



ORDINARY MEETING OF COUNCIL

To be held at 5 pm on

Tuesday 17 August 2021

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Confirmation of Minutes of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Declarations of Interest
- 6 Tabling of petitions and other documents
- 7 Public Access Summary
- 8 Mayoral Minute
- 9 Minutes of Committees
- 10 Public Access Reports
- 11 Report of the Chief Executive Officer
- 12 Report of the Director Environmental Services
- 13 Report of the Director Corporate and Commercial Services
- 14 Report of the Director Engineering and Works
- 15 Report of the Director Blue Haven
- 16 Reports for Information
- 17 Addendum To Reports
- 18 Notice of Motion
- 19 Questions for future meetings
- 20 Confidential Summary
- 21 Confidential Reports
- 22 Closure

Members

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

18 August 2021

To the Chairman and Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 17 August 2021** commencing at **5 pm** for the consideration of the undermentioned business.

Yours faithfully

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

Jane Stroud

Chief Executive Officer

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 17 AUGUST 2021**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

“I would like to acknowledge the traditional owners of the land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council meeting on 20 July 2021

Attachments

- 1 Minutes - Ordinary Council - 20/07/2021 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 20 July 2021 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5 pm on

TUESDAY 20 JULY 2021

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 20 JULY 2021 AT 5 PM

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

IN ATTENDANCE: Chief Executive Officer, Director Environmental Services,
Director Corporate and Commercial Services, Director
Engineering and Works, and Chief Financial Officer

1 APOLOGIES

Apology

[21/168OC](#)

[Resolved](#) that the apology tendered from Councillor Westhoff be accepted and the
leave of absence granted.

[\(Councillors Watson and Steel\)](#)

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

Against: Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

*"I would like to acknowledge the traditional owners of the Land on which we
meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to
Elders past and present."*

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council meeting on 15 June 2021

21/169OC

Resolved that the Minutes of the Ordinary Council Meeting held on 15 June 2021 be received and accepted.

(Councillors Watson and Way)

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

Against: Nil

3.2 Extraordinary Council meeting on 28 June 2021

21/170OC

Resolved that the Minutes of the Extraordinary Council Meeting held on 28 June 2021 be received and accepted.

(Councillors Brown and Way)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Wes Hindmarsh	17.1	Planning Proposal - Lot 40 DP 1230679 – 5 Sims Road, Gerringong – Clarifying proposed LEP amendments
Derek McMahon	17.1	Planning Proposal - Lot 40 DP 1230679 – 5 Sims Road, Gerringong – – Clarifying proposed LEP amendments

8 MAYORAL MINUTE**21/1710C**

Resolved that that at this time, 5.03pm, Council bring forward and deal with Mayoral Minute item 17.2 COVID-19 response.

(Councillors Honey and Reilly)

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

Against: Nil

17.2 COVID-19 response**21/1720C**

Resolved that Councillors acknowledge the positive response of Council staff to the continuing changes brought about by COVID-19 restrictions and particularly highlight the exemplary efforts of the Blue Haven staff.

(Councillors Honey and Steel)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

9 MINUTES OF COMMITTEES

9.1 Minutes: Kiama Access Committee - 4 June 2021

21/173OC

Resolved that the Minutes of the Kiama Access Committee Meeting held on 4 June 2021 be received and accepted.

(Councillors Reilly and Brown)

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

Against: Nil

9.2 Minutes: Catchment and Flood Risk Management Committee - 1 June 2021

21/174OC

Resolved that the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 1 June 2021 be received and accepted.

(Councillors Sloan and Reilly)

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

Against: Nil

9.3 Minutes: Community Safety Committee - 12 March 2021

21/175OC

Resolved that the Minutes of the Community Safety Committee Meeting held on 12 March 2021 be received and accepted.

(Councillors Rice and Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

9.4 Minutes: Health and Sustainability Committee - 17 June 2021

21/176OC

Resolved that the Minutes of the Health and Sustainability Committee Meeting held on 17 June 2021 be received and accepted, noting the following resolutions of the Committee:

- a. that Council familiarise itself with the NSW Plastics Action Plan and the grant funding opportunities that may be available under this scheme
- b. the achievements outlined in the Health and Sustainability Committee report are considered for inclusion in Council's End of Term Report and other relevant publications

(Councillors Rice and Reilly)

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

Against: Nil

9.5 Minutes: Jamberoo Youth Hall s355 Committee - 7 June 2021

21/177OC

Resolved that Council receive and accept the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 7 June 2021.

(Councillors Reilly and Brown)

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

Against: Nil

9.6 Minutes: Kiama Local Traffic Committee - 6 July 2021

21/178OC

Resolved that

1. the Minutes of the Kiama Local Traffic Committee Meeting held on 6 July 2021 be received and the following recommendations accepted:
 - A. That Council approve a 'Bus zone' and 'No stopping' zone, in Bridges Road Gerringong, with the installation of regulatory signage.
 - B. That line-marking and the signage plan for the 12 Lot Subdivision at 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo as provided is endorsed for implementation, with the following amendments:
 - (i) That the no stopping signs are changed to no stopping lines

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

- (ii) That the speed hump warning signs are changed to 25kph.
 - (iii) That consideration is given for a one-way circulation of Drualla Road, accessing via Drualla Road, and exiting at Downes Place.
2. Council note the staff review, and not further pursue consideration of a one-way circulation of Drualla Road, Jamberoo accessing via Drualla Road, and exiting at Downes Place.

(Councillors Reilly and Brown)

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

Against: Nil

COMMITTEE OF THE WHOLE

21/179OC

Resolved that at this time, 5.14pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Chief Executive Officer
- Report of the Director Environmental Services
- Report of the Director Corporate and Commercial Services
- Report of the Director Engineering and Works
- Reports for Information
- Addendum to Reports

(Councillors Sloan and Steel)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

21/180OC

Committee recommendation that at this time, 5.14pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

17.1 Planning Proposal - Lot 40 DP 1230679 - 5 Sims Road, Gerringong - Clarifying Proposed LEP Amendments

A **Procedural motion** was moved by Councillor Steel and seconded by Councillor Brown that the committee recommendation be put.

For: Councillors Brown, Honey, Reilly, Steel, Watson and Way

Against: Councillors Rice and Sloan

The Motion on being put was CARRIED.

21/1810C

Committee recommendation that Council:

1. support the proponent led Planning Proposal on Lot 40 DP 1230679, 5 Sims Road Gerringong, proceeding to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination (the next step in the planning proposal process) as it satisfies the strategic merit and site specific merit test.
2. prior to proceeding for a Gateway Determination, request that the proponent update the Planning Proposal so that it seeks to amend the *Kiama Local Environmental Plan (KLEP) 2011* to include the site in Schedule 1 and list *general industries* and *landscaping material supplies* as additional permitted uses on the site.
3. following receipt of the amended Planning Proposal, request a Gateway Determination from DPIE and provide advice that Council's preference for the proposed change to *KLEP 2011* is to amend Schedule 1. This option allows for the retention of the existing RU1 Primary Production zone.
4. provide further detailed communication to the community about the process that is to be followed for all planning proposals and the future further engagement that is required to occur for this process under legislation.

(Councillors Way and Brown)

For: Councillors Brown, Honey, Reilly, Steel, Watson and Way

Against: Councillors Rice and Sloan

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 2020/21 Capital Works Program Performance and Carryovers

21/182OC

Committee recommendation that Council:

1. notes the status of approved projects at the completion of the 2020/21 Capital Works Program
2. approves the carry-over of \$1,864,000 from the 2020/21 Capital budget into the 2021/22 Capital budget to enable completion of identified projects.

(Councillors Brown and Steel)

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

Against: Nil

11.2 Senior Staff Role

21/183OC

Committee recommendation that Council:

1. change the position title of the Director Blue Haven role to Chief Operating Officer – Blue Haven
2. approve the position of Chief Operating Officer – Blue Haven to be established as a Senior Staff role in accordance with the Local Government Act (NSW) 1993.

(Councillors Sloan and Watson)

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

Against: Nil

11.3 Statement of Investments June 2021

21/184OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for May 2021.

(Councillors Reilly and Sloan)

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

Against: Nil

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20 JULY 2021

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2020.197.1 – 30 Cedar Ridge Road, Kiama – 3 Lot Torrens Title Subdivision

21/185OC

Committee recommendation that Council approve Development Application No 10.2020.197.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Nil

12.2 10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling

21/186OC

Committee recommendation that Council refuse Development Application No 10.2020.218.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to following reasons:

DPIE Concurrence Refused

1. Pursuant to the provisions of Clause 4.6(5) of Kiama LEP 2011, the delegate of the Secretary has declined the granting of concurrence to the Clause 4.6 exception to the lot size development standard in Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones of Kiama LEP 2011 and must be refused because:
 - a) the proposed 98% variation from the minimum lot size for the erection of a dwelling is considered to be beyond the appropriate scope of Clause 4.6 under Kiama LEP 2011;
 - b) the applicant has not demonstrated that the 40ha development standard for the erection of a dwelling is unreasonable or unnecessary;
 - c) it is in the public interest that a variation of this size is not supported. Any dwelling proposed to be erected on the site should be considered through a strategic planning process ideally considering a larger area than just this site;
 - d) the proposal could set an undesirable precedent for the erection of dwellings on other undersized lots;
 - e) the proposal is considered to be inconsistent with the objectives of the RU1 Primary Production zone and Clause 4.2A(2) through proposing unplanned rural residential development;

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- f) the proposal could set a precedent for adverse impacts on agricultural land that would be inconsistent with both the Illawarra Shoalhaven Regional Plan and the Draft Illawarra Shoalhaven Regional Plan 2041; and
- g) Council has not abandoned the development standard since the notification of Kiama LEP 2011.

Inappropriate Use of the Planning Regime

2. Pursuant to Section 4.24 of the EP&A Act, the provisions of Section 4.15(1)(a)(i) of that Act and Clause 4.2A of Kiama LEP 2011 relating to development applications and development consents apply to the concept DA.

The effect of the application of Clause 4.2A(3)(a) of Kiama LEP 2011 is that development consent must not be granted for the erection of the proposed single dwelling house on the 0.7041ha site having regard to the 40ha minimum lot size specified for that land.

The dispensational power to uphold a written request pursuant to Clause 4.6 of Kiama LEP 2011 for exception to that development standard would not be exercised in the circumstances of the case. In the alternative, the concept DA is of no utility and is an inappropriate use of the planning regime established by the EP&A Act and must be refused because:

- a) Section 4.24(1) of the EP&A Act provides that the provisions of or made under the EP&A Act or any other Act relating to development applications and development consents apply, except as otherwise provided by or under the EP&A Act or any other Act, to a concept development application and a development consent granted on the determination of any such application;
- b) Section 4.24(2) of the EP&A Act provides that while any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site;
- c) Section 4.15(1)(a) of the EP&A Act provides that in determining a development application, a consent authority is to take into consideration matters including the provisions of any environmental planning instrument as are of relevance to the development the subject of the development application;
- d) Clause 4.2A of Kiama LEP 2011 applies to the site such that development consent must not be granted for the erection of a dwelling house on land in the RU1 Primary Production zone and on which no dwelling house has been erected unless the land is a lot that is at least the minimum lot size specified for that land by the Lot Size Map;
- e) The minimum lot size specified for the site by the Lot Size Map is 40ha;
- f) The site has an area of 0.7041ha;
- g) Having regard to Clause 4.2A(4) and (5), there is no other exception which applies to the minimum lot size development standard in Clause 4.2A(3)(a);

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- h) A development standard which is not relaxed by dispensation granted under Clause 4.6 of a local environmental planning instrument prohibits the carrying out of development.
- It follows that a development standard that requires a lot to be not less than 40ha in size for the erection of a dwelling and which is not relaxed by a dispensation granted under Clause 4.6, will prohibit the carrying out of the relevant development. In the present case, the effect of this is that the erection of a dwelling on the site, where that standard is not and cannot be met, will be prohibited development;
- i) The concept DA expressly forecasts a proposed single dwelling house with associated garage and vehicular access, to be situated on the south-western portion of the site with frontage to Jamberoo Road, and seeks a 220m² building envelope for the proposed dwelling house;
- j) The dispensational power to uphold a written request pursuant to Clause 4.6 of Kiama LEP 2011 would not be exercised in the circumstances of the case, for the reasons which are detailed further below;
- k) In the alternative, on the basis that a variation to the minimum lot size development standard would not be supported in relation to any subsequent development application for the erection of the proposed dwelling house, for the reasons which are detailed further below, any development consent granted to the concept DA is futile;
- l) It is appropriate that the applicant's proposal be properly examined through the strategic planning process and not through an individual development application or multiple development applications (including a concept development application) as is proposed in this case.

Inadequate Clause 4.6 Variation Request

3. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with the objectives of Clause 4.2A(1)(a) of Kiama LEP 2011, one of which aims 'to minimise unplanned rural residential development'.

The development anticipated by the concept DA will create a use of the site for rural residential development on a lot that is 98% under the minimum lot size which applies for such development pursuant to Clause 4.2A (3)(a) of Kiama LEP 2011 and must be refused because:

- a) Clause 4.6(4) of Kiama LEP 2011 establishes preconditions that must be satisfied before a consent authority or the Court exercising the functions of a consent authority can exercise the power to grant development consent.

The consent authority must form two positive opinions of satisfaction under Clause 4.6(4)(a).

These preconditions are a jurisdictional fact because the formation of the opinion of satisfaction enlivens the power of the consent authority to grant development consent.

The consent authority could and would not be satisfied that the applicant's written request has adequately addressed the matters required to be

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addressed by Clause 4.6(3) and that the development anticipated by the concept DA will be in the public interest;

- b) The proposed variation to the applicable minimum lot size development standard which would be required in any subsequent application for the erection for a dwelling is representative of a 98% variation. Such a significant variation is beyond the appropriate scope of clause 4.6 of Kiama LEP 2011 and fails to meet the objectives of this clause which are as follows:
- i. to provide an appropriate degree of flexibility in applying certain development standards to particular development;
 - ii. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- c) The Clause 4.6 written request that has been submitted with the concept DA fails to adequately demonstrate the following matters which the consent authority must be satisfied of in order to support any variation of the minimum lot size development standard that is sought:
- i. that compliance with the development standard is unreasonable or unnecessary in the circumstances;
 - ii. that there are sufficient environmental planning grounds to justify contravening the development standard;
 - iii. that it is in the public interest to allow a variation to the development standard.
- d) As identified by Preston CJ in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 at [24] , there are two respects in which an applicant's Clause 4.6 written request needs to be 'sufficient' in relation to the environmental planning grounds so as to justify the contravention of a development standard. These are:

"First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole [emphasis], and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole [emphasis]: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15].

Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31]."

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The Clause 4.6 written request included in the concept DA fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard;

- e) The development anticipated by the concept DA fails to meet the objectives of the minimum Lot size standard specified at Clause 4.2A(3)(a) of Kiama LEP 2011. The objectives of this standard are as follows:
- (a) to minimise unplanned rural residential development;
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

As a result, compliance with this development standard is not unreasonable or unnecessary and the applicant's Clause 4.6 written request is not well founded. On this basis the concept DA must fail because the development that it anticipates will fail;

- f) The consent authority cannot be satisfied that the proposed development will be in the public interest because it is not consistent with the objectives of the particular development standard (Clause 4.2A(3)(a) of Kiama LEP 2011) or the objectives of the RU1 Primary Production zone.

Incompatibility of Development with Flood Hazard

4. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is not consistent with the objectives of and fails to satisfy the matters for consideration under Clause 6.3 – Flood Planning of Kiama LEP 2011 and must therefore be refused because:

- a) The site is inundated by the 1% AEP flood event;
- b) The flood affectation of the site has been classified as high hazard flood way in the Spring Creek Catchment Flood Study prepared by GHD dated May 2014. The Study notes the NSW Government Floodplain Development Manual defines High Hazard as follows:

“... possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant structural damage”.

- c) The flood affectation of the land has been classified as floodway in the Spring Creek Catchment Flood Study prepared by GHD dated May 2014. The Study notes the NSW Government Floodplain Development Manual defines floodway as follows:

“... those areas of the floodplain where a significant volume of water flows during floods. They tend to be areas of natural channel and overland flow paths. Floodways are identified as those areas which, if blocked, would result in a significant increase in flood levels or a significant redistribution of flood flows”.

- d) The consent authority could not be satisfied that the development anticipated by the concept DA is compatible with the flood hazard of the site, nor that that it incorporates appropriate measures to manage risk to life from flood contrary to the provisions of Clause 6.3 of Kiama LEP 2011.

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Detrimental Visual Impact

5. The development that is anticipated by the concept DA is for a rural residential use on a small lot and will have a detrimental impact on the scenic value and amenity of the locality and must therefore be refused because:
 - a) The site is a gateway site to Kiama and provides uninterrupted sweeping rural views comprised of low-lying grazing land set in a landscape dominated by steep vegetated land and on the northern side which is the dominant view when entering Kiama from the west;
 - b) The site and its immediate surrounds form the interface between rural land and urban land at the western entry to Kiama. This interface is the deliberate and strategic outcome of a series of environmental planning processes administered by Council in accordance with the Kiama Urban Strategy and Kiama Local Strategic Planning Statement. Noting that the DA anticipates development for residential related purposes, and not rural related ones, this will undermine the strategic outcome that has been achieved and negatively impact the interface that has been established;
 - c) The dwelling proposed to be erected on the site under a subsequent development application is to be located 10m from Jamberoo Road and is to have dimensions of 10m wide and 21m long having an area of 220m² and a maximum height of 8.5. This will be a very large building and its bulk and scale would be the dominant built element in this significant rural landscape which would diminish the importance and appreciation of the view, and is not acceptable considering the significant departure from the applicable minimum lot size for dwellings in the RU1 Zone;
 - d) The concept DA lacks any Visual Impact Analysis of the potential impact of the development anticipated by the concept DA on the site and on the surrounding land. Therefore, the consent authority is unable to consider and assess the likely visual impacts of the development anticipated by the concept DA; and
 - e) For the reasons described above, the erection of the dwelling that is anticipated by the concept DA conflicts with the objectives of the Kiama Urban Strategy and Kiama Local Strategic Planning Statement which have been prepared to ensure and promote the protection, restoration and enhancement of areas, such as the site, which have special aesthetic value.

Inconsistent with Primary Production Zone Objectives

6. The concept DA anticipates development that is inconsistent with the objectives for development in the RU1-Primary Production Zone and should therefore be refused because:
 - a) The concept DA anticipates development for rural residential purposes on such a significantly undersized lot which will not be used for a sustainable primary industry but will be for rural residential development, and this will preclude any future sustainable primary industry production of the site and will not maintain or enhance the natural resource base;
 - b) The concept DA anticipates development for residential related purposes only, which will not encourage diversity in primary industry enterprises and systems appropriate for the area;

MINUTES OF THE ORDINARY MEETING

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- c) The concept DA anticipates development for residential related purposes on a significantly undersized Lot and this will lead to more fragmentation of the area;
- d) The size of the lot and its intended use has the potential to lead to land use conflict with any adjoining agricultural use of the land;
- e) The concept DA anticipates development for rural residential use, which will dominate any future agricultural use of the land on the undersized allotment and will not protect agricultural land for long term agricultural production; and
- f) The concept DA anticipates development for rural residential use, which will not provide any opportunities for employment generating agricultural development.

Inconsistent with the Aims of Kiama LEP 2011

- 7. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with a number of the aims of Clause 1.2 of Kiama LEP 2011 and must be refused because:
 - a) The development anticipated by the concept DA (being the erection of a dwelling on the site) cannot comply with the minimum Lot size development standard and does not meet the objectives of this standard. The proposal is considered contrary to the following aims of Clause 1.2 (set out in italics below) and the following reasons for refusal are made in respect of these:
 - to maintain, protect and improve the natural environment including native vegetation, endangered ecological communities, natural habitat corridors, riparian land, groundwater dependent ecosystems and wetlands for their biodiversity values.
The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it will not protect and improve the natural environmental values listed.
 - to protect agricultural land and restrict its fragmentation for purposes other than primary production.
The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it will not protect agricultural land and will lead to further fragmentation of the agricultural land by adding more rural residential development into the landscape rather than primary production.
 - to protect and enhance the coastal and rural character of Kiama's rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity.
The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it will not protect and enhance the coastal and rural character and the characteristic scenic landscapes that contribute to Kiama's liveability and identity and will in fact hinder the attainment of the objective.

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- to protect and maintain land used or to be used for employment in rural and urban areas

The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it does not protect and maintain land that is used for employment in rural areas of the LGA.

Coastal Protection

8. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with the aims of the "SEPP Coastal Management" and does not satisfy the matters for consideration prescribed in Clause 11 and 13 of this SEPP and must therefore be refused because:
- a) The site is situated within the 'Coastal Zone Land Application area', 'Coastal Wetlands Proximity Area' and 'Coastal Environmental Area', all of which have been mapped by the SEPP Coastal Management;
 - b) Having regard to clause 10(4) of the SEPP Coastal Management, a consent authority could not be satisfied that the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest and therefore development consent must not be granted for the Concept DA; and
 - c) Having regard to Clause 13(2) of the SEPP Coastal Management, a consent authority could not be satisfied that the development will not have an impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes and therefore development consent must not be granted for the concept DA.

Inconsistent with Provisions of Kiama LEP 2011

9. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with Clauses 5.10, 5.16, 6.1, 6.2, 6.5 and 6.12 of Kiama LEP 2011 and should therefore be refused because:

Heritage

- a) The concept DA anticipates development that will be in the vicinity of five (5) Heritage Items listed in Schedule 5 of Kiama LEP 2011. The concept DA fails to adequately consider and assess the impact of the proposal on these listed heritage items;
- b) All of the items of local environmental heritage which are located in the vicinity of the site contribute to the scenic value and amenity of the locality and the development anticipated by the DA will diminish the heritage and scenic values of the area.

Land Use Conflict

- c) Clause 5.16(3) of Kiama LEP 2011 provides that a consent authority must take certain matters into account when determining a development application for a dwelling house on land in the RU1 zone;
- d) Pursuant to Clause 5.16(4) the development of the site for rural residential development is likely to be incompatible with agricultural

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production which is the preferred and predominant land use in the vicinity of the site;

- e) The concept DA has failed to adequately consider and assess the impacts of this potential land use conflict.

Acid Sulphate Soils

- f) The concept DA fails to satisfy and adequately address those matters for consideration referred to under Clause 6.1 – Acid Sulphate Soils of Kiama LEP 2011 and must therefore be refused;
- g) An acid sulphate soils management plan as required by Clause 6.1(3) of Kiama LEP 2011 has not been provided in the concept DA and therefore development consent cannot be granted as there is no information before the consent authority to confirm that the development anticipated with the concept DA will not disturb, expose or drain acid sulphate soils and cause environmental damage.

Earthworks

- h) The concept DA fails to satisfy and adequately address the matters for consideration under Clause 6.2 – Earthworks of Kiama LEP 2011 and must therefore be refused;
- i) The concept DA anticipates the construction of a large area of cut and fill to construct the future dwelling house on and this has not been adequately considered and addressed. The concept DA provides inadequate information to allow for an assessment of the matters listed in Clause 6.2(3) of Kiama LEP 2011.

Riparian Land and Watercourses

- j) The development anticipated by the concept DA is for a rural residential use on a small lot and fails to satisfy the matters for consideration under Clause 6.5 – Riparian Land and Watercourses of Kiama LEP 2011 and must therefore be refused;
- k) The concept DA fails to adequately address Clause 6.5 of Kiama LEP 2011 – Riparian Land and Watercourses, particularly with respect to likely Section 3) (ii) aquatic and riparian species, habitats and ecosystems of the watercourse and (v) any future rehabilitation of the watercourse and its riparian area;
- l) The concept DA anticipates development that will involve encroachment of large areas of cut, fill and encroachment of engineered retaining walls into the 20m RPZ buffer area, and excavation works potentially within 5-10m from the top of bank in the south-east corner of the site. Given the sensitive nature of downstream wetlands, and large areas of work within the floodplain in close proximity to the creek;
- m) As there is no VMP submitted with the concept DA it is not clear how and what species would be utilised in the RPZ buffer area. There is also no information to assess how the maintenance of the bushfire APZ and the provisions of a VMP may interact and can be dealt with for a satisfactory rehabilitation of the riparian area through the site. Section 7.3.3 of the Statement of Environmental Effects (SEE) identifies that there is no conflict between the APZ and RPZ, 'as the predominant vegetation for

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the proposed development is managed grassland with existing development located to the south'. A VMP developed in accordance with NRAR guidelines for riparian corridors and VMPs must be provided in order for the consent authority to be able to determine this assertion in section 7.3.3 of the SEE. Given the proximity of the proposed dwelling anticipated by the concept DA to the creek, and the potential impacts, the consent authority would expect that there would be revegetation of the RPZ buffer area in line with the DPIE Water 'Guidelines for vegetation management plans on waterfront land'. The potential conflict with the recommendations in the bushfire protection assessment, which identifies much of the property as managed grassland must also be considered.

Essential Services

- n) Clause 6.12 of Kiama LEP 2011 states that development consent must not be granted until services that are essential for the development are available and this includes the disposal and management of sewage as well as stormwater drainage and suitable road access;
- o) The concept DA fails to address the disposal and management of sewage and there is no evidence of arrangements being made for this to be carried out and so the application must be refused;
- p) The concept DA fails to address stormwater drainage and so the application must be refused;
- q) The proposed road access will interfere with the bus acceleration bay to the east of the bus stop and evidence is required to address the adequate road access to the site.

Vehicular Access

- r) The proposed vehicular access from Jamberoo Road (a Classified Road) fails to satisfy Clause 100 of SEPP Infrastructure because alternative vehicular access to the site that is practicable and safe, is available from Dido Street, which is a Local Road.

Unsuitable Site for the Proposed Development

- 10. The development that is anticipated by the concept DA is for a rural residential use on a small lot and having regard to the significant environmental constraints that affect the site, in the absence of information which adequately addresses the suitability of the site and the location of the proposed building envelope for the development that is anticipated, the application must be refused because:
 - a) The site and the location of the proposed building envelope is unsuitable for the development anticipated by the Concept DA due to the following environmentally significant constraints which affect the site:
 - i. the site's proximity and impacts on Spring Creek traversing the site;
 - ii. the site's proximity and impacts on mapped Coastal Wetlands within 100m of the site;
 - iii. the impact on the Class 2 and 3 riparian zones traversing the site;
 - iv. the flood affection of the site;

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- v. the site's proximity and impacts on a number of local heritage items in the vicinity of the site;
 - vi. the site's proximity and the impacts of mapped Bushfire Prone Land;
 - vii. the site's proximity and the impacts of high voltage transmission lines traversing the site;
 - viii. the proposed vehicle access to the classified road when alternative access via a local road is available to the site;
 - ix. the impact of the Class 5 Potential Acid Sulphate Soils mapped on the site;
 - x. the potential for contamination to exist on the site;
 - xi. the site's importance in defining the edge of the rural land and its interface with the Kiama urban area with respect to protecting the scenic quality of the landscape at this key location;
 - xii. the potential impact on aboriginal cultural heritage.
- b) The Concept DA lacks information which adequately demonstrates that the development that is anticipated is capable of achieving the relevant objectives of the EP&A Act.

Potential site Contamination

11. The unauthorised earthworks on the site have not been considered in the Concept DA and must be refused because:
- a) Section 4.4 of the SEE which considers the provisions of SEPP 55 fails to consider and address the unauthorised works carried out on the site in recent years (referred to under 'Background') and the potential for these works to have contaminated the site;
 - b) Given that the unauthorised works may have contaminated the site, the proposal invokes the requirements of State Environmental Planning Policy No 55 – Remediation of Land, in particular, whether the land is contaminated and requires remediation, and consideration of whether a consent authority can be satisfied that the land is suitable for the residential purpose for which the development is proposed to be carried out.

Aboriginal Cultural Heritage Conservation

12. The concept DA fails to consider the effect of the development that is anticipated on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement) as required by 5.10(8) – of Kiama LEP 2011 and must be refused because:
- a) It is contrary to what is specified in the applicant's SEE (at page 13) the results from a search of the AHIMS conducted by Council indicate that there is an Aboriginal place or object of significance in the locality to the west of the site. This is not unexpected given the site's close proximity to the coastline and the watercourse;
 - b) In accordance with clause 5.10(8) of Kiama LEP 2011, consent cannot be granted until Council has been provided with sufficient information to

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enable it to consider the effect of the development that is anticipated by the DA on the Aboriginal place or object of significance that has been identified by the AHIMS.

Public Interest and Undesirable Precedent

13. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is not in the public interest. Approval of the concept DA would create an unacceptable and undesirable precedent for future development of the site and similarly inappropriate applications in the RU1 zone which have the effect of significantly undermining Council's Local Strategic Planning Strategy, and Urban Land Strategy. Accordingly, the concept DA must be refused because:
- a) The development that is anticipated by the concept DA is for a rural residential use on a small lot that requires a variation of the minimum lot size standard in Kiama LEP 2011 and the built form is of such bulk and scale that it will result in an adverse impact on the scenic quality of the northern side of Jamberoo at this key gateway to Kiama and this adverse impact on amenity impacts on the environment and nearby properties and this is not in the public interest;
 - b) Approval of the concept DA in circumstances where the development it anticipates is unsupported by Council's local strategic planning and urban land strategies would establish an undesirable precedent for the construction and siting of dwelling houses on similarly undersized lots within the RU1 Zone. This precedent could subsequently result in development which directly conflicts with strategic planning outcomes envisaged Council's Local Strategic Planning Strategy, and Urban Land Strategy delivered through Kiama LEP 2011 and Kiama DCP 2020.

Reasons for Refusal that Relate to the Lack of Information

14. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the application is not adequately made in accordance with the requirements of Clause 50 of the Environmental Planning and Assessment Regulation, and must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1 and must be refused on the basis that:
- a) Flood Planning
 - i. Engineering details of the retaining structure, as described in the supporting flood assessment report must be provided;
 - ii. Detailed cross-sections must be provided through the filling and encroachment off-set areas must be provided;
 - iii. The flood modelling (post filling) advises that there will be an increase in flood levels on adjoining properties and in Dido Street. Council could not support this outcome in any circumstance;
 - iv. A Scour Analysis Report for the road bridge in Dido Street to the east of the site is required to be prepared by a suitably qualified civil engineer. The report must take into account the proposed filling and excavation on the development site and include, but not be limited

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- to, geomorphic changes that would affect the scour potential of the bridge must be provided;
- v. A geotechnical report must be provided which addresses the suitability of the filling and proposed structures (e.g. retaining walls) in the riparian corridor. If required, as per Kiama LEP requirements, an Acid Sulfate Soils Management Plan must be provided.
- b) Acid Sulphate Soils
- i. An acid sulphate soils management plan as required by Clause 6.1(3) of Kiama LEP 2011 must be provided; and
- c) Earthworks
- i. Adequate information must be provided to allow for an assessment of the matters listed in Clause 6.2(3) of Kiama LEP 2011.
- d) Access And Parking
- i. Architectural Plans for the dwelling must be provided to assess the necessary car parking and stormwater requirements must be provided;
- ii. A driveway longitudinal section that demonstrates compliance with Australian Standard AS2890.1:2004 and Councils Driveway and Footpath Works Procedure Manual is required.
- The proposed longitudinal section should nominate level points at kerb line, property boundary, intermediate points and the proposed garage level.
- The proposed longitudinal section should demonstrate that sag grade changes are not in excess of 15% algebraically and summit grade changes are not in excess of 12.5% algebraically.
- A sample longitudinal section is provided in Standard Drawing R07 of the Manual must be provided.
- iii. The driveway crossover widths shall be indicated on revised plans. A standard width of 3.0m should be applied. The maximum access driveway width at kerb line of 4.5m and at the property boundary 5m is permissible in certain circumstances; and
- iv. The revised plans should demonstrate that compliance with Australian Standard AS2890.1:2004 - Fig 3.2 in relation to meeting sight distance requirements is capable of being achieved must be provided.
- e) Utility Services
- i. Utility services available to the site must be documented. If sewer is not available to the site any onsite sewer management system should be shown on revised plans and a geotechnical report advising on its suitability must be provided.
- f) Current site Survey
- i. A survey of the site by registered surveyor is required to enable the proposed assessment of the concept DA and must be provided.

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- g) Effluent Disposal
- i. The concept DA lacks relevant information required to determine if the site is capable of adequately dealing with the development anticipated by the concept DA (i.e. the erection of a dwelling). At present the following is noted:
 - a. The concept DA provides no detail on how wastewater is to be dealt with. There appears to be little or no viable land on the site to locate an effluent disposal area outside of a flood affected area or proposed area of fill;
 - b. The recommended buffer distances stipulated by the NSW Department of Local Government, 'Environment & Health Protection Guidelines: Onsite Sewage Management for Single Households', DLG, Sydney, 1998 (the 'Silver Book'), of 100m for effluent disposal near a permanent water source, are unachievable on the lot. Any area above the 20 year flood level appears to be constrained by slope and/or buffer distance to Spring Creek;
 - c. A detailed wastewater management report is required to determine if effluent from the development anticipated by the concept DA is able to be dealt with on the site. The report needs to be prepared by a suitably qualified consultant and address the requirements of AS/NZS 1547:2012 – On site domestic wastewater management and the 'Silver Book'.
- h) Heritage Conservation
- i. A heritage management document is required to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of heritage items located within the vicinity of the site; and

The concept DA fails to consider the effect that the development that is anticipated by the Concept DA may have on numerous items of local heritage significance which are located within the vicinity of the site (which may involve consideration of a heritage impact statement), as is required by clause 5.10(5) of Kiama LEP because:
 - a. The application is within the vicinity of a number of items of local heritage significance which are listed in Schedule 5 of Kiama LEP 2011;
 - b. In accordance with Clause 5.10(5) of Kiama LEP 2011, consent cannot be granted until Council has been provided with sufficient information to enable it to consider the effect of the development that is anticipated by the concept DA on these items of local heritage significance.
- i) Visual Impacts
- i. Visual Impact Analysis of the development anticipated by the concept DA on the site and surrounding land and development, and their viewing locations, which addresses the Land and Environment Court's Tenacity Planning Principles is required;

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- ii. Photomontages of the development anticipated by the concept DA (depicting in the location and context) that is proposed should be prepared by a qualified visual impact assessment expert. The photomontages should capture the various key viewing locations and must be prepared in accordance with the Land and Environment Court of New South Wales "Photomontage Policy".
- j) Vegetation Management Plan
 - i. The concept DA must be accompanied by detailed information on construction soil and water management, details of re-establishment of vegetation within a VMP and identify how and where effluent disposal will be located and any potential impacts on the creek water quality.
- k) Site Contamination
 - i. The proposal involves a change of use land therefore under the requirements of SEPP 55 a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines is required to be prepared and submitted including testing for contamination from the building waste dumped at the site.

(Councillors Watson and Brown)

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

Against: Nil

12.3 Community Battery Initiative

21/1870C

Committee recommendation that Council:

- 1) support the partnership with Endeavour Energy to undertake a community consultation process, on a proposed Community Battery Project, to be located on "Community Land" at Lot 538 DP 808034 Henry Parkes Drive, Kiama Downs (Subject Site) and a further report be submitted to Council at the completion of the consultation process.
- 2) provide in-kind financial support, up to the value of \$2,000, for the Kiama Downs Community Battery Initiative Project, by foregoing the required easement application fee and the compensation price payable to Council to accommodate the community battery on Council Community Land, subject to the preparation of a survey plan and land valuation being submitted to Council.

(Councillors Brown and Reilly)

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

Against: Nil

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12.4 Housekeeping Amendments to Kiama LEP 2011 to address mapping anomalies - Additional sites and Urban Release Area clause

21/188OC

Committee recommendation that Council:

1. Endorse the preparation of an amended Planning Proposal for housekeeping amendments to Kiama LEP 2011 to:
 - a. Rezone Lot 2 DP 793745, Gwinganna Avenue, Kiama from R2 Low Density Residential to SP2 - Water Supply System;
 - b. Rezone 15 North Street, Minnamurra from R2 Low Density Residential to SP2 Water Supply System;
 - c. Rezone Lot 400 DP 801403, Newing Circuit, Kiama Downs from R2 Low Density Residential to SP2 Water Supply System;
 - d. Rezone 46 Union Way, Gerringong from R2 Low Density Residential to SP2 Water Supply System;
 - e. Amend Kiama LEP 2011 to include provisions for Urban Release Areas.
2. Forward the amended Planning Proposal to the Department of Planning, Industry and Environment for an amended Gateway Determination.
3. Following receipt of an amended Gateway Determination undertake the appropriate community and State agency consultation.

(Councillors Watson and Way)

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

Against: Nil

12.5 Kiama Town Centre Study Implementation - Update

21/189OC

Committee recommendation that Council:

1. Note the update on the Kiama Town Centre Study Implementation Strategy, contained in the report;
2. Note that Expressions of Interests will be undertaken to form a 'community review panel' to review the deliverables from GML Heritage and Studio GL prior to formal exhibition of the plans; and
3. Note that a separate report will be prepared and provided to the new Council, (following the election) to address relevant/appropriate recommendations, made by GML Heritage and Studio GL, including:
 - a. Amendments to the *Kiama Local Environmental Plan 2011*;

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- b. The draft Chapter 4 - Heritage Conservation of the Kiama Development Control Plan 2020; and
- c. Draft Topic 12.10 – Kiama Town Centre of the Kiama Development Control Plan 2020.

(Councillors Watson and Sloan)

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

Against: Nil

12.6 Proposal from Reduce, Reuse, Recycle Kiama for Council collaboration in establishing the Worn Up project in local schools

21/190OC

Committee recommendation that Council

1. Participate in the Reduce, Reuse, Recycle Kiama (R3), Worn Up trial program in a co-partnership arrangement aimed at recycling old school uniforms to be undertaken at Gerringong Public School and Kiama High School.
2. Provide and allocate a financial contribution of \$1,000 from the 2021-2022 Recycling Programs budget, to support the recycling initiative.
3. Congratulate R3 for undertaking the trial 'Worn Up' school uniform recycling program.

(Councillors Rice and Sloan)

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

Against: Nil

12.7 Review of Kiama Development Control plan DCP 2020 - Finalisation of Environmental Guideline Amendments

21/191OC

Committee recommendation that Council:

1. Endorse amendments to the following sections of the Kiama Development Control Plan (DCP) 2020:
 - Chapter 3: Common Requirements
 - Topic 3.1 – Waste Minimisation and Management
 - Topic 3.4 – Utilities and Infrastructure
 - Chapter 6: Residential Accommodation
 - Topic 6.3 – Home Businesses, Industries and Occupations

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- Chapter 7: Commercial Premises
 - Topic 7.1 – Business Premises
 - Topic 7.2 – Retail Premises
 - Chapter 10: Visitor Accommodation and Tourism
 - Topic 10.3 – Serviced Apartments
 - Introduction of Topic 10.5 – Events
2. Adopt the following Environmental Health Guidelines:
 - Waste Collection Services Guideline Waste
 - Waste Management for Proposed Development Guideline
 - Onsite Sewage Management System Guideline
 - Beauty Premises Guidelines
 - Food Premises Guideline
 - Events Guideline
 3. Publish the amended DCP Chapters and Environmental Health Guidelines on Council's website.
 4. Provided notification to all Precinct Committees and Community Associations of Council's resolution.

(Councillors Way and Brown)

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

Against: Nil

12.8 Corporate Emissions Reduction Plan 2021-2031

21/192OC

Committee recommendation that Council:

1. Adopt the Corporate Emissions Reduction Plan 2021-2031, with the aim of achieving Net Zero Emissions for Council's operations and facilities by 2031.
2. Adopt a milestone emissions reduction target that aims to have, by 2025, at least 50% of electricity, used annually by Council, provided from renewable energy sources.
3. Require a further report, outlining the recommended process to be adopted by Council, for the development of a Community Emissions Reduction Plan for the Kiama Local Government Area.

(Councillors Reilly and Watson)

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

Against: Nil

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13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Draft Plan of Management - Council managed crown land

21/193OC

Committee recommendation that Council:

1. In accordance with the *Crown Lands Management Act 2016* endorse the draft Plan of Management prepared by Kiama Municipal Council for submission to the NSW Department of Planning, Industry and Environment – Crown Lands for Ministerial approval, and
2. Subsequent to Ministerial approval authorise Council officers to undertake public exhibition of the Plan of Management for Council managed crown land for a period 42 days to allow for community feedback.

(Councillors Brown and Watson)

For: Councillors Brown, Honey, Sloan, Steel, Watson and Way

Against: Councillors Reilly and Rice

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Draft Public Tree Management Policy

21/194OC

Committee recommendation that Council:

1. note that the Draft Public Tree Management Policy, as attached to the report, will be refined through targeted stakeholder engagement
2. following refinement, endorse the draft Public Tree Management Policy being placed on public exhibition for a period of 28 days seeking community feedback
3. note that a report will be prepared to a future Council meeting after the close of the public exhibition on submissions received and seeking Council adoption of the final policy.

(Councillors Rice and Watson)

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

Against: Nil

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14.2 Question for future meeting: Spectator safety - Picnic Steam Train

21/195OC

Committee recommendation that Council note the information contained in this report and that further advice will be provided when available.

(Councillors Brown and Way)

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

Against: Nil

14.3 Question for future meeting: Bong Bong Street speed humps

21/196OC

Committee recommendation that Council note the Kiama Local Traffic Committee minutes relating to this matter as adopted by Council on 15 June 2021.

(Councillors Brown and Steel)

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

Against: Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

21/197OC

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

- 16.1 Clause 4.6 Variations to LEP Development Standards - 1 April to 30 June 2021
- 16.2 Executive summary: Central Precinct meeting - 22 June 2021
- 16.3 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 July 2021
- 16.4 Minutes: Kiama Liquor Accord Meeting - 23 June 2021
- 16.5 Minutes: Minnamurra Progress Association - 6 July 2021
- 16.6 Parking Statistics - May and June 2021
- 16.7 Quarterly Dwelling Approvals

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- 16.8 Questions for Future Meeting Register as at 9 July 2021
- 16.9 Question for future meeting: Motorised scooters and golf carts
- 16.10 SpendMapp - April 2021 Update.

(Councillors Reilly and Way)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way
Against: Nil

RESUMPTION OF ORDINARY BUSINESS

21/198OC

Committee recommendation that at this time, 6.15pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Brown and Watson)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way
Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

21/199OC

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 21/180OC to 21/198OC above.

(Councillors Reilly and Way)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way
Against: Nil

17 ADDENDUM TO REPORTS

Item 17.1 was dealt with as part of Public Access Reports and item 17.2 was dealt with in Mayoral Minutes.

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18 NOTICE OF MOTION

18.1 Notice of Motion: Reconciliation Action Plan

21/200OC

Resolved that Council commence a Reconciliation Action Plan process for the Kiama Local Government Area, working collaboratively with interested members of our community, and seeking direct assistance from the Gerringong First Stories Aboriginal Advisory Group.

(Councillors Reilly and Sloan)

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

Against: Nil

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Pump track addition to Minnamurra Bike Skills track

Councillor Way requested a report to the August Council meeting on continuing the development of the Minnamurra Bike Skills Track at Sanctuary Place Quarry to be known as Stage 2 – pump track. The report to include a plan for the pump track to be incorporated within existing infrastructure, an estimate to construct the pump track, and investigation and advice on the potential for grant funding to finance the project. The matter was referred to the Director Engineering and Works for action.

19.2 Footpath to link North Kiama Drive to Johnson Street, Kiama Downs

Councillor Way requested a report to the August Council meeting providing a plan and estimate to construct a footpath from North Kiama Drive (adjacent to the new Kiama Downs Surf Club car park) to link with the shops in Johnson Street, Kiama Downs. The matter was referred to the Director Engineering and Works for action.

20 CONFIDENTIAL SUMMARY

21/201OC

Resolved that at this time, 6.21, 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 Sloan and Watson)

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

Against: Nil

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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.

20.1 Exclusion Of Press And Public:

21/2020C

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

21.1 PROJECT UPDATE: ENTERPRISE SOFTWARE SOLUTION

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

21.2 REVIEW OF WERRI BEACH HOLIDAY PARK REMUNERATION

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

21.3 TENDER FOR CROOKED RIVER BRIDGE CONCRETE REMEDIATION AND PROTECTION

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

21.4 TENDER FOR TOOLIJOOA ROAD RECONSTRUCTION

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

21.5 SUPPLY AND LAY OF ASPHALTIC CONCRETE 2021-2022

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

(Councillors Watson and Way)

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way
Against: Nil

21 CONFIDENTIAL REPORTS

21.1 Project Update: Enterprise Software Solution

21/203OC

Committee recommendation that Council authorise the Chief Executive Officer and Mayor to continue to sign and seal documentation relating to the project in line with Council's recommended 2021/22 budget of \$2,065,000.

(Councillors Brown and Watson)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel and Watson
Against: Councillor Way

21.2 Review of Werri Beach Holiday Park remuneration

21/204OC

Committee recommendation that Council approve an increase in the contracted commission for the Werri Beach Holiday Managers H & C Robbins Pty Ltd in line with similar increases granted to other holiday park managers so that they can continue to operate the Park at an optimal level.

(Councillors Rice and Reilly)

For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way
Against: Nil

21.3 Tender for Crooked River Bridge concrete remediation and protection

21/205OC

Committee recommendation that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Duratec Limited for KIAMA-967852 – Crooked River Bridge Concrete Remediation and Cathodic Protection, for the

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

sum of \$480,261 including GST, plus a contingency allocation of \$96,052.20 (20%) for costs associated with potential latent conditions relating to concrete repair works on bridge piers submerged from mid tide and below.

2. delegate to the CEO the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.
4. note the reallocation of any costs savings from this project towards the proposed Toolijooa Road reconstruction project, within the Council adopted budget for renewal of Roads and Bridges.

(Councillors Watson and Brown)

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

Against: Nil

21.4 Tender for Toolijooa Road Reconstruction

21/206OC

Committee recommendation that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of Cleary Bros (Bombo) Pty Ltd for Tender KIAMA-972510 – Toolijooa Road Reconstruction, for the sum of \$504,000 (excluding GST), but including a construction contingency allowance.
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.
4. note the reallocation of costs savings from Crooked River Bridge concrete remediation project to this project, within the Council adopted budget for renewal of Roads and Bridges.

(Councillors Watson and Rice)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

21.5 Supply and lay of asphaltic concrete 2021-2022

21/207OC

Committee recommendation that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the quotation of Roadworx for the supply and lay of approximately 5,000 tonnes of asphaltic concrete under LGP Contract LGP 213, at an average cost of \$165.20 + GST per tonne.
2. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Way and Steel)

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

Against: Nil

Close of Confidential Committee of the Whole:

21/208OC

Committee recommendation that at this time, 6.35pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Way)

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

Against: Nil

Adoption of Report

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

21/209OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 21/202OC to 21/208OC be confirmed and adopted.

(Councillors Rice and Way)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

20 JULY 2021

22 CLOSURE

There being no further business the meeting closed at 6.41pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 August 2021.

.....
Mayor

Item 3.1

Attachment 1

- 4 BUSINESS ARISING FROM THE MINUTES**
- 5 DECLARATIONS OF INTEREST**
- 6 TABLING OF PETITIONS AND OTHER DOCUMENTS**
- 7 PUBLIC ACCESS SUMMARY**

8 MAYORAL MINUTE

8.1 Youth Work Awards

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council congratulate the SENTRAL team for their nomination as NSW Youth Service of the Year in the Youth Work Awards 2021.

REPORT

I wish to congratulate Council's SENTRAL team for their nomination as NSW Youth Service of the Year.

SENTRAL recently received a We Do Magic Award from the Community Industry Group for their efforts supporting local young people over the last year.

The team is now a finalist in the Youth Work Awards 2021, with other service providers across NSW including Blacktown, Dubbo and Sydney's Northern Beaches.

The way our SENTRAL Youth Services team has responded during COVID-19 and its impact on young people is something we can all be proud of. They have worked extremely hard over the last 12 months, which has tested their own resilience when dealing with suicide and providing grief support.

I know they would want me to acknowledge that they couldn't have managed this without their network of community partners.

Most importantly, we should thank the young people of our community, who inspire our SENTRAL team to do the amazing work they do.

8.2 Donation to local schools for music programs**Attachments**

Nil

Enclosures

Nil

Item 8.2

RECOMMENDED

That Council support school music programs within our Municipality by way of a \$1,000 donation to Minnamurra Public, Kiama Public, Jamberoo Public, Gerringong Public, Kiama High and Ss Peter and Paul Catholic Schools.

Report

Each year the Kiama Coastal Holiday Parks and Kiama Municipal Council make a donation of \$1,000 to the schools within the Municipality to support their music programs.

My fellow Councillors and I, have had the pleasure of experiencing some fantastic school performances and would encourage teachers and students to continue with the music programs on offer.

Minnamurra Public, Kiama Public, Jamberoo Public, Gerringong Public, Kiama High and Ss Peter and Paul Catholic Schools are worthy recipients of this financial contribution.

9 MINUTES OF COMMITTEES

9.1 Minutes: Audit, Risk and Improvement Committee - 27 July 2021

Responsible Director: Office of the Chief Executive Officer

Attachments

- 1 Minutes: Audit Risk and Improvement Committee - 27/07/2021 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Audit, Risk and Improvement Committee meeting held on 27 July 2021 be received and accepted.

Background

The Minutes of the Audit, Risk and Improvement Committee meeting held on 27 July 2021 are attached for Councillors' information.



**MINUTES OF THE
MEETING OF THE AUDIT, RISK AND
IMPROVEMENT COMMITTEE**

commencing at 4pm on

TUESDAY 27 JULY 2021

By Zoom

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

27 JULY 2021

MINUTES OF THE
AUDIT RISK AND IMPROVEMENT COMMITTEE
HELD BY ZOOM ON TUESDAY 27 JULY 2021
COMMENCING AT 4.02PM

PRESENT: Dr P Ross (Chair)
Mr B Robertson, Councillor N Reilly and Councillor A Sloan

IN ATTENDANCE: Mayor, Councillor M Honey, Chief Executive Officer, Chief Financial Officer, Manager Information Technology, Internal Auditor, Risk Manager Coordinator and a representative from Deloitte – R Mpaye

The Chair formally welcomed Council's Chief Executive Officer, Jane Stroud and Internal Auditor, Sally Darragh to the meeting.

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chair declared the meeting open and acknowledged the traditional owners:

"On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Audit, Risk and Improvement Committee on 25 May 2021

21/065ARIC

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 25 May 2021 be received and accepted.

(Councillors Sloan and Reilly)

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

27 JULY 2021

4 DECLARATIONS OF INTEREST

Nil

5 RISK MANAGEMENT

5.1 Update on Risk Management activity

21/066ARIC

Resolved that the Audit, Risk and Improvement Committee note the information provided on Risk Management activity.

(Mr Robertson and Councillor Sloan)

- Noted that cyber risks are not reflected in the organisation's top 20 residual risks however due reporting frequency of these types of activities and the controls that we implement, cyber risks are assessed as a reasonably low risk. These risks are considered as a strategic risk
- The CivicRisk Mutual scoring of the organisation's Continuous Risk Improvement Program is a new model and following application to all councils within the mutual pool should provide some transparency and benchmarking to be reported on in the future
- Scoring on the ERM framework was affected by the delay in rolling out the IP&R module in TechnologyOne and the lack of risk integration into position descriptions and performance review
- The Chair referred to recommendation 13 of the CivicRisk Mutual report and noted that the Audit Office's Fraud Control Checklist has been completed previously
- The organisation's current risk appetite statement is very broad and this will be workshopped with the Executive Leadership Team and the newly elected Council
- **Action:** Internal Auditor to consolidate and collate all recommendations from reports submitted to ARIC into one document to enable tracking and monitoring, and to provide a regular report to the Committee detailing responses and updates.

5.2 Project Update: Enterprise Software Solution (Project Apollo)

21/067ARIC

Resolved that the Audit, Risk and Improvement Committee note the status of the Enterprise Software Solution Project (Apollo) and the mitigation plans to manage significant project risks.

(Councillor Reilly and Mr Robertson)

- During the current financial year the core governance and commercial modules will be released; next financial year asset management module will be the primary focus; and modules for property/rating and record management will follow on.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

27 JULY 2021

- Engaged a third party to work through transactional data, revaluations and data cleansing for assets.

At this time, 4.33pm, the Manager Information Technology left the meeting.

6 CONTROL FRAMEWORK

Nil.

7 EXTERNAL ACCOUNTABILITY

7.1 Timetable for Financial Statements 2021

21/068ARIC

Resolved that the Audit, Risk and Improvement Committee note the information in this report and acknowledge the benefits of applying the timetable in producing the financial statements and meeting timelines.

(Councillor Reilly and Mr Robertson)

- Major challenge is with revaluations, additions and disposals of assets
- Third party provider is engaged to undertake this work and ensure timetable is met.
- Revaluation of investment properties has been sent to Deloitte for sense checking, and stormwater/bridges revaluation is on track and will not impact timetable
- Weakness in lease register is being addressed with regular meetings and implementation of the TechOne contracts module.

7.2 2020/21 Capital Program Performance

21/069ARIC

Resolved that the Audit, Risk and Improvement Committee note the report and budgets approved by Council to be carried-over into the 2021/22 Capital budget. Further that quarterly reporting on the operational status of the organisation be provided to ARIC.

(Mr Robertson and Councillor Reilly)

8 LEGISLATIVE COMPLIANCE

Nil.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

27 JULY 2021

9 INTERNAL ACCOUNTABILITY

9.1 Strategic Internal Audit Plan 2021-2024

21/070ARIC

Resolved that the Audit, Risk and Improvement Committee approve and adopt the Strategic Internal Audit Plan 2021-2024.

(Councillor Sloan and Mr Robertson)

- Internal Auditor has scoped the number of days required for audit tasks and maintaining delivery of the Plan, and will be tracking hours for a period of one month to ensure that the Strategic Internal Audit Plan is sustainable.

10 EXTERNAL AUDIT

10.1 AASB 138 Intangible Assets

21/071ARIC

Resolved that the Audit, Risk and Improvement Committee note and review the recommendations contained in the position paper.

(Councillors Reilly and Sloan)

- Due to the uncertainty of a determination on bed licensing from the Royal Commission into aged care Council will be indexing bed licences for the current year rather than revaluing this asset.

10.2 Draft Financial Sustainability Plan

21/072ARIC

Resolved that the Audit, Risk and Improvement Committee reviewed the information in the draft plan and recommended to present actions in a short, medium and long term format, add review of developer contributions as an action, and include percentage revenue and expenditure targets contained in the Plan.

(Mr Robertson and Councillor Sloan)

- This Plan will be presented to Councillors at a briefing session and will then be made available to the public.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

27 JULY 2021

11 BUSINESS PROCESS IMPROVEMENT AND PERFORMANCE MANAGEMENT

11.1 Chief Executive Officer overview

21/073ARIC

Resolved that the Audit, Risk and Improvement Committee receive and note the report from the Chief Executive Officer and provide comments or recommendations as it determines.

(Councillors Sloan and Reilly)

- Improvements in workforce planning, understanding staffing establishment, clarity around recruitment, the salary system and performance review, together with managing community expectations will guide solutions to current staffing issues and maintain service levels.

12 INFORMATION REPORTS

Nil.

13 GENERAL BUSINESS

13.1 Next meeting date

Next meeting to be scheduled around the timeframe for the annual accounting cycle (late September/early October) and will be confirmed by the CFO.

13.2 ARIC member recruitment

Recruitment is underway for the ARIC vacancy with applications closing on 15 August 2021. The panel will consist of the ARIC Chair, the CEO and a Human Resources team member. The recruitment is targeting a candidate with a strong business improvement management profile.

13.3 Extension of terms for ARIC members

Terms for the current ARIC members – Dr Ross and Mr Robertson – conclude at the end of the year. Under the ARIC Charter the tenure can be extended and the CEO will discuss this with the members individually and formalise a decision within the next 2 weeks. A report will go to the September Council meeting.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

27 JULY 2021

14 CLOSURE

There being no further business the meeting closed at 5:48pm.

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

.....
Chair

Item 9.1

Attachment 1

9.2 Minutes: Blue Haven Board - various meeting datesResponsible Director: Office of the Chief Executive Officer

Attachments

- 1 Minutes - Blue Haven Board - 13/08/2018 [↓](#)
- 2 Minutes - Blue Haven Board - 17/12/2018 [↓](#)
- 3 Minutes - Blue Haven Board - 15/04/2019 [↓](#)
- 4 Minutes - Blue Haven Board - 24/06/2019 [↓](#)
- 5 Minutes - Blue Haven Board - 19/08/2019 [↓](#)
- 6 Minutes - Blue Haven Board - 21/10/2019 [↓](#)
- 7 Minutes - Blue Haven Board - 16/12/2019 [↓](#)
- 8 Minutes - Blue Haven Board - 10/02/2020 [↓](#)
- 9 Minutes - Blue Haven Board - 20/04/2020 [↓](#)
- 10 Minutes - Blue Haven Board - 22/06/2020 [↓](#)
- 11 Minutes - Blue Haven Board - 17/08/2020 [↓](#)
- 12 Minutes - Blue Haven Board - 19/10/2020 [↓](#)
- 13 Minutes - Blue Haven Board - 14/12/2020 [↓](#)
- 14 Minutes - Blue Haven Board - 08/02/2021 [↓](#)
- 15 Minutes - Blue Haven Board - 19/04/2021 [↓](#)
- 16 Minutes - Blue Haven Board - 16/06/2021 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Blue Haven Board Meetings held on the following dates be received and the recommendations therein accepted:

- 13 August 2018
- 17 December 2018
- 18 February 2019
- 15 April 2019
- 24 June 2019
- 19 August 2019
- 21 October 2019
- 20 April 2020
- 22 June 2020
- 17 August 2020
- 19 October 2020
- 14 December 2020
- 8 February 2021
- 19 April 2021

Minutes of Committees

9.2 Minutes: Blue Haven Board - various meeting dates (cont)

-
- 16 December 2019
 - 10 February 2020
 - 16 June 2021

Background

A recent review of the governance for Blue Haven identified that the need to ensure accuracy of the public record. It was noted that not all the Blue Haven Board meeting minutes have been reported to the Council. For ease of reference minutes of all meetings are attached. Additionally, once the minutes are resolved by Council, the Section 355 Policy for the new Blue Haven is to be made publicly available on Council's website.

In future, Blue Haven's reporting framework will be straightforward. Board papers will be prepared and discussed with the new board. Board minutes will be sent through Council's ordinary business paper process to ensure accuracy of the public record. Additionally, a monthly report will be submitted by the Chief Executive Officer, through the ordinary meeting which will provide an update on the operations and strategic work being undertaken by the Board and the Blue Haven staff. Sharing information with ratepayers and the public about the work of this important Council service continues to be a priority for both the Elected representatives and executive of the organisation.



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 5.30pm on

MONDAY 13 AUGUST 2018

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

13 AUGUST 2018

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 13 AUGUST 2018 AT 5.29PM**

PRESENT: Mayor – Councillor M Honey,
Councillors M Brown, N Reilly, A Sloan, D Watson, and M Westhoff

IN ATTENDANCE: General Manager/CEO, Director Blue Haven, Manager ILU Operations, Care Manager, Chief Financial Officer, Manager Community Programs and Manager Operations & Strategy

1 APOLOGIES

BHB-18/001

Resolved that the apologies as tendered be accepted and leave of absence granted.

(Councillors Westhoff and Brown)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 BUSINESS ARISING FROM THE MINUTES

Nil

PRESENTATION

A presentation was made on each of the Blue Haven business units listed below:

- Independent Living Units
- Care Home
- Community
- Carer Respite Centre

MINUTES OF THE BLUE HAVEN BOARD

13 AUGUST 2018

4 REPORT OF THE DIRECTOR BLUE HAVEN

4.1 Blue Haven Care Home - Report of the Care Manager

BHB-18/002

Resolved that the CEO of the Blue Haven Board develop a comprehensive plan to rectify the disparity between projected and actual vacancies in this facility.

(Councillors Reilly and Sloan)

4.2 Blue Haven Bonaira - Hall naming

BHB-18/003

Resolved that the Blue Haven Board endorse the name 'Matterson Hall' for the community hall at Blue Haven Bonaira.

(Councillors Brown and Watson)

4.3 Chief Financial Officer Report

BHB-18/004

Resolved that the Blue Haven Board note and accept the draft 2017/2018 financial performance report for Blue Haven.

(Councillors Brown and Sloan)

4.4 Blue Haven Care Community Transport - Point to Point Transport Services

BHB-18/005

Resolved that the Blue Haven Board endorse the registration of Blue Haven Care Community Transport as a Point to Point provider.

(Councillors Brown and Watson)

MINUTES OF THE BLUE HAVEN BOARD

13 AUGUST 2018

5 REPORTS FOR INFORMATION

5.1 Blue Haven Bonaira - marketing update

5.2 Blue Haven Care Community Programs

BHB-18/006

Resolved that the Blue Haven Board receive and note the information contained in these reports.

(Councillors Brown and Watson)

6 CONFIDENTIAL REPORTS

6.1 Blue Haven Advisory Committee - Expressions of Interest for membership

BHB-18/007

Resolved that the decision on the members of the Advisory Committee be deferred until all Board Members can be available to make a determination.

(Councillors Sloan and Brown)

7 CLOSURE

There being no further business the meeting closed at 07.17pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
21 August 2018

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 5.27pm on

MONDAY 17 DECEMBER 2018

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

17 DECEMBER 2018

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 17 DECEMBER 2018 AT 5.27PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven, Chief Financial
Officer

1 APOLOGIES

18/008BHB

Resolved that the apology of Councillor Brown be accepted and leave of absence granted.

(Councillors Steel and Watson)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Advisory Committee on 5 December 2018

18/009BHB

Resolved that the Minutes of the Blue Haven Advisory Committee Meeting held on 5 December 2018 be received and accepted.

(Councillors Steel and Watson)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE BLUE HAVEN BOARD

17 DECEMBER 2018

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Quality in Pastoral and Spiritual Practice Awards 2018

18/010BHB

Resolved that the Blue Haven Board congratulate the Lifestyle team and Volunteers at the Home that facilitate this program.

(Councillors Rice and Westhoff)

5.2 Blue Haven Transition Project

18/011BHB

Resolved that the Blue Haven Board note this report.

(Councillors Rice and Westhoff)

5.3 Blue Haven Bonaira - Construction Update

18/012BHB

Resolved that the Blue Haven Board note the progress to date on the Blue Haven Bonaira project.

(Councillors Reilly and Steel)

5.4 Blue Haven Care - Prudential Standards Policy

18/013BHB

Resolved that the Blue Haven Board receive and adopt the Aged Care Prudential Standards Policy.

(Councillors Reilly and Steel)

5.5 Naming of the Wings

18/014BHB

Resolved that the Board note this report.

(Councillors Rice and Watson)

MINUTES OF THE BLUE HAVEN BOARD

17 DECEMBER 2018

18/015BHB

Resolved that at this time the Blue Haven Board bring forward and deal with item 5.8 Blue Haven Bonaira - Naming of Aged Care Facility Wings – Addendum.

(Councillors Rice and Watson)

5.8 Blue Haven Bonaira - Naming of Aged Care Facility Wings - Addendum

18/016BHB

Resolved that the Blue Haven Board:

1. endorse the recommendation from the Blue Haven Advisory sub-Committee to name the wings of the new aged care facility using a tree theme: Cedar, Palm, Figtree, Lilly Pilly, Flame Tree, Wattle, Banksia, She Oak.
2. request the proposal for Kiama High students to design a stylised image to complement each of the names to be included on the next Youth Advisory Committee agenda.

(Councillors Rice and Watson)

5.6 Chief Financial Officer Report

18/017BHB

Resolved that the Blue Haven Board note and accept the current 2018/2019 financial performance report for Blue Haven Care.

(Councillors Way and Sloan)

5.7 Blue Haven Bonaira - Proposed Design Modification

18/018BHB

Resolved that the Blue Haven Board endorse the proposed rooftop terrace design, subject to a positive report regarding the structural feasibility.

(Councillors Watson and Steel)

MINUTES OF THE BLUE HAVEN BOARD

17 DECEMBER 2018

5.9 Royal Commission into Aged Care Quality and Safety - Submissions

18/019BHB

Resolved that the Blue Haven Board note the requirements of the Royal Commission into Aged Care Quality and Safety and endorse Council staff to prepare a submission according to the guidelines.

(Councillors Way and Rice)

6 REPORTS FOR INFORMATION

18/020BHB

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

- 6.1 Manager Strategy and Change
- 6.2 Manager Independent Living Units
- 6.3 Manager Community Programs Report
- 6.4 Aged Care Financial Performance Survey Sector Report
- 6.5 Blue Haven Advisory Committee Minutes

(Councillors Way and Rice)

7 GENERAL BUSINESS

Nil

8 CONFIDENTIAL SUMMARY

18/021BHB

Resolved that at this time 6.15pm, the Blue Haven Board form itself into a Confidential Session, subject to the consideration of any representations to such action, to deal with the following matters listed, on the grounds as detailed below:

9.1 BLUE HAVEN VILLAGE – INDEPENDENT LIVING UNITS

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

(Councillors Rice and Westhoff)

MINUTES OF THE BLUE HAVEN BOARD

17 DECEMBER 2018

9 CONFIDENTIAL REPORTS

9.1 Blue Haven Village - Independent Living Units

18/022BHB

Recommendation that the Blue Haven Board note this information.

(Councillors Rice and Westhoff)

Close of Confidential Session:

18/023BHB

Resolved that at this time, 6.24pm, the Confidential Session revert to Open Session.

(Councillors Sloan and Reilly)

18/024BHB

Resolved that the Confidential Session recommendations numbered *18/022BHB* to *18/023BHB* be confirmed and adopted.

(Councillors Reilly and Steel)

10 CLOSURE

There being no further business the meeting closed at 6.25pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 February 2019.

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6.20pm on

MONDAY 15 APRIL 2019

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

15 APRIL 2019

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 15 APRIL 2019 AT 6.20PM**

PRESENT: Mayor – Councillor M Honey,
Councillors N Reilly, K Rice, D Watson, M Way and M Westhoff

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven, Acting Chief Financial Officer, Director Environmental Services

1 APOLOGIES

19/035BHB

Resolved that the Blue Haven Board receive and note the apologies tendered from Councillors Sloan, Steel and Brown.

(Councillors Westhoff and Reilly)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 MINUTES OF PREVIOUS MEETING

Nil.

4 REPORT OF THE DIRECTOR BLUE HAVEN

4.1 Chief Financial Officer Report

19/036BHB

Resolved that the Blue Haven Board note and accept the current 2018/2019 financial performance report for Blue Haven Care.

(Councillors Reilly and Way)

MINUTES OF THE BLUE HAVEN BOARD

15 APRIL 2019

4.2 Aged and Community Services Australia - Illawarra Regional Forum

19/037BHB

Resolved that Council, as the Blue Haven Board, appoint an additional representative/s to the Blue Haven Advisory Committee, being a consumer and/or family member.

(Councillors Reilly and Westhoff)

5 REPORT OF THE FACILITIES MANAGER

5.1 Blue Haven Transition Project Progress Report

19/038BHB

Resolved that the Blue Haven Board note this information.

(Councillors Westhoff and Rice)

6 REPORTS FOR INFORMATION

19/039BHB

Resolved that the Blue Haven Board receive and note the following Reports for Information listed for consideration:

6.1 Blue Haven Independent Living Units Residents Meetings

6.2 Blue Haven Bonaira Monthly Report – March 2019

6.3 Manager Community Programs Report

6.4 Price Increase for Aged Care Home Rooms

6.5 Leaders Summit 2019.

(Councillors Reilly and Westhoff)

7 GENERAL BUSINESS

The Chief Executive Officer advised of the modification application for Blue Haven Bonaira to be submitted to Council which includes the proposed terrace on the top of the residential aged care facility. The modification application will be assessed by Council.

MINUTES OF THE BLUE HAVEN BOARD

15 APRIL 2019

8 CONFIDENTIAL SUMMARY

19/040BHB

Resolved that the Blue Haven Board, in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, close the meeting to the public and press to deal with confidential items 9.1 and 9.2 as the information contained in these reports would, if disclosed, confer a commercial advantage on a competitor of the council as per 10A(2)(dii) of the Local Government Act

(Councillors Rice and Westhoff)

9 CONFIDENTIAL REPORTS

9.1 Blue Haven Dashboard February 2019

19/041BHB

Resolved that the Blue Haven Board note and accept the current 2018/2019 operational performance report for Blue Haven Care.

(Councillors Reilly and Watson)

9.2 Blue Haven Village - Independent Living Units

19/042BHB

Resolved that the Blue Haven Board note this information.

(Councillors Watson and Way)

19/043BHB

Resolved that the Blue Haven Board revert to an open meeting and confirm and adopt confidential resolutions 19/041BHB and 19/042BHB.

(Councillors Watson and Way)

10 CLOSURE

There being no further business the meeting closed at 7.16pm

These Minutes were confirmed at the Blue Haven Board meeting held on 24 June 2019.

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6.38pm on

MONDAY 24 JUNE 2019

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

24 JUNE 2019

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 24 JUNE 2019 AT 6.38PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven and Chief Finance Officer

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES

19/044BHB

Resolved that the Minutes of the Blue Haven Board meeting held on 15 April 2019 be received and accepted

(Councillors Reilly and Steel)

3.1 Business arising from the Minutes

Nil

MINUTES OF THE BLUE HAVEN BOARD

24 JUNE 2019

4 REPORT OF THE DIRECTOR BLUE HAVEN

4.1 Chief Financial Officer Report

19/045BHB

Resolved that the report of the Chief Financial Officer be noted.

(Councillors Watson and Rice)

4.2 Manager Operations and Care - Activity Update

19/046BHB

Resolved that the Blue Haven Board note and endorse the report of the Manager Operations and Care.

(Councillors Reilly and Rice)

5 REPORTS FOR INFORMATION

19/047BHB

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

- 5.1 Reforms arising from the Inquiry into the NSW Retirement Village Sector
- 5.2 Manager Community Programs Update
- 5.3 Blue Haven Bonaira – Monthly Report April 2019
- 5.4 Blue Haven Advisory Committee meeting minutes – 5 June 2019

(Councillors Watson and Westhoff)

6 GENERAL BUSINESS

Nil

7 CONFIDENTIAL SUMMARY

7.1 Exclusion of Press and Public

19/048BHB

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 103 as amended the Blue Haven Board close the meeting to the Press and Public to deal with the following matters on the grounds as detailed below:

MINUTES OF THE BLUE HAVEN BOARD

24 JUNE 2019

8.1 Blue Haven Dashboard April 2019

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

8.2 Blue Haven Village – Independent Living Units

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

8.3 Contract Caretakers – All Stages

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

(Councillors Watson and Westhoff)

8 CONFIDENTIAL REPORTS

8.1 Blue Haven Dashboard April 2019

19/049BHB

Resolved that this information be noted.

(Councillors Brown and Sloan)

Councillor Sloan left the meeting at 07:10 PM.

8.2 Blue Haven Village - Independent Living Units

19/050BHB

Resolved that the Blue Haven Board note the information provided.

(Councillors Steel and Westhoff)

8.3 Contract Caretakers - All Stages

19/051BHB

Resolved that the Blue Haven Board endorses the changes to the contract caretaking function, as described in the report.

(Councillors Brown and Westhoff)

MINUTES OF THE BLUE HAVEN BOARD

24 JUNE 2019

9 CLOSURE

There being no further business the meeting closed at 7.14pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 August 2019

.....
Mayor

Item 9.2

Attachment 4



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6.28pm on

MONDAY 19 AUGUST 2019

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 9.2

Attachment 5

MINUTES OF THE BLUE HAVEN BOARD

19 AUGUST 2019

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 19 AUGUST 2019 AT 6.28PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

Nil.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 24 June 2019

19/052BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 24 June 2019 be received and accepted.

(Councillors Brown and Watson)

BUSINESS ARISING FROM THE MINUTES

Nil.

MINUTES OF THE BLUE HAVEN BOARD

19 AUGUST 2019

4 REPORT OF THE DIRECTOR BLUE HAVEN

4.1 Chief Financial Officer Report

19/053BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Steel)

4.2 Blue Haven Governance overview and Aged Care Quality Standards Compliance Improvement Plan

19/054BHB

Resolved that the Blue Haven Board:

1. endorse the Blue Haven Policy and associated governance documents: Clinical Governance Components and Framework; Corporate Governance Framework; Diversity Plan; Advisory Committee Terms of Reference
2. note the Aged Care Quality Standards Compliance Improvement Plan.

(Councillors Brown and Way)

4.3 Blue Haven Community Programs Update

19/055BHB

Resolved that the Blue Haven Board note and accept this report.

(Councillors Westhoff and Rice)

4.4 Blue Haven Change Management Project

19/056BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Steel and Way)

MINUTES OF THE BLUE HAVEN BOARD

19 AUGUST 2019

4.5 Blue Haven Independent Living Units - Contract Caretakers - All Stages

19/057BHB

Resolved that the Blue Haven Board endorse the changes to the contract caretaking function, as described in the report.

(Councillors Brown and Sloan)

5 REPORTS FOR INFORMATION

19/058BHB

Resolved that the Blue Haven Board receive and note the following Reports for Information listed for the Board's consideration:

- 5.1 Blue Haven Bonaira – Monthly Report
- 5.2 Reforms to the Retirement Villages Act 1000 (NSW)
- 5.3 Blue Haven Advisory Committee meeting minutes

(Councillors Westhoff and Way)

6 GENERAL BUSINESS

Nil.

7 CONFIDENTIAL SUMMARY

7.1 Exclusion of Press and Public

19/059BHB

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

8.1 BLUE HAVEN BONAIRA - PRICING OF THE INDEPENDENT LIVING UNITS

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

MINUTES OF THE BLUE HAVEN BOARD

19 AUGUST 2019

8.2 BLUE HAVEN DASHBOARD JUNE 2019

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

8.3 BLUE HAVEN VILLAGE - INDEPENDENT LIVING UNITS

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

8.4 BLUE HAVEN BONAIRA INDEPENDENT LIVING UNITS - CAPITAL APPRECIATION SHARING

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

8.5 BLUE HAVEN BONAIRA - INDEPENDENT LIVING UNITS

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. The issues placed before Council include the pricing of the Independent Living Units.

. (Councillors Westhoff and Watson)

8 CONFIDENTIAL REPORTS

8.1 Blue Haven Bonaira - Pricing of the Independent Living Units

19/060BHB

Resolved that the Blue Haven Board adopt the pricing for the 59 Independent Living Units at Blue Haven Bonaira, as per the schedule in the valuation report attached to the report.

(Councillors Brown and Way)

8.2 Blue Haven Dashboard June 2019

19/061BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Watson)

MINUTES OF THE BLUE HAVEN BOARD

19 AUGUST 2019

8.3 Blue Haven Village - Independent Living Units

19/062BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Way and Steel)

8.4 Blue Haven Bonaira Independent Living Units - Capital Appreciation Sharing

19/063BHB

Resolved that the Blue Haven Board:

1. adopt the financial arrangements for the initial occupancy of the Independent Living Units at Blue Haven Bonaira, as detailed in this report
2. adopt the same financial arrangements for the Independent Living Units at Blue Haven Terralong.

(Councillors Reilly and Steel)

8.5 Blue Haven Bonaira - Independent Living Units

19/064BHB

Resolved that Council adopt the pricing of the 59 Independent Living Units at Blue Haven Bonaira, as shown in the schedule attached to the report.

(Councillors Brown and Sloan)

9 CLOSURE

There being no further business the meeting closed at 6.54pm

These Minutes were confirmed at the
Ordinary Meeting of Council held on 17 September 2019

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 5.50pm on

MONDAY 21 OCTOBER 2019

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 9.2

Attachment 6

MINUTES OF THE BLUE HAVEN BOARD

21 OCTOBER 2019

MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 21 OCTOBER 2019 AT 5.50PM

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi People of the Dharawal nation, and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 19 August 2019

19/065BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 19 August 2019 be received and accepted.

(Councillors Westhoff and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE BLUE HAVEN BOARD

21 OCTOBER 2019

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Blue Haven Video Surveillance Protocol

19/066BHB

Resolved that the Blue Haven Board adopt the Blue Haven Video Surveillance Protocol.

(Councillors Watson and Brown)

5.2 Aged Care Prudential Standards Policy

Resolved that the Blue Haven Board adopt the Blue Haven Aged Care Prudential Standards Policy.

(Councillors Rice and Sloan)

6 REPORTS FOR INFORMATION

Resolved that the Blue Haven Board receive and note the following Reports for Information listed for the Board's consideration:

- 6.1 Manage Strategy and Change
- 6.2 Home Care Packages – Data Report 4th Quarter 2018-19
- 6.3 Manager Community Programs Report
- 6.4 Illawarra Carer Respite Centre Funding Update
- 6.5 Question for future meeting: Blue Haven Board
- 6.6 Blue Haven Advisory Committee Minutes – 2 October 2019

(Councillors)

7 ADDENDUM TO REPORTS

Resolved that at this time, 6.05pm, the Blue Haven Board bring forward and deal with matters pertaining to the Addendum to Reports.

MINUTES OF THE BLUE HAVEN BOARD

21 OCTOBER 2019

(Councillors)

7.1 Blue Haven Bonaira Residential Care Home - Change of move-in date

Resolved that the Blue Haven Board notes this information.

8 CONFIDENTIAL SUMMARY

8.1 Exclusion of Press and Public

19/067BHB

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

9.1 BLUE HAVEN BONAIRA – INDEPENDENT LIVING UNITS

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

9.2 BLUE HAVEN BONAIRA AND TERRALONG – INDEPENDENT LIVING UNITS

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

9.3 BLUE HAVEN VILLAGE - INDEPENDENT LIVING UNITS

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

9.4 CONTRACT CARETAKERS – ALL STAGES

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

9.5 BLUE HAVEN DASHBOARD AUGUST 2019

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

9.6 CHIEF FINANCIAL OFFICER REPORT

Reason for Confidentiality: This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per

MINUTES OF THE BLUE HAVEN BOARD

21 OCTOBER 2019

Section 10A(2)(dii) of the Local Government Act.

(Councillors Brown and Westhoff)

9 CONFIDENTIAL REPORTS

9.1 Blue Haven Bonaira - Independent Living Units

19/068BHB

Resolved that the Blue Haven Board note this information.

(Councillors Brown and Watson)

9.2 Blue Haven Bonaira and Terralong - Independent Living Units

19/069BHB

Resolved that the Blue Haven Board adopt the Blue Haven Independent Living Unit Valuation Policy.

(Councillors Brown and Steel)

9.3 Blue Haven Village - Independent Living Units

19/070BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Way)

9.4 Contract Caretakers - All stages

19/071BHB

Resolved that the Blue Haven Board endorse the changes to the contract caretaking function, as described in the report.

(Councillors Brown and Way)

MINUTES OF THE BLUE HAVEN BOARD

21 OCTOBER 2019

9.5 Blue Haven Dashboard August 2019

19/072BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Sloan and Westhoff)

9.6 Chief Financial Officer Report

19/073BHB

Resolved that the Blue Haven Board note and endorse the information in this report

(Councillors Brown and Watson)

Close of Confidential Committee of the Whole:

Resolved that at this time, 6.19pm, the Confidential Committee of the Whole revert to Open Council.

Adoption of Report

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

Resolved that the Confidential Committee of the Whole recommendations numbered 19/068BH to 19/073BH be confirmed and adopted.

8 CLOSURE

There being no further business the meeting closed at 6.19pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
19 November 2019

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 5.55pm on

MONDAY 16 DECEMBER 2019

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 9.2

Attachment 7

MINUTES OF THE BLUE HAVEN BOARD

16 DECEMBER 2019

MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 16 DECEMBER 2019 AT 5.55PM

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

Apology

19/074BHB

Resolved that the apology tendered from Councillor Reilly be received and accepted.

(Councillors Steel and Watson)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 21 October 2019

19/075BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 21 October 2019 be received and accepted.

(Councillors Watson and Steel)

MINUTES OF THE BLUE HAVEN BOARD

16 DECEMBER 2019

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Blue Haven Bonaira - Transition Report

19/076BHB

Resolved that the Blue Haven Board note the report and that the Board formally thank the Blue Haven staff for the planning, implementation and execution of the transition from Terralong to Bonaira and also thank the volunteers involved in the move.

(Councillors Brown and Watson)

5.2 Blue Haven Community - Program Update

19/077BHB

Resolved that the Blue Haven Board note the report.

(Councillors Sloan and Rice)

5.3 Commonwealth Home Support Program and Home Care Package group fees and charges

19/078BHB

Resolved that the Blue Haven Board endorses the Commonwealth Home Support Program (CHSP) and Home Care Package (HCP) group Fees and Charges beginning January 2020.

(Councillors Watson and Way)

6 REPORTS FOR INFORMATION

19/079BHB

Resolved that the following reports for information listed for the Blue Haven Board's consideration be received and noted:

1. Blue Haven Bonaira – official opening and open day

MINUTES OF THE BLUE HAVEN BOARD

16 DECEMBER 2019

2. Blue Haven Advisory Committee meeting minutes – 4 December 2019

(Councillors Watson and Way)

19/080BHB

Resolved that the Council staff involved in the official opening and the open day of Blue Haven Bonaira be formally congratulated on their efforts and achievement.

(Councillors Rice and Watson)

7 GENERAL BUSINESS

7.1 Question for future meeting: Standard 1 - Consumer dignity and choice

Councillor Reilly requested a report from the Director Blue Haven with regard to Standard 1 - Consumer dignity and choice on how Blue Haven demonstrates the following:

- (a) each consumer is treated with dignity and respect, with their identity, culture and diversity valued
- (b) care and services are culturally safe
- (c) each consumer is supported to exercise choice and independence
- (d) each consumer is supported to take risks to enable them to live the best life they can
- (e) information provided to each consumer is current, accurate and timely, and communicated in a way that is clear, easy to understand and enables them to exercise choice
- (f) each consumer's privacy is respected and personal information is kept confidential.

8 CONFIDENTIAL SUMMARY

19/081BHB

Resolved that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, the Blue Haven Board close the meeting on the grounds detailed under the report headings as detailed below.

9.1 BLUE HAVEN TERRALONG – STAGE 1 INDEPENDENT LIVING UNITS

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

MINUTES OF THE BLUE HAVEN BOARD

16 DECEMBER 2019

9.2 CHIEF FINANCIAL OFFICER REPORT

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

9.3 BLUE HAVEN TERRALONG – INDEPENDENT LIVING UNITS

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

9.4 BLUE HAVEN BONAIRA – INDEPENDENT LIVING UNITS

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

9.5 BLUE HAVEN DASHBOARD

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

9.6 BLUE HAVEN BONAIRA – ADDITIONAL SERVICES

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

9.7 QUESTION FOR FUTURE MEETING: BLUE HAVEN BOARD

Reason for Confidentiality: This matter permits the meeting to be closed as it relates to details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property under Section 10A(2)(dii) of the Local Government Act.

(Councillors Brown and Westhoff)

9 CONFIDENTIAL REPORTS

9.1 Blue Haven Terralong - Stage 1 Independent Living Units

19/082BHB

Resolved that the Blue Haven Board progress a rental option for Stage 1 Independent Living Units at the discretion of the CEO to obtain the best available rent and meet the policy objectives for affordable housing for over 55s.

(Councillors Brown and Watson)

MINUTES OF THE BLUE HAVEN BOARD

16 DECEMBER 2019

9.2 Chief Financial Officer Report

19/083BHB

Resolved that the Blue Haven Board note and endorse the information in this report.

(Councillors Steel and Sloan)

9.3 Blue Haven Terralong - Independent Living Units

19/084BHB

Resolved that the Blue Haven Board note the information contained within this report.

(Councillors Watson and Steel)

9.4 Blue Haven Bonaira - Independent Living Units

19/085BHB

Resolved that the Blue Haven Board note the contents of this report.

(Councillors Sloan and Way)

9.5 Blue Haven Dashboard

19/086BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Way and Sloan)

9.6 Blue Haven Bonaira - Additional Services

Information report only.

Councillor Sloan left the meeting at 06:30pm.

MINUTES OF THE BLUE HAVEN BOARD

16 DECEMBER 2019

9.7 Question for future meeting: Blue Haven Board

19/087BHB

Resolved that the Blue Haven Board defer determination of this item to allow further information to be reported back to the Board.

(Councillors Brown and Watson)

Close of Confidential Committee of the Whole:

19/088BHB

Resolved that at this time, 6.53pm, the Confidential Committee of the Blue Haven Board revert to Open Council.

(Councillors Watson and Brown)

19/089BHB

Resolved that the Confidential Committee of the Blue Haven Board recommendations numbered 19/082BHB to 19/088BHB be confirmed and adopted.

(Councillors Brown and Way)

10 CLOSURE

There being no further business the meeting closed at 6.55pm

These Minutes were confirmed at the Blue Haven Board meeting held on
10 February 2020

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 5.40 pm on

MONDAY 10 FEBRUARY 2020

Matterson Hall
Blue Haven Bonaira
14A Bonaira Street, Kiama

Item 9.2

Attachment 8

MINUTES OF THE BLUE HAVEN BOARD

10 FEBRUARY 2020

**MINUTES OF THE BLUE HAVEN BOARD MEETING
HELD IN THE MATTERSON HALL, BLUE HAVEN BONAIRA, KIAMA
ON MONDAY 10 FEBRUARY 2020 AT 5:40 PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

20/090BHB

Resolved that the apologies tendered from Councillor Brown and Councillor Westhoff be accepted and the leaves of absence granted.

(Councillors Steel and Reilly)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 16 December 2019

20/091BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 16 December 2019 be received and accepted.

(Councillors Watson and Way)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE BLUE HAVEN BOARD

10 FEBRUARY 2020

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Question for Future Meeting - Standard 1 - Consumer dignity and choice

20/092BHB

Resolved that the Blue Haven Board endorse the actions being taken by Blue Haven to address Standard 1 – Consumer dignity and choice.

(Councillors Reilly and Watson)

Motion

20/093BHB

Resolved that a report on each of the 8 Aged Care Standards be submitted to a Blue Haven Board meeting, with a report on Standard 2 – Ongoing assessment and planning with consumers, being submitted to the April meeting.

(Councillors Rice and Sloan)

6 REPORTS FOR INFORMATION

20/094BHB

Resolved that the following reports for information listed for the Blue Haven Board's consideration be received and noted:

- 6.1 Aged and Community Services Australia National Summit Report – Councillor Reilly
- 6.2 Blue Haven Bonaira marketing campaign update
- 6.3 Manager Strategy and Change Report
- 6.4 Resignation of Fiona Whittaker, Manager Strategy and Change
- 6.5 This was a duplicate report of item 6.3.
- 6.6 Blue Haven Bonaira Transition Report
- 6.7 Blue Haven Home National Quality Indicator Program
- 6.8 Manager Community Programs
- 6.9 Blue Haven Advisory Committee Minutes (The February meeting was cancelled, no minutes tabled.)

(Councillors Watson and Way)

MINUTES OF THE BLUE HAVEN BOARD

10 FEBRUARY 2020

7 GENERAL BUSINESS

Nil.

8 CONFIDENTIAL SUMMARY

8.1 Exclusion Of Press And Public:

20/095BHB

Resolved that at this time, 6.01pm, and in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, the Board close the meeting of the Confidential Committee to the Press and Public on the grounds detailed under the report headings as detailed below.

9.1 CHIEF FINANCIAL OFFICER REPORT

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

9.2 BLUE HAVEN DASHBOARD

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

9.3 BLUE HAVEN BONAIRA - INDEPENDENT LIVING UNITS (ILU) ALLOCATIONS

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

(Councillors Steel and Rice)

9 CONFIDENTIAL REPORTS

9.1 Chief Financial Officer Report

20/096BHB

Committee recommendation that the Blue Haven Board note and endorse the information in the Chief Financial Officer's report.

(Councillors Reilly and Watson)

MINUTES OF THE BLUE HAVEN BOARD

10 FEBRUARY 2020

9.2 Blue Haven Dashboard

20/097BHB

Committee recommendation that the Blue Haven Board note the information contained in the Blue Haven Dashboard report.

(Councillors Reilly and Watson)

9.3 Blue Haven Bonaira - Independent Living Units (ILU) Allocations

20/098BHB

Committee recommendation that the Blue Haven Board note the information contained in the Blue Haven Bonaira – Independent Living Units Allocations report.

(Councillors Reilly and Watson)

Close of Confidential Committee of the Blue Haven Board:

20/099BHB

Committee recommendation that at this time, 6.15pm, the Confidential Committee of the Blue Haven Board revert to Open Meeting.

(Councillors Steel and Reilly)

Adoption of Report

20/100BHB

Resolved that that the Confidential Committee of the Board recommendations numbered 20/096BHB to 20/099BHB be confirmed and adopted.

(Councillors Way and Rice)

10 CLOSURE

There being no further business the meeting closed at 6.15pm.
These Minutes were confirmed at the Blue Haven Board meeting held on 20 April 2020

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6pm on

MONDAY 20 APRIL 2020

Via Zoom meetings

Item 9.2

Attachment 9

MINUTES OF THE BLUE HAVEN BOARD

20 APRIL 2020

**MINUTES OF THE BLUE HAVEN BOARD
HELD VIA ZOOM MEETINGS
ON MONDAY 20 APRIL 2020 AT 6.02PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven, Manager Care and Operations, and Chief Financial Officer

1 APOLOGIES

20/101BHB

Resolved that the apologies tendered from Councillors Brown and Watson be accepted and leaves of absence granted.

(Councillors Westhoff and Way)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

“On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present.”

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 10 February 2020

20/102BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 10 February 2020 be received and accepted.

(Councillors Reilly and Way)

4 BUSINESS ARISING FROM THE MINUTES

Councillor Rice questioned that a report on one of the 8 Aged Care Standards was not included in the business paper as per minute 20/093BHB. Director Blue Haven reported that due to the impact of COVID-19 on workloads and resourcing that it had not been possible to prepare a report. A report will be provided at the June meeting.

MINUTES OF THE BLUE HAVEN BOARD

20 APRIL 2020

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 COVID-19 - Staff, Resident and Clients Protocol

20/103BHB

Resolved that the Blue Haven Board endorse the COVID-19, Staff, Resident and Client Protocol.

(Councillors Reilly and Way)

6 REPORTS FOR INFORMATION

20/104BHB

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

- 6.1 Manager Community Programs Report
- 6.2 Manager Care and Operations Report
- 6.3 Royal Commission into Aged Care – Interim Report

(Councillors Reilly and Rice)

7 GENERAL BUSINESS

Nil

8 CONFIDENTIAL SUMMARY

20/105BHB

Resolved that at this time, 6.15pm, the Board form itself into a Confidential Committee of the Whole to deal with matters listed, subject to the consideration of any representations relating to such action:

- 9.1 Blue Haven Terralong – Independent Living Units
- 9.2 Blue Haven Bonaira – Independent Living Units
- 9.3 Blue Haven Dashboard March 2020
- 9.4 Blue Haven Draft Budget 2021
- 9.5 Chief Financial Officer Report

(Councillors Sloan and Steel)

MINUTES OF THE BLUE HAVEN BOARD

20 APRIL 2020

9.1 Blue Haven Terralong - Independent Living Units

20/106BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Reilly and Westhoff)

9.2 Blue Haven Bonaira - Independent Living Units

20/107BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Sloan and Way)

9.3 Blue Haven Dashboard March 2020

20/108BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Reilly and Steel)

9.4 Blue Haven Draft Budget 2021

20/109BHB

Resolved that the Blue Haven Board note the information contained in this report

(Councillors Westhoff and Way)

9.5 Chief Financial Officer Report

20/110BHB

Resolved that the Blue Haven Board note and endorse the information in this report

(Councillors Rice and Westhoff)

MINUTES OF THE BLUE HAVEN BOARD

20 APRIL 2020

9 CLOSURE

There being no further business the meeting closed at 6.37pm

These Minutes were confirmed at the Blue Haven Board meeting held on 22 June 2020

.....
Mayor

Item 9.2

Attachment 9



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6.40pm on

MONDAY 22 JUNE 2020

Council Chambers
11 Manning Street, Kiama NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

**MINUTES OF THE BLUE HAVEN BOARD MEETING
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 22 JUNE 2020 AT 6.40PM**

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

IN ATTENDANCE: Chief Executive Officer, Acting Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 20 April 2020

20/111BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 20 April 2020 be received and accepted.

(Councillors Watson and Westhoff)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Haven Club – Additional Services Policy

20/112BHB

Resolved that the Blue Haven Board recommend and adopt the Haven Club Additional Services Policy.

(Councillors Brown and Steel)

5.2 Aged Care Quality Standards - Standard 2 update

20/113BHB

Resolved that the Blue Haven Board note the activities of Blue Haven to meet Standard 2 of the Aged Care Standards.

(Councillors Brown and Watson)

5.3 Blue Haven COVID-19 scenario testing

20/114BHB

Resolved that the Blue Haven Board note the contents of the report reflecting the organisation's readiness to manage a COVID-19 outbreak, or similar critical incident.

(Councillors Brown and Way)

5.4 Blue Haven Board Meetings - Proposal for agenda to allow public presentation

20/115BHB

Resolved that the Blue Haven Board endorse creating space within the Board agenda for presentations to be made to the Board that relate to items in the business paper.

(Councillors Sloan and Rice)

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

6 REPORTS FOR INFORMATION

20/116BHB

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

- 6.1 Industry Code for Visiting Residential Aged Care Homes during COVID-19
- 6.2 Literature Review – Cherrie Wakefield RN
- 6.3 Manager Community Programs Report
- 6.4 Blue Haven Aged Care Facility New Emergency Leave Provisions
- 6.5 Blue Haven Advisory Committee – Minutes
- 6.6 Blue Haven Operations During COVID-19

(Councillors Rice and Steel)

7 GENERAL BUSINESS

COUNCILLOR STEEL PUT THE FOLLOWING QUESTIONS TO THE BOARD:

- 1. THAT A SMOKING AREA FOR THE NURSES AT BLUE HAVEN BONAIRA BE INVESTIGATED. ACTING DIRECTOR BLUE HAVEN ADVISED THAT QUOTES FOR A PERMANENT STRUCTURE TO PROVIDE SHELTER AND PRIVACY, HAVE BEEN SOUGHT AND POSSIBLE LOCATIONS ARE BEING CONSIDERED.
- 2. THAT THE LOCATION OF THE PLAQUE LISTING COUNCILLORS' NAMES THAT WAS UNVEILED AT THE OPENING OF BLUE HAVEN BONAIRA BE PROVIDED. ACTING DIRECTOR BLUE HAVEN WILL CONFIRM THE LOCATION BUT BELIEVES THE PLAQUE IS LOCATED AT THE FRONT OF BARROUL HOUSE.
- 3. THAT AN INVESTIGATION BE UNDERTAKEN INTO THE CONSTRUCTION OF A MEN'S SHED AT BLUE HAVEN BONAIRA TO BE LOCATED ON THE GRASS AREA NEXT TO THE STAIRS ON THE SOUTHERN SIDE OF THE SITE. THE CHIEF EXECUTIVE OFFICER ADVISED THAT THIS SITE WAS AN ENCAPSULATION AREA AND ANY COMPACTION REQUIRED FOR CONSTRUCTION MAY NOT REACH TESTING REQUIREMENTS. ACTING DIRECTOR BLUE HAVEN WILL INVESTIGATE THIS PROPOSAL IN CONSULTATION WITH COUNCIL'S PLANNING AND ENGINEERING STAFF.

BLUE HAVEN BONAIRA – MEN'S SHED PROPOSAL

20/117BHB

RESOLVED THAT THE BLUE HAVEN BOARD REQUEST AN INVESTIGATION INTO THE CONSTRUCTION OF A MEN'S SHED ON THE ENCAPSULATION SITE AT BLUE HAVEN BONAIRA.

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

(COUNCILLORS STEEL AND REILLY)

8 CONFIDENTIAL SUMMARY

20/118BHB

RESOLVED THAT AT THIS TIME, 7.18PM, THE BLUE HAVEN BOARD FORM ITSELF INTO A CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH MATTERS LISTED, SUBJECT TO THE CONSIDERATION OF ANY REPRESENTATIONS RELATING TO SUCH ACTION:

- 9.1 BLUE HAVEN INDEPENDENT LIVING UNITS - CARETAKER CONTRACT RENEWALS
- 9.2 BLUE HAVEN TERRALONG - INDEPENDENT LIVING UNITS STAGE 1 – RENTALS
- 9.3 BLUE HAVEN TERRALONG - INDEPENDENT LIVING UNITS - PROVISION OF INCLUSIONS
- 9.4 BLUE HAVEN TERRALONG - INDEPENDENT LIVING UNITS
- 9.5 BLUE HAVEN BONAIRA - INDEPENDENT LIVING UNITS
- 9.6 BLUE HAVEN DASHBOARD - MAY 2020
- 9.7 CHIEF FINANCIAL OFFICER REPORT - MAY 2020
- 9.8 BLUE HAVEN BONAIRA - ILU RESIDENT CONCERNS
- 9.10 BLUE HAVEN TERRALONG - PROPOSED HEIGHT LIMIT CHANGE
- 9.11 BLUE HAVEN GOVERNANCE STRUCTURE

(COUNCILLORS WAY AND BROWN)

9 CONFIDENTIAL REPORTS

9.1 Blue Haven Independent Living Units – Caretaker Contract renewals

20/119BHB

Resolved that the Blue Haven Board endorse the renewal of the Caretaker contracts and their responsibilities as described in this report.

(Councillors Watson and Rice)

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

9.2 Blue Haven Terralong - Independent Living Units Stage 1 - rentals

20/120BHB

Resolved that the Blue Haven Board endorse delaying introducing a rental option for Stage 1 units until the end of 2020, followed by a review.

(Councillors Steel and Westhoff)

9.3 Blue Haven Terralong - Independent Living Units - Provision of inclusions

20/121BHB

Resolved that the Blue Haven Board endorse the changes to the provision of inclusions in Independent Living Units at Blue Haven Terralong, as identified in the report, effective 1 July 2020.

(Councillors Brown and Watson)

9.4 Blue Haven Terralong - Independent Living Units

20/122BHB

Resolved that the Blue Haven Board note this information.

(Councillors Rice and Reilly)

9.5 Blue Haven Bonaira - Independent Living Units

20/123BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

(Councillors Rice and Reilly)

9.6 Blue Haven Dashboard - May 2020

20/124BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Watson and Westhoff)

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

9.7 Chief Financial Officer Report - May 2020

20/125BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Brown and Rice)

9.8 Blue Haven Bonaira – Independent Living Unit resident concerns

20/126BHB

Resolved that the Blue Haven Board:

1. Approve the request of the Resident Committee to convert a single bedroom unit to create a communal resident lounge area.
2. Relocate the caretakers to unit 224.

(Councillors Sloan and Brown)

9.9 Blue Haven Terralong – Proposed height limit change

20/127BHB

Resolved that the Blue Haven Board recognise the concerns of Independent Living Unit residents about the proposed height limit change and will consider these issues in its decision making role as the Council.

(Councillors Sloan and Brown)

9.10 Blue Haven Governance Structure

20/128BHB

Resolved that the Blue Haven Board:

- 1 Confirm its desire to restructure the Board of Blue Haven
- 2 Endorse seeking legal advice regarding an alternate structure that is both permissible under the Local Government Act and meets the requirements of the Aged Care Standards
- 3 Confirm if any other governance arrangements should be explored.

(Councillors Brown and Sloan)

8 CLOSURE

There being no further business the meeting closed at 7.52pm

MINUTES OF THE BLUE HAVEN BOARD

22 JUNE 2020

These Minutes were confirmed at the Blue Haven Board meeting held on 17 August 2020

.....
Mayor

Item 9.2

Attachment 10



**MINUTES OF THE
BLUE HAVEN BOARD MEETING**

commencing at 6pm on

MONDAY 17 AUGUST 2020

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

17 AUGUST 2020

**MINUTES OF THE BLUE HAVEN BOARD MEETING
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 17 AUGUST 2020 AT 6PM**

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

IN ATTENDANCE: Chief Executive Officer, Acting Director Blue Haven,
Chief Financial Officer

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 22 June 2020

20/129BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 22 June 2020 be received and accepted.

(Councillors Watson and Westhoff)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE BLUE HAVEN BOARD

17 AUGUST 2020

5 REPORT OF THE DIRECTOR BLUE HAVEN

5.1 Royal Commission into Aged Care - Interim Report

20/130BHB

Resolved that the Blue Haven Board note this information.

(Councillors Watson and Rice)

6 REPORTS FOR INFORMATION

20/131BHB

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

- 6.1 Manager Care and Operations Blue Haven
- 6.2 Manager Community Programs Report
- 6.3 New Blue Haven Website
- 6.4 Blue Haven Independent Living Units - Residents Committee Notes for Bonaira and Terralong
- 6.5 Blue Haven Advisory Committee - Minutes

(Councillors Watson and Brown)

7 GENERAL BUSINESS

- Acting Director Blue Haven has received positive feedback from the ILU residents on the new social common room
- Councillor Reilly requested an opportunity for some of the residents to present to the Board on their experiences to help us stay connected and for them to understand the Board's function
- Councillor Rice questioned if it is still possible to receive reports on each of the Standards

MINUTES OF THE BLUE HAVEN BOARD

17 AUGUST 2020

8 CONFIDENTIAL SUMMARY

20/132BHB

Resolved that at this time, 7.15pm, the Blue Haven Board form itself into a Confidential Committee of the Whole to deal with matters listed, subject to the consideration of any representations relating to such action:

- 9.1 Blue Haven Bonaira - Independent Living Units
- 9.2 Blue Haven Terralong - Independent Living Units
- 9.3 Chief Financial Officer Report - July 2020
- 9.4 Chief Financial Officer Blue Haven Report – Physiotherapy Services
- 9.5 Chief Financial Officer Blue Haven Report – Blue Haven Dashobard July 2020

(Councillors Brown and Steel)

9 CONFIDENTIAL REPORTS

9.1 Blue Haven Bonaira - Independent Living Units

20/133BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

(Councillors Brown and Steel)

9.2 Blue Haven Terralong - Independent Living Units

20/134BHB

Resolved that the Blue Haven Board note this information.

(Councillors Watson and Brown)

9.3 Chief Financial Officer Report July 2020

20/135BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Brown and Rice)

MINUTES OF THE BLUE HAVEN BOARD

17 AUGUST 2020

9.4 Chief Financial Officer Blue Haven Report - Physiotherapy Services

20/136BHB

Resolved that the Blue Haven Board endorse the recommendation of the tender panel.

(Councillors Way and Sloan)

9.5 Chief Financial Officer Blue Haven Report - Blue Haven Dashboard July 2020

20/137BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Brown and Way)

10 CLOSURE

There being no further business the meeting closed at 7.28pm

These Minutes were confirmed at the Blue Haven Board Meeting held on 19 October 2020

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6pm on

MONDAY 19 OCTOBER 2020

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

19 OCTOBER 2020

MINUTES OF THE BLUE HAVEN BOARD MEETING

HELD IN THE COUNCIL CHAMBERS, KIAMA

ON MONDAY 19 OCTOBER 2020 AT 6PM

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

IN ATTENDANCE: Acting Chief Executive Officer, Acting Director Blue Haven and
Chief Financial Officer

1 APOLOGIES

An apology was received from Councillor Way.

20/129BHB

Resolved that the apology tendered from Councillor Way be accepted and the leave of absence granted.

(Councillors Rice and Watson)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet and pay my respect to Elders past and present."

10 CONFIDENTIAL SUMMARY

To allow a presentation by Maddocks Lawyers the confidential items were brought forward.

Resolved that at this time, 6.01pm, the Blue Haven Board form itself into a Confidential Committee of the Whole to deal with matters listed, subject to the consideration of any representations relating to such action:

- 11.1 Blue Haven Bonaira – Independent Living Units
- 11.2 Blue Haven Terralong – Independent Living Units
- 11.3 Blue Haven Bonaira and Terralong – Independent Living Units – Residents' committee meetings
- 11.4 Independent external audit of the Aged Care Quality Standards
- 11.5 Blue Haven Community Client Management Solution
- 11.6 Blue Haven Dashboard September 2020

MINUTES OF THE BLUE HAVEN BOARD

19 OCTOBER 2020

11.7 Chief Financial Officer Report September

11.8 Blue Haven Governance Structure

(Councillors Honey and Rice)

11 CONFIDENTIAL REPORTS

11.1 Blue Haven Bonaira - Independent Living Units

20/130BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

(Councillors Brown and Watson)

11.2 Blue Haven Terralong - Independent Living Units

20/131BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Brown and Westhoff)

11.3 Blue Haven Bonaira and Terralong - Independent Living Units - Residents' committee meetings

20/132BHB

Resolved that the Blue Haven Board note this information and that the Bonaira ILU Residents' committee meeting minutes reflect that the subject trees are to be replanted in an appropriate spot rather than removed.

(Councillors Brown and Steel)

20/133BHB

Resolved that the Blue Haven Board receive a report at the next Board meeting on the costings and possible locations for a men's shed at Blue Haven Bonaira.

(Councillors Steel and Brown)

MINUTES OF THE BLUE HAVEN BOARD

19 OCTOBER 2020

11.4 Independent external audit of the Aged Care Quality Standards

20/134BHB

Resolved that the Blue Haven Board note the information provided in this report and advise the Directors and staff to continue in their efforts of improvement as detailed in this meeting.

(Councillors Reilly and Rice)

11.5 Blue Haven Community Client Management Solution

20/135BHB

Resolved that the Blue Haven Board endorse the vendor recommended by the selection panel.

(Councillors Brown and Rice)

11.6 Blue Haven Dashboard September 2020

20/136BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Sloan and Rice)

11.7 Chief Financial Officer Report September

20/137BHB

Resolved that the Blue Haven Board note the information in this report.

(Councillors Brown and Steel)

11.8 Blue Haven Governance structure

20/138BHB

Resolved that the Blue Haven Board:

1. express in principal support to establish a Blue Haven Section 355 Committee
2. receive a report on the proposed structure and guidelines of the s355 Committee
3. review and workshop the proposed structure and guidelines of the Committee, prior to endorsement by the Council.

(Councillors Sloan and Brown)

MINUTES OF THE BLUE HAVEN BOARD

19 OCTOBER 2020

Close of Confidential Committee of the Whole:

20/139BHB

Resolved that at this time, 7.31pm, the Confidential Committee of the Whole revert to an Open meeting.

(Councillors Sloan and Westhoff)

20/140BHB

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/130BHB to 20/139BHB be confirmed and adopted.

(Councillors Sloan and Westhoff)

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 17 August 2020

20/141BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 17 August 2020 be received and accepted.

(Councillors Reilly and Rice)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC PRESENTATIONS

Nil

7 REPORT OF THE CHIEF FINANCIAL OFFICER BLUE HAVEN

7.1 Prudential Compliance Policy 2020

20/142BHB

Resolved that the Blue Haven Board adopt the changes in the Aged Care Prudential Standards Policy.

(Councillors Reilly and Rice)

MINUTES OF THE BLUE HAVEN BOARD

19 OCTOBER 2020

Action: The Board to receive an annual report on the review of the refundable deposit register and for this to be reported to the Audit, Risk and Improvement Committee.

8 REPORTS FOR INFORMATION

20/143BHB

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

8.1 Manager Community Programs Report

8.3 Minutes – Blue Haven Advisory Committee – 7 October 2020

And that the Blue Haven Board endorse the following Report for Information:

8.2 Manager Care and Operations Blue Haven.

(Councillors Brown and Reilly)

9 GENERAL BUSINESS

Nil

12 CLOSURE

There being no further business the meeting closed at 7.41pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 17 November 2020

.....

Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6pm on

MONDAY 14 DECEMBER 2020

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

14 DECEMBER 2020

MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE KIAMA COUNCIL CHAMBERS
ON MONDAY 14 DECEMBER 2020 AT 6:23PM

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

IN ATTENDANCE: Acting General Manager, Director Blue Haven, Director
Environmental Services, Director Engineering and Works and
Blue Haven Chief Financial Officer

1 APOLOGIES

Apology

20/144BHB

Resolved that the apology tendered from Councillor Sloan and Councillor Brown be accepted and leaves of absence granted.

(Councillors Steel and Rice)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 19 October 2020

20/145BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 19 October 2020 be received and accepted.

(Councillors Westhoff and Watson)

MINUTES OF THE BLUE HAVEN BOARD

14 DECEMBER 2020

4 BUSINESS ARISING FROM THE MINUTES

Action: DBH to submit to the next Board meeting the full action plan relating to transferring well performing systems between RACF and the community to eliminate risks identified in the audit.

Action: DBH to submit to the next Board meeting a report on the collated data for the 8 Aged Care Quality Standards.

5 DECLARATIONS OF INTEREST

Disclosure of Interest - Councillor Steel

Councillor Steel declared a non-significant non-pecuniary interest in some agenda items as his wife is in residence at the Blue Haven Bonaira Aged Care Facility.

6 PUBLIC PRESENTATIONS

Nil.

7 REPORT OF THE DIRECTOR BLUE HAVEN

7.1 Manager Care and Operations: Summary of Royal Commission Final Hearings and Recommendations

20/146BHB

Resolved that the Blue Haven Board note and accept this report.

(Councillors Reilly and Rice)

8 REPORTS FOR INFORMATION

20/147BHB

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

8.1 Manager Community Programs

8.2 Manager Care and Operations

8.3 Care Connections: Supporting Transition Project

MINUTES OF THE BLUE HAVEN BOARD

14 DECEMBER 2020

8.4 Blue Haven marketing update

8.5 Blue Haven Advisory Committee – Minutes

Note: Maddocks lawyers are preparing a policy for the structure of a Section 355 Committee that will be submitted to the Board for comment as part of a report on governance in the new year.

8.6 Blue Haven – Independent Living Units Bonaira – Information to all residents

(Councillors Westhoff and Rice)

8.2 Manager Care and Operations Report

20/148BHB

Resolved that Mayor Honey write to Caroline (Carla) Miller to formally congratulate Carla on her retirement and thank her for 34 years of service as a registered nurse at Blue Haven.

(Councillors Steel and Way)

9 GENERAL BUSINESS

9.1 Men’s shed

- Councillor Steel questioned progress of building a Men’s Shed at Blue Haven Bonaira
- Director Blue Haven has followed up design and costing, and has been liaising with the other Directors re planning, viability and use of external consultants, if necessary
- Director Engineering and Works would need to review resourcing and the scope of the project before including it in the works schedule.

9.2 Matterson Hall

- Councillor Steel questioned whether Matterson Hall can be used by community members for funerals and other functions. It was confirmed that the Hall can be used for events that are compatible with the site
- Hire fees are included in Council’s fees and charges
- Use of the Hall by the usual Blue Haven groups has been on hold due to COVID-19 but is slowly starting up again
- There is an agreement with ILU residents on hours of operation, with the hall available up until 9pm and the roof top usage closing at 10pm
- Stage 5 does not allow external hire due its ILU rules

MINUTES OF THE BLUE HAVEN BOARD

14 DECEMBER 2020

10 CONFIDENTIAL SUMMARY

20/149BHB

Resolved that at this time, 6.44 pm, the Blue Haven Board form itself into a Confidential Committee of the Whole to deal with matters listed:

- 11.1 Blue Haven Dashboard October 2020
- 11.2 Chief Financial Officer Report October 2020
- 11.3 Blue Haven Terralong – Independent Living Units
- 11.4 Blue Haven Bonaira – Independent Living Units
- 11.5 Blue Haven – Independent Living Units residents' meetings

(Councillors Steel and Way)

11 CONFIDENTIAL REPORTS

11.1 Blue Haven Dashboard October 2020

20/150BHB

Resolved that Blue Haven Board note the information contained in this report.

(Councillors Steel and Way)

11.2 Chief Financial Officer Report October

20/151BHB

Resolved that the Blue Haven Board note the information contained in this report

(Councillors Steel and Way)

11.3 Blue Haven Terralong - Independent Living Units

20/152BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Reilly and Rice)

MINUTES OF THE BLUE HAVEN BOARD

14 DECEMBER 2020

11.4 Blue Haven Bonaira - Independent Living Units

20/153BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

(Councillors Way and Watson)

11.5 Blue Haven - Independent Living Unit's residents' meetings

20/154BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Westhoff and Rice)

Close of Confidential Committee of the Whole:

Adoption of Report

20/155BHB

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/150BHB to 20/154BHB be confirmed and adopted.

(Councillors Steel and Way)

10 CLOSURE

There being no further business the meeting closed at 7:17pm

These Minutes were confirmed at the Blue Haven Board meeting held on 8 February 2020

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6pm on

MONDAY 8 FEBRUARY 2021

Kiama Council Chambers
11 Manning Street
KIAMA NSW 2533

Item 9.2

Attachment 14

MINUTES OF THE BLUE HAVEN BOARD

8 FEBRUARY 2021

**MINUTES OF THE BLUE HAVEN BOARD MEETING
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 8 FEBRUARY 2021 AT 6PM**

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

IN ATTENDANCE: Acting Chief Executive Officer, Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 14 December 2020

[21/156BHB](#)

[Resolved](#) that the Minutes of the Blue Haven Board Meeting held on 14 December 2020 be received and accepted.

(Councillors Reilly and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE BLUE HAVEN BOARD

8 FEBRUARY 2021

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC PRESENTATIONS

Nil

7 REPORT OF THE DIRECTOR BLUE HAVEN

7.1 Progress of audit action plan: RACF

21/157BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Watson)

7.2 Question for future meeting: Blue Haven Bonaira - Proposed Men's Shed

21/158BHB

Committee recommendation that the Blue Haven Board note the information contained in the report and that Councillors Steel and Reilly attend the next resident group meeting to investigate the implementation of a men's group.

(Councillors Steel and Reilly)

8 REPORTS FOR INFORMATION

21/159BHB

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

8.1 Manager Community Programs Report

8.2 Blue Haven Residential – Manager Care and Operations Report

8.3 Question for future meeting: Matterson Hall

(Councillors Brown and Watson)

MINUTES OF THE BLUE HAVEN BOARD

8 FEBRUARY 2021

9 GENERAL BUSINESS

Nil

10 CONFIDENTIAL SUMMARY

21/160BHB

Resolved that at this time, 6.30 pm, the Blue Haven Board form itself into a Confidential Committee of the Whole to deal with matters listed:

- 11.1 CFO Report December 2020
- 11.2 Blue Haven Bonaira – unit sales
- 11.3 Blue Haven Terralong – unit occupancy report
- 11.4 Blue Haven Dashboard December 2020
- 11.5 Blue Haven Terralong – update re proposed rental model
- 11.6 Barroul House Café – operating model
- 11.7 National Disability Insurance Scheme – strategic direction

(Councillors Way and Steel)

11 CONFIDENTIAL REPORTS

11.1 CFO Report December 2020

21/161BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Way)

11.2 Blue Haven Bonaira - unit sales

21/162BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

MINUTES OF THE BLUE HAVEN BOARD

8 FEBRUARY 2021

(Councillors Sloan and Brown)

11.3 Blue Haven Terralong - unit occupancy report

21/163BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Way and Watson)

11.4 Blue Haven Dashboard December 2020

21/164BHB

Resolved that the Blue Haven Board note the information contained in this report

(Councillors Rice and Steel)

11.5 Blue Haven Terralong - update re proposed rental model

21/165BHB

Resolved that the Blue Haven Board note the information contained in the report.

(Councillors Brown and Watson)

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

Against: Councillor Rice

11.6 Barroul House Cafe - operating model

21/166BHB

Resolved that the Blue Haven Board support developing an Expression of Interest to enter into a lease for the operation of Barroul House Café.

(Councillors Brown and Way)

MINUTES OF THE BLUE HAVEN BOARD

8 FEBRUARY 2021

11.7 National Disability Insurance Scheme - strategic direction

21/167BHB

Resolved that the Blue Haven Board support Blue Haven's transition out of providing community based services under the NDIS.

(Councillors Reilly and Brown)

CLOSE OF CONFIDENTIAL COMMITTEE OF THE WHOLE

Adoption of Report

21/168BHB

Resolved that that the Confidential Committee of the Whole recommendations numbered 21/161BHB to 21/167BHB be confirmed and adopted.

(Councillors Reilly and Westhoff)

12 CLOSURE

There being no further business the meeting closed at 6:58 pm

These Minutes were confirmed at the Blue Haven Board meeting held on 19 April 2021.

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6pm on

MONDAY 19 APRIL 2021

Kiama Council Chambers
11 Manning Street
KIAMA NSW 2533

Item 9.2

Attachment 15

MINUTES OF THE BLUE HAVEN BOARD

19 APRIL 2021

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON MONDAY 19 APRIL 2021 AT 5:25PM**

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

IN ATTENDANCE: Acting Chief Executive Officer, Acting Director Blue Haven and
Chief Financial Officer

1 APOLOGIES

Apology

21/169BHB

Resolved that the apology tendered from Councillor Brown be accepted and the leaves of absence granted.

(Councillors Watson and Steel)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 8 February 2021

21/170BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 8 February 2021 be received and accepted.

(Councillors Westhoff and Watson)

MINUTES OF THE BLUE HAVEN BOARD

19 APRIL 2021

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC PRESENTATIONS

Mayor, Councillor Honey tabled a petition from the Blue Haven Terralong Independent Living Unit residents in relation to reinstating the caretakers.

7 REPORT OF THE CHIEF FINANCIAL OFFICER BLUE HAVEN

Item 7.1 *Business improvement fund phase 1 tender* has been moved to confidential committee.

8 REPORT OF THE DIRECTOR BLUE HAVEN

8.1 Quality and Clinical Indicators

21/171BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Way and Steel)

8.2 Announcement of partnerships supporting local education and training

21/172BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Watson and Rice)

MINUTES OF THE BLUE HAVEN BOARD

19 APRIL 2021

9 REPORTS FOR INFORMATION

21/173BHB

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

- 9.1 Manager Community Programs
- 9.2 Blue Haven Advisory Committee Minutes – 7 April 2021
- 9.3 Blue Haven Bonaira – Site Management Plan – contaminated soils

(Councillors Watson and Rice)

10 GENERAL BUSINESS

10.1 Havilah Place – Blue Haven Terralong

Councillor Watson questioned the maintenance schedule for the vacant Havilah Place site. A maintenance plan had been prepared for the vacant site however the NSW Electoral Commission will be using the site leading up to the September Local Government elections. Council has a project officer working with the Electoral Commission to meet their requirements.

There is also a nominal budget to do some maintenance such as gutter cleaning, fire safety, gardening, etc.

The majority of the furniture and fittings remain at the site.

11 CONFIDENTIAL SUMMARY

21/174BHB

Resolved that at this time, 5.39pm, the Blue Haven Board form itself into a Confidential Committee of the Whole to deal with matters listed.

(Councillors Way and Reilly)

MINUTES OF THE BLUE HAVEN BOARD

19 APRIL 2021

12 CONFIDENTIAL REPORTS

12.1 Blue Haven Governance Structure

21/175BHB

Resolved that the Blue Haven Board consider and provide feedback on the matters relating to the draft Blue Haven Section 355 Committee Policy as outlined in this report.

(Councillors Rice and Westhoff)

Motion

21/176BHB

Resolved that the Blue Haven Board establish a sub-group to investigate a Blue Haven Section 355 Committee.

(Councillors Reilly and Rice)

12.2 Serious Incident Response Scheme (SIRS)

21/177BHB

Resolved that the Blue Haven Board note this information and approve the Serious Incident Response Scheme Policy.

(Councillors Watson and Way)

12.3 Independent Living Units - Complaints Policy

21/178BHB

Resolved that the Blue Haven Board endorse the processes described in the report and the following documents, and that they are implemented:

1. Feedback, Complaints and Internal Disputes Policy
2. Complaint Handling Process – for complaints lodged by Village residents
3. Internal Dispute Resolution Process – for disputes lodged by residents
4. Complaint and Feedback Investigation Form
5. Elder Abuse Prevention Protocol
6. Internal Dispute Resolution Process – for disputes lodged by Retirement Village contract caretakers
7. Village Residents' guide to the role of the Contract Caretaker

MINUTES OF THE BLUE HAVEN BOARD

19 APRIL 2021

8. Village Rules

(Councillors Sloan and Watson)

12.4 Blue Haven Draft Budget 2021/22

21/179BHB

Resolved that the Blue Haven Board adopt the Draft Budget for 2021/22.

(Councillors Watson and Way)

At this time, the Acting Chief Executive Officer left the meeting.

12.5 CFO Report February 2021

21/180BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Way and Westhoff)

12.6 Blue Haven Dashboard February 2021

21/181BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Way and Steel)

12.7 Blue Haven Independent Living Units - Residents' meetings

21/182BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Watson and Sloan)

12.8 Blue Haven Terralong - Independent Living Units

21/183BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Watson and Rice)

MINUTES OF THE BLUE HAVEN BOARD

19 APRIL 2021

12.9 Blue Haven Terralong - Independent Living Units - rental model

21/184BHB

Resolved that the Blue Haven Board receive a further report on accommodation options at Blue Haven Terralong.

(Councillors Reilly and Rice)

12.10 Blue Haven Bonaira - Independent Living Units

21/185BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

(Councillors Watson and Way)

7.1 Business Improvement Fund Phase 1 Tender

21/186BHB

Resolved that the Blue Haven Board endorse the firm recommended by the selection panel.

(Councillors Rice and Steel)

13 CLOSURE

There being no further business the meeting closed at 6:48pm.

These Minutes were confirmed at the Blue Haven Board meeting held on 21 June 2021.

.....
Mayor



MINUTES OF THE BLUE HAVEN BOARD MEETING

commencing at 6pm on

WEDNESDAY 16 JUNE 2021

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN BOARD

16 JUNE 2021

**MINUTES OF THE BLUE HAVEN BOARD
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON WEDNESDAY 16 JUNE 2021 AT 6PM**

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

IN ATTENDANCE: Chief Executive Officer, Director Blue Haven and Chief
Financial Officer

1 APOLOGIES

Apology

21/187BHB

Resolved that the apology tendered from Councillor Steel and from Councillor Sloan be accepted and leaves of absence granted

(Councillors Reilly and Brown)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"I would like to acknowledge the traditional owners of the Land on which we meet, the Wadi Wadi people of the Dharawal nation, and pay my respect to Elders past and present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Blue Haven Board on 19 April 2021

21/188BHB

Resolved that the Minutes of the Blue Haven Board Meeting held on 19 April 2021 be received and accepted.

(Councillors Reilly and Watson)

MINUTES OF THE BLUE HAVEN BOARD

16 JUNE 2021

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Nil

6 PUBLIC PRESENTATIONS

Nil

7 REPORT OF THE DIRECTOR BLUE HAVEN

7.1 Clinical Dashboard

21/189BHB

Resolved that the Blue Haven Board note the information contained in this report and attachment.

(Councillors Brown and Watson)

7.2 Discussion of high impact items stemming from the Royal Commission and Federal Budget

21/190BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Watson)

7.3 Key Role Changes

21/191BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Westhoff)

MINUTES OF THE BLUE HAVEN BOARD

16 JUNE 2021

8 REPORTS FOR INFORMATION

21/192BHB

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

- 8.1 Blue Haven Advisory Committee Meeting – Minutes
- 8.2 Manager Community Programs.

(Councillors Rice and Way)

9 GENERAL BUSINESS

Nil

10 CONFIDENTIAL REPORTS

21/193BHB

Resolved that at this time, the Blue Haven Board form itself into a Confidential Committee to deal with matters listed.

(Councillors Brown and Way)

11 CONFIDENTIAL REPORTS

11.1 Blue Haven Dashboard April 2021

21/194BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Reilly)

11.2 Blue Haven Governance Structure 355 Policy

21/195BHB

Resolved that the Blue Haven Board:

- 1. approve the Section 355 policy and direct staff to establish a Section 355 Committee for the governance of Blue Haven.

MINUTES OF THE BLUE HAVEN BOARD

16 JUNE 2021

2. appoint Councillors Honey and Rice as the councillor representatives on the Section 355 Committee.

(Councillors Brown and Way)

11.3 Chief Financial Officer Report April 2021

21/196BHB

Resolved that the Blue Haven Board note the information contained in this report.

(Councillors Brown and Way)

11.4 Independent Living Units - Caretaking Function

21/197BHB

Resolved that the Blue Haven Board endorse the changes to the contract caretaking arrangements, as described in the report.

(Councillors Reilly and Westhoff)

11.5 Blue Haven Bonaira - Independent Living Units

21/198BHB

Resolved that the Blue Haven Board endorse the actions taken to allocate units at Blue Haven Bonaira.

(Councillors Rice and Brown)

11.6 Blue Haven Villages - Independent Living Unit Pricing

21/199BHB

Resolved that the Blue Haven Board

1. adopt the revised Independent Living Unit prices as detailed in the report
2. undertake a review of the Independent Living Unit prices with effect from 1 January 2022.

(Councillors Brown and Way)

MINUTES OF THE BLUE HAVEN BOARD

16 JUNE 2021

11.7 Comparison of an alternate sales model for Bonaira retirement village units.

21/200BHB

Resolved that the Blue Haven Board note the information contained in this report.
(Councillors Brown and Reilly)

11.8 Blue Haven - Independent Living Units - complaints statistics

21/201BHB

Resolved that the Blue Haven Board note the information contained in this report.
(Councillors Way and Rice)

11.9 Blue Haven - Independent Living Units - revaluation policy

21/202BHB

Resolved that the Blue Haven Board note this information and approve the change to the Policy on the valuation of the ILU's.
(Councillors Brown and Way)

11.10 Blue Haven - Independent Living Units residents' meetings

21/203BHB

Resolved that the Blue Haven Board note this information.
(Councillors Westhoff and Brown)

12 CLOSURE

There being no further business the meeting closed at 7.16pm.

These Minutes were confirmed at the Blue Haven Board on 16 August 2021.

.....
Mayor

9.3 Minutes: Destination Kiama Tourism Advisory Committee Meeting - 27 July 2021Responsible Director: Corporate and Commercial Services

Attachments

- 1 Destination Kiama Tourism Advisory Committee - minutes of meeting held 27/07/2021 [↓](#)
- 2 Destination Events - Funding Criteria 2021 [↓](#)
- 3 Destination Kiama - Destination Event Funding Proposals Summary TAC Meeting 27 July 2021 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 27 July 2021 be received and the following recommendations accepted:

1. That Destination Kiama provide support to the below provided the terms and conditions are agreed and adhered to:
 - a. KISS Arts Festival for \$10,000 plus up to \$2,500 in-kind to support reserve and venue hire, and waste removal;
 - b. Eat Like A Local for \$7,500 plus up to \$2,500 in-kind to support reserve and venue hire, and waste removal;
 - c. Seaside and Valley Veterans Golf for \$600 to support the marketing outside the LGA;
 - d. Harlow – Music and Food Festival for \$6,000 plus up to \$2,000 in-kind to support reserve and venue hire, and waste removal;
 - e. Kiama Sevens 50th Year for \$7,000 plus up to \$3,000 in-kind to support reserve and venue hire, and waste removal;
 - f. Kiama Coastal Classic for \$7,500.
2. In addition to the funds allocated from Kiama Municipal Council's community development budget, Destination Kiama provide further support to the value of \$6,000 to be allocated to marketing and attracting both performers and visitors from outside the area for the Kiama Jazz and Blues Festival.
3. Destination Kiama enter into a six month partnership with Surfing NSW to the value of \$8,000 in order to secure the Australian Open of Surfing and the Woolworths Surfer Grom events. Whilst supporting the community programs and media plan.

Minutes of Committees

- 9.3 Minutes: Destination Kiama Tourism Advisory Committee Meeting - 27 July 2021 (cont)
-

BACKGROUND

The Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 27 July 2021 are attached for Councillors' information, along with a copy of the Destination Events funding criteria, and the Destination Events funding proposals summary that was presented at the meeting.

Item 9.3

**Meeting Notes
Destination Kiama Tourism Advisory Committee
27 July 2021 @ 4.00pm – The Pavilion Kiama**

PRESENT: Councillor Matt Brown (Chair), Councillor Warren Steel, Cameron McDonald, Marcus Testoni, Rob Sciacchitano, Megan Hutchison (Acting Director Corporate and Commercial Services), Sally Bursell (Acting Manager Tourism and Events).

1. Acknowledgment of Country

Councillor Brown provided the Acknowledgment of Country and chaired the meeting.

2. Apologies

Jane Stroud (Chief Executive Officer)

3. Minutes of 14 April 2021

The minutes of the previous meeting held on 14 April 2021 were received and accepted with no business arising.

Moved: Cllr Warren Steel

Seconded: Marcus Testoni

4. Kiama Tourism and Events Strategy Update

Consultants, Eathcheck, engaged to carry out the review of the Kiama Tourism & Events Tourism & Events plan. Earthcheck have worked with the Acting Manager, Tourism & Events on carrying out a consultation process:

- i) One on one with representatives from key stakeholder groups:

Regional government funding bodies, large event organisers, Council representatives the CEO, Strategic Planning Manager and Economic Development Manager, Tourism Advisory Committee Chairperson as well as the NSW Tourism statistical analyst;

- ii) Via survey to 645 Destination Kiama partners and stakeholders; and
iii) To the Tourism Advisory Committee via zoom meeting.

Key themes to adjust in the existing plan:

- COVID-19 recovery and providing support with an aim of resilience
- Focus on adventure/nature based
- Continued focus on harbour revitalisation and beach and foreshore activation (including surf clubs)
- Better facilitation and support for events
- Development of stronger partnerships and working regionally
- Tourism investment (eg. Investment prospectus for hotels)
- Facilitating opportunities to increase day visitors spend
- Focus on visiting friends and relatives (VFR) market
- A focus on assisting and facilitating surf club activation

The preliminary draft of the plan was made available to the TAC for review. The TAC noted that the current Strategic Plan is still very relevant and the detail will come in the implementation of the Action Plan.

Key next steps:

- 28 – 30 July Feedback on draft Strategic Plan
- 4 August Preparation and delivery of completed document
- 5 – 6 August Consultation on phased Action Plan
- 10 August Delivery of draft Action Plan
- 11 August Feedback and delivery of completed Action Plan

The Committee are invited to provide comments on the draft strategic plan to the Acting Tourism Manager by 30 July 2021.

Resolved:

That the Tourism Advisory Committee note and agree to the timeline for the draft Tourism & Events Strategic Plan.

Moved: Rob Sciacchitano

Seconded: Cameron McDonald

5. Kiama Tourism Opportunity Plan (TOP) – implementation update

Tourism & Events Strategic Plan

Following completion of the five-year Tourism & Events Strategic Plan discussed previously, an Action Plan will follow. This will detail specified activities over the next three years to achieve outcomes outlined in the TOP and more broadly, the Strategic Plan.

Kiama & Gerringong Highway Bypass Signs

All but one Kiama & Gerringong Highway Bypass Signs have been installed. Following a discussion with the RMS, they are still awaiting a response from their Engineers. We have expressed our dissatisfaction at the ongoing delays.

Beach and Foreshore Activation (Lead – Manager Tourism & Events)

The Acting Tourism & Events Manager has contacted the President of Kiama SLSC, Lachlan Payne. The club have just completed interior renovations and are interested in exploring possibilities to create revenue. Mr Payne has advised that land classification and zoning restrictions are preventing the club fully utilising the asset.

Resolved:

That a roundtable discussion be held with TAC, Kiama Surf Life Saving Club office bearers and Council senior staff to:

- i) Clarify the Clubs proposed and desired outcome with regards to activation and revenue building capacity for the club; and
- ii) Developing a short and medium term action plan as it relates to the outcome identified in the Tourism Opportunity Plan.

Moved: C/r Warren Steel

Seconded: Rob Sciacchitano

Headland, Harbour and Foreshore Activation (Lead – Economic Development Committee)

The implementation of the Kiama Harbour Masterplan is currently pending Ministerial approval to exhibit the draft.

Although the strategic opportunities outlined had a strong tourism focus (see overleaf), it would be envisaged that the framework will require further collaboration with a variety of stakeholders to identify projects that can be delivered in the short to medium term. Council will seek to advocate for an action plan that is achievable and meets the objectives of the Tourism Opportunities Plan.

In more positive news work on replacing the CRIB wall is due to commence in the near future which will allow for better pedestrian access and functionality.

<p>1. Extend activities to increase offer for residents and tourists length of visitation</p> <p>Explore opportunities to incorporate new complementary activities which are appealing to both residents and visitors, and in particular promote extended visitor stays.</p>	<p>2. Invest in existing and new maritime infrastructure</p> <p>Identify elements of infrastructure, either new or existing which will assist in optimising the opportunities.</p>	<p>3. Improve the public domain</p> <p>Opportunities to create a unified, high quality pedestrian focused public domain which links the 'jewel in the crown' to the town centre and other immediate attractions and precincts will benefit those enjoying the harbour on foot or bike.</p>	<p>4. Unlock ownership and leasehold opportunities</p> <p>Understanding the opportunities with current ownerships and leaseholds and which can be prioritised. All future proposals for redevelopment present an opportunity to review complex legacy issues.</p>	<p>5. Connect the harbour with other places</p> <p>The Harbour is located within close walking proximity of key precincts and the coastal walk in the centre. It is also located within close proximity of other cities along the coast. Both these opportunities should be explored.</p>	<p>6. Integrate all movement networks for all users</p> <p>The nature of the harbour, headland and the existing movement offers the opportunity to rationalise landside movement to dedicate areas for those not in vehicles.</p>
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Action:

The Acting Tourism & Events Manager invite Anthony Body to the next Tourism Advisory Committee meeting to provide an update on this project and also that of the Kiama Arts Precinct.

Activating Walking and Trail Experiences (Lead – Director of Engineering) – Great South Coast Walk / Escarpment Walking Track

Destination Sydney Surround South submitted an AUSTRADE grant application to conduct brand development work for the **Great South Coast Walk**. This walk suggests eleven sections, each taking 3-4 days to complete. The sections are as follows:

- | | |
|--------------------------------------|------------------------------------|
| 1 – Royal National Park / Escarpment | 2 – The Illawarra and Kiama Coasts |
| 3 – The Shoalhaven and Jervis Bay | 4 – Jervis Bay to Ulladulla |
| 5 – The Murramarang Coast | 6 – The Eurobodalla Coast 1 |
| 7 – The Eurobodalla Coast 2 | 8 – Mimosa Rocks National Park |
| 9 – The Sapphire Coast | 10 – Ben Boyd National Park |
| 11 – Nadgee-Howe Wilderness | |

ISJO are the **Escarpment Walking Track** project lead and recently a new executive officer has been appointed and it is expected this project will progress.

A Regional Strategy for Cycle Tourism

A Regional Strategy for Cycle Tourism has been developed by Waples Marketing, led by Illawarra Shoalhaven Joint Organisation (ISJO) and in consultation with each of the south coast regions. This document was developed via Wollongong UCI (what is UCI) Legacy Funding and the executive summary was provided to the Committee.

The plan largely recognises the lack of resources and project leads in each of the LGAs. It references the goals associated within the Kiama TOP and specifies the need for linkages between each LGA. It specifies the need to connect Kiama to Jamberoo (a project already endorsed by Council).

The strategy identifies the sector as being high yielding, with the visitor spend significantly above the average spend per night (\$237 vs \$144 *source: South Coast visitor profile YE Sept 20, TRA/DNSW*).

The key themes identified are: leveraging the areas key assets (eg. L'Etape); connection and collaboration between the LGA's; and focus on travel ready packages & tours.

The next step is for ISJO to initiate collaboration among stakeholders via an intra-regional cycle tourism working group with a short term action led agenda.

Council 2021-22 Capital Works Program (TOP projects):

Project	Council Commitment
Jamberoo Valley Cycleway Construction	\$100,000
Bombo Headland Eco Walk	\$375,000
Hindmarsh Park Playground Upgrade	State Gov - \$3 million to be allocated over the next two years.
Kiama Town Centre Study - Traffic Improvements	State Gov - \$3 million to be allocated over the next two years.

It has been confirmed with the Director of Engineering and Works that Destination Kiama will be invited to be involved with the Masterplanning of the Hindmarsh Park Playground upgrade project.

This large project will begin this financial year and have connections to the harbour foreshore and soon to be Arts Precinct.

6. Eat Like a Local Presentation

Mahlah Grey and Nick Martin introduced the concept of their event under their newly formed organisation Local Food Events Inc. The event, Eat Like a Local Food Week (running for 10 days) will be based on the very successful and well established events of F.O.O.D. Week in Orange and the Scenic Rim Local Food Week whereby individual events will be organised and curated by the organising committee, all with a passion for local food, and experience with events, marketing and festival organisation. The first year of the event will look to have at

least 50 events in different locations – on farms, in restaurants and by community organisations along the loop from Kiama, Gerringong, Gerroa, Shoalhaven Heads, Berry, Kangaroo Valley, Fitzroy Falls, Burrawang, Robertson, Jamberoo and back to Kiama. The event will leverage off the publicity of L'Etape, however will have its own character and standing, attracting a wider audience also.

7. Destination Events

Destination Sponsored events update 2021/22

Event	Event Date	Sponsorship
Kiama Skatefest (postponed)	7-8 Aug 21	\$7,500.00
Kiama Skatefest - Additional Funding	7-8 Aug 21	\$2,500.00
Jamberoo Music Festival (cancelled)	17-18 Jul 21	\$-
Kiama Readers Festival (postponed)	23-25 Jul 21	\$1,000.00
Folk by the Sea (cancelled)	24 Sep 21	\$-
National Rose Championships	15-18 Oct 21	\$7,800.00
Wind and Waves Festival	26-27 Mar 22	\$10,000.00
Total Amount Committed 2021/22		\$31,800.00

Update from SkateFest

Up until the most recent extension of lockdown, the event was going ahead as planned for 7-8 August. Event organiser, Donny Fraser, has been in contact with Sunrise and the Woolley family (Kieran Woolley is at the Olympics) and is trying to arrange an interview.

A new element in this year's event is involving the under 8 year olds to encourage their involvement in the sport.

The event organisers confirmed 29 July, 2021 that SkateFest has been postponed with a date to be scheduled as soon as possible to allow participants competition to qualify for the National Event.

Destination events seeking sponsorship

A summary of the six events seeking funding support for round three were provided to the Committee. Along with this is an *Application Assessment* which scored each of the events based on the criteria laid out in the Destination Events Application Guidelines. A copy of the scorecard is attached to these minutes

One event was deemed 100% community oriented (Jamberoo Carols) and was forwarded to the relevant Council department. These need to be rearranged in order of highest to lowest score.

Event Seeking Support	Score	TAC Recommendations
KISS Arts Festival	62/70	\$10,000 plus up to \$2,500 in-kind to support reserve and venue hire, and waste removal.
Eat Like A Local	61/70	\$7,500 plus up to \$2,500 in-kind to support reserve and venue hire, and waste removal.
Seaside and Valley Veterans Golf	42/70	\$600 to support the marketing outside the LGA.
Harlow – Music and Food Festival	55/70	\$6,000 plus up to \$2,000 in-kind to support reserve and venue hire, and waste removal.
Kiama Sevens 50 th Year	65/70	\$7,000 plus up to \$3,000 in-kind to support reserve and venue hire, and waste removal.
Kiama Coastal Classic	60/70	\$7,500

Major & Destination Events funding level qualification*	
Level of funding	Score
Up to \$20,000 monetary or in-kind support	61 - 70
Up to \$10,000 monetary or in-kind support	51 - 65
Up to \$5,000 monetary or in-kind support	41 - 50
No funding	40 or less

Source: Destination-Events-Funding-Guidelines-January-2021 – Page 6

All successful applicants are required to sign terms and conditions pertaining to their responsibilities (including safety), relevant approvals being sought, key milestones to reach, and detailed post event reporting completed.

Failure to execute the event within the documented agreement terms will result in a full refund of all moneys provided by Destination Kiama / Kiama Municipal Council for the event.

A new COVID-19 clause is also now also included within the contract, with a force majeure clause. Considered on a case by case basis, in such circumstances that an occurrence outside the reasonable control of the affected party takes place.

Recommendation:

That Destination Kiama provide support to the above mentioned applicants for the event applications received for the agreed amounts, provided the terms and conditions are agreed and adhered to.

Moved: Rob Sciacchitano

Seconded: Marcus Testoni

Partnerships & Other Requests

Kiama Jazz and Blues Festival

Kiama Jazz and Blues Club has been supported by Kiama Council via resolution for 2022-2026 to the value of \$14,000, plus in-kind support for the annual Kiama Jazz and Blues Festival.

A recent email from the Kiama Jazz & Blues Festival advised that they require an allocation of \$20,000, plus in-kind support, in order to run the festival successfully and ensure continued strength, sustainability and partnership.

Recommendation:

In addition to the funds allocated from Kiama Municipal Council's community development budget, Destination Kiama provide further support to the value of \$6,000 to be allocated to marketing and attracting both performers and visitors from outside the area.

Moved: Cameron McDonald

Seconded: Marcus Testoni

Partnership – Surfing NSW + Kiama Municipal Council

A renewed partnership agreement was tabled between Surfing NSW and Destination Kiama (Kiama Municipal Council) for the next three years 2021/22, 22/23 & 23/24. Based supporting four surfing events within the Municipality, Surfing NSW rolling out four community programs as well as a content and media plan, the agreement was costed at \$17,600 per year (\$4,000 + GST to be paid quarterly) for three years. The partnership agreement was provided to the committee for review.

Kiama Council has had a longstanding partnership and strong working relationship with Surfing NSW, dating back to 2010. These annual partnerships have included financial backing (ranging between \$3,000 and \$10,000) as well as in-kind support via staff accommodation, lifeguard services, waste services. In 2015 Council resolved to support a three year sponsorship proposal until June 2018 (\$36,000 + GST over three years + in-kind support), this three year partnership also occurred in 2018 – 2021.

Through these agreements, large scale, high quality and professional events have been staged in the Kiama LGA, such as the Australian Kneeboarding Titles, Australian Junior Titles, NSW Bodyboard State Titles, Surfer Groms Competitions, Australian Boardriders Battle, NSW Regional Junior Surfing Titles, as well as smaller events, working with local Board Rider clubs in Gerringong and Kiama Downs.

Education and coaching is also a focus throughout the agreements, with Surfing NSW supporting Surfer Rescue 24/7 courses (whereby they teach surfers how to assist in an emergency, as they are often the only people on site in times of need), courses in competition judging and high performance coaching and well as indigenous surf camps.

These large scale events provide exceptional media opportunities, offer ambassadorial relationships and strong branding and assists in positioning Kiama as a leading Australian surfing destination. Professional images, footage and social media content is also provided, allowing us to use repurpose in other marketing campaigns.

Actual attendance numbers based on previous years provided by Surfing NSW at these events has been analysed for economic impact with the analysis indicating that the direct and indirect economic impact is an injection of an additional \$370,000 to the local economy per annum and

resulting in an additional two full time equivalent jobs.

With competitors and spectators attending from all over NSW, interstate and (in previous years overseas), Destination Kiama leverage other tourism opportunities build packages around these events providing further opportunities to promote Kiama and encourage extended and repeat visitation.

Recommendation:

Destination Kiama enter into a six month partnership with Surfing NSW to the value of \$8,000 in order to secure the Australian Open of Surfing and the Woolworths Surfer Grom events. Whilst supporting the community programs and media plan.

Moved: Cameron McDonald

Seconded: Clr Warren Steel

8. Community & Industry Engagement

Above and Beyond Award Recipient

At the Tourism After Hours (TAH) event held at Gather, By The Hill on 23 June 2021, Jo Robertson of Luxury Clay Experiences (previously Barefootfive) was awarded the Above and Beyond Award. Recognised for her passion and enthusiasm in her popular small business model.

Two nominations were tabled at the meeting for presentation at the Spring TAH.

Industry Development

The two planned industry development workshops have been postponed due to COVID-19 these were going to be

- i)* Grant Writing, part II
- ii)* SEO Bootcamp

5:41pm Cameron McDonald left the meeting.

9. Industry Tourism Growth

Following a strengthening in Destination Kiama's relationship with local Aboriginal Elder, Aunty Joyce Donovan, she has offered some insight and assistance in passing on some indigenous stories and history. Initially this will be done using Destination Kiama's 'Meet the Locals' video platform and feature Aunty Joyce. Some of the topics will include:

- Traditional foods, medicines from the area and where to find them
- Story's about Saltwater people and their spirit food
- Identify places of cultural significance
- Itinerary for self-help using the healing pool – for mental health

10. End of Year Results

A draft Destination Kiama wrap up report was received by the Committee. Once the most recent National Visitor Survey (NVS) Statistics have been entered (received the day of the meeting) the report will be finalised and re-distributed.

11. Visitor Services Update

Congratulations is to be passed on from the Committee to staff member, Eliza Guevera and partner Wade Ingold on the safe (but premature) arrival of their new baby daughter.

A recruitment process has been undertaken for a new casual staff member at the Visitor Information Centre to replace retired employee Diane Colivas, resigned staff member Kylie Harding and maternity leave staff member Eliza.

12. General Business

Akuna Street Development Site

The Chair congratulated the Kiama and District Business Chamber for coordination of a presentation given by Traders in Purple who displayed their 3D model for members to see.

Next Meeting Date

Tuesday 12 October, 2021 or a date to be advised to accommodate invited guest, Anthony Body from the Department of Regional NSW.

Meeting Closed at 5:50pm

5 Funding eligibility

For an application to be eligible, it must meet the following requirements:

- Destination Events Funding Applications must be submitted on time including all supporting documents
- All appropriate areas of the application must be completed, paying special attention to the economic impact (part 2) and destination profiling (part 4) sections
- Event must be based in the Kiama Local Government Area
- Reflect the character and culture of our area
- Attract overnight visitation from outside our area
- Engagement with the local tourism industry
- Have sound financial management
- Be held at a desirable time of year (outside peak visitation periods)
- Be undertaken within 12 months of receiving approval of funding
- The event must not have received funding support/grant from another department of Council for the same event (ie. Kiama Cultural Grants)
- Not be a regularly re-occurring event (definitions in Appendix C)
- A post event report must have been submitted and accepted by Destination Kiama and Kiama Municipal Council for funding received for any previously successful funding applications
- You do not have any outstanding fees or equipment owed to Destination Kiama or Kiama Municipal Council
- We encourage events to be a Destination Kiama partner.

Eligibility will be determined on a case by case basis.

If you have any concerns about your event's eligibility, it is a good idea to contact our Events Coordinator to ensure your event is a good fit for our Destination. We recommend you do this well in advance of the application deadline. We take enquiries all year round, not just when the funding period is open.

Please email events@kiama.nsw.gov.au or call 02 4232 0444.

6 Funding criteria

The following criteria will be used to assess the application by the Destination Kiama TAC. This criteria includes the funding objectives for Destination Kiama and Council, and is a score based system.

Decision making criteria	Destination Event	Score
Capacity and Capability All event organisers will be required to: <ul style="list-style-type: none"> Demonstrate a capacity and capability to manage a successful event Provide event management plan (including marketing plan) and budget relevant to the scale of the event 	Meets 100% of criteria	/10
Brand profiling for the Kiama area <ul style="list-style-type: none"> Regional and State wide media exposure Distinct engagement or enhancement opportunities 1,000+ followers on social media Enhance the character and culture of the region May leave amenity improvement of the region Destination Kiama profiling 	Meets 55 – 75% of criteria	/10
Community impact/ benefit <ul style="list-style-type: none"> Fits in with the destinations Hero Experiences Improves community spirit Stimulates opportunities for participation and positive community connections Acknowledges and promotes cultural diversity Demonstrates an understanding of the needs of the community Provides evidence of community support and/or involvement Ability to minimise and manage event waste and any environmental impact 	Meets 55 – 75% of criteria	/10
Economic impact <ul style="list-style-type: none"> Between \$50,000 - \$1M economic impact from year 3 of the event or as a one-off event Full capacity of beds/ OVE across the LGA 	Meets 55 – 75% of criteria	/10
Size and scale <ul style="list-style-type: none"> Paying attendees of over 300pax OR more than 1000 FREE attendees Target of 35% out of region visitation 	Meets 55 – 75% of criteria	/10
Sustainable <ul style="list-style-type: none"> Ability to attract corporate sponsorship Ability to attract State Government Support Working budget that shows profit/loss Shows a sustainable business model 	Meets 55 – 75% of criteria	/10

Decision making criteria	Destination Event		Score
Capacity and Capability All event organisers will be required to: <ul style="list-style-type: none"> • Have social / cultural, economic and/or local area promotional benefits • Fill a strategic gap in the calendar of events • Event is held in the Kiama LGA • Council has resources to support the event • No grants or funding have been received from other Council departments • An Australia Tourism Data Warehouse (ATDW) listing has been created for the event • Have sound financial management • Received destination funding in previous years 	Yes	No	/10
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	
	Yes	No	
TOTAL			/ 70

Major & Destination Events funding level qualification*	
Level of funding	Score
Up to \$20,000 monetary or in-kind support	61 - 70
Up to \$10,000 monetary or in-kind support	51 - 65
Up to \$5,000 monetary or in-kind support	41 - 50
No funding	40 or less

Note: Applicants whose event falls into the Major Event and Destination event categories, can apply for destination event funding,

Details on the event categories* including the suggested funding thresholds, can be found in Appendix B.

**Note: Not all events will fit neatly under one category, in this instance the categories are to be used as a guide and decisions on which category and event sits under is at the discretion of the funding group*

Summary of Destination Event Funding Proposals – TAC 27 July 2021

EVENT	EVENT DATE	EVENT ORGANISERS	REQUESTED AMOUNT	PREVIOUS COUNCIL SUPPORT	ASSESSMENT OUTCOME	EVENT SUMMARY
KISS Arts Festival	23/24 April 2022 (Anzac long-weekend)	Tamara Campbell	\$12,500 + \$3,200 in kind support for reserve hire, pavilion hire, waste and licensing fees	\$3,000 to \$15,000 varying since 2012 \$0 in 2020-21	62/70 Up to \$20,000	<p>Locality: Kiama – Black Beach Year of event: Event inception 2012 Attendance: up to 10,000 Event Duration: 2 days Ticketed: Free and ticketed events. Other: *KISS phase 2 – taking the event to a national and international tourist attraction. Strategy to enhance marketing and engage named band (The Cat Empire) and comedian. *Also applying for regional event acceleration fund (\$100,000). *World class free entertainment *Increase overnight visitation during the shoulder season. *Provide an environment for young and old to share joy, creativity and laughter. *To promote community & attract visitors</p>
Eat Like a Local	19 – 28 November, 2021 (week leading up to L’Etape event)	Tricia Ashelford/ Cathy Law/ Jo Haynes/ Mahlah Grey/ Perrie Croshaw/ Nick Martin	\$15,000 + \$5,000 in kind sponsorship + \$7,000 in kind accommodation	NIL	61/70 Up to \$20,000	<p>Locality: Kiama (base), Shoalhaven and Southern Highlands regions. Year of event: first event Attendance: leveraging L’Etape attendance of 5,000 – 6,000 cyclists + 4,000 spectators Event Duration: 10 days Ticketed: ticketed elements. Other: *50 events planned for the week – estimate 3,000 tickets sold – events from dinners, to farm visits, talks, films, workshops and more.</p>

Seaside and Valley Veterans Golf Tournament	22/23/24/25 November, 2021	Bob Smith/ Veteran Golfers Association	\$600	\$500 in 2019 and 2020 (cancelled event).	42/70 Up to \$5,000	<p>Locality: Kiama and Jamberoo Golf Courses Year of event: Event inception 2013 Attendance: 150 Event Duration: 4 days Ticketed: Yes Other:</p>	<p>*Goal is to promote the region along the L'Etape route as a year round destination for food experiences and promote the importance of local food production. *Raise awareness of innovation, sustainability and circular economy in agriculture *Encourage local businesses to champion local food year round. *Model of Gourmet Escape in WA, Scenic Rim in QLD, Orange Food Week NSW. *Also applying for regional event acceleration fund (\$100,000)</p>
Harlow (NSW) Pty Ltd.	November, 2021 – dependant on DA requirement	Simon Felice	\$20,000	NIL	55/70 Up to \$10,000	<p>Locality: Kiama – Showground/Black Beach Year of event: first event Attendance: 5,000/day Event Duration: 2-5 days Ticketed: Yes Other:</p>	<p>*Crooked River Wines festival model event *Focus on local produce, local employment, local talent *General admission component and boutique experience combining fine dining restaurants and superior local wineries. *Youth mental health and Indigenous local charities *Event to run outside of peak holiday season to provide boost to economy during slower period. *Applying for regional event acceleration fund (\$100,000)</p>

Kiama Sevens Tournament	26 February, 2022	Mark Bryant	\$15,000 + \$8,140 in kind support for hire fees, waste and helicopter landing fee	\$5,000 - \$11,500 + in kind in previous years.	65/70 Up to \$20,000	<p>Locality: Kiama - Showground Year of event: 50th Year Attendance: 1,000 athletes, 200 volunteers, 4,000 spectators Event Duration: 1 day Ticketed: Yes Other: *16 women's teams and 32 men's teams. *CLUCH TV – 80,000 views in 2021. Men's final streamed via Kiama Sevens Facebook page had 250,000+ unique views. *Working with STAN TV to broadcast 2022 tournament finals live. *Other events planned around 50th year: - Rugby Life art exhibition at Little Blowhole Art Bar - Media Launch at Sebel - Rugby/Business Luncheon for 150 pax at Sebel *Also applying for regional event acceleration fund (\$100,000)</p>
Kiama Coastal Classic	5 June, 2022	Elite Energy – Mark Emerton	\$7500+GST In kind support for waste and reserve hire fees	\$5,000 - \$6,500 in previous years.	60/70 Up to \$10,000	<p>Locality: Kiama – Coast Walk/Coronation Park Year of event: 6th year Attendance: 900 participants + 1,100 spectators Event Duration: 1 day Ticketed: Yes Other: *Distances to suit all ages and abilities. *Sunday event to encourage weekend visit (Fri – Sun or Sat – Mon). * Experienced sport event organisers (eg. Huski Tri & Wollongong Aquathon) * Helps build Kiama's brand of being a place to come and 'do' and be active and healthy.</p>
Jamberoo Carols-in-the-Park	14 December 2021	Helen Hunter	\$1,170 + in-kind support			<p><i>Note: this event is considered community in nature and the proposal re-directed to the CEO's office.</i></p>

9.4 Minutes: Economic Development Committee Meeting - 28 July 2021

Responsible Director: Corporate and Commercial Services

Attachments

- 1 Minutes - Economic Development Committee Meeting - 28/07/2021 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Economic Development Committee Meeting held on 28 July 2021 be received and accepted.

BACKGROUND

The Minutes of the Economic Development Committee Meeting held on 28 July 2021 are attached for Councillors' information.

Minutes of the Kiama Municipal Council Economic Development Committee meeting held on Wednesday 28 July 2021 via ZOOM

- 1 **Present:** Chair Councillor Mark Honey, Councillor Don Watson, Councillor Warren Steel, Steve Thomas, Geoff Pratt, Councillor Matt Brown (Tourism Advisory Committee delegate)
Attending: Megan Hutchison, Jane Stroud, Edward Paterson, Kate Daly (minute taker)

Apologies: Sandy Rendel, Gavin McClure, Andrew Waugh, Michael Hatfield

- 2 **Acceptance of previous minutes:** Moved Matt Brown, Seconded Don Watson

- 3 No business arising from previous meeting.

4 **Update from Manager Strategic Planning (Ed Paterson)**

i Industrial and Commercial Land demand study

A key action plan identified in Council's Local Strategic Planning Statement (LSPS) was:-

- *TO support growth in key industries and encourage twenty-first century industry and business models through well planned urban and rural land development*
- *Identify Land and purpose appropriate zoning that is suitable for small scale service industrial uses in the short to medium term*

To enable Council to have a clearer picture of future demand for Commercial and Industrial land, a study as part of a broader Employment Lands strategy is to be undertaken in collaboration between the Strategic Planning Manager and the Economic Development Manager. This study is to be undertaken in the broader context of the work that is currently undertaken with the Kiama Town Centre Study and the planned Gerringong Town Centre Study, to avoid any duplication and the most effective outcomes for community consultation.

ii Proposed planning amendments to Farm business and regional tourism progress

In March 2021 the Department of Planning and Industry released plans to enable farmers to establish new complimentary businesses on their land including farm stays, events and expanding the definitions under "farm gate activities".

Council has lodged a submission which was largely supportive of an innovative approach to diversification but has expressed some concerns that there was a lack of detail around the proposed amendments. The committee in general felt that a key priority was assisting farmers to add value to their businesses making it more economically viable to maintain our green rolling hills

iii Kiama DCP Amendments

The Kiama DCP has been on public exhibition as Council are undertaking some minor housekeeping amendments. In particular the changes proposed are to:-

- Remove references to documents and policies that have been repealed
- Move more technical controls and information on environmental and health matters into supporting guideline documents

iv Kiama Town Centre Action Plan

A report to the July Council meeting gave an update on the Kiama Town Centre Action and implementation plan. Five key actions were identified:-

Minutes of the Kiama Municipal Council Economic Development Committee meeting held on Wednesday 28 July 2021 via ZOOM

1. Heritage review- awaiting a final study to complete
2. DCP review- currently underway
3. Way finding signage- completed
4. Traffic study- in draft form
5. Site specific rezoning for Council admin site and & Havilah Place-awaiting final ministerial approval.

As part of this work, we have access to new 3D modelling for some sites which will really be the way that all future developments will be viewed. The rezoning of Council's admin site has responded to the lack of large office space which was identified in the Kiama Town Centre study.

v Gerringong Town Centre DCP review

This project has been included in the 21/22 budget and work should commence in 2022.

vi Employment Zones reform

The Department has exhibited a proposal to replace existing Business and industrial zones with five new employment zones and three supporting zones. These suite of reforms aims to support long term economic recovery through job creation and encourage increased productivity.

Council has lodged a submission supporting all proposals and reforms which seek to simplify the NSW planning system. This reform program is generally consistent with the planning priorities of the Kiama Local Strategic Planning Statement to foster economic diversity and strengthen commercial centres.

5 **Economic Development Strategic Action Plan review**

See the information outlined in 4(i) above.

The Economic Development Manager will report back to the Committee with a draft scope for comment in collaboration with the Manager Strategic Planning to avoid any duplication.

6 **General Business and New Ideas**

No general business

Next meeting 22nd September 2021 at 5:30pm

Meeting closed at 6.38pm

9.5 Minutes: Jamberoo Youth Hall s355 Committee - 15 July 2021

Responsible Director: Office of the Chief Executive Officer

Attachments

- 1 Minutes: Jamberoo Youth Hall Section 355 Committee - 15/07/2021 [↓](#)

Enclosures

Nil

RECOMMENDED

That Council receive and accept the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 15 July 2021.

BACKGROUND

A copy of the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 15 July 2021 are attached for Councillors' information.

Minutes JYH 15 July 2021

Jamberoo Youth Hall, 12.30 p.m.

Meeting held via Zoom

Present: Greg Walsh, Megan Collins, Tim McLeod, Stuart Richards, Neil Reilly, Ros Neilson.

Apologies: Nicole Rogers, Cathy Delhaas, Vivienne Marris

Attendees: 5/8

Apologies: Accepted (Moved Megan Collins, seconded Ros Neilson)

Meeting opened 12.38. Welcome to Country presented by Neil Reilly.

Agenda items

[Minutes](#) of JYH s355 meeting 7 June 2021 - Accepted

[Correspondence](#) 7 June to 15 July 2021

Correspondence In:

- From Tim McLeod re banking arrangements
- From Tim McLeod 17 June re fees, s355 term, financial delegation
- Email from Tim McLeod 7th July, with attached documents:
 - Updated Fees and Charges 2021-2022 (no change for coming year)
 - Maintenance Schedule
 - Role and function of JYH s355 Committee
 - Fee Declaration Schedule for Regular Hirers (fee line item to be finalised)
 - Committee Operations manual
 - With note: JYHC need to establish meeting quorum number page 2
 - Maintenance responsibility extract from s355 Policy
 - Updated application for hall hire - forms.
 - The updated forms are for Council's halls and need JYH needs to be the same. Forms have been updated to include more information relating to alcohol consumption, document re-formatting and separate forms for different public health orders – 1/4m2 and 1/2m2.

Correspondence Out:

- 10 June: To KMC re keys
- 10 June: To KMC re No smoking signs

ACTION: No reply to correspondence out – Ros to follow up.

Business arising from the Correspondence

Fees and charges: From Tim McCleod's correspondence dated 17th June, the committee was of the understanding that we could prepare our recommended fee schedule to be presented at the approaching Extraordinary meeting of Councillors on the 28th June. Megan noted that it was very difficult arranging a conversation with Tim during this time and was ultimately advised by Tim McCleod that he would present the schedule prepared by Megan to council for approval at that extraordinary meeting.

Subsequently, Tim McCleod sent an email to Megan on the 14th July advising that as the fees were not publicly exhibited they could not be adopted by Council.

Therefore, as the Committee was not advised of the proper process for public exhibition, at least two increases that had been agreed to will not be implemented (Little Groovers and Playgroup, total potential extra value being \$1030). This is very disappointing, because the increases would have significantly covered our cleaning costs.

A discussion of why s355 committee was not appropriately informed about the procedure for responding to public exhibition re fees and charges followed.

ACTION: Neil Reilly suggested he would speak to Jason Galloway to request a variation on the Committee's behalf where the Committee could submit their changes for public exhibition for the required timeframe and this to take place in the September quarterly review.

Quorum: Note that S355 committee voted in May that the quorum for committee meetings would be deemed to be 3 (three). ACTION: Tim to update document.

Charter: Tim has emailed to us. ACTION: All read, comments at next meeting.

Finance Update:

- Little Groovers booking was confirmed with a new rate of \$160 per month (during use), and agreed that this might be revised. (Problem: See Fees and charges discussion above.)
- Online banking forms: Tim has them at Council.
ACTION: Tim to leave at front desk for Megan to collect tomorrow.
ACTION: Signatories will go to Westpac Bank Kiama at earliest availability – Megan to see if we all need to be there at the same time.
- Regular user rates have been re-affirmed and fees will be prepared in a separate agreement between council and the committee.

Agenda items from Tim McLeod:

- a. **End of JYHC Committee term** occurs at our next AGM – September or October 2021. We will need to re-nominate committee membership and office bearers for following four-year Committee term.
Megan asked: Re-election process? When does Council need to ratify the candidates? Tim stated that Council will not have to advertise for positions this AGM because this is a short-term committee. Council will approve our recommendations unless they want the committee changed. Committee needs minimum of four members.
ACTION: Ros ask all members if they're planning to stand again, and will let Council know if we need Council to advertise.
- b. JYHC Committee Minutes to include:
 - i. **Hall Hire** – date of booking/fees charged/Fees and & Charges fee category used –
ACTION: Megan to create a template. Separate column for bonds.
 - ii. **In and Out correspondence** summary for month – already doing that.
 - iii. **Schedule of maintenance** work performed – type of work/cost of work

ACTION: Stuart to report each month on work done to assets. Record of works for Council. Cleaning not required to be included.

iv. **Finance Summary** for the month – income/expenditure/balance/balance change from previous month. This is the most important governance issue – expenditure versus revenue.

v. **list of Committee members with meeting attendance** noted i.e., 4/4, 4/6 etc. This is required as the s355 Policy - NB members may not be absent for more than three consecutive meetings without leave of the Committee.

ACTION: Ros to add line to minutes: Total attendees/ absentees. Query: Apologies counted as being absent? No, but record apologies as being accepted in the minutes.

Discussion of reporting requirements:

Megan: Can this reporting be quarterly rather than monthly? Tim: Agreed

Megan: These details will be just for reporting to Council, not available to the public? Tim: Yes.

Bookings update:

- Women's wellness group has decided not to continue into next term due to lack of numbers
- Hall capacity numbers are back to 1 per 4sqm meaning max of 30 people.
 - Fund raiser delayed
- Megan has clarified: Rental bond applies only to residential rents.
- Stu reported Carols by Candlelight enquiry – to contact Megan. Helen Hunter.
- Replacement Keys – no reply has been received to letter of 10 June 2021. ACTION: Ros the send letter again

Maintenance update (Stuart)

- Cupboards – installed to wall, locks provided
- Lock on Kitchen door. Key in same cupboard (above fridge)
- Chair protectors – Stu has bought some, struggling to find more. Megan to refund expense.
- Lesley East's phone number removed from signage
- HWS: Stu will put up a screen to hide it
- Quote from Simpsons \$1000 to put up signage around the hall. Front, west side, small one on awning on east side. Megan liked darker options. Viv suggested adding 'established in 1980'. Tim: Good idea to have signs. Have to make sure that they are in accordance with Council signage. Would need to be endorsed. Stu: existing signs are hardly visible.
- Stuart has cleaned up around drain
- Gutters on back of building good
- Pit on side builds up with leaves – blocks hole. If we put turf above that, that will prevent dirt being washed in. Wait for warmer weather to establish turf.
- Fire extinguisher needs to be inspected. Tim: done by contractor. ACTION: Tim will forward request to Asset Systems Officer
- Stuart noted there are no Fire Alarm or Smoke Alarm systems in place at the hall and enquired as to whether they were required. Tim advised this was the responsibility

of the contractor that reviews the fire safety equipment. The Committee expressed concern that this should be reviewed. ACTION: Ros to draft letter concerning both the review process of the fire safety equipment and the lack of Fire Alarm System at the hall. The Committee would like to confirm that the hall is compliant with current standards.

- Business arising from previous minutes: Agreed to request Council budget extra expenditure to fix on drain at west side and extension of drain. ACTION: Ros and Stu to write letter.
- No Smoking signs: No reply to letter of 10 June. Tim to pursue. Tim will provide sample of sign. OK for committee to organise. ACTION: Tim to follow up. ACTION: Ros to send letter again.

General Business

Business and Actions arising from the June Minutes:

- Thanks to Stuart for building and installing cupboard. When we next can meet with CWA we will move the Hall crockery etc. from their storage into the cupboards.
- Locks to cabinet: keys are on second shelf above the fridge, LHS.
- Stacking chairs – Stu has taken photo
- Turf on hold
- Not using Cathy's cupboard at this stage
- Door of playgroup storeroom? Can't be repositioned on runners. 2-3 cms extra room is needed? ACTION: Stu to measure.
- Smoke alarms needed. ACTION: Letter to Council, together with fire extinguisher. To ask Asset Systems Officer to check contract. See Maintenance Update.
- Fluoro lights – still to do. Not going to Bunnings now – Stu will purchase 6 when he goes to Nowra.
- Key for meter box needed – Stu to follow up with Endeavour Origin – need meter number.
- Publicity - Megan has done FB postings, plans to do 1-2 per term

Anniversary function

Propose postponing anniversary function until next year. Suggest we keep planning, but not commit ourselves to this year. Agreed.

Insurance

Greg requested that Tim check on the Contents insurance cover for the hall. Greg noted that as KMC Property & Building insurance includes the Jamberoo Youth Hall, then should the KMC Property Contents insurance not include the JYH's contents also?

ACTION: Tim to put enquiry through to risk insurance personnel.

NB: Distinguish between YH content and regular users' content (they have their own contents insurance.)

Future planning of submissions to Council re budget, fees and charges

Tim McLeod offered to provide a timeline so that s355 committee could lodge requests for changes in time. We should anticipate that everything will have to be submitted by January 2022, for the May 2022 Operational Plan meeting. When the Draft Operational Plan is up for public exhibition, we should submit requests for our fees and charges schedule, and also requests for capital works budget.

Megan asked how confidentiality re special considerations for regular hirers fits into the process. Tim indicated that once decisions have been adopted by Council, they can be kept confidential as needed.

Meeting closed 2.00 p.m.

Date of next meeting: Thursday 12th August 2021, 12.30 p.m., JYH if possible.

Summary of actions from s355 15 July 2021 meeting

- Letters to KMC re keys and No Smoking signs: No reply – Ros to follow up.
- Fees and charges: Neil Reilly to speak to Jason Galloway to request a variation on the Committee's behalf where the Committee could submit their changes for public exhibition for the required timeframe and this to take place in the September quarterly review.
- Tim to update document re quorum for s335 Committee meetings (three attendees)
- All s355 committee to read Tim's draft charter, comments at next meeting.
- Banking forms: Tim to leave at front desk for Megan to collect tomorrow. Signatories will go to Westpac Bank Kiama at earliest availability – Megan to see if we all need to be there at the same time.
- s355 Committee re-election before September: Ros to ask all members if they're planning to stand again and will let Council know if we need Council to advertise.
- S355 meeting minutes: Megan to list bookings and fees charged; Ros to list number of attendees; Stuart to list work done to assets. Quarterly reporting to KMC.
- Fire extinguisher inspection: Tim to forward request to Assets Systems Officer.
- Smoke alarms and fire safety system: Ros to draft letter expressing concern that JYH May not be compliant with fire safety requirements.
- Drainage on western side of JYH: Ros and Stu to draft letter requesting budget allocation for this to be completed.
- Playgroup door: Stu to re-measure to see if the opening can be widened by 2-3 cms.
- No Smoking signs for veranda: Tim to follow up to see if KMC has a template we should be using.
- Ongoing maintenance actions for Stu: fluorescent lights; rubber chair pads; key for electricity meter box
- Insurance: Tim to pass on query from Greg re JYH contents being covered by KMC contents insurance.

9.6 Minutes: Kiama Local Traffic Committee - 3 August 2021Responsible Director: Engineering and Works

Attachments

- 1 Minutes - Kiama Local Traffic Committee Meeting - August 2021 [↓](#)
- 2 ATTACHMENT 1 - LEtape Australia - Transport Management Plan -28 November 2021.PDF [↓](#)
- 3 ATTACHMENT 2 - LEtape Australia - Transport Management Plan -28 November 2021 - Appendix D - Road Closure Maps.PDF [↓](#)
- 4 Site Plan - Riverside Drive - Attachment 1 [↓](#)
- 5 Charles Avenue Plan [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 3 August 2021 be received and the following recommendations accepted:

1. That Council approves the traffic changes associated with the L'Etape event on 28 November 2021, (attachment 2 and 3 of this report) subject to organisers complying with the requirements of relevant roads authority, Transport for NSW and NSW emergency services.
2. That Council approves the signage and line-marking plan for Riverside Drive in attachment 4 of this report as endorsed by the Kiama Local Traffic Committee –
 - a. for its implementation upon the completion of the intersection upgrade required as a condition of approval for Stage 2 of the Dunmore Lakes Sand Mining Operation
 - b. subject to the following refinements as agreed by the Committee after the meeting:
 - i. duplicate the give way sign on the left
 - ii. Truck Warning sign to be B size
 - iii. edgeline, centreline RRPMs to be included for better delineation at night + C1 RRPMs
 - iv. guide posts included
 - v. consider centreline in new access road to quarry
 - vi. consider Street lighting at the junction.
3. That Council:

Minutes of Committees

9.6 Minutes: Kiama Local Traffic Committee - 3 August 2021 (cont)

- a. defer consideration of endorsing the temporary closure of Bourrool Lane until further community consultation is undertaken and improvements to the developer's plans are made;
 - b. endorse undertaking consultation with the residents of Bourrool Lane and emergency services by exhibiting the proposed plans for a minimum 14 day period seeking submissions; and
 - c. note that community submissions on the closure will be reported back to the Kiama Local Traffic Committee at an upcoming meeting for consideration and subsequently any required amendments provided to the developer for incorporation into revised plans.
4. That Council approve the installation of a marked cycleway shoulder, kerb extension and warning signs at the intersection of Charles and Federal Avenues, Minnamurra with the aim to improve road safety for cyclists and pedestrians (attachment 5 of this report).



**MINUTES OF THE
KIAMA LOCAL TRAFFIC COMMITTEE
MEETING**

commencing at 9.05am on

TUESDAY 3 AUGUST 2021

Via GoTo Meeting

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

3 AUGUST 2021

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD VIA GOTO MEETING

ON TUESDAY 3 AUGUST 2021 AT 9.00AM

PRESENT: Councillor M Honey (Mayor) (Chairman), , Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Mark Way (Councillor), Darren Brady (Manager Design and Development), Janelle Burns (Kiama Council Road Safety Officer), Mark Biondich (Subdivision & Development Engineer), Chris Balzarano (Council Ranger) and Alyson Hodgekiss (Minutes), Florent Malezieux (Lateral Events), Matthew Young (SBMG Planning)

1 APOLOGIES

Mike Dowd (Director Engineering and Works), Andy Gaudiosi (Transport for NSW Representative)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

"On behalf of those present, I would like to show my respect and acknowledge the traditional owners of the Land, of Elders past and present, on which this meeting takes place, and extend that respect to other Aboriginal and Torres Strait Islander people present."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee Meeting on 6 July 2021

21/029LTC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 6 July 2021 be received and accepted.

(Member Darrell Clingan and Member Craig Gray)

4 BUSINESS ARISING FROM THE MINUTES

MH advised the Committee that Item 5.2 from last month's Traffic Committee Meeting, regarding the Approval of Signage and Line-marking Plan for the extension of Drualla Road, Jamberoo, and making the road one way was not approved at the Council meeting. MB advised that the proposal was considered but was found to not be feasible due to a number of reasons that were outlined in the report back to Council. MB advised to refer to the report for more information.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

3 AUGUST 2021

5 REPORT OF RMS DELEGATED FORMAL ITEMS

**5.1 Proposed road closure – L’Etape Australia by Tour de France – Sunday
28 November 2021**

21/030LTC

Resolved that the Committee recommends that the traffic changes associated with the event on 28 November 2021 be endorsed subject to organisers complying with the requirements of relevant roads authority, Transport for NSW and NSW emergency services.

(Member Craig Gray and Member Darrell Clingan)

**5.2 Approval of Signage and Line-marking Plan of the intersection upgrade
for Stage 2 of the Dunmore Lakes Sand Mining Operation**

21/031LTC

Resolved that the signage and line-marking plan in Attachment 3 of this report is endorsed by the KLTC for its implementation upon the completion of the intersection upgrade required as a condition of approval for Stage 2 of the Dunmore Lakes Sand Mining Operation.

(Mayor Mark Honey and Member Craig Gray)

5.3 Temporary Road Closure - Bourrool Lane, Kiama

21/032LTC

Resolved that the Committee:

1. Defer consideration of endorsing the temporary closure of Bourrool Lane until further community consultation is undertaken and improvements to the Developer’s plans are made;
2. Endorse Council undertaking consultation with the residents of Bourrool Lane and emergency services by exhibiting the proposed plans for a minimum 14 day period seeking submissions; and
3. Note that community submissions on the closure will be reported back to the Kiama Local Traffic Committee at an upcoming meeting for consideration and subsequently any required amendments provided to the Developer for incorporation into revised plans.

(Member Darrell Clingan and Member Craig Gray)

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

3 AUGUST 2021

5.4 Traffic, Cyclist and Pedestrian Safety at the Federal Street & Charles Avenue intersection, Minnamurra

21/033LTC

Resolved that the installation of a marked cycleway shoulder, kerb extension and warning signs be implemented at the intersection of Charles and Federal Avenues, Minnamurra with the aim to improve road safety for cyclists and pedestrians.

(Member Darrell Clingan and Member Craig Gray)

6 GENERAL BUSINESS

7 ADENDUM TO MINUTES

7.1 Adendum to Minutes - Item 5.2

AG (absent from meeting) provided advice to Committee members after the meeting in regards to Item 5.2. As a result, through electronic distribution of proposed amendments, the following additional resolution was made by the Committee for Item 5.2.

21/034LTC

Resolved that:

1. The give way should be duplicated on the left hand which is the legal side
2. Truck Warning sign should be B size
3. Edgeline, centreline RRPMs should be included for better delineation at night + C1 RRPMs
4. Include guide posts
5. Consider centreline in new access road to quarry
6. Consider Street lighting at the junction

(Member Andy Gaudiosi and Mayor Mark Honey)

7 CLOSURE

There being no further business the meeting closed at 9.48pm

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 3 AUGUST 2021

These Minutes were confirmed at the Ordinary Meeting of Council held on 7 September 2021

.....
.....
Mayor

Director Engineering & Works

Item 9.6

Attachment 1



Special Event Transport Management Plan



L'Étape Australia by Tour de France

27th & 28th November 2021

Prepared for: Lateral Event Management

Prepared By: Matthew Young
Prepare a Work Zone Traffic Management Plan
Certificate #: TCT0048974

Monday, 5 July 2021
Document Number: SBMG02248-00 R1

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Item 9.6

Attachment 2

Revisions

Rev	Date	Description
0	23/06/21	Initial Submission
1	05/07/21	Removal of remaining "Ride" Timing + Add VMS to Moss Vale Rd + Reduce Zone 1 Saddleback Mountain Road Closure to align with Z6

Definitions

Term	Definition
Drink Zone	A marked area along the course where riders have access to water
Energy Zone	A marked area along the course (typically smaller than a Food Zone) where riders have access to water, energy supplies (i.e. gels) & medical assistance.
Food Zone	A marked area along the course where riders can stop / rest with access food, water, medical / mechanical assistance, and amenities.
Registration Pack	All riders must present to the registration tent in the Village to pick up a bag containing their bib number, timing chip and to be marked off as starting the event
The Race	The 135.8km timed event with start and finish in Manning Street, Kiama
ECC	Event Control Centre – A room with representatives from all key stakeholders to manage the smooth running of the event. This is also where event issues are managed in coordination with relevant stakeholders to minimise impact to the event and the non-event community.
All Agency Meeting	A meeting held at least every 2 months with representatives from all stakeholders to discuss the impact and potential mitigation measures for the event.
Special Event Clearway (SEC)	A Special Event Clearway is a restriction on parking during the hours described on the regulatory signs, but with tow away provisions. Only the RMS/TMC can establish Special Event Clearways. The TMC arranges clearway towing and Police enforce the restrictions.
WSC	Wingecarribe Shire Council
LGA	Local Government Area

1 Event Details

1.1 Event Summary

Event Name:	L'Etape Australia by Tour De France
Event Date:	Saturday 27 th & Sunday 28 th November 2021
Organiser:	Lateral Event Management
Event Type:	135.8km on-street amateur cycling race on a loop route with start and finish in Manning Street, Kiama.
Road Closures Commence:	Local closures from 1:00am for installation of the start / finish arch. Route closures to commence from 4:00am
First Rider Starts:	6:30 AM
Last Rider Starts:	7:08 AM
First Rider Finishes:	10:08 AM
Last Rider Finishes:	1:56 PM
Roads Open	All roads returned to normal operation by 4:00 PM

1.2 Description of the Event

L'Étape Australia by Tour de France provides amateur riders with an experience as close to riding in the Tour de France as it is possible to get with fully closed roads and a mountainous course that is the equal of a mountainous stage of the Tour de France.

Lateral Event Management can boast 4 very successful editions of the event in 2016, 2017, 2018 & 2019 with thousands of riders completing the course with the help of hundreds of staff from Police, medical personnel, course marshalls, traffic controllers, operational teams and volunteers. Furthering this winning formula Lateral Events are proposing to develop an event course to stage a L'Étape event within Kiama area.

The event will utilise a common start / finish location in Kiama (as was shown a success in the 2018 & 2019 editions, Snowy Mountains) with a loop course encompassing surrounding areas such as; Gerroa, Berry, Kangaroo Valley, Robertson & Jamberoo. All entrants will complete the same 135.8km course and are released in waves of around 1000 riders with 5-10 minutes spacing. The event will be a timed race, with riders competing for the yellow leader's jersey as well as other Tour de France style sections such as the King of the Mountain.

On Saturday 27th November 2021 all entrants must collect their 'registration packs' from the Village located in Kiama, there will be no pickup of packs permitted on race day.

1.3 Contact Names

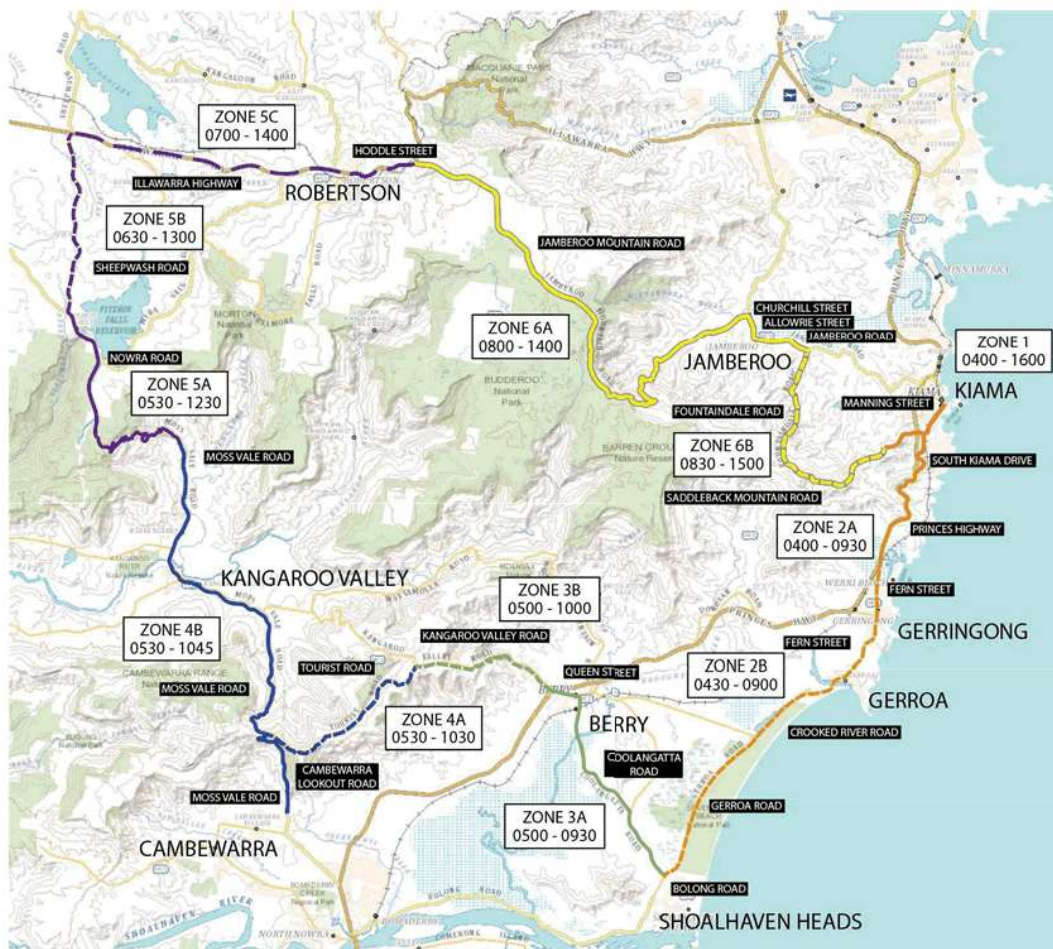
Event Organiser:	Florent Malezieux - Race Director – Lateral Event Management
Phone:	02 8272 4504
Mobile:	0403 283 046
Email:	florent.malezieux@lateralevents.com
Traffic Management:	Matthew Young – Sbmng Planning
Phone:	
Mobile:	0467 370 380
Email:	matt@sbmgplanning.com.au
Police:	Gordon Dunlop – Lake Illawarra Police District
Phone:	02 4232 5599
Mobile:	
Email:	dun1gor@police.nsw.gov.au
Police:	Matt Brophey – Lake Illawarra Police District
Phone:	02 4232 5599
Mobile:	
Email:	brop1mat@police.nsw.gov.au
Council:	Mark Biondich - Kiama Council
Phone:	02 4232 0444
Mobile:	
Email:	markb@kiama.nsw.gov.au
Council:	Ryleigh Bowman - City of Shoalhaven
Phone:	02 4429 3315
Mobile:	
Email:	Ryleigh.Bowman@shoalhaven.nsw.gov.au
Council:	Frank Iacono - Wingecarribee Shire Council Naif Ahmed - Wingecarribee Shire Council
Phone:	02 4868 0888
Mobile:	
Email:	frank.iacono@wsc.nsw.gov.au naif.ahmed@wsc.nsw.gov.au
Transport for NSW (RMS):	Jonathon Crocker
Phone:	02 6923 6606
Mobile:	0438 640 850
Email:	Jonathon.CROCKER@rms.nsw.gov.au
Transport for NSW (TMC):	Edward Tai
Phone:	02 8396 1416
Mobile:	0419 259 325
Email:	Edward.TAI@tmc.transport.nsw.gov.au

1.4 Event route and road closure timings

See Appendix C

Map: 00-01 Route overview with closure timings sections 1-10
Map: 00-02 Section 1 detail overview with

See Appendix D – Road closure maps



1.5 Closures with Estimated Rider Timing

See Appendix C

KILOMETRES		L'ÉTAPE AUSTRALIE - THE RACE				TIMETABLE				HOURS OF CLOSURE		
To Finish	From Start		Zone	Road Closed	Police	First rider	Last rider	Police	Road Reopened	Orange	Conditional Access & Red Hard Closures	
135.8	0	Kiama I Manning Street I Start	1	4:00	6:00 AM	6:30 AM	7:08 AM	7:23 AM	4:00 PM	2:00	8:11	
133.2	2.6	Entry on the Princess Highway	2	4:00	6:04 AM	6:34 AM	7:16 AM	7:31 AM	9:30 AM	2:04	1:27	1:58
129.3	6.5	Exiting the Princess Highway	2	4:00	6:10 AM	6:40 AM	7:26 AM	7:41 AM	9:30 AM	2:10	1:31	1:48
126.5	9.3	Gerrington	2	4:30	6:14 AM	6:44 AM	7:32 AM	7:47 AM	9:00 AM	1:44	1:33	1:12
119.2	16.6	Junction with Beach Road	2	4:30	6:23 AM	6:53 AM	7:45 AM	8:00 AM	9:00 AM	1:53	1:36	0:59
112.3	23.5	Right turn on Coolangatta Road	3	5:00	6:33 AM	7:03 AM	7:58 AM	8:13 AM	9:30 AM	1:33	1:40	1:16
105.9	29.9	Berry I Food Zone #1	3	5:00	6:41 AM	7:11 AM	8:18 AM	8:33 AM	9:30 AM	1:41	1:52	0:56
102.7	33.1	Berry I Left turn on Queen Street	3	5:00	6:45 AM	7:15 AM	8:24 AM	8:39 AM	9:30 AM	1:45	1:53	0:50
101.8	34	Berry Mountain I QOM / KOM Start	3	5:00	6:47 AM	7:17 AM	8:26 AM	8:41 AM	10:00 AM	1:47	1:54	1:18
99.2	45.6	Berry Mountain I QOM / KOM Finish	4	5:30	7:17 AM	7:47 AM	9:36 AM	9:51 AM	10:30 AM	1:47	2:33	0:38
81.8	54	Junction with Kangaroo Valley Road	4	5:30	7:24 AM	7:54 AM	9:50 AM	10:05 AM	10:45 AM	1:54	2:40	0:39
78.5	57.3	Kangaroo Valley I Food Zone #2	4	5:30	7:28 AM	7:58 AM	10:04 AM	10:19 AM	10:45 AM	1:58	2:51	0:25
72.3	63.5	Col de Fitzroy I QOM / KOM Start	5	5:30	7:37 AM	8:07 AM	10:18 AM	10:33 AM	12:30 PM	2:07	2:56	1:56
65.6	70.2	Col de Fitzroy I QOM / KOM Finish	5	5:30	7:58 AM	8:28 AM	10:58 AM	11:13 AM	12:30 PM	2:28	3:15	1:16
60.4	75.4	Junction with Moss Vale Road	5	6:30	8:06 AM	8:36 AM	11:10 AM	11:25 AM	12:30 PM	1:36	3:18	1:04
52.9	82.9	Right turn on Wawarra Highway	5	7:00	8:19 AM	8:49 AM	11:26 AM	11:41 AM	1:00 PM	1:19	3:22	1:18
41.9	93.9	Robertson	5	7:00	8:37 AM	9:07 AM	11:51 AM	12:06 PM	2:00 PM	1:37	3:28	1:53
38.8	97	Robertson I Food Zone #3	5	7:00	8:42 AM	9:12 AM	12:06 PM	12:21 PM	2:00 PM	1:42	3:38	1:38
28.4	109.4	Jamberoo Mountain Lookout	6	8:00	9:02 AM	9:32 AM	12:34 PM	12:49 PM	2:00 PM	1:02	3:46	1:10
15.7	120.1	Right turn on Jamberoo Road	6	8:00	9:11 AM	9:41 AM	12:51 PM	1:06 PM	2:00 PM	1:11	3:55	0:53
14.8	121	Jamberoo I Food Zone #4	6	8:00	9:12 AM	9:42 AM	1:01 PM	1:16 PM	2:00 PM	1:12	4:04	0:43
12.3	123.5	Right turn on Fountaindale Road	6	8:00	9:16 AM	9:46 AM	1:06 PM	1:21 PM	2:30 PM	1:16	4:05	1:08
19.4	125.4	Saddleback Mountain I QOM / KOM Start	6	8:30	9:19 AM	9:49 AM	1:11 PM	1:26 PM	3:00 PM	0:49	4:06	1:33
6.1	129.7	Saddleback Mountain I QOM / KOM Finish	6	8:30	9:33 AM	10:03 AM	1:36 PM	1:51 PM	3:00 PM	1:03	4:16	1:08
4.7	131.1	Saddleback Mountain I Food Zone #5	6	8:30	9:34 AM	10:04 AM	1:47 PM	2:02 PM	3:00 PM	1:04	4:28	0:57
2.3	133.5	Right turn on Saddleback Mountain Road	1	4:00	9:36 AM	10:06 AM	1:52 PM	2:07 PM	3:00 PM		8:07	0:52
0	135.8	Kiama I Manning Street I Finish	1	4:00	9:38 AM	10:08 AM	1:56 PM	2:11 PM	4:00 PM		8:11	1:48

RACE	
Time	3:38:15 AM - 6:48:21 AM
Average speed	37.3 Km/h - 20.0 Km/h

Page 1 of 1

The traffic control crews will commence closure of each section in line with the road closure times listed in Appendix C. During the closure setup time of between 1-2 hours (shown in **ORANGE**) prior to the Lead Scout Police Vehicle, traffic already traveling along the roads within the event route will be permitted to depart at any point along the closure area as per normal conditions. Traffic approaching the closure area will be permitted to travel on the same direction as the event route until the Lead Scout Police Vehicle enters each section.

The hard closure time shown in **RED** is when non-event vehicles are not permitted to enter the course (Emergency vehicle access is maintained throughout the course with access managed through the ECC during the event to ensure the safety of the riders and the public).

Once the rear Police vehicle has left the section, the traffic control crews will start to restore normal access conditions. Depending on the size of the section to reopen this is expected to take between 30minutes to 2 hours (shown in **ORANGE**), however, within this time 2-way access along the unused event route will be permitted as soon as it is safe to do so.

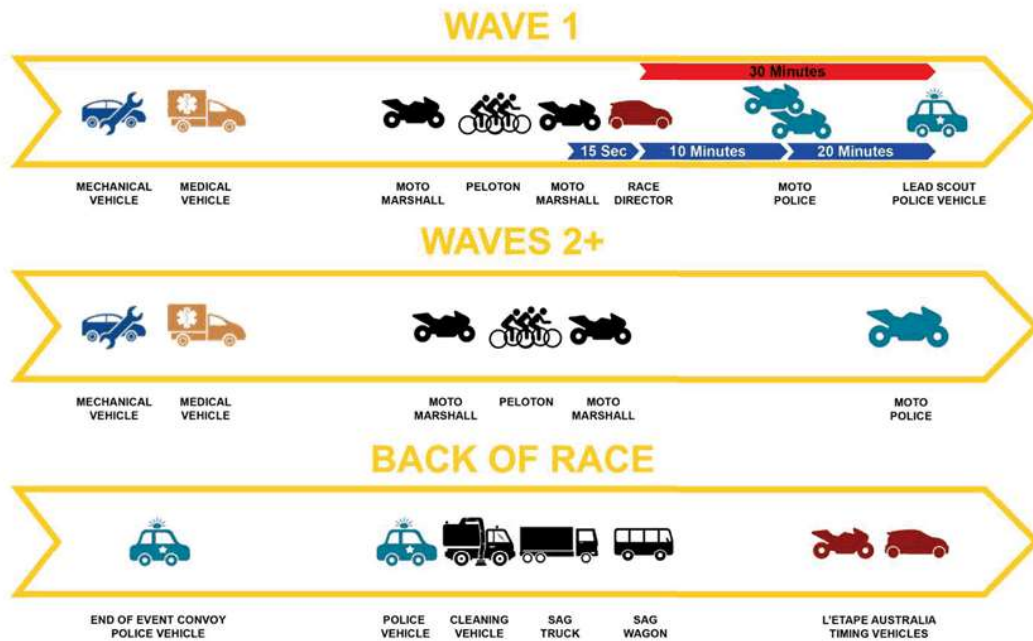
1.6 Food and Energy Zones

Locations shown below for potential Food & Energy Zones. Exact locations, layouts, etc. are TBC, however, they will be along the course route, however they will not be impacting the travel path as installation needs to occur on Saturday 27th November 2021.

Location	Approx. Head of Race Arrival	Approx. Back of Race Departure
Food Zone 1 - Berry	7:11 am	8:18 am
Food Zone 2 (Energy) – Kangaroo Valley	7:58 am	10:04 am
Food Zone 3 - Robertson	9:12 am	12:06 pm
Food Zone 4 (Energy) - Jamberoo	9:42 am	1:01 pm
Drink Zone 1 – Saddleback Mountain	10:04 am	1:57 pm

1.7 Event Convoy

30mins prior to the commencement of the event a lead scout Police vehicle will leave and travel along the event route keeping the 30min gap form the riders as shown item 1.5. This car is used to notify the ECC of any issues impacting the course route so it can be rectified without impacting the flow of the event. The riders are then released from the start in waves of approx. 1000 cyclists with a 5-10 minutes gap between waves. Each wave released will have a convoy of support vehicles and trailing the event is the timing car, SAG bus and cleaning crew. The figure below illustrates the proposed convoy as it leaves with each wave of riders.



2 Risk Management – Traffic

2.1 Occupational Health and Safety – Traffic Control

Risk Management

The event is conducted as a timed race along a route with exclusive use by the event. All non-event activity must therefore be restricted from entering the course using the control measures identified in the Access Point Register.

A Risk Assessment for traffic related items is currently in development and will include risks associated with the course such as steep descents and dangerous corners for cyclists within the event.

The Risk Management Plan will include the following components:

1. risk identification
2. risk assessment
3. design of a risk elimination or reduction plan
4. implementation of the plan
5. evaluation and modification of the plan

Risk Assessment for traffic related items – See Appendix A.

The overall Risk Management Plan for the event has been prepared by the event organiser and is available from the NSW Events HUB (login required)

Isolated Access

All access points along the event route are restricted in line with the sectional road closure times. In addition to this the following streets have been identified as becoming isolated without a viable alternate route for vehicles whilst the road closures are in place. During the set-up process of the traffic management measures depending on where the street is located within the section. During the set-up time access onto the course may be possible in the direction of the event up until the 'hard closure' timings as listed below. The 'hard closure' hours are between the lead scout Police Vehicle and the follow Police vehicle that site behind the event convoy to signify all event vehicles have passed through and normal traffic access can resume.

Note. Emergency services will be able to access all properties along the route and isolated streets, residents will follow normal procedure by calling 000 and emergency vehicles will be dispatched and provided access through coordination with the ECC.

Roadway	Closure Point	Zone	Set Up Closure	Hard Closure Duration		Access Restored	Total Hours
Bong Bong Street	Manning Street	Staging	4:00 am	4:00 am	8:30am	8:30 am	4.5
Hillview Circuit	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3
Steward Place	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3
Henry Kendall Place	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3
David Smith Place	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3
Attunga Avenue	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3

Roadway	Closure Point	Zone	Set Up Closure	Hard Closure Duration			Access Restored	Total Hours
Kalang Road	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3	
Anembo Crescent	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3	
Elanora Road	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3	
Weir Street	South Kiama Drive	1	5:30 am	6:00 am	7:31 am	8:30 am	3	
Burnett Avenue	Fern Street	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Henry Lee Drive	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Craig Place	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Carinya Way	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Toorak Place	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Coolangatta Avenue	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Cambewarra Place	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Illoura Place	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Barremma Place	Burnett Avenue	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Headland Drive	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Riverleigh Avenue	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Bland Place	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Park Road	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Burke Parade	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Stafford Street	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Dixon Street	Crooked River Road	2	4:30 am	6:10 am	8:13 am	9:00 am	4.5	
Swamp Road	Coolangatta Road	3	5:00 am	6:33 am	8:41 am	9:30 pm	4.5	
Moeyan Road	Coolangatta Road	3	5:00 am	6:33 am	8:41 am	9:30 pm	4.5	
Old Creamery Lane	Wharf Road	3	5:00 am	6:33 am	8:41 am	9:30 am	4.5	
George Street (north)	Queen Street	3	5:00 am	6:33 am	8:41 am	9:30 am	4.5	
Berry Ambulance Station	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
Ford Street	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
Host Place	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
North Street	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
The Gables	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
Thomas Close	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
Kentia Crescent	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	
Sabal Close	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5	

Roadway	Closure Point	Zone	Set Up Closure	Hard Closure Duration		Access Restored	Total Hours
Bundewallah Road	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5
Mount Vista Close	Kangaroo Valley Road	3	5:00 am	6:47 am	9:45 am	10:00 am	5
Cambewarra Lookout Road	Tourist Road	4	5:30 am	6:47 am	10:05 am	10:45 am	5.25
Cedar View Road	Tourist Road	4	5:30 am	6:47 am	10:05 am	10:45 am	5.25
Old Boxsells Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Green Valley Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Merchants Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Nugents Creek Road (north)	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Nugents Creek Road (south)	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Jarretts Lane	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Broughton Street	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Tallowa Dam Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Radiata Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Mount Scanzi Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Marden Lane	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Gum Tree Lane	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Rendge Close	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Marshall Street	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Quirk Street	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Murray Street	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Brooks Lane	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Rectory Park Way	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Cullen Crescent	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Jenanter Drive	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Jacks Corner Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Hillcrest View Lane	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Jim Edwards Place	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Bendella Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Old Bendella Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Cedar Springs Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Batts Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Kellys Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Upper Kangaroo Valley Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Mackays Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Gerringong Creek Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Treefern Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Parrishs Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Scotts Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25

Roadway	Closure Point	Zone	Set Up Closure	Hard Closure Duration		Access Restored	Total Hours
Cavan Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Grahams Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Paddington Lane	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Willowglen Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Glenayar Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Bunkers Hill Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Carters Road	Moss Vale Road	4	5:30 am	7:24 am	10:33 am	10:45 am	5.25
Kelvin Road	Moss Vale Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Bassett Road	Moss Vale Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Timelong Road	Moss Vale Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Mannings Lookout Road	Nowra Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Fitzroy Falls Visitor Centre	Nowra Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Gwen Road	Nowra Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Casuarina Crescent	Nowra Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Throsby Road	Nowra Road	5	5:30 am	7:24 am	11:30 am	12:30 pm	7
Vermont Road	Sheepwash Road	5	6:30 am	8:06 am	11:41 am	1:00 pm	6.5
Bodycotts Lane	Sheepwash Road	5	6:30 am	8:06 am	11:41 am	1:00 pm	6.5
Old Kangaloon Road	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Rossgoll Road	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Yarranga Street	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Camp Street S / Hoodle Lane	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Fountaindale Road	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Bells Hill Road	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Maugers Road	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Lawn Street	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Vaughan Avenue	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Ranelagh Street	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
The Old Road	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Mackeys Lane	Illawarra Highway	5	7:00 am	8:19 am	12:25 am	2:00 pm	7
Old Jamberoo Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Vandenbergh Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Lees Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Cloonty Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Thomas PI Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Pheasant Ground Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Knights Hill Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Budderoo Plateau Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Barren Grounds Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6

Roadway	Closure Point	Zone	Set Up Closure	Hard Closure Duration		Access Restored	Total Hours
Misty Lane	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Daltons Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Burra Creek Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Minnamurra Falls Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Quarter Sessions Road	Jamberoo Mountain Road	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Kinross Place	Allowrie Street	6	8:00 am	8:45 am	1:21 pm	2:00 pm	6
Clover Hill Road	Fountaindale Road	6	8:30 am	9:16 am	2:07 pm	3:00 pm	6.5
Nuninuna Drive	Fountaindale Road	6	8:30 am	9:16 am	2:07 pm	3:00 pm	6.5
Saddleback Mountain Lookout	Fountaindale Road	6	8:30 am	9:16 am	2:07 pm	3:00 pm	6.5
Williams Road	Saddleback Mountain Road	6	8:30 am	9:16 am	2:07 pm	3:00 pm	6.5
Wilsons Road	Saddleback Mountain Road	6	8:30 am	9:16 am	2:07 pm	3:00 pm	6.5

2.2 Public Liability insurance

Event organiser has arranged the Public Liability Insurance for the event.

2.3 Police

This Special Event Transport Management plan is being developed with consultation with NSW Police at a state and local level through the stakeholder 'All Agency Meetings' held in the lead up to the event and more traffic management focused meeting.

Lead Scout Vehicle – 30 mins prior to the arrival of cyclists a police vehicle will provide an assessment of the closed course and identify any issues.

Police Convoy Vehicles – Police vehicles will be part of the event convoy as shown in item 1.7

Static Police Locations - Police Officers will be located at key closure and crossing points to ensure the event traffic control measures are followed.

Police Static Locations		
Street	Cross	Suburb
Bong Bong	Manning	Kiama
Barney	Manning	Kiama
Terralong	Railway	Kiama
South Kiama	Attunga	Kiama Heights
South Kiama	Marks	Kiama
Princes	On ramp	Kiama
Princes	Emergency Bay	Kiama
Princes		Gerringong
Rose Valley	Fern Street	Rose Valley
Fern	Sandy Wha	Gerringong
Fern	Burnett	Gerringong
Fern	Belinda	Gerringong
Fern Street		Gerringong
Crooked River	Riverleigh	Gerroa
Crooked River	Beach	Seven Mile Beach
Shoalhaven Heads	Bolong	Shoalhaven Heads
Albert	Queen	Berry
Alexandra	Queen	Berry
	Roaming	Berry
Kangaroo Valley	Huntingdale Park	Berry
Kangaroo Valley	Queen	Berry
Kangaroo Valley	Bundewallah	Berry
Kangaroo Valley	Tourist	Kangaroo Valley
Cambewarra Lookout	Moss Vale	Kangaroo Valley
Moss Vale	Kangaroo Valley	Kangaroo Valley
Moss Vale	Nugents Creek	Kangaroo Valley
Moss Vale	Jenanter	Kangaroo Valley
Moss Vale	Bunkers Hill Road	Kangaroo Valley
Nowra	Myra Vale	Robertson
Nowra	Sheepwash	Robertson
Sheepwash	Wildes Meadow	Robertson
Sheepwash	Illawarra	Robertson
Illawarra	Church	Robertson
Illawarra	Caalong	Robertson
Illawarra	Meryla	Robertson
Illawarra	Jamberoo Mountain	Robertson

Jamberoo Mountain	Jamberoo	Jamberoo
Churchill	Allowrie	Jamberoo
Jamberoo	Fountaindale	Jamberoo
Saddleback Mountain	Old Saddleback Mountain	Jerrara
Old Saddleback	Long Brush	Jerrara

2.4 NSW Fire and Rescue, NSW Rural Fire Service & SES

NSW Fire and Rescue, NSW Rural Fire Service & SES have been notified of the event through the scheduled All Agency Meetings. Resources will be deployed around the event to minimise impact to their normal duties. On event day representatives from NSW Fire and Rescue, NSW Rural Fire Service & SES will be located in the ECC to coordinate with other stakeholders should an emergency situation arise.

2.5 NSW Ambulance

NSW Ambulance will have vehicles and staff deployed during the event to assist the event medical staff as required. NSW Ambulance have been notified of the event through the scheduled All Agency Meetings and will have representatives located in the ECC to coordinate with other stakeholders should an emergency situation arise.

2.6 Event Medical Services

EMS Event Medical is engaged to provide onsite medical support within the event. EMS Event Medical have representatives at the scheduled All Agency Meetings to ensure their medical plan is in consultation with all stakeholders. They will have personnel within each rider wave, at food zones and within the village, as well as representatives in the ECC.

For details refer to the Event Medical Plan prepared by EMS Event Medical.

3 Traffic and Transport Management

3.1 Event Route

To reduce the impact of the closures the event route has been split into 6 Zones with some zones separated into multiple sub-zones (a total of 14 sections) which will be closed and reopened independently.

See Appendix C

- Route overview with closure timings Zones 1-6
- Zone 1 Kiama detail with phased closure timing

See Appendix D –Road closure maps with local access and crossing points

Local Access Arrangements

To reduce the impact on the non-event community there are specific traffic management and local access arrangements to allow conditional access within the course (whilst the TCP is being set up and removed).

The general measure is to allow vehicles approaching the event road closure prior to the Lead Scout Police Vehicle passing the intersection to permit vehicles to travel in the direction of the event route.

Detour Routes

Kangaroo Valley Detour

Scope of Closure:	Moss Vale Road – Between Barfield Road & Nowra Road Nowra Road – Between Moss Vale Road and Sheepwash Road
Duration:	5:30am – 12:30pm (7 hours)
Impact of Closure:	Vehicles required to use an alternate route to travel between the Southern Highlands and Shell Harbour.
Detour Route:	From Southern Highlands – Vehicles to use the Hume Highway to Picton Road to use the Princes Highway. From Shellharbour – Vehicles to use the Princes Highway to Picton Road to Access the Hume Highway Local detour route - Macquarie Pass and Tourist Road, however this will not be the advertised route as Tourist Road has an existing 10t load limit.
Note:	Access along Moss Vale road between Barfield Road and Carters Road will be reopened from 10:45am once the back of the event has passed through kangaroo Valley to reduce the overall closure time for the town to 5.25 hours

Robertson Detour

Scope of Closure:	Illawarra Highway – Between Sheepwash Road and Jamberoo Mountain Road -
Duration:	7:00am – 2:00pm (7 hours)
Impact of Closure:	Vehicles required to use an alternative route to access the Princes Highway and depart the local area.
Detour Route:	Southern Highlands – Vehicles to use the Hume Highway to Picton Road to use the Princes Highway. Shell Harbour – Vehicles to use the Princes Highway to Picton Road to Access the Hume Highway Local detour route - Macquarie Pass and Tourist Road, however this will not be the advertised route as Tourist Road has an existing 10t load limit.
Note:	Residents and motorists will be able to travel eastbound along the Illawarra Highway (Hoddle Street) between Caalong Street and Jamberoo Mountain Road during the proposed closure hours.

Detour Messaging Overview

A detour messaging plan will be developed in consultation with RMS and TMC. On the event day, motorists will be advised of road closures and alternate routes through the use of permanent and portable VMS and via updates from the Live Traffic website.

For VMS locations see item 4.4

3.2 Parking

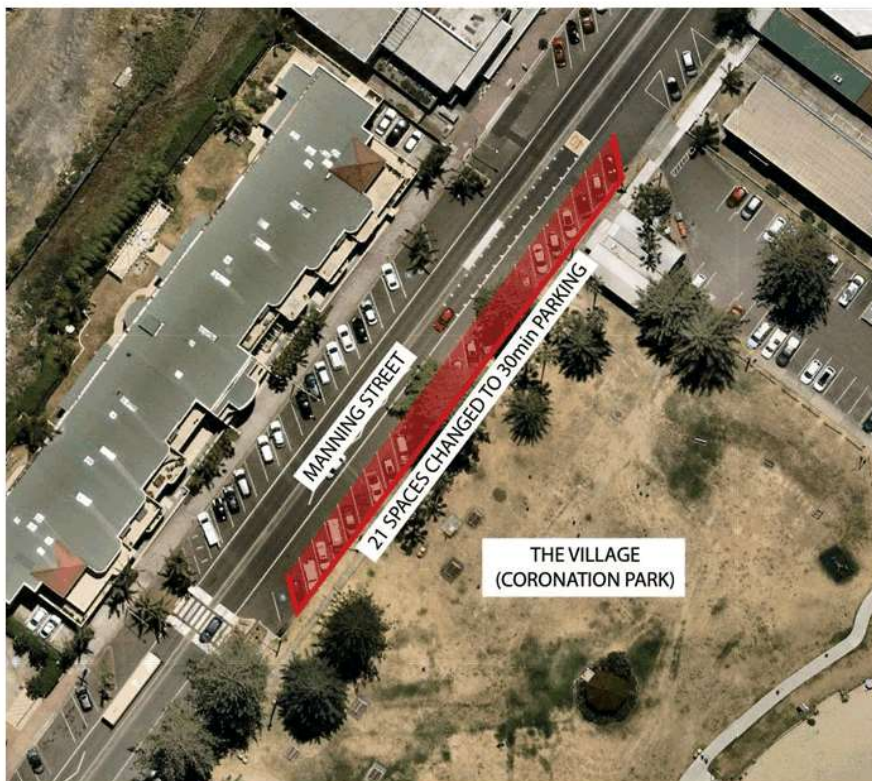
Prior to the Event – From Wednesday 24th November 2021

The carpark off Mann Street to be closed for event vehicles / site compound from 5am Wednesday 24/11/2021 through to 7am Monday 29/11/2021 (Closure area shown on image below in red).



Registration Day - Saturday 27th November 2021

To facilitate access to the registration tent changed parking restrictions are proposed along a section of Manning Street shown below with the existing 2P parking reduced to 30mins to allow some riders to stop and pick up their registration packs.



Riders will also be use public transport such as rail to Kiama Station with additional services provided to cope with the event demand. To reduce the burden on Kiama’s parking facilities for registration, riders will be notified of the extended operating hours for collecting packs between 10am and 7pm on Saturday (27/11/21) to spread out the influx of vehicles into Kiama.

Car park off Barney Street to be closed for event vehicles from 5am Saturday 27/11/2021 through to 4pm Sunday 28/11/2021 (Closure area shown on image below in red).



Event Day – Sunday 28th November 2021

For details refer to Parking Plan – See Appendix B.

3.3 Construction, traffic calming and traffic generating developments

Through consultation with all stakeholders via the All-agency Meetings and the relevant Council and TfNSW approval requirements any traffic calming strategies will be identified, and mitigation measures proposed and implemented during the event.

Construction, traffic calming and traffic generating developments register:

Identified Item	Construction, traffic calming measures
Princes Highway	For increased safety to riders, non-event vehicles will be under contraflow using the northbound traffic lanes providing a physical separation to the southbound event route. Speed reduction to 40km / h will also be implemented. Chicanes to also be considered on approach to the contraflow set up to actively promote slower speeds when using the crossover points.

3.4 Trusts, authorities or Government enterprises

L'Etape Australia by Tour de France uses and/or impacts roads and assets owned/controlled/managed by;
Transport for NSW (RMS / TMC)
Kiama Council
City of Shoalhaven
Wingecarribee Shire Council

Approvals will be obtained through local council traffic committees and development applications, and the TMC via the Road Occupancy Licence approval process.

3.5 Impact on Public Transport

Local public transport operators have been notified of the event through communication from the TMC.

Rail - Sydney Trains have been notified of the event through their attendance at the initial All Agency Meetings.

Additional services to be provided on Saturday 27/11/21, and Sunday 28/11/21 to support the needs of the event. The use of these event orientated services will be promoted to riders.

On event day a dedicated representative from Sydney Trains will be contactable from Sydney Trains should issues arise during the event

3.6 Reopening

All road closures will be reopened under the direction of the NSW Police situated within the ECC. Road Closures will be removed progressively with the outlined Sections able to operate independently to reduce closure times and impact to the non-event community.

All sections will have local access restored as a priority prior to full normal conditions being restored. This arrangement will allow residents / property owners to access certain sections of the event route to either move within parts of the local area or access main arterial roads. This is done to reduce the time some properties / streets are isolated.

3.7 Traffic Management requirements unique to this event

No items identified at this stage. This will be reviewed throughout the planning process through the scheduled all agency meetings and will be updated as required.

3.8 Contingency Plans

Contingency plans are developed in consultation with TMC, RMS, Police, Councils and other stakeholders for items in the register below.

Issues / Risks	Action to be Taken
Heavy Weather	<ul style="list-style-type: none"> Consultation with the event organiser, TMC, RMS and NSW Police to discuss the potential severity of the approaching weather event. There is a limited to no alternative routes and therefore a decision will be made to whether the event can proceed.
Bush Fire Hazard	<ul style="list-style-type: none"> Consultation with the event organiser, TMC, RMS and NSW Police to discuss the potential severity of the approaching weather event. There a limited to no alternative routes and therefore a decision will be made to whether the event can proceed.
Event cancellation prior to riders starting the course	<ul style="list-style-type: none"> Depending on the timeline for cancellation, all implemented traffic management to be removed and VMS to advise motorists of the cancellation.
Non-event traffic accident on the event course prior to the road closures	<ul style="list-style-type: none"> Road closures are implemented with enough time to deal with most issues prior to the arrival of the riders. In cases where the incident cannot be fully removed, additional traffic management will be implemented around the area and marshalls will guide the riders around the area. Where the impact to the course is significant and the risk to riders traveling at speed through the area is high, the event can be neutilisaed locally by having the riders escorted through this area using the

	motor marshalls at low speeds and not under race conditions.
Blockade / protest on event route	<ul style="list-style-type: none"> • Consultation with the event organiser, TMC, RMS and NSW Police to discuss the potential impact of the hazard. A decision will then be made on whether the event can proceed.
Closure of Macquarie Pass due to tree falling / land slide	<ul style="list-style-type: none"> • Princes Highway Traffic to be diverted to use Picton Road to travel west to the Southern Highlands • Traffic from the southern highlands area to be diverted to use Picton Road to travel to the coast. • VMS along the Hume highway to advise traffic of road closures.
Closure of Macquarie Pass due to a traffic accident during the event	<ul style="list-style-type: none"> • Princes Highway Traffic to be diverted to use Picton Road to travel west to the Southern Highlands • Traffic from the southern highlands area to be diverted to use Picton Road to travel to the coast. • VMS along the Hume highway to advise traffic of road closures.
Traffic Control vehicle breakdown	<ul style="list-style-type: none"> • The road closures are implemented in sections with resources able to be shared between sections should a vehicle breakdown be an issue with delivering / transporting equipment. Across the event there are a couple of roaming crews who will be able to assist with deploying additional resources in areas as managed from the ECC to ensure road closures are kept to the proposed timing and the event timeline is not impacted.
Slow Participants	Timing cars using at the back of the riders in each event. Any rider that falls behind this vehicle are withdrawn from the event with SAG buses and trucks following the event to transport non-participating riders to the finish area. NSW Police will also be traveling at the rear of the event to direct participants as required to ensure compliance with the event requirements.

Additional contingency items included in the register discussed with event stakeholders – See Appendix G.

3.9 Heavy Vehicle Impacts

Princes Highway Contraflow – The traffic measures proposed for use along the Princes Highway must maintain access for vehicle types commonly traveling along the impacted sections of the highway.

During the closure of the Illawarra Highway vehicles will be directed to use Picton Road to travel between the Princes Highway & the Hume Highway as Tourist Road has an existing load limit of 10t. This limit will remain enforce throughout the event and will be including in the notification material in the lead up to the event. Vehicle traveling from Sydney, Goulburn or Shoalhaven will be advised of the Picton Road detour route using a combination of permanent and portable VMS. Local heavy vehicle drivers will be advised of the detour route through the proposed community engagement program as outlined in item 4.2.

Advanced notification provided via the TMC using the Live Traffic website and permanent / portable VMS to drivers impacted by the changed conditions in the lead up to the event.

Event vehicles – Some vehicles associated with the event will exceed some size limited along the event route, all contractors are to be made aware of these restrictions and alternate routes provided. Within the event convoy the SAG bus and truck used along roads with size, weight or height limits will comply with existing conditions. This will be reviewed when engaging new contractors with alternate routes developed as issues are identified.

3.10 Special Event Clearways – Sunday 28th November 2021

Sign posted Special Event Clearways (SEC) are not proposed for use during the event.



Sample Special Event Clearway Signage

3.11 No Parking along Route

Pre-event parking prevention will be implemented in the following locations.

Notification - Signage Installed 7 Days prior to event and flyers placed on cars in the day prior to the event to notify drivers of no parking times.

Cars remaining within the Event No Parking Zones during the event will have traffic cones placed around as required with a notice placed on the car with a number to call prior to moving.

Note: The contact number for vehicles needing to be moved will be received within the ECC and managed by the event traffic management staff to ensure the safety of the event participants. Any movement of vehicles within the event route during the hard closure times are permitted only under the direction of traffic controllers and / or NSW Police and only when it is safe to do so.

Kiama

Location	Start	Finish	Directions	Start Time	Finish Time
Manning Street	Terralong Street	Bong Bong Street	Southbound	1am Sunday 28/11/2021	8:30am Sunday 28/11/2021
Manning Street	Barney Street	Terralong Street	Northbound	1am Sunday 28/11/2021	8:30am Sunday 28/11/2021
Manning Street	Bong Bong Street	Bonair Street	Southbound	1am Sunday 28/11/2021	4pm Sunday 28/11/2021
Manning Street	Bonair Street	Barney Street	Northbound	1am Sunday 28/11/2021	4pm Sunday 28/11/2021



Berry

Location	Start	Finish	Directions	Start Time	Finish Time
Queen Street	Prince Alfred Street	Kangaroo Valley Road	Westbound	5am Sunday 28/11/2021	9:30am Sunday 28/11/2021
Queen Street	Kangaroo Valley Road	Prince Alfred Street	Eastbound	5am Sunday 28/11/2021	9:30am Sunday 28/11/2021



Item 9.6

Attachment 2

Robertson

Location	Start	Finish	Directions	Start Time	Finish Time
Hoddle Street	Wallangunda Street	Caalong Street	Eastbound	5am Sunday 28/11/2021	2pm Sunday 28/11/2021
Hoddle Street	Main Street	Wallangunda Street	Westbound	5am Sunday 28/11/2021	2pm Sunday 28/11/2021



Item 9.6

Attachment 2

Jamberoo

Location	Start	Finish	Directions	Start Time	Finish Time
Churchill Street	Jamberoo Mountain Road	Allowrie Street	Southbound	8am Sunday 28/11/2021	2pm Sunday 28/11/2021
Allowrie Street	Churchill Street	Jamberoo Road	Eastbound	8am Sunday 28/11/2021	2pm Sunday 28/11/2021



Item 9.6

Attachment 2

4 Minimising Impact on Non-Event Community & Emergency Services

4.1 access for local residents, businesses, hospitals and emergency vehicles

Access to all properties along the event route for emergency services is maintained throughout the event. Preplanning by emergency services will allow resources to be placed strategically to ensure normal operation can be maintained. The non-event community will continue to use the 000 service to call for emergency services. These emergency events will be logged through the normal agency system which is visible by the emergency services representatives located within the ECC. Where required emergency vehicle access can be coordinated within the event closures. The general rule for the event is to have vehicles traveling in the same direction as the event when using the event route.

Kangaroo Valley Ambulance Station

Through consultation with Ambulance NSW, access plans or alternative arrangement plans to be developed to ensure normal level of service can be maintained to the local community.

Kangaroo Valley Rural Fire Service

Through consultation with NSW Rural Fire Service, access plans or alternative arrangement plans to be developed to ensure normal level of service can be maintained to the local community.

Kangaroo Valley Police Station

Through consultation with NSW Police, access plans or alternative arrangement plans to be developed to ensure normal level of service can be maintained to the local community.

Robertson Police Station

Through consultation with NSW Police, access plans or alternative arrangement plans to be developed to ensure normal level of service can be maintained to the local community.

4.2 Advertise Traffic Management Arrangements

Various methods of communication are proposed to communicate the event impacts on the local and surrounding non-event community.

Local Community Meetings

Local community meetings for each council will be organised in the lead up to the event. The first meeting will aim at giving an overview of the event and communicating as much local information as possible to local residents and business owners. Opportunities created by the event will also be presented during this first meeting. The second meeting will allow organisers to address specific comments or queries received since the initial meeting.

Local Community Online Resource

A webpage dedicated to the Local Community is available on the L'Étape Australia website at www.letapeaustralia.com/community/. This page will be populated with community-specific information as soon as the course can be revealed to the general public (the community-specific information will contain information on the race route so the update of this webpage and the reveal of the course to the general public have to be synchronised).

A form will be available on this same webpage for the local residents/business owners to join a community-specific mailing list.

Local Community Mailing List

Local residents and local business owners will be invited to join a dedicated mailing list. Local community-specific information will be distributed via eDM to this mailing list regularly during the year. Recipients of these eDM will have the possibility to simply hit "Reply" to be in direct contact with event organisers

Local Community Private Facebook Group

Local residents and local business owners will be invited to join a [private Facebook Group](#). Local community-specific information will be posted on this Facebook group. The messaging functionalities of Facebook will also be another way for people to be in touch with the event organisers.

Council Support

The local Councils will be asked to promote these three sources of information on their respective website. The aim is to point the local community towards the event organisers for their comments and queries to be addressed.

Newspaper Advertising

WSC – 7 days' notice to be given by means of an advertisement in a local paper will be arranged as per council's condition of approval.

Notification Signage

See Item 4.3

Letterbox Drop

Properties along the Event route and isolated streets will be provided notification of the road closure arrangements and local access times if available via letterbox drop in the months leading up to the event.

Access Point Closure Signage

All roads will have 'Road Closed' signs as stipulated in the applicable TCP. Other access points along the event route such as driveways and farm gates may use a closure sign as required with additional information as per the sample below:



Signage Dimensions 300mm W x 200mm H

Variable Message Signs

See Item 4.4

Live Traffic Website

Road Closure information to be provided in the lead up and during the event via the 'Live Traffic' website managed by the TMC.

4.3 Special Event Warning Signage

Road Closure Signage to be installed around the course approx. 30 days prior to the event.

Signage Dimensions (Existing Speed limit 80km/h and above): 1200mm W x 900mm H

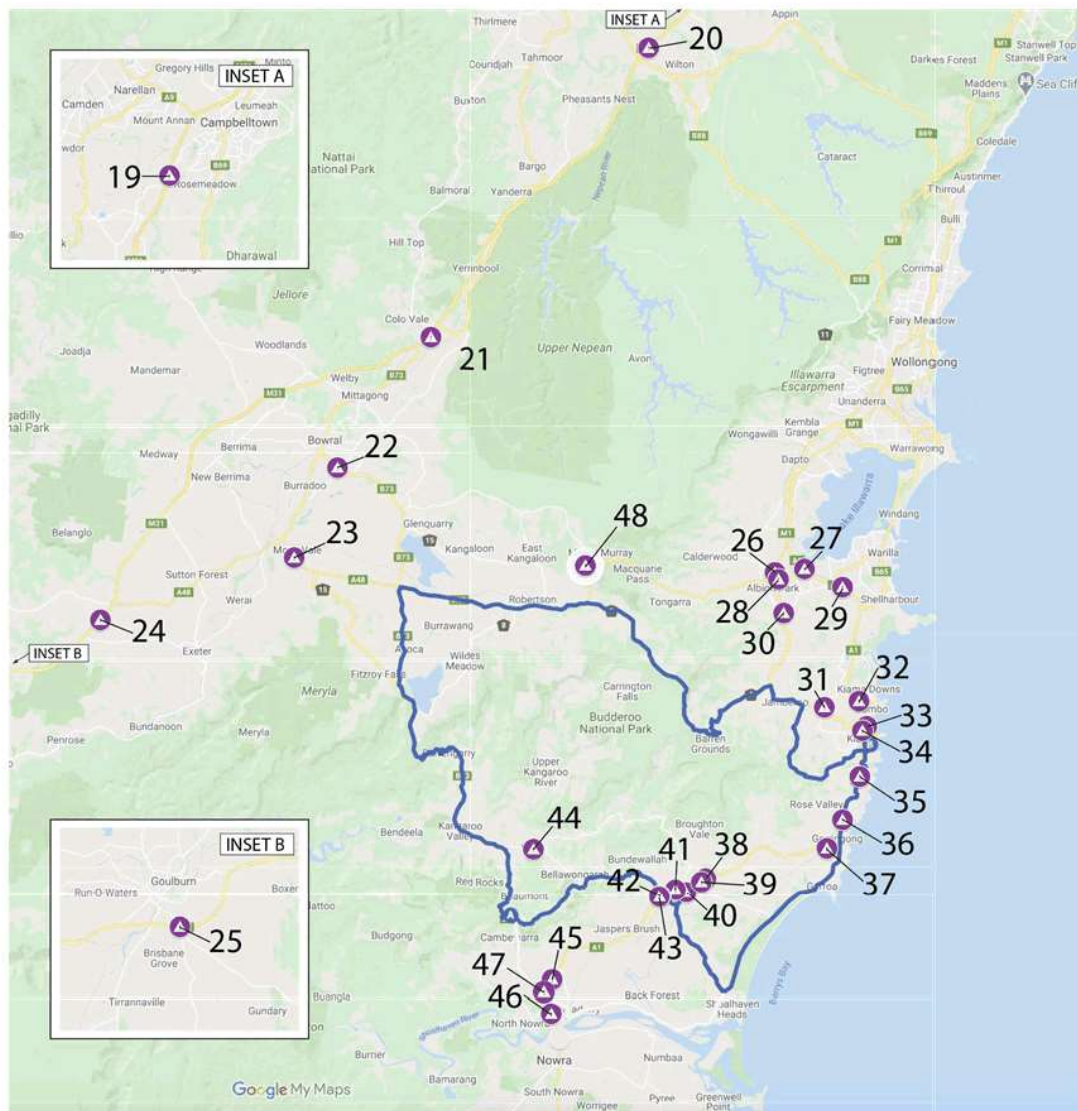
Signage Dimensions (Existing Speed limit less than 80km/h): 900mm W x 600mm H

ZONE 1	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER MANNING STREET CLOSED 4.00 am - 4.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER SOUTH KIAMA DRIVE CLOSED 5.30 am - 8.00 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER SADDEBACK MOUNTAIN ROAD CLOSED 4.00 am - 4.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>		
	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER FERN STREET CLOSED 4.30 am - 9.00 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER CROOKED RIVER ROAD CLOSED 4.30 am - 9.00 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER GERROA ROAD CLOSED 4.30 am - 9.00 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER BOLONG ROAD CLOSED 4.30 am - 9.00 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	
	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER COOLANGATTA ROAD CLOSED 5.00 am - 9.30 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER WHARF ROAD CLOSED 5.00 am - 9.30 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER PRINCE ALFRED STREET CLOSED 5.00 am - 9.30 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER QUEEN STREET CLOSED 5.00 am - 9.30 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER KANGAROO VALLEY ROAD CLOSED 5.00 am - 10.00 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>
ZONE 4	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER TOURIST ROAD CLOSED 5.30 am - 10.30 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER CAMBEWARRA LOOKOUT ROAD CLOSED 5.30 am - 10.30 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER MOSS VALE ROAD CLOSED 5.30 am - 10.45 am <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>		
	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER NOWRA ROAD CLOSED 5.30 am - 12.30 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER SHEEPWASH ROAD CLOSED 6.30 am - 1.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER ILLAWARRA HWY CLOSED 7.00 am - 2.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER HODDLE STREET CLOSED WESTBOUND 7.00 am - 3.30 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER ILLAWARRA HWY CLOSED WESTBOUND 7.00 am - 2.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>
ZONE 6	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER JAMBEROO MOUNTAIN ROAD CLOSED 8.00 am - 2.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER CHURCHILL STREET CLOSED SOUTHBOUND 8.00 am - 2.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER ALLOWRIE STREET CLOSED EASTBOUND 8.00 am - 2.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER JAMBEROO ROAD CLOSED EASTBOUND 8.00 am - 2.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	
	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER SADDEBACK MOUNTAIN ROAD CLOSED 8.30 am - 3.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>	L'ÉTAPE AUSTRALIA SUNDAY, 28 NOVEMBER FOUNTAINDALE ROAD CLOSED 8.30 am - 3.00 pm <small>For details visit LIVETRAFFIC.COM or phone 132 701</small>			

4.4 Variable Message Signs

A combination of Permanent and portable VMS will be used in both the lead up and during the event to advise motorists of road closures and detour routes.

Refer to the Event VMS Plan for details – See Appendix E



5 Privacy Notice

The "Personal Information" contained in the completed Transport Management Plan may be collected and held by the NSW Police, the NSW Roads & Maritime Services (RMS), Transport Management Centre (TMC) or Local Government.

I declare that the details in this application are true and complete. I understand that:

- The "personal information" is being collected for submission of the Transport Management Plan for the event described in Section 1 of this document.
- I must supply the information under the Road Transport Legislation (as defined in the *Road Transport (General) Act 1999*) and the *Roads Act 1993*.
- Failure to supply full details and to sign or confirm this declaration can result in the event not proceeding.
- The "personal information" being supplied is either my own or I have the approval of the person concerned to provide his/her "personal information".
- The "personal information" held by the Police, RMS/TMC or Local Government may be disclosed inside and outside of NSW to event managers or any other person or organisation required to manage or provide resources required to conduct the event or to any business, road user or resident who may be impacted by the event.
- The person to whom the "personal information" relates has a right to access or correct it in accordance with the provisions of the relevant privacy legislation.

6 Approval

TMP Approved by: _____ Event Organiser _____ Date

7 Authorisation to *Regulate Traffic

Council's traffic management requirements have been met. Regulation of traffic is therefore authorised for all non-classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: _____ Council _____ Date

The RMS/TMC's traffic management requirements have been met. Regulation of traffic is therefore authorised for all classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: _____ RMS/TMC _____ Date

** "Regulate traffic" means restrict or prohibit the passage along a road of persons, vehicles or animals (Roads Act, 1993). Council and RMS / TMC require traffic to be regulated as described in the risk management plans with the layouts installed under the direction of a qualified person.*

[Appendix A](#)

Risk Assessment – Traffic Items

[Appendix B](#)

Parking Plan

[Appendix C](#)

Overview Plans with Closure Zones + Rider Timetable

[Appendix D](#)

Road Closure Maps

[Appendix E](#)

VMS Plan

Appendix F

Traffic Control Plans

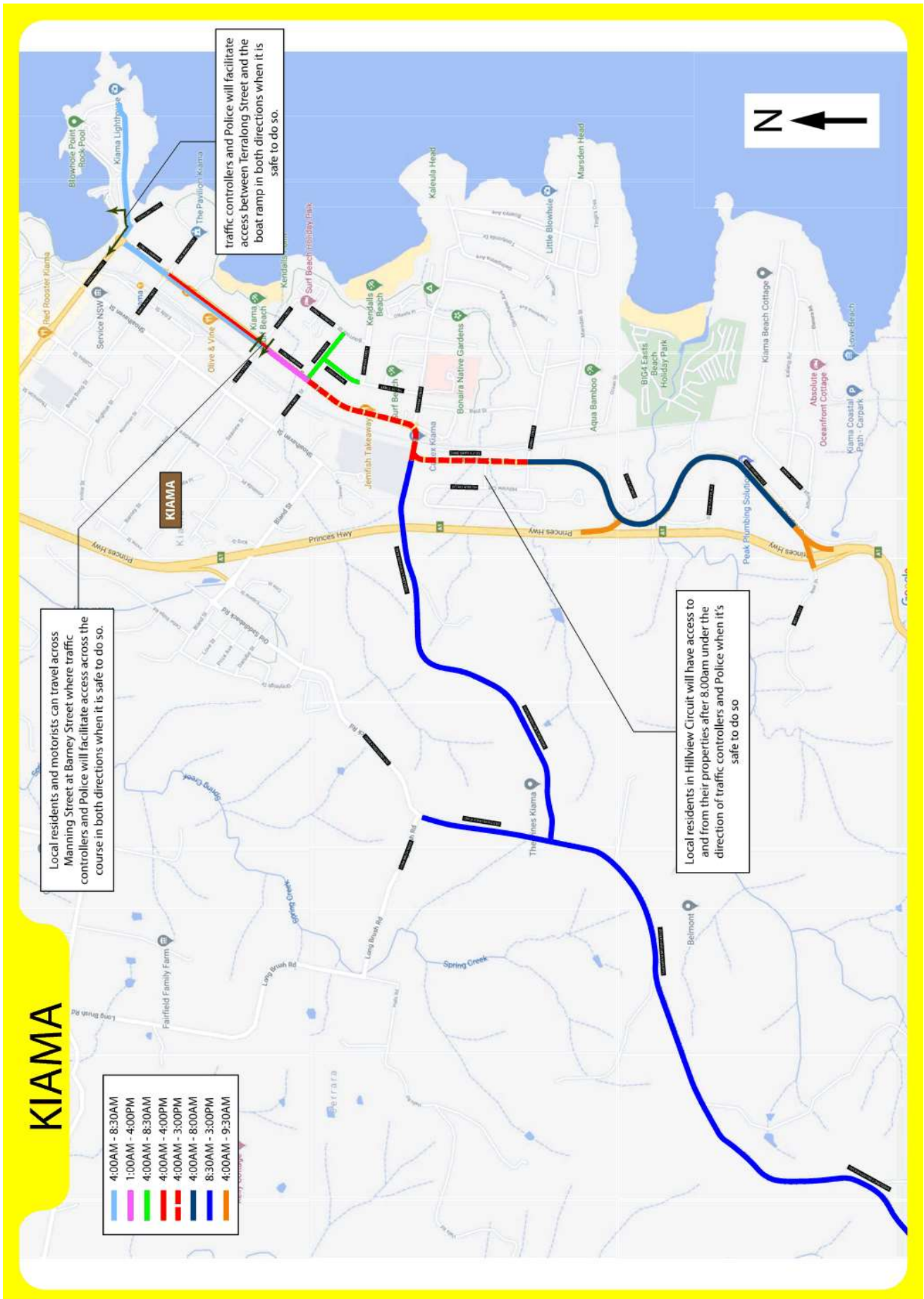
Zone	Plan	Variant	Subject Road
1	1		Manning Street, Terralong Street
1	2		Manning Street, Terralong Street
1	3		Blowhole Point Road
1	4	A	Manning Street
1	4	B	Manning Street
1	4	C	Manning Street
1	5	A	Manning Street, South Kiama Drive, Saddleback Mountain Road
1	5	B	Manning Street, South Kiama Drive, Saddleback Mountain Road
1	5	C	Manning Street, South Kiama Drive, Saddleback Mountain Road
1	5	D	Manning Street, South Kiama Drive, Saddleback Mountain Road
1	6	A	Saddleback Mountain Road, Old Saddleback Road
1	6	B	Saddleback Mountain Road, Old Saddleback Road
1	6	C	Saddleback Mountain Road, Old Saddleback Road
1	7	A	South Kiama Drive
1	7	B	South Kiama Drive
1	7	C	South Kiama Drive
2	8	A	Princes Highway
2	8	B	Princes Highway
2	8	C	Princes Highway
2	9	A	Princes Highway
2	9	B	Princes Highway
2	9	C	Princes Highway
2	10	A	Princes Highway
2	10	B	Princes Highway
2	10	C	Princes Highway
2	11	A	Princes Highway
2	11	B	Princes Highway
2	11	C	Princes Highway
2	12		Fern Street
2	13	A	Fern Street
2	13	B	Fern Street
2	14		Fern Street
2	15		Fern Street
2	16		Fern Street
2	17		Crooked River Road
3	18	A	Gerroa Road, Bolong Road
3	18	B	Gerroa Road, Bolong Road
3	19		Shoalhaven Heads Detour Plan
3	20		Coolangatta Road
3	21		Coolangatta Road
3	22	A	Prince Alfred Street, Station Road, Alexandra Street
3	22	B	Prince Alfred Street, Station Road, Alexandra Street
3	22	C	Prince Alfred Street, Station Road, Alexandra Street
3	23		Prince Alfred Street, Queen Street
3	24		Queen Street
3	25	A	Queen Street, Kangaroo Valley Road

3	25	B	Queen Street, Kangaroo Valley Road
3	26		Princes Highway Berry Detour Overview
3	27		Princes Highway Berry Detour
3	28	A	Kangaroo Valley Road, Tourist Road
3	28	B	Kangaroo Valley Road, Tourist Road
4	29	A	Tourist Road, Cambewarra Lookout Road, Moss Vale Road
4	29	B	Tourist Road, Cambewarra Lookout Road, Moss Vale Road
4	30		Moss Vale Road
4	31		Moss Vale Road
4	32		Moss Vale Road
4	33	A	Moss Vale Road
4	33	B	Moss Vale Road
5	34		Moss Vale Road
5	35	A	Nowra Road, Sheepwash Road
5	35	B	Nowra Road, Sheepwash Road
5	35	C	Nowra Road, Sheepwash Road
5	36		Sheepwash Road
5	37		Sheepwash Road
5	38		Sheepwash Road
5	39	A	Sheepwash Road, Illawarra Highway
5	39	B	Sheepwash Road, Illawarra Highway
5	39	C	Sheepwash Road, Illawarra Highway
5	40	A	Illawarra Highway
5	40	B	Illawarra Highway
5	41		Illawarra Highway
5	42		Illawarra Highway
5	43		Sheepwash Road & Illawarra Highway Detour Overview
5	44		Robertson Detour Signage
5	45	A	Illawarra Highway (Hoddle Street)
5	45	B	Illawarra Highway (Hoddle Street)
5	46		Illawarra Highway (Hoddle Street)
5	47		Illawarra Highway (Hoddle Street)
5	48		Illawarra Highway
6	49		Tourist Detour Signage
6	50	A	Illawarra Highway, Jamberoo Mountain Road
6	50	B	Illawarra Highway, Jamberoo Mountain Road
6	50	C	Illawarra Highway, Jamberoo Mountain Road
6	51		Jamberoo Mountain Road
6	52		Jamberoo Mountain Road
6	53		Jamberoo Mountain Road
6	54		Jamberoo Mountain Road
6	55		Jamberoo Mountain Road
6	56		Jamberoo Mountain Road, Churchill Street
6	57		Churchill Street
6	58		Churchill Street, Allowrie Street
6	59		Allowrie Street
6	60		Allowrie Street
6	61	A	Jamberoo Road, Fountaindale Road
6	61	B	Jamberoo Road, Fountaindale Road
6	61	C	Jamberoo Road, Fountaindale Road

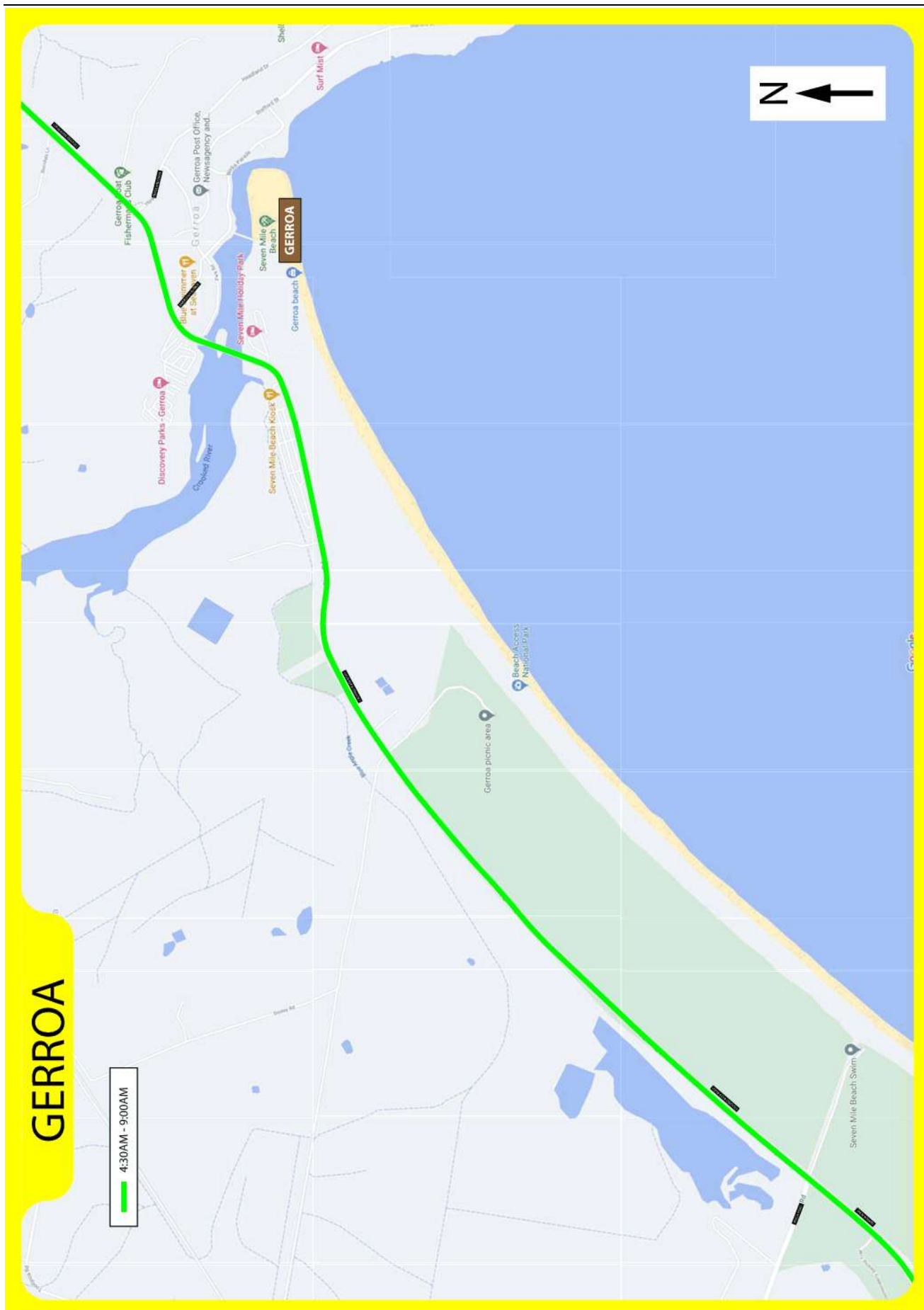
6	62		Fountaindale Road
6	63		Fountaindale Road
6	64		Fountaindale Road, Saddleback Mountain Road

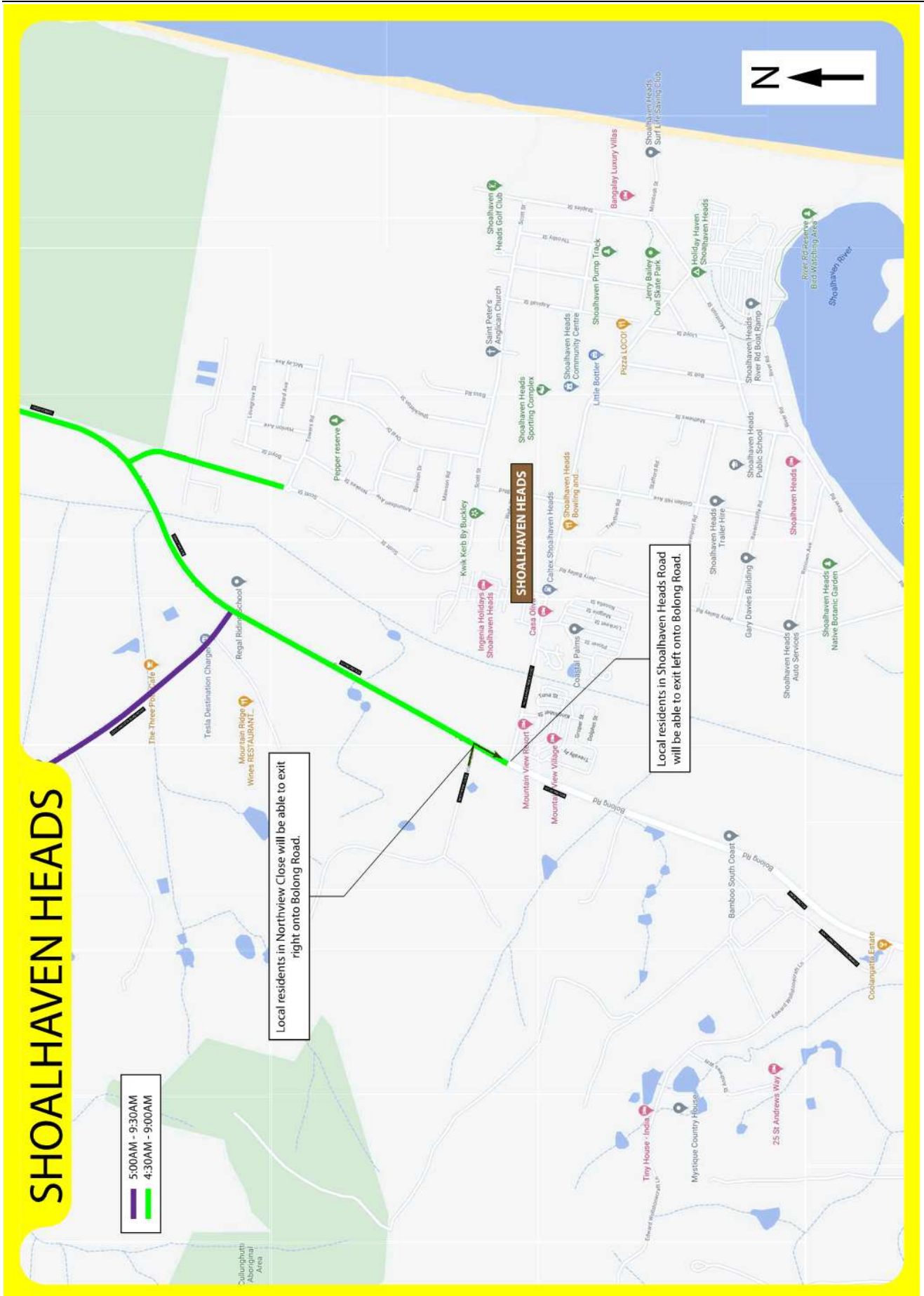
Link below to map outlining the TCP for each intersection along the route

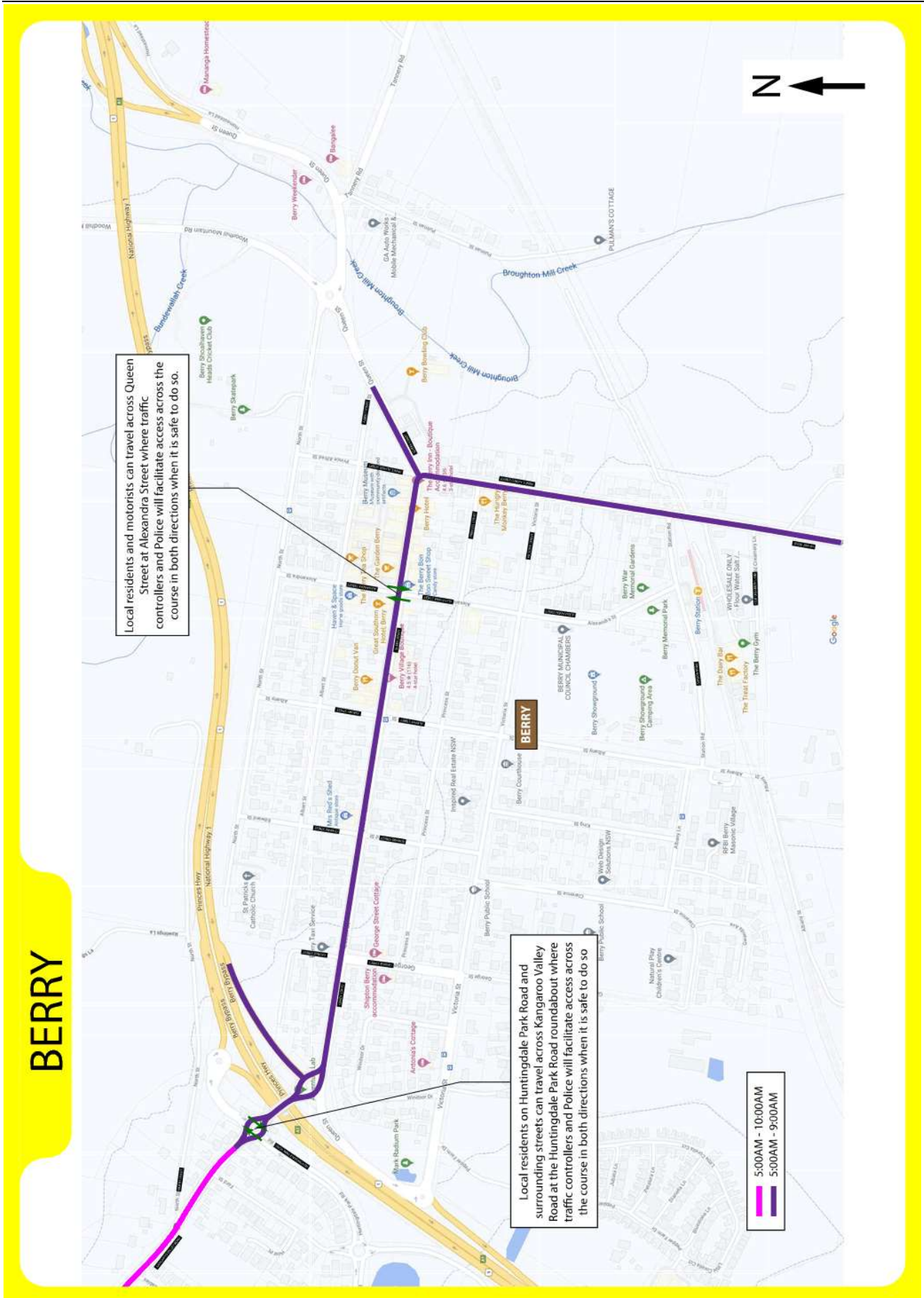
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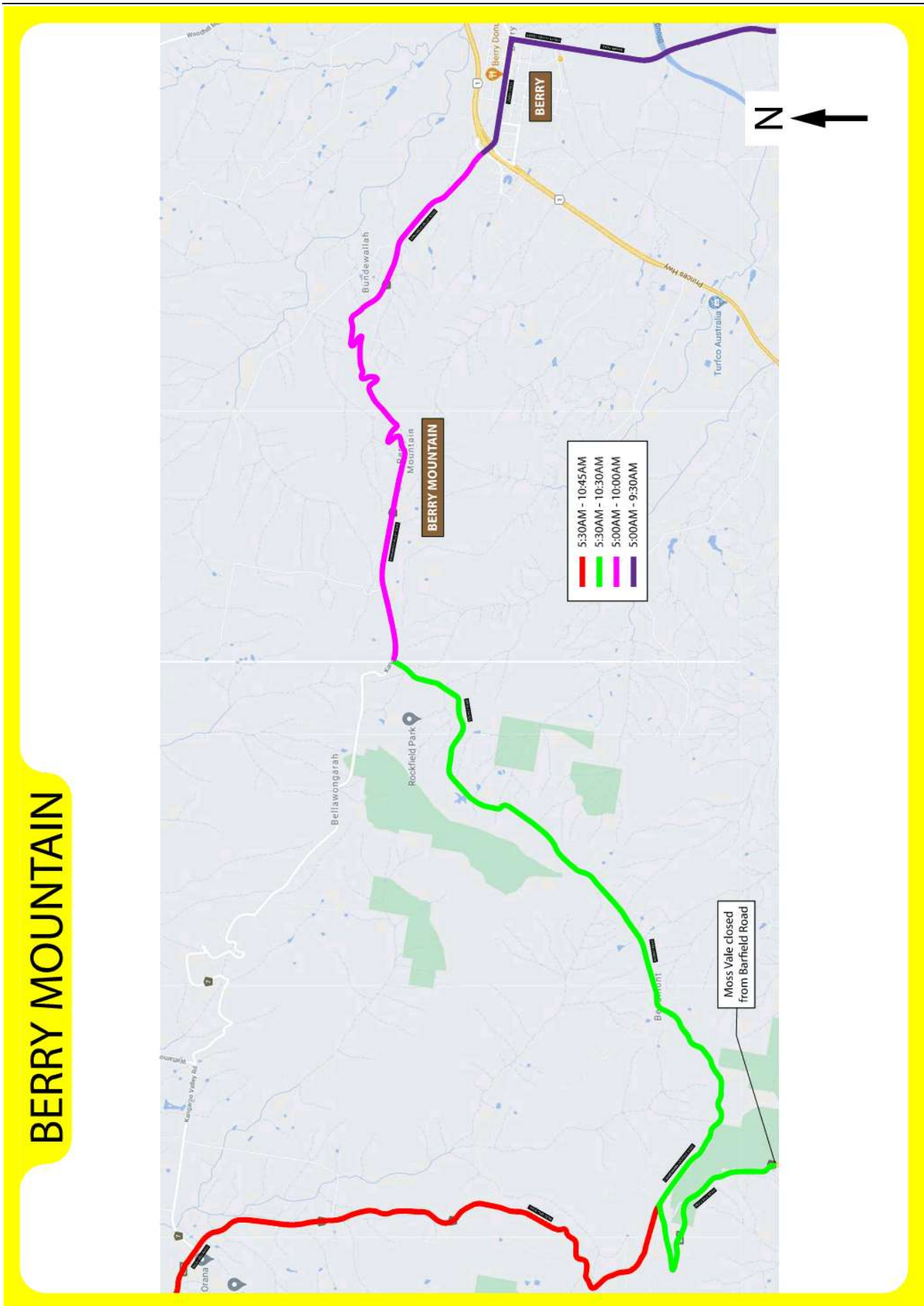


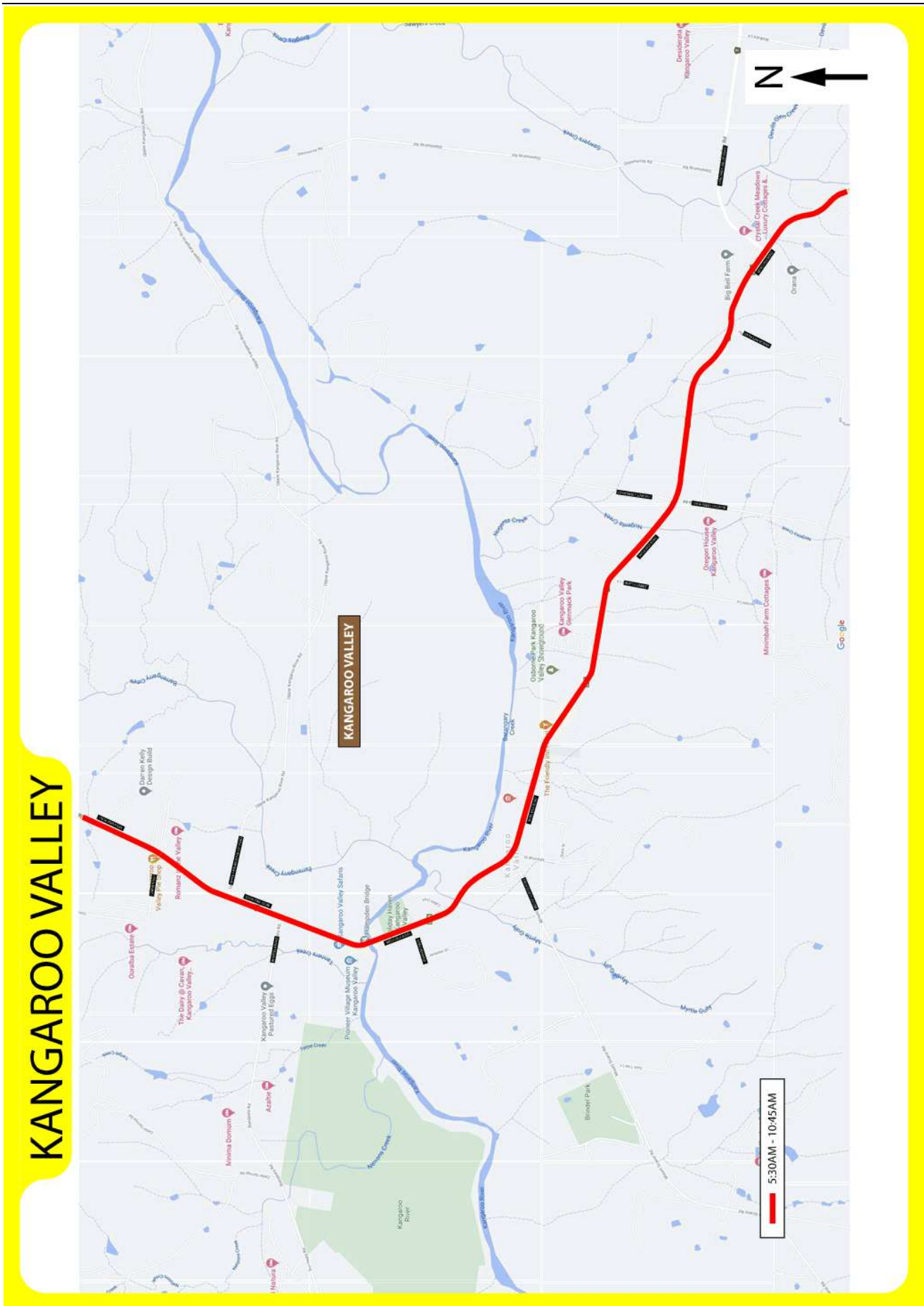






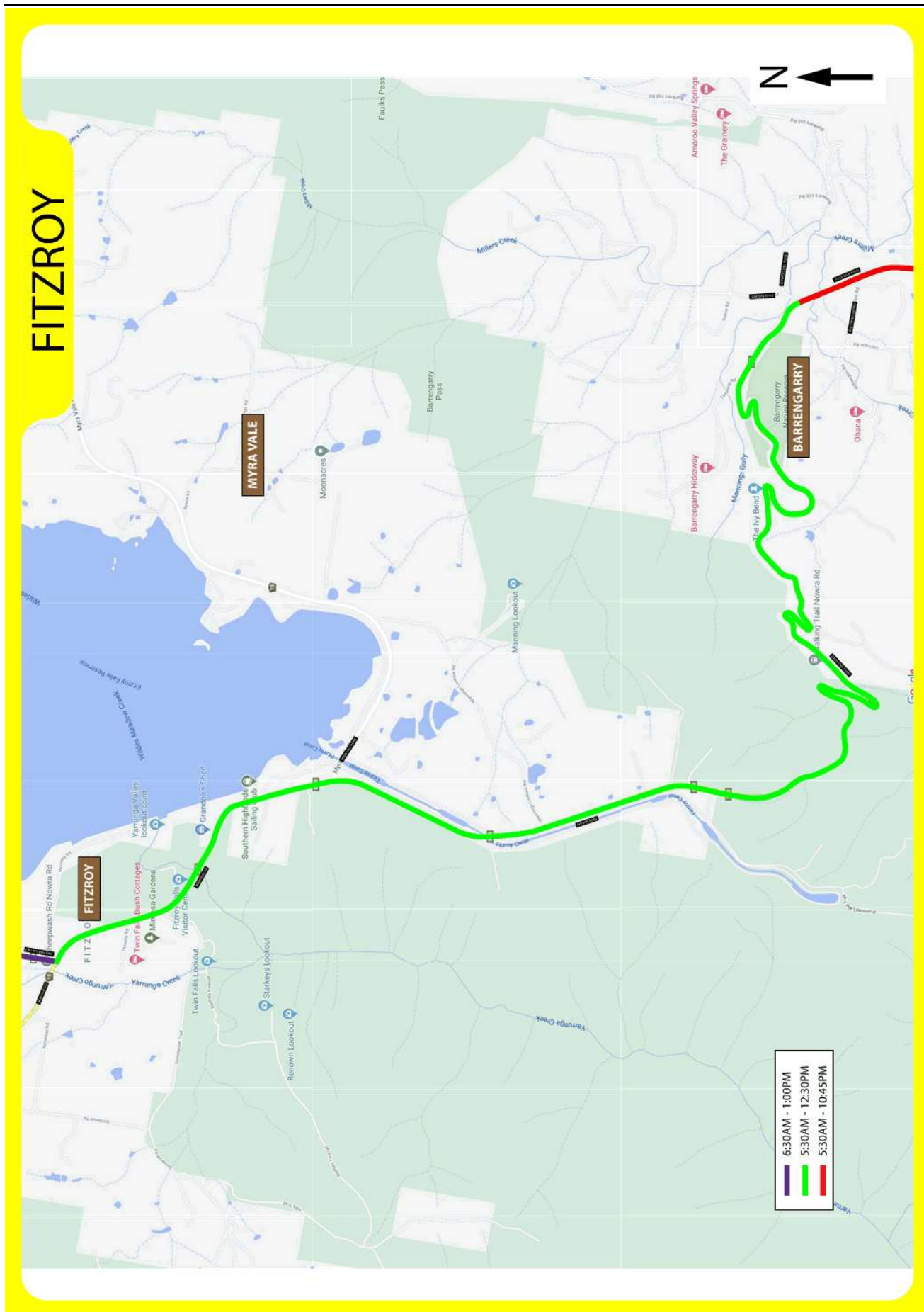


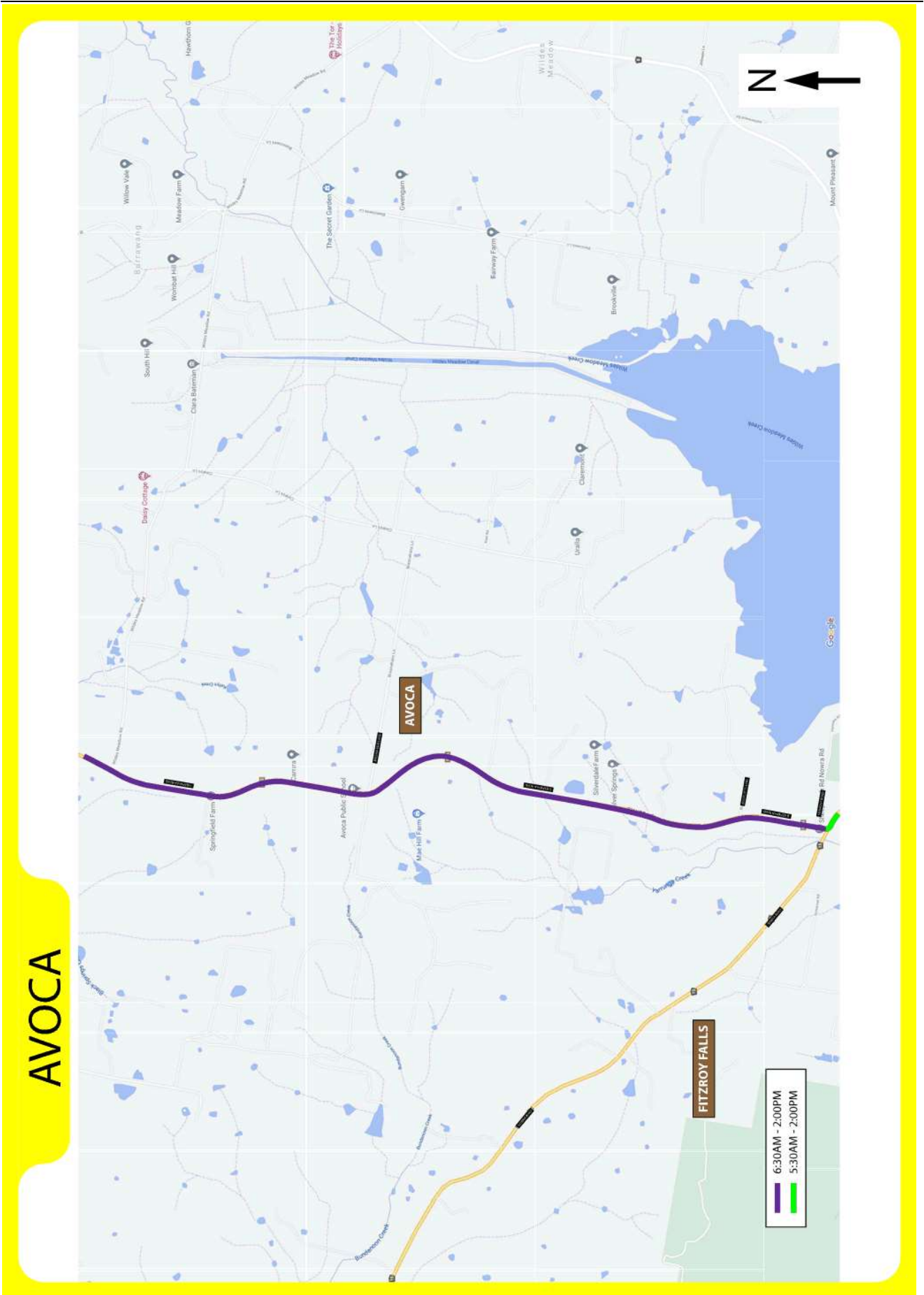




Item 9.6

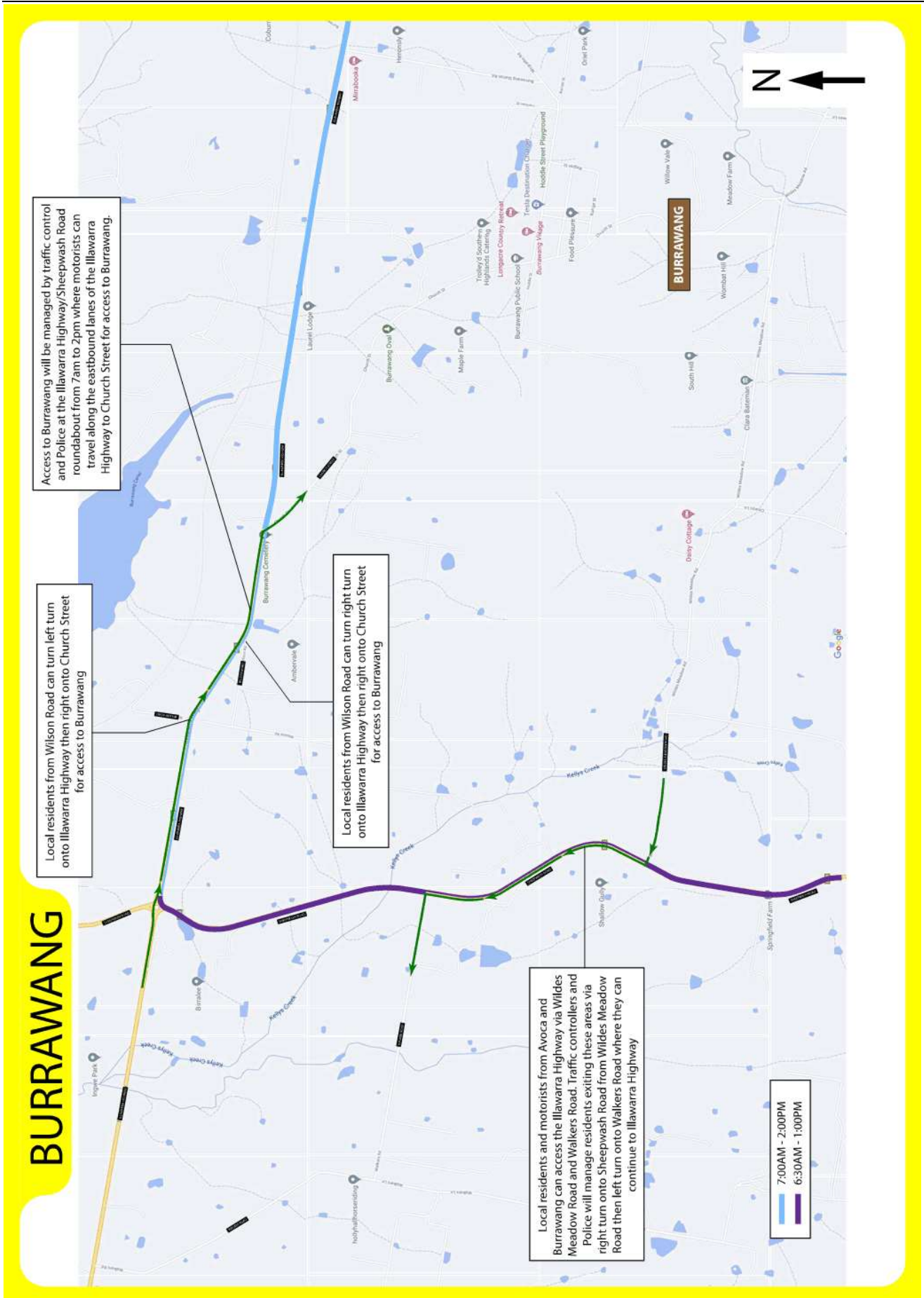
Attachment 4

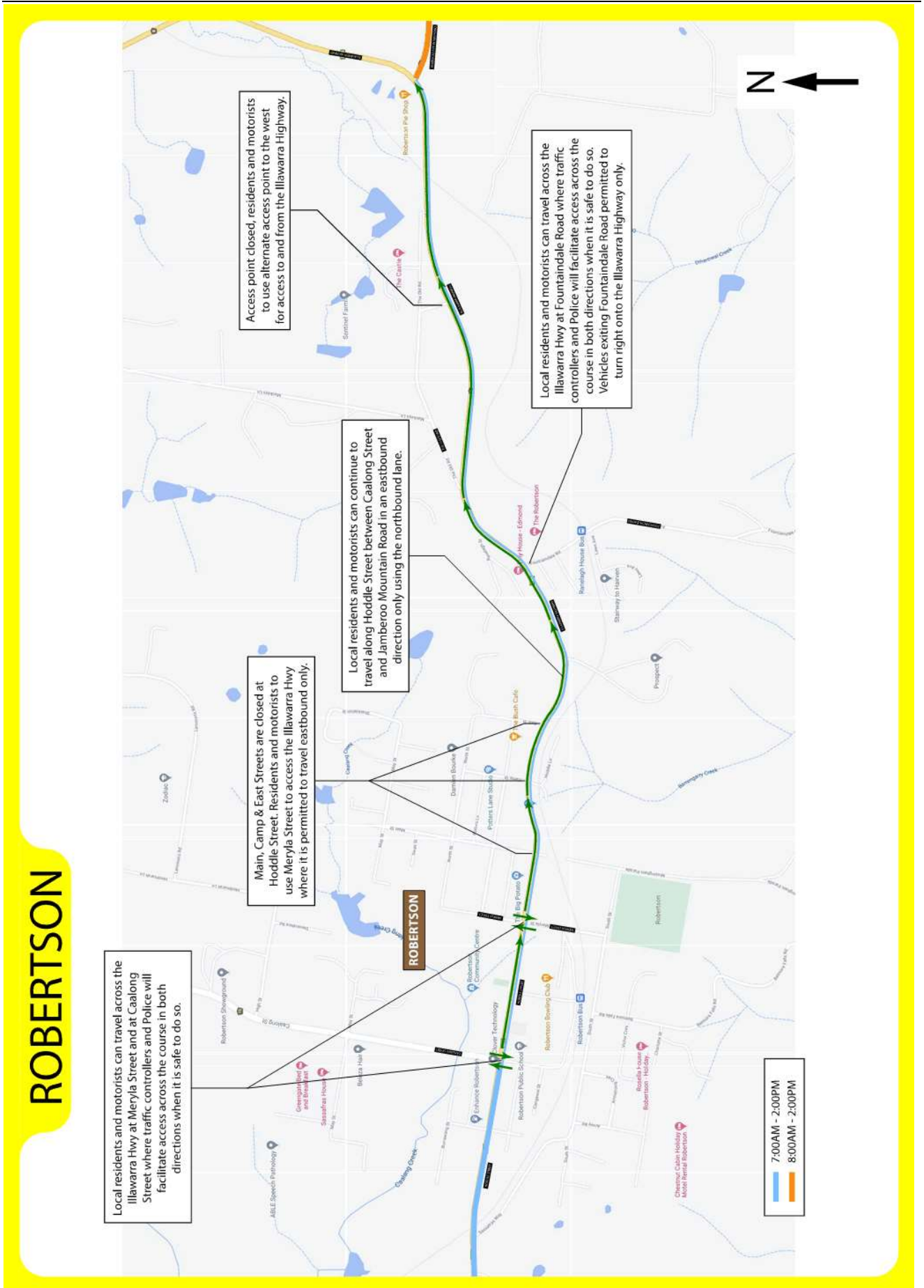


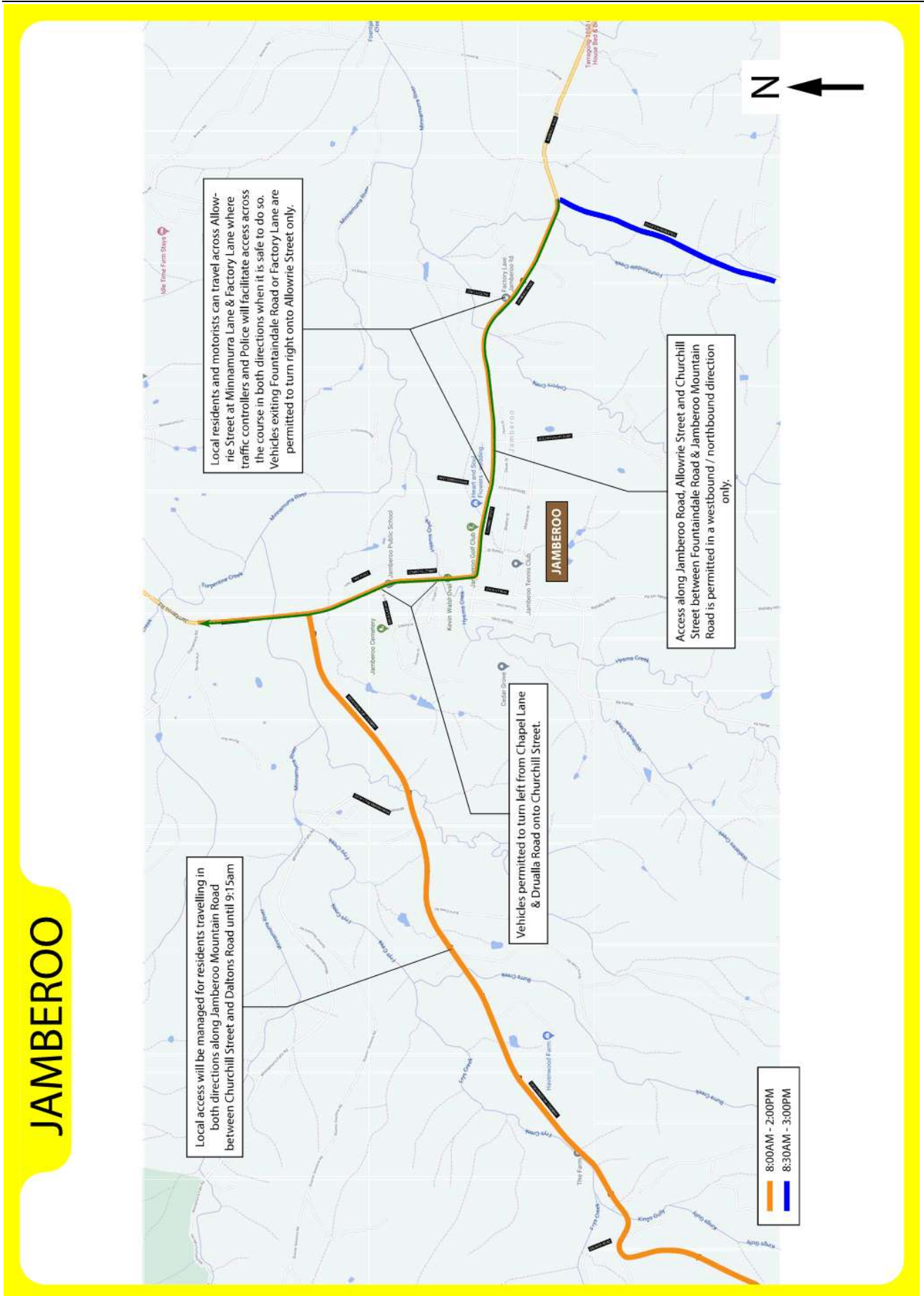


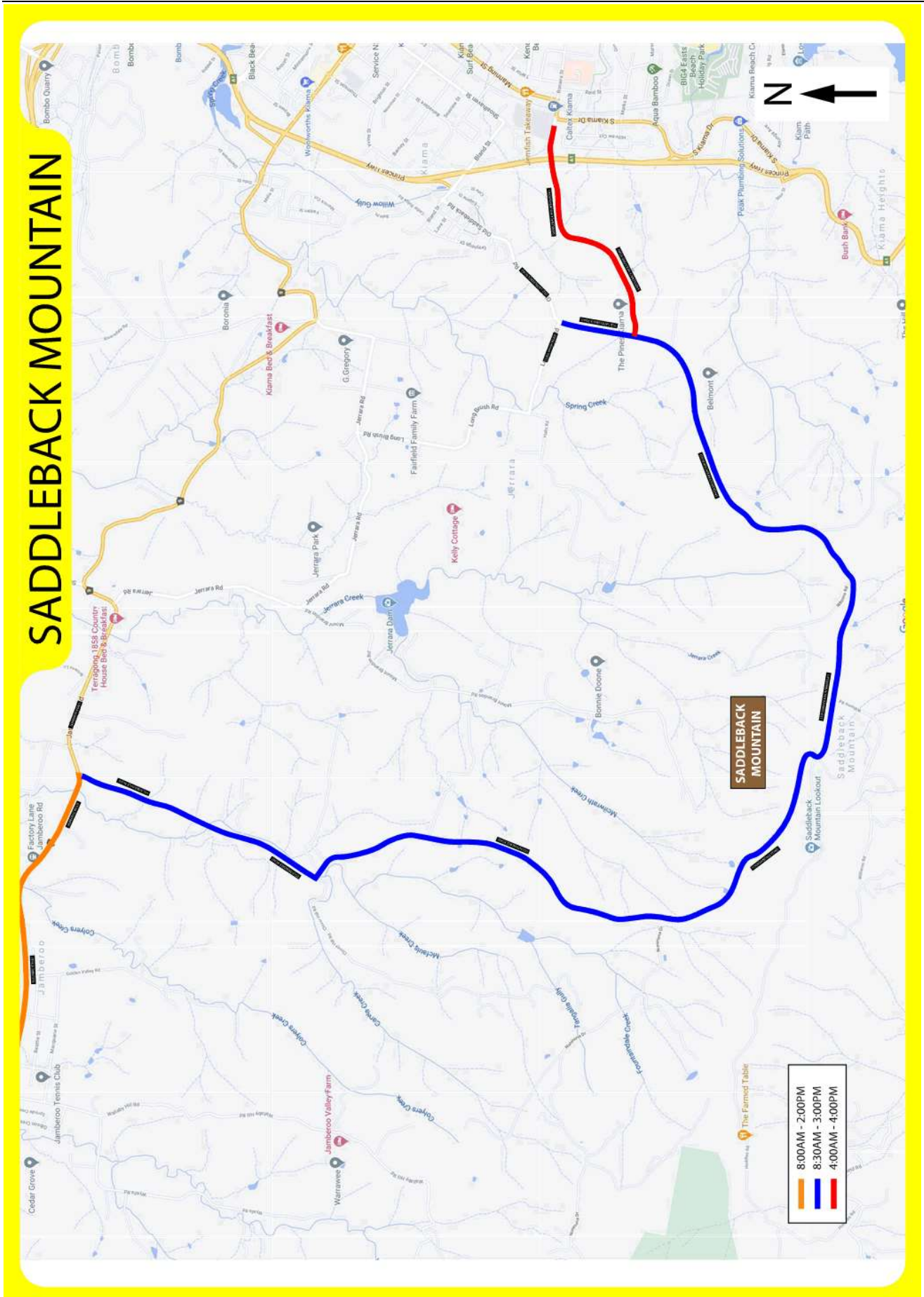
Item 9.6

Attachment 4

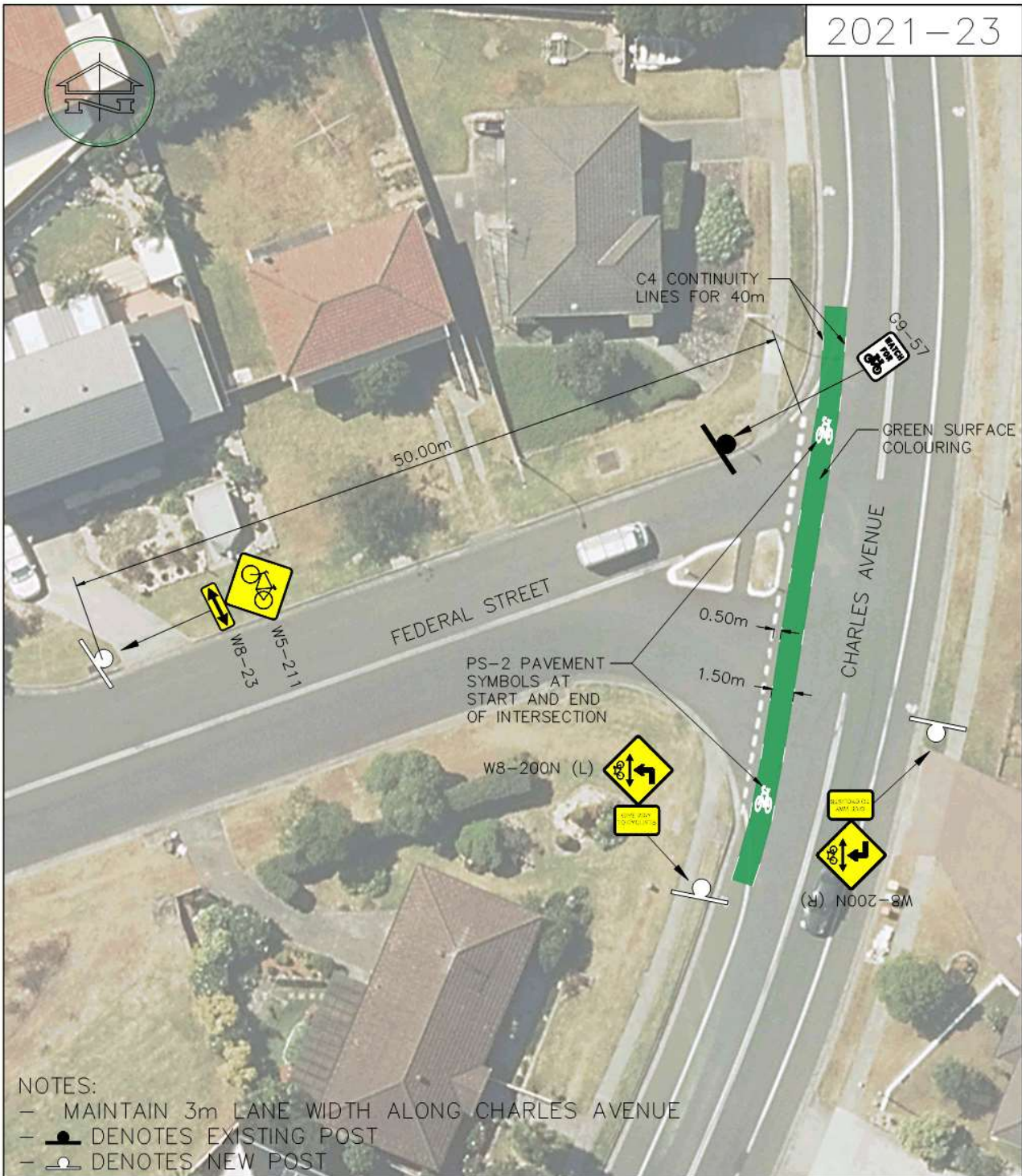








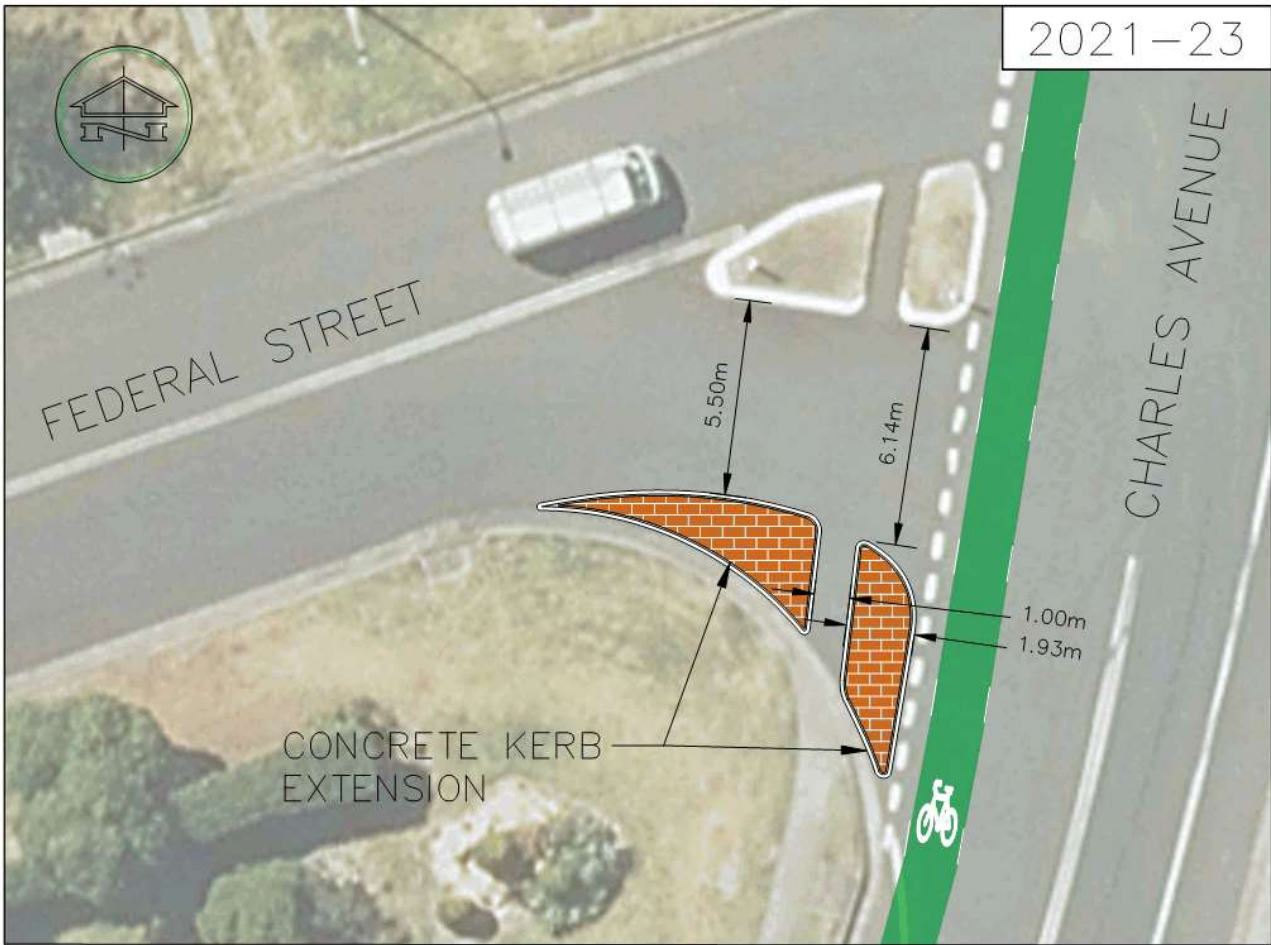




- NOTES:
- MAINTAIN 3m LANE WIDTH ALONG CHARLES AVENUE
 - DENOTES EXISTING POST
 - DENOTES NEW POST

REGISTER OF INSTALLATION OF REGULATORY SIGNS

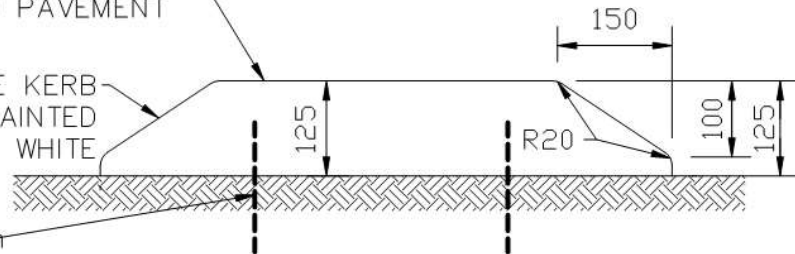
REGISTER NUMBER 2021-23	CHARLES AVENUE, MINNAMURRA MARKED CYCLEWAY PLAN VIEW	 KIAMA MUNICIPAL COUNCIL
SCALES PLAN N.T.S. SECTIONS		
DESIGNED ZH DRAWN ZH DATE JUL-21 CHECKED DB		SHEET 1 OF 2
		FILE: J/Engineering Services/Traffic/337s



CONCRETE KERB EXTENSION TO BE CONSTRUCTED ON SURFACE AND PINNED TO PAVEMENT

MOUNTABLE KERB FACE TO BE PAINTED WHITE

Ø8mm DOWELS 170mm LONG EPOXY DOWELLED 100mm INTO PAVEMENT AT MIN 1m SPACINGS



CONCRETE KERB EXTENSION CROSS SECTION
N.T.S

REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER	2021-23
SCALES	N.T.S
DESIGNED	ZH
DRAWN	ZH
DATE	JUL-21
CHECKED	DB

CHARLES AVENUE, MINNAMURRA
KERB EXTENSION
PLAN VIEW & CROSS SECTION



SHEET 2 OF 2
FILE: J/Engineering Services/Traffic/337s

Committee Of The Whole***RECOMMENDATION***

That Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Chief Executive Officer
- Report of the Director Environmental Services
- Report of the Director Engineering and Works
- Report of the Director Blue Haven
- Reports for Information

10 PUBLIC ACCESS REPORTS

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020

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

CSP Strategy: 4.3 Council and the community working together

Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

Item 11.1

Summary

This report provides an update on progress of the 2017-21 Delivery Program and 2020-21 Operational Plan for the April to June 2021 quarter.

Finance

As per the 2020-21 approved budget

Policy

Local Government Act 1993

Consultation (Internal)

All Council departments contributed to this report

Communication/Community Engagement

The Delivery Program 2017-21 and Operational Plan 2020-21 were developed following engagement with the community and were adopted after being placed on public exhibition for 28 days.

Attachments

Nil

Enclosures

- 1 Delivery program 2017-21 and Operational Plan 2020-2021 - 4th quarter and annual reporting⇒

RECOMMENDATION

That Council receives the Delivery Program 2017-21 and Operational Plan 2020-21 progress report for the period April to June 2020.

Background

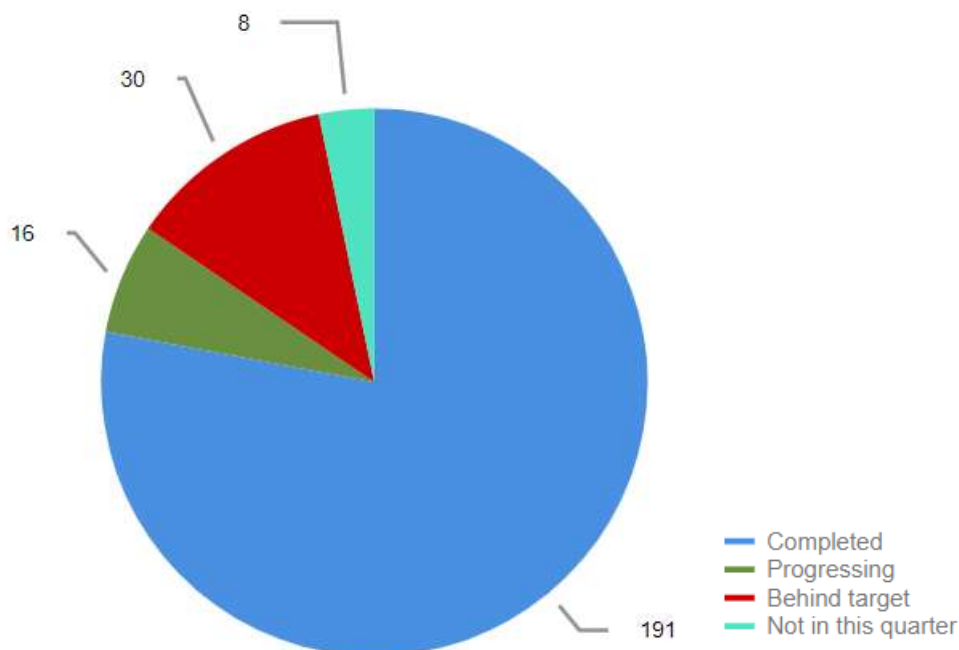
In accordance with the *Local Government Act 1993*, this Delivery Program and Operational Plan Progress Report provides Councillors and the Community with a tool

Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020 (cont)

for measuring progress towards the adopted strategies of Council’s four-year Delivery Program and ten-year Community Strategic Plan.

This report provides the status of the Delivery Program/Operational Plan actions for the second half of the 2020-21 financial year. The Operational Plan contains 245 actions and activities, and as at end of June 2021 the status of these are:



Item 11.1

The COVID-19 pandemic continues to provide an exceptional set of circumstances, with unprecedented impacts. The public health restrictions associated with the management of the pandemic has affected our capacity to deliver some services to our community, which is evidenced in most of the “behind target” activities.

Attached for Councillors’ information is the 4th quarter report on the Delivery Program 2017-21 and Operational Plan 2020-21, which includes annual comments.

The following Operational Plan activities were reported as being behind target for the period 1 April to 30 June 2021.

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
1.1.1.6	Advocate accessibility to local business networks to promote Kiama as an outstanding accessible community and holiday venue for people with disability	Number of presentations promoting accessibility at Council run events	2 presentations pa	none in this period.	0%	Due to COVID-19, no Council run events have been scheduled that provide an opportunity to implement this measure	Manager Community & Cultural Development

Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
1.1.1.7	Promote and encourage use of the accessibility budget to support access resources and assistance to support opportunity for all residents to genuinely participate in Council functions, consultations, events and activities	Percentage of budget utilised to assist accessibility of Council's community consultations and events	80% of budget allocated	< than 80% of budget utilised	0%	Disability supports were organised for Council's Winter Ignite Festival, did not go ahead due to severe weather.	Manager Community & Cultural Development
1.1.5.8	Undertake capital improvements and renewal to ensure the Leisure Centre and Jamberoo Pool facilities are maintained to required standards	Capital works and renewal program completed on time and within budget	100% completed on time and within budget	Behind target	50%	Capital projects have been carried over to next financial year which include air handling upgrade and replacement of gym equipment and hall chairs due to reassessing quotes to work within current budget constraints	Leisure Centre Manager
1.1.5.10	Maintain or increase user satisfaction of Leisure Centre and Jamberoo Pool facilities and its activities and programs	Maintain customer satisfaction levels in annual customer satisfaction survey reported as good, very good or excellent	95% of patrons pa	behind target	50%	Currently developing satisfaction surveys for community engagement, including Leisure Centre members and casual users. The survey information will be used to help develop and maintain Leisure Centre services and activities in the future.	Leisure Centre Manager
1.1.5.12	Support implementation of smoke free legislation within the Municipality and promote compliance at	Develop and include smoke free implementation strategies for events in the Events Manual	100% completed	100% completed	50%	Nothing progressed this quarter due to cancellation of events from weather and	Health Promotion Officer 01

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
	Council events and facilities	Provide strategies that minimise smoking to relevant event staff to implement at major Council events and target New Year's Eve and two other events	>3 events targeted pa	No events targeted.		COVID-19 concerns	
1.2.1.1	Provide grant-funded group and individual transport to targeted service users	Meet contractual requirements in reporting on community transport funding	100% completed	45%	45%	Total Trips for the last months are significantly down due to COVID Restrictions and the ongoing cancellation of services. Discussion with Transport for NSW who are aware of situation and have made exceptions for non compliance so no further action at this stage. Program will work to increase outputs once restrictions eased	Manager Community Programs
1.2.1.5	Provide Blue Haven Aged Care Community Programs across the Shoalhaven, Kiama, Shellharbour and Wollongong Local Government Areas	Compliance with the Aged Care Quality Standards	100% completed	60%	65%	Action Plan partly commenced and being refined by the Quality and Compliance Officer role	Manager Community Programs
1.2.1.6	Create a positive volunteer culture within Blue Haven Care	Volunteer satisfaction levels	>90% satisfaction rating		75%	Not completed in this reporting period as the volunteer survey was not sent out until July 2021	Manager Community Programs
		Targeted volunteer recruitment strategy developed and implemented by 30/09/2020	100% completed				

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
1.2.1.13	Deliver the Commonwealth Home Support Program to eligible people across Shoalhaven, Kiama, Shellharbour and Wollongong Local Government Areas (LGA)	Meet contractual requirements in reporting on all programs including Home Maintenance, Personal Care, Social Support, Domestic Assistance and Respite	100% completed	60%	60%	Outputs significantly down due to the impact of COVID	Manager Community Programs
1.3.2.6	Maintain an inspection and compliance register and program as required by the Swimming Pools Act	Ensure all pools at tourist and visitor accommodation premises with more than 2 dwellings that are required to be inspected are inspected in accordance with requirements of the Swimming Pools Act 1992 and Swimming Pool Regulations 2018 to ensure compliance	100% inspected		25%	3 pools were inspected in accordance with requirements of the Swimming Pools Act 1992 and Swimming Pool Regulations 2018 to ensure compliance.	Manager Building & Development
		Ensure all pools requiring an inspection are inspected in accordance with requirements of the Swimming Pools Act 1992 and Swimming Pool Regulations 2018 to ensure compliance	>80% inspected				
		Ensure all pools inspected that fail to comply with the requirements of the Swimming Pools Act 1992 and Swimming Pool Regulations 2018 that resulted in issuance of a Certificate of Non-Compliance	100% recorded				

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
		under Clause 18BA of Regulations are recorded in the Swimming Pool Register					
		Ensure all pools inspected that comply with the requirements of the Swimming Pools Act 1992 and Swimming Pool Regulations 2018 that resulted in issuance of a Certificate of Compliance under Section 220 of the Swimming Pools Act 1992 are recorded in the Swimming Pool Register	100% recorded				
1.3.2.9	Inspect and issue approval for caravan parks to operate as required by the Local Government Act	Annual inspection of all caravan parks approvals to operate issued	100% completed		25%	One annual inspection was undertaken and one approval to operate were issued for a caravan park during the quarter.	Manager Building & Development
2.1.1.5	Review planning outcomes and controls for Gerringong Town Centre by investigating, undertaking and preparing a Gerringong Town Centre Study	Engage a consultant by 31/03/2021 Complete investigation for the Gerringong Town Centre Study	100% completed	0%	0%	No work has commenced on this project due to staffing resources.	Manager Strategic Planning
2.1.2.2	Identify and protect areas of distinct and desirable character within the Municipality by undertaking local character analysis and preparation of appropriate Local Environmental Plan (LEP) and	Character statements adopted Engage a consultant by 31/12/2020	100% completed	0%	0%	A review of the strategic planning works program was undertaken. This was to align the program with the adopted LSPPS. The DPOP did not reflect this update given the timing of the two documents.	Manager Strategic Planning

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
	Development Control Plan (DCP) controls. Pending 2020-21 budget approval					Focus has been on the completion of the Town Centre DCP and the Town Centre Heritage Controls. Action 2.1.2.2 has therefore instead been reflected as complete under different project headings. Specific centres have also been separated to enable character statements to be prepared for each area and for these to be reflected as individual projects within the DPOP. This will be updated as part of the review of the CSP.	
2.2.2.6	Ensure biodiversity, corridor and bushfire mapping is accurate	Undertake a Municipal wide vegetation study	100% completed	10%	10%	Delays have been experienced in gaining data from the Department relating to the mapping of vegetation and as a result expected deadline for completion of this project was not met. This has been recognised in the budget with allocations made for this financial year in order to complete the project. This project has been moved to the 2021/22 Strategic Works Plan and a schedule allocated to enable	Manager Strategic Planning

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						completion of the project.	
2.2.3.2	Undertake and support on-ground activities and biodiversity education to promote and enhance natural areas	Community education events aligned to National Tree Day and World Environment Day	2 events pa	Sites prepared for national tree day planting in next quarter	0%	Site preparation for national tree day plantings proceeded as planned, with tree planting sites prepared at Spring Creek, Bombo Headland, Seven Mile Beach and Hyams Creek. The Birds of the Illawarra walk and talk was postponed due to evolving COVID situation in greater Sydney and the Illawarra.	Environmental/ Sustainability Officer
2.3.1.7	Apply and oversee application of Council's S94 plan(s)	Council's updated Indirect Contributions Plan exhibited and adopted	100% completed	20%	20%	Contributions Plan to be prepared in conjunction with new Housing Strategy.	Manager Strategic Planning
3.1.3.5	Ensure suitable land is available for small scale service industrial uses and identify modest area/s of land that is suitable in the short to medium term	Complete analysis of modest area/s of land that is suitable for small scale service industrial uses in the short to medium term by 31/12/2020	100% completed	25%	30%	Consultants brief to be prepared to identify suitable land. Delays in project due to delays in appointing budget and staffing resources.	Manager Strategic Planning
3.3.1.5	Implement strategies identified in the Kiama Coast Holiday Parks Masterplan	Complete planned maintenance program for Holiday Parks on time and within budget	100% completed on time and within budget	General maintenance undertaken across the Parks on an ad hoc basis	75%	Planning schedule developed for Werri Beach Holiday Park redevelopment, which will extend the on-site occupancy for a number of holiday vans. Communication distributed. Progress of capital projects across the parks:	Holiday Parks Coordinator
		Complete capital works and renewals program for Holiday Parks on time and within budget	100% completed on time and within budget	Progress of capital projects across the parks:			

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						* ongoing upgrade works to Surf Beach Holiday Park residence * quotes sought for refurbishment of Cabin 21 at Kiama Harbour Cabins * contractor engaged for fire hydrant installation at Kendalls Beach Holiday Park * quotes received for CCTV upgrade and replacement of amenity keypads at Werri Beach Holiday Park * scopes of worked developed for C Block amenity upgrade and termite damaged refurbishment of reception at Seven Mile Beach Holiday Park	
3.3.1.6	Implement upgraded network at each Holiday Park	Complete network upgrade of Wi-Fi at each Holiday Park on time and within budget	100% completed on time	40%	40%	Network upgrades have been completed for Surf Beach and the Harbour Cabins. Due to budgetary constraints the update for Werri Beach, Kendalls Beach and Seven Mile Beach parks will commence in the new financial year.	Manager Information Technology
3.3.2.1	Implement the Strategic Tourism and Events Plan	Provide industry development opportunities annually	>3 opportunities pa	75%	80%	Steady recovery with visitor numbers increasing was very reassuring during this quarter following the devastating impact of	Visitor Services Coordinator
		Overnight Visitor Expenditure (averaged) is	\$200M overnight	50%			

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
		maintained or increased	visitor spend pa			COVID-19. The tourism industry was able to see light at the end of the tunnel. The marketing recovery campaign began.	
3.3.2.14	Pursue new Destination and Major Events for the Kiama Local Government Area (LGA)	Destination Events and Marketing for Events Toolkits developed and distributed to event organisers	100% completed	75%	80%	This has been difficult due to the COVID-19 Pandemic. Discussions with Sports Marketing Australia have been had to look at supplementing our current calendar with sporting and other events throughout the year.	Visitor Services Coordinator
		Number of new events secured	>2 events pa	100%			
3.3.2.15	Prepare a prospectus for Jerrara Dam outlining the principal investment opportunities as a means of testing the market	Prospectus finalised	100% completed		10%	It was agreed that Council engage a consultant to undertake a feasibility study on the previously identified options 2 and 3 of the Jerrara Dam Site Development Options report. This study will be undertaken in the 21//22 financial year subject to the availability of funding.	Visitor Services Coordinator
3.3.2.16	Prospectus/guide to accommodation development opportunities developed as a means of promoting region-wide opportunities	Prospectus finalised and submissions opened	100% completed		10%	Strategic Planning Manager and Economic Development Manager identifying sites, however giving the current COVID-19 climate, our current accommodation	Visitor Services Coordinator

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						stocks are not being utilised.	
3.3.2.18	Advocate for the redevelopment of Surf Life Saving Clubs as identified in the Tourism Opportunities Plan, including a South Coast high performance surf centre	All opportunities for advocacy of redevelopment of Surf Life Saving Clubs undertaken	100% completed	50%	50%	Acting manager has been in touch with the President of Kiama SLSC, Lachlan Payne. The club have just completed interior renovations and are interested in exploring possibilities to create revenue, restrictions are preventing this.	Visitor Services Coordinator
4.2.2.2	Develop, review and implement the Organisational Development program of works	Develop and implement the Corporate Learning and Development Plan	100% completed		50%	Review Council's onboarding and employee experience complete. Implementation of review of Council's Code of Conduct training commenced but was impacted by COVID related public health orders. Reviews and consolidation of Learning and Development Protocols commenced. Council's Rural Management Team was awarded winners of the Statewide Rural Management Challenge.	Manager Human Resources
		Coordinate employee engagement opportunities	100% annual schedule completed				
		Planned program of work delivered within agreed timeframe	100% completed				
		Develop and implement the leadership development programs in consultation with MANEX	100% completed				
4.2.2.6	Review and implement Council's Salary Structure in line with the Human Resource Management program of works	Review and implement Council's Salary Structure	100% completed		60%	Five of the eleven planned phases completed. Work completed in the quarter four includes: commencement of position alignment and comparative analysis, report provided to	Manager Human Resources

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						workforce. Position Description and Position Evaluation Protocols but implementation on hold per decision of ELT; development of Position Description Revisit recourses (Position Description Guide) on hold per decision of ELT, pending ELT feedback. Further project progress is dependent on Council's budget.	
4.3.1.7	Council's Intranet is coordinated and managed to provide business efficiencies for staff and is reviewed for improved access and engagement	Effective engagement and usability achieved for Council's intranet	30% increase in user access		50%	Some work was completed on the update of the intranet with content edited and updated throughout the reporting period. A review of the site has found that it needs to be reworked and include information that enables staff to gain access to information easily. A new provider Open Cities has been used (which is the same platform as our external KMC website) which will allow for a improve structure and layout of the intranet site. This work has commenced and will continue into the 21/22 financial year. Budget is allocated within the	Communications Officer 01

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Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

Action Code	Action Name	Performance Measure	Target	Actual	Progress	Comments	Responsible Officer Position
						Communications Budget to support this website.	
4.3.1.11	Develop and implement an overarching Communications Strategy that informs all of Council and its sub brands communication activities	Develop Overarching Communications Strategy by 31/12/2020	100% completed	100%	80%	Consultant has drafted strategy. New Communications Coordinator will oversee refinement and implementation over 21/22.	Communications Officer 02
		Implement Overarching Communications Strategy by 31/12/2020	100% completed	Progressing			
4.3.1.14	Development and implementation of a Customer Response Commitment	Complete and implement a Customer Response Commitment to ensure high quality customer service is provided in a timely, efficient, effective and consistent manner	100% completed	Not met.	25%	Recent appointment of communications coordinator and customer service coordinator will allow this to be achieved in 21/22.	Communications Officer 02
4.3.1.15	Create an Event section on Council's website to house information and instructions for event organisers in one central location	Create an Event section on Council's website to provide accurate information for community event organisers to understand how to organise an event. Information to be maintained by Web Publishers in a timely manner and which reflects Kiama Event's Group (KEG) outcomes completed by 30/09/2020	100% completed		70%	Completion expected in Q1 2021-21.	Communications Officer 01

Item 11.1

There were a number of highlights during the final quarter of the 2020-21 financial year, including:

Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

-
- Proactively monitored and improved accessibility issues with the Access Committee addressing 34 matters in the community
 - Accessible facilities at the Kiama Visitor Information Centre amenities, Gerringong Surf Lifesaving Club, Jamberoo Youth Hall and North Warri Beach were improved and update
 - The Pavilion team has worked closely with Aged Friendly Illawarra to provide age friendly seating at all events
 - Dementia Friendly Kiama Project continues to connect and empower People Living with Dementia meeting 2 times during the period and holding 11 online social catch-ups
 - Our Sorry Day on 26 May was held via live stream from The Pavilion, involving two 2 local schools, a flag raising ceremony, Welcome to Country, Auntie Doreen Compton guest speaker and a performance by the Doonooch Dancers
 - 498 people participated in Library programs and demand for Library e-resources is strong accounting for 6,182 loans this quarter
 - SENTRAL Youth Services delivered Teen Mental Health First Aid to 13 Kiama High School students
 - World Environment Day workshops organised and implemented including 'Introduction to permaculture', Home Composting, Clothes swapping party with 93 attendees and 74% of all items claimed
 - Transport for NSW grant funding received for the construction of a pedestrian/cyclist barrier along the shared pathway at Bombo Beach
 - One of our major projects, the Sanctuary Place Quarry Bike Skills Track, was completed
 - Blue Haven has received a grant of \$313,000 from the Department of Health to focus on achieving financial sustainability in aged care
 - 82 people participated in the "I'm Alert" online food education training platform hosted by Kiama Council
 - More than 95% compliance during patrols of the Municipality dog off-leash areas
 - The bush regeneration program for the Minnamurra Wetlands weed control project and the first year of the Baileys Island program have been completed
 - Minnamurra Headland bank stabilisation project has been finalised and the first stage of the Hyams Creek bank rehabilitation work has been implemented
 - Assistance has been provided to the Minnamurra headland, Jubilee Grove and Little Blowhole Landcare groups
 - 96.6% of tree management applications were processed within the 21 day timeframe
 - 250 Planning Certificates were issued, with 97.6% issued within 3 days

Report of the Chief Executive Officer

11.1 Delivery Program and Operational Plan Quarterly Report April to June 2020
(cont)

-
- Barney Street culvert renewal works and the culvert upgraded at the Jamberoo Mountain Road slip were completed
 - Destination Kiama held Tourism After Hours at Gather by the Hill with the Above and Beyond award presented to Jo Robertson from Bare Foot Five Tribe
 - New tourism campaign with We Are Explorers focusses on transformational and revitalised travel (following COVID impacts) with a strong sustainability message
 - A Financial Sustainability Plan has been developed and focusses on the future sustainability of Council over the next 3 years
 - Work has commenced on compliance with 10 new Child Safe Standards being supported by the Office of the Children's Guardian, with the Executive Leadership Team endorsing designated child related roles
 - Visitation to Council's website trending at 130% on previous financial year
 - Despite the impact of the pandemic our Holiday Parks have maintained a site occupancy of 49% over the quarter, with cabin occupancy at 67%

Item 11.1

11.2 Financial Sustainability and Long Term Financial Plan

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

Item 11.2

Summary

Council's financial performance

Financial implication

Improved financial performance into the future.

The proposed independent review project will be funded from the finance consultancy budget originally allocated for a portion of Council's asset revaluations planned in 2021/22. This reallocation will not affect Council's audit obligations.

Policy

Office of Local Government performance benchmarks

Consultation (internal)

Councilors

Executive Leadership Team

Communication/Community engagement

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council note the information in this report and endorse:

1. conducting an expert peer review of Council's draft Long Term Financial Plan
2. the procurement of an independent review into Council's retrospective budget process and Investment decisions to ensure future process improvements;
3. seek nominations for community experts in finance to join the working group.

BACKGROUND

In 2015 the New South Wales Government asked IPART to perform the role of an Expert Advisory Panel to assess how councils met the Government's Fit for the Future criteria. There were initially seven (7) benchmarks to which councils were ranked to measure financial performance, this is now called the Office of Local Government performance ratios and contains the following 6 ratios.

- Operating Performance Ratio
- Own Source Operating Revenue
- Unrestricted Current Ratio
- Debt Service Cover Ratio
- Rates, annual charges, interest and extra charges outstanding percentage
- Cash Expense Cover Ratio

Council met 3 of the 6 ratios in the 2019/20 financial year and is forecast to meet 4 of the 6 ratios during the 2020/21 financial year. The below graph details the past 5 financial years results.

	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021	
	Actual	Actual	Actual	Actual	Estimate	Benchmark
Operating Performance	4.43%	-1.61%	-0.29%	-13.12%	-9.40%	0.00%
Own Source Operating Revenue	60.43%	78.41%	65.91%	69.29%	78.20%	60.00%
Unrestricted Current Ratio	3.86	2.58	1.88	1	0.82	1.5
Debt Service Cover Ratio	8.68	10.73	6.82	0.06	2.49	2
Rates, Annual Charges Outstanding	1.47%	1.55%	1.59%	1.61%	2.85%	10.00%
Cash Expense Cover Ratio	10.71	9.09	8.73	3.78	8.34	3
Infrastructure Renewal Ratio	199.22%	90.37%	114.19%	178.35%	105.90%	100.00%

Recent challenges and the 2021/22 budget

The 2020/21 financial year was a challenging year for Kiama Municipal Council which included the impacts of COVID-19 and the opening of our brand new co-located aged care home and retirement village on Bonaira Street. The published 2021 financial statements reported an operational loss of \$7.956 million with a cash deficit of \$9.696 million. The impact of COVID-19 reduced user fees and charges in Council's holiday parks, the Leisure Centre and The Pavilion Kiama by a total of \$1.6 million on the 2019 financial year.

The opening of Blue Haven Bonaira in December 2019 added additional fixed costs, including depreciation and interest along with additional variable costs required to service a larger facility. Interest income has also been impacted significantly with the RBA cash rate at an all-time low of 0.10%. The below table details the effects on Council interest income from 2019 to the projected income in 2021/22. The forecast for the current rate is that it will remain relatively steady over the following two years.



Description	Interest Income			
	2019	2020	2021	2022
Interest & Investment Income	1,337,000	460,000	394,000	212,549

The 2021/22 budget has focused on future financial sustainability and staff have endeavoured to ensure greater transparency and engagement across the organisation and with Council in the preparation of the budget. The budget will look to continue to improve the operating performance ratio and will target a minor cash surplus. This cash surplus is principally driven by accommodation deposits into the new Blue Haven Bonaira Aged Care Home. Key strategic projects that will drive draft financial sustainability for the 2021/22 budget include the following.

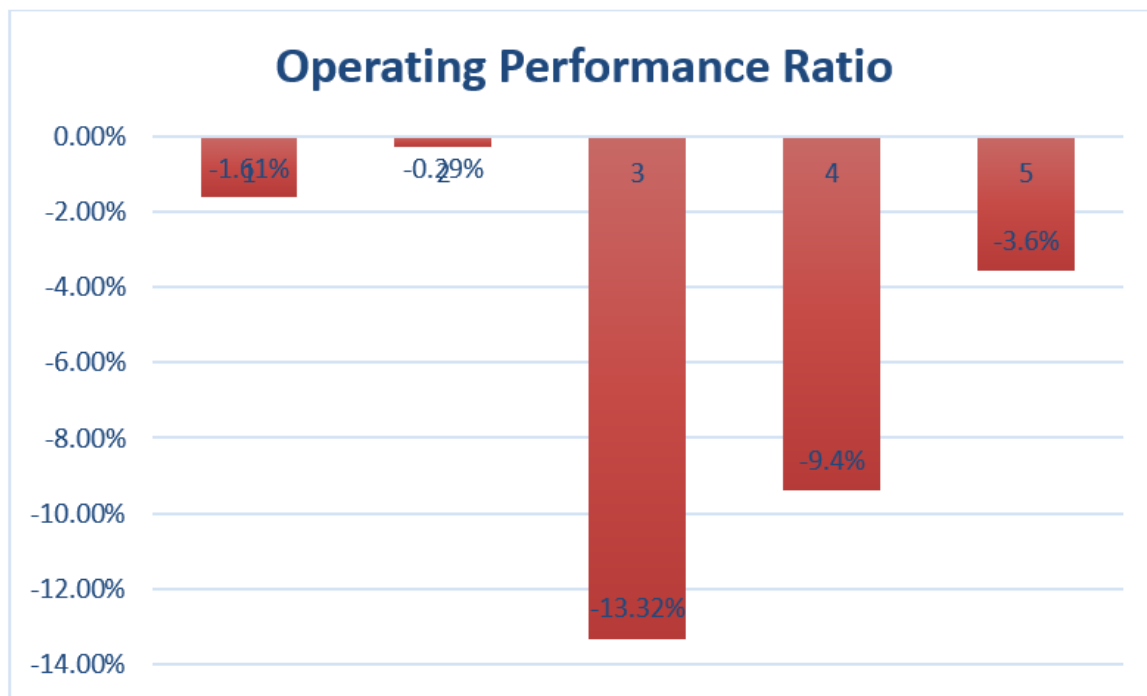
- a review of Council's income generating assets to maximise current opportunities
- a formal review into Council's fees and charges
- working in partnership with a number of consultants regarding the financial performance of the aged care home. This is a grant funded program from the Department of Health worth \$313,000
- a strategic review into Council's current use of recreation and open spaces
- a focus on grant opportunities with a more controlled strategic plan around Council's operational grants to ensure all available opportunities are taken up
- continual review of Council's depreciation expenditure
- a review of Council's borrowing costs
- better reporting to Managers, including monthly reporting and the development of dashboards.

Council will remain committed to the principles of financial sustainability and good financial management. This will include long term and whole of life considerations that ensure we endeavor not to increase future costs through delayed asset maintenance or unreasonably transfer costs to future generations.

Available Funds are a cornerstone of Council's Financial Sustainability and while usage was appropriate in the short term, the draft Financial Strategy requires these funds to be re-established over time to return to our former position to ensure we are prepared for any unplanned events in the future.

Council recognises that as a large provider of essential services, leadership and economic impact in the Municipality our obligation is to strive to continue to provide our high level of services and works, while continuing to improve Council's financial position.

The table below details the operating performance ratio since 2018 and is projecting continual performance improvement into the 2022 budget.



2021/22 budget process

The 2021/22 budget process focused on a collaborative approach with Councillors, Managers and Team Leaders to look at areas of opportunities and efficiency. This was achieved through a number of workshops and feedback sessions held through March and April. These sessions helped identify the strategic projects detailed above and will give a focus to continue the improvements currently underway across Council. This greater engagement with staff and Councillors will be more refined into the future with greater reporting options and more accessible data due to the implementation of Council's new enterprise software in Technology One.

Report of the Chief Executive Officer

11.2 Financial Sustainability and Long Term Financial Plan (cont)

Draft Financial Sustainability Plan and Long Term Financial Plan

The process improvements made during the 2021/22 budget process will continue into the draft Financial Sustainability Plan (FSP), which will form the basis of Council's Long Term Financial Plan and ensure financial sustainability for future generations.

The draft FSP has been provided to both the Councillors and Council's Audit, Risk and Improvement Committee for feedback. This open collaborative approach will now continue further into our community. In order to build a more robust Long Term Financial Plan it is proposed that an expert community working group be put together to peer review Council's draft FSP further ensuring future financial sustainability.

This group will be made up of the following internal positions with four (4) community members, one. Council's representatives on the Community Working Group will be:

- Mayor
- Chief Executive Officer
- Chief Financial Officer
- Director Engineering and Works

Independent review into Council's budget and investments processes and decisions

As part of building the future financial sustainability of Council an independent review into Council's historical budget process, investment decisions and peer review into the draft FSP is being requested.

This will be conducted by an independent firm that have experience in Local Government. Blue Haven have already received \$313k in grant funding to deliver financial performance for the nursing home, this review will look at bringing the same focus for Council. The intention of this review is to draw a line in the sand – drawing on opportunities from past decisions to focus on the future financial performance of Council. The budget for this project will be funded from the finance consultancy budget originally allocated for a portion of Council's asset revaluations planned in 2021/22. This reallocation will not risk the requirement of Council to meet its audit obligations, but rather strengthen the future strategies and plans.

11.3 Investment Policy Review

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

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

Delivery Program: 4.2.1 Manage effective risk framework across council

Summary

This report recommends adoption of a revised Investment Policy.

Financial implication

Not Applicable

Policy

Requirement of the Local Government (General) Regulations 2005.

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Communication/Community engagement

The Investment Policy is available on Council's website.

Attachments

- 1 Investment Policy - August 2021 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the revised Investment Policy and delegated officers.

BACKGROUND

In accordance with the Ministerial Investment Order dated 12 January 2011, all councils are required to adopt an Investment Policy, which is consistent with the Order and investment guidelines issued by the Chief Executive (Local Government) of the Department of Premier and Cabinet.

The policy has been reviewed by the Chief Financial Officer with a change to section 6.1 Delegation of authority as detailed below.

Prior Delegation of Authority

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's

Report of the Chief Executive Officer

11.3 Investment Policy Review (cont)

adopted investment policy. Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

Proposed Delegation of Authority

The Chief Executive Officer may delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer or senior staff, subject to regular reviews. Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The purpose of this change is to create greater clarity on who are the delegated officers of Council that can manage Council's day to day investment portfolio. Following the above detailed change, Council's delegated officers are as below,

- **Chief Executive Officer**
- **Chief Financial Officer (Responsible Accounting Officer)**
- **Financial Accountant**

In 2020 a review of Council's investment policy was undertaken by NSW Treasury Corporation as per the below report. The changes made to the 2020 Investment Policy have been retained in the 2021 version.

REPORT

The Investment Policy provides the governance framework, which safeguards Council's investment portfolio. The primary objectives of the policy are as follows:

Capital preservation – Preservation of capital is the principal objective of the investment policy. Investments will be placed in a manner, which ensures security and safeguarding of the investment portfolio.

Liquidity requirements – Investments will be placed giving due consideration to liquidity and ensuring Council has sufficient cash flow to meet its operational and capital requirements.

Performance – Investments are expected to achieve a market average rate of return, which is in line with Council's risk tolerance.

Legislative requirements

Section 625 of the Local Government Act 1993 states that a Council may invest money that is not, for the time being, required for any other purpose and that it may only be invested in a form of investment notified by order of the Minister as published in the NSW Government Gazette.

In May 2010, the Department of Premier and Cabinet developed Investment Policy guidelines for councils, including a model Investment Policy template. Council has based its Investment Policy on this template.

In reviewing this policy, Council officers have ensured that Council continues to comply with the requirements of the Local Government Act 1993 and that the policy incorporates the recommendations contained with the Investment Policy Guidelines issued by the Department of Premier and Cabinet.

Risk management framework

The revised Investment Policy recommends the following changes to Council's risk management framework:

1. Credit risk

Credit risk limits the overall credit exposure of Council's investment portfolio. It states the maximum level of funds Council can hold within a particular credit rating. The recommended changes will increase the level of investments Council can place in BBB rated institutions to 30%. BBB rated institutions, while more susceptible to changes in economic conditions than A rated institutions, still have an adequate capacity to meet its financial commitments.

2. Diversification risk

Long term credit rating	Current maximum exposure	Recommended maximum exposure
AAA	100%	100%
AA	100%	100%
A+ to A	30%	30%
A-	20%	20%
BBB+	10%	30%
BBB to BBB-	5%	5%
Government**	0%	30%
CCC	\$250K	\$250K
Not Rated	0%	0%

* Or Moody's/Fitch equivalents

** Relates to unrated NSW T Corp hour glass facility – cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated.

Diversification risk limits the exposure to an individual institution. It states the maximum level of funds Council can hold with any one institution. The recommended changes include the BBB rated from 10% to 30% allows for an expected higher return and to present options for a more ethical and social investment policy. Adding Government to the above also allows Council to consider medium to long term investing with such institutions as TCorp.

Term to maturity framework

Overall portfolio term to maturity limits			
Description	Maturity	Previous maximum %	Proposed maximum %
Short term	Portfolio % < 1 year	100%	100%
Short to medium term	Portfolio % > 1 yr < 3 yr	40%	40%
Medium term	Portfolio % > 3 yr < 5 yr	30%	30%
Long term	Portfolio % > 5 years	10%	30%

The application of a modest limit for investments over five years may restrict the potential for matching assets with longer term liabilities. Therefore, the recommended change is to allow for more strategic planning of investments.



Investment Policy



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date adopted	
Resolution number	
Previously adopted	15 May 2012 January 2015 16 August 2016 26 June 2018 21 July 2020
Next review due	1 June 2022
Department	Chief Executive Officer
Responsible Officer	Chief Financial Officer
TRIM reference	
Attachments	1. Local Government Act 1993 – Investment Order dated 12 January 2011

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Investment Policy

1.0 Purpose

The purpose of this policy is to provide a framework for Investment of Kiama Municipal Council's funds with a view to minimising the risk of loss of capital or interest, to ensure that liquidity requirements are observed and after having regard to these two prime objectives, seeking to achieve the best rate of return available.

2.0 Objectives

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment. The objectives of this policy are:

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.
- Notwithstanding the preceding objectives, investment consideration is encouraged in local or regional community enterprises that foster the local and regional economy and in particular enterprises that are community based cooperatives and those without interest in Coal Seam Gas wherever practical.

3.0 Scope

The effective date of the Investment Policy is 21 July 2020 and will be reviewed at regular twelve monthly intervals, or when changes in regulation or market conditions necessitate a review.

This policy applies to all officers within Kiama Municipal Council delegated to invest Council's surplus funds.

4.0 Definitions

For the purpose of this document the following definitions apply:

Act	Local Government Act 1993
ADI	An Authorised Deposit-taking Institution (ADI) is a corporation that is authorised under the Banking Act 1959 (C'wlth) to take deposits from customers.
Bill of exchanged	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand,

	or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
BBSW	The Bank Bill Swap Reference Rate (BBSW) is the midpoint of the nationally observed best bid and offer for AFMA Prime Bank eligible securities. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW
Council funds	Surplus monies that are invested by Council in accordance with section 625 of the Act.
Debenture	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.
FRN	A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.
Grandfathered	Investments held by Council that were previously allowed under the Minister's Order but were grandfathered when the NSW State Government issued the Ministerial Order dated 12/1/2011.
LGGR	Local Government (General) Regulation 2005 (NSW)
OLG	NSW Office of Local Government
RAO	Responsible Accounting Officer of a council means a member of the staff of the council designated by the chief executive officer, or if no such member has been designated, the chief executive officer. (LGGR, clause 196)
TCorp	New South Wales Treasury Corporation

5.0 References

This document should be read in conjunction with:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Investment Order 2011
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars
- The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14
- Aged Care Act 1997
- Aged Care Prudential Standards Policy

6.0 Policy

6.1 Delegation of authority

Authority for implementation of the Investment Policy is delegated by Council to the chief executive officer in accordance with the *Local Government Act 1993*.

The Chief Executive Officer may delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer or senior staff, subject to regular reviews. Officer's delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

6.2 Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

6.3 Ethics and conflicts of interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the chief executive officer.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

6.4 Approved investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

All investments must be denominated in Australian Dollars. Authorised new investments as from 12 January 2011 are limited to the following, as per the attached Ministerial Investment Order.

- Any public funds or securities issued by or guaranteed by, the Commonwealth, any State or the Commonwealth or a Territory
- Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW))
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI) (as defined in the Banking Act 1959(Cwth)), but excluding subordinated debt obligations
- Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an Authorised Deposit-taking institution by the Australian Prudential Regulation Authority
- A deposit with the New South Wales Treasury Corporation or investments in a TCorp IM Fund of the New South Wales Treasury Corporation

Council officers making decisions on investments should take all reasonable care to ensure that such investments are not made with companies whose activities would bring Council into disrepute or would conflict with its proclaimed policies on health, sustainability and ethical governance.

6.5 Prohibited investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- derivative based instruments
- principal only investments or securities that provide potentially nil or negative cash flow
- stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

6.6 Risk Management Guidelines

Investments obtained are to be considered in the light of the following key criteria:

Preservation of capital – the requirement for preventing losses in an investment portfolio’s total value (considering the time value of money)

Diversification – the requirement to place investments on a broad range of financial institutions or government authorities so as not to be overexposed and to reduce credit risk

Credit risk – the risk that a party council has invested in fails to pay the interest and or repay the principal of an investment

Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investments return

Liquidity risk – the risk that Council will have insufficient funds to meet its financial commitments in a timely manner, also an investor is unable to redeem the investment at a fair price within a timely period

Maturity risk – the risk relating to the length of exposure and risk to market volatilities.

Investment portfolio parameters are risk-management tools used to manage credit risk by diversifying the portfolio to avoid a narrow concentration of investments. Investment credit risk parameters are based on credit rating bands as published by the credit rating agencies (eg. S&P, Moody’s, Fitch).

Council will use Standard and Poors (S&P) long term credit ratings (or Moodys or Fitch equivalents). The S&P ratings are broadly defined as follows:

Rating	Description	Maximum % of total investment portfolio
AAA	Extremely strong capacity to repay	100%
AA+, AA, AA-	A very strong capacity to repay	100%
A+, A	A strong capacity to repay	100%
A-	A high capacity to repay	40%

Rating	Description	Maximum % of total investment portfolio
BBB+ BBB	Adequate protection and adequate capacity to pay Adequate protection and adequate capacity to pay	30% (if no BBB exposure) or 20% (with 10% BBB exposure)
BBB- , BB+ , BB , BB- , CCC , CC , C	Less vulnerable to non-payment however adverse economic conditions could lead to inadequate capacity to meet financial obligations	5%
NR	Not Rated	0%

6.7 Direct investments

Council's direct investments will be with Authorised Deposit-taking Institutions as authorised by the Australian Prudential Regulation Authority.

6.8 Counterparty limits

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, a detailed in the table below. It excludes any government guaranteed investments.

Limits do not apply to Federal or NSW-guaranteed investments, which are uncapped. It should be noted that the NSW government does not guarantee the capital value or unit price of the TCorp Hour-Glass Facilities. This table also does not apply to any grandfathered managed fund where it is not possible to identify a single counterparty exposure.

Long term credit rating	Maximum exposure
AAA	100%
AA	100%
A+ to A	30%
A-	20%
BBB+	30%
BBB, BBB- (Local ADIs)	5%
Government**	30%
CCC	\$250k
Not Rated	0%

* Or Moody's/Fitch equivalents

** Relates to unrated NSW TCorpIM Fund– cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated

6.9 Term to maturity framework

The investment portfolio is to be invested with the following term to maturity constraints:

Overall portfolio term to maturity limits		
Description	Maturity	Maximum %
Short term	Portfolio % < 1 year	100%
Short to medium term	Portfolio % > 1 yr < 3 yr	40%
Medium term	Portfolio % > 3 yr < 5 yr	30%
Long term	Portfolio % > 5 years	30%

6.10 Accounting for premiums and discounts

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in line with relevant Australian Accounting Standards.

6.11 Safe custody arrangements

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments
- Adequate documentation is provided, verifying the existence of the investments
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The Institution or Custodian recording and holding the assets will be:
 - The custodian nominated by TCorp for investment in the TCorpIM Funds
 - Austraclear or,
 - An institution with an investment grade issued by Standards and Poor's or Moody's rating or,
 - An institution with adequate insurance, including professional indemnity insurance and other insurance considered prudent and appropriate to cover its liabilities under any agreement.

6.12 Investment advisor

Kiama Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission with the exception of NSW TCorp. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed, unless such remuneration is rebated 100% to Council.

6.13 Benchmarking

Performance benchmarks need to be established and should be based on sound and consistent methodology.

Investment	Performance Benchmark
Investment Portfolio with maturity up to 2 years	AFMA BBSW Rate: Average Mid 90 day
Investment Portfolio with maturity exceeding 2 years	Bloomberg Ausbond Composite 2-5 year Index

6.14 Reporting and reviewing of investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

The chief executive officer shall establish a system of internal controls governing the administration and management of Council's investment portfolio, which shall be reviewed annually by the Independent External Auditor to Council. The controls shall be designed to prevent and control losses of Council assets arising from fraud, error, misrepresentation, unanticipated market changes, conflicts of interest or imprudent actions.

7.0 Policy review

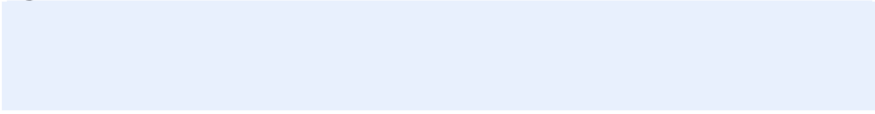
This Investment Policy will be reviewed at least annually or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

8.0 Document control

Date reviewed	Date adopted	Amendment
August 2021		
July 2020	21 July 2020	Scheduled review
June 2018	26 June 2018	Scheduled review
September 2016	20 September 2016	Scheduled review
February 2015	10 February 2015	Scheduled review

15 May 2012	15 May 2012	N/A
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9.0 Signature

Name: Jane Stroud Chief Executive Officer	Date: Click or tap to enter a date.
Signature: 	

Attachment 1: Local Government Act 1993 – Investment Order dated 12 January 2011

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.


All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

How to contact Council

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Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



11.4 Procedure for administration of Code of Conduct complaints

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

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

Delivery Program: 4.2.2 Manage an effective workforce in an environment of continuous improvement

Item 11.4

Summary

The purpose of this report is to provide an update designed to assist with transparency and governance. The priority of this work is initially to deal with the Procedures for the Administration of the Code of Conduct, and then secondly, a review of the Complaints Management Policy. This report deals with the first priority, the Procedures for the Administration of the Code of Conduct.

Having recently reviewed the Procedures for the Administration of the Code of Conduct against the Model Code and regulations for NSW Local Government, a number of omissions and errors have been identified that require correction. Local governments are able to strengthen, but not weaken the model codes. It is important to bring these policies as they are prepared, to Council for consideration for adoption in order to comply with the legislation and regulations, and to establish a clear, open and accountable framework for complaints management across the whole organisation.

The second document, the complaints management policy will require consultative committee consultation and is currently being drafted. This will be presented to an upcoming meeting of Council after staff feedback has been included.

Financial implication

N/A

Policy

Code of Conduct for Councillors

Code of Conduct – Council Staff, Contractors and Volunteers

Code of Conduct for Council Committee Members, Delegates of Council and Council Advisors

Consultation (internal)

Executive Leadership Team

Governance Officer

Communication/Community engagement

The Code of Conduct suite of documents are available on Council's website.

Attachments

- 1 DRAFT Procedures for the Administration of the Code of Conduct [↓](#)

Report of the Chief Executive Officer

11.4 Procedure for administration of Code of Conduct complaints (cont)

Enclosures

Nil

RECOMMENDATION

That Council endorse the Procedures of the Administration of the Code of Conduct as amended.

Background

No organisation is perfect, no person is either. Mistakes can, and invariably do occur. What matters is how an organisation responds to such incidents. The most effective response is to fix the mistake and improve services, systems, practices, procedures and/or products to reduce the likelihood of incidents occurring again. Complaints, as defined in the Australian and New Zealand Standard Guidelines for complaint management in organisations (AS/NZS 10002:2014), are "*expressions of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.*"

Complaints are a valuable source of information about how and where mistakes have occurred and can pinpoint weaknesses in the system. Effective complaint handling is a way of achieving the organisation's corporate purpose and demonstrating commitment to good customer service. A commitment to good complaint handling is essential for local government and is a cornerstone of the organisation's customer focus.

The complaint handling procedure describes the steps that need to be taken by staff to meet legislative requirements and respond to complaints, as they relate to public officials. The procedure provides a standard against which Council and its stakeholders can measure the organisation's complaint handling performance.

The changes made to the procedure ensure that Council's practice is consistent with local government regulations and requirements. One notable proposed change, which goes beyond the proposed model code for the procedures for administration of the code of conduct is the addition of a spreadsheet, to be made available on Council's website. It is intended that this would be made available following the release of the Council minutes, providing an additional public notice of the relevant minute number, and decision notice from the Office or Council concerning a complaint. This information is legislatively required to be reported to the Office of Local Government each year, within three (3) months of September. Therefore, staff propose to update the spreadsheet annually in line with this requirement, pertaining only to complaints made about those who hold public official roles.

In the draft procedure for administration of the Code of Conduct complaints changes are noted at clause 7.62, 11.3 and 12.3 as highlighted in the document. An appendix providing a flowchart for managing Councillor misconduct procedures is now included and an administrative change has also been made throughout the document changing all reference to the general manager to be chief executive officer.

Report of the Chief Executive Officer

11.4 Procedure for administration of Code of Conduct complaints (cont)

Conclusion

By preparing the draft Procedures for the Administration of the Code of Conduct Council is providing a clear and responsible set of expectations and processes that are designed to protect all concerned and allow for natural justice and due process to occur. Once adopted, senior staff and management will be provided a training session to further communicate the changes made.

Item 11.4



Procedures for the administration of the Code of Conduct



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date adopted	
Resolution number	
Previously adopted	25 June 2019 15 December 2020
Next review due	31 May 2022
Department	Chief Executive Officer
Responsible Officer	Governance Coordinator
TRIM reference	

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PART 1 Introduction

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LG Act”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LG Act requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LG Act and the Regulation. Section 440AA of the LG Act requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: PART 6, PART 7, PART 8 and PART 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the chief executive officer.

PART 2 Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LG ACT other than an administrator appointed under section 66
chief executive officer	includes the executive officer of a joint organisation
code of conduct	a code of conduct adopted under section 440 of the LG Act
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the chief executive officer under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the chief executive officer
council	includes county councils and joint organisations

council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC	the Independent Commission Against Corruption
investigator	a conduct reviewer
joint organisation	a joint organisation established under section 400O of the LG Act
LG Act	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 Administrative framework

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a. an understanding of local government, and
 - b. knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c. knowledge and experience of one or more of the following:
 - i. investigations
 - ii. law
 - iii. public administration
 - iv. public sector ethics
 - v. alternative dispute resolution, and
 - d. meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a. a councillor, or
 - b. a nominee for election as a councillor, or
 - c. an administrator, or
 - d. an employee of a council, or
 - e. a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f. a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g. a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the

panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6d an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4d does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The chief executive officer must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The chief executive officer may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The chief executive officer must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
 - a. coordinate the management of complaints made under the council's code of conduct

- b. liaise with and provide administrative support to a conduct reviewer
- c. liaise with the Office, and
- d. arrange the annual reporting of code of conduct complaints statistics.

PART 4 How may code of conduct complaints be made?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a. complaints about the standard or level of service provided by the council or a council official
 - b. complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c. complaints about the policies or procedures of the council
 - d. complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the chief executive officer or their delegate, or, in the case of a complaint about the chief executive officer, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the chief executive officer be made?

- 4.6 All code of conduct complaints other than those relating to the chief executive officer are to be made to the chief executive officer in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

- 4.7 Where a code of conduct complaint about a council official other than the chief executive officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the chief executive officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The chief executive officer or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the chief executive officer becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the chief executive officer be made?

- 4.11 Code of conduct complaints about the chief executive officer are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the chief executive officer to an external agency.
- 4.12 Where a code of conduct complaint about the chief executive officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the chief executive officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the chief executive officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 How are code of conduct complaints to be managed?

Delegation by chief executive officers and mayors of their functions under this Part

- 5.1 A chief executive officer or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the chief executive officer or mayor are also to be taken to be references to their delegates.

Consideration of complaints by chief executive officers and mayors

- 5.2 In exercising their functions under this Part, chief executive officers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the chief executive officer or, in the case of a complaint about the chief executive officer, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a. is not a code of conduct complaint, or
 - b. subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c. is trivial, frivolous, vexatious or not made in good faith, or
 - d. relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e. is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the chief executive officer) to be dealt with?

- 5.4 The chief executive officer is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The chief executive officer must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The chief executive officer may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the chief executive officer decides to take no action in relation to a code of conduct complaint about a member of staff of council, the chief executive officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The chief executive officer is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The chief executive officer must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The chief executive officer may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the chief executive officer decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the chief executive officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the chief executive officer considers it to be practicable and appropriate to do so, the chief executive officer may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the chief executive officer resolves a code of conduct complaint under clause 5.14 to the chief executive officer's satisfaction, the chief executive officer must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a. censure
 - b. requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the chief executive officer
 - c. prosecution for any breach of the law
 - d. removing or restricting the person's delegation
 - e. removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the chief executive officer or any person making enquiries on behalf of the chief executive officer must comply with the requirements of procedural fairness. In particular:
 - a. the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

- b. the person must be given an opportunity to respond to the allegation, and
- c. the chief executive officer must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The chief executive officer must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The chief executive officer must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The chief executive officer must refer the following code of conduct complaints about councillors to the Office:
 - a. complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b. complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LG Act)
 - c. complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d. complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the chief executive officer refers a complaint to the Office under clause 5.20, the chief executive officer must notify the complainant of the referral in writing.
- 5.22 The chief executive officer may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the chief executive officer decides to take no action in relation to a code of conduct complaint about a councillor, the chief executive officer must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the chief executive officer considers it to be practicable and appropriate to do so, the chief executive officer may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the chief executive officer resolves a code of conduct complaint under clause 5.24 to the chief executive officer's satisfaction, the chief executive officer must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt

of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.26 The chief executive officer must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the chief executive officer to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the chief executive officer to the Office:
- a. complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b. complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c. complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the chief executive officer, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the chief executive officer, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the chief executive officer, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the chief executive officer, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the chief executive officer and the mayor to be dealt with?

- 5.34 Where the chief executive officer or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the chief executive officer and the mayor, the chief executive officer or mayor must either:

- a. delegate their functions under this part with respect to the complaint to a member of staff of the council other than the chief executive officer where the allegation is not serious, or to a person external to the council, or
- b. refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The chief executive officer, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The chief executive officer, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the chief executive officer, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a. the complainant consents in writing to the disclosure, or
 - b. it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c. it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d. a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e. it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the chief executive officer.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the chief executive officer, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The chief executive officer or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before

disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

- 5.44 Where a complainant councillor makes a request under clause 5.41, the chief executive officer or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the chief executive officer as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the executive officer or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The chief executive officer may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - impeded or disrupted the effective administration by the council of its code of conduct, or
 - impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- the code of conduct complaints the arrangement relates to, and
 - the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing

OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the chief executive officer, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 Preliminary assessment of code of conduct complaints about councillors or the chief executive officer by conduct reviewers

Referral of code of conduct complaints about councillors or the chief executive officer to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the chief executive officer that have not been referred to an external agency or declined or resolved by the chief executive officer, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the chief executive officer or the mayor.
- 6.2 For the purposes of clause 6.1 the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a panel of conduct reviewers established by the council, or
 - a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- they have a conflict of interest in relation to the matter referred to them, or
 - a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.

- 6.5 For the purposes of clause 6.4a, a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Code of Conduct).
- 6.6 For the purposes of clause 6.4b, a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a. comply with these procedures in their consideration of the matter, or
 - b. comply with a lawful and reasonable request by the complaints coordinator, or
 - c. exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the chief executive officer by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a. to take no action
 - b. to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c. to refer the matter back to the chief executive officer or, in the case of a complaint about the chief executive officer, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training,

- mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- d. to refer the matter to an external agency
 - e. to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clauses 6.13b or 6.13c is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clauses 6.13a, 6.13b or 6.13c they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a. that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b. that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LG Act or disciplinary action against the chief executive officer under their contract of employment if it were to be proven, and
 - c. that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LG Act or disciplinary action against the chief executive officer under their contract of employment, the conduct reviewer is to consider the following:
- a. the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b. the likely impact of the alleged conduct on the reputation of the council and public confidence in it

- c. whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d. any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the chief executive officer or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the chief executive officer or to the mayor to be resolved by alternative and appropriate means, they must write to the chief executive officer or, in the case of a complaint about the chief executive officer, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the chief executive officer or mayor prior to referring a matter back to them under clause 6.13c.
- 6.28 The chief executive officer or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the chief executive officer or mayor under clause 6.13c, the chief executive officer or, in the case of a complaint about the chief executive officer, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the chief executive officer or mayor under clause 6.13c, the chief executive officer, or, in the case of a complaint about the chief executive officer, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a. whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b. whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c. whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d. whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct

- e. whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f. whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g. whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h. whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i. any previous proven breaches of the council's code of conduct
- j. whether the conduct complained of forms part of an ongoing pattern of behaviour
- k. whether there were mitigating circumstances giving rise to the conduct complained of
- l. the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m. the significance of the conduct or the impact of the conduct for the council
- n. how much time has passed since the alleged conduct occurred
- o. such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 Investigations of code of conduct complaints about councillors or the chief executive officer

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the chief executive officer, or, in the case of alleged conduct on the part of the chief executive officer, to the mayor.
- 7.3 The chief executive officer or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a. disclose the substance of the allegations against the respondent, and
 - b. advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and

- c. advise of the process to be followed in investigating the matter, and
 - d. advise the respondent of the requirement to maintain confidentiality, and
 - e. invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f. provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the chief executive officer, or in the case of a complaint about the chief executive officer, to the complainant, the complaints coordinator and the mayor. The notice must:
- a. advise them of the matter the investigator is investigating, and
 - b. in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c. invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal

adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a. resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b. refer the matter to the chief executive officer, or, in the case of a complaint about the chief executive officer, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c. refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of PART 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clauses 7.20a or 7.20b is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the chief executive officer, or in the case of a complaint about the chief executive officer, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a. make findings of fact in relation to the matter investigated, and,
 - b. make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c. provide reasons for the determination.

- 7.36 At a minimum, the investigator's final report must contain the following information:
- a. a description of the allegations against the respondent
 - b. the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c. a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d. a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e. a description of any attempts made to resolve the matter by use of alternative means
 - f. the steps taken to investigate the matter
 - g. the facts of the matter
 - h. the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i. the investigator's determination and the reasons for that determination
 - j. any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a. in the case of a breach by the chief executive officer, that disciplinary action be taken under the chief executive officer's contract of employment for the breach, or
 - b. in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LG Act, or
 - c. in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LG Act, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LG Act.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37c, the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a. that the council revise any of its policies, practices or procedures
 - b. that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a. the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b. the investigator's determination and the reasons for that determination
 - c. any recommendations, and
 - d. such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the chief executive officer or, where the report relates to the chief executive officer's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LG Act.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a. request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or

- b. seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a. in the case of a breach by the chief executive officer, that disciplinary action be taken under the chief executive officer's contract of employment for the breach, or
 - b. in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LG Act, or
 - c. in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LG Act, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LG Act.
- 7.59 Where the council censures a councillor under section 440G of the LG Act, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.
- 7.62 In the event, having enacted clause 7.58cii, that the Office deems under provisions of the LG Act that the breach is misconduct, the chief executive officer must have regard to the management of the issue in accordance with the Division of Local Government | Department of Premier and Cabinet *Framework for Managing Councillor Misconduct Allegations* (February 2013). In particular those clauses in section 12 *Implementation of disciplinary action decisions* as required under Section 440(4) of the LG Act. Refer to attachment 1: Managing councillor misconduct procedures flowchart.

PART 8 Oversight and rights of review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The chief executive officer or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The chief executive officer must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The chief executive officer must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58c, may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a. that the investigator has failed to comply with a requirement under these procedures, or

- b. that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c. that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
 - a. the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b. the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19b, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 Procedural irregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a. the non-compliance is isolated and/or minor in nature, or
 - b. reasonable steps are taken to correct the non-compliance, or
 - c. reasonable steps are taken to address the consequences of the non-compliance.

PART 10 Practice directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 Reporting statistics on code of conduct complaints about councillors and the chief executive officer

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a. the total number of code of conduct complaints made about councillors and the chief executive officer under the code of conduct in the year to September (the reporting period)
 - b. the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c. the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d. the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e. without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f. the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g. the total cost of dealing with code of conduct complaints made about councillors and the chief executive officer during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

11.3 These statistics will be made publicly available on council's website following the release of the Council minutes and will be updated annually, to be in line with the requirement to report to the OLG.

PART 12 Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the chief executive officer or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the chief executive officer or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the chief executive officer or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the chief executive officer or their delegate.
- 12.5 The chief executive officer or their delegate must give written notice of a determination made under clause 12.2 to:
- a. the complainant
 - b. the complaints coordinator
 - c. the Office, and
 - d. any other person the chief executive officer or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the chief executive officer or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

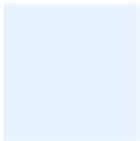
PART 13 Review history

- 13.1 These Procedures were formally adopted by Council on 25 June 2019.
- 13.2 These Procedures were amended following changes to the Office of Local Government's Model Code of Conduct and adopted by Council on 15 December 2020
- 13.3 These Procedures were amended and adopted by Council on 17 August 2021
- 13.4 These Procedures will be reviewed in May 2022.

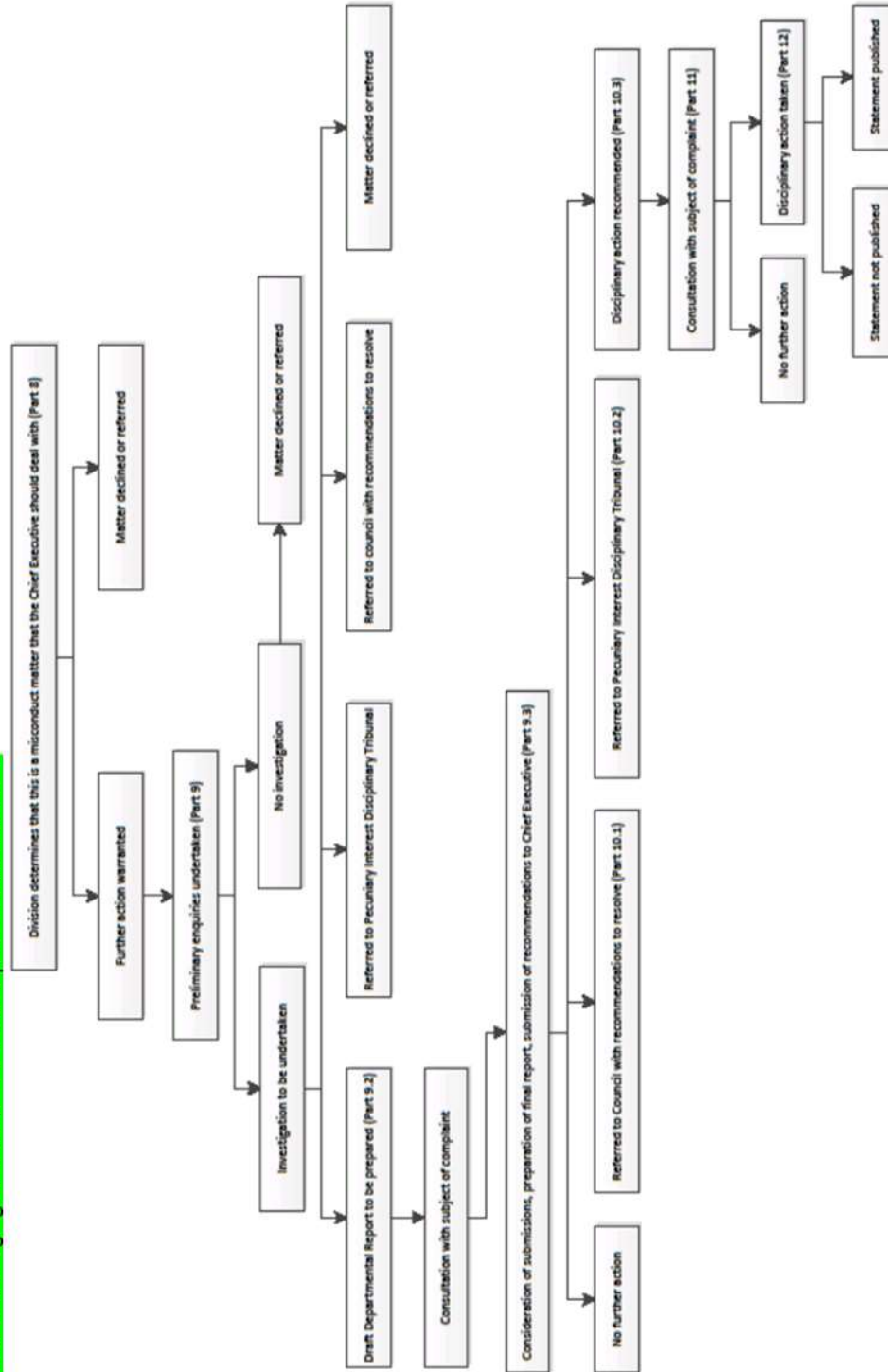
PART 14 Document control

Date reviewed	Date adopted	Amendment
V3	17 August 2021	Addition of clause 7.62 and clause 11.3 Addition of Appendix 1 flowchart Replacement of "reference to general" manager with "chief executive officer"
V2	15 December 2020	Amended Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW to reflect existing practice following the Supreme Court's decision with regards to disciplinary action against councillors for breaches of the code of conduct, to allow conduct review panels to be appointed without a council resolution and allow referral of investigators' reports to OLG under special circumstances – refer OLG circular 20-32.
V1	25 June 2019	New Code due to release of new Model Code from Office of Local Government

PART 15 Signature

Name: Jane Stroud – Chief Executive Officer	Date: 17 August 2021
Signature: 	

Appendix 1: Managing councillor misconduct procedures flowchart:



How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community

11.5 Statement of Investments July 2021

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.2 Identify opportunities to diversify and maximise funding sources

Summary

This report recommends receipt and adoption of the Statement of Investments for July 2021

Financial implication

NA

Policy

Clause 625 of the *Local Government Act 1993*

Clause 212 of the *Local Government (General) Regulation 2005*

Kiama Municipal Council – Investment Policy

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Financial Accountant

Communication/Community engagement

NA

Attachments

1 Statement of Investments July 2021 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the information relating to the Statement of Investment for July 2021

Background

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In

Report of the Chief Executive Officer

11.5 Statement of Investments July 2021 (cont)

compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy in July 2020, with a review of the current policy included in the August 2021 Council meeting. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

Council's average weighted return for July 2021 was 0.38% above the Bank Bill Swap Rate benchmark return of 0.04%. This result was primarily due to the higher fixed interest rates on term deposits purchased prior to the COVID-19 impact on the financial market.

Council holds one floating rate note through Newcastle Permanent, this is paying 65 points over The Bank Bill Swap Rate (BBSW) with a maturity of February 2023.

Council's overall cash balance continues to trend in the right direction. Over the past 12 months, with a 36.66% and \$16.24million increase in total investments from July 2020. During July there was a 3.89%, \$1.72 million reduction in cash from June 2021.

Unit sales at Blue Haven Bonaira continue to yield positive cash for Council with an additional \$680k of unit settlements from July 2021. Accommodation deposits and refunds from the Aged Care Home totalled a positive cashflow for July of \$1.857million.

The reduction in unrestricted from \$2.455 million in June to \$732k in July is driven by the reduction in the Holiday Parks income due to the current COVID19 restrictions and lower than expected occupancy rates. The total reduction in cash compared to budget totals \$477k for July 2021. The second driver in the reduction of cash for July 2021 is the yearly payment of insurance of \$1.3million

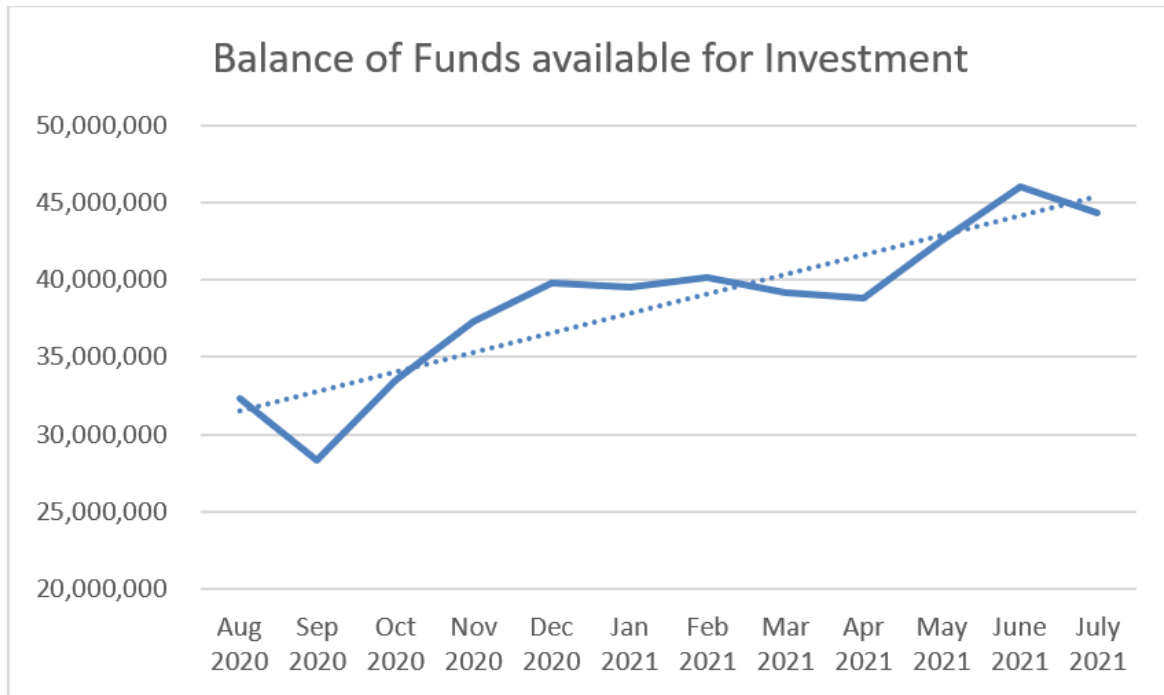
Cashflows for August 2021 are forecast to increase with first instalment rates payments due on 31 August 2021, the average increase in cash from July to August over the past three years has been \$2.3million.

Council's current investment portfolio totalling \$44.326million is made up of 33.5% non-fossil fuel funding investments, totalling \$15.197million.

The below graph shows the trend of a continual increase in Council's overall cash position.

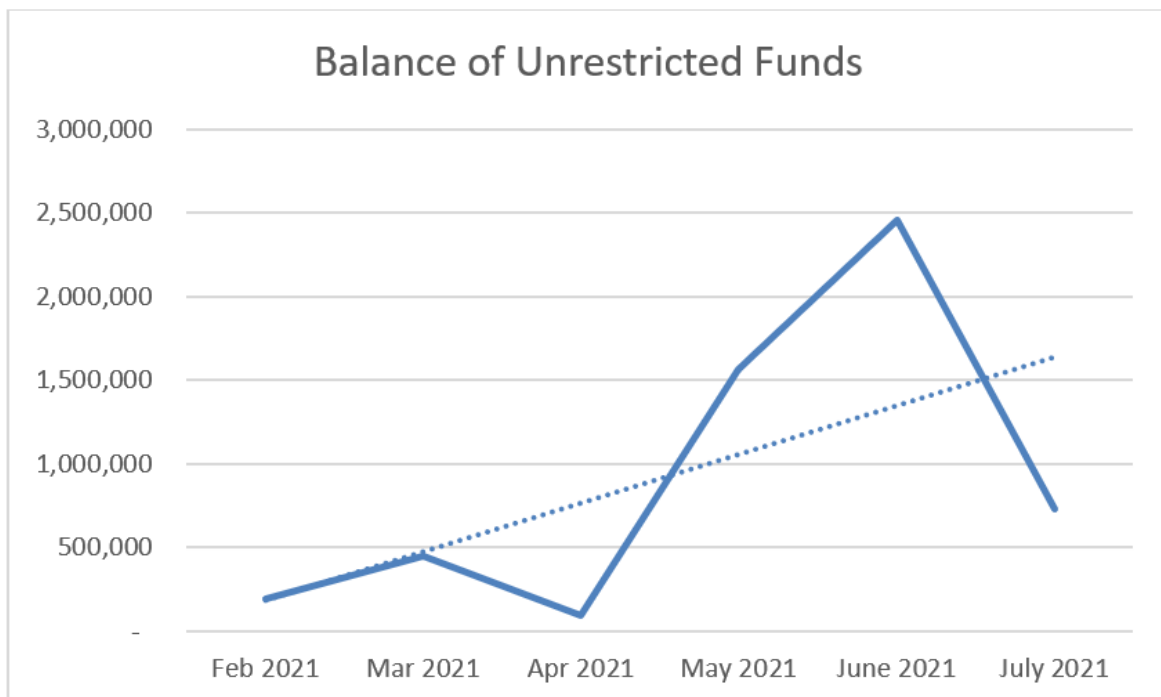
Report of the Chief Executive Officer

11.5 Statement of Investments July 2021 (cont)



Item 11.5

The below graph shows the trend of Council's unrestricted funds over the past five months.

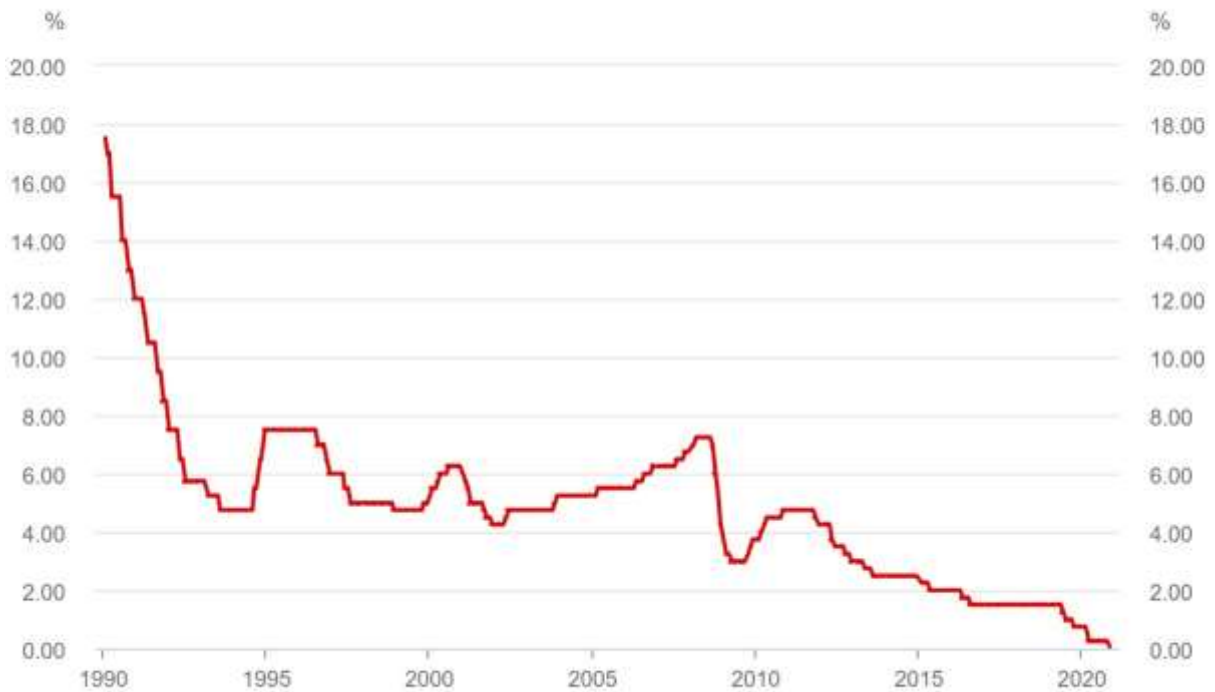


The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities.

Report of the Chief Executive Officer

11.5 Statement of Investments July 2021 (cont)

Graph of the Cash Rate Target



Source: RBA

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.

Jason Galloway

Chief Financial Officer

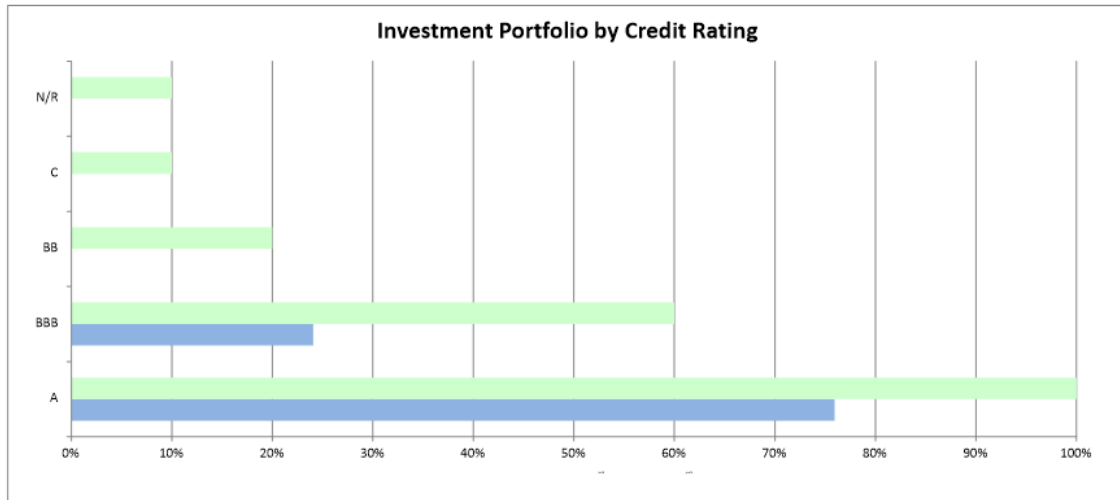
Item 11.5

(b) Council Investments as at 31 July, 2021

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LOGGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	BBB	1,000,000	Term Deposit	08/03/21	08/03/22	365	0.75
AMP	BBB	750,000	Term Deposit	29/03/21	27/09/21	182	0.20
Bank of Qld	BBB+	1,900,000	Term Deposit	02/06/21	02/06/22	365	0.40
Bank of Qld	BBB+	1,000,000	Term Deposit	02/03/21	02/12/21	275	0.39
Bank of Qld	BBB+	2,000,000	Term Deposit	21/07/21	21/07/22	365	0.44
Suncorp	A+	1,000,000	Term Deposit	25/05/21	25/05/22	365	0.64
Commonwealth Bank	A+	1,000,000	Term Deposit	21/10/20	21/10/21	365	0.61
ME Bank	BBB+	3,000,000	Term Deposit	02/06/21	02/06/22	365	0.50
ING	A	1,000,000	Term Deposit	09/06/21	09/06/23	730	0.50
NAB	AA-	1,000,000	Term Deposit	23/03/21	23/03/22	365	0.35
NAB	AA-	1,000,000	Term Deposit	16/03/21	16/03/22	365	0.37
NAB	AA-	1,000,000	Term Deposit	07/04/21	07/04/22	365	0.35
NAB	AA-	1,000,000	Term Deposit	14/04/21	14/04/22	365	0.37
NAB	AA-	1,000,000	Term Deposit	04/11/20	04/11/21	365	0.55
NAB	AA-	1,000,000	Term Deposit	11/11/20	11/08/21	273	0.50
NAB	AAA	1,000,000	Term Deposit	18/11/20	18/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	02/12/20	04/10/21	306	0.50
NAB	AAA	1,000,000	Term Deposit	16/12/20	16/12/21	365	0.53
Westpac	AA-	1,503,877	Term Deposit	18/02/21	17/02/22	364	0.30
Newcastle Permanent FRN	BBB	1,014,984	Floating Rate Note	28/08/18	06/02/23	1592	0.69
NAB	AA-	7,000,000	Term Deposit	09/06/21	09/06/23	730	0.55
Total Term Deposits & FRNs		31,168,871					0.47
TcorpM Cash Fund	AAA	10,182,706	Cash Fund			AT CALL	0.00
Westpac	AA-	2,974,714	Bank Account	-		AT CALL	0.00
Total 'At Call' Funds		13,157,420					0.00
TOTAL CASH & INVESTMENTS		44,326,291				Average Rate- Jul 2021	0.38
						Average Rate- Jul 2020	0.99
TOTAL INVESTMENTS June 2021		46,049,106	-3.89%	Change in total investment over prev 1 month			
TOTAL INVESTMENTS Jul 2020		28,077,366	36.66%	Change in total investment over prev 12 months			

Item 11.5

Attachment 1



Portfolio Limit

Long Term Credit Ratings (S&P or Moodys or Fitch)	Policy Maximum	Current Holding %	Current Investment \$
A to AAA	100%	76%	\$33,661,297
A-	40%	0%	\$0
BBB to BBB+	30%	24%	\$10,664,994
BBB- and below	5%	0%	\$0
BBB- and below	5%	0%	\$0
			\$44,326,291

(c) Application of Invested Funds

Restricted Funds:	Category	Sub-Category	Description	Value (\$)
Externally Restricted				
	Developer Contributions	Major	Developer Contributions	4,355,000
	Operational	Timing Adjustments	Unexpended Grants	562,000
	Operational	Statutory/ External Restriction	Domestic Waste	3,352,825
	Operational	Statutory/ External Restriction	Loan Restrictions - Tcorp	19,790,000
	Operational	Statutory/ External Restriction	Blue Haven Terralong ILU	1,385,000
	Operational	Statutory/ External Restriction	Blue Haven Bonaira ILU	114,000
	Operational	Statutory/ External Restriction	Blue Haven Aged Care Home	3,000,000
	Operational	Statutory/ External Restriction	Community Bus	315,000
Internally Restricted				
	Asset Management	Specific	Carry Over Works	1,096,003
	Strategic	Community	Council Elections	250,000
	Operational	Accumulated Liabilities	Employee Leave Liabilities	1,500,000
	Strategic	Community	Energy Efficiency	213,000
	Asset Management	Specific	Crown Holiday parks	959,050
	Asset Management	Specific	Land development	1,602,000
	Asset Management	Light Fleet and Plant Acquisition	Plant replacement	1,513,909
	Operational	Accumulated Liabilities	Blue Haven Home Care Packages	688,000
	Strategic	Community	Risk Improvement Incentive	105,000
	Strategic	Community	Unspent Loan Funding	1,116,000
	Strategic	Community	Waste and Sustainability	415,000
	Strategic	Community	Waste Business Unit	1,262,000
Unrestricted Funds:				
Funds to meet current budgeted expenditure				732,504
TOTAL INVESTMENTS				44,326,291

Note:

The above Application of Invested Funds will change subject to the preparation of the financial statements. The values can change due to monthly movements.

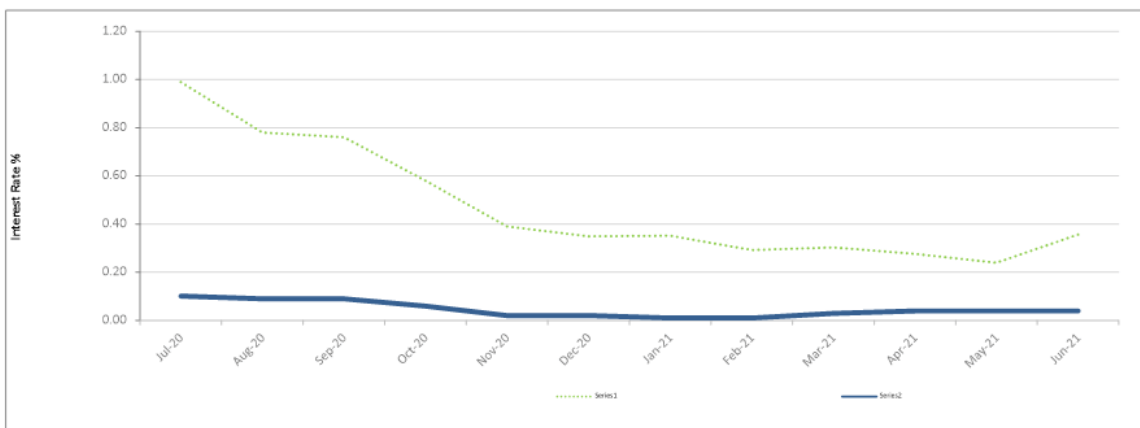
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

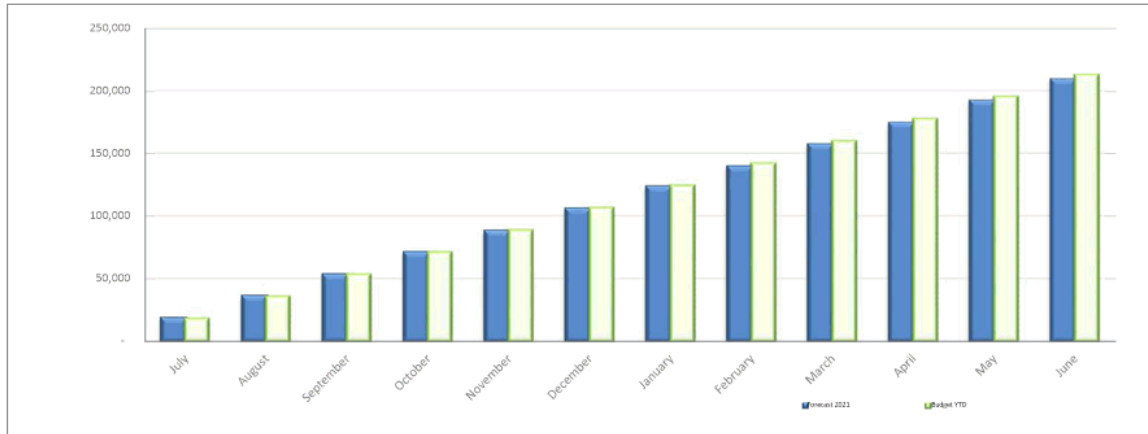
	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.38	0.02
3 month average	0.33	0.04
6 month average	0.31	0.03
12 month average	0.42	0.05

Council Investment Performance Compared to Benchmark



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.

Accrued Interest Compared to Budget as at 31 July, 2021



12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill**

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

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

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

Item 12.1

Summary

This report reviews Development Application No 10.2021.127.1 which involves the use of an ornamental windmill that has as already been erected and exceeds the maximum height limit imposed by Kiama Local Environmental Plan (LEP) 2011.

The report recommends that Council approve Development Application No 10.2021.127.1 as the proposal is:

- Permissible in the R2 Low Density Residential and satisfies the zone objectives, but is inconsistent with the relevant development standards of Kiama LEP 2011, Clause 4.3 height of building development standard; and
- Generally consistent with Kiama Development Control Plan 2020 (DCP)

A request to vary this LEP development standard has been received.

Financial implication

N/A

Policy

N/A

Consultation (internal)

Please refer to the "Internal Referrals" section in this report.

Communication/Community engagement

Required: Yes (newspaper advertisement and letter notification).

Notification Period: 14 days from 03/06/2021 to 17/06/2021.

Submissions: Nil submissions.

Reason for the Report

This report is submitted to Council because only the elected Council can assume concurrence of the Secretary of the Department of Planning & Environment under Clause 4.6 of the LEP to vary a development standard by more than 10%, as a result of a new direction given by the Department on 15 December 2017 withdrawing the use of staff delegation in such circumstances. This direction has since be reconfirmed in Planning Circular PS18-003 dated 21 February 2018.

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Attachments

- 1 10.2021.127.1 - plans
- 2 10.2021.127.1 - Clause 4.6 Report

Enclosures

Nil

Item 12.1

RECOMMENDATION

That Council approve Development Application No 10.2021.127.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot 61 DP 1195795, which is located at 46 Allowrie Street, Jamberoo.

The overall site measures 1116m² in size and is rectangular in shape. The site currently contains Class 1 and Class 10 buildings and is bounded by residential land containing principally dwellings. Allowrie Street borders the land to the north.

The site is zoned R2 Low Density Residential under Kiama LEP 2011.

The site is predominantly cleared and slopes slightly from the south downward to the north.



Figure 1 – Locality Plan

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

The site drains to the adjoining public road (Allowrie Street).

Access to the property is obtained from Allowrie Street. The site is serviced by water, sewer, electricity and telecommunications.

The site is subject to the following constraints:

- Heritage item indicated in Kiama LEP 2011 on the land;
- Areas mapped in Kiama LEP 2011 as acid sulphate soils (Class 5).

Item 12.1



Figure 2 – Site Photograph (2021 View, ↑N)
NB: subject windmill visible in South West corner

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Background

The development application history is as follows:

DA No.	Description	Lodgement	Determined	Decision
10.2009.105.1	Two Lot Torrens Title subdivision	18/05/2009	16/06/2009	Approved
10.2021.126.1	Addition to retaining walls, addition to garage	27/05/2021	Undetermined	Undetermined

The current proposal does not undermine the approval for subdivision and is consistent with the concurrent Development Application No 10.2021.126.1.

Description of the Proposed Development

The proposal involves the use of an ornamental windmill (already erected).

The windmill is a lattice-framed steel structure having a triangular base and a height of approximately 11.3m. The windmill is positioned 4.4m from the western (side) boundary and 2.8m from the southern (rear) boundary.

The windmill is non-functioning, serving purely as an ornamental feature of the property.

The proposal is shown in Figures 3 - 5 below:

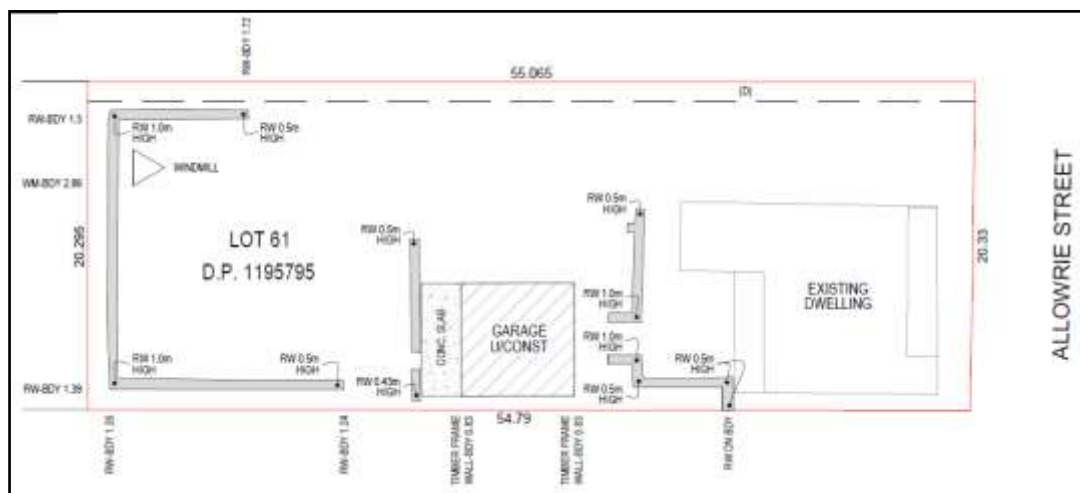


Figure 3 – Site Plan

Figure 3 shows that the windmill is sited clear of the registered easement for drainage of water 1.2m wide that extends along the western boundary of the subject site.

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

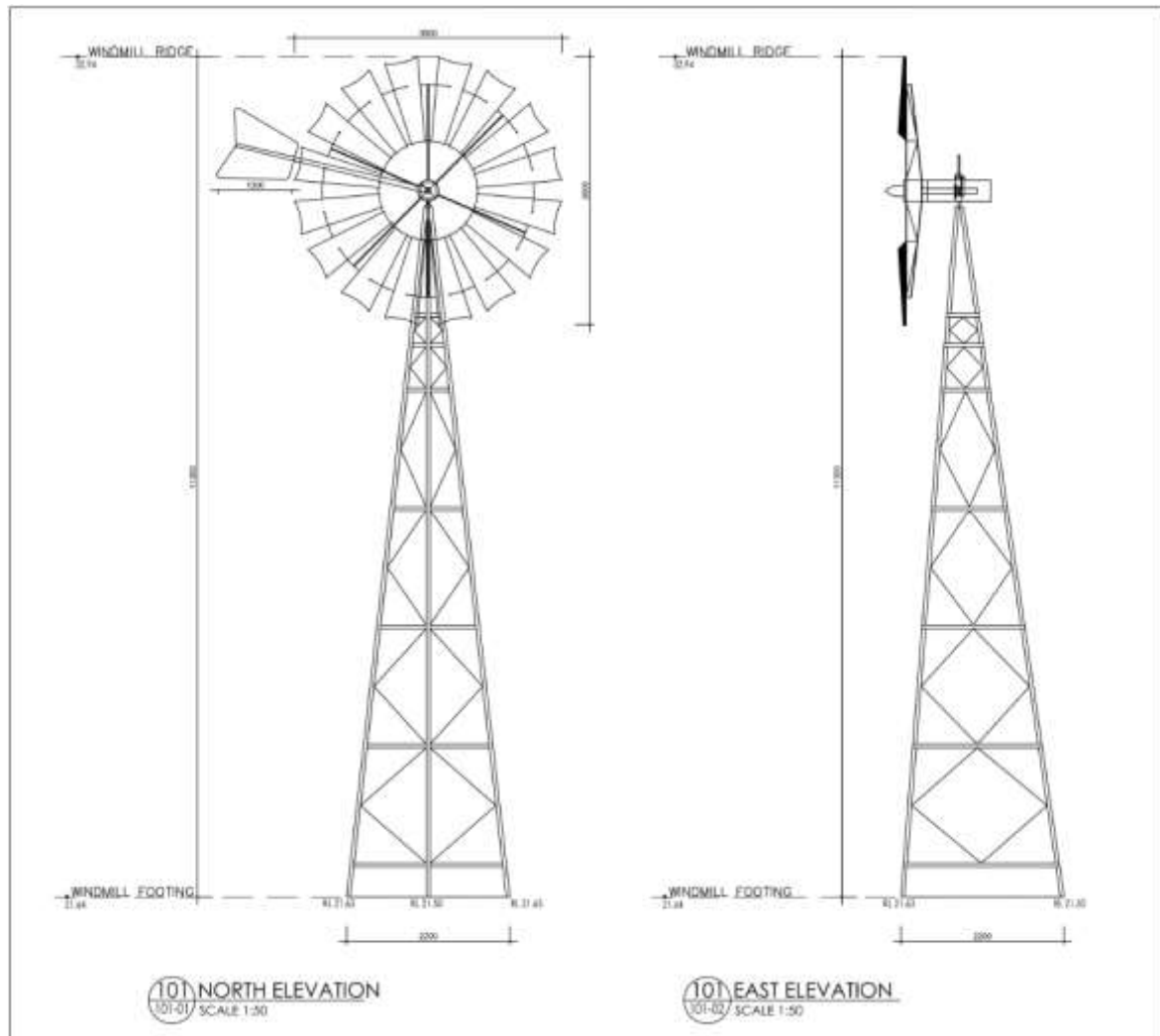


Figure 4 – North and East Elevation

Item 12.1

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

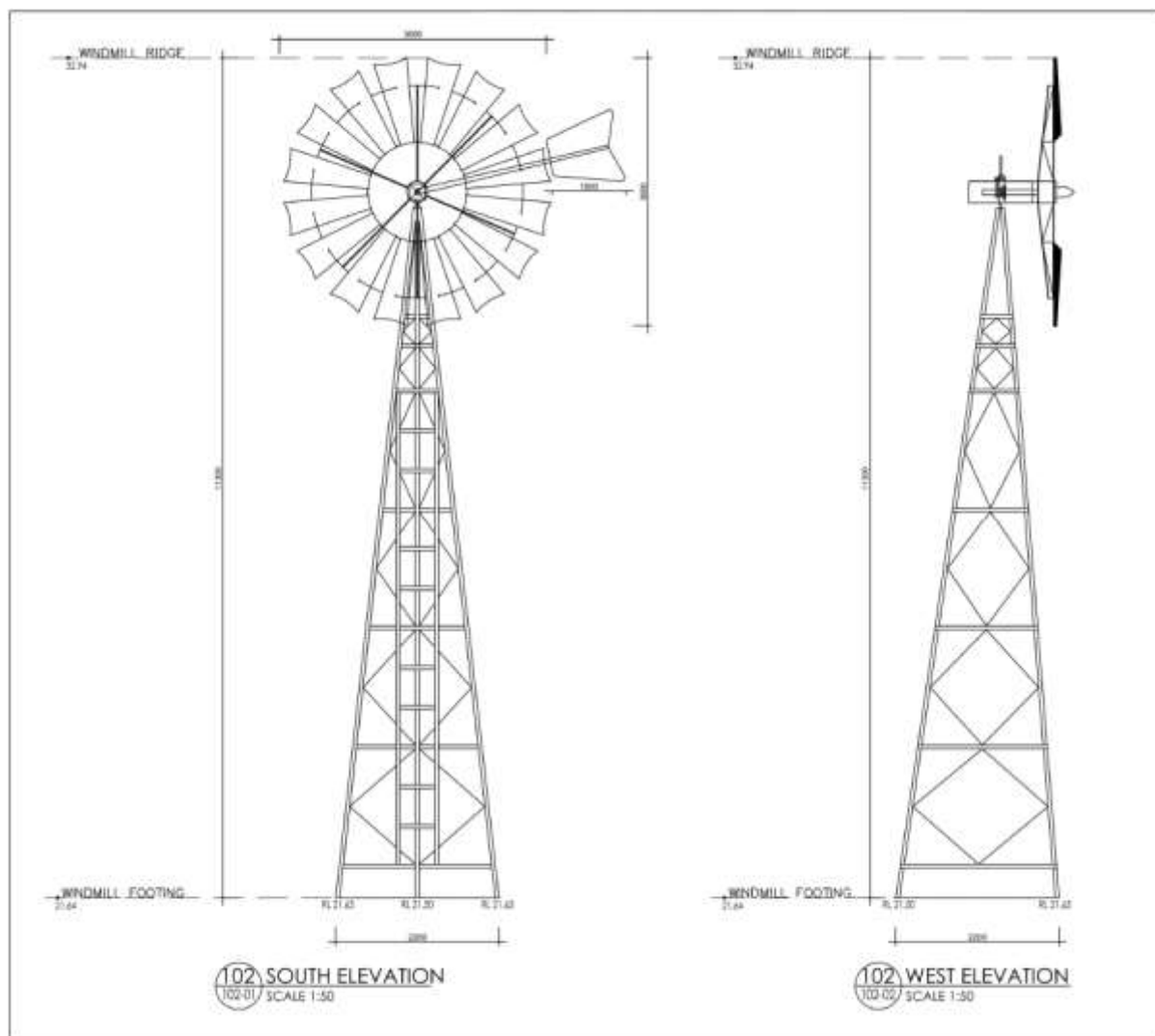


Figure 5 – South and West Elevations

Section 4.15 Assessment

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's

Item 12.1

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

DCP 2012 outlines that certain trees can be removed without requiring consent. No trees are proposed to be removed as part of this development.

- Kiama LEP 2011

Clause 2.3 Zone objectives and Land Use Table

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposed windmill is an ornamental garden feature that is ancillary to the dwelling house on the land. On these terms, the proposed development is permitted with consent in the R2 Low Density Residential zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The Objectives of the R2 Low Density Residential zone are:

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

There is no direct correlation between the zone objectives and the proposed development in this instance, being purely ancillary and incidental to the residential use of the land. The proposed development does not undermine the zone objectives.

Specific clauses requiring consideration:

Clause 4.3 Height of Buildings

Clause 4.3 requires that the height of any building does not exceed the maximum height shown on the Height of Buildings Map. The height of building map identifies that a maximum building height of 8.5m applies to the subject site. The proposed development has a maximum height of approximately 11.3m above existing ground level and as such does not comply.

Exception is sought by the applicant to the development standard under Clause 4.6 of the LEP.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of Kiama LEP 2011 is a provision that provides for a process to consider exceptions to development standards under Kiama LEP 2011.

The objectives of Clause 4.6 of LEP 2011 are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Clause 4.6(2) of Kiama LEP 2011 enables development consent to be granted for development even though the development would contravene a development standard imposed by the LEP.

Clause 4.6(3) of Kiama LEP 2011 stipulates that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard demonstrating that:

- a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

The site is subject to an 8.5m building height limit prescribed by Clause 4.3 of Kiama LEP 2011. The proposed development has a maximum building height of 11.3m above existing ground level, representing a significant departure to this development standard of approximately 33%.

Accordingly, the applicant has provided a written Clause 4.6 exception request to attempt justify varying the maximum building height (see attached) development standard of Clause 4.3.

The applicant's request for exception to the development standard concludes with the following paragraph:

"The breach of the building height development standard by the 11.3m high windmill has been reviewed having regard to the provisions of clause 4.6 of KLEP 2011. As a result of this review, it is concluded that the development will not have any detrimental impacts on local amenity; and, will be consistent with the objectives for the development standard and for the R2 zone.

Strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to support the variation. The proposal is not inconsistent with State or Regional planning matters and will promote the public interest.

For the reasons outlined in this submission, the variation of the maximum building height development standard to allow the retention of the existing windmill is recommended for Council's support and approval."

Assessment of Variation

Clause 4.6 (Exceptions to development standards) of Kiama LEP 2011 enables exceptions to development standards including building height.

1. Is the planning control in question a development standard?

The expression 'development standards' is defined in section 4(1) of the Environmental Planning and Assessment Act. The key elements of a development standard are as follows:

- i. It must be a provision of an EPI or the regulations made under the Environmental Planning and Assessment Act (thus excluding, among other things, a DCP).

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

-
- ii. The provision must be one 'in relation to' the carrying out of development.
 - iii. The provision must be one by or under which one or more requirements are specified, or one or more standards are fixed, in respect of any aspect of that development.

In this regard, the maximum building height requirement pursuant to cl. 4.3 is a development standard as it prescribes a maximum building height numeric standard of 8.5m for development.

2. What is the development standard being varied?

The development standard proposed to be varied within the application is the building height limit under Clause 4.3 of the LEP.

The site is subject to an 8.5m building height limit which has been consistently applied in the locality and varied very sparingly. The proposed development has a maximum building height of 11.3m above existing ground level this is a variation of approximately 33% and represents a significant departure to this development standard.

3. Is compliance unreasonable or unnecessary in the circumstances of the case?

The applicant cites Preston J in *Wehbe v Pittwater Council (2007) NSWLEC 827* and comments:

"In this instance, it is proposed to rely on the usual approach of establishing that the underlying objectives of the development standard are achieved in order to establish that strict compliance with the 8.5m maximum building height development standard is unreasonable and unnecessary under the circumstances of the case.

- *The objectives of the maximum building height development standard are identified in sub-clause 4.3(1) of KLEP 2011 as:*
 - (a) *to ensure future development is in keeping with the desired scale and character of the street and local area,*
 - (b) *to allow reasonable daylight access to all developments and the public domain.*

The development proposal is considered to be consistent with these objectives as:

- *The proposal is consistent with the rural village character of Jamberoo.*
- *Although not replacing a pre-existing element, the windmill complements the historic "Myalla" cottage and is an acknowledgement of the farming history of the Jamberoo Valley.*
- *The narrow, steel lattice-framed nature of the windmill's construction is such that it does not cast significant shadows onto adjacent residential properties or dwellings.*

Having regard to the above, it is not necessary for the windmill to strictly comply with the 8.5m maximum building height limit in order to avoid having a detrimental shadowing impact on its neighbours or the public domain. Similarly, it is not necessary for the windmill to comply with the 8.5m maximum building height limit

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12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

in order to achieve an architectural character and built form that is appropriate to the subject site or the streetscape. As the underlying objectives of the maximum building height development standard can be achieved by the proposal, strict compliance is considered to be both unreasonable and unnecessary.”

Comment

It is considered that the proposed height breach (ie the extent beyond that of an otherwise compliant 8.5m height) will not result in any significant unreasonable additional amenity impacts by way of overshadowing, view loss, privacy loss and the like, as discussed within this report. It is also accepted that the proposed building height breach does not, in this instance, result in contravention of the objectives of the development standard, as outlined above by the applicant.

From a streetscape and townscape perspective, the visual impact of the proposed development would clearly be greater than the impact of an otherwise height compliant development. The visual impacts of the proposed development and the associated height breach are generally taken to be acceptable due largely to the visual permeability of the lightweight, lattice framed structure, the bladed rotor and tail components, recessive colour and the location of the structure at the rear of the property.

It is accepted that cutting the frame of the windmill to reduce the overall height to achieve strict compliance with the development standard would lead to a better development outcome, but on balance in this instance having regard to the proposed height breach, location and attributes of the windmill and the circumstances of the case it is considered to be unnecessary.

4. Are there sufficient environmental planning grounds for contravening the standard?

The applicant provides the following comment in relation to this matter:

“The proposed windmill will not have any adverse environmental or negative amenity impacts, in particular:

- The windmill is a narrow, lattice-framed structure that will not cast a solid shadow. The shadow from the windmill will fall to the south-west in the morning and to the south-east in the afternoon. These shadows will largely coincide with the shadows cast by existing vegetation at the rear of No.31 Beattie Street (to the south-west) and existing sheds and trees to the south-east.*
- The windmill will not have an adverse impact on solar access to the principal private open space areas or north-facing living room windows of adjacent dwellings.*
- The windmill is not a habitable structure and its continued use will not adversely impact on the privacy of any adjoining residential properties.*
- As shown in Figure 4 below, when viewed from the south-east through to the southwest, the windmill will be viewed against a vegetated background and amongst established trees. The components of the windmill are a dull grey in colour, which assists the structure in blending into its background.*

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)



Figure 6 Existing Windmill viewed from Beattie Street

- *The windmill will not impede views from existing dwelling houses and will not be visually obtrusive when viewed from those dwellings.”*

Comment

In terms of the character of the area and the desired future character in relation to building height, it is noted that the 8.5m building height limit under Kiama LEP 2011 applies to all of Jamberoo Village, inclusive of the residential and business zoned land. Buildings and structures at and around the 8.5m height are therefore generally accepted to be consistent with the character and desired future character of the area.

The building height breach associated with the proposed development, although being 2.8m (ie 11.3m with an 8.5m height limit), does not render the development inconsistent with the character or desired future character of Jamberoo due to the development being considered as a non-habitable, lightweight structure (windmill), as opposed to a bulkier, habitable building. In this respect the development is more akin to a mobile phone tower than a building for which the building height limit principally relates.

Similarly, due principally to the nature of the development, the height breach proposed does not represent, nor should it be construed in any way as, an abandonment of the development standard which Council has consistently applied since the commenced of Kiama LEP 2011. This departure should be seen as an anomaly only, able to be offered any support due to the nature of the structure being ancillary development, non-habitable in nature, visually recessive with only minor amenity impacts.

The applicant has effectively highlighted that the environmental impacts of the proposed height breach are relatively minor and do not warrant refusal of the application in this instance.

Having regard to the above, it is accepted that there are sufficient environmental planning grounds for non-compliance with the development standard under the

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

circumstances notwithstanding that a better outcome would have been to require the windmill to be reduced in height by 2.8m in order to comply with Kiama LEP 2011 development standard.

5. Any matter of significance for state or regional environmental planning, and the public benefit of maintaining the standard.

The proposed exception is local in its context and scale and is therefore not considered raise any matters of state or regional significance.

Clause 4.6(4)(a) of the LEP also requires that development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

As discussed within this 4.6 assessment, it is generally accepted that the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3).

With respect to Clause 4.6(4)(a)(ii) ie the public interest, it is accepted that the proposed development, despite the significant building height limit breach, is generally consistent with the objectives the building height limit development standard and the objectives of the zone. From a streetscape and townscape perspective, though the structure is taller than all neighbouring residential dwellings, inclusive of the height limit breach, the development is on balance not out of character with the area as it is a structure that is identifiably 'rural country' in nature and is, in this instance, an ornamental, lightweight, non-habitable structure that is unique from surrounding township buildings.

The proposed building height breach whilst an unusual and significant departure does not render the development contrary to the public interest, and it is hoped will not be used or seen as setting a precedent for further breaches of the 8.5m height limit for other applications to come in Jamberoo Village.

Overall, it is concluded that exception to the development standard of Kiama LEP 2011 Clause 4.3 should be granted under the circumstances for the reasons outlined and discussed within this report.

Planning Circular PS 20-002, issued 21 February 2018, by the Department of Planning and Environment, states that Council may assume the Director-General's concurrence for certain exceptions to development standards. The Circular does not provide an upper limit for the extent of a variation to which assumed concurrence of the Director General would apply with respect to development standards related to height control, except to preclude determination by a delegate of Council where the variation exceeds 10% of the development standard.

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

In regard to Clause 4.6(7) of Kiama LEP 2011 and subject to the recommendation being endorsed by the elected Councillors, Council will keep a record of its assessment of the factors required to be addressed in the applicant's written requests referred to in sub-clause (3).

Clause 5.10 Heritage Conservation

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of heritage exists on the property and is listed in Schedule 5 as "Timber Cottage" Item I54.

Council's interim Heritage Advisor has considered the proposed development and makes the following comment:

"The site is identified, by Schedule 5 of the Kiama Local Environmental Plan (LEP) 2011, as an item of local heritage significance (I46 – Timber Cottage). The Inventory Sheet for this item includes the following Statement of Significance:

Good example of a turn of the century Federation period weatherboard cottage one of the few examples of its type in the Kiama LGA. Good contribution to the streetscape for its architectural values.

Clause 5.10(4) of the Kiama LEP 2011 outlines that Council must, before granting development consent, consider the effect of the proposed development on the heritage significance of the item or area concerned. Clause 5.10(5) of the Kiama LEP 2011 outlines that Council may, before granting development consent, require that a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. It is noted that a Heritage Impact Statement (HIS), prepared by Architecture + Planning, has been submitted with this application. The HIS predominantly assesses the impact of the installed windmill (refer to DA 10.2021.127.1).

Chapter 4 of Kiama Development Control Plan (DCP) 2011 prescribes that:

- New development in the vicinity of a heritage item or on the site of a heritage item should harmonise with its surroundings,*
- New development in the vicinity of a heritage item or on the site of a heritage item need not replicate exactly that of the heritage item, but rather sympathetically interpret and design new works which are in harmony with the character of the heritage item,*
- New development in the vicinity of a heritage item or on the site of a heritage item should recognise the predominate scale (height, bulk, density, grain) of existing development,*
- The design of roof forms for new development in the vicinity of a heritage item or on the site of a heritage item should respect the scale, form, detail and pitch of adjacent historic properties,*

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

- *New development within the site of a heritage item should be sited to minimise adverse impacts on the setting and significant views to and from the place.*

The siting of the windmill behind the heritage listed timber cottage reduces its visibility from the public domain. The light-weight materiality of the windmill means that it is not visually obtrusive in the landscape. The windmill will not result in any alteration to the existing fabric of the timber cottage and can easily be removed from the site if required.

In this respect, the proposal satisfactorily addresses the relevant matters of Clause 5.10 of Kiama LEP and Chapter 4 of Kiama DCP.

I have no conditions of consent.”

The interim Heritage Advisor’s comments are noted but questions remain if such a tall structure more akin to a rural property is a satisfactory addition to the setting of the “*Timber Cottage*” and is sympathetic to the Jamberoo village streetscape.

The support for the proposal is predicated on the structure being located to the rear of the property, being an ancillary lightweight structure, that does not damage the fabric of the heritage item and is capable of being removed.

On this basis it is considered to be unlikely to cause a significant adverse impact on the heritage significance of the item.



Figure 7 Existing Windmill viewed from Allowrie Street

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Item 12.1

Clause 6.1 Acid Sulfate Soils

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils.

The site is subject to Acid Sulfate Soils Class 5 and the provisions requires that an Acid Sulfate Soils Management Plan be prepared and lodged with the Development Application for the proposed work unless more than 1 tonne of soil is disturbed by the proposal.

Minimal excavation is involved with less than 1 tonne of soil expected to have been disturbed.

This requirement has been satisfactorily addressed.

Clause 6.2 Earthworks

Clause 6.2 lists considerations for proposals that involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.

The proposed development is consistent with the relevant provisions of Kiama LEP 2011 and is permissible within in the R2 Low Density Residential zone.

Any Draft Environmental Planning Instruments

Draft State Environmental Planning Policy

The following draft State Environmental Planning Policies (SEPP) have been exhibited and are required to be considered:

Draft SEPP 55 – Land Remediation

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

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

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

Kiama DCP 2020


The proposed development is not inconsistent with the objectives and controls of Kiama DCP 2020. Though not a non-compliance, rear setback is a matter of particular note for this development and is accordingly discussed in the table below:

Control	Comment
Chapter 12 to 18 – Development Specific Controls Topic 12.4 – Jamberoo Village	

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Item 12.1

Control	Comment
<p>C12.4.4</p> <p><i>“Buildings are setback from rear boundaries so as not to reduce the visual amenity and privacy of adjoining properties and to reduce the impacts from overshadowing.</i></p> <ul style="list-style-type: none"> 12.4.4a <p><i>In the absence of an established setback, buildings, with the exception of outbuildings (see below), are to be setback a minimum of 6m from the rear boundary.</i></p> <ul style="list-style-type: none"> 12.4.4b <p><i>Where an established setback exists, buildings, with the exception of outbuildings (see below), are to be set back from the rear boundary an average distance of the setbacks of the nearest 2 dwelling houses located within 40m of the lot on which the dwelling house is erected. Rear setbacks are not to inhibit the establishment of Private Open Space.”</i></p>	<p>The subject windmill involves a setback to the rear boundary of 2.8m.</p> <p>Control 12.4.4b is invoked in this instance as the windmill, while being a non-habitable structure, for the purpose of control 12.4.4 is more akin to an outbuilding.</p> <p>The applicant highlights that there <i>“are existing sheds locate at the rear of Nos. 44 and 48 Allowrie Street. These sheds are setback between 1m and 3m from the rear boundary for an average of 2m.”</i></p>  <p>Figure 8 – Neighbouring outbuildings (NB: 44 & 48 Allowrie St) adjacent to respective rear boundaries</p> <p>Having regard to control 12.4.4b and the neighbouring shed setbacks from the respective rear boundaries, the proposed 2.8m rear setback is technically acceptable under the terms of the DCP.</p>

The proposed development generally complies with the relevant controls of the DCP 2012, and where strict compliance is not achieved the objectives of the controls are maintained.

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Any Planning Agreement

Nil

Any Matters Prescribed by The Regulations

Nil

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

Streetscape/Townscape

The subject windmill is overall a lightweight, visually permeable structure with a weathered finish. These factors mean it is not an overly prominent visual element and, due to surrounding built form and established vegetation, it is only noticeable when viewed from locations along Allowrie Street and Beattie Street, as illustrated in Figures 6 – 13F below.

Windmills of this type, for the most part, are associated with farms, rural properties and rural landscapes. They generally do not form part of the fabric of an urban/village environment. Jamberoo is a rural village with strong, historic agricultural links, so although a windmill such as this is not a 'usual' element within the town, given the surrounding farmland environment it is reasonable to find that it is also not an entirely unrelated element in this instance in the context of the low density village townscape and streetscape. This reinforces the comments made in respect of Clause 5.10 of the LEP.



Figure 9 – Windmill from Allowrie Street (looking South)

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)



Figure 10 – Windmill (centre left) from Kinross Place intersection with Allowrie Street (looking south-west)



Figure 11 – Windmill (centre right) from opposite 42 Allowrie Street (looking south-east)

Item 12.1

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)



Figure 12 – Windmill from Beattie Street (looking north)

Item 12.1

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)



Figure 13 – Windmill from Beattie Street (looking north, zoomed in)

It could also be argued that the windmill adds visual interest within the village, with the windmill a nexus to the setting of the village amongst surrounding farmland, within which the windmill would otherwise be more regularly associated.

The proposed development is reasonable when considered in relation to the context of the site. Notwithstanding the significant building height breach separately discussed, the bulk, scale and design of the proposal is consistent with relevant planning instruments and is generally an acceptable, though irregular, element within the Jamberoo village townscape and streetscape.

Noise

This development was originally raised with Council due to noise generated by the rotation of the rotor blades. The rotor blades have since been strapped down, to fix the blades in place. Should Council approve the development, a condition of consent will be imposed requiring a more robust means to prevent movement of the rotor blades, such as by a fixed metal brace or bolts.

Subject to this, no ongoing significant noise impacts are expected as a result of the development.

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Privacy and Overlooking

The windmill is not a habitable structure. No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. Should Council approve the development, condition of consent will be imposed requiring that the windmill only be scaled for repair/maintenance purposes.

Overshadowing

The lattice framed tripod structure will cast little solid shadow, while the windmill blades would cause the greatest extent of shadowing. Overall, the overshadowing impact of the windmill are expected to be reasonable, being well within the thresholds for overshadowing identified in Council's DCP 2020 controls.

It is reasonable to surmise that the windmill would cast significantly less shadow than a tree of equivalent height that could otherwise be planted in the same location without the requirement for consent.

Views

Views from surrounding properties, where available, are mainly toward the north and the escarpment to the west. Given the established vegetation and existing buildings adjacent to and in the proximity of the windmill, the proposal will have no unreasonable impact upon views currently available from neighbours.

Vehicular Access, Parking and Manoeuvring

N/A

Stormwater Management

N/A

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

Impact on Water Resources – Controls will be implemented during construction to minimise sedimentation.

Social and Economic Impacts

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

The Suitability of the Site for the Development

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

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

Other issues to consider include:

- Traffic and Access

No concerns are raised with the proposal in relation to traffic and access matters.

- Contamination from previous land uses

There is no evidence of site contamination on this or adjacent sites. The site is unlikely to be contaminated.

- Effect on public domain

The proposal is expected to have an acceptable impact on the public domain. The proposed windmill seats neatly on the site and amongst established vegetation within its proximity.

- Utility needs and supply

N/A

- Operational waste

N/A

- Operational noise and vibration

No significant concern is raised.

- Risks to people & property from natural & technological hazards

No known risks.

- BCA compliance

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

- Construction impacts

Construction works will generate some minor noise but given the structure is existing it will be minimal and unlikely to unduly impacts upon neighbours.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period with nil submissions were received.

External Referrals

Nil

Internal Referrals

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

Heritage Officer

Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

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

Building Assessment Officer

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

Landscape Design Officer

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

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments except Kiama LEP 2011 which has already been discussed. The proposal is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be not inconsistent with the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011, except in relation to the building height development standard whereby exception is sought under Clause 4.6 of the LEP. The proposal is consistent with relevant DCP chapters. The proposed development is not inconsistent with the objectives of the R2 Low Density Residential zone.

Consideration was given to requiring the windmill be reduced in height to comply with the 8.5m height limit but as no submissions have been received following notification of the development proposal and it is hoped that the unique nature of the structure will not give rise to a precedent that maybe used to vary the height limit for other development applications in the Jamberoo Village township. Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised.

The proposed development is considered to be a significant breach of the height limit which has been consistently applied in the Jamberoo Village but due to the nature of the structure and is considered to be reasonable in the circumstances and conditional approval is recommended.

Draft Conditions of Development Consent**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2021.127.1 dated xx/xx/xxxx except as amended by the following conditions:

(g005.doc)

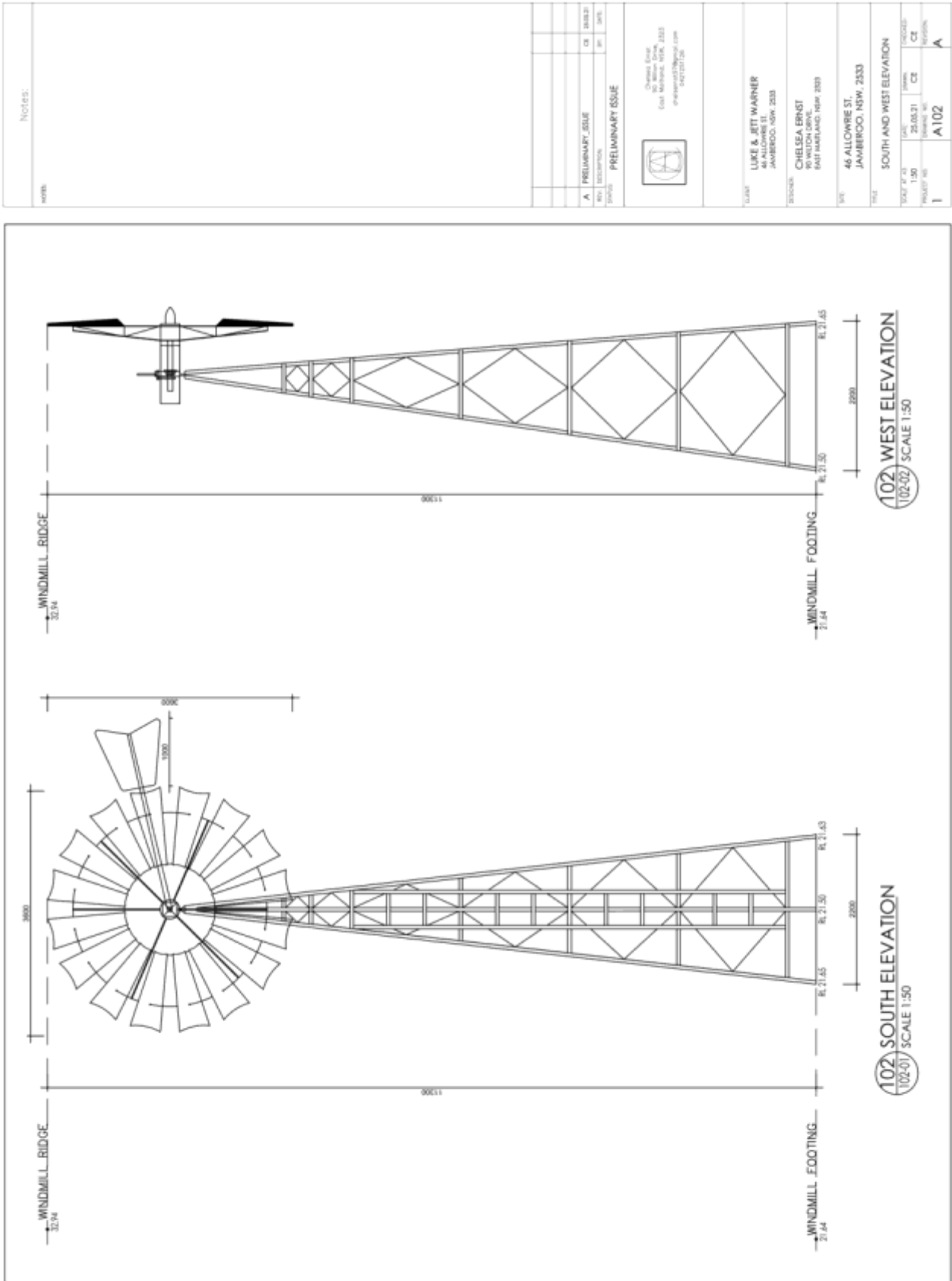
Report of the Director Environmental Services

12.1 10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of Already Erected Ornamental Windmill (cont)

-
- (2) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
 - (3) The windmill rotor and tail must be securely fixed in place to constantly prevent any rotation of the rotor blades or pivoting of the windmill tail.
 - (4) The windmill may only be climbed for construction, repair and/or maintenance purposes. Measures must be put in place to prevent unauthorised persons from climbing the windmill.
 - (5) The development consent is approved in conjunction with the Section 6.26 Building Information Certificate No 40.2021.11.1 together with its supporting documentation.
 - (6) The windmill including the footings shall receive Certification from a suitably qualified and accredited Structural Engineer every 5 years to ensure the structural adequacy of the structure. The Certificate is to be submitted to Council within 2 weeks of being issued.
 - (7) The windmill shall not be painted except in dark or recessive colours without separate development approval from Council.

Notes:													
None													
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A-101	NORTH AND EAST ELEVATION	CE	25/05/2021
A-102	SOUTH AND WEST ELEVATION	CE	25/05/2021



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DATE	ISSUED BY
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PRELIMINARY ISSUE	
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Chelsea Ernst 90 Winton Drive East Maitland, NSW 2325 chelsea@warnerarchitects.com 0427212126	
46 ALLOWRIE ST JAMBEROO, NSW 2533	
SOUTH AND WEST ELEVATION	
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25.03.21	CE
PROJECT NO.	REVISION
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Plannex Environmental Planning

PLANNING REPORT AND STATEMENT OF ENVIRONMENTAL EFFECTS FOR THE CONTINUED USE OF A STEEL LATTICE-FRAMED WINDMILL

ON LOT 61 DP 1195795
No.46 ALLOWRIE STREET, JAMBEROO

PREPARED ON BEHALF OF
L & J WARNER

MAY 2021

**PLANNING REPORT AND STATEMENT OF
ENVIRONMENTAL EFFECTS FOR THE CONTINUED
USE OF A STEEL LATTICE-FRAMED WINDMILL**

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PREPARED BY

Plannex Environmental Planning
PO BOX 239
FIGTREE NSW 2525

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Windmill
46 Allowrie Street, Jamberoo

Planning Report and
Statement of Environmental Effects

APPENDICES

APPENDIX A Variation to Clause 4.3 of KLEP 2011

Item 12.1

Attachment 2

Version	Date
Original	May 2021

Disclaimer This planning report and statement is true and correct at the time of writing. It is based on the information provided by the client and other relevant organisations during preparation. Plannex Environmental Planning accepts no contractual, tortious or other form of liability for any consequences arising from its use. People using the information in the statement should apply and rely on their own skill and judgment to a particular issue they are considering. This statement shall be used solely for the purpose of this proposal and shall not be replicated or altered without the authorisation of Plannex Environmental Planning.

EXECUTIVE SUMMARY

- The subject site is located at No.46 Allowrie Street, Jamberoo and consists of a rectangular-shaped allotment of land situated on the southern side of the street and containing a heritage-listed dwelling house.
- The development proposal seeks Council's consent for the continued use of a lattice-framed windmill which has been erected in the south-western corner of the subject site.
- The proposed development generally satisfies all of Council's relevant planning controls and policies relating to residential development and is satisfactory when considered against the objectives of those controls and policies. A variation to the Kiama Development Control Plan 2020 planning control relating to the height of buildings in Jamberoo has been requested and is considered reasonable under the circumstances of the case.
- The development proposal involves a variation to the building height development standard imposed by clause 4.3 of Kiama Local Environmental Plan 2011. This variation is considered to be reasonable under the circumstances of the case having regard to the underlying objectives of the standard and the absence of any detrimental environmental or amenity impacts.
- No unreasonable environmental, heritage or amenity impacts will occur as a result of the development proposal. The proposed development has been specifically planned and designed to ensure that any potential impacts will be kept to within tolerances considered normal and acceptable within an established, low density residential environment.
- Approval of the development proposal is recommended.

1.0 INTRODUCTION & BACKGROUND

Plannex Environmental Planning has been engaged by Luke and Jhettaya Warner, owners of No.46 Allowrie Street at Jamberoo, to prepare a planning report and Statement of Environmental Effects to accompany a development application to Kiama Council seeking consent for the continued use of a steel lattice-framed windmill structure which has been erected in the south-western corner of their property.

The windmill does not function as a water pump and has been installed for decorative purposes only, providing an acknowledgement of the rural history of Jamberoo Village. A separate application for a Building Information Certificate has been prepared and submitted, concurrently with this Development Application, in respect of the windmill.

This planning report and Statement of Environmental Effects provides the following:-

- A description of the subject site and the surrounding area.
- A description of the proposed development.
- A summary and description of the main planning controls that apply to the land and the proposed development.
- Identification and discussion of the key assessment issues.
- An evaluation of the proposal in accordance with Section 4.15 of the Environmental Planning and Assessment Act, 1979.
- A formal request for variation of the building height development standard (clause 4.3), made pursuant to Clause 4.6 of Kiama Local Environmental Plan 2011.

2.0 SITE AND SURROUNDS

2.1 The Subject Site

2.1.1 Physical Description

The subject site is rectangular-shaped allotment of land situated on the southern side of Allowrie Street at Jamberoo (see Figure 1). The subject site is known as Lot 61 in Deposited Plan No.1195795 No.46 Allowrie Street, and has an area of 1,116m².

Figure 1 Site Location



Source – SIX Maps

The subject site has a 20.33m frontage to Allowrie Street along its northern boundary. The eastern side boundary of the site measures 54.79m and the western side boundary 55.065m. The southern, or rear, boundary has a length of 20.295m.

2.1.2 Topography

The subject site slopes in a northerly direction down towards Allowrie Street. Natural ground levels at the site's southern boundary vary between RL 22.5m AHD and 22.33m AHD. Along the Allowrie Street frontage of the site, natural ground levels vary between RL 18.66m AHD and RL 18.59m AHD.

2.1.3 Vegetation

The subject site has been landscaped with garden beds and plantings of individual trees and shrubs.

2.1.4 Improvements

The subject site contains a single storey timber-clad dwelling house with a metal roof known as "Myalla" and listed as a heritage item under Kiama Local Environmental Plan 2011.

At the rear of the dwelling house, a double garage building has been partially constructed and mass sandstone block retaining walls have also been placed on the site. The windmill is located towards the south-western corner of the subject site.

2.1.5 Access

Vehicular access to the subject site is obtained directly from Allowrie Street via a concrete layback and driveway crossing. Inside the subject site the driveway is of gravel formation.

2.1.6 Services

The site is connected to the electricity grid via overhead mains located in Allowrie Street. The site is also connected to Sydney Water's reticulated water supply and sewerage systems. NBN telecommunications facilities are also provided to the site. There is a fire hydrant located at the corner of Allowrie Street and Kinross Place, within 25m of the subject site.

2.2 **The Surrounding Area**

The subject site is located in an established residential area to the east of the Jamberoo Village commercial centre. Development in the locality is primarily comprised of detached dwelling houses, although there newer multi dwelling developments at Nos. 42A-42C and 36 Allowrie Street. The streetscape also contains dwellings of differing age and architectural character, which contribute to a varied residential character.

The properties immediately surrounding the subject site contain the following:-

- The adjoining property to the east (No.48 Allowrie Street) is occupied by a two-storey brick and tile dwelling house with rendered façade, positioned with a large setback to Allowrie Street.
- The adjoining property to the south-west (No.44 Allowrie Street) is occupied by a two-storey brick dwelling house with a metal roof.
- The property to the rear of the subject site fronts Beattie Street (No.33 Beattie Street) and was formerly part of the subject site – which originally extended from Allowrie Street through to Beattie Street. The Beattie Street allotment has a metal shed located in its north-eastern rear corner.
- Properties opposite the site, on the northern side of Allowrie Street, contain a mixture of one or two-storey dwelling houses..

Figure 2 Site Context



Source – SIX Maps

3.0 PROPOSAL

Council's consent is being sought for a development proposal that involves the continued use of a steel lattice-framed windmill which has been erected in the south-western corner of the subject site (see Figure 3).

The windmill is not an operational water pump and has been erected as a decorative, rustic garden landscape item, in acknowledgement of Jamberoo Village's rural history.

Figure 3 Existing Windmill



The windmill consists of a pre-fabricated steel lattice-framed support tower with a triangular base having dimensions of 2.2m and tapering to a peak at the top of the tower. A 3600mm diameter multi-bladed rotor and tail is attached to the top of the tower. Access to the top of the tower for maintenance purposes is provided by a steel-framed ladder running up the centre of the tower.

The windmill has an overall height of 11.3m from natural ground level to the top of the rotor blade.

The windmill has been positioned with setbacks of 4.4m from the western side boundary and 2.8m from the rear boundary.

The windmill is supported on three (3) concrete pile footings, each 1.2m deep and 400mm in diameter. A structural engineer has assessed the footings and determined that the windmill is structurally fit for purpose.

4.0 PLANNING CONTROLS

4.1 Overview

The primary planning controls applying to the land and the proposed development are Kiama Local Environmental Plan 2011 and Kiama Development Control Plan 2020.

The effects of these planning documents on the development proposal are outlined below.

4.2 Kiama Local Environmental Plan 2011 (KLEP 2011)

The subject site is affected by KLEP 2011. A review of those provisions of KLEP 2011 of relevance to the proposal has been undertaken and the following matters identified.

The subject site is zoned **R2 Low Density Residential** under the provisions of KLEP 2011.

The objectives of the R2 zone are stated as:-

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

The development proposal is consistent with the first objective, as it maintains the low density residential use of the site. The other stated objectives are not of particular relevance to the proposal.

Other relevant provisions of KLEP 2011 applicable to the development proposal are summarised as follows:-

- Clause 4.3 relates to building heights and imposes a maximum building height of 8.5m for development on the subject site. The windmill has a maximum overall height of 11.3m.

As the windmill exceeds 8.5m in height, a variation to building height development standard is being sought pursuant to clause 4.6 of KLEP 2011, which relates to exceptions to development standards and enables Council, with the concurrence of the Director-General (where required), to grant consent to

the development proposal notwithstanding the fact that it does not comply with the site area development standard. A separate request, justifying the contravention of the site area development standard, has been prepared in support of the proposed development and is attached at Appendix A.

- Clause 5.10 relates to heritage conservation and requires that Council, in determining whether to grant consent to a development application on land containing a heritage item, must consider the effect of the proposed development on the heritage significance of the item. A review of the KLEP 2011 heritage map indicates that the existing dwelling house on the subject site is identified as a locally significant heritage item (Item No.146). Accordingly, the development proposal has been informed and supported by a heritage impact assessment. The heritage impacts of the development proposal are discussed in section 5.4 of this planning report.

From the above, the development proposal is considered to be satisfactory when assessed in light of the relevant provisions of KLEP 2011.

4.3 Kiama Development Control Plan 2020 (KDCP 2020)

KDCP 2020 applies to the subject site and the development proposal. The following chapters of KDCP 2020 are relevant to the development proposal:-

Table A – Kiama Development Control Plan 2020

KDCP 2020 Chapter	Proposal
<i>Chapter 3 Common Requirements</i>	Refer to Table B below
<i>Chapter 4 Heritage and Cultural Conservation</i>	Refer to section 5.4 of this report and the Heritage Impact Assessment report submitted with the DA.
<i>Chapter 12 Location Specific Controls</i>	Refer to Table C below

The windmill has been reviewed in light of those provisions contained in Chapter 3 *Common Requirements* as summarised in Table B below.

Table B – Summary of Relevant KDCP 2020 Provisions (from Chapter 3)

KDCP 2020 Requirement		Development Proposal	Compliance
Solar Access			
Where a proposed dwelling house/addition/dual occupancy/secondary dwelling is considered to adversely affect privacy or excessively overshadow an adjoining property, Council may request modification to the building design, requiring increased building setbacks, or failing this, refuse the application.	The windmill is a narrow, lattice-framed structure positioned to the rear of the existing dwelling house. As discussed in section 5.2 of this planning report, no adverse privacy or shadowing impacts will arise.		✓
A proposed dwelling house/addition/dual occupancy/secondary dwelling should respect the reasonable desire of adjoining residents to direct sunshine and should not unreasonably reduce solar access to habitable rooms and recreation areas on adjacent residential properties.			
Buildings must be designed to optimise solar access by positioning and orienting buildings to maximise north facing walls.	The windmill structure is a non-habitable building.		N/A
Where practicable, (and taking into account maximising views/amenity issues):			
<ul style="list-style-type: none"> • habitable room windows should be placed within 30 degrees east and 20 degrees west of north. • dwellings should be designed to locate living areas to the north and service areas to the south and west of the development. 			
Where avoidable, buildings must be designed so that there is no unreasonable overshadowing of solar collectors located on adjacent development.	The proposed windmill will not cast shadows onto the roof-mounted solar collectors of Nos.31 and 35 Beattie Street.		✓
Privacy			
Development in excess of one storey beyond this point will be more critically analysed in respect to the amenity impacts on adjoining properties, by the development, with particular reference to the following:	N/A – The windmill is a non-habitable structure that does not contain any storeys.		N/A
<ul style="list-style-type: none"> • Maintenance of privacy into the adjoining dwellings and private open space areas • Access to natural light and/or overshadowing • Visual bulk 			

Table B – cont

KDCP 2020 Requirement	Development Proposal	Compliance
Privacy cont		
Treatments to reduce the likely amenity impacts on adjoining properties might include, screens, opaque glazing, highlight windows, increased side setbacks, broken roof lines, split floor levels or a general height reduction.	N/A – As there are no privacy issues arising, there is no need for mitigation measures.	N/A
All development should be designed to provide a high level of privacy for end users without compromising access to light and airflow. Where, due to site or design constraints, potential overlooking is unavoidable. Detailing could include: <ul style="list-style-type: none"> • offset windows of in new development and adjacent development windows, • double glazing, • operable louvers or screen panels to windows and/or balconies, • screening through 1.5m high fencing or landscaping between dwellings. 	N/A – The windmill does not create overlooking issues.	N/A
Where a proposed dwelling house/addition/dual occupancy/secondary dwelling is considered to adversely affect privacy or excessively overshadow an adjoining property, Council may request modification to the building design, requiring increased building setbacks, or failing this, refuse the application.	Noted. No privacy issues arise as a result of the proposal.	Noted
Views & Visual Impacts		
Any development in Kiama should incorporate view sharing principles into the design and siting of development to ensure that where possible with that existing view lines are not detrimentally impacted.	The windmill will not have any adverse impact on views from the neighbouring dwelling houses.	✓
Development should maintain where possible of views from public places.	No views from public places are impacted by the proposal.	✓

Table B – cont

KDCP 2020 Requirement	Development Proposal	Compliance
Views & Visual Impacts <i>cont</i>		
Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development.	As discussed in section 5.2 of this planning report, the windmill will not have any adverse impact on views from the adjacent dwelling houses.	✓
No one dwelling should be sited to maximise the views for its occupants to the exclusion of nearby resident or neighbours.	The windmill will not have any adverse impact on views from the neighbouring dwelling houses.	✓
Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels.	The windmill has been installed on relatively level ground. Being a narrow, lattice-framed structure the windmill is not considered bulky.	✓
Where there is a potential for view loss Council may require a maximum building height of less than the maximum allowable for part of the proposed building to ensure view sharing.	N/A – There is no impact on existing views.	N/A
Council may consider varying setbacks and building lines where variance would result in a positive view sharing outcomes.	N/A – There is no impact on existing views.	N/A
Reference is to be made to principles handed down in the Land and Environment Court with regard to view sharing.	N/A – There is no impact on existing views.	N/A
Landscaping		
Landscape plans are required for all Dual Occupancy Developments, Villa Homes, Courtyard Houses, Residential Flat Building and multi Housing Developments. A single residential dwelling on one lot does not require a landscape plan.	The development proposal is not among the listed types of development requiring a landscape plan.	N/A

Table B – cont

KDCP 2020 Requirement	Development Proposal	Compliance
<p>Character To maintain and improve the existing amenity and environmental character of residential zones, Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.</p>	<p>The windmill is a lightweight, readily dismantlable structure. The windmill is associated with the farming history of Jamberoo, and has been sited so that the heritage-listed cottage remains the focal point in the streetscape.</p>	<p>✓</p>

Chapter 12 of KDCP 2020 – specifically the provisions of Topic 12.4 – apply to Jamberoo Village. These provisions have been considered in relation to the development proposal as outlined in Table C below.

Table C – Summary of Relevant KDCP 2020 Provisions (from Chapter 12)

KDCP 2020 Requirement	Development Proposal	Compliance
<p>Siting of Development New development should be designed and located to preserve view corridors between adjoining buildings and reinforce the existing character.</p>	<p>Refer to acceptable setback solutions below.</p> <p>Noted</p>	<p>Noted</p>

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Siting of Development <i>cont</i>			
Buildings are setback from front boundaries (i.e. street frontage) to contribute to the existing or proposed streetscape character and are generally consistent with the prevailing setbacks in the area.	In the absence of an established setback, dwellings are to be set back a minimum 6m from the front boundary. Where an established setback exists, dwellings are to be set back from the front boundary the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected.	The windmill is setback more than 6m from Allowrie Street.	✓
Buildings are setback from side boundaries to reduce the impact on adjoining properties in terms of bulk and scale, privacy and overshadowing and view corridors to rural land and the escarpment.	Side boundary setbacks for new dwellings on land directly adjoining rural (RU1 or RU2) zoned land (whether or not separated by a road or Council reserve) shall be a minimum 1.5m to one side boundary and 3m to the other, or as prescribed by the building envelope or easement applying to the land. In all circumstances the side boundary setbacks for dwellings shall be a minimum of 1.5m and within a 45 degrees projected plane from a vertical distance of 3.6m above the existing ground level at the side boundaries.	N/A – The site does not directly adjoin RU1 or RU2 land.	N/A
		N/A – The structure is not a dwelling.	N/A

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Siting of Development <i>cont</i>			
Buildings are setback from rear boundaries so as not to reduce the visual amenity and privacy of adjoining properties and to reduce the impacts from overshadowing.	In the absence of an established setback, buildings, with the exception of outbuildings (see below), are to be setback a minimum of 6m from the rear boundary. Where an established setback exists, buildings, with the exception of outbuildings (see below), are to be setback from the rear boundary an average distance of the setbacks of the nearest 2 dwelling houses located within 40m of the lot on which the dwelling house is erected. Rear setbacks are not to inhibit the establishment of Private Open Space.	There are existing sheds locate at the rear of Nos. 44 and 48 Allowrie Street. These sheds are setback between 1m and 3m from the rear boundary for an average of 2m. The windmill is located 2.8m from the rear boundary.	✓
Buildings should step down with slope to minimise their impact on the natural landscape and to preserve view corridors between adjoining buildings.	Cut and fill on the site external to the perimeter of the building is limited to 900mm. Retaining walls and earth batters must be located a maximum of 600mm from property boundaries. Retaining walls shall be constructed of dry stone.	The windmill is located on relatively level ground and has not required excavation or filling to prepare the site for the structure.	✓

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Building Form (Materials and Finishes)			
<p>The bulk and scale of new development shall be consistent with the Desired Future Character of the Jamberoo Village.</p>	<p>Maximum building height and Gross Floor Area is to be in accordance with the Kiama LEP 2011.</p>	<p>The height of the windmill exceeds the maximum 8.5m height limit imposed by clause 4.3 of KLEP 2011.</p>	<p>X</p>
	<p>The primary roof structure shall be a pitched roof with a minimum pitch of 25°. Lower pitch skillion roofs are permitted on verandahs and other minor elements of the building.</p> <p>Front entrances to dwellings are to be through covered front verandas/patios of a minimum depth of 1.5m.</p>	<p>N/A – the structure does not have a roof.</p> <p>No changes to the existing dwelling's front porch.</p>	<p>N/A</p> <p>N/A</p>
<p>Materials and finishes are to be sympathetic to the surrounding rural and natural settings.</p>	<p>Materials and finishes comply with relevant BASIX requirements.</p>	<p>The windmill is not a BASIX-affected building.</p>	<p>N/A</p>
	<p>Dwellings are to incorporate building materials that are sympathetic to the established streetscape character into the facades. These may include stone, brick or timber elements with tile or corrugated metal roofs.</p>	<p>N/A – The windmill is not a 'dwelling'.</p>	<p>N/A</p>
	<p>50% of each façade of a dwelling is to be clad in horizontal timber or similar light-weight cladding with a traditional profile.</p>	<p>N/A – The windmill is not a 'dwelling'.</p>	<p>N/A</p>

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Building Form (Materials and Finishes) cont			
Development shall not result in large, expansive walls facing side boundaries.	The maximum unbroken length of walls facing side boundaries must not exceed 10m. A minimum of 1m indentation is required where a building exceeds the maximum length.	The windmill is a narrow, lattice-framed structure which does not have solid walls.	✓
Landscaping & Private Open Space (POS)			
Dwellings are to be provided with sufficient POS, with the principal POS area facing north and having direct access to the main living area.	Each dwelling must be provided with a minimum principal POS of 40m ² with a minimum dimension of 5m and have direct access to the main living area. The gradient of the principal POS shall not exceed 1.4. POS shall receive a minimum of 3 hours of solar access between 9am and 3pm on 21st June. Privacy screens are to be installed along the entire edges of balconies, patios, decks or verandas facing side and rear boundaries that are: - within 3m of the side or rear boundary and have a finished floor level of more than 1m above existing ground level; or - within 6m of the side or rear boundary and have a finished floor level of more than 2m above existing ground level	The windmill does not interfere with the POS area for the existing dwelling house. Ample space with excellent solar access remains available on-site for private recreation to satisfy the DCP requirements. N/A – No privacy screens are necessary or proposed.	✓

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Landscaping & Private Open Space (POS) cont			
	Privacy screens are to have a height of at least 1.7m, but not more than 2.2m, above the finished floor level the balcony, patio, deck or veranda. POS shall not be located forward of the front building line.	N/A – No privacy screens are proposed. Existing POS is maintained to the rear of the dwelling house.	✓
Adequate landscaping is to be provided to ensure the Desired Future Character of the Jamberoo Village is achieved.	A minimum of 30% of the total site area is to be provided as landscape area for each dwelling and 50% of the landscaped area is to be provided to enable deep soil planting.	At least 30% of the site is landscaped area and at least 50% of that is available as deep soil zone planting.	✓
Outbuildings			
Outbuildings are to have minimal visual impact on adjoining properties and should be of a suitable bulk and scale for the site.	Detached garages and outbuildings are to be located behind the front building line of the principal dwelling and located a minimum 1.5m from the side and 900mm rear boundaries of the property. Detached garages and outbuildings shall match the dwellings and employ traditional building techniques and features. The height of outbuildings is not to exceed the height of the primary dwelling located on the site.	Although strictly not an outbuilding, the windmill is located to the rear of the existing dwelling house and is a minimum of 4.4m from the western side boundary and 2.8m from the rear boundary. The windmill is a Class 10b structure and is not an outbuilding. The windmill is a Class 10b structure and is not an outbuilding.	✓ N/A N/A

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Outbuildings <i>cont</i>			
	Outbuildings are to be predominantly screened from the street by dwellings located on the site. Metal outbuildings visible from public areas will not be supported.	The windmill is located to the rear of the existing dwelling house and is not overtly visible from Allowrie Street.	✓
The dimensions and built form of outbuildings including sheds, detached garages and the like shall not have any adverse impact on adjoining residences with regards to visual amenity, overshadowing or stormwater.	Total floor area of outbuildings shall be: For lots 1000m ² or larger: 100m ² For lots below 1000m ² : 70m ²	The windmill does not have any floor area.	N/A
Stormwater systems should be designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property.	Stormwater is discharged to the street, watercourse or approved inter-allotment drainage system.	The windmill does not generate stormwater runoff.	N/A
Materials and finishes are to be sympathetic to the surrounding rural and natural settings.	Outbuildings are to incorporate building materials that are sympathetic to the main dwelling facades.	The metal components of the windmill have a dull grey finish that recedes into the background and is sympathetic to the rural character of Jamberoo Village.	✓

Table C – cont

KDCP 2020 Requirement		Development Proposal	Compliance
Views			
<p>New development should be designed and located considering the view-sharing principles in Topic 3.2 of Chapter 3 and building separation to preserve existing character and ensure views to farmland from the streetscape are maintained or introduced</p>	<p>New development is located within registered development envelopes or outside of view sharing easements (where registered).</p>	<p>The windmill does not impinge on any view sharing easements.</p>	<p>✓</p>
	<p>Development is to comply with acceptable setbacks outlined above.</p>	<p>The windmill complies with the relevant side and rear boundary setbacks.</p>	<p>✓</p>

As demonstrated in the Tables above, the development proposal is generally consistent with the provisions of Chapters 3 and 12 of KDCP 2020 that are of relevance to the proposal. Variations are necessary in relation to the building height provisions of Chapter 12. The building height provisions of Chapter 12 are derived from the development standard at clause 4.3 of KLEP 2011 – which is the subject of separate clause 4.6 justification statement. This justification statement also acts as formal justification for the variation to the corresponding provisions of Chapter 12 and is found at Appendix A.

5.0 KEY ASSESSMENT ISSUES

5.1 Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of KLEP 2012. Items 2, 3 and 4 of the land use table of the R2 zone contain the following:-

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

The windmill is ancillary and incidental to the existing dwelling house and is therefore permitted with consent in the R2 zone.

5.2 Residential Amenity

The windmill is not expected to have any negative amenity impacts for adjoining or adjacent neighbours, including impacts in relation to privacy or shadowing or view loss.

5.2.1 Privacy Impacts

The windmill is not a habitable structure and its continued use will not adversely impact on the privacy of any adjoining residential properties.

5.2.2 Shadowing & Solar Access

The windmill is a narrow, lattice-framed structure that will not cast a solid shadow. The shadow from the windmill will fall to the south-west in the morning and to the south-east in the afternoon. These shadows will largely coincide with the shadows cast by existing vegetation at the rear of No.31 Beattie Street (to the south-west) and existing sheds and trees to the south-east.

The windmill will not have an adverse impact on solar access to the principal private open space areas or north-facing living room windows of adjacent dwellings.

5.2.3 View Impact

As shown in Figure 4 below, when viewed from the south-east through to the south-west, the windmill will be viewed against a vegetated background and amongst

established trees. The components of the windmill are a dull grey in colour, which assists the structure in blending into its background.

Figure 4 Existing Windmill viewed from Beattie Street



The windmill will not impede views from existing dwelling houses and will not be visually obtrusive when viewed from those dwellings.

Based on the above assessments of the proposal's impacts on privacy, shadowing and views, it is concluded that the windmill will not have an unreasonable or detrimental impact on the residential amenity of the neighbours.

5.3 Heritage Impacts

The existing dwelling house, "Myalla", is listed as a heritage item in Schedule 5 of KLEP 2011. Accordingly, as the proposal relates to the erection of a windmill on the site, heritage consultant Colin Brady has prepared a heritage impact assessment in accordance with the requirements of clause 5.10 of KLEP 2011 and Chapter 4 of KDCP 2020. A copy of the heritage impact assessment accompanies the development application.

The heritage impact assessment has identified the significance of the existing dwelling house as due to it being a rare example of the later 19th Century settlement of Jamberoo as a rural service village and retaining the core form and detail of 19th Century rural houses employed in the consolidation of Jamberoo. The dwelling house is also associated with long term residence by the Woods family, one of a small number of pioneering families settled in Jamberoo from the 1830s and associated by marriage with other pioneering families in particular the Tate and Fredericks families.

The heritage impact assessment indicates that the proposal appropriately acknowledges the Burra Charter by locating the new construction works at locations, and in a form, which retains the historic prominence of the early residence in the streetscape. The heritage report has assessed the metal windmill as providing a reference to the historic setting of the Jamberoo Valley and the

technologies of later 19th and early 20th Century settlement. Although not reinstating a known element of the heritage-listed dwelling house, the windmill serves as a cultural reference to the period of construction and a demonstration of associated technology. The heritage assessment notes that the historic form of the windmill and its association with rural Illawarra will strengthen the association of the listed residence with the time of its initial construction, and that the installation remains as a reversible item within the heritage-listed site.

The heritage impact assessment has determined that, subject to the implementation of mitigation measures recommended in the report, the impact of the proposed development on the existing heritage-listed cottage is acceptable.

6.0 ENVIRONMENTAL EFFECTS

6.1 Environmental Planning Instruments

The subject site is zoned R2 Low Density Residential under the provisions of KLEP 2011. The windmill is ancillary to the existing dwelling house and, on that basis, is permitted in the R2 zone with the consent of Council; is consistent with the objectives for the zone; and, satisfies most of the relevant development standards applying to the site and the development proposal. The proposal has been assessed as being acceptable in terms of its potential impact on the heritage-listed cottage.

6.2 Draft Environmental Planning Instruments

There are no relevant draft environmental planning instruments that apply to the subject site or the development proposal.

6.3 Development Control Plans

The development proposal is affected by the provisions of KDCP 2020. As outlined in sections 4.3 and 5.0 of this planning report, the proposed development is generally consistent with the relevant provisions of KDCP 2020. The proposed variation to KDCP 2020, as addressed in Appendix A, is considered justifiable under the circumstances for the reasons given.

6.4 Planning Agreements under Section 7.4

There are no Planning Agreements entered into, or offered to be entered into, by the developer pursuant to Section 7.4 of the Act.

6.5 Matters Prescribed by the Regulations

There are no additional matters prescribed by Regulations for Council to take into consideration in its assessment of the development application under Section 4.15.

6.6 Likely Impacts of the Development

6.6.1 Natural Environment

The installation of the windmill did not require the removal of any pre-existing vegetation. A row of screening trees has been planted along the rear boundary. These trees will eventually grow to a height that will screen the windmill when viewed from the south-east through to the south-west.

6.6.2 Built Environment

The windmill, although not replacing an original element on the site, does have an association with the farming history of the Jamberoo Valley and Jamberoo Village.

Placing the windmill towards the rear of the site, will ensure that it remains secondary to the existing heritage-listed cottage, "Myalla", which will maintain its scale and prominence as the defining aspect of the site viewed from Allowrie Street.

The windmill is also a lightweight structure which can be readily dismantled.

6.6.3 Social Impacts

The proposed development is not expected to have any adverse social impacts.

6.6.4 Economic Impacts

The proposed development is not expected to have any adverse economic impacts.

6.7 Suitability of the Site

The subject site is considered to be suitable for the proposed development as it:-

- is located within an established residential area, within close proximity to the Jamberoo Village commercial centre, Jamberoo Public School, and local amenities and recreational facilities;
- is not affected by known contamination or acid sulfate soils;
- does not support any rare or endangered flora and fauna;
- is affected by flooding or bushfire constraints; and
- is not affected by any easements or other encumbrances that would render the proposed development unsuitable.

6.8 Public Submissions

The property owners have approached the resident owners of Nos.44 and 48 Allowrie Street (which border the subject site to its west and east, respectively) and Nos.31 and 35 Beattie Street (to the south-west and south-east of the subject site, respectively). The neighbours approached were generally accepting of the windmill if it is not noisy when operated and where trees will be planted along the rear boundary of the subject site to screen the windmill. Trees have been planted along the rear boundary and the property owners are happy to control the operation of the windmill so that it does not cause a noise nuisance.

The adjoining property immediately to the rear of the subject site (No.33 Beattie Street) is currently vacant and the owner of that property does not consider that they have grounds for a legitimate opinion as they do not occupy the property.

Notwithstanding this neighbour consultation, it is acknowledged that Council will still notify neighbours of the proposal. Any public submissions received in response

to the development proposal are required to be considered in the light of Section 4.15 of the Environmental Planning and Assessment Act, 1979, having particular regard to:-

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

6.9 The Public Interest

Having regard to the contents of this statement, it is considered there are no matters that warrant refusal of the development proposal on the grounds of it being contrary to the public interest.

7.0 CONCLUSION

The proposed development has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979. On balance, it is concluded the development proposal is satisfactory and warrants development consent, having regard to the following matters:-

- The proposed development is permitted in R2 Low Density Residential zone under Kiama Local Environmental Plan 2011 and is consistent with the relevant development standards. The proposed development is generally consistent with the relevant development standards, but does rely upon a variation to the building height development standard contained in clause 4.3. The submitted variation justification has demonstrated that strict compliance with the development standard is unreasonable and unnecessary and that there are sufficient environmental planning grounds to support the departure.
- The proposed development generally satisfies the numerical and performance-based requirements of Kiama Development Control Plan 2020. The proposed variation to the building height provisions of Chapter 12 of Kiama Development Control Plan 2020 is considered reasonable and justifiable under the circumstances.
- No unreasonable environmental or amenity impacts will occur as a result of the development proposal. The development proposal has been specifically planned and designed to ensure that the heritage significance of the existing cottage and the amenity and character of the area will be maintained.
- There are no constraints on the site, or adjoining sites, that render the proposed development unsuitable for this site.
- It is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest.



Glenn Debnam BTP (UNSW) RPIA
Town Planner
Director

APPENDIX A

Clause 4.6 Justification Statement

Plannex Environmental Planning

Our Ref 2021.023

Phone: 0407 545 712

P.O. Box 239
FIGTREE NSW 2525

25 May 2021

The General Manager
Kiama Council
PO Box 75
KIAMA NSW 2533

Dear General Manager

Continued Use of a Steel Lattice-Framed Windmill Lot 61 DP 1195795 No.46 Allowrie Street, Jamberoo

Plannex Environmental Planning has been engaged by Luke and Jhettaya Warner, owners of No.46 Allowrie Street, Jamberoo, to prepare a formal variation request pursuant to clause 4.6 of Kiama Local Environmental Plan 2011 (KLEP 2011) in support of a development application for the continued use of a steel lattice-framed windmill which has been erected on the subject site.

The subject site is rectangular-shaped allotment of land situated on the southern side of Allowrie Street at Jamberoo. The subject site is known as Lot 61 in Deposited Plan No.1195795 No.46 Allowrie Street, and has an area of 1,116m².

The site is currently occupied by a heritage-listed cottage known as "Myalla", together with a partially completed garage building, sandstone block retaining walls, and the windmill the subject of this development application.

The site is zoned R2 Low Density Residential under the provisions of KLEP 2011.

The development proposal seeks Council's consent for the continued use of the windmill, which has been erected without the prior development consent of Council.

This submission is submitted in accordance with clause 4.6 of KLEP 2011 in support of the proposed development and seeks a variation to the maximum building height development standard.

1.0 INTRODUCTION

Clause 4.6 of WLEP 2009 sets out the procedure to be followed by applicants for consent, Council, and the Director-General of Planning in requesting, assessing and determining an application for development that involves a contravention of a development standard.

The objectives of clause 4.6 are stated as:-

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This submission has been prepared in accordance with the provisions of clause 4.6 and is submitted for Council's consideration and assessment and the Director-General's concurrence (where required).

2.0 DEVELOPMENT STANDARD TO BE VARIED

Clause 4.3 of Kiama Local Environmental Plan 2011 (KLEP 2011) relates to building height and provides that "height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map".

In accordance with the *Height of Buildings Map*, an 8.5m maximum building height applies to the subject site.

The windmill has been installed on ground that is generally level. The steel frame of the windmill is triangular in shape with sides of 2.2m each at the base, tapering to the top of the tower. A 3600mm diameter multi-bladed rotor is attached to the top of the tower, giving the windmill an overall height above ground level of 11.3m. This represents a variation of 2.8m, or 33%, to the 8.5m development standard.

The building height development standard is not expressly excluded from the operation of clause 4.6, and accordingly Council is able to exercise flexibility in the application of the 8.5m maximum building height development standard in accordance with that clause.

3.0 JUSTIFICATION IN SUPPORT OF THE CONTRAVENTION

Clause 4.6(3) of WLEP 2009 requires that an application involving a contravention of a development standard must be accompanied by a written request from the applicant that seeks to justify the contravention by demonstrating that compliance with the development standard is unreasonable or unnecessary under the circumstances of the case, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

3.1 The Development Standard is Unreasonable or Unnecessary

Typically, the method by which compliance with a development standard is established as unreasonable or unnecessary is by proving that the underlying objectives of the development standard are achieved. However, Preston J in *Wehbe v Pittwater Council (2007) NSWLEC 827* identified to four (4) other means by which it is possible to establish that compliance is unreasonable or unnecessary as follows:-

- (a) establish that the “*underlying objective or purpose is not relevant to the development*” and consequently compliance is unnecessary;
- (b) establish that the “*underlying objective or purpose would be defeated or thwarted if compliance was required*”, and therefore compliance is unreasonable;
- (c) establish that the “*development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard*”, therefore compliance is both unreasonable and unnecessary; or
- (d) establish that “*the zoning of particular land*” was ‘*unreasonable or inappropriate*’ so that ‘*a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land*’”, and therefore compliance with the standard is unreasonable and unnecessary.

In this instance, it is proposed to rely on the usual approach of establishing that the underlying objectives of the development standard are achieved in order to establish that strict compliance with the 8.5m maximum building height development standard is unreasonable and unnecessary under the circumstances of the case.

- The objectives of the maximum building height development standard are identified in sub-clause 4.3(1) of KLEP 2011 as:-
 - (a) *to ensure future development is in keeping with the desired scale and character of the street and local area,*
 - (b) *to allow reasonable daylight access to all developments and the public domain.*

The development proposal is considered to be consistent with these objectives as:-

- The proposal is consistent with the rural village character of Jamberoo.
- Although not replacing a pre-existing element, the windmill complements the historic “Myalla” cottage and is an acknowledgement of the farming history of the Jamberoo Valley.
- The narrow, steel lattice-framed nature of the windmill’s construction is such that it does not cast significant shadows onto adjacent residential properties or dwellings.

Having regard to the above, it is not necessary for the windmill to strictly comply with the 8.5m maximum building height limit in order to avoid having a detrimental shadowing impact on its neighbours or the public domain. Similarly, it is not necessary for the windmill to comply with the 8.5m maximum building height limit in order to achieve an architectural character and built form that is appropriate to the subject site or the streetscape. As the underlying objectives of the maximum building height development standard can be achieved by the proposal, strict compliance is considered to be both unreasonable and unnecessary.

3.2 There are Sufficient Environmental Planning Grounds

The proposed windmill will not have any adverse environmental or negative amenity impacts, in particular:-

- The windmill is a narrow, lattice-framed structure that will not cast a solid shadow. The shadow from the windmill will fall to the south-west in the morning and to the south-east in the afternoon. These shadows will largely coincide with the shadows cast by existing vegetation at the rear of No.31 Beattie Street (to the south-west) and existing sheds and trees to the south-east.
- The windmill will not have an adverse impact on solar access to the principal private open space areas or north-facing living room windows of adjacent dwellings.
- The windmill is not a habitable structure and its continued use will not adversely impact on the privacy of any adjoining residential properties.
- As shown in Figure 4 below, when viewed from the south-east through to the south-west, the windmill will be viewed against a vegetated background and amongst established trees. The components of the windmill are a dull grey in colour, which assists the structure in blending into its background.

Figure 1 Existing Windmill viewed from Beattie Street



- The windmill will not impede views from existing dwelling houses and will not be visually obtrusive when viewed from those dwellings.

4.0 PUBLIC INTEREST

In considering a development proposal that contravenes a development standard Council must be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and those of the relevant zone.

4.1 Objectives of the Development Standard

The objectives of the maximum building height development standard are identified in sub-clause 4.3(1) of KLEP 2011 as:-

- (a) *to ensure future development is in keeping with the desired scale and character of the street and local area,*
- (b) *to allow reasonable daylight access to all developments and the public domain.*

As outlined in section 3.1 (above) the development proposal is considered to be consistent with the underlying objectives of the development standard.

4.2 Objectives of the Zone

The subject site is zoned R2 Low Density Residential under the provisions of KLEP 2011. The objectives of the R2 zone are stated as:-

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

The proposal does not prevent the continued use of the site for residential purposes in a low density residential environment. The windmill does not interfere with the provision of adequate, sunny private open space within the subject site and (as outlined above) does not prevent the adjoining and adjacent residential properties from continuing to be used for low density residential purposes.

The remaining objectives are not specifically relevant to the development proposal.

5.0 OTHER MATTERS

In determining whether or not to grant concurrence to a development proposal that involves the contravention of a development standard, the Director-General of Planning must consider whether the contravention of the development standard raises

any matters of State of regional planning significance; and, the public benefit of maintaining the development standard.

5.1 State and Regional Planning Matters

The proposed contravention of the 8.5m maximum building height does not raise any State or Regional planning matters.

The proposed development is not inconsistent with any relevant State Environmental Planning Policies. The proposal is also not inconsistent with the Illawarra-Shoalhaven Regional Plan (2015).

5.2 Public Benefit

It is considered that, having regard to the circumstances of the case, there is no public benefit to be gained by insisting upon strict compliance with the 8.5m maximum building height development standard. As outlined in this submission, the proposal will not have any detrimental impacts upon the amenity of the adjoining residential neighbours – there is no loss of view as a result of the erection of the windmill; no impact on privacy; no adverse shadowing impact; no negative streetscape impact; and, no negative impact on the heritage-listed cottage, "Myalla".

The absence of any detrimental impacts and the proposal's consistency with the underlying objectives of the development standard, will ensure that the public benefit of the maximum building height development standard is achieved despite the non-compliance.

6.0 CONCLUSION

The breach of the building height development standard by the 11.3m high windmill has been reviewed having regard to the provisions of clause 4.6 of KLEP 2011. As a result of this review, it is concluded that the development will not have any detrimental impacts on local amenity; and, will be consistent with the objectives for the development standard and for the R2 zone.

Strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to support the variation. The proposal is not inconsistent with State or Regional planning matters and will promote the public interest.

For the reasons outlined in this submission, the variation of the maximum building height development standard to allow the retention of the existing windmill is recommended for Council's support and approval.

Yours faithfully



Glenn Debnam BTP (UNSW) RPIA
Town Planner
Director

12.2 Alcohol Free Zones - Kiama Municipality

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

Summary

This report seeks Council consideration and a resolution for the re-establishment of existing 4 alcohol free zones (AFZ) in the Kiama Municipality – being the Kiama CBD, Barney Street to South Kiama Drive Kiama, Kiama Downs and Werri Beach to Gerringong areas which expired on 8 June 2021.

Financial implication

The cost associated with the alteration, supply, updating and installation of alcohol-free zone signs will be allocated from the 2021/2022 Environmental Services budget

Policy

To validly establish an alcohol-free zone Council must comply with the procedures set out in Sections 644 to 644C of the Local Government Act and the Ministerial Guidelines on Alcohol Free Zones as issued by the Department of Local Government.

Consultation (internal)

Consultation was undertaken with all relevant internal staff.

Communication/Community engagement

Consultation was undertaken with the local Police Area Commander about the appropriate number and location of alcohol-free zones. A response was received with no new areas being recommended.

Notification was also placed in The Bugle on 17 April 2021 with submissions closing on 7 May 2021. Notification was also placed on public exhibition on Council's website. No submissions were received.

Attachments

- 1 [Map 1](#)
- 2 [Map 1b](#)
- 3 [Map 2](#)
- 4 [Map 3](#)

Enclosures

Nil

RECOMMENDATION

That Council:

Report of the Director Environmental Services

12.2 Alcohol Free Zones - Kiama Municipality (cont)

1. Adopt the proposal to establish four alcohol-free zones as indicated on maps 1 & 1b (Kiama), 2 (Kiama Downs) and 3 (Gerringong) attached to the report with an exemption to apply to licensed outdoor eating licenses as issued by Council, subject to compliance with approval conditions.
2. Revoke the proposed alcohol free zones for the Akuna Street car parking area once construction work commences on the subject site.
3. Alcohol free zones be in place for a duration of 4 years and to commence 7 days after the publication of a notice in the local newspaper and subject to compliance with the implementation requirements as required by legislation and the Ministerial Guidelines on alcohol free zones dated February 2009.

Item 12.2

BACKGROUND

Council at its meeting held on 16 March 2021 considered a report and resolved to commence the process to re-establish existing 4 alcohol free zones in the Kiama Municipality – being the Kiama CBD, Barney Street to South Kiama Drive Kiama, Kiama Downs and Werri Beach to Gerringong areas as outlined on the maps. Excluded from the provision of the alcohol free zones are any tables or chairs on any existing or future footpath areas which are licensed by Council for the purpose of food and alcohol consumption.

For Council to validly re-establish each AFZ it must comply with the procedures set out in Sections 644 to 644C of the Local Government Act and the Ministerial Guidelines on AFZ issued by the Department of Local Government dated February 2009.

This included consultation with interested parties as outlined in the guidelines and legislation and for Council to give formal consideration to any submission made before making a determination namely:

- 1) Publish notice of the proposal in the newspaper circulating the area allowing inspection of the proposal and inviting representations or objections within 14 days from the date of publication. The notice should state the exact location of the proposed AFZ and the place and time at which the proposal may be inspected.

To comply with this requirement notification was placed in The Bugle on 17 April 2021 with submissions closing on 7 May 2021. Notification was also placed on public exhibition on Council's website. No submissions were received.

- 2) Send a copy of the proposal to:
 - a) The Officer in Charge of the Police Station within or nearest to the proposed zone. This was previously undertaken and Council has received a response including the required application from the Superintendent NSW Police, Lake Illawarra Local Area Command that recommends the re-establishment of the existing four existing AFZ in the Kiama Municipality. This was previously reported to Council at its meeting on 16 March 2021.
 - b) Liquor licensees and secretaries of registered clubs whose premises border on or adjoin or are adjacent to the proposed zone and invite representations

Report of the Director Environmental Services

12.2 Alcohol Free Zones - Kiama Municipality (cont)

or objections within 30 days (from the date of sending the copy of the proposal).

Letters were sent to these businesses on the 6 July 2021 and submissions closed on Tuesday 3 August 2021.

No submissions were received.

Council's resolution to establish an Alcohol Free Zone

After complying with the procedures set out in Section 644 to 644C of the Local Government Act, Council may by resolution, establish an AFZ. The resolution establishes the AFZ in accordance with the terms of the Act. It is recommended that Council proceed with this resolution.

After the Council resolution Council must publicly advertise the establishment of an AFZ by notice published in a newspaper circulating in the area that includes the zone. The AFZ will not operate until 7 days after the publication of the notice and not until the roads and car parks affected are adequately signposted.

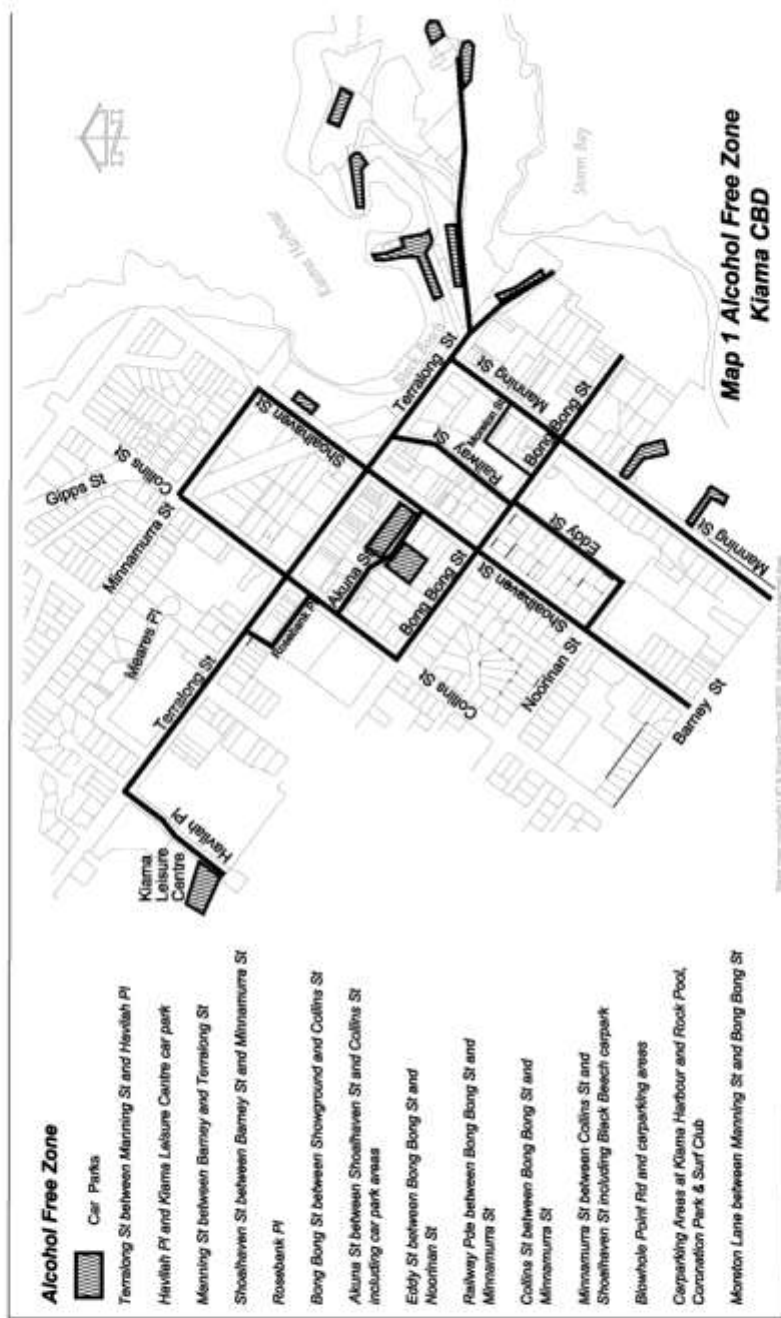
Council is required to consult with the Police regarding the placement of signs. Signs designating an AFZ must indicate that the drinking of alcohol is prohibited in the zone, the starting and finishing dates for the operation of the zone, and the applicable penalty.

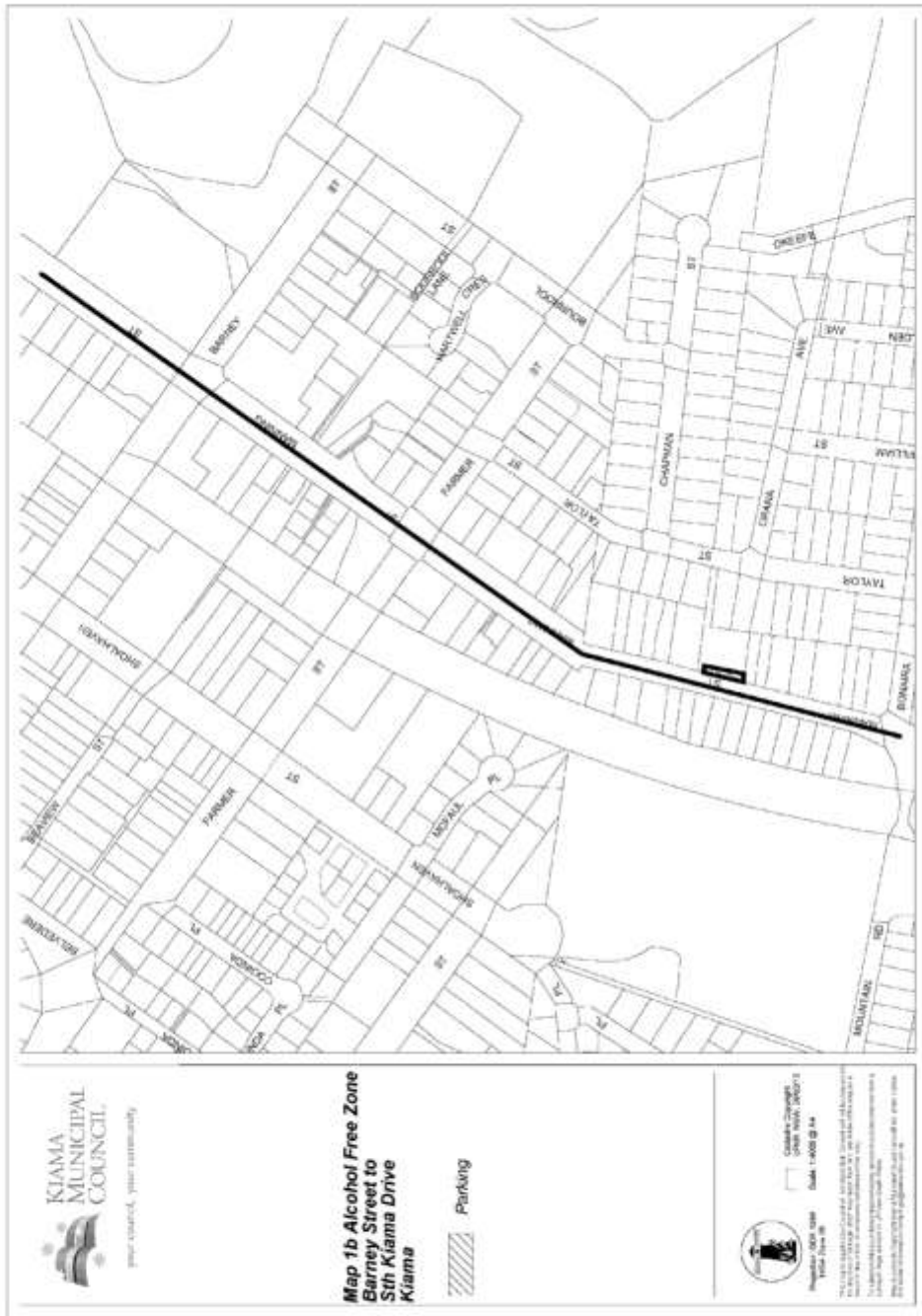
Conclusion

As supported by the NSW Police Lake Illawarra Local Area Command and as no submissions were received objecting to the proposal it is recommended that Council resolve to adopt the proposal to re-establish the existing four AFZs in the areas as outlined in this report.

The AFZs are to be for duration of 4 years and to commence 7 days after the publication of a notice in the local newspaper and subject to compliance with the implementation requirements as required by legislation and the Ministerial Guidelines on alcohol free zones dated February 2009.

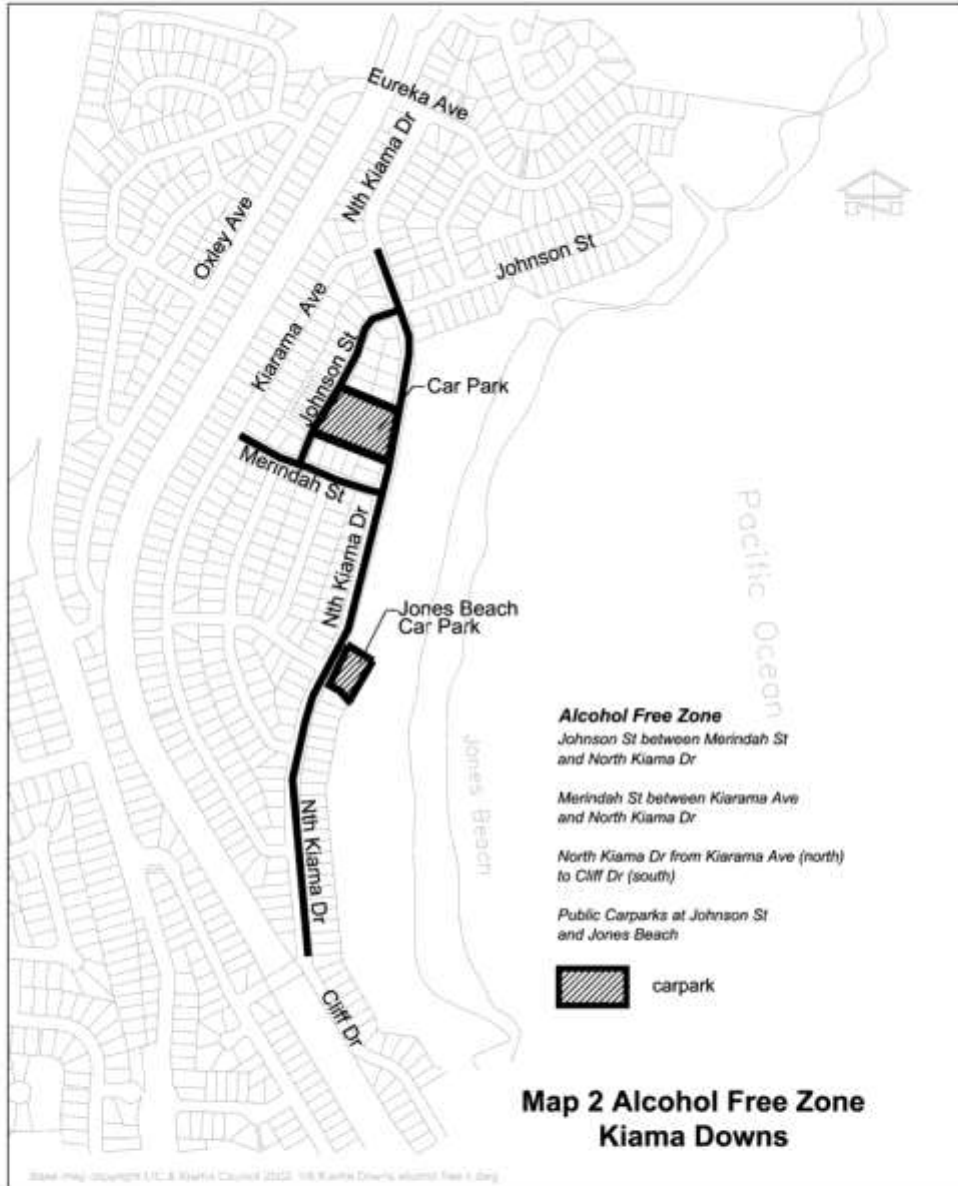
Excluded from the provisions of the AFZs are tables or chairs on any existing or future footpath areas licensed by Council for the purpose of food and alcohol consumption.

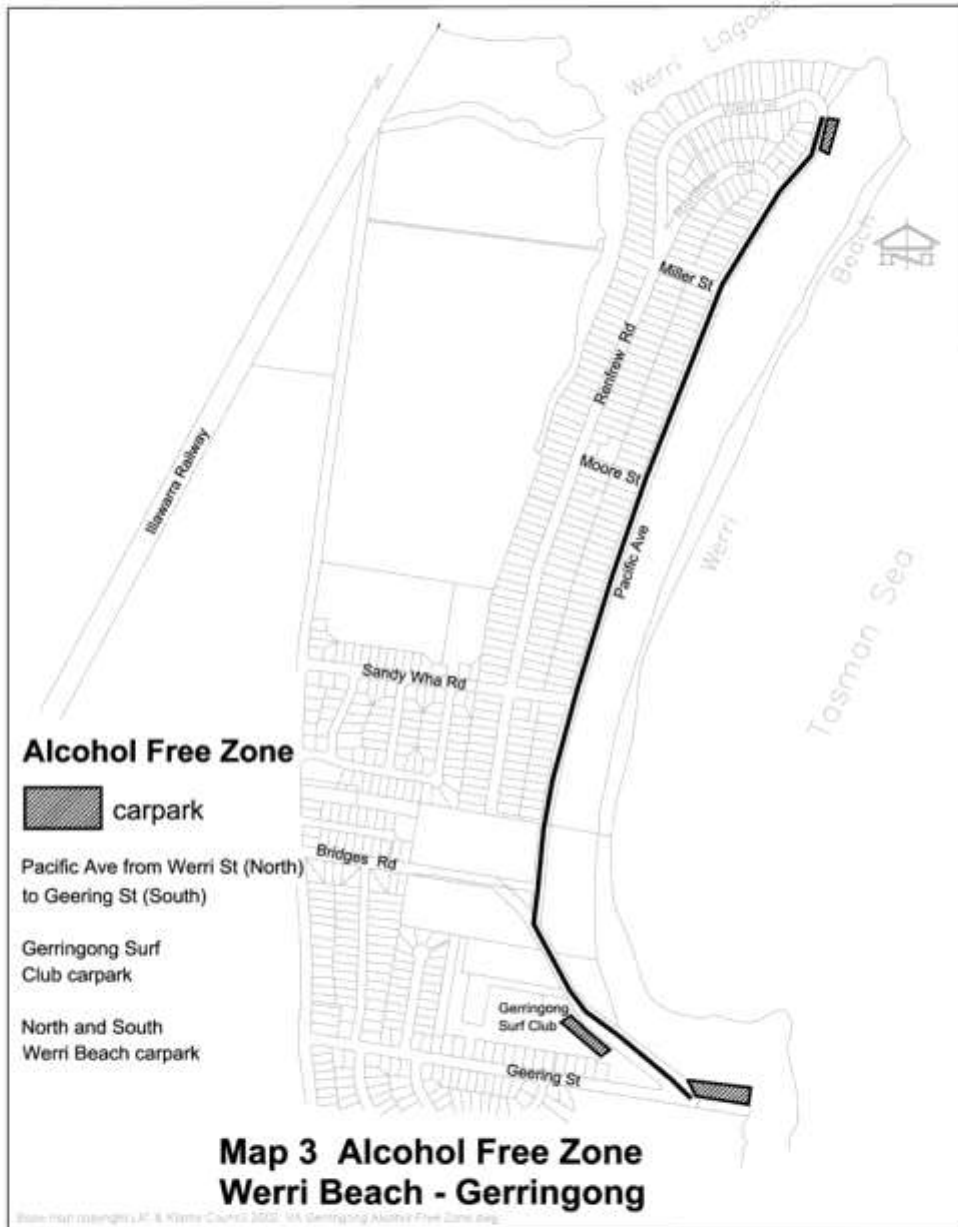




Item 12.2

Attachment 2





13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Community Engagement for Coastal Walking Track

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

Summary

This report outlines the proposed community engagement plan for the proposed southern extension of the Coastal Walking Track, in response to Council's June 2021 resolution in this regard.

Financial implication

N/A

Policy

Community Engagement Strategy

Consultation (internal)

Walking Tracks & Cycleways Committee

Communication/Community engagement

Subject of this report

Attachments

- 1 Council report - Coastal walk consultation [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council note the information contained in this report and that further advice will be provided when available.

Background

In late 2020, Council resolved to adopt the concept proposal for the future extension of the Coastal Walking Track (CWT) between Boat Harbour, Gerringong and Black Head, Gerroa, and to commence the process of lodging applications with the NSW Government under the Coastal Lands Protection Scheme for funding for land acquisition and track implementation.

Report of the Director Engineering and Works

14.1 Community Engagement for Coastal Walking Track (cont)

This matter was discussed further at Council's Walking Tracks and Cycleways Committee meeting in May 2021, with the Committee recommending that:

"The Director of Engineering and Works and the Mayor arrange to meet with the land owners, and have an initial discussion about the establishment of a Walking Track."

At the June 2021 Council Meeting, Council considered the Committee minutes and in relation to the future development of the CWT resolved the following:

21/1280C

Resolved that the Minutes of the Walking Tracks and Cycleways Committee Meeting held on 12 May 2021 be received and that Council develops a report for Councillors' consideration that identifies stakeholders such as land owners, organisations and the community with the intention of working with them to develop a community engagement plan in regard to the walking track.

Stakeholders

In accordance with Council's resolution, the following stakeholders have been identified for this project:

- Affected Landowners - through which the proposed walking track passes and with whom land acquisition will need to be negotiated
- Adjacent landowners – 'neighbours' to the proposed track
- Walkers and users of the proposed track – to be represented by members of the Walking Tracks & Cycleways Committee. One of the Committee members, Peter Stuckey, met with the Chief Executive Officer and Director on 15 July to discuss the project and is scheduled to meet again in the coming months
- Interest/Community groups, including –
 - Southern Precinct Committee
 - Gerroa Community Association
 - Indigenous land owners
- Government Agencies relevant to the land or project, including those responsible for –
 - Crown Lands
 - Coastal Protection Program

Report of the Director Engineering and Works

14.1 Community Engagement for Coastal Walking Track (cont)

-
- Sydney Trains (access across their corridor)
 - Emergency Services
 - Professor Bruce Thom, an advisor to Council in the Kiama to Gerringong section planning and implementation, recommended by members of the Walking Tracks & Cycleways Committee.
 - Councillors and staff

Initial Consultation Plan

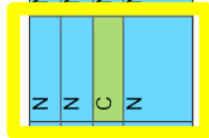
Based on Council's adopted 2016 *'Community Engagement Strategy'*, the Coastal Walking Track project would be classified as a "Site Specific" project, that is a matter about a particular site, such as a change in use or Development Application, planning proposal or rezoning. Based on this classification, the consultation process will generally follow those actions outlined in the Strategy's table as attached to this report.

Initial consultation actions will involve –

- initial consultations with land owners directly affected by the Council endorsed concept route, to inform them of the project and gauge their support for potential land acquisition in the future
- consultation with the State Government funding body to support effective provision of necessary information required for the funding submission. This has already commenced and will include discussions with Professor Thom, an advisor who has been contacted by the Director Engineering & Works, seeking his agreement to assist Council with preparation of the funding application.
- Following the above, work with various stakeholder groups including traditional landowner groups, local precinct committees, NSW government departments and the wider community to fully inform a comprehensive funding application.

What to do	When you're handling						
	Event/activity	Site specific	Locality improvement	Service/program planning	Policy and planning development	Major projects & Strategic issues/resource plans	Integrated plans
E = Essential R= Required for most circumstances C = Consider N = Not essential Letter/email/sms to specific parties (Councillors must receive copy minimum 24 hours prior) Letterbox drop (whole LGA or targeted area) Council newsletter (<i>Kimunico</i>) e-newsletters Mayoral column/media release/interview Advertisement/public notice Brochure/flyer/ Banners/Council's Administration Centre foyer TV Report Website notice/social media post Drop-in session Interviews Public exhibition and submissions Public meeting Suggestion box Survey (written/telephone/web/social media/sms) *required for CSP end of term/development Focus group/workshop Large group collaboration E.g. charettes/intensive multi-day planning sessions with stakeholders Meeting by invitation Meeting with council committees/precincts/neighbourhood groups/users	C	R	R	R	E	E	E
	C	R	R	C	C	R	C
	R	C	C	C	C	E	R
	R	R	C	R	C	E	C
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N	N	N	N	N	E	E	
C	C	N	N	C	C	E	

	N	N	N	N	N	R	R	R	R
Personal briefings	N	N	N	N	N	N	N	N	N
Seminars/conferences	N	N	N	N	N	C	C	C	C
Site meeting/tour	N	N	N	N	N	C	C	C	C
Online interaction e.g. social media and website forum/ videoconference/video submissions	N	N	N	N	N	C	C	E	C



14.2 Question for future meeting: Footpath - Charles Avenue to Minnamurra Bike Skills Track

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

Summary

At the June 2021 Council Meeting, Councillor Way requested a report on a proposed route for a footpath from Charles Avenue via Robinson Avenue and Ritchie Place to the Minnamurra Bike Skills Track to provide a safe access link to this facility and to provide an estimated cost for construction and include potential for grant funding. The matter was referred to the Director Engineering and Works for action.

Financial implication

Council's existing budget for 2021/22 has no dedicated allocation of funding for this project.

Policy

N/A

Consultation (internal)

N/A

Communication/Community engagement

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

Council note that the project has been included in Council's Strategic Footpath program for consideration of funding in a future year subject to identified priorities and that the project is subject to an application to the State Government for the reallocation of the remaining grant funding from the Minnamurra Boardwalk project.

Background

Council has recently completed a bike skills track in the former quarry at the end of Ritchie Place, Minnamurra. The track has proven very popular with primary and high school aged children especially during the school holidays. There is a 20 space carpark on site to accommodate a park and ride style of use for riders who do not live

Report of the Director Engineering and Works

14.2 Question for future meeting: Footpath - Charles Avenue to Minnamurra Bike Skills Track (cont)

locally. Local riders will access the track by simply following the local streets to the quarry. The closest footpath is currently located on the busier Charles Avenue.

Given the short timing between Council requesting this report, and the lack of available for detailed design of costing work, staff have conducted a desktop analysis for the purposes of preparing this report. Initial Cost estimates for the construction of of this project include:

- approximately 320 metres of 1.2 metre wide footpath to link Charles Avenue to the Bike skills track.
- Based on rates from recently completed civil projects, the costs for the pathway construction is approximately \$80,000 including contingency.
- While the estimate includes a retaining wall on the corner of Charles and Robinson Avenues and a road crossing on Sanctuary Place, it does not consider costs associated with potential issues regarding existing services in the pathway ie telecommunications, water and sewer etc, which may need to be modified. Estimates for this work is currently unknown pending further detailed design, but potentially could add another \$20,000 to the cost of the project.
- A budget for detailed design would be required to verify, or a design and construct contract option may be an possibility.

As reported to the 28 June 2021 extraordinary Council meeting, this project is not currently included in Council's Strategic Footpath Program as the bike skills facility has only recently been completed. This project will need to be considered as part of a future year's footpath program assessment, subject to other priorities included in that program.

It is noteworthy that this project was included in Council's application to the State government on the reallocation of the remaining grant funding from the Minnamurra Boardwalk project. This application is still pending a decision by the relevant Minister. Notwithstanding, Council will continue to investigate other suitable grant funding opportunities as they arise and staff will include the project in the forward budget estimates register for consideration for next years budget development.

14.3 Question for future meeting: Footpath link to new Kiama Downs car park

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

Summary

At the June 2021 Council Meeting, Councillor Way requested a report providing a cost estimate to construct a footpath from North Kiama Drive, adjacent to the new Kiama Downs Surf Club car park and basketball court to link with the existing car park and shops in Johnson Street, Kiama Downs. The matter was referred to the Director Engineering and Works for actioning by the August ordinary meeting.

Financial implication

There is currently no budget allocated for this project in Council's endorsed 2021/22 budget.

Policy

N/A

Consultation (internal)

N/A

Communication/Community engagement

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

Council note that the project has been included in Council's Strategic Footpath program for consideration of funding in a future year subject to identified priorities.

Background

Council has just completed an extension and formalisation of the carpark on North Kiama Drive opposite the Kiama Downs Surf Life Saving Club to create an additional 57 car parking spaces. It has been suggested that an additional footpath area be created on the northern side of the carpark near the basketball courts to provide a separate area for pedestrians to avoid walking through this new carpark.

Report of the Director Engineering and Works

14.3 Question for future meeting: Footpath link to new Kiama Downs car park (cont)

Given the short timeframes, council staff have prepared a preliminary cost estimate for this work. The cost estimate has been based on been recently completed civil projects. Early staff estimate indicated that the costs for the pathway construction is approximately \$15,000 including contingency prepared for the construction of approximately 45 metres of 1.2 metre wide footpath as shown on the below sketch plan.

This project is not currently listed in Council’s Strategic Footpath Program. As such it will be added to the forward program and prioritised against all other new footpath requests submitted by residents, Councillors and staff for future year’s consideration and assessment, subject to identified priorities. Staff will include this project in the forward budget estimates register that used to prepare the next budget for Council consideration.



Item 14.3

14.4 Question for future meeting: Kiama Harbour stormwater

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

CSP Strategy: 2.4 Effectively manage our waste and resources

Delivery Program: 2.4.1 Manage waste services

Summary

At the May 2021 Council Meeting, Councillor Rice requested a report on the mechanisms used to manage the stormwater flowing into Kiama Harbour and any viable methods for the quality of this water to be further improved. The matter was referred to the Director Engineering and Works for action.

Financial implication

N/A

Policy

N/A

Consultation (internal)

N/A

Communication/Community engagement

N/A

Attachments

1 Kiama Water Schematic Sign [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council note the information contained in this report.

BACKGROUND

The Kiama Harbour precinct is a central point of community life in Kiama for recreation, events and commercial activities. As such a heavily used area, management of stormwater runoff into the harbor and within the busy precinct has been a priority for Council for many years.

There are three (3) main points of stormwater discharge into Kiama Harbour, being at:

1. Black Beach, which drains the majority of the Kiama CBD area;
2. Manning Street, which drains this area of the eastern-CBD;
3. Robertson Basin, which drains the Blowhole Point area.

The overland flow paths to these discharge points are shown on the annotated map below, reproduced from the State Government's Draft Kiama Harbour Revitalisation Strategy.

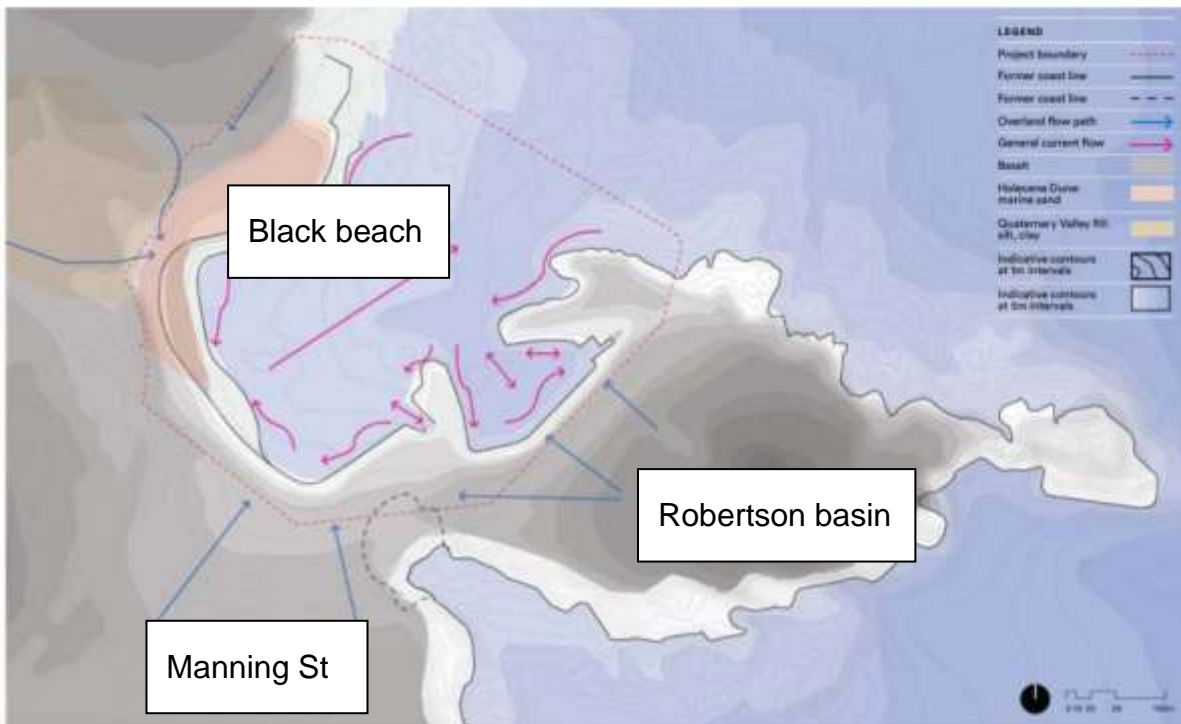


Figure 4: Environmental context

Due to the topography of the urbanized land surrounding the Harbour, Council has previously undertaken a comprehensive installation of measures to improve stormwater water quality runoff into Kiama Harbour.

Black Beach and Manning Street catchments

In 2003 Council commenced the '*Kiama CBD's stormwater treatment and reuse project*', which consisted of a "treatment train" process in three stages being:

- i. gross pollutant trapping strategy;
- ii. a sand filter to provide high level treatment; and
- iii. water storage and reuse.

This first stage of the treatment process resulted in the installation of 106 *Enviropod* gross pollutant traps into existing street drainage inlet pits throughout the Black Beach and Manning Street catchments to intercept larger pollutants such as litter, leaves and some sediment before it entered the stormwater pipe system. Initial monitoring of the volume of pollutants caught in a sample number of *Enviropods* installed, indicated an overall capture rate of 757 kg/ha/year from entering Kiama Harbour, which comprised approximately 60% organics, 32% sediment and 8% litter.

Following the implementation of the gross pollutant source controls, the second stage of the treatment train was commenced, which involved the installation of an innovative sand filter system with permeable pipes in Hindmarsh Park. Figures 1 and 2 show the sand filter during construction, and post-construction when the water is surcharged into the depression above the device during heavy rainfall.



Figures 1 and 2:

Subsequent monitoring by the University of Technology Sydney (UTS), found the sand filter had reduced pollutants significantly - Faecal coliforms had been reduced from 6,000 cfu/100ml down to 4 cfu/100ml and Total phosphorus had been reduced from 0.13 mg/L to 0.042 mg/L and Total Suspended solids had been reduced from 28 mg/L to 17mg/L for the storm events monitored.

Based on these positive results, Council in 2008 commenced the final stage of the treatment process, which involved the construction of a 280,000 litre underground storage tank in Black Beach.



Figure 3 – construction of underground tank at Black Beach

This tank was designed to store stormwater runoff from the first two stages, treat it with an ultra-violet disinfection system (to mitigate public health and safety risks) before distribution in an irrigation system onto Hindmarsh Park and Black Beach foreshore areas. A copy of interpretive signage installed at Black Beach outlining the system is attached.

Since its completion, the above system has received a number of awards and recognitions from Engineers Australia, Institute of Public Works Engineering Association and the Stormwater Industry Association, and has been the subject of further studies from UTS and Monash University.

In combination, the Hindmarsh Park and Black beach stormwater treatment devices effectively manage the stormwater quality and flow from the majority of the built up areas of the Kiama CBD in all but the most extreme storm events.

Blowhole Point catchment

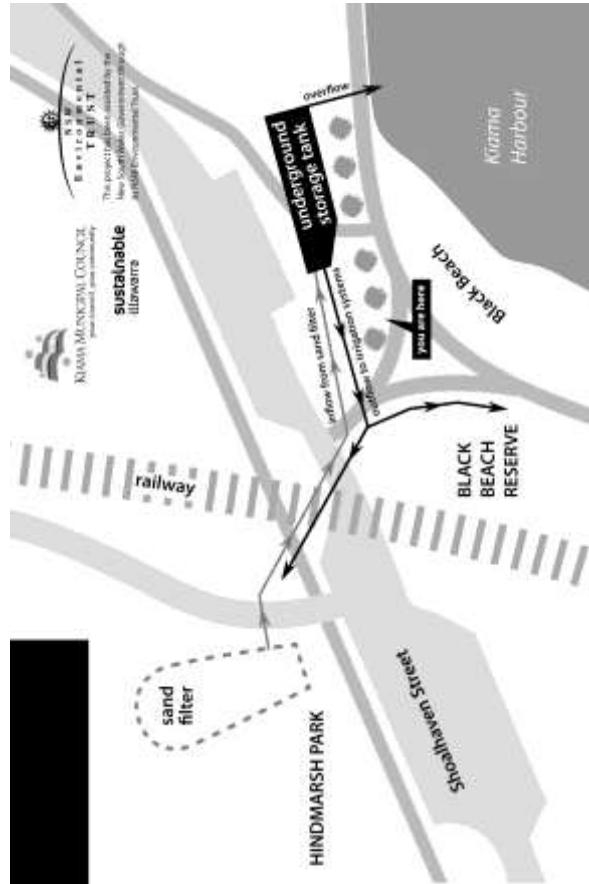
The third catchment of Blowhole Point was not included in either of the above programs and does not have similar systems installed. This area. Predominantly open parkland used for passive recreation, is drained through a single pipe from the Holiday Park, with only a small number of drainage inlets present. On the basis that there have been minimal issues observed or complaints received regarding water quality or runoff, it is considered not warranted to expend the significant resources and funds required to provide similar treatment for this area.

Current state

The following figure shows the current extent of stormwater pipes, pits, gross pollutant traps and street guttering in the harbor area. There are no plans for further expansion of stormwater management devices, although staff continue to monitor the situation and respond to address any concerns as they arise, the majority of which relate to maintenance and cleaning out of the debris control devices.



Key: Orange lines = stormwater pipes, blue lines = kerb & guttering



Black Beach

Stormwater harvest



This structure is the final component in the filtration, collection and re-use of stormwater runoff from the Kiama CBD catchment. It previously flowed untreated into Kiama Harbour.

In early 2008, Kiama Municipal Council constructed a 280,000 litre underground storage tank (the equivalent of five domestic swimming pools) here to capture the clean stormwater from the upstream Hindmarsh Park sand filtration system.

Instead of using our precious drinking water to irrigate Hindmarsh Park and the Black Beach foreshore area, the water from the underground storage tank is used for irrigation.

14.5 Road Safety Program, School Zone Infrastructure Sub Program - Offer of Grant Funding

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

Summary

This report recommends that Council accept the grant funding offered by Transport for NSW for the joint Federal and State Government Stimulus Commitment Road Safety Program, School Zone Infrastructure Sub Program.

Financial implication

The funding agreement is for \$375,000 and is fully grant funded by the School Zone Infrastructure sub-program. No Council funds are required to match the grant and funded programs will be delivered by existing Council resources.

If supported by Council, the funding and projects would be incorporated into Council's capital budget and program as part of the September 2021 Quarterly Budget Review.

Ongoing maintenance and depreciation liabilities of these projects is considered minimal and within Council's long term financial capacity.

Policy

N/A

Consultation (internal)

N/A

Communication/Community engagement

N/A

Attachments

- 1 School Zone Infrastructure Sub Program-Offer of Funding [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

1. Accept the offer of \$350,000 in funding under the Federal and State Governments' joint Road Safety Program - School Zone Infrastructure sub program, in accordance with the conditions of the Funding Agreement.
2. Give the Chief Executive Officer delegated authority to sign the Funding Agreement on behalf of Council.

Report of the Director Engineering and Works

14.5 Road Safety Program, School Zone Infrastructure Sub Program - Offer of Grant Funding (cont)

Background

The Australian Government has committed an additional \$540 million for a new Road Safety Program with the aim to deliver improvements to pedestrian facilities around schools such as raised pedestrian crossings, pedestrian refuges and signage. The new Road Safety Program builds on the NSW Government's \$258 million investment in its Safer Roads Program in 2020-21 and will prioritise the development and delivery of road safety infrastructure projects across NSW, support jobs and stimulate local economies.

Transport for NSW (TfNSW) has advised Council it has been successful in securing funding for the following projects under this program, which will provide pedestrian and road safety benefits to local schools:

1. Kiama High School - Raised pedestrian crossing on Saddleback Mountain Road - \$100,000
2. Kiama Public School- Installation of a raised children's pedestrian crossing on Collins Street - \$100,000
3. Minnamurra Public School - Upgrade of existing Kiss and Drop Zone - \$75,000
4. Gerringong Public School – Pedestrian refuge upgrade in Belinda Street (near Rowllins Road - \$ 100,000

It should be noted that Council did not apply for this funding. The funding applications were made by TfNSW on behalf of Council, after initial discussions with regional TfNSW staff to identify potential projects within the Municipality. The recent notification of success in securing grant funding was not foreseen and as such no prior report to Council was made to seek support for this grant application.

It is also worth noting that although the attached funding agreement and letter of offer refers to projects being completed by June 2021, staff have confirmed that these projects are due to be completed by 30 June 2022.

As the grant for these projects is 100% funded, there will be no negative financial impact on Council's recently adopted budget. A review of Council's resources has confirmed that these projects can be delivered in 2022 within the funding agreement required timeframe without impacting on our ability to deliver its adopted Capital Works Program.

Conclusion

In order to secure the grant funding, a Funding Deed is required to be returned to the funding provider as soon as possible. The projects will provide pedestrian and road safety benefits to local schools and can be delivered by Council resources without impacting on existing programs. It is recommended that Council accept the grant funding offer and authorise the Chief Executive Officer to sign documentation entering into the Funding Deed Agreement.



**Transport
for NSW**

2 July 2021

General Manager
Council of the Municipality of Kiama
PO Box 75
Kiama NSW 2533
Attention: Mr Mike Dowd

Dear Mr Dowd

Federal and State Government's Stimulus Commitment

Road Safety Program, School Zone Infrastructure Sub Program - Offer of Funding

The Australian Government has committed an additional \$540 million for a new Road Safety Program. The jointly funded program will also see the NSW government contribute to this program funding 50% of urban projects and 20% of rural projects under the program. This allocation is in addition to the Federal commitment of \$540M.

The School Zone Infrastructure sub-program is part of the \$540 million Federal Stimulus NSW Road Safety Program, which was announced on 4 March 2021.

The aim of the program is to deliver improvements to pedestrian facilities around schools such as raised pedestrian crossings, pedestrian refuges and signage.

The new Road Safety Program builds on the NSW Government's \$258 million investment in its Safer Roads Program in 2020-21 and the Federal contribution of \$140M to the Safer Roads program through the Targeted Road Safety Program.

The Road Safety Program funding will prioritise the development and delivery of road safety infrastructure projects across NSW, support jobs and stimulate local economies.

Transport for NSW is pleased to confirm that your Council has been successful in securing funding for the following project(s) under The School Zone Infrastructure sub-program. The project(s) listed have been nominated for funding following your discussions with regional TfNSW staff.

Please be advised that the ongoing maintenance of any facilities installed or upgraded under this program remains the responsibility of councils on the local and regional road network.



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Portal ID	TNSW Project Number	Project Name	Project Description	Tranche 3 funding Jan – Jun 2022	Road Safety Audits Required
	P.0070659	Kiama High School Raised Ped Crossing	Construct a formalised Raised Pedestrian Crossing on Saddleback Mountain Road	\$ 100,000	Stage 3 OR Stage 4
	P.0070660	Kiama Public School- installation of a raised children's ped crossing	Installation of a Children's Crossing on existing pedestrian Refuge crossing point on Collings Street along with Pedestrian Fencing on Bong Bong Street entrance. The fencing will help to push pedestrians to safer area and perform a barrier between buses and vehicles.	\$ 100,000	Stage 3 OR Stage 4
	P.0070661	Minnamurra Public School- Upgrade of existing Kiss and Drop Zone	Upgrade and extension of Kiss and Drop Zone. Extend the kerb and shared path to provide a waiting area.	\$ 75,000	Optional
	P.0070672	Gerrington Public School- ped refuge upgrade in Belinda Street Gerrington	Upgrade of existing Ped refuge crossing at side entrance to school on Belinda Street Gerrington intersection of Rowlands Road	\$ 100,000	Stage 3 OR Stage 4



Transport
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Council is requested to commit to delivering these projects as set out in the Table above. Projects with Tranche 1 funding only are requested to commence by 30 June 2021. TfNSW is aware these projects may extend into 2021/22. Forecasts provided by council should be in line with the anticipated expenditure profile.

Funding is only available for the project(s) listed in the table above. Funding has been allocated for the specific project scope and cost as submitted by Council or advised to your TfNSW representative. Please note that funds are not transferable at Council's discretion.

If council cannot deliver a project as offered, please contact your TfNSW representative, as soon as possible to discuss.

This letter and attachments document the agreed terms and conditions between Council and Transport for NSW. This funding is offered in accordance with the Transport for NSW *Financial Arrangements with Councils for Road Management* (<https://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/index.html>).

TfNSW looks forward to working with Council to successfully deliver the Road Safety Program projects.

Council is also advised that a second round of nominations will be sought for additional projects to be undertaken as part of this program within the next few weeks.

Please complete Attachment B and **return a signed copy to TfNSW within two weeks of receiving this letter** advising of Council's acceptance of funding and the associated requirements attached to the funding as outlined in Attachment A and Attachment B.

For any further enquiries about information in this letter please contact your TfNSW representative, A/Manager Local Government, Kirsten Lee-Archer.

Telephone: 0417 974 328

Email: LGSouth@transport.nsw.gov.au

Post: Attention: Kirsten Lee-Archer
A/Manager Local Government
Transport for New South Wales
Level 4, 90 Crown Street Wollongong NSW 2500

Regards

A handwritten signature in black ink, appearing to read 'Joanne Parrott'.

Joanne Parrott
Director Regional Community Partner- South Region

Attachments:

- A. Key requirements associated with funding
- B. Council agreement and plan
- C. Australian Government Building Our Future Signage Guidelines
- D. Road Safety Program sign design

Attachment A - Key requirements associated with funding

Safer Roads Portal

Each project must be entered into the Safer Roads Portal by Council. The respective Portal Number(s) are to be returned with the acceptance of funding. Please be advised that if there is no recorded crash at the project site, then the project is to be submitted as a 'Proactive Nomination'. TfNSW notes that under normal circumstances a Road Safety Audit or Road Safety Assessment is required for a Proactive Nomination to be submitted. With regards to the School Zone Infrastructure Sub Program, this requirement is waived and any document can be attached to the project and categorised as "Proactive Proposal Report" and 'Road Safety Assessment' to enable submission of the project. Refer to the Portal User Guide for further instruction on how to submit a project.

Project plans

For smaller projects, a simple plan is documented by completing the status report template provided by TfNSW. It is expected that Council will have a more detailed plan that provides the information required in the (monthly) status report.

Larger projects may require a more detailed plan. Requirements will be provided following acceptance of funding.

Development

Councils are required to provide copies of various documents to confirm the completion of required/planned activities and to support claims for payment. These documents will usually include: designs, estimates and road safety audit reports/action plans.

Should there be any variation to the cost, scope or completion date of a project, details of the variation must be submitted utilising the Safer Roads Portal and in writing to TfNSW for assessment and approval prior to commencement of construction. The approval of funding for these projects implies that the proposed scopes of work will be delivered by the end of the June 2021 (for the projects offered under Tranche 1 only) for the advised cost and that councils will fund any additional costs that exceed the funding allocation unless otherwise agreed.

Council's commitment to the earliest possible delivery of projects within Tranche 1 is appreciated. Funding may be re-allocated where the signed acceptance letter and a completed financial forecast are not returned by the due date.

If TfNSW is responsible for the ongoing maintenance of any part of a project (including existing assets affected by the project), including any duties that relate to the construction or commissioning of a structure, Council must ensure that TfNSW reviews and provides formal approval of the design prior to the commencement of construction by Council.

For all other projects, Councils are responsible for reviewing and approving designs as the asset owner.

Council is required to acknowledge Australian Government funding, undertake public consultation and meet all WHS requirements for each project. Council must ensure that projects are constructed in accordance with the relevant Australian Standards, Austroads Guidelines and TfNSW Supplements (where appropriate).

One or more road safety audits may be necessary and this requirement is identified in the list of projects at the beginning of this letter. Council is responsible to undertake the Road Safety Audits according to the *Austroads Guide to Road Safety Part 6A: Implementation of Road Safety Audits* and address all corrective actions. Any audits must be undertaken by an accredited and independent audit team. Any audits must be uploaded into the Safer Roads Portal for all projects.

Australian and State Government Funding Acknowledgement

All recipients of Australian Government funding for infrastructure and capital works must acknowledge the Australian Government. As this program is jointly funded both the State and Australian Government must be acknowledged.

A copy of the Australian Government Building Our Future Signage Guidelines (attachment C) and Road Safety Program Signage design (attachment D) is provided with this letter.

Monthly reporting

Each month throughout the financial year, Council is required to submit a status report that includes all projects detailed in this letter.

A report template will be provided to Council following acceptance of funding and will include:

- The program and project number for each project along with a description / scope of each project in accordance with the funded proposal.
- Details of the progress of all works against advised milestones.
- Cost estimates / actuals as follows:
 - Actual costs for each month prior to the current reporting month.
 - Forecast expenditure for each month to the end of Tranche 1.
 - Note that forecasts represent the value of works completed in a given month, and Council should be aware that this forecasting process does not generate payment, and is separate from invoicing.
 - Information provided in the report will be used by TfNSW to accrue expenditure against each project.
- Expected dates for achievement of key milestones.
- Actual dates for achievement of key milestones.
- Risks, mitigations and comments on each project. Comments should be detailed enough to give an accurate view as to the current status of the project.
- Work Health & Safety (WHS) occurrences (any events or conditions that resulted in or had the potential to result in a noteworthy amount of damage or injury including any notifiable incidents).
- Number of full-time positions directly employed on the project (including contractors). This can be counted through Council's contract management system or via a manual head of positions employed on the project.
- Number of new positions created as result of the project.
- Economic benefits to the community (e.g. benefits to the local community as a result of local employment opportunities).

Monthly reports shall be provided by the last working day of the month. It is a requirement that Council submit monthly updates regardless of whether a payment is due or not.

Invoicing

Council must submit a claim for payment using the form provided by TfNSW (not a RCTI). The required form will be provided following acceptance of the funding offer. The first payment for works completed will be available to Council following release of Road Safety Program funding. Transport for NSW will continue to update Council on timing of this payment. Following release of Road Safety Program funding, payments will be available monthly based on claims submitted. The claim must not include GST. Evidence of works completed must be submitted with each claim. Evidence may include submission of a signed completion report, photos or other documentation.

Project finalisation

The final claim plus a completion report via Safer Roads Portal are to be submitted as soon as practicable after completion. Any approved funding not spent prior to the end of Tranche 1 may lapse. TfNSW will only pay for actual and completed works at this date and may be unable to pay for any incomplete project works not claimed at this date.

Scope changes / variations

Should a project cost or scope change as a result of the development process, Council will be required to reassess the road safety outcomes through the Variation function in the Safer Roads Portal, to ensure that road safety benefits and program requirements will continue to be met. A formal variation will then be required to justify continuation of the project.

Any change of scope, time or cost, for projects must be discussed as soon as possible with the relevant TfNSW representative. Council must formally request and detail in writing the proposed changes to the TfNSW representative. No works are to commence prior to receiving written approval for the change from TfNSW and a revised forecast is agreed to in writing. Note that a change of scope may result in a revised funding allocation and the merits of the project may be re-assessed against other priority projects.

Ongoing maintenance

Council will be responsible for the maintenance of all completed assets except for the following:

- Traffic signals.
- Any asset where TfNSW has formally accepted ownership and maintenance liability in writing.

For TfNSW to accept ownership/maintenance of an asset, the asset must be designed and constructed in accordance with all TfNSW specifications / requirements.

Work Health and Safety

Council will comply with WHS Laws (Work Health and Safety Act 2011, Work Health and Safety Regulation 2011).



Council confirms acceptance of funding for the following projects on the terms and conditions outlined in this letter.

Portal ID	TfNSW Project Number	Project Name	Project Description	Tranche 3 funding 2022 Jan - June	Road Safety Audits Required
	P.0070659	Kiama High School Raised Ped Crossing	Kerb and Gutter down school front. Establishing a bus drop off pick up Zone as well as linemarking for the bus zone to improve general safety of motorists. Installation of raised pedestrian 'wombat' crossing (shared crossing)	\$ 100,000	Stage 3 OR Stage 4
	P.0070660	Kiama Public School- installation of a raised children's ped crossing	Improve bus pick up / drop off zone by installing concrete slab for bus to pull onto. Improve signage and various linemarking associated with the bus bay. Installation of raised pedestrian 'wombat' crossing (shared crossing)	\$ 100,000	Stage 3 OR Stage 4
	P.0070661	Minnamurra Public School- Upgrade of existing Kiss and Drop Zone	Road Safety improvement futures (signage, line marking, crossing, blister , flash light, line marking car park bays, speed zone patch)	\$ 75,000	optional
	P.0070672	Gerrington Public School- ped refuge upgrade in Belinda Street Gerrington	Road Safety improvement futures (signage, line marking, crossing, blister , flash light, line marking car park bays, speed zone patch)	\$ 100,000	Stage 3 OR Stage 4



Transport
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- Council will enter each project in the Safer Roads Portal and advise the Portal Number on return of this acceptance of funding
- Council will complete all necessary planning, design, road safety audit, public engagement, WHS considerations and environmental assessment for each project.
- Council will satisfy the requirements of the Australian Government's funding acknowledgement guidelines.
- Council will construct the project in accordance with the submitted project plan (of which a simplified version is provided below).
- Council will submit a monthly report in the required TfNSW format which will be provided separately following acceptance of funding
- Council will be required to report on direct and indirect employment figures for each project as a component of monthly and post completion reporting.
- Council will reassess the road safety outcomes through the Variation function in the Safer Roads Portal as part of the variation process (if applicable).
- Council will complete projects by the end of the relevant financial year. TfNSW will only pay for actual and completed works and is unable to pay for any incomplete project works. Council will provide a Completion Report (including before and after site photos) within the Safer Roads Portal for each project to certify that the approved scope of work has been completed and the final costs incurred. Additional Post completion reporting may also be required.
- Council has attached an Initial Forecast and Key Milestone Dates sheet for each project.

General Manager Signature: _____

Print Name: _____

Date: _____

Please retain a copy of this funding acceptance letter for Council records.

Simplified Project Plan – Initial Financial Forecast and Key Milestone Dates

Monthly reports will also be required via a supplied spreadsheet and must include an estimate (with a monthly breakdown) of the cost of works to be completed up to the end of the project. This does not generate payment and is separate from invoicing. Forward months are required to show a forecasted figure of work that is expected to be completed. These reports will be used for TfNSW to accrue expenditure.

Financial Forecast

Please provide an initial financial forecast of the expected dollar value of works to be completed each month of Tranche 1 against each project in the table below.

TfNSW Project Number	Total Funding offered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
P.0070659	\$ 100,000												
P.0070660	\$ 100,000												
P.0070661	\$ 75,000												
P.0070672	\$ 100,000												

Milestone Dates

Please provide key milestone dates for each project as outlined below.

TfNSW Project Number	Portal ID	Development Complete	Commence Construction	Finish Construction and Open for Use	Post Completion
P.0070659					
P.0070660					
P.0070661					
P.0070672					

Project benefits:

TFNSW Project Number	Number of full-time positions directly employed on the project (including contractors). This can be counted through Council's contract management system or via a manual head count of positions employed on the project	Number of new positions created as result of the project	Expected economic benefits to the community (as a result of local employment opportunities)
P.0070659			
P.0070660			
P.0070661			
P.0070672			

"I have the authority to complete the simplified project plan on behalf of Council":

Council of the Municipality of Kiama

Name:

Title:

Contact Number:

Signature:

15 REPORT OF THE DIRECTOR BLUE HAVEN

15.1 Blue Haven Update

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.2 Planning for and assisting specific needs groups

Delivery Program: 1.2.1 Operate Blue Haven Care

Summary

This report provides information pertaining to Council's Blue Haven operations. Details related to current state of operations, such as unit occupancy are contained in the report.

Financial implication

No financial changes

Policy

No policy changes required

Consultation (internal)

Consultation with Blue Haven managers in Residential, Community Care and Retirement Living portfolios.

Communication/Community engagement

N/A

Attachments

- 1 Blue Haven Advisory Board Policy [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council note the information contained in this report and formally endorse the Blue Haven Advisory Board Policy.

Background

Blue Haven has been a part of Kiama Council and the Kiama community for over 40 years. In its current state the portfolio provides various levels of services and supports for daily living to seniors in the Illawarra and Shoalhaven.

Governance structure

The services offered through Blue Haven have always operated under the direction and governance of Council's leadership structure. This has included the Director, CEO and the Councillors. In recent times, mainly due to increasing regulatory pressure, it

Report of the Director Blue Haven

15.1 Blue Haven Update (cont)

has become necessary to review the governance and compliance of Blue Haven and ensure that an adequate governance structure is in place. The governance structure must support staff to continue to achieve the high level of service that is expected from our community as well as meet our requirements under the Aged Care Act and the Retirement Villages Act.

With this in mind, Council has adopted to appoint an Advisory Board, made up of industry experts. The Advisory Board will operate under a section 355 committee structure and provide expert oversight for all matters related to the operations of Blue Haven. As well as oversee governance and compliance the Advisory Board will focus on the governance of clinical care and the adherence to the aged care quality standards.

A policy to support this change in structure and allow the council to delegate these responsibilities to an expert group has been established and endorsed by the Blue Haven Board. A copy of the Blue Haven Advisory Board Policy is attached. Recruitment for the independent Advisory Board members is currently underway. It is expected that the new Advisory Board will be in place shortly, and first meet in November.

A general update on each of the operational areas is provided.

Residential aged care facility:

Having moved to its new location in December 2019 the current facility on Bonaira Street is now home to 126 aged care residents. This is a sizeable expansion considering that Blue Haven previously operated with a maximum occupancy of 82 residents when it was located at Havilah place. The increase to its current occupancy level has been a planned progression to accommodate the increase in staff required to look after a larger resident base. Currently at 94% occupancy the residential aged care facility is above industry average occupancy levels, which is around 90%.

The residents that live in residential aged care at Bonaira have complex health issues and require around the clock care that they could not get at home. Kiama Council employs nurses, carers, cooks, cleaners, maintenance officers and admin officers to help run the facility and care for its residents. Part of the team at Blue Haven residential aged care also includes five Kiama High School students through a traineeship program in partnership with TAFE NSW.

The residential aged care facility has been responding to the extensive final report of the Royal Commission into Aged Care Quality. Numerous continuous improvement and quality initiatives are underway, all aimed at keeping Blue Haven as a provider of choice in the region.

Retirement living units:

Kiama Council has 260 apartments in Kiama that cater for independent seniors living. People living in these units retain much of their independence. Many still drive to the shops and enjoy a great quality of life without the burden of maintenance and cleaning of a larger home. Council's two retirement village complexes also provide many opportunities for social connection and friendships in shared spaces, organised activities and close social networks. The value of social connection and proximity to the amenities of the Kiama central business district makes ageing in place in our

Report of the Director Blue Haven

15.1 Blue Haven Update (cont)

independent living units a genuinely valued lifestyle option for many. Most people living in these units come from the Kiama Local Government Area .

At our Terralong site there are currently only 4 vacancies with an occupancy rate of 98%

At our new Bonaira site there are currently only 2 vacancies with an occupancy rate of 97%.

Community aged care:

Blue Haven has a team of staff that travel the Illawarra providing in home support. This caters for seniors that have care needs but also want to be able to stay in their own home for as long as possible. Nurses, carers, and case managers travel between clients to assist people to maintain independence in multiple ways, from shopping and transport to wound and urinary catheter care. Many of the people that live at home would typically require the care of a nursing home but through our support that can safely stay in their own environment.

Recently the community team implemented a new software system called Health Metrics. This system doubles as both a scheduling software as well as a client record system.

Blue Haven Community team is also proud of their operation of local community transport fleet. Over 300 clients regularly use this transport service to also help maintain their independence and contact with the community.

You will often see the fleet of Blue Haven Buses driving seniors around the area to necessary appointments, shopping or social groups. Community transport is well supported by an amazing group of local volunteers that provide their time to drive buses, volunteer time in social support and help others access services in their community.

What issues does Blue Haven face:

The recommendations from the Royal Commission continues to occupy a lot of management's attention. Each of the recommendations presents an opportunity to review our service level, ensure best practice and refining how Council delivers this necessary service.

Recruitment for the Blue Haven Chief Operations Officer, a role that replaces the previous Director role, is currently underway. This revised role will report directly to the Chief Executive Officer of Council and provide the daily stewardship of the service.

Compliance and routine regulatory inspections continue to occur to ensure the aged care service and community aged care is meeting legislative requirements. Staff are constantly receiving training and support to ensure knowledge of required quality standards, policies and procedures. Likewise, financial reporting requirements back to the Federal Government are an immediate high priority for the aged care service and are demanding significant attention and resourcing, which the Council is ensuring is provided through the financial services department.

Covid-19

Front of mind for the whole organisation, particularly Blue Haven aged care services and community aged care, is the response to COVID and need to ensure rigorous

Report of the Director Blue Haven

15.1 Blue Haven Update (cont)

safety practices to ensure the ongoing health and wellness of our staff and residents. Management has well developed COVID safe plans, communication pathways and client / family updates and information are provided regularly.

We expect as was recently announced by the Prime Minister that the staff that work within our residential aged care facility will have to have proof of Covid-19 vaccination by 17 September 2021. Currently our vaccination rate for staff is 65%, with onsite clinics planned throughout August that will see a vaccine offered to all staff by the deadline.

Staff from the community aged care services team, although having no requirement to be vaccinated, are taking initiative and showing a high vaccination rate. Currently at 60% we expect this number to climb considerably with many community aged care staff booked in for vaccination in the coming weeks.

All residents in our residential aged care facility that wish to have a vaccine have been provided with one. Current vaccination rate in this group is 88%.

The management team at Blue Haven have worked closely with both the local health district and other aged care providers throughout the pandemic. It has been a welcome change to access local health services and experts through the health district in the creation of key infection control policies and documents. There continue to be weekly connections that are aimed at a unified whole of area understanding and response in the event of a Covid-19 outbreak.

Item 15.1



**Kiama Municipal Council
Blue Haven Advisory Board Policy**

Item 15.1

Attachment 1

Date approved/adopted	
Resolution No	
Date effective	
Date last reviewed	
Next review date	
Department	
Author	
TRIM reference	
Supporting documents	

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Blue Haven Advisory Board Policy

1. Introduction

1.1 Blue Haven

- 1.1.1 Council owns and operates Blue Haven which currently provides aged care and disability services to the Illawarra and Shoalhaven. Blue Haven's mission is the care, comfort and wellbeing of senior members of the wider community, including people with a disability
- 1.1.2 The Local Government Act sets out the ways in which a council may exercise its functions. In particular, section 355 of the Local Government Act provides that councils are able to exercise their functions by a committee of the council, known as a section 355 committee
- 1.1.3 Council recognises the value of engaging people with the right expertise, skills and experience to support Blue Haven's mission, and on that basis has established a section 355 committee to govern and oversee the operation and management of Blue Haven. Council has determined that the section 355 committee established under this policy will be referred to as the **Blue Haven Advisory Board**
- 1.1.4 This policy sets out the functions, responsibilities and membership of the Blue Haven Advisory Board. Although Council has an existing section 355 committee policy, it is Council's view that, due to the complexities and specific requirements of providing aged care and disability services, it is necessary to set out a separate policy for the Blue Haven Advisory Board. This policy is distinct from Council's 'Section 355 Committee Policy' which was first approved/adopted on 18 August 2020 and that policy does not apply to the Blue Haven Advisory Board
- 1.1.5 This policy can only be amended by Council resolution.

2. Legal Framework

- 2.1.1 Members of the Blue Haven Advisory Board should be familiar with the regulatory requirements that apply to Blue Haven including but not limited to the following:
 - (a) Local Government Act
 - (b) Aged Care Act
 - (c) Quality and Safety Commission Act
 - (d) Retirement Villages Act.
- 2.1.2 Blue Haven Advisory Board members are likely to be construed as 'key personnel' within the meaning of the Quality and Safety Commission Act and must not be 'disqualified individuals' within the meaning of the Act.

3. Functions and delegations

3.1 What is a section 355 committee?

- 3.1.1 Under sections 355 and 377 of the Local Government Act, Council is able to delegate some functions to a committee of Council. Council typically uses this delegation power to appoint individuals with the relevant expertise and skills to manage facilities and services through a section 355 committee, which in this case is the Blue Haven Advisory Board
- 3.1.2 The Members will govern and oversee the operation and management of Blue Haven on Council's behalf, ensuring that Blue Haven continues to operate in accordance with relevant laws, regulations, standards and policy directives.

3.2 What is the legal status of the Blue Haven Advisory Board?

- 3.2.1 While the Blue Haven Advisory Board is responsible for governing and overseeing the operation and management of Blue Haven in accordance with this policy, Council remains responsible for monitoring the actions and performance of the Blue Haven Advisory Board
- 3.2.2 In particular, that is because in exercising Council's functions in relation to Blue Haven, the Blue Haven Advisory Board will be doing so on Council's behalf. Legally, this means that the exercise of such functions by the Blue Haven Advisory Board will be taken to be the exercise of those functions by Council
- 3.2.3 If a Member acts outside the scope of this policy the Member may be liable for those actions. Without limiting any other rights Council may have, Council can withdraw its delegation from the Blue Haven Advisory Board or remove a Member from the Blue Haven Advisory Board at any time if Council deems necessary in its absolute discretion
- 3.2.4 Some statutory protection is afforded to Members. Section 731 of the Local Government Act provides that a matter or thing done by a Member does not, if the matter or thing was done in good faith for the purpose of executing the Local Government Act or any other act, subject the Member to any action, liability, claim or demand
- 3.2.5 The Blue Haven Advisory Board cannot change its name or merge with another party without prior notice and approval from Council. Only Council can change the functions of the Blue Haven Advisory Board.

4. Responsibilities and conduct

4.1 Governance

The Blue Haven Advisory Board is responsible for governing and overseeing the operation and management of Blue Haven on Council's behalf. It is accountable for the delivery of safe and quality care and services at Blue Haven. This involves ensuring that Blue Haven:

- 4.1.1 engages consumers in the development, delivery and evaluation of care and services and are supported in that engagement
- 4.1.2 promotes a culture of safe, inclusive and quality care and services and is accountable for their delivery

- 4.1.3 has in place effective organisation wide governance systems concerning:
 - (a) enterprise risk
 - (b) information management
 - (c) continuous improvement
 - (d) financial governance
 - (e) workforce governance (including the assignment of clear responsibilities and accountabilities)
 - (f) regulatory compliance
 - (g) feedback and complaints.
- 4.1.4 has in place effective management systems and practices, including:
 - (a) managing high-impact or high-prevalence risks associated with the care of consumers
 - (b) identifying and responding to abuse and neglect of consumers; and
 - (c) supporting consumers to live the best life they can.
- 4.1.5 establishes and implements a clinical governance framework, including:
 - (a) antimicrobial stewardship
 - (b) minimising the use of restraint
 - (c) open disclosure.
- 4.1.6 manages, monitors and controls the use of ingoing contributions, refundable deposits and accommodation bonds.

4.2 Appointments

The Blue Haven Advisory Board may be asked by the Chief Executive Officer to participate in appointing members of the Blue Haven senior management team including the Chief Financial Officer and the Chief Operating Officer of Blue Haven.

4.3 Operation of the Facilities

The Blue Haven Advisory Board is responsible for ensuring that the Blue Haven management team has appropriate systems and processes in place to maintain and operate Blue Haven's facilities:

- 4.3.1 in a state of reasonable repair
- 4.3.2 so that they are fit for purpose
- 4.3.3 so that they present no risk for Members or Blue Haven's:
 - (a) employees
 - (b) contractors

- (c) visitors
- (d) consumers.

under the WH&S Laws; and

4.3.4 in accordance with the Legal Framework.

4.4 Limitations

4.4.1 The Blue Haven Advisory Board may not make decisions regarding:

- (a) setting charges or fees for use of Blue Haven facilities and services (excluding recommendations to Council regarding fees and charges)
- (b) borrowing of any monies without the written consent of Council
- (c) the sale, lease, sub-lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act
- (d) the acceptance of tenders which are required to be called by Council, but may invite and accept quotations for minor works, goods and services as outlined in Council's Procurement Policy
- (e) the payment or making of any gift to its members, including allowances or travelling expenses incurred whilst attending committee meetings
- (f) the payment of any monies outside the scope of the Blue Haven Advisory Board's function
- (g) the carrying out of any works on or to the facility including alterations or construction without the prior consent of Council
- (h) unreasonably withholding consent for the use/hire of the facility of any organisation which agrees to comply with and adhere to the rules adopted for use of the facility.

4.4.2 The exercise by the Blue Haven Advisory Board of its power and functions is subject to such limitations and conditions as may be imposed by law, specified by resolution of the Council or in writing by the Chief Executive Officer to the Blue Haven Advisory Board.

4.4.3 The Blue Haven Advisory Board must observe rules and regulations made by the Council.

4.4.4 If at any time the Blue Haven Advisory Board is deemed to be functioning outside the limits of its powers prescribed by this policy, all powers may be revoked by written notice to the Blue Haven Advisory Board signed by the Chief Executive Officer or his/her representative.

4.5 Conduct

4.5.1 Council has a Code of Conduct that is applicable to elected Councillors, employed staff and Members. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way. As the Blue Haven Advisory Board operates as part of Council, it is important for Members to be aware of and comply with this Code of Conduct. Failure by a Member to comply

with the Code of Conduct may, amongst other things, result in the removal by Council of that Member from the Blue Haven Advisory Board.

- 4.5.2 In addition to the Code of Conduct, Council has other policies that are applicable to elected Councillors, employed staff and Members, copies of which are available on the Council website. This includes, but is not limited to, the policies listed in Attachment 1.

5. Meetings and Accountability

5.1 AGM

The Blue Haven Advisory Board must hold an AGM each year commencing on the first anniversary of the establishment of the Blue Haven Advisory Board.

5.2 Meetings

In addition to the AGM which is required to be held under paragraph 5.1, the Blue Haven Advisory Board may meet on a monthly basis (or will establish an annual meeting cycle), with each meeting conducted in accordance with the requirements described in paragraph 5.4.

5.3 Accountability

To assist with the accountability of the Blue Haven Advisory Board to Council and the community, the Blue Haven Advisory Board is required to:

- 5.3.1 provide reports, minutes and annual financial statements to Council in accordance with paragraph 11
- 5.3.2 ensure all Members are provided with copies of minutes and agendas, and are given notice of meeting details.
- 5.3.3 Provide updates monthly on the operation of Blue Haven for the Ordinary meeting of Council and report quarterly to the Audit Risk and Improvement Committee.

5.4 Conduct of meetings

Within 3 months of the first meeting of the Blue Haven Advisory Board, the Members must prepare a Code of Meeting Practice that must be adopted for all subsequent meetings of the Blue Haven Advisory Board.

6. Appointment, membership and Term

6.1 Appointment

- 6.1.1 All Members (including new or replacement Members) must be appointed by Council.
- 6.1.2 Advertisements for Members is the responsibility of Council and the Blue Haven Advisory Board must advise Council of vacancies needing to be filled.
- 6.1.3 All Membership nominations are required to be formally submitted in writing to Council for consideration.

6.2 Membership

The Blue Haven Advisory Board shall comprise a total of 7 members each appointed by Council, of which 2 members must be Councillors.

6.3 Term

6.3.1 Members are permitted to serve a maximum of two consecutive terms.

6.3.2 Subject to paragraph 6.3.3, the term of office of a Member is 4 years.

6.3.3 In respect of the Founding Members, the Initial Term of office is as follows:

(a) 2 years for 3 of the Founding Members

(b) 4 years for the remaining Founding Members.

6.3.4 Council must appoint its chosen Members by providing a letter of appointment in the form set out in Attachment 3.

6.4 Reappointment

Subject to paragraph 6.3.1, Members are eligible for reappointment for a further term by resubmitting a nomination to Council in response to an advertisement issued under paragraph 6.1.2. Council has ultimate discretion in the endorsement, or otherwise, of Blue Haven Advisory Board.

6.5 Qualifications of Members

6.5.1 Council aims to appoint Members who demonstrate experience in areas of aged care and/or disability. Committee members, who are not Councillors, must possess skills within the skills matrix set out in Part A of Attachment 2.

6.5.2 Council must ensure that when appointing Members it complies with Part B of Attachment 2.

6.6 Dissolution of Committee

The Blue Haven Advisory Board can only be dissolved by a resolution to that effect by Council.

6.7 Vacation of Office

Without limiting Council's rights under paragraph 3.2.3, vacancy of a member will arise in the following circumstances:

6.7.1 where a Member who is a Councillor ceases to be a Councillor

6.7.2 upon the death of a Member

6.7.3 if the Member becomes bankrupt

6.7.4 if the Member becomes mentally incapacitated

6.7.5 if the Member becomes a disqualified individual within the meaning of the Quality and Safety Commission Act

6.7.6 if the Member resigns membership by notice in writing to the Blue Haven Advisory Board

- 6.7.7 if the Member is absent for more than three consecutive meetings without leave of the Blue Haven Advisory Board
- 6.7.8 Council passes a resolution to remove the Member from the Blue Haven Advisory Board, including in circumstances where:
- (a) the Member fails to comply with Council's Code of Conduct; or
 - (b) the Member fails to comply with a provision of this policy.

6.8 Ongoing education requirements and professional development

- 6.8.1 It is a condition of each Member's appointment that they meet and continue to meet during their tenure as a Member the education requirements set out in their Appointment Letter.
- 6.8.2 Each Member may apply to the Chairperson for funding to assist in meeting the education requirements and professional development specified in paragraph 6.8.1 above. Granting of funding by the Chairperson is at the Chairperson's discretion.
- 6.8.3 A report of ongoing education and professional development for each member will be included in an annual report to the council.

6.9 Chairperson

- 6.9.1 The process for the selection of the Chairperson is as follows:
- (a) The Chairperson is elected annually. The returning officer must call for nominations for the position of Chairperson 28 days prior to the AGM.
 - (b) the Blue Haven Advisory Board must nominate to Council (for their approval) a Member to the position of Chairperson 14 days prior to the AGM
 - (c) the existing Chairperson must resign as Chairperson at the AGM
 - (d) the new Chairperson (approved by Council) must be announced at the AGM.
- 6.9.2 If Council does not approve the Chairperson nominated by the Blue Haven Advisory Board it may appoint another Member to the role of Chairperson.

6.10 Remuneration

- 6.10.1 Councillors who are appointed to the membership of the Blue Haven Advisory Board must not receive remuneration for their participation on the Blue Haven Advisory Board.
- 6.10.2 Subject to paragraph 6.10.1, Council may, by resolution, decide the remuneration that each Member, who is not a Councillor, is entitled to.

6.11 Sub-committees

The Blue Haven Advisory Board may form sub-committees or appoint members to specific roles, but these sub-committees and appointments do not operate as formal delegations of any function of Council for the purposes of the Local Government Act. All such sub-committees and members remain subject to this policy.

6.12 Voting

- 6.12.1 Each Member is entitled to one vote on any issue that is put to the vote of Members at any meeting of the Blue Haven Advisory Board.
- 6.12.2 The Chairperson has a casting vote in the event of a tied vote.
- 6.12.3 A Member who has a pecuniary interest in any matter with which the Council or Blue Haven is concerned and who is present at a committee meeting at which the matter is discussed, must disclose their interest to the meeting as soon as practicable.
- 6.12.4 No Member is permitted to participate in any debate before the Blue Haven Advisory Board or vote put to the Blue Haven Advisory Board where that Member has, either directly or indirectly, a pecuniary interest in the issue(s) debated or subject of that vote.
- 6.12.5 Without limiting the obligations set out in paragraph 4.5, the Members must comply with the Code of Conduct in relation to pecuniary and non-pecuniary interests.

7. Records management

- 7.1.1 Outgoing correspondence from the Blue Haven Advisory Board is effectively outgoing correspondence on behalf of the Council. Council's name and logo is to be incorporated into correspondence and any letterhead design must indicate that the function is a committee of Council.
- 7.1.2 Documentation can only be signed by the Chairperson as delegated by Council.
- 7.1.3 The Blue Haven Advisory Board must ensure that electronic records associated with the Blue Haven Advisory Board are maintained, including all meeting agendas and minutes.

8. Financial management

8.1 Financial issues

- 8.1.1 The Blue Haven Advisory Board is subject to the same rules and regulations as Council, which are set out in the Local Government Act, Local Government Regulation and Accounting Standards.
- 8.1.2 The Blue Haven Advisory Board is established to benefit senior members of the community and people with a disability. Council's requirement to be publicly accountable involves the responsibility to ensure that Blue Haven's funds are used in the manner for which they were intended and that full disclosure of the Blue Haven Advisory Board's financial activities is available.

8.2 Accounting

- 8.2.1 The Blue Haven Advisory Board may, if permitted by Council resolution to do so, undertake its own banking. If such resolution is made by Council, the following must be adhered to with regard to banking and financial management:
 - (a) a bank account must be opened at a branch of a recognised financial institution within the Kiama local government area. The account shall be in the name of the Blue Haven Advisory Board

- (b) the Blue Haven Advisory Board can draw on its account for such sums as it may require in the performance of its delegated function but under no circumstances will the account be overdrawn
- (c) all monies received by the Blue Haven Advisory Board must be banked within 24 hours of receipt
- (d) information on income and expenditure needs to be kept up to date, preferably electronically or hard copy
- (e) Receipting – payments are to be accepted via direct deposit into the Blue Haven Advisory Board's bank account. Where payments are made by other method, receipts need to be kept for auditing
- (f) Purchasing – payments are to be made by EFT. A tax invoice is required for every payment record and any GST charged be clearly shown
- (g) the Blue Haven Advisory Board may authorise the Chairperson to sign on its behalf with one authoriser for each payment
- (h) records will be made available for inspection whenever required by an authorised officer or Council or Council auditor
- (i) the requirements in paragraph 11.2 must be complied with
- (j) the Blue Haven Advisory Board will be entitled to spend the monies raised in the management of the facility under their control. These monies can only be expended strictly in accordance with conditions expressed in Council's s355 Policy, by the Council and its delegations, and only upon the facility/function of the Council for which the Blue Haven Advisory Board has been constituted
- (k) an annual profit and loss statement for the Blue Haven Advisory Board must be submitted to Council within 30 days from the end of the financial year
- (l) at the discretion and direction of the Chief Executive Officer, the Blue Haven Advisory Board may at any time have to process their financial records through the Council's financial system if the Chief Executive Officer is of the opinion that this is the most appropriate method of managing and recording financial transactions.

8.3 Out of pocket expenses

- 8.3.1 Subject to paragraph 8.3.2, Members are not entitled to be reimbursed for out of pocket expenses.
- 8.3.2 Members may apply to the Chairperson for reimbursement of reasonable expenses incurred in carrying out their duties as Members (which the Chairperson may approve in their absolute discretion).

9. Procurement and purchasing

The Blue Haven Advisory Board is responsible for ensuring that all purchasing and procurement by Blue Haven is conducted in accordance with Council's Procurement Policy, the Local Government Act and the Local Government Regulation and Council may at any time undertake audits to ensure compliance with procurement practices and policy.

10. Insurance and External advice

10.1 Insurance

- 10.1.1 Council maintains property insurance, public liability insurance, group personal accident insurance and community support liability insurance. The property insurance generally covers building structural elements and materials. Public liability insurance generally covers the Blue Haven Advisory Board in the event a claim for damages is made against them by a third party. Group personal accident insurance covers Members performing their roles within the scope of the Blue Haven Advisory Board's delegations.
- 10.1.2 To the extent permitted by law, Council may pay, or agree to pay, a premium for a contract insuring Members against:
 - (a) loss incurred by the Member as an appointed member of the Blue Haven Advisory Board
 - (b) legal costs incurred by the Member in defending an action for liability as described in paragraph 10.1.2(a).
- 10.1.3 Any premium paid under paragraph 10.1.2 will be paid in addition to any remuneration paid to a Member under this policy.
- 10.1.4 Contractors must have and provide the Blue Haven Advisory Board with proof of their public liability insurance policy in the sum of not less than \$20M. It is the Blue Haven Advisory Board's responsibility to ensure that users of the facility have adequate public liability insurance.

10.2 External advice

- 10.2.1 The Blue Haven Advisory Board may obtain independent professional advice from external advisors where required.
- 10.2.2 Each Member must discuss the request with the Chairperson who will facilitate obtaining such advice and, where appropriate will provide a copy of the advice to each of the other Members.
- 10.2.3 The Chairperson may, at his or her discretion, agree to cover the cost of the independent professional advice.

11. Reporting

11.1 Annual Report

- 11.1.1 The Blue Haven Advisory Board must provide an Annual Report to Council.
- 11.1.2 In preparing the Annual Report, the Blue Haven Advisory Board may direct the Blue Haven management team to prepare a draft of the Annual Report.
- 11.1.3 Where the Blue Haven management team is directed to prepare a draft of the Annual Report, the Blue Haven Advisory Board must consider, amend (where appropriate) and approve the Annual Report prior to providing it to Council.

11.2 Quarterly Financial Report

- 11.2.1 The Blue Haven Advisory Board must provide Council with a quarterly report of the financial affairs of Blue Haven in line with GST reporting (which must include a profit and loss statement and balance sheet) by the end of the second week of the following month (**Quarterly Financial Report**).
- 11.2.2 In preparing the Quarterly Financial Report, the Blue Haven Advisory Board may direct the Blue Haven management team to prepare a draft of that report.
- 11.2.3 Where the Blue Haven management team is directed to prepare a draft of the Quarterly Financial Report, the Blue Haven Advisory Board must consider, amend (where appropriate) and approve the Quarterly Financial Report prior to providing it to Council.

11.3 Clinical reporting

- 11.3.1 The Blue Haven Advisory Board must ensure that the Blue Haven management team report Clinical or Safety Incidents to the Blue Haven Advisory Board within 2 Business Days of a Clinical or Safety Incident occurring.
- 11.3.2 The Blue Haven Advisory Board must provide to Council a written incident report within 5 Business Days of a Clinical or Safety Incident occurring.
- 11.3.3 In preparing a written incident report, the Blue Haven Advisory Board may direct the Blue Haven management team to prepare a draft of that report.
- 11.3.4 Where the Blue Haven management team is directed to prepare a written incident report, the Blue Haven Advisory Board must consider, amend (where appropriate) and approve the written incident report prior to providing it to Council.
- 11.3.5 The Blue Haven Advisory Board must decide (on an annual basis) the types of incidents and circumstances that constitute a **Clinical or Safety Incident** which may include:
- (a) any incident, accident, illness, change of condition, injury or complaint arising in connection with the services provided by Blue Haven, including a material, unexpected deterioration of a resident or consumer or a material, unexpected change in a resident's or consumer's condition
 - (b) any incident which is notifiable under WH&S Laws
 - (c) Any category 1 SIRS incident
 - (d) any circumstances where:
 - (i) an incident, accident, illness, or injury
 - (ii) loss or damage to property
 - (iii) was narrowly avoided (a "near-miss").
- 11.3.6 The written report referred to in paragraph 11.3.1 must contain complete details of the Clinical or Safety Incident, including results of investigations into the cause of the Clinical or Safety Incident and strategies for future prevention.

11.4 Other reporting

The Blue Haven Advisory Board must provide to Council any other reports as requested by Council.

12. Document Control

Date reviewed	Date adopted	Amendment

13. Interpretation

13.1 Words and headings

In this policy, unless expressed to the contrary:

- 13.1.1 words denoting the singular include the plural and vice versa
- 13.1.2 the word 'includes' in any form is not a word of limitation
- 13.1.3 where a word or phrase is defined, another part of speech or grammatical form of that word or phrase has a corresponding meaning
- 13.1.4 headings and sub-headings are for ease of reference only and do not affect the interpretation of this policy.

13.2 Specific references

In this policy, unless expressed to the contrary, a reference to:

- 13.2.1 any legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced and includes any subordinate legislation issued under it
- 13.2.2 any document (such as a deed, agreement or other document) is to that document (or, if required by the context, to a part of it) as amended, novated, substituted or supplemented at any time
- 13.2.3 writing includes writing in digital form
- 13.2.4 'this policy ' is to this policy as amended from time to time
- 13.2.5 a paragraph, schedule or attachment is a reference to a paragraph, schedule or attachment in or to this policy
- 13.2.6 any body (**Original Body**) which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or agency, is a reference to the body which most closely serves the purposes or objects of the Original Body.

14. Glossary

Accounting Standards means:

- (a) the accounting standards as defined in the Corporations Act
- (b) the requirements of the Corporations Act relating to the preparation and content of Financial Statements
- (c) generally accepted Australian accounting standards, policies, practices and procedures, to the extent that they are not inconsistent with paragraphs (a) and (b) above.

Aged Care Act means the *Aged Care Act 1997 (Cth)*.

AGM means an annual general meeting.

Annual Report means a report prepared by the Blue Haven Advisory Board in accordance with paragraph 11.1.

Appointment Letter means the letter in the form set out in Attachment 3 under which Council appoints a person as a Member of the Blue Haven Advisory Board.

Blue Haven means the aged care service known as Blue Haven which is owned and operated by Council at Bonaira Street, Kiama, NSW.

Blue Haven Advisory Board means the committee established by Council pursuant to section 355 of the Local Government Act.

Business Day means a day other than a Saturday, Sunday or public holiday in New South Wales.

Chairperson means the person appointed as the chairperson under paragraph 6.9 from time to time.

Chief Executive Officer means the **Chief Executive Officer of Kiama Municipal Council**.

Clinical or Safety Incident has the meaning given in paragraph 11.3.5.

Code of Conduct means Council's code of conduct adopted by Council under section 440 of the Local Government Act.

Code of Meeting Practice means a code of meeting practice adopted by the Blue Haven Advisory Board.

Corporations Act means the *Corporations Act 2001 (Cth)*.

Council means Kiama Municipal Council.

Financial Statements has the meaning given in the Corporations Act.

Founding Members means the Members appointed at the first meeting of the Blue Haven Advisory Board.

GST has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Initial Term means the first term of the Founding Members of the Blue Haven Advisory Board commencing on and from the date set out in the Member's Appointment Letter.

Legal Framework means the framework set out in paragraph 2.

Local Government Act means the *Local Government Act 1993* (NSW).

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

Member means a member of the Blue Haven Advisory Board.

Procurement Policy means Council's Procurement Policy, adopted February 2008, as may be updated, amended or replaced from time to time.

Quality and Safety Commission Act means the *Aged Care Quality and Safety Commission Act 2018* (Cth).

Quarterly Financial Report means a report prepared by the Blue Haven Advisory Board in accordance with paragraph 11.2.

Retirement Villages Act means the *Retirement Villages Act 1999* (NSW).

WH&S Laws means applicable laws in respect of the health and safety of workers and workplaces and includes the *Workplace Health and Safety Act 2011* (NSW) and associated regulations, standards and codes of practice.



Attachment 1 Council Policies

1. Blue Haven Corporate and Board Governance Principles and Framework
2. Blue Haven Clinical Governance Components and Framework
3. Aged Care Prudential Standards Policy
4. Alcohol and Other Drugs Protocol and Procedure
5. Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers
6. Code of Conduct for Council Staff, Contractors and Volunteers
7. Procurement Policy

Attachment 2 Skills matrix

Part A Skills Matrix

In determining the composition of the Blue Haven Advisory Board regard must be had to the skills, experience or expertise possessed by individual members having regard to the following criteria:

1. experience in community-based organisations
2. experience as a senior manager in organisations which provide services similar to those provided by Blue Haven
3. experience on the board or governing body of organisations which provide services similar to those provided by Blue Haven
4. organisational strategy development
5. financial management in a corporate environment
6. corporate or government communications and stakeholder management (including crisis management)
7. consumer engagement
8. clinical governance
9. health care/disability/home care/retirement living sector knowledge and expertise
10. regulatory decision making
11. complaints handling.

Part B Mandatory requirements

At least one member of the Blue Haven Advisory Board must have Clinical Care Experience.

Clinical Care Experience means current:

- (a) experience working in the delivery of aged care
- (b) registration as a health practitioner under the *Health Practitioner Regulation National Law (NSW) No 86a*.

Members of the Blue Haven Advisory Board are likely to be considered to be 'key personnel' for the purposes of the *Aged Care Act 1997* (Cth) (**Aged Care Act**). Members of the Blue Haven Advisory Board must not be disqualified individuals for the purpose of the Quality and Safety Commission Act.

[Insert Kiama Council logo]

Attachment 3 Appointment Letter

[insert date]

[Name]

[Address line 1]

[Address line 2]

Dear [Name]

LETTER OF APPOINTMENT AS A MEMBER OF THE BLUE HAVEN ADVISORY BOARD

This letter confirms your appointment as a member of the Blue Haven Advisory Board.

In order to confirm your appointment, would you please sign and return to me a signed copy of this letter along with the consent to act as committee member attached to this letter as **Attachment 1**.

1. Term of appointment

On receipt of your signed copy of this letter and your consent to act as a committee member, your appointment will commence on [insert date] until [insert date] unless you cease to hold office as a committee member before then for the reasons set out in the Blue Haven Advisory Board Policy attached to this letter as Attachment 2. [*User Note: the term of office will be 4 years (except for the Founding Members, three of whom will have 2 year terms).*]

2. Meetings and time commitment

You are expected to attend all meetings of the Blue Haven Advisory Board and to devote such other time as is reasonably necessary to fulfil your obligations to Blue Haven and Kiama Council. In addition to the AGM, the Blue Haven Advisory Board meets on a monthly basis and you will be expected to participate in teleconferences as required from time to time as well as site visits. The Blue Haven Advisory Board may otherwise meet as agreed between the Blue Haven Advisory Board members.

In addition to your attendance at committee meetings, your cooperation in preparing thoroughly for each meeting is required.

By accepting this appointment, you confirm that you are able to allocated sufficient time to meet these expectations.

3. Duties

You have rights and duties in accordance with the law, the Blue Haven Advisory Board Policy and Kiama Council's Code of Conduct. You must:

- assume and exercise the powers and perform the duties from time to time vested in or assigned to you by or with the authority of the Blue Haven Advisory Board and Kiama Council, and comply in all respects with the directions and regulations given or made by the Blue Haven Advisory Board and Kiama Council
- faithfully and diligently perform your functions for Blue Haven and use your best endeavours to promote the best interests and welfare of Blue Haven and Kiama Council
- refrain from acting, or being seen to act, in conflict with the best interests of Blue Haven or Kiama Council.

4. Compliance with policies

You are expected to comply with the Blue Haven Advisory Board Policy (provided as **Attachment 2** to this letter) and the Kiama Council Code of Conduct and all of the policies and procedures of the Kiama Council that apply to your role as a Member of the Blue Haven Advisory Board.

5. Conflicts and duty of disclosure

You must not place yourself in a position where your duty to Blue Haven or Kiama Council conflicts with your own personal interest or your duty to another organisation.

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You must disclose any material personal interest in matters that relate to the affairs of any or all of Blue Haven or Kiama Council as soon as practicable after you become aware of the interest.

6. Remuneration

[Option A] [User Note: Include this part for non-Councillors appointed as Members. Omit for Councillors appointed as members.]

Your fees will be payable to you fortnightly in arrears. Remuneration for your appointment will be, subject to the terms of this letter, \$[insert] per calendar year including superannuation, and will be paid in equal instalments fortnightly in arrears (**Fee**).

For clarity, the Fee is not paid as an annual sum and where your appointment ends short of a full calendar year, Fees will be paid on a pro rata basis to reflect remuneration for the actual duration of your appointment.

[Option B] [User Note: Include this part for Councillors appointed as Members. Omit for non-Councillors appointed as members.]

As a Councillor of Kiama Council, you may not legally receive remuneration for your participation on the Blue Haven Advisory Board.

7. Superannuation

[User Note: Include this section 7 for non-Councillors appointed as Members.]

The Company will pay superannuation contributions as required and in accordance with the *Superannuation Guarantee (Administration) Act 1992* (Cth) (as amended or replaced) and to avoid the imposition of any charge under the *Superannuation Guarantee Charge Act 1992* (Cth) (as amended or replaced). These contributions form part of the Fee.

8. Reimbursement of expenses

You are not entitled to be reimbursed for out of pocket expenses unless you apply to the Chairperson for reimbursement (which the chair may approve in their absolute discretion).

9. Other appointments

You are not precluded from being appointed to directorships or memberships, including to the boards of listed public companies, unlisted private companies or committees of other councils. While you are encouraged to take such opportunities, I would ask that you inform Kiama Council before accepting any appointment as a director of, or holding another office with, a company or other undertaking. You must not, without my prior written approval, undertake any appointment, position or work that:

- results or may potentially result in you competing with Blue Haven or Kiama Council
- otherwise adversely affects Blue Haven or Kiama Council
- hinders the performance of any of your duties owed to Blue Haven or Kiama Council
- requires you to act contrary to your obligations to Blue Haven or Kiama Council.

10. Continuing education arrangements

It is a condition of your appointment that you meet and continue to, during your tenure as a Blue Haven Advisory Board member, develop and meet the requirements of ongoing education training plans.

If you consider you require education in relation to the performance of your functions as a committee member, additional to that which is listed above, you may undertake such education with the prior approval of Kiama Council. This education should update and enhance your skills and knowledge and concern key developments for Blue Haven. The costs reasonably incurred may be reimbursable (at the Chairperson's absolute discretion). After such education, you should provide Kiama Council with a summary of the results of your education.

11. Independent professional advice

You are entitled to obtain independent professional advice. You must first discuss the request with the Chairperson of the Blue Haven Advisory Board, and they will facilitate obtaining such advice and, where appropriate, will provide a copy of the advice to each of the other committee members. The Chairperson may, at his or her discretion, agree to cover the cost of the independent professional advice.

12. Insurance

You will be covered by directors and officers liability insurance. You may request a copy of the product disclosure statement of the policy.

13. Termination and Retirement benefits

You are not entitled to any termination or retirement benefits other than any required by law.

14. Confidentiality

All information obtained during your appointment as committee member is confidential to Blue Haven and Kiama Council. You may only use information received as committee member in accordance with the proper performance of your duties.

15. Further information

In the event that you require further information with regard to the above or other governance matters, please do not hesitate to contact me.

I look forward to working with you in the future and thank you for agreeing to continue to act in this capacity.

Yours sincerely

[Name]

Chief Executive Officer

I, [Name], accept the terms and conditions of this Letter of Appointment.

SIGNED by [Name]:

Signature

Attachment 1 Consent to act as committee member

To: Kiama Council

I consent to act as committee member of the Blue Haven Advisory Board and disclose the following information:

Full name

Telephone number

Permanent residential address

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Attachment 2 Blue Haven Advisory Board Policy

Item 15.1

Attachment 1

[8246251: 29540965_1]

16 REPORTS FOR INFORMATION

16.1 Attendance at the 2021 National Caravan and Camping Conference

Responsible Director: Corporate and Commercial Services

The 2020 National Caravan and Camping Conference was cancelled due to COVID-19. It was rescheduled to be held at RACV Royal Pines on the Gold Coast from 5 to 7 May 2021. Council was represented at this conference by Holiday Parks Coordinator, Marianne Hazell.

This conference was well attended with close to 800 delegates from across the caravan and camping sector and over 90 industry exhibitors. Industry experts confirmed that the Holiday Parks industry rebounded from the natural disasters and global pandemic much quicker than any other accommodation provider and is currently the number one performing tourism sector in the country.

The demand for holiday parks accommodation is at record levels, which is expected to continue for at least another few years due to international travel restrictions. NSW still retains the greatest market share (31%) for visitors in holiday parks.

Manufacturers have experienced higher sales than before, with the number of RV's sold in 2020 increasing by over 5000 units from 2019. Customers are having to wait up to two years for the delivery of their RV's. This means that over the next two years and beyond, there will be an increased demand for sites, upgrades needed on amenities and facilities, a high level of customer service and customer engagement delivered, encouraging these new RV owners to return to our region and our holiday parks.

Conference speakers specialising in consumer behaviour and social research identified that our customer's expectations have altered and in some ways increased:

- COVID introduced 'working from home' as a new normal, which has expanded to 'working on holidays' requiring greater internet services throughout regional communities and holiday parks
- The regular international traveller who is now travelling domestically expects the same level of service as they receive from popular destinations such as Bali and Thailand
- The focus has switched to value and experience over product, therefore a greater need to provide memorable and unique experiences to holiday park guests
- Guest's stories via social media channels and review platforms are currently some of the most influential tools, and when used correctly they can be powerful in marketing, whilst also making accommodation providers accountable
- Consumers are looking for convenient and user friendly means to book their getaways, which has opportunities for add-ons, creating positive first touch experiences

The dominant message from the conference was that the caravan and camping industry is extremely fortunate and is thriving as a result of COVID-19 and it's important that each sector within this industry capitalises on the opportunities presented.

Reports for Information

16.1 Attendance at the 2021 National Caravan and Camping Conference (cont)

Communication/Community Engagement

N/A

Item 16.1

16.2 Management contract for Werri Beach Holiday ParkResponsible Director: Corporate and Commercial Services

On Friday 23 July 2021, the Contract Managers of Werri Beach Holiday Park, H & C Robbins Pty Ltd gave formal notice to Council of the termination of their Contract to manage the holiday park, citing family reasons. Their last day will be Sunday 31 October, 2021.

The Managers are currently in the second year of the second three year term of their Contract, and as a requirement of the Contract, they have provided more than three (3) months' notice in writing to Council:

12.1 Termination by Contractor

12.1.1 The Contractor may terminate the Contract upon giving at least three (3) months' notice in writing to Council.

12.1.2 The notice must provide for termination of the Contract during May, June, July, August, September or October.

In light of the current review of the contract documents for Council's other four (4) Holiday Parks, which plans for tenders to be called and new long-term contracts to commence 1 July 2022, the decision has been made to bring Werri Beach Holiday Park in line with the other Parks, and to have all Parks on the same new Contracts from the same commencement date.

Tender documents for the management of Werri Beach Holiday Park are currently being prepared by Council's Holiday Parks Coordinator, for a reduced term of eight (8) months, commencing 1 November 2021, at a pre-determined commission, in line with the current commission percentage. These documents will soon be posted on TenderLink, followed by advertising in the Illawarra Mercury and in the tender section of the Sydney Morning Herald. A report to Council will be prepared to the October meeting with details of the tenders received.

The Managers have been hardworking and popular managers of the Werri Beach Holiday Park since 1 July 2017. Whilst it is very disappointing for Council to lose managers of this calibre, we appreciate the circumstances for their decision, and offer sincere thanks for their service to the community.

16.3 Minutes: Jamberoo Valley Ratepayers and Residents Association - 3 August 2021

Responsible Director: Office of the Chief Executive Officer

The minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 3 August 2021 are attached for Councillors' information.

Communication/Community Engagement

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

Meeting dates are published on Council's website.

Attachments

- 1 Minutes: JVRRA General Meeting 03/08/2021 [↓](#)

*Jamberoo Valley Ratepayers and Residents Association Inc.
jvrrasecretary@gmail.com*

**JVRRA General Meeting AGENDA and BUSINESS PAPERS Tuesday 3rd August 2021, 7.00 p.m.
ONLINE**

Present

Stuart Richards, Ros Neilson, Bob Neilson, Geoff Reid, Mary Lou Reid, Vivienne Marris, Gina Cash, Felix Colarusso, Roger Lyle, Sarah Marlan, Neil Reilly, Peter Brown, Tristram Miall, Imogen Draisma, Brad Wenzel, Lesley Friedmann, John Friedmann, Kathy Rice, Gail Taylor, Pat O’Gorman

Apologies

Graham Pike, Ann Pike, Robyn Letham, Graham Letham, Leonie Traeger

Agenda Items

1. Meeting opening and Welcome to Country 7.00 p.m.
2. [Minutes](#) of JVRRA General Meeting July 2021 (accepted Stuart Richards, Peter Brown)
3. Treasurer’s Reports
 - [Month ending 30 June 2021](#) SR, VM) – check Gail Payments
 - [Income and Expenditure for year ending 30 June 2021](#)
Both accepted (Stuart Richards, Vivienne Marris)

4. Correspondence

Correspondence IN:

- Information from Fair Trading re postponement of AGM – permission to postpone for 6 months from end of original term; can apply to Fair Trading for an extension
- From FOMR re archaeological sites (Boral Sandmining)
- JVRRA Insurance quotes (insurance has been paid)
- Extension of submission period for Croom Tang DA
- Other items part of ongoing discussions:
 - (Several contributions re GVR)
 - (Discussions re Croom Tang DA)
 - (Policy statements from election candidates)

Correspondence OUT:

- Submission to Council re GVR

5. Wrap-up of GVR discussion

Bitly links indicate that 147 unique people accessed GVR documents. Good to get information available to community.

Councillors who were present were invited to comment on GVR responses at Council. Kathy Rice and Neil Reilly both said that they haven’t heard from Council staff. It was difficult to know which Council will vote on it – probably this current Council, depending on whether the proponents are asked to make modifications.

6. Candidate Policies received

- SAFE
- Greens
- Team Reilly
- Larkins team; Labor policies for JVRRA (Imogen Draisma requested that they be referred to as Labor for Kiama, not 'Larkins team')

Stuart Richards: Recent news that Warren Steel and Matt Brown have indicated that they will be running tickets.

Kathy Rice mentioned that Mark Croxford is heading a team of business people.

No other questions at this stage.

7. DAs on exhibition

• Croom Tang

Gina Cash: Met with Anthony Randall plus two others from Council, and Tang representatives. Concern about direction of new entry road affecting neighbours' amenity. Council engineer doesn't want the two access roads crossing. Council will probably request change to DA - access road to follow Jamberoo Road, with neighbour having their own separate entry.

Further discussion about secondary dwelling not being clustered with principal residence, as per modification of LEP that has been recently voted on. Neil Reilly confirmed this DA will be evaluated against the current LEP standards.

Ros Neilson commented that the even though the Statement of Environmental Effects claims that due diligence has been done with respect to Aboriginal heritage sites, the DA documents on exhibition do not seem to include the relevant report. Note that Aboriginal sites were of critical importance in the Land and Environment Court's rejection of the previous Tang DA.

Gina mentioned concern that once the farm has been established, they will make a further application for a farm stay. Discussion about the size of both the residence and the manager's house.

Kathy Rice checked that concerns re rubbish bins and rainwater run-off have been met.

Gina mentioned that Council said she will have to engage a solicitor to make arrangements re her own access road, and requested recommendations from members for a suitable solicitor.

8. Minutes of Catchment and Flood Risk Committee Meeting

- Update on Flood Consultant study
- Riparian walking track Hyams Creek
- Riparian repair progress
- Gibson Crescent drains
- Hyams Creek at Minnamurra Lane

9. Minutes of Local Traffic Committee

- Drualla Road one-way proposal NOT pursued

10. **General Business**

- John Friedmann suggested that there is a useful App for voting to take place online at the AGM if face-to-face isn't possible. Allows a secret ballot. See: Electionrunner.com. Mary Lou Reid reminded members that we need nominees first!

- Kathy Rice: Minnamurra Progress Association will be holding their meet-the-candidates session on 2nd November. NB: Their meetings always clash with JVRRA meetings.

11. **Preparing for the AGM.** The JVRRA AGM will be held immediately before the 7th September General Meeting (COVID willing). Discussion – not likely to be possible.

- All the positions are routinely open for nominations. Position descriptions [HERE](#).
- Several of the current executive members will be standing down at the AGM, and we all are more than happy to help new committee members get used to the job.

Remember to renew your annual membership fees if you haven't already done so, so that you can vote at the AGM: \$20 per household. Cash or cheque to the Treasurer, or Direct Deposit to:

BSB 641800

Account No. 004506852

Please put your name in the reference field.

12. Close of meeting 7 45 p.m.

Next JVRRA AGM: Tuesday 7 September 2021, 7.00 p.m. (if possible)

Next JVRRA General Meeting: Tuesday 7 September 2021 (after the AGM).

16.4 Minutes: Minnamurra Progress Association - 3 August 2021

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information are the minutes of the Minnamurra Progress Association General Meeting held on 3 August 2021.

Communication/Community Engagement

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

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

Attachments

- 1 Minutes: Minnamurra Progress Association - 03/08/2021 [↓](#)

Minnamurra Progress Association Inc. Minutes of Meeting 3rd August 2021

Acknowledgement of Traditional Owners:

"I would like to acknowledge the traditional owners of the land on which we meet, the Wadi Wadi people of the Dharawal Nation, and pay my respect to Elders past, present & emerging"

Attendees : J Martens, G Collinson-Smith, V & M Steele, E & A Skorulis,
C Mason, I Scott

Apologies: J Hazletine, L Keane, P Phelan, D Draxl, D Stadius, J Bunce, A Wilson

Visitors: Councillor M Way, Karen Renkema-Lang (Kiama Safe Candidate)

Minutes of last meeting: 6 July 2021- previously distributed & to be approved.

M: G Collinson-Smith **S:** C Mason **AIF:** Y **C:** Y

Business Arising:

Jeremy Martens, our incoming President gave a brief outline of his family's life during his 8.5 years in Kiama Downs/Minnamurra area. He hopes his new role will encourage active involvement and caretaking with the traditional owners of this area. Jeremy hopes we will see more community involvement and we can work together to make improvements and deal with local issues. He thanked M Way (not standing for next Council Elections) for his support over recent years.

LGA Election Forum to meet the candidates postponed till 2nd November meeting.

Correspondence:

1. Email from NSW Planning re Public Teleconference Fig redevelopment of Eco Tourist Facility 1pm 3 August 2021.
2. Letter to KMC CEO Re- Sanctuary Place Bike Skills Park and Charles Ave footpath parking issues. No response from KMC
3. Email from R Pomfret enquiring if Minnamurra residents feel blasts from Hanson Bass Point Quarry.
4. KMC email of plan of Charles/Federal marked cycleway Email to Bugle to notify New Office Bearers and contact details.
 - Cliff Emailed LGA Candidates postponing MPA Election Forum until 2nd November meeting.
 - Email from NSW Waterways ref 01296327 6/7/21 Replace 4knot sign near Holt Reserve in next couple of weeks.
 - Sincere thank you card from Mavis Morphett.

Treasurer's Report:

We currently have **61 Members** and welcome new members and encourage you to join us at a meeting soon.

Income 6 July \$355 - Expenses \$71.45 - Banked \$260 **Total Funds \$2974.61**

M: C Mason **S:** I Scott **AIF:** Y **C:** Y

Cont:

Public Liability Insurance \$531 due 31 Aug.

Aapo suggested we approach KMC to contribute to MPA PL Insurance. MPA is incorporated so we're not eligible to PL coverage that other Precincts receive from Council. A Letter to CEO explaining our only income from raffles and membership fees doesn't meet cost of PL Insurance. We will request if any funding is available?

General Business:

1. ECO Tourist Resort- Southern Planning Panel 3rd Aug Teleconference Cliff represented MPA and spoke of our support for the project's approval noting that residents require assurance that the development will guarantee no adverse impacts to the pristine beauty of Minnamurra River and the surrounding ecologically sensitive flood plain. Traffic movement from patrons will not compromise the safety and traffic flow of residents who access Riverside Drive. The panel will aim to publish its decision on the Planning Panels website within 7 days.
2. **Bike skills track** - no official response from KMC. Clr Way talked to the Director of Works and some residents about gate locking and parking issues. Volunteers have adjusted some of the mounds.
3. **Hanson Bass Point Quarry** - if you have experienced disturbing blasts such as on 15 July 2021 at 11am you can notify Hanson 42473955 and/or both EPA 42244143 and register a complaint for follow up notification.
4. **KMC Marked cycleway for Charles/Federal Intersection**. This plan is a response to a letter sent in May 2021 regarding School Children crossing this dangerous intersection. Iain Scott will seek opinions from Minnamurra Public School P&C. An MPA representative will register to speak at the August Public Access Meeting to address this matter.
5. **Other items**
 - Boral Sand Mine - R Stadius has notified G Ward MP who will refer the matter to Minister for Environment, Matt Keane.
 - FOMR meeting with Minister for Planning Rob Stokes, no correspondence received. Work on the site has commenced.
 - Graffiti reported in several locations - Send letter & photos to KMC
 - Letter and photos to KMC re James Holt Reserve - slippery metal plate hazard and exposed storm water pipe erosion repair.
 - Telstra Cell tower - Charles Ave near Tennis Courts. Aapo will investigate.
 - MPA Constitution, Future speakers reserve Chair and Minutes Secretary- deferred until we have more members at the meeting.

Raffle: Raffle won by Iain Scott (prize donations welcomed)

Meeting closed: 8.15pm

Next Meeting: 7th September 2021

Guest Speaker: Jane Stroud, CEO Kiama Council

16.5 Parking Statistics - July 2021

Responsible Director: Environmental Services

Patrols conducted	84
Infringements Issued	112
Total Infringement Value	\$15,079
Vehicle Spaces Inspected	4032
CRM requests received and actioned	17

Timed Zones	No. of patrols	PINS Issued	School Zone Patrols	No. of patrols	PINS Issued
Kiama CBD East	14	15	St Peter & Pauls	0	0
Kiama CBD West of Railway Pde	28	42	Kiama High	0	0
Gerringong CBD	28	40	Kiama Public	0	0
			Jamberoo Public	0	0
Other Parking	14	15	Minnamurra Public	0	0
			Gerringong Public	0	0

Pro-active Patrols

Offence	PINS Issued	Offence	PINS Issued
No Stopping	7	No Stopping (School Zone)	0
Bus Zone	5	Bus Zone (School Zone)	0
No Parking/ Mail Zone	2	No Parking (School Zone)	0
Unbroken Yellow Edge Line	0	Obstruct Driveway (School Zone)	0

Reports for Information

16.5 Parking Statistics - July 2021 (cont)

Loading Zone	1	Double Park (School Zone)	0
Path/Strip/Island	0	Painted Island (School Zone)	0

Item 16.5

16.6 Postponement of local government election - term of Mayor, Deputy Mayor and Committees of CouncilResponsible Director: Office of the Chief Executive Officer

Councillors will be aware that the Minister for Local Government has postponed the local government elections to 4 December 2021.

As Councillors elected the Mayor and Deputy Mayor at the 22 September 2020 Council meeting, the Office of Local Government (OLG) has advised that the Mayor and Deputy Mayor will continue to hold office until council elections are held on 4 December 2021.

A copy of the OLG Circular 21-20 is attached for Councillors' information.

It is also noted that the Terms of Reference for Committees of Council stipulates that membership is for the term of the current elected Council. Consequently, membership for any Committee of Council will remain in place until the election.

Communication/Community Engagement

Non-Councillor members of Committees of Council will be advised that their tenure will continue until 4 December 2021.

Attachments

- 1 Office of Local Government Circular 21-20: Postponement of local government elections to 4 December 2021 [↓](#)

Circular Details	Circular No / Date / Doc ID
Previous Circular	20-25 <i>The date of the next ordinary local government elections is 4 September 2021</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Information

Postponement of the local government elections to 4 December 2021

What's new or changing

- The Minister for Local Government has published an order in the Gazette under section 318C of the *Local Government Act 1993* (the Act) postponing all council elections to **4 December 2021**.
- The decision to postpone all council elections has been made in response to the escalating outbreak of the Delta variant of the COVID-19 virus in Greater Sydney and the potential for further outbreaks in regional areas.
- The decision has been made in consultation with and on the advice of the NSW Electoral Commissioner and NSW Health

What this will mean for your council

- Current councillors and popularly elected mayors will continue to hold their civic offices until council elections are held on 4 December 2021.
- The order made under section 318C continues the suspension of the requirement to hold by-elections to fill vacancies for the period specified in the order.
- Councils will not be required to hold by-elections to fill vacancies or to apply to the Minister to dispense with the requirement to hold a by-election before ordinary council elections are held on 4 December 2021.
- The making of the order will not affect the requirement to hold mayoral elections.
- Mayoral elections must be held for mayors elected in September 2019 when their two year-terms expire in September 2021.
- Mayors elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- Chairpersons of county councils now hold office for two years.
- Chairpersons of county councils elected in September 2020 will continue to hold office until council elections are held on 4 December 2021.
- The composition of joint organisation boards may need to change in September 2021 if mayors of member councils elected by councillors are not re-elected.
- The postponement of the next ordinary local government elections will not affect the timing of future council elections, and the subsequent ordinary local government elections will still proceed in September 2024.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

Key points

- The local government elections were previously postponed to 4 September 2021 by orders made under section 318B of the Act.
- The order made under section 318C revokes the previous order and appoints 4 December 2021 as the day on which all council elections will be held.

Where to go for further information

- Further information is provided in the FAQ which is available on the Office of Local Government's website [here](#).
- For further information, please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Kiersten Fishburn
Coordinator General, Planning Delivery and Local Government

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16.7 Questions for Future Meeting Register as at 9 August 2021

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information is the Questions for Future Meetings Register as at 9 August 2021.

Attachments

- 1 Questions for Future Meetings Register as at 9 August 2021 [↓](#)

Questions for Future Meetings Register

16/73192

No	Details	Actions
9 February 2021		
19.5	<p>Community and Tourism grants / donations / sponsorship Councillor Rice requested a report on the available budget, criteria, repeatability and selection processes for community and tourism grants, donations and sponsorship. The matter was referred to the Acting General Manager for investigation and report.</p>	<p>Further review by Council's Internal Auditor has been requested prior to finalising details for this report.</p>
20 April 2021		
19.2	<p>Scenic Management Guidelines Councillor Rice requested a report on how Council can proceed to establish Scenic Management Guidelines as referenced on page 402 and 403 of the March business paper, which outlined the Guidelines value in development decisions by other Councils. The proposed overlay in our LEP concerning character should also be considered in this report. The matter was referred to the Director Environmental Services for investigation and report.</p>	<p>This investigation and work to be carried out following the completion of the town centre priority projects in the Strategic Planning Works Program. The report to be provided to Council will enable decisions to be made and potential policy changes enacted. Therefore, further detailed investigation needs to occur prior to the report being provided to Council.</p>
19.3	<p>Community Response Policy update Councillor Rice requested a report to provide an update on the development of a Community Response Policy that included manageable timeframes for replying to community concerns and enquiries, which was endorsed by Council at the September 2018 meeting. The matter was referred to the Director Environmental Services for investigation and report.</p>	<p>The Community Response Commitment, Customer Service Charter and Customer Experience Strategy draft documents are currently being developed. This work has allocated budget and resources with the new Customer Service Coordinator commencing with Council in recent months. This work will align with information provided to the new Council to ensure expectations are set for staff, Councillors and the</p>

No	Details	Actions
18 May 2021		
19.4	<p>Kiama Harbour stormwater Councillor Rice requested a report on the mechanisms used to manage the stormwater flowing into Kiama Harbour and any viable methods for the quality of this water to be further improved. The matter was referred to the Director Engineering and Works for action.</p>	Reported to the August 2021 Council meeting
15 June 2021		
19.1	<p>New Councillor business cards Councillor Reilly requested a report on the implementation of including an acknowledgement of country on the business cards for the new councillors, as previously agreed. The matter was referred to the Chief Executive Officer for action.</p>	Costing for redesign of business cards is being sought. Will be actioned following the 4 December 2021 local government election
19.2	<p>Footpath - Charles Avenue Kiama Downs to Minnamurra Bike Skills Track Councillor Way requested a report on a proposed route for a footpath from Charles Avenue via Robinson Avenue, to the Ritchie Place Minnamurra Bike Skills Track to provide a safe access link to this facility. The report to provide an estimate cost for construction and include potential for grant funding. The matter was referred to the Director Engineering and Works for action.</p>	Reported to the August 2021 Council meeting
19.3	<p>Footpath – link to new Kiama Downs car park Councillor Way requested a report providing a cost estimate to construct a footpath from North Kiama Drive, adjacent to the new Kiama Downs Surf Club car park and basketball court to link with the existing car park and shops in Johnson Street, Kiama Downs. The matter was referred to the Director Engineering and Works for action.</p>	Reported to the August 2021 Council meeting

No	Details	Actions
21 July 2021		
19.1	<p>Pump track addition to Minnamurra Bike Skills track Councillor Way requested a report to the August Council meeting on continuing the development of the Minnamurra Bike Skills Track at Sanctuary Place Quarry to be known as Stage 2 – pump track. The report to include a plan for the pump track to be incorporated within existing infrastructure, an estimate to construct the pump track, and investigation and advice on the potential for grant funding to finance the project. The matter was referred to the Director Engineering and Works for action.</p>	Reporting to the September 2021 Council meeting
19.2	<p>Footpath to link North Kiama Drive to Johnson Street, Kiama Downs Councillor Way requested a report to the August Council meeting providing a plan and estimate to construct a footpath from North Kiama Drive (adjacent to the new Kiama Downs Surf Club car park) to link with the shops in Johnson Street, Kiama Downs. The matter was referred to the Director Engineering and Works for action.</p>	NOTE: This is the same question as 19.3 from the June Council meeting and is reported to the August 2021 Council meeting

17 ADDENDUM TO REPORTS

18 NOTICE OF MOTION**18.1 Notice of Motion: Change to November 2021 Council meeting date**

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

MOTION

That date of the November 2021 Council meeting be moved back from the fourth Tuesday in November to the third Tuesday in November.

Signed Councillor Kathy Rice

Rationale from Councillor Rice

At the Council meeting of 17 November 2020, Item 11.1, it was resolved that the November 2021 Council meeting should be moved to the fourth Tuesday of the month, so that Councillor attendance at the 2021 LGNSW Conference was facilitated.

The details of the LGNSW conference later became: Hyatt Regency Hotel in Sydney from 28-30 November 2021 and no longer clash with the Council meeting on 16 November 2021.

With the Council elections now being deferred until the 4 December 2021, the LGNSW conference date may even change further.

19 QUESTIONS FOR FUTURE MEETINGS

20 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 17 August 2021

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.

20.1 Exclusion Of Press And Public:

RECOMMENDATION

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

21.1 REVIEW OF ORGANISATION STRUCTURE

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

21 CONFIDENTIAL REPORTS

21.1 Review of Organisation Structure

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

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

Delivery Program: 4.2.2 Manage an effective workforce in an environment of continuous improvement

REASON FOR CONFIDENTIALITY

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

22 CLOSURE

Item 21.1 CONFIDENTIAL