Blue Haven Aged Care Facility Enhancement Fund (B05.017.000)

CR340

Committee recommendation that the financial statement for the Aged Care Facility Enhancement Fund as presented to the Annual General Meeting be received and adopted.

There being no further business
The meeting closed at 7.30 pm

Michael Forsyth
General Manager
Present: Councillor B van der Wijngaart (Chairperson), Councillor S McCarthy, Sue Lark, Gordon Bell, Margaret Sharpe and Fran Whalan

Apologies: Bryan Whittaker, Director of Engineering and Works

Chair, Councillor van der Wijngaart opened the meeting at 10.01am and welcomed the Mayor and Committee members to the meeting.

1 Minutes of Previous Meeting – 14 May 2010

The minutes of the previous meeting were adopted. The minutes were endorsed by Council at its meeting of 18 May 2010.

Councillor van der Wijngaart advised that the proposed naming of Part Lot 1, DP659767 at North Kiama, “Ruth Devenney Reserve” had been endorsed by Council and the matter was now with the Geographical Names Board for approval and gazettal.

2 Proposed Naming of Reserve
Cameron Boyd Reserve Kiama Downs

The Committee discussed the naming of the reserve and the information provided to the Committee on Cameron Boyd’s background and life.

CR330

Committee recommendation that:

1) the proposal to name Lots 730-733 inclusive, DP31341 and Lot 747, DP31341 Cliff Drive, Kiama Downs the “Cameron Boyd Reserve” be supported; and

2) Council consult the Jones Beach Boardriders Club on the nature of the memorial to be installed at the Reserve and the associated unveiling ceremony and support a tree planting proposal in conjunction with the ceremony.

3 Proposed Renaming of Thomson Street Kiama
Between Bland Street and Lockett Place

The Committee held discussion on the renaming proposal and recommended that this section of Thomson Street be renamed.
CR331

Committee recommendation that:

1) Council endorse the name Farquharson Place on the basis of its recognition of non-return servicemen and family history associated with this section of Thomson Street;

2) the affected residents, Geographical Names Board and appropriate agencies be consulted regarding the proposal; and

3) Council publish a notice in the Kiama Independent seeking submissions to the proposal.

At this time, 10.45am, the Mayor left the meeting.

4 ProposedRenaming of Garden Avenue Kiama Northern Section

The Committee discussed the renaming proposal for the northern section of Garden Avenue cognisant of the need to resolve a suitable name as soon as possible to allow development marketing to proceed in that location.

CR332

Committee recommendation that:

1) Council refer this matter to the Aboriginal Reference Group seeking its input on an appropriate name for the renaming of the northern section of Garden Avenue, Kiama for resolution at the Group’s October 2010 meeting; and

2) Council seek expert advice on the predominant botany within the Garden Avenue locality for consideration by the Committee in the event that the Aboriginal Reference Group is unable to resolve a suitable name at its October meeting.

5 Proposed Renaming of Danube Street Kiama Between Eugene Street and Thomson Street

CR333

Committee recommendation that:

1) Danube Street between Eugene Street and Thomson Street be renamed Cole Street;

2) the affected residents, Geographical Names Board and appropriate agencies be consulted regarding the proposal; and
3) Council publish a notice in the Kiama Independent seeking submissions to the proposal.

5 General Business

1 Naming of Streets and Reserves

CR334

Committee Recommendation that:

1) the Kiama and Gerringong Historical Societies, Committee members and the Aboriginal Reference Group be requested to present a new list of names for consideration in future street naming proposals, with reference to the following:

- Aboriginal names;
- Local history;
- Early explorers, pioneers, settlers and other eminent persons;
- War casualty lists;
- Flora, fauna and ships; and

2) that these lists were to be completed and submitted to the Engineering and Works Executive Assistant in time for their consideration at the next meeting of the Committee to be held on 7 April 2011.

The next meeting of the Committee is proposed for Thursday 7 April 2011 in Committee Room 1, Council Administration building, commencing at 10.00am.

There being no further business, the meeting closed at 11.09am.
1 State of the Environment Report (E21.020.000)
State of the Environment Report 2010

Summary
The Draft State of the Environment (SoE) Report 2010 is enclosed for Council’s consideration and comment. The State of the Environment Report for 2010 is a supplementary report due by 30 November 2010. The SoE is a legislative requirement under the Local Government Act 1993 and will be submitted to the Department of Local Government along with the Annual Report 2010. Please note there is incomplete data in some parts of the report and will be updated as the information comes to hand from the relevant authorities.

Finance
N/A.

Policy
N/A.

Council’s Vision and Goals
This report supports Council’s goals of ‘A Sustainable Environment’ and ‘Community Cohesion and Well Being’, by reporting on the condition of the local environment, identifying current issues, outlining activities of Council and the local community and proposing future activities to address sustainability issues.

Reason for the report
The Draft State of the Environment Report 2010 is submitted to Council for their consideration and adoption so the final SoE can be submitted to the Department of Local Government on 30 November 2010.

Report Attachments and Councillor Enclosures
- Attachments – Nil.

RECOMMENDATION

REPORT
The State of the Environment Report for the Kiama Municipality is prepared each financial year as a statutory requirement of the Local Government Act 1993. The report is required to report on the state of the environment in the area, and in particular in relation to the environmental sectors: land, water, noise, biodiversity, waste, air, and aboriginal heritage and non-aboriginal heritage. An additional area which is reported on is sustainable communities, which includes a number of headline sustainability indicators and details current and future Council actions and initiatives which are addressing sustainability in the Municipality.
Item 1 Contd.

The Draft State of the Environment (SoE) Report 2010 is enclosed in Councillors’ envelopes for Council’s consideration and adoption. The State of the Environment Report for 2010 is a supplementary report due by 30 November 2010. Please note there is incomplete data in some parts of the report and will be updated as the information comes to hand from the relevant authorities.
Summary
This report reviews the development proposal and recommends that the development application be approved subject to conditions. The proposed development generally complies with Council’s codes and policies except one lot will be significantly under the minimum allotment size required by the Kiama LEP 1996. The proposal incorporates the adjustment of the boundaries of the two existing lots to create a lot of 1ha and another of 40ha, both with existing dwellings. The proposal meets the objectives of the zone and allows for the formation of a lot of sufficient size to allow for viable agricultural uses. The Development Application is considered to be acceptable and is supported. It is recommended that Council grant Development Consent to the application subject to the imposition of conditions.

Finance
N/A

Policy
The development proposal involves variations to Kiama LEP 1996.

Reason for Report to Council
The proposal requires variations to the Policies outlined above.

Council’s Vision and Goals
Council’s strategic goal of a sustainable environment will be achieved.

Report Attachments and Councillor Enclosures
- Attachments – A4 sized site plan and plans.
- Enclosures – A3 plans.

RECOMMENDATION
That Development Application number 10.2010.164.1 be granted Development Consent subject to imposition of conditions, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services.

REPORT
Owner: DC & FKM Hancock
Applicant: Scarratt & Associates
Zone: Part 7(d) Rural Environmental Protection (Scenic) and Part 7(f) Rural Environmental Protection (Foreshore)
Item 2 Contd.

Development Site

The property is described as Lot 56 DP 1122129 and Lot 59 DP 1122131 and is located at 157&159 Princes Highway Kiama Heights. The current boundary between the lots runs in an East West direction and both lots are severed by the South Coast Railway towards the eastern part of the lots. Lot 56 is approximately 24.58 hectares in area, with Lot 59 being 16.66 hectares in area. The remaining sections of the lots to the east of the Railway are within the 7(f) zone and are bound by the Kiama Coastal Walking Track to the east. The land to the west of the Railway forms the predominant portion of each lot and is located within the 7(d) zone. The land generally falls towards the east and is cleared of vegetation. A dwelling house is located on each lot in this area. The site is bounded by similar sites being used for rural residential and agricultural purposes and severed by the Railway line.

Description of Proposed Development

The proposal incorporates a two lot boundary adjustment so as to create two lots each with a dwelling house situated therein and comprising the following site areas:

- Lot 101: 1.24 hectares
- Lot 102: 40 hectares

Lot 101 is to be located adjacent to the Old Main South Coast Road reservation in the north western portion of the site. Lot 102 is to incorporate the remainder of the land.

Considerations

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

Statutory Provisions

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

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

The site is located within a ‘sensitive coastal location’ as defined by SEPP 71. However, as the site is not located within a residential or rural residential zone, a masterplan or waiver is not required in this instance.

Consideration has been given to the objectives of the SEPP and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP.
Item 2 Contd.

- **State Environmental Planning Policy No 1 – Development Standards (SEPP 1)**

The proposed development will result in one lot not complying with the minimum allotment size for the 7(d) “Rural Environmental Protection (Scenic)” Zone pursuant to Clause 30 of Kiama LEP 1996. Accordingly, an Objection pursuant to State Environmental Planning Policy No.1 has been submitted requesting that Council vary this requirement of the LEP. A summary and consideration of the SEPP 1 Objection is outlined below.

In accordance with the Land and Environment Court judgements of *Hooker Corporation vs Hornsby Shire Council* and *Winten Property Group vs North Sydney Council* the following questions are to be asked in determining whether strict compliance with a development standard is unreasonable or unnecessary in each case, being:

*First, is the planning control in question a development standard?*

Comment

The minimum allotment size outlined in Clause 30 of Kiama LEP 1996 is considered to be a development standard as defined in *Environmental Planning and Assessment Act 1979*.

*Second, what is the underlying object or purpose of the standard?*

Comment

The SEPP 1 Objection identifies the underlying object or purpose of the standard as being:

*Third, is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?*

The SEPP 1 Objection states that compliance with the standard is not consistent with particular aims of the Policy. The SEPP 1 Objection outlines the following summarised reasons why the maintenance of the standard would hinder attainment of the objects in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979:

- The variation is consistent with Objectives (i) and (ii) at Section 5 of the Act.
- The SEPP 1 Objection considers that strict compliance would hinder the attainment of the Objects of the Act and fails at this question.

Comment

The objectives of the Act are as follows:

The objects of the Act which are contained within section 5(a)(i) and (ii) are:

(a) to encourage:
Item 2 Contd.

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land

Strict compliance with the standard is not able to be attained by either allotment as they are currently configured. The proposed boundary adjustment will rationalise the boundary so as to ensure one allotment meets the standard. Such development would be considered to be proper management of the available natural and artificial resources of the site and meet the objectives of the Act.

Having regard to the above, strict compliance cannot be achieved and to maintain the current layout would hinder the objects specified within section 5(a)(i) and (ii).

Fourth, is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

In this respect, the SEPP 1 Objection (summarised) states that strict compliance with the standard is unreasonable or unnecessary in this case for the following reasons:

- The development is consistent with the objectives of the relevant zone and the Kiama LEP 1996 as a whole and the underlying objective of the development standard; and

Comment

In addition to the above, having regard to their already being two dwellings on the site and the layout proposed achieving the underlying objectives of the development standard along with the existing layout not complying with the standard, it would be unreasonable to require such compliance in this case.

Fifth, is the objection well founded?"

Comment

Having regard to the above, it is considered that the Objection is well founded.

- Illawarra Regional Environmental Plan No 1

There are no relevant provisions of IREP No 1 that affect the development proposal.

The proposal is consistent with the overall objectives of the IREP.
Item 2 Contd.

- Kiama Local Environmental Plan 1996

The subject land is located within Zone No. 7(d) “Rural Environmental Protection (Scenic)” and also partly within Zone No. 7(f) “Rural Environmental Protection (Foreshore)” pursuant to Kiama LEP 1996. The South Coast Railway Line is the zone boundary and most of the site is located within the 7(d) zone. Subdivision is permitted with consent in both zones by specific clauses as detailed below. The proposal is considered to be generally consistent with the zone objectives.

Clause 30 states:

(1) A person shall not subdivide land, including subdivision for the purpose of opening a road, within Zone No 7(d) except with the consent of the Council.

(2) The Council shall not consent to the subdivision of land within Zone No 7(d) unless it has obtained all relevant information in relation to, and has made an assessment of:

(a) the primary purpose for which each allotment is intended to be used, and
(b) if that purpose is agriculture, the form of agriculture for which the allotment is intended to be used.

(3)–(5) (Repealed)

(6) A person may, with the consent of the Council, subdivide land within Zone No 7(d) to create allotments each having an area of at least 40 hectares for the purpose of the erection of a dwelling-house on each allotment.

(7) The Council shall not grant consent to an application to subdivide land within Zone No 7(d) unless it has considered:

(a) the relationship of the proposed allotments to be created by the subdivision to adjacent or adjoining allotments and the practicality of consolidating the adjoining allotments with that land, and
(b) the quality of the land and the potential agricultural productivity of the land if it remains un-subdivided, and
(c) the likely impact of the subdivision on the landscape, vegetation, soil resources and stability and water resources (including the quality of watercourses, ground water storage and riparian rights), and the cumulative impact of the development on surface and ground-water quality and quantity and on the physical and biological functions of watercourses and riparian corridors, and
(d) in relation to each proposed allotment:

(i) the size, quality and potential agricultural productivity of the allotment, and
(ii) its relationship to, and effect on, the structure and nature of agricultural industries in the area, and
(iii) the purpose for which the allotment is intended to be used and the purposes for which, in the opinion of the Council, the allotment is suitable to be used, also having regard to the land uses undertaken on adjacent and adjoining holdings and other holdings in the vicinity, and
Item 2 Contd.

(iv) the cumulative effect of similar proposals if consent is granted, and
(iv) the likelihood of the allotment remaining available for agriculture, and
(v) slip hazard, and

(e) the potential for adverse visual and traffic impacts to be caused by the subdivision and subsequent ribbon development along roads, and
(f) any adverse impacts the access to the land to be subdivided and to lots resulting from the subdivision may have on the proper functioning and safety of other roads in the immediate vicinity.

(8) A person may, without the consent of the Council, subdivide land within Zone No 7(d) if the subdivision is for any one or more of the following purposes:

(a) to widen a public road,
(b) to make minor adjustments to common property boundaries,
(c) to rectify an encroachment on a lot, portion or parcel of land.

Comment

The majority of the site is located within the 7(d) zone. One lot will comply with the minimum 40ha standard, whilst the other is significantly undersized. As detailed elsewhere in this report, however, the subdivision will attain the underlying objectives of the standard and the SEPP 1 Objection has been granted concurrence by the Director of the Department of Planning.

Proposed Lot 101 will be used for rural residential purposes, with Lot 102 used for the grazing of cattle.

The proposed subdivision is consistent with the tests required by subclause 7, in that it is in effect a consolidation of the viable agricultural portion of the site. Further the subdivision will not have any impact on the rural landscape of the area and it allows for the proper agricultural use of the majority of the land by readjusting the existing boundary so as to separate a residential and agricultural use of the land. Access to the site will not change as a result of the proposal.

Clause 33 also applies to the site and it states:

(1) The Council shall not consent to the subdivision of land within Zone No 7 (e) or 7 (f), except in accordance with subclause (2), unless each allotment of land to be created by the subdivision has an area of not less than 40 hectares.

(2) The Council may grant consent to the subdivision of land in Zone No 7 (e) or 7 (f) to create an allotment with an area of less than 40 hectares where it is satisfied the subdivision is not intended for the purpose of creating an allotment for a dwelling-house or dual occupancy development.

(3) Where the Council is of the opinion that a proposed allotment the subject of an application for consent is intended to be used for:
Item 2 Contd.

(a) the erection of a dwelling-house or dual occupancy development, the Council shall not grant consent unless allowed by subclause (1), or

(b) any other purpose, the Council shall not grant consent unless it prohibits the erection of a dwelling-house or dual occupancy development on each allotment created by the subdivision.

(4) The Council shall not grant consent to an application to subdivide land within Zone No 7(e) or 7(f) unless it has considered:

(a) the relationship of the proposed allotments to be created by the subdivision to adjacent or adjoining allotments and the practicality of consolidating the adjoining allotments with that land, and

(b) the quality of the land and the potential agricultural productivity of the land if it remains un-subdivided, and

(c) the likely impact of the subdivision on the landscape, vegetation, soil resources and stability and water resources (including the quality of watercourses, groundwater storage and riparian rights), and the cumulative impact of the development on the landscape and on surface and ground water quality and quantity, and on the physical and biological functions of watercourses and riparian corridors,

(d) in relation to each proposed allotment:
   (i) the size, quality and potential agricultural productivity of the allotment, and
   (ii) its relationship to, and effect on, the structure and nature of agricultural industries in the area, and
   (iii) the purpose for which the allotment is intended to be used and the purposes for which, in the opinion of the Council, the allotment is suitable to be used, also having regard to the land uses undertaken on adjacent and adjoining holdings and other holdings in the vicinity, and
   (iv) the cumulative effect of similar proposals if consent is granted, and
   (v) slip hazard, and
   (vii) bush fire hazard, and

(e) the potential for adverse visual and traffic impacts to be caused by the subdivision and any access road linking with an arterial road and subsequent ribbon development along roads, and

(f) any adverse impacts the access to the land to be subdivided and to lots resulting from the subdivision may have on the proper functioning and safety of other roads in the immediate vicinity.

Comment

The part of the site located within the 7(f) zone will be located entirely within proposed Lot 102 which will have an area of 40 hectares and therefore complies with subclause (1) above. The use of the site will be for agricultural use with a dwelling and as it complies with the 40ha standard no condition is required on any consent granted in relation to the use.
Item 2 Contd.

The proposed subdivision is consistent with the tests required by subclause 4, in that it is in effect a consolidation of the agricultural portion of the site. Further the subdivision will not have any impact on the rural landscape of the area and it allows for the proper agricultural use of the majority of the land by readjusting the existing boundary so as to separate a residential and agricultural use of the land. Access to the site will not change as a result of the proposal. The site is not affected by any mapped bushfire risk.

Clause 55 requires consideration to be given to the traffic impacts of the proposal, especially the traffic impacts of the proposal on the road system and on the amenity of residents; the safety of traffic access and the adequacy of parking. No concerns are raised in relation to the traffic impacts of the proposed development. The proposed access arrangements are satisfactory.

Development Control Plans

No Development Control Plans apply to the site that are relevant to the proposed development.

The Likely Impacts of the Proposed Development

- **Vehicular Access, Parking and Manoeuvring**

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

- **Stormwater Management**

  It is proposed that all stormwater be disposed of on-site using an absorption trench system.

- **Environmental Impacts**

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

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

  *Impact on Soil Resources* – No impacts.

  *Impact on Water Resources* – Stormwater will be disposed of on site.

- **Social and Economic Impacts**

  The proposed development will have a positive social and economic impact by encouraging appropriate use of available resources and delineation of agricultural and rural residential uses.
Item 2 Contd.

The Suitability of the Site for the Development

The site is considered to be appropriate for the development.

Submissions Received

The proposal was not notified, although it was advertised in the Kiama Independent as having been received by Council.

Public Interest

The development is an appropriate subdivision of the site and is consistent with the aims of the relevant zones. No detrimental impacts are expected from the subdivision of the site as proposed. The proposal is considered to be consistent with the public interest.

Referrals

Engineering

No concerns raised. Recommended conditions of consent.

Department of Planning

As the proposal incorporates a variation of more than 10% to the development standard, the application required the concurrence of the Director of the Department of Planning, consistent with the requirements of SEPP 1. The Director has granted concurrence to the SEPP 1 Objection.

Planning Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama Local Environmental Plan 1996 and generally complies with relevant Development Control Plans, except as noted in the report and these variations are considered to be acceptable.

It is recommended that Development Consent be granted to the Development Application.

Andrew Knowlson
Director of Environmental Services
1 Conservation Volunteers Australia (E21.009.000)

Summary
This report advises of a proposal by Conservation Volunteers Australia to run evening interpretive walks showcasing the coastline and the environmental work that volunteers have been undertaking both on Kiama Municipal Council managed land as well as on adjacent private property.

Finance
Conservation Volunteers Australia is requesting $2,000 to plan, promote and run the activities.

Policy
N/A

Council’s Vision and Goals.
Council’s goal of having a sustainable environment is relevant.

RECOMMENDATION

That Council consider allocating $2,000 to enable interpretative coastal walks to be carried out in conjunction with the Conservation Volunteers Australia.

Report
Council has received a proposal from Conservation Volunteers Australia involving the holding of interpretive walks showcasing the coastline and environmental works. The extract from the letter received from Conservation Volunteers Australia is as follows:

“Conservation Volunteers Australia (CVA) in the Illawarra is currently planning our Summer Holiday Program which will operate from 1 December 2010 to 31 January 2011, and as part of this program, we hope to run evening interpretive walks showcasing our spectacular coast to residents and visitors to the area.

This strategic, early planning will allow CVA sufficient time to promote our projects occurring throughout the festive season, giving potential visitors ample time to plan and prepare their holiday.

CVA foresees this as a fantastic opportunity for Kiama Municipal Council to offer this service over the summer period (December 2010 and January 2011). CVA will self fund 2 walks through Minnamurra Wetlands and Rainforest Communities which will showcase the wonderful environmental work that our volunteers have been undertaking both on Kiama Municipal Council managed land, as well as on adjacent private property, and CVA would be seeking a fee for service from KMC to manage and conduct 8 additional guided interpretive walks in the Kiama area.
Coastal walks (funded by Wollongong City Council and Coastcare) were immensely popular last year in the Wollongong City Council Area, and we foresee a great opportunity to run them in the Kiama Municipal Council area also and I feel that CVA is offering a value for money option for KMC to offer this service to residents and visitors alike.

The fee required for CVA to plan, promote and run these activities with transport for 10 people is $2000 (although transport can only be available for 10 people, each walk will be open for up to 25 people). The walks will be promoted as a joint venture between Kiama Municipal Council and CVA; with CVA covering the cost of all advertising and promotion.

Events would be suitable for people of all ages with a reasonable level of fitness and all events will be covered by CVA insurance. All CVA staff have been working with children checked and have had experience working with groups outdoors.”

The proposal has merit. There are many conservation volunteers in the Municipality and the program as is proposed could be seen as a way of both recognizing their work and making the general public more aware of what has been undertaken. It also has the potential to attract more people to become involved in the voluntary work.
2 Australian Local Government Women’s Association (L34.017.000)

Summary
This report advises of the Australian Local Government Women’s Association National Conference to be held in the City of Ryde on 25-27 November 2010.

Finance
Registration fee for a member is $495.

Policy
Council’s goal of good governance is relevant.

RECOMMENDATION
That Council determine the attendance at the Local Government Women’s Association National Conference.

REPORT
The Australian Local Government Women’s Association National Conference is to be held in the City of Ryde 25-27 November 2010. Key themes of the conference include Statistics on Women at Work, Social Networking, Education of Women and the role of quotas and targets on solving gender inequity. The speakers include Anne Summers (author and journalist), Barbara Pocock (University of South Australia-Director of the Centre for Work and Life Balance), Adele Horan (Sydney Morning Herald columnist and reporter), Pru Goward MP and Eva Cox (feminist and social activist).
3 Subsidies – Sundry (F22.040.000)
Kiama Rugby Football Club Inc – Kiama Rugby Sevens

Summary
This report recommends that Council provide sponsorship of the annual Kiama Rugby Sevens by the provision of rubbish bins and waste removal (cost of $1,200) and by the donation of the Pavilion hire cost ($850.00)

Finance
Funds are available in Council’s Festival and Events Budget.

Policy
Not applicable.

Council’s Vision and Goals
Council’s goals of quality facilities, service and infrastructure, community cohesion and wellbeing and sound financial and resource management are relevant.

RECOMMENDATION

That Council make a donation to the Kiama Rugby Football Club Inc equivalent to the cost of provision of additional waste bins, waste management and waste removal during the Kiama Rugby Sevens event and the hire cost of the Showground Pavilion.

REPORT

The Kiama Rugby Football Club Inc has written to Council seeking sponsorship of the Kiama Rugby Sevens event by Council providing rubbish bins and carrying out waste removal. An extract from the letter is as follows:-

“As you are no doubt aware, Kiama Rugby Club holds an annual rugby sevens tournament on the last Saturday of February.

This tournament attracts players from Sydney and many other areas along the east coast and country areas of NSW, Victoria, and Queensland and as such generates serious income for Kiama.

I am writing to you to ask if Kiama Council would be prepared once again to sponsor this event, 27 February 2011, with the supply and removal of rubbish bins as required, bins could be delivered on the Friday 26 February and would be distributed around the area by our volunteers and returned to a central pick up area at the end of the tournament with collection being at Council's discretion.
Last year the Council provided 28 sulos bins, 1 only 3 cubic metre cardboard recycler, 7 only caps which equals another 21 bins (3 bins under each cap) for recycling cans etc.

This is a well known tournament and for Council to sponsor the tournament again would be of great assistance.

Hoping you are able to look favorably on this issue.”

The Club has also requested that Council waive the Pavilion’s hire for the day.

The Kiama Rugby Sevens has been a long term, major local sporting and tourist event. The cost of provision of rubbish bins and waste management and removal during the event is approximately $1,200.00. The Pavilion hire cost is $850.00. Funds are available in Council’s Festival and Events Budget. Council provided sponsorship of the event in 2006, 2007, 2008, 2009 and 2010.
4 Kiama Uniting Church - Kiama Men’s Shed (PR.03868. PR.04626)
105-109 Shoalhaven Street, Kiama

Summary
This report seeks Council in principle support for the provision of a long-term lease (15 years) at a nominal rent to the Kiama Uniting Church for the management of a men’s shed at the subject premises.

Finance
Council will be providing financial support for the establishment of a men’s shed in Kiama by forgoing a commercial return on the property during the term of the lease.

Policy
N/A

Council’s Vision and Goals
Council’s goals of having community cohesion and wellbeing and sound financial and resource management are relevant.

RECOMMENDATION
That Council provide in principle support for provision of a long-term lease (15 years) at a nominal rent to the Kiama Uniting Church for the management of a men’s shed at the subject premises.

REPORT
At its meeting in 21 July 2009 Council resolved to:

1) advise of its support in principle for the establishment of a men’s shed;

2) Donate relevant application fees and hold discussions with the Uniting Church on the possibility of an interest-free loan being provided to support the project;

3) Support any applications to Federal and State Government for funding assistance;

4) Review the application for support at the end of quarterly reviews of the budget to determine if funds may be available for a direct contribution.

A copy of the report submitted to the Council meeting on 21 July 2009 has been circulated to Councillors.

Since Council’s resolution the Uniting Church Men’s Shed Committee has developed a temporary men’s shed at 44 Manning Street, Kiama pending the investigation of the various options for the provision of a permanent men’s shed (including the erection of a suitable building on the Uniting Church site) and the raising of funds to carry out the necessary work.
Discussions have been recently held with the Chair of the Men’s Shed Committee, Mr Ian Yabsley, on the further option of adapting and using the former gas works site cottage at 105 Shoalhaven Street, Kiama as a men’s shed. This building which is well located in terms of access to public transport, the Kiama Town Centre and Bowling Club has remained vacant pending the completion of site contamination investigations. The investigations have confirmed that there is no concern regarding the section of the site in which the cottage sits. The land is zoned Light Industrial and the men’s shed use would be permitted in the zone. The building will require internal alterations and upgrading to enable its use. The Men’s Shed Committee has indicated interest in the use of the building subject to financial support from other sources and the cost of building work.

The Member for Kiama, Mr Matt Brown, has indicated that there is the possibility of NSW Government funding being available to assist the men’s shed in adapting and altering the subject premises.

There will need to be further assessment of the condition of the building and proposed alterations. Associated issues such as car-parking and disabled persons access will also need to be addressed. A development application will be required.

Council’s support in principle for the adoption and use of the subject cottage as a men’s shed involving a long term lease is now being sought.
5 Kiama Lions Club Race Day (F22.040.000)

Summary
This report recommends that Council supports the holding of the Kiama Lions Club Race Day and Kiama Cup Meeting with sponsorship of $2,500.

Finance
Sponsorship of $2,500 is requested. Funds raised on the day will be distributed to local community groups and charities.

Policy
Council has provided sponsorship of the previous Kiama Lions Club Race Day and Kiama Cup Meeting. At its meeting on 16 February 2010 Council resolved that the Kiama Lions Club be advised that future sponsorship will be subject to formal review.

Council’s Vision and Goals
Sponsorship of this event is considered to respond to Council’s goal of promoting community cohesion and wellbeing by supporting an event which will bring the community together and raise funds for local community voluntary service organisations.

RECOMMENDATION
That Council support the Kiama Lions Club Charity Race Day by providing $2,500 towards sponsorship of the feature race at the meeting to be held in April 2011.

REPORT
The Kiama Lions Club will be conducting a Kiama Community Race Day at Kembla Grange Race Course in April 2011. Funds raised on the day will be donated to local community groups and charities. The day will see the running of the fifth Kiama Cup.

Sponsorship provides a number of race day benefits including race naming rights and unlimited free course entry tickets to be distributed to the public.

Previous race days have been successful with significant funds raised for local charities while providing the opportunity for members of the Kiama community to attend the races free of charge.

The Kiama Lions Club have provided the following information to assist Council’s review of the Kiama Race Day.

“The Illawarra Turf Club office did a count of the free community tickets handed in at the gate. A total of 1,194 tickets were taken and another 391 people attended the Bert Lillye function. In total 1,585 people connected to the Kiama community attended this year’s races.”
The Lions Club made a profit of $17,000 and this money will be mostly distributed between the three local Surf clubs with a small amount going to the Riding for the Disabled and the widow of Jason Stortz.

During the past four years almost $80,000 has been raised. Except for the first year where the proceeds went to the Vietnam Smile Project all profits have been given to local charities.

Hope this information is useful to you for your review. The Lions Club would very much like the Council to continue to support this day because your involvement provides the focus in enabling us to create a great community atmosphere at Kembla.”
6 Kiama/Jamberoo RSL Sub Branch (C10.002.000)

Summary
This report advises of a number of requests made by the Kiama/Jamberoo Sub-Branch of the RSL.

Finance
The Kiama/Jamberoo Sub-Branch of the RSL is seeking Council approval and financial support for a new Memorial Wall and for activities associated with ANZAC Day.

Policy
Not applicable.

Council’s Vision and Goals
Council’s goals of community cohesion and wellbeing and sound financial and resource management are relevant.

RECOMMENDATION
That Council:

1) provide future funding support for the ANZAC Day activities by the following:-
   a) donating the fee for the hire of the Showground Pavilion
   b) providing a donation of $250 towards the ANZAC lunch
   c) providing a donation of $250 towards the Flyover of six aircraft from the Albion Park Historical Aircraft Restoration Society during the march on ANZAC Day.

2) hold further discussions with the RSL in relation to the design and location of a proposed memorial wall near the Memorial Arch in Kiama with the cost of the provision of the wall being considered in the 2011/2012 Budget.

REPORT
The Kiama/Jamberoo Sub-Branch of the Retired Services League of Australia has written to Council seeking Council’s consideration of a number of proposals.

Memorial Wall

The Kiama/Jamberoo Sub-Branch of the RSL have respectfully requested Council’s financial assistance and subsequent approval for the erection of a Memorial Wall for fallen soldiers who once resided in the Kiama Municipality and were not born here. The Memorial Arch in Kiama may only display names of fallen soldiers who were actually born in the Kiama Municipality.
The wall is envisaged to be about 1 metre high and approximately 3-4 metres long. The RSL have advised that they are hoping to have it erected in the vicinity of the Kiama Cenotaph. The cost of the plaques to be placed on this wall will be borne by family members and the RSL Sub-Branch.

ANZAC Day

The RSL have requested assistance with the holding the ANZAC Day luncheon by Council providing the Pavilion at no cost and providing a donation of $250 towards the luncheon.

The RSL have advised that the Albion Park Historical Aircraft Restoration Society are willing to fly six of their aircraft directly over the march on ANZAC Day for a donation of $500. The RSL are requesting a donation of $250 from Council to meet the relevant costs.

It is recommended that Council support the building of a new Memorial Wall in the vicinity of the Cenotaph subject to detailed design and costing. Further discussions will be held with the RSL to determine the exact location and appearance of the wall.

The financial assistance sought by the RSL in the holding of the ANZAC Day luncheon and ANZAC Day march is reasonable and could be met by Council’s Event Budget.

Council already supports the ANZAC Day march and service through traffic management and by the setting up and removal of chairs.

M Forsyth
General Manager
1 Southern Phone Company (C14.004.000)
Annual General Meeting

Summary
This report outlines the major issues to be voted on at the Southern Phone Company’s Annual General Meeting to be held on 8 November 2010.

Policy
N/A.

Finances
N/A

Council’s Vision and Goals
This report supports Council’s goals of Good Governance and Sound Financial and Resource Management.

Report Attachments and Enclosures
Notice of Annual General Meeting is enclosed in Councillors’ envelopes.

RECOMMENDATION

That Council consider whether it wishes to:-

1) support the resolutions outlined in this report;

2) nominate a representative to attend the Annual General Meeting to be held on 8 November 2010; or

3) nominate a proxy to vote on its behalf at the meeting.

REPORT

The Southern Phone Company has provided Council with a copy of its 2010 Annual Report (copy of which will be available at the meeting). It has also invited Council, as a shareholder, to send a representative to the Annual General Meeting to be held at the Company Offices at Moruya, on Monday 8 November 2010, at 10.30am.

The two major issues to be voted on at the meeting are:-
1) The Appointment of the Auditor

The directors recommend to the shareholders that Duesburys Nexia be reappointed as the company auditor. They have successfully completed the audit for the 2009-10 financial year.

Duesburys Nexia has extensive experience in the provision of external audit services performing in excess of 140 audits each year (excluding approximately 120 superannuation funds).

The Board unanimously recommends that shareholders vote in favour of this resolution.

2) Directors Fees

Following the independent external review of Non Executive Director’s fees, the Board recommends to the shareholders the following fees to be paid to the Chairman and Non-Executive Directors for the 2010/11 financial year –

1. Fee for the Chairman for the 2010/11 financial year to be $35,000
2. Fees for each of the Non-Executive directors for the 2010/11 financial year be $18,500
3. Committee fees for the 2010/11 financial year be $2,000 per member and $3,000 for chairman of committees with the fees scaled over 3 years with 2011/12 being $4,000 and $3,000 and 2012/13 being $5,000 and $4,000 respectively for the chairman and committee member.

The Board unanimously recommends that shareholders vote in favour of this resolution.

The names of the independent directors of the Company are:

Bill Hilzinger          Darral Ashton
Andrew Riley           Brian Johns
Greg Malavey           Rod Oxley

Contained in the Notice of Annual General Meeting, a full copy of which is contained in Councillors’ envelopes, is an Explanatory Memorandum in relation to the above issues. Councillors should note that detailed in the Explanatory Memorandum is a proposal for the above Non-Executive Directors’ fees to be increased annually until 2012 by an additional $5,000 per annum for the Chairman and $4,500 per annum for Directors.

Council has the option of sending a representative or appointing a proxy to vote on Council’s behalf at the meeting. In 2009 Councillor Neil Reilly attended the meeting voting on Council’s behalf. In previous years, Council has appointed the Company Chairman as proxy.
As a result, Council will need to determine the following:

1) If it wishes to support the two resolutions outlined in this report

2) If it wishes to nominate a representative to attend the Annual General Meeting.

3) If it does not wish to nominate a representative from the Council to attend the meeting, whether it wishes to nominate a proxy.

In that regard, Council has the option of either nominating the Chairman of the Board, or another representative who will be in attendance at the meeting and is eligible to vote.
2 Black Beach Markets (C13.061.000 and C13.080.000)
Future Operation of Craft and Food Markets on the Black Beach Reserve

This report reviews the operation of craft and food markets in Black Beach Kiama and proposes management arrangements for the future operation of such markets.

Finance
Income from commercial activities on Crown reserves contribute to the maintenance of such reserves.

Policy
The Local Government Act, Kiama Harbour Plan of Management and Council’s Local Environment Plan are relevant.

NSW Land and Property Management Authority Trust Handbook.

Council’s Vision and Goals
The following goals are relevant:

- Quality facilities, Services and Infrastructure
  - Council will provide and maintain services, facilities and infrastructure which are accessible to users.

- Community Cohesion and Wellbeing
  - Council will contribute to the health, safety and well being of the community.

- A Vibrant and Diverse Economy
  - Council will
    - facilitate an environment in which appropriate business can flourish
    - actively encourage the promotion of Kiama as an outstanding place in which to do business
    - actively pursue sustainable agricultural production

- Good Governance
  - Council will ensure that the ethical principles of honesty, fairness and integrity are followed.

- Sound Financial and Resource Management
  - Council will ensure that it has financial viability based on generating income from available legitimate sources.

Attachments and Enclosures
Nil
RECOMMENDATION

That Council:-

1 Invites the Kiama and District Chamber of Commerce to apply for an extension of the existing development consent 10.2010.198.1 for the conduct of a monthly craft market until the end of June 2011.

2 Following lodgement of the application for extension and payment of the associated fees, Council make a donation equivalent to the fees back to the applicant.

3 Develops guidelines for the future operation of a craft market and call for expressions of interest from suitable organisations to operate such a market. The timing of the outcome of the expression of interest to allow for the successful operator to commence in July 2011.

4 Retains the operation of the Fresh Food and Produce Market.

5 Reviews the fee structure for the operation of markets on Crown reserves.

6 Defers a decision on the longer term management arrangement for the Fresh Food and Produce Market pending the outcome of discussions currently underway with the United Services Union. In the interim the operation of the market to be managed directly by Council staff.

REPORT

At the Ordinary Meeting on 20 July 2010 Council received a report on the establishment and operation of craft and food markets in Hindmarsh Park and Black Beach Kiama. The report proposed a range of options for the future operation of such markets including but not limited to and in no preferential order:

“1) Granting consent (if and when a complying development application is lodged) to the KDCC for the operation of the Kiama Seaside Market under conditions to be determined by Council.

2) In recognition of the principle of Crown land use being accessible to the wider community and having regard to the length of time the KDCC have operated a market on Crown land, Council to call for expressions of interest from suitable organisations or individuals to operate a monthly craft style market.

3) Council to call for expressions of interest from suitable organisations or individuals to operate both a craft style market and a food and produce market as separate markets, as currently exists.”
4) **Council to call for expressions of interest from suitable organisations or individuals to operate a fortnightly combined craft and fresh food market.**

*Note:* Options 3) and 4) would require Council to relinquish its ownership of the current Food and Produce Market.

5) **In recognition of Council’s long term Plan of Management for the development of the Kiama Harbour precinct for the benefit of the wider community, Council to establish where necessary and operate either directly or through a managing agent;**

   i. the existing Fresh Food and Produce Market only, or

   ii. the existing Fresh Food and Produce Market and a craft style market as separate markets; or

   iii. a fortnightly combined craft and fresh food market.”

Having considered the report, Council resolved that:

“1) **Council staff prepares a report on the options available for the management and operation of the food and produce as well as the art and craft markets for consideration by Council. Such a report should include:**

   a) a comparative assessment of management arrangements including an option that involves running two food and produce markets a month, with one of these combined with the art and craft market;

   b) a report on the general operation of the Kiama Markets in recent years;

   c) an assessment of the maximum number of stalls that should be allowed;

   d) suggested guidelines on the types of stalls that should be permitted to achieve the aims of these markets;

   e) potential impact on local retail business; and

   f) any transition process necessary from current to recommended arrangements.

2) **Such a report be provided to Council in time to allow any resultant expressions of interest to be issued and resolved before the extended Development Application on the Seaside Markets expires.**

3) **Council seek the co-operation of the Chamber to provide the information necessary for the report.”**

To assist in assessing the various options and the impact of the markets, a survey of local Kiama CBD businesses and stallholders at Council’s Fresh Food and Produce Market was conducted.

The business survey was distributed in the Kiama CBD with the following key results:-
Business Location

n = 55 respondents. Note, not all respondents answered every question.

Type of Business

Business respondents were asked the following series of identical questions in relation to the current Seaside Market and Fresh Food and Produce Market with the following key results

Craft Market

On a scale of -5 being much worse, 0 being the same and +5 being much better, compared to non-craft market Sundays, is your trading on craft market days worse or better?

A net 14 (27%) of the 51 respondents to this question reported better trading on craft market days.
Compared to non-craft market Sundays, on craft market days do you employ the same number of staff, additional staff (hours) or less staff (hours)?

The 47 respondents to this question employed an additional net 104.5 staff hours on craft market days.

Do you feel there is a need to restrict the type of goods sold at a craft style market?

A net 3 (6%) of 51 respondents to this question thought that there was no need to restrict the type of goods sold at a craft style market.

All things considered, on a scale of -5 being strongly oppose, 0 neither support nor oppose and +5 strongly support, what is your level of support for a craft market within the harbour precinct?

There is a strong level of support for a craft style market with 76% of the 54 respondents to this question expressing support and 66% of those (50% of all respondents) strongly supporting.
Produce Market

On a scale of -5 being much worse, 0 being the same and +5 being much better, compared to non-produce market Saturdays, is your trading on produce market days worse or better?

A net 14 (27%) of 51 respondents to this question reported better trading on a produce market day.

Compared to non-produce market Saturdays, on produce market days do you employ the same number of staff, additional staff (hours) or less staff (hours)?

The 52 respondents to this question employed an additional net 31.5 staff hours on produce market days.
Do you feel there is a need to restrict the type of goods sold at a produce style market?

A net 21 (41%) of 51 respondents to this question thought that there was no need to restrict the type of goods sold at a fresh food and produce market.

All things considered, on a scale of -5 being strongly oppose, 0 neither support nor oppose and +5 strongly support, what is your level of support for a produce market within the harbour precinct?

There is a strong level of support for a food market with 81% of the 53 respondents to this question expressing support and 67% of those (55% of all respondents) strongly supporting.

From the survey results it is clear that there is very strong support from the Kiama CBD business community for the continuation of both a craft style and food and produce market. It is evident that both markets, to differing degrees, improve trading conditions and increase employment in the immediate area. Whilst it is obvious the improved trading and increased employment has a wider positive economic impact on the municipality, there is insufficient information to attempt to quantify such an impact.
Kiama CBD business operators and stallholders at the Food and Produce Market were then asked to express their level of support for the following options for the future operation of markets in the harbour precinct. It should be noted that many of the stallholders operate at other markets and their responses may therefore be influenced by commitments to these markets.

**Survey Option 1** - Maintain the status quo of one (1) Sunday Craft Market and one (1) Saturday Fresh Food and Produce Market per month.

There is strong support from both sets of respondents for maintaining the status quo. Of the 49 business operators responding, 34 (69%) supported this option with 59% of those (41% of overall respondents) strongly supporting. Of the 21 stallholders responding an overwhelming 18 (86%) supported this option with 94% of those (81% of overall respondents) strongly supporting.

**Survey Option 2** - Conduct one (1) Sunday Craft Market and two (2) Saturday Fresh Food and Produce Markets per month.

This option received good support from the 46 business respondents to this question with 24 (52%) showing support and 46% of those (24% of all respondents) strongly supporting. This is offset somewhat by 13 (28%) expressing opposition and 62% of these (17% of all respondents) strongly opposing.

In net respondent terms there is a similar level of support and opposition amongst the stallholders with 8 (38%) of the 21 respondents to this question supporting and 7 (33%) opposing. However, the degree of opposition is stronger with 86% of those opposing (29% of all respondents) strongly opposing the option.
Survey Option 3 - Conduct one (1) combined Sunday Craft and Fresh Food and Produce Market per month and one (1) Saturday Fresh Food and Produce Market per month.

Whilst the numbers of business respondents supporting 18 (41%) and those opposing 17 (39%) is quite close, the veracity of the opposition is greater with 65% of those opposing (25% of all respondents) expressing strong opposition. A similar pattern, 50% supporting and 50% opposing, is expressed by stallholders with a relatively similar degree of support and opposition expressed.

Survey Option 4 - Conduct two (2) combined Sunday Craft and Fresh Food and Produce Markets per month.

This option provided the most polarised result amongst the business respondents with strong opinions, 14 (27%) expressing strong support and 19 (37%) expressing strong opposition. Stallholders overwhelmingly opposed this option with 13 (62%) expressing strong opposition and only 2 (10%) expressing a level of support.

From the above it is evident that there is relatively little support for combining a craft and food market and strongest support for maintaining separate markets operating under the status quo of one Sunday Craft Market and one Saturday Food and Produce Market per month.

When the food market was proposed for a 12 month trial period in 2002, it was to operate on a monthly basis with the flexibility to move to a fortnightly market in a number of locations, including Gerringong and Jamberoo during the trial period if
vendor and buyer demand was evident. This objective was never realised by the Council operated market, however it has occurred by default via the Gerringong Sunrise Rotary monthly market and the increase in food stalls including some fresh produce at the current Seaside Market. This is further evidenced by the promotion of the “Kiama Craft Market” in the Kiama and District Chamber of Commerce website as providing “a fantastic array of local arts, crafts, collectables and produce”.

In relation to the options identified in the report to and minutes of the 20 July 2010 Council meeting the following information is provided:

Option 1 considered the renewal of consent (pending a complying development application) to the KDCC under conditions to be determined by Council.

Option 2 raised the principle of Crown land use being accessible to the wider community, the issue of the length of time the KDCC have operated a market on the land and proposed seeking expressions of interest from suitable organisation or individuals to operate a monthly craft style market.

Kiama Council is the trust manager for the Crown reserve upon which the markets operate. The NSW Land and Property Management Authority (LPMA) provides a trust handbook for trust managers of Crown land reserves. The handbook provides guidance and best practice advice on the management of Crown reserves.

In relation to commercial leases and licences the handbook advises:

“On reserves for public recreation, commercial uses should not result in exclusivity for individuals or groups and clubs.”

As detailed in the report of 20 July 2010 the KDCC has controlled and operated a market on Crown land in Kiama continuously from 1994 until the present under various modifications and extensions to the original consent. Council expressed concern in 2007 over the exclusivity of the use of the land for market purposes by the KDCC. Following a Council resolution (CR137) the General Manager wrote to the KDCC on 22 May 2007 and 4 June 2007 advising that:

“As the markets are to be carried out on public land, Council considers it timely and appropriate to seek expressions of interest for the operation of the food and craft markets at Black Beach. This is to be undertaken by March 2008.”

The call for expressions of interest never took place and the KDCC was subsequently granted consent to operate the market until February 2010.

Given the guidance provided by the LPMA and Council’s long held concern over the exclusive use of the land by the KDCC it is considered inappropriate for Council to proceed with Option 1. Option 2 is the preferred option.
The intent of Option 3 was the seeking of expressions of interest for one organisation to manage both a craft style market and a produce market as separate markets.

Council has for some time promoted the virtue of fresh food, nutrition, physical activity and a healthy lifestyle primarily via the Municipal Health Plan. The current draft Community Strategic Plan strongly supports this along with strategies to increase the variety and volume of agricultural food products from within the Municipality.

Providing local distribution channels for these products via local markets, trails, cooperatives, restaurants and retail outlets is a key component of this strategy. The control and operation of the current produce market by Council for this purpose is a priority activity in Council’s short to medium term planning. Whilst option 3 is viable it is not preferred. It is considered that in supporting Council’s overall health strategy the retention of control of the format and operation of the market by Council for the duration of the current planning cycle is in the best community interest. It is proposed that this be reconsidered with the review of the Integrated Planning-Delivery Program in the 2012/13 financial year.

From inception in 2002 until December 2009 the Food and Produce Market was managed on Council’s behalf by a contracted managing agent. From January 2010 until the present Council staff members have been directly managing the operation of each market on an interim basis. This has received strong support from the participating stallholders and has merit in maintaining the maximum flexibility in developing the market in line with Council’s broader health strategy. However, the longer term financial viability of this arrangement is questionable under Council’s current industrial arrangements. Council officers are seeking to engage the relevant union in relation to this matter and it is recommended that no decision be made on the management arrangement for the market until the outcome of that engagement is known and considered alongside the option to appoint a managing agent.

Option 4 considered calling for expressions of interest from suitable organisations or individuals to operate a fortnightly combined craft and fresh food and produce market.

As per the reasoning put forward in relation to option 3, option 4 is not recommended. Additionally, the concept of a formally combined craft style and food market received relatively little support from either the Kiama CBD business operators or current food market stallholders. As mentioned previously, the current seaside market does promote and offer fresh food.

With reference to Council’s resolution CR210(a) of the meeting of 20 July 2010 to consider the option of running two food and produce markets a month, with one of these combined with the art and craft market.
As detailed above there appears to be little support for formally combining the markets. However, without formally establishing a combined market the concept of selling fresh produce could be permitted and indeed encouraged by consent conditions and in guidelines established for the operation of future craft style markets.

Option 5 considers Council assuming the control and operation of both a craft style and food market, either combined or as separate markets and either directly or through a managing agent. The rationale for this option was to better apply the income generated from commercial activity on the reserve to the provision of infrastructure identified in the Plan of Management for the development of the Kiama Harbour precinct for the benefit of the wider community.

There are a number of issues to be considered should Council seek to directly establish and operate a craft style market at Black Beach following the expiry of the consent held by the KDCC to operate the Seaside Market until February 2011 including but not limited to:

- **Good Governance**

  Markets on Crown reserves are a legitimate commercial activity and something not unique to Kiama. Organisations and individuals should have the ability to contest the right to conduct such activity if it is considered by Council as the trustee to be a use of the land which is in the overall interest of the community. Such a contest should be conducted in an open and transparent manner and in this circumstance should Council wish to proceed it is considered appropriate that it do so via an open tender process. Such a process would need to be conducted and determined by an independent body.

- **Object of Direct Operation**

  As stated the object for consideration of this option is the desire to ensure an adequate return to the community from commercial activities conducted on Crown land. This objective may be achieved by other means. For example the LPMA Trust Handbook advises:

  “That rent or licence fee should normally be a commercial market rent.”

  Issues to be considered include:

  - the permitted use
  - the value of the part of the reserve
  - the potential income generated from the use
  - costs incurred by the trust both directly and indirectly
In addition to the rental consideration Council could seek to enter into a memorandum of understanding with a market operator whereby there is pre-determined agreement on how the operator might contribute to the benefit of the wider community. This contribution could be canvassed via the expression of interest process.

- Status of Potential Operators

Potential market operators may include local community, service and not-for-profit organisations. Such organisations by their constitution apply their income to the benefit of one or more sectors of the community. It is considered legitimate for Council to advertise and apply a positive weighting to local not-for-profit organisations when assessing expression of interest submissions.

Council’s resolution of 20 July 2010 also called for:
“part c) an assessment of the maximum number of stalls that should be allowed.”

This issue was referred to Council’s Director Engineering & Works who advises:-

“The restrictions which have been placed on Market Stall numbers with previous Development Applications have been principally applied in an effort to manage the wear and tear on the grassed surface of the reserve. It is understood that the stall numbers over the last few years have varied at the various markets from as few as 30 to as many as 200.

It is further understood that the markets are progressively filled from the prime locations at the Terralong Street end of the reserve around towards the Black Beach Pool end of the reserve, with the extent of the coverage of the reserve toward the pool being dependent on the number of stalls.

The area of the reserve which is most affected by stalls is that section along the promenade at the Terralong Street end. As discussed this section is utilised on all occasions. The grass in this area is subject to sea spray during large seas resulting in the grass dying leaving eroded areas. Council have filled these areas with road base in the past to avoid any pedestrian safety concern associated either with the markets or general public access. It is considered that this erosion is not directly as a result of the market activity although the ability to establish new grass in the area is somewhat impacted upon by the regular use of both the Seaside and produce markets.

Council staff have considered a range of options for the treatment of this area from the construction of a low wall along the pathway edge which would allow the area to be raised and levelled to the use of artificial surfaces to prevent the erosion. At some point in the near future Council will need to consult with the affected parties to determine an appropriate treatment.
Notwithstanding the above the reserve has coped reasonably well in the past with the current utilisation of both markets and various other private hire and community functions. This can be largely dependent on weather conditions either extended dry periods or periods of extended heavy rainfall and Council should always reserve the right to cancel planned events where the grassed surface condition is placed at risk by either of these scenarios.

The area towards the pool has the best and most robust grass coverage. Therefore any extension of the stall sites in this direction is not expected to have an undue impact on the reserve. The assessment of the maximum number of stalls therefore should be more related to set out of stalls, stall area and pedestrian passageways which are considered to be appropriate.

The other impact of stall numbers relates to the impact on street parking by stall holders. Council have received a number of complaints from shop owners and the general public about the impact of parking on local streets due to the markets. Approval has been given with the current consent for stall holder vehicles to be parked behind those stalls from the Terralong Street end to Shoalhaven Street. This has the impact of keeping at least a number of the stall holder vehicles off the street but also limits vehicle movements in this narrow area thus reducing the impact of vehicles on the grass and reducing the incidence of pedestrian/vehicle conflicts. Consideration should be given to identifying a suitable parking area for stall holder vehicles and providing a shuttle bus system to and from the reserve for those stall holders.”

The resolution of the meeting of 20 July 2010 also requested suggested guidelines on the types of stalls that should be permitted to achieve the aims of the markets and any transition period necessary from current to recommended arrangements.

Markets have long been an important component of Kiama’s social, tourism and economic fabric. They are an important small business in their own right and provide stimulus for other businesses and tourist activities in the area. This is recognised in the draft Community Strategic Plan through the strategy Ec.2.1 “Promote business based on the local area’s unique and distinctive characteristics and integrate it with the regional economy.”

The guidelines for a future craft market will be critical in ensuring that they lead to a market which reflects Kiama’s unique and distinctive characteristics whilst providing for a vibrant and financially sustainable business. It is not considered possible to devote the time necessary to developing such guidelines and conduct an expression of interest process, appoint a successful operator, have the operator prepare and submit a development application, assess the application and have the operator commence in March 2011. In this circumstance, it is recommended that the current consent for the KDCC be extended until June 30, 2011 with the successful operator identified through the expression of interest process commencing from July 2011.
Chris Quigley
Director Strategic and Commercial Services
1  Investments (F22.033.000)
   Statement of Investments

Summary
This report recommends receipt and adoption of the Statement of Investments as at 30 September 2010.

Finance
Not applicable

Policy
Requirement of the Local Government (General) Regulation 2005. The Investment Policy is due for review in September 2011 by the Manager Corporate Services.

Council’s Vision and Goals
The report and recommendations support Council’s goal of Sound Financial and Resource Management by generating income from available legitimate sources.

RECOMMENDATION
That the information relating to the Statement of Investments as at 30 September 2010 be received and adopted.

REPORT
The investment returns for September 2010 exceeded the respective benchmarks and the budget for the month of September 2010.

a)  Council’s Investments as at 30 September 2010
b)  Application of Invested Funds
c)  Investment Portfolio Performance
d)  Investment Commentary
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<td>ABB+ 1,000,000</td>
<td>Term Deposit</td>
<td>08/06/10</td>
<td>10/11/10</td>
<td>155</td>
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**TOTAL DIRECT INVESTMENTS:** 41,443,269.31

<table>
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<tr>
<th>MANAGED FUNDS:</th>
<th>MARKET VALUE $</th>
<th>INVESTMENT TYPE</th>
<th>DATE LODGED</th>
<th>MATURITY DATE</th>
<th>TERM (DAYS)</th>
<th>RATE %</th>
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<tbody>
<tr>
<td>LGFS (Ethical Fund)</td>
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<td>AT CALL</td>
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**TOTAL MANAGED FUNDS:** 4,577,517.33

**TOTAL INVESTMENTS:** 46,026,786.64

**TOTAL INVESTMENTS AUG/2010:** 45,866,442.80 (0.34%) Change in total investment over prev 1 month

**TOTAL INVESTMENTS SEPT 2009:** 34,062,725.42 (35.11%) Change in total investment over prev12 months

**MANAGED FUNDS**

Note 1: Monthly redemption value supplied to Council each month by Local Government Financial Services (LGFS)

Note 2: Total Lehman Managed Funds above are subject to market value fluctuations. Council obtains monthly independent market valuations from Reportfolio Pty Ltd.
(b) Application of Invested Funds

<table>
<thead>
<tr>
<th>Description</th>
<th>Value ($)</th>
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<tbody>
<tr>
<td><strong>Restricted Funds:</strong></td>
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<tr>
<td>Externally Restricted</td>
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<tr>
<td>Grants</td>
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<tr>
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<tr>
<td>Waste &amp; Sustainability</td>
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<tr>
<td>Southern Council’s Group</td>
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<td><strong>Internally Restricted Reserves</strong></td>
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<td>Blue Haven ILU</td>
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<td>Blue Haven Hostel &amp; N/Home</td>
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<tr>
<td>Land Development</td>
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<tr>
<td>Waste Business Unit (Plant Replacement)</td>
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<td>Employee Leave Entitlements</td>
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<tr>
<td>Other</td>
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<tr>
<td><strong>Unrestricted Funds:</strong></td>
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<tr>
<td>Funds to meet current budgeted expenditure</td>
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<tr>
<td><strong>TOTAL INVESTMENTS</strong></td>
<td>46,020,786.64</td>
</tr>
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* Included in the Blue Haven ILU Restricted Asset is provision for $17.5M loan repayment due in December 2010

**Note:**
The above Application of Invested Funds reflects balances as at 30 June 2010 and are subject to final external audit.
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(c) Investment Portfolio Performance

<table>
<thead>
<tr>
<th>Investment Portfolio Return (%)</th>
<th>Benchmark: UBS 90 day Bank Bill Index</th>
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</thead>
<tbody>
<tr>
<td>1 month</td>
<td>5.61</td>
</tr>
<tr>
<td>3 months</td>
<td>5.63</td>
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<tr>
<td>6 months</td>
<td>5.53</td>
</tr>
<tr>
<td>12 Months</td>
<td>5.23</td>
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</table>

Council Investment Performance Compared to Benchmark

- 30 day Libor
- Total low rate

![Graph showing Council Investment Performance Compared to Benchmark]
(d) Investment Commentary

The investment portfolio increased by $0.1M for the month. The increase was due to additional income over expenditure for the September period. During September, various income was received totalling $4.9M, including rate payments amounting to $1.7M and Elambra Estate land sales of $205K. Payments to suppliers, staff and investment lodgements amounted to $4.8M. Please note that the Westpac Bank Account balance shown in (a) of $1.6M includes deposits at month-end not processed to Council’s financial system and cheques that have not been presented. The interest to 30 September 2010 is $365K with an annual budget estimate for 2010/2011 of $1.4M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU and Blue Haven Hostel Restricted Assets.

The investment portfolio is diversified across a number of investment types. This includes term deposits, managed funds and on-call accounts.

The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council’s portfolio. Independent advice is sought on new investment opportunities.

Certification – Responsible Accounting Officer

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

Phil Mison
Manager Corporate Services
Responsible Accounting Officer
REPORT OF THE DIRECTOR ENGINEERING & WORKS

Submitted to the Ordinary Meeting of Council held on 19 October 2010

1 Council Reserves (L31.082.000)
Outdoor Fitness Equipment

Summary
This report provides information in response to a request from Councillor Bowman for Council to consider the purchase and installation of outdoor fitness equipment.

Finance
There are no funds provided in current budgets for the purchase of such equipment. The funding of such equipment could be considered in the Section 94 Plan or Section 94 Recoupment Plan.

Policy
N/A

Council’s Vision and Goals
Council’s goal to contribute to the health, safety and wellbeing of the community is relevant.

Enclosures
1 Photographs of equipment installed at Manly.

RECOMMENDATION

That Council:

1) consider the purchase and installation of outdoor fitness equipment in future budgets; and

2) consider funding of the outdoor fitness equipment through the Section 94 Plan or Section 94 Recoupment Plan.

REPORT

At Council’s meeting of 20 July 2010 Councillor Bowman asked if Council could consider the purchase and installation of outdoor fitness equipment in order to help its citizens become fit and healthy.

The use of outdoor fitness equipment has been implemented in quite a number of Local Government Areas and has more recently been installed at Manly’s northern beaches. The concept is normally developed in conjunction with existing cycleways or shared pathways, whereby participants can move between units as part of an exercise circuit. In Manly however, they have been grouped as 5 to 6 units in the one location (photographs included in Councillors’ envelopes).
Such equipment could potentially be installed at a number of locations throughout the Municipality for example, along the shared pathway at Werri Beach, along the shared pathway between Kendalls Beach and Blowhole Point, Jones Beach or the Gainsborough Estate.

Initial enquiries have been made through the Company who supplied and installed the equipment at Manly recently. The price of the equipment obviously depends on the complexity of the unit and can range from $2,500 to $7,500, plus installation and the provision of soft fall material. On average, soft fall material may cost around $2,400/unit installed. Manly’s installation was around $48,000.

The provision of such equipment is regarded as a positive contribution towards Council’s strategic objective of health and wellbeing and responds to a need to provide open space embellishment. The funding for this provision could therefore, be justifiably included in the Section 94 Plan or Section 94 Recoupment Plan.

Council has no provision for the installation of this equipment in its current budget. It is recommended that Council list the item for consideration in future budgets.
2 Black Beach Temporary Licence Agreement (L31.052.000)
Annual (Laurie’s) Christmas Carnival

Summary
This report is for Council to consider granting a temporary licence to Mr Laurie to use part of the Black Beach reserve for the purposes of holding a Carnival.

Finance
A fee of $3,500 (inclusive of GST) and performance bond of $1,500 (excluding GST) is recommended.

Policy

Council’s Vision and Goals
Council’s strategic goals of good governance are relevant.

Attachment
1 Site map showing the Black Beach area and the proposed licence area.

RECOMMENDATION

That Council:

1) grant Mr Laurie a temporary licence to use the Black Beach Reserve for the purpose of holding a carnival, subject to the conditions contained within this report; and

2) give the General Manager delegated authority to sign the temporary licence and any other documents relating to the licence.

REPORT

Laurie’s Carnival, as it is commonly known, has been occurring at the Black Beach area on an annual basis since 1995.

This report advises Council of the following:

1. The carnival has been run in a satisfactory manner in the past in line with Council’s requirements. There is no record of any breach of the licence conditions, or significant complaints of near-by residents.

2. DA consent is required for the carnival to be conducted at Black Beach and will be sought by Mr Laurie (section 68 Local Government Act 1993).

The temporary licence would commence on Monday 20 December 2010 and end on Saturday 8 January 2011. The reserve will need to be vacated before Sunday 9 January 2011 so as not to disrupt the Kiama Seaside Markets.

In accordance with Council’s fees and charges the licensee will be required to pay:

1. a licence fee of $3,500 (including GST); and
2. a performance bond of $1,500.

Council will use the bond to make good the cost of remedying any breach of the licence by the licensee.

The terms and conditions of the temporary licence will address both Council’s and LPMA’s requirements for Crown Land and the proposed use. Issues to be addressed include: provision of portable toilets, waste management, public liability, health and safety.
Attachment

Site map showing the Black Beach area and the proposed Licence area hatched in red.
3 Gainsborough Chase Reserve (C10.003.000, L31.067.000) Proposed Lions Club Storage Shed

Summary
This report advises Council of a request by the Lions Club of Kiama Inc. The request involves the construction of a storage facility at Council’s Parks and Gardens Depot located within the Gainsborough Chase Reserve. Council is asked to consider this request in light of the issues discussed in this report.

Finance
Costs will be incurred in preparing a draft Local Environmental Plan, and holding a public hearing in respect of the draft Local Environmental Plan.

Policy

Council’s Vision and Goals
This report supports Council’s goal of sound resource management.

Attachments
1 Site map showing:
   (i) the Depot site highlighted within a blue border; and
   (ii) the proposed area for the garage hatched in red.

Enclosure
1 Letter from Kiama Lions Club.

RECOMMENDATION
That Council:

1) determine if it will provide in principle support for the rezoning and reclassification of the subject land (Part Lot 2, DP1056775).

REPORT

Background
The Lions Club of Kiama Inc (the “Lions Club”) approached Council on the 11 May 2010 seeking to gain a site to erect a new storage facility. The Lions Club was successful in obtaining a State Government grant, which would allow the Club to buy a 12m x 8m steel garage and to have the garage assembled.

The Lions Club had been looking for a suitable site to erect this garage for some considerable time. Ideally, they required a site which was close to Kiama. After inspecting a number of sites the Lions Club had formed a view that Council’s Parks and Garden Depot at the Gainsborough Chase Reserve would be an ideal site for their garage (herein referred to as “the Land”).
The Land

The Land is part of the Gainsborough Chase Reserve, and is identified as Lot 2 DP 1056775. The Parks and Garden Depot ("Depot") exists on part of the Land. The Depot site was formerly a sewerage treatment works, which Sydney Water transferred to Council in or around 1995.

The Land is now classified as community land under the Local Government Act 1993 ("LG Act") and zoned Special Uses 5(a) under Council’s LEP 1996.

A map of the Land showing the Depot site is provided in Attachment A.

Issues

The Lions Club seek to erect their garage within the Depot site. The proposed area is hatched red on the map attached. Council staff have assessed the proposed location and consider that it would not interfere with the use of the site by the Parks and Gardens Department.

The Depot site sits behind a residential area that fronts Meehan Drive. The site has a security fence surrounding its perimeter, and is partly hidden by the vegetation that grows within the site.

Council was originally asked to lease the site to the Lions Club. However, because the Land is classified as community land a lease was not possible. Legal advice was sought on this matter, which concurred with the advice of Council’s staff.

Secondly, the proposed lease may not have been permissible under the ‘Special Use’ zoning. However, as the first point was fairly conclusive this second point was not considered any further by legal counsel.

A further meeting was held with the Lions Club, General Manager, Director of Engineering and Property Manager to discuss the above findings. From this discussion the Lions Club has now formally written to Council to ask for the Land to be reclassified and rezoned so the proposed garage can proceed. In their letter to Council the Lions Club has canvassed support from other community groups, such as Apex Australia who has formally expressed their interest in using the proposed garage as a shared storage facility (copy enclosed in Councillors’ envelopes).

The LG Act does provide for the reclassification of community land to operational land and vice versa. A proposal to reclassify community land to operational land requires the making of a LEP and conducting a public hearing. Council must arrange a public hearing in accordance with the provisions of s68 of the Environmental Planning and Assessment Act 1979 (EPA Act). As the Land was originally owned by Sydney Water, Council may also have to consult with that agency as part of any LEP process. The Director of Environmental Services advises that inclusion in the comprehensive draft LEP will delay that process and that this is therefore not supported in this instance. The proposal would need to be presented as a stand alone LEP, which would eventually require the support of the Department of Planning.
The Land (Lot 2, DP1056775) has an area of approximately 30,000m². Of that area, the Depot site makes up only 9,000m². All of the Land does not need to be reclassified to enable the Lions Club to use a part of the Depot site. However, to reclassify and rezone only part of the land will almost certainly mean that the Land will first have to be subdivided to ‘excise’ the Depot site from the rest of the Gainsborough Chase Reserve.

Public consultation underpins the whole process and so public comment and concern must also be considered. Reclassifying community land is a complex process, and there is no guarantee, because of the other parties involved, that it will in fact occur.

Comment

It is not uncommon for Council to receive requests by community groups seeking to build storage/club facilities on community land. Unfortunately, in most cases, Council is unable to grant such requests as the proposed ‘use’ is not authorised by the POM and LG Act. The Lions Club request is different to the earlier requests in that it seeks to overcome ‘the obstacles’ of the LG Act by reclassifying and rezoning the land and amending the Plan of Management.

There is no doubt that the Lions Club provides valuable services to the local and wider community. The fact that this proposal would include use by other Service Clubs and be developed as a combined Service Club facility adds weight to the merit of the proposal.

At this point of time it is understood that a significant driver for the Lions Club has been the need to procure a site and build the garage before the end of 2010. This deadline is a condition of the funding that is to be used to buy and build the garage. It is also understood that the Lions Club have now secured a temporary site on which the garage can be constructed before the end of the year. The Lions Club then hope to move the garage to the Depot site once (and if) it is reclassified and rezoned to operational land.

Further to the reclassification and rezoning process, an amendment to the Plan of Management and finally a Development Application will need to occur prior to final approval.

Council is asked to consider if it wishes to provide its support in principle to proceed with this process.
Attachment

Site map showing: (i) the Depot site highlighted within a blue border; and (ii) the proposed area for the Garage hatched in red.
4 NSW Rural Fire District Service Agreement (E20.007.000) Illawarra Zone

Summary
This report provides advice to Council in relation to the Service Level Agreement between the NSW Rural Fire Service (RFS) and Kiama Municipal Council. The current Agreement expired on 30 September 2010 and a new Agreement must be adopted by resolution endorsing the execution of the document under the seal of Council.

Finance
Council is required to contribute 11.9% of the annual RFS budget to provide fire services to the Kiama Local Government Area. The allocation is included in Council’s annual budget adoption.

Policy
Rural Fires Act 1997.

Council’s Vision and Goals
Council’s goals of contributing to the health, safety and wellbeing of the community are relevant.

Enclosure
1 Copy of the Service Agreement.

RECOMMENDATION

1) That Council enter into the Rural Fire District Service Agreement – Illawarra Zone with the NSW Rural Fire Service to provide rural fire services to the Kiama Local Government Area; and

2) Delegation be provided to the Mayor and General Manager to affix the common seal of Council to the Rural Fire District Service Agreement – Illawarra Zone.

REPORT
Kiama Council along with Shellharbour City Council and Wollongong City Council form the Illawarra District Zone of the NSW Rural Fire Service. Fire services are managed by a Zone Manager and staff who operate from the RFS Control Centre located at the Illawarra Regional Airport. A legal agreement referred to as the Rural Fire District Service Agreement – Illawarra Zone identifies the terms, responsibilities and service levels that each party to the Agreement must comply with.

The current Agreement expired on 30 September 2010 and a new Agreement must now be finalised. There is very little variation with the current Agreement and the new Agreement, the most notable being that the current Agreement has a term of three (3) years and the new Agreement has no fixed period. There is a termination clause within the Agreement in the event that either party breaches their obligations.
The existing Agreement drafted in 2007 has worked very effectively. An Illawarra Zone Liaison Committee, comprising of management and volunteer representatives of the RFS and Management representatives of each Council have met every quarter to review the performance compliance in relation to the Management Plan and service levels.

The NSW RFS provide a highly professional service to the community. There are four brigades in the Municipality at Foxground, Gerringong, Jamberoo and Carrington Falls. Each of these is well resourced with trained volunteers and well maintained, modern equipment. Importantly, the new Service Level Agreement will maintain the current excellent level of service provided by the RFS.

Both Wollongong and Shellharbour Councils have executed the document, a copy of which is included in Councillors’ envelopes. Council is asked to endorse its execution and the fixing of the common seal of Council.

Bryan Whittaker  
Director Engineering and Works
1 Staff Training (S40.026.000)
Attendance at Interstate Conference

Summary
This report advises of the attendance of Council’s Acting Community Programs Manager, Marianna Parish, at the 13th National Conference on Volunteering in Melbourne.

Finance
All costs associated with Marianna’s attendance at the Conference will be paid from job number 1023.1645 which is grant funded.

Policy
Training and Development Policy and Procedures

Council’s Vision and Goals
This report supports Council’s goal of Sound Financial and Resource Management by striving for excellence in management of its human resources.

RECOMMENDATION

That Council approves the attendance of Council’s Acting Community Programs Manager, Marianna Parish at the 13th National Conference on Volunteering in Melbourne.

REPORT

Acting Community Programs Manager, Marianna Parish has requested to attend the 13th National Conference on Volunteering in Melbourne from 27 to 29 October 2010.

In her current role, Marianna is responsible for overseeing a number of volunteers who assist in the provision of services to the community. Impacts of issues such as ageing population and the need for broader social inclusion create new and challenging opportunities for volunteering. The aims of the conference are to initiate discussion and analyse issues affecting volunteering, examine technologies available to support volunteering and examine new initiatives and best practice in volunteering.

In accordance with Council’s Training and Development Policy and Procedures, Council is committed to assisting employees to obtain the knowledge and expertise necessary to enable Council to operate effectively and to provide employees with job satisfaction. Marianna’s attendance at the Conference is expected to provide her with an opportunity for professional development that will increase her knowledge and expertise with volunteering.
I support Marianna’s attendance at this conference which is also supported by the Acting Manager Community Support and Development.

Mario M Vallejos
Director of Community Services
1 Walking Tracks & Cycleways Committee (L31.002.000, R38.010.000) (DEW) Minutes

The Kiama Walking Tracks and Cycleways Committee meeting was held on 15 September 2010. The Minutes from this meeting are enclosed in Councillors’ envelopes.

2 E-cycle* (E21.016.000) (DES) Electronic Waste Recycling Program

To address the growing issue of e-waste (unwanted electronic goods), Kiama Council will be holding an e-waste recycling program as part of National Recycling Week, 8-13 November, 2010.

Open to residents of the Kiama Municipality, unwanted electronic goods like computers, televisions and video recorders can be dropped off at the Minnamurra Waste and Recycling Depot throughout this week (Monday – Saturday 9am – 3pm). For this event, Council will partner with two local not-for-profit organisations, Renewable Recyclers (RR), a social enterprise of Psychiatric Rehabilitation Australia and Greenacres (GDS) Disability Services.

Council has negotiated a rate of 60c per kg ($600 per tonne) based on the material being delivered to the recycling facilities of RR and GDS at North Wollongong. It is proposed that a $10 financial contribution will be sought per car load to offset the cost of processing the e-waste. Additional funds will be sourced from the Domestic Waste Management Reserves.

Currently, residents only option for correctly disposing of their e-waste, is to discard at Shellharbour Council’s Dunmore Waste and Recycling Disposal Depot, where the following charges apply:

Computers & Televisions

- Combined hard drive & monitor set $25.00/each
- Monitor $20.00/each
- Hard drive $10.00/each
- Notebook Computer $10.00/each
- Television - small - under 60cm $20.00/each
- Television - large - over 60cm $30.00/each

The types of e-waste items to be accepted, at the E-cycle event, include:
## E-WASTE ITEMS ACCEPTED

<table>
<thead>
<tr>
<th>Desktop/Computer Tower</th>
<th>Fax Machine</th>
<th>Printer</th>
<th>Scanner</th>
<th>Photocopier</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRT/Flat Screen Monitors</td>
<td>Laptop</td>
<td>Docking Station</td>
<td>Keyboard</td>
<td>Computer Mouse</td>
</tr>
<tr>
<td>Palm Pilot/Hand Held Devices</td>
<td>External Modem</td>
<td>Peripherals</td>
<td>Telephone Systems</td>
<td>Data Projector</td>
</tr>
<tr>
<td>Switch/Hub Devices</td>
<td>Server</td>
<td>Main Frame</td>
<td>Router</td>
<td>Tape Drives</td>
</tr>
<tr>
<td>Cables</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## CONSUMER E-WASTE ITEMS ACCEPTED

<table>
<thead>
<tr>
<th>Sandwich Maker</th>
<th>Electric Heater</th>
<th>Television</th>
<th>Mobile Phone</th>
<th>Camera</th>
</tr>
</thead>
<tbody>
<tr>
<td>VCR Player</td>
<td>DVD Player</td>
<td>Hi-Fi System</td>
<td>Speakers</td>
<td>Video Recorder</td>
</tr>
<tr>
<td>Kettle</td>
<td>Toaster</td>
<td>Vacuum Cleaner</td>
<td>Iron</td>
<td>Typewriter</td>
</tr>
<tr>
<td>I-Pod / MP3 Player</td>
<td>Microwave</td>
<td></td>
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</tbody>
</table>

Materials received will be source separated on site by using an assortment of skip bins, pallets and cages. RR and GDS staff will place the items in the allocated bins and KMC staff will transport the materials to the North Wollongong recycling facilities throughout the program period. At the recycling facilities, RR and GDS staff will disassemble the products and Kiama Council will transport the materials to two Nowra based downstream recycling partners, Sell and Parker, for scrap metal and tailor made specialised recycling for printed circuit boards, components, cathode ray tubes and plastic.

For this program, Kiama Council will:

- Provide staffing for the carrying out of normal work at the facility.
- Provide staff to meet and greet vehicles and carry out a survey as sanctioned by the Department of Environment, Climate Change and Water.
- Provide staff to check proof of residency (drivers license or rates notice)
- Provide traffic management personnel.
- Handle all public relations and promotional material including advertising.
- Handle any non e-waste items that are brought in during the event.
- Provide security.
- Provide skip bins where required.
- Provide transportation of collected materials from the depot to the recycling facilities in North Wollongong (RR and GDS).
- Provide pallets for easily stackable items such as towers, desktop units and laptops.
For this program, Renewable Recyclers and Greenacres will:

- Provide staff to accept $10 per car load financial contribution and to issue receipts.
- Provide staff to unload materials from vehicles.
- Provide staff to apply an initial sort of products received.
- Provide 25 cages to house sorted materials on site prior to transport to recycling facilities.

Council has committed to implementing a comprehensive communication strategy to ensure all residents are aware of the program. To date, this has involved placing advertisements in the Kiama Advertiser, Kiama Independent and Illawarra Mercury in July advising residents that e-waste will not be collected as part of the recent household kerbside collections, but to retain items till further notice.

The communication strategy will also include:

- Designing of logo “E-cycle”
- Paid advertisements in local media promoting the event
- Press releases
- Signage on site
- Promotional banners
- Letterbox flyer and distribution to all households
- Fact sheets for Council website(s)
- Inclusion of information in Kimunico.

Council staff will conduct a survey, as sanctioned by the Department of Environment, Climate Change and Water, to ascertain the type and quantity of equipment and how the participants heard about the program.

Once the evaluation of the program is carried out, a determination will be made as to whether Council would consider partnering with Renewable Recyclers and Greenacres Disability Services on future e-waste collection programs organised by Councils within the region and/or with the anticipated tender process to be offered by the Federal Government’s Product Stewardship scheme as part of their National Waste Policy, in 2011/12.

3 Garbage - Depots (H24.011.000) (DES)

**Council’s Clean Up Collection**

At its meeting held on 24 August 2010, Councillor Petschler requested information on what action is taken after Council’s clean up collection is conducted and residents have put out items that are not collected, eg. mattresses. What is Council’s policy on the follow up on these items that are left in the street?

In answer to the above question the following information is provided:
Where Does it Go?

Steel
Prior to all materials being collected, designated vehicles are sent around to extract all steel items from the material that is left out kerbside as part of the household clean out. The steel is then sent off for recycling to a local steel recycler.

Mattresses
Mattresses are not collected in the clean ups. Council does however collect them when they have been illegally dumped. They are sent to Dream Safe Mattress Recycling at a cost to Council of $25 per mattress and $25 per base.

E-waste
Ordinarily, e-waste was not an acceptable item to be placed kerbside for our bi-annual household collections. But, over the years, it was collected to avoid the potential for these items to be illegally dumped. For the August 2010 collections, all residents were advised via advertisements in local papers, media articles and a specially printed sticker, that no e-waste would be collected and to retain the item until later in the year when an e-waste collection service will be held. It has now been agreed, than an e-waste collection week "E-cycle" will be held in November as part of National Recycling Week. Staff are currently working on developing the promotional material for this service and will provide an Information Report for the October Council meeting.

4 Environment – Air and Noise (E21.006.000) (DES)
Local Government Air Quality Grants

A report was submitted to Council for its information on 20 July 2010 advising that a grant application was submitted seeking funding from the Department of Environment Climate Change & Water NSW to undertake a Clean Air Healthy Communities Education Project.

Council has been advised that it has been successful and $20,000.00 has been provided to undertake this project.

5 South Precincts (P36.008.000) (IRM)
Minutes

Minutes of the South Precinct meeting held on Thursday 16 September 2010 are included in Councillor’s envelopes.
6 Local Government and Shires Associations of NSW (L34.006.000) (GM)

The Local Government and Shires Associations of NSW have made a formal submission to NSW Government questioning the size of the proposed 17 Local Health Networks, and seeking Local Government Representation on their Governing Councils.

The submission is a response to the discussion paper “A National Health and Hospitals Network for Australia’s future” released by NSW Health in August. The Associations also question the recruitment of chair people of these networks before the submissions have been reviewed. A copy of media release made by the Local Government and Shires Associations in relation to this matter has been circulated to Councils.

7 Staff – Appreciation Letters (S40.15.000) (GM)

Council has received a number of letters of appreciation from local residents and organisations on the significant assistance provided by Kiama Council and in particular the outdoor staff in the collecting and removing of green waste caused by the severe wind storms on Sunday 5 September 2010. A letter received from Margaret Sharpe, Chair of the Gerringong Uniting Church Council, is as follows:-

“I am writing on behalf of the Gerringong Uniting Church to thank the Kiama Council and the outdoor staff for the collection and disposing of the green waste caused by the severe winds, on both the Church ground and the Chittick Lodge grounds.

Some of our men had worked to clear drives and walkways to make safe the area and tidy the grounds, but were unable to remove such a large quantity of rubbish.

A sincere thank you to all concerned.”

Council staff have been congratulated on the manner in which they carried out their work in the removal of damaged trees and bushes.

8 Rating (F22.O56.000) (GM)


The Final Report includes a number of recommendations to improve the robustness and transparency of the rate setting process and to improve the revenue framework for local councils. These include constructing and publishing a Local Government Cost Index. The Final Report explains the broad structure of the index.
Following the Review, the government has made a number of announcements in relation to rate setting and the role of IPART. On 4 June 2010, the Premier announced that IPART has been given a number of new roles in Local Government, including:

- responsibility for establishing a Local Government Cost Index
- setting the maximum allowable percentage increase in Local Government general revenue from financial year 2011 (the rate peg)
- reviewing applications for special variations from financial year 2011, and determining special variations; and
- reviewing councils’ contributions plans.

A copy of the introduction and executive summary of the Final Report of the Review of the Revenue Framework for Local Government has been circulated to Councillors.

9 Economic Development Committee – (C11.030.000) (DSCS)

The minutes of the Economic Development Committee meeting on Tuesday 17 August 2010 are contained in Councillor’s envelopes.

10 Community Strategic Plan Development Overseeing Committee (K29.011.000) (DSCS)

The minutes of the Community Strategic Plan Development Overseeing Committee meeting on Tuesday 5 October 2010 are contained in Councillor’s envelopes.

11 Jamberoo Pool (L31.009.000) (DSCS)

Opening Hours

In November 2009 the Jamberoo Pool Committee reached agreement that the Jamberoo Pool should open from 29 November 2009 until 14 March 2010 between the hours of 3.00pm and 7.00pm Mondays to Fridays and 12.00pm to 7.00pm on weekends and public holidays. This arrangement was subject to the pool being supervised at all times while open and entry to the pool being free.

This proposal was endorsed by Council at its meeting on 17 November 2009.

This arrangement proved successful with a significant increase in pool usage on previous years. As a result it is proposed to continue the same arrangements during the 2010 – 2011 season with the pool opening on Sunday 28 November 2010 and closing on Sunday 13 March 2011.
12  The Pavilion, Kiama (L20.011.008) (DSCS)  
Signage  

At the Council meeting of 21st September, 2010, Councillor Wheeler requested consideration be given to the installation of a notice board at The Pavilion, to advertise upcoming events.

Included in Councillor's envelopes is a brochure of a noticeboard that is proposed to be attached to the external brick wall to the right of the main entry doors of The Pavilion.

This board would be permanently secured to the wall, and will only be accessed with a key held within the offices of The Pavilion.

With regard to the venue sign at the entrance to the Showground, a recent meeting was held between Council and the Kiama Show Society and it was agreed that there would be further discussion between councils' signage consultant, Judith Denby of Sitespecific, and the Show society to design an appropriate sign taking into account the heritage and historical significance of the Showground.

13  Kiama Municipal Council v Tipawan Lee (PR.11817) (DES)  

On 23 April 2010 at about 1:20pm, Council’s Environmental Health Officer Julie Milevski conducted an inspection of Nirand Thai Restaurant (in the upper level of the Sebel Complex) at 2 Minnamurra St Kiama.

A Penalty Infringement Notice of $330.00 was issued for the non-supply of soap or hand drying equipment for failure to comply with The Food Standards Code.

A second Penalty Infringement Notice of $550.00 was issued under the Food Act for handling food in a manner likely to render it unsuitable in that the curry was left uncovered and out of temperature control for more than 12 hours.

The matter was elected to be heard in Court. On Wednesday 22 September 2010 the matter was heard in Court before Mr Mabbutt SM. His Honour found the offences proven and imposed the following penalties:

- Failure to provide hand washing facilities:
  - Fine $600.00
  - Professional costs $400.00
  - Court Costs $79.00

- Render food unsuitable:
  - Fine $1,000.00
  - Court Costs $79.00
14 Seven Mile Beach (L31.012.000) (DES)
Discolouration of Water & Sand Resembling an “oil-slick” at Seven Mile Beach

The following response has been provided to South Precinct who raised some concerns with Council:

Council’s Environmental Health Officer, Julie Milevski, visited Seven Mile Beach on several occasions and during the visits there was no sign of unnatural discolouration. The discolouration reported may be as a result of an algal bloom.

In the months of March and April Council had several previous reports of pollution possibly an “Oil-slick”. After investigation and sampling, the results indicated an algal bloom. These blooms were evident in Blue Angle Creek, Crooked River, Seven Mile Beach and Kiama Harbour. The algal bloom can appear as a grey oily slick on the surface of the water and when it breaks down the decomposing algae turns bright pink or blue. In addition to this the bloom does release a pungent chemical type odour when it is in high concentration. Mr Black from the Algal Contingency Committee said “People mistakenly report oil slicks or paint spills when they see the bright pink or blue colours which is actually the algae decomposing. If the algae disperses off shore, it just keeps living and basically only really dies when it gets blown up on the beach or on the rocks out of its normal habitat”.

There has been no wet weather overflows reported by Sydney Water and site inspections of possible overflow points also confirmed no sewage overflows. It is unlikely that the (decommissioned) Gerroa Tip is the source of pollution as there is an extensive ground and surface water monitoring program. The results of this program have been tracked over ten (10) years and the trends indicate an improvement of water quality over time.

In future if there is any indication of pollution in the water the public should report it either directly to the local council in which the incident is occurring or to the Department of Environment, Climate Change and Water in a timely manner so a possible source can be identified.

15 Inter Government Relations (I28.001.000) (GM)

The Member for Gilmore, Mrs Joanna Gash, has written to Council in relation to commitments for Gilmore made in the lead up to the recent election including $1 million for the Kiama Harbour upgrades. An extract from the letter is as follows:

“As you might recall the Coalition made more than a dozen commitments for Gilmore in the lead up to the recent election including $1 million for Kiama Harbour upgrades.

Despite the Coalition winning the primary vote by a margin of some 700,000 and being in front on the two party preferred vote, two country independents have chosen to form government with Labor.”
This means that important local projects which an Abbott government would have delivered – are now in doubt.

Attached is a copy of the letter I have written to Ms Gillard commending these projects to her in light of her $9.9 billion commitment to Regional Australia.

I have requested that she visit Gilmore for herself and talk to local experts. I will keep you informed as to the outcome of this request.”

A copy of the letter written to the Prime Minister has been circulated to Councillors.

16 Regional Economic Development (R37.006.000) (DSCS)
State Plan

The New South Wales Government Department of Industry and Investment (I&I) has released the State Plan: Supporting Business and Jobs Illawarra / South Coast Region – Regional Business Growth Plan – August 2010. A copy is provided in Councillors’ envelopes.

The plan covers the Illawarra / South Coast region including the major centres of Wollongong, Shellharbour, Kiama, Nowra, Batemans Bay and Bega.

Council works closely with I&I and it is pleasing to note the reflection of that work in the following points of particular interest to Kiama:

- Infrastructure –
  - Upgrade of Gerringong to Nowra section of the Princes Highway to dual carriageway.

- Industry Development –
  - Value-added niche food and beverage products

- Land Use Planning –
  - Recognition of the importance of retaining land for food and wine production.

- Business Attraction and Expansion –
  - I&I working closely with Kiama Municipal Council and other key local stakeholders to implement aspects of the Promote Kiama Strategy which seeks to exploit the opportunities for business and investment in tourism, retail, professional services and niche agribusiness sectors.
  - I&I working with Regional Development Australia – Illawarra to help market the region as a place to do business and invest.
• Business Development

  o I&I partnering with local councils, tourism organisations, Austrade, Ausindustry and Enterprise Connect to implement the Illawarra / South Coast Business Development Strategy, including:

    - Business Advisory Service (BAS)
    - Smallbiz Website
    - Seminar Program (including Kiama Small Business Network)
    - Economic Gardening Program

• Innovation Initiatives

  o Food and Wine
  o Tourism
  o Renewable Energy

• High Priority and High Impact Initiatives

  o Food and Wine

    - Food Directory – development of an electronic Food Directory linked to a dedicated website that lists local food and beverage producers, wholesalers, restaurants, events and cooking schools in the region.
    - Food Trade Strategy – promote the use of local food and beverage products at local venues such as restaurants and events.
    - Food & Wine Trails – develop and market a series of Food & Wine Trails across the Illawarra / South Coast region based on products identified in the Food Directory.

  o Tourism

    - Food & Wine Trails – development and marketing of a series of Food & Wine Trails across the Illawarra / South Coast Region.
    - Business Development – stage business development workshops and seminars on key tourism sector issues across the region as part of the Illawarra South / Coast Business Development Strategy.
    - Product development – partner with local tourism organisations to assess options for the development of new attractions.

  o Renewable Energy

    - Green Jobs Illawarra – the Green Jobs Illawarra initiative represents a strategic approach to develop, promote and create green jobs and industries in the Illawarra / South Coast Region. Phase 1 of the project involved the development of a Green Jobs Illawarra Action Plan. This plan provides a roadmap of how to better position the region to take advantage of emerging opportunities.
• Business Infrastructure

Improve the development readiness of employment lands through a strategic long term approach being undertaken by the Illawarra Employment Lands Taskforce (ILETF), including Bombo Quarry.

17 Planning Proposal (LEP.025.066 & PR.11243) (DES) Jamberoo Action Park

Council at its meeting held on 20 July 2010 resolved to forward the Planning Proposal prepared by Site Plus Pty Ltd on behalf of Council to the Minister for Planning for determination under the Gateway process.

On 28 September 2010, Council received the Gateway Determination from Mr Tom Gellibrand, Deputy Director-General, Delegate of the Minister for Planning, giving Council approval to exhibit the Planning Proposal. The Planning Proposal is to amend Kiama LEP 1996 by including the additional use of an amusement park on land owned by the Jamberoo Action Park in Schedule 4.

The Gateway Determination requires Council to exhibit the proposal for 28 days and consult with:

• Department of Environment, Climate and Water (DECCW).
• Department of Industry (Agriculture).
• Roads and Traffic Authority.
• Tourism NSW.

The letter accompanying the Gateway Determination required the LEP for the Planning Proposal amending Kiama LEP 1996 to be finalised within 6 months and indicating that Council should aim to exhibit the Planning Proposal within 4 weeks. The letter also indicated that the State Government is committed to reducing the time taken to complete LEPs and in order to meet these commitments the Minister may take action Under Section 54(2)(d) of the Environmental Planning and Assessment Act if the stated timeframes are not met. This section of the Act is quoted below:

“54(2) – The Minister may direct that the Director-General (or any other person or body prescribed by the Regulations) is the relevant Planning Authority for a proposed Instrument in the following cases:

(d) The Council or the Local Government area concerned has, in the opinion of the Minister, failed to comply with its obligations with respect to the making of the proposed Instrument or has not carried out those obligations in a satisfactory manner.”

The Planning Proposal approved for exhibition identified that a number of matters would be required to be resolved prior to exhibition. These matters included traffic management, water supply, effluent disposal, stormwater and visual impact.
A letter was forwarded to Ms Clare Brown, JBA Sydney, the planning consultants and project managers for the proponent advising of the approval for exhibition, detailing those matters that need to be resolved so that sufficient information is available to the community during the exhibition process and also identifying that a development application could be lodged and exhibited jointly. The development application falls within the criteria for determination by the Joint Regional Planning Panel (JRPP) and discussions with the administration officer from the JRPP has indicated that the earliest they could be briefed on the proposal is December 2010.

Council is now in receipt of a letter from Mr Dax Eddy advising of their intention to provide the information required to accompany the exhibition. It is hoped that exhibition could commence late October or early November 2010.

As Council would be aware many of the issues identified as requiring resolution were under discussion in the Land and Environment Court between the proponent’s and Council’s experts. Some of this information has now been provided and will be reviewed by Council staff and in relation to water and effluent by Council’s consultant, Mr Daniel Martens.

18 Black Beach Rock Pool (L31.018.000) (DEW)
Step Ladder

At Council’s meeting of 21 September 2010 Councillor Wheeler asked if it was possible for Council to install a set of ladder steps for the Black Beach Rock Pool. Council would be aware that there is a disabled grade access ramp to this pool, however, there are no step ladders.

Council has investigated the cost of installation of stainless steel step ladders at approximately $1,500. Council’s total budget for the financial year for the upkeep and maintenance of ocean pools in the Municipality is $23,500, with a current balance of $11,833. It is considered that it would be appropriate to install a step ladder at the Black Beach pool as is similarly provided at the Kiama Harbour Rock Pool for those who wish to enter the pool other than via the disabled access ramp. However, the bulk of the expenditure for pool maintenance will occur over the next five to six months. Council will review the budget at the end of this period and if possible install the step ladder and if not, include an amount for consideration in the 2011/2012 budget.

19 Traffic Committee Matters (T44.008.000, C11.002.000) (DEW)
Meeting – 5 October 2010 - Informal Items (Traffic Engineering Advice)

1 Allowrie Street Jamberoo – Traffic Issues (ST.0005, T44.008.000)

The Committee met on site with members of the Jamberoo Valley Ratepayers and Residents Association (JVRRRA) to discuss continuing concerns about pedestrian safety in Allowrie Street, Jamberoo and in particular the perceived need for a marked pedestrian crossing, where the existing kerb extensions are provided near the corner of Young Street.
The Committee has dealt with this matter following previous requests from the JVRRA at its meeting in March and November 2009. Consideration of the matter in the past has been based on a number of traffic speed and volume counts undertaken by Council, which indicate 85th percentile speeds of 43kph in both directions and average daily traffic volumes of around 1700 vehicles per day in each direction. These figures are quite low and of themselves do not support the case for the implementation of a marked pedestrian crossing.

The JVRRA members present at the site meeting pointed out that a large percentage of children from Jamberoo Public School live on the southern side of Allowrie Street and must cross at this location to get home. They consider that the area is busy, especially during School starting and finishing times, with higher than normal traffic volumes and parked cars, which obstruct the view of the crossing point.

The RTA representative on the Committee explained to the meeting that the installation of marked pedestrian crossings needs to be carefully considered and preferably form part of a Local Area Traffic Management Plan (LATM).

It is the RTA’s experience that more pedestrian related accidents occur on marked pedestrian crossings due to the “Right of Way” provided to the pedestrian. In many cases the pedestrian and particularly children, take the right of way without checking for traffic. This can lead to accidents, particularly if the crossing point is not well defined and the road environment managed by an LATM as is the case in Allowrie Street, Jamberoo. It is often safer to provide narrow crossing points as are currently in place so that pedestrians take due care when crossing the road.

This type of behaviour has been observed by Council’s Road Safety Officer, who also advises that the Jamberoo Public School is extremely conscientious in providing clear road safety messages to students. There is no accident history associated with pedestrians at this location.

Notwithstanding the above, a detailed analysis of the site during the meeting highlighted the fact that the existing kerb extensions were not easily identifiable by motorists. Furthermore, the approach to the kerb extensions from the east towards Young Street gives little indication of a change in the road environment between Young and Churchill Streets.

It was recommended by the Committee that as a first step the following treatments be installed to highlight/improve recognition of the crossing points:

1) Extend the existing double barrier centreline road marking further west towards Churchill Street;

2) Install standard grab rails with chevron hazard markers fixed to each grab rail on the kerb extensions; and

3) Install “Children Crossing” warning signs at each kerb extension.
Should it subsequently be found to be necessary, Council could consider the preparation of a Local Area Traffic Management Plan for this precinct.

20 Kiama and District Chamber of Commerce (C10.024.000) (DSCS) Annual General Meeting

The Kiama and District Chamber of Commerce held their Annual General Meeting on Tuesday 28 September 2010. At the meeting the retiring President Mr Patrick Mahedy presented the Annual Report, a copy of which will be available at the meeting. The remainder of the Executive Committee members also stood down and elections were held to establish the new Executive Committee for the coming year as follows:

President: Gavin McClure – Kiama Cabs and Hire Cars
Vice President: Patrick Mahedy – PRM Architects
Treasurer/Secretary Roy Schmidt – Scoops Ice Creamery- Gerringong

21 Farm Gate Trail (C11.030.000) (DSCS)

On the 6 September 2010, Kiama Council and Shoalhaven City Council in partnership with The Hawkesbury Harvest held an information session at The Pavilion to gauge the level of interest in the potential for a South Coast Regional farm gate trail.

Rural landowners and potential agribusiness operators were invited to attend the meeting at which the Hawkesbury Harvest Group provided examples of how it was able to assist members to become more successful in their business.

There were 65 attendees who were interested in the concept of farm gate trails and agricultural development and there was much discussion regarding the potential benefits of joining the organisation, one of which being included in a widely distributed promotional map/brochure.

As a result of the meeting, the Kiama local government area have six local businesses who are looking forward to joining the South Coast Farm Gate Trail, and at this stage the Shoalhaven district have nine. There are a mix of business types from local growers to food and wine providores. The cost to local business for inclusion on the map for a three year period is $295.00. 55,000 maps will be distributed throughout the Sydney market and will also be available locally in visitor information centres.

Benefits of joining are:

- to be placed on the Hawkesbury Harvest emailing lists
- receive regular email news letters
- invitations to special events, market etc.
- your produce / product will be placed on the ‘Regional Produce ‘ section of the website, if you are a grower, food producer or food value adder.
The deadline for members to join the South Coast Harvest Trail will be 30 October 2010, unless all positions are filled prior to this date. Interested members of the public can also join The Friends of the Hawkesbury Harvest for a $55.00 membership fee. Application forms and further information can be obtained from Council’s Economic Development Manager.

22 Strengthening Friendship (P36.005.000) (GM) People to People Workshop-Maubisse/Timor-Leste

At the meeting on 20 July 2010 Council resolved to:

1) Meet the conference registration fee and transport costs of Mr Peter Stuckey at the “Strengthening Friendships-People to People” workshop in Maubisse, Timor-Leste, travelling between Dili and Zumalai and Maubisse;

2) Request that Mr Peter Stuckey provide a report to Council following the conference.

Mr Peter Stuckey has submitted a report to Council which has been circulated to councillors. The report outlines meetings Mr Stuckey had with Caetano dos Santos Robiero and the Commission established in Zumalai to identify priority programmes and projects that can receive support. The paper also provides information on the conference held in Maubisse/Timor-Leste which was addressed by the President of Timor Leste, HE Jose Ramos-Horta.

From his experience at the conference and also through his talks with officials and the Zumalai Commission Mr Stuckey believes the priorities for the Kiama Friends of Zumalai are to:

1) Work constantly to improve communication with Caetano and the Zumalai Commission

2) Encourage the participation of Mr Perez, the Covelima District Administrator and Mr Fretes, the Zumalai Sub-District Administrator.

3) Widen the support of the Kiama Friends of Zumalai in Australia.

4) Look at ways of providing assistance for capacity building in Zumalai e.g. training for teachers, administrators etc.

23 Transportation - SRA Services (T44.003.000) (DOCS) New Rail Timetable

CityRail has notified Council that a new train timetable will commence operation on Sunday 10 October 2010. The information provided indicates that the new timetable has been:
‘developed to maximise the service benefits for the majority of customers, however changes may also mean some customers experience a change in stopping patterns, longer journey time or a reduction in the frequency of service’

CityRail has asked for assistance in ensuring the community is aware of the changes to the timetable and states that the performance of the timetable will be monitored and reviewed during the introductory period.

24 Community Builders (C13.044.000) (DOCS) Aboriginal Engagement Project

Council was provided with a report at its August meeting regarding the successful funding application through Community Builders NSW (previously Area Assistance Scheme) for an Aboriginal Engagement Project.

The service specifications for the Aboriginal Engagement Project have now been signed and returned to NSW Human Services, Community Services Illawarra. The Service Specifications included special conditions to be met by Council as follows: That Council is committed to providing support to ensure the inclusion of the Aboriginal Community in Council decision making and agrees to maintain a culturally appropriate and active role in facilitating inclusion on an ongoing basis.

The special conditions were addressed by highlighting the current processes Council has in place, such as the Aboriginal Reference Group, Aboriginal representation on the Streets and Reserves Naming Committee and coordination with key council staff for the facilitation of cultural events such as Sorry Day and NAIDOC Week. Further, the special conditions will be addressed via the Aboriginal Engagement Project itself as stated in the original funding application. The outcome of the project will be the development and adoption by Council of a culturally appropriate engagement and inclusion strategy for the Aboriginal Community with Council. Upon completion of the project Council will be well placed to ensure the ongoing inclusion of the Aboriginal Community in decision making processes while ensuring the cultural appropriateness of these processes.

25 Youth Advisory Committee (C13.029.00) (DOCS) Minutes

The minutes of the Youth Advisory Committee meeting held on 6 October 2010 are included in the Councillors’ envelopes.

Regarding Council’s resolution at its September meeting to investigate the operation of movies at the Town Hall during the school holiday as requested by the South Precinct Committee this was considered by the Committee.

With the participation at the meeting of the Director Strategic and Commercial Services and the Economic Development Officer the Youth Committee discussed the most appropriate options for this proposal.
Council’s Youth Services team has previously held Cinema nights at Gerringong Town Hall and the Masonic Club in Kiama. Both events were poorly attended due to various reasons including ineffective promotion, movie selection, venue and holding one session too close to Christmas.

Feedback received through the Student Representative Council from the Youth Engagement meeting at Kiama High School in August highlighted these above reasons for the failure of the events. SRC members also proposed a series of recommendations and suggestions for future Cinema nights as they would like Council to continue with the project.

The Youth Centre met with the SRC at Kiama High School to form a Cinema Committee and to follow up on their proposal, suggestions and concerns. Through the meeting it was agreed that school holidays should be targeted and the venue should be the Kiama Pavilion. The SRC suggested the Pavilion due to the location (central to all areas). They found Gerringong Town Hall to be difficult to access even with transport provided.

The proposal now will be considered after confirmation of available dates at The Pavilion and to form part of the Youth Cinema Project.

M Forsyth
General Manager
CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting
of Council held on 19 October 2010

Due to the nature of the matters before the Confidential Committee of the Whole, and in accordance with Section 10 and 10A of the Local Government Act 1993 as amended, it is proposed that Council formally close the meeting of the Committee of the Whole to the Press and the Public on the grounds detailed under the report headings as detailed below.

PROCEDURE

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

CONFIDENTIAL REPORTS

1 Elambra Estate, Gerringong (PR.10070) (DSCS)
Stage 7A – Sale Prices

Reasons for Confidentiality:
This matter deals with commercial information of a confidential nature as per Section 10A(c) and (d) of the Local Government Act. The issues placed before Council include details of land prices, which if disclosed, may prejudice the commercial position of Council. The report is proposed for closed committee because the information contained therein is commercially confidential.

CONFIDENTIAL MAYORAL MINUTE

1 Contract Employment of Staff (S40.033.000, S40.033.001)
General Manager, Employment Contracts/Performance Agreements

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals as per Section 10A(2)(a) of the Local Government Act 1993. The issues to be discussed are matters relating to contract employment of staff. This report is proposed for closed committee because it relates directly to staff issues affecting the particular individuals identified therein.