ORDINARY MEETING OF COUNCIL

To be held at 5.00pm on

Tuesday 19 March 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

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4 Statement of Ethical Obligations
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Members

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

13 March 2024

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 19 March 2024** commencing at **5.00pm** for the consideration of the undermentioned business.

Yours faithfully



Jane Stroud

Chief Executive Officer

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AGENDA FOR THE ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL TUESDAY 19 MARCH 2024

1 OPENING OF MEETING

2 WEBCASTING STATEMENT

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

3 ACKNOWLEDGEMENT OF COUNTRY

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

4 STATEMENT OF ETHICAL OBLIGATIONS

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

5 APOLOGIES

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council on 13 February 2024

Attachments

1 13 February 2024 - Ordinary Council - minutes⇩

Enclosures
Nil

RECOMMENDED

That the Minutes of the Ordinary Council meeting held on 13 February 2024 be received and accepted.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.00pm on

TUESDAY 13 FEBRUARY 2024

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 13 FEBRUARY 2024 AT 5.00PM

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

IN ATTENDANCE: Jane Stroud – Chief Executive Officer

Jessica Rippon – Director Planning, Environment and Communities

Michael Malone – Director Infrastructure and Liveability

Joe Gaudiosi – Chief Operating Officer

Olena Tulubinska – Chief Financial Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

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

3 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor acknowledged the traditional owners of the land on which we meet, the Wodi Wodi people of the Dharawal nation, and paid our respects to elders past, present and emerging.

4 STATEMENT OF ETHICAL OBLIGATIONS

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

5 APOLOGIES

Apology

24/011OC

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

(Councillors Steel and Larkins)

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

Against: Nil

Request from Councillor Draisma to attend meeting via audio-visual link

24/012OC

Resolved that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Draisma to attend the Council meeting held on 13 February 2024 via audio-visual.

(Councillors Larkins and Rice)

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

Against: Nil

Procedural motion – Councillor excused from standing

24/013OC

Resolved that Councillor Steel is excused from the requirement to stand when speaking.

(Councillor Reilly)

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

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council meeting held on 14 December 2023

24/014OC

Resolved that the Minutes of the Ordinary Council meeting held on 14 December 2023 be received and accepted subject to correcting **item 7** to state that the Deputy Mayor (not Councillor Keast) raised a point of order.

(Councillors Brown and Rice)

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

Against: Nil

6.2 Extraordinary Council meeting on 1 February 2024

The following amendment was **moved** by Councillor Keast and **accepted** by the mover:

That the minutes of the extra-ordinary meeting held on 1 February 2024 be received and accepted, subject to:

1. Change on page 4 of the minutes (page 30 of the agenda papers) to reflect that Councillors did not vote on the procedural motion 24/003OC.

Councillor Brown raised a **point of order** that voting on the motion should be completed once all amendments had been put forward by Councillors and there should only be one vote.

A further amendment was **moved** by Councillor Renkema-Lang and **seconded** by Councillor Rice:

That the minutes of the extra-ordinary meeting held on 1 February 2024 be received and accepted, subject to:

1. Change on page 4 of the minutes (page 30 of the agenda papers) to reflect that Councillors did not vote on the procedural motion 24/003OC.
2. Changes on page 12 of the minutes (page 30 of the agenda papers) to:
    a. Reflect that Councillor Rice and Councillor Renkema-Lang voted against resolution 24/008OC.
    b. Remove the words “and in line with section 15.12 of the Code of Meeting Practice “Acts of disorder”.
    c. Include the words “Note: Section 15.11 to 15.21 of Code of Meeting Practice describes what constitutes “Acts of Disorder” and how they are to be dealt”, immediately before “24/010OC”.

Councillor Renkema-Lang raised a **point of order** that the Mayor is misrepresenting her. The Mayor overruled the point of order.

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

For: Councillors Keast, Renkema-Lang and Rice

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

24/015OC

At the request of Councillor Keast and Councillor Rice and by consent, it was **resolved t**hat the minutes of the extra-ordinary meeting held on 1 February 2024 be received and accepted, subject to:

1. Change on page 4 of the minutes (page 30 of the agenda papers) to reflect that Councillors did not vote on the procedural motion 24/003OC.
2. Change on page 12 of the minutes (page 30 of the agenda papers) to reflect that Councillor Rice and Councillor Renkema-Lang voted against resolution 24/008OC.

(Councillors Larkins and Brown)

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

Against: Councillors Keast, Renkema-Lang and Rice

7 BUSINESS ARISING FROM THE MINUTES

Nil

8 DISCLOSURE OF INTEREST

Disclosure of Interest – Councillor Brown – Item 19.1 – Notice of Motion: Cul de sacs and waste vehicles

Councillor Brown declared a less than significant non-pecuniary interest in Item 19.1 - **Notice of Motion: Cul de sacs and waste vehicles** as he is related by law to an impacted resident, and work is carried out for Destination Kiama by the public access speaker, whom Councillor Brown is negotiating a service. Councillor Brown proposed to disclose and vote.

Disclosure of Interest – Councillor Karen Renkema-Lang – Item 15.1 – Southern Regional Planning Panel – Lot 2 Dido Street Proposed Subdivision

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in Item 15.1 – Southern Regional Planning Panel – Lot 2 Dido Street Proposed Subdivision as she lives in and owns a property which adjoins Lot 2 Dido Street. Councillor Renkema-Lang proposed to leave the chamber and not vote.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Chris George	15.1	Southern Regional Planning Panel – Lot 2 Dido Street proposed subdivision
Nadia Guillaumier	19.1	Notice of Motion: Cul de sacs and waste vehicles

11 MAYORAL MINUTE

11.1 Congratulations: Medal of the Order of Australia (OAM) - 2024 Australia Day Honours

24/016OC

Resolved that Council formally congratulate both Val Brunker and Warwick Shanks on receiving an Order of Australia (OAM) award.

(Councillors Reilly)

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

Against: Nil

18.2 Congratulations to Ali Day

24/017OC

At the request of Councillor Brown and by consent, it was **resolved** that Council formally congratulates Alistair Day on winning the Australian Iron Man title again.

(Councillors Reilly)

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

Against: Nil

Procedural motion: In globo resolutions

24/018OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.1, 13.5, 13.6, 14.2, 14.3, 14.4, 14.5 and 16.1 with a minor administrative amendment to the recommendation on page 223 from 14 October 2023 to 14 October 2024.

(Councillors Draisma and Steel)

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

Against: Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Audit, Risk and Improvement Committee - 12 December 2023 | Revised Charter

This item was moved as part of the in globo recommendation – 24/018OC.

24/019OC

Resolved that Council:

1. Receive and note the Minutes of the Audit, Risk and Improvement Committee meeting held on 12 December 2023.
2. Endorse the revised Audit, Risk and Improvement Committee Charter.

(Councillors Draisma and Steel)

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

Against: Nil

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 2024 local government election - referendum

24/020OC

Resolved that Council:

1. note the elements to be included in the community engagement strategy for the referendum.
2. endorse for submission to the NSW Electoral Commission by 30 June 2024 the referendum question for a popularly elected mayor as worded below:

   The Mayor of the Kiama Municipality is currently elected every two (2) years by the nine (9) elected Councillors.

   Do you want to change to the direct (popular) election of the Mayor by the voters of the Kiama Municipality, for a four (4) year term?

(Councillors Larkins and Brown)

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

Against: Nil

13.2 Australian Local Government Association - National General Assembly 2024 - Councillor attendance and call for motions

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

1. Determines that Councillors Reilly, Draisma and Larkins attend the Australian Local Government Association's National General Assembly held in Canberra on 2-4 July 2024.
2. Submits any motions for the National General Assembly to the Australian Local Government Association prior to 29 March 2024.

24/021OC

At the request of Councillor Larkins and by consent, it was **resolved** that Council:

1. Determines that Councillors Reilly and Draisma attend the Australian Local Government Association's National General Assembly held in Canberra on 2-4 July 2024.
2. Submits any motions for the National General Assembly to the Australian Local Government Association prior to 29 March 2024.

(Councillors Brown and Steel)

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

Against: Councillors Keast, Renkema-Lang and Rice

13.3 Council Committees - meeting minutes

24/022OC

Resolved that Council endorse:

1. Continuing the current practice of reporting the minutes of the seven advisory committees as noted in the reported at the next meeting of Council following the committee meeting.
2. The changes to the "Meeting administration" and "conflicts of interest" terms of reference are updated for each of Council's Advisory Committees".

(Councillors Brown and Renkema-Lang)

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

Against: Nil

13.4 Destination Event Funding Program Assessment - Round Two

Councillor Renkema-Lang foreshadowed an alternate motion, that Council receive the report and endorse the recommendations made by the internal assessment panel.

24/023OC

Resolved that Council:

1. Receives and notes the report.
2. Endorses the recommendations by the internal grant assessment panel for round two of the Destination Event Funding Program (with the exception of four applications) to the following value:

Applicant	Event	Value of support
Clayton Comber	Melvo Baptiste	$2,000.00
Crooked River Wines	Winter Wine Festival	$5,220.00
Elite Energy	Kiama Coastal Classic	$4,000.00
Friends of Kiama Library	Kiama Readers Festival - Books by the Sea	$4,500.00
Laughter House	KISS Arts Festival	$8,000.00

3. Endorses the suggested alternate apportionment of funds made by the Tourism Economic Advisory Committee to the following value:

Applicant	Event	Value of support
The Co-op Gerringong	DISTILLED	$5,220.00
Ad Lib Theatrical Productions	Jamberoo Music Festival	$7,200.00
Jamberoo RFS	Jamberoo Car Show & Family Day	$5,000.00
Kiama Music & Arts Co.	Clearly Music Local Artists 2024 Campaign	$6,000.00

(Councillors Brown and Larkins)

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

Against: Councillor Renkema-Lang

13.5 Fee waiver request: Kiama Sevens

This item was moved as part of the in globo recommendation – 24/018OC.

24/024OC

Resolved that Council acknowledges the request to waive the Major Short Term Event Licence Fee made by the Kiama Sevens Tournament Director, and declines the request noting:

1. the meritorious process applied to the Kiama Sevens application for Destination Event Funding to offer $10,000.00 in support of the event.
2. the previously endorsed Council fees and charges relating to reserve hire for major events are consistently applied to all user groups.

(Councillors Draisma and Steel)

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

Against: Nil

13.6 Finance Advisory Committee - Resignation of member - Expressions of Interest

This item was moved as part of the in globo recommendation – 24/018OC.

24/025OC

Resolved that Council:

1. Formally accept Mr Jim Thomson's resignation from the Finance Advisory Committee and thank him sincerely for his commitment and invaluable expert advice provided to Council in his time on the Committee.
2. Invite expressions of interest from the community to fill the vacancy on the Finance Advisory Committee and recommend to the Finance Advisory Committee the preferred candidate for consideration, subject to Council's resolution.

(Councillors Draisma and Steel)

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

Against: Nil

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Endorse for public exhibition: DRAFT Enterprise Risk Management Policy

24/026OC

Resolved that Council:

1. Proceed to public exhibition of the Draft Enterprise Risk Management Policy for a period of 28 days.
2. Note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Enterprise Risk Management Policy.
3. Adopt the Enterprise Risk Management Policy, if no submissions are received, on the day after the completion of the public exhibition period.

(Councillors Larkins and Steel)

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

Against: Councillor Renkema-Lang

14.2 Post exhibition endorsement: Local Government Elections (Caretaker Period provisions) Policy

This item was moved as part of the in globo recommendation – 24/018OC.

24/027OC

Resolved That Council adopt the Local Government Elections (Caretaker Period provisions) Policy.

(Councillors Draisma and Steel)

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

Against: Nil

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023

This item was moved as part of the in globo recommendation – 24/018OC.

24/028OC

Resolved that Council:

1. Receive and adopt the quarterly budget review statement for the quarter ending 31 December 2023.

2. Adopt the operational revenue, expenditure, and capital budget adjustments as noted in the December quarterly budget review.
3. Receive the monthly financial statements for period ending December 2023

(Councillors Draisma and Steel)

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

Against: Nil

14.4 Statement of Investments: December 2023

This item was moved as part of the in globo recommendation – 24/018OC.

24/029OC

Resolved that Council receives the information relating to the Statement of Investments as at 31 December 2023.

(Councillors Draisma and Steel)

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

Against: Nil

14.5 Statement of Investments: January 2024

This item was moved as part of the in globo recommendation – 24/018OC.

24/030OC

Resolved that Council:

1. receives the information relating to the Statement of Investments as at 31 January 2024.
2. Approves the transfer of $1,000,000 to the Land Development Reserve from Unrestricted Funds and endorses the restricted funds position outlined in the report.

(Councillors Draisma and Steel)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

Councillor Renkema-Lang declared a less than significant non-pecuniary interest, disclosed and left the chamber.

15.1 Southern Regional Planning Panel - Lot 2 Dido Street Proposed Subdivision

Councillor Renkema-Lang left the chamber at 6.01pm.

24/031OC

Resolved that Council note that:

1. The Southern Regional Planning Panel will be undertaking an assessment of the Lot 2 Dido Street Subdivision (DA 10.2023.59.1).
2. The recommendation being made by staff, to the Panel is for the application to be refused, based on the following grounds: flood impacts, flood free access, bushfire management, biodiversity, owner's consent and ongoing management of public spaces.

(Councillors Larkins and Steel)

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

Against: Nil

Councillor Renkema-Lang returned to the chamber at 6.05pm.

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Traffic management: Kiama Local Traffic Committee meeting - 6 February 2024

This item was moved as part of the in globo recommendation – 24/018OC.

24/032OC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 6 February 2024 be received and the following recommendations be adopted, subject to any other approvals that may be required:

1. ***24/001LTC*** the traffic changes and road closures of the following roads for the Elite Energy Triathlon event on 13/10/24:

- Federal Street – from Charles Avenue to Riverside Drive
- Riverside Drive – from Swamp Road/M1 off Ramp to Oxley Avenue
- Swamp Road – from M1 off Ramp to Jamberoo Road

The traffic changes and road closures with the event on 14 October 2024 from 8.00 am to 11.30 am be approved subject to organisers complying with the following conditions:

i. The event organiser complies with the Traffic Management Plans.

ii. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.

iii. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.

iv. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.

v. An advertisement be placed in the local media advising of the closure and traffic changes.

vi. Local residents and businesses located within the area of the road closure be notified of the proposed event 4 and 2 weeks prior to the event with a letter box drop.

vii. Access through the road closures for emergency services be available at all times.

viii. The applicant obtain approval from Shellharbour City Council for the road closures within the Shellharbour LGA.

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

x. Contingent on NSW Police issuing an approval under Section 115 for the Road Transport Act (Public road race approval).

2. 24/002LTC the traffic changes on O'Keefe Place associated with the Kiama Beach Tag event at Kendall's Beach on 9 March 2024 from 7:00 am to 9:00 pm be approved subject to organisers complying with the following conditions:

i. The event organiser complies with the Traffic Management Plans.

ii. Notification of the closures be given to Police, local emergency services, businesses and affected residents.

iii. An advertisement be placed in the local media including Council website advising of the closure a minimum of seven days prior to the event.

3. 24/003LTC the replacement of the existing Give Way signs at the Riversdale Road and Jerrara Road intersection with Jamberoo Road (both approach roads), with stop signs and associated line-marking.

4. 24/004LTC the installation of:

- The standard 10m lengths of No Stopping restrictions around the south-east corner at the intersection of Gray and Bergin Streets, to include No Stopping signs and yellow No Stopping line.

- No Stopping restrictions on the western side of Bergin Street for a 6m length to the south of the driveway to No.11 Bergin Street, to include a No Stopping sign and yellow No Stopping line.
- The addition of no stopping signs are to be added on the eastern side of Bergin Street, curving around onto Gray Street (mirroring that shown on the draft plan).

5. ***24/005LTC*** the installation of No Parking restrictions in Holden Place Kiama to be timed from 6 am to 12 pm on Wednesdays.

(Councillors Draisma and Steel)

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

Against: Nil

17 REPORTS FOR INFORMATION

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

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023
17.2 Question for future meeting: Blue Haven Bonaira finances
17.3 Question for Future Meeting: Blue Haven Project & Funding
17.4 Question for Future Meeting: Blue Haven Terralong
17.5 Question for future meeting: Community Awards
17.6 Question for future meeting: Delegations
17.7 Question for future meeting: Performance Improvement Order
17.9 Question for Future Meeting: Property and Divestment Strategy
17.10 Questions for Future Meeting Register - February 2024
17.11 Response to Notice of Motion (23/374OC): Background on timed "No Parking" restrictions outside of Kiama Public School, Collins Street Kiama
17.12 Supporting and working with First Nations Community.

Councillor Larkins raised a **point of order** that as per the Code of Meeting Practice, 9.18 Councillors must put questions directly, succinctly, respectfully and without argument, and 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee. The Mayor noted the point of order and requested councillors be aware, do not question answers provided by staff.

17.8 Question for Future Meeting: Sydney Water issues

24/033OC

Resolved that Council write to Sydney Water and the NSW Environment Protection Authority requesting a joint briefing on the non-compliance matters as detailed in the Sydney Water report and on the Environmental Planning Authority website.

(Councillors Renkema-Lang and Brown)

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

Against: Nil

18 LATE ITEMS

18.1 Response to Minister Hoenig - Notice of Intention to vary a Performance Improvement Order under section 438A(6A) of the Local Government Act 1993

24/034OC

Resolved that Council:

1. Accept Minister for Local Government, The Hon Ron Hoenig MP's intention to issue a variation to the Performance Improvement Order issued on 8 November 2022.
2. Give delegated authority to the Chief Executive Officer to respond to the Minister advising of the decision and Council's commitment to meeting the actions required in the Schedule 2 attached to the Notice, but noting the anomalies and matters for further consideration outlined in the Council report.

(Councillors Brown and Larkins)

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

Against: Nil

19 NOTICE OF MOTION

Councillor Brown declared a less than significant non-pecuniary interest, disclosed and voted on this matter.

19.1 Notice of Motion: Cul de sacs and waste vehicles

24/035OC

Resolved that Council:

1. Notes in the past two years the following locations have had 'No Parking' restrictions installed on days of waste collection, with the approval of the traffic committee and subsequently council. This is due to requests from Council's waste services raising concerns with difficulties of waste collection vehicles from turning and the collecting bins;
   a) Holden Place, Kiama.
   b) Michael Crescent, Kiama Downs.
   c) Barton Drive, Kiama Downs
   d) Burra Street, Gerringong.
   e) Meares Place, Kiama.
   f) Sommerville Close, Kiama.
   g) Eastern View Place, Kiama.
2. Urgently reviews and changes the recently installed signs at Eastern View Place, Kiama to be timed to the day that the waste services are collecting the waste bins.
3. As part of future budgetary considerations for the 2024-25 or 2025-26 period, undertakes a comprehensive review of all current cul de sacs and turning bays in the Kiama Local Government Area for 'No Parking' signs and management during waste service collection days.

(Councillors Larkins and Brown)

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

Against: Councillors Keast, Renkema-Lang and Rice

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Short Term Rental Accommodation (STRA) Register

Councillor Renkema-Lang requested a report on:

a) The number of STRA complaints, by LGA town or village, received since the commencement of the NSW Policy and Legislation relating to STRAs on 1 November 2021.

b) The actions Council has taken to respond to complaints and enforcing the planning framework in the Kiama LGA.

In the context of the Department of Planning's advice (as published on their website), *that all local councils in NSW have access to the STRA Register and have a role in enforcing the planning framework.* This matter was referred to the Director Planning, Environment and Communities.

20.2 Policy framework

Councillor Renkema-Lang requested a report that details the policy framework for the 60 different policy documents hosted on the Council website, and when the next policy audit/review will be undertaken. This matter was referred to the Chief Executive Officer.

20.3 Glossary of terms

Councillor Renkema-Lang requested a report identifying the terms, meaning and a standardised interpretation of words frequently used in reports and resolutions of Council, including but not limited to the follow:

a. *That Council note, adopted, receive, accept, apply, endorse, declines, rejects….*
b. *Example policy, model policy, Guidelines*
c. *Bonaira, Blue Haven, Blue Haven Independent Living Units, Havilah Place, Terralong Street*

This matter was referred to the Chief Executive Officer.

21 CONFIDENTIAL SUMMARY

24/036OC

Resolved that at this time, 6.45pm, 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 Brown and Rice)

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

Against: Nil

Public Representations:

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

21.1 Exclusion Of Press And Public:

RECOMMENDED

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

22.1 BLUE HAVEN UPDATE

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. .

22.2 DEPOSIT REFUND REQUEST: BOOKING FOR THE PAVILION KIAMA

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

22.3 WRITE-OFF OF OUTSTANDING DEBTS

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

22 CONFIDENTIAL REPORTS

22.1 Blue Haven Update

24/037OC

Committee recommendation that Council note the information provided in the Blue Haven Update report.

(Councillors Draisma and Renkema-Lang)

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

22.2 Deposit refund request: booking for The Pavilion Kiama

It was moved by Councillor Rice and seconded by Councillor Brown that Council:

1. Delegates the resolution of a proportional refund to the CEO.
2. Review the Pavilion refund policy and consider linking the potential for refund with the likelihood of the venue being re-booked.

24/038OC

By consent the **committee recommendation** was varied as follows:

That Council:
1. Delegates the resolution of a proportional refund to the CEO.
2. Review the Pavilion refund policy.

(Councillors Rice and Brown)

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

Against: Councillor Larkins

22.3 Write-off of outstanding debts

24/039OC

Committee recommendation that Council resolve to delegate to the Chief Executive Officer to write-off outstanding debts totalling $29,336.98 in accordance with the information contained in the report.

(Councillors Brown and Steel)

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

Against: Nil

Close of Confidential Committee of the Whole:

24/040OC

Committee recommendation that at this time, 7.04pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Keast)

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

Against: Nil

Adoption of Report

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

24/041OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 24/037OC to 24/040OC be confirmed and adopted.

(Councillors Reilly and Larkins)

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

23 CLOSURE

There being no further business the meeting closed at 7.06pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 March 2024.

…….
Mayor

7 BUSINESS ARISING FROM THE MINUTES

8 DISCLOSURE OF INTEREST

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

10 PUBLIC FORUM SUMMARY

11 MAYORAL MINUTE

Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Audit, Risk and Improvement Committee Meeting - 27 February 2024

Responsible Director: Office of the Chief Executive Officer

Attachments

1 Minutes: Audit, Risk and Improvement Committee - 27 February 2024⇩

Enclosures

Nil

RECOMMENDED

That the Minutes of the Audit, Risk and Improvement Committee meeting held on 27 February 2024 be received and the recommendations therein noted.

Background

The Minutes of the Audit, Risk and Improvement Committee meeting held on 27 February 2024 are attached for Councillors' information.

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

commencing at 1pm on

TUESDAY 27 FEBRUARY 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE HELD IN THE COUNCIL CHAMBERS, KIAMA, ON TUESDAY 27 FEBRUARY 2024 AT 1PM

PRESENT:	Mr D Pendleton (Chair) and Councillor Keast (non-voting)
BY TEAMS:	Mr J Mitchell and Ms R Wheatley
IN ATTENDANCE:	Michael Malone - Director Infrastructure and Liveability Jessica Rippon – Director Planning, Environment and Community Joe Gaudiosi - Chief Operating Officer Sally Darragh - Internal Auditor Olena Tulubinska – Chief Financial Officer Renee Winston – Manager People and Performance Galavizh Ahmadi Nia – Manager Community Hubs
OBSERVERS:	Michael Kharzoo, Director-Financial Audit | Audit Office Mubashshir Hassan, Audit Leader – Financial Audit | Audit Office Mitchell Morley, Director | InConsult Dane Parsons, Internal Audit Manager | InConsult

1 APOLOGIES

Jane Stroud - Chief Executive Officer

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 DECLARATIONS OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Audit, Risk and Improvement Committee meeting on 12 December 2023

24/001ARIC

Resolved that the Minutes of the Audit, Risk and Improvement Committee meeting held on 12 December 2023 be received and accepted.

(Members Mitchell and Wheatley)

5 BUSINESS ARISING FROM THE MINUTES

Nil.

6 ARIC ACTIONS ARISING

6.1 Action items arising from previous meetings

24/002ARIC

Resolved that the Audit, Risk, and Improvement Committee notes the report on action items arising from previous meetings.

(Members Wheatley and Mitchell)

Noted:

- Item 7.6 regarding forecasts – the Committee has a year to date but not a full year forecast. This will be supplied at the April meeting noting that the quarterly budget review process effectivley provides a revised full year forecast position.
- Item 7.7 regarding unrestricted funds calculation – this resulted from a typographical error which has been corrected.

7 ARIC STANDARD REPORTS

7.1 Update on internal audit activities

24/003ARIC

Resolved that the Audit, Risk and Improvement Committee:

1. notes the findings and recommendations in the fraud and corruption internal audit report
2. notes the findings and recommendations in the Council papers internal audit report.
3. approves the amendment to the internal audit plan for the remainder of FY24.

(Councillors Mitchell and Wheatley)

InConsult presented their Internal Audit Report on Fraud and Corruption Prevention.

Noted:

- Concerns on the low level of staff awareness on who to report to and the process. It is unclear who, in the organisation, holds executive responsibility.
- Concerns on the low level of staff confidence that those who commit fraud or corruption experience any consequences.
- The workplan has been revisited to accommodate recommendations with some urgent steps being taken in March but other recommendations require further investment.
- There are 22 recommendations from this report and 11 are high risk. The committee needs assurance that the proposed timetable reflects this seriousness. InConsult advised they were comfortable with the implementation program but resourcing may affect progress.

- **Action**: the Internal Auditor to arrange for a re-benchmarking on fraud and corruption prevention to occur at an appropriate time in the next 12 to 18 months to measure improvements
- The survey was completed by 79 staff from a broad cross section of the organisation.
- Staff worked with InConsult on messaging to encourage people to complete the survey, using noticeboards / newsletters / intranet, and visiting the depots.
- Amendments to the Internal Audit Plan were noted with the audit on delegations being brought forward.

The Chair thanked InConsult for the quality of the report and their presentation and the InConsult staff left the meeting at 1:40pm.

7.2 Risk and Governance Report

24/004ARIC

Resolved that the Audit, Risk and Improvement Committee note and provide feedback on the risk management activity information contained in this report.

(Members Wheatley and Mitchell)

Noted:

- Risk appetite statements can be restrictive in what they say, effective statements need risk management embeded in the organisation.
- Suggested that the risk rating for Risk 7 be changed as implemention of some of the treatments has been pushed out to June 2025.
- It was explained that Council was someway to progressing the 8 cybersecurity guidelines but recent changes with differing requirements to satisfy maturity levels have delayed progress.
- **Action**: IT are to provide details and an update on the 8 cybersecrutiy guidelines and report to ARIC out of session.
- The Committee agreed to keep a watch on Risk 7 and changes that emerge from implementing the recommendations of the InConsult report.
- **Action**: Manager People and Performance to add additional treatments from the InConsult report to Risk 7 of the Strategic Risk Register.

7.3 Progress report on the implementation of audit recommendations

24/005ARIC

Resolved that the Audit, Risk and Improvement Committee notes the information in the progress reports for:

1. Internal audit recommendations
2. External audit recommendations
3. CRIP audit recommendations
4. Forsyths recommendations
5. Hopwood Governance Report recommendations
6. Child Safe Monitoring Assessment recommendations.

(Councillors Wheatley and Mitchell)

Noted:

- **Action**: Internal Auditor to add the recommendations of the InConsult report on fraud and corruption to the Internal Audit Recommendations report.
- **Action**: Manager People and Performance to provide further information on the Hopwood report to show what items have been removed from the recommendation table and the reason why.

7.4 Office of Local Government Guidelines for risk management and internal audit - implementation plan

24/006ARIC

Resolved that the Audit, Risk and Improvement Committee notes the key requirements of the Office of Local Government guidelines for risk management and internal audit and approves the action plan for implementation.

(Members Mitchell and Wheatley)

Noted:

- **Action**: The Chair and Internal Auditor will work on the Workplan for the next 4 years and circulate to the Committee before June 2024.
- **Action**: Internal Auditor to send the final terms of reference document to the Committee, noting that the term of membership is still to be decided.

Manager People and Performance left the meeting at 2.25pm.

7.5 Quarterly Budget Review and Monthly Financial Statements December 2023

24/007ARIC

Resolved that the Audit, Risk and Improvement Committee:

1. notes the quarterly budget review statement for the quarter ending 31 December 2023.
2. notes the operational revenue, expenditure, and capital budget adjustments as provided in the December quarterly budget review.
3. notes the monthly financial statements for period ending December 2023.

(Members Wheatley and Mitchell)

7.6 Statement of Investments: January 2024

24/008ARIC

Resolved that the Audit, Risk and Improvement Committee notes:

1. the information relating to the Statement of Investments as at 31 January 2024
2. the transfer of $1,000,000 to the Land Development Reserve from Unrestricted Funds
3. the restricted funds position outlined in the report.

(Members Mitchell and Wheatley)

Manager Community Hubs entered the meeting at 2:35pm.

7.7 Chief Financial Officer - verbal update on financial statements

24/009ARIC

Resolved that the Audit, Risk and Improvement Committee notes the verbal update at the meeting by the Chief Financial Officer on the progress of the 2022/2023 financial statements.

(Members Mitchell and Wheatley)

Michael Kharzoo from the Audit Office also gave a verbal update on progress with the financial statements.

Noted:

- There are issues with disclosures and values around the Blue Haven sale and the Akuna Street legal case – to be discussed with lawyers and the Audit Office to determine the extent of disclosure.
- CFO advised that the financial statements are progressing and the auditors will have a draft by the end of the week.
- **Action**: COO, CFO and the Audit Office to determine the timetable for presention of the financial statements to the Committee.

8 GENERAL BUSINESS

Nil.

Audit Office staff let the meeting 2:48pm.

9 CONFIDENTIAL REPORTS

9.1 Kiama Leisure Centre - Service Review

Manager Community Hubs presented the findings of the Morrison Low report on the Kiama Leisure Centre service review.

Director Infrastructure and Liveability left the meeting at 2:59pm

9.2 Blue Haven Update

24/010ARIC

Resolved that the Audit, Risk and Improvement Committee notes the information provided in the Blue Haven Update report.

(Members Wheatley and Mitchell)

10 CLOSURE

There being no further business the meeting closed at 3.07pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 March 2024.

……
Chair

12.2 Minutes: Blue Haven Advisory Committee meeting - 19 February 2024

Responsible Director: Office of the Chief Executive Officer

Attachments

1 19/02/2024 - Blue Haven Advisory Committee - Minutes⇩

Enclosures

Nil

RECOMMENDED

That Council note and receive the Minutes of the Blue Haven Advisory Committee meeting held on 19 February 2024.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE MEETING

commencing at 3.00pm on

MONDAY 19 FEBRUARY 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE HELD AT KIAMA COUNCIL CHAMBERS, KIAMA, ON MONDAY 19 FEBRUARY 2024 AT 3.00PM

PRESENT: Chair Elizabeth Kelly, Mayor, Councillor Neil Reilly, Paul Sadler, Christine Petersen

ATTENDEES: Joe Gaudiosi (COO)
Rachel Hall (Manager Aged Care and Operations)

1 APOLOGIES

Jane Stroud (CEO)

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 DISCLOSURE OF INTEREST

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Confirmation of the Minutes of the Blue Haven Advisory Committee Meeting on 24 October 2023

The Minutes of the Blue Haven Advisory Committee meeting held on 24 October 2023 were received and accepted.

5 BUSINESS ARISING FROM THE MINUTES

Nil

6 RECOMMENDATION REPORTS

Nil

7 REPORTS FOR INFORMATION

7.1 Blue Haven Aged Care Update

- The Chair and committee members noted the improved reporting in this month's report
- The committee acknowledged the great accreditation result and the overturning of the 7 non-compliances
- The COO confirmed the unavailable rooms were due to defect rectification matters and this impacted occupancy although RAC currently operating at below full occupancy irrespective
- Further clarification on Leisure & Lifestyle care minutes to be provided in future reporting with respect to RN and care staff minutes requirements
- The Committee noted the decline in the ADL numbers and assessed that, in the context of the other performance information provided, it reflected the nature of the resident population rather than a risk of a declining quality of care.
- The Committee discussed the reporting of risk issues and how they are monitored within the context of particular agenda items rather than a standard-alone risk item.
- The COO to review ongoing reporting of key issues.

The report was noted by the Committee.

7.2 Blue Haven General Update

- The COO updated the committee on on the bathroom defect rectification works.
- There was general discussion on the financial performance update of the RAC and the review of occupancy, funding and roster costs (including agency). The impact of these matters was noted.
- COO noted that significant investment and resourcing is required to make substantive improvement in these key matters and others such as catering.
- The vertical or thin staff structure does not provide stability of support systems and processes further compounding operational performance
- The Committee noted that after considering the information provided about the major cost drivers at Bluehaven Bonaira RACF, it could not see the current operations running within the regulatory requirements without the financial loss currently being incurred.

The report was noted by the Committee.

8 REPORT OF THE CHIEF OPERATING OFFICER

0.0 Draft Voluntary Assisted Dying Policy

The Blue Haven Advisory Committee reviewed the draft policy and will provide any feedback by 29 February 2024.

GENERAL BUSINESS

- The COO updated the Committee on the locality of the gym and availability for ILU residents.
- The gym has been reinstated in the RAC facility within the Wellness Centre.
- This poses some challenges regarding RAT resting requirements and hours of access.

The Committee acknowledged the information provided and noted the decision was operational, emphasising the importance of maintaining adequate meeting space for staff usage.

9 CONFIDENTIAL ITEMS

9.1 ILU Resident Request for Price Reduction

The Blue Haven Advisory Committee does not support the resident price reduction request however supports a resolutions approach based on the options provided in the report.

6 CLOSURE

There being no further business the meeting closed at 4.30pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 March 2024

.....
Chair

12.3 Minutes: Finance Advisory Committee meeting - 14 February 2024

Responsible Director: Office of the Chief Operating Officer

Attachments

1 Finance Advisory Committee Meeting Minutes 14 February 2024⇩

Enclosures
Nil

RECOMMENDED

That Council receive and note the Minutes of the Finance Advisory Committee meeting held on 14 February 2024.

MINUTES OF THE MEETING OF THE FINANCE ADVISORY COMMITTEE

commencing at 3.00pm on

WEDNESDAY 14 FEBRUARY 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE
FINANCE ADVISORY COMMITTEE
HELD IN THE COUNCIL CHAMBERS, KIAMA,
ON WEDNESDAY 14 FEBRUARY 2024 AT 3.05PM

PRESENT: Graeme Gherashe (Chair), Anna-Leena Risku, Elizabeth Kelly, Mark Greaves, and Councillors Neil Reilly and Karen Renkema-Lang

IN ATTENDANCE: Chief Executive Officer – Jane Stroud
Chief Operating Officer – Joe Gaudiosi
Chief Financial Officer – Olena Tulubinska
Special Projects Officer – Daryl Hagger

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."

RESIGNATION OF JIM THOMSON

The Chair acknowledged the resignation of Jim Thomson from the committee due to health reasons. The Chair thanked Jim for the extensive contribution he made to the Finance Advisory Committee.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Finance Advisory Committee Meeting on 16 November 2023

The Minutes of the Finance Advisory Committee meeting held on 16 November 2023 were received and accepted.

- An update on the Divestment Policy was requested including whether it had been adopted by Council.
- The COO advised it had not been to Council but an update on it was provided at the February 2024 Council meeting and it will be put to Council as part of the budget process in April 2024.
- Update minutes to reflect departure time for Anna-Leena Risku and questions asked in General Business earlier in the meeting.

4 DECLARATIONS OF INTEREST

Mark Greaves – A less than significant pecuniary interest as he is a personal shareholder of TechnologyOne. Intends to stay and vote.

5 FAC STANDARD REPORTS

5.1 Payroll Cycle

The Financial Advisory Committee reviewed the report and will provide feedback.

- It was noted that the pay period is not specified in the Award and that most Councils pay fortnightly.
- Special Projects Officer advised that there is a need to pay a week in advance when changing to a fortnight cycle as pays would otherwise be in arrears.

5.2 Terms of Reference for the Finance Advisory Committee

The Finance Advisory Committee approved the amended Terms of Reference for the Committee and the Terms of Reference will be submitted to Council for endorsement.

- Vacant Committee role will be advertised via Council website and social media channels.
- Applications will be received, reviewed and a recommendation made to Council.
- Following completion of the Performance Improvement Order the schedule of FAC briefings to Council would revert to 3 times per year as per the Terms of Reference.

5.3 Key financial matters update

The Finance Advisory Committee received and noted the updates provided on key financial matters.

Short Term Rental Accommodation (STRA)

- CEO provided an update on her meeting with AirBnB.
- There is a review being undertaken under the office of the Minister for Housing, The Hon. Rose Jackson MLC, but terms of reference have not been finalised yet.
- There was a discussion about the inneffectiveness of compliance by AirBnB. AirBnB see it as a government issue.

- The Mayor and CEO also met with Byron Bay Council today.
- CEO will also request a meeting at LGNSW conference on this issue.
- Clr Renkema-Lang raised the issue regarding responsibility for regulating STRA and what is described by Dept of Planning as to Council's role.
- CEO advised it is the Dept of Fair Trading. Council is not involved in that aspect, but Council does keep a record of complaints.
- Council has a role in planning in terms of Development Application requirements.
- Council is also participating in a study with Sydney University on STRA.

The Chair thanked staff for the significant work that has been done on all financial reports and the comparison to two years ago.

Unrestricted cash position

- Clr Renkema-Lang suggested there was value in an updated report on the cash flow similar to the three options that were presented in the Feb 2023 Council meeting.
- CEO advised this was outlined in the Long Term Financial Plan.
- Mark Greaves questioned whether the $600,000 depreciation is a catch up figure and the CFO explained that the figures presented are based on an external valuation figure completed in 2022.

IPART Review

- CEO outlined that other councils were in similar situations in regard to financial sustainability.
- The ability for NSW Councils to create levies etc is very limited compared to other states.
- CEO – As an example: Waste Services is a regulated industry that is governed at state level.
- Cr Renkema-Lang suggested that Council's financial challenges would benefit from an increase in Financial Grants back to 1% from the current 0.5%.
- The CEO advised this has been an ongoing issue for over 20 years at a State and National level.
- The CFO advised LTFP includes an option for SRV but need to look at where costs are being incurred before seeking SRV.
- Mapping of services against budget has been completed and will be distrubuted after the meeting. Former State adviser's presentation was used as the basis for the analysis.
- The CEO advised that operational savings will not be the solution to the financial challenges and needs to be in conjunction with asset divestment. This will restore a cash balance but not necessarily build the cash reserve in the first instance.
- The Chair questioned where does the Special Rate Variation (SRV) sit and the CEO advised that will be a decision for the new Council.
- Any SRV will take considerable consultation and extensive review of costs before this is considered as per the Performance Improvement Order.

8 CONFIDENTIAL REPORTS

This report was brought forward to 4pm.

8.1 Kiama Leisure Centre - Service Review

Galavizh Ahmadi Nia, Manager Community Hubs, presented to the committee.

8.2 Documents in support of item 8.1 Kiama Leisure Centre - service review

5.4 Quarterly Budget Review and Monthly Financial Statements December 2023

The Finance Advisory Committee noted the quarterly budget review statement for the quarter ending 31 December 2023 and the monthly financial statements for period ending December 2023.

- Mark Greaves questioned addressing the issue of asset divestment and the CEO advised that until the structural deficit issue is addressed, asset divestment needs to continue as part of overall strategy.
- The Chair asked what the operational and strategic plan for Blue Haven Terralong was following the Blue Haven Bonaira divestment. The COO explained that this piece of work is part of the remit to be undertaken.

5.5 Statement of Investments: January 2024

The Finance Advisory Committee noted the information relating to the Statement of Investments as at 31 January 2024.

6 REPORTS FOR INFORMATION

Kiama Major Events Impact review

- The CEO outlined the work being done to review major events and the impact and return to the community.
- An economic health check has also been completed for January 2024 and a report can be provided to FAC.

The report was received and noted.

PIO Report

The report was received and noted.

FAC Action Tracker

The report was received and noted.

Monthly Cashflow Forecast

The report was received and noted.

Overtime Analysis Report

The report was received and noted.

7 GENERAL BUSINESS

Anna-Leena Risku expressed concern about the level of security of Dropbox. Noted and portal options are under review.

6 CONFIDENTIAL REPORTS

This report was dealt with earlier in the meeting.

8.1 Kiama Leisure Centre - Service Review

4pm
Galavizh Ahmadi Nia, Manager Community Hubs, presented to the committee.

8.2 Documents in support of item 8.1 Kiama Leisure Centre - service review

7 CLOSURE

There being no further business the meeting closed at 5.07pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 19 March 2024

……
Chair

12.4 Minutes: Sustainable Communities Committee - 27 February 2024

Responsible Director: Planning, Environment and Communities

Attachments

1 Minutes - 17 February 2024⇩

Enclosures

Nil

RECOMMENDED

That the Minutes of the Sustainable Communities Committee meeting held on 27 February 2024 are received and noted.

Background

Attached for Councillors information is a copy of the minutes of the Sustainable Communities Committee held on 27 February 2024.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE MEETING

commencing at 5pm on

TUESDAY 27 FEBRUARY 2024

Joyce Wheatley Centre
Terralong Street, KIAMA NSW 2533

MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE

HELD AT KIAMA MUNICIPAL COUNCIL

ON TUESDAY 27 FEBRUARY 2024 AT 5PM

PRESENT: Michael Bowden
Narreda Grimley
Liam Pettigrew
Alan Smith
Jessica Rippon | Director Planning, Environment and Communities

1 APOLOGIES

Cr Neil Reilly, Mayor

Cr Imogen Draisma

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Director Planning, Environment & Communities 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 DECLARATIONS OF INTEREST

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Confirmation of Minutes of Committee Meeting - 28 November 2023

RECOMMENDED

That the Minutes of the Sustainable Communities Advisory Committee meeting held on 28 November 2023 be received and accepted.

5 BUSINESS ARISING FROM THE MINUTES

Nil

6 REPORTS FOR INFORMATION

The following Reports for Information be received and noted:

6.1 Priorities and Strategies for 2024
6.2 Growth and Housing Strategy
6.3 Economic Health Check

6.1 Priorities and Strategies for 2024

- Caretaker period to commence in August.
- Priorities for now until August:
  - Growth and Housing Strategy;
  - Coastal Management;
  - Community Hubs – Leisure Centre Review has been completed. Next step to provide the report to the public.
  - Compliance Policy.

6.2 Growth and Housing Strategy

- Media release on 29 February 2024.

6.3 Economic Health Check

- Document to be circulated to Committee members.

7 GENERAL BUSINESS

NIL.

8 CLOSURE

There being no further business the meeting closed at 6.00pm

12.5 Minutes: Tourism and Economic Advisory Committee - 30 January 2024

Responsible Director: Office of the Chief Executive Officer

Attachments

1 30/01/2024 - Tourism and Economic Advisory Committee - Minutes⇩

Enclosures

Nil

RECOMMENDED

That the Minutes of the Tourism and Economic Advisory Committee Meeting held on 30 January 2024 be received and the recommendations therein noted.

Background

The Minutes of the Tourism and Economic Advisory Committee meeting held on 30 January 2024 are attached for Councillors' information.

KIAMA MUNICIPAL COUNCIL

MINUTES OF THE TOURISM & ECONOMIC ADVISORY COMMITTEE MEETING

commencing at 5pm on

TUESDAY 30 JANUARY 2024

held in the Council Chambers

11 Manning Street, KIAMA NSW 2533

MINUTES OF THE
TOURISM AND ECONOMIC ADVISORY COMMITTEE
HELD AT KIAMA MUNICIPAL COUNCIL ON
TUESDAY 30 JANUARY 2024 AT 5PM

PRESENT: Councillor Matt Brown (Chair), Councillor Warren Steel, Kate Mather, Craig Hardy and Leah Hill (online)

ATTENDEES: Jessica Rippon – Director Planning, Environment and Communities
Sally Bursell – Manager Tourism and Events
Cheryl Lappin – Manager Planning and Economic Development

OBSERVER Councillor Mark Croxford

1 APOLOGIES

Anthony Body | Committee member

Jane Stroud | CEO

Robert Spinks | Economic Development Lead

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chair 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 DECLARATIONS OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Tourism and Economic Advisory Committee meeting on 2 November 2023

24/001TEAC

Resolved that the Minutes of the Tourism and Economic Advisory Committee meeting held on 2 November 2023 be received and accepted.

(Members Steel and Mather)

5 BUSINESS ARISING FROM THE MINUTES

Nil.

6 REPORT OF THE MANAGER TOURISM AND EVENTS

6.1 Destination Kiama Event Report

24/002TEAC

Resolved that the Tourism and Economic Advisory Committee:

1. receive the Post Event Reports.
2. approve the final funding instalment be paid to:
   (a) Jamberoo Jam Street Festival
   (b) KISS Arts Festival
   (c) Kiama NYE Sky Show 2023
   (d) An Evening with the Artists – Seven Marks Gallery
   (e) Clearly Music and Arts Festival
   (f) A Terry Christmas
   (g) Changing Tides Festival.
3. note the general professionalism and high standard of the post events reports submitted, however noting a more reliable tracking method is to be employed to measure attendees at the KISS Arts Festival.

(Members Steel and McDonald)

Noted:

- The Changing Tides Festival post event report has been received and circulated.
- The Committee noted some possible discrepancies on the reported attendance figures for the KISS Arts Festival. When comparing the recorded attendance of 19,000 (over two festival days) to the NYE Sky Show crowd, which recorded 15,000 attendees, there was concern regarding accuracy of the record. Furthermore, when considering *Spendmapp* spend data for the weekend of the Festival, it does not align with the reported high attendance number.
- The Committee requested that event organisers find a method to be more accurate in the statistics they report, as decisions on future funding, and security and policing requirements are impacted by these figures.
- **Action:** Cr Croxford will send drone footage of the Kiss Arts Festival to Sally Bursell.

Motion

24/003TEAC

Resolved that the Tourism and Economic Advisory Committee thank Kristy Young for her work during her time with the Destination Kiama team and welcomes Kearna Memister to the Destination Kiama team and Council.

(Members McDonald and Hardy)

6.2 Destination Event Funding Program - Round 2

24/004TEAC

Resolved that the Tourism and Economic Advisory Committee

1. is impressed with the consensus scoring and funding recommendation matrix provided by Council's *Internal Assessment Panel.*
2. provide a recommendation to Council to fund each of the nine events to the value below (this will exhaust the remaining budget).
3. provide contracts to applicants that detail funding obligations as per the Destination Event Funding Guidelines.

Event name	Funding allocation
Melvo Baptiste	$ 2,000.00
DISTILLED	$ 5,220.00
Winter Wine Festival	$ 5,220.00
Kiama Coastal Classic Running Festival	$ 4,000.00
Kiama Readers Festival - Books by the Sea	$ 4,500.00
Jamberoo Music Festival	$ 7,200.00
KISS Arts Festival	$ 8,000.00
Jamberoo Car Show and Family Day	$ 5,000.00
Clearly Music Local Artists 2024 Campaign	$ 6,000.00

(Members Hardy and Mather)

Noted:

- This is the second and final round of Destination Event Funding for 2023/24.
- Four Council staff members from different departments make up the internal grants assessment panel and they score applications independently. An average score is calculated and funding allocated aligning to the positive impact determined through the criterion.
- The funds that are recommended to be distributed, exhaust this program budget.

Leah Hill left the meeting at 5:50pm

7 REPORT OF THE MANAGER PLANNING AND ECONOMIC DEVELOPMENT

7.1 State of the Kiama economy - status update

24/005TEAC

Resolved that the Tourism and Economic Advisory Committee receive the confidential working draft of the Kiama State of the Economy / Kiama Economic Health Check for discussion and review, noting that further consultation and engagement will occur on this document.

(Members Mather and Hardy)

Noted:

- Employment lands analysis is being undertaken by the consultants and this will feed into the work on housing and growth strategy, facilitating employment lands in any growth.
- Interesting that the 2 different companies – REMPLAN and .id – have similar results.

7.2 Data subscription and data analysis – REMPLAN and Spendmapp

24/006TEAC

Resolved that the Tourism and Economic Advisory Committee:

1. note that the Spendmapp subscription has been renewed for 2024, with data available from 30 January 2024.
2. support the Economic Development quarterly budget review request for $6,340 to be provided from operational savings (the cost of Spendmapp).
3. note the data analysis provided in the form of the "Kiama Economic Profile" from our REMPLAN data subscription.
4. consider the findings of the "Kiama Economic Profile" in the context of the State of the Economy Report and use the data to assist in the development of actions and strategies for 2024.

(Members Mather and Hardy)

Questions on notice:

A. Is the strength of the construction industry an anomaly during COVID or is it expected to be the primary economic driver in the Local Government Area?

B. Does the construction industry present more jobs than tourism in the LGA?

C. Is there evidence of escape spending increasing since the Woolworths development commenced? And can it be assumed that once the development is completed this will reduce?

- **Action**: DPEC and MPED will schedule a workshop / consultation session for the Committee, Councillors and Chamber members on Spendmapp and the Kiama State of the Economy / Kiama Economic Health Check.
- **Action**: MTE to provide Spendmapp comparison data for each year from 2018 onwards for the time when the Winter Festival is usually held.

7.3 Business Development Applications – approved and under assessment

24/007TEAC

Resolved that the Tourism and Economic Advisory Committee note and receive the Business Development Application Update report, and thank the Development Assessment Team for their efforts.

(Members McDonald and Hardy)

8 REPORT OF THE ECONOMIC DEVELOPMENT LEAD

8.1 Economic Development Lead update for November 2023 to January 2024 and Workplan review

24/008TEAC

Resolved that the Tourism and Economic Advisory Committee note the Economic Development Lead workplan and update provided for information only.

(Members Steel and Mather)

Noted:

- State Government is driving changes for B2 zone opening hours and controls through SEPPs and the night time economy strategy.
- A broad review of the LEP is scheduled for 2025 following completion of the growth strategy.
- New businesses/starters will have the benefit of the new conditions and the Economic Development Lead will work with current operators.

9 REPORTS FOR INFORMATION

The following reports are provided for the Committee's information:

9.1 Kiama Visitor Information Centre

9.2 Destination Kiama Marketing Report

9.3 Kiama Event Impact Review.

Motion

24/009TEAC

Resolved that the Tourism and Economic Advisory Committee notes the Kiama Visitor Information Centre report, welcomes the new volunteers and thank staff for their efforts.

(Members McDonald and Hardy)

Noted:

- The Visitors Guide was officially launched today.
- The Tilma Group are consultants employed to develop research to assist Council in better understanding the impacts of major events in our local government area. Since late December, Tilma Group have reviewed Council documents and processes, undertaken an audit of all major events, surveyed major event attendees, developed a steering group, engaged with major stakeholders, considered Spendmapp data and developed a resident survey, which went live today.

10 GENERAL BUSINESS

- Transport for NSW announced their Open Streets program, part of their $15M Vibrant Streets Package. The Open Streets program encourages councils to hold more community events by assisting with the costs of street closures and

traffic planning for events. Under Open Streets, councils can apply for up to $150,000 to facilitate the closure of streets to vehicles to host creative and cultural events that are free to access and safe to enjoy. Council's Tourism, Community Hubs and Cultural Development teams are working through the application for funding and its prospective uses.

- The Kiama and District Business Chamber will provide a letter of support for the application.

Motion

24/010TEAC

Resolved that the Tourism and Economic Advisory Committee support an application to Transport for NSW for Vibrant Streets Package funding for up to $150K, in particular for closing Terralong Street for the proposed Winter Festival 2024.

(Members McDonald and Hardy)

Motion

24/011TEAC

Resolved that the Tourism and Economic Advisory Committee:

1. include as a standing item on the agenda an update from the Kiama and District Business Chamber.
2. thank Natalie Spowart for her work as Executive Officer of the Chamber.
3. welcomes Nicole O'Brien to the position of Executive Officer of the Chamber and looks forward to working with her.

(Members McDonald and Mather)

- Committee members noted the advantages of merging the tourism and the economic development committees and the synergies emerging from the economic and tourism reports.

11 CLOSURE

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

……
Chair

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Post exhibition endorsement: Media Policy

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.2 Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

Delivery Program: 5.2.2.1 Council's external and internal communications, including web and intranet assets, deliver efficient online services for users, facilitate effective engagement between our community and Council, meet legal requirements, and industry and accessibility standards.

Summary

Council at its meeting on 17 October 2023 resolved to endorse the draft Media Policy for public exhibition; and to receive a report back outlining the outcome of the public exhibition.

The draft Media Policy was placed on public exhibition from 19 October to 17 November 2023 for public comment and input. During this time, Council staff also undertook further work to refine the policy in terms of internal staff obligations.

Council received 3 public submissions (one subsequently withdrawn) during the exhibition period. No submissions were received from Councillors or staff during the exhibition period.

The draft Media Policy has been amended where required as per Councillor, internal staff and community feedback. This report is presented to Council to endorse the finalised Kiama Municipal Council Media Policy for implementation.

Financial implication

Nil

Risk implication

The risk of not having this policy is a lack of clarity in our dealings with the media, which can result in misunderstandings and misinformation. The policy also helps clarify Council officer and Councillor roles and responsibilities when dealing with the media.

Policy

Kiama Municipal Council Media Policy

Consultation (internal)

Mayor and Councillors, Executive Leadership Team, Management Leadership Team, Cross-council Communications Officers and Governance

Communication/Community engagement

The draft policy was placed on public exhibition for 28 days. This information was shared via Council's website and social media, encouraging the community to 'have

your say'. During the exhibition period three (3) submissions were received, one (1) of which was withdrawn.

The two submissions received were from community member Howard H Jones and Lee Cordner on behalf of Kiama Community Radio (KCR).

Attachments

1 FINAL Media Policy - March 2024⇩

Enclosures
Nil

RECOMMENDATION

That Council adopt the Media Policy and publish to the Council website.

Background

The Kiama Municipal Council Media Policy is based on the Office of Local Government's Model Media Policy (2022) and therefore reflects industry best practice.

The OLG states: "The model policy is not mandatory, and councils are free to choose whether to use or to adapt it for their own purposes. If adopted, the policy will operate to supplement the provisions of councils' adopted codes of conduct."

Staff have determined to take the model policy as a baseline and adapt it by adding sections pertinent to Council's business need and custom and practice.

The policy seeks to minimise the risk of misinformation in the media, which can have a negative effect both within the community, and Council.

The media policy also clarifies who can be a spokesperson for Council, under which circumstances, and permissions required.

Following the exhibition period, receipt of submissions and further work by internal staff, several amendments have been made to the policy. The changes and our response to the submissions is tabled below.

Policy section	Amendments	Reason
References	Added Kiama Municipal Council Code of Meeting Practice, the Media Entertainment & Arts Alliance (MEAA) Journalist Code of Ethics, Press Council of Australia and Australian Government Style Guide	Documents all referred to in the finalised policy.
2.1	Changed 'Appointment and role of Media Liaison; to CEO,	More accurately reflects the way Kiama Council's delegations and

Policy section	Amendments	Reason
	Communications Team and Media Liaison.	Communications Team function.
2.1.1	Added clause on appointment of manager and Media Liaison	Reflects Kiama Council's delegations and team structure.
3.3.1	Added clause as per OLG Model Media Policy	This clause was inadvertently left out of the draft policy.
3.3.2	Added to point five: (as per the Code of Conduct for Councillors clause 3.1).	Clarifies where this clause comes from and why it is included in the policy.
3.5.1	Added to clause: Council staff are required to promptly assist the Communications Team with any media enquiries to ensure media deadlines are met. This means Council staff should respond to any media enquiries or requests via the Communications Team within 4 business hours to ensure the Communications Team /Media Liaison can prepare an official response to the media promptly, as per Section 2.1.4 (i).	Provides a framework of obligation and timeframe for Council staff to respond to the Communications Team to facilitate media enquiries. Aligns with other local Council's Media Policies.
3.5.3	added extra point that council officers: may request media training/ advice/guidance from the Media Liaison/ Communications Team	Gives further avenues for media training and guidance for Council Officers.
3.5.5	Added clause: The Media Liaison can supply council statements or quotes as a 'Council spokesperson' in response to media enquiries. See section 5.	Includes current practice in policy and endorses this practice.
Section 5	Updated wording and reference to Press Council of Australia principles and MEAA Journalistic Code of ethics to clarify and simplify.	Takes on board feedback from local media and community.

Policy section	Amendments	Reason
Section 7	Added reference to Local Government Elections (caretaker period provisions) Policy.	Local Government elections (caretaker period provisions) policy has been adopted in the interim period since this Media Policy was put on exhibition, and now covers this section.
8	Updated /enhanced records management information.	Further clarifies records management requirements/ procedure.

KIAMA MUNICIPAL COUNCIL
your council, your community

Media Policy

Policy Owner/Responsible Officer	Manager Communications & Engagement
Department	Office of CEO
Date adopted/endorsed	TBA
Resolution number (if applicable)	TBA
Next review date	TBA
TRIM reference	23/74056

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RESPECT · INTEGRITY · INNOVATION · TEAMWORK · EXCELLENCE ·

Policy statement / objectives

Kiama Municipal Council is committed to engaging effectively and professionally with the media to keep the community informed, explain decisions and to provide confidence in the Council and its decisions.

How a council is portrayed in the media impacts on how the organisation is perceived. Media can be an effective tool to promote council programs, events, and initiatives. In addition, media can be invaluable in times of crisis or emergency when information needs to be communicated to the public.

In line with the pillars of our Community Strategic Plan 2022-2032, Council uses media opportunities to help promote accountable and transparent leadership, create a strong and diverse economy and strengthen ties within and between our communities for improved connection, liveability, sustainability and a sense of belonging.

Despite its obvious benefits, media also presents a variety of challenges and risks. These include:

- maintaining the accuracy, reliability, and integrity of information
- ensuring confidential information is managed appropriately, and
- the increased exposure and risk to reputation where information is not managed appropriately.

Kiama Municipal Council is committed to developing and maintaining professional working relationships with local and regional media that interact with the business. This policy clearly explains media process and engagement practices.

The objectives of the policy are to:

Provide a framework to assist Council staff, executives and Councillors when dealing with the media and to ensure that media engagement by Councillors and staff is consistent, accurate and professional and enhances the Council's reputation.

The policy also sets out some best practice guidelines for interactions between journalists and media organisations with Council.

The policy is based on the Office of Local Government's Model Media Policy (2022).

At the heart of the Media Policy are the four principles of media engagement. These are:

- Openness
- Consistency
- Accuracy
- Timeliness.

These principles, which are expanded upon in Part 1, should underpin every aspect of a Council's media engagement and all Councillors and Council officials should commit to upholding them.

Scope

This policy applies to engagement between Council officials and the media. It does not generally apply to social media use. Kiama Council has a separate Social Media Policy.

References

- Clause 3.1(b) of the *Model Code of Conduct for Local Councils in NSW* provides that Council officials must not conduct themselves in a manner that is contrary to a Council's policies. If adopted by a Council, a breach of the policy will be a breach of the Council's code of conduct.
- Kiama Municipal Council's Code of Conduct – Council Staff, Contractors & Volunteers 2019

- Kiama Municipal Council's Code of Conduct for Councillors 2019
- Kiama Municipal Council's Social Media Policy 2023
- Office of Local Government Model Media Policy 2022
- Kiama Municipal Council Code of Meeting Practice 2022
- Kiama Municipal Council Local Government Elections (caretaker period provisions) policy 2024
- MEAA Journalist Code of Ethics
- Australian Press Council
- Australian Government Style Guide

Consultations

- Executive Leadership Team
- Management Leadership Team
- Cross-council Communications Officers
- Governance
- Elected Councillors
- Community consultation via exhibition

Definitions

In the Media Policy, the following terms have the following meanings:

Term	Definition
Council official	means Councillors, members of staff and delegates of the Council (including members of committees that are delegates of the Council)
Media Liaison	means a person appointed under clause 2.1 of this policy
Communications Team	means Kiama Council staff employed as Communications, Media, Marketing and Community Engagement Officers, Coordinators and Managers. The Communications Team is led by the Manager Communications & Engagement, who reports to the Chief Executive Officer (CEO)
media	means print, broadcast and online media used for communicating information to the public including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
personal information	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
social media	means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, X (formerly Twitter), Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

Variation and review

Council reserves the right to review, vary or revoke this policy.

Date reviewed	Date adopted/ endorsed	Brief detail of amendments
N/A		New policy

POLICY

1. Principles

We, the Councillors, staff and other officials of Kiama Municipal Council, are committed to upholding and promoting the following principles of media engagement:

Openness	We will ensure that we promote an open exchange of information between our Council and the media.
Consistency	We will ensure consistency by all Councillors and staff when communicating with the media.
Accuracy	The information we share with the media will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
Timeliness	We will ensure that we respond to media enquiries in a timely manner.

2. Administrative framework for engagement with the media

2.1. CEO, Communications Team and Media Liaison

2.1.1. Council's Chief Executive Officer (CEO) will appoint a Manager Communications & Engagement. The CEO and/or Manager Communications & Engagement will appoint a member of the Communications Team as Media Liaison.

2.1.2. Council's official channel for all media enquiries is via the Communications Team. The Manager Communications and Engagement will ensure all media liaison is via suitably qualified members of staff from Council's Communications Team.

2.1.3. The Chief Executive Officer and/or Manager Communications & Engagement may appoint more than one Media Liaison and may in some cases specify which Council department, facility or work areas a Media Liaison will cover.

2.1.4. The Media Liaison's role is to:

(a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes

(b) be responsible for preparing all media statements prior to their release

(c) liaise with relevant staff members within the organisation where appropriate

(d) ensure that media statements are approved by the Mayor and/or Chief Executive Officer and/or appropriate Director prior to their release

(e) develop and/or approve media training and/or induction to be provided to relevant staff and/or Councillors

(f) maintain a record of all media enquiries and responses

(g) ensure that media organisations and their representatives are treated professionally, equally and without bias

(h) build/maintain good relationships with local and regional media organisations and representatives including freelancers, as appropriate

(i) ensure that media enquiries are dealt with promptly

(j) provide guidance to Councillors approached by the media for comment to avoid communication of misinformation

(k) ensure that all media releases are published on Council's website.

3. Who can engage with the media

3.1. The Chief Executive Officer

3.1.1. The Chief Executive Officer (CEO) is the official spokesperson for the Council on operational and administrative matters.

3.1.2. The Chief Executive Officer may delegate to other Council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the Chief Executive Officer is unavailable).

3.2. The Mayor

3.2.1. The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council as to its local priorities (section 226(c) of the Local Government Act 1993).

3.2.2. If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.

3.2.3. The Mayor may delegate their role as spokesperson to other Councillors where appropriate, (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

3.3. Councillors

3.3.1. As a member of the governing body and as a representative of the community, Councillors are free to express their personal views to the media.

3.3.2. When engaging with the media Councillors:

- must not purport to speak for the Council unless authorised to do so (see clause 3.2.3);
- must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so);
- must uphold and accurately represent the policies and decisions of the Council;
- must not disclose Council information unless authorised to do so;

- must not bring the organisation or its staff into disrepute through any form of media commentary (as per the Code of Conduct for Councillors clause 3.1); and
- must seek information and guidance from the Chief Executive Officer and/or Manager Communications & Engagement where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.

3.3.3. In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media.

3.3.4. Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the CEO and/or Manager Communications & Engagement.

3.4. Councillors' questions about media engagement

3.4.1. Councillors must direct any questions about their obligations under this policy to the Chief Executive Officer and/or Manager Communications & Engagement.

3.5. Council Staff

3.5.1. If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the Communications Team as soon as possible.

Council staff are required to promptly respond to Communications Team requests for assistance with any media enquiries to ensure media deadlines are met. This means Council staff should respond to any media enquiries or requests via the Communications Team within 4 business hours to ensure the Communications Team /Media Liaison can prepare an official response to the media, as per Section 2.1.4 (i).

3.5.2. If approached outside of work, Council staff can express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.

3.5.3. If authorised by the Chief Executive Officer and/ or Manager Communications & Engagement, or Media Liaison to speak to the media, Council staff:

- must uphold and accurately represent the policies and decisions of the Council;
- must not disclose Council information unless authorised to do so by the Chief Executive Officer or Media Liaison; and
- must seek information and guidance from the Media Liaison/ Communications Team where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks.
- may request media training/advice/guidance from the Media Liaison/ Communications Team

3.5.4. Where Council staff become aware of potential issues that could result in media interest – whether positive, negative or neutral – they should provide this information to the Communications Team.

3.5.5. The Media Liaison can supply council statements or quotes as a 'Council spokesperson' in response to media enquiries.

3.6. Tone

3.6.1. All media engagement by Council officials must be conducted in a professional, timely and respectful manner.

3.6.2. Where possible and appropriate to audience, align tone and commentary back to Council's Community Strategic Plan.

3.6.3. Council's written statements should adhere to Council's style guide (based on the Australian Government Style Guide).

3.6.4. Council staff must take care to remain apolitical in commentary.

3.7. Induction and training

3.7.1. The Council will provide training to Council officials who engage or are authorised to engage with the media.

3.7.2. Media engagement training will be provided to Councillors as part of their induction or refresher training or as part of their ongoing professional development program.

4. Standards of conduct when engaging with the media

4.1.1. Council officials must comply with Council's Code of Conduct when engaging with the media in an official capacity or in connection with their role as a Council official.

4.1.2. Council officials must not share information or make comments to the media through either direct or indirect mechanisms that:

(a) are defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public

(b) contains profane language or is sexual in nature

(c) constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory

(d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety

(e) contains content about the Council, Council officials or members of the public that is misleading or deceptive

(f) divulges confidential Council information

(g) breaches the privacy of other Council officials or members of the public

(h) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

(i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment

(j) commits the Council to any action

(k) violates an order made by a court

(l) breaches copyright; and/ or

(m) advertises, endorses, or solicits commercial products or business.

5. Process for media engaging with Council

5.1.1. All media enquiries including interview requests, photo requests and information/fact checks should be directed to the Communications Team. The Media Liaison officer will respond as soon as possible (generally within 8 business hours) and arrange statements or interviews as appropriate.

5.1.2. Council requests fair, balanced and unbiased reporting and a right of reply when media articles or content mention Council or its spokespersons, in line with the principles set out by the Australian Press Council and MEAA Journalist Code of Ethics.

5.1.3. Should published articles provide incorrect information, Council will advise the media outlet and seek a correction, retraction and/or prepare its own media release.

5.1.4. If the media wishes to film or electronically record any aspect of a Council Meeting or event, prior permission should be sought, as per Kiama Council's Code of Meeting Practice Clause 15.23. Note: all Council Meetings are Livestreamed and the recording is made available via the Council website within 24 hours of the meeting.

5.1.5. Council requests members of the media identify themselves when attending Council premises or events.

5.1.6. Council requests media be mindful to ensure photo permissions have been granted, especially for minors. (See Council's Child Safe Policy and Guidelines).

6. Use of media during emergencies

6.1.1. During emergencies, such as natural disasters or public health incidents, the Chief Executive Officer and Media Liaison/s will be responsible for coordinating media releases and statements on behalf of the Council.

6.1.2. Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

6.1.3. Training on media engagement during emergencies will be provided to Councillors, relevant staff and other Council officials.

7. Media engagement in the lead up to elections

7.1.1. This policy does not prevent the Mayor or Councillors who are candidates at a council or any other election from providing comment to the media in their capacity as candidates at the election.

7.1.2. Any media comment provided by the Mayor or Councillors who are candidates at a Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the Council or produced by the Council or with Council resources.

7.1.3. It is the responsibility of the candidate and/or media outlet, not the Council, to ensure any political advertising by candidates or political parties has been correctly authorised.

7.1.4. Note that Caretaker provisions and restrictions as defined in the Local Government Act apply in the lead up to an election.

7.1.5. See also Kiama Council's Local Government elections (caretaker period provisions) policy.

8. Records management requirements

8.1.1. Media content created and received by Council officials (including Councillors) acting in their official capacity is a council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

8.1.2. Media enquiries and Council's response to media enquiries will be stored in Council's records management system.

9. Disclosure of paid advertising, content, advertorials social media coverage

9.1.1. Council will endeavour to ensure any paid or gratis content is identified as such.

9.1.2. Council content on social media will either be clearly identified as Council content by appearing on Council's channels or under the Kiama Municipal Council name (or the name of an identified Council-owned facility or department, such as Kiama Leisure Centre), as per Council's Social Media Policy.

Related forms/Documents

- Code of Conduct – Council Staff, Contractors & Volunteers (2019)
- Code of Conduct for Councillors (2019)
- Social Media Policy (2023)
- Community Engagement Strategy (2016)
- Child Safe Policy
- Local Government elections (caretaker period provisions) policy

Authorisation

Name: Title of person authorising OR ELT OR Council Resolution No: ****

Date: Date endorsed by ELT or adopted by Council

13.2 Small Community Event Funding Program Assessment

CSP Objective: Outcome 1.1: We want a strong sense of community and belonging, where social and cultural life can flourish; and our families, friends and visitors feel welcome and included.

CSP Strategy: 1.1.1 Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.

Delivery Program: 1.1.1.2 Partner with the community, other levels of government and key stakeholders to provide support to community and cultural engagement sectors, community groups and organisations.

Summary

Council opened round two of the Small Community Event Grant program on 5 February 2024, with applications closing 18 February 2024.

Council received seven eligible applications under this program. Council's *Internal Grants Assessment Panel* (IGAP) reviewed the seven eligible applications that were received and evaluated each of the applications using the assessment criteria.

This report is submitted to Councillors for consideration.

Financial implication

$6,000 has been allocated to round two of this program.

Risk implication

In Council's current financial position grants and funding should be reviewed.

Policy

Terms of Reference – Kiama Council Grant Assessment Panel 2023

Consultation (internal)

Council's internal assessment panel has reviewed and scored the applications received for this round of funding using the assessment criteria. The panel consists of four staff from various departments of Council.

Communication/Community engagement

The program was promoted via Council digital communication channels (website, social accounts), a media release distributed, along with criteria and funding application form for a period of two weeks.

Attachments
Nil

Enclosures
Nil

RECOMMENDATION

That Council endorses the recommendations by the internal grant assessment panel for round two of the Small Community Event Grant program to the following value:

	Applicant	Event	Date	Value of support
1	Kiama Community Garden	Song-growing intergenerational initiative	13 May, 14 Jul, 16 Sep and 11 Nov	**410**
2	Jamberoo Preschool	AT – Culture Visit	27 May	**1,200**
3	Life Together	Intentional Living	24 Jul	**350**
4	Kiama High School	70th Birthday Celebration	16 Nov	**500**
5	Kiama Rotary	Walk Against Domestic Violence	17 Nov	**1,140**
6	Kiama Rotary	2024 Christmas in July Trivia Night	26 Jul	**900**
7	Kiama Rotary	Festival of Choirs	13 Oct	**1,500**
TOTAL				**$6,000**

Background

The Small Community Event Grant Program opened its second and final round of funding for this financial year in February 2024.

The program closed for applications on 18 February 2024. Each applicant must meet the funding criteria detailed in the Guidelines and respond to questions that relate to such.

Each application is read by Council's *Internal Grants Assessment Panel (IGAP)* and scored individually. A moderated score is given to each application and a suggested funding allocation provided based on the scoring and perceived value based on the program objectives.

This is a dedicated funding program that solely focuses on small community events, designed to strengthen the support provided for community events in the local government area, with a clearer pathway for applicants seeking funding from Council and criteria that reflects the intent and outcomes. It also ensures there is an annual transparent and equitable application process through which community are to apply for funds.

The *Small Community Event Grant* aims to support event organisers to plan and deliver successful small community events that provide a benefit and strengthen the Kiama community, demonstrate value for money, aligns with Council's strategic goals and identified key priorities.

The fund is administered through an application process using the Smarty Grants portal and a weighted evaluation criterion is employed.

13.3 Finance Advisory Committee - Expressions of Interest for member vacancy and updated Terms of Reference

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.2 Financial reporting is accurate, relevant and timely; to support decision makers and the community to understand how public funds and assets are managed.

Delivery Program: 5.1.2.1 Manage Council's financial sustainability through an increase of revenue and funding sources

Summary

Following the resignation of one of the members of the Finance Advisory Committee an expressions of interest process was undertaken to select a replacement member.

Financial implication

There is no financial implication associated with selection of a Committee member. The Finance Advisory Committee is a voluntary committee.

Policy

Terms of Reference for the Finance Advisory Committee.

Consultation (internal)

Chair of the Finance Advisory Committee

Chief Executive Officer

Chief Operating Officer

Communication/Community engagement

NA

Attachments

1 EOI Finance Advisory Committee - Mr P Currie

2 EOI Finance Advisory Committee - Mr K Whiteman

3 DRAFT - Terms of reference - Finance Advisory Committee⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. considers the two applicants, determining to appoint Mr P Currie to the Finance Advisory Committee and thanks Mr K Whiteman for his application.
2. adopts the revised Terms of Reference for the Finance Advisory Committee.

Expressions of interest

During its October 2021 meeting Council appointed 5 community members to the Finance Advisory Committee (FAC). On 1 February 2024 Council received advice that Mr James Thomson resigned from the FAC and a decision was made to undertake an Expressions of Interest process to fill the vacancy.

At the February 2024 Council meeting Council resolved to:

> *Invite expressions of interest from the community to fill the vacancy on the Finance Advisory Committee and recommend to the Finance Advisory Committee the preferred candidate for consideration, subject to Council's resolution.*

Council received two Expressions of Interest from community members. Full copies of each application are included as confidential attachments.

Councillors are now asked to determine the membership of this committee.

Terms of Reference

Given the Performance Improvement Order (PIO) clearly includes the FAC, there is a need to consider extending the term of the Committee.

There is also significant risk if the FAC is to be disbanded. The loss of knowledge, current workload and the criticality of FAC continuity with an outgoing and soon to be incoming Council means it is imperative that momentum and knowledge is not lost.

This report recommends extending the terms of reference and timeframe for the FAC to coincide with the period the PIO is in place as a way to manage risks associated with the PIO.

KIAMA MUNICIPAL COUNCIL

Terms of Reference

Committee:	**Finance Advisory Committee**
Status:	Council committee ☒ Statutory committee ☐ Sunset committee ☐ (specify the end date .....)
Purpose:	Role of the Committee is to: • act in an advisory capacity to council on financial matters • encourage sound financial practice and reporting for Kiama Municipal Council • provide expert advice to Council and community on the long term financial sustainability of Council • review the efficacy of Council's Long Term Financial Plan and strategies to sustainably deliver Council's financial objectives. • review action plans aimed at delivering financial performance • review service levels ensuring sustainable resourcing • review and monitor Council's financial performance • review and investigate opportunities proposed by Council officers or other committee members.
Objectives:	Objectives of the Committee are to: • provide expert advice which informs the future financial sustainability of Council • support and provide advice to Council's Chief Executive Officer and Chief Financial Officer • act as a conduit between the community and Council on financial concerns • make recommendations to Council on specific financial concerns and matters.
Committee Meetings:	Meetings are held every second month on the first Thursday of the month. While the Performance Improvement Order is in place bi-monthly presentations will be provided to Councillor briefings, subject to a Council decision on timing.
Venue:	Meetings will be held at the Kiama Council Chambers, other suitable venues as required or by video conference.
Membership:	• Mayor • 1 Councillor representative • Chief Executive Officer • Chief Operating Officer • Chief Financial Officer • 5 community members appointed by Council

Committee:	**Finance Advisory Committee**
	Councillors can attend meetings as an observer. Other Council officers may attend by invitation from the Committee through the CEO for relevant items of discussion.
Term of membership	Non-Councillor membership of the Finance Advisory Committee will be for the period the Performance Improvement Order is in place. NB: a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.
Meeting quorum:	A Quorum will be deemed to have been met under the following criteria: 1. minimum of 50% plus 1 2. or per statutory requirements (if required).
Meeting administration:	• Meetings are to be chaired by a non-Councillor Committee member as elected by the committee and endorsed by Council. • The agenda and business papers will be circulated no less than five days prior to a scheduled meeting. • Minutes will be taken by a representative of Council. • Minutes are to be brief and focused on action items and advice. • Minutes shall be approved by the Chair and circulated to each member and to Councillors within two weeks of the meeting being held. • Minutes are required to be submitted to the next Ordinary Meeting of Council, immediately following the committee meeting, to be received and noted. • Recommendations from the meeting that require Council endorsement will be reported separately to the next Ordinary Meeting of Council, immediately following the committee meeting.
Selection of members	When positions become vacant the selection of new committee members will be undertaken: 1. through a public invitation for EOI by applicants 2. by consideration of applications by Council 3. by Council approval of successful applicants. The following factors will be taken into consideration when determining members: 1. the persons relevant experience and expertise 2. whether the person is a resident of the Kiama Local Government Area 3. there is a gender balance 4. there is representation from across the full Kiama geographical area 5. cultural and age diversity is represented 6. committee members are able to demonstrate that they are connected and representative" of the community.
Responsibility	Committee members will: 1. act in an advisory role to Council staff, the Council and Councillors on

Committee:	**Finance Advisory Committee**
	financial matters arising in performance of the role of the Committee 2. provide strategic guidance on developing and implementing Council's financial management policies and strategies 3. provide information and analysis to Council on the sustainably funding performance of Council's functions 4. at all times comply with Council's Code of Conduct 5. at all times contribute in a positive and respectful manner 6. avoid disruption, contrary conduct or being wasteful of time and resources.
Conflicts of interest	• Conflicts of Interest are to be called as a matter of process. • Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately noted. • Committee members must complete a declaration of interest form. • Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. • Where there is a conflict, Council's Code of Conduct will be adhered.
Code of Conduct	At all times Councillors, employees, contractors, volunteers, Council committee members, delegates of Council and Council advisors must comply with Council's Code of Conduct.
Termination of membership	Non-Councillor member positions will be declared vacant/terminated when a member: 1. completes their designated term and retires from the committee 2. completes their term and is not re appointed 3. resigns their membership, in writing, to the Chairperson 4. fails to attend more than 75% of scheduled meetings unless granted special leave of absence by the Chairperson 5. acts in a way that is contrary to their responsibility as outlined (above). NOTE: Council on the recommendation of the committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.
Process for termination of membership	Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight

Committee:	**Finance Advisory Committee**
	and sign the written record. Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour on the committee members and Council. In addition counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling. If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 January 2024 Monthly Financial Report

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.1 Public funds are managed in accordance with Financial Management Standards and the Local Government Act.

Delivery Program: 5.1.1.1 Improved financial reporting and legislative compliance through reporting, scrutiny oversight and processes

Summary

This report provides a year-to-date Statement of Financial Position and Income Statement for Council's various business activities and at a consolidated level. This report aims to outline and explain any material deviations from budget year to date.

Financial implication

This report relates directly to the financial performance of Council.

Policy

Local Government Act 1993

Local Government (General) Regulation 2021

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Management Accountants

Communication/Community engagement

N/A

Attachments

1 Financial Statements - January 2024⇩

Enclosures
Nil

RECOMMENDATION

That Council

1. Notes the Monthly Financial Report for January 2024.
2. Allocate $100K budget for safety upgrade works at domestic waste handling facility.

Background

The Monthly Financial Report for January 2024 has been prepared to deliver transparency on the current financial state of Council on year-to-date basis. This report aims to highlight the operational performance against budget of each of the Council's main business activities and at a consolidated level.

Council has recently completed a review of its Waste services operations, which includes Domestic Waste, Commercial Waste, Cleaning Services and Hire Services. The associated changes were adopted along with the Quarterly Budget Review (QBR) for the quarter ended December 2023. In the coming months, these operations will be reported on separately from Council's general operations in the attached financial statements. This month, a brief analysis is provided.

Consolidated Income and Expenditure Statement

Please note that all budget variance figures, and analysis provided in this report now incorporate quarterly budget review changes from QBR 2, which were adopted by Council at the January 2024 ordinary meeting. Therefore, variances and commentary described in this report are compared to the newly updated budget.

At a consolidated level, year-to-date to 31 January 2024, Council has achieved an operational surplus of $3.9M. The budget for the same period was estimated to be a surplus of $6.4M, resulting in an unfavourable variance of $2.5M. This variance is due to operational revenue being $1M or 1.6% unfavourable to budget, while concurrently operational expenditure is over budget (unfavourable) by $1.5M or 2.6%.

In the context of income from continuing operations, if the unfavourable variances related to capital grants of $2.9M are excluded, the consolidated revenue variance would be $1.9M favourable. This revenue $1.9M favourable would then better compare to the expenditure $1.4M unfavourable. This is reflected by the net operating variance excluding capital grants and contributions which presents a $416K or 11.4% favourable variance to budget (See Table 1).

The most significant variance in expected revenue is derived from timing delays in the receipt of capital grant funding. A review of the adopted budgets classification of grant income between operating and capital is being undertaken to address the capital budget for 2023/24 in conjunction with establishing reserve balances for the 2022/23 financial year audit. This work is expected to progress in the coming months which will lead to adjustments to the amount and timing of expected capital grant revenue. A delay in receiving capital grant revenue also impacts Council's unrestricted cash position as noted in Council's Investment Report.

Other material income and expenditure variance explanations and financial analysis of each of Council's entities are detailed below:

Table 1. The following table presents variances in operating results to the adopted budget, per entity as at January 2024

$'000	Consolidated	Council General Operations*	Blue Haven	Holiday Parks	Pavilion
Income Actual	61,851	37,988	16,088	7,222	553
Income Budget	62,869	40,473	14,965	6,951	480
Income Variance $	**(1,018)**	**(2,485)**	**1,124**	**271**	**73**
Income Variance %	**(1.6%)**	**(6.1%)**	**7.5%**	**3.9%**	**15.2%**
Expenses Actual	57,914	34,228	18,882	4,234	571
Expenses Budget	56,429	34,666	16,607	4,566	589
Expenses Variance $	**(1,485)**	**439**	**(2,274)**	**333**	**18**
Expense Variance %	**(2.6%)**	**1.3%**	**(13.7%)**	**7.3%**	**3.0%**
Actual operating results	3,937	3,761	(2,793)	2,988	(19)
Budgeted operating results	6,440	5,807	(1,642)	2,384	(109)
Operating results Variance $	**(2,503)**	**(2,046)**	**(1,151)**	**604**	**90**
Operating results Variance %	**38.9%**	**35.2%**	**(70.1%)**	**25.3%**	**82.7%**
Actual operating results (before capital income)	(3,223)	(3,399)	(2,793)	2,988	(19)
Budgeted operating results (before capital income)	(3,639)	(4,272)	(1,642)	2,384	(109)
Operating results Variance $ (before capital grants and contributions)	**416**	**873**	**(1,151)**	**604**	**90**
Operating results Variance % (before capital revenue)	**11.4%**	**20.4%**	**(70.1%)**	**25.3%**	**82.7%**

**Council General Operations exclude Blue Haven, Holiday Parks and Pavilion.*

Income

User charges and fees

Council has recorded an additional $771K in user charges and fees above budgeted expectations to January 2024. Council's business entities have each recorded higher than expected income from user charges and fees. Councils General Fund is $314K favourable to budget, largely due to the Leisure Centre which has recorded more than $182K above forecast to January 2024 due to peak Holiday season revenue. Additionally in general fund, Building and Development revenue is favourable by $133K and the Pavilion is ahead of budget by $43K due to a surge in event bookings. Conversely, Council's Hire Services operations which form part of Council's general operations has recorded $159K less hire income year to date in comparison to budget.

Interest on Investments

Current Bank Bill Swap Rates (BBSW) on Council's invested funds are in line with the adopted budget expectations. However, an unfavourable variance of $155K has arisen year-to-date to January 2024. This is largely due to actual cash at bank and investment balances being lower than budgeted, rather than lower than estimated interest rates. It is expected however that the current unfavourable variance will see improvement as Council has recently divested of property, specifically the Akuna St South Carpark in November 2023 and Irvine St, Kiama in February 2024. This additional cash inflow will bolster Council's cash position in the form of additional interest income. Lastly, the RBA has held the cash rate at 4.35% which will continue to contribute to increased interest revenue on new investments above budgeted interest rate estimates. Please refer to monthly Investment Reports for further details.

Net gain/(loss) from the disposal of assets

There is an overall favourable variance of $228K in the income statement relating to the net gain/(loss) from the disposal of fleet assets. Council is awaiting the completion of the 2022/23 financial statements audit, before processing accounting entries for the disposal of the sold assets in 2023/24.

Expenses

Consolidated Employee Benefits

Employee benefits to January 2024 are unfavourable to budget by $422K ($324K general fund and $143K Blue Haven, partially offset by small positive variances in other areas). General Fund negative variance is predominantly due to additional work required during holiday season (cleaning, waste, etc.). Another contributing factor is lower than anticipated capitalisation of wages. Blue Haven overspend relates to additional engagement of casual employees whilst permanent employees took leave during holidays.
From a natural accounts perspective, unfavourable variances relate to overtime ($228K), casual staff wages and associated penalty rates ($197K), and employee allowances ($200K). Additionally, undercapitalisation of wages is contributing to the variance with only $167K being capitalised year to date against an expected $583K.

Materials and Services

Consolidated Materials and services are $776K over budget year to date to January 2024. Blue Haven is the main contributor to this unfavourable position, being $1.8M overspent. Detailed analysis and insights on this matter are contained within the Blue Haven section of this report. Council's General Fund and Holiday Parks are favourable with regards to materials and services by $816K and $228K respectively. See Holiday Park section of this report for further details.

Another large contributor to the favourable materials variance in General fund is an underspend on IT operational costs of $385K, primarily due to timing of actual expenditure to budget. It is expected this variance will reduce in the second half of the year. The timing of expected audit fees to budget is also favourable by $176K, however will reduce once the financial statement audit has been completed and invoiced.

With regard to Councils use of contractors, consultants and agency staff, both General Fund and Holiday Parks are tracking in line with budget, however Blue Haven's use of agency staff and contractors to support its operations has continued, leading it to exceed budget by $1.3M year to date.

Overview by Business Unit

Blue Haven

Blue Haven Care Consolidated

Blue Haven at a consolidated level, year-to-date to 31 January, has a net operational deficit of $2.8M, comparing unfavourably to budget by $1.2M

This is a result of revenue being higher than expected by $1.1M due to increased funding, as well as expenses being higher than expected by $$2.3M due to unfavourable variance in agency costs and other materials and services, partially offset by the higher funding noted above. It is important to note these variances (and also noted below) are based on the recently adjusted increased QBR2 budget.

Blue Haven Bonaira Residential Aged Care (RAC)

The RAC recorded a net deficit of $2.7M. RAC revenue of $8.5M is $450K ahead of budget, however, does not offset Materials and services unfavourable variance of $1.7M for RAC and $1.8M overall.

Agency contractors are contributing $1.2M of the $1.7M unfavourable variance. Negative budget variance was anticipated as backlog of December invoices was processed in January.

As mentioned in December QBR report, RAC achieved an overall increase in the revenue compared to the budget for the period ended 31 December 2023 and this trend continues into January 2024. The main factor behind the revenue rise was an increase in the residential aged care subsidy rates by the government (July and December). In line with changes to allowable AN-ACC fees a new hotelling supplement of $10/resident/day was introduced. In addition, there has been a focus on steadily increasing the occupancy which impacts subsidy, fees, means tested care fees and accommodation payments. There was also an increase in the number of residents eligible for higher subsidy rates from the government under the AN-ACC classification compared to the budget.

Conversely, the increase in occupancy has also impacted overall expenses of RAC, which continue to exceed budget, agency costs in particular, in order to meet staffing ratios and requirements.

Blue Haven Bonaira Community Programs

Community Programs recorded a minor net deficit of $113K for the first 7 months.

Blue Haven Bonaira Independent Living Units (ILUs)

The Bonaira ILU's recorded a net surplus of $462K. Revenue was recorded at $1.7M and expenditure at $1.3M. Both revenue and expenses actuals are slightly unfavourable comparing to the budget. As explained previously, this operating revenue and result includes amortisation of deferred management fees (ie reduction of resident entry accommodation payment – liability) ie $1.5M at January 2024.

Blue Haven Terralong Independent Living Units (ILUs)

The Terralong ILU's recorded a minor net deficit of $164K, comparing to budget surplus of $188K. Revenue was recorded at $2M and expenditure at $2.2M, with materials and contracts materially unfavourable to budget due to previously deferred maintenance items being brought up to date. Contractor costs have also been required to undertake most of the

maintenance works as well as review some building and refurbishment issues. This trend continues throughout this financial year as maintenance works progress.

Similarly, the revenue amount includes amortisation of deferred management fees (ie reduction of resident entry accommodation payment – liability) ie $1.35M at January 2024.

Holiday Parks

Overall, Holiday Parks operating results are $604K or 25.3% favourable compared to budget, resulting from a large favourable variance in operational expenditure of $333K, in addition to $271K favourable operating income.

Despite a re-phasing of the expected timing of Holiday Park revenue, modelled on the actual income received each quarter in the 2022/23 financial year, Holiday Park revenue (User charges and fees) has exceeded budgeted expectations by $146K year to date. This can be attributed to a busier than usual Holiday season.

Council was successful in receiving $83K in operational grant funding under the Crown Land Flood Recovery Program for use on storm and flood event repair works on the Holiday Parks. This income was not considered in the original budget.

From an expenditure perspective, Kiama's Holiday Parks combined have underspent on budget by $333K or 7.3% year to date. This variance in other expenses can be, in -part explained by a timing difference in the payment of the quarterly Crown reserve levy to Revenue NSW versus the budget phasing. This difference will correct by the next monthly report.

Employee costs at the Holiday parks are in line with budget, being slightly favourable by $29K, in part due to the use of fewer casual employees and some vacancies.

With regards to materials and services, Kiama Councils Holiday Parks are favourable by $228K. Park maintenance work is still marginally behind schedule and the use of contractors and agency staff is below expected amounts.

The Pavilion

The Pavilion has seen a favourable variance of $73K in its revenue from its ongoing operations year to date to January 2024. A sustained rise in the demand for community and corporate events and weddings at the Pavilion from both local and intrastate clients has seen it achieve consistently favourable results to budget this financial year. Internal revenue is favourable by $29K which relates to revenue generated from the Pavilions use by internal Council requirements. The Pavilions total expenditure from continuing operations is in line with budget, with only minor variations in employee costs and materials and services, highlighting that internal cost control measures are being implemented effectively.

The overall result of favourable income and expenditure has seen a favourable operating result of $90K or 82% above budget expectations.

It is important to note that corporate overheads are yet to be allocated to Pavilion business unit which will be reflected in QBR3.

Waste Services operations (Commercial Waste, Domestic Waste, Cleaning Services and Hire Services)

As noted in the January 2024 Monthly Financial Report (13 February 2024 meeting), a review and re-design of Council's Waste Services Operations has now been completed. A brief

outline of the performance of each operation is detailed below. Future reports will feature a separate income statement for Hire Services business unit.

Domestic Waste services are tracking in line with budget in both revenue and expenditure.

It is recommended that Council allocate a budget of $100,000 towards capital works aimed at resurfacing high-traffic areas within the Minnamurra Waste and Recycling Facility. These areas include the co-mingled recycling bay, the fuel bowser, truck parking, turning and loading areas, as well as pedestrian pathways. The purpose of this allocation is also to prevent further deterioration of these crucial areas. Funding for this project will be sourced from the Waste Reserve, ensuring that it does not impact the Council's unrestricted cash position.

Commercial Waste Services are performing favorably to budget with revenue in line with expectations and consolidated expenditure 15% underbudget. February will see a significant improvement in revenue due to the completion of accounting entries to record internal commercial waste income.

Cleaning Services are tracking unfavorable to budget, primarily due to higher than forecast employee costs. Expenditure on material and services, however, are in line with budget.

Hire Services are underperforming against forecasts, largely due to external hire revenue being lower than predicted. In addition, the internal use of assets allocated for external hire have yet to be accounted for. This will somewhat improve the current 15% unfavorable variance in revenue.

Table 2. The following table shows the operating performance of each of Councils waste services operations as at January 2024, compared to budget.

Cost centre	Year to date Actuals to January 2024	Year to date budget to January 2024	Budget Variance
Domestic Waste Services	(1,868,632)	(1,785,510)	83,122
Commercial Waste Services	91,143	154,001	62,859
Cleaning Services	949,395	828,806	(120,590)
Hire Services	238,635	102,990	(135,644)
Total	**(589,459)**	**(699,713)**	**(110,253)**

Consolidated Statement of Financial Position

It should be noted that year end accounting entries relating to June 2023 are currently in progress and may materially change the previously presented consolidated statement of financial position for June 2023 (subsequently effecting the 2023/24 opening balances). The final statement of financial position will be presented as part of the 2022/23 Audited Financial Statements.

The balance sheet has remained largely unchanged with the stable balance of assets and liabilities.

Current Asset Ratio

The current asset ratio measures a company’s ability to pay its short-term obligations. The consolidated current asset ratio is 0.36 as at January 2024, decreasing marginally from 0.37

in December 2023. This is in part due to a reduction in cash and cash equivalents and investments of $2.58M. Please see the Statement of Investments – January 2024 for further details on this reduction. Note this ratio would be approximately 1.3 if adjusted for Blue Haven resident liabilities and average length of stay assumptions.

KIAMA MUNICIPAL COUNCIL

Income Statement - Consolidated

For the Period Ending 31 January 2024

	Year to Date				Full Year	
	Actual 2023/24 $'000	Adopted Budget 2023/24 $'000	Variance 2023/24 $'000	Last Year Actual 2022/23 $'000	Last Year Actual 2022/23 $'000	Adopted Budget 2023/24 $'000
Income from continuing operations						
Rates and annual charges	16,401	16,515	(114)	15,104	26,494	28,175
User charges and fees	14,778	14,007	771	14,512	23,530	22,977
Other revenue	3,860	3,817	43	3,821	5,913	6,251
Grants and contributions provided for operating purposes	10,159	9,422	738	9,789	20,130	17,138
Grants and contributions provided for capital purposes	7,159	10,079	(2,919)	4,181	1,314	17,794
Interest and investment income	1,237	1,392	(155)	443	1,859	2,387
Other income	-	0	(0)	-	-	0
Net gain/(loss) from the disposal of assets	3,108	2,880	228	16,873	7,834	27,446
Internal Revenue	5,148	4,755	392	4,707	7,088	8,141
Total income from continuing operations	61,851	62,869	(1,018)	69,430	94,162	130,308
Expenses from continuing operations						
Employee benefits and on-costs	22,496	22,074	(422)	20,730	35,638	37,377
Materials and services	20,999	20,224	(776)	15,398	34,034	35,918
Borrowing costs	296	296	(0)	903	1,263	549
Depreciation,amortisation and impairment for non financial assets	8,521	8,521	-	6,525	10,574	14,608
Other expenses	462	568	107	505	1,045	1,165
Internal Expenditure	5,140	4,746	(394)	4,699	7,088	8,141
Total Expenses from continuing operations	57,914	56,429	(1,485)	48,760	89,642	97,757
Operating result from continuing operations	3,937	6,440	(2,503)	20,670	4,520	32,551
Net operating results for the year	3,937	6,440	(2,503)	20,670	4,520	32,551
Net operating result for the year before grants and contributions provided for capital purposes	(3,223)	(3,639)	416	16,488	3,206	14,756

KIAMA MUNICIPAL COUNCIL

Income Statement - Consolidated (excluding Blue Haven, Holiday Parks, Pavilion)

For the Period Ending 31 January 2024

	Year to Date				Full Year	
	Actual 2023/24 $'000	Adopted Budget 2023/24 $'000	Variance 2023/24 $'000	Last Year Actual 2022/23 $'000	Last Year Actual 2022/23 $'000	Adopted Budget 2023/24 $'000
Income from continuing operations						
Rates and annual charges	16,401	16,515	(114)	15,104	26,494	28,175
User charges and fees	4,018	3,704	314	4,092	6,726	6,288
Other revenue	910	892	18	897	1,424	1,236
Grants and contributions provided for operating purposes	1,074	1,132	(58)	2,815	7,455	3,113
Grants and contributions provided for capital purposes	7,159	10,079	(2,919)	4,181	1,314	17,794
Interest and investment income	1,119	1,119	0	252	1,449	1,919
Other income	-	-	-	-	-	-
Net gain/(loss) from the disposal of assets	3,105	2,878	227	16,873	7,834	27,443
Internal Revenue	4,202	4,153	48	3,949	5,750	7,108
Total income from continuing operations	37,988	40,473	(2,485)	48,162	58,447	93,077
Expenses from continuing operations						
Employee benefits and on-costs	14,337	14,012	(324)	13,178	22,478	23,743
Materials and services	11,618	12,434	816	8,983	19,688	22,201
Borrowing costs	43	43	(0)	59	101	83
Depreciation,amortisation and impairment for non financial assets	5,387	5,387	-	5,792	9,499	9,236
Other expenses	308	348	40	369	637	726
Internal Expenditure	2,535	2,441	(93)	2,954	3,006	4,185
Total Expenses from continuing operations	34,228	34,666	439	31,336	55,409	60,173
Operating result from continuing operations	3,761	5,807	(2,046)	16,827	3,038	32,903
Net operating results for the year	3,761	5,807	(2,046)	16,827	3,038	32,903
Net operating result for the year before grants and contributions provided for capital purposes	(3,399)	(4,272)	873	12,645	1,724	15,109

KIAMA MUNICIPAL COUNCIL

Income Statement - Blue Haven

For the Period Ending 31 January 2024

	Year to Date				Full Year	
	Actual 2023/24 $'000	Adopted Budget 2023/24 $'000	Variance 2023/24 $'000	Last Year Actual 2022/23 $'000	Last Year Actual 2022/23 $'000	Adopted Budget 2023/24 $'000
Income from continuing operations						
Rates and annual charges	-	-	-	-	-	-
User charges and fees	3,151	2,883	268	2,787	5,007	4,943
Other revenue	2,942	2,924	18	2,923	4,487	5,013
Grants and contributions provided for operating purposes	9,002	8,290	713	6,974	12,675	14,025
Grants and contributions provided for capital purposes	-	-	-	-	-	-
Interest and investment income	118	273	(156)	191	409	468
Other income	-	0	(0)	-	-	0
Net gain/(loss) from the disposal of assets	-	-	-	-	-	-
Internal Revenue	875	595	281	708	1,247	1,019
Total income from continuing operations	16,088	14,965	1,124	13,583	23,825	25,468
Expenses from continuing operations						
Employee benefits and on-costs	7,834	7,691	(143)	7,228	12,600	12,976
Materials and services	5,909	4,095	(1,813)	3,279	8,396	7,020
Borrowing costs	222	222	-	798	1,076	393
Depreciation,amortisation and impairment for non financial assets	2,481	2,481	-	733	385	4,253
Other expenses	40	5	(35)	2	3	9
Internal Expenditure	2,397	2,114	(283)	1,607	3,234	3,628
Total Expenses from continuing operations	18,882	16,607	(2,274)	13,648	25,695	28,278
Operating result from continuing operations	(2,793)	(1,642)	(1,151)	(65)	(1,870)	(2,810)
Net operating results for the year	(2,793)	(1,642)	(1,151)	(65)	(1,870)	(2,810)
Net operating result for the year before grants and contributions provided for capital purposes	(2,793)	(1,642)	(1,151)	(65)	(1,870)	(2,810)

KIAMA MUNICIPAL COUNCIL

Income Statement - Blue Haven Per Area

For the Period Ending 31 January 2024

	Year to Date									Full Year	
	RACF	ILU	Community Programs	Barroul House	BH Management	Total Bluehaven					
	Actual 2023/24 $'000	Actual 2023/24 $'000	Actual 2023/24 $'000	Actual 2023/24 $'000	Actual 2023/24 $'000	Actual 2023/24 $'000	Adopted Budget 2023/24 $'000	Variance 2023/24 $'000	Last Year Actual 2022/23 $'000	Last Year Actual 2022/23 $'000	Adopted Budget 2023/24 $'000
Income from continuing operations											
Rates and annual charges	-	-	-	-	-	-	-	-	-	-	-
User charges and fees	2,232	808	111	-	-	3,151	2,883	268	2,787	5,007	4,943
Other revenue	6	2,858	14	63	-	2,942	2,924	18	2,923	4,487	5,013
Grants and contributions provided for operating purposes	6,267	-	2,736	-	-	9,002	8,290	713	6,974	12,675	14,025
Grants and contributions provided for capital purposes	-	-	-	-	-	-	-	-	-	-	-
Interest and investment income	47	64	6	-	-	118	273	(156)	191	409	468
Other income	-	-	-	-	-	-	0	(0)	-	-	0
Net gain/(loss) from the disposal of assets	-	-	-	-	-	-	-	-	-	-	-
Internal Revenue	-	-	243	-	633	875	595	281	708	1,247	1,019
Total income from continuing operations	8,553	3,731	3,109	63	633	16,088	14,965	1,124	13,583	23,825	25,468
Expenses from continuing operations											
Employee benefits and on-costs	5,262	166	1,896	199	310	7,834	7,691	(143)	7,228	12,600	12,976
Materials and services	4,098	931	485	60	334	5,909	4,095	(1,813)	3,279	8,396	7,020
Borrowing costs	155	67	-	-	-	222	222	-	798	1,076	393
Depreciation,amortisation and impairment for non financial assets	731	1,750	-	-	-	2,481	2,481	-	733	385	4,253
Other expenses	40	-	-	-	-	40	5	(35)	2	3	9
Internal Expenditure	955	520	842	21	60	2,397	2,114	(283)	1,607	3,234	3,628
Total Expenses from continuing operations	11,241	3,433	3,223	280	705	18,882	16,607	(2,274)	13,648	25,695	28,278
Operating result from continuing operations	(2,689)	298	(113)	(217)	(72)	(2,793)	(1,642)	(1,151)	(65)	(1,870)	(2,810)
Net operating results for the year	(2,689)	298	(113)	(217)	(72)	(2,793)	(1,642)	(1,151)	(65)	(1,870)	(2,810)
Net operating result for the year before grants and contributions provided for capital purposes	(2,689)	298	(113)	(217)	(72)	(2,793)	(1,642)	(1,151)	(65)	(1,870)	(2,810)

KIAMA MUNICIPAL COUNCIL

Income Statement - Holiday Parks

For the Period Ending 31 January 2024

	Year to Date				Full Year	
	Actual 2023/24 $'000	Adopted Budget 2023/24 $'000	Variance 2023/24 $'000	Last Year Actual 2022/23 $'000	Last Year Actual 2022/23 $'000	Adopted Budget 2023/24 $'000
Income from continuing operations						
Rates and annual charges	-	-	-	-	-	-
User charges and fees	7,096	6,950	146	7,145	11,131	10,939
Other revenue	8	1	7	1	2	2
Grants and contributions provided for operating purposes	83	-	83	-	0	-
Grants and contributions provided for capital purposes	-	-	-	-	-	-
Interest and investment income	-	-	-	-	-	-
Other income	-	-	-	-	-	-
Net gain/(loss) from the disposal of assets	-	-	-	-	-	-
Internal Revenue	35	-	35	36	72	-
Total income from continuing operations	7,222	6,951	271	7,182	11,205	10,941
Expenses from continuing operations						
Employee benefits and on-costs	185	214	29	199	355	397
Materials and services	3,207	3,435	228	3,080	5,541	6,252
Borrowing costs	32	31	(0)	45	85	73
Depreciation,amortisation and impairment for non financial assets	500	500	-	-	689	857
Other expenses	114	215	102	133	406	430
Internal Expenditure	196	171	(25)	133	827	294
Total Expenses from continuing operations	4,234	4,566	333	3,590	7,902	8,302
Operating result from continuing operations	2,988	2,384	604	3,592	3,303	2,638
Net operating results for the year	2,988	2,384	604	3,592	3,303	2,638
Net operating result for the year before grants and contributions provided for capital purposes	2,988	2,384	604	3,592	3,303	2,638

KIAMA MUNICIPAL COUNCIL

Income Statement - The Pavilion

For the Period Ending 31 January 2024

	Year to Date				Full Year	
	Actual 2023/24 $'000	Adopted Budget 2023/24 $'000	Variance 2023/24 $'000	Last Year Actual 2022/23 $'000	Last Year Actual 2022/23 $'000	Adopted Budget 2023/24 $'000
Income from continuing operations						
Rates and annual charges	-	-	-	-	-	-
User charges and fees	514	471	43	489	666	807
Other revenue	-	-	-	-	-	-
Grants and contributions provided for operating purposes	-	-	-	-	-	-
Grants and contributions provided for capital purposes	-	-	-	-	-	-
Interest and investment income	-	-	-	-	-	-
Other income	-	-	-	-	-	-
Net gain/(loss) from the disposal of assets	3	2	1	-	-	3
Internal Revenue	36	7	29	13	19	13
Total income from continuing operations	553	480	73	502	685	823
Expenses from continuing operations						
Employee benefits and on-costs	140	157	17	125	205	262
Materials and services	266	259	(7)	56	409	445
Borrowing costs	-	-	-	-	-	-
Depreciation,amortisation and impairment for non financial assets	153	153	-	-	-	263
Other expenses	-	-	-	-	-	-
Internal Expenditure	13	20	7	4	23	34
Total Expenses from continuing operations	571	589	18	186	636	1,003
Operating result from continuing operations	(19)	(109)	90	316	49	(181)
Net operating results for the year	(19)	(109)	90	316	49	(181)
Net operating result for the year before grants and contributions provided for capital purposes	(19)	(109)	90	316	49	(181)

KIAMA MUNICIPAL COUNCIL

Consolidated

Statement of Financial Position
For the Period Ended 31 January 2024

	Notes	Actual 7 months 2023/24 $'000	Actual 7 months 2022/23 $'000
ASSETS			
Current assets			
Cash and cash equivalants	C1-1	**6,112**	-2,416
Investments	C1-2	**42,087**	72,440
Receivables	C1-4	**3,022**	2,759
Inventories	C1-5	**336**	319
Contract assets and contract cost assets	C1-6	**216**	216
Current assets classified as 'held for sale'	C1-7	**-**	16,426
Other		**1,748**	1,081
Unclassified assets		**-**	-
Total current assets		**53,520**	90,824
Non current assets			
Investments	C1-2	**750**	6,000
Receivables	C1-4	**202**	194
Infrastructure, property, plant and equipment	C1-8	**553,975**	539,502
Investment property	C1-9	**139,030**	139,030
Intangable assets	C1-10	**-**	-
Right of use assets	C2-1	**122**	122
Investments accounted for using equity method	D1-2	**-**	-
Other		**-**	-
Total non current assets		**694,079**	684,848
Total assets		**747,599**	775,672
LIABILITIES			
Current liabilities			
Payables	C3-1	**137,850**	129,193
Contract liabilities	C3-2	**2,497**	**2,674**
Lease liabilities	C2-1	**36**	**36**
Borrowings	C3-3	**336**	1,397
Employee benefit provisions	C3-4	**6,398**	7,757
Unclassified liabilities		**-**	-
Unclassified suspense		**-**	-
Total current liabilities		**147,117**	141,058
Non current liabilities			
Payables	C3-1	**18**	24
Lease liabilities	C2-1	**6**	6
Borrowings	C3-3	**20,494**	50,427
Employee benefit provisions	C3-4	**601**	741
Total non current liabilities		**21,120**	51,198
Total Liabilities		**168,237**	192,256
Net Assets		**579,362**	583,417
EQUITY			
Retained earnings		**195,266**	187,204
Revaluation reserves		**380,155**	376,063
Other reserves		**-**	-
Council equity interests			
Minority equity interests			
Current Year Net Earnings		**3,941**	20,150
Total equity		**579,362**	583,417

14.2 Statement of Investments: February 2024

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.1 Public funds are managed in accordance with Financial Management Standards and the Local Government Act.

Delivery Program: 5.1.1.1 Improved financial reporting and legislative compliance through reporting, scrutiny oversight and processes

Summary

This report provides an overview of Council's cash and investment portfolio and investment performance at February 2024 and endorsement of the restricted funds position.

Financial implication

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

Risk implication

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

Policy

Clause 625 of the *Local Government Act 1993*

Clause 212 of the Local Government (General) Regulation 2021

Kiama Municipal Council – Investment Policy

Kiama Municipal Council – Restricted Funds Policy

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Financial Accountant

Communication/Community engagement

N/A

Attachments

1 February 2024 Investment Report⇩

Enclosures

Nil

RECOMMENDATION

That Council:

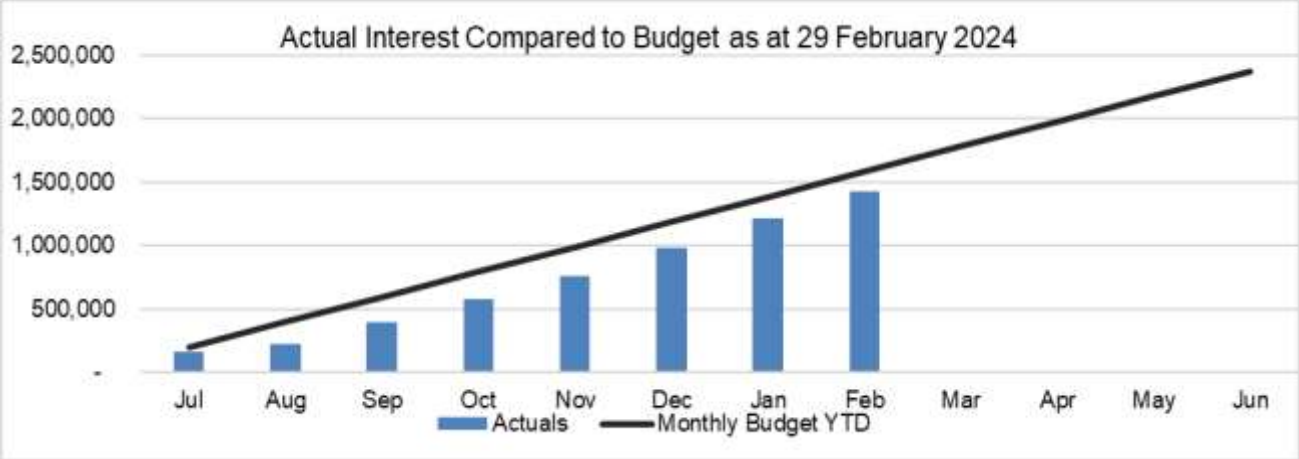
1. Notes the information relating to the Statement of Investments as at 29 February 2024.
2. Establishes an external restricted reserve required under the Roads Act 1993 Part 4 Division 6 Section 43.4.

Background

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Office of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. Council 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 Department during the period to ensure compliance with the Investment Policy. External investment advisor advice is also considered at the time.

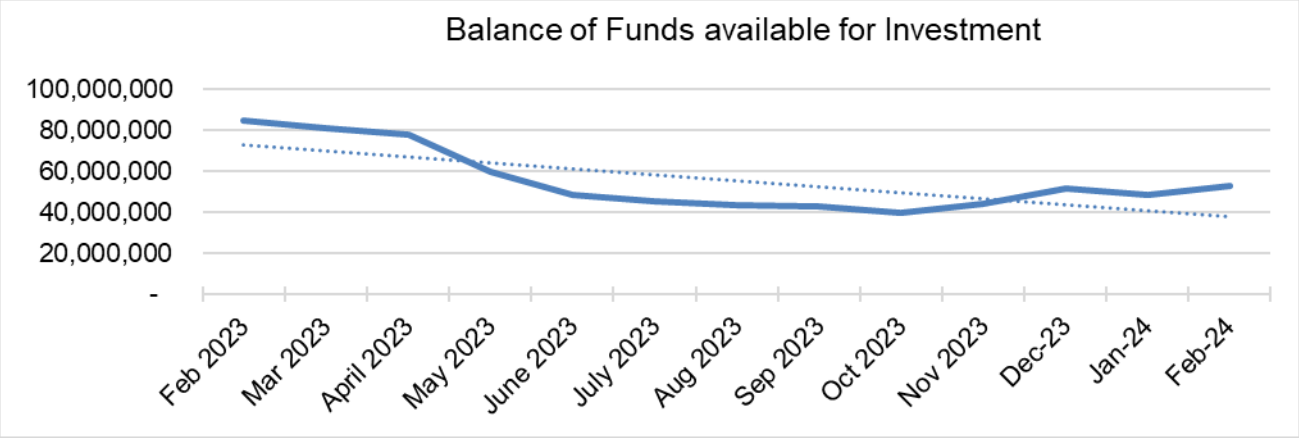
Return on Investments

For the month of February, excluding cash, the total portfolio provided a return of +0.42% (actual) or +5.42% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.34% (actual) or +4.42% p.a. (annualised). The monthly performance has improved over the recent months reflective of the maturity of lower yielding term deposits that are being replaced by higher yielding term deposits, providing greater overall returns to the portfolio.



Movement in Investments

Compared to February 2023 Council's investments portfolio decreased by $32M. Repayment of TCorp loan tranches of $30M (excluding interest payments) being key outflows, offset by operational cash flows.



Matured trades for February:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
Commonwealth Bank	AA-	TD	At Maturity	28/08/2023	26/02/2024	5.27	2,000,000
Totals							2,000,000

New trades entered under delegation, during February:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
NAB	AA-	TD	At Maturity	26/02/2024	26/02/2025	5.08	2,000,000
NAB	AA-	TD	At Maturity	26/02/2024	26/06/2024	5.05	2,000,000
Total							4,000,000

Portfolio Summary:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
NAB	AA-	TD	At Maturity	22/11/2023	11/03/2024	5.06	1,000,000
Commonwealth Bank	AA-	TD	At Maturity	18/09/2023	18/03/2024	5.09	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	25/09/2023	25/03/2024	5.13	2,000,000
NAB	AA-	TD	At Maturity	11/09/2023	11/04/2024	5.10	2,000,000
BOQ	BBB+	TD	At Maturity	22/11/2023	16/04/2024	5.23	1,000,000
Suncorp	A+	TD	At Maturity	11/10/2023	13/05/2024	5.15	2,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	03/06/2024	5.28	1,000,000
NAB	AA-	TD	At Maturity	10/01/2024	12/06/2024	5.10	4,000,000
NAB	AA-	TD	At Maturity	26/02/2024	26/06/2024	5.05	2,000,000
Suncorp	A+	TD	At Maturity	30/10/2023	30/07/2024	5.35	2,000,000
BOQ	BBB+	TD	At Maturity	21/11/2023	21/08/2024	5.40	1,000,000
NAB	AA-	TD	Annual	18/12/2023	18/09/2024	5.13	1,000,000
AMP Bank	BBB	TD	Annual	27/09/2022	26/09/2024	4.95	750,000
ING Direct	A	TD	At Maturity	16/10/2023	16/10/2024	5.23	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	23/10/2023	23/10/2024	5.26	2,000,000
ING Direct	A	TD	At Maturity	15/11/2023	15/11/2024	5.48	2,000,000
Suncorp	A+	TD	At Maturity	21/11/2023	21/11/2024	5.40	1,000,000
Suncorp	A+	TD	At Maturity	28/11/2023	28/11/2024	5.50	2,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	04/12/2024	5.35	1,000,000
Suncorp	A+	TD	At Maturity	13/12/2023	13/12/2024	5.30	2,000,000
ING Direct	A	TD	Annual	21/12/2023	18/12/2024	5.23	2,000,000
ING Direct	A	TD	At Maturity	10/01/2024	09/01/2025	5.22	1,000,000
NAB	AA-	TD	At Maturity	26/02/2024	26/02/2025	5.08	2,000,000
ING Direct	A	TD	At Maturity	22/11/2023	23/09/2025	5.35	1,000,000
Suncorp	A+	TD	At Maturity	21/11/2023	21/11/2025	5.36	1,000,000
ING Direct	A	TD	At Maturity	04/12/2023	04/12/2025	5.25	1,000,000
ING Direct	A	TD	Annual	18/12/2023	18/12/2025	5.20	2,000,000
ING Direct	A	TD	Annual	10/01/2024	14/01/2026	4.96	1,000,000
Westpac	AA-	CASH	Monthly	29/02/2024	29/02/2024	4.25	9,493,398
					Totals		**54,243,398**

Restricted Funds Movements

The restricted funds movement for this month and balances are presented in the table below.

Cash and Investments Held	Jan-24	Movement	Feb-24
Cash at Bank - Transactional Account	8,100,524	1,392,875	9,493,398
Other Cash and Investments	42,750,000	2,000,000	44,750,000
Total Portfolio Balance (agrees to Arlo Advisory report)	**50,850,524**	**3,392,875**	**54,243,398**
Cash on Hand	6,110		6,110
Bank Reconciliation items	(1,998,482)	718,694	(1,279,788)
Book Value of Cash and Investments	**48,858,152**	**4,111,568**	**52,969,720**
Developer Contributions	12,541,323	128,754	12,670,077
Unexpended Grants	1,158,511	1,718,633	2,877,144
Domestic Waste	3,976,804	1,750,745	5,727,549
Blue Haven Terralong ILU Maintenance Levy	1,873,322	150,000	2,023,322
Blue Haven Bonaira ILU Maintenance Levy	312,035	83,527	395,562
Blue Haven RAC Prudential Liquidity Management	5,000,000		5,000,000
Blue Haven Community Transport Vehicle	315,000		315,000
Blue Haven Home Care Client credit Balance	193,817		193,817
Crown Holiday parks	4,760,261	(7,723)	4,752,537
Leisure Centre Unspent Loan Funding	500,000		500,000
Stormwater Levy	228,947		228,947
Security bonds, Deposits & Retentions	2,011,687	(13,344)	1,998,343
Externally Restricted	**32,871,707**	**3,810,591**	**36,682,298**
Council Elections	49,776		49,776
Employee Leave Liabilities	3,367,000		3,367,000
Land development	3,527,227		3,527,227
Plant replacement	-		-
Risk Improvement Incentive	99,097		99,097
Waste Business Unit	865,308		865,308
Waste and Sustainability	558,180		558,180
Blue Haven ILU Prudential Cover	4,300,000		4,300,000
Internally Restricted	**12,766,587**	**0**	**12,766,587**
Unrestricted Funds	**3,219,858**	**300,977**	**3,520,835**

February's reserve movements include:

- An increase in the Developer Contribution reserve of $129K
- A decrease in the Crown Holiday Parks reserve of $8K
- A decrease in the Security and Bonds, Deposits and Retentions reserve of $13K.

The following transfers to reserves relate to 2022/23 end of year reserve balances calculations:

- An increase in the Unexpended Grants reserve of $1.7M
- An increase in the Domestic Waste reserve of $1.8M
- An increase in the Blue Haven Terralong ILU Maintenance Levy reserve of 150K
- An increase in the Blue Haven Bonaira ILU Maintenance Levy of $84K

The 2022/23 Draft Financial Statements are currently being finalised, with further adjustments expected to the reserves in the coming months. These adjustments stem from historical issues related to the delayed preparation of annual financial statements. The Council is actively addressing this issue to ensure timely compliance with statutory reporting deadlines, thereby resolving the underlying problem.

Overall increase in cash is explained in unrestricted cash section of this report.

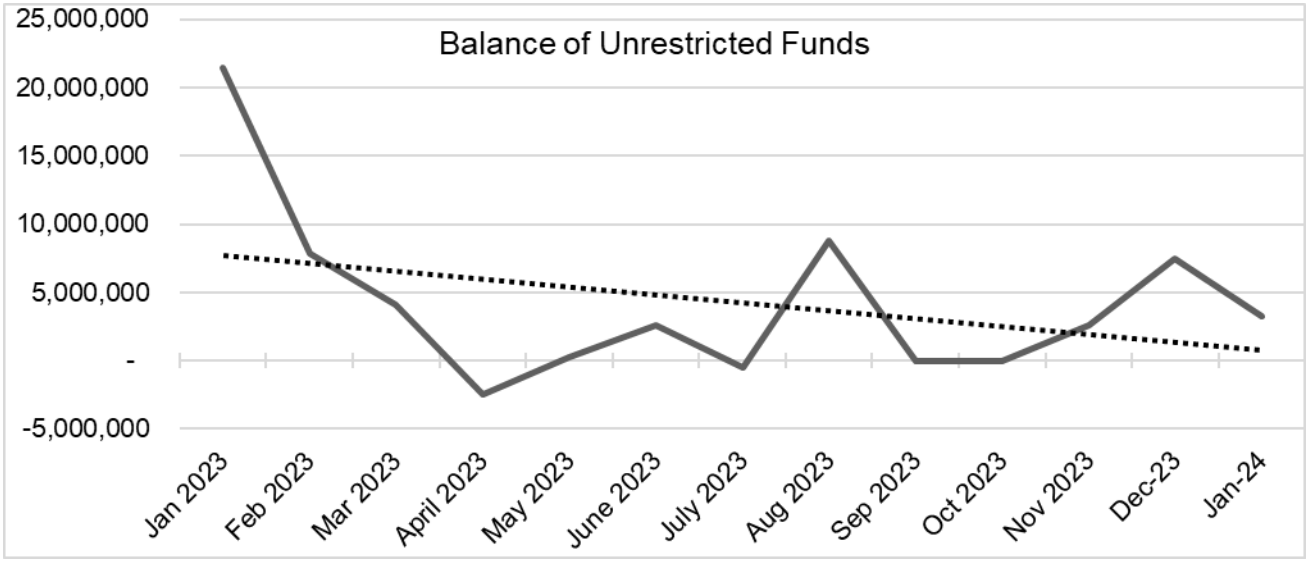
Introduction of new External Restricted Reserve

A new external restricted reserve in relation to the sale of land comprising former public roads is required. The recommendation to this report includes that such a reserve is established.

Under the Roads Act 1993 Part 4 Division 6 Section 43.4, money received by council from the proceeds of sale of the land has restricted use toward acquiring land for public roads or for carrying out road work on public roads.

Proceeds from sale of former public roads land are required to be transferred in this reserve under legislation mentioned above. This reserve will be subsequently used to fund various road works.

Unrestricted Funds for Future Strategic or Operational Expenditure



Council adopted an unbalanced 2023-24 Budget with an estimated unrestricted cash deficit of $8M. In other words, the budget anticipates an average monthly reduction in unrestricted cash of $667K. As outlined in 2023-24 budget and LTFP, this unrestricted cash deficit will be offset by proceeds from sale of assets in line with the divestment strategy. As such, it is

anticipated for unrestricted cash balance to reduce during periods when no assets proceeds are being received.

Council's overall cash balance increased from $49M in January to $53M by the end of February despite anticipated deficit. This $4M increase is mainly associated with new RAD and ILU deposits and cash inflow from rates (third rates instalment was due in February). There were no significant RAD refunds processed in February. It is expected that positive cash inflow from Blue Haven will be offset by significant cash outflows in upcoming months (currently $2.8M are awaiting refund pending receipt of grant of probates).

The unrestricted funds balance as at 29 February increased by $300K to $3.5M. This is in line with the overall cash increase in February. Overall net movement of unrestricted funds was affected by the above mentioned adjustments to reserves.

The summary of transfers from internal reserves in order to replenish unrestricted cash as per previous Council resolutions is summarised below:

Reference	Date Effective	Reserve	Amount	Reason
23/126OC	30/04/2023	Land Development Reserve	-5,000,000	insufficient unrestricted cash balance
23/195OC	31/07/2023	Land Development Reserve	-500,000	insufficient unrestricted cash balance
23/256OC	31/08/2023	Land Development Reserve	-1,800,000	insufficient unrestricted cash balance
23/329OC	31/10/2023	Land Development Reserve	-2,174,773	insufficient unrestricted cash balance
23/365OC	30/11/2023	Land Development Reserve	2,000,000	transfer to increase reserve
24/018OC	29/02/2024	Land Development Reserve	1,000,000	transfer to increase reserve
	Total:		**-6,474,773**	

Consolidated Cash Position and Cash Flow Forecast

Council's Forecasted Cashflow was reviewed, updated, and presented to the Financial Advisory Committee in February.

The below graph depicts the revised cash forecast for the coming 12 months, whilst comparing the current cash reserve balance to the predicted cash reserve balance.



Certification – Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the Local Government (General) Regulation 2021 and Council's Investment Policy.

Olena Tulubinska
Chief Financial Officer

07/03/2024

Monthly Investment Review

KIAMA MUNICIPAL COUNCIL
your council, your community

February 2024

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AFSL 246 638
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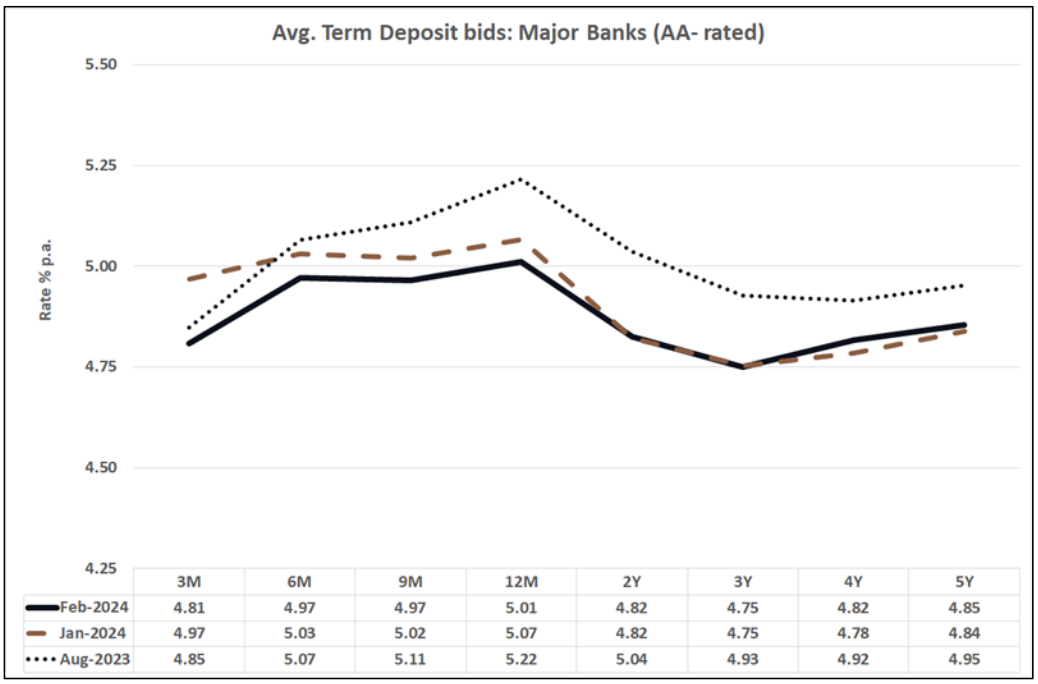
125 Middle Harbour Road, East Lindfield NSW 2070

Market Update Summary

Financial markets continued their rally in February largely reflective of the overall continued easing in inflation globally. Focus remains on when central banks will begin their interest rate cuts this year.

Over February 2024, movements for major bank term deposit rates were mixed compared to the previous month (January 2024). Major bank deposit rates dropped by as much as 16bp across the shorter-tenors (3-12 months), whilst flat across the medium term (2-3 years), and was slightly up by around 2-3bp across the longer-tenors (4-5 years). Interestingly, major bank deposit rates are approximately 10-22bp lower than what they were 6 months ago (August 2023), clearly pricing in the future rate cuts expected later this year.



	3M	6M	9M	12M	2Y	3Y	4Y	5Y
Feb-2024	4.81	4.97	4.97	5.01	4.82	4.75	4.82	4.85
Jan-2024	4.97	5.03	5.02	5.07	4.82	4.75	4.78	4.84
Aug-2023	4.85	5.07	5.11	5.22	5.04	4.93	4.92	4.95

Source: Imperium Markets

With a global economic downturn and multiple interest rate cuts being priced in coming years, investors should consider taking an 'insurance policy' against a potentially lower rate environment by investing across 2-5 year fixed deposits, targeting rates above or close to 4¾-5% p.a. (small allocation only).

Kiama Municipal Council's Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to term deposits (82.5%), with the remainder in cash (17.5%).

Senior FRNs remain relatively attractive as spreads have generally widened over the past 2 years. New issuances may be considered again on a case by case scenario. In the interim, staggering a mix of fixed deposits between 9-12 months to 3 years remains a more optimal strategy to maximise returns over a longer-term cycle.

With multiple rate cuts and a global economic downturn being priced in coming years, investors can choose to allocate a small proportion of longer-term funds and undertake an insurance policy against any potential future rate cuts by investing across 2-5 year fixed deposits, locking in and targeting yields close to or above 4¾-5% p.a.



Term to Maturity

The portfolio is highly liquid with the majority maturing within 1 year (~89%). We recommend a more diversified maturity profile to optimise the overall returns of the portfolio in the long-run.

All the maturity policy allocations are compliant, with substantial capacity to invest in 1-3 year terms particularly amongst the higher rated ADIs. Where ongoing liquidity requirements permit, we recommend Council to invest a higher proportion in deposits with a minimum term of 9-12 months, with a smaller allocation to 2 year deposits.



Compliant	Horizon	Invested ($)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available ($)
✓	0 - 365 days	$48,243,398	88.94%	0%	100%	$5,336,325
✓	1 - 3 years	$6,000,000	11.06%	0%	40%	$13,961,034
✓	3 - 5 years	$0	0.00%	0%	30%	$14,473,019
✓	5 - 10 years	$0	0.00%	0%	30%	$14,473,019
		$54,243,398	**100.00%**			

Counterparty

As at the end of February, all individual counterparties are within limits and compliant. Overall, the portfolio is lightly diversified across the investment grade credit spectrum with zero exposure to the unrated ADI sector.

Compliant	Issuer	Rating	Invested ($)	Invested (%)	Max. Limit (%)	Available ($)
✓	CBA	AA-	$6,000,000	11.06%	40%	$15,697,359
✓	Westpac	AA-	$9,493,398	17.50%	40%	$12,203,961
✓	NAB	AA-	$12,000,000	22.12%	40%	$9,697,359
✓	Suncorp	A+	$12,000,000	22.12%	30%	$4,273,019
✓	ING	A	$12,000,000	22.12%	30%	$4,273,019
✓	BoQ	BBB+	$2,000,000	3.69%	15%	$6,136,510
✓	AMP	BBB	$750,000	1.38%	15%	$7,386,510
			$54,243,398	**100.00%**		

Fossil Fuel Investments

What is Council's current exposure to institutions that fund fossil fuels?

Using the following link http://www.marketforces.org.au/banks/compare, based on the Council's investment portfolio balance as at 29/02/2024 (~$54.2m), we can roughly estimate that ~74% of the institutions invested have some form of exposure. Note this is purely based on the institution/counterparty and not the actual underlying investments themselves.

Council's exposure is summarised as follows:

Counterparty	Rating	Funding Fossil Fuel
CBA	AA-	Yes
WBC	AA-	Yes
NAB	AA-	Yes
Suncorp	A+	No
ING	A	Yes
BoQ	BBB+	No
AMP Bank	BBB	Yes

Source: https://www.marketforces.org.au/info/compare-bank-table/

Summary	Amount	Invested %
Yes	$40,243,398	74%
No	$14,000,000	26%
	$54,243,398	**100%**

Transition to investments without major exposure to fossil fuels

Council has not made a formal decision to divest from the current portfolio of investments which have exposure to fossil fuels. To do so would have unfavourable implications to the credit quality, rating and interest income forecasts.

However, where possible, and within the ministerial and policy guidelines, Council will continue to favour newly issued fossil fuel free investment products, providing it does not compromise the risk and return profile.

In time, it is Councils intention to move to a more balanced portfolio which has less exposure to fossil fuels, providing it is prudent to do so.

What would be implications on our portfolio credit rating?

By adopting a free fossil fuel policy or an active divestment strategy, this would eliminate the major banks rated "AA-" as well as some other potential "A" rated banks (e.g. Macquarie and ING). Council would be left with a smaller sub-sector of banks to choose to invest with.

What would be risks and implications on Council's portfolio performance?

Some implications include:

- High concentration risk – limiting Council to a selected number of banks;
- Increased credit/counterparty risk;
- May lead to a reduction in performance (e.g. should Council choose to invest in securities, most of the senior FRN issues are with the higher rated ADIs);
- Underperformance compared to other Councils which could result in a significant loss of income generated – could be in excess of hundreds of thousands of dollars per annum.

It may actually be contrary to Council's primary objective to preserve capital as the investment portfolio's risk would increase (all things being equal). Council may not be maximising its returns – this is one of the primary objectives written in the Investment Policy.

Credit Quality

The portfolio is diversified from a credit ratings perspective, with exposure down to the BBB category. All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested ($)	Invested (%)	Max. Limit (%)	Available ($)
✓	AAA Category	$0	0.0%	100%	$54,243,398
✓	AA Category	$27,493,398	50.7%	100%	$26,750,000
✓	A Category	$24,000,000	44.2%	70%	$13,970,379
✓	BBB Category	$2,750,000	5.1%	30%	$13,523,019
✓	Unrated Category	$0	0.0%	0%	$0
		$54,243,398	**100.0%**		

Performance

Council's performance (excluding cash holdings) for the month ending February 2024 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.34%	1.07%	2.11%	2.80%	4.09%
AusBond Bank Bill Index	0.34%	1.09%	2.12%	2.88%	4.10%
Council's Portfolio^	**0.42%**	**1.29%**	**2.53%**	**3.25%**	**4.45%**
Outperformance	**0.08%**	**0.20%**	**0.40%**	**0.37%**	**0.35%**

^Total portfolio performance excludes Council's cash account holdings.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.35%	4.35%	4.27%	4.22%	4.09%
AusBond Bank Bill Index	4.42%	4.43%	4.31%	4.34%	4.10%
Council's Portfolio^	**5.42%**	**5.28%**	**5.13%**	**4.90%**	**4.45%**
Outperformance	**0.99%**	**0.85%**	**0.82%**	**0.56%**	**0.35%**

^Total portfolio performance excludes Council's cash account holdings.

For the month of February, excluding cash, the total portfolio provided a return of +0.42% (actual) or +5.42% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.34% (actual) or +4.42% p.a. (annualised). The monthly performance has improved over the recent months reflective of the maturity of lower yielding term deposits that are being replaced by higher yielding term deposits, providing greater overall returns to the portfolio.

Recommendations for Council

Term Deposits

Going forward, Council may consider altering its longer-term strategy by placing a slightly larger proportion of deposits and stagger investments across 12-24 months terms. Over a cycle and in a normal market environment, this may earn up to ¼-½% p.a. higher compared to purely investing in shorter tenors. There is a growing belief that multiple rate cuts and a global economic downturn is not too far away and so locking in rates above or close to 4¾-5% p.a. across 2-3 year tenors may provide some income protection against a lower rate environment.

As at the end of February 2024, Council's deposit portfolio was yielding around 5.22% p.a. (down 1bp from the previous month), with a weighted average duration of 236 days (~8 months). ***We commend Council for improving its weighted average duration in recent months reflective of investments in high yielding term deposits in 1 and 2 year tenors. We continue to recommend Council to increase the portfolio's duration closer to 9 months incrementally over the current financial year (with a view to extending closer to 12 months in the medium-term).***

Please refer to the section below for further details on the Term Deposit market.

Securities

Primary (new) **FRNs** (with maturities between 3-5 years) continue to be appealing (particularly for those investors with portfolios skewed towards fixed assets) and should be considered on a case by case scenario.

Please refer to the section below for further details on the FRN market.

Term Deposit Market Review

Current Term Deposits Rates

As at the end of February, we see value in the following:

Index	LT Credit Rating	Term	Rate % p.a.
ING	A	5 years	5.04%
BoQ	BBB+	5 years	5.00%
ING	A	2 years	4.95%
BoQ	BBB+	4 years	4.95%
ING	A	4 years	4.92%
Australian Unity	BBB+	2 years	4.90%
ING	A	3 years	4.87%
Suncorp	A+	2 years	4.85%
BoQ	BBB+	2 years	4.85%
Westpac	AA-	5 years	4.82%
Westpac	AA-	2 years	4.82%
NAB	AA-	2 years	4.75%

The above deposits are suitable for investors looking to maintain diversification and lock-in a slight premium compared to purely investing short-term.

For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (*we stress that rates are indicative, dependent on daily funding requirements and different for industry segments*):

Index	LT Credit Rating	Term	Rate % p.a.
NAB	AA-	5-8 months	5.10%
ING	A	12 months	5.08%
Suncorp	A+	6 months	5.08%
NAB	AA-	12 months	5.05%
Westpac	AA-	12 months	5.05%
Suncorp	A+	9 months	5.05%
BoQ	BBB+	9 months	5.05%
Hume Bank	BBB+	12 months	5.04%
Bendigo	BBB+	9 months	5.03%
BoQ	BBB+	6 months	5.00%

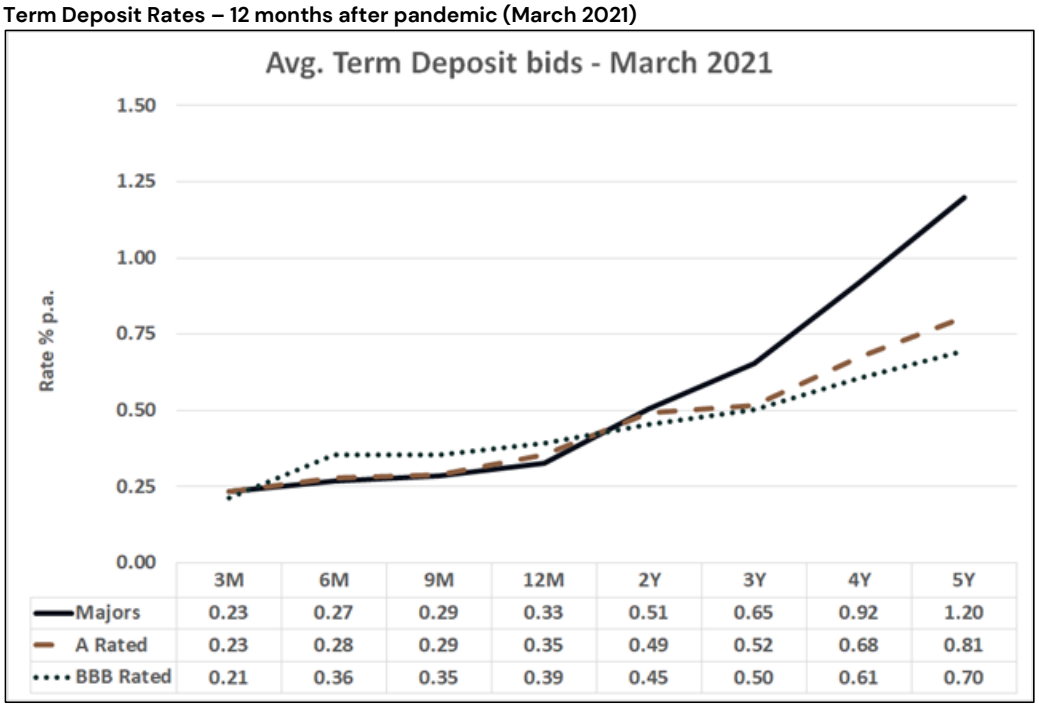
If Council does not require high levels of liquidity and can stagger a proportion of its investments across the longer term horizons (1-5 years), it will be rewarded over a longer-term cycle. Investing a spread of 12 months to 3 year horizons is likely to yield, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated deposits (under 6-9 months).

With a global economic slowdown and rate cuts being priced in coming years, investors should strongly consider and allocate some longer term surplus funds to undertake an insurance policy by investing across 2-5 year fixed deposits and locking in rates close to or above 4¾-5% p.a. This will provide some income protection with central banks now likely to cut rates at some stage later this year.

Term Deposits Analysis

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) during mid-2020, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past three years.

Term Deposit Rates – 12 months after pandemic (March 2021)



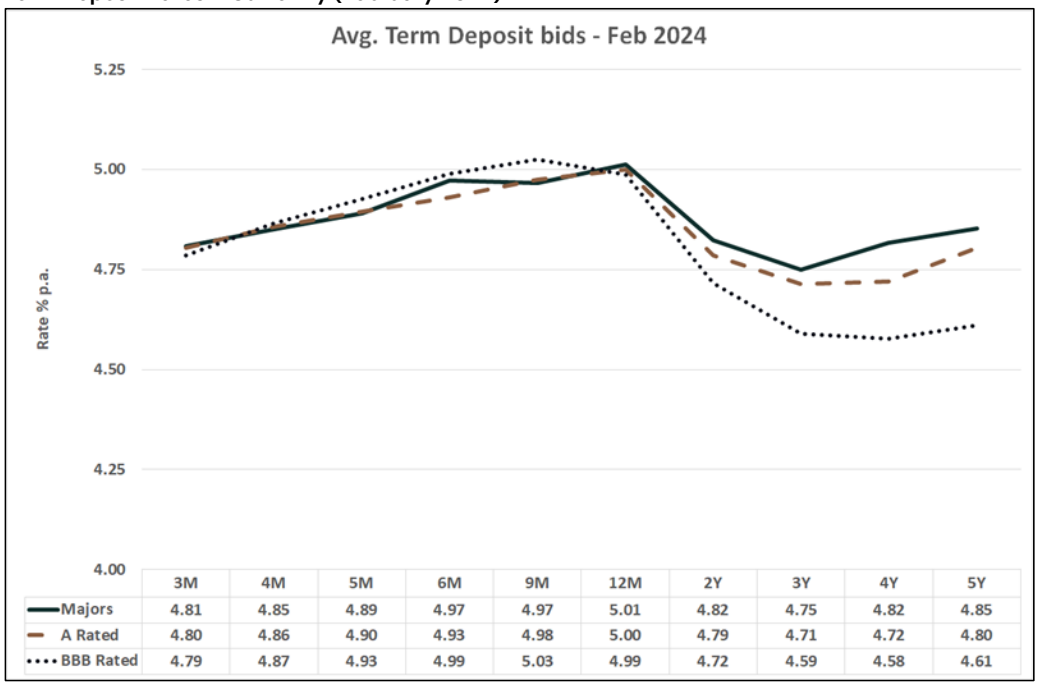
	3M	6M	9M	12M	2Y	3Y	4Y	5Y
Majors	0.23	0.27	0.29	0.33	0.51	0.65	0.92	1.20
A Rated	0.23	0.28	0.29	0.35	0.49	0.52	0.68	0.81
BBB Rated	0.21	0.36	0.35	0.39	0.45	0.50	0.61	0.70

Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits slowly increases. In recent months, we have started to periodically see some of the lower rated ADIs ("A" and "BBB" rated) offering slightly higher rates compared to the domestic major banks ("AA" rated) on different parts of the curve (i.e. pre-pandemic environment). Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.

Going forward, Council should have a larger opportunity to invest a higher proportion of its funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry. We are slowly seeing this trend emerge, although the past few months have been an exception, with the major banks repricing more rapidly to the movement in the bond market than their lower rated counterparts. This reversed somewhat over the past few months with the lower rated institutions (mainly "A" rated) lagging the major banks in dropping their rates:

Term Deposit Rates – Currently (February 2024)



	3M	4M	5M	6M	9M	12M	2Y	3Y	4Y	5Y
Majors	4.81	4.85	4.89	4.97	4.97	5.01	4.82	4.75	4.82	4.85
A Rated	4.80	4.86	4.90	4.93	4.98	5.00	4.79	4.71	4.72	4.80
BBB Rated	4.79	4.87	4.93	4.99	5.03	4.99	4.72	4.59	4.58	4.61

Source: Imperium Markets

Regional & Unrated ADI Sector

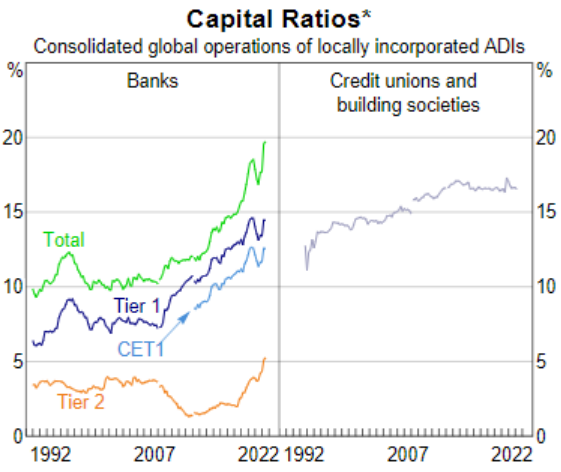
Ratings agency S&P has commented that "*mergers remain compelling for mutuals lenders*" in providing smaller lenders greater economies of scale and assisting them in being able to price competitively and will see "*the banking landscape will settle with a small number of larger mutual players*". S&P expects that consolidation to continue over the next two years.

We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position then they have been historically (see the Capital Ratio figure below). The financial regulator, APRA has noted that the Common Equity Tier 1 capital of Australian banks now exceeds a quarter of a trillion dollars. It has increased by $110 billion, or more than 70%, over the past ten years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

We believe that deposit investments with the lower rated ADIs should be considered going forward, particularly when they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. APRA's mandate is to "*protect depositors*" and provide "*financial stability*".

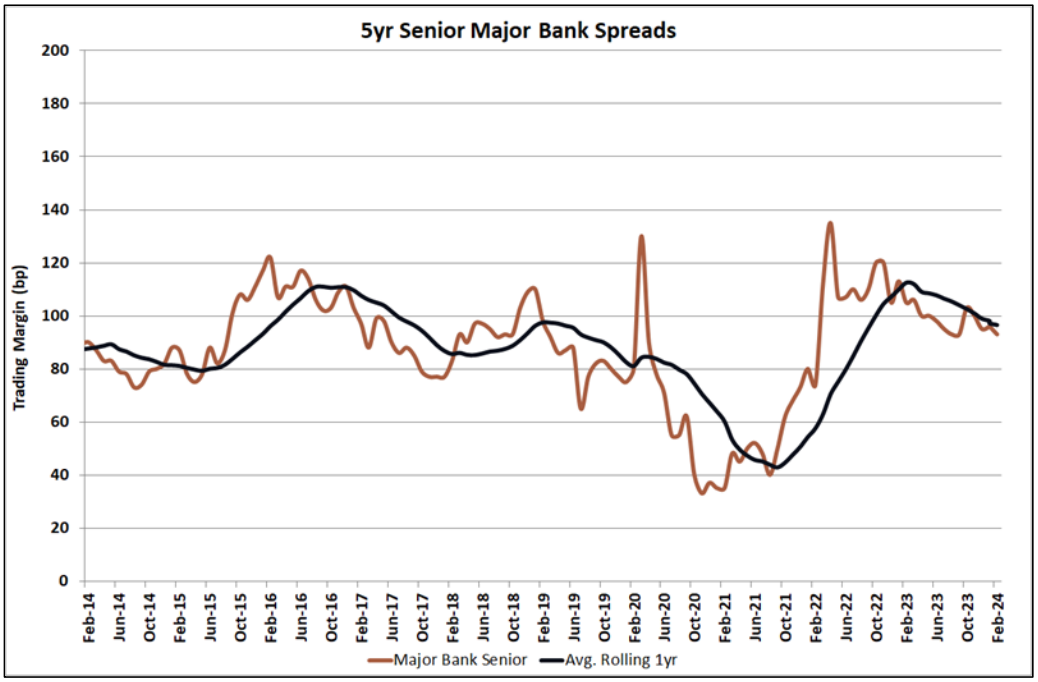


* Per cent of risk-weighted assets; break in March 2008 due to the introduction of Basel II for most ADIs; break in March 2013 due to the introduction of Basel III for all ADIs.

Source: APRA.

Senior FRNs Market Review

Over February, amongst the senior major bank FRNs, physical credit securities tightened by around 3-7bp at the long-end of the curve. Major bank senior securities remain at fair value on a historical basis (5yr margins around +93bp level).



Source: IBS Capital

During the month, there were several new (primary) issuances including:

- Heritage (BBB) 3 year senior FRN at +160bp
- Newcastle Greater (BBB) 5 year senior FRN at +185bp
- Bank Australia (BBB) 4 year senior FRN at +170bp
- DBS Bank (AA-) 3 year senior security at +77bp
- Rabobank Australia Branch (A+) 3 & 5 year senior security at +87bp and +103bp respectively
- MUFG Bank Sydney Branch (A) 3 & 5 year senior FRN at +85bp and +99bp respectively
- Members Banking Group (RACQ Bank) (BBB+) 3 year senior FRN at +160bp
- OCBC Sydney Branch (AA-) 3 year senior FRN at +72bp

Amongst the "A" rated sector, the securities tightened by around 12-20bp at the longer-end of the curve, whilst the "BBB" rated sector widened by around 12bp at the 3 year part of the curve. Overall, credit securities are looking much more attractive given the widening of spreads over the past 2 years and as more primary issuances become available. FRNs will continue to play a role in investors' portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	29/02/2024	31/01/2024
"AA" rated – 5yrs	+93bp	+96bp
"AA" rated – 3yrs	+73bp	+80bp
"A" rated – 5yrs	+105bp	+125bp
"A" rated – 3yrs	+87bp	+99bp
"BBB" rated – 3yrs	+160bp	+148bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- On or before early 2026 for the "AA" rated ADIs (domestic major banks);
- On or before early 2025 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub optimal investments and are not maximising returns by foregoing realised capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

Senior Fixed Bonds – ADIs (Secondary Market)

With global inflation still high by historical standards, this has seen a significant lift in longer-term bond yields over the past 2 years (valuations have fallen) as markets have reacted sharply.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0278174	UBS	A+	Senior	26/02/2026	1.99	1.10%	5.01%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	2.18	1.40%	5.16%
AU3CB0299337	Bendigo	BBB+	Senior	15/05/2026	2.21	4.70%	5.08%
AU3CB0296168	BoQ	BBB+	Senior	27/01/2027	2.91	4.70%	5.13%

Economic Commentary

International Market

Financial markets continued their rally in February largely reflective of the overall continued easing in inflation globally. Focus remains on when central banks will begin their interest rate cuts this year.

Across equity markets, the S&P 500 Index gained +5.17% over the month, whilst the NASDAQ surged +6.12%. Europe's main indices also experienced material gains, led by Italy's FTSE MIB (+7.34%), Germany's DAX (+4.58%), and France's CAC (+3.54%). UK's FTSE (-0.01%) was the exception, which was largely flat against the rally in global equity markets.

In the US, January CPI was +0.3% m/m vs +0.2% expected, with the core reading at +0.4% m/m (+2.8% y/y) vs +0.3% expected.

In Europe, the CPI was +2.8% y/y in January, down from +2.9% y/y recorded in December. Additionally, wage growth declined to +4.5% y/y in January (from +4.7% the previous month).

UK CPI data for January also came in lower than expected, where the headline rate held at +4.0% (expected +4.1%), as did core at +5.1% (versus +5.2% expected). UK Q4 GDP fell -0.3% in Q4 following the -0.1% contraction in Q3, resulting in a technical recession. The UK labour market data was stronger than expected, with the unemployment rate 0.2% lower than expected at 3.8% and wages inflation not falling as fast as expected.

Canadian CPI was +2.9% in January from a year ago, which was much lower than the expected +3.3%. Additionally, unemployment in Canada fell to 5.7% vs. 5.9% expected and employment was +37.5k vs. +15.0k expected.

Whilst in Japan, core CPI eased to +2.0%y/y in January compared with +2.3%y/y in December.

In China, the People's Bank of China lowered the five-year loan prime rate by 25bp to 3.95%. This surprise cut is aimed to revive China's property sector as it could improve affordability for buyers by lowering mortgage rates.

The MSCI World ex-Aus Index rose +4.22% for the month of February:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+5.17%	+11.57%	+28.36%	+10.17%	+12.85%	+10.61%
MSCI World ex-AUS	+4.22%	+10.43%	+23.37%	+7.12%	+10.01%	+7.31%
S&P ASX 200 Accum. Index	+0.79%	+9.39%	+10.64%	+9.32%	+8.61%	+7.95%

Source: S&P, MSCI

Domestic Market

According to the RBA February Board meeting minutes, the Board had considered to hike the cash rate by 25bp or to hold steady; however, it ultimately decided to hold the cash rate steady given recent signs inflation had moderated further. However, the minutes stated, *"it was not yet possible to rule in or out further increases in interest rates"* and it would take *"some time"* to have sufficient confidence inflation was on track.

The monthly consumer price index (CPI) fell -0.3% in January, leaving the annual rate unchanged at +3.4% y/y (which was lower than market expectations of +3.6% y/y). When excluding volatile items, the annual rise was +4.1%, down from +4.2% recorded in December.

The Wage Price Index (WPI) was +0.9% over the December 2023 quarter and +4.2% over calendar 2023 (the highest annual growth since the March 2009 quarter). The annual growth in the WPI exceeded forecasts and was driven by newly-implemented enterprise agreements in the public sector. Wages growth in the public sector rose by +4.3% y/y, outpacing the +4.2% y/y wages growth in the private sector.

The unemployment rate rose to 4.1% from 3.9% (consensus 4.0%), though unrounded it rose only by 0.1% to 4.0577%. Employment growth was flat at +0.5k vs. the +25.0k consensus, and hours worked fell sharply by -2.5% m/m. The participation rate also fell by 0.1% to 66.8% from 66.9% and underemployment rose by 0.1% to 6.6%.

Retail sales increased +1.1% m/m in January, which was lower than expectations of +1.6% m/m, but rebounded from the -2.7% recorded in December.

Dwelling approvals fell sharply in December by -9.5% m/m, driven by a sharp fall in the volatile non-house component (i.e. apartments; -25.3% m/m).

The December goods trade surplus fell slightly to $10.96bn from $11.8bn (consensus $10.5bn). The largely on consensus print was driven by a partial rebound in imports (+4.8% m/m after last month's -8.4%; or $1.7bn).

The Australian dollar slightly fell -0.84%, finishing the month at US65.19 cents (from US65.74 cents the previous month).

Credit Market

The global credit indices tightened over February as risk markets continued their rally. They are now back to their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	February 2024	January 2024
CDX North American 5yr CDS	52bp	55bp
iTraxx Europe 5yr CDS	55bp	60bp
iTraxx Australia 5yr CDS	64bp	68bp

Source: Markit

Fixed Interest Review

Benchmark Index Returns

Index	February 2024	January 2024
Bloomberg AusBond Bank Bill Index (0+YR)	+0.34%	+0.37%
Bloomberg AusBond Composite Bond Index (0+YR)	-0.30%	+0.21%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.53%	+0.44%
Bloomberg AusBond Credit Index (0+YR)	+0.05%	+0.41%
Bloomberg AusBond Treasury Index (0+YR)	-0.36%	+0.16%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-0.48%	-0.69%

Source: Bloomberg

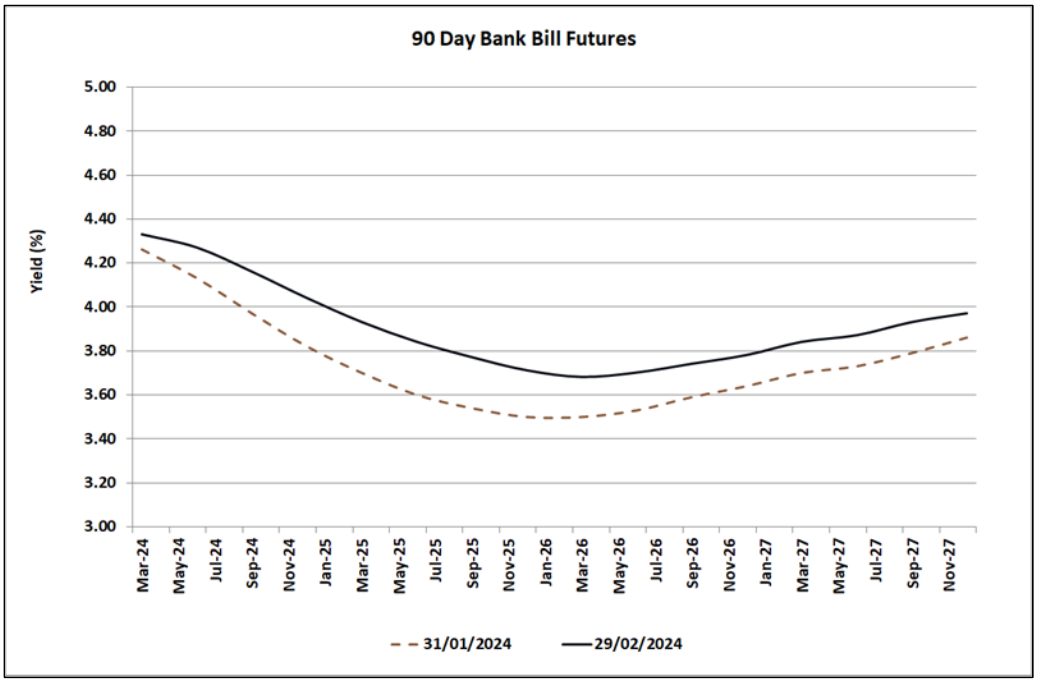
Other Key Rates

Index	February 2024	January 2024
RBA Official Cash Rate	4.35%	4.35%
90 Day (3 month) BBSW Rate	4.34%	4.35%
3yr Australian Government Bonds	3.71%	3.56%
10yr Australian Government Bonds	4.14%	4.02%
US Fed Funds Rate	5.25%-5.50%	5.25%-5.50%
2yr US Treasury Bonds	4.64%	4.27%
10yr US Treasury Bonds	4.25%	3.99%

Source: RBA, ASX, US Department of Treasury

90 Day Bill Futures

Bill futures increased across the board this month, following the movement in the global bond market. The focus from the market remains on when the first rate cut will be delivered:



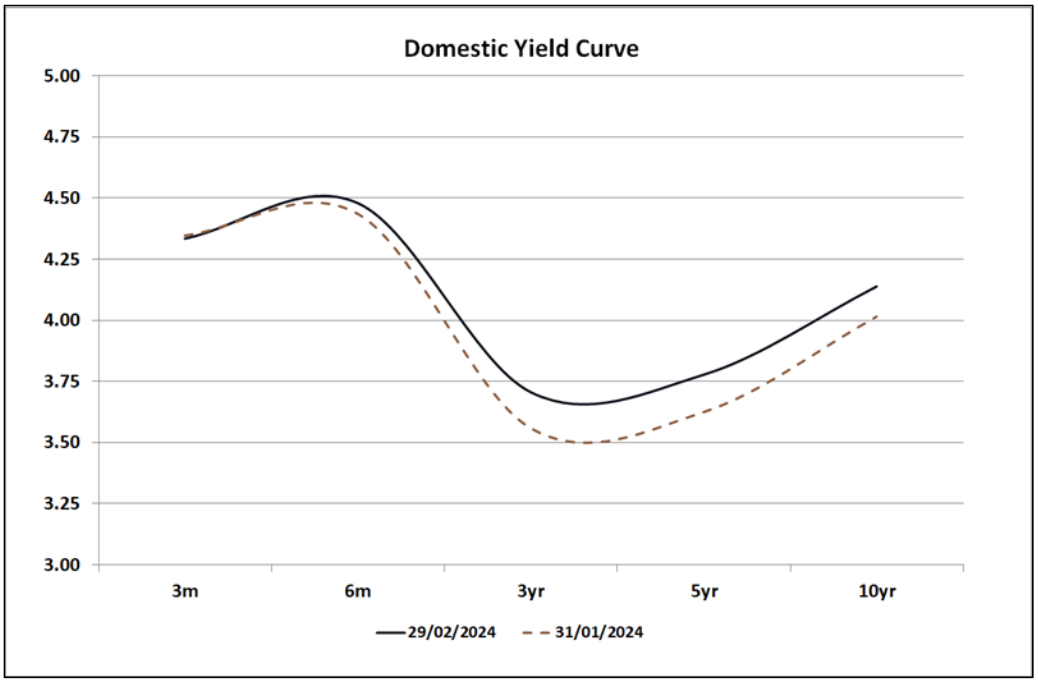
Source: ASX

Fixed Interest Outlook

There is uncertainty when central banks will start to cut official rates in 2024. The latest minutes of the US Federal Reserve's latest meeting stated significant progress has been made to date on inflation; however, policymakers noted "*restrictive*" policy has more work to do. This suggests the Fed is therefore in no rush to cut rates as it wants to see more evidence inflation is firmly on a downward path to the 2% target before lowering interest rates. Financial markets are currently pricing in around 80bp of US Fed rate cuts in 2024, with the first cut expected at the Fed's July meeting.

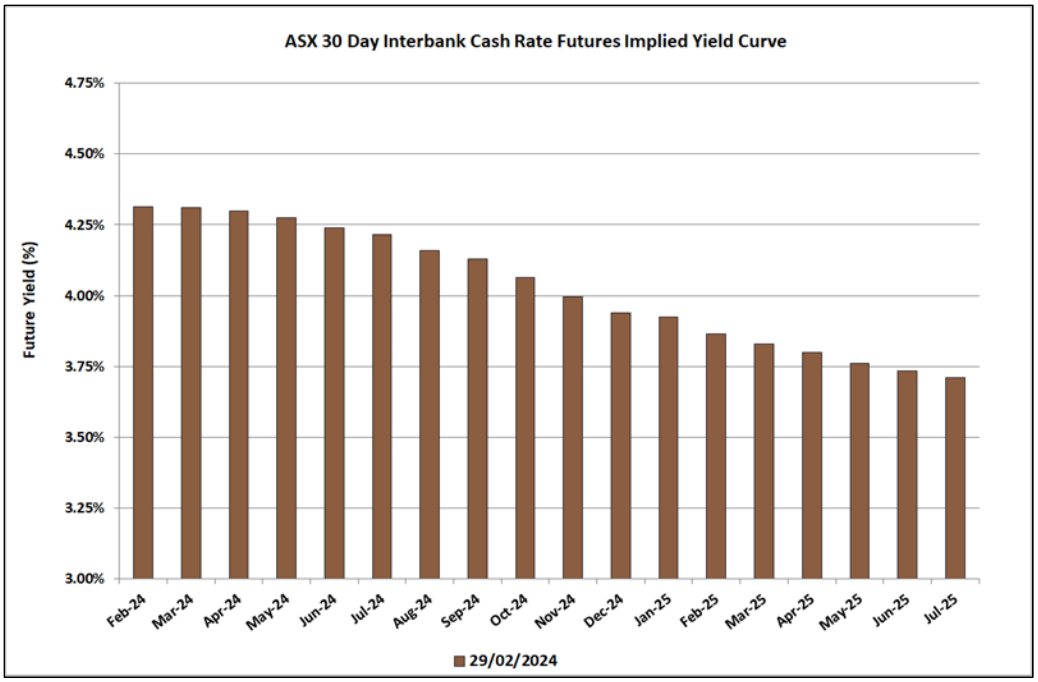
Domestically, the RBA currently remains on a mild tightening bias and appears to be comfortable with the current level of the cash rate being restrictive enough. The RBA February Board meeting minutes stated, *"it was not yet possible to rule in or out further increases in interest rates"* and it would take *"some time"* to have sufficient confidence inflation was on track. The Board therefore wants to keep the optionality in the event of future shocks. Nevertheless, financial markets anticipate the RBA to cut rates by year end.

Over the month, longer-term yields rose up to 15bp at the very long end of the curve:



Source: ASX, RBA

The consensus from the broader market is that we have reached the peak of the interest rate cycle, with financial markets pricing in the first rate cut by October 2024:



Source: ASX

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14.3 Half Yearly Report - Delivery Program and Operational Plan - July 2023 to December 2023

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.4 Develop an Outcomes Measurement Framework to meaningfully measure how the actions and strategies of the CSP and other documents impact on the delivery of the community vision.

Delivery Program: 5.2.4.1 Develop an Outcomes Measurement Framework.

Summary

This report provides an update on progress of the 2022 – 2026 Delivery Program and 2023-2024 Operational Plan for the July to December 2023 period.

Financial implication

The annual Operational Plan is aligned with the corresponding Budget process.

Risk implication

This reports details achievement of Delivery Program and Operational Plan activities. Areas which are not significantly progressed or complete may impact operational or strategic objectives.

Policy

Local Government Act 1993

Consultation (internal)

All Council departments contributed to the development of the Operational Plan and updates in this report.

Communication/Community engagement

The Delivery Program 2022-2026 and Operational Plan 2023-2024 were developed following engagement with the community and were adopted after being placed on public exhibition for 28 days.

Attachments

1 DP-OP Jul to Dec 2023 for Council report⇩

Enclosures
Nil

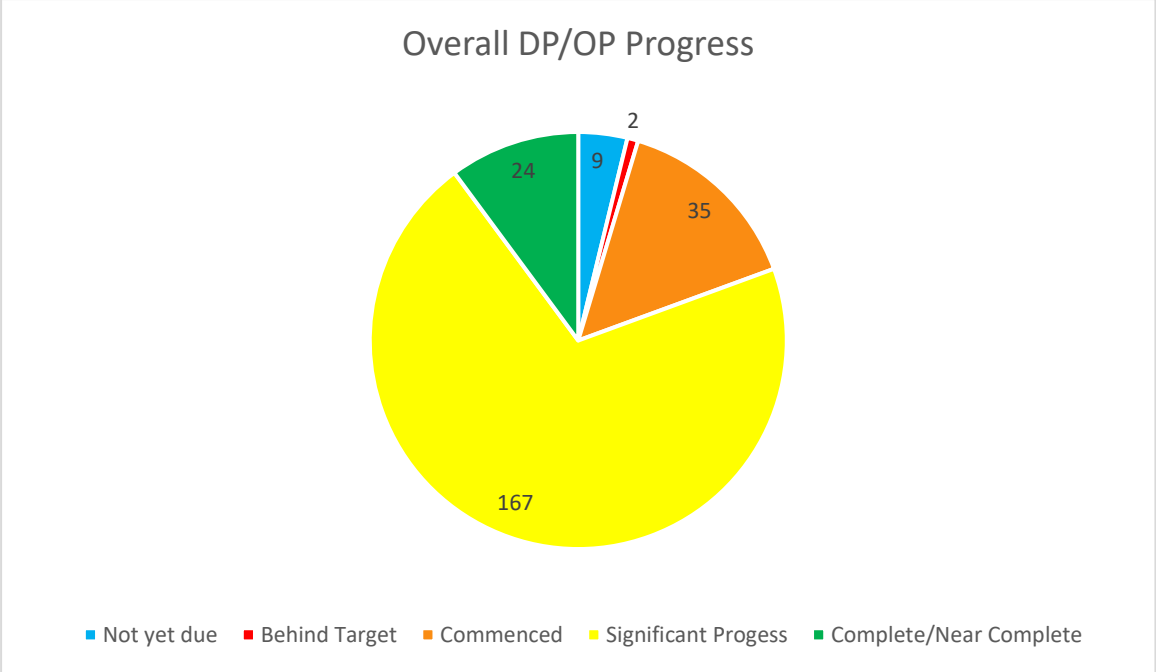
RECOMMENDATION

That Council notes the half-yearly progress report of the Delivery Program 2022-2026 and the Operational Plan 2023-2024 for the period July to December 2023

Background

In accordance with the *Local Government Act 1993*, this Delivery Program and Operational Plan Progress Report provides Councillors and the community with information reflecting progress towards the adopted strategies of Council's four-year Delivery Program and ten-year Community Strategic Plan.

Attached for Councillors information is the half-yearly progress report on the Delivery Program 2022-2026 and Operational Plan 2023-2024.



There are a total of 237 actions in the Delivery and Operational Plan (DPOP). The chart above shows:

- 10% (24) actions complete or near complete.
- 70% (167) actions are significantly progressed.
- 15% (35) actions have commenced.
- 1% (2) actions are behind target.
- 4% (9) actions are not yet due to for commencement.

Given we are at the midway point of the delivery cycle, with 80.2% of actions either complete or having significant progress and a further 9% not yet due to begin, council and our community will be able to observe, enjoy or derive benefit from the many improvements to date and during the upcoming six months.

Some key highlights achieved include:

- A framework encouraging and supporting volunteers with Council on a range of programs and activities has been developed and implemented.

- Kiama Leisure Centre service review is well progressed. The completion of consultation, interviews and the scope of works has occurred. A draft report has been developed, including recommendations and findings. This report is being provided to both the Finance Advisory Committee and Council before being finalised.
- Council hosted the 2023 Local Government Regional NAIDOC Week Awards at The Pavilion, on Saturday 29 July 2023. The Regional NAIDOC Week Awards is delivered annually in partnership with Shellharbour City Council, Wollongong City Council and Shoalhaven City Council. Themed 'For Our Elders', the event comprised of cultural activities, performances, and the Award presentation. The event was attended by approximately two hundred members of the Aboriginal community, Elders, dignitaries, the wider community, community services and government agencies.
- Council is working toward development of its first Reconciliation Action Plan (RAP). This work is guided by the Reconciliation Australia's RAP Framework and will be developed in consultation with the local community members.
- The Kiama Heritage Planning Proposal was adopted and placed in the NSW Government Gazette this quarter. This Planning Proposal introduced several additional heritage items into the Local Environmental Plan. It also created two Heritage Conservation Areas in the Kiama Town Centre.
- The Stage 3 Kiama Coastline Coastal Management Program (CMP) Report has been completed and made publicly available on Council website.
- Erosion control measures for the Blue Angle Creek in Seven Mile Beach Holiday Park were completed in December 2023.
- Contemporary Bushfire Mapping has been published in accordance with NSW Rural Fire Service's requirement. Bushfire mapping project completed in 2022/23 ahead of schedule.
- Council's Economic Development staff successfully delivered the Careers at Council program, which saw 80 students from Kiama High School experience work in different functional areas within council.
- Council Work Experience Program updated by Economic Development and Human Resources Teams.
- The 2024 Kiama Visitor Guide was launched in December 2023 and is distributed from the Kiama Visitor Information Centre, locally to partner businesses, and statewide via our distribution company to hotels and visitor touch points around NSW.
- A great start to the year with the Red Hot Summer Tour, Kiama Show and a Mathematical Conference for 4 days taking place which generated economic growth within the local area with accommodation and tourist attractions by delegates and alike.

- A Draft Agritourism Development Control Plan chapter has been drafted and exhibited.
- The annual road safety action plan was approved for funding by Transport for NSW in Quarter 1 and actions are progressing.
- Road safety programs have been undertaken for Learner Driver training and another round is programmed for April 2024 and National Road Safety Week events in May 2024.
- Hopwood report 'review of governance arrangements' substantially complete and reported to the Audit, Risk and Improvement Committee.
- Asset conditions assessment of road and associated infrastructure has been completed.
- The Akuna Street car park sale settled in November 2023 for $5.5 million (excluding GST) making a significant contribution towards the 2023/24 budget for income through the divestment of land assets.
- The Tender Process for the sale of Blue Haven has been undertaken. A report to Council was presented in February 2024.
- Kiama Council's first Media Strategy developed and put on public exhibition in Oct-Nov for comment.
- Complaints handling policy on exhibition December 2023, followed by endorsement in January 2024.
- The final compliance report was submitted to the Office of Local Government on 30 June 2023. The Minister is reviewing the submitted reports and appointed an independent reviewer. Council is working with the Office of Local Government as they complete this process. Note the independent reviewer will be onsite during January 2024 and their report provided to OLG.

Activities not commenced.

The tables below reflect the actions that have not commenced (<7%) in this period, highlighted as possible risks in the context of meeting objectives and complying with legislation.

Code	Action	Comment
1.1.1.1.3	Implement Council's Grants and Donations Policy and Programs.	The Cultural Grants program is currently in review as Council implements a new policy and procedures framework across all grant programs, as such this action is not yet due for commencement.

Code	Action	Comment
2.1.3.2.2	Undertake scoping of Kiama Coastal Walk extension from Gerringong to Gerroa to support the lodgment of a funding submission with State Government	These works are programmed for Quarter 3 and 4 of the current planning cycle (first half 2024).
2.2.1.1.2	Undertake a town centre planning study for the township of Gerringong.	Due to resourcing constraints during the current financial year and other Strategic Planning priorities, this project is not anticipated to commence until next financial year and will likely form part the LEP and DCP reviews rather than a stand-alone item.
2.3.1.1.2	Undertake Service Review of Waste Services and operations.	A consultant for the service review has been engaged and the project is programmed to be completed by May 2024.
2.3.2.1.1	Implement Regional Litter Grant as managed by Illawarra Shoalhaven Joint Organisation (ISJO).	This grant was not applied for by ISJO. No longer relevant.
2.4.1.1.3	Update Development Control Plan and Policy frameworks to reflect State government policy direction on resilience and natural disasters.	This action has not commenced. It will be informed by the completion of the Kiama Coastal Management Plan and work being undertaken by the ISJO on natural hazards and the best practice management and resilience to them in the region.
3.1.4.1.1	Develop an agricultural lands strategy.	Council is yet to develop an agricultural lands strategy. This will likely commence following the finalisation of the Housing and Growth strategy which is due to start with extensive community engagement next quarter.
4.3.1.1.2	Maintain currency of information about the accessibility of Council's public toilets, on the National Public Toilets Register.	Registry will be updated by end of financial year should our public toilet inventory or status change.
4.3.2.2.4	Review priority actions from Draft Traffic and Parking Study for Kiama Town	Anticipate quarter 3 or 4 of the current planning period (first half of 2024)

Code	Action	Comment
	Centre for further investigation and action including paid parking options.	
5.2.4.1.1	Develop a suite of community indicators to enable council to measure how effectively we are working towards the objectives of the Community Strategic Plan.	Rather than developing a suite of indicators for Kiama Council, we will aim to participate in the Local Government Professionals Performance Excellence Program which include the Comparative Council Analysis Tool (CCAT). The CCAT gives councils the ability to sub-segment results at a deeper level so they are able to benchmark across clusters of councils with a similar size or characteristics. The next program commences July 2024, so this action will not be completed this year.
5.3.1.1.5	Implement Human Resources (HR) module of TechnologyOne program.	The final HR modules remain outstanding as IT and project resources were unable to be allocated this period. It is being considered in new planning processes and anticipated in the next 6 months.
5.3.2.1.5	Establish a Project Management Office (PMO) that supports continuous improvement and oversight of projects across all areas of Council.	The PMO roles were advertised three times and a regional solution considered, but without that taken up CEO re-considering use of resources.

KIAMA MUNICIPAL COUNCIL
your council, your community

Half Yearly Performance Report

July – December 2023

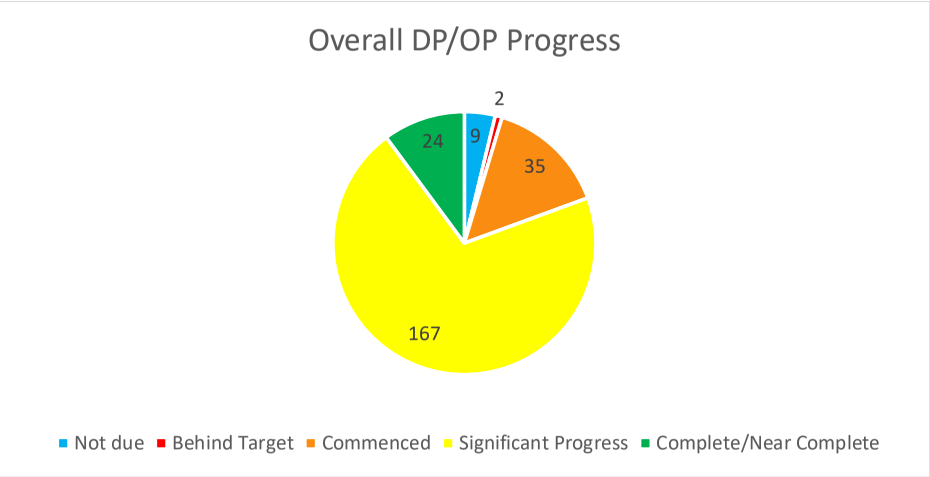
How to read this report

Term used in the plan	Cascading Code e.g.	What this term means.
Pillars	1	Pillars reflect the aspirations of the community, supporting the Community Vision. Our Community Vision and aspirations have been grouped into five key headings.
Outcomes: Where do we want to be?	1.1	Outcomes are the goals we aim to achieve and are linked to the focus areas of the vision. They are numbered as 1.1, 1.2 and so on.
Strategies: How will we get there?	1.1.1	Strategies are how we will achieve the outcomes. They reflect the 2022-2032 Community Strategic Plan (CSP). They are numbered as 1.1.1, 1.1.2 and so on.
Delivery Plan: 4-year strategy	1.1.1.1	How will Council contribute to delivering the vision of the CSP? They are numbered 1.1.1.1, 1.1.1.2 and so on.
Operational Plan	1.1.1.1.1	What actions are Council doing to contribute to the Delivery Program outcomes? They are numbered 1.1.1.1.1, 1.1.1.1.2 and so on This report provides an update and status on each action as per the legend below

Activity Status Legend

	90% +	Complete or Near Complete
	50% to 89%	Significant Progress
	10% to 49%	Commenced
	10% or less	Behind Target
	0%	Not yet due/ No longer relevant

Half Yearly Performance Summary



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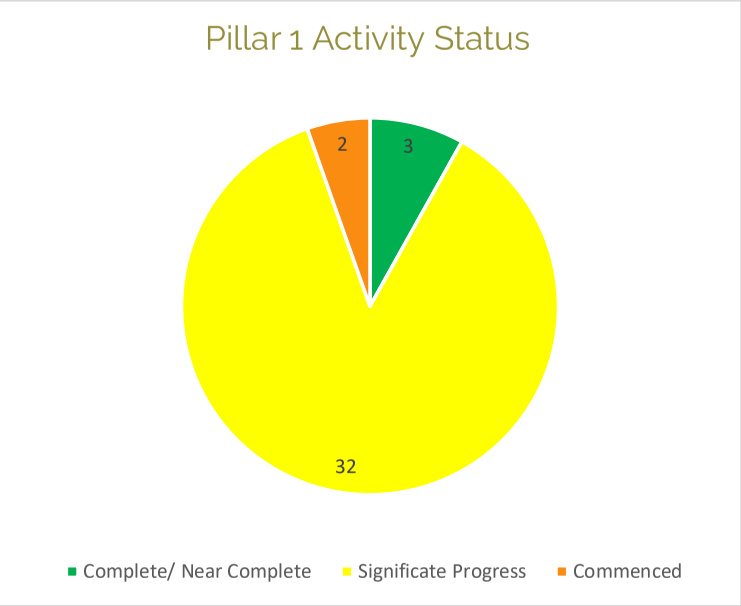
Pillar 1 | Community
We belong and contribute.

Highlights



- Volunteer framework encouraging and supporting volunteers to with Council on a range of programs and activities have been developed and implemented.
- Seasonal Beach Patrol Program, beach access and patrol developed and implemented for 2023/24 season.
- Kiama Leisure Centre service review is well progressed. The completion of consultation, interviews and the scope of works has occurred. A draft report has been developed, including recommendations and findings. This report is being provided to both the Finance Advisory Committee and Council before being finalized.
- Council hosted the 2023 Local Government Regional NAIDOC Week Awards at The Pavilion, on Saturday 29 July 2023. The Regional NAIDOC Week Awards is delivered annually in partnership with Shellharbour City Council, Wollongong City Council and Shoalhaven City Council. Themed 'For Our Elders', the event comprised of cultural activities, performances, and the Award presentation. The event was attended by approximately two hundred members of the Aboriginal community, Elders, dignitaries, the wider community, community services and government agencies.
- Council is proud and committed to support and work with our First Nations people. Over the past six-months, Council has worked with the Aboriginal community on various initiatives. Highlights include:

- Youth Yarn Up - Planning has been completed for 'Youth Yarn Up', a weekly program at Sentral Youth Services for young people to engage and learn about Aboriginal culture. This program is commencing in February 2024.
- The Australia Day community event on 26 January at Jones Beach was attended by local Aboriginal community members and featured a Welcome to Country, Smoking Ceremony and Aboriginal cultural performances. The activities and performances were key highlights of the program and encouraged the wider audience to participate.

- Council is working toward development of its first Reconciliation Action Plan (RAP). This work is guided by the Reconciliation Australia's RAP Framework and will be developed in consultation with the local community members.
- The Kiama Heritage Planning Proposal was adopted and placed in the NSW Government Gazette this quarter. This Planning Proposal introduced a number of additional heritage items into the LEP. It also created two Heritage Conservation Areas in the Kiama Town Centre.

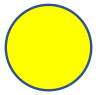
Items not yet commenced

- Implement Council's Grants and Donations Policy and Programs – on hold as part of Council wide implementation of new grant programs policy and procedures framework.
- Manage the Public Health and Safety Legislation – on-site sewerage legislative compliance – recruitment challenges.

Outcome 1.1	We want a strong sense of community and belonging, where social and cultural life can flourish, and families, friends and visitors feel welcome and included.

1.1.1	Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.

1.1.1.1: Review Council's Arts and Cultural Strategy and policy framework and implement priority actions.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.1.1	Review Kiama's Arts and Culture Strategy (BISI) and update priorities and actions.	Library & Cultural Hubs	40%	A review of the previous Arts and Cultural Strategy (BISI) has been undertaken by Council's Cultural Development Officer. The 2017-2020 plan is overdue and we are working towards a new 3 year cultural plan (2024-2027). A preliminary community engagement action plan is in place to commence the community consultation component.	
1.1.1.1.2	Manage and support council owned exhibition spaces, including the old fire station and libraries, to provide ongoing support for the creative industry.	Library & Cultural Hubs	50%	The Old Fire Station proves to be a popular destination for artists and visitors alike. During the July to December period, the space was host to 26 exhibitions and attracted approximately 18,000 visitors, of which included locals and/or visitors to Kiama. The Gerringong Gallery (GLaM) continues to grow in popularity. During this period the space was host to 7 exhibitions. The Council Chambers, Gerringong Gallery and the Old Fire Station are exhibition spaces that continue to be valued from our creative community.	
1.1.1.1.3	Implement Council's Grants and Donations Policy and Programs.	Library & Cultural Hubs	40%	Grants and Donations policy under development for submission in Q3 (first half of 2024). The Cultural Grants program is currently in review as Council implements a new policy and procedures framework across all grant programs.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.1.4	Review Council's current Art collection and de acquiesce works as required by the review findings.	Library & Cultural Hubs	50%	A new policy framework has been prepared for Kiama Council's Permanent Art Collection and Public Art Collection. These include the: • Art Collection Policy • Art Deaccessioning Procedure • Art Acquisition Procedure • Public Art Policy • Public Art Procedure. We anticipate the approval of these documents by our Executive Leadership Team (ELT). The Cultural Development team are working towards a public database of the Art and Public Art Collection whereby these collections can be viewed online and at any time. Similarly, a viable storage system to archive the permanent art collection is currently being investigated.	

1.1.1.2: Partner with the community, other levels of government and key stakeholders to provide support to community and cultural engagement sectors, community groups and organisations.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.2.1	In partnership with Shellharbour Council, convene and manage the Illawarra Inter-agency.	Community Hubs	50%	The locally award-winning Illawarra Interagency, co-convened by Kiama and Shellharbour councils, supports community organisations, agencies, associations, clubs, groups, and charities to meet, network, build capacity, collaborate and take action, delivered through bi-monthly in-person or online meetings, networking events or training. During this period, the Illawarra Interagency offered its members opportunities in capacity building, networking and professional development, with themed meetings and events that included information on the Death & Dying industry, a traditional Yarning Circle, an update from the Community Industry Group Peak Body and a Networking Event. The Interagency provided via its website, over 40 blog posts to its 424 subscribers, promoting Illawarra based activities, events, projects and services, which attracted over 4,605 views by approximately 2,595 visitors.	
1.1.1.2.2	Develop and implement a strategy and policy framework which encourages and supports volunteers to work with Council on a range of programs and activities.	Community Hubs	100%	Develop and implement a strategy and policy framework which encourages and supports volunteers to work with Council on a range of programs and activities.	

1.1.1.3: Partner with the community and our stakeholders to develop a Youth Engagement Strategy and Action Plan

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.3.1	Develop a youth engagement strategy and action plan.	Community Hubs	50%	Following recent organisational restructure, development of a standalone youth strategy and action plan was postponed to review current service and options to maximise Council resource for a wholistic and coordinated approach to service provision. The Sentral Youth Services has now been combined with the Community Development team to leverage on partnerships and to broaden the natural alignment of service planning and delivery across the youth and community sectors. The Community Hubs team are working on a Community Development Strategy inclusive of actions that respond to needs and interests of all target groups, including young people. Once drafted young people and broader community and partner agencies will be consulted for input.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.3.2	Partner and reimagine our youth services, using our assets as the hub for youth engagement and activity.	Community Hubs	80%	In consultation with staff and young people participating in programs, a recent survey and a comprehensive review of program and services across the Community Hubs team, the youth services directions and outcomes areas has been reimagined to enhance programs, activities and youth engagement activities. Key improvement areas include: • Combine youth services team with the Community Development team to break down silo practices, leverage on broader community networks and partnerships, and improve internal processes to enable youth workers focusing on direct service provision. • Improvement to various programs by refining objectives such as Drop-In, recording studio, outreach program, etc. • Introduction of workshops and training to the program delivery. • Review and updating procedures for advocacy, referral and partnership. • Building new partnerships based on recommendations from the White Paper.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.3.3	In partnership with Libraries and Cultural Hubs, develop and implement an annual program of activities and events to support young people in our Local Government Area (LGA).	Community Hubs	50%	Kiama Library in conjunction with SENTRAL Youth Services have held two Youth gigs in the last six months. The events have been facilitated by young members of our community with youth contributing to the organisation and management of the events and also playing in the bands. The library gigs have provided young people with the opportunity of appearing in their first live gig in a safe and welcoming space amongst family and friends. Sentral and library staff have established a program of youth events for the rest of the reporting period.	

Attachment 1 **Item 14.3**

1.1.1.4: Improving the liveability of Kiama for those with diverse backgrounds and abilities.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.4.1	Implement the priority actions of the Council's Disability Inclusion Action Plan.	Community Hubs	50%	Council endorsed its new Disability Inclusion Action Plan (DIAP) and Implementation Plan (IP) in November 2023 which is aligned with the NSW Disability Inclusion Plan with key focus areas being positive community attitudes and behaviours, liveable communities, meaningful employment and better systems and process. The DIAP is a four-year plan that outlines actions Council will undertake to improve access and inclusion for people with a disability, including: • Accessibility improvements to Council community facilities and public spaces, pathways, website, events. • Consult with people with a range of disability types on matters of importance and create opportunities to participate in decision making. • Deliver accessible community events and programs. • Provide training to staff and community. The Implementation Plan is being incorporated into all business areas of Council. A report on outcomes and achievements will be provided at the annual reporting cycle.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.4.2	Review with the intent to improve our halls and community facilities usage, asset maintenance, program offerings and support for Council and community purposes.	Community Hubs	50%	Council has a network of six community halls, distributed across the municipality, which comprise of older style and single purpose facilities. It has been a lengthy period since condition, utilisation and maintenance of these assets have been reviewed. A high-level assessment of Council halls, including their current asset and utilisation status has been undertaken and it has identified a number of gaps and opportunities for improvement. Key areas for consideration found to be the underutilisation, maintenance status and the absence of a long-term vision for community facilities. Council is currently working through the recommendations and options to increase activation and development of a long-term plan for management and operation of the community halls. Additionally, Council's new Disability Inclusion Action Plan (DIAP) includes various actions to improve accessibility and increase utilisation of community facilities.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.4.3	Undertake an assessment of all Council owned halls and community facilities to determine asset status and required needs to improve maintenance and usage.	Community Hubs	60%	Council has a network of six community halls, distributed across the municipality, which comprise of older style and single purpose facilities. It has been a lengthy period since condition, utilisation and maintenance of these assets have been reviewed. A high-level assessment of Council halls, including their current asset and utilisation status has been undertaken and it has identified a number of gaps and opportunities for improvement. Key areas for consideration found to be the underutilisation, maintenance status and the absence of a long-term vision for community facilities. Council is currently working through the recommendations and options to increase activation and development of a long-term plan for management and operation of the community halls. Additionally, Council's new Disability Inclusion Action Plan (DIAP) includes various actions to improve accessibility and increase utilisation of community facilities.	

1.1.1.5: Support micro-businesses, local markets, local and regional events, and ongoing activities to contribute to a sense of belonging and connectedness.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.1.1.5.1	Utilise events to create opportunities for connections, volunteering, skill development and collaborative partnerships throughout our communities.	Tourism & Events	50%	This financial year Council's Tourism and Events Department have continued to support the local events industry. Kiama Winter Festival invested in an ice-skating rink that saw each session almost at full capacity. The Eat Like a Local ancillary event allowed for local food operators (eight) to offer on-site food, with stall fees, infrastructure and power free of charge, this meant Kiama food proprietors were not disadvantaged with food trucks being brought in. Jamberoo JAM Street Festival ran in collaboration with Jamberoo Rural Fire Service, Jamberoo Red Cross and Jamberoo Village Markets. The closure of the street allowed for a range of volunteer and paid musicians on two stages, a children's musical playground and circus activities, hair braiding and more. In order to safely and effectively run family friendly events Council staff, volunteers and suppliers engaged in child safe training, this allowed for a greater variety of free kid's activities on offer at our events.	
1.1.1.5.2	Provide opportunities for focused industry development and capacity building, fostering excellence and quality in our local service offering.	Tourism & Events	50%	'Tourism After Hours' continues to be well attended by Destination Kiama partners. Winter Tourism After Hours was staged in July at the Kiama Winter Festival, the Spring event was held at Stoic Brewing in Gerringong and the Summer, Christmas event was held overlooking the Kiama Harbour at Diggies. The Above and Beyond Award continues to highlight exceptional local service within our community.	

Outcome 1.2	We love where we live; we have the services and facilities we need the natural beauty of our surroundings enhances our safe, active healthy lifestyle.

1.2.1	Provide spaces, services and initiatives that foster a proud, inclusive connected community for all.

1.2.1.1: Make our libraries the hub of community activity and service. Manage Council's libraries, encompassing Family History Centre and the Gerringong Library and Museum to ensure programs meet community needs and the Public Library Standards.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.1.1	Review and update Library Strategy	Library & Cultural Hubs	50%	The Public Library Consultant from the State Library of NSW has visited Kiama and Gerringong Libraries as well as the Family History Centre. The consultant interviewed library staff, both onsite and via phone, over a number of days so that a wide range of experiences and responses were gathered. We are expecting the report will be provided to us early February 2024 for review.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.1.2	Provide and maintain a high-quality library collection	Library & Cultural Hubs	50%	660 new physical items have been purchased, processed and made available to our community during the last quarter. 22,914 physical loans have been made during the last quarter with 48,098 physical items being borrowed during the last 6 months. Our library members have access to over 60,000 e-resources and have accessed 7,422 digital items (e-book and e-audio, e-magazines). Our community has accessed Kanopy our movie streaming platform and viewed 398 movies during the last quarter and 855 during the last six months. Weekly collection management reports are consulted to ensure items in high demand are identified and additional copies acquired if required or loan periods reduced to allow items to be circulated quickly. A collection evaluation survey is currently being compiled and will be distributed to library members and the community in March 2024. Regular feedback is provided to the South Coast Cooperative Libraries selection staff across all genres and collections.	

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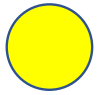
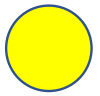
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.1.3	Deliver quality digital and online library services to the community;	Library & Cultural Hubs	50%	Our library members have access to over 47,000 digital resources through the Borrow Box, Libby and Indyread platforms. 7,801 online loans were made during the last quarter and13,510over the last 6 months. 11683 website sessions were recorded during the last quarter with 21,762 page views being made by a total of 8,120 users. During the last six months 48,684 pages were viewed by 17,859 users in 25,308 sessions. The library has a strong presence on social media platforms with 3,845 followers on Facebook and a total reach of 133,633 during the last quarter via 105 posts. Some of our most popular posts include #bookfacefriday with a reach of 1.8K, #throwbackthursday featuring Tory's Hotel 24.5K. Our Instagram account has 1,271 followers and 100 posts were made during the last quarter. Popular posts include our regular #bookfacefriday with the Bridgeton post achieving a reach of 379. The Library newsletter was distributed twice during the last quarter to 4,204 subscribers.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.1.4	Make library heritage collections available online	Library & Cultural Hubs	50%	Fifty files from the Local History vertical file collection have been uploaded to the Digital Access Management System (DAM) and are currently being tagged and categorised to make them discoverable by the community via the library website. The Family History Centre volunteers are currently researching local service men and women listed on the Kiama Memorial Arch for inclusion in 'Stories of Those Served' on the library website. Three archive boxes containing over 500 items of historic Council information has been digitised ready for uploading to the DAM.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.1.5	Provide early literacy programs and events that meet guidelines and standards and outcome measure for Australian Public Libraries	Library & Cultural Hubs	50%	The library provides a range of early literacy sessions across both our libraries. In the last quarter, 5 Baby Story Time sessions were held with 108 attending. 10 Toddler Tales sessions were provided with 152 attending and 20 Preschool Story Time sessions were held with 444 attending. During the last six months 11 Baby Story Time sessions were held with 82 attending, 20 Toddler Tales sessions were held with 354 attending and 40 Preschool programs with 797 attending. Six school holiday events were held in the last quarter with 127 children enjoying Lego and craft activities. July saw the return of the ever popular Diagon Alley Twilight Markets held at Gerringong Library. Approximately 1,000 people attended and enjoyed browsing a variety of magic themed market stalls, concocting magic potions and magical pendants, while enjoying the variety of entertainment on offer.	

1.2.1.2: Partner with stakeholders to develop a Strategy for Open Spaces and Recreation Places within Kiama LGA

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.2.1	Finalise and implement Open Spaces and Recreation Strategy.	Property & Recreation	60%	The draft Open Space and Recreation Strategy document is currently being reviewed for consolidated feedback by internal staff. It is anticipated that this will be completed and the Strategy reported to Council in 2024. Work has been continuing on other grant funded projects alongside the Strategy.	

1.2.1.3: Manage and maintain the safe operation of a seasonally used outdoor pool in accordance with legislative obligations.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.3.1	Manage and maintain the safe operation of a seasonally used outdoor pool at Jamberoo in accordance with statutory obligations and community expectations. Lifeguard recruitment, identify risks and implement relevant safety actions to meet statutory obligations.	Property & Recreation	50%	Lifeguard recruitment completed on time, with two additional staff recruited. The pool was opened ahead of schedule on 20 November 2023 to meet the requests of the Jamberoo community, and in anticipation of higher summer temperatures during this swimming season.	

1.2.1.4: Manage Leisure Centre services and administration for members and guests and provide fitness programs, classes and gym using purpose-specific equipment and a clean and safe environment.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.4.1	Manage and maintain the safe operation of leisure centre services including indoor aquatic facility, swim and fitness programs, sports hall and gym.	Property & Recreation	50%	All centre run programs such as learn to swim and swim programs; group fitness and aqua classes; personal training; gym and circuit classes; child minding, and kiosk follows centre procedures including identifying and managing risks associated with these programs. All incidents reports and actions are completed and sent to Council's Risk management team. Procedures are regularly reviewed to ensure we provide safe programs at all times.	
1.2.1.4.2	Undertake service level review of Leisure Centre.	Property & Recreation	90%	The Kiama Leisure Centre service review is well progressed. The completion of consultation, interviews and the tasks as outlined within the scope of works has occurred. A draft report has been developed, including recommendations and finThe Kiama Leisure Centre service review is well progressed. The completion of consultation, interviews and the tasks as outlined within the scope of works has occurred. A draft report has been developed, including recommendations and findings. This report is being provided to both the Finance Advisory Committee and Council before being finalized. dings. This report is being provided to both the Finance Advisory Committee and Council before being finalized.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.1.4.3	Leisure Centre Services and programs provision considering all risks and meet a wide range of needs.	Property & Recreation	50%	Centre run programs continue to follow centre procedures including identifying and managing risks. Regular updates on the Centre's operating system - Envibe, continues to enhance the online portal and associated platforms to provide customers with improved services. Incidents reports and actions have been completed and sent to Council's Risk Management Team. Service review has commenced and is expected to be complete by June 2024.	

1.2.2	Take steps to feel safe wherever we are, any time of day or night.

1.2.2.1: Implement the Kiama Municipal Council Lifeguard Strategy 2025 to keep our nominated beaches safe for users; supporting training, equipment provision and upkeep, staffing.

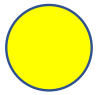
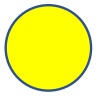
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.2.1.1	Develop and deliver Seasonal Beach Patrol Program, beach access and patrol.	Property & Recreation	100%	The program is being implemented for the 2023/24 season	

1.2.3	Look after each other in times of disaster

1.2.3.1: Contribute to the Local Emergency Management Committee.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.3.1.1	Contribute to Local and regional emergency management planning, response and recovery	Infrastructure and Liveability	50%	Council officers continue to attend scheduled Local Emergency Management Committee meetings as well as additional council and agency liaison meetings as they arise.	
1.2.3.2.1	Manage the Companion Animals Register and comply with requirements, responsibilities and legislation as outlined in the Companion Animals Act and relevant regulations.	Environment & Health	50%	45 Companion animal complaints were received for this period and 100% of those investigated within the 2-day time frame - 1 dog attack investigated, 2 infringement was issued at a value of $1,650.00 - 13 other infringements were issued for a breach of Companion Animals Act with a value of $3,575.00 proactive patrols for companion animal matters. 224 pro-active patrols conducted in this period.	

1.2.3.3: Manage the Public Health Act, Swimming Pools Act and Regulations – Manage the Public Health Act in relation to public and private swimming pools and water supplies, skin penetration and legionella.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.3.3.1	Reimagine our compliance service, ensuring customer service is at the heart of what we do.	Environment & Health	50%	Council's Environmental Health Officers have been working closely with the Public Health Unit to priorities the completion of inspections. Ongoing updating and maintenance of the skin penetration register with a focus on identifying unregistered skin penetration premises and raising awareness of industry standards for hygiene and safety in the skin penetration, beauty, and hairdressing industries.	
1.2.3.3.2	Manage and implement requirements of the Public Health Act and Regulations, in relation to water quality of public swimming pools, public non-reticulated drinking water, skin penetration and legionella in accordance with legislative requirements.	Environment & Health	50%	Currently Council's Environmental Health Officers are partnering with the Public Health Unit from the Illawarra Shoalhaven Local Health District to conduct inspections of public non-reticulated drinking water. Inspections have begun regarding registered public swimming pools in relation to water quality. There have been no skin penetration inspections for this period as Council has not received any registrations for new skin penetration businesses. Council's Environmental Health Officers will continue to work with stakeholders and the wider community to promote and protect public health.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.3.3.3	Maintain compliance through maintenance of registers, scheduled inspections and action to rectification of breaches as required by the Swimming Pool Act and Regulations.	Environment & Health	50%	• 11 Private Swimming Pools were inspected by Kiama Council during this reporting period in accordance with the Swimming Pools Act 1992. Sec 22D. • 15 Private Swimming Pools were received from Private Certifiers, due to being non-compliant for Kiama Council to follow-up.22E (Sale of a Home OR Tenancy Agreement). • 7 Private Swimming Pools were issued a Certificate of Compliance. 22D's. • 4 Private Swimming Pools were issued a non-Compliant Certificate (Resulting in reinspection's) Private Swimming Pools continue to be certified and inspected through direct requests to Council as part of contracts of sale, tenancy agreements or occupation certificates. A previous action plan has now been developed, where Kiama Council has activated a Swimming Pool Compliance Program, where Pool and Safety Education will be covered by a designated officer attached to the Environment and Regulations Team.	

1.2.3.4: Manage the Public Health and Safety Legislation and requirements for Food Safety compliance and education.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.3.4.1	Manage and implement requirements of the Food Act and Regulations through a scheduled inspection program and rectification of breaches. Education and provision of food safety information and education.	Environment & Health	50%	Council's Environmental Health Officers have inspected 50% of the food shops operating in the municipality. There has been 4 Food Safety Failures reported for this period which have been rectified through implementing a graduated enforcement approach by conducting re-inspections of premises that have failed their food inspections. A risk-based approach is utilised by Council's Officers during inspections and as such the Officers are actively working with local business owners to ensure compliance with the relevant legislative requirements, promoting food safety at the forefront of practice.	

1.2.3.5: Manage the Public Health and Safety Legislation and compliance – On-site sewerage systems.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.3.5.1	Manage the Public Health and Safety Legislation - On-site sewerage legislative compliance	Environment & Health	40%	Consultants have been engaged to conduct the inspections to support staff due to current vacancy in team. There are 116 high risk systems and 16 of these were inspected and found to be compliant this period. There are 828 low risk systems and 53 were inspected during this period with all systems being found as satisfactory hence no enforcement action has been necessary.	

1.2.3.6: Manage environmental complaints about pollution.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.2.3.6.1	Investigate pollution complaints	Environment & Health	50%	58 Noise, 15 - Air/smoke/dust/odour, 5 Water, 9 sewer surcharges, 3 other pollution, 4 Stormwater, 3 Asbestos total of pollution complaints with reporting period 97.	

Outcome 1.3	Our heritage matters: we want to learn, preserve and share both the Aboriginal history of this area and the history since settlement

1.3.1	Recognise and respect our First Nations peoples and their connection with the land and waterways for thousands of years; identify and safeguard areas and items of cultural significance Engage with local and regional First Nations peoples; seek knowledge with intent to learn, share and protect.

1.3.1.1: Proactively engage with First Nations peoples within the Municipality to support greater understanding and inclusivity: seek knowledge with intent to learn, share and protect.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.3.1.1.1	Participate in planning and staging of annual Local Government Regional National Aborigines and Islanders Day Observance Committee (NAIDOC) Awards in partnership with Wollongong, Shellharbour and Shoalhaven Councils.	Community Hubs	70%	Council hosted the 2023 Local Government Regional NAIDOC Week Awards at The Pavilion, on Saturday 29 July 2023. The Regional NAIDOC Week Awards is delivered annually in partnership with Shellharbour City Council, Wollongong City Council and Shoalhaven City Council. Themed 'For Our Elders', the event comprised of cultural activities, performances and the Award presentation. The event was attended by approximately two hundred members of the Aboriginal community, Elders, dignitaries, the wider community, community services and government agencies. Council is supporting and actively participating in the planning of the 2024 Regional NAIDOC Week Awards, hosted by Shoalhaven City Council. Additionally, Council will deliver programs in Kiama to acknowledge and showcase the contribution of our First Nations people, including art exhibition and cultural activities.	

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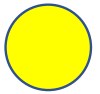
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.3.1.1.2	In partnership with our First Nations Community implement an annual calendar of cultural events and commemorations.	Community Hubs	50%	Council is proud and committed to support and work with our First Nations people. Over the past six-months, Council has worked with the Aboriginal community on various initiatives. Highlights include: • Youth Yarn Up - Planning has been completed for 'Youth Yarn Up', a weekly program at Sentral Youth Services for young people to engage and learn about Aboriginal culture. This program is commencing in February 2024. • The Australia Day community event on 26 January at Jones Beach was attended by local Aboriginal community members and featured a Welcome to Country, Smoking Ceremony and Aboriginal cultural performances. The activities and performances were key highlights of the program and encouraged the wider audience to participate. • Council is also working toward a program of activities to mark the National Sorry Day in May and NAIDOC Week in July.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.3.1.1.3	Develop an engagement plan and process to engage with our First Nations Community on the Uluru Statement from the Heart.	Community Hubs	50%	Council is working toward development of its first Reconciliation Action Plan (RAP). This work is guided by the Reconciliation Australia's RAP Framework and will be developed in consultation with the local community members. The RAP will consolidate initiatives and programs Council will undertake in collaboration with the community to strengthen relationship with our First Nation Peoples. The RAP will be a successive plan that will guide and shape Council and community efforts toward reconciliation. Further, Council is working on development of an Aboriginal Cultural Protocol, to guide Council and the wider community on culturally appropriate practices and activities and to strengthen awareness, respect and relationship.	

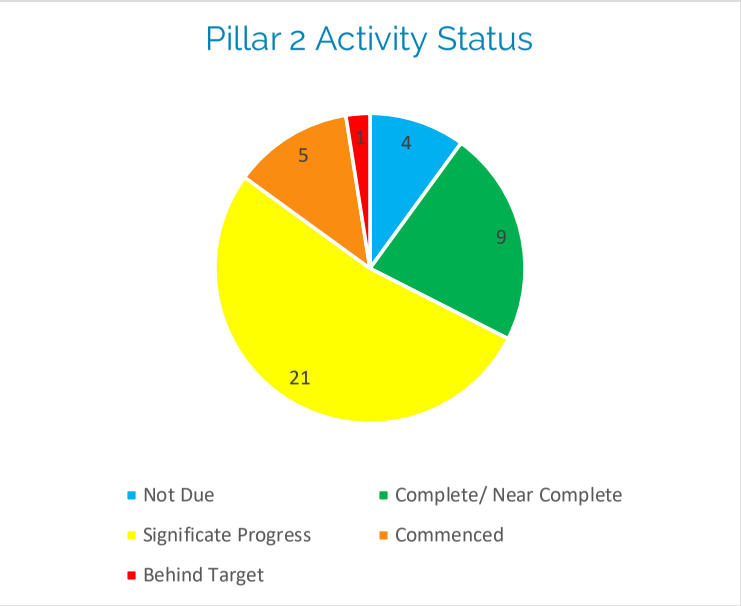
1.3.1.2: Facilitate the identification and protection of local areas and items of cultural and / or heritage significance.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.3.1.2.1	Continue to undertake reviews of heritage items to maintain and improve the protection of heritage with the Local Government Area (LGA).	Planning & Economic Development	50%	The review of heritage Items continues. The Kiama Heritage Planning Proposal was adopted and placed in the NSW Government Gazette this quarter. This Planning Proposal introduced a number of additional heritage items into the LEP. It also created two Heritage Conservation Areas in the Kiama Town Centre.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
1.3.1.2.2	Engage with First Nations peoples locally and regionally, as well as relevant specialists, to identify Aboriginal Cultural sites to ensure they are correctly identified and protected	Planning & Economic Development	50%	Aboriginal Cultural Heritage Sites continue to be identified and protected through assessments undertaken as part of Development Proposals as well as through the use of the Aboriginal cultural Heritage Development Assessment Toolkit. Staff continue to engage and consult with First Nations peoples to identify and protect culturally significant areas.	

Pillar 2 | Natural Environment
We thrive in a sustainable environment.

Highlights



- The Stage 3 Kiama Coastline Coastal Management Program (CMP) Report has been completed and made publicly available on Council website. The draft Stage 4 Kiama CMP has been prepared and presented to council in the November, where Council endorsed the draft document to go out to Public Exhibition. Public exhibition ended on the 15th of January. Feedback from submissions, as well as further feedback from Agency and internal Council stakeholder consultation has already been incorporated into the final draft CMP.
- Erosion control measures for the Blue Angle Creek in Seven Mile Beach Holiday Park were completed in December 2023.
- Regional approach to biodiversity management working with ISJO, Local Land Services, Wollongong, and Shellharbour Councils to deliver a consistent approach to biodiversity challenges adopted.
- National tree day activities delivered.
- Project 'Operation Slim' - assessment of FOGO and recycling bins from urban/rural households to determine contamination levels and bins too heavy to be serviced implemented. Draft report developed with full report available Q3. Proposed recommendations will assist Council to develop targeted educational campaigns to further reduce contamination rates.

- Contemporary Bushfire Mapping has been published in accordance with NSW Rural Fire Service's requirement. Bushfire mapping project completed in 2022/23 ahead of schedule.

Items not yet commenced

- Undertake scoping of Kiama Coastal Walk extension from Gerringong to Gerroa to support the lodgement of a funding submission with State Government – scheduled for commencement in Q3/4.
- Undertake a town centre planning study for the township of Gerringong – not yet scheduled for commencement.
- Establish Household Chemical Clean Out Collection in accordance with NSW Environment Protection Authority (EPA) requirements - – not yet scheduled for commencement.
- Update Development Control Plan (DCP) and Policy frameworks to reflect State government policy direction on resilience and natural disasters - not yet scheduled for commencement as this will be informed by completion of Kiama Coastal Management Plan by Illawarra Shoalhaven Joint Organisation (ISJO).
- Implement Regional Litter Grant as managed by Illawarra Shoalhaven Joint Organisation (ISJO) – As this grant was not applied for by ISJO this action is no longer relevant.

Outcome 2.1	We protect our people, our place, our flora and fauna through our planning and our actions

2.1.1	Protect our coast, our estuaries and waterways.

2.1.1.1: Develop, implement and review Coastal Management Programs as required under the NSW Coastal Management Act 2016 and the Coastal Management Manual

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.1.1.1.1	Develop / implement Kiama Coastal Management Program staged delivery program; stages 3 and 4	Environment & Compliance	60%	The Stage Three Report has been completed and made publicly available on Council's website. The draft Stage Four Kiama Coastline Coastal Management Program (draft CMP) has been prepared and was presented to Council in the November meeting.	
2.1.1.1.2	Review existing Coastal Zone Management Plans and implement priority actions through a staged delivery program.	Environment & Compliance	50%	The Stage Three Report has been completed and made publicly available on Council's website. The draft Stage Four Kiama Coastline Coastal Management Program (draft CMP) has been prepared and was presented to Council in the November meeting.	
2.1.1.1.3	Implement erosion control measures for the Blue Angle Creek in Seven Mile Beach Holiday Park. (CZMP Action 2.1)	Environment & Compliance	90%	Contractors completed work in late December. Grant to be acquitted by May 2024.	

2.1.2	Protect our biodiversity, native plants and animals.

2.1.2.1: Facilitate and encourage the protection of our natural environment and biodiversity.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.1.2.1.1	Work with Wollongong City and Shellharbour City Councils to update the Illawarra Biodiversity Strategy to improve co-ordination and management of biodiversity across the Illawarra	Planning & Economic Development	100%	Regional approach to biodiversity management working with ISJO, Local Land Services, Wollongong and Shellharbour Councils to deliver a consistent approach to biodiversity challenges.	

2.1.2.2: Conduct development and building assessment /approval functions in accordance with statutory requirements, policies and procedures to protect our natural resources.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.1.2.2.1	Ensure Council's planning instruments facilitate the recommendations of the adopted Illawarra Biodiversity Strategy and Municipal Vegetation Study.	Environment & Compliance	50%	The review of the Kiama Local Environmental Plan will consider the proposed Housing and Growth Management Strategy. That strategy will also contain recommendations for the management of existing Environmentally significant land as well as recommending sustainable and appropriate uses or conservation of those lands. Also, viable agricultural enterprises have been supported through updates to Development Control Plan 2020 and the Local Environment Plan 2011.	
2.1.2.2.2	Implement and update Council Tree Management Development Control Plans and Local Environment Plan (LEP) provisions.	Environment & Compliance	50%	Council continued to implement Council's Tree Management Development Control Plans and Local Environment Plan (LEP) provisions.	

2.1.3	Protect and maintain our natural areas; conserve areas of natural significance.

2.1.3.1: Protect and maintain our natural areas.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.1.3.1.1	Pursue grant funding for natural area restoration at priority sites on Council land	Environment & Compliance	50%	Council investigated feasible options for grant funding for natural area restoration under Coast and Estuary funding. Councils financial position and ability to contribute to a 1:1 funding ratio was taken into consideration. One project was put forward and an application was made. Project titled "Restoration of Coastal Wetland surrounding Minnamurra Waste and Recycling Facility". This project aims to significantly reduce the percentage of weed cover throughout the site, by implementing best practice weed control techniques. Primary weed control will focus on the heavily disturbed vegetation dominated by weeds to the south of the site encroaching into the Swamp Oak Flood Plain Forest (EEC) and Coastal Salt Marsh (EEC) fringe, then spread out to sweep through the remainder of the site. By targeting this priority area, the seedbank will also be dramatically reduced, which will further benefit Coastal Wetland areas down stream. Council's application was successful.	

2.1.3.2: Engage with regional partners to support regional responses for our communities.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.1.3.2.1	Undertake National Tree Day activities	Environment & Compliance	100%	National Tree Day activities delivered	
2.1.3.2.2	Undertake scoping of Kiama Coastal Walk extension from Gerringong to Gerroa to support the lodgment of a funding submission with State Government.	Engineering & Technical Services	5%	These works are programmed for Quarter 3 & 4 of the current planning cycle (first half 2024).	
2.1.3.2.3	Partner and collaborate to support or deliver community education and engagement programs to enhance environmental sustainability initiatives.	Environment & Compliance	30%	National Tree Day was completed successfully on the 31st July, and involved council collaborating with Kiama High students, Landcare groups, and Minnamurra Lions Club, to educate in planting local native tree species, to help regenerate our natural environment. Kiama Council have collaborated with Endeavour Energy to support the installation of our municipalities first community battery in Kiama Downs. Installation is now complete. Launch date is dependent on Endeavour Energy being supplied with a waiver from the Australian Energy Regulator for approval to operate it as a community battery. Council has supported many other environmental sustainability initiatives such as the great Aussie bird count, SunSpot, DPI Fisheries "Leave no trace. Keep it clean" initiative, NSW Government EV Ready buildings program, Frog ID Week, as well as educating the public about endangered Shorebirds and dog off-leash regulation through social media campaigns.	

Outcome 2.2	Our natural environment of spectacular beaches, rainforests and rolling hills define our place.

2.2.1	Celebrate our natural environment and share the values that protect it with our families, friends and visitors to the region.

2.2.1.1: Manage growth sustainably and thoughtfully, to respect our values and retain our local character through the implementation of good design principles to integrate new and old dwellings.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.2.1.1.1	Undertake ongoing review of Council Development Control Plan (DCP) and development policies.	Planning and Economic Development	50%	A draft amendment to the DCP to incorporate the agritourism guidelines developed by the Department of Planning was prepared and exhibited this quarter. It is anticipated that this will be finalised and reported to Council in the next quarter.	
2.2.1.1.2	Undertake a town centre planning study for the township of Gerringong.	Planning and Economic Development	0%	Due to resourcing constraints during the current financial year and other Strategic Planning priorities, this project is not anticipated to commence until next financial year and will likely form part the LEP and DCP reviews rather than a stand-alone item.	
2.2.1.1.3	Commence scoping strategy and implementation plan for the review of Kiama's Local Environmental Plan.	Planning and Economic Development	50%	The review of the Kiama Local Environmental Plan will be informed by the proposed Housing and Growth Management Strategy. The two projects are anticipated to be undertaken alongside of each other commencing next quarter with extensive community engagement.	

2.2.2	Retain and promote our natural environment and our scenic rural landscapes.

2.2.2.1: Manage growth sustainably and thoughtfully, to respect our values and retain our local character through the implementation of good design principles to integrate new and old dwellings.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.2.2.1.1	Support the change to the Local Environmental Plan (LEP) to support the State Government Agribusiness reforms.	Planning and Economic Development	50%	The Kiama Local Environmental Plan 2011 has been updated by the State Government to now include the Agritourism Reforms. Appropriate guidelines have also been drafted and exhibited for inclusion into the Kiama Development Control Plan 2020.	
2.2.2.1.2	Develop Council's Housing and Strategy.	Planning and Economic Development	50%	The proposed Housing and Growth Management Strategy is proposed to commence next quarter. That strategy will also contain recommendations to respect our values and retain our local character through the implementation of good design principles to integrate new and old dwellings.	

2.2.3	Develop strategies and plans for our current and future generations.

2.2.3.1: Kiama's Local Environment Plan is current and facilitates development in keeping with the local character.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.2.3.1.1	Commence scoping strategy and implementation plan for the review of Kiama's Local Environmental Plan (LEP).	Planning & Economic Development	25%	he review of the Kiama Local Environmental Plan will coincide with the development of the Housing and Growth Management Strategy which is due to commence in the next quarter. In the interim the existing LEP contains contemporary provisions.	

Outcome 2.3	We use our natural resources in efficient and sustainable ways; managing, improving or enhancing through protection, restoration and maintenance.

2.3.1	Responsibly manage resources and waste; Limit the waste we send to landfill

2.3.1.1: Meet our future waste infrastructure and service needs through promotional, service delivery and infrastructure programs.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.1.1	Develop Waste Strategy 2023-2033 and complete a site masterplan	Manager Waste Services	20%	Initial Consultation meeting on site masterplan took place in this reporting period. The project will be undertaken through to June 2024	
2.3.1.1.2	Undertake Service Review of Waste Services and operations.	Manager Waste Services	10%	A consultant for the service review has been engaged and the project is programmed to be completed by May 2024.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.1.3	Undertake Waste Audits to establish baseline data to assist with future waste education programs.	Manager Waste Services	100%	Project 'Operation Slim' - assessment of FOGO and recycling bins from urban/rural households to determine contamination levels and bins too heavy to be serviced. ISJO were engaged to ride in the waste services truck, view the onboard monitor for contamination and place an explanatory letter in the offending property's letterbox. These bins were still serviced and details recorded. However, process impacted on service deliverables, therefore only bins deemed too heavy, received a letter and a sticker was placed on the bin which identified the issue. Residents were required to rectify the issue and contact Waste Services. A full report will be available next quarter, however, the draft report shows the visual contamination rate, on average, was 10.45% for recycling (predominantly soft plastics) and 2.7% by FOGO (predominately non-organic items). Proposed recommendations identified will assist Council in developing targeted educational campaigns to further reduce contamination rates.	
2.3.1.1.4	Maintain and develop waste related content for website to support customer needs and expectations.	Manager Waste Services	50%	Website updated regularly	

Attachment 1 **Item 14.3**

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.1.5	Design, develop and conduct waste, recycling and resource recovery education and promotion events, workshops and activities.	Manager Waste Services	50%	Home Composting Workshop held 4 November at the Kiama Community Garden with 14 attendees. Attended Council's Career Day Expo, held at The Pavilion for Kiama High School Year 10 students. The expo gave students an insight into various areas of Council, including Waste Services. Students heard from Waste representatives about their career path, an overview of Council's Waste Services and a brief exercise/activity aimed at understanding the difference between rubbish that will break down in the environment and rubbish that won't.	
2.3.1.1.6	Apply for waste and resource recovery funding programs (former Better Waste Recycling Fund).	Manager Waste Services	50%	Assisted with applying for a NSW EPA regional grant to develop and implement new communication and educational material for all households that receive a FOGO service in line with the NSW EPA Position Statement. As per the new position statement released in September 2023, it formalises that only food and garden materials (including compostable caddy liners) will now be accepted in the FOGO waste service. The statement follows recent testing and research by the EPA into FOGO compost in NSW to limit contamination in order to maintain the quality of compost produced from organic waste, protecting recycling markets and human health. The grant was submitted by Illawarra Shoalhaven Joint Organisation on behalf of Kiama, Wollongong and Shellharbour Council.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.1.7	Implement actions identified in the Regional Community Recycling Centre Communications Strategy.	Manager Waste Services	50%	A DL sized double-sided flyer promoting the Community Recycling Centre and Household Bulky Waste Drop Off Event, was distributed to all households. Tonnages received at the CRC during the Household Bulky Waste event increased by 50%. In this quarter, 1,400 vehicles dropped off at the CRC.	

2.3.1.2: Provide high quality waste, resource recovery and cleaning services to the community.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.2.1	Establish Household Chemical Clean Out Collection in accordance with NSW Environment Protection Authority (EPA) requirements.	Manager Waste Services	100%	Completed in Quarter 1.	
2.3.1.2.2	Conduct Household Bulky Waste Drop Off Events for urban and rural households.	Manager Waste Services	50%	Event held 7-15 October with 1,410 registrations and 1,232 attended. A total of 236.39 tonnes received, with 124.87 tonnes recycled representing 53% resource recovery. This is down by approximately 7% from the previous event held in March.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.2.3	Provide high quality cleaning services.	Manager Waste Services	50%	Council Cleaning Services were stretched in Q2. Clearly Music Festival, Changing Tides Music Festival and various other community events such as Christmas Carols and weekend markets, coupled with the already increased tourist trade through the school holidays saw added pressure put on Council cleaners to deliver services. The shutdown of Council facilities such as libraries, offices and halls over the period allowed staff to apply resources to other areas to assist with the workload. The massive increase in public toilet usage was managed by the installation of additional maxi-roll holders in the public toilets in Kiama but also, weekend shift length was increased to provide a second clean on weekends when big events were scheduled.	
2.3.1.2.4	Provide weekly recycling and organics and fortnightly garbage collections to residents of the Municipality.	Manager Waste Services	50%	Ongoing domestic waste collection increased in the Q2 reporting period due to increased frequency of collections over the Christmas period. This did place added pressure on resources, however the waste Services team overcame the adversity and delivered high quality waste collection to the residents of the municipality.	
2.3.1.2.5	Provide and maintain a suitable site for the acceptance of Green Waste, Steel and items received at the CRC site at Minnamurra Depot	Manager Waste Services	100%	The Minnamurra Depot continues to provide a publicly accessible facility for the receipt of green waste, steel and other recyclable materials.	
2.3.1.2.6	Undertake all monitoring and reporting to maintain Waste Depot Licence	Manager Waste Services	50%	All monitoring was completed during the reporting period.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.2.7	Undertake Waste Depot rehabilitation as required	Manager Waste Services	100%	Waste depot rehabilitation is an ongoing program of works that was 100% completed during this review period.	

2.3.1.3: Investigate incidents of littering and illegal dumping and implement programs.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.1.3.1	Conduct patrols of common illegal dump sites or areas	Environment & Compliance	50%	Compliance Officer conduct regular patrols of known illegal dumping sites and have certain locations monitored by covert cameras to assist with investigation of common dump points. 48 illegal dumping complaints were received and investigated during this period with 3 PINs issued of a face value of $2,250.00 PINs issued.	
2.3.1.3.2	Investigate complaints of instances relating to illegal dumping	Environment & Compliance	50%	Compliance Officer conduct regular patrols of known illegal dumping sites and have certain locations monitored by covert cameras to assist with investigation of common dump points. 48 illegal dumping complaints were received and investigated during this period with 3 PINs issued of a face value of $2,250.00 PINs issued.	

2.3.2	Limit our reliance on non-renewable natural resources.

2.3.2.1: Deliver education programs, services and infrastructure that will improve the cleanliness of public places and reduce litter.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.3.2.1.1	Implement Regional Litter Grant as managed by Illawarra Shoalhaven Joint Organisation (ISJO).	Environment & Compliance	0%	This grant was not applied for by ISJO. No longer relevant.	

Outcome 2.4	We work together to understand and respond to the need for growth and change.

2.4.1	Understand climate risks and our impacts and take action against these.

2.4.1.1: Effectively manage impacts from natural disaster.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.4.1.1.1	Contribute to NSW Government and Illawarra Shoalhaven Joint Organisation (ISJO) Resilience Planning Projects and initiatives to improve Council's controls and knowledge of natural hazards management.	Planning and Economic Development	100%	Contemporary Bushfire Mapping has now been published in accordance with NSW Rural Fire Service's requirements.	
2.4.1.1.2	Finalise the Bushfire mapping project.	Planning and Economic Development	100%	Completed in previous financial year, ahead of schedule.	
2.4.1.1.3	Update Development Control Plan (DCP) and Policy frameworks to reflect State government policy direction on resilience and natural disasters.	Planning and Economic Development	0%	This action has not commenced. It will be informed by the completion of the Kiama Coastal Management Plan and work being undertaken by the Illawarra Shoalhaven Joint Organisation (ISJO) on natural hazards and the best practice management and resilience to them in the region.	

2.4.2	Mitigate and adapt to climate change and protect our environment.

2.4.2.1: Develop Flood Studies and Risk Management Plans to inform land use planning.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.4.2.1.1	Seek funding for Catchment Flood Studies and associated Risk Management Studies/Plans.	Engineering & Technical Services	50%	Continuing to apply for funding as further opportunities arise.	
2.4.2.1.2	Deliver Priority actions from Gerringong and Jamberoo Flood investigations.	Engineering & Technical Services	30%	Funding for some implementation works in Jamberoo has been confirmed and designs are being refined to allow delivery of some of the priority works adjacent to the School of the Arts building (Jamberoo Preschool). Further design works on priority action for Bridges Road Gerringong are also being progressed.	

2.4.2.2: Implement Councils adopted Corporate Emissions Reduction Strategy and Climate Change adaptation and mitigation initiatives in accordance with Council's Net Zero Strategy

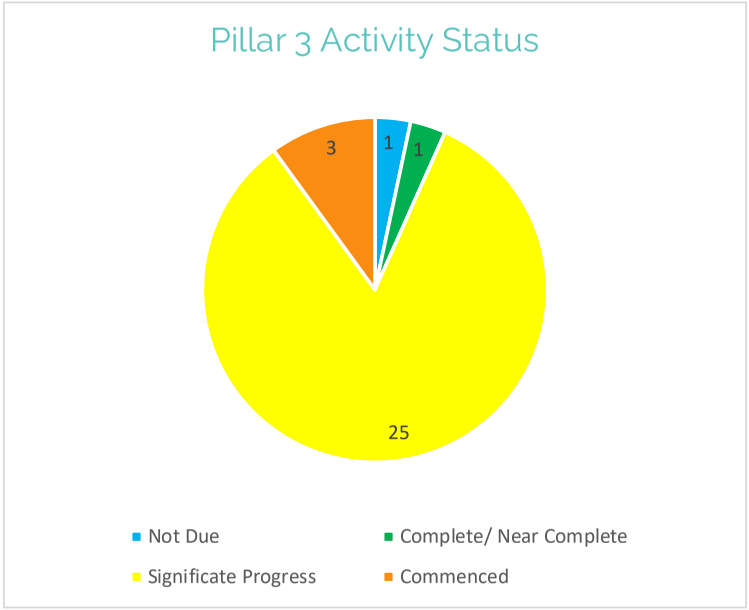
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.4.2.2.1	Establish an annual implementation strategy for the Corporate Emissions Strategy.	Environment & Compliance	40%	Procurement of the Renewable PPA is complete, this was for supply of electricity for our large scale sites and street lighting from 01/01 2023 – 31/12/2030. Expression of interest to host EV fast charging infrastructure to the NSW EV Strategy Program was unsuccessful. ISJO and council submitted an application to the AREA for Community Battery grant, Council was unsuccessful. Feasibility study for EV fast charging conducted by Charge works was completed it is being used to inform a grant applications. Information from the feasibility study will support us in developing our 'EV Charging Infrastructure on Public Land' Policy. Solar PV systems installed on the Leisure Centre, Library and Administration building continue to be monitored. Investigations have begun for Fleet transition to Hybrids or EVs, and Council currently have 10% Hybrid fleet, and one EV. LED streetlights conversions is almost complete. Council continue to work with ISJO in a to address sustainability issues.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
2.4.2.2.2	Ensure Council's planning instruments facilitate the recommendations of the adopted Community Emissions Strategy.	Environment & Compliance	50%	Kiama Council continues to work collaboratively on a regional level with our neighbours and the Illawarra Shoalhaven Joint Organisation (ISJO). We are assisting ISJO through a Project Control Group to deliver a Regional Energy Strategy to guide net zero options and pathways and shape our own community's plan. This is being achieved through the NSW Government's Net Zero Plan Stage 1 (2020-2030) that provides a range of programs and strategies to move the state of NSW to a sustainable, low carbon basis. Council is also working collaboratively with a number of third parties to investigate Electric Charging infrastructure possibilities.	

Pillar 3 | Economy
We create a strong and diverse economy.

Highlights

- Council's Economic Development staff successfully delivered the Careers at Council program, which saw 80 students from Kiama High School experience work in different functional areas within council.
- Delivered a free barista training program for local young people at SENTRAL youth service and liaised with the local business community create a pipeline from training to employment.
- Council Work Experience Program updated by Economic Development and Human Resources Teams.
- The 2024 Kiama Visitor Guide was launched in December 2023 and is distributed from the Kiama VIC, locally to partner businesses, and statewide via our distribution company to hotels and visitor touch points around NSW.



- Destination Kiama have a busy calendar of events designed for the active participation of members in projects and upskilling programs.
- Holiday Park operations are continuing with good occupation rates being achieved indicating that we are meeting customer expectations.
- A great start to the year with the Red Hot Summer Tour, Kiama Show and a Mathematical Conference for 4 days taking place which generated economic growth within the local area with accommodation and tourist attractions by delegates and alike.

- Pavilion continues to achieve pleasing results. Commercial, Community and Other events have continued to grow with repeat clients booking events at The Pavilion in 2024. A major contributor is that service levels provided by Pavilion staff to clients are sitting at a 9/10.

- Holiday Park operations are continuing with good occupation rates being achieved indicating that we are meeting customer expectations. We are currently on track to deliver to budget of the 2023/24 period.

Items not yet commenced

- Develop an Agricultural lands strategy – will commence following finalisation of Housing and Growth strategy which will commence community engagement next quarter.

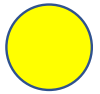
Outcome 3.1	A strong economy, vibrant local businesses and local economic growth.

3.1.1	Help our local businesses grow strong.

3.1.1.1: Prepare and adopt an Economic Development Strategy which identifies ways to creating a diverse and resilient economy within the Municipality.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.1.1.1	Prepare and adopt an Economic Development Strategy which identifies ways to creating a diverse and resilient economy within the Municipality.	Planning & Economic Development	50%	Council has been working on the preparation of an Economic Health Check report. A draft of that report is expected to be completed next quarter. Council officers have also been collecting and reviewing information from previous Economic Development policies in Kiama, as well as strategies from comparable local government areas. Utilising these sources, work has now commenced and will continue towards drafting an Economic Development Strategy.	

3.1.2.1: Work collaboratively with key stakeholders to support local businesses.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.2.1.1	Rebuilding and establish relationships with local businesses, business chambers and other business organisations.	Planning & Economic Development	75%	Council's Economic Development staff continued to promote both Kiama & District Business Chamber and Business Illawarra. Council officers worked closely with the Service NSW's business concierge service, conducting a survey of local business priorities for economic development. Council's partnership with Shellarbour City Council's economic gardening program was renegotiated such that we can continue offering this service to local businesses. Council also became a member of the Illawarra-Shoalhaven Regional Defence Network. The economic benefits of the network to local businesses and Council were highlighted at a number of information sessions and events held in Kiama. Economic Development Staff continued to support Council's Tourism and Economic Advisory Committee, In this regard, staff assisted to attract interested parties, particularly local businesses, to work with the rainforest center to fill their newly completed cafe space.	

3.1.3.1: In collaboration with regional partners implement the Regional Economic Development Strategy.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.3.1.1	Work with the Greater Cities Commission and the NSW Department of Planning and Environment (DPE) to implement the recommendations of the Regional Economic Development Strategy (REDS).	Planning & Economic Development	50%	Council continued to work with the Greater Cities Commission (Six Cities Commission) and the NSW Department of Planning and Environment (DPE) to implement the recommendations of the Regional Economic Development Strategy (REDS).	
3.1.3.1.2	Develop an Employment lands strategy.	Planning & Economic Development	50%	Collaboration with our Regional Partners through ISJO continues as we implement the Regional Economic Development Strategy.	

3.1.4.1: Support a wide range of business opportunities through land use planning.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.4.1.1	Develop an Agricultural lands strategy.	Planning & Economic Development	0%	Council is yet to develop an Agricultural lands strategy. This will likely commence following the finalisation of the Housing and Growth strategy which is due to start with extensive community engagement next quarter.	

3.1.5.1: Support employment and business opportunities through partnerships that enhance lifelong learning.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.5.1.1	Explore opportunities to partner with University of Wollongong (UOW) social enterprise hub and other leadership development programs. Explore opportunities to collaborate with Community College, TAFE, local training providers and schools.	Planning & Economic Development	75%	Economic Development Staff met with iAccelerate, University of Wollongong's social enterprise program, to discuss opportunities for partnership. These opportunities include connecting local business leaders and experienced professionals with the iAccelerate program to act as mentors for growing local and regional businesses. A free barista training program for local young people took place at the SENTRAL youth service. The training was delivered by Kiama Community College. Economic development staff liaised with the local business community to create a pipeline from training to employment, ensuring that participants gain skills in customer service. Discussions were facilitated between NSW Dept of Education's head teacher careers and council's HR team to update Council's work experience program. Council has partnered with Innovative Training Employment & Careers (ITEC) to offer a course in leadership & management to council staff, with funding from the NSW state government.	

3.1.6.1: Enhance opportunities to create a range of jobs for all residents.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.6.1.1	Partner and collaborate with University of Wollongong (UOW) to explore opportunities to support: innovation and entrepreneurship; local education; leadership programs; research activities; and environmental sustainability.	Planning & Economic Development	75%	Councils Economic Development Staff have met with both the University of Wollongong's Innovation and Commercial Research team as well as iAccelerate, UOW's social enterprise program, to discuss potential opportunities for partnership.	

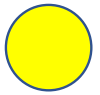
3.1.7.1: Support the development of small and medium businesses through partnerships that enhance local education, training employment outcomes with a focus on: - regional and local innovation / entrepreneurship - collaboration - leadership development

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.1.7.1.1	Utilise volunteering and work experience to expand skills of young people seeking employment and training.	Planning & Economic Development	100%	Council's Economic Development staff successfully delivered the Careers at Council program, which saw 80 students from Kiama High School experience work in different functional areas within council. Separately staff have facilitated discussions between NSW department of education's head teacher careers and council's HR team to update our work experience program. Economic Development Staff also assisted the delivery of a free barista training program for local young people at SENTRAL youth service and liaised with the local business community create a pipeline from training to employment.	

Outcome 3.2	An economy that embraces the opportunities of tourism while ensuring that we don't lose our community feel; our tourism development and the visitor economy is well managed.

3.2.1	Manage tourism development and the visitor economy.

3.2.1.1: Deliver Kiama Tourism & Events Strategic Plan 2022– 2026

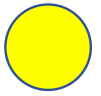
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.1.1.1	Support Tourism and Economic Advisory Committee (TAC) to provide leadership and support to tourism industry.	Tourism & Events	50%	The Tourism Advisory Committee has recently taken on the role of economic development and is now known as the Tourism and Economic Advisory Committee (TEAC). The unchanged committee members still meet bi-monthly and now also accepts reports from Council's Economic Development Coordinator and Manager.	
3.2.1.1.2	Take a proactive approach to attracting and retaining tourism investment, creating, and linking key tourism products within the region to create compelling touring experiences.	Tourism & Events	50%	Our Tourism and Events strategy and Marketing plan actions actively link our tourism product through the use of itineraries, guidebooks and maps. Examples this year have included our creative campaign, linking our local galleries and studios, our winter campaign, and more recently our 'Kiama Makers' marketing exercise.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.1.1.3	Enact the Events Action Plan 2022-2026. A diverse mix of events conducted annually that reflect the areas character and bring economic and social benefits to the local community. Two (2) rounds of the Destination Event Funding Program accomplished, exhausting budget. Annual review of the Destination Events Action Plan.	Tourism & Events	50%	The Destination Event Funding Program considered twelve applications in the first round of funding. The internal assessment panel reviewed each application and scored against the prescribed weighted criteria. A balanced mix of sporting and music / cultural events, scheduled throughout the year, were included in the list of successful applicants. Round two of the funding opened on 1 December 2023.	
3.2.1.1.4	Work in partnership with key agencies to map and develop natural and cultural site experiences.	Tourism & Events	50%	Council has had a consistent dialogue with state and regional agencies to develop and incorporate cultural experiences into development plans. Example of these include the Sydney Surrounds South Destination Management Plan 2030 and the Kiama Regional Economic Development Strategy. Currently Council's Aboriginal Liaison Officer is working to map sites of indigenous significance in the area. Once complete, the tourism department can support to enhance these areas of significance through storytelling and assist in protecting the historic and cultural value.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.1.1.5	Foster a supportive regulatory environment which enables Kiama to be recognised as an event-friendly destination.	Tourism & Events	50%	Council has engaged a consultant to review the support Council provides to local events. Kiama Major Event Impact Review will consult a number of stakeholders through surveys and workshops and gather data to assist in informing Council on the best way to support the industry and gain the most benefit. Recommendations will emerge that define the 'sweet spot' where community benefits are highest and detrimental impacts are minimal. This body of work comes about following a season of large scale events in the Kiama area.	
3.2.1.1.6	Promote and increase the quality of tourism experiences and events. Build local capacity, support collaboration initiatives and networking opportunities for business, event partners and organisers, artists, and local businesses.	Tourism & Events	75%	Destination Kiama have a busy calendar of events designed for the active participation of members in projects and upskilling programs. The calendar is adapted annually, focusing on business needs which are determined through surveys and also support requests and themes that present themselves in discussions with our partnership base.	

3.2.2	Support sustainable local business development, visitations and events.

3.2.2.1: Deliver Kiama Tourism and Events Strategic Plan 2022– 2026.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.2.1.1	Deliver the Tourism and Events Strategic Plan and associated Action Plan, supporting positive community and industry engagement in tourism locally.	Tourism & Events	50%	The Tourism and Events Strategic Plan continues to be the Tourism and Events Department's guiding document. In order to refresh the accompanying Action Plan, a survey was distributed to the local community and a face-to-face community consultation took place on 27 July 2023. The consultation provided Council with insight into their views on priority areas for the industry locally, what they identified as the barriers and what role they could play in improvement.	
3.2.2.1.2	Build branding and marketing activities based on the area's genuine and unique qualities and character. Develop Kiama Tourism and Events Marketing Plan focused on driving sustainable growth in overnight visitor expenditure.	Tourism & Events	50%	The 2024 Kiama Visitor Guide was launched in December 2023 and is distributed from the Kiama VIC, locally to partner businesses, and statewide via our distribution company to hotels and visitor touch points around NSW. The Destination marketing plan has been enacted with two major campaigns to date focusing on our high yield target markets. A new style guide for the Destination Kiama brand was also compiled during this reporting period adding to the colour swatches and refining the font options.	

3.2.3	Welcome visitors to the region and show off our iconic attractions.

3.2.3.1: Manage the Kiama Visitor Information Centre for the seamless provision of accurate, timely and friendly visitor information on tourism related services, attractions events support visitors.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.3.1.1	Kiama Visitor Information Centre Business Plan commits to the delivery of consumer led and contemporary visitor services whilst preserving the base function of exceptional customer service and accurate, helpful visitor information and delivers services in line with level one accreditation standards.	Tourism & Events	50%	The Kiama Visitor Information Centre have successfully retained a level one accreditation in Visitor Services. The current Business Plan continues to have a key focus on customer service and maintaining relationships with local business owners. This is supported through promoting businesses and attractions with flyers at the Visitor Information Centre, information in the annual Visitor Guide, as well as in house publications that are produced monthly, or annually as required. Regular training and education familariasation tours are provided to staff and volunteers to ensure they can service visitors to the highest possible standard.	
3.2.3.1.2	Increase the opportunity to use the Kiama Visitor Information Centre to diversify and raise revenue through event and attraction ticket sales.	Tourism & Events	50%	Although merchandise revenue has been rising, the Visitor Information Centre continues to see a decline with ticket sales and accommodation bookings. The Visitor Services Coordinator and Tourism Manager are discussing remedies to reinvigorate the ticket and online booking offering, whilst also investing in the retail product offering, growing the locally made produce and local artist's work.	

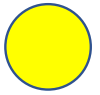
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.3.1.3	Grow and develop the volunteer program at the Kiama Visitor Information Centre and build on positive culture. Focus on improving customer service, via upskilling Kiama Visitor Information Centre staff and volunteers to align visitor enquiries with destination experiences that may appeal to their interests.	Tourism & Events	50%	The volunteer program at the Visitor Information Centre provides local members of the community the opportunity to interact with visitors, assist at events and provide support to the paid staff. The volunteers participated in three familiarisation tours during this reporting period. The first tour visited local operators, the second an Aboriginal Experiences Tour at Minnamurra, and thirdly, a volunteer joined a staff member on a recent Shoalhaven local knowledge tour. The Visitor Centre also participated in Council's Volunteer Expo held in May 2023 in a bid to bolster the team, two applications were received via this expo.	
3.2.3.1.4	Visitors are able to access information via a range of mediums that encourages increased spend, dispersal through the region and higher satisfaction.	Tourism & Events	50%	Destination Kiama, through its partnership program, destination website kiama.com.au, social accounts and printed collateral, provides for visitors' linkages between each of the area's attractions and businesses. The Tourism and Events Department have been involved in regional projects that include business events and the South Coast Marine Tourism harbour and waterway strategy.	

3.2.4	Foster economic diversity to attract and retain investment in our Municipality.

3.2.4.1: Operate Kiama Coast Holiday Parks as a financially sustainable, quality accommodation provider.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.4.1.1	Operate Kiama Coast Holiday Parks as a financially sustainable, quality accommodation provider.	Property & Recreation	50%	Holiday Park operations are continuing with good occupation rates being achieved indicating that we are meeting customer expectations. The business is currently on track to deliver to budget of the 2023/24 period.	
3.2.4.1.2	Deliver identified maintenance, capital works and improvement programs across all Holiday Parks.	Property & Recreation	40%	The maintenance and capital renewal programs are being rolled out to plan	
3.2.4.1.3	Meet all legislative and accreditation requirements for Holiday Parks and seasonal camping grounds through delivery of compliance program.	Property & Recreation	35%	Detail investigations and design processes for the improvement works have been progressing. Capital expenditure for the improvement works be revised in early 2024 as final designs are completed, procurement commences and implementation programs are confirmed by the successful contractors.	
3.2.4.1.4	Operate Kiama Coast Holiday Parks as a financially sustainable, quality accommodation provider.	Property & Recreation	50%	Holiday Park operations are continuing with good occupation rates being achieved indicating that we are meeting customer expectations. The business is currently on track to deliver to budget of the 2023/24 period.	
3.2.4.1.5	Undertake service review of Holiday Parks operation. (Duplicate of 5.1.5.2.3)	Property & Recreation	35%	Following a period of data gathering the service review has commenced.	

3.2.4.2: Undertake the commercial operation of The Pavilion Kiama as an income stream and investment of Council

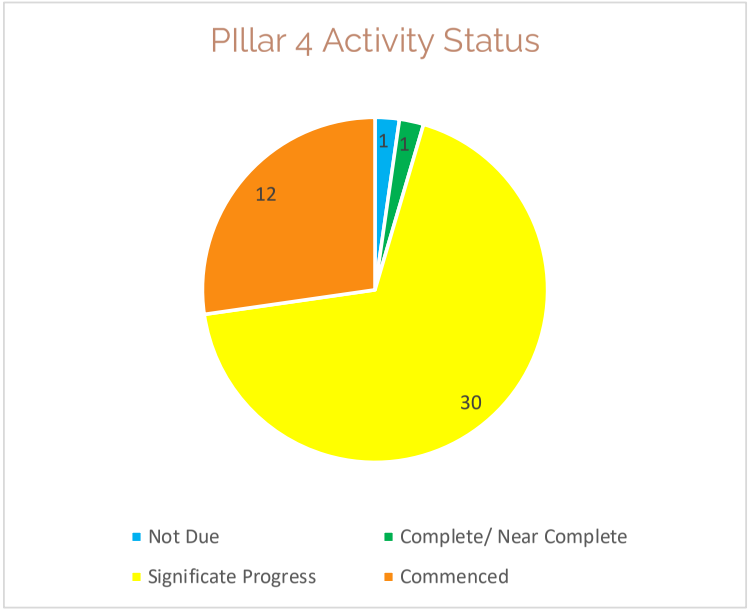
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.4.2.1	Delivery of a venue that exceeds industry standards, is financially sustainable, operating profitably as a commercial arm of Council.	Tourism & Events	50%	Pavilion continues to achieve pleasing results for Q2 being above average. Commercial, Community and Other events have continued to grow with repeat clients booking events at The Pavilion in 2024. A major contributor is that service levels provided by Pavilion staff to clients are sitting at a 9/10 gathered via ZoHo surveys that are emailed out after each event and customers providing feedback on various aspects for business attributes increasing revenue and more events. Our ongoing marketing plan also contributes to the rise in confirmed events. The Pavilion accelerates with a dedicated main function room and breakout rooms, allowing flexible seating to enable a variety of learning environments. High speed internet. Airconditioning, access to audio-visual in house equipment. Flexible meeting packages, skilled conference planner assigned to each booking. Trained staff. Outdoor access for breaks. Environmentally sustainable practices.	
3.2.4.2.2	The Pavilion Kiama is an inclusive, accessible venue.	Tourism & Events	50%	The Pavilion prioritises accessibility to the venue, with a hearing loop available, ramp access and upper and lower-level disability friendly amenities. The Pavilion is a perfect venue for all accessibility requirements. The Pavilion has also increased font size on collateral and included details about the accessibility on the website.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
3.2.4.2.3	The Pavilion Kiama manages the balance between community expectations and profitability via commercial opportunities.	Tourism & Events	50%	Q2 was a great start to the year with the Red Hot Summer Tour kicking off in January also along with the Kiama Show and a Mathematical Conference for 4 days taking place which generated great economic growth within the local area with accommodation being snapped up and tourist attractions being visited by delegates and family members visiting the area. The Pavilion have alliances with local accommodation providers to promote more events being held at the Pavilion whilst offering a small discount to confirmed bookings in the process.	
3.2.4.2.4	The Pavilion Kiama upholds high standards of physical appearance and cleanliness to meet industry standards.	Tourism & Events	50%	Pavilion is investigating the lift maintenance agreement and has included in the next budget for the building to be repainted as the building is exposed to the high sea salt and is weathering at a high rate currently. Pavilion is maintaining all other areas of the building whilst operational.	
3.2.4.2.5	Carry out a Service Review process on The Pavilion Kiama.	Tourism & Events	50%	Service review of the Pavilion is underway currently.	

Pillar 4 | Built Environment
We are part of a connected and liveable community.

Highlights

- A Draft Agritourism DCP chapter has been drafted and exhibited. It is anticipated that it will be finalised and reported to Council in the next quarter.
- The footpath and cycleway condition assessment project is approaching completion and will allow programming of renewal work going forward.
- The detail design process for the Jamberoo shared path is continuing (Browns Land to Jamberoo) with construction works currently programmed for 2024/25.
- The annual road safety action plan was approved for funding by Transport for NSW in Quarter 1 and actions are progressing.
- Construction of the Crooked River Road urban gateway treatment project is programmed for early 2024.



- Road safety programs have been undertaken for Learner Driver training and another round is programmed for April 2024 and National Road Safety Week events in May 2024.
- The next Learner Logbook event is programmed for April 2024.

Items not yet commenced

- Review priority actions from Draft Traffic and Parking Study for Kiama Town Centre for further investigation and action including paid parking options - not yet scheduled for commencement.

Outcome 4.1	We love where we live, our housing reflects our values

4.1.1	Collaborate and partner through ISJO to develop a regional response to affordable housing supply.

4.1.1.1: Collaborate and partner through ISJO to develop a regional response to affordable housing supply.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.1.1.1.1	Collaborate and partner through Illawarra Shoalhaven Joint Organisation (ISJO) and State Government agencies to develop a regional response to affordable housing supply.	Planning & Economic Development	50%	Council continued to collaborate and partner through Illawarra Shoalhaven Joint Organisation (ISJO) and State Government agencies to develop a regional response to affordable housing supply.	

4.1.2	*Facilitate development that is respectful of the local characteristics of the Municipality.*

4.1.2.1: Facilitate and encourage sustainable and appropriate uses of rural lands

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.1.2.1.1	Support and strengthen our diverse communities through regional collaborations and local connections.	Planning & Economic Development	50%	Council continued to implement the Regional Economic Development Strategy through liaising with the Local Business Chamber and other local businesses. Staff also supported and attended the Illawarra Business Awards as well as various Kiama Business Chamber events.	

4.1.3	Manage growth sustainably and thoughtfully.

4.1.3.1: Local Housing Strategy facilitates the provision of adequate housing supply within the Municipality

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.1.3.1.1	Meet the Greater City Commission Targets set for housing.	Planning & Economic Development	30%	The Greater City Commission (Six Cities Commission) housing targets are yet to be set, given State Government direction may influence further. A Housing and Growth Management Strategy is expected to commence during the next quarter to ensure targets are achievable and how best they can be met.	
4.1.3.1.2	Assess Planning proposals in accordance with Council and regional strategies and targets.	Planning & Economic Development	50%	Planning proposals continued to be processed in a way that is consistent with Council and regional strategies and targets.	
4.1.3.1.3	Monitor housing and land supply to ensure demand is being met by reporting to Council on the number of dwellings approved and completed and provide data on Council's website and annually to the Urban Development Programs.	Planning & Economic Development	50%	Council continued to monitor and report on local housing supply. Staff also worked with consulting firm Remplan on baseline reporting and projections based on the latest census data.	

Outcome 4.2	We are well connected within our local community, and to our region.

4.2.1	Retain and promote our unique rural landscape, farms and food markets

4.2.1.1: Facilitate and encourage sustainable and appropriate uses of rural lands

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.2.1.1.1	Undertake a review of Council's Local Environment Plan (LEP) and associated strategies to provide a contemporary planning framework for Kiama Local Government Area (LGA).	Planning & Economic Development	25%	The review of the Kiama Local Environmental Plan will consider the proposed Housing and Growth Management Strategy which is expected to commence next quarter. That strategy will also contain recommendations for the management of existing rural land as well as recommending sustainable and appropriate uses of those lands.	
4.2.1.1.2	Implement the Agritourism legislative changes and commence work on required Development Control Plans (DCP) controls for this change.	Planning & Economic Development	70%	A Draft Agritourism DCP chapter has been drafted and exhibited. It is anticipated that it will be finalised and reported to Council in the next quarter.	

4.2.1.2: Collaborate with Illawarra Shoalhaven Local Health District other community partners to support and strengthen food sustainability.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.2.1.2.1	Work with the Illawarra Shoalhaven Joint Organisation (ISJO) and neighbouring Councils to lobby the State Government to make changes to the Standard Instrument Local Environmental Plans (LEP) and other relevant environmental planning instruments.	Planning & Economic Development	50%	Council continued to advocate with ISJO to State Government for updates to Local Environment Plan to facilitate viable agricultural enterprises and practices.	

4.2.2	Manage land-use planning to retain distinct towns and villages

4.2.2.1: Deliver major capital works and projects utilising external funding opportunities.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.2.2.1.1	Prepare and adopt a contemporary Development Assessment Process Policy to ensure Council's planning systems and processes are contemporary and transparent.	Planning & Economic Development	50%	The A Draft Development Assessment Process Policy has been drafted and endorsed by Council for consultation.	

4.2.2.2: Council meets the legislative requirements for Planning and Assessment.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.2.2.2.1	Deliver the Development Assessment Reform Program and Implement required actions to meet legislation, best practice and strive to meet customer service targets and policy.	Planning & Economic Development	50%	This quarter Council continued to deliver the Development Assessment Reform Program and Implement required actions to meet legislation, best practice and strive to meet customer service targets and policy. Staff also undertook the necessary work to transition to Department of Planning Notice of Determination Template and Conditions.	
4.2.2.2.2	Manage development assessment processes in accordance with state government best practice guidelines.	Planning & Economic Development	50%	Requests for Additional Information, Assessment Reports, Notices of Determination and Stamped Plans are now publicly available on Council's DA Tracker. This quarter work also continued on the transition to the Department of Planning Notice of Determination Template and Conditions as required by legislation.	
4.2.2.2.3	Continue to review and enhance Council's Development Assessment (DA) templates and work practices reflect the adopted Development Assessment Process Policy, the NSW Government's Development Assessment Best Practice Guide and current legislation.	Planning & Economic Development	50%	Ongoing improvements have been made to DA templates and workflow processes to ensure we meet Policy Guides and legislation requirements.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.2.2.2.4	Assess Development Applications in accordance with adopted timeframes and targets.	Planning & Economic Development	50%	Development Applications continue to be assessed in accordance with adopted timeframes and targets when resourcing allows. However, there have been some challenges with recruitment for planners which has delayed assessments.	
4.2.2.2.5	Undertake building inspections as principal certifying authority.	Planning & Economic Development	50%	Council continued to provide a service to the community to undertake building inspections as principle certifying authority in accordance with legislative requirements.	
4.2.2.2.6	Process complying development, occupation and construction certificates within legislative timeframes.	Planning & Economic Development	50%	Council continued to provide a service to the community to process Complying Development Certificates, Occupation and Construction Certificates within legislative timeframes.	
4.2.2.2.7	Inspect and issue approval for caravan parks to operate as required by the Local Government Act.	Planning & Economic Development	50%	Council Officers continued to inspect and issue approval for caravan parks to operate as required by the Local Government Act.	
4.2.2.2.8	Make timely decisions and submissions regarding proponent-led planning proposals.	Planning & Economic Development	50%	Council has continued to make timely decisions and submissions regarding proponent-led planning proposals.	
4.2.2.2.9	Make a Local Environmental Plan, which has been delegated to Council, in the timeframes specified in a Gateway Determination.	Planning & Economic Development	50%	All Draft Local Environmental Plans are developed in accordance with Gateway Determination timeframes and requirements. In addition, all proponent-led planning proposal are submitted for a Gateway determination within 90 days of Council indicating its support.	

Outcome 4.3	Our built environment is safe and inclusive; our infrastructure is well planned and well managed.

4.3.1	Create a regional network of interconnected roads, shared pathways and cycleways to maximise access to key destinations and facilities.

4.3.1.1: Manage recreation and open space infrastructure to cater for current and future generations.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.1.1.1	Identify priorities within the Open Space and Recreation Strategy for capital works program.	Engineering & Technical Services	25%	The master planning projects have been delayed by some site issues identified during the consultation phase and will recommence in Quarter 3.	
4.3.1.1.2	Maintain currency of information about the accessibility of Council's public toilets, on the National Public Toilets Register.	Engineering & Technical Services	25%	Not in this quarter. Registry will be updated by end of financial year should our public toilet inventory or status change	
4.3.1.1.3	Improve accessibility of recreational facilities including wheelchair access to seating, shaded areas, outdoor exercise and play equipment.	Engineering & Technical Services	15%	Construction of the new play space within Hindmarsh Park is programmed to commence early 2024 and this will deliver significant improvements to accessibility, seating and shade facilities in Kiama funded by the NSW Government's Public Spaces Legacy, Stronger Country Communities and Active Transport Programs.	

4.3.1.2: Implement maintenance and capital renewal and improvement programs for Council's built assets and infrastructure.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.1.2.1.	Deliver the approved recreation and open space programs to meet community needs.	Operations & Maintenance	45%	The open space maintenance program has been under pressure due to the hot and wet weather we have experienced lately. Our teams are expecting to be back on track as the grass growing season ends.	
4.3.1.2.2	Deliver community building asset maintenance and capital programs.	Operations & Maintenance	50%	Building maintenance program is on track and all CRMs have been actioned within agreed timeframes. Completed capital include new kitchen and flooring to Minnamurra tennis club canteen.	
4.3.1.2.3	Deliver stormwater asset maintenance and capital programs.	Operations & Maintenance	50%	GPT maintenance program is progressing as scheduled. All CRM's have been actioned within agreed timeframes. Planning is underway for the installation of additional stormwater management on the coastal walking track.	

4.3.1.3: Develop Cemeteries Plan to guide future development needs and opportunities.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.1.3.1	Manage and maintain the three (3) operating cemeteries.	Infrastructure & Liveability	50%	Council continues to manage the cemeteries to service our community and customers. The Cemetery Operating Policy was adopted at Council's November 2023 meeting.	

4.3.1.4: Remain engaged with Federal, State and Regional Planning

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.1.4.1	Attend, participate in and engage with, State Government planning reforms, workshops, reference groups and planning processes that relate to Kiama Local Government Area (LGA) and the region, particularly with the Great Cities Committee.	Planning & Economic Development	50%	Council Officers continued to liaise with the local representatives of the Greater Cities Commission (Six Cities Commission) throughout the quarter. Also continued to pursue adopted advocacy items.	

4.3.1.5: Provide timely and accurate planning advice.

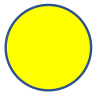
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.1.5.1	Ensure Council's spatial planning data is accurate and current.	Planning & Economic Development	50%	Planning spatial data is reviewed and updated with legislation updates weekly and/or as notified by other government agencies. Development of an annual review program is planned and in the interim datasets are continually monitored and updated throughout the period as required.	

4.3.1.5.2	Issue Planning Certificates within required timeframes and targets.	Planning & Economic Development	50%	86.85% of applications for Planning Certificates were issued within 3 business days. A total of 388 certificates were issued in the reporting period: 288 - 10.7(2) Certificates and 100 - 10.7(2) & (5) Certificates with an average overall processing time of 2.69 days which remains under the target of 3 business days.	
4.3.1.5.3	Provide timely, informative useful information to customers about the Development Application process and associated plans to support community understanding and engagement.	Planning & Economic Development	50%	Council's website provides timely, informative useful information to customers and reflects the NSW Government's Development Assessment Best Practice.	

4.3.2	Actively plan how we travel and create safe travel routes whether we are walking, cycling, driving or accessing public transport.

4.3.2.1: Implement footpaths and cycleways program.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.1.1	Implement footpath and cycleway asset maintenance and capital programs.	Operations & Maintenance	50%	Footpath maintenance program is on track and all CRMs responded to within agreed timeframes. Jamberoo cycleway extension is in detail design phase.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.1.2	Review and extend the footpath and cycleway renewal and upgrade schedule.	Operations & Maintenance	90%	The condition assessment project is approaching completion and will allow programming of renewal work as future budgets allow. The detail design process for the Jamberoo shared path is continuing (Browns Land to Jamberoo) with construction works currently programmed for 2024/25	
4.3.2.1.3	Apply for appropriate grants to fund improvements to the footpath and cycleway networks with less impact on Council's budget capacity.	Operations & Maintenance	50%	Councils Grants Officer is investigating opportunities for external funding and applying as appropriate.	

4.3.2.2: Implement road safety and traffic management programs and responsibilities.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.2.1	Manage Roads Act permits to ensure safety standards maintained.	Engineering & Technical Services	50%	Applications are processed and assessed as received. With the filling of a long-term vacant position with the Engineering & Technical Services team as review of the processes for managing the permits will be undertaken in Quarter 3.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.2.2	Implement local funded Road Safety projects and programs.	Engineering & Technical Services	40%	Construction of the Crooked River Road urban gateway treatment project is programmed for early 2024. Road safety programs have been undertaken for Learner Driver training and another round is programmed for April 2024 and National Road Safety Week events in May 2024.	
4.3.2.2.3	Prepare Local Road Safety Action Plan to allow inclusion on funded works programs and grant applications.	Engineering & Technical Services	45%	The annual road safety action plan was approved for funding by Transport for NSW in Quarter 1 and actions are progressing. Construction of the Crooked River Road urban gateway treatment project is programmed for early 2024. Road safety programs have been undertaken for Learner Driver training and another round is programmed for April 2024 and National Road Safety Week events in May 2024 The next Learner Logbook event is programmed for April 2024 and procurement for the Crooked River Road "gateway" for treatment are being undertaken in early 2024	
4.3.2.2.4	Review priority actions from Draft Traffic and Parking Study for Kiama Town Centre for further investigation and action including paid parking options.	Engineering & Technical Services	0%	Not this quarter. Anticipate quarter 3 or 4 of the current planning period (first half of 2024).	

4.3.2.3: Implement the requirements of the Roads Transport Act, Impounding Act, Crown Lands Act and Road Rules.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.3.1	Conduct scheduled parking patrols to support effective traffic and parking management.	Environment & Health	50%	During this period 221 active parking patrols were conducted. The number of fines issued during this period was 257, this provided a face value of fines equating to $57,026.00. Received 102 illegally parked vehicle complaints and 25 abandoned vehicle complaints received and investigated. 2 abandoned vehicles removed, 3 fines valued at $3,960.00 face value issued.	
4.3.2.3.2	Investigate and action parking, traffic and abandoned vehicle complaints. Make Legal determination for non-compliance (Caution/Warning/Infringement).	Environment & Health	50%	During this period 221 active parking patrols were conducted. The number of fines issue during this period was 257, this provided a face value of fines equating to $57,026.00. Received 102 illegally parked vehicle complaints and 25 abandoned vehicle complaints received and investigated. 2 abandoned vehicles removed, 3 fines valued at $3,960.00 face value issued. In addition to this a new fine issuing system was implemented to automate vehicle plate searches and to provide a seamless integration with Revenue NSW which allows the customer to view an image of the non-compliant vehicle.	

4.3.2.4: Plan and manage road, drainage other infrastructure through the Asset Management Plans.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.4.1	Identify and prioritise asset infrastructure renewal and upgrade projects for inclusion in the Capital Works Program together with other appropriate funding sources.	Engineering & Technical Services	50%	Asset condition assessment for roads and footpaths have been undertaken and will inform the drafting of the 2024/25 works program.	
4.3.2.4.2	Identify and seek available appropriate external funding opportunities for infrastructure programs to improve Council's infrastructure portfolio with lower impact on Council's budget.	Engineering & Technical Services	50%	Council continues to apply for external funding as opportunities arise. During this reporting period we were notified that we had been successful in our application under the Australian & NSW Government funded Infrastructure Betterment Fund in the amount of $4.5 million for improvements works on Jamberoo Mountain, Foxground and Wallaby Hill Roads. It is anticipated that the funding deed for the Betterment program will be executed in early 2024 with investigations and design works to be commenced in Quarter 3. A program will be developed and published to keep the community informed on progress on this significant funding and construction program.	
4.3.2.4.3	Implementation of priority actions from the Gerringong and Jamberoo Flood Investigation Study.	Engineering & Technical Services	35%	Funding for some implementation works in Jamberoo has been confirmed and designs are being refined to allow delivery of some of the priority works adjacent to the School of the Arts building. Further design works on priority action for Bridge Street Gerringong are also being progressed.	

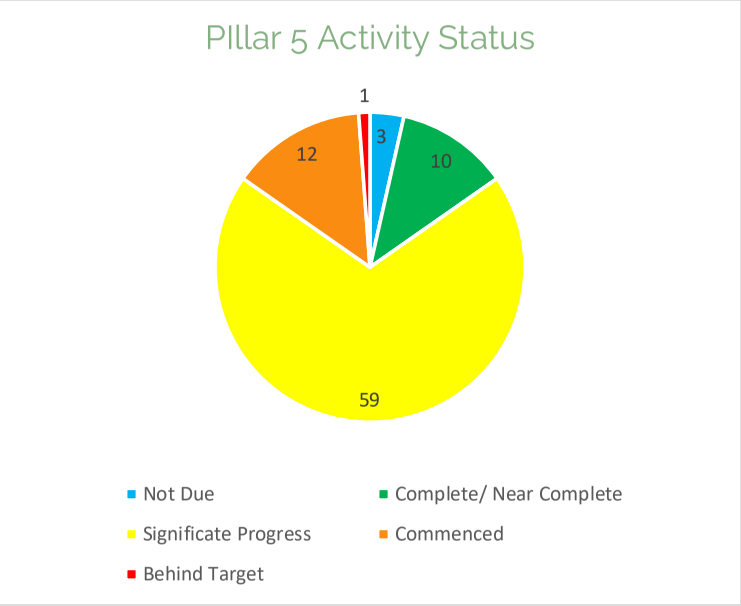
4.3.2.5: Deliver major capital works and projects utilising external funding opportunities.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
4.3.2.5.1	Deliver Hindmarsh Park Redevelopment.	Engineering & Technical Services	15%	Following completion of preliminary works a contract has been formed for the construction of the new facilities and works will commence in late January 2024 for a programmed completion in September 2024.	
4.3.2.5.2	Deliver Jamberoo Cycleway and other Active Transport funded projects.	Engineering & Technical Services	25%	The detail design process for the Jamberoo shared path is continuing (Browns Land to Jamberoo) with construction works currently programmed for 2024/25.	
4.3.2.5.3	Deliver priority actions from the Gerringong and Jamberoo Flood Investigation Study.	Engineering & Technical Services	40%	Funding for some implementation works in Jamberoo has been confirmed and designs are being refined to allow delivery of some of the priority works adjacent to the School of the Arts building. Further design works on priority action for Bridge Street Gerringong are also being progressed.	

Pillar 5 |Civic Leadership
We expect accountable and transparent leadership; a financially sustainable Council.

Highlights

- Hopwood report 'review of governance arrangements' substantially complete and reported to ARIC. An updated review is also commission for work Q3.
- Asset conditions assessment of road and associated infrastructure has been completed.
- The Akuna Street car park sale settled in November 2023 for $5.5 million (ex GST) making a significant contribution towards the 2023/24 budget for income through the divestment of land assets.
- An Operational Plan has been completed for Blue Haven to better deliver high levels of services and improve cost effectiveness.
- The Tender Process for the sale of Blue Haven has been undertaken. A report to Council will be prepared for February 2024.



- Kiama Council's first Media Strategy developed and put on public exhibition in Oct-Nov and will go to Council for final endorsement / adoption. Social Media Policy has been implemented and being used.

- Regular news articles/press releases posted on Council website and shared via social channels (average 72 posts/month), alongside other Council information and public service announcements to inform community of Council projects, plans, actions, and outcomes.
- A Customer Service Charter / Policy has been drafted and is undergoing review.
- Complaints handling policy on exhibition December 2023.
- The final compliance report was submitted to the Office of Local Government on 30 June 2023. The Minister is reviewing the submitted reports and has appointed an independent reviewer. Council is working with the Office of Local Government as they complete this process.
- The internal audit plan is being delivered on schedule. Internal audits completed during the year included payroll and leave management, general procurement, fraud and corruption control, and council papers. Internal audit reports are provided to the Audit, Risk, and Improvement Committee, including audit findings, recommendations, and a timeframe for implementation.

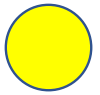
Items not yet commenced

- Asset Management Policy and Plans up-to-date and comply with the Local Government Act. Review and update Asset Management Policy and Plans - not yet scheduled for commencement.
- Develop a suite of community indicators to enable council to measure how effectively we are working towards the objectives of the Community Strategic Plan – replaced with participation in the Local Government Professionals Performance Excellence Program which include the Comparative Council Analysis Tool (CCAT). The CCAT will give the ability to sub-segment results at a deeper level allowing benchmarking across clusters of councils with comparable size or characteristics.
- Implement Human Resources (HR) module of Technology One program – awaiting IT readiness for implementation.
- Establish a Project Management Office (PMO) that supports continuous improvement and oversight of projects across all areas of Council – recruitment challenges and resources being reconsidered by CEO.

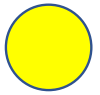
Outcome 5.1	Public funds and assets are managed strategically, transparently, and efficiently

5.1.1	Public funds are managed in accordance with Financial Management Standards and the Local Government Act.

5.1.1.1: Improved financial reporting and legislative compliance through reporting, scrutiny and oversight processes.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.1.1.1	Finalise Office of Local Government's Performance Improvement Orders (PIO).	Chief Executive Officer	70%	The final compliance report was submitted to the Office of Local Government on 30 June 2023. The Minister is reviewing the submitted reports and has appointed an independent reviewer. Council is working with the Office of Local Government as they complete this process.	
5.1.1.1.2	Long Term Financial Plan (LTFP) developed and regularly updated.	Chief Financial Officer	50%	Long Term financial plan development commenced this period for the upcoming budget.	
5.1.1.1.3	Implement regular, complete and timely financial reporting.	Chief Financial Officer	50%	Monthly financial reports are provided to managers and presented to Council in a timely manner. 2022/23 financial statements are ready for audit, which brings council into a regular statutory reporting cycle.	
5.1.1.1.4	Budget software functional and relevant staff trained so that appropriate financial reports can be delivered with confidence in a timely way.	Chief Financial Officer	70%	Software is working satisfactorily; training has been provided to managers. Refresher training to be schedule ongoing.	

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

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.1.2.1	Audit, Risk and Improvement Committee (ARIC) provide support to the Chief Executive Officer through the provision of strategic oversight and guidance to meet Council continuous improvement priorities.	Chief Executive Officer	50%	The Audit, Risk, and Improvement Committee has met every 2 months and will continue to do so. The Committee has been very active during the year in reviewing and monitoring Council's financial and risk management strategies, governance, internal audit activity, and external accountability responsibilities, including providing feedback and reviewing Council's financial statements for 2022. Continuous improvement priorities include an annual internal audit plan and monitoring the implementation of audit items.	
5.1.1.2.2	Implement recommendations adopted from Audit, Risk and Improvement Committee (ARIC) to increase oversight, risk management and compliance.	Chief Financial Officer	50%	ARIC action plan is added to relevant work plans, and progress reports prepared routinely for update.	
5.1.1.2.3	Undertake all procurement and public tendering in accordance with Council policy and relevant legislation. Establish and implement Project Management Framework.	Chief Financial Officer	40%	Procurement and tenders processes are undertaken per legislative requirements. Procurement coordinator has commenced a detailed review of compliance of tendering process. Finance team will be a stakeholder for input into Project Framework design.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.1.2.4	Maintenance of system that minimises the potential of fraud within Council.	Internal Auditor	50%	The internal audit plan is being delivered on schedule. Internal audits completed during the year included payroll and leave management, general procurement, fraud and corruption control, and council papers. Internal audit reports are provided to the Audit, Risk, and Improvement Committee, including audit findings, recommendations, and a timeframe for implementation. The Committee regularly monitors the implementation of internal audit recommendations and receives a progress report on the implementation status at each Committee meeting.	
5.1.1.2.5	Embed systems to support continuous improvement. Develop strategic priorities plan for implementation of audit reports received.	Chief Executive Officer	50%	The Audit, Risk, and Improvement Committee meets every 2 months. The Committee takes an active role in reviewing and monitoring Council's financial and risk management strategies, governance, internal audit activity, and external accountability responsibilities. Internal audit reports are provided to the Audit, Risk, and Improvement Committee and include audit findings, recommendations for improvement, and a timeframe for implementation. The Committee regularly monitors the implementation of internal audit recommendations and receives a progress report on the implementation status at each Committee meeting. Outstanding audit recommendations represent 17% of total audit recommendations.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.1.2.6	Develop and deliver annual plan to implement priorities identified through Forsyths' report and other audits.	Chief Financial Officer	50%	Finance team workplan has been based on Forsyth report, PIO and other audits.	
5.1.1.2.7	Develop and deliver annual plan to implement strategic priorities identified through Hopwood Report regarding governance, risk and Integrated Planning and Reporting.	People & Performance	75%	Hopwood report 'review of governance arrangements' substantially complete and reported to ARIC. An updated review is also commission for work Q3.	

5.1.2	Financial reporting is accurate, relevant and timely; to support decision makers and the community to understand how public funds and assets are managed.

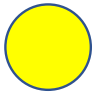
5.1.2.1: Manage Council's Financial Sustainability through an increase of revenue and funding sources.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.2.1.1	Establish grant funding objectives and annual strategic priorities to support opportunities to maximise revenue sourced from external funding and grants.	Chief Financial Officer	50%	Grants officer completing strategy work.	

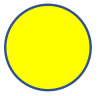
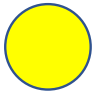
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.2.1.2	Undertake pricing review on Retirement Village accommodation entry payments.	Chief Financial Officer	50%	In October, the pricing structure was reviewed and increased as benchmarked against market rates and indexation.	
5.1.2.1.3	Manage Council's investments in accordance with Local Government Act, Ministerial Order and Councils' investment policy to maximise investment returns.	Chief Financial Officer	50%	Completed, ongoing compliance required with any new investment.	
5.1.2.1.4	Invoices and rates notices are sent within statutory timeframes.	Chief Financial Officer	50%	Completed within statutory timeframes.	
5.1.2.1.5	Debt collection processes ensure money owed to Council is received within required timeframes.	Chief Financial Officer	50%	This process is activated as required, and debt recovery is actively pursued, including litigation if required.	

5.1.3	Assets are managed to understand the relevance, importance and lifecycle needs involved in the provision of infrastructure

5.1.3.1: Work to improve Council's ability to meet increases in demand for its public infrastructure and assets.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.3.1.1	Update the developer contributions policy to ensure adequate collection of fees and charges for refurbished assets, alongside analysis of existing and future needs.	Planning & Economic Development	50%	During this quarter a review of development contributions expenditure was carried out by the Development Contributions Planner. This review included identifying suitable projects and allocating funds in the 2023/24 financial year. An internal working group, the Development Contributions Coordination Group (DCCG), was established and held its first meeting. This meeting agenda included a Draft Terms of Reference, revised Planning Agreement delegations and Draft Expenditure Guidelines.	
5.1.3.1.2	Ensure a contemporary governance framework is established to ensure development contributions are levied and spent appropriately.	Planning & Economic Development	50%	During this quarter a review of development contributions policy and framework was carried out by the Development Contributions Planner. This included the repeal of the three Section 7.11 Contribution Plans, with all development now levied under the Section 7.12 Contribution Plan. This will provide a simpler and more transparent method of levying contributions and provide additional flexibility for the expenditure of funds.	

5.1.3.2: Manage Council's assets strategically to consider whole of life costings.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.3.2.1	Asset Management Policy and Plans up-to-date and comply with the Local Government Act. Review and update Asset Management Policy and Plans.	Engineering & Technical Services	15%	Asset revaluation commenced. Shortfall of the current asset management system is being identified and addressed during the process.	
5.1.3.2.2	Undertake asset re-evaluations on all classifications of assets to address the mandatory and statutory requirements of the Act to the agreed schedule.	Engineering & Technical Services	85%	Asset conditions assessment of road and associated infrastructure has been completed	
5.1.3.2.3	Utilise Asset Management Plan to guide lifecycle management and decision making in capital and maintenance program development.	Engineering & Technical Services	50%	Asset condition assessment for roads and footpaths have been undertaken and will inform the drafting of the 2024/25 works program.	

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

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.3.3.1	Undertake strategic review of all Council land holdings.	Commercial Services	30%	The review of the remaining lands is Scheduled for Quarter 4 as the priority for Q1, Q2 and now Q3, due to some progress in the statutory process for some sites requiring application of resources to progress to the next stage, has been achieving the land divestment program.	
5.1.3.3.2	Coordinate actions for the sale of Council land and property including investigations and acquisition of new Council land/property in accordance with Annual Public Land Management Program and Strategic Improvement Plan.	Commercial Services	80%	The divestment program is continuing. The Akuna Street car park sale process was settled in November 2023 for $5.5 million (ex GST) which is a significant contribution towards the 2023/24 budget for income through the divestment of land assets. Several sites are progressing through the various statutory process (road closures, land registration, preparation for sale) with the sale process for 22B Irvine Street to start in early 2024, after the Christmas period, for an auction in February. Settlement is expected in March/April if the auction is successful.	

5.1.4	Commercial investments are managed to maximise their value; and in accordance with legislative obligations.

5.1.4.1: Commercial investments are managed to maximise their value; and in accordance with legislative obligations.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.4.1.1	Develop and implement priority actions of the Financial Sustainability Strategy.	Chief Financial Officer	50%	Priority actions determined by council and Financial Advisory Committee. Finance team add into the workplan respective actions as delegated to their team.	
5.1.4.1.2	Review fees and charges to maximise opportunities for revenue increases in line with community expectations.	Chief Financial Officer	50%	2024/25 draft budget was commenced	
5.1.4.1.3	Repricing on retirement villages in line with market fees.	Chief Financial Officer	50%	Annual price increases are implemented in accordance with retirement villages legislation.	

5.1.4.2: Continue to implement Council Resolution 22/1040C for Blue Haven & Resolution 23/053OC

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.4.2.1	Implement the strategic actions outlined in Council Resolution 22/1040C to support stability, maintain systems and processes ensure all service levels continue to be delivered to a high level.	Aged Care Operations	50%	Blue Haven operations continue at a high standard. RACF accreditation action plan implemented, re-accreditation expected early 2024	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.4.2.2	Prepare an annual Operational Plan for each of the Blue Haven components to better deliver high levels of service and improve cost effectiveness. Ensure compliance with the Aged Care Act, Aged Care Quality Standards and the Retirement Village Act.	Aged Care Operations	100%	An Operational Plan has been completed for Blue Haven.	
5.1.4.2.3	Prepare for, and undertake accreditation processes for Blue Haven Home Care programs to maintain approved provider status. Ensure Residential Aged Care maintains same compliance. Monitor Aged Care Reform Agenda. Continue to maintain compliance with the Retirement Villages Act.	Aged Care Operations	50%	All operational aspects of Blue Haven are occurring as required. RACF accreditation satisfied. Home Care internal reviews prepared.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.4.2.4	Prepare and execute a decommission strategy for the disused aged care facility at Havilah Place.	Chief Operating Officer	35%	A consultant is being engaged via a procurement process to undertake the necessary site investigations and subdivision options for the site. Engagement will be completed early in the third quarter of the 2023/24 financial year The detailed condition assessments by the specialist contractor for Stages 1 to 5 of the Terralong have been completed toward the end of the reporting period and will be subject of an internal review and comparison to previous valuations in order to produce a maintenance and capital investment plan	
5.1.4.2.5	Finalise the Asset Management Plan for Blue Haven and its components to adequately plan and fund replacement/renewal and repairs and maintenance for the facilities.	Aged Care Operations	45%	Asset Management Plan report is currently being prepared by external consultants with a report expected in the first quarter 2024.	
5.1.4.2.6	Continue to improve and address governance matters for Blue Haven and its associated services.	Aged Care Operations	100%	Action plan submitted to ACQSC late 2023 and successful accreditation assessment Jan 2024.	
5.1.4.2.7	Review and ensure compliance with Prudential Standards for year ending June 2024.	Aged Care Operations	100%	Prudential standard update completed, presented to council July 2023. Prudential compliance is an ongoing matter.	

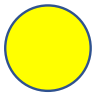
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.4.2.8	Prepare and manage the sale of Blue Haven Bonaira Aged Care and Independent Living Unit Services.	Chief Operating Officer	50%	The Tender Process for the sale of Blue Haven has been undertaken. A report to Council will be prepared for February 2024.	
5.1.4.2.9	Develop and implement a Community Engagement Plan regarding the Council Resolution 22/1040C.	Communications and Community Engagement	100%	14 e-newsletters sent to Blue Haven mailing list (approx. 1,400 subscribers) during Oct-Dec reporting period with updates on Blue Haven divestment, among other relevant topics. Social media followers 682 as at December. Regular news updates on the Blue Haven website. Blue Haven quarterly newsletter (Spring 2023 edition) was printed and distributed in October, next one is scheduled for Q3.	

5.1.5	Council delivers the functions of local government sustainably and in accordance with community expectations. All services and functions delivered by Council will be reviewed in accordance with IP&R requirements within the 4-year cycle of council election.

5.1.5.1: The Community Strategic Plan and its associated documents are delivered in line with the IP&R framework

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.5.1.1	Review the Delivery Program, Operational Plan and ensure Integrated Planning and Reporting (IPR) document suite reviewed six monthly and annual reporting is completed.	People & Performance	50%	Timeline for 23/24 half yearly report completed , 24/25 Operational review commenced.	

5.1.5.2: Review service delivery model for strategic assets and services to ensure optimal utilisation and maximum return on investment.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.1.5.2.1	Undertake service review of Leisure Centre operations.	Planning, Environment & Communities	0%	This is a duplicate in the system	
5.1.5.2.2	Undertake service review of Waste Services and operations.	Infrastructure & Liveability	25%	A specialist consultant has been engaged to undertake the service review and the data gathering process has commenced with internal consultation programmed for early 2024.	
5.1.5.2.3	Undertake service review of Holiday Park operations.	Infrastructure & Liveability	35%	Following a period of data gathering the service review has commenced.	
5.1.5.2.4	Conduct Council's Hire Services to provide high quality contracted services to clients.	Manager Waste Services	50%	Council's Hire Services financial statements were rationalized in this reporting period and demonstrated gaps in revenue generation. This has narrowed the focus for the coming reporting periods to ensure all revenue is captured for the current financial year.	

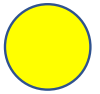
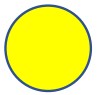
Outcome 5.2	Governance is transparent and builds trust.

5.2.1	Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

5.2.1.1: Provide Public Access to Council business through Council meetings, briefings, public access forums and Council committee meetings.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.1.1.1	Conduct Council Meetings in accordance with Code of Meetings Practice	Office of Chief Executive Officer	50%	Council held 6 Ordinary meetings. 4 meetings being chaired by the Mayor, 2 meetings being chaired by the Deputy Mayor conducted in accordance with the Code of Meeting Practice.	
5.2.1.1.2	Facilitate Councillor workshops, briefings and public forums as required	Office of Chief Executive Officer	100%	Council has facilitated 6 public forums and council meetings, 7 councillor workshops and briefings.	
5.2.1.1.3	Review and establish Council Committees and consultative bodies in conjunction with a review of Council's Community Engagement Policy.	Planning & Economic Development	100%	Committees have been established and are functioning in accordance with Council policy and governance procedures.	

5.2.1.2: Support good governance through systems and processes for legislative compliance.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.1.2.1	Maintain currency of Council's insurance portfolio and support the management of claims.	People & Performance	70%	Insurance renewal documentation and declarations have been submitted by the due date. The renewal of Council's general insurance policies has been finalised. Insurance property valuations with the insurer has commenced in preparations for next financial year renewal. Insurance The workers compensation policy renewal has been finalised and insurance renewed successfully.	
5.2.1.2.2	Maintain regular meetings and discussions with SafeWork to maintain Councils cooperative partnership.	People & Performance	50%	Attendance at LG network meetings completed. No improvement notices received from SafeWork. Positive cooperative communications continue.	
5.2.1.2.3	Manage Council records in accordance with legislative requirements.	Information, Customers and Technology	50%	Records Management Assessment Tool is due to be submitted to State Records NSW in April. This reports alignment with the regulatory framework. A gap analysis has been conducted from the previous year's report, and work is progressing to minimise any gaps. Key initiatives include prioritising the digitisation program and working to identify high risk / high value information assets.	
5.2.1.2.4	Deliver functions to improve information and data management with a focus on privacy, security, ethics, quality and sharing.	Information, Customers and Technology	50%	A major upgrade to Council's Records and Document Management System is in progress. This will improve the security and quality of our data management. Council has embarked on a Digitisation project which will result in improved legislative compliance for Records and Information Management.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.1.2.5	Proactive disclosure program of information release with the application of legislation, underpinned by open data principles to all appropriate documents.	People & Performance	50%	Informal and Formal GIPAs are responded to in accordance with legislative requirements	
5.2.1.2.6	Manage and address perceived and actual conflict of interest with all staff, volunteers, and Councillors.	People & Performance	50%	Conflict of interest forms available, annual reminder to all staff, and mitigations considered and registered.	
5.2.1.2.7	Effectively manage complaints in accordance with legislation.	People & Performance	50%	Complaints handling policy on exhibition and due for endorsement mid January 2024. Business Ethics statement to be updated to include Public Interest Disclosure and Child Safe complaint requirements.	

5.2.2	Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

5.2.2.1: Council's external and internal communications, including web and intranet assets, deliver efficient online services for users, facilitate effective engagement between our community and Council, meet legal requirements, and industry and accessibility standards.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.2.1.1	Facilitate internal communications to support outward communications.	Communications and Community Engagement	100%	Monthly staff newsletters and CEO updates (monthly and/or ad hoc as required) emailed to all staff. Information posted on Kacey (staff intranet) and Depot screens, as well as print-outs in tea rooms, posters around office and on back of toilet doors. Monthly Cross-Council Communications meetings with staff who have communications & marketing components to their roles in various departments.	
5.2.2.1.2	Develop and implement a Communications Strategy, a Media Strategy, implement Social Media Strategy and continue to work through Website Content Strategy.	Communications and Community Engagement	70%	Kiama Council's first Media Strategy developed and put on public exhibition in Oct-Nov and will go to Council for final endorsement / adoption in Q3. Social Media Policy has been implemented and being used, Social media editorial matrix is currently being developed. Communications Strategy in progress and Website Content Strategy continues to be worked through.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.2.1.3	Effectively communicate the projects, plans, actions and outcomes of Council to inform our community in a timely and accessible way.	Communications and Community Engagement	100%	Average 21 news articles/press releases posted per month on Council website and shared via social channels (average 72 posts/month), alongside other Council information and public service announcements. KMC Facebook follower numbers were up to 8,867 as of December 2023, with a reach of 195,648. Instagram 2,553 followers as at December with 32,070 reach. LinkedIn 3,052 followers, 4,324 reach, Kimunico e-newsletter sent monthly to 853 subscribers. Fortnightly Mayors column in The Bugle and Region Illawarra website. Council website used to provide announcements such as facility opening hours over Christmas, beach and road closures, phone outages.	
5.2.2.1.4	Liaise with a range of media to fulfil media requests, arrange photos, interviews, filming and provide Council statements.	Communications and Community Engagement	100%	Media liaison occurs daily and weekly with a range of local media outlets and organisations, including community radio. Media is monitored via Council's media monitoring service, which shows our top publication for editorial reach was ABC Online. Sentiment breakdown over the period is 21% positive, 6.1% negative, 72.9% neutral.	

5.2.2.2: Excellent customer service provided to meet the needs of stakeholders.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.2.2.1	Develop and implement a Customer Service Strategy.	Information, Customers and Technology	50%	A Customer Service Charter / Policy has been drafted and is undergoing review. This will feed into the Customer Service Strategy.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.2.2.2	Develop a Customer Service Charter.	Information, Customers and Technology	50%	A Customer Service Charter / Policy has been drafted and is undergoing review.	
5.2.2.2.3	Utilise digital technology and optimise integrations to enhance customer experience.	Information, Customers and Technology	50%	Implementation of an online booking system is progressing. This digital technology and integration will enhance the Customer experience and streamline internal processes, resulting an a more efficient and optimised service offering.	

5.2.2.3: Continue to maintain strong strategic connections to develop and deliver regional and local priorities with Regional Partners and key stakeholders including; ISJO, ISLHD, State Government Agencies, Greater Cities Commission.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.2.3.1	Maintain strong strategic connections to develop and deliver regional and local priorities with Regional Partners and key stakeholders including: Illawarra Shoalhaven Joint Organisation (ISJO); Illawarra Shoalhaven Local Health District (ISLHD); State Government Agencies; and Greater Cities Commission.	Executive Leadership Team	50%	CEO has participated in relevant forums and remains key member and heavily engaged with regional partners and key stakeholders.	

5.2.3	Council has the right structures, technology, processes, and procedures to support their role in delivering for the public.

5.2.3.1: Implement the Community Engagement Strategy.

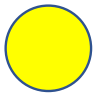
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.3.1.1	Establish annual priorities for community engagement activities, in accordance with Local Government Act and NSW Department of Planning and Environment (DPE) community participation plan requirements.	Communications and Community Engagement	70%	Recruited Community Engagement Officer and scoped agency to undertake some work on developing and finalising Community Engagement Strategy and training internal staff in this area. Community Engagement Officer commenced role in January/ Q3.	
5.2.3.1.2	Develop and implement engagement plans that support ongoing consultation and participation of the community, following Integrated Planning and Reporting requirements for community engagement.	People & Performance	80%	Recruited Community Engagement Officer and scoped agency to undertake some work on developing and finalising Community Engagement Strategy and training internal staff in this area. Community Engagement Officer commenced role in January/ Q3.	

5.2.3.2: Our Elected Officials are supported through good systems and records.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.3.2.1	Elected Councillors are supported to be effective in their role through education, engagement support.	People & Performance	50%	Councillors professional development training program continues. Training year to date has included: Cyber security for councillors; safety in council meetings; code of Meeting Practice; Child Safe standards; staff engagement & Diversity; crown lands;	
5.2.3.2.2	Elected Councillors have clear and accountable roles.	People & Performance	25%	Councillor professional development continues. Local Government Election and Caretaker Policy draft on exhibition at December 2023. Alleged breaches of code of conduct assessed as per Procedures for the administration of the code of conduct.	
5.2.3.2.3	Conduct of Committees of Council to be accountable and transparent.	People & Performance	50%	Code of Meeting Practice up to date for council and committees. Minutes are recorded and forwarded to council.	
5.2.3.2.4	The purpose, role delegation, including membership and its conditions, of each Committee of Council is clear, transparent and publicly accessible.	People & Performance	50%	Council committees have recently been re-instated. They have terms of reference and minutes are made available to council, and in council reports.	
5.2.3.2.5	Accountability is demonstrated through compliance with appropriate delegations.	People & Performance	85%	Delegations register on website. Staff delegations on track about 80% complete.	

5.2.4	Develop an Outcomes Measurement Framework to meaningfully measure how the actions and strategies of the CSP and other documents impact on the delivery of the community vision.

5.2.4.1: Develop an Outcomes Measurement Framework.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.2.4.1.1	Develop a suite of community indicators to enable council to measure how effectively we are working towards the objectives of the Community Strategic Plan.	People & Performance	0%	Rather than developing a suite of indicators for Kiama Council, we will aim to participate in the Local Government Professionals Performance Excellence Program which include the Comparative Council Analysis Tool (CCAT). The CCAT gives councils the ability to sub-segment results at a deeper level so they are able to benchmark across clusters of councils with a similar size or characteristics. The next program commences July 2024, so this action will not be completed this year.	
5.2.4.1.2	Support staff to engage with effective planning, reporting and developing measures.	People & Performance	50%	Staff have recently reported data for half yearly report and preparation for 24/25 Operational Plan starting. Membership of Local Government Professionals Performance Excellence Program which will provide access to the Council Comparative Assessment Tool (CCAT) will guide further for outcomes measurement framework - from July 2024.	
5.2.4.1.3	Develop a program of service review and alignment with Community Strategic Plan reporting.	People & Performance	40%	Service Reviews for Holiday Parks, Leisure Centre, Waste Services, and The Pavilion have all commenced. Consultants have been selected to run the Service Reviews and reports will be prepared for Council.	

Outcome 5.3	Governance is transparent and builds trust.

5.3.1	Council will build organisational capabilities and capacity to deliver excellent customer service

5.3.1.1: Workforce Management Strategy provides comprehensive framework for effective workforce management; ensure Council attracts the right people, with the right skills, in the right jobs to achieve the objectives of the CSP.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.1.1.1	Deliver priorities outlined in Workforce Management Strategy; implement resourcing strategy to ensure right people, with the right skills, in the right jobs to achieve the objectives of the Community Strategic Plan.	People & Performance	70%	On track as per the strategy	
5.3.1.1.2	Develop, review compliancy, undertake the annual human resource management program of works.	People & Performance	70%	On track for delivery	
5.3.1.1.3	Undertake change management processes to deliver organisational restructure.	People & Performance	70%	Actions met, working through phase 2 outcomes	
5.3.1.1.4	Undertake change management and consultations to deliver salary system review.	People & Performance	50%	2 key ideas now fleshed out and being reviewed by HR, Executive leadership team and budget implications being considered.	

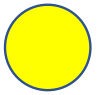
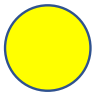
Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.1.1.5	Implement Human Resources (HR) module of Technology One program.	People & Performance	0%	Not started - IT is not ready	

5.3.1.2: To reduce risk and promote, maintain and improve the safety culture within the organization.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.1.2.1	Reduce high risk exposure for Council through effective risk management systems and processes in line with agreed risk appetite.	People & Performance	50%	Council continues to effectively manage its risk management systems and processes through scheduled operational and strategic risk reviews.	
5.3.1.2.2	Proactively focus on safety through a coordinated emergency management system, Work Health and Safety (WHS), first aid policy and procedures, incident hazard notifications, to achieve continuous improvement.	People & Performance	50%	Emergency management improvements are underway for sections of council with refinement to training and emergency diagrams. Compliant completion of risk assessments for high-risk construction work continues. First aid training for officers is up to date. Additional training for staff is proposed. Staff incident reporting system is up to date and required actions completed promptly. Councils WHS document system is up to date with new procedures, policies and training being carried out in response to recent changes in legislation.	

5.3.2	Council will deliver the actions outlined in the State of the Organisation Report and the Strategic Improvement Plan.

5.3.2.1: Continuous improvement is embedded in the organisation through delivery of the Strategic Improvement Plan priorities annually.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.2.1.1	Undertake strategic review of all Council land holdings in accordance with SIP2 Property Plan.	Commercial Services	30%	The review of the remaining lands is Scheduled for Quarter 4 as the priority for Q1, Q2 and now Q3, due to some progress in the statutory process for some sites requiring application of resources to progress to the next stage, has been achieving the land divestment program.	
5.3.2.1.2	Implement priorities identified in Council's adopted divestment strategy in accordance with SIP2 property plan.	Commercial Services	80%	The divestment program is continuing. The Akuna Street car park sale process was settled in November 2023 for $5.5 million (ex GST) which is a significant contribution towards the 2023/24 budget for income through the divestment of land assets. Several sites are progressing through the various statutory process (road closures, land registration, preparation for sale) with the sale process for 22B Irvine Street to start in early 2024, after the Christmas period, for an auction in February. Settlement is expected in March/April if the auction is successful.	
5.3.2.1.3	Implement appropriate recommendations of Hopwood Governance Report in following areas: Policy framework; and Corporate governance framework.	People & Performance	50%	Policy framework training and education for management leadership team completed. policy to be reviewed this OP. Policy register planning for PULSE underway. Corporate Governance framework complying with OLG compliance calendar, elements in place but framework document not yet drafted.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.2.1.4	Support strong governance to ensure trust in Council's processes with priority focus on the review of Complaints and Code of Conduct policies.	People & Performance	95%	Complaints handling policy on exhibition December 2023, due for endorsement January 2024. Refresher code of conduct training being reviewed at present.	
5.3.2.1.5	Establish a Project Management Office (PMO) that supports continuous improvement and oversight of projects across all areas of Council.	Chief Operating Officer	0%	The PMO is currently on hold due to the recruitment process unsuccessful in find a suitable candidate. Further work to be considered for future planning. Currently under consideration by CEO.	
5.3.2.1.6	Develop a program of service review and alignment with Community Strategic Plan reporting.	Executive Leadership Team	40%	Service Reviews for Holiday Parks, Leisure Centre, Waste Services, and The Pavilion have all commenced. Consultants have been selected to run the Service Reviews and reports will be prepared for Council.	

5.3.3	A customer centric Information Management & Technology (IM&T) Strategy will be developed to build the capacity and capability of Council.

5.3.3.1: Information Management and Technology (IM&T) delivers excellent customer service through clear strategy, customer centric practice and the ongoing transition of a digital first approach that enables access to information services for our diverse community needs.

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.3.1.1	Develop an Information Management and Technology (IM&T) Strategy to support the delivery of excellent customer service and build the capability and capacity of Council.	Information Management & Technology	50%	The Information Management and Technology Strategy has undergone an initial review.	
5.3.3.1.2	Support the procurement and implementation of new technologies to ensure that they align with business needs and strategic direction.	Information Management & Technology	50%	All proposed new technologies for Council have been assessed against the ICT Strategy, with consideration being given to Council priorities and business needs.	
5.3.3.1.3	Continue to implement program of works to replace Council's Enterprise Software Solution.	Chief Operating Officer	50%	One council program of implementation continues. Implementation timeline has been prepared. Remaining finance modules are current focus.	
5.3.3.1.4	Establish a Project Management Office (PMO) that supports continuous improvement and oversight of projects across all areas of Council.	Chief Operating Officer	0%	The PMO is currently on hold due to the recruitment process failing to find a suitable candidate. Further work to be considered for future planning.	

Action Code	Action Name	Responsible Officer Division	Progress	Comment	Status
5.3.3.1.5	Develop and implement an action plan with priority outcomes to deliver the Information Management and Technology (IM&T) Strategy.	Information Management & Technology	40%	The Information Management and Technology Strategy has undergone an initial review. Further amendments will be finalised before formal delivery of an action plan.	

Attachment 1

Item 14.3

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 10.2023.92.1 - 19 and 21 Bourrool Street, Kiama

CSP Objective: Outcome 4.2: We are well connected within our local community, and to our region.

CSP Strategy: 4.2.2 Manage landuse planning to retain distinct towns and villages.

Delivery Program: 4.2.2.1 Ensure Council's planning systems and processes are contemporary and transparent

Summary

The purpose of this report is to seek Council's determination of Development Application No 10.2023.92.1 for the demolition of existing dwellings and associated structures and erection of a residential flat building comprising of: basement parking for 39 vehicles; 15 residential units; and associated works at Lot 1 DP 774101, Lot 2 DP 1065012, 21 Bourrool Street, Kiama and 19 Bourrool Street, Kiama.

The development application is reported to Council for determination because it proposes to vary a development standard in Kiama LEP by more than 10%. In accordance with a direction given by the Department on 15 December 2017 and Planning Circular PS18-003 dated 21 February 2018 which specifies that

> *'only the elected Council can assume concurrence of the Secretary of the Department of Planning & Environment under the LEP clause 4.6 to vary a development standard by more than 10%*'.

Financial implication

Fees, in accordance with the Environmental Planning and Assessment Regulations 2000 and Council's adopted Fees and Charges have been paid.

Included in the draft conditions is a condition requiring the payment of infrastructure contributions, in accordance with the Kiama Section 7.12 Plan. These funds will be allocated towards the provision of public infrastructure and held in restricted reserves.

Risk implication

A risk analysis has been undertaken and it is considered that approval of the development application as recommended does not pose a significant risk to Council.

If Council chooses not to endorse the staff recommendation, there is a very likely risk the applicant will take the matter to the Land and Environment court. Given the recommendation for approval from staff this will make the matter difficult to defend in court. The risk of court costs and legal defence are a significant concern.

Policy

The statutory instruments relevant to the development include the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021

- State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Kiama Local Environmental Plan 2011
- Kiama Development Control Plan 2020
- Kiama Community Participation Plan 2019

Consultation (internal)

Officer	Comments
Subdivision and Development	No objection raised to the proposed development. Conditions of development consent advised.
Building	No objection raised to the proposed development. Conditions of development consent advised.
Landscape	No objection raised to the proposed development with confirmation the three palm trees on the site are Mexican Fan Palms which are not native. Conditions of development consent advised
Waste	No objection raised to the proposed development. Conditions of development consent advised.
Property	No objection raised to the proposed development. Conditions of development consent advised.
GIS	No objection raised to the proposed development. Conditions of development consent advised.

Communication/Community engagement

Consultation has occurred in accordance with Section 8 of the Kiama Community Participation Plan 2019; namely by:

- Directly notifying adjoining property owners and the Precinct Committee/Community Association of the exhibition period,
- Making all information publicly available on Council's DA Tracker between 8 and 22 August 2023.

During the exhibition period, Council received the following submissions:

Submissions	Number	Key Issues
Submissions - For	0	

Submissions	Number	Key Issues
Submissions - Against	9	Privacy impacts – north and south facing balconies and living areas looking into neighbours balconies and windows. Potential excavation impacts associated with basement parking. Proposal exceeds height limits. Building setbacks – does not comply with DCP controls. Loss of vegetation. Construction noise. Overshadowing impacts to south. Isolation impact to 19A Bourrool Street. Impact on beach views from 19A Bourrool Street. Request to upgrade Bourrool Lane. Runoff impacts.
Precinct/Community Group Submissions	0	

Attachments

1 10.2023.92.1 - 4.15 Assessment Report⇩

2 10.2023.92.1 - Plans⇩

3 10.2023.92.1 - Notice of Determination⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Support the request to vary a development standard made pursuant to Clause 4.6 of Kiama LEP 2011 for the variation to the height of building standard.
2. Approve Development Application No 10.2023.92.1 for the demolition and construction of a residential flat building with basement parking, drainage works and landscaping subject to the appropriate conditions of consent.
3. Advise persons who made a submission on Development Application No 10.2023.92.1 of Council's decision.

Background

APPLICATION DETAILS	
Application Type:	Development Application
Application Number:	10.2023.92.1
NSW ePlanning Portal Reference:	PAN-339910
Proposed Development:	Demolition and New residential flat building - Demolition of existing dwellings and associated structures and erection of a residential flat building comprising of: Basement parking for 39 vehicles; 15 residential units; and associated works.
Applicant:	SET Consultants
Property title:	Lot 1 DP 774101, Lot 2 DP 1065012
Property address:	21 Bourrool Street KIAMA, 19 Bourrool Street KIAMA

The Site

The site is known as Lot 1 DP 774101, Lot 2 DP 1065012, 21 Bourrool Street, Kiama, 19 Bourrool Street, Kiama.

The total site area is 2,306.3m^2 and is irregular in shape with eastern frontage to Bourrool Street, secondary access from Bourrool Lane along its southern side boundary, and rear pedestrian lane to its western boundary.

The site has a diagonal cross fall to the rear north-western corner. The site is mostly cleared with landscaping comprising lawns and three established palms. The site currently contains a dwelling house on each lot with driveway access from Bourroul Street for No 21 and Bourroul Lane for No 19.

Neighbouring development comprises one (1) and two (2) storey dwellings to the west and a four (4) storey residential flat building to the north. Adjacent to the east is a holiday park comprising cabins and caravan sites, and to the south is a single storey dwelling.

The Development

Development Application No 10.2023.92.1 proposes demolition of two existing dwellings and erection of a four storey residential flat building comprising 15 residential units; basement parking over 2 levels for 39 vehicles; drainage works and landscaping.

Neighbouring development comprises one and two storey dwellings to the west and a four storey residential flat building to the north. Adjacent to the east is a holiday park comprising cabins and caravan sites, and to the south is a single storey dwelling.

Issues

The following table demonstrates the proposed development's compliance with the relevant controls of Kiama LEP 2011 and Kiama DCP 2020.

Control	Requirement	Comment
Kiama LEP 2011 Requirement		
Zoning - Permissibility	R3 Medium Density Residential Zone	Residential flat buildings permissible with consent, proposal is consistent with objectives of zone
Height of building	C.4.3 - 11m max	Maximum 13.5m proposed
Floor Space Ratio	Clause 4.4: 1:1	1:1 FSR proposed

Kiama DCP 2020 Requirement	
Control	**Comment**
Chapter 3 – Common Requirements	
Chapter 3.1.21 – waste	Complies – enclosed waste storage room provided as required, separating residential and commercial waste
Chapter 3.2 Amenity - Protect amenity of neighbouring properties	Complies – the proposal is designed to retain > 3 hours direct sunlight to neigbouring properties, with no direct overlooking and no impact on views/outlook
Chapter 3.2.41 – Side Fencing - Maximum 1.8m height	Complies – fencing to side and rear 1.8m high
Chapter 3.2.32 - Landscape Plan	Complies – the Landscape Plan is satisfactory
Chapter 3.6.8 – parking **Resident parking**: 2 spaces/3+ bedroom unit Proposal = 15 x 3bedroom units x 2 spaces/unit = 30 resident spaces required **Visitor parking**: 1 space/2 units = 7 (7.5) spaces required	Complies: 31 resident space + 8 visitor spaces

Chapter 3.6.35 – manoeuvring - designed to accommodate largest likely vehicle	Yes – Refer to Traffic Report and Council Engineering advice. Design is satisfactory.
Chapter 3.6.46 – bicycle parking - 1 space/3 units (5 spaces)	Complies – storage cages for each parking space allow secure bicycle storage
Chapter 3.6.53 – Accessible paths Pedestrian access max 15%	Yes – southern lobby flat access from street, northern lobby includes wheelchair lift for external stairs from street
Chapter 3.7.5 – Crime prevention through environmental design	Complies – resident lobby clearly visible from street
Chapter 6.5.3 – lift access for 3+ storeys	Complies – lift access to all residential units
Chapter 6.5.4 – adaptable housing provided at ratio of 1: 4 dwelling - 3.75 units adaptable, rounded to 4 units)	Complies – 4 adaptable units provided for 15 units
Chapter 6.5.7 – cut/fill external maximum 900mm	Complies – max 600mm cut for external terrace east side, 800mm fill for external terrace to west side
Chapter 6.5.11 – setback 6m to front 6m to side for balconies & living areas, 3m to walls 6m to rear or as per established rear BL	Complies – 8m to ground level 6m min to north side, 7m to west side living 4.2m to west side wall 4.5m to Bourrool Lane, consistent with setback of western neighbour fronting the lane (19A Bourrool Street)
Chapter 6.5.26 – cross over apartments min width 4m	Complies – all apartments have internal widths > 4m
Chapter 6.5.28 – solar access - 70% of units' living areas are to receive a minimum of 3 hours direct sunlight at the winter solstice between 9am – 3pm	Complies – 11 of 15 units / 73% receive > 3 hours sunlight

Chapter 6.5.30 – solar access – minimum 3 hours retained to neighbours living areas	Complies - > 3 hours sunlight retained to southern and western side neighbours at winter solstice
Chapter 6.5.36 – Storage • *1br – 6m³* • *2 br – 8m³* • *3br – 10m³*	Complies – each unit provided with secure storage space in basement parking plus storage in each unit
Chapter 6.5.42 solar access to balconies - minimum 70% to receive minimum 3 hours direct sunlight between 9am – 3pm at winter solstice	Complies - > 3 hours sunlight achieved to 11 of 15 principle POS balconies
Chapter 6.5.50 – Safety/Security	Complies – Secure access provided to building with clear entries
Chapter 6.5.68 – Bin storage facilities	Complies – separate waste storerooms proposed, conditions of consent advised from Council's Waste Officer
DCP Chapter 12.7 - Streetscape improvements • create a more continuous streetscape • create interest in facades • clear entrance point • materials consistent with character of Kiama town centre	Yes – facade along front boundary increases activation to streetscape, with clear pedestrian entry points. Contrasting materials including timber, rendered slab edges, glass balustrades, and landscaping create interest

The main assessment issues for the proposed development are:

- variation to the maximum building height under Clause 4.3 of Kiama LEP 2011;
- bulk and scale as a result of height variation.

These issues are detailed in the Section 4.15 Assessment Report attached to this report. A satisfactory request to vary the height standard has been submitted by the applicant with detailed consideration of this provided in the S.4.15 report.

Options

1. Adopt the recommendation thereby granting approval to the application, subject to conditions.
2. Refuse the application and list reasons for refusal.

Sustainability Assessment

Environment

A complete assessment of potential environmental impacts is provided in the Section 4.15 Assessment Report attached to this report.

Social

A complete assessment of potential social impacts is provided in the Section 4.15 Assessment Report attached to this report.

Civic Leadership

The proposed development is considered to be consistent with the 'Kiama Community Strategic Plan' particularly the 'Well planned and managed spaces, places and environment' objective, which requires amongst other things that development occur in a way that is environmentally, socially and economically responsible.

Economic – Broader Economic Implications

The proposed development is not expected to result in any significant broader economic implications.

Economic - Delivery Program/Operational Plan Implications

There are no implications for Council's Delivery Program/adopted Operational Plan.

Consultation

The development was notified in accordance with the requirements of Council's Community Participation 2019 Plan for a period of fourteen days.

At the conclusion of the notification period, a total of 9 submissions were received.

Engagement Summary

Submissions	Number	Key Issues
Submissions - For	0	
Submissions - Against	9	Privacy impacts – north and south facing balconies and living areas looking into neighbours balconies and windows Potential excavation impacts associated with basement parking Proposal exceeds height limit Building setbacks – does not comply with DCP controls Loss of vegetation

		Construction noise Overshadowing impacts to south Isolation impact to 19A Bourroul Street Impact on beach views from 19A Bourroul Street Request to upgrade Bourrool Lane Runoff impacts
Precinct/Community Group Submissions	0	0

Community Comments/Concerns

Topic	Staff Response
Objection	**Assessment Officer's Comment**
Privacy impacts – north and south facing balconies and living areas looking into neighbours balconies and windows	The proposal is assessed as providing compliant separation of 12m to northern and southern neighbouring development under the Apartment Design Guidelines. Neighbours south facing windows are limited in size and have external screens for privacy. Outlook to southern neighbour is from south facing bedroom windows with no unreasonable privacy loss.
Potential excavation impacts associated with basement parking	This is acknowledged while noting the basement is well setback from each boundary. Conditions of consent are recommended requiring a Dilapidation Assessment prior to commencement of works and prior to issue of an Occupation Certificate.
Proposal exceeds height limit	The Cl.4.6 variation request to the height standard is considered well founded. The portion of the 4th level exceeding the height limit does not cause any adverse amenity impacts to neighbouring properties.
Building setbacks – does not comply with DCP controls	Proposal is assessed as complying with front, side and rear setback controls under Ch.6.5.11 of the DCP.

Topic	Staff Response
Loss of vegetation	No significant vegetation exists on the site that will be cleared, with replacement landscaping assessed by Council's Landscape officer as satisfactory. It is noted that additional planting opportunities adjacent to the northern boundary is constrained by overshadowing from the neighbouring apartments. Removal of three established palms on the site adjacent to the northern boundary is assessed as acceptable and confirmed by Council's Landscape Officer subject to replacement planting as shown on Landscape Plan.
Construction noise	Noise from excavation and construction will be commensurate with other recent apartment construction in the area, with conditions of consent to apply regulating hours/days of work.
Overshadowing impacts to south	Proposal has compliant height and setback adjacent to south side boundary. Shadow diagrams demonstrate 3 hours sunlight retained to southern neighbour between 12pm and 3pm at winter solstice.
Isolation impact to 19A Bourroul Street	Access is retained to No 19A. The proposal will not prevent redevelopment of this site in the future.
Impact on beach views from 19A Bourroul Street	Proposal has compliant setbacks and is permissible with consent. Existing narrow view line looking north from No 19A will be retained, looking past western side of proposal.
Request to upgrade Bourrool Lane	Noting the proposal seeks access from Bourrool Street with no vehicle access required from the lane, upgrades to the lane are not considered to be justified.
Runoff impacts	Council's engineer has assessed the engineering plans including stormwater as satisfactory noting runoff is to be conveyed to the drainage easement at the north-western corner of the site.

Implementation Date/Priority

In the event that Council adopts the recommendation, a formal notice of determination will be issued for the development application. A formal notice of determination is valid for five years and the applicant can act on the development consent at any time within that period, subject to meeting any relevant conditions of the consent.

Conclusion

A comprehensive assessment of the Development Application has been undertaken in accordance with all statutory requirements and it is recommended that the application be approved subject to appropriate conditions of consent.

SECTION 4.15 ASSESSMENT
RESIDENTIAL FLAT BUILDINGS REPORT

APPLICATION NUMBER:	10.2023.92.1
NSW ePLANNING PORTAL REFERENCE:	PAN-339910
APPLICANT:	SET Consultants
OWNER:	Kiama Investments NO.1 Pty Ltd
PROPERTY DESCRIPTION:	LOT: 1 DP: 774101, LOT: 2 DP: 1065012, 19 & 21 Bourrool Street KIAMA
SITE ZONING:	R3 Medium Density Residential
DEVELOPMENT DESCRIPTION:	DEMOLITION AND NEW RESIDENTIAL FLAT BUILDING - DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED STRUCTURES AND ERECTION OF A RESIDENTIAL FLAT BUILDING COMPRISING OF: BASEMENT PARKING FOR 39 VEHICLES; 15 RESIDENTIAL UNITS; AND ASSOCIATED WORKS.
DATE:	15 February 2024

Summary

This report reviews DA 10.2023.92.1 which involves demolition of two existing dwellings and associated structures, and erection of a four storey residential flat building comprising basement parking for 39 vehicles; 15 x 3 bedroom residential units (including 4 adaptable units), common open space, landscaping; and associated works.

The proposal is assessed as consistent with the objectives of the R3 Medium Density Residential zone and complies with the floor space ratio development standard. A variation to the height standard is sought with part of the 4th level exceeding this limit, which results from the fall of the site to the side and rear boundaries. The applicant's request to vary the heigh standard is considered acceptable in this assessment.

The proposal is also assessed as satisfactory in consideration of SEPP 65 – Design Quality for Residential Apartment Development, and the relevant provisions of Kiama Development Control Plan 2020 (DCP).

Based on this assessment the report recommends that development consent be granted, with the development considered to suitably respond to the site and its setting, resulting in no adverse impacts to the site and surrounds.

Community Consultation

Required:	Yes (newspaper advertisement, onsite notice and letter notification).
Notification Period:	14 days from 8 – 22 August 2023
Submissions:	9 submissions.

Other Requirements

Kiama Section 7.12 Plan

Heritage Item or in the vicinity of site: Yes

Mapped Bushfire Prone Land: Not affected

Integrated Development

N/A

RECOMMENDATION

That Council approve Development Application No 10.2023.92.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions of consent.

Development Site

The property is described as Lot 1 DP 774101 and Lot 2 DP 1065012 which is located at 19 and 21 Bourrool Street, Kiama. Refer to Figures 1 and 2.

The total site area is 2,306.3m^2 and is irregular in shape with eastern frontage to Bourrool Street, secondary access from Bourrool Lane along its southern side boundary, and rear pedestrian lane to its western boundary. The site has a diagonal cross fall of approximately 6m / @ 10% from its front south-eastern corner to the rear north-western corner. The site is mostly cleared with landscaping comprising lawns, three established palms, and scattered shrubs. The site currently contains a dwelling house on each lot with driveway access from Bourroul Street for No 21 and Bourroul Lane for No 19.

Neighbouring development comprises one and two storey dwellings to the west and a four storey residential flat building to the north. Adjacent to the east is a holiday park comprising cabins and caravan sites, and to the south is a single storey dwelling.

The site drains to its rear north-western corner into an existing council stormwater line that flows north with discharge to the main stormwater channel under Barney Street and to the south end of Kiama Beach.



Figure 1 – Locality Plan – aerial view



Figure 2 – Site aerial view – 19 & 21 Bourroul Street

The site is serviced by reticulated water / sewer / electricity / telecommunications.



Figure 3 – Site Photograph – existing dwelling on No 21 Bourroul St looking west

Description of the Proposed Development

The proposal involves the demolition of the existing dwelling and construction of a four storey residential flat building with 15 x 3 bedroom units detailed as follows:

- two levels of basement parking with 28 resident parking spaces, 8 visitor spaces, waste storage rooms x 2, and driveway access from Bourrool Street;
- lower ground level comprising 3 x 3 bedroom units (including one adaptable unit);
- ground level comprising 5 x 3 bedroom units (including two adaptable units) and pedestrian entry with lobby from Bourrool Street;
- first floor comprising 5 x 3 bedrooms units (including one adaptable unit);
- second floor comprising 2 x 3 bedroom units, with unit 202 including a plunge pool and large terrace;
- solar panels to roof;
- lift and stair access to each level;
- ground level lawns, landscaping and a communal open space area.

The proposal is shown in Figures 3 – 6 below:



Figure 3 – eastern perspective from Bourrool Street

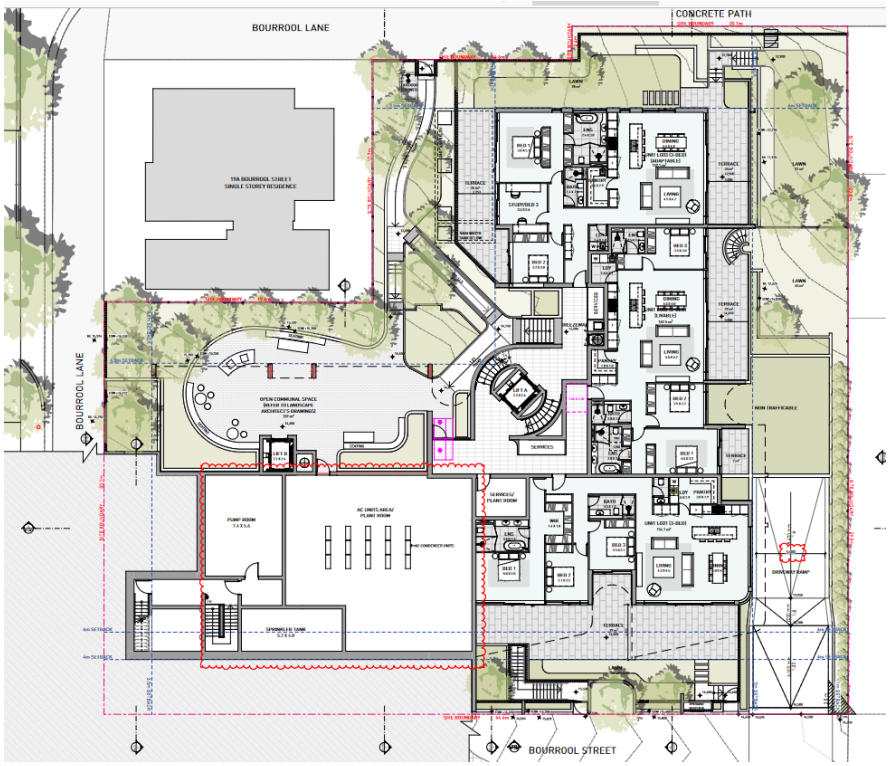


Figure 4 – Site / Ground floor plans



Figure 5 – north (side) & east (front) elevations



Figure 6 – south (side) and west (rear) 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 (Resilience and Hazards) 2021

Chapter 2 - Coastal Management

The site is within the mapped *Coastal Environment Area*; and *Coastal Use Area*.

Under Clause 2.10, development consent must not be granted to development on land that is within the 'coastal environment' unless the consent authority has considered the following matters:

2.10 Development on land within the coastal environment area

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

(b) coastal environmental values and natural coastal processes,

(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

Comment

The development is considered to be acceptable in response to Cl.2.10 of the SEPP, being compatible with its existing residential developed surrounds. The proposal does not adversely impact the environmental values, visual amenity or scenic qualities of the coast, nor affect its use.

No adverse water quality impacts are considered to result with regards to stormwater quality and quantity. The proposal is located over a previously cleared part of the site and will not affect any existing natural values. Access to and use of open space and the surf zone is not affected.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Comment

Based on the assessment comments stated above the development is considered to be suitably designed to avoid any adverse impacts to the site and its surrounds.

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

Comment – The site is located within an established residential area approximately 90m from the foreshore area. The proposal will nestle into its existing built setting and will not affect the visual quality of the foreshore area or access to it. No adverse amenity impacts will result noting beach views from the street will not be affected. Noting existing site disturbance the proposal is unlikely to have any adverse impact on Aboriginal heritage.

(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

Comment – As commented on above the proposal causes no adverse impact on the coastal environment.

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment – The proposal complies with the Floor Space Ratio with a minor variation to the height standard considered acceptable on merit, being consistent with the scale of neighbouring residential apartments fronting the beach.

Chapter 4 – Remediation of land

Chapter 4 of the SEPP requires Council to consider whether the land is contaminated and if it is contaminated, whether remediation works are required for the site to be suitable for the proposed use. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development noting its established use as residential for over 50 years as demonstrated in the SEE.

Subject to compliance with conditions regarding any remediation works identified during demolition and excavation, the site is considered suitable for the proposed development and its use as residential and commercial.

State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development)

SEPP 65 was repealed on 14 December 2023 by State Environmental Planning Policy Amendment (Housing) 2023. As the DA was submitted prior to SEPP 65 being repealed, it continues to apply to the proposal.

SEPP 65 aims to raise the design quality of residential apartments and mixed use development across NSW through the application of a series of design principles.

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. The proposal is a *residential flat building* including 15 residential apartments over 3 – 4 storeys, therefore SEPP 65 applies.

The accompanying regulation, the Environmental Planning and Assessment Regulation 2000, requires the involvement of a qualified designer throughout the design, approval and construction stages for residential apartment developments.

SEPP 65 also requires consideration of the Apartment Design Guide (ADG), NSW Planning and Environment Department 2015. The Code includes development controls and best practice benchmarks for achieving the design principles of SEPP 65.

Schedule 1 – Design quality principles of SEPP 65 prescribes nine design quality principles to guide architects designing residential flat buildings and to assist Councils in assessing such developments. The nine principles relate to key design issues including the context, scale, built form and building density, resource, energy and water efficiency, landscape design, amenity, safety/security, social impacts and aesthetics.

The EP&A Regulation 2000 (Clause 50) require that a Development Application for this form of development must be accompanied by:

(a) an explanation of how:

(i) the design quality principles are addressed in the development, and

(ii) in terms of the Apartment Design Guide, the objectives of that guide have been achieved in the development,

(b) drawings of the proposed development in the context of surrounding development, including the streetscape,

(c) development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations,

(d) drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context,

(e) if the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts,

(f) photomontages of the proposed development in the context of surrounding development,

(g) a sample board of the proposed materials and coolers of the facade,

(h) detailed sections of proposed facades,

(i) if appropriate, a model that includes the context.

Comment

This assessment concludes that the proposed building design satisfactorily addresses the design principles and is grounds for which the proposal is supported. Each of the design principles are addressed as follows:

Design Quality Principles

Principle 1: Context and neighbourhood character

Good design responds and contributes to its context.

Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

Comment: The proposal at 4 storeys is considered consistent with the desired future character for development on the site noting neighbouring 4 storey apartment development neighbouring to the north.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment: The proposal complies with the height limit apart from a portion of the 4th level where it is positioned over a lower part of the site. This results from the site having a considerable cross fall including within the proposed building envelope, with height increasing progressively with the fall of the site. The design is considered compatible in bulk and scale with new development in the surrounds, with its stepped form responding to the site slope, plus articulation of the façade to enhance interest.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.

Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

Comment: The proposal has a compliant Floor Space Ratio with a landscaped communal open space area and on-site parking provided. All 15 apartments are larger 3 bedroom dwellings resulting in a lesser yield than could have been achieved with 1 and 2 bedroom dwellings, which would generated greater parking and traffic. Accordingly, the proposal is considered acceptable in density.

Principle 4: Sustainability

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.

Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Comment: The proposal is considered satisfactory in response to the objectives for sustainability, for the following reasons:

- all apartments balcony areas benefit from direct sunlight at the winter solstice.
- Most apartments (11/15) are designed for cross-ventilation which is maximised for all corner apartments and walk-through apartments with a double aspect.
- Deep soil planting is proposed for the communal open space with landscaping to be provided.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.

A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.

Comment: As stated previously the proposal is considered to provide adequate landscaping, with deep soil planting proposed for the communal open space area, and around the perimeter of the site to support the proposed shrub and tree planting.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.

Comment

The proposal is considered to provide adequate resident amenity, noting:

- functional balcony sizes which comply with the Australian Design Guidelines;
- provision of a landscaped communal open space area;
- apartments designed for solar access, cross ventilation and having an open outlook;
- provision of onsite parking for residents and visitors.

Principle 7: Safety

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.

Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Comment: The proposal is considered satisfactory with regards to providing passive surveillance opportunities from windows and balconies. The two lobby entries are clearly visible from the street for optimal surveillance and security.

Principle 8: Housing Diversity and social interaction

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents .

Comment: The proposal includes a mix of apartment designs including 4 adaptable apartments.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.

Good design uses a variety of materials, colours and textures.

The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

Comment: The proposal is considered to provide an interesting mix of finishes and materials to create design interest to the street. The articulated stepped form effectively controls massing and appropriately responds to the sloping form of the site.

Apartment Design Guide

SEPP 65 – Clause 28 requires that a consent authority take into consideration the Apartment Design Guide, prepared by the Department of Planning and Environment in 2015 with respect to the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide.

ADG COMPLIANCE SUMMARY	
Ceiling Heights	Complies All apartments have ceilings at 2.7m height Kitchens which are open plan may have bulkheads for service coordination
Apartment Layouts	Complies Apartment layouts are designed to accommodate a variety of household activities and needs

	Every habitable room or open plan space has a window greater than 10% of the room area. In open plan layouts the maximum habitable room depth is generally 8m from a window Where the open plan exceeds 8m in depth, the apartments are orientated directly to the north
South Aspect Units – 15% maximum exclusively south facing	Complies – no apartments exclusively face south
Natural Ventilation to Kitchens (minimum 25%)	Complies All apartments have open plan living and kitchen areas allowing natural air flow from living room windows to the kitchen
Balcony Areas/Depths 1 bed 8m² 2m depth 2 bed 10m² 2m depth 3+ bed 12m² 2.4m depth	Complies Each apartment has at 1–2 balconies with total area more than minimum area required Minimum 2.4m depth for all balconies serving as POS
Daylight Access to living rooms and private open space (minimum 70%)	Complies 11 of 15 apartments achieve 3 hours direct sunlight to their living areas between 9am and 3pm mid-winter
Cross Ventilation (minimum 60%)	Complies 12 of 15 (80%) have dual aspect for cross ventilation
Common Circulation Space – maximum 8 apartments/floor	Complies The maximum number of apartments off a common circulation core on a single level is 5
Accessibility (minimum 20%)	Complies 4 of the 15 proposed apartments (26.7%) are designed as accessible
Deep Soil Zone – minimum 7% site area with min 3m width	Complies Deep soil landscaping located around the site perimeter for screening = 8.8% site area as calculated on the plans, and complements the communal open space
Communal/Public Open Space: - 25% site area	Complies @ 600m^2 /26% of site area = communal open space

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 1A - Apartment Building Types Row apartments are generally well suited to both urban and suburban contexts. They are characterised by a limited number of units arranged around an access core and can be single buildings or a series of building modules. This building type is best used when: • smaller building footprints are desirable • live and work apartments or commercial/retail uses are encouraged at the ground floor level • continuation of the street edge is desirable • a vertical rhythm reinforcing existing subdivision or building patterns is desirable • rear landscape areas are desired including • keeping existing significant trees • built form needs to step down the street to respond to a slope	Consistent – the proposal fits the 'row apartment' type being on a relatively small infill site adjacent to existing 4 storey apartments, continuing this form along the street with stepping down the slope and perimeter landscaping.
Objective 1B Local Character and Context Good design responds and contributes to its context. Context is everything that has a bearing on an area and comprises its key natural and built features. Context also includes social, economic and environmental factors	Satisfactory – the proposal is compatible with neighbouring residential apartments
Objective 1C Precincts and Individual Site Precincts are characterised by large land parcels or a group of larger sites undergoing extensive change. These sites often need to be restructured to support a change of land use mix, building height and density. Precinct plans typically incorporate new streets and infrastructure, through-site links and public open spaces that relate in scale, location and character to the local context	Satisfactory – The site is a consolidation of two lots with access from front and rear
Objective 2A Primary Controls Primary development controls are the key planning tool used to manage the scale of development so that it relates to the context	Complies – with key controls of Kiama LEP and DCP, with a minor variation to height

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
and desired future character of an area and manages impacts on surrounding development	considered acceptable on merit, and minimising impacts to neighbours
Objective 2B Building Envelopes A building envelope is a three-dimensional volume that defines the outermost part of a site that the building can occupy. Building envelopes set the appropriate scale of future development in terms of bulk and height relative to the streetscape, public and private open spaces, and block and lot sizes in a particular location	Satisfactory – the building envelope is well defined in plans, scale and bulk compatible with surrounds
Objective 2C Building Height Height controls should be informed by decisions about solar access, roof design and use, wind protection, residential amenity and in response to landform and heritage	Complies – solar access satisfactorily maintained to neighbours
Objective 2D Floor Space Ratio Floor space ratio (FSR) is the relationship of total gross floor area (GFA) of a building relative to its total site area	Complies – with maximum FSR permitted for site
Objective 2E Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation. Coordinate building height and building depth: • buildings that have smaller depths over a greater height deliver better residential amenity than those with greater depth and a lower height • greater building depths may be possible where higher ceiling heights are provided, for example adaptive reuse of an existing building.	Complies – apartments designed in two connected podiums with depths for sunlight and ventilation

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 2F Building Separation Building separation is the distance measured between building envelopes or buildings. Separation between buildings contributes to the urban form of an area and the amenity within apartments and open space areas. Minimum separation distances for buildings are: Up to four storeys (approximately 12m): • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms Five to eight storeys (approximately 25m): • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms	Complies – 12m separation provided with neighbouring apartments
Objective 2G- Setbacks Determine street setback controls relative to the desired streetscape and building forms, for example: • define a future streetscape with the front bu ilding line • match existing development • step back from special buildings • retain significant trees • in centres the street setback may need to be consistent to reinforce the street edge • consider articulation zones accommodating balconies, landscaping etc. within the street setback • use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street • manage corner sites and secondary road frontages Align street setbacks with building use	Complies – front, side and rear setbacks compliant with Kiama DCP setback controls
Objective 3A-1 Site Analysis Site analysis illustrates that design decisions have been based on opportunities and	Satisfactory – site analysis provided

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
constraints of the site conditions and their relationship to the surrounding context	
Objective 3B-1 Orientation Building types and layouts respond to the streetscape and site while optimising solar access within the development	Satisfactory – design oriented to optimise solar access, activate street
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid winter	Complies – solar access retained to neighbours as per DCP solar controls
Public Domain Interface - Objective 3C-1 Transition between private and public domain is achieved without compromising safety and security	Satisfactory – there is legible clear transition between street and building entry
Objective 3C-2 Amenity of the public domain is retained and enhanced	Satisfactory – the proposal provides connectivity to street and to rear
Communal and Public Open Space - Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	Satisfactory - @ 25% of site is communal open space at ground and lower ground levels Communal open space area achieves > 2 hours sunlight. Space may be used for relaxing and communal gatherings Landscaping makes space attractive with balustrading for safety and potential for lighting
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
Objective 3D-3 Communal Open space is designed to maximise safety	
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Communal open space at ground level is for public access and is landscaped

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality Deep soil zones are to meet the following minimum requirements: • Site Area: Greater than 1500m^2 • Minimum dimensions: 6m • Percentage of site area: 7%	Complies – deep soil zones provided as part of landscaped areas, @ 19% of site area as shown on Landscape Plan
Objective 3F-2 Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: • Building height: Up to 12m (4 Storeys). • Habitable rooms and balconies: 6m • Non-habitable rooms: 3m	Complies – front and rear building adequately separated for privacy, minimum 12m separation provided
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Satisfactory – privacy achieved with air circulation to living rooms from POS
Objective 3G-1 Pedestrian Access and Entries Building entries and pedestrian access connects to and addresses the public domain	Satisfactory - Entries and public open space open to street
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	Satisfactory - Accessible and legible from street
Objective 3H-1 Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscape	Satisfactory - access clear from street with footpath having clear view of traffic, does not dominate streetscape

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 3J-1 Bicycle and car parking Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas For development in the following locations: • on sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400m of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant Council, whichever is less The car parking needs for a development must be provided off street.	Complies – bicycle parking available within individual basement storage cages provided as per DCP requirements. Compliant car parking for residents and visitors provided
Objective 3J-2 Parking and facilities are provided for other modes of transport Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas Conveniently located charging stations are provided for electric vehicles, where desirable	Complies - bicycle and motorbike parking available in basement parking area
Objective 3J-3 Car park design and access is safe and secure	Complies - secure & safe design
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	Complies - parking in basement to minimise visual impact
Objective 4A-1 Solar and Daylight Access To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Complies – 11/15 // 73% of apartments achieve 3 hours direct sunlight

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter	Complies – remaining 4/15 apartments receive 1 – 2 hours direct sunlight at mid winter
Objective 4A-2 Daylight access is maximised where sunlight is limited	Satisfactory - Large windows provided for south facing units
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	Balconies have roofs over and screens to control glare and shade
Objective 4B-1 Natural Ventilation All habitable rooms are naturally ventilated	All rooms have window access
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	Satisfactory – single aspect units have wide open side
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	Complies – 12 of 15 apartments / 80% achieve cross ventilation requirements
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Complies - Depths < 18m
Objective 4C-1 Ceiling Heights Ceiling height achieved sufficient natural ventilation and daylight access Measured from finished floor level to finished ceiling level, minimum ceiling heights are: • Habitable rooms – 2.7m • Non-habitable 2.4m	Complies – 2.7m ceiling heights for all units

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	
Objective 4D-1 Apartment Size and Layout The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity Apartments are required to have the following minimum internal areas: • 2 bedroom – 70m^3 • 3 bedroom – 90m^3 Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Complies - all 3 bedroom units comply with minimum floor area
Objective 4D-2 Environmental performance of the apartment is maximised. Habitable room depths (other than rooms in open plan layouts) are limited to a maximum of 2.5 x the ceiling height In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Complies – maximum depth = 5m
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs 1. Master bedrooms have a minimum area of 10m2 and other bedrooms 9m2 (excluding wardrobe space) 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space) 3. Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Complies – bedrooms and living rooms all compliant in area and dimensions

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts	
Objective 4E-1 Private Open Space and Balconies Apartments provide appropriately sized private open space and balconies to enhance residential amenity All apartments required to have primary balcony as follows: • 1 bedroom – 8m^3, minimum depth 2m. • 2 bedroom - 10m^3, minimum depth 2m. • 3+ bedroom – 12m^{3,} minimum depth 2.4m. The minimum balcony depth to be counted as contributing to the balcony area is 1m For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m2 and a minimum depth of 3.	Complies – all 3 bedroom units have compliant balcony areas and dimensions of 12m^2 min / 2.4m min
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	Satisfactory – balconies directly connected to combined living/dining/kitchen areas
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Satisfactory – balconies integrate into façade of design
Objective 4E-4 Private open space and balcony design maximises safety	Compliant - balconies BCA compliant

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments The maximum number of apartments off a circulation core on a single level is 8	complies – no more than 5 apartments per level
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	Satisfactory – common lobby areas provided for each level
Objective 4G-1 Adequate, well designed storage is provided in each apartment In addition to storage in kitchens, bathrooms and bedrooms the following storage is provided: • 1 bedroom – $6m^3$ • 2 bedroom – $8m^3$ • 3+ bedroom – $10m^3$ At least 50% of the required storage is to be located within the apartment	Complies – all units provide compliant storage areas
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Satisfactory – storage is readily accessible
Objective 4H-1 Acoustic Privacy Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Satisfactory – bedrooms adjoin bedrooms, insulated walls to living rooms
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Satisfactory – See above
Objective 4J-1 Noise and Pollution In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Satisfactory – surrounds not identified as a high noise area
Objective 4K-1 Apartment Mix A range of apartment types and sizes is provided to cater for different household types now and into the future	Satisfactory – mix of apartment sizes provided including 4 adaptable apartments and 3 liveable apartments

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	Satisfactory – unit mix spread over development
Objective 4L-1 Ground Floor Apartments Street frontage activity is maximised where ground floor apartments are located	Satisfactory – east facing apartments have balconies facing street for activation
Objective 4L-2 Design of ground floor apartments delivers ame nity and safety for residents	Satisfactory - ground floor provides clear sightlines for surveillance
Objective 4M-1 Facades Building facades provide visual interest along the street while respecting the character of the local area	Satisfactory – design is considered interesting and contemporary to street
Objective 4M-2 Building functions are expressed by the facade	Satisfactory – façade with balconies clearly defines use as residential
Objective 4N-1 Roof Design Roof treatments are integrated into the building design and positively respond to the street.	Satisfactory – roof recessed from façade to create rooftop terrace form to 4th level
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	Satisfactory – Communal Open Space provided on ground level
Objective 4O-1 Landscape Design Landscape design is viable and sustainable	Satisfactory – species considered suitable
Objective 4O-2 Landscape design contributes to the streetscape and amenity	Satisfactory – landscape complements streetscape and site amenity
Objective 4P-1 Planting on Structures Appropriate soil profiles are provided	Satisfactory – deep soil zones provided for planting
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	Satisfactory – landscape species considered suitable

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Satisfactory – landscape complements front and rear of proposal to street
Objective 4Q-1 Universal Design Universal design features are included in apartment design to promote flexible housing for all community mem bers.	Satisfactory – fitout required to be AS/BCA compliant
Objective 4Q-2 A variety of apartments with adaptable designs are provided	Satisfactory – adaptable units included
Objective 4Q-3 Apartments layouts are flexible and accommodate a range of lifestyle needs	See above
Objective 4S Mixed Use Mixed use development to be concentrated around public transport and centres. Mixed use developments include active street frontages, diverse activities, diverse land uses, avoid blank walls etc	N/A – applies to mixed use development
Objective 4t Awnings and signage Awnings should be located along streets with high pedestrian activity and active frontages Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development	Satisfactory – awning to pedestrian entry clearly defines the entry
Objective 4U-1 Energy Efficiency Development incorporates passive environmental design	Satisfactory – BASIX Certificate provide
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	See above comment
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	Satisfactory - adequate ventilation provided to all units
Objective 4V-1 Potable water use is minimised	Satisfactory – BASIX Certificate provided

Apartment Design Guidelines - Design Criteria	
Design Criteria	**Comment**
Objective 4W-1 Waste Management Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Satisfactory – waste to be collected from waste rooms in basement
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	Satisfactory – recycling bins to be provided in waste storage rooms
Objective 4X-1 - Building maintenance Building design detail provides protection from weathering *Objective 4X-2* Systems and access enable ease of maintenance Objective 4X-3 Materials selection reduces ongoing maintenance.	Satisfactory - materials and finishes chosen for low maintenance and durability See above

SEPP 65 conclusion – In considering the design principles of SEPP 65 and the Apartment Design Guide, this assessment finds that the proposed residential apartments are satisfactory.

In determining the Development Application, Clause 30(2) below requires consideration:

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to the:

(a) design quality principles, and

(b) objectives specified in the Apartment Design Guide for the relevant design criteria.

Noting the assessment comments, Council may grant consent based on this assessment finding that the proposal is satisfactory.

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

A BASIX Certificate ref. 1386893M was submitted and demonstrates that the proposal has been designed in accordance with BASIX.

Kiama LEP 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned R3 Local Centre pursuant to Kiama LEP 2011. The proposal is defined as a *residential flat building* under the provisions of the LEP 2011, which is permitted with consent in the R3 zone. Consideration of the zone objectives is required as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities.*
- *To provide increased housing choice particularly housing suited to older people and people with a disability.*
- *To increase the supply of affordable housing.*

Comment - In considering the objectives of the zone the development of 15 units will complement the locality including neighbouring apartments, providing new housing in walking distance of local employment and retail.

Specific clauses requiring consideration:

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the 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 11m applies to the site. The 'Building Height Control' drawing in the architectural plans shown at Figure 7 identifies a maximum proposed height of 13.5m (shown as + 2.5m).

Consideration of the objectives of the height standard is also required, which are stated as follows:

(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.

Comment – The proposal at 3 – 4 storeys is consistent with the scale of neighbouring apartment development which is also 3 – 4 storeys. Given it is comparable in scale the portion of the proposal exceeding the 11m height limit is not considered to result in excessive scale. The stepped form of the proposal as viewed from the street and neighbouring properties appropriately responds to the fall of the land to the north-west.

The design also demonstrates that the proposal does not cause any adverse amenity impacts with regards to solar access, privacy and views.

Based on these design merits a variation to the height standard is sought pursuant to Cl.4.6 of the LEP which is discussed below.

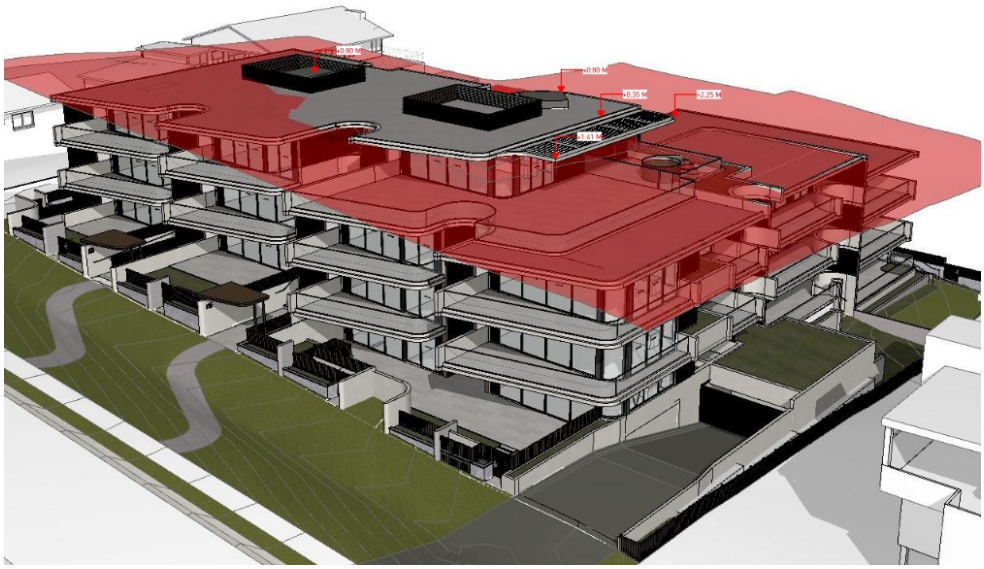


Figure 7 – 11m height control analysis – note +2.5m at NW corner (Sheet DA530 pbd architects)

Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The Floor Space Ratio (FSR) map of Kiama LEP 2011 identifies that a maximum floor space ratio of 1:1 applies to the site.

Based on a site area of 2,306m^2 this permits a corresponding maximum Gross Floor Area of 2,306m^2. As per the definition provided in Kiama LEP 2011 the *gross floor area* of the proposed development is 2,300m^2 as demonstrated on the GFA Calculations Plan with a FSR of 1:1 which complies with the maximum FSR.

Clause 4.6 - Exceptions to Development Standards

As advised under Cl.4.3 Height of Buildings, the proposal has a maximum height of 13.5m which exceeds the maximum permitted height of 11m by 2.5m / 20%. Accordingly a variation to the Height standard is required to be assessed pursuant to Cl.4.6. In considering Cl.4.6 the applicant has submitted a formal request addressing the relevant provisions which are set out as follows:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Comment – As discussed under the objectives for height, the proposal is consistent with the 3 – 4 storey scale of neighbouring apartments, with its stepped design following the fall of the land and appropriately following the scale and stepped form of the neighbouring apartment building to the north. The height of the proposal at 13.5m maximum is assessed as not resulting in any adverse amenity impacts to the site and neighbouring properties.

As demonstrated in Figure 7, the portion of the 4th level and roof which exceeds the 11m height limit correlates with the diagonal cross fall of the land to the rear north-western corner.

Noting the proposal complies with the maximum FSR this is an indicator that the proposal is not an overdevelopment of the site. Compliance with the height standard could only be achieved by deleting the 4th level which would remove two apartments, which is not in the interests of optimising housing supply in the R3 medium density zone. Furthermore in order for the GFA to be retained (by removing the 4th level), levels 1 – 3 would become wider, increasing the bulk of the development, reducing setbacks and internal amenity which are not desirable outcomes. Noting that no adverse impacts are considered to result from the variation to the height standard, strict compliance with the standard is considered both unnecessary and unreasonable.

Given the grounds for the variation as stated above, these are considered sufficient environmental planning grounds to justify the variation to the height standard.

Clause 5.10 - Heritage Conservation

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of Kiama LEP 2011. The closest mapped heritage item to the site is the "Hartwell House Residence" property, listed as local significance and located approximately 50m south of the site. Given this separation distance, and that it is separated by two other dwellings between Hartwell Crecent and Bourrool Lane, the proposal is assessed as having minimal visual impact to the setting of this heritage item thereby having no adverse heritage impacts.

Clause 6.1 - Acid Sulfate Soils

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils (ASS). The Acid Sulfate Soils Map indicates that the site is not affected by ASS with the closest mapped ASS being located approximately 1.1km to the north.

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause as the proposed earthworks associated with the parking basement are ancillary to the proposed development, therefore separate development consent is not required.

In support of the proposal the Geotechnical Assessment makes recommendations on construction methods and dewatering.

The proposed earthworks and excavation are unlikely to have any adverse impact on any relics in the locality, with a condition of consent to address any 'unexpected finds'. Given the excavation depth for the double level basement a condition of consent is also recommended requiring a Dilapidation Assessment prior to commencement of works and at the conclusion of works for neighbouring buildings.

Clause 6.12 – Essential services

Clause 6.12 lists essential services for development that Council must be satisfied, before consent is granted, are available. In this regard the proposal replaces an existing dwelling in an established street, with all essential infrastructure including water, sewer, electricity, communications and access being available/provided.

Satisfactory arrangements are made in the development for stormwater disposal and Sydney Water and Endeavour Energy have raised no objections to the proposed development.

Any Draft Environmental Planning Instruments

There is no draft LEP that affects the site or proposal. A review of draft SEPPs on the NSW Planning website identifies no draft SEPPs that affect the site or proposed development.

Kiama Development Control Plan 2020

The proposed development is generally consistent with the relevant provisions of the Kiama DCP 2020. Controls relating to residential apartment design including size and balcony areas are addressed in the SEPP 65 assessment section of this report, noting the SEPP is the prevailing instrument for assessment of residential units.

Control	Comment
Chapter 3 – Common Requirements	
Chapter 3.1.21 – waste	Complies – enclosed waste storage room provided as required, separating residential and commercial waste
Chapter 3.2 Amenity - Protect amenity of neighbouring properties	Complies – the proposal is designed to retain > 3 hours direct sunlight to neigbouring properties, with no direct overlooking and no impact on views/outlook
Chapter 3.2.41 – Side Fencing - Maximum 1.8m height	Complies – fencing to side and rear 1.8m high
Chapter 3.2.32 - Landscape Plan	Complies – the Landscape Plan is satisfactory
Chapter 3.6.8 – parking **Resident parking**: 2 spaces/3+br unit Proposal = 15 x 3br units x 2 spaces/unit = 30 resident spaces required **Visitor parking**: 1 space/2 units = 7 (7.5) spaces required	Complies: 31 resident space +8 visitor spaces

Control	Comment
Chapter 3.6.35 – manoeuvring - designed to accommodate largest likely vehicle	Yes – Refer to Traffic Report and Council engineers advice. Design is satisfactory.
Chapter 3.6.46 – bicycle parking - 1 space/3 units (5 spaces)	Complies – storage cages for each parking space allow secure bicycle storage
Chapter 3.6.53 – Accessible paths Pedestrian access max 15%	Yes – southern lobby flat access from street, northern lobby includes wheelchair lift for external stairs from street
Chapter 3.7.5 – Crime prevention through environmental design	Complies – resident lobby clearly visible from street
Chapter 6.5.3 – lift access for 3+ storeys	Complies – lift access to all residential units
Chapter 6.5.4 – adaptable housing provided at ratio of 1: 4 dwelling - 3.75 units adaptable, rounded to 4 units)	Complies – 4 adaptable units provided for 15 units
Chapter 6.5.7 – cut/fill external maximum 900mm	Complies – max 600mm cut for external terrace east side, 800mm fill for external terrace to west side
Chapter 6.5.11 – setback 6m to front 6m to side for balconies & living areas, 3m to walls 6m to rear or as per established rear BL	Complies – 8m to ground level 6m min to north side, 7m to west side living 4.2m to west side wall 4.5m to Bourrool Lane, consistent with setback of western neighbour fronting the lane (19A Bourrool St)
Chapter 6.5.26 – cross over apartments min width 4m	Complies – all apartments have internal widths > 4m
Chapter 6.5.28 – solar access - 70% of units' living areas are to receive a minimum of 3 hours direct sunlight at the winter solstice between 9am – 3pm	Complies – 11 of 15 units / 73% receive > 3 hours sunlight

Control	Comment
Chapter 6.5.30 – solar access – minimum 3 hours retained to neighbours living areas	Complies - > 3 hours sunlight retained to southern and western side neighbours at winter solstice
Chapter 6.5.36 – Storage • *1br – 6m³* • *2 br – 8m³* • *3br – 10m³*	Complies – each unit provided with secure storage space in basement parking plus storage in each unit
Chapter 6.5.42 solar access to balconies - minimum 70% to receive minimum 3 hours direct sunlight between 9am – 3pm at winter solstice	Complies - > 3 hours sunlight achieved to 11 of 15 principle POS balconies
Chapter 6.5.50 – Safety/Security	Complies – Secure access provided to building with clear entries
Chapter 6.5.68 – Bin storage facilities	Complies – separate waste store rooms proposed, conditions of consent advised from Council's Waste Officer
DCP Chapter 12.7 - Streetscape improvements • create a more continuous streetscape • create interest in facades • clear entrance point • materials consistent with character of Kiama town centre	Yes – facade along front boundary increases activation to streetscape, with clear pedestrian entry points. Contrasting materials including timber, rendered slab edges, glass balustrades, and landscaping create interest

DCP assessment summary

The proposed development generally complies with the relevant controls of Kiama DCP 2020, and where strict compliance is not achieved the objectives of the controls are maintained.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

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

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

Australian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601 - 1991*: The Demolition of Structures*

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

Biodiversity

The application does not propose clearing of native vegetation, and therefore the Environmental Planning and Assessment Act 1979 Part 1 Section 1.7 does not apply to the development.

Streetscape

The proposal is considered acceptable in bulk and scale in context of development in the surrounds. The design is considered well articulated with the façade providing a contemporary range of materials and finishes with landscaping.

Amenity

The proposed residential units are considered to provide satisfactory levels of amenity having regard to the SEPP 65 Design Principles.

Vehicular Access, Parking and Manoeuvring

Compliant resident and visitor car parking is proposed in the basement parking areas.

Noise

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

Privacy and Overlooking

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

Overshadowing

Shadow diagrams have been supplied with the development application which indicate that the overshadowing impacts of the proposed development will be reasonable.

Views

The proposal is demonstrated in the view analysis that it will have no unreasonable impact upon views currently available from neighbouring dwellings.

Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the drainage easement adjoining the site at the lower north-western corner. A condition of consent is recommended requiring approval from Council to connect into the stormwater easement.

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 – A rainwater tank will be provided, as required by BASIX. Stormwater will be conveyed to the adjoining easement at the north-eastern corner of the site. Controls will be implemented during construction to minimise sedimentation.

Social and Economic Impacts

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

The Suitability of the Site for the Development

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

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, nine submissions were received which raised the following (summarised) matters of concern:

Objection	Assessment Officer's Comment
Privacy impacts – north and south facing balconies and living areas looking into neighbours balconies and windows	Proposal is assessed as providing compliant separation of 12m to northern and southern neighbouring development under the Apartment Design Guidelines. Neighbours south facing windows are limited in size and have external screens for privacy. Outlook to southern neighbour is from south facing bedroom windows with no unreasonable privacy loss.

Potential excavation impacts associated with basement parking	This is acknowledged while noting the basement is well setback from each boundary. Conditions of consent are recommended requiring a Dilapidation Assessment prior to commencement of works and prior to issue of an Occupation Certificate.
Proposal exceeds height limit	The Cl.4.6 variation request to the height standard is considered well founded. The portion of the 4th level exceeding the height limit does not cause any adverse amenity impacts to neighbouring properties.
Building setbacks – does not comply with DCP controls	Proposal is assessed as complying with front, side and rear setback controls under Ch.6.5.11 of the DCP
Loss of vegetation	No significant vegetation exists on the site that will be cleared, with replacement landscaping assessed by Council's Landscape officer as satisfactory. It is noted that additional planting opportunities adjacent to the northern boundary is constrained by overshadowing from the neighbouring apartments. Removal of three established palms on the site adjacent to the northern boundary (suggested to be Cabbage Palms) is assessed as acceptable and confirmed by Council's Landscape Officer subject to replacement planting as shown on Landscape Plan.
Construction noise	Noise from excavation and construction will be commensurate with other recent apartment construction in the area, with conditions of consent to apply regulating hours / days of work.
Overshadowing impacts to south	Proposal has compliant height and setback adjacent to south side boundary. Shadow diagrams demonstrate 3 hours sunlight retained to southern neighbour between 12pm and 3pm at winter solstice
Isolation impact to 19A Bourroul St	Access is retained to No.19A. The proposal will not prevent redevelopment of this site in the future.
Impact on beach views from 19A Bourroul St	Proposal has compliant setbacks and is permissible with consent. Existing narrow view line looking north from No.19A will be retained, looking past western side of proposal
Request to upgrade Bourrool Lane	Noting the proposal seeks access from Bourrool Street with no vehicle access required from the lane, upgrades to the lane are not considered to be justified

Runoff impacts	Council's engineer has assessed the engineering plans including stormwater as satisfactory noting runoff is to be conveyed to the drainage easement at the north-western corner of the site.

External Referrals

Nil

Internal Referrals

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

Subdivision & Development Engineer

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

Building Officer

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

Waste 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, with confirmation the three palm trees on the site are Mexican Fan Palms which are not native. Conditions of development consent have been recommended should the application be approved.

Property Manager

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

GIS Officer

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

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and the Kiama Development Control Plan, 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 consistent with the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is satisfactory with regards to the objectives of the R3 Medium density zone. A variation to the building height standard has been considered and assessed as acceptable on merit. The proposal is also assessed as consistent with SEPP 65 and the Apartment Design Code and complies with the relevant provisions of Kiama DCP.

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

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

RECOMMENDATION

I declare that I have no pecuniary or non-pecuniary conflict of interest in the application, and recommend that Development Application No 10.2023.92.1 be approved under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions.

Ben Rourke
Assessment Officer

15/02/2024

Cheryl Lappin
Manager Planning & Economic Development

05/03/2024

PROPOSED RESIDENTIAL FLAT BUILDING
19-21 BOURROOL STREET, KIAMA



DRAWING LIST:

DA 000	COVER PAGE
DA 001	PROJECT SUMMARY
DA 002	DEMOLITION PLAN
DA 003	SITE ANALYSIS
DA 004	SITE PLAN
DA 100	BASEMENT 2
DA 101	BASEMENT 1
DA 102	LOWER GROUND FLOOR
DA 103	GROUND FLOOR PLAN
DA 104	LEVEL 1 PLAN
DA 105	LEVEL 2 PLAN
DA 106	ROOF PLAN
DA 200	NORTH & EAST ELEVATION
DA 201	SOUTH & WEST ELEVATION
DA 301	SECTION A &B
DA 302	SECTION C
DA 310	DRIVEWAY SECTION
DA 311	EXCAVATION & FILL
DA 400	MATERIALS & FINISHES SCHEDULE
DA 410	PHOTOMONTAGE 1
DA 411	PHOTOMONTAGE 2
DA 500	FSR CALCULATIONS
DA 510	DEEP SOIL CALCULATION- LOWER GROUND
DA 511	DEEP SOIL CALCULATION- GROUND FLOOR
DA 520	DEEP SOIL LANDSCAPE- LOWER GROUND
DA 521	DEEP SOIL LANDSCAPE- GROUND
DA 530	BUILDING HEIGHT CONTROL DIAGRAM
DA 540	CROSS VENTIALTION DIAGRAM
DA 550	COMMUNAL & PRIVATE OPEN SPACE
DA 570	STORAGE CALCULATION SHEET 1
DA 571	STORAGE CALCULATION SHEET 2
DA 580	VIEW ANALYSIS
DA 600	SOLAR ACCESS DIAGRAM SHEET 1
DA 601	SOLAR ACCESS DIAGRAM SHEET 2
DA 610	SHADOW DIAGRAM - JUNE 21
DA 700	ADAPTABLE UNIT TYPE A
DA 701	ADAPTABLE UNIT TYPE B

AREA SCHEDULE

Level	Unit.No	Type	Adaptable	Livable	Internal Area (m2)	Terrace/ Balcony (m2)	Storage within unit (m3)	Carpark Storage (m3)	Total Storage Provided (m3)
LOWER GROUND	UNIT LG01	3 BED			155	79	8.1	13.2	21.3
	UNIT LG02	3 BED		✓	143	36	6.9	22.3	29.2
	UNIT LG03	3 BED	✓		149	60	7.1	8.6	15.7
GROUND	UNIT G01	3 BED			128	33	8.7	8.6	17.3
	UNIT G02	3 BED			142	33	5.1	8.6	13.7
	UNIT G03	3 BED	✓		155	50	8.1	8.6	16.7
	UNIT G04	3 BED		✓	143	38	6.9	8.6	15.5
	UNIT G05	3 BED	✓		149	25	6.4	19.7	26.1
LEVEL 1	UNIT 101	3 BED			128	22	8.7	8.6	25.9
	UNIT 102	3 BED			142	22	5.1	8.6	23.3
	UNIT 103	3 BED			155	50	8.1	8.6	38.5
	UNIT 104	3 BED		✓	143	38	6.9	8.6	21.3
	UNIT 105	3 BED	✓		149	25	6.4	8.6	15.0
LEVEL 2	UNIT 201	3 BED			128	22	8.7	8.6	17.3
	UNIT 202	3 BED			198	216	5.1	8.6	24.2

GENERAL NOTES:

- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVENT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVENT AUSTRALIAN BUILDING STANDARDS.
- DRAWINGS FOR THE PURPOSES OF DA ONLY. (NOT FOR CONSTRUCTION). - FURTHER CONSULTANT/AUTHORITY COORDINATION WILL BE REQUIRED AT CC STAGE WHICH MAY IMPACT ON DESIGN AND PLANNING LAYOUTS
- ARCHITECTURAL PLANS TO BE READ IN CONJUNCTION WITH CONSULTANT'S DRAWINGS, SPECIFICATIONS & REPORTS.
- COPYRIGHT OF DESIGN SHOWN HEREON IS RETAINED BY PBD ARCHITECTS AND AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.
- AREA SCHEDULES SUPPLIED ARE APPROXIMATE ONLY - FUTURE ALLOWANCE FOR VERTICAL SERVICE DUCTS, STRUCTURAL WALL SYSTEMS AND CONSULTANT INPUT WILL BE REQUIRED

LEGEND:

AW	AWNING
AH	ACCESS HATCH
AC	A/C CONDENSER UNITS
FH	FIRE HYDRANT
FHR	FIRE HOSE REEL
FS	FIRE STAIRS
GC	GARBAGE CHUTE
HW	HIGHLIGHT WINDOW
MV	MECHANICAL RISER TO FUTURE DETAIL
MB	MAILBOX TO FUTURE DETAIL
R	240L RECYCLING BIN
SK	SKYLIGHT
ST	STORAGE
HWU	HOT WATER UNITS

MATERIALS LEGEND:

AFG	ALUMINIUM FRAMED GLAZING
AFL	ALUMINIUM ELLIPTICAL FIXED LOUVRES
AW	AWNING (TO FUTURE DETAIL)
BC	BATTEN CLADDING
CONC	CONCRETE
FB	FACE BRICK
GB	FRAMELESS TOUCHENED GLASS BALUSTRADE(TO BCA/ AUS STANDARDS)
GLW	GLASS LOUVRED WINDOW
MB	METAL BALUSTRADE
MC	METAL CLADDING
PCE	METAL FENCING (TO FUTURE SELECTION)
PC	COMPOSITE PANEL CLADDING
PSx	PRIVACY SCREEN (TO FUTURE SELECTION)
PT x	PAINT FINISH TYPE x
RD	ROLLER DOOR
RP	RIVER PEBBLES
RW	RENDERED FINISH/SELECTED PAINT FINISH
ST	STONE WORK
TC	TIMBER CLADDING
TF	TIMBER FENCING
VB	EXTERNAL VENETIAN BLINDS

ISSUE	DATE	DESCRIPTION
01	11/10/2023	Issue for DA lodgement
02	17/11/2023	RFI to Council

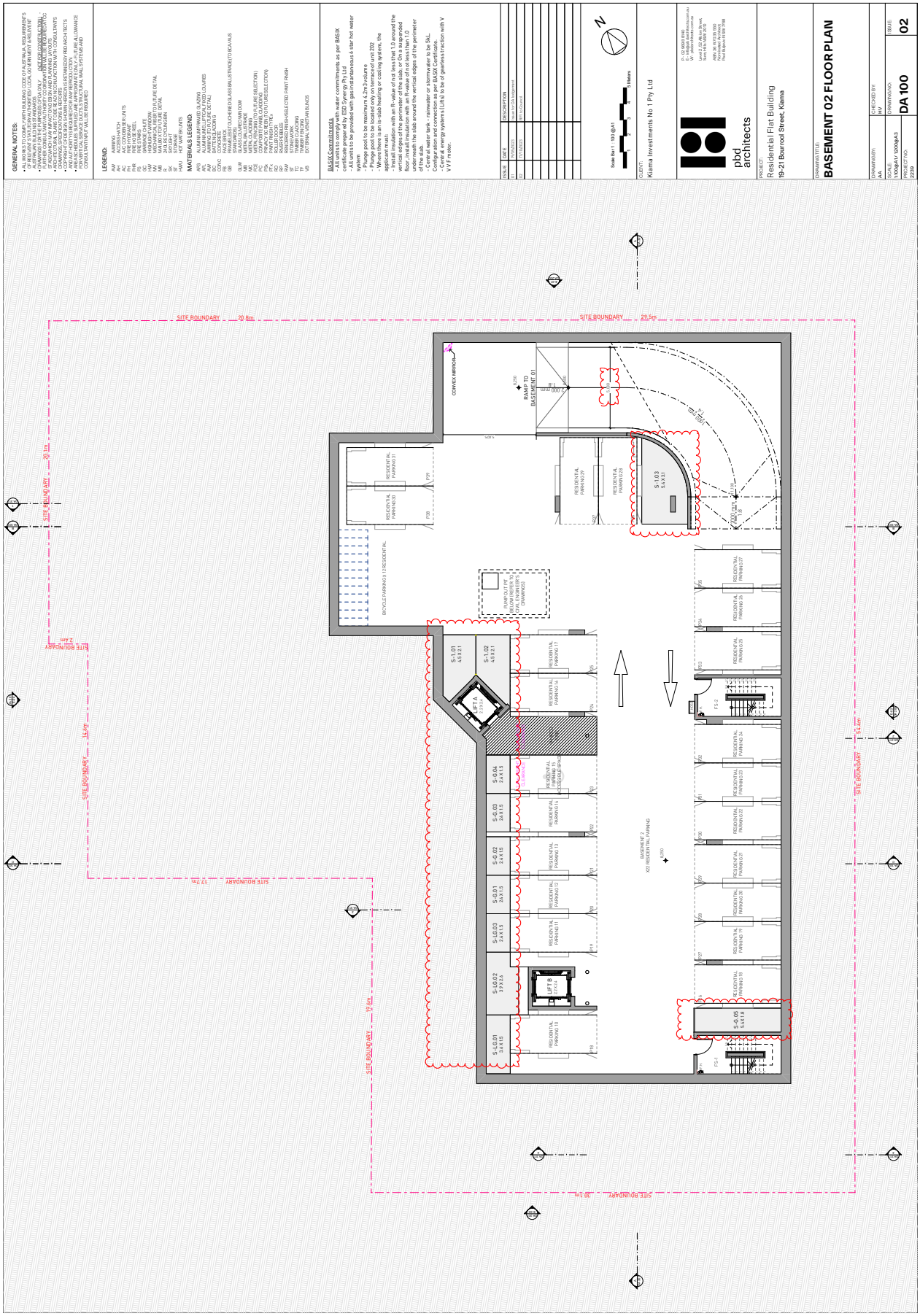
CLIENT:
Kiama Investments No 1 Pty Ltd

pbd architects
P - 02 9818 8140
E - info@pbdarchitects.com.au
W - pbdarchitects.com.au
Level 2, 52 Albion Street, Surry Hills NSW 2010
ABN 36 167 035 950
Nominated Architect: Paul Bulovic NSW 7788

PROJECT:
Residential Flat Building
19-21 Bourrool Street, Kiama

DRAWING TITLE:
COVER PAGE

DRAWING BY: AA	CHECKED BY: HV	
SCALE: NTS	DRAWING NO: DA 000	ISSUE: 02
PROJECT NO: 2239		


GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
BASIX Commitments
SITE BOUNDARY
RAMP TO BASEMENT 01
RAMP TO BASEMENT 02
CONVEX MIRROR
LIFT 1 A
LIFT 1 B
BICYCLE PARKING X 12 RESIDENTIAL
RESIDENTIAL PARKING 01
RESIDENTIAL PARKING 02
RESIDENTIAL PARKING 03
RESIDENTIAL PARKING 04
RESIDENTIAL PARKING 05
RESIDENTIAL PARKING 06
RESIDENTIAL PARKING 07
RESIDENTIAL PARKING 08
RESIDENTIAL PARKING 09
RESIDENTIAL PARKING 10
RESIDENTIAL PARKING 11
RESIDENTIAL PARKING 12
RESIDENTIAL PARKING 13
RESIDENTIAL PARKING 14
RESIDENTIAL PARKING 15 ACCESSIBLE SPACE
RESIDENTIAL PARKING 16
RESIDENTIAL PARKING 17
RESIDENTIAL PARKING 18
RESIDENTIAL PARKING 19
RESIDENTIAL PARKING 20
RESIDENTIAL PARKING 21
RESIDENTIAL PARKING 22
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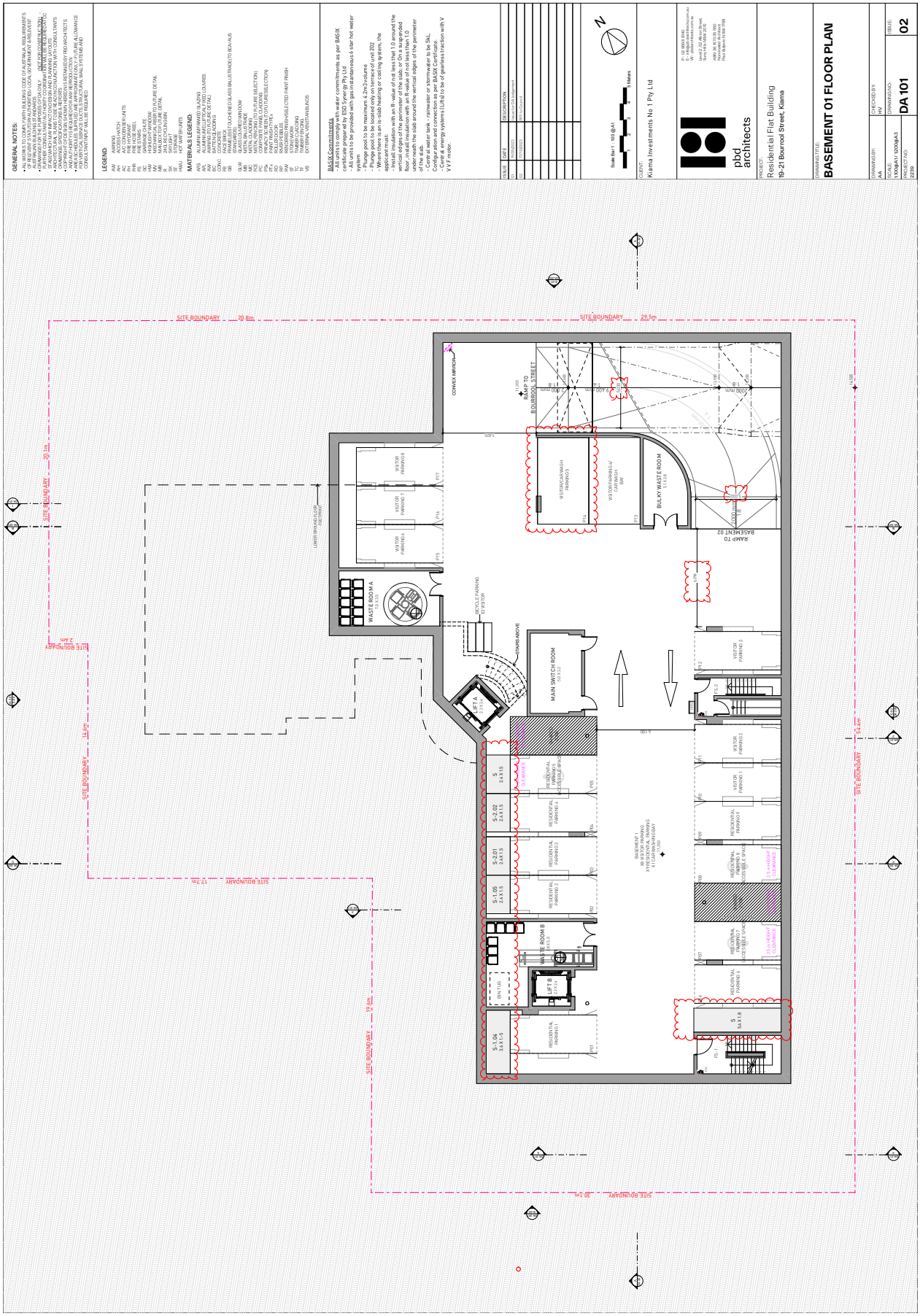
RESIDENTIAL PARKING 27
RESIDENTIAL PARKING 28
RESIDENTIAL PARKING 29
RESIDENTIAL PARKING 30
RESIDENTIAL PARKING 31
S-1.01
S-1.02
S-1.03
S-0.04
S-0.03
S-0.02
S-0.01
S-0.07
S-0.06
S-0.05
BASEMENT 2
XX1 RESIDENTIAL PARKING
Scale Bar 1 : 100 @ A1
pbd architects
Residential Flat Building
19-21 Bourrool Street, Kiama
Kiama Investments No 1 Pty Ltd
BASEMENT 02 FLOOR PLAN
DA 100
02


BASEMENT 01 FLOOR PLAN
Residential Flat Building
19-21 Bourrool Street, Kiama
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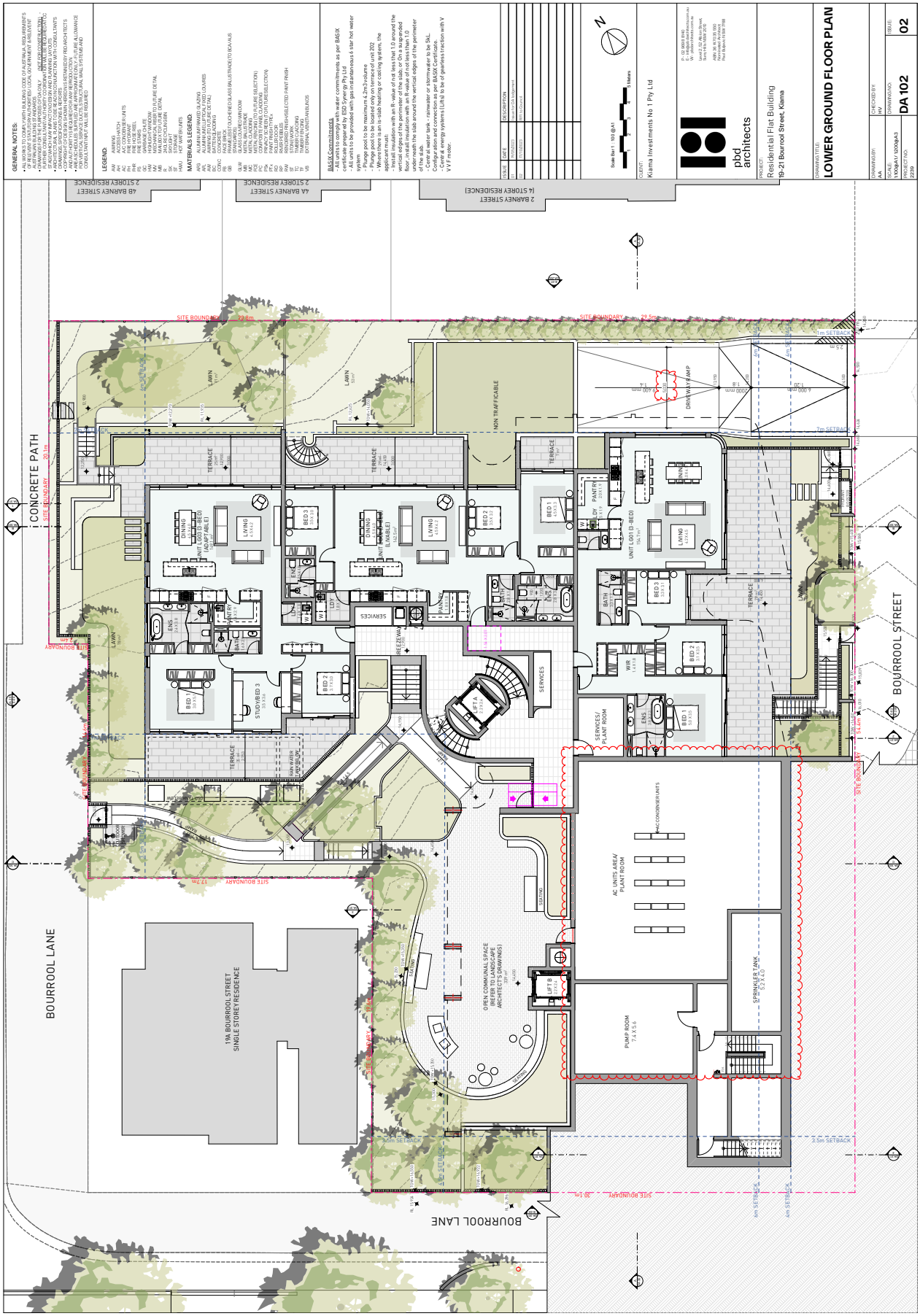
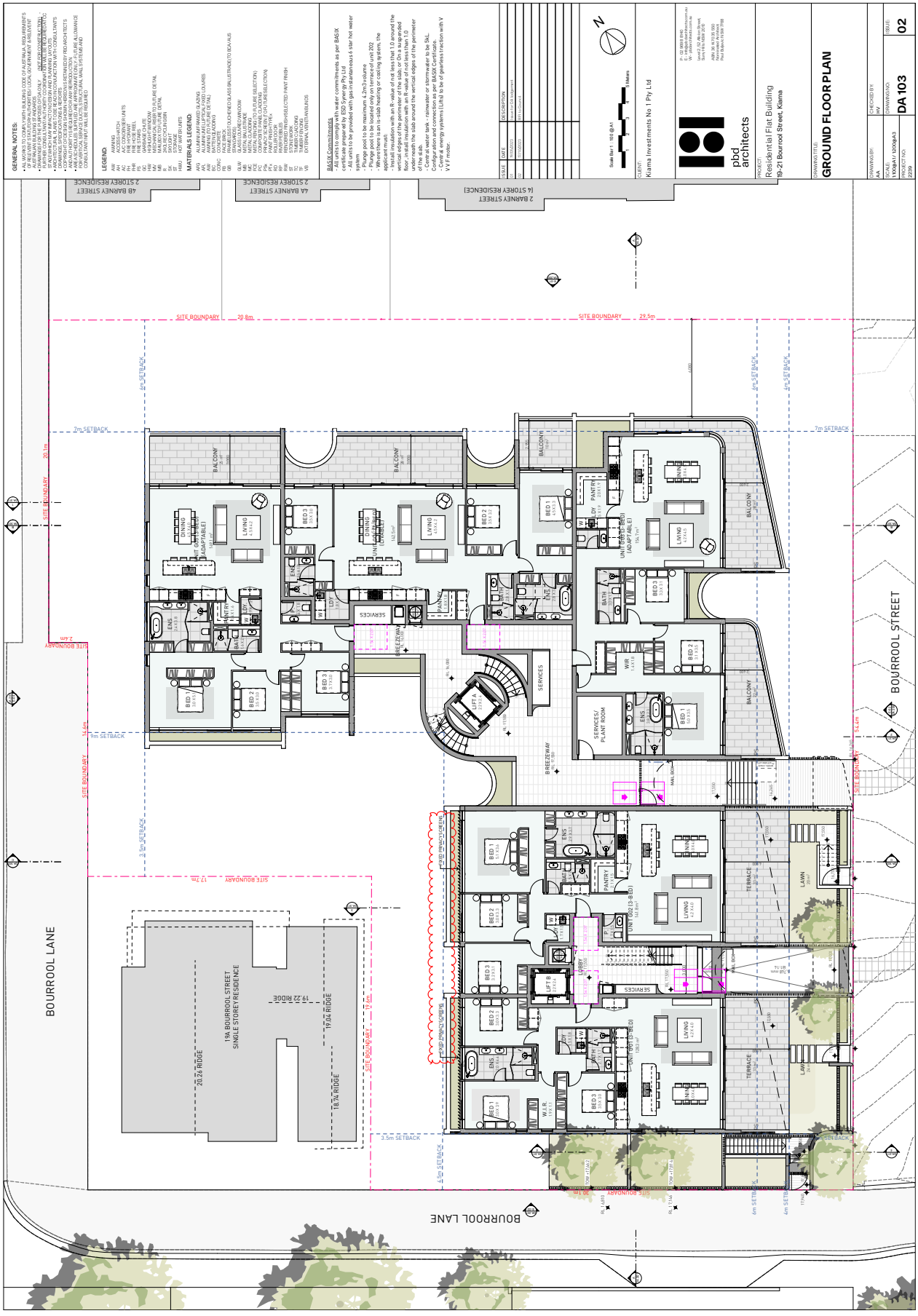
Kiama Investments No 1 Pty Ltd
DA 101
02
SITE BOUNDARY
RAMP TO BASEMENT 02
BULKY WASTE ROOM
MAIN SWITCH ROOM
WASTE ROOM A
WASTE ROOM B
LIFT A
LIFT B
STAIRS ABOVE
BICYCLE PARKING
VISITOR PARKING
RESIDENTIAL PARKING
RESIDENT / VISITOR PARKING
CONVEX MIRROR
LOWER BRICK DUCTS FOR ELECTRICITY


LOWER GROUND FLOOR PLAN
Residential Flat Building
19-21 Bourrool Street, Kiama
pbd architects
Kiama Investments No 1 Pty Ltd
DA 102
02
BOURROOL STREET
BOURROOL LANE
CONCRETE PATH
19A BOURROOL STREET SINGLE STOREY RESIDENCE
4A BARNEY STREET 2 STOREY RESIDENCE
2 BARNEY STREET (4 STOREY RESIDENCE)
OPEN COMMUNAL SPACE (REFER TO LANDSCAPE ARCHITECT'S DRAWINGS)
AC UNITS AREA/ PLANT ROOM
PUMP ROOM
SPRINKLER TANK
SERVICES/ PLANT ROOM
NON TRAFFICABLE
DRIVEWAY RAMP
UNIT L001 (3-BED)
UNIT L002 (3-BED)
UNIT L003 (3-BED)
LIFT A
LIFT B
SITE BOUNDARY
7m SETBACK
2.5m SETBACK
GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
BASIX Commitments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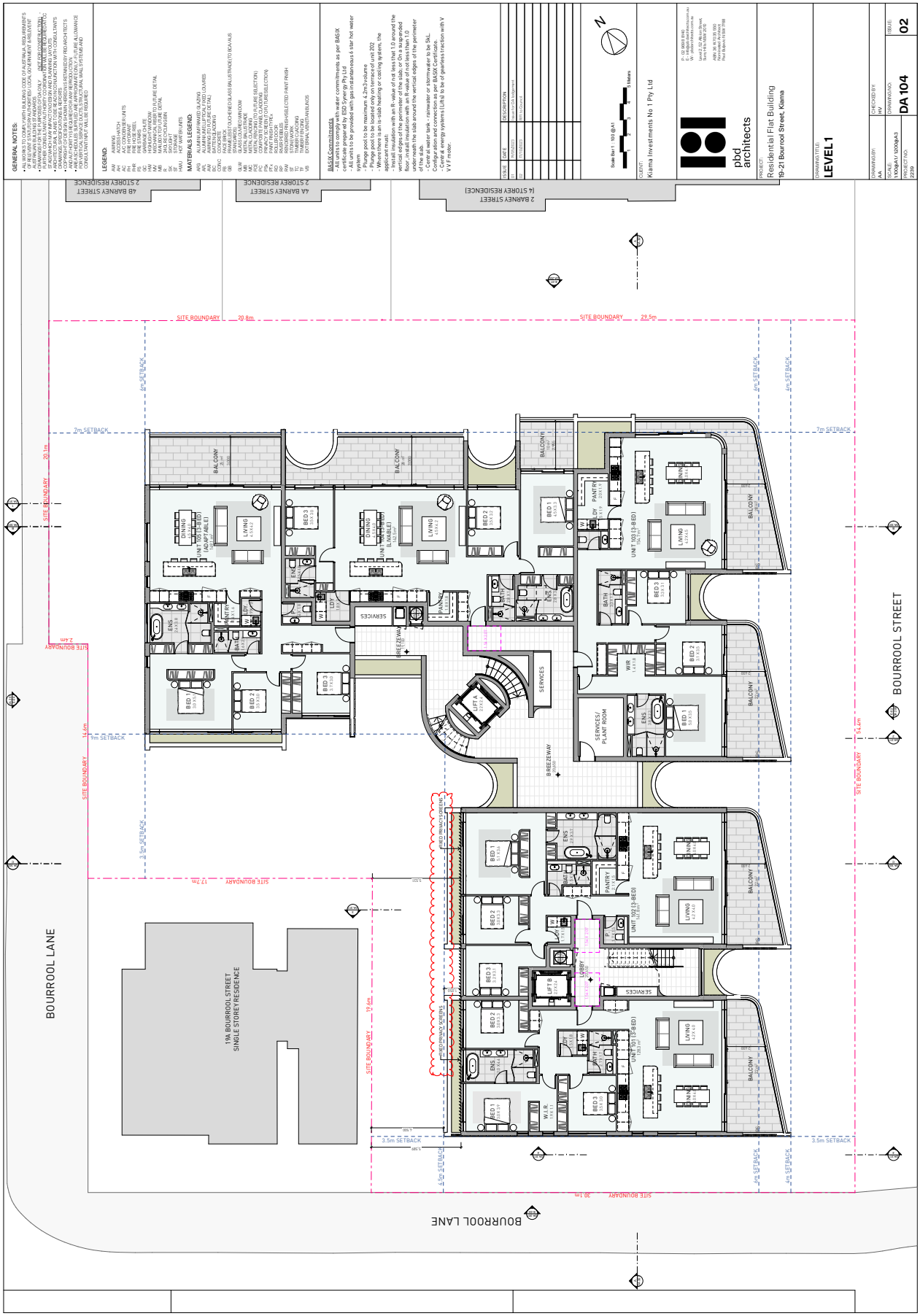
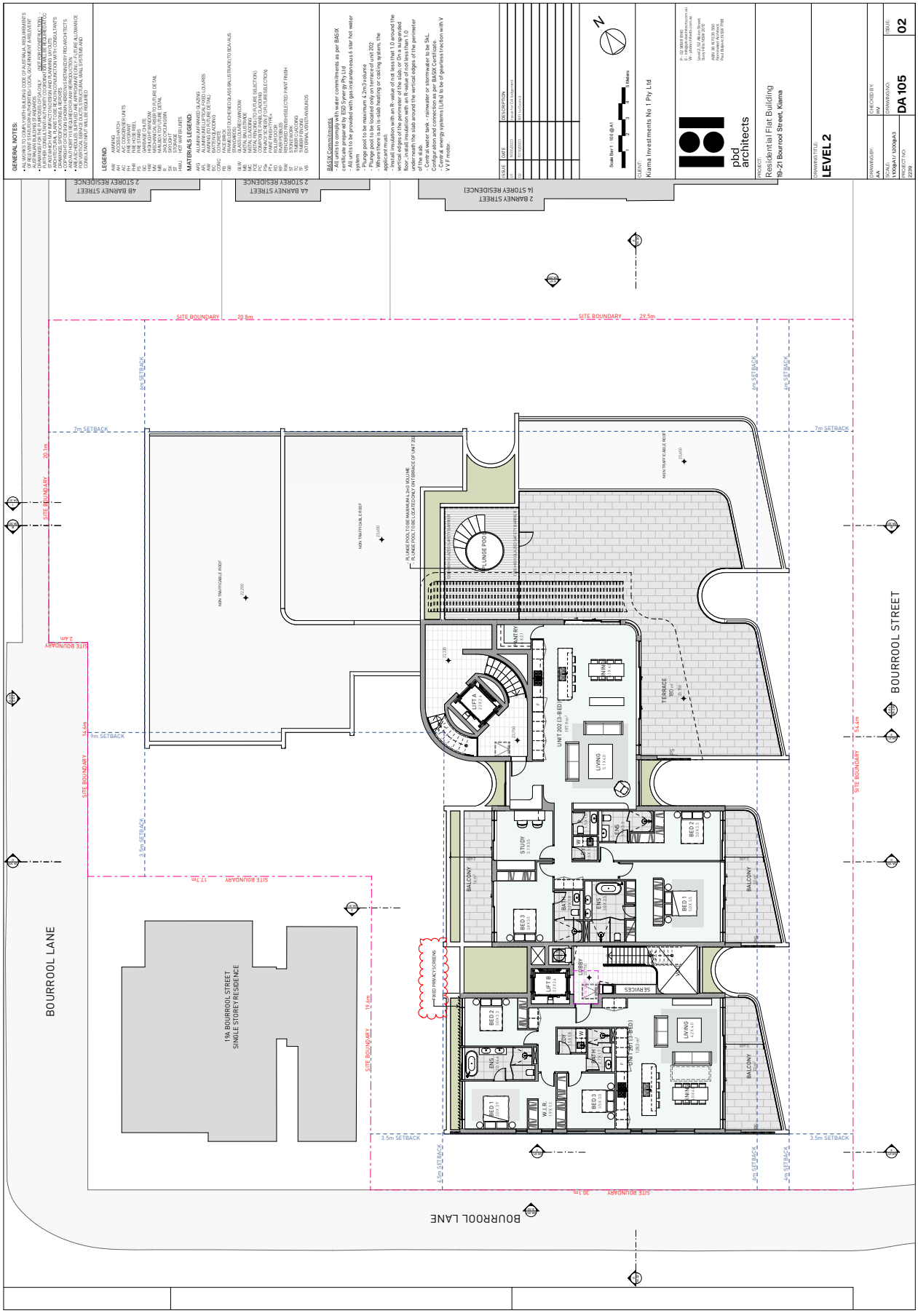
LEGEND:
MATERIALS LEGEND:
BASIX Commitments
Scale Bar 1 : 100 @ A1
Kiama Investments No 1 Pty Ltd
pbd architects
Residential Flat Building
19-21 Bourrool Street, Kiama
GROUND FLOOR PLAN
DA 103
02
4B BARNEY STREET 2 STOREY RESIDENCE
4A BARNEY STREET 2 STOREY RESIDENCE
2 BARNEY STREET (4 STOREY RESIDENCE)
SITE BOUNDARY 20.8m
SITE BOUNDARY 29.5m
BOURROOL STREET
BOURROOL LANE
19A BOURROOL STREET SINGLE STOREY RESIDENCE
19.22 RIDGE
19.04 RIDGE
20.26 RIDGE
18.74 RIDGE
7m SETBACK
4m SETBACK
9m SETBACK
3.5m SETBACK
4.5m SETBACK
BALCONY
LIVING
DINING
KITCHEN
BED 1
BED 2
BED 3
ENS.
LAUNDRY
SERVICES
BREEZEWAY
LIFT A
LIFT B
SERVICES/ PLANT ROOM
UNIT 001 (3 BED)
UNIT 002 (3 BED)
UNIT 003 (ADAPTABLE)
UNIT 004 (LOWER LEVEL)
UNIT 005 (ADAPTABLE)
TERRACE
LAWN
FENCE PRIVACY SCREENS


BOURROOL LANE
BOURROOL STREET
19A BOURROOL STREET
SINGLE STOREY RESIDENCE
4B BARNEY STREET
2 STOREY RESIDENCE
4A BARNEY STREET
2 STOREY RESIDENCE
2 BARNEY STREET
(4 STOREY RESIDENCE)
SITE BOUNDARY
20.8m
29.5m
30.1m
19.4m
17.2m
14.4m
2.4m
20.1m
54.4m
7m SETBACK
4m SETBACK
3.5m SETBACK
9m SETBACK
BALCONY
LIVING
DINING
KITCHEN
BED 1
BED 2
BED 3
ENS.
LAUNDRY
SERVICES
BREEZEWAY
LIFT A
LIFT B
LOBBY
SERVICES/ PLANT ROOM
UNIT 103 (3-BED)
UNIT 102 (3-BED)
UNIT 101 (3-BED)
FIXED PRIVACY SCREENS
GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
BASIX Commitments
Scale Bar 1 : 100 @ A1
CLIENT:
Kiama Investments No 1 Pty Ltd
PROJECT:
Residential Flat Building
19-21 Bourrool Street, Kiama
DRAWING TITLE:
LEVEL 1
pbd architects
DRAWING NO.
DA 104
REVISION
02


BOURROOL LANE
BOURROOL STREET
19A BOURROOL STREET
SINGLE STOREY RESIDENCE
4B BARNEY STREET
2 STOREY RESIDENCE
4A BARNEY STREET
2 STOREY RESIDENCE
2 BARNEY STREET
(4 STOREY RESIDENCE)
SITE BOUNDARY
20.8m
29.5m
30.1m
19.4m
14.4m
17.2m
2.4m
20.1m
54.4m
7m SETBACK
4m SETBACK
3.5m SETBACK
9m SETBACK
4.5m SETBACK
FIXED PRIVACY SCREENS
NON TRAFFICABLE ROOF
PLUNGE POOL
TERRACE
LIFT A
LIFT B
LOBBY
SERVICES
UNIT 202 (3-BED)
UNIT 201 (3-BED)
LIVING
KITCHEN
PANTRY
STUDY
BED 1
BED 2
BED 3
ENS
W.I.R.
BALCONY
GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
Scale Bar 1 : 100 @ A1
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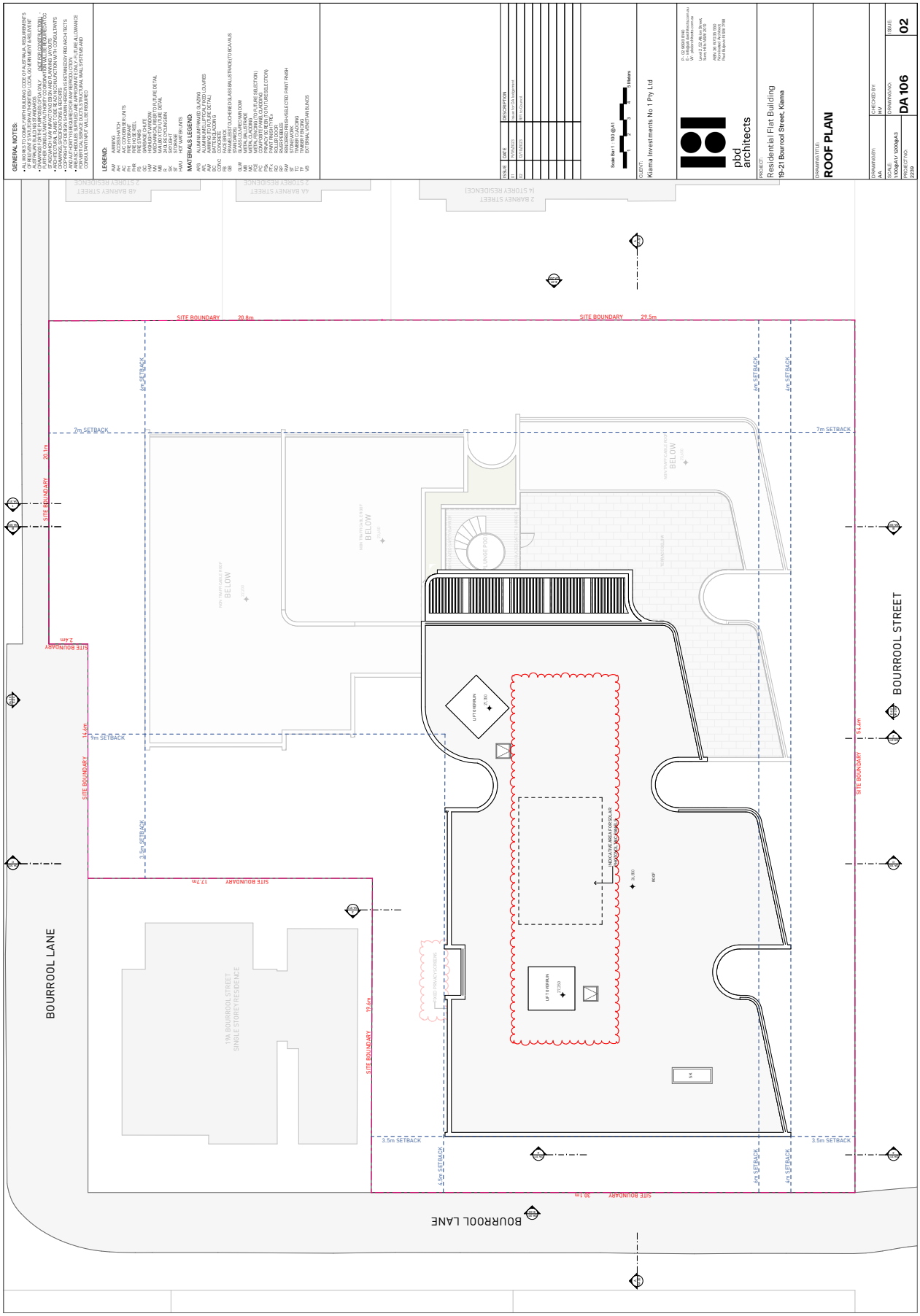
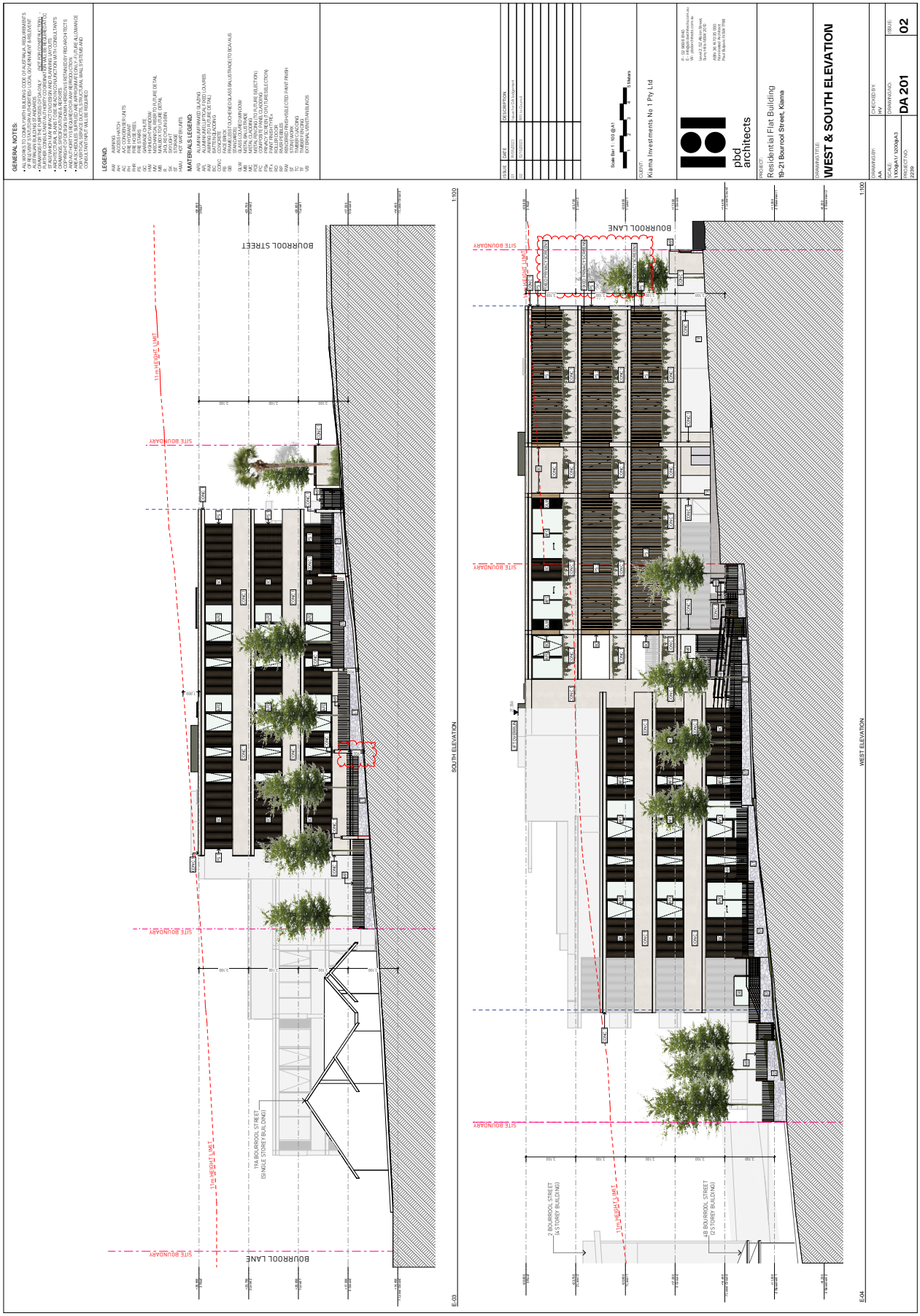
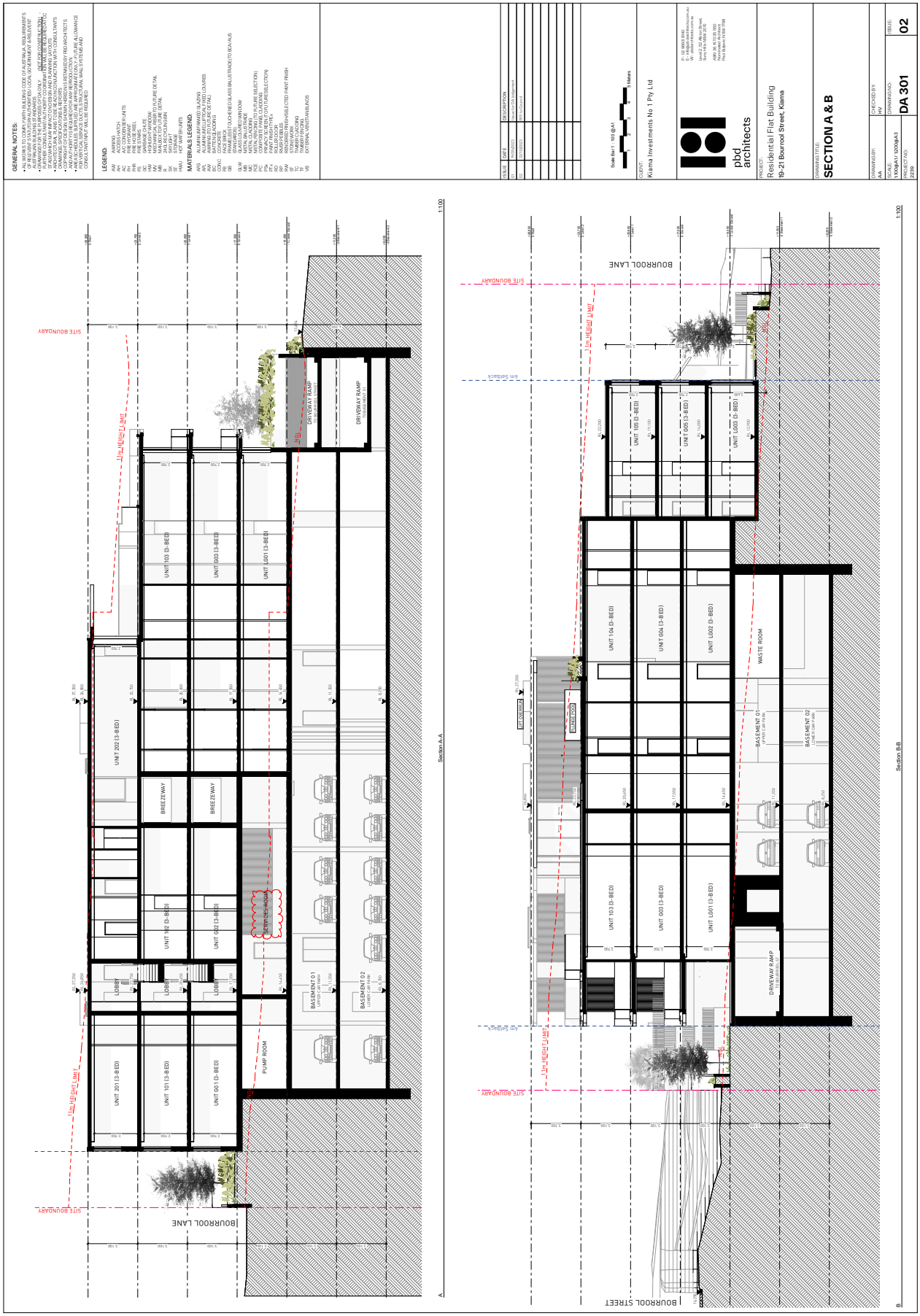
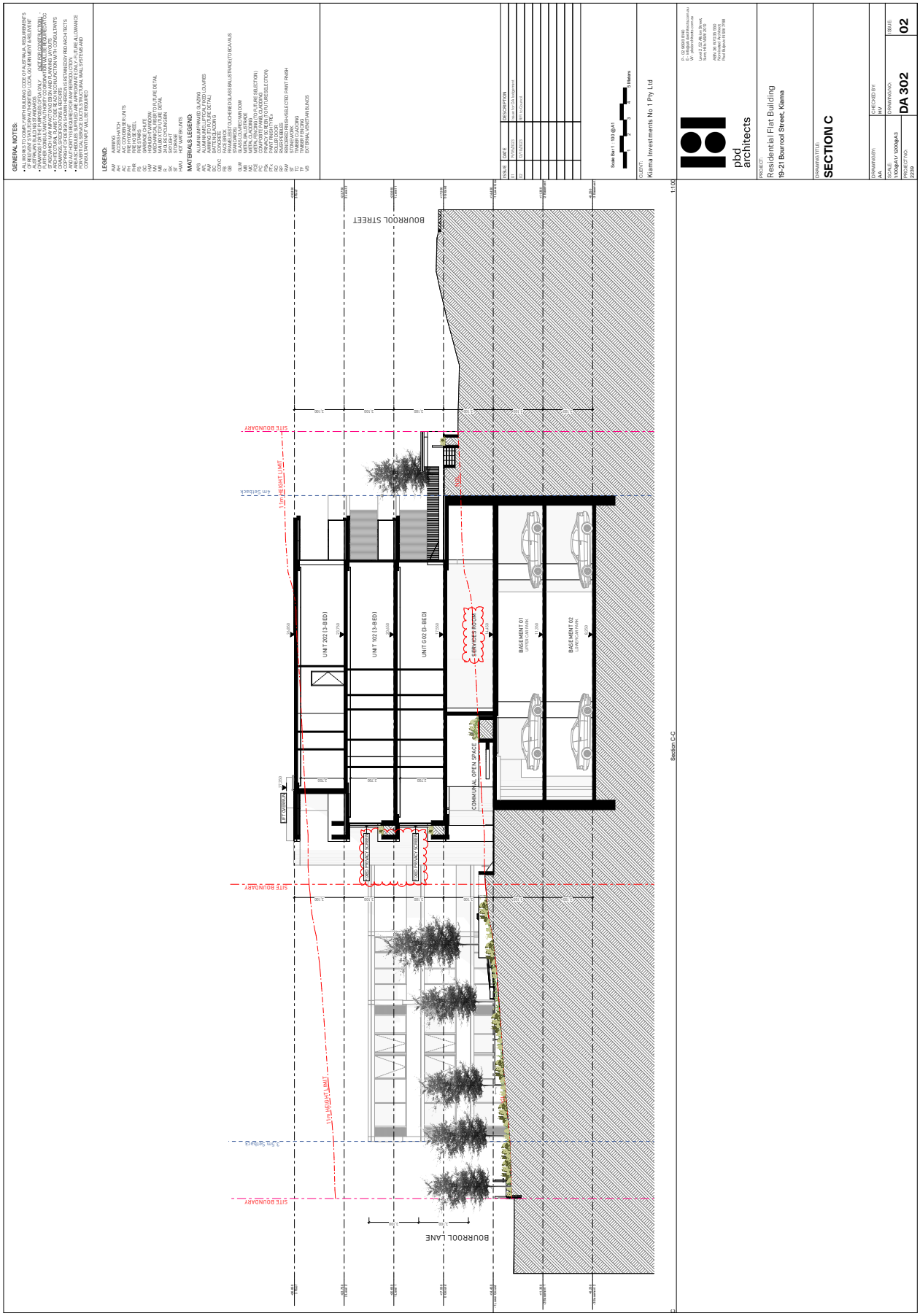
pbd architects
Residential Flat Building
19-21 Bourrool Street, Kiama
LEVEL 2
Kiama Investments No 1 Pty Ltd
DA 105
02

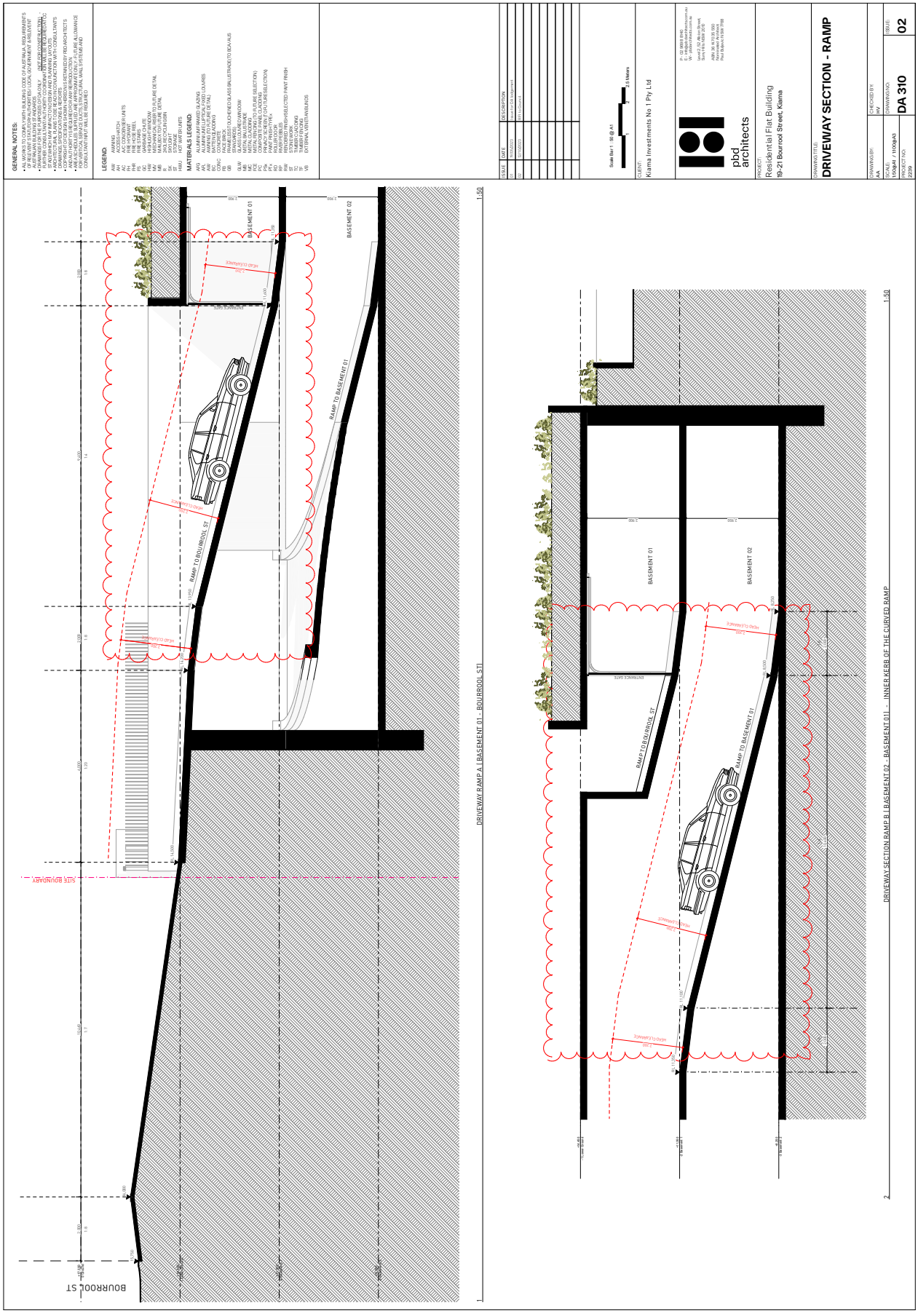

GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
ISSUE
DESCRIPTION
DATE
CLIENT:
Kiama Investments No 1 Pty Ltd
PROJECT:
Residential Flat Building
19-21 Bourrool Street, Kiama
DRAWING TITLE:
ROOF PLAN
DRAWING NO:
DA 106
ISSUE:
02
SCALE:
1:100@A1 \ 1:200@A3
PROJECT NO:
2259
pbd architects
BOURROOL STREET
BOURROOL LANE
SITE BOUNDARY
20.8m
29.5m
30.1m
19.4m
17.7m
14.4m
2.4m
5.4m
4m SETBACK
7m SETBACK
3.5m SETBACK
9m SETBACK
2m SETBACK
INDICATIVE AREA FOR SOLAR PANELS (MAX 99kW)
LIFT OVERRUN
ROOF
BELOW
19A BOURROOL STREET
SINGLE STOREY RESIDENCE
2 BARNEY STREET
4 STOREY RESIDENCE
4A BARNEY STREET
2 STOREY RESIDENCE
48 BARNEY STREET
2 STOREY RESIDENCE


GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
DESCRIPTION
Scale Bar 1: 100 @ A1
CLIENT:
Kiama Investments No 1 Pty Ltd
pbd architects
PROJECT:
Residential Flat Building
19-21 Bourrool Street, Kiama
DRAWING TITLE:
EAST & NORTH ELEVATION
DRAWING NO:
DA 200
REVISION:
02
SITE BOUNDARY
LIMIT HEIGHT 11m
BOURROOL STREET
NORTH
1:100
BOURROOL LANE
EAST
1:100


GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
SOUTH ELEVATION
WEST ELEVATION
BOURROOL STREET
BOURROOL LANE
11m HEIGHT LIMIT
SITE BOUNDARY
19A BOURROOL STREET (SINGLE STOREY BUILDING)
2 BOURROOL STREET (4 STOREY BUILDING)
48 BOURROOL STREET (2 STOREY BUILDING)
pbd architects
Residential Flat Building
19-21 Bourrool Street, Kiama
Kiama Investments No 1 Pty Ltd
WEST & SOUTH ELEVATION
DA 201
02


GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
Section A-A
Section B-B
BOURROOL LANE
BOURROOL STREET
SITE BOUNDARY
DRIVEWAY RAMP
PUMP ROOM
WASTE ROOM
BASEMENT 01
BASEMENT 02
UNIT 001 (3-BED)
UNIT 101 (3-BED)
UNIT 201 (3-BED)
UNIT G01 (3-BED)
UNIT 103 (3- BED)
UNIT 104 (3- BED)
UNIT 105 (3-BED)
UNIT G02 (3- BED)
UNIT G03 (3-BED)
UNIT G04 (3-BED)
UNIT G05 (3-BED)
pbd architects
Residential Flat Building
19-21 Bourrool Street, Kiama
SECTION A & B
DA 301
02


BOURROOL STREET
BOURROOL LANE
SITE BOUNDARY
1.1m HEIGHT LIMIT
UNIT 202 (3-BED)
UNIT 102 (3-BED)
UNIT 0/02 (3- BED)
COMMUNAL OPEN SPACE
BASEMENT 01
BASEMENT 02
Section C-C
1:100
pbd architects
Residential Flat Building
19-21 Bourrool Street, Kiama
SECTION C
Kiama Investments No 1 Pty Ltd
DA 302
02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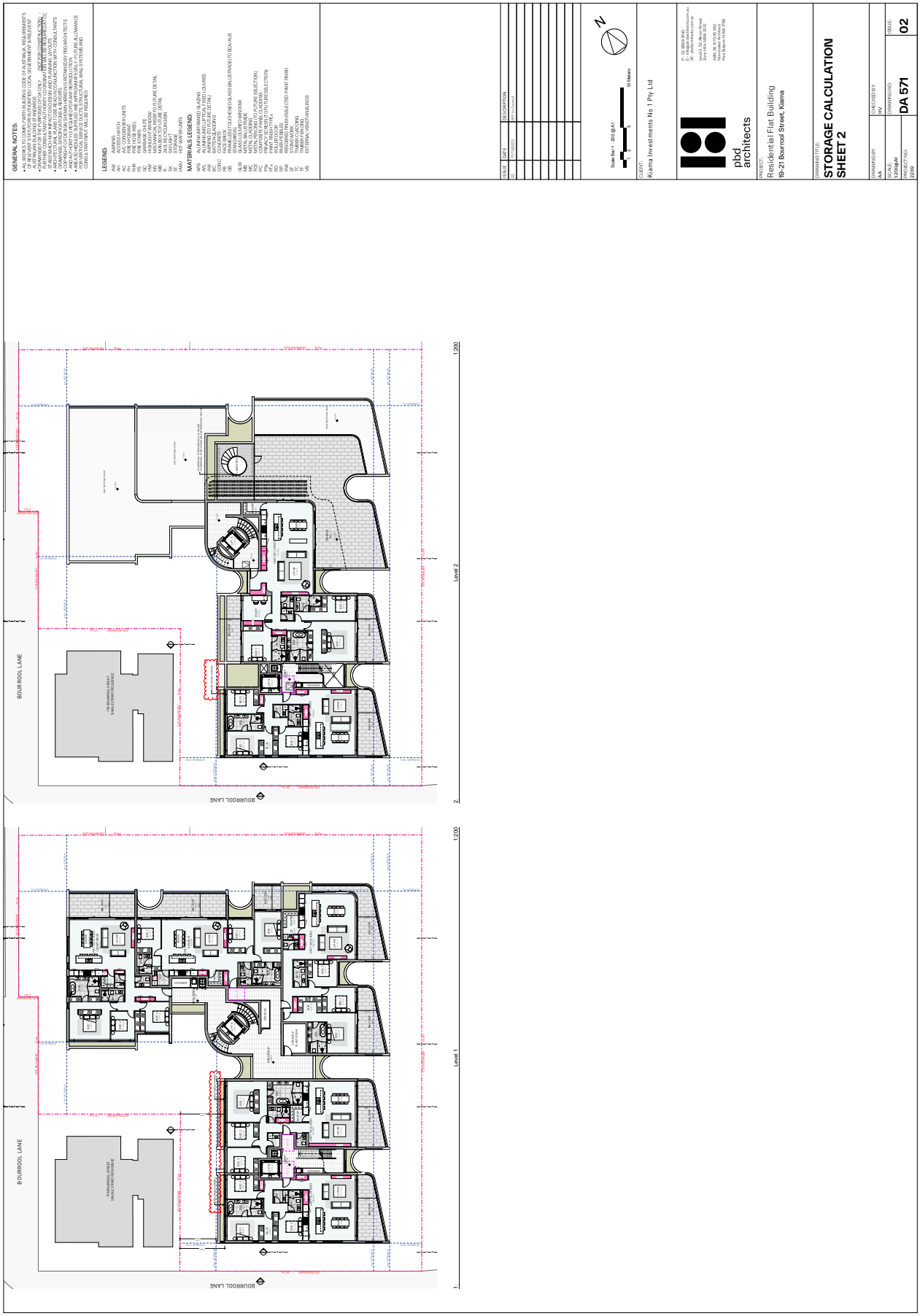
LEGEND:
MATERIALS LEGEND:
DRIVEWAY SECTION - RAMP
Residential Flat Building
19-21 Bourrool Street, Kiama
Kiama Investments No 1 Pty Ltd
pbd architects
DA 310
02
BOURROOL ST
RAMP TO BOURROOL ST
RAMP TO BASEMENT 01
BASEMENT 01
BASEMENT 02
DRIVEWAY RAMP A | BASEMENT 01 - BOURROOL ST
DRIVEWAY SECTION RAMP B | BASEMENT 02 - BASEMENT 01 - INNER KERB OF THE CURVED RAMP


STORAGE CALCULATION SHEET 1
Residential Flat Building
19-21 Bourrool Street, Kiama
pbd architects
Kiama Investments No 1 Pty Ltd
DA 570
02
BOURROOL LANE
CONCRETE PATH
Basement 1
Basement 2
Ground
Lower Ground 1


GENERAL NOTES:
LEGEND:
MATERIALS LEGEND:
Scale Bar 1 : 200 @ A1
10 Metres
CLIENT:
Kiama Investments No 1 Pty Ltd
pbd architects
PROJECT:
Residential Flat Building
19-21 Bourrool Street, Kiama
DRAWING TITLE:
STORAGE CALCULATION SHEET 2
DRAWN BY:
CHECKED BY:
SCALE:
DRAWING NO.
ISSUE
1:200@A1
DA 571
02
PROJECT NO.
2259
BOURROOL LANE
Level 2
Level 1
1:200

KIAMA MUNICIPAL COUNCIL
your council, your community

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2023.92.1 PAN-339910
Applicant	SET Consultants PO Box 495 NOWRA NSW 2541
Description of development	Demolition and New residential flat building- Demolition of existing dwellings and associated structures and erection of a residential flat building comprising of: Basement parking for 39 vehicles; 15 residential units; and associated works.
Property	21 Bourrool Street KIAMA, 19 Bourrool Street KIAMA LOT: 1 DP: 774101, LOT: 2 DP: 1065012
Determination	Deferred Commencement Approved Consent Authority - Council
Date of determination	-
Date on which the consent lapses	19/03/2024
Date on which the consent lapses	19/03/2029
Date if deferred matters have not been finalised	19/04/2024

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of deferred commencement consent using the power in section 4.16(3) of the EP&A Act, subject to the conditions set out in this notice.

Relevant matters

This consent does not operate and may not be acted on until the consent authority is satisfied of the following matter(s):

Compliance with deferred commencement consent condition 1

Section 76(3) of the EP&A Regulation enables a consent authority to specify the period within which the applicant must produce evidence to the consent authority sufficient enough to enable it to be satisfied as to the relevant matter(s) that it requires before a deferred commencement consent can operate. Where a period is specified under section 76(3), a deferred commencement consent will lapse if the applicant has not produced sufficient evidence for the consent authority to be satisfied of the relevant matters on the expiration of the specified period.

Where the applicant produces evidence of the relevant matters in accordance with section 76(4) of the EP&A Regulation, the consent authority must notify the applicant whether or not it is satisfied as to the relevant matter(s). If the consent authority has not notified the applicant within 28 days after receiving the applicant's evidence, the consent authority is taken to have notified the applicant that it is not satisfied about the relevant matter(s) on the date on which that period expires, for the purposes of section 8.7 of the EP&A Act (see sections 76(4), (5) and (6) of the EP&A Regulation).

A deferred commencement consent will lapse within the relevant period set out in sections 4.53(6)(a)-(c) of the EP&A Act, if the applicant fails to satisfy the consent authority as to the matter(s) specified in the deferred commencement condition.

Reasons for approval

The proposal:

- is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, and
- is not likely to cause significant adverse impacts to the natural or built environment, and
- is not likely to cause significant adverse social and economic impacts.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Mr B Rourke
Assessment Officer
Person on behalf of the consent authority

For further information, please contact Kiama Council on 02 4232 0444 or by emailing council@kiama.nsw.gov.au

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT CONDITION

1.	**Deferred commencement** Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the applicant must satisfy the following deferred commencement condition of consent before this development consent becoming operative: a) An application under section 6.22 and 6.23 of the *Environmental Planning and Assessment Act 1979* (Building Information Certificate) must be lodged. b) An easement for drainage of water must be obtained over the connection to the existing drainage system on Lot 4 DP 774101. Evidence that will sufficiently enable Council to be satisfied as to the compliance of these matters must be submitted to Council within twenty-eight (28) days of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the *Environmental Planning and Assessment Act 1979*. This development consent will not become operative until such time that the Council notifies the applicant in writing that the requirements of deferred commencement have been satisfied.
	Condition Reason: To comply with the provisions of the *Environmental Planning and Assessment Act 1979.*

GENERAL CONDITIONS

1. **Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan number	**Revision number**	**Plan title**	**Drawn by**	**Date of plan**
DA000	02	Cover Page	Pdp architects	17/10/2023
DA001	02	Project Summary	Pdp architects	17/10/2023
DA002	02	Demolition Plan	Pdp architects	17/10/2023
DA004	02	Site Plan	Pdp architects	17/10/2023
DA100	02	Basement Plan 2	Pdp architects	17/10/2023
DA101	02	Basement Plan 1	Pdp architects	17/10/2023
DA102	02	Lower Ground Floor	Pdp architects	17/10/2023
DA103	02	Ground Floor Plan	Pdp architects	17/10/2023
DA104	02	Level 1 Plan	Pdp architects	17/10/2023
DA105	02	Level 2 Plan	Pdp architects	17/10/2023
DA106	02	Roof Plan	Pdp architects	17/10/2023
DA200	02	North & East Elevation	Pdp architects	17/10/2023
DA201	02	South & West Elevation	Pdp architects	17/10/2023
DA301	02	Section A & B	Pdp architects	17/10/2023
DA302	02	Section C	Pdp architects	17/10/2023
DA310	02	Driveway Section	Pdp architects	17/10/2023
DA311	02	Excavation Cut & Fill	Pdp architects	17/10/2023
DA400	02	Materials & Finishes	Pdp architects	17/10/2023

Approved Documents			
Document title	**Version number**	**Prepared by**	**Date of document**
Concept Stormwater Drawings	C	Smart Structures Australia	29/05/2023
Landscape Plan	D	Site Image	17/05/2023

In the event of any inconsistency between the approved plans and documents, the approved documents prevail.

In the event of any inconsistency with the approved plans and the condition of this consent, the condition prevails.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Prescribed conditions**

The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable.

Condition Reason: To ensure the development is carried out in accordance with the relevant legislation.

3.	**Property addressing and site facilities – urban** Property addresses in accordance with the NSW Address Policy and User Manual published by the Geographical Names Board of NSW are allocated as follows and must be clearly shown on the Construction Certificate drawing: a) Communal letterbox as indicated on architectural plans drawing DA103 (subject to Australia Post) b) Unit numbering to be allocated as per approved architectural plans drawings c) Street numbers must be clearly shown in a position that identifies the property access and property, and ideally should be of a reflective material for high visibility at night. d) Location points for mail delivery must satisfy the requirements of Australia Post and include the street number for identification.
	Condition Reason: To ensure property addressing complies with the relevant legislation, guidelines and requirements.

BUILDING WORK - BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

4.	**Civil engineering works** Before the issue of a Construction Certificate, details of all civil engineering works must be provided to the Certifier. The drawings must include the following: a) The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP). All Reduced Levels (RLs) must relate to Australian Height Datum (AHD).
	Condition Reason: To ensure compliance with relevant standards.
5.	**Local infrastructure contributions** In accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contribution Plan, a contribution as shown in the table below must be paid to Council before the issue of a Construction Certificate: 7.12 Contribution Plan: $51,000.00 Total Contribution Amount: $51,000.00 The contribution amount will be indexed until the date of payment in accordance with the contribution plans. Evidence of payment must be provided to the Certifying Authority. The Contribution Plan can be accessed on Council's website www.kiama.nsw.gov.au.
	Condition Reason: To ensure contributions are levied toward the provision of public infrastructure.

6.	**Construction Site Management Plan** Before the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the Certifier. The plan must include the following matters a) Details of construction traffic management including: i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; b) Details of bulk earthworks to be carried out; c) The location of site storage areas and sheds; d) The equipment used to carry out works; e) The location of a garbage container with a tight-fitting lid; f) Dust, noise and vibration control measures; g) The location of temporary toilets; A copy of the Construction Site Management Plan must be kept on-site at all times while work is being carried out.
	Condition Reason: To require details of measures that will protect the public and the surrounding environment, during site works and construction.
7.	**Design amendments** Before the issue of a Construction Certificate, the certifier must ensure the Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents: a) The loop detector system recommended in the Traffic Report 23.063r02v02 By Traffix Dated 23 January 2023 must be supplemented by a manual trigger to allow the system to be activated for vehicles that don't automatically trigger the loop detector.
	Condition Reason: To ensure ongoing compliance.
8.	**Driveway design** Before the issue of a Construction Certificate details of how the driveway meets compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's Driveway and Footpath Works Procedure Manual, must be provided to the Certifier.
	Condition Reason: To ensure the driveway design complies with the required standards.
9.	**Erosion and sediment control plan** Before the issue of a Construction Certificate, an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier: a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time),

	b) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time), and c) measures to ensure any excavated material deposited on public roads from works is removed within the same day.
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
10.	**Impervious run-off** Before the issue of a Construction Certificate, the applicant must submit details to the Certifier for approval, that provide: • stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system; • a piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP); and • defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
	Condition Reason: To ensure impervious run-off does not affect adjoining properties.
11.	**Long Service Levy** Before the issue of the relevant Construction Certificate, the Long Service Levy must be paid to the Long Service Corporation of Council under the *Building and Construction industry Long Service Payment Act 1986*, section 34, and evidence of the payment is to be provided to the Certifier.
	Condition Reason: To ensure the long service levy is paid.
12.	**Nuisance overland flow** Before the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.
	Condition Reason: To ensure adequate provisions are made for stormwater run-off.
13.	**Parking areas** Before the issue of any Construction Certificate, the Certifier shall ensure that the following requirements have been met: a) car parking spaces, parking aisles, blind aisles, access driveways, circulation roadways and ramps comply with the requirements of the following Australian Standards: i) AS 2890.1 - Off-street car parking; ii) AS 2890.3 – Bicycle Parking; and iii) AS 2890.6 – Off-street for people with disabilities.

	b) the car parking area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS1906.1, AS 1906.2, AS 1906.3 and AS 4049.1.
	Condition Reason: To ensure the car parking area requirements are met.
14.	**Pavement design** Before the issue of the Construction Certificate, the applicant must provide a Pavement Design plan, designed by a registered civil engineer, taking into account the traffic loads and design life to the Certifier for approval.
	Condition Reason: To ensure the pavement design is adequate for the development.
15.	**Release of securities** When Council receives an Occupation Certificate, an application may be lodged to release the securities held.
	Condition Reason: To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.
16.	**Section 73 Compliance Certificate** Before the issue a Construction Certificate, a Compliance Certificate under section 73 of the *Sydney Water Act 1994*, must be obtained.
	Condition Reason: To ensure the compliance with Sydney Water requirements have been met.
17.	**Drainage and stormwater** Before the issue of a Construction Certificate, a Detailed Drainage Plan generally in accordance with the Concept Drainage Plans approved under this consent must be submitted to the Certifier for approval. This plan must show the connection of stormwater into the easement. All drainage works shall be undertaken in accordance with the requirements of Australian Standard AS 3500.3:2018.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
18.	**Swept paths** Before the issue of a Construction Certificate, design swept paths must be detailed for all internal and public road intersections. The modelling must meet with the design requirements of the Standards Australia AS/NZS 2890.1 – Parking Facilities Off-street Car Parking and the AUSTROADS Design Vehicle and Turning Path templates.
	Condition Reason: To ensure compliance with relevant standards.

19.	**Utilities and services** Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the Certifier: a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and b) a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
20.	**Wash bay** The wash bay shall be bunded and connected to the Sydney Water Corporation's sewer and be subject to a licensed trade waste agreement with the Corporation. The wash bay shall be provided with a cold water tap and power point.
	Condition Reason: To manage wastewater impacts to the environment.
21.	**Waste Management Plan – an approved document of this consent** Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the Certifier.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
22.	**Waste storage room** Before the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that: a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to an approved drainage fitting. b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections. c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned. d) the room to be provided with artificial light controllable within the room and adequate ventilation. e) the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
	Condition Reason: To comply with the Waste Minimisation and Management Guidelines.

BEFORE BUILDING WORK COMMENCES

23.	**Protection of adjoining land** A temporary hoarding or temporary construction site fence must be erected between the work site and the adjoining land before works commence. The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works – a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or b) could cause damage to adjoining land by falling objects, or c) involve the enclosure of a public place or part of a public place.
	Condition Reason: To ensure public safety.
24.	**Construction Certificate** A Construction Certificate must be obtained from either Council or a Certifier before any building work can commence.
	Condition Reason: To comply with Council's requirements before the commencement of works.
25.	**Deliveries** While site work is being carried out, deliveries of material and equipment must only be carried out between— • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No deliveries are to take place on Sundays or Public Holidays.
	Condition Reason: To protect the amenity of neighbouring properties.
26.	**Erosion and sediment controls in place** Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
27.	**Appointment of Principal Certifier** Before building work commences a Principal Certifier must be appointed.
	Condition Reason: To ensure ongoing compliance.

28.	**Pre-construction Dilapidation report** Before work commences a Pre-construction Dilapidation report must be prepared by a suitably qualified engineer for all adjoining properties and submitted to the Certifier. A copy of the Pre-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
	Condition Reason: To identify any existing damage to adjoining properties before site work commences.
29.	**Retaining walls** Before any work commences, details prepared by a practising structural engineer must be submitted to and accepted by the Principal Certifying Authority for any retaining walls in excess of 1.0 metre high.
	Condition Reason: To ensure adequate design provisions are met.
30.	**Toilet facilities - temporary** Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: • be a standard flushing toilet connected to a public sewer, or have an on-site effluent disposal system approved under the *Local Government Act 1993*, or • be a temporary chemical closet approved under the *Local Government Act 1993*.
	Condition Reason: To ensure appropriate amenities onsite.
31.	**Works within the road reserve** Before undertaking any works within an existing road reserve, approval under section 138 of the *Roads Act, 1993* must be obtained. The following details must be submitted to Council as part of the application: a) any civil works design required by this consent, b) evidence of the contractor's Public Liability Insurance to an amount of $20 million, c) name and contact information of the person responsible for all relevant works, d) a Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
32.	**Waste Management Plan – an approved document of this consent** Before site work commences, a Waste Management Plan for the development must be provided to the Certifier.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.

DURING BUILDING WORK

33.	**Procedure for critical stage inspections** While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
34.	**Earthworks** All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
	Condition Reason: To ensure all earthworks are carried out in accordance with the Australian Standards.
35.	**Hours of work** Site work must only be carried out between the following times: • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No work is to be carried out on Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition Reason: To protect the amenity of the surrounding area.
36.	**Implementation of the Site Management Plans** While site work is being carried out: a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
37.	**Swimming pool safety during construction** A child-resistant barrier must be erected during the construction of the swimming pool. The barrier must comply with: a) the requirements of the *Swimming Pools Act 1992*, b) the *Swimming Pools Regulation 2018*, c) AS 1926.2 Swimming pool safety – Location of safety barriers for swimming pools, d) AS 1926.1 Swimming pools safety – Safety barriers for swimming pools.

	In addition to any signage that may be required under the *Environmental Planning and Assessment Act 1979*, or any other Act, the occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that: a) bears a notice containing the words "This swimming pool is not to be occupied or used", b) is located in a prominent position in the immediate vicinity of that swimming pool, c) continues to be erected and maintained until a relevant Occupation Certificate or a Certificate of Compliance has been issued for that swimming pool.
	Condition Reason: To ensure compliance with relevant safety measures.
38.	**Pool backwash** Pool backwash from the filtration unit shall be drained to the sewer system.
	Condition Reason: To manage impacts to stormwater quality.
39.	**Responsibility for change to public infrastructure** While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition Reason: To ensure payment of approved changes to public infrastructure.
40.	**Discovery of relics and Aboriginal objects** While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately b) the following must be notified i) for a relic – the Heritage Council; or ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.
	Condition Reason: To ensure the protection of objects of potential significance during works.

41.	**Soil management** While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the NSW Environmental Protection Authority's (EPA's) Waste Classification Guidelines before it is disposed of at an approved waste management facility. The classification and volume of material removed must be reported to the Certifier.
	Condition Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
42.	**Drainage and stormwater works – approved plans** The stormwater drainage system must be completed in accordance with the detailed plans approved by the Certifier.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
43.	**Surveys by a registered surveyor** While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the Principal Certifier: a) all footings/foundations in relation to the site boundaries and any registered and proposed easements, b) at other stages of construction – Reduced Levels (RLs) and any marks that are required by the Principal Certifier.
	Condition Reason: To ensure buildings are sited and positions in the approved location.
44.	**Waste management** While site work is being carried out: a) all waste management must be undertaken in accordance with the Waste Management Plan, and; b) upon disposal of waste, records of the disposal must be compiled and provided to the Certifier, detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an Environmental Protection Authority Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.
	Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

45.	**Access work prior to Occupation Certificate** Before the issue of an Occupation Certificate all access work must be completed.
	Condition Reason: To ensure access work is completed.
46.	**BASIX** Before the issue of the Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 75 of the *Environmental Planning and Assessment Regulation 2021*.
	Condition Reason: To ensure compliance with the *Environmental Planning and Assessment Regulation 2021*.
47.	**On-site detention system** Before the issue of an Occupation Certificate, the developer must: a) provide a certificate from a professional engineer, (as defined in the National Construction Code) to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans; The expression 'on-site stormwater detention system' must include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.
	Condition Reason: To ensure suitable detention.
48.	**Fire safety** Before the issue of an Occupation Certificate the certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.
	Condition Reason: To comply with the requirements of the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
49.	**Geotechnical Report – compliance** Before the issue of the Occupation Certificate, a Chartered Professional Engineer practising in the field of geoscience must prepare a report to confirm that all works have been completed in accordance with the requirements of the geotechnical report referenced as an approved document of this consent.
	Condition Reason: To ensure compliance with the reported requirements.

50.	**Hydraulic compliance** Before the issue of the Occupation Certificate, compliance certification from the hydraulic engineer, or a suitably qualified person, verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design must be provided to the satisfaction of the certifier.
	Condition Reason: To ensure the approved system has been correctly installed.
51.	**Completion of landscape and tree works** Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
52.	**Swimming pool barrier** Before issue of an Occupation Certificate, the swimming pool is to be surrounded by a permanent barrier in accordance with: a) the provisions of the *Swimming Pools Act 1992*, b) the *Swimming Pools Regulation 2018*, c) AS1926.2 Swimming pool safety – Location of safety barriers for swimming pools, d) AS1926.1 Swimming pools safety – Safety barriers for swimming pools.
	Condition Reason: To ensure compliance with relevant safety measures.
53.	**Swimming pool register** The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au Note: Penalties may apply if a swimming pool is not registered.
	Condition Reason: To ensure compliance with relevant safety measures.
54.	**Repair of infrastructure** Before the issue of an Occupation Certificate: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance, will be paid using the security deposit required to be paid under this consent.
	Condition Reason: To ensure any damage to public infrastructure is rectified.

55.	**Stormwater system – long-term maintenance** Before the issue of any Occupation Certificate, an 88B Instrument must be prepared and submitted to Council for assessment and approval. The Instrument must meet the standard terms applied by Council and: • be prepared under section 88B of the *Conveyancing Act 1919*; and • provide a restriction on the use of the land and a positive covenant in favour of Kiama Municipal Council detailing protection measure and long-term maintenance requirements for the on-site stormwater detention system and associated stormwater drainage infrastructure.
	Condition Reason: To ensure restrictions are applied to the land.
56.	**Works-as-executed plans and any other documentary evidence** Before the issue of the relevant Occupation Certificate, works-as-executed (WAE) plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the Principal Certifier: a) All stormwater drainage systems and storage systems, and b) All access works, and c) The following matters that council requires to be documented. i) Final locations and reduced levels for all works associated with the development on both public and private land. ii) In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings. iii) The WAE drawing must be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties. d) A copy of the plans must be provided to Council with the Occupation Certificate.
	Condition Reason: To confirm the location of works that once constructed will become Council assets.
57.	**Removal of waste upon completion** Before the issue of an Occupation Certificate: a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan; and b) written evidence of the waste removal must be provided to the satisfaction of the Certifier.
	Condition Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

58.	**Post-construction Dilapidation report** Before the issue of an Occupation Certificate a Post-construction Dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Certifier, detailing whether: a) after comparing the Pre-construction Dilapidation report to the Post-construction Dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and c) a copy of the Post-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
	Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.

OCCUPATION AND ONGOING USE

59.	**Maintenance of wastewater and stormwater treatment device** During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	Condition Reason: To protect sewerage and stormwater systems.
60.	**Occupation Certificate** The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).
	Condition Reason: To ensure that the development is completed as per this consent and the approved plans.
61.	**Swimming pool – ongoing use** The approved swimming pool and associated structures must be maintained in accordance with: a) the National Construction Code, b) the *Swimming Pools Act 1992*, c) the *Swimming Pools Regulation 2018*.
	Condition Reason: To ensure the structure remains compliant.

62.	**Post-construction Dilapidation report** After completion of all site works a Post-construction Dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Certifier, detailing whether: a) after comparing the Pre-construction Dilapidation report to the Post-construction Dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and c) a copy of the Post-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
	Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

63.	**Protection of adjoining land** A temporary hoarding or temporary construction site fence must be erected between the work site and the adjoining land before works commence. The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works – a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or b) could cause damage to adjoining land by falling objects, or c) involve the enclosure of a public place or part of a public place.
	Condition Reason: To ensure public safety.
64.	**Deliveries** While site work is being carried out, deliveries of material and equipment must only be carried out between— • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No deliveries are to take place on Sundays or Public Holidays.
	Condition Reason: To protect the amenity of neighbouring properties.

65.	**Payment of security deposits** Before demolition work commences, the applicant must: a) make payment of $47,000 for a security deposit to the consent authority, and b) if a Principal Certifier is required to be appointed for the development, provide the Principal Certifier with written evidence of the payment and the amount paid.
	Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
66.	**Toilet facilities - temporary** Toilet facilities must be available or provided at the work site before demolition works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: • be a standard flushing toilet connected to a public sewer, or have an on-site effluent disposal system approved under the *Local Government Act 1993*, or • be a temporary chemical closet approved under the *Local Government Act 1993*.
	Condition Reason: To ensure appropriate amenities onsite.
67.	**Utilities and services** Before demolition work commences, the developer shall ensure that service utilities such as water, electricity or any other relevant utilities or services are safely disconnected in accordance with the relevant service providers requirements.
	Condition Reason: To ensure appropriate safety measures are undertaken.
68.	**Works within the road reserve** Before undertaking any works within an existing road reserve, approval under section 138 of the *Roads Act, 1993* must be obtained. The following details must be submitted to Council as part of the application: a) any civil works design required by this consent, b) evidence of the contractor's Public Liability Insurance to an amount of $20 million, c) name and contact information of the person responsible for all relevant works, d) a Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.

DURING DEMOTION WORK

69.	**Demolition** Any demolition must be carried out in accordance with AS 2601-2001 The demolition of structures.
	Condition Reason: To ensure safety and other appropriate measures are undertaken.
70.	**Handling of asbestos during demolition** While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting, must be registered with the Environmental Protection Authority (EPA) online reporting tool WasteLocate.
	Condition Reason: To ensure the removal of asbestos is undertaken safely and professionally.
71.	**Hours of work** Site work must only be carried out between the following times: • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No work is to be carried out on Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition Reason: To protect the amenity of the surrounding area.
72.	**Implementation of the site management plans** While site work is being carried out: a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all time and made available to Council officers upon request.
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.

73.	**Noise – demolition and construction** The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment and Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.
	Condition Reason: To ensure consideration of neighbouring uses.
74.	**Waste management** While demolition work is being carried out: a) all waste management must be undertaken in accordance with the Waste Management Plan, and; b) upon disposal of waste, records of the disposal must be compiled and provided to Council, detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an Environmental Protection Authority Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.
	Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

ON COMPLETION OF DEMOTION WORK

75.	**Waste disposal verification statement** On completion of demolition work: a) a signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the Waste Management Plan approved under this consent, and b) if the demolition work involved the removal of asbestos, an Asbestos Clearance Certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.
	Condition Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken with the approved Waste Management Plan.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a Principal Certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a Council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the Council of the Municipality of Kiama (Kiama Council).

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal Certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision Certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision Works Certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel.

15.2 Endorse for public exhibition: draft Grants and Donations Policy and Guidelines

CSP Objective: Outcome 1.1: We want a strong sense of community and belonging, where social and cultural life can flourish; and our families, friends and visitors feel welcome and included.

CSP Strategy: 1.1.1 Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.

Delivery Program: 1.1.1.2 Partner with the community, other levels of government and key stakeholders to provide support to community and cultural engagement sectors, community groups and organisations.

Summary

Kiama Council recognises the vital contributions that community members, interest groups and businesses make to the wellbeing of our community. One way of displaying this is through the provision of financial assistance in the form of grants and donations. These grants support several community- led programs and projects that contribute to a vibrant, inclusive, resilient, innovative and sustainable community across the Kiama Local Government Area (LGA). They are also provided to address identified need or to improve the development of the community.

An internal audit of the Council's Community Grants and Sponsorships was conducted. At the completion of the audit, a report was produced detailing the findings and it made 32 recommendations relating to compliance, processes and accountability. The top three high risk findings included Council not having a grants policy, inadequate process to manage conflict of interest and the lack of grants procedures. The internal audit report recommended "an overarching policy to cover all community grants, donations, and sponsorship", and multiple recommendations on key improvements to decision making, assessment, reporting and review procedures.

In addition to the internal audit report finding, further benchmarking of how other council manage their grants programs and an overall review of current Council's grant policies and procedures was undertaken in late 2023. During this time key internal staff were consulted to explore options to adequately manage and administer Council's grants program and its allocated budget.

This report presents the draft Grants and Donations Policy and Guidelines (Grants Program) for Council's consideration.

This report also provides a response to Cr Reilly's question for future meeting from the September 2023 Council meeting – "that Council review existing policies and deliver a revised Grants Policy".

Financial implication

Council had previously dedicated a budget of $262,500 toward grants, contributions and civic events program. This budget has been reviewed and revised to ensure the funds allocated under grants are specifically for the grant purpose aligned to the new draft policy. The review has identified:

- Approximately $215,000 of the funds allocated require an application process and are included in the Grants Program.
- $19,500 of the funds allocated is annual contribution to Regional Arts Development Office through a Council resolution 2022 and is not subject to application process.
- $12,000 of the funds allocated are civic events related budget and should not be classified as a grant or sponsorship, rather operational budget.
- $17,000 of the funds allocated were identified as Economic Development contribution. Noting the majority of the funds make significant contribution to economic outcomes and activities, this category is not recommended as a separate category in the new Grants Program.
- Funds allocated under Destination Events Program are a form of sponsorship of major events, therefore a separate sponsorship category is not recommended.

This report recommends a revised total of $234,500 be allocated to the Grants Program as per the draft Policy. The remainder of the allocated funds will still remain in operational budgets to support agreed programs.

Risk implication

The draft Grants and Donations Policy and Guidelines have been developed to reduce and eliminate the existing risks identified and associated with distribution of public funds, and as per Section 365 of the Local Government Act. In the absence of a robust Policy and Guidelines Council is likely to be exposed to compliance and reputational risks. The Policy and Guidelines aims to support Council and applicants to follow and adhere to an integrated and streamlined process and to minimise risk. There is also a risk that in Council's current circumstance, the donation of funds may not be sustainable.

Policy

- Local Government Act 1993
- Kiama Municipal Council Strategies and Plans:
    - Code of Conduct
    - Community Strategic Plan
    - Disclosure of Conflict of Interest
    - Donations Policy 2012
    - Gifts and Benefits Policy
    - Tourism and Events Strategic Plan 2022-2026
- Internal Audit of Community Grants and Sponsorship 2021 Report
- Draft Grants and Donations Policy

Consultation (internal)

- Community Hubs

- Library and Cultural Hubs
- Tourism and Events
- Office of CEO
- Health and Compliance
- Governance and Corporate Planning
- Finance

Communication/Community engagement

It is recommended that Council place the draft Policy and Guidelines on public exhibition. During this period, staff will distribute copies to the wider community networks and previous grant recipients for feedback.

Attachments

1 Draft Grants and Donations Policy 2024⇩

2 Draft Guidelines for applicants - Grants and Donations 2024⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Place the draft Grants and Donations Policy and Guidelines on public exhibition for a period of 28 days.
2. Note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to policy and guideline.
3. Adopt the Grants and Donations Policy and Guidelines, if no submissions are received, on the day after the completion of the public exhibition period.

Background

Over the years, Council has provided financial support to community programs and projects that contribute to vibrant, inclusive, resilient, innovative and sustainable goals across the Kiama Local Government Area (LGA). The administration of Council's Grants Program has been evolving and changed from time to time.

Following the internal audit of the Grants Program, individual funding programs were improved by introducing new procedures and templates for applicants. The development of a Policy and procedure has been undertaken to meet the requirements and recommendations of the internal audit.

In addition to the above, consultation with relevant departments and a benchmark of other councils in regional and metropolitan of NSW has been undertaken to support the draft Policy and Guidelines.

To ensure the Grants Program is delivered efficiently and in accordance with the new Policy and Guidelines (once endorsed), except for Destination Events Funding, administration of all Grants Programs are to be managed by the Community Hubs team. This includes overseeing the promotion, application, assessment, reporting, acquittal, documentation and review cycle. This change will ensure defined accountability and adequate resource to administer the Grants Program and provide support to applicants.

Upon the endorsement of the new Policy and Guidelines, staff will update and/or develop a grants package for successful applicants, including:

- Grant application forms
- Grant Agreement;
- Budget Template;
- Project Plan/milestones template;
- Reporting and acquittal forms;
- Design and print the guidelines for applicants;
- Implement a series of information sessions to brief/educate current and potential future applicants on the new Grants Program and the Guidelines.

Conclusion

The draft Grants Policy and Guidelines has been developed in line with the recommendations from the Internal Audit, in consultation with key internal stakeholders, benchmarking against other councils and best practice models. The Policy provides the framework for Council to manage the allocated funds to the Grants Program in an effective, efficient and equitable manner and in compliance with the Local Government Act Section 356 for use of public funds. The Guideline will assist applicants, when applying for Council grants and ensure they understand their obligations.

It is recommended that Council endorsed the draft Policy and Guidelines for public exhibition and community input.

KIAMA MUNICIPAL COUNCIL
your council, your community

Grants and Donations Policy

Policy Owner/Responsible Officer	Community Hubs
Department	Community Hubs
Date adopted/endorsed	XX/XX/2024
Resolution number (if applicable)	XX
Next review date	XX
TRIM reference	SC4430 -

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RESPECT · INTEGRITY · INNOVATION · TEAMWORK · EXCELLENCE ·

1. Policy Statement and Objectives

Kiama Municipal Council (Council) recognises the vital contributions that community members, interest groups, event professionals and businesses make to the wellbeing of our community. One way of this recognition is to provide financial assistance in the forms of grants and donations to address identified needs and foster community development. Council supports programs and projects that contribute to a vibrant, inclusive, resilient, innovative and sustainable goals across the Kiama Local Government Area (LGA).

Through the provision of the Grants and Donations Program (Grants Program), Council supports the implementation of community led initiatives that align with the Kiama Community Strategic Plan (CSP), corporate priorities and that meet the funding criteria. The **Strategic Objectives** of Council's Grants Program are to support and invest in initiatives that:

- Align with at least one Pillar[i][1]of Council's **Community Strategic Plan** (CSP) and other key social, cultural, economic, and environmental policies and plans.
- Facilitate and maintain **partnerships and collaboration** between Council, community as well as those with propositions that bring positive social or economic outcomes to the community (in the case of Destination Event Funding).
- Develop and enhance **resilience and capacity building** among community groups.
- Contribute to the **economic growth, a sustainable environment and/or the social and cultural wellbeing** of Kiama communities.
- Ensure **good governance** of public funds, demonstrate integrity, professionalism and transparency in decision making and have strong procedures in place to support this.
- Contribute to the **enhancement of the reputation and brand** of the Kiama Municipality in accordance with the CSP.

2. Scope

The Grant and Donations Policy (the Policy) provides the framework for managing Council's Grants Program, its expenditure and accountability processes. The Policy guides the

- [1] Belong and contribute
- Thrive in a sustainable environment
- Create a strong and diverse economy
- Are part of a connected and liveable community
- Expect accountable and transparent leadership, a financially sustainable Council

administration of the Grants Program in a manner that is aligned to the above strategic objectives and in accordance with the Local Government Act 1993, Section 356 (the Act). It acts as a tool to ensure an equitable, open and transparent process for community organisations and groups to seek financial and in-kind assistance from Council. Additionally, it will guide Kiama Council employees and Councillors during application assessment and grading, endorsement of funds, reporting and acquittal requirements and evaluation processes.

3. References

- Local Government Act 1993
- Kiama Municipal Council Strategies and Plans:
    - Code of Conduct
    - Community Strategic Plan
    - Disclosure of Conflict of Interest
    - Donations Policy 2012
    - Gifts and Benefits Policy
    - Tourism and Events Strategic Plan 2022-2026
- Internal Audit of Community Grants and Sponsorship-2021 Report

4. Consultations

This policy was developed in consultation with relevant departments across Council including:

- Community Hubs
- Library and Cultural Hubs
- Tourism and Events
- Office of CEO
- Health and Compliance
- Governance
- Chief Financial Officer

5. Definitions

For the purpose of this document the following definitions apply:

Acquittal	The process by which a recipient demonstrates in writing to Council that it has expended the funds in accordance with the outcomes in the funding application and/or terms and conditions of the agreement. This could include providing a written outcome report, evidence of activities and how the funds were expended.
Auspice	An agreement where an incorporated organisation agree to apply for funding or resources on behalf of an applicant that is not incorporated. If the application is successful, the auspicing organisation then administers the grant on behalf of the applicant and is legally responsible for ensuring that the terms of the agreement are met.
Charity	Listed on the Australian Charities and website as a registered charity.
Community Capacity building	Relates to the provision of programs and services that contribute to developing skills, knowledge, capabilities and resources that enable communities to manage their own affairs.
Community Group	A community or a not-for-profit run and managed group that does not have a status as a legal entity.
Community Strategic Plan (CSP)	A high level 10 year plan developed collaboratively by Council with the Kiama Municipality. It identifies the community's vision and objectives for the Municipality and strategies to achieve them.
Donation	A one-off financial contribution or in-kind support where funds are provided to recipient through a formal process for a specific purpose that contribute to achieving goals and objectives consistent with Council policy. The donations is subject to a delivery of a direct or indirect benefit to community.
Funding Agreement	A formally negotiated agreement between Council and an organisation, individual or community group that details the nature, quality and scope of how funds will be used. The purpose of a funding agreement is to formalise the expectations of Council and outline the responsibilities of both Council and the grant recipient.
Grant	A one-off or recurring financial contribution where funds are provided to a recipient through a formal program for a specified purpose, directed at achieving goals and objectives consistent with Council policy, where the recipient is selected on merit against a set of criteria. The funding is subject to a funding agreement and an acquittal and acknowledgement of Council support is required.
Incorporated Association	A legal entity (organisation) that provides legal protection to its members in legal transactions. Council verifies this using the ABN register and ASIC databases.
Not-for-profit Organisation	A not-for-profit organisation is a registered incorporated association, including a charitable organisation that does not directly operate for the

	profit or gain of its owners, members or shareholders, either directly or indirectly. Any profit must be used to implement the organisation's purpose and must not be distributed to members, owners or shareholders either while the organisation is operating or when it winds up.
Sponsorship	A one-off or recurring contribution can be financial or in-kind support. The sponsorship funds are subject to formal application process for a specific program that generate benefits to culture, economic and tourism outcomes. Council's expects negotiated benefits such as positive recognition by way of logo, banners or otherwise, in exchange.

6. Variation and Review

Council reserves the right to review, vary or revoke this policy.

Review History

Date reviewed	Date adopted/ endorsed	Brief detail of amendments	Next Review Date
	xx/xx/2024	New Policy	March 2026

7. Grants Overview

The Grants Program demonstrates Council's commitment to building a strong and resilient community socially, culturally, economically and environmentally. Eligible community-based groups, not-for-profit organisations, event professionals, services and individuals living and based in the Kiama Local Government Area (LGA) may be provided with a grant for a project, program, service and or an activity that benefits the Kiama residents. Council's Grants Program provides funds to the following programs:

1. Small Community Grants and Donations
2. Signature Community Events Grant
3. Destination Events Funding
4. Cultural Grant
5. Health and Sustainability Grant
6. Community Sponsorship Grant

Summary of the Grants Program

Funding Program	Amount	Provided for:	Application Timeframe	Responsible Department
Small Community Grants and Donations	Maximum $500 per application Total budget: $15,000	Small community event or a program that demonstrate direct benefit to residents	Open all year via SmartyGrants portal	Community Hubs
Destination Events Funding	Maximum $20,000 per application Total budget: $130,000	Destination / Major Events	Two rounds annually via SmartyGrants portal	Tourism and Events
Signature Community Events Funding	Maximum $7,000 per application Total budget: $40,000	Community events that demonstrate significant benefit to residents	Two rounds annually via SmartyGrants portal	Community Hubs
Cultural Grant	Maximum $2,500,000 per applications Total budget: $15,000	Local artist or a creative project that develops the arts sector in Kiama.	Two rounds annually via Smarty Grants portal	Community Hubs
Health & Sustainability Grant	Maximum $2,000 per application: Total budget: $15,000	Small projects that promote local health & environmental sustainability	Two rounds annually via SmartyGrants portal	Community Hubs
Regional Arts Development Office - Contribution	Council resolution June 2022: $19,500 recurrent funding + 3.5% increase	Supports administration, programming and activity by the RADO in the region.	Standing Council resolution - Annually	Community Hubs
Total Grants Per Annum	$234,500 *(Allocated amount subject to annual budget planning)*			

8. In-Kind Support

Applicants must identify requests for in-kind support, inclusive of Council related services such as waste, venue hire and field lighting. Requests for in-kind support will be assessed in accordance with the eligibility criteria outlined in this policy and will be costed as per Council's fees and charges.

9. General Funding Conditions

9.1 General Eligibility

Applications for the Grants Program must:

- Be an incorporated not-for-profit (or under auspice of an incorporated organisation) or charitable organisations and hold a current ABN. (*In some instances funding for-profit organisations who have demonstrated they are best placed to deliver a public benefit and meet the relevant grant program's outcomes will be considered).* Exempt from this criterion are Destination Event Grants applicants, which may be commercial in nature.
- Operate within the Kiama Local Government Area (LGA) or can demonstrate that the project or program will benefit residents of the Kiama community.
- Have or will obtain appropriate insurance and adhere to sound Workplace Health and Safety practices or be under the auspice of another organisation.
- Demonstrate meeting at least one of the strategic outcomes outlined in the policy and at least one of the CSP Pillars.
- Have no debt to Council and have met and successfully complied with all Council funding, reporting and acquittal conditions for previous Council grants.
- Not be the recipient of any other financial or other type of assistance from Council for the same event or project.
- Meet the eligibility criteria and terms/conditions set out in the specific funding program as set out below.
- Complete each mandatory application questions and submit all required documents.
- Build and enhance the reputation and brand of Kiama Municipal Council in accordance with Kiama CSP.
- Work collaboratively and respectfully with Council and staff representatives.

9.2 General Ineligibility

- Projects that do not meet Kiama's Community Strategic Plan outcomes.
- Projects that have already commenced or have been completed.
- Applications from government agencies, political parties/activities, clubs that profit from gaming machines.
- Commercial and profit making entities and private organisations (not applicable to applicants to the Destination Event Grant).
- Projects that directly contravene existing Council policies.
- Projects that duplicate existing Council services or programs.
- Applications to cover funding shortfall from other government programs.
- Applications that do not demonstrate a direct benefit to Kiama residents.
- Requests for funding toward salaries/wages and operational expenditure including administration, insurance, office equipment, transport, travel, IT equipment.
- Applications for development of privately-owned facilities.
- Applications to pay off a debt.
- Applications for funding toward core operational costs i.e. day to day operations of a community group or organisation.
- Individual requests for funds to attend national or international sports events.

9.3 Further Conditions

Council will not:

- Provide in-house design, print or distribution services.
- Provide cleansing and waste service for events. If required, the cash value must be clearly identified under in-kind contributions from Council.
- Support political activities or activities that could be perceived as benefiting a political party or a political campaign.
- Support religious activities or projects exclusive to religious based groups.
- Support activities that deliberately exclude any individuals or groups from participating or attending.

9.4 Ethics Framework

Council will not provide funding support to projects or activities that:

- Pollute land, air or water, or destroy or waste non-recurring resources.
- Market or promote products/services in a misleading or deceitful manner.

- Produce, promote, or distribute products/services likely to be harmful to the community.
- Entice people into financial over-commitment.
- Exploit people through the payment of below award wages or poor working conditions.
- Discriminate by way of race, religion, or sex in employment, marketing, or advertising.

9.5 Conflict of Interest

- Council staff assessing applications must declare and document any conflict or perceived conflict of interest across all stages of the process in accordance with Council's Code of Conduct and Disclosure of Conflict of Interest Form.
- Council staff and Councillors must ensure that any affiliation with an applicant is declared and appropriately included in the register.
- Applicants must declare any actual, potential or perceived conflict of interest in line with Council's Code of Conduct.

10. Grants Procedures

10.1 Application Process

All applicants must register with Council's online grants management system, the SmartyGrants Portal before applying. Once registered, applicants must use the online application form on the portal when applying for any form of financial assistance/ grants from Council. Hard copy and emailed requests for funding or late applications will not be considered.

10.2 Assessment Process

- All applications submitted will be referred to the internal Grants Assessment Panel for review and to make recommendations to Council. The Internal Grants Assessment Panel will comprise of staff with expert knowledge relevant to specific grants program. The Panel members are to adhere to the Terms of Reference.
- An exception to the above, the Small Community Grants and Donations Program, which is open all year round, will be assessed and recommendations will be submitted

to the CEO (as per Council delegation of approving grants under $1,000) to approve, and reported to Council for their information at the first cycle of the grants report.

- Recommendations for the bi-annual grants will be submitted to Council within two months of the closing date.
- Due to the competitive nature of the grants program, some eligible applications might not be successful in securing a grant during certain rounds.
- Due to the competitive nature of the grants program, some eligible applications might only receive partial funding, therefore applicants are highly encouraged to consider and identify in-kind and cash contributions in their applications, and clearly demonstrate the value and benefits of the request.
- Council uses the Australian Business Number (ABN) to confirm an applicant's status as an incorporated not-for-profit (or under auspice) or charitable organisation.
- The following criteria will apply to all applications:
    - Contribute to sustainability practices
    - Offer value for money
    - Demonstrated track record of sound project and financial management
    - Detail how the project/event/program is responding to a need/ gap in the community
    - Provide an estimate of the number of people in the LGA that benefit from the program/project/event

10.3 Approval

- Recommendations for funding of $1,000 or less may be approved by the CEO or their delegate, provided the funding is in accordance with sections 356[2] (3), 377[3] (1A) of the Local Government Act 1993. All funded projects will be documented and reported at the first Grant Report to Council, details to be made available on the website through Council agenda papers.
- Recommendations for funding over $1,000 will be submitted to Council for consideration and endorsement in accordance with Section 356 of Local Government Act 1993.

[2] Section 356 of the Local Government Act 1993 is a legislation that allows councils to provide financial assistance to other for the purpose of exercising their functions.
[3] Section 377 of the Local Government Act 1993 gives the council the general power to delegate any of its functions to the general manager or any other person or body, except for some specified functions such as rate setting, borrowing money or adopting a management plan.

- Only the elected Council has authority to approve applications to a grant and donation program, except for specific delegation given to the CEO.
- Approval of a grant, donation or sponsorship does not imply that Council has given any other consent. Applicants are advised to obtain relevant information and consent from Council, NSW Police, and other state government agencies in advance for the project they are seeking grant.

10.4 Funding Agreement

- All successful applicants will be notified by an email.
- All successful applicants are required to enter into a funding agreement before funds are released and before a project can commence.
- Council's grant or sponsorship must be acknowledged on all promotional material. The Council logo should be used with the text "This project is proudly supported by Kiama Municipal Council".
- All promotional material where Council logo is used must be approved by Council prior to publication.
- Council reserves the right to receive the following for Destination Event Funding and Signature Community Events Funding: joint media release opportunities, opportunity for Mayor to speak at the event or occasion, space at the event (table/stall), and tickets to attend the event or occasion.
- Council will not be responsible for shortfalls in event budgets if the successful applicant is unable to meet event costs. All unspent funds in excess of $100 are to be returned to Council.

10.5 Reporting and Acquittal

- All grant recipients are required to acquit their project as per the funding guidelines and unless stated otherwise, within 12 months of receiving the fund.
- Reports are to be submitted through the SmartyGrants portal. Reports should include information on the agreed project outputs and outcomes, relevant data, and any lessons learnt.
- All reports must be accompanied by a detailed financial report. Grant recipients may be requested to provide further documentation and evidence of expenditure. Council may audit recipients at any time.
- All grant recipients must submit reports and acquit funds prior to applying for new funding from Council.

11. Minor Changes to this Policy

That Council authorises the CEO to make minor changes to this policy to reflect changes in legislation, expiry of or changes to grant programs, and changes in Council structure.

12. Related Forms and Documents

Grants and Donation Guidelines.

13. Attachments

Guideline For Applicants – Grants and Donations 2024

Attachment 1	SC4430 – 24/24486

14. Authorisation

Name: Council Resolution #

Date: xx/xx/2024

KIAMA MUNICIPAL COUNCIL
your council, your community

Grants and Donations Guidelines for Applicants

1. Introduction

The Grants and Donations Guidelines is developed to assist applicants when applying for funding from Kiama Municipal Council (Council). The Guidelines must be read and applied in conjunction with Council's Grants Donations and Sponsorship Policy. The Guidelines provide detailed information of each grant or donation program, aiming to be easy to understand and follow. The Guidelines must be read prior to applying for a Council grant to ensure you are eligible and applying to the appropriate grant relevant to the program, event or initiative you are seeking funding.

Council seeks to optimise the use of public funds through effective and efficient grant processes, and clear grant program objectives linked to Council's Community Strategic Plan to enhance social, cultural, and economic outcomes.

Grants and donations Coulc:

- Play an important role in community development and support active participation in civic life. They empower the community to address issues that matter to them and take the lead on projects to enhance community life.
- Help stimulate business, tourism and economic activity. They encourage partnerships with other organisations and assist groups and individuals to work together for the collective benefit.
- Be a valuable method of supporting artistic and creative endeavour, helping foster initiative, experimentation and enterprise by creative workers and providing new opportunities for audiences to engage in our community's cultural life.

2. Guiding Principles

Council's assessment and decision-making processes are guided by the following strategic alignment and principles. Applicants are required to demonstrate how their program, project or event aligns to one or more of the following areas.

Community Strategic Plan 2022-20232 – Council's Community Strategic Plan (CSP) is an overarching plan that represents community vision for the municipality of Kiama. This vision is outlined through five directions, referenced as the following Pillars:

- We Belong and Contribute
- We thrive in a sustainable environment
- We create a strong and diverse economy
- We are part of a connected and liveable community
- We expect accountable and transparent leadership, a financially sustainable Council.

All applications must demonstrate how their project, program or event address at least one of the above pillars.

Partnership and Collaboration – Council partners with a variety of organisations to deliver on its objectives. This includes not-for-profit community organisations who deliver on program and initiatives that build and maintain respectful, transparent and collaborative relationships in the community and with Council are. Your application should outline how your project is contributing to develop and maintain partnerships between Council and the community.

Commitment to local – Council is committed to supporting local projects, local people and local business in order to achieve economic, social, environmental and community outcomes. This will be achieved through engagement with local community groups and organisations who are also committed to these outcomes.

Access, diversity and inclusion – Council values the identities, perspectives, and experiences of the communities that live, work, and visit our local area and believe this diversity strengthens our community. Kiama is a diverse community – from culturally, linguistically, age, sexuality and ability perspectives. Kiama is located on the Dharawal country, the home of our First Nations people who have resided on the South Coast of NSW for tens of thousands of years. Council acknowledges the richness of First Nations culture that underpins our community.

Council is committed to ensuring that our grant program is inclusive and accessible to our diverse communities. Applications from our diverse communities including First Nations people, young

people, older people, people with disability, culturally and linguistically diverse communities, women and LGBTIQA+ communities are highly encouraged.

Value for money – The Grants Program seeks to obtain the best mix of applications to meet the needs of the community and maximise outcomes for the local government area. Projects that represent good value for the level of cash or value-in-kind support requested are supported.

Sustainability – Council is committed to economic, social and environmental sustainability and welcomes projects that have these principles at their core, including:

- Economic sustainability - projects are either one off in nature or able to self-fund future iterations.
- Social sustainability – projects that enable medium to long term benefits for participants.
- Environmental sustainability - all aspects of the project consider and take into account processes for inclusion of resources that are healthy and supportive of our environment.

Good governance and stewardship – Council is committed to rigor, efficient and effective decision making in the best interest of the public. The Grants Program Policy, Guidelines, Application, Assessment and Acquittal processes are developed to meet equitable access, accountability and reporting requirements of public funds.

Council employees involved in assessing or performing administration duties associated with grant and funding agreements must comply with the requirements of Council's Code of Conduct for staff, contractors and volunteers, and relevant internal procedures.

Transparency – Council will ensure that grant processes are transparent and fair. Applications are assessed objectively against the eligibility criteria as per the Grants Program Guidelines, using the assessment matrix. All conflicts of interests are addressed and declared as part of this process. Council will keep a register of all grants and funding available on the Council's website. All applications for grants will be reported and documented through Council meeting business papers.

Reflect and Learn – Council is committed to continues improvement. Mechanisms for evaluation and community feedback are applied and applicants are invited to contribute to improving Council's grants procedure.

Communication – The Grant Program will be promoted on Council's grants management portal, the SmartyGrants, and news and information about grants will be promoted through:

- Council's website and social media channels; and/or
- Media releases; and/or
- Council newsletters and other Council publications; and/or
- Community information sessions; and/or
- Direct email or phone contact.

Acknowledgement of Council funds – Council's funding support must be acknowledged by successful applicants for the specified programs, and where applicable as per section 7.3 of the Policy.

3. Funding Round Schedule

Funding Program	Application Timeframe
Small Community Grants and Donations	Open all year via SmartyGrants portal
Destination Events Funding	Two rounds annually via SmartyGrants portal
Signature Community Events Funding	Two rounds annually via SmartyGrants portal
Cultural Grant	Two rounds annually via SmartyGrants portal
Health & Sustainability Grant	Two rounds annually via SmartyGrants portal

4. General Eligibility Criteria

4.1. General Eligibility

Applications for the Grants Program must:

- Be an incorporated not-for-profit (or under auspice of an incorporated organisation) or charitable organisations and hold a current ABN. (*In some instances funding for-profit organisations who have demonstrated they are best placed to deliver a public benefit and meet the relevant grant program's outcomes will be considered).* Exempt from this criterion are Destination Event Grants applicants, which may be commercial in nature.
- Operate within the Kiama Local Government Area (LGA) or can demonstrate that the project or program will benefit residents of the Kiama community.
- Have or will obtain appropriate insurance and adhere to sound Workplace Health and Safety practices or be under the auspice of another organisation.
- Demonstrate meeting at least one of the strategic outcomes outlined in the policy and at least one of the CSP Pillars.
- Have no debt to Council and have met and successfully complied with all Council funding, reporting and acquittal conditions for previous Council grants.
- Not be the recipient of any other financial or other type of assistance from Council for the same event or project.
- Meet the eligibility criteria and terms/conditions set out in the specific funding program as set out below.
- Complete each mandatory application questions and submit all required documents.
- Build and enhance the reputation and brand of Kiama Municipal Council in accordance with Kiama CSP.
- Work collaboratively and respectfully with Council and staff representatives.

4.2. General Ineligibility

- Projects that do not meet Kiama's Community Strategic Plan outcomes.
- Projects that have already commenced or have been completed.

- Applications from government agencies, political parties/activities, clubs that profit from gaming machines.
- Commercial and profit making entities and private organisations (not applicable if you are applying for the Destination Event Grant).
- Projects that directly contravene existing Council policies.
- Projects that duplicate existing Council services or programs.
- Applications to cover funding shortfall from other government programs.
- Applications that do not demonstrate a direct benefit to Kiama residents.
- Requests for funding toward salaries/wages and operational expenditure including administration, insurance, office equipment, transport, travel, IT equipment.
- Applications for development of privately-owned facilities.
- Applications to pay off a debt.
- Applications for funding toward core operational costs i.e. day to day operations of a community group or organisation.
- Individual requests for funds to attend national or international sports events.

5. THE FUNDING PROGRAM

Council's Grants Program provides funds to the following programs:

1. Small Community Grants and Donations
2. Signature Community Events Grant
3. Destination Events Grant
4. Cultural Grant
5. Health and Sustainability Grant

Small Community Grants and Donations

Objective

- Develop and or support community capacity building and community education and awareness.
- Facilitate community participation in local initiatives.
- Enhance social, cultural or sustainable outcomes for local communities.
- Improve the quality of life for individuals and community groups from diverse backgrounds.

Examples of projects previously funded through this program

Christmas Carols

Sporting competitions

Photographic Exhibitions

Healthy lifestyle programs

Eligibility Criteria

In addition to the General Eligibility Criteria outlined in the Policy and Guidelines, the following criteria applies to this program:

- Be incorporated or auspiced by an incorporated organisation
- Be not-for-profit (Council may request the submission of the most recent annual financial report)
- Demonstrate how the grant and donation will benefit the Municipality of Kiama, strengthen the Kiama community and contribute to Council's goal of a socially just and inclusive community.
- Demonstrate that any monies raised through programs or activities associated with the donation will be used or distributed to benefit the Kiama community.
- Not be raising funds on behalf of another group which itself is a recipient of financial assistance from Council, State or Federal Government.

Opening round – All year round

Total allocation: $15,000 (Maximum $500 per application)

Signature Community Events Funding

Objective

- Develop and or support community capacity building and community education and awareness
- Facilitate community participation in local initiatives.
- Enhance social, cultural or sustainable outcomes for local communities.
- Improve the quality of life for individuals and community groups from diverse backgrounds.
- Support eligible event organisers to plan and deliver successful community events that; provide a significant benefit to the Kiama Municipality's residents, demonstrate value for money and align with Council's strategic goals and identified key initiatives.

Examples of projects previously funded through this program

- Kiama Jazz and Blues Festival
- The Kazador – Mini Spiegeltent Season
- Significant art gallery exhibitions

Eligibility Criteria

In addition to the General Eligibility Criteria outlined in the Policy and Guidelines, the following criteria applies to this program:

- The event is based within the Kiama Local Government Areas.
- Community events that operates in and/or shows a direct benefit to the residents of Kiama LGA, aligning with Council's Community Strategic Plan.

- Applications received before the deadline, and at least three (3) months prior to the proposed event start date.
- A current Kiama Council issued Development Consent or Permit for the event or is agreeable to working with Council to obtain one (if applicable).
- Current public liability insurance of at least $20 million.
- Agree to proactively engage with local businesses and community groups in the planning and delivery of the event.
- Ability to present strong financial management i.e. financially solvent / event not entirely reliant on Council funding.
- Not have received funding support/grant from another department of Council for the same event (i.e. Destination Event Grant).
- Not be a frequently re-occurring event e.g. a weekly or monthly scheduled market.

What the funding can be used for

Eligible items for funding may include but are not limited to:

- Expenses related to hire of equipment, temporary structures, professional services (including artist fees).
- Traffic management plans including traffic control services.
- Promotion and advertising of the events.
- Access and inclusion measures at events and functions.

What the funding cannot be used for

Ineligible items for funding include but are not limited to:

- Event costs already funded by Kiama Council
- Consumables such as stationery, printing, fuel, vehicle / plant / equipment repairs
- Travel expenses
- Mobile phone costs
- Alcoholic beverages

• items costed from another government grant.

Opening round – 2 rounds annually

Total allocation - $45,000 (Maximum $8,000 per application)

Destination Events Grant

Objective

- Support Major and Destination Events withing the Kiama LGA which attract a significant number of overnight intra and interstate visitation.
- Provide financial and/or in-kind support to events identified as having the potential to develop and maintain an ongoing major or destination events status.
- Support Major and Destination Events that occur out of peak visitor periods and assist in balancing the local event calendar and ease seasonal pressures.
- Support events with a long-term vision for growth and sustainability.
- That deliver objectives within Kiama Council's Tourism and Events Strategic Plan.

Examples of projects previously funded through this program

- Gerringong SurfLife Music Festival
- Kiama Rugby Sevens
- Changing Tides Music Festival

Eligibility Criteria

In addition to the General Eligibility Criteria outlined in the Policy and Guidelines, the following criteria applies to this program:

- Considered a Major or Destination Event (see event categories) or demonstrate ability to adequately justify why the event otherwise meets the purpose of the Funding Program.
- Application received at least three (3) months prior to the proposed event start date.
- Event must be based in the Kiama LGA (or at least 60% if an event that spans over more than one Council area).
- Event attracts overnight visitation from outside our area and have an objective to grow this aspect.
- Proactively engage with local businesses in the event planning and/or delivery of the event.
- Present strong financial management i.e. financially solvent / self-sustainable and the event itself not entirely reliant on council funding.
- Be held at a desirable time of year (outside peak visitation periods).
- Event undertaken within 12 months of receiving approval of funding.
- Not have received funding support/grant from another department of Council for the same event (i.e. Kiama Cultural Grants).
- Not be a regularly re-occurring event e.g. a weekly or monthly scheduled market
- Have met and complied with all Council funding, reporting and acquittal obligations for any previous funding.
- We strongly encourage event organisers to be a Destination Kiama partner.

Reporting

In addition to the reporting requirements outlined in the Policy and Guidelines, the following additional requirements applies to this program:

- Post Event Report is required to be submitted within four weeks of the event conclusion, and must entail:
    - An overall report demonstrating how the event was planned to be run against how it actually performed and any key learnings.
    - Tourism and event evaluation data including event attendee numbers, attendee demographics (age, gender, location), if they stayed overnight (details such as these

are best achieved through a post event survey or questions asked through a ticketing system).

- Results from marketing efforts (digital analytics eg. clicks, reach and shares, specific marketing efforts)
- Evidence of how Council and Destination Kiama were acknowledged (eg. screen shots, photos, posters etc.)

Opening round – 2 rounds annually.

Total allocation: $130,000 (Maximum $20,000 per application)

Cultural Grant

Objective

- Enhance social, cultural or sustainable outcomes for local communities.
- Explore innovative arts practices and interdisciplinary collaboration that advances Kiama's arts profile in the wider community.
- Expand the understanding and utilise the power of the arts, cultural, social, educational, economic, and psychological benefits, for the overall health and wellbeing of the Kiama community and its visitors.
- Advance the professional learning and educational outcomes for artists.
- Improve the collaborative and mentoring opportunities for artists.
- Push the boundaries for community engagement with the arts through interactive, immersive and cutting-edge art experiences.
- Demonstrate inclusive practices that actively engage our diverse community ie gender, sexual and cultural diversity, ability and age.

Examples of projects previously funded through this program

- Art exhibitions
- Festivals
- Book launches
- Album releases

Eligibility Criteria

In addition to the General Eligibility Criteria outlined in the Policy and Guidelines, the following criteria applies to this program:

- Applicants must live, and/or deliver their project, in the Kiama local government area and be one of the following;
    - An individual artist – amateur, emerging semi-professional or professional
    - A not-for-profit community organisation or group
    - An arts based for profit business (*In some instances funding for-profit organisations who have demonstrated they are best placed to deliver a public benefit and meet the relevant grant program's outcomes will be considered).*
- The project must not have been previously funded through the Kiama Council's Cultural Grants.
- Apply for one year of funding only (recurrent projects ie. annual events, that are considered will receive a one-off seed funding only if successful). Any funds provided must not lead to the applicant becoming dependent on ongoing financial support from Kiama Council).
- Applicants must demonstrate financial need for grant support.
- Projects must have a realistic timeframe or completion within the grant period.
- Applicants must agree to participate in program evaluation and submit project reports.

Opening round – 2 rounds annually

Total grant allocation - $15,000 (Maximum $2,500 per application)

Health & Sustainability Grant

Objective

- Enhance health and environmental sustainability outcomes for local communities.
- Provide and promote opportunities for the community to:
    - engage in regular physical activity
    - develop skills in sustainable practices
    - develop knowledge and skills in healthy eating and active living principles
    - improve the health of the natural environment
    - Improve the mental health and wellbeing
- To partner with and support community groups in the development and delivery of projects that improve the health, wellbeing and quality of life for all residents and visitors in the Kiama Municipality.

Examples of projects previously funded through this program

- Kiama Community Garden
- Landcare Illawarra
- Public School P&C Association
- Parkinsons Kiama

Eligibility Criteria

In addition to the General Eligibility Criteria outlined in the Policy and Guidelines, the following criteria applies to this program:

- Be a not-for-profit incorporated community organisation (or under auspice of an incorporated organisation) or be an incorporated school P&C and have relevant insurances. Where partnerships are proposed, a letter identifying the lead organisation will be required, and all organisations will need to sign the application form.

- If a proposed project's governance is to be auspiced by another organisation, written confirmation of the auspice arrangement must be submitted with the grant application and an officer of the auspice organisation with appropriate delegated authority must co-sign the application.
- Must have fully completed the application form, paying careful attention to budget breakdown, project description, work plan and timeframe.
- Must ensure that the project is not for the purposes of charitable fund raising.
- Must be able to match dollar for dollar funding amounts for projects either in cash or in-kind.
- Must submit new and innovative projects (rather than previously funded projects) to be considered.
- The project must not have been previously funded through the Kiama Council's Health & Sustainability Grants.
- Apply for one year of funding only (recurrent projects ie. annual events that are considered will receive a one-off seed funding only, if successful. Any funds provided must not lead to the applicant becoming dependent on ongoing financial support from Kiama Council.

Opening round – 2 rounds annually

Maximum amount per application - $15,000 (Maximum $2,000 per application).

6. Tips to assist your application

- Register your organisation/ group on SmartyGrant Portal
- If in doubt about any aspects of your application, speak to Council's Community Development team for advice and directions before submitting your application.
- Read relevant Council plans and strategies noted in the policy which are available on the Council website.
- Review the Guiding Principles and how they can assist with preparation of your application.
- Set clear, achievable and measurable outcomes relevant for the grant you are seeking.
- Include evidence of need/ demand for your program including statistical data, research reports, community consultation data.
- Ensure your budget is accurate by obtaining quotes for your project.
- Use plain English.

7. The Grants Procedures - Summary

Making an application – complete your application through the online portal – SmartyGrants. *Note that hard copy or emailed applications are not accepted*. https://kiama.smartygrants.com.au/

Assessment and decision making – all applications that are submitted through the SmartyGrants portal are assessed by the Internal Grants Assessment Panel. Applications that are recommended for funding will be submitted to Council for endorsement. Applications for grants under $1000 are approved by the CEO as per Council delegation.

Applications Outcomes – All applicants are notified of the outcome of their applications by email.

- Successful applicants will be provided with a Funding Agreement to complete, including the requirements to report and acquit their project.
- Unsuccessful applicants will be provided with feedback on request.
- Details of successful applications will be published on the Council website.

Payment Arrangements – Payment will be made by Council to the nominated bank account by electronic funds transfer. The payee will need to be set up as a supplier on the Council system.

Acquittal – Financial acquittal is required for all Council grants. A financial acquittal report must be submitted:

- Via the SmartyGrants portal or on the form provided by Council, before the agreed date in the funding agreement.
- Inclusion of supporting documents such as receipts or other documentation that shows expenditure of Council grant funds.
- Any unspent Council grant money must be returned to Council.

Failure to meet the above criteria may result in an applicant being:

- Required to return allocated funding to Council ; and/or
- Becoming ineligible for future Council grants.
- Applicants who have not provided adequate grant acquittal documentation within 6 months (four weeks for Destination Events Grant) of the original grant approval date will be referred to Council's Finance Department for debt retrieval.

Failure to meet Funding Agreement – Applicants who fail to deliver on aspects of their funding agreement within the agreed timeframe may be eligible for one of the alternative options:

- Variation requests – submit a variation request to the approved project in writing. A written response to such requests will be provided by Council. Variations to project details are expected to deliver on outcomes that were initially approved by Council.

- Extension requests – submit an extensions request in writing. A written response to such requests will be provided by Council. Extensions will not be accepted beyond a twelve-month period from the original acquittal date in the Funding Agreement, unless extenuating circumstances can be demonstrated.

In the event that an applicant can no longer complete any or all of the approved project, unspent grant funds will be returned to Council and any partial expenditure must be acquitted.

8. More information

You can visit Council's website or contact Council's Community Development team for more information or to discuss your proposal for funding. PH: 4232 0444

9. Related Links

Community Strategic Plan - Community Strategic Plan Kiama Council (nsw.gov.au)

Delivery Program and Operational Plan - Delivery Program and Operational Plan Kiama Council (nsw.gov.au)

Grants and Donations Program - Grants Kiama Council (nsw.gov.au)

Kiama Tourism & Events Strategic Plan - Tourism and Events Strategic Plan Kiama Council (nsw.gov.au)

15.3 Endorse for public exhibition: Public Art and Permanent Art Collection policies and procedures

CSP Objective: Outcome 1.1: We want a strong sense of community and belonging, where social and cultural life can flourish; and our families, friends and visitors feel welcome and included.

CSP Strategy: 1.1.1 Provide spaces, services and initiatives that foster a proud, inclusive, and connected community for all.

Delivery Program: 1.1.1.1 Review Council's Arts and Cultural Strategy and policy framework and implement priority actions.

Summary

The purpose of this report is to seek endorsement for the following policies to proceed to public exhibition:

- Art Collection Policy (Attachment 1)
- Public Art Policy (Attachment 2)

These documents reflect the framework for Council's art collection and public art collection. They have been created to support Council staff and our community to understand and manage Kiama's art collection and public art using best practice principles and processes.

Financial implication

The policy framework including internal procedures will assist in purposeful management and decision making regarding the existing Council art collection and future public art.

Risk implication

Nil

Policy

This policy will support the ongoing management and decision making relating to artworks and public art.

Consultation (internal)

Executive Leadership Team

Director Planning, Environment and Communities

Manager Library and Cultural Hubs

Communication/Community engagement

It is intended for these policies to proceed to formal public exhibition to inform community and seek input about the content of the policies.

Attachments

1 Draft Art Collection Policy 2024⇩

2 Draft Public Art Policy 2024⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Place the draft Art Collection Policy, the draft Public Art Policy on public exhibition for a period of 28 days.
2. Note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to these policies and procedures.
3. Adopt the Art Collection Procedure Acquisition and Deaccession 2024, Art Collection Policy, Public Art Policy and Public Art Procedure, if no submissions are received, on the day after the completion of the public exhibition period.

Policy Framework

Council's Public Art Policy and Implementation Guide was first adopted in February 2016. A revision has not occurred since it was adopted. The revised policy and procedure offers a streamlined approach to public art commissioning, procurement and management.

Our Art Collection Policy was adopted in 1998 and the last revision being in November 2010.

Limited focus and process has been provided for our Art Collection and Public Art Collection for some time. Like many of Council's assets, there has been a lack of appropriate framework, ongoing maintenance and appropriate storage and management of these assests.

Through the recent Council restructure a position was established to enable focus to be placed on both internal art collection, art displays and public art as well as enhanced cultural programs. This position reports to the Manager Library and Culture and has already resulted in closer synergies between cultural elements and the library team. Work has also now occurred on these important policy and framework elements.

The new policies and procedures take into account that key industry experts/focused panel may be engaged during commissioning or deaccessioning phases, as well as key internal staff.

The policies are provided attached to this report and outline the processes to be followed for the acquisition and the acquisition of art work and provide a framework for decision making for public art. These policies are supported internally through individual procedures to be utilized by operational staff in decision making processes.

KIAMA MUNICIPAL COUNCIL
your council, your community

Art Collection Policy

Date adopted	1998
Resolution number	XX
Previously adopted	2010
Next review due	2025
Department	Planning, Environment and Communities
Responsible officer	Cultural Development Officer
TRIM reference	2024/022955
Supporting documents	Art Collection Procedure: Acquisition & Deaccession

DRAFT

Council Policy Name

1.0 Purpose

Through this policy Kiama Council acknowledges its role in the preservation and care of significant or key cultural works of its local artists and artists associated with our local government area.

It is understood that not all artists and their work are of significance to the State or Federal stage. But are locally significant through what they reflect about the qualities and uniqueness of our community, culture, experiences, and natural and man-made spaces.

Kiama Council has made a commitment to preserving elements of our local cultural history through the accumulation of its current Art Collection and undertakes a coordinated and deliberate approach to our Collection for the future.

This policy outlines how council will oversee a formal council Art Collection that reflects the depth and breadth of our artistic talent and the unique character of the Kiama local government area. As custodians of a public collection, Kiama Council embraces the management of its Collection.

The Kiama Council Art Collection is managed by the Cultural Development Team.

2.0 Objectives of the Policy

The objectives of the Kiama Council Art Collection Policy are to:

- set a framework for the ongoing development of the Collection
- establish an ongoing management system for the conservation, registration, documentation and maintenance of the Collection
- establish a clear set of guidelines and process for the acquisition of new artworks and for the deaccessioning of artworks from the Collection
- clarify the protocols for gifting, donations, and loans of artworks, to and from Kiama Council

3.0 Aims of the Collection

To develop a unique collection containing works that fulfil the following criteria:

- acquire outstanding examples of artist's work
- be of sufficient breadth and depth to sustain a diversity of views and interpretations
- increase the understanding and enjoyment of local history and contemporary art as they pertain to the culture of Kiama
- be recognised for such excellence, community and organisational relevance, and industry standing, as to further the Collection development
- acquire artworks that best reflect the cultural development of Kiama Council

4.0 Scope of the Collection

The scope of the Collection is defined into two main categories;

- the Visual Art Collection, and
- the Public Art Collection.

All heritage collection items should be referred to the Kiama Family History Centre, Kiama and District Historical Society and/or Gerringong and District Historical Society and their associated policies.

4.1 Collection Categories

4.1.1 The Visual Art Collection

Includes painting, photography, contemporary art, mixed media, drawing, and printmaking that are created for indoor exhibition and display environments

4.1.2 Public Art Collection

Includes artworks developed specifically for the public domain and built environment. These artworks can be sculpture, media works, lighting installations, and land art, murals, mosaics, street art, stencilling, media works, architectural interventions, digital works, and urban design.

5.0 References

This document should be read in conjunction with the following:

- Art Collection Procedure: Acquisition & Deaccession

6.0 Definitions

For the purpose of this document the following definitions apply:

Term	Definitions
Collection	The Art Collection of Kiama Municipal Council
Deaccession	The process of selling or otherwise disposing of works from the collection
Bequest	Something given or left by will or transmitted from the past
Provenance	A record of ownership of a work of art or an antique, used as a guide to authenticity or quality.
Commissioning	To pay an artist to undertake the development of a specific piece of artwork.
Acquisition	The acquiring of art works through purchase, gift, donation, or bequest

7.0 Policy

7.1 Collection Management and Access

Kiama Council will ensure the Collection is recorded and maintained through the provision of an appropriate arts management database system. All aspects of the two collection categories will be recorded in the database for the purposes of insurance, conservation, and community access.

The database will be managed by the Cultural Development Officer.

Maintenance and conservation schedules will be developed retrospectively for Kiama Council's existing artworks across the two collections during the development of the collection management database.

The services of a professional art conservator will be utilised when necessary.

7.2 Acquisition And Collection Development

To be considered for acquisition to the Collection any item must meet the essential acquisition criteria.

Essential Acquisition Criteria

- artistic merit of the object
- relevance and importance to the area of Kiama
- enhance the scope of the collection
- have a verified provenance
- be an unconditional donation or purchase that has valid and clearly verifiable legal title
- have the necessary resources allocated to resolve all foreseeable issues related to conservation, presentation, and storage, as part of the acquisition
- purchased works, donations, and loans must be accompanied by a valuation certificate for the purposes of insurance, alongside a maintenance manual and conservation plan
- a more appropriate agency does not exist to house the artwork

7.3 Donations and Bequests

Donors will be made aware that no conditions will be accepted as part of the donation or bequest and that the art works become the property of the Kiama Municipal Council and subject to the Art Collection Policy guidelines prevailing.

Donations will be receipted within the convention and standards of the Department of Taxation Cultural Gifts Program, noting however that Kiama Council does not have Deductible Gift Recipient (DGR) status.

If, for whatever reason, Council decides to accept a gift of a work of art that it does not want in the Collection, such works can, with the permission of the donor, be registered as assets in the same way that furniture and fittings are, to be sold at a later date. These works should not be formally accessioned. Any works subsequently purchased with the proceeds of such a sale should be registered as the gift of the original donor.

7.3.1 Public Art

Collection donations accepted by Council will be on the basis of an agreed timeframe. This timeframe can, and may, be reviewed at any time during the originally agreed life cycle should any concerns arise regarding the condition of the artwork, questions around provenance of the artwork, or concerns for public safety arise.

All permanent donations must be accompanied by legal documents including a certified valuation certificate, provenance list for the artwork, and a legal document transferring full rights of ownership to Kiama Council.

Kiama Council will have exclusive copyright license of the works, however full copyright will remain with the artist/author of the artwork/object.

7.4 New Initiatives

When new initiatives or offers by donation or bequest create an opportunity for new collecting areas to be established, they must be weighed carefully against current and predicted resources so as not to compromise the ability to adequately care for and utilise the existing collection.

7.5 Loans

7.5.1 External Loans

Kiama Council will loan works to external organisations for exhibition purposes under the provisions of a legal loan agreement.

The borrowing institution is expected to provide all requested insurances, condition reports, and condition controls required for the exhibition of the work on loan. Evidence of the aforementioned must be provided with a signed and returned copy of an official loan agreement provided by Kiama Council.

The terms and conditions on the loan of a specific artwork are non-negotiable.

7.5.2 Internal Loans

Kiama Council's Cultural Development Officer will manage the internal loan of works for exhibition in Kiama Council offices and community venues.

7.6 Relocation of Public artworks

Circumstances sometimes arise where redevelopment of a site, upgrades, or construction render an artwork inappropriate and require its relocation.

If it is decided a work needs to be relocated Council must first consult the artist and notify them of the intention to relocate the work. Council staff must ensure they work with the artist throughout the relocation process, unless the artist has articulated otherwise.

Council staff must prepare a report on the insurance, risk assessment, valuation, engineering, and legal aspects of relocating the artwork prior to the artwork being relocated.

7.7 Deaccessioning

Deaccessioning should occur rarely and must only take place as a part of Collection development and improvement.

The major danger of deaccessioning, apart from the risk of disposing of a work that future generations might value, is the potential of undermining of public confidence in the Collection and may discourage further gifts and donations. People give to galleries in perpetuity and in the confident expectation that artwork will be managed wisely.

In general, the work of living artists (especially local living artists) should not be sold, as this will tend to depress the market value of that artist's work. However, an exchange with the artist for a more appropriate work is acceptable.

Deaccessioning will be undertaken in accordance with Kiama Council's Deaccessioning Procedure. Deaccessioning will include consideration of the following criteria:

- a work of art whose significance or aesthetic merit falls substantially below the general level of the collection
- a work of art which lowers the overall level of quality or representation of its specific area in the collection
- a work of art which has deteriorated to the extent that it is no longer recognisable as a work of art and is beyond restoration to an acceptable standard
- a work of art that requires a level of ongoing maintenance and repair that is beyond the financial and social value of the work

- a work of art in the collection which is no longer perceived as falling within Kiama Council's existing acquisitions policy
- a work of art that is a duplication, or is duplicated in the collection
- a work of art that contains materials that are considered hazardous or has the potential to cause physical harm
- a more appropriate agency exists to house the artwork

7.7.1 Methods for disposal of deaccessioned artworks

Artworks that have been scheduled for deaccession should, in the first instance, be offered to be returned to the artist.

Deaccessioning of gifts or bequests of works of art should be undertaken in consultation with either the donor, or the surviving family of the donor or the appropriate trustee or executor, unless despite every reasonable effort they cannot be located.

In the event that the donor or artist do not wish to have the artwork returned to them Kiama Council may dispose of the artwork by the following methods,

- The artwork may be offered to a more appropriate collecting institution
- The artwork may be resold through the secondary art market
- The artwork may be dismantled and/or destroyed in the event of no other option being suitable

Councillors, Council Staff and their families are ineligible from procuring an item deaccessioning from the collection by any means.

8.0 Attachments / supporting documents

- Nil

9.0 Review history

This policy was adopted by Council/ELT on XX

This policy will be reviewed XX. Any amendments to this document must be by way of Council resolution/approved by the Executive Leadership Team.

Council reserves the right to review or vary this document and associated processes at any time if required.

10.0 Document control

Date reviewed	Date adopted	Amendment
1998	1998	Created
2005	November 2005	Unknown
2010	November 2010	Unknown
2024	Click or tap here to enter text.	Review and rewrite of policy

11.0 Signature

Name: Click or tap here to enter name.	**Date:** Click or tap to enter a date.
Signature:	

KIAMA MUNICIPAL COUNCIL
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Public Art Policy

Policy Owner/Responsible Officer	Cultural Development Officer
Department	Planning, Environment and Communities
Date endorsed	March XX 2024
Next review date	March XX
TRIM reference	2024/022953

Policy Statement/Objectives

Kiama Municipal Council is committed to the sustainable development of a culturally rich and vibrant community, and recognises the important role of public art in actively engaging the community, creating a sense of place and enhancing the liveability of our region.

The policy provides a framework for integrating art and design into the public domain, and will act as a guide by which Council will commission, procure, approve, manage and preserve Public Art in the municipality.

The objectives of the policy are to:

- To facilitate the provision of high-quality, innovative and diverse public art within the Kiama Local Government Area (LGA);
- To provide a considered approach to the funding, procurement, acquisition and management of our current and future public art collection;
- To develop and celebrate Kiama's history, and preserve our cultural heritage and assets for the enjoyment of future generations;
- To collaborate with artists and communities to create public art that inspires, builds identity and injects creativity;
- Integrate public art development into Council's planning, development control and asset management process;
- To align with Council's Community Strategic Plan (2022-2032), addressing the following pillars:

  Pillar 1- We belong and contribute
  Pillar 3- We create a strong and diverse economy
  Pillar 4- We are part of a connected and liveable community

- **Scope**

DRAFT

The key feature of the Public Art Policy is its proposal to continue to integrate art into the fabric of the city. Public art is part of our public history; our evolving culture and our collective memory.

The policy applies to:

- Public art proposals that are located on high profile sites that have public access;
- Public art proposals, whether publicly or privately funded, that are proposed for installation on Council owned or managed land;
- Public art proposals that are initiated by individuals, groups, businesses or organisations for installation on publicly-accessible land owned by entities other than Kiama Municipal Council.

This policy is supported by Council's *Public Art Procedure and Implementation Guide.*

References

- Community Strategic Plan (CSP) 2022-2032
- NSW Government Public Art Toolkit
- Arts Law Centre of Australia

Consultations

- NIL

Definitions

Term	Definition
Art	For the purposes of this policy, art is not decorative art, and is meant to provoke an emotional reaction or intellectual response. Art in the context of this Public Art Policy should express the creator's imagination, conceptual ideas and/or technical skill. Art should encourage awareness and reflection; challenge ideas, enhance a sense of discovery, interaction and celebration of the social space.
Public Art	The Arts Law Centre of Australia defines public art as "artistic works situated in public spaces and accessible by members of the public, excluding artworks held in the collections of galleries and museums". Public art can be ephemeral, temporary or permanent and can also include the conceptual contribution of an artist to the design of public spaces and facilities.
Deaccession	The process undertaken to remove a work of art from public display, or from a public collection.
Acquisition	The acquiring of art works through purchase, gift, donation, or bequest.
Permanent Public Art	Enduring, site-specific cultural assets designed by artists, which are often permanently located in a major infrastructure or landscape. The expected lifespan of a permanent work is 5 to 25 years.
Temporary or Ephemeral Public Art	Temporary art works are generally designed to last between 0-5 years and are sometimes as one-off event. These artworks may include performance, installation, façade treatments, light, sound and new technologies

Memorial	A memorial is an artwork that commemorates an individual, organisation, anniversary or event which may be commissioned from a professional artist.

Variation and review

Council reserves the right to review, vary or revoke this policy.
This policy will be reviewed every three years with ongoing monitoring to inform future decision making related to public art in Kiama Municipality.

Review History

Date reviewed	Date adopted/ endorsed	Brief detail of amendments
New	February 2016	Council's first Public Art Policy adopted
January 2024	March XX 2024	Revised and amended

POLICY

1. Principles

This policy sets out several key focus areas which will set the direction over the next three years for Council to realise opportunities for public art.

1.1. Recognise and Celebrate First Nations Stories

Ensure that the heritage and culture of Kiama's Aboriginal and Torres Strait Islander people, and people from a range of cultural backgrounds are recognised, respected and celebrated in public spaces.

1.2. Manage and maintain Council's Public Art Collection

A public art collection register will be developed by Council for public artworks, including Council's permanent art collection. This will involve documenting, cataloguing and condition reporting all works.

1.3. Funding

Council will investigate a range of funding sources to develop and sustain public art. These may include private sector contributions; other government funding program; and/or philanthropic programs.

1.4. Public Art guidelines and processes

Commission, support and facilitate diverse, innovative and vibrant site-specific contemporary artwork; in line with the Councils commissioning approach, including Expression of Interest, Limited Competition and Direct Engagement, and procurement methodology.

1.5. Partnerships

In commercial developments of sufficient scale and public profile, Council encourages developers to integrate public art options that will enhance public spaces; create a cohesive sense of place and improve economic benefit for both the development and the community.

1.6. **Commissions and Proposals**

Should Council decide to commission a work of Public Art, this process will be undertaken as defined in Council's Public Art Procedure. All public art proposals, including commissions, proposed gifted works, memorials, temporary works and integrated design projects will be assessed at the concept stage using consistent and specific criteria (provided within the Public Art Procedure) before recommendations are made to Council.

1.7. **Provide advocacy and support**

Promote the development of high-quality public art and place-making strategies in private and commercial developments.

1.8. **Implement engagement programs**

A range of creative, education programs will aim to enhance appreciation and understanding of art and its role in the public domain. This may include artist talks, workshops, website information, activity sheets, app-based tours, and cultural asset mapping.

Related Forms/Documents

- Public Art Procedure (2024)
- Public Art Implementation Guide (2016)
- Art Collection Policy
- Community Strategic Plan (CSP) 2022-2032
- Local Government Art 1993
- Development Control Pan (DCP) 2020

Attachments

Attachment 1	Public Art Procedure

Authorisation

Name: Title of person authorising OR ELT OR Council Resolution No: ****

Date: Date endorsed by ELT or adopted by Council

15.4 Growth and Housing Strategy Community Engagement

CSP Objective: Outcome 4.1 We love where we live; our housing reflects our values.

CSP Strategy: 4.1.3 Manage growth sustainably and thoughtfully.

Delivery Program: 4.1.3.1 Local Housing Strategy facilitates the provision of adequate housing supply within the Municipality

Summary

Council is commencing a comprehensive and innovative conversation with the community about growth. Through this conversation, Council staff will be developing a Growth and Housing Strategy to support and shape the future of the LGA. This pivotal piece of work for both the organization, State Government and the community will be integral in shaping the future of our Municipality.

Financial implication

Budget has been allocated for the completion of the project within this financial year. Resources have also been allocated to support the strategy completion.

It is noted that the findings of the strategy and proposed growth locations will ultimately have a financial impact on Council both through revenue options, additional service provision needs, demands for resources and development of supporting infrastructure. The financial role and its impacts that Council will play in the growth process are being carefully considered as part of the strategy development.

Risk implication

There is a tight timeframe for delivery of the project and work is occurring to ensure that requirements can be met and engagement can remain meaningful throughout the project.

Multiple development fronts continue to occur with many concurrent projects and planning proposals being put forward to Council. There is a risk that resources will be pulled away from the core strategy development. It is therefore essential that this strategy is seen as a core priority of Council and that the planning team will be focused on the delivery of this document.

Policy

State Government Housing Strategy Guideline

Illawarra Shoalhaven Regional Plan

Consultation (internal)

A project team has been created and significant internal consultation is occurring to support the development of the strategy.

Communication/Community engagement

This report provides the overview for the community engagement process that will be followed for the development of the Growth and Housing Strategy.

Attachments

1 Working Draft - Engagement Plan Growth and Housing Strategy⇩

Enclosures
Nil

RECOMMENDATION

That Council note the comprehensive engagement plan to develop a Kiama Growth and Housing Strategy.

Background

In 2022 Council staff commenced work on the development of a Kiama Housing Strategy. The intent was to develop a plan that reflected the Department of Planning Housing Strategy Guidelines, with a focus principally on housing supply. Although such a strategy is not compulsory for regional councils the intent was to align Council with other Council's of metro Sydney. Focus for the project was aligning the completion of the Housing Strategy and the process, steps to be taken in strict accordance with the Department of Planning Housing Guidelines. The Local Housing Strategy Guideline outlines the steps to be taken, content and has been provided by the Department to "support and guide councils to develop their local housing strategies".

A Housing Reference Group was also established to support the community engagement for the project. However, at this time Council resolved not to proceed with the Housing Reference Group and a review of all Council Committees occurred. A restructure of the organisation was also undertaken, and review of strategy priorities occurred, including consideration of available resources at the time.

With the creation of the Greater Cities Commission Regional Plans and City plans and the inclusion of the Illawarra Shoalhaven in this work, the Housing Strategy had been paused to await the outcome of both this work and the expected housing targets it would present. Changes at a state level also occurred and MOG transitions have moved the Greater Cities Commission into the Department of Planning

Regardless of ongoing changes at a State level, following the completion of several other priorities, the planning teams key priority in 2024 is to undertake development of the Growth and Housing Strategy. This will commence with a detailed engagement process that aims to commence an intelligent and robust conversation with the community about growth.

Growth and Housing Strategy

The resulting strategy and then subsequent plans (LSPS and LEP) will need to clearly articulate where, how and why growth will occur within the LGA and to carefully and appropriately manage this growth well.

As concluded through the Federal and State Government reforms and targets, the ability to just say "no" is no longer sustainable and supply will be instead forced upon the community rather than being appropriately located and strategically planned.

It is also expected that the State Government housing targets will be sustainably higher than any previous growth targets and Council needs to be proactive in providing

a strategy that can accommodate these targets and create a pipeline of supply, whilst also including the provision of supporting infrastructure, social infrastructure and creating great communities.

Several components of background documentation and studies have now been completed to support the strategy development. These include:

- Vegetation Study
- Economic Analysis
- Economic Health Check

It must be noted that the development of a growth/ housing strategy can take time and require detailed evidence. The intent of this project is to commence this strategy development and continue to refine and build the evidence base. Not everything is known at this stage and actions from the strategy may include the need for further evidence base to be developed. Staff are also working with the Housing Guideline from the Department of Planning and seeking how this can be met through the process. Further development of the form and function of the strategy will occur through the community engagement process to clearly articulate the deliverables, timeframes and expected outcomes.

Coordination of Projects

As outlined to the community through media releases and community meetings Council is also combining engagement activities on two key priority projects for Council, the Community Engagement Strategy and the Growth and Housing Strategy to provide engagement opportunities for the community, where they are. This innovative approach seeks to hear a diverse range of voices and contributes to building lively and diverse discussions between Council and the community.

The State Government is also expected to commence discussions with the community about the draft Bombo Quarry vision. It is expected that this will be incorporated into the engagement process being undertaken for the Growth and Housing strategy to enable the community to actively engage at one time.

Project Objectives

The objectives of the project are as follows:

- Shape a prosperous, resilient and sustainable future for Kiama local government area (LGA).
- Ensure the community adapts to the inevitable changes in how we live and interact with our places, spaces and environment.
- Provide for a range of housing and employment supported by essential infrastructure, services and facilities that meets the future needs of the Kiama population and surrounds.
- Promote, protect and enhance our iconic natural environment now and for generations to come.
- Create safe, sustainable and connected places that support a quality life.
- Comprehensively engage with and be informed by the community.

- Represent best practice, contemporary and progressive planning and growth management in a manner that directly responds to the unique environment, including needs and challenges.
- Provide the foundation and necessary data inputs for Council's new planning scheme and other growth-related initiatives being delivered by Council.
- Utilise different and unique engagement techniques to hear a broad range of unheard voices – target that at least half of population have heard and participate in the project.

Community Engagement Activities – Phasing

Phase	Dates	Phase Title	Messages and Aims
Phase 1	**March**	**"Commit and get ready"**	1. Project overview and scene setting 2. Build understanding about: • How participants can be involved in the project and spread the news about the project • What are the expected activities that will roll out over coming months and what will this result in (completion of strategy) • The change that has occurred in Kiama over the past 30 years and how this change has helped to shape the places that are loved today. • The opportunities and challenges that growth presents and what this means to each person in the LGA. • The planning principles that will help shape the Kiama of the future and how community input has formed these.
Phase 2	**March/ April**	**"Identify and Assess and Create"**	1. Enliven and image our existing growth precincts and see the opportunity to plan for on the ground for growth. • Bombo Quarry • Dido Street • South Kiama • DA process Akuna Street • Gerringong release area 2. Provide the evidence base, vision, principles and opportunities for each precinct site. 3. Discussion Papers – places to work and places to live.

Phase	Dates	Phase Title	Messages and Aims
			4. Topic papers/ though pieces released weekly online 5. Engage with industry and key stakeholder groups – face to face focus – focus on existing growth areas and pipeline of supply opportunities. 6. Early engagement with agencies on infrastructure provision and needs
Phase 3	**May**	**"Shape the Strategy- Future Growth Opportunities"**	1. Transition from discussion about exiting growth locations to future options. 2. Continue to drill to next level detail (master planning/ precinct planning for identified sites 3. Engage in other opportunity/ lands options – Developer EOI options in identified precincts. 4. Focus on unheard stakeholders (including school students) 5. Seek answers and input to: • Is more needed? • If so where should this be located? • What should it look like? • What are our constraints? • Where are the gaps in knowledge, evidence and data? • What are our options? • What infrastructure is essential for delivery?
Phase 4	**June**	**"Finalise the draft strategy"**	1. Data, evidence and draft options – engage with strategy content. 2. Focus on conveying what we heard and how this has informed strategy. 3. Initial draft documents consultation
Phase 5	**July**	**"Draft strategy to Council and Community"**	1. Formal exhibition of documentation
Phase 6	**TBD**	**Adoption**	

Community Engagement Methods

A number of different community engagement methods will be utilised throughout the engagement process. As part of these methods a clear indication of the place within

the IAP2 framework will be explained to the community. In order to build trust with the community it is imperative to explain what role they can play and cannot play in the decision-making process. Often the word engagement is used when Council can only inform the community or consult. Much of this project will be driven by decisions that have already been made through legislation, for example the decision to rezone South Kiama Land to residential. Part of the approach to be used for this project is to clearly explain what can be influenced and where the community should place their efforts.

Taking time to provide input and feedback is valued and the intent is for this feedback and input to be about areas that can be influenced or changed rather than the community feeling their voices are not heard.

It is also a key aim for the engagement methods that have been selected to encourage input from unheard voices and to reach the majority of community, who may not have been previously engaged or who are not already actively engaged with Council.

Some of the methods selected and that will be utilised in the coming months include:

- Online project page and community engagement portal – various online feedback options will be provided so that feedback can be given from any location and at any time.
- Individual stakeholder interviews
- Traditional communication methods (website, media release, social media)
- Community Summit
- Discussion papers and blog posts
- Youth Summit
- Village visits and pop up stalls
- Release of post cards and other hard copy information at various venues
- Meetings with precinct groups
- Craft based activities and feedback that is families, children and youth focused at KMC Libraries and leisure Centre
- Developer Forum – to engage with DA applicants and other stakeholders about the DA process, planning portal and other areas council is focusing on in the processing of development applications.
- Formal exhibition of the draft strategy

A working draft engagement plan is attached to this report. This plan outlines the activities that have been proposed and the timing of these activities. It should be noted that the plan will be modified as the engagement process occurs to allow for variations to meet the needs of community and respond to feedback received. The timing and dates for events may also need to vary at times due to unexpected circumstances. The plan is provided as an overview of the process to be followed and expected deliverables throughout.

Conclusion

Our community can expect to be involved and part of a robust and diverse conversation on the role growth will play within our community, the opportunity it brings, the way in which change can be managed and the best places for growth to occur. Discussion will also include identifying those places that need to be protected and the values of landscapes (scenic etc.) that need to be fostered.

Further reports and updates will be provided to Council through report on this project, including summary reports on the feedback that has been provided by the community.

Leading Growth for Good

Growth and Housing Strategy

Project Objectives

- Shape a prosperous, resilient and sustainable future for Kiama local government area (LGA).
- Ensure the community adapts to the inevitable changes in how we live and interact with our places, spaces and environment.
- Provide for a range of housing and employment supported by essential infrastructure, services and facilities that meets the future needs of the Kiama population and surrounds.
- Promote, protect and enhance our iconic natural environment now and for generations to come.
- Create safe, sustainable and connected places that support a quality life.
- Comprehensively engage with and be informed by the community.
- Represent best practice, contemporary and progressive planning and growth management in a manner that directly responds to the unique environment, including needs and challenges.
- Provide the foundation and necessary data inputs for Council's new planning scheme and other growth-related initiatives being delivered by Council.
- Utilise different and unique engagement techniques to hear a broad range of unheard voices – target that at least half of population have heard and participate in the project.

Note

The following engagement schedule has been developed to inform the proposed sequence and messaging of the project. This schedule will continue to be refined and additional inputs included as further collaboration occurs with the State Government and other stakeholders. It is proposed that additional social media, video and displays including posters etc will be used throughout the project – the timing of each is being refined to align with core engagement activities. These specifics will continue to be added to the schedule to provide a clear picture of every activity to be undertaken.

Engagement – Overview

Phase	Dates	Phase Title	Messages and Aims
Phase 1	**March**	**"Commit and get ready".**	1. Project overview and scene setting 2. Build understanding about: • How participants can be involved in the project and spread the news about the project • What are the expected activities that will roll out over coming months and what will this result in (completion of strategy) • The change that has occurred in Kiama over the past 30 years and how this change has helped to shape the places that are loved today. • The opportunities and challenges that growth presents and what this means to each person in the LGA. • The planning principles that will help shape the Kiama of the future and how community input has formed these.
Phase 2	**March/ April**	**"Identify and Assess and Create"**	1. Enliven and image our existing growth precincts and see the opportunity to plan for on the ground for growth. • Bombo Quarry • Dido Street • South Kiama • DA process Akuna Street • Gerringong release area 2. Provide the evidence base, vision, principles and opportunities for each precinct site. 3. Discussion Papers – places to work and places to live. 4. Topic papers/ though pieces released weekly online 5. Engage with industry and key stakeholder groups – face to face focus – focus on existing growth areas and pipeline of supply opportunities. 6. Early engagement with agencies on infrastructure provision and needs 7. Note Springside hill decision will have been made by Council regarding gateway
Phase 3	**May**	**"Shape the Strategy- Future Growth Opportunities"**	1. Transition from discussion about exiting growth locations to future options. 2. Continue to drill to next level detail (master planning/ precinct planning for identified sites 3. Engage in other opportunity/ lands options – Developer EOI options in identified precincts. 4. Focus on unheard stakeholders (including school students)

Phase	Dates	Phase Title	Messages and Aims
			5. Seek answers and input to: • Is more needed? • If so where should this be located? • What should it look like? • What are our constraints? • Where are the gaps in knowledge, evidence and data? • What are our options? • What infrastructure is essential for delivery?
Phase 4	**June**	**"Finalise the draft strategy"**	1. Data, evidence and draft options – engage with strategy content. 2. Focus on conveying what we heard and how this has informed strategy. 3. Initial draft documents consultation
Phase 5	**July**	**"Draft strategy to Council and Community"**	1. Formal exhibition of documentation
Phase 6	**TBD**	**Adoption**	

Engagement Specifics and Schedule

Phase 1 : Project overview and ideation

Stakeholder focus

- Internal including Councillors.
- Community groups and already engaged community.
- Initial message to un- heard voices
- Childrens and families engagement – stage 1

Engagement Methods

- Councillor briefing
- Traditional communication tools (media release, social media)
- Digital and online tools
    - Including project specific online engagement platform social pinpoint and consider it
- Display in Kiama and Gerringong Library
- Pop up events Kiama farmers markets
- Project collateral (signage and postcards)

Engagement Schedule Detailed Activities

Code:

Blue text – joint engagement with engagement strategy

Purple text - joint engagement state or landowner

Orange – concurrent events

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
February 2024					
27th Feb	Central Precinct meeting	Completed	JW	Precincts	JR
27th Feb	Discussion Growth Strategy – Council Committees	Completed	JW	Council Committees	JR
	Media Release	Completed	Media	Media	Coms
Current	Akuna Street Exhibition of DA				
March 2024					
Tuesday 7 March	Meeting with Dept Planning Bombo Quarry Vision and Engagement Plan	Staff meeting with Dept to discuss vision and engagement interconnection	Online	Dpt Planning	JR
Monday 11 March	Project Page – Growth and Housing Strategy (live)	Updated project page and content for Council Website • Include background studies • Include best practice examples • Invitation to join mailing list • General have your say option	Council website	All community	Coms and Strategic Planning
Monday 11 March	Meeting probity lawyer	Finalisation of probity plan and discussion	Online	Lawyer and Council	JR
Tuesday 12 March	Councillor Briefing – Growth	Briefing about the project and individual attendees for proposals before Council	Council Chambers	Councillors	JR and CL

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
Monday 18 March	Invitations to Developer Forum released (n.b. this is **not** the EOI that is in phase 3)	Email/letter to customers and clients for developer forum	Email	Customers and Clients/ developers	Project Team
Monday 18 March	Invitation to Community Summit released	Email/letter to customers and clients for Community Summit	Email	All community	Project team
Monday 18 March	Media Release	Summits and forums – save the date	Media	All community	Coms and project team
Monday 18 March	Social Media Post Libraries	Project Awareness – link to site	Socials	All community	JR and teams
Monday 18 March	Social Media Post Leisure Centre	Project Awareness – link to site	Socials	All community	JR and teams
Tuesday 19 March	Council Meeting – Council report growth project	Council report – engagement with clrs	Council	Councillors and community	JR
Thursday 21 March	Individual Conversations – existing community groups and sporting entities	Conversations to raise awareness of project, feedback opportunities and have your say	Various	Identified community groups	JR and Project Team
Thursday 21 March	Stakeholder Interviews	Up to 15 selected interviews with key stakeholders to seek their individual views on growth – these will be used to create case study/ views from the community in online and also face to face activities	Face to Face or teams	Key Stakeholders	Consultant
Thursday 21 March	Launch of online engagement platform and online survey	Social Pinpoint Web platform Include a range of online engagement options Blog posts	Online	All community	JR and Social Pinpoint
	Media release and social post	Social pinpoint web platform – have your say	Online	All community	Coms and project team
Friday 22 March	Discussion with KAPA	KAPA discussion linked with Community Engagement meeting	JW/ Council Chambers	Precinct Groups	Coms and JR/ CL

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
Wednesday 27th March	Agency Consultation	Forum with key agencies to discuss infrastructure, key precincts, gaps in knowledge and overview of project	Face to Face	Key agencies	Project Team

Phase 2 – "Identify and Assess and Create"

Stakeholder focus

- Industry
- Broad and un heard voices
- Families and children
- Specific existing community groups
- Outside community – including surrounding workers and visitors
- Agencies
- Precinct owners
- State government

Engagement Methods

- Children specific library activities
- Displays at key locations
- Discussion Papers
- Traditional communication tools (media release, social media)
- Digital and online tools
    - Including project specific online engagement platform social pinpoint and consider it
- Display in Kiama and Gerringong Library
- Pop up events
- Developer forum
- Community Summit
- Project collateral (signage and postcards)

- Small group discussions

Engagement Schedule

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
Monday 25 March	Child Specific Engagement – Kiama Libraries	Your Say Gerringong and Kiama Library - Draw and write on large cardboard houses- children based growth questions	Kiama Library Gerringong Library	Primary Children and Families	Project Team and Michelle and Carmelina
Wednesday 27 March	Launch of discussion paper – Employment lands	Discussion paper – Places to work Discussion paper – Growth	Online website	All community	ED team and project team
Wednesday 27 March	Kiama Farmers Markets – collaboration with engagement conversation Pop Up	Pop Up display	Kiama Markets	All community	Coms and CL and MB
Thursday 28 March	First Nations Consultation	First Nations focused consultation	Face to face	Aboriginal Community	Sharon and project team
End March	Likely commencement of Community Engagement for Bombo Precinct	Collaboration with State Govt on Bombo Vision	Various	All	State Govt
End March	Display Kiama Leisure Centre	Kiama over the years – change and growth	Kiama Leisure Centre	Mixed families etc	Project Team and Kiama Libraries
End March	Start of release of topic pieces – thought blogs and posts	Thought provoking, best practice examples and written pieces released to community via social media and online platform and e news (subscribers)	Online	All	Project team
April 2024					
Easter	No activities				
Week 1 April	Precinct description and status updates on online portal	Specific information about Bombo Quarry, South Kiama and Dido Street Precinct – planning for our current growth locations	Online	All	JR and Project Team

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
Week 1 April	Small Group table top discussions – about site specific precincts	Collaboration with state and also sustainable futures committee- discussion about precincts needs and places to work	Face to Face and online	All Community – specific selected participants	Project Team, Dept Planning and Consultants
Monday 10 April	Release of Listening Report Phase 1	Release of summary report on phase 1 engagement and part of phase 2 – to inform community summit		All Community	Project team
Thursday 11 April	Developer Panel Forum – partner with UIDA Committee	Stakeholder specific forum – project overview, focus areas, DA reform and infrastructure provision	Face to Face	Industry	Project Team
Friday 12 April	Community Summit	Futures Forum – two-hour public forum with thought leaders present their views on relevant global best practice examples and the potential relevance to Kiama's growth. Could be extended to a day summit program	Face to face	All community	Project Team and Consultants
Saturday 13 April	Community Pop Ups	Gerringong Jamberoo Gerroa Kiama Downs	Face to Face	Suburbs	Project Team
Tuesday 16th April	Council Meeting – Report on Springside Hill	Decision on Springside Hill	Council	Council	JR
15-26 April	School Hols Focused Activities				
15-26 April	Mary Maker – Craft activity and engagement	Participate in a craft activity which discusses growth and change	Kiama Libraries	Families	Kiama Libraries
15-26 April	Youth Activities at Youth Centre	Youth Specific Surveys and Activities – future focus	Youth Centre	Youth	Youth Centre

Phase 3 – "Shape the Strategy- Future Growth Opportunities"

Stakeholder focus

- Industry
- Broad and un heard voices
- Families and children
- Specific existing community groups
- Outside community – including surrounding workers and visitors
- Agencies
- Precinct owners
- State government
- All Community
- Internal Stakeholders
- External Experts

Engagement Methods

- Refined discussion and data analysis
- Community workshops
- Developer EOI
- Traditional communication tools (media release, social media)
- Digital and online tools
    - Including project specific online engagement platform social pinpoint and consider it
- Project collateral (signage and postcards)
- Small group discussions
- Pop Up displays
- Youth Summit

Engagement Schedule

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
Wednesday 8 May	Release of Summary report from Phase 2 consultation	Feedback to community – what we heard and how we are listening	All	All	Project team
May	Youth Summit	Youth Summit at Schools – seeking school age feedback and input – to be determined with schools – focus for term 2 – given existing school commitments	Face to Face	Schools	Project team and community development
Monday 13 May	Targeted engagement – disabilities, CALD, other	Detail to be determined – depending on feedback from earlier phases	Face to Face	Disadvantaged or missed community	Community Development team
Tuesday 14 May	Release of technical papers and background documents	Additional studies and documents – released for consideration by industry and other key community	Online		Project Team
Wednesday 15 May	Release of Developer EOI	Development industry – targeted EOI	Online		Project Team

Phase 4 – Finalise Draft

Stakeholder focus

- External Experts
- Internal stakeholders
- Communication broadly once completed – to all stakeholders

Engagement Methods

- Formal exhibition process
- Displays
- Online
- Drop in sessions
- Traditional communication
- Community workshops

Phase 4- June 2024

Date	Engagement Activity	Detail	Location	Stakeholders	Responsibility
June	Release of Summary report from Phase 3 consultation	Report of what has been heard and how we are listening	Online	All	Project Team
June	Draft Strategy and Options	Draft document – with options and considerations	Online and other platforms	All	Project Team and Consultant
June	Council reporting				Project Team
TBD	Roll out of formal exhibition activities				

15.5 Kiama Leisure Centre Service Review

CSP Objective: Outcome 1.2: We love where we live; we have the services and facilities we need the natural beauty of our surroundings enhances our active and healthy lifestyle.

CSP Strategy: 1.2.1 Provide facilities that enable us to participate in social, cultural, recreational and sports activities, no matter our background, ability or age.

Delivery Program: 1.2.1.4 Manage Leisure Centre services and administration for members and guests and provide fitness programs, classes and gym using purpose-specific equipment and a clean and safe environment.

Summary

This report provides an overview of the Kiama Leisure Centre Service Review- Summary Report. This service review is part of the work that is being undertaken in accordance with the Performance Improvement Order. As outlined in previous reports and correspondence to Councillors and the community, staff with the support of external expert reviewers are working through several priority service reviews across the organisation.

The service reviews are being conducted to enable the KMC to take responsible and considered steps for financial sustainability. The review process enables Council to gain a full understanding of the current state of the operations, asset, staffing and resource allocations.

Service reviews also are part of the requirements under the Integrated Planning and Reporting Framework and legislated through the Local Government Act. Council needs to conduct service reviews on an annual cycle to ensure best practice and to review operations with current industry standards.

Council at its meeting on 15 November received and noted results of the 2022 KLC community survey; and at its meeting on 28 February 2023 resolved to undertake a service review of the Leisure Centre.

Council staff commenced the procurement phase and appointed Morrison Low consultants in late November to undertake the service review on behalf of Council.

This report provides an overview of the findings of the review and outlines the next steps in the process, including the development of an implementation plan, strategic plan and masterplan for the site and surrounds. Further internal and external consultation is also required to discuss the findings and options, in order to develop actions and next steps for both the asset, operations and program delivery.

It is imperative to understand that no decision has been made on any findings or recommendations. The report presented to Council is an independent report from the selected consultants Morrison and Low utilizing an industry and performance excellence framework, as well as industry benchmarks. Staff consultation has also occurred and the team at KLC have been informed throughout the process. Staff have also provided their input into the report through 1;1 interviews with the consultants.

All required processes under the award, including both staff and community consultation will be undertaken, if required, once firm options and proposals have been determined. Staff continue to be committed to working with all stakeholders to achieve financial sustainability and sustainable services for our community.

Financial implication

The Service Review findings and recommendations have several financial impacts and opportunities. These impacts and opportunities will need to be explored further through the decision-making process. Further information on financial impacts will be provided to Council as options are developed.

Risk implication

The Service Review has a number are findings that pose a risk to Council's operations and require close management. These are:

- Council managed/direct service delivery model requires a high degree of specialist industry expertise which currently lacks in some areas. Council has limited capacity to reduce operational costs which are driven by market forces, legislative requirements and community expectation. Meeting agreed service levels is challenging due to resource constrains and employee retention issues.
- Council engages a high number of casual employees at the KLC. Council may be exposed to industrial and safety risks.
- In 2022, a liability risk engineering assessment was conducted which resulted in 18 recommendations to better manage and mitigate liability risks. Some of these risks are outstanding and currently being followed up for implementation.
- As other commercial providers enter the market in areas of gym and fitness offerings, the KLC is at risk of losing more market share.
- The KLC has a long list of defects and accumulated maintenance issues.
- KMC directly employs staff in areas that are not traditionally provided by local government and could potentially be better serviced through the private sector.

Policy

Community Strategic Plan

Delivery Plan/ Program

Council resolution 28 February 2023.

Kiama Leisure Centre Strategy 2012.

Performance Improvement Order

Long Term Financial Plan

Consultation (internal)

During the course of the service review, consultation with internal staff was undertaken, including meetings, 1:1 interviews and written feedback. Industry benchmarking was also undertaken, including consultation with other councils.

Further consultation is required to discuss options and to assist through the decision-making process.

Communication/Community engagement

A communication plan has been developed to inform and brief staff and key stakeholders.

The following activities have occurred to date:

- 14 February 2024 presentation to Financial Advisory Committee
- 27 February 2024 Internal Audit and Risk Committee
- 29 Feburary 2024 Councillor Workshop
- 7 March Two staff briefings/ updates with KLC staff

The next phase in the communication plan is providing information to the community about the review and recommendations. The commencement of this process is through this report to Council. Additional consultation opportunities and discussions will occur throughout the consultation process. Including specific consultation on various aspects of the service review findings. The community will also be consulted in the development of both the strategy and masterplan for the site.

Attachments

1 Kiama Leisure Centre - Service Review Report⇩

Enclosures
Nil

RECOMMENDATION

That Council

1. Develop a draft Leisure Centre Strategy and provide this strategy to a future Council meeting for consideration.
2. Develop an implementation plan for the next steps of the service review process.
3. Undertake internal and external consultation with the community and staff about the three options that have been provided for the asset which are 1. do nothing, 2. upgrade or 3. redevelop.
4. Incorporates the future vision for the leisure centre into the business and masterplan for the wider sporting, old Havilah place and surrounding precinct and this work be completed by the implementation team as part of PIO priorities

Legislative Drivers – Service Reviews

In September 2021 the NSW Office of Local Government published guidelines for Integrated Planning and Reporting (IP&R), which included a new requirement to publish a program of Service Reviews:

4.3 To encourage continuous improvement across the council's operations, the Delivery Program must identify areas of service that the council will review during its term, and how the council will engage with the community and other stakeholders to determine service level expectations and appropriate measures.

This focus on service reviews within the IP&R Guidelines follows through on the changes made to the NSW Local Government Act in 2016 which included a new statement that the role of the governing body is …. to keep under review the performance of the council, including service delivery (s223(1)(g)).

The responsibility for service reviews was also included in the responsibility of the Audit, Risk and Improvement Committee (s428A(2)(g)) which must monitor the service reviews undertaken by the Council.

As outlined above, service reviews should be part of the normal business of a Council and form an integral part of the Integrated Planning and Reporting Framework.

Each council should identify areas of service it will review during its term and the operational plan should specify each review to be undertaken that year.

Following the 2024 local government elections, it is expected that all councils will have a service review program in place to begin the new council's IP&R cycle. Reviews of service strategies such as a sport and recreation strategy or waste strategy is also one element of a review of these services.

Performance Improvement Order and Council Resolutions

Council is also required to undertake service reviews as part of the implementation of the Strategic Improvement Plan, Performance Improvement Order and other requirements set by the NSW State Government.

On 28 February 2023 Council resolved to:

1. *Endorse the seven (7) stage methodology described in the service review process on the following business areas:*
    - *Waste services*
    - *Leisure Centre*
    - *The Pavilion*
    - *Holiday Parks.*
2. *Utilise funding from associated operational savings to complete the four services reviews outlined at resolution one (1) above, as a matter of priority.*
3. *Define the structure, scope, deliverables and performance for other municipal programs into Service Statements, from which levels of service and resourcing for future budgets may be developed.*
4. *Refer the request for a rolling budget for service reviews to the forward budget estimates register for consideration as part of the 2023/24 budget process.*

In the report to Council on the 1 February 2024 the letter from the Office of Local Government stated that:

"Given the difficult financial circumstances facing the Council, it is important Council remains on track with the financial strategies that have been put in place to reduce expenditure and increase revenue. The community needs to have confidence that Council's financial management and performance has independent oversight and is being closely monitored."

Through the Raynor report it was concluded that "*Council must continue to urgently address the financial and governance issues faced by Council undertake service reviews. It also outlined that A significant Special Rate Variation may be required by this should not be pursued until all other options are exhausted or if it becomes evident that a SRV is required to meet the financial sustainability target. It states that Council has taken a decision to focus on operational efficiencies and service reviews before considering an SRV."*

It is also clear from the community that Council must review its operations and provide improved efficiency before seeking for ratepayers to contribute more funds to operations. Council must identify areas for improved efficiency across each department and develop a comprehensive understanding KMC's operations and obligations and service catalogue.

The relevant costs of asset operations, maintenance and renewal requirements need to be delineated, and balances available for community, economic, environment and administrative services identified. While on one hand, the revenues available for municipal assets and services are finite, the appropriateness and performance of asset and services have not been tested for some time – a matter raised by the Finance Advisory Committee (FAC) and an area of interest for the Audit, Risk and Improvement Committee (ARIC).

The proposed variation to the PIO clearly states that Council:

"Immediately review the timing for service reviews and revenue opportunities to ensure council can move to surplus operating budgets and ensure its long-term financial viability."

Every effort is being made to finalise service reviews scheduled for this financial year.

Pleasingly the Leisure Centre Service review is the first review to be completed and has been provided within the required timeframes.

Service Review Process

The service review process assists in providing an overall strategic direction for management and maintenance of assets and infrastructure now and into the future, with the following key outcomes:

1. The facility is managed strategically, transparently, and efficiently.
2. The facility is managed in accordance with Financial Management Standards and the Local Government Act; and
3. To ensure optimal utilisation and maximum return on investment.

The service review can also put Councils and Councillors in a better position to:

- Respond to changing customer priorities and needs.

- Determine the right mix of services and align the services with the council's vision.
- Define statutory and non-statutory services and consider the potential for divestment of services.
- Generate financial savings.
- Review and optimise service levels and build staff capacity and skills.

With this in mind a scope for the review was developed, seeking an overall strategic direction for the operation and provision of services and programs at the KLC with the following key deliverables:

1. Undertake a comprehensive systematic review of current processes and procedures; and explore future directions on how Council should continue operating the Kiama Leisure Centre, including but not limited to the following scope:
    a. Future operational options;
    b. Service needs and demand analysis;
    c. Community asset rationalization;
    d. Profit and loss analysis;
    e. Commercialisation opportunities;
    f. Operational risk assessment;
    g. Operational resource analysis, including structure;
    h. Fees and Charges;
    i. Environmental sustainability improvements.
2. Define the type and level of services to be delivered at KLC that is informed by the review scope and taking into consideration the recent Kiama Leisure Centre Survey and Liability Risk Engineering Report recommendation.
3. A benchmark of KLC processes and performance in comparison to similar facilities and LGAs, as well as market review.
4. Outline and make recommendations on legislative requirements and compliance.
5. Develop and produce a 10-year Leisure Centre Strategy with and Implementation Plan for Council's consideration.
6. A funding strategy (including grants)/ scoped budget of how Council will implement the proposed Strategy and Implementation Plan.

Following a comprehensive procurement process, Morrison Low consultants were appointed in late November to undertake the Service Review on behalf of Council.

During December 2023 to February 2024, milestone 1-4 above were completed, and milestones 5-6 are currently in progress, for completion in March. In order for the consultants to complete the final stage of the Service Review, being a long-term strategy and implementation plan, further community engagement and internal consultation will be required to assist in the development of these documents and to further inform decisions surrounding the KLC.

Overview Kiama Leisure Centre

The Kiama Leisure Centre (KLC) is Council's key multipurpose swimming, fitness and sports facility that is open 360 days of the year for 95 hours every week. KLC is a significant community infrastructure delivering vital programs throughout the year. KLC plays a key role in contributing to the overall health, wellbeing, fitness and leisure needs of the Kiama residents and beyond.

The facility includes an 8 lane 25m indoor lap pool, toddler pool, spa, sauna, gym and group fitness facility, and indoor sports hall and child mining service. The Jamberoo outdoor pool is a seasonal pool staffed by lifeguards from November to March forms part of the swimming offering managed by KLC .

Overview of Report

The service review report is provided as Attachment A. The key findings and recommendations are provided below.

It is very important to note that no decisions have been made about any of the key recommendations relating to service delivery or the long-term management of the assets.

Significant consultation would need to occur before decisions are made including any required staff consultation under relevant legislation. The content of the report are recommendations and options only, each will need further consideration, and information to support decision making. A formal implementation plan and strategy also needs to be developed to support any actions that may result.

What was clear from the service review is that the asset is much loved and highly utilised by a wide and diverse range of community members. It is important that the community to be involved in the long-term strategic vision for the site, particularly if redevelopment is considered and the funding required to support this action needed.

The decision has been made to provide the details of the report and key findings to the community and staff through this Council report. This is to provide transparency and to assist in developing an understanding of the service review process that has been followed. Particularly given formal service reviews have not occurred at Kiama Council.

Action is being undertaken on immediate risks and recommendations which relate to operations, for example urgent maintenance, system improvements or accounting methods.

Key challenges

- Need for a clear strategic long-term direction and market focus for KLC
- Internal expertise and skills in aquatic and leisure management
- The age and deteriorating condition of the KLC asset and facilities
- The extensive range of services currently provided and resourcing challenges associated with service delivery
- Workplace culture, management operations and structure (including casualization of workforce)

Findings

The Service Review has identified several recommendations spanning:

- Strategy and performance
- Asset management and maintenance
- People and culture
- Risk management
- Systems and processes

Observations from Research

Key observations from the research undertaken as part of the service review include:

- It is difficult for councils that operate aquatic facilities to do so at a cost-neutral level.
- Broader strategic shift away from the traditional model where councils run a 50-metre outdoor pool, along with children's area and picnic facilities, towards indoor facilities.
- Greater focus now on revenue-generating activities such as learn-to-swim, health classes, recreation usage and key stakeholder groups such as swimming clubs.
- Kiosks have the potential to raise revenue if run efficiently and operated by sales-trained staff.
- Commercial returns from learn to swim and other program-based activities may reduce the subsidy per user visit that the community must currently pay.
- Key challenges are the recruitment and retention of experienced staff at all levels, particularly those involved with learn to swim and management/coordination activities.
- Heating and/or operating costs of outdoor pools in the winter tend to favour a seasonal model, particularly for councils in rural and regional areas.
- Some councils that run their own aquatic facilities are trying to move away from a younger, casualised workforce to a more experienced permanent staff model.
- Developing a skilled and motivated aquatic facility workforce requires Council to determine a clear long-term operating model, alongside training and professional accreditation opportunities.
- Generally, an in-house model provides councils with greater flexibility to respond to issues raised by elected officials and members of the public.
- An external model allows councils to utilise the skills and experience of a specialist provider with a large network of aquatic facilities to draw resources and knowledge from. However, this model can potentially lead to unforeseen capital or maintenance costs for council, particularly toward the end of a contract.

Secondary Service Delivery

As well as delivering all the core services of a leisure facility such as swimming and leisure facilities there are a number of services that are unique to KLC and other council-owned facilities are not typically delivered by Council employees:

- Childminding;
- personal training;
- Gymnastics;
- swim coaching.

Asset Management Options

- **Option 1 – Do nothing:** A do-nothing option would see the continued deterioration of the KLC to a point where it would be unusable, unsafe, and unfit to meet the needs of the local community. A decision not to invest in the KLC may require social infrastructure to be replicated elsewhere in the Kiama Municipality at a greater cost.
- **Option 2 – Upgrade:** This option would include an upgrade of the KLC, comprising improvements to the existing facility.
- **Option 3 – Redevelop:** This option would include a complete redevelopment of the KLC. Under this option, some existing elements of the KLC could be removed, or potentially replaced with new.

Significant funding will be required to pursue either Option 2 – Upgrade or Option 3 – redevelop.

Potential options for funding could include:

- Section 94 contributions
- Proceeds from the sale of assets
- Grants and contributions
- Debt/loan borrowings
- Forward borrowing from reserves
- Other general income sources.

It is recommended within the report that Council

- Prepare a Business Case to assist securing funding for KLC Masterplan.
- Council's strategic direction decision to be informed by a comprehensive business case and masterplan for the KLC that also incorporates the surrounding sporting precinct and the old Havilah place site.
- Commence planning for Option 2 or 3 due to the nature and condition of the assets, through Long Term Financial Planning.

Conclusion

This report is submitted to provide an update on the Service Review and present the draft report for Councillors' consideration.

MorrisonLow

KIAMA MUNICIPAL COUNCIL

Kiama Leisure Centre Service Review – Summary Report

February 2024

Document status

Job #	Version	Written	Reviewed	Approved	Report Date
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Executive Summary

Kiama Municipal Council ("Council") owns and operates the Kiama Leisure Centre, located at Havilah Place, Kiama. Constructed in 1982 and first opened in 1983, the Kiama Leisure Centre is Council's key multipurpose swimming, fitness and sports facility and plays a critical role in contributing to the overall health, wellbeing, fitness and leisure needs of the Kiama community.

In December 2023, Kiama Municipal Council engaged Morrison Low Consultants ("Morrison Low") to undertake an external service review of the Kiama Leisure Centre. This review was carried out from December 2023 to February 2024, and informed by engagement with a range of internal stakeholders as an objective review of the Kiama Leisure Centre's service delivery arrangements and performance.

Service delivery challenges

Key challenges affecting service delivery include:

- A lack of clear strategic long-term direction and market focus for the Kiama Leisure Centre
- Internal expertise and skills in aquatic and leisure management
- Age and poor condition of the Kiama Leisure Centre asset and facilities
- Extensive range of services currently provided and resourcing challenges associated with service delivery

Improving service delivery and performance

We recommend that Council:

1. Review the Kiama Leisure Centre Strategy, ensuring the vision, goals, target market, and strategies to deliver operational performance are updated and consistent with Council's strategic objectives.
2. Reconsider the service offering and whether Council is best placed to be the provider/operator of services currently provided at the Kiama Leasure Centre (e.g. childcare, fitness and swim coaching), or whether these are better outsourced to commercial operators via contract or licences.
3. Establish and endorse expected service levels and Key Performance Indicators (KPIs) for the Kiama Leisure Centre, and ensure that KPIs are monitored and reported on a quarterly basis.
4. Apply corporate overheads to the Kiama Leisure Centre to establish the true cost of operating the centre and providing its various services, programmes and activities.
5. Introduce user fees for the Jamberoo Public Swimming Policy via the 2024/2025 Statement of Revenue Policy and ensure an appropriate secure entry system is introduced ahead of the 2024/2025 swim season.
6. Review the Chart of Accounts to enable the costs attributable for each service offering (including apportioned overheads) to be monitored alongside revenue.
7. Ensure the financial impact of any changes in service offerings and service levels is modelled in Council's Long-Term Financial Plan.
8. Review and update Council's Buildings Asset Management Plan to include Kiama Leisure Centre's forward maintenance and renewal requirements.
9. Develop and adopt a Kiama Leisure Centre Masterplan, ensuring the development of the Masterplan is informed by robust community engagement.

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10. Prepare a Business Case to assist in securing grant funding to deliver the Kiama Leisure Centre Masterplan (once developed).
11. Consider transitioning functional responsibility for the operational oversight of rock pools to the Leisure Centre Manager.
12. Consider transitioning functional responsibility for the operational oversight of Beach Lifeguards to the Leisure Centre Manager.
13. Consider transitioning responsibility for building maintenance at the Kiama Leisure Centre to Council's Facilities and Maintenance team.
14. Review Kiama Leisure Centre team structure with the objective of reducing management layers.
15. Review, align and update position descriptions for Kiama Leisure Centre positions.
16. Review the model of engagement of casual employees engaged at the Kiama Leisure Centre, including the management of all casual employees, to ensure industrial risks are being proactively managed and mitigated.
17. Complete the review and consolidate the Kiama Leisure Centre Operations Manual, ensuring that it is regularly reviewed and quality controlled for currency.

Management has been provided, under separate cover, several additional recommendations to those above. As these recommendations contain matters and issues that are considered confidential under the *Local Government Act 1993* ("the Local Government Act"), they have not been detailed in this Summary Report.

Service delivery model

The Kiama Leisure Centre is currently operated via direct management, which is advantageous in that it allows Council to retain direct influence over how the centre's services, programmes and activities are delivered to customers and community. There are, however, significant drawbacks and risks attached to this model: Council has limited capacity to reduce operational costs, which are driven by market forces, legislative requirements and community expectations, and meeting agreed service levels is challenged due to resourcing constraints and employee retention issues. Maintaining this model requires a high degree of specialist industry expertise, which local councils typically do not possess.

Moving forward, Council should instead assess whether indirect management would be a more suitable service delivery model. Under this model, Council could engage a specialist commercial operator with the necessary industry expertise and capability to assume management of the Kiama Leisure Centre and introduce new management and operating standards, which could in turn benefit customers, community and Council. Responsibility for the Jamberoo Public Swimming Pool could also be included in the management contract, which could deliver further efficiencies for Council.

Should Council determine to pursue an alternative service delivery model, it should be noted that implementing a revised model requires a significant lead-time, of around nine (9) to twelve (12) months and contingent on having a clear future direction for the Centre. This period would allow Council to prepare and undertake a tender process, as required under the Local Government Act, and execute transitional arrangements to ensure a seamless transition for customers and community. Further analysis of the financial and industrial implications of terminating direct management and pursuing an indirect management model should be undertaken prior to any decision being made.

Looking forward: masterplanning and case for change

Irrespective of the management model favoured by Council; the Kiama Leisure Centre is ageing, and its condition is deteriorating. The design and layout of the centre reflect the era in in which the facility was constructed but are inconsistent with contemporary expectations and standards. With the facility

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approaching end of life, Council will soon need to make complex decisions regarding the future of the Kiama Leisure Centre, including either its upgrade or redevelopment.

Since the Kiama Leisure Centre was constructed in 1982, community expectations in relation to leisure and aquatic facilities have evolved considerably. Facilities are now seen as health and wellbeing hubs, and there is an expectation that public facilities of the Kiama Leisure Centre's size and scale incorporate design features that are accessible and inclusive, environmentally sustainable, and which reflect the demographics and service needs of the local community. All these factors should be considered by Council in its decision-making.

While the Kiama Leisure Centre has been excluded from the scope of the Kiama Sports Complex Masterplan, it is critical that Council develop a Masterplan to guide future decision-making relating to the centre. Council is strongly encouraged to programme the development of a Masterplan, either as an addendum to the Kiama Sports Complex Masterplan (once competed) or as a standalone strategic document, via its next Delivery Program. This masterplanning process should be underpinned by robust engagement with the Kiama Municipality community.

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Service review findings

Table 1 Service review findings and commentary

Guiding question	Finding and commentary
Should this service be delivered to the community?	The Community Strategic Plan identifies the outcomes of this service as important services and outcomes for the Kiama Municipality community. Residents are most satisfied with the pool and hall components of the Kiama Leisure Centre and less satisfied with the gym. Over the long-term, Council should consider which elements of the Kiama Leisure Centre need to be delivered to the community. There is arguably a strong need for aquatic services (e.g. pools) to be provided to the community, noting that the Kiama Leisure Centre and Jamberoo Public Swimming Pool are the only public swimming facilities in the Kiama Municipality. However, other services currently provided by the Kiama Leisure Centre – including childcare, gym and fitness services – should be reviewed, noting that there are other commercial providers of these services now operating in the Kiama Municipality and Council is competing against those other operators.
If so, how should it be delivered?	Council is not required to be a direct provider of the Kiama Leisure Centre facilities. Council can: (a) Provide and manage all services (current model). (b) Outsource the provision of some services. (c) Outsource the provision of all services. Currently, Council provides and manages all services, which requires a high number of casual employees to be engaged at the Kiama Leisure Centre. As discussed in this report, this model presents risks to Council. Instead, we would recommend that Council consider transitioning to Option B until such time as the future of the Kiama Leisure Centre asset is determined. As discussed in Section 5.3 of this report, there are also a range of management models available to Council over the long-term. We would suggest that Council explore adopting an indirect management model, where the management of the facility is contracted out to an external operator. This should be progressed once the future of the Kiama Leisure Centre asset is determined.
Is this service delivering on community needs and Council's goals?	Council's current Delivery Program and Operational Plan do not include clear performance targets and measures for the Kiama Leisure Centre and its various services, programmes and activities. As such, it is challenging to determine whether the service is delivering on community needs and Council's goals. Council is encouraged to establish clear performance targets and measures for the Kiama Leisure Centre in its next Delivery Program.
Is the service being delivered using the most appropriate service delivery mechanisms?	Council has not yet explored other service delivery mechanisms, so it is challenging to assess whether the current model is the most appropriate. However, preliminary research and analysis conducted as part of this service review indicate that Council should explore transitioning to an indirect management model. Successfully operating and managing a facility of the Kiama Leisure Centre's size requires industry expertise and mature systems, processes and work practices to enable efficient service delivery. On the information available, we would suggest that an established industry operator may be better placed to manage the Kiama Leisure Centre for Council.

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Guiding question	Finding and commentary
	There are several established industry operators active in the NSW market, and in recent years, several rural and regional local councils have transitioned from a direct management model to an indirect management model. Research suggests that this can be financially advantageous for councils, and beneficial for their communities, who benefit from improved service delivery.
Is the service being delivered as efficiently and effectively as possible?	On the information available, the service is not being delivered as efficiently as possible. Currently, the Kiama Leisure Centre engages a large number of casual employees to deliver various services, programmes and activities provided by the centre. In the short-term, efficiencies could be achieved via shifting away from delivering many services internally and instead leasing/contracting these to alternative providers. Over the long-term, Council should consider transitioning to an indirect management model.
Is the service resourced appropriately?	Under the current operating model, the service is adequately resourced. As noted above, Council should review the current operating model and explore whether an indirect management model would be more advantageous.
Is the service meeting current service standards and levels?	As service levels have not been established via Council's Delivery Program and Operational Plan, we are unable to determine whether those standards and levels are being met. We would recommend Council establish clear service standards and levels in its next Delivery Program.
What are the current and future issues affecting the service, and what should be done about them?	The main issues impacting the future service provision are: • Lack of clear market focus and long-term direction – develop strategic plan and business plan. • Lack of internal expertise in commercial aquatic centre management – explore transitioning to indirect management model. • Ageing asset in poor condition – improved asset management planning and implementation coupled with renewal or replacement strategy. • Service provision optimisation – investigate service provision opportunity, through contractors, licencing and leasing (short-term), and transitioning to indirect management model (long-term).

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1 Introduction

1.1 Background

Local councils are responsible for delivering a wide range of services to their communities and exercising an extensive suite of service, regulatory, revenue, administrative, enforcement and ancillary functions under the Local Government Act and other legislation.

Under the Integrated Planning and Reporting ("IP&R") framework provisions of the Local Government Act, all local councils are required to plan holistically for the future and must develop a suite of interrelated strategies to guide their long-term planning and decision-making in relation to service delivery and resources. All plans, policies, programs, and activities developed and undertaken by local councils must directly relate to their respective IP&R frameworks.

The IP&R framework is designed to support local councils in establishing service levels, monitoring service performance, improving service delivery and encouraging continuous improvement across their organisations and operations.

The *Integrated Planning and Reporting Guidelines for Local Government in NSW* ("the Guidelines") published by the NSW Office of Local Government ("the OLG") and prescribed under the Local Government Act provide that local councils must, via their Delivery Program, *"identify areas of service that the council will review during its term, and how the council will engage with the community and other stakeholders to determine service level expectations and appropriate measures*".

In turn, local councils must specify which service delivery reviews they will undertake each year via their annual Operational Plan, and report on the results of such reviews in their Annual Report. Importantly, councils must disclose in their Annual Report any changes they have made to services in response to the findings of service delivery reviews undertaken in the previous year.

The service review process asks local councils to consider the following questions when reviewing services:

1. Should this service be delivered to the community?
2. If so, how should it be delivered?
3. Is this service delivering on community needs and Council's goals?
4. Is the service being delivered using the most appropriate service delivery mechanisms?
5. Is the service being delivered as efficiently and effectively as possible?
6. Is the service resourced appropriately?
7. Is the service meeting current service standards and levels?
8. What are the current and future issues affecting the service, and what should be done about them?

A service delivery review is a vital process for local councils and will ensure that their service functions are:

- **Appropriate** – that is, services meet current community needs and wants, and can be adapted to meet future needs and wants,
- **Effective** – that is, councils deliver targeted, better-quality services in new ways,
- **Efficient** – that is, councils improve resource use (people, materials, equipment, infrastructure) and redirect savings to finance new or improved services, and
- **Affordable** – that is, the community is able to afford the current and any proposed future service levels.

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1.2 Context

The Kiama Municipality

The Kiama Municipality is located in south-east NSW and supports a permanent population of approximately 23,074 residents. Encompassing an area of 258 square kilometres, the Kiama Municipality is bordered by Shellharbour City to the north, Wingecarribee Shire to the west and Shoalhaven City to the south.

As with most other communities on the south-coast of NSW, the Kiama Municipality's local population is both growing and ageing. Over the 20-year period from 2021 to 2041, the NSW Department of Planning projects that the Kiama Municipality's population will grow at an annual rate of 1.28 per cent, higher than the NSW average of 0.95 per cent, to comprise close to 31,000 residents by 2041. According to 2021 Census data, the median age of the local population is 48 years, significantly higher than the NSW average of 39 years, and 35.8 per cent of the local population is aged 60 years or older, also significantly higher than the NSW average of 23.5 per cent.

The Kiama Municipality supports a diverse economy, with its stunning natural beauty and idyllic coastline ensuring that tourism is the region's biggest economic driver. The tourism industry contributes approximately $244 million to the local economy, with more than one million people visiting Kiama each year. As at 2021, the largest industries generating jobs were hospitals (4.9 per cent), primary education (3.6 per cent), cafes and restaurants (3.3 per cent), secondary education (3.0 per cent), and local government administration (2.9 per cent).

Kiama Leisure Centre

The Kiama Leisure Centre is Council's flagship multipurpose swimming, fitness and sports facility and is open 360 days of the year, for 95 hours each week. Located at the Kiama Sports Complex, the facility incorporates an eight-lane 25 metre indoor lap pool, toddler pool, spa, sauna, gym and group fitness room, along with an indoor sports hall and creche.

Built in 1982 and opened in 1983, the facility is now over 40 years old, and its condition is deteriorating. Despite the relative success of the service operation and delivery of periodic facility upgrades since its establishment; the Kiama Leisure Centre's infrastructure and operational plans are being reviewed to ensure Council is demonstrating a proactive and strategic approach to the facility's long-term strategic management.

Other aquatic facilities in the Kiama Municipality include the Jamberoo Public Swimming Pool, which is an outdoor pool and open from December to March each year, and rock pools located at Black Beach, Blowhole Point, Boat Harbour and South Werri. While the Jamberoo Public Swimming Pool is staffed by Council employees, the Municipality's four rock pools are unstaffed.

1.3 Project objective and scope

In December 2023, Morrison Low was engaged by Council to undertake an external service review of the Kiama Leisure Centre. The objective of the service review was to analyse service needs and demand and explore future directions in relation to the Kiama Leisure Centre, including potential alternative operating models.

1.4 Acknowledgements

We wish to thank Council for all the assistance, cooperation and courtesy extended to us over the course of our review, particularly during our site visit to the Kiama Shire from Tuesday, 9 January to Wednesday, 10 January 2024.

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1.5 Limitations and restrictions

In preparing this report, Morrison Low has relied on:

- Information provided in-confidence by Council,
- Feedback provided by Council's staff,
- Feedback provided in-confidence by external stakeholders,
- Publicly available information, and
- Our own analysis.

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2 Service summary and delivery arrangements

2.1 Service summary

The Kiama Leisure Centre is Council's key multipurpose swimming, fitness and sports facility. The centre is open 360 days of the year, for 95 hours each week. The Kiama Leisure Centre incorporates the following buildings and facilities:

- 25-metre indoor swimming pool
- Indoor toddlers pool
- Spa
- Sauna
- Gym
- Group fitness classes
- Indoor sports hall
- Creche
- BBG facility
- Changerooms and toilets (male and female)
- Reception/kiosk
- Plant and filter rooms.

Council's staff employed at the Kiama Leisure Centre plan and deliver a comprehensive program of activities throughout the year for members of the community accessing the centre. Specific services delivered via the Kiama Leisure Centre include:

- Aqua aerobics
- Childminding services
- Holiday activities
- Group fitness and personal training
- Gymnastics classes
- Indoor court hire
- Learn-to-swim and swim coaching classes.

The Kiama Leisure Centre also manages the Jamberoo Public Swimming Pool, which is staffed by lifeguards from November to March.

2.2 Legislative context and considerations

Aquatic facilities are not statutory responsibilities of local councils under the Local Government Act, or another Act of Parliament. As such, these services are technically considered "discretionary" or "non-core", rather than "non-discretionary" or "core" responsibilities. Notwithstanding this, local communities commonly expect their council to operate a public swimming pool, given Australia's climate and the important role that public swimming pools play in supporting social cohesion and improved health and wellbeing.

Section 24 of the Local Government Act provides that Council may provide services appropriate to the current and future needs within the Kiama community, subject to the provisions of the Local Government Act and accompanying *Local Government (General) Regulation 2021* ("Local Government Regulation").

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Where councils operate public swimming pools, they must ensure compliance with a range of legislation, including the *Public Health Act 2010*, *Public Health Regulation 2012*, *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*.

2.3 Strategic alignment

Under the IP&R provisions of the Local Government Act and accompanying Local Government Regulation, Council is required to develop and adopt an interrelated suite of strategic planning documents, underpinned by a Community Strategic Plan, to guide its decision-making processes.

As illustrated in *Table 2*, below; there is a clear strategic link between the provision of aquatic and recreational services via the Kiama Leisure Centre and the current Kiama Municipal Council Community Strategic Plan, along with Council's Delivery Program 2022-2026 and Operational Plan 2023-2024.

Table 2 Kiama Municipal Council IP&R strategic alignment

IP&R Document	Reference	
Community Strategic Plan	1.2	We love where we live; we have the services and facilities we need, and the natural beauty of our surroundings enhances our safe, active and healthy lifestyle.
Delivery Program 2022-2026	1.2.1	Provide spaces, services and initiatives that foster a proud, inclusive connected community for all.
Operational Plan 2023-2024	1.2.1.3	Manage and maintain the safe operation of a seasonally used outdoor pool in accordance with legislative obligations.
	1.2.1.4	Manage Leisure Centre services and administration for members and guests and provide fitness programs, classes and gym using purpose-specific equipment and a clean and safe environment.

2.4 Recent strategic, management and administrative reviews and decisions

2.4.1 Kiama Leisure Centre Strategic Plan (2008)

In 2007, Council engaged an external consultancy, Direct Incite Pty Ltd, to develop a strategic plan for the Kiama Leisure Centre. The subsequent strategic plan covered the five-year period from 2008 to 2012. In the 12 years since, Council has not reviewed or developed a new strategic plan for the facility.

2.4.2 Kiama Leisure Centre Liability Risk Engineering Report (2022)

In 2022, risk management consultancy Willis Australia Limited ("WTW") prepared a liability risk engineering assessment of the Kiama Leisure Centre on behalf of CivicRisk Mutual and Council as part of their third-party liability control program.

This assessment resulted in Council being provided 18 recommendations to better manage and mitigate liability risk. Of these, five (5) were identified as high priority; 11 were identified as medium priority; and three (3) were identified as low priority.

2.4.3 Kiama Sports Complex Masterplan (Current)

Council has recently commissioned a Masterplan of the Kiama Sports Complex, via grant funding obtained under the Commonwealth Government's Local Roads and Community Infrastructure Program (Phase 3). The scope of this Masterplan does not extend to include the Kiama Leisure Centre but is instead, limited to those

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recreational assets surrounding the facility, including netball courts, skate park, public car park, grass sporting fields and athletic track.

Figure 1 Map of Kiama Sports Complex Masterplan scope



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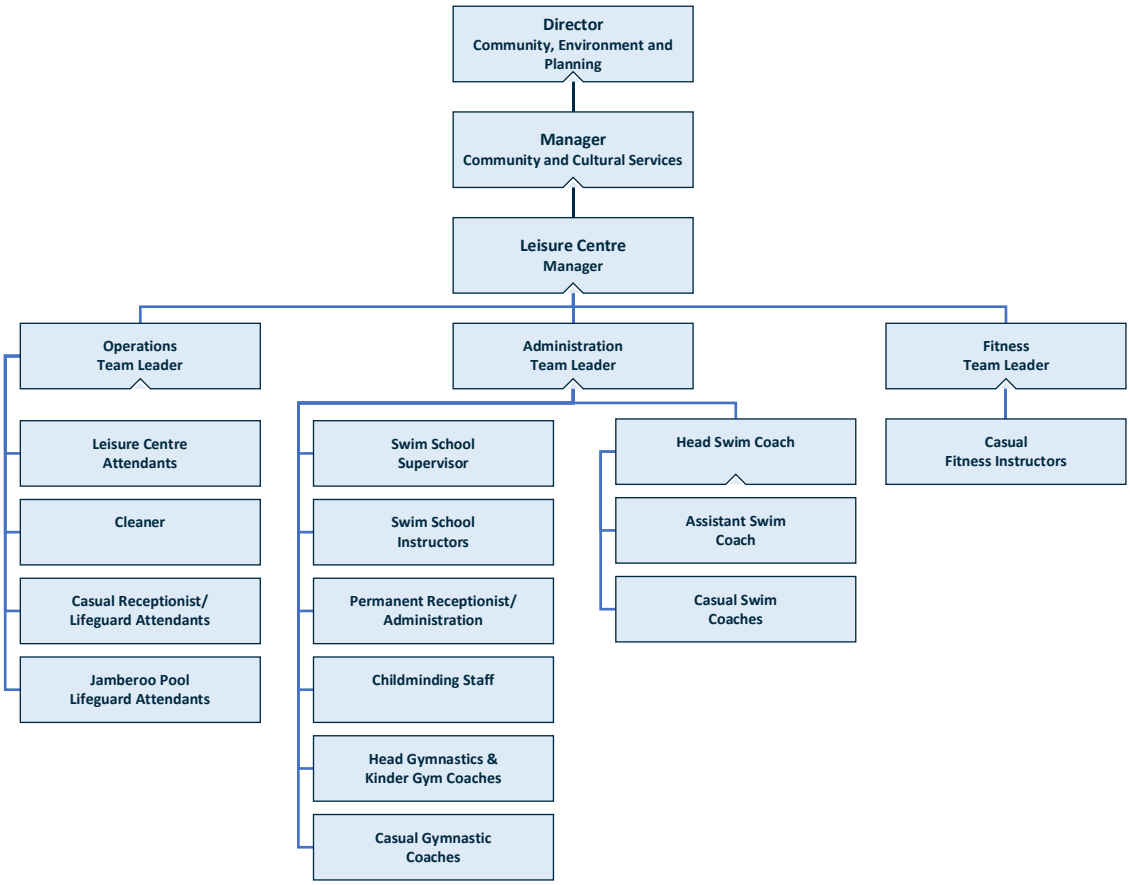
2.5 Service resourcing

The Kiama Leisure Centre is currently managed by a full-time permanent Leisure Centre Manager, who is in turn supported by three full-time permanent team leaders, each overseeing different aspects of the centre's operations. Council currently employs a large number of casual employees to support the delivery of the Kiama Leisure Centre's various services, programmes and activities provided.

Figure 2 Kiama Leisure Centre structure



2.6 Community importance and satisfaction

Council regularly commissions external market research company, IRIS Research, to undertake a Community Satisfaction Survey aimed at gauging community sentiment on a range of Council services and facilities, including the Kiama Leisure Centre, and identifying opportunities for improvement. Results of the most recent Community Satisfaction Survey, carried out in 2020, indicate that the community is generally satisfied with the Kiama Leisure Centre. Indeed, results suggest that the Kiama Leisure Centre enjoys the third highest level of satisfaction of Council-operated facilities, after Council's library services and the Kiama Pavilion.

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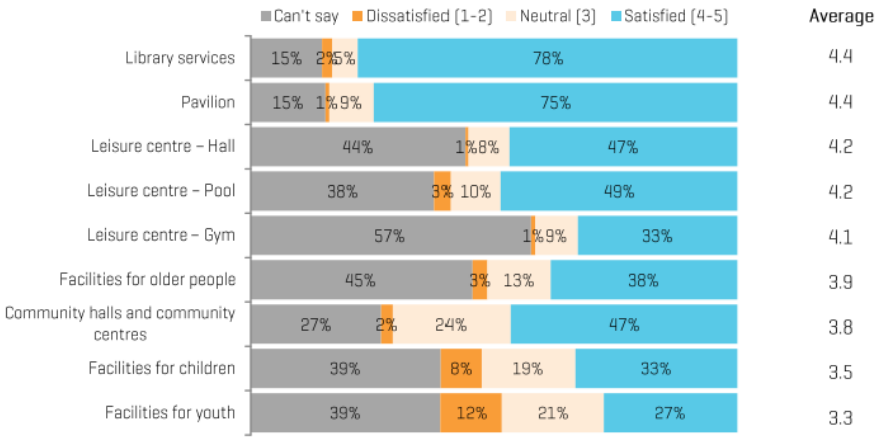
Figure 3 Community satisfaction with Kiama Municipal Council facilities (Community Satisfaction Survey 2020)



In 2022, Council undertook a targeted Kiama Leisure Centre survey to gather comprehensive information to guide Council in improving customer satisfaction and enhancing the quality of services offered to members and patrons of the centre. Comprising 25 multiple choice and three open-ended questions, the survey was delivered over a 28-day period from April to May 2022 and attracted 759 responses.

Following completion of the survey and analysis of results, Council identified the following focus areas for the centre:

- Improving communication methods and platforms, particularly increasing opportunities for online customer service (e.g., bookings, payments, programs) to overcome reception wait-times, congestion and delay
- Reviewing programs to provide contemporary fitness program offerings and timetables
- Maximising pool use and aquatic programs patronage via refined oversight to provide dedicated management of the aquatic programs area
- Planning for gym enhancement incorporating a five-year space-refresh and equipment renewal plan, functional floor layout, and consideration of additional hours of access
- Maintaining continual focus on competitor offerings and pricing and adapting to change
- Implementing detailed operational plan, staffing breakdown and business plan for the service
- Developing marketing plan to grow and retain customers beyond the LGA boundary given the constraints to customer growth within the Kiama LGA catchment
- Improving operational management and customer service

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2.8 Financial performance

The Kiama Leisure Centre's financial performance has been mixed over recent years, generating deficits in each of 2020/21, 2021/22 and 2022/23. Following analysis of the year-to-date actuals provided by Council, we expect the service to similarly generate a deficit in the current 2023/24 year.

As illustrated by *Table 3*, below, the service generated substantial deficits in 2020/21 and 2021/22. This performance is largely attributable to lower income via user and fees and charges received during the Novel Coronavirus ("COVID-19") pandemic era, during which time various social distancing requirements were in force. In the years since the COVID-19 pandemic era, income has increased due to user fees and charges revenue, but some expense categories have also increased (e.g. employee costs, materials and contracts).

Table 3 Kiama Leisure Centre financial performance, 2020-2024

	2020/21 Actual	2021/22 Actual	2022/23 Actual	2023/24 Projected*
Income				
User charges and fees	$1,935,735	$1,680,816	$2,476,525	$2,624,235
Grants, subsidies, contributions and donations - Operating	$8,161	$3,103	$226	$0
Grants, subsidies, contributions and donations - Capital	$0	$15,530	$0	$0
Expenses				
Employee Benefits	$2,070,579	$1,754,029	$1,938,394	$2,207,638
Borrowing Costs	-$12	$4,044	$1,493	$9,885
Materials & Contracts (excl. capital expenditure)	$739,058	$596,084	$729,622	$789,320
Other Expenses	$270	$575	$54	-$2,642
Capital expenditure	$997	$54,737	$101,721	$49,593
Total income	**$1,943,897**	**$1,699,449**	**$2,476,751**	**$2,624,235**
Total expenses (excl capital expenses)	**$2,809,895**	**$2,354,732**	**$2,669,564**	**$3,004,202**
Surplus/(Deficit) before Capital items	**-$865,999**	**-$655,283**	**-$192,813**	**-$379,967**
Total expenses (incl capital expenses)	**$2,810,893**	**$2,409,468**	**$2,771,285**	**$3,053,795**
Surplus/(Deficit) after Capital items	**-$866,996**	**-$710,019**	**-$294,534**	**-$429,561**

*Based on six-month actuals as at December 2023.

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2.9 Patronage and admissions

Council was able to provide patronage and admission data for the Kiama Leisure Centre and Jamberoo Public Swimming Pool for the periods 2020-2024 and 2019-2023, respectively.

2.9.1 Kiama Leisure Centre

As illustrated by *Table 4*, below, admissions were higher in 2022/23 than in the previous 2020/21 and 2021/22 financial years, which – as noted in the previous section – is likely due to the effects of the COVID-19 pandemic era on the Kiama Leisure Centre's operations. Admission data for the current 2023/24 year is strong, and based on actual figures as at December 2023, the centre is likely to marginally exceed its result in 2022/23.

Table 4 Kiama Leisure Centre patronage and admissions, 2020-2024

Grouping	2020/2021	2021/2022	2022/2023	2023/2024*
Aqua	130	6,759	11,487	11,741
Babygym	0	243	355	182
Childminding	898	1,362	2,924	2,146
Coaching Pass	2,555	3,905	4,769	3,470
Court Hire	0	720	9,574	13,620
Fitness Passport	15,221	19,658	31,286	31,596
Group Fitness	15,760	20,382	30,829	31,628
Gym	17,003	23,696	36,470	35,190
Gymnastics	1,382	2,543	2,539	1,827
Health Moves	0	28	3,110	3,336
Kindergym	0	514	1,407	1,797
Personal Training	481	527	887	831
Pool Party Admission	0	0	1,060	2,366
Pool Toy	1,362	1,422	3,067	3,123
Sauna	1,144	7,927	17,184	18,754
School	114	12	7	5
Spa	303	1,690	5,126	6,291
Spectator	6,015	21,295	21,689	22,234
Swim	22,099	32,216	45,723	50,681
Swim School and learn to swim	8,477	27,784	35,964	30,020
Total	**92,944**	**172,683**	**265,457**	**270,838**

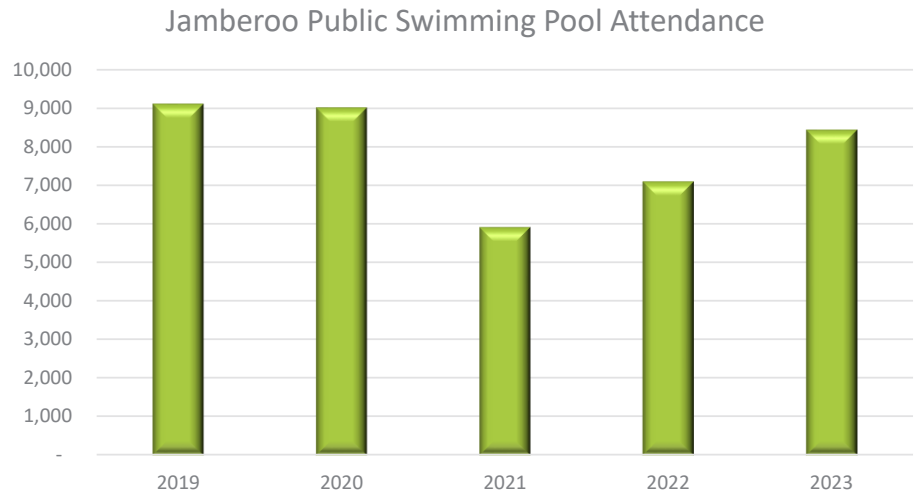
*2024 figures have been annualised based on six-month actuals provided by Council.

2.9.2 Jamberoo Public Swimming Pool

As with the Kiama Leisure Centre, attendance at the Jamberoo Public Swimming Pool has varied significantly in recent years. Once again, the COVID-19 pandemic is likely to have significantly affected the pool's patronage, especially in the latter half of 2019/20 and throughout 2020/21 and 2021/22, during which time various Public Health Orders were in force.

As illustrated by *Figure* 4, below, attendance at the Jamberoo Public Swimming Pool has not returned to pre-COVID-19 levels. In 2018/19 and 2019/20, the pool attracted 9,117 and 9,020 patrons, respectively. Patronage dropped significantly in 2020/21, with just 5,914 users accessing the facility, rising to 8,441 users in 2022/23.

Figure 4 Jamberoo Public Swimming Pool Attendance, 2019-2023



2.10 Customer satisfaction

In 2022, Council undertook a targeted Kiama Leisure Centre survey to gather comprehensive information to guide Council in improving customer satisfaction and enhancing the quality of services offered to members and patrons of the centre. Comprising 25 multiple choice and three open-ended questions, the survey was delivered over a 28-day period from April to May 2022 and attracted 759 responses.

Following completion of the survey and analysis of results, Council identified the following focus areas for the centre:

- Improving communication methods and platforms, particularly increasing opportunities for online customer service (e.g., bookings, payments, programs) to overcome reception wait-times, congestion and delay
- Reviewing programs to provide contemporary fitness program offerings and timetables
- Maximising pool use and aquatic programs patronage via refined oversight to provide dedicated management of the aquatic programs area
- Planning for gym enhancement incorporating a five-year space-refresh and equipment renewal plan, functional floor layout, and consideration of additional hours of access
- Maintaining continual focus on competitor offerings and pricing and adapting to change
- Implementing detailed operational plan, staffing breakdown and business plan for the service

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- Developing marketing plan to grow and retain customers beyond the LGA boundary given the constraints to customer growth within the Kiama LGA catchment
- Improving operational management and customer service.

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3 Consultation insights and analysis

In undertaking this service review, Morrison Low made several positive observations regarding the Kiama Leisure Centre. We were particularly impressed with the strong commitment to customer service excellence and quality customer care demonstrated by those Council employees responsible for providing these services. However, consistent with the objective and scope of this review; we have focused our efforts on identifying opportunities for Council to improve culture, strategy, systems and processes to optimise service delivery and performance.

Commentary on our key findings, and accompanying improvement recommendations, is detailed below.

3.1 Strategy and performance

3.1.1 Key findings

(a) The Kiama Leisure Centre lacks an endorsed strategic direction and is operated more as a family business servicing local families in a "cradle to grave" leisure offering. Customer satisfaction appears to be prioritised ahead of financial sustainability and commercial opportunities.

(b) Despite the Kiama Leisure Centre's location and proximity to the Kiama Sports Complex, there is no interface and few synergies between the two. Council is not planning wholistically for the precinct, despite it being the Kiama Municipality's premiere fitness, leisure and recreation precinct.

(c) While Council currently tracks attendance and revenue against the service offering, costs are not tracked against service offering. Further, corporate cost overheads are not being applied. This makes it impossible to identify which services are operating profitably and those that are not, and establish the "true cost" of operating the Kiama Leisure Centre. In turn, this limits Council's ability to make investment decisions to maximise Kiama Leisure Centre revenue.

(d) Council's financial position and culture of conservative financial management have resulted in Kiama Leisure Centre staff minimising spend on maintenance requirements and extending equipment beyond its useful life. As a result, this culture has led to under-investment and now limits the ability of the Kiama Leisure Centre to optimise revenue opportunities.

(e) Realising commercial opportunities at the Kiama Leisure Centre is difficult due to building and space limitations. Without major changes and significant investment, it is unable to offer leisure water space, a café or other retail offering, or accommodate extended services such as a 24-hour gym.

(f) The current subsidy in place at Jamberoo Public Swimming Pool is not recommended. Council should address this when developing its next Statement of Revenue Policy, and introduce an appropriate secure entry system to support paid entry.

(g) Since the development of the Kiama Leisure Centre in 1982, the local market has changed significantly and there are now several commercial gyms operating in the Kiama Municipality. As such, Council is no longer filling a market gap or meeting a community need in operating a gym and providing fitness classes.

(h) The Kiama Leisure Centre provides a wide service range delivered by Council-employed staff. In many other facilities, the service offering is smaller and/or delivered by a mixture of Council employees, contractors and licensees.

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Recommendation/s

1. Review the Kiama Leisure Centre Strategy, ensuring the vision, goals, target market, and strategies to deliver operational performance are updated and consistent with Council's strategic objectives.
2. Reconsider the service offering and whether Council is best placed to be the provider/operator of services currently provided at the Kiama Leasure Centre (e.g. childcare, fitness and swim coaching), or whether these are better outsourced to commercial operators via contract or licences.
3. Establish and endorse expected service levels and Key Performance Indicators (KPIs) for the Kiama Leisure Centre, and ensure that KPIs are monitored and reported on a quarterly basis.
4. Apply corporate overheads to the Kiama Leisure Centre to establish the true cost of operating the centre and providing its various services, programmes and activities.
5. Introduce user fees for the Jamberoo Public Swimming Policy via the 2024/2025 Statement of Revenue Policy and ensure an appropriate secure entry system is introduced ahead of the 2024/2025 swim season.
6. Review the Chart of Accounts to enable the costs attributable for each service offering (including apportioned overheads) to be monitored alongside revenue. Council only tracks attendance and revenue.
7. Ensure the financial impact of any changes in service offerings and service levels is modelled in Council's Long-Term Financial Plan.

3.2 Asset management and maintenance

3.2.1 Key findings

(a) Council's Buildings Asset Management Plan is dated and does not include appropriate condition data or forward maintenance and renewal requirements for the Kiama Leisure Centre. While Kiama Leisure Centre staff have a schedule for planned, cyclic maintenance, major maintenance and renewal requirements are not being addressed.

(b) The Kiama Leisure Centre is ageing, its condition is deteriorating, and it does not meet contemporary leisure needs. The facility's age is impacting its performance, and there are many parts of the facility that are in poor condition, non-compliant or not functioning properly.

(c) Responsibility for planning and undertaking planned and reactive facility maintenance should be formally transferred from the Kiama Leisure Centre staff to Council's Facilities and Maintenance team, with Kiama Leisure Centre staff retaining responsibility for minor (not technical) maintenance.

(d) Council manages four (4) rock pools, which sit with another section of Council's organisation rather than in the Community Hubs portfolio within the Planning, Environment and Communities directorate. While Council's role is largely a maintenance and lifeguarding responsibility, there are synergies in including operational oversight of these pools within the Leisure Centre team.

(e) Council employs a number of Beach Lifeguards, who also sit with another section of Council's organisation rather than in the Community Hubs portfolio within the Planning, Environment and Communities directorate. As with the above, there are synergies in including operational oversight of the Beach Lifeguard function within the Leisure Centre team.

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Recommendation/s

8. Review and update Council's Buildings Asset Management Plan to include Kiama Leisure Centre's forward maintenance and renewal requirements.
9. Develop and adopt a Kiama Leisure Centre Masterplan, ensuring the development of the Masterplan is informed by robust community engagement.
10. Prepare a Business Case to assist in securing grant funding to deliver the Kiama Leisure Centre Masterplan (once developed).
11. Consider transitioning functional responsibility for the operational oversight of rock pools to the Leisure Centre Manager.
12. Consider transitioning functional responsibility for the operational oversight of Beach Lifeguards to the Leisure Centre Manager.
13. Consider transitioning responsibility for building maintenance at the Kiama Leisure Centre to Council's Facilities and Maintenance team.

3.3 People and culture

3.3.1 Key findings

(a) The Kiama Leisure Centre team structure should be flattened and management layers reduced.

(b) Position descriptions require review to ensure clarity and consistency of roles and accountabilities across the Kiama Leisure Centre team.

Recommendation/s

14. Review Kiama Leisure Centre team structure with the objective of reducing management layers.
15. Review, align and update position descriptions for Kiama Leisure Centre positions.

3.4 Risk management

3.4.1 Key findings

(a) Council may be exposed to industrial risks via the high use of casual employees at the Kiama Leisure Centre. This model should be reviewed to ensure risks are clearly identified and being appropriately managed.

Recommendation/s

16. Review the model of engagement of casual employees engaged at the Kiama Leisure Centre, including the management of all casual employees, to ensure industrial risks are being proactively managed and mitigated.

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3.5 Systems and processes

3.5.1 Key findings

(b) Despite WTC recommending in 2022 that Council develop an overarching Operations Manual for the Kiama Leisure Centre, the Operations Manual is currently split across multiple documents with those components not reviewed since 2015 or 2016. We have been advised that a revision of the Operations Manual is currently in progress.

(c) While some employees are unhappy with *Envibe*, it is widely used in the gym and leisure market and there is compelling reason to replace it with another product at this time.

Recommendation/s

17. Complete the review and consolidate the Kiama Leisure Centre Operations Manual, ensuring that it is regularly reviewed**,** and quality controlled for currency.

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4 Strategic service options

4.1 Kiama Leisure Centre

The Kiama Leisure Centre is an ageing facility and its condition continues to deteriorate. The facility is no longer meeting contemporary recreation needs and typical community expectations. This gap will continue to widen unless addressed. Council has three options:

- **Option 1 – Do nothing:** A do-nothing option would see the continued deterioration of the Kiama Leisure Centre to a point where it would be unusable, unsafe, and unfit to meet the needs of the local community. A decision not to invest in Kiama Leisure Centre may require social infrastructure to be replicated elsewhere in the Kiama Municipality at a greater cost.
- **Option 2 – Upgrade:** This option would include an upgrade of the Kiama Leisure Centre, comprising improvements to the existing facility.
- **Option 3 – Redevelop:** This option would include a complete redevelopment of the Kiama Leisure Centre. Under this option, some existing elements of the Kiama Leisure Centre could be removed, or potentially replaced with new or supplementary elements (.e.g. café, 50-metre competition pool, leisure pool, splash pad, etc.).

Council has the opportunity and obligation to make a strategic direction regarding the future of the Kiama Leisure Centre. As noted previously, Council's decision-making should be informed by a Masterplan, developed in consultation with the Kiama Municipality community.

Significant funding will be required to pursue either **Option 2 – Upgrade** or **Option 3 – Redevelop**. Potential options for funding either the upgrade or redevelopment of the Kiama Leisure Centre could include:

- Section 94 contributions
- Proceeds from the sale of assets
- Grants and contributions
- Debt/loan borrowings
- Forward borrowing from reserves
- Other general income sources.

We believe that given the nature and condition of the asset, Council should commence planning for Option 3 while noting that typically this planning and engagement can take many years, and that construction will be dependent on Council's financial capacity and grant funding. At best, actual redevelopment is only likely to occur in the latter year of Council's Long-Term Financial Plan ("LTFP"); more likely, it would need to be funded in a future LTFP.

Undertaking sufficient planning for this decision-making process should occur sooner and we would suggest that the planning and engagement components be included in the next Delivery Program for consultation with the Kiama Municipality community (via the development of a Kiama Leisure Centre Masterplan).

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4.2 Jamberoo Public Swimming Pool

Council currently waives user fees and charges for the Jamberoo Public Swimming Pool. While uncommon, there are examples of other local councils across NSW that waive user fees for smaller, outdoor pools of a similar age and condition to the Jamberoo Public Swimming Pool. *Table 5*, below, includes examples of free-entry public swimming pools in NSW. This is not an exhaustive list, but it does demonstrate a wide range in approaches used by other councils.

Table 5 Sample of free-entry public swimming pools

Council	Population	Facility	Notes
Berrigan Shire Council	8,653	Berrigan Public Swimming Pool	Berrigan Shire Council owns four swimming pools, including one indoor heated aquatic centre and three outdoor pools. Of these, one (Berrigan) does not apply user fees.
MidCoast Council	97,237	Bulahdelah Public Swimming Pool Nabiac Public Swimming Pool	MidCoast Council's owns a number of public swimming pools and aquatic centres. Most are staffed and apply user fees. Both pools located in inland villages. Both pools are unsupervised, with no lifeguards.
Parkes Shire Council	14,361	Peak Hill Public Swimming Pool Trundle Public Swimming Pool Tullamore Public Swimming Pool	Parkes Shire Council's main facility, the Parkes Aquatic Centre, applies user fees. All free-entry pools are located in remote villages. All pools are staffed by lifeguards during open hours.

As illustrated by *Table 5*, above, there is no consistent approach applied by councils in applying user fee subsidies. For example, Berrigan Shire Council waives fees for one of its pools, but applies fees for its three other pools (including two, at Finley and Tocumwal, that are of a similar size and condition). We understand that the Berrigan Public Swimming Pool is operated by a Section 355 Committee and fundraises throughout the year and receives donations to subsidise entry. In contrast, Parkes Shire Council maintains one "premier" facility in the Parkes central business district, which applies fees, but waives fees for smaller outdoor facilities located in remote areas of the local government area.

The distinction between these examples and Kiama Municipal Council is that these facilities are used almost exclusively by residents of the area. A similar situation exists in MidCoast Council, where two pools located in inland communities have a free-entry admission model.

Research undertaken by Kiama Municipal Council suggests that while the pool is predominantly used by residents of the Kiama Municipality; a number of patrons reside in the neighbouring Shellharbour City local government area. As a result, the current model is seeing residents of another local government area access a Kiama Municipal Council-provided and -subsidised service.

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As Council is expending funds on staffing the Jamberoo Public Swimming Pool during operating hours, user fees and charges should be introduced for the facility. Noting the limited infrastructure at the facility, as well as the location of the entry point; Council should investigate the feasibility of installing an appropriate entry system (e.g. fob access system) to complement the introduction of user fees and charges. In practice, this may mean that users would need to purchase a season pass in order to receive an access fob for the season.

4.3 Management model

There are various management models available to local councils in managing public community venues such as recreation facilities and aquatic centres. In practice, management models largely fit into one of the following three categories:

- **Direct Management:** under this model, Council directly manages and operates the facility. This is the current model utilised by Council in relation to the Kiama Leisure Centre.
- **Indirect Management:** under this model, an external operator (typically a specialist leisure or recreation management agency) manages or part-manages the facility, via a management services agreement with Council.
- **Independent Management:** under this model, an external operator manages the facility via a formal lease and/or management agreement.

Each of the three management models listed above has inherent strengths (or advantages) and weaknesses (or disadvantages). Further, when determining the most appropriate management model, it must be recognised that no one model will suit all facilities and situations. Factors that should be considered by Council in deciding the most appropriate management model for its specific needs are outlined below.

4.3.1 Direct Management

Under this model, Council would continue to directly manage and operate the Kiama Leisure Centre and design, deliver, and promote services and programmes. The key advantage of this model is that Council can directly control the condition of the centre and the quality of the services and programmes it provides.

Table 6 Management model advantages and disadvantages: direct management

Advantages	Disadvantages
– Council can exercise a high level of control over the day-to-day operation of the Kiama Leisure Centre. – Council can ensure the Kiama Leisure Centre is maintained to a high standard and has the capacity to provide adequate funds for all asset management requirements, including cyclical maintenance and structural maintenance. – Council's governing body has capacity to make ongoing input into strategy and service offering. – Council can oversee marketing strategy and initiate direct promotion of the facility, its services and programmes. – Council can respond to changing customer needs and priorities.	– Model requires Executive and senior staff with skills and expertise in managing, operating and/or maintaining aquatic and recreation facilities. – Council must be willing and able to maintain facility to high standard and ensure adequate funds are allocated to meet asset management requirements. – Political influence can be applied by governing body to change strategy and service offering, or stifle/delay new opportunities. – Council may be slower to identify and exploit opportunities due to governance structures and internal bureaucratic arrangements. – Less flexible industrial arrangements may limit resourcing decisions.

4.3.2 Indirect Management

Under this model, Council would enter into a management services contract with a contractor to manage the whole or part of the Kiama Leisure Centre. The key advantage to this model is that the operator can typically provide specialist experience that Council may lack, and is responsible for resourcing, including recruiting, training and managing staff (rather than Council).

Table 7 Management model advantages and disadvantages: Indirect management

Advantages	Disadvantages
– Operator can typically apply specialist experience which is usually not readily available to Council. – Council does not need to employ staff to manage and operate the centre or provide services and programmes. – Operation of the centre is at arm's length from Council and freed from day-to-day Council issues and interventions. – Operator can usually respond to needs, issues and priorities more rapidly and efficiently than Council. – Operator typically able to make more flexible industrial arrangements (not subject to *Local Government (State) Award*). – Council can remain a partner in the arrangement and thus continues to have some control over the centre and access to performing reporting/ monitoring. – Formal commitments for maintenance and refurbishment allocations can be set.	– Council can find itself locked into an external management agreement with an ineffective manager for a significant period. – Legal implications and possible action for failure to deliver contract obligations. – Operator can focus predominantly on profitable services and programmes to the detriment of wider community obligations.

4.3.3 Independent Management

Under this model, Council would outsource the management and operation of the Kiama Leisure Council to an external party or organisation through a formal lease agreement. The key advantage to this model is that it is likely the most effective financially, and significantly minimises (or eliminates) financial and risk implications for Council. However, this model does present significant risks that community benefits may be lost via service, staffing and programming decisions, with Council restricted in its ability to influence such decisions.

Table 8 Management model advantages and disadvantages: Independent management

Advantages	Disadvantages
– Lessee typically able to achieve operational economies on conditions of use, labour, goods and services. – Financial and risk implications for Council are minimised or eliminated entirely. – Lessee typically able to make more flexible industrial arrangements (not subject to *Local Government*	– Lessee's objectives may conflict with achieving equitable access or community service obligations desired by Council. – Limited opportunity for community and customer input into establishing and reviewing services, programmes, timetables and fees. – Lessee typically has strong focus on covering costs

Advantages	Disadvantages
(State) Award). – Council can set guaranteed operating financial position. – Lessee may be well positioned to obtain and provide immediate capital for improvements and maintenance requirements.	and generating profit, influencing decision-making relating to services, buildings and equipment. – Council has no opportunity to participate in centre management, with control usually exercised via a medium- to long-term lease.

4.3.4 Conclusion and preferred model

Local councils, particularly those in rural and regional areas, are increasingly pursuing indirect management models for similar sized aquatic and leisure facilities. As noted above, there are benefits to direct management; however, workforce shortages, recruitment challenges, rising operating costs and competing service delivery priorities all make indirect management an appealing option for smaller councils that are less well resourced and lack specialist industry experience.

Moving forward, Council should consider the advantages that implementing an indirect management model may provide. Contracting a specialist operator to manage the facility would likely achieve cost savings and efficiency improvements for Council, including reducing internal services required to operate the centre (e.g. Communications and Marketing, Finance, Human Resources, etc.) and enabling Management to focus on other strategic priorities and services. Importantly, customers and community would also be likely to benefit from this model, as the centre would be run by a specialist operator with industry expertise, which would likely be reflected in the quality of services, programmes and activities provided.

Implementing an indirect management model would need to achieved via a compliant tendering process, carried out in accordance with the relevant provisions of the Local Government Act and the *Tendering Guidelines for NSW Local Government* prescribed by the Office of Local Government. Careful attention should be given to the drafting of the tender specification to ensure that roles and responsibilities are clearly identified and defined, and appropriate performance reporting arrangements are included.

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5 Market research and demand analysis

Desktop analysis suggests a relatively strong and competitive fitness market in the Kiama Municipality. As at the time of this report being prepared, there are at least seven (7) other commercial gyms currently operating in the Kiama Municipality, including some aligned with major national operators such as Club Lime, Snap Fitness and F45 Training. We understand that the Kiama Village shopping centre, which is currently undergoing reconstruction and located in close proximity to the Kiama Leisure Centre, will also include a gym tenant.

While there is a competitive market in relation to commercial gyms within the Kiama Municipality; the Kiama Leisure Centre is the only facility that includes both a gym and a swimming pool. Indeed, the only other public swimming facilities within the local government area are those managed and operated by Council: namely the Jamberoo Public Swimming Pool, and the four rockpools located at Black Beach, Blowhole Point, Boat Harbour and South Werri.

5.1 Service age groups

Age structure provides valuable insights into the level of demand for aged-based services, such as child care, recreation facilities and aged care services, and indicate how residential roles and functions are likely to evolve in the future. Service age structure divide the population into age categories that reflect typical life stages and indicate the level of demand that target people at different stages in life and how that demand is changing.

Analysis of the service age groups in the Kiama Municipality compared to Regional NSW shows that, as at the 2021 Census, there was a lower proportion of people in the younger age groups (0 to 17 years) and a higher proportion of people in the older age groups (over 60 years). Overall, 19.9 per cent per cent of the local population was aged between 0 and 17 years, and 35.8 per cent were aged 60 years and over, compared with 21.5 per cent and 29.1 per cent respectively for Regional NSW.

Table 9 Service age group analysis, 2021 Census data (Australian Bureau of Statistics)

Service age group	Years	Kiama Municipality		Regional NSW
		Number	%	%
Babies and preschoolers	0 to 4	1,149	5.0	5.5
Primary schoolers	5 to 11	1,869	8.1	8.6
Secondary schoolers	12 to 17	1,585	6.8	7.4
Tertiary education and independence	18 to 24	1,424	6.1	7.6
Young workforce	25 to 34	1,993	8.6	11.6
Parents and homebuilders	35 to 49	3,866	16.8	17.5
Older workers and pre-retirees	50 to 59	2,965	12.8	12.8
Empty nesters and retirees	60 to 69	3,815	16.6	13.3
Seniors	70 to 84	3,634	15.8	13.0
Elderly	85 and over	777	3.4	2.8

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As illustrated in *Table 9*, above, the major differences between the age structure of Kiama Municipality and Regional NSW were:

- A *larger* percentage of 'Empty nesters and retirees' (16.6 per cent compared to 13.3 per cent)
- A *larger* percentage of 'Seniors' (15.8 per cent compared to 13.0 per cent)
- A *smaller* percentage of 'Young workforce' (8.6 per cent compared to 11.6 per cent)
- A *smaller* percentage of 'Secondary schoolers' (6.8 per cent compared to 7.4 per cent).

5.2 Population change

According to NSW Department of Planning projections, the Kiama Municipality's population is forecast to grow at a rate of 1.28 per cent over the 20-year period from 2021 to 2041. This is significantly higher than the NSW average growth rate of 0.95 per cent for the same period. It should be noted that the NSW Department of Planning projections are generally considered to be modest, and actual population growth may exceed the projected growth rate.

5.3 Leisure facility trends

Analysis of the recreation leisure market suggests that there are a range of trends that are increasingly impacting on the market, specifically on leisure centres. *Table 10*, below, summarises some of these trends and how they may guide future decision-making by Council in relation to the Kiama Leisure Centre:

Table 10 Leisure and aquatic facility trends (summary)

Trend	Summary
Accessibility and inclusivity	Increased focus on designing facilities that are accessible and inclusive for people of all ages and abilities. This includes features such as ramps, sensory-friendly spaces, and inclusive service design and programming.
Demographics and needs based	Increased focus on ensuring facilities adapt to changing demographics and cater for current and expected community needs, including an ageing population and a younger, more technology-savvy generation.
Health and wellbeing	Increased focus on designing facilities that contribute to the community's quality of life and overall wellbeing. This includes incorporating allied health services within aquatic and leisure centres to create a central health hub for local communities.
Flexible design	Increased focus on designing facilities and spaces that provide usage flexibility and can be easily adapted for different purposes and activities, ensuring that space utilisation can be maximised.
Sustainable design	Increased focus on implementing environmentally sustainable practices in facility design and operations. This includes energy-efficient technologies, eco-friendly building materials and water conservation measures such as advanced water filtration systems, water recycling, and efficient water management practices.
Technology and innovation	Increased focus on integrating technology into facility operations and service delivery to enhance customer experience, such as mobile applications for facility bookings, online scheduling, and smart facility management.
Value for money	Increased focus on ensuring that facilities provide value for money and commercial performance can be improved to ensure effective return on investment.

5.4 Implications

As with other communities in south-east coastal NSW, population growth in Kiama Municipality is expected to be driven by increases in the 'Seniors' (70 to 84 years), 'Empty nesters and retirees' (60 to 69 years) and 'Parents and homebuilders' (35 to 49 years) service groups. As a result, it is expected that demand for those services and facilities that cater to older residents will increase in the years ahead, whereas demand for those services that cater to younger residents will remain static.

As previously noted, Council is encouraged to develop and adopt a Masterplan to inform and guide decision-making in relation to the long-term future of the Kiama Leisure Centre. In developing this Masterplan, consideration should be given to the various trends affecting the leisure centre market, including those summarised in *Table 10*, above. Key opportunities include:

- Incorporating accessible and inclusive features in the design of the facility, which could in turn then support more accessible and inclusive services and programming.
- Incorporating sustainable design principles to ensure the facility's carbon footprint is minimised.
- Incorporating allied health services within the centre or introducing new features, such as a hydro-therapy pool, that support health and wellbeing outcomes.
- Incorporating opportunities for secondary spend, such as a café.
- Incorporating water play facilities such as splash pads and interactive water play equipment within the centre precinct, or adjacent to aquatic infrastructure.

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6 Comparable Facility Review

As part of this service review, we sought to identify other rural councils that were a similar size to Kiama Municipal Council with similar facilities to the Kiama Leisure Centre, and larger regional councils that either had a similar community profile to Kiama Municipality's or which owned and operated facilities similar to the Kiama Leisure Centre.

Table 11, below, lists the facilities that were identified as part of the comparative analysis.

Table 11 Comparable Facility Analysis

Council	LGA Population[1]	Facility
Cessnock Council	63,632	Kurri Kurri Aquatic and Fitness Centre
Dubbo Regional Council	54,922	Dubbo Aquatic Centre
		Wellington Aquatic Leisure Centre
Goulburn Mulwaree Council	32,053	Goulburn Aquatic Leisure Centre
Griffith City Council	27,086	Griffith Regional Aquatic and Leisure Centre
Kiama Municipal Council	**23,074**	**Kiama Leisure Centre**
Lake Macquarie Council	213,845	West Wallsend Swim Centre
Maitland Council	90,226	East Maitland Aquatic Centre
		Maitland Aquatic Centre
Shoalhaven City Council	108,531	Nowra Aquatic Park
Singleton Council	24,577	Singleton Gym and Swim Centre

6.1 Key Insights

Key observations from our research include:

- It is difficult for councils that operate aquatic facilities to do so at a cost-neutral level.
- Broader strategic shift away from the traditional model where councils run a 50-metre outdoor pool, along with children's area and picnic facilities, towards indoor facilities.
- Greater focus now on revenue-generating activities such as learn-to-swim, health classes, recreation usage and key stakeholder groups such as swimming clubs.
- Kiosks have the potential to raise revenue if run efficiently and operated by sales-trained staff.
- Commercial returns from learn to swim and other program-based activities may reduce the subsidy per user visit that the community must currently pay.
- Key challenges are the recruitment and retention of experienced staff at all levels, particularly those involved with learn to swim and management/coordination activities.
- Heating and/or operating costs of outdoor pools in the winter tend to favour a seasonal model,

[1] Population data sourced from the Australian Bureau of Statistics (2021 Census).

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particularly for councils in rural and regional areas.

- Some councils that run their own aquatic facilities are trying to move away from a younger, casualised workforce to a more experienced permanent staff model.
- Developing a skilled and motivated aquatic facility workforce requires Council to determine a clear long-term operating model, alongside training and professional accreditation opportunities.
- Generally, an in-house model provides councils with greater flexibility to respond to issues raised by elected officials and members of the public.
- An external model allows councils to utilise the skills and experience of a specialist provider with a large network of aquatic facilities to draw resources and knowledge from. However, this model can potentially lead to unforeseen capital or maintenance costs for council, particularly toward the end of a contract.

The following section outlines some of the key themes that were identified via the review of comparable facilities in more detail.

6.1.1 Management model

Of the facilities reviewed, there was a relatively even spread between in-house and outsourced operations. This even spread was equally applied to councils that owned a single facility and those that owned multiple facilities, as well as those that ran seasonal pool facilities and those that ran year-round.

Two councils utilised a mixed model, being Cessnock Council and MidCoast Council. In the case of Cessnock City Council, the council's two outdoor public swimming pools (located at Branxton and Cessnock) are currently managed in-house, whereas the larger Kurri Kurri Aquatic and Fitness Centre (located at Kurri Kurri) is managed and operated externally by Belgravia Leisure. Similarly, MidCoast Council directly operates its smaller public swimming pools (located at Bulahdelah and Stroud), whereas the larger Great Lakes Aquatic Centre (located at Forster) and Manning Aquatic Centre (located at Taree) are managed externally by YMCA.

Decisions regarding management model are largely attributed to strategic drivers and internal capability. Councils with a preference for outsourcing perceive aquatics to be an important service that needs to be delivered, but not necessarily by the councils themselves, and appear motivated predominantly by a desire to achieve cost savings or cost containment. Such councils recognise that external operators are subject to a different ("cheaper") industrial award structure and enjoy greater buying power for pool chemicals, retail merchandise and utilities. In contrast, those councils that manage aquatic facilities themselves are motivated more by a desire to maintain high levels of service and ensure they remain responsive to community needs and expectations. These councils recognise that strong internal capability in aquatics and fitness facility management was critical to the success of the direct management model.

As to whether an external or internal model (or a combination of the two) is the best operating structure for Kiama Municipal Council ultimately depends on several factors, including but not limited to operating costs, maintenance obligations, human resource capacity and user satisfaction and community feedback. As discussed in Section 5 of this report; on the information available, we would recommend that Council review the current management model and explore the potential benefits of pursuing an indirect management model.

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6.1.2 Services and strategy

Many of the facilities reviewed indicated Learn to Swim was critical to improve cost recovery of pool operations. Gyms, fitness classes and kiosk facilities were also cited as critical earners that were able to improve cost recovery and reduce the cost burden on ratepayers for these facilities. We note that Kiama Municipal Council already provides Learn to Swim classes as well as a range of other fitness and gym classes. As noted previously in this report, the Kiama Leisure Centre facility does not incorporate or have space for a substantial kiosk or café, so there is no opportunity to achieve further revenue via a secondary spend retail offering such as this.

Construction of 50-metre pools has declined since the late twentieth century, following a peak in popularity during the period between the 1960s and 1990s, when there was strong community pressure to build 50-metre competition and training facilities. Two councils identified 50-metre pools as being detrimental to cost recovery and potentially not required by members of their respective communities, who were predominantly seeking recreational aquatic facilities (rather than competitive swimming facilities). In contrast, one council has recently developed their leisure centre to include a 50-metre outdoor pool.

6.1.3 Fees and charges

Across the facilities examined, there were a variety of different pricing structures which provided for casual/one-off entry, season passes, 'add-on' fitness and aqua classes membership. Competitive long-term membership packages using a direct-debit system attract long-term users of aquatic facilities and provide some reliable cash inflows. We note that Kiama Municipal Council already provides a range of package options.

While pricing structures vary in their degree of complexity, most facilities charged adult, child/concession, spectator, and family categories, with children under either three or four years' old free of charge. *Table 12*, overleaf, provides a comparative analysis of the casual fees and charges levied by each of the shortlisted facilities (with all fees and charges drawn from each council's adopted Revenue Policy for the current 2023/24 year). Review of these figures suggests that Kiama Municipal Council is an outlier in its fees, noting its:

- Family admission fee of $22.00 is higher than the average of $18.50
- Adult admission fee of $7.00 is higher than the average of $6.30
- Concession admission fee of $5.00 is higher than the average of $4.10
- Child admission fee of $5.00 is higher than the average of $4.50
- Spectator admission fee of $4.50 is higher than the average of $2.00.

We understand that Council has recently reviewed its fees and charges for the Kiama Leisure Centre, including increasing fees and charges. However, as detailed above (and illustrated in further detail in *Table 12*, overleaf), Kiama Municipal Council's fees and charges are comparatively higher than those levied by other centres, which are generally more modern than the Kiama Leisure Centre and some of which have contemporary features such as water play areas.

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Table 12 Fees and charges comparative analysis, Casual fees

Council	Facility	Casual Admission Fee				
		Family	Adult	Concession	Child	Spectator
Cessnock Council	Kurri Kurri Aquatic and Fitness Centre	$20.00	$6.40	$5.50	$5.50	$3.50
Dubbo Regional Council	Dubbo Aquatic Centre	$18.50	$6.00	$4.00	$4.00	$2.00
	Wellington Aquatic Leisure Centre	$18.50	$6.00	$4.00	$4.00	$2.00
Goulburn Mulwaree Council	Goulburn Aquatic Leisure Centre	$18.00	$6.50	$4.50	$4.50	$2.00
Griffith City Council	Griffith Regional Aquatic and Leisure Centre	$19.50	$6.50	$3.00	$3.00	$1.50
Kiama Municipal Council	**Kiama Leisure Centre**	**$22.00**	**$7.00**	**$5.00**	**$5.00**	**$4.50**
Lake Macquarie Council	West Wallsend Swim Centre	$16.80	$6.60	$4.10	$4.10	$3.10
Maitland Council	East Maitland Aquatic Centre	$17.60	$6.30	$4.20	$5.20	$0.00
	Maitland Aquatic Centre	$17.60	$6.30	$4.20	$5.20	$0.00
Shoalhaven City Council	Nowra Aquatic Park	$17.70	$5.10	$3.80	$3.80	$0.00
Singleton Council	Singelton Gym and Swim Centre	$19.00	$6.20	$4.10	$4.80	$2.50
	Median	**$18.50**	**$6.30**	**$4.10**	**$4.50**	**$2.00**

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15.6 Post exhibition endorsement: Development Control Plan Chapter 13 - Agritourism

CSP Objective: Outcome 2.1: We protect our people, our place, our flora and fauna through our planning and our actions.

CSP Strategy: 2.1.3 Protect and maintain our natural areas; conserve areas of natural significance.

Delivery Program: 2.1.3.1 Protect and maintain our natural areas.

Summary

At its meeting on 21 November 2023, Council resolved to endorse the Draft Development Control Plan Chapter 13 - Agritourism (Draft DCP – Agritourism) for public exhibition in accordance with Council's Community Participation Plan and legislative requirements. The Draft DCP – Agritourism was exhibited between 27 November 2023 and 15 January 2024, being an extension to the minimum 28 days due to the Christmas break. During the exhibition period 2 submissions were received.

The purpose of this report is to review and address the submissions received during the public exhibition period and to seek Council's endorsement of the Draft DCP – Agritourism. If adopted, the exhibited Draft DCP - Agritourism will be reformatted in keeping with the Kiama Development Control Plan 2020 (Kiama DCP) format. The format will reflect the current format for other chapters of the DCP and will include the provision of a title page, cover picture as well as a content index for easy use.

This approach ensures that the Kiama DCP contains general controls and objectives for agritourism as well as specific controls for farm gate premises and farm experience premises. The exhibited Draft DCP - Agritourism, if adopted by Council, will form Chapter 13 – Agritourism of the Kiama Development Control Plan 2020. This will also mean that development controls for farm stay accommodation and roadside stalls will also be consolidated into this Chapter of the Kiama DCP.

Financial implication

Financial implications for this State-led reform package include staff resources and time. These can be accommodated under the existing Strategic Planning budget allocation.

Risk Implication

Under clause 14 of the EP&A Regulation 2021 the Council, following public exhibition and consideration of any public submissions, may:

1. approve the plan in the form it was exhibited;
2. approve the plan with any alterations the Council considers appropriate, or
3. decide not to proceed with the plan.

These options, as well as the associated risks or implications, are addressed below.

Councill has the option of delaying the finalisation of the Draft DCP - Agritourism until it undertakes detailed environmental studies and a major strategic review of Kiama Local Environmental Plan (LEP), 2011 and Kiama DCP.

In the absence of a specific DCP for Agritourism there is a risk of Development Applications being lodged prior to any local development standards being in place. Subsequently, without a specific Chapter of the Kiama DCP outlining development guidelines and standards for agritourism uses the development assessment process must be conducted solely under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*. This in turn may affect Council's ability to defend any development decisions if challenged in the NSW Land and Environment Court.

The Council may make any alterations to an exhibited draft DCP it considers necessary in response to the review of submissions received during the public exhibition period. Significant changes may trigger the need to re-exhibit the draft DCP with the associated time delay caused by a second exhibition period and further report to Council.

Council may, however, resolve to make minor changes or alternations to the exhibited draft DCP, where Council considers these changes to be necessary and appropriate to address the valid concerns or issues raised in any submissions received during the exhibition period.

Alternatively, the Council may decide to adopt the exhibited draft DCP if the submissions received can be adequately addressed and do not require any amendments to the exhibited draft document.

In this instance, it is recommended that no changes are made to the Draft DCP – Agritourism and that it be adopted as exhibited.

Policy

The adoption of a DCP – Agritourism chapter will ensure that Council has adequate development controls in place to assess development applications for farm gate premises and farm experience premises. The provisions relating to farm stay accommodation that exist in Chapter 10.2 of the existing Kiama DCP were adapted and integrated into the exhibited Draft DCP - Agritourism.

A review of the provisions relating to rural lands, including agritourism, will form part of a comprehensive strategic planning review of Council's LEP and DCP when this major review is undertaken.

The comments received during the exhibition period of the Draft DCP – Agritourism have been reviewed and addressed in accordance with the Community Participation Plan and legislative requirements. A summary of the submissions received during the exhibition period and staff responses are outlined below.

Consultation (internal)

The exhibited Draft DCP - Agritourism incorporated comments made during the internal consultation process with Council staff including Strategic Planners,

Development Assessment Officers (both Building and Planning), Environmental Officers, Engineers, and Council's Economic Development Officer.

The issues raised in the submissions received during the public exhibition period do not require further consideration by other sections of Council given the nature of the comments.

Communication/Community engagement

The Draft DCP – Agritourism was exhibited in accordance with Council's Community Participation Plan and legislative requirements, between 27 November 2023 and 15 January 2024. This was an extension to the minimum 28 days due to the Christmas break.

The Draft DCP – Agritourism was placed on Council's website and in accordance with the Community Participation Plan comments were also sought from the various precinct committees.

During the exhibition period 2 submissions were received. The issues raised in these submissions are reviewed and outlined below. The issues, concerns and questions raised in the 2 submissions have been summarised and listed under the subheading "Summary of Submissions". The "Comments" section contains an evaluation of the issues raised as well as a recommendation for Council consideration.

Summary of Submissions	Comments
Support for farmers to be able to diversify their income but concern that the draft DCP focuses on tourism rather than agriculture. Concerned that farmland and farming activities will be compromised.	This is a valid concern with the State Government has not required agritourism to be associated with a commercial farm or existing agricultural use prior to an application for agritourism. The Model provisions, introduced by the State Government define "agriculture" to include "agritourism". This means that Council is unable to place a more stringent requirement in a DCP which limits agritourism to existing agricultural uses or commercial farmland. Recommendation: No amendment to the exhibited draft DCP is proposed given that any additional land use restrictions placed in the DCP will not be upheld in any challenge to the Land & Environment Court.

Is it the case that one landholder with a property of sufficient size can do all the options available under agritourism?	The definition of agritourism is not restricted to just one type of agritourism use per land holding. The development standards and planning guidelines, outlined in the exhibited draft DCP – Agritourism, specifically aim to address site specific development issues and impacts through the development application process. The aim of the exhibited draft DCP-Agritourism is to ensure that development is appropriate in scale and that all potential adverse environmental impacts are considered and addressed. Recommendation: No changes are proposed to the exhibited draft DCP - Agritourism.
The NSW legislation and Kiama LEP contain a dictionary that defines “agriculture” as well as “commercial farm” which relates to primary production classification under the Local Government Act, 1993. Why is agritourism not restricted to land that is a primary production business?	The State Government’s Model LEP and subsequent changes to the Kiama LEP mean that “agritourism” is now included in the definition of “agriculture”. Agritourism is now permitted, with or without consent (under the NSW Exempt and Complying Development provisions) on land where agriculture is a permitted land use. The State Government has made legislative changes that permit agritourism where agriculture is a permissible land use. There is no legal requirement requiring agritourism to be limited to primary production lands and Councils in NSW cannot introduce this legal requirement into a DCP. Recommendation: No changes to the exhibited draft DCP-Agritourism are proposed.
Surely, the unintended outcome of the legislation is a loophole where agritourism is allowed even if there is no serious intention to proceed or continue with farming?	The State Government’s initiative encourages diversification of land uses to supplement farm income and includes providing more opportunities for farm experiences.

	As mentioned above, the exhibited draft DCP- Agritourism cannot contain more restrictive definitions than those contained in the State Government's planning instruments which amended the Kiama LEP 2011.
It is noted that the exhibited draft document (draft DCP-Agritourism) uses the term to "mitigate" but Council must have a clear procedure for assessing whether the "mitigation" of the impact on agritourism has been achieved.	The exhibited draft DCP- Agritourism contains development standards and objectives that aim to ensure adequate assessment takes place. The development assessment process allows for appropriate conditions to be placed on developments to minimize potential adverse impacts of the development on surrounding land, amenity and agricultural uses. The overarching goal of the exhibited draft DCP-Agritourism is to encourage appropriate agritourism uses and minimize any adverse impact on surrounding farmland. This process inherently requires professional judgement and site-specific development assessment against the goals and standards articulated in the exhibited draft DCP. Recommendation: No changes are recommended to the exhibited draft DCP-Agritourism.
There is mapping relating to Agritourism Exempt and Complying Development land that would be useful and should be done in conjunction with the Kiama DCP – Agritourism.	The mapping mentioned relates to the State Government's State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This mapping already applies to Kiama local government area and are already integrated into the State Government's reform package relating to agritourism. The State Government mapping removes some areas of the State from the provisions of the State Government's agritourism reforms.

	Council does not have the power to vary this mapping. Recommendation: No changes are recommended.
The Development Assessment process will inevitably place pressure on Council staff and Councillors to approve problematic development applications.	The exhibited DCP- Agritourism provides planning objectives, development and assessment guidelines and development standards aimed at reducing pressure placed on Council to approve problematic developments. Without the adoption of the exhibited draft DCP-Agritourism, development assessment and decisions will need to be made under the relevant planning legislation without consideration of local planning objectives and standards. In the absence of a DCP for agritourism there is more scope for pressure to be placed on Council and Council officers to approve problematic development applications without assessment against local controls contained in the exhibited draft DCP-Agritourism.
The NSW Government has released numerous planning guidelines relating to agritourism. These should be incorporated into the Kiama LEP and DCP, particularly for new farm buildings and setting up an agritourism business.	The State Government has produced a suite of documents which aim to assist applicants which is not limited to the 2 documents referred to in the public submission. Incorporating all of these State Government documents would make Council's DCP unwieldy. The State Government is responsible for publishing and updating their own planning documents and it is not recommended that these documents be reproduced in the Kiama DCP. The State Government documents relating to agritourism include a 54 page booklet outlining how to set up an agritourism business as well as a Frequently Asked Questions sheet that relates to State planning controls and the planning process in NSW.

	In relation to new farm buildings, depending on the proposed use, size, environmental impact and other planning considerations it may fall either within Exempt or Complying Development or it may require the lodgment of a Development Application for approval by Council. Recommendation: No changes be made to the exhibited draft DCP-Agritourism.

Attachments

1 Draft DCP Chapter 13 - Agritourism⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Adopt the exhibited draft DCP Chapter 13 – Agritourism, Amendment 22.
2. Advise the Department of Planning, Housing and Infrastructure within 28 days of Council's resolution in accordance with the requirements clause 20 of the EP&A Regulation, 2021; and
3. Reformat and publish the adopted DCP on its website including any documents, map, plan, diagram or other material referred to in the plan.

Background

At an Ordinary Meeting in late 2021, the Council was first informed of the Department of Planning and Environment's proposal to simplify the planning process for small business activities and low-impact agricultural development on NSW farms.

Council then endorsed the proposed optional development controls contained in the draft *Standard Instrument (Local Environmental Plans) Amendment (agritourism) Order 2021.*These draft clauses related to 5.24 Farm stay accommodation and 5.25 Farm gate premises.

Subsequently, the *State Environmental Planning Policy (SEPP) Amendment (Agritourism) 2023* inserted clauses 5.24 and 5.25 into the Kiama Local Environmental Plan (LEP), 2011. The amendment included a new definition of "agritourism". The definition includes farm gate premises and farm experience premises. The term

'Agritourism' has also been added to the definition of agriculture through the amending SEPP (Agritourism) 2023. Consequently, agritourism is now permissible with consent within Zone RU1 Primary Production and Zone RU2 Rural Landscape of Kiama LEP 2011.

In addition, changes to exempt and complying development have also been introduced with SEPP (Exempt and Complying Development Codes) Amendment (Agritourism) 2022 coming into effect on 1 December 2022.

Although Agritourism may occur as an exempt or complying development under the Exempt and Complying Codes SEPP, there will be instances where a proposed agritourism development is unable to be determined under that SEPP. In these instances, a Development Application may be submitted for consideration on its merit in accordance with Kiama LEP 2011 and Kiama DCP.

It was recognised by the Department of Planning and Environment that many Councils in NSW would need to develop amendments to their DCPs to accommodate the introduction of Agritourism as a permissible use in certain zones within their Local Environmental Plans. A Model Agritourism DCP was released by the Department of Planning & Environment for consideration and adoption by Councils within NSW. This model DCP formed the basis of the exhibited Draft DCP - Agritourism placed on public exhibition by Council.

At its Ordinary Meeting on the 21 November 2023 Council resolved to place Draft DCP – Agritourism on public exhibition in accordance with Council's Community Participation Plan and legislative requirements. The precinct committees were also notified in accordance with Council's community consultation policy.

Statewide Changes to agritourism

The Department has introduced a suite of legislative and policy documents including the Model DCP clauses for agritourism. These include an" Agritourism stakeholder toolkit", "A guide to planning approvals for setting up an agritourism business" and "Frequently asked Questions" sheet as well fictional case studies.

Exhibited Draft Development Control Plan - Agritourism

The objectives and controls contained in the Model DCP relating to farm gate premises, roadside stalls and farm experience premises have been included in the exhibited draft DCP. The controls have been modified to reflect local planning goals for rural lands in our local government area or to match the controls in the current Kiama DCP.

The major amendments and inclusions made to the Model DCP relate to noise pollution control from farm gate premises and farm experience premises. Other amendments are relatively minor and reflect the planning controls and objectives already contained in Kiama DCP.

In addition, it is proposed to combine the Model DCP controls and the existing provisions relating to farm stay accommodation already contained in the Kiama DCP. Combining the two sets of controls has contributed to a significant increase in the number of controls relating to this type of land use and development. These additional controls are considered to be warranted to ensure that the potential for land use

conflicts between agritourism and agricultural uses are minimised. The controls set out in the exhibited Draft DCP - Agritourism, include minimum setback provisions to ensure that agritourism development does not restrict the day-to-day functions of adjacent farms.

The additional controls contained in the Draft DCP – Agritourism reflect local strategic planning objectives and existing controls. An example is the minimum boundary setback of 250m for intensive agribusinesses and quarries. It is worth noting that this additional control does not apply to dairy farming under the Kiama LEP.

Conclusion

The State Government legislative changes mean that agritourism is now defined as agriculture and can occur on all land zoned for agricultural purposes within the local government area. The exhibited Draft DCP - Agritourism cannot override the legislative changes but can provide guidance and development standards for the assessment of agritourism uses that require development consent.

The proposed planning objectives and development guidelines will ensure that the scale and operation of developments assessed under the DCP – Agritourism are in keeping with Council's overall environmental and strategic planning objectives as well as reflecting broader community expectations. Without the DCP - Agritourism all development applications for farm gate and farm experience premises will be assessed solely under the broad heads of consideration in Section 4.15 of the EPA Act, 1979.

The submissions received during the public exhibition period raise concerns and issues that can either not be legally addressed in a DCP, for example, the definition of "agritourism" or a requirement that it only be permissible on commercial farmland. All other issues and concerns raised in the public submissions have been adequately addressed and do not require any changes to the exhibited draft document. It is recommended that Council adopt the exhibited Draft DCP - Agritourism.

DRAFT Kiama Development Control Plan Chapter 13 - Agritourism

Chapter 13. Agritourism

1. General controls

This section contains general provisions that apply to development for *roadside stall, farm experience premises, farm gate premises* and *farm stay accommodation*. Specific controls for each of these land uses are provided in the following sections.

The definitions for these land uses can be found in the dictionary to Kiama Local Environmental Plan 2011 https://legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0680

1.1 Site analysis and design

1.1.1 Background

Development for farm experience premises, farm gate premises and farm stay accommodation can only be undertaken on a commercial farm and must be ancillary (secondary) to the agriculture being undertaken on the farm. These requirements are important to ensure agricultural land is retained in NSW. Any development application for these land uses should contain supporting information to demonstrate that the proposal is ancillary to the farm and will not adversely affect the existing farm operations on the landholding.

Across regional NSW and rural areas around metropolitan Sydney, there is a rich variety in the character and identity of rural areas, underpinned by diverse landscapes, stories and cultures to be acknowledged and preserved. The design of buildings, structures and landscape plays an important role in creating memorable experiences and places. The visual character of existing built form, especially historical built forms, together with the character of the surrounding landscape, contributes to a sense of place which is distinct and unique and essential to that place's identity.

1.1.2 Objectives

a) To allow for tourism development on farms that complements the agricultural use of the land.

b) To ensure farm gate premises, farm experience premises and farm stay accommodation are secondary to a commercial farm and do not constrain the agricultural activities on the property from remaining the primary use of the land.

c) To ensure farm gate premises, farm experience premises and farm stay accommodation are compatible with the rural character and heritage of the property and do not unnecessarily intrude on the landscape.

d) To respond to environmental values, risks and constraints including environmentally sensitive lands that involve native vegetation and habitats, waterways and water sources.

1.1.3 Controls

1. Development for farm experience premises, farm gate premises or farm stay accommodation is not to restrict the day-to-day functions of the farm from remaining the primary use of the land.

2. A site analysis plan for farm experience premises, farm gate premises or farm stay accommodation is to demonstrate how the existing attributes and constraints of the site and surrounds have been considered, including rural character, heritage, environment, landscape and scenic values.

   Note: Additional requirements for a site analysis plan are set out in Chapter 2.

3. The site design and layout for farm experience premises, farm gate premises or farm stay accommodation is to:
    a. demonstrate how the design of buildings and structures, through the selection of materials and design quality, will enhance the sense of place, reinforce the rural character and complement and integrate with the existing landscape, including scenic values
    b. demonstrate how the proposed number and size of buildings and structures will assist in retaining the visual character of the area
    c. ensure the placement of buildings and structures are clustered on the property where possible, to minimise the area of land occupied by the development and minimise environmental impacts
    d. ensure the proposed development does not detract from local amenity or the quality of the environment.
4. Development should complement the proportions and design features of existing buildings that contribute to the character of the rural locality.
5. Buildings and structures should not be placed on a ridgeline, peak of a hill or other visually prominent areas.

1.2 Location and Neighbouring land uses

1.2.1 Background

Farm experience premises, farm gate premises and farm stay accommodation can potentially conflict with farming activities carried out on the farm and on adjoining properties, and with other activities on the farm. Conversely, visitors or operators of farm gate premises, farm experience premises or farm stay accommodation could complain about the effects of farming operations on their enjoyment of the farm. It is important to protect operating farms and the on-going viability of traditional agricultural uses. Some sites or localities on the farm may therefore not be appropriate for certain agritourism development.

Farm experience premises, farm gate premises or farm stay accommodation also have the potential to have impacts on nearby rural residents, particularly activities that generate significant traffic, create substantial noise, or operate at night.

Where a development proposal is likely to result in conflict with adjoining land uses, the development application should be accompanied by supporting information which identifies the potential for conflict and demonstrates how any associated environmental and amenity impacts have been mitigated. This could be achieved by taking advantage of the existing features of the land, adopting setbacks and buffer areas, or by other means.

1.2.2 Objectives

a) To ensure farm gate premises, farm experience premises and farm stay accommodation are sensitive to adjoining land uses and minimise noise, odour and visual impacts, especially in areas close to residential development.

b) To reduce land use conflicts by separating farm experience premises, farm gate premises or farm stay accommodation development from existing land uses on the property or on nearby land.

1.2.3 Controls

1. The development is not to restrict the day-to-day functions of adjacent farms or other existing activities or known future uses on adjoining land.
2. The design and placement of buildings, structures and moveable dwellings should minimise and mitigate any potential impact on the amenity of nearby residents.
3. A building, structure, moveable dwelling or activity for farm experience premises, farm gate premises or farm stay accommodation is to be located:

a. a minimum of 100 metres from agricultural land uses on the landholding

b. a minimum of 100 metres from residential accommodation on adjacent land or on land that is separated from the landholding by a road

Note: The Codes SEPP requires a minimum 250m setback for exempt and complying development

c. a minimum of 20 metres from a property boundary or road

Note: The Codes SEPP requires a minimum 50m setback for exempt and complying development

d. a minimum of 100 metres from a waterway

Note: The Codes SEPP requires a minimum 50m setback for exempt and complying development

e. a minimum of 250 metres from a boundary for land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mines, extractive industries, railway lines or rural industries.

Note: The Codes SEPP requires a minimum 250m setback for exempt and complying development.

4. A development may be closer than the above distances to property boundaries and roads if it can be demonstrated that measures incorporated into the design, such as boundary planting, will appropriately mitigate impacts.

Note: Consider the NSW Department of Primary Industries' *Buffer Zones to Reduce Land Use Conflict with Agriculture: An Interim Guideline* (2018) when setting distances between agriculture and sensitive receivers.

1.3 Vegetation and landscaping

1.3.1 Background

Over time, native vegetation has been modified and fragmented as land was developed for grazing and agriculture and by introduced plants and animals. Retaining a healthy mix of native vegetation is important for the health and long-term survival of ecosystems, farm productivity and human wellbeing. Native plants can provide sight and noise barriers, discourage access to unsafe areas and help define the space for an activity.

Development for the purposes of farm gate premises, farm experience premises and farm stay accommodation may result in higher building densities than an agricultural use which can sometimes constrain opportunities to achieve good landscaping outcomes. It is important that existing vegetation and desired future landscape outcomes are considered in detail at the development design stage, including within any parking areas for a proposed development.

1.3.2 Objectives

a) To avoid the clearing and removal of native flora and fauna, in particular threatened species and threatened ecological communities.

b) To ensure buildings, structures and moveable dwellings are sited and designed to complement, enhance and protect existing native vegetation, features and landscapes.

c) To minimise the impacts of a development on the environment, including existing vegetation, features, natural resources and biodiversity.

d) To ensure landscaping is visually complimentary to the development.

1.3.3 Controls

1. Existing mature trees and vegetation are to be retained. Where it is necessary to replace mature trees and vegetation, they are to be replaced with trees native to the region in an appropriate location on the property.

Note: The replacement of trees and vegetation may need to be supported by a report prepared by a suitably qualified arborist.

2. A vegetation management plan is to demonstrate how existing native flora (including tree canopies and underground roots systems) and fauna will be protected and maintained during the construction or erection of any new buildings, structures, moveable dwellings or facilities for farm gate premises, farm experience premises or farm stay accommodation and during the ongoing operation of the premises or accommodation.
3. Landscaping should be used to minimise the physical and visual dominance of development for farm gate premises, farm experience premises or farm stay accommodation, including any car parking and vehicle circulation areas, and should include plants native to the local area.

1.4 Water supply and management

1.4.1 Background

The increased number of people on a rural property from a development may strain existing water supply to the site. Sufficient supply of safe drinking water without adverse environmental consequences is fundamental to the ongoing use of the land for farm gate premises, farm experience premises and farm stay accommodation. For properties that do not have access to town water, supporting information will need to be provided with a development application that demonstrates alternative solutions to service the needs of visitors and guests.

1.4.2 Objectives

a) To ensure adequate arrangements for water supply for visitors and guests to farm gate premises, farm experience premises and farm stay accommodation.

b) To preserve water supply from contaminants generated by visitors and guests to farm gate premises, farm experience premises, farm stay accommodation and roadside stalls.

1.4.3 Controls

1. Where the site is not connected to reticulated water, a water supply and management plan is to demonstrate adequate potable water supply, both quality and quantity, is available for the proposed use of a site for farm experience premises, farm gate premises or farm stay accommodation. This water supply is to be in addition to water required for firefighting purposes.
2. Development is not to adversely impact existing water supplies for residential and primary production uses on the landholding.

   Note: Development within the Sydney Drinking Water Catchment is required to have a neutral or beneficial effect on water quality under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

1.5 Hazards

1.5.1 Background

Most visitors and guests to farm gate premises, farm experience premises and farm stay accommodation will not be aware of the potential risks of bush fire and flooding and will not be familiar with the local area. They will need assistance on matters such as when to evacuate, where to go and how to get there when these types of events occur.

A bush fire and flood safety plan is vital to ensure the farm gate premises, farm experience premises or farm stay accommodation will be prepared for a natural hazard event and ensure the safety of visitors to the property. Restricting the use of high risk areas on the farm will decrease the risk further. Development on bush fire prone land is to consider the *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service. Development on a floodplain or on flood prone land is to consider the provisions of the *Floodplain Development Manual* and Flood Risk Management Manual as well as any relevant flood studies.

Tourist accommodation, such as farm stay accommodation, is a 'special fire protection purpose' under section 100B of the *Rural Fires Act 1997* and requires a bush fire safety authority if it is to be carried out on bush fire prone land. A development application that requires a bush fire safety authority under section 100B is integrated development under the *Environmental Planning and Assessment Act 1979* and will be referred to the NSW Rural Fire Service.

Previous uses of rural land, including old farm sheds, may contain traces of chemicals that provide a risk to human health. *State Environment Planning Policy (Resilience and Hazards) 2021* requires consideration of whether the land is contaminated from past land uses, and whether the site is currently suitable for the proposed land use in its current state or can be made suitable after remediation. A development application for farm gate premises, farm experience premises or farm stay accommodation will need to demonstrate that past land uses have not left a legacy of contamination or provide evidence of any remediation of contaminated land.

Development near agricultural operations, whether on the landholding or on adjacent land, could also be exposed to risks from pesticides and chemical sprays and any associated drifting of chemicals.

1.5.2 Objectives

a) To ensure development is located to minimise exposure to natural and environmental hazards, including bush fire, flooding, landslips, site contamination and chemical use.

b) To protect any part of a development that could be affected by natural and environmental hazards.

c) To ensure the safety of visitors who could be adversely affected by natural and environmental hazards for the duration of their stay or visit.

d) To provide for safe evacuation assembly points and egress pathways.

e) To ensure site contamination is identified and appropriately and effectively remediated before the land is used.

1.5.3 Controls

1. The design and placement of buildings, structures and moveable dwellings is to consider the existing features of the land and climate, including minimising risk from weather events and hazards, including from the existing farm operations, e.g. operation of machinery, movement of animals, and other farm operations.
2. Development is not to be located in proximity to areas of high bush fire, landslip or flooding hazards or where hazardous chemicals are used.
3. The development is to identify measures to ensure visitors do not access restricted areas.
4. For development for farm experience premises, farm gate premises and farm stay accommodation on bush fire prone land:
    a. a water tank dedicated for firefighting purposes with a minimum volume as required by *Planning for Bush Fire Protection*, published by the NSW Rural Fire Service, must be provided on the property
    b. a bush fire emergency management and evacuation plan is to be prepared in accordance with the NSW Rural Fire Service's requirements and identify when the premises will be on alert and will close, evacuation procedures and assembly points, proposed signage, measures to protect human life and property in the event of bush fire, any vegetation hazard clearing needed, contact details for emergency services and any bush fire maintenance measures required.

5. For development for farm experience premises and farm gate premises, a flood evacuation plan is to identify when the facility will be on alert and will close, evacuation procedures and assembly points, proposed signage, measures to protect human life and property in the event of flooding, contact details for emergency services and any maintenance measures required.
6. Evacuation routes from the location of a development to a main road or alternate point of refuge are to avoid flood prone land and bush fire prone land where practicable.
7. Where a development is proposed on land where contamination is suspected or has been identified, Council's requirements in Kiama Development Control Plan 2020 apply.

Note: Development within the flood planning area, defined in the *Floodplain Development Manual* (April 2005), is to address the matters in clause 5.21 of Council's local environmental plan.

1.6 Waste management

1.6.1 Background

Waste generated during the development and the ongoing use of farm gate premises, farm experience premises and farm stay accommodation needs to be thoughtfully managed, and recycled where possible, to ensure waste does not contaminate the farm or the neighbouring and downstream environments.

An increased number of people visiting a farm for farm stay accommodation, farm experience premises or farm gate premises may strain existing effluent management on rural properties. Development applications for properties that do not have access to town sewerage connections will need to provide supporting information that demonstrates solutions to service the needs of visitors and guests. The safe management of effluent and trade waste without unreasonable adverse environmental consequences is fundamental to the ongoing use of the land.

Note: The *Local Government Act 1993* requires on-site effluent treatment and disposal systems to be approved by Council before being installed, constructed or modified.

1.6.2 Objectives

a) To manage waste in an environmentally sensitive manner.

b) To ensure management of effluent waste is not detrimental to the local environment

1.6.3 Controls

1. Development is to minimise any impacts on the natural environment and visitor safety caused by waste, effluent disposal and potential contaminants.
2. A waste management plan for the ongoing use of farm gate premises, farm experience premises or farm stay accommodation is to provide:
    a. details of the business
    b. waste types to be managed including through containment, recycling, re-use and landfill
    c. waste collection and disposal details
    d. waste minimisation measures
    e. monitoring protocols to ensure compliance with the waste management plan.
3. All effluent waste generated by the development and its ongoing use is to be disposed:
    a. to a reticulated sewerage system connected to the landholding; or
    b. using a system of sewerage management for which the approval of Council is obtained under the *Local Government Act 1993*.
4. All other waste is to be disposed at an approved waste or resource recovery facility.

5. Organic waste may be disposed onsite if disposed in a managed composting system where odours and other pollutants are controlled and/or managed.
6. On site sewerage systems should be located in existing cleared areas and separated from activities on the farm.
7. Onsite waste storage facilities are to have sufficient capacity for the waste generated and be emptied regularly. For an existing onsite sewerage system, an effluent report is to be prepared by a suitably qualified person and submitted to Council which confirms the system is adequate for the additional number of users.
8. All recyclables should be separated from other waste before disposal.

Note: Development within the Sydney Drinking Water Catchment is required to have a neutral or beneficial effect on water quality under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

1.7 Biosecurity

1.7.1 Background

Increased visitation to a farm will increase the risk of pests and diseases being introduced, potentially threatening the viability of the farm, nearby farms, other industries, the environment and the economy. On-farm biosecurity plays a critical role in reducing these risks by protecting the community from the negative impacts of pests, diseases, weeds and contaminants.

It is important that biosecurity risks are considered and there are reasonably practical measures to prevent, eliminate or minimise potential impacts of a development on natural and built environments, social and economic impacts in the locality, and the public.

1.7.2 Objectives

a) To manage biosecurity risks from pests, disease, weeds and contaminants by effectively minimising impacts, through robust management arrangements, if they cannot be eliminated.

b) To ensure the general biosecurity duty is met.

1.7.3 Controls

1. The planning and assessment of development proposals is to consider the NSW Department of Primary Industries' *Managing biosecurity risks in land use planning and development guide* (2020) to ensure biosecurity is appropriately addressed, including in relation to:
    a. buffer zones
    b. wash down facilities
    c. designated parking areas
    d. location to major potable water supply storages and watercourses – poultry production
    e. dumping and burying rubbish on site.
2. A biosecurity plan for the ongoing use of farm stay accommodation, farm experience premises or farm gate premises should be prepared in accordance with the NSW Department of Primary Industries' requirements, including the *Farm Biosecurity Action Planner*.

Note:

(a) Under the *Biosecurity Act 2015*, there is a general obligation on people to be aware of their surroundings and take action to prevent the introduction and spread of pests, diseases, weeds and contaminants. In addition, where a biosecurity plan has been developed at places of commercial or educational activities for intensive or extensive agriculture or horticulture, subject to certain conditions, a person including any visitors must comply with the biosecurity plan.

(b) Council will consider relevant biosecurity guidelines to assess a development proposal and determine relevant conditions of consent for the operation of the development.

1.8 Traffic, access, and parking

1.8.1 Background

Rural roads are often soft shouldered and with high maximum speed limits. Turning in and out of a farming property in these circumstances creates a safety risk that must be managed. Traffic movements and insufficient onsite parking can affect adjoining and neighbouring residents.

The driveways of many existing rural properties may be in locations that are safe for use by the owners of the land who are familiar with the road conditions but may not be suitable for visitors unfamiliar with the local roads.

Note: New vehicle access from a road to a property will require approval from the relevant road authority under the *Roads Act 1993*.

1.8.2 Objectives

a) To ensure the safety of vehicle movements associated with farm gate premises, farm experience premises or farm stay accommodation, including entry, egress and movement within a property.

b) To minimise the impact of traffic on local roads associated with farm gate premises, farm experience premises or farm stay accommodation.

c) To ensure adequate parking is available on the property for visitors and employees to farm gate premises, farm experience premises or farm stay accommodation and to deter overflow parking on local roads.

d) To ensure safety of pedestrians on a property visiting farm gate premises, farm experience premises or farm stay accommodation.

1.8.3 Controls

For development for farm experience premises, farm gate premises or farm stay accommodation:

1. A vehicle access point to the property is to demonstrate compliance with the sight distance requirements of AS 2890.1 *Off-street car parking* and should be adequate to service the development.

   Note: Where access to the property is via a shared private road, the point of access is the point where the private road meets a public road. This may not be at the boundary of the landholding. [deleted if required]

2. Where possible, access should be shared with any existing access to the farm to minimise further environmental impact.

3. Only one driveway is permitted on a property unless the property has a frontage of greater than 100m and can accommodate an additional access and egress to improve:

   a. traffic management on the property or on and off the road

   b. separation between the farming operations and the development, or

   c. resident, employee and visitor safety.

4. All vehicles (including trucks) should be able to enter and exit the property in a forward direction.

5. All parking and loading or unloading of vehicles is to occur within the property boundary.

6. The minimum number of car parking spaces to be provided is:

   a. 1 space per farm stay accommodation room or cabin, and

   b. 1 space per moveable dwelling or tent site, and

   c. 1 space per 2 employees, and

d. 1 space per 25m^2 gross floor area of a building or structure for farm gate premises or farm experience premises, and

e. 1 space per 3 visitors for any outdoor farm gate premises or farm experience premises activity, and

f. 1 space for persons with disability or limited mobility.

7. A parking and access plan can demonstrate alternative parking ratios to the above minimum numbers that includes safe separation between visitors and heavy vehicles and farming operations.

8. Car parking areas should not form a visually prominent element of the rural landscape or be highly visible from the road frontage and should be located behind the front building line.

9. Car parking areas should be finished in a surface that will allow for vehicle movements in all weather conditions.

1.9 Signage

1.9.1 Objectives

a) To ensure signage for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls considers the visual impact on the rural character of the area and does not detrimentally affect the landscape or road corridor.

b) To require appropriate signage within the property boundary to assist visitors and guests relating to:

i. the location of activities, facilities and interest points associated with farm gate premises, farm experience premises, farm stay accommodation or roadside stalls,

ii. essential safety information including evacuation procedures in a natural disaster or other emergency.

1.9.2 Controls

1. Signage for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls should be in keeping with the rural character and the nature of the operations on the landholding.

2. All signage for farm gate premises, farm experience premises or farm stay accommodation should be located within the boundary of the landholding.

3. Business identification signs for farm gate premises, farm experience premises, farm stay accommodation or roadside stalls are limited to a maximum of two signs with one directional sign and one sign identifying the property name and agritourism use on the landholding facing a road frontage. The sign on the property facing the road frontages is to include a 24 hour-contact/management number that may be called if adjoining areas have impacts on amenity including noise complaints.

Note: The Codes SEPP allows up to two business identification signs as exempt development. The Kiama DCO Eco-tourism performance criteria provide for one sign to identify the eco-tourism use and to advise of how noise pollution complaints are to be handled.

4. Business identification signage should only promote the business activity and the goods and services offered on the landholding.

5. Any sign must:
    a. have a maximum height of 3 metres, and
    b. have a maximum area of 3 square metres, and
    c. illuminated signs are not permitted but sign lighting will be assessed on merit. Any proposed sign lighting shall avoid or minimise adverse impacts on adjoining properties and comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting*.
6. Evacuation signage must be located near the farm gate premises, farm experience premises and farm stay accommodation, the property entrance and emergency assembly points and include contact details for emergency services.
7. Waypoint markers should be provided to assist visitors and guests traverse a property where farm gate premises, farm experience premises or farm stay accommodation operate.

1.10 Ongoing operations

1.10.1 Objectives

a) To provide for the ongoing management of farm gate premises, farm experience premises and farm stay accommodation.

b) To ensure farm gate premises, farm experience premises and farm stay accommodation minimise impacts on the natural environment and visitor safety.

c) To ensure visitors and guests have access to important safety and operational information while on a property where farm gate premises, farm experience premises or farm stay accommodation operate.

1.10.2 Controls

1. A management plan for the ongoing operation of farm experience premises, farm gate premises and farm stay accommodation is to include:
    a. a description of the development
    b. a map of where the development will be on the property, relevant dimensions and key features on the land
    c. the proposed months, days and hours of operation of the premises or accommodation
    d. the maximum number of visitors or guests at one time to the premises or accommodation, and how this will be monitored
    e. emergency contact details, including for emergency services in the event of bush fire, flooding or other natural disasters
    f. bush fire and flood safety measures to protect human life and property, e.g. bush fire and flood safety plans and procedures for closing the premises, such as when bush fire and flood warnings are in place
    g. how visitors and guests will be:
        i. advised to limit impacts to the operational farm,
        ii. advised to preserve and protect existing native flora, fauna and waterways, heritage items and Aboriginal heritage located on the property,
        iii. advised to minimise any biosecurity risk through dispersal of weeds, seeds, insects and contaminants,
        iv. advised to manage their waste

v. alerted as to risks that may occur such as natural hazards or changing weather and procedures for responding to the risks, including evacuation measures

h. measures to mitigate adverse environmental and amenity impacts, including how the business and water resources will be managed during drought

i. the way vehicles will access the landholding and the premises or accommodation, including emergency vehicles

j. any hazards on the property and how they will be managed to ensure the safety of visitors and guests

k. procedures for receiving and managing complaints.

Note: The ongoing management plan may refer to other plans prepared with the development application, such as a bush fire emergency management and evacuation plan.

2. Farm stay accommodation

Note: The objectives and controls in the General section 1.1 to 1.10 also apply to farm stay accommodation.

2.1 Background

Farm stay accommodation is for short term stays by visitors and guests on a commercial farm and can include the conversion of an existing building, the construction of a new building and camping in tents, caravans and similar structures.

Farm stay accommodation is not a form of residential accommodation and does not create a dwelling entitlement on a landholding. Farm stay accommodation is only permissible on land holdings of 40 hectares or more and where the main use of the land is agricultural.

2.2 Objectives

a) Provide general standards for Farm Stay Accommodation facilities within the Kiama Municipality .

b) To diversify the uses of agricultural land for tourist-style accommodation without adversely impacting the principal use of the land for primary production.

c) To ensure farm stay accommodation does not detract from existing environmental values, scenic landscape values, infrastructure and adjoining land uses.

d) To protect the amenity and privacy of adjoining properties, including visual and acoustic privacy, from farm stay accommodation.

e) To provide accessible farm stay accommodation suitable for people with disability or limited mobility.

f) Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality

g) Preserve and complement any natural and/or cultural heritage characteristics of the area; and

2.3 Controls

1. Farm stay accommodation that comprises moveable dwellings (tents, caravans, camper trailers, tiny houses) is to be on a landholding that is a minimum of 40 hectares.

   Note: The Codes SEPP requires a minimum 15ha landholding size for exempt development.

2. A building or manufactured home for farm stay accommodation (except the use of existing residential accommodation or a manufactured home) is to be on a landholding that is a minimum of 40 hectares.

Note: in accordance with our LEP a building or manufactured home for farm stay accommodation (except for the use of an existing dwelling for farm stay accommodation) must be:

   a. on the same lot as an existing lawful dwelling house, or

   b. on a lot that is not less than the minimum lot size for a dwelling house permitted under Council's LEP.

3. Farm stay accommodation, including in moveable dwellings, is limited to:

   a. a maximum of 20 guests at any one time on a landholding, and

   b. a maximum stay for guests of 21 consecutive days.

   Note: The Codes SEPP allows a maximum 20 guests in moveable dwellings as exempt development and allows two guests over the age of 12 years in a building or manufactured home that does not have bedrooms, or guests over the age of 12 years that total two times the number of bedrooms in a building or manufactured home as exempt or complying development. The Codes SEPP also allows a maximum 21 consecutive days of stay for farm stay accommodation as exempt or complying development.

4. The maximum number of buildings and manufactured homes used for farm stay accommodation on a landholding is 6.

   Note: The Codes SEPP allows a maximum six buildings and manufactured homes as exempt or complying development.

5. The maximum number of moveable dwellings used for the purposes of farm stay accommodation on a landholding is 6.

   Note: The Codes SEPP allows a maximum of six campervans, caravans and other similar moveable dwellings on a landholding as exempt development.

6. To address fire safety:

   a. buildings are to be separated from other buildings by a minimum 1.8 metres, and

   b. moveable dwellings are to be separated from buildings and other moveable dwellings (except tents and similar portable and lightweight temporary shelters) by a minimum 2.5 metres.

7. The gross floor area of a new building or manufactured home for farm stay accommodation must not be more than 60 square metres.

8. The gross floor area of part of an existing building or manufactured home used for farm stay accommodation must not be more than 60 square metres.

Note: The Codes SEPP allows a maximum 60m^2 gross floor area for a change of use of a building or part of a building, for a new building or for alterations and additions to an existing building or manufactured home as farm stay accommodation under complying development.

9. The height of a moveable dwelling used for farm stay accommodation is not to exceed 4.5 metres.

   Note: The Codes SEPP allows a maximum height of 4.5m as exempt development.

10. The height of a building or manufactured home for farm stay accommodation is not to exceed 4.5 metres.

    Note: The Codes SEPP allows a maximum height of 4.5m for a new building or for alterations and additions to an existing building or manufactured home that has a height less than 4.5m under complying development, and the height of an existing building or manufactured home that is over 4.5m cannot be increased.

Siting of Development

11. Farm Stay Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.

Services and Facilities

12. All necessary/appropriate facilities are to be provided for guests.
    a) Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
    b) The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
13. Where mains water is not available, a minimum of 200 *kL of water per bedroom for daily use* is to be provided in addition to that required for the dwelling house on the property and for firefighting purposes if on bush fire prone land.
14. One toilet per 10 staying guests in farm stay accommodation on the landholding is to be available in an accessible location. At least one toilet must be a unisex accessible toilet.

Parking & Access

15. Car parking complies with the requirements of Topic 3.6 of Chapter 3 and is located to have minimal impact on the streetscape and the rural landscape.
    a) One (1) car parking space is to be provided per bedroom provided for guests of the Farm Stay Accommodation facility.
    b) Car parking spaces for the Farm Stay Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.

c) Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

16. Private water supplies shall not harm the health of guests of the Farm Stay Accommodation

a) Farm Stay Accommodation that has private water supplies (i.e., not on town water) shall comply with NSW Health's NSW Private Water Supply Guidelines.

Operation of Accommodation Facility

17. Farm Stay Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.

18. Length of stay in Farm Stay Accommodation is limited to avoid use as permanent residential accommodation:

a) The maximum length of consecutive stay is 21 days.

b) Permanent residential occupancy of bedrooms, approved for Farm Stay Accommodation, will require separate development consent.

19. Farm Stay Accommodation must not adversely impact primary production on the site

20. The adaptive reuse of existing rural buildings such as barns, silos, stables, or dairies is encouraged.

Bushfire Requirements

21. Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities.

a) When located on bush fire prone land Farm Stay Accommodation requires approval under section 100B of the Rural Fires Act 1997.

Flood Liable Land

22. Farm Stay accommodation cannot be carried out on land that is flood liable including flood storage area, floodway area, flow path. A high hazard area or a high-risk area.

3. Farm gate premises and farm experience premises

Note: The objectives and controls in the General section 1.1 to 1.10 also apply to farm gate premises and farm experience premises.

3.1 Background

Fam gate premises comprise a building or place on a commercial farm that is used to provide visitors to the farm with agricultural products predominantly from the farm, supplemented by produce from other farms in the region, or with services or activities related to the products, including processing, packaging, serving of food and drink in a café or restaurant, tastings and workshops. Cellar door premises are a type of farm gate premises.

Farm experience premises comprise a building or place on a commercial farm that is used to provide visitors with an experience on the farm, such as events, conferences, weddings, farm field days, farm tours or creative and skills classes such as photography, yoga or astronomy.

3.2 Objectives

a) To allow for tourism and related commercial uses at a scale that does not adversely affect the principal use of land for primary production.

b) To ensure farm gate premises and farm experience premises do not detract from existing environmental values, scenic values, infrastructure and adjoining land uses.

c) To protect the amenity and privacy of adjoining properties, including visual and acoustic privacy, from farm gate premises and farm experience premises.

d) To provide for the sale of locally grown and manufactured produce in appropriate rural locations.

e) To adequately provide services and facilities for visitors and guests on the property, including accessible facilities.

f) To manage the number of visitors to a landholding to address cumulative effects of traffic on roads.

3.3 General matters for consideration

1. Development should not result in noise or pollution that will have a significant adverse impact on the following on or near the land:
   a. residential accommodation
   b. primary production operations
   c. other land uses.
2. Development should not have a significant adverse impact on the following on or near the land:
   a. the visual amenity, heritage or scenic values
   b. native flora or fauna, particularly threatened species and ecological communities
   c. water quality
   d. traffic
   e. the safety of persons

   Note: Development in the Sydney Drinking Water Catchment is required to have a neutral or beneficial effect on water quality under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

3.4 Controls

1. The gross floor area of a building (or part of a building) for farm gate premises or farm experience premises is not to be more than 200 square metres.

   Note: The Codes SEPP allow up to 200m^2 for a building for farm gate premises or farm experience premises as exempt or complying development.

2. The total footprint of all buildings used for farm gate premises and farm experience premises on the landholding is not to exceed 500 square metres.

   Note: The Codes SEPP allows up to 500m^2 for all buildings on the landholding for farm gate premises or farm experience premises as exempt or complying development.

3. The height of a building for farm gate premises or farm experience premises is not to exceed 10 metres. The roofline of any new building should not protrude above an existing ridgeline and the design on the building shall minimise any visual impact of the development from adjoining property and public spaces.

   Note: The Codes SEPP allows a maximum height of 7m for a new building or for alterations or additions to an existing building as complying development for landholdings that are no more than 10ha, and up to 10m in height for landholdings that are greater than 10ha. The height of an existing building that is over 7m or 10m, respectively, cannot be increased.

4. Buildings are to be separated by a minimum 2.5 metres to address fire safety.
5. The hours of operation for farm gate premises are:
   a. 8am-5pm Sunday to Friday and public holidays, and
   b. 7am-5pm on Saturdays

   Note: The Codes SEPP allows hours of operation of 8am to 5pm Sunday to Friday and public holidays and 7am to 5pm on Saturdays as exempt or complying development.

6. The hours of operation of farm experience premises are:
   a. 8am-6pm Sunday to Thursday and public holidays, and

b. 8am-10:30pm Friday and Saturday.

Note: The Codes SEPP allows hours of operation of 8am to 6pm Sunday to Thursday and public holidays and 8am to midnight Friday and Saturday as exempt or complying development.

7. The maximum number of visitors to farm gate premises is not to exceed 50 on a landholding at any one time.

Note: The Codes SEPP allows a maximum of 100 visitors on a landholding at any one time for farm gate premises (excluding visitors participating in fruit and produce picking) as exempt and complying development.

8. The maximum number of visitors to farm experience premises is not to exceed 100 on a landholding at any one time.

Note: The Codes SEPP allows a maximum of 50 visitors on a landholding at any one time for farm experience premises (excluding visitors participating in tours and school groups) as exempt and complying development.

9. The maximum number of visitors to all farm gate premises and farm experience premises is 150 on a landholding at any one time.

Note: The Codes SEPP allows a maximum of 100 visitors on a landholding at any one time for all farm gate premises and farm experience premises (excluding visitors participating in fruit and produce picking, tours and school groups) as exempt and complying development.

10. Farm experience premises are limited to 60 events per year, including a maximum of 4 events per year after 6pm that have amplified noise.

Note: The Codes SEPP allows up to 52 events per year, which includes up to four events after 6pm if there is amplified noise.

11. Adequate toilet facilities are to be provided. At least one toilet must be a unisex accessible toilet.

12. An Acoustic Assessment Report should be provided from a suitably qualified and/or experienced acoustical engineer (e.g. a member of the Australian Acoustical Society) to assess and consider the sources that will produce noise and the subsequent impacts they may have. The event organiser must provide written notification to surrounding residents prior to the event.

    The stage, speakers, and associated equipment used to generate noise must be orientated and located away from the closest residences.

    The use of the premises for weddings and functions shall be conducted in such a manner so as not to interfere with the amenity of nearby residents or the ambience of the locality by reason of noise, vibration or otherwise.

4. Roadside stalls

Note: The objectives and controls in the General section 1.1 to 1.10 also apply to roadside stalls unless they are specified to apply only to farm experience premises, farm gate premises and farm stay accommodation.

4.1 Background

A roadside stall is a place or temporary structure used for the retail sale of agricultural produce or hand-crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property. Roadside stalls are generally small-scale structures or buildings and may be a courtesy or honesty box that is not serviced by the owner.

These objectives and controls for roadside stalls apply to stalls associated with a farm. Other controls may be provided in the DCP for roadside stalls on other land.

4.2 Objectives

a) To ensure roadside stalls are in keeping with the rural environment and do not distract road users from safe driving practices.

b) To ensure access to and from roadside stalls occurs in a safe manner.

4.3 Controls

1. The design of a roadside stall should complement the natural landscape.
2. The maximum height of a roadside stall is 7 metres.
3. A roadside stall must be located within the boundaries of the landholding.
4. A vehicle access point from the property to a public road is to comply with AS/NZS 2890.1: 2004 *Parking facilities - Off-street car parking.*
5. Car parking spaces may be located on a road verge or fully within the boundaries of the property and should be provided for at least three vehicles.

Note:

1. The maximum gross floor area of a roadside stall is specified in clause 5.4(8) of the LEP.
2. Any work required in the road reserve will require approval of the relevant roads authority under the *Roads Act 1993*.
3. Carparking on the road verge for three or more cars is limited to roads that are not classified as State Roads or in areas which will impact the access to adjoining properties.

15.7 Question for future meeting: Short Term Rental Accommodation

CSP Objective: Outcome 4.1 We love where we live; our housing reflects our values.

CSP Strategy: 4.1.2 Facilitate development that is respectful of the local characteristics of the Municipality.

Delivery Program: 4.1.2.1 Support and strengthen our diverse communities through regional collaborations and local connections.

Summary

This report is provided to respond to two (2) questions for future meeting which include:

- A request from Councillor Renkema-Lang for a report on:
    - The number of STRA complaints, by LGA town or village, received since the commencement of the NSW Policy and Legislation relating to STRAs on 1 November 2021.
    - The actions Council has taken to respond to complaints and enforcing the planning framework in the Kiama LGA.
- A request from Councillor Rice for a report on short term rental accommodation and the possible cost recovery strategies being explored by other local government areas in NSW that are experiencing a high density of this type of tourist accommodation.

This report is also provided to advise Councillors of the discussion paper on short and long-term rental accommodation which has been released by the State Government.

Financial implication

The management of STRA complaints and compliance can have an impact on Council operational budgets and resource allocation. Council needs to carefully consider the impacts of seeking to undertake compliance or monitoring processes which are outside of our core responsibilities or which cannot be enacted through required legislation.

The policy considerations that are outlined within the discussion paper and are being reviewed by the State Government include revenue measures such as levy's on revenue from bookings, day fees per guest, and annual levies (that could also be applied differently for STRA, holiday homes and vacant properties). Higher STRA registration fees are also under consideration.

Resulting impacts on the visitor economy will also need to be considered.

Risk implication

STRA are a complex and intricate housing and tourism accommodation option, the management of and impacts resulting, are subject to a current review. The risks associated with options presented must be considered and any resulting decisions should be made through an informed and considered lease. The competing priorities, needs, opportunities and impacts all need to be carefully balanced in any decision making.

Policy

Kiama Local Environmental Plan

Kiama Development Control Plan

Consultation (internal)

Consultation has occurred internally between the planning, compliance, and tourism teams.

Communication/Community engagement

The Mayor and CEO met with Byron Shire Mayor, Michael Lyon to discuss the roll out of STRA restrictions and the complexities within that region. Additional during ALGA there will be a meeting of councils that have high levels of STRA. KMC is convening this meeting, to share and learn from different approaches and localities.

The Manager, Tourism and Events and Destination Kiama Chair, Cr Brown have met with the Australia & New Zealand Short Term Rental Association (ASTRA) representatives, the Chair and General Manager of Destination Sydney Surrounds South and neighbouring tourism managers to discuss the issue.

Council staff and members of Destination Kiama also met with interested parties to discuss the local STRA landscape in a roundtable forum on Thursday 7 March 2024.

Attachments

1 Short Term Rental Accomodation Discussion Paper⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Note the NSW State Government Discussion paper on short and long term accommodation and make a submission as part of this consultation process.
2. Continue to actively engage with other councils who have high levels of STRA properties to seek options and learnings from these locations.
3. Note the research work that is currently being undertaken by Sydney University and our council, to seek data about impacts, options and changes that have occurred in the past few years in the STRA landscape.
4. Continue to work with the Department of Fair Trading and NSW Police on the management of complaints relating to STRA properties.

Background

Following an inquiry into home-sharing services, the NSW Government implemented a regulatory framework for STRA, which includes a mandatory Code of Conduct inclusive of an exclusion register, a state-wide planning framework, a mandatory STRA premises register, and strata scheme by-laws that restrict certain types of short-term rentals.

In September 2023, the Government announced it would undertake a wide-ranging review concerning the implementation of a short stay levy and broader short term rental industry reforms, having endorsed a 60-day cap on STRA in the Byron Shire Local Government Area (LGA). Further caps in other NSW LGAs are being considered alongside other reforms, with the Government due to release the Terms of Reference for the review at the end of 2023 or early 2024.

The review is expected to be completed in the first half of 2024, with the Treasurer, Planning Minister, Housing Minister, and Better Regulation Minister leading various aspects of the review and seeking to progress a range of rental reforms in 2024, including ending no-grounds evictions. The NSW Treasurer has also stated the review will assess the impact of regulations and tax reforms, including vacant property taxes.

In October 2023 at the Local Government NSW Conference, local councils agreed to call on the State Government to prioritise the STRA review. A City of Sydney resolution also passed, which called for Local Government NSW to commission a study to report on the impact that STRA is having on rental affordability and availability and tourist accommodation in NSW. The resolution also called for stronger powers for councils to implement caps on the number of days per year that a property can be used for non-hosted STRA, as well as the ability to respond flexibly to balance housing and the local visitor economy. City of Sydney has stated it supports a 90-day cap on STRA properties.

Short Term Rental Accommodation Framework

The NSW Government is currently undertaking community consultation on the STRA framework. The Government is seeking feedback on the planning policy and regulatory framework for short-term rental accommodation (STRA) or “Air BnB” style properties, and on options to encourage the supply of long-term rental accommodation.

A discussion paper has been released (Attachment A) which describes the different options that are being considered and starts a public consultation process where residents can have their say and provide feedback on:

- the adequacy of the current planning and regulatory framework for short-term rental accommodation in NSW
- potential policy options, including revenue measures, to incentivise property investors to make properties available for long-term rental accommodation (LTRA).

Council staff are working through these documents to develop a submission on the proposals that have been outlined by the Government. The submission will also include the findings of the industry specific engagement that has been undertaken by Destination Kiama.

Council is also actively participating (at a cost of $5000) in a research project being conducted by Sydney University into STRA. It is preferable given the cost and exiting impost on resources that this research project be completed to inform any decision making of Council on STRAs.

As outlined above discussions have also occurred with Bryon Bay Council with the Mayor and CEO speaking with delegates from this Council about their STRA

approaches. Discussions will also be occurring at the ALGA Conference with other councils who have high levels of STRA. This meeting is to be convened by Kiama Council to seek information from others and to learn about alternative approaches that have been adopted in other LGAs.

Short Term Rental Accommodation

Reviewing data available to the following statistics are provided:

- total dwellings in Kiama LGA 11,067
- registered 'hosted' properties 217 (1.96%)
- registered 'non-hosted' properties 526 p(4.75%).

The National and International Visitor Survey results show that in the Kiama area, approximately 16% will stay in "rented house / apartment / flat or unit (not serviced daily)" to which STRA falls. "Other commercial accommodation" makes up 54% of overnight trips and "private accommodation", 45%.

The economic return to Kiama is as follows:

- On average, people that stay in short term rental accommodation within the Kiama region spend $669 per trip or $259 per night, in addition to the cost of accommodation.
- The value of the industry is an estimated $30M per annum.

Source: Tourism statistical professional, Peter Valerio -Tourism Solutions

The Kiama LGA boasts approximately 550 traditional accommodation rooms, comprising 310 in hotels and motels, 230 in cabins, and 14 in apartments.

Feedback from Industry Forum

A forum was facilitated by Council staff on Thursday 7 March 2024. At this industry forum STRA owners and managers shared their feedback and viewpoints about STRA. They recounted instances where their properties served as emergency accommodation during bushfires, for individuals fleeing domestic violence, and those seeking respite through the NDIS. Some owners, particularly single mothers with caregiving responsibilities, emphasised how STRA provided a crucial revenue source, enabling them to adequately support their families.

The forum also presented a compelling case regarding the potential impact of returning the 4-5% of non-hosted STRA accommodations in Kiama to the long-term rental market. The rental returns necessary to achieve profitability for land tax purposes would likely render weekly rent amounts unaffordable for most families.

Additionally, 90% of ASTRA survey respondents expressed that levys or day caps would not incentivise them to convert their STRA properties to long-term rentals (primarily due to the desire for a flexible holiday home for themselves and their families).

According to data from the ASTRA survey, 93% of STRA owners or managers engage five or more local services to assist in property operations, including cleaners, property maintenance personnel, pool cleaners, and linen services.

The industry perspective will also be incorporated into the submission provided by Council to the Government.

Questions for Future Meeting – Response

1. STRA Complaints

Council has received 16 complaints from our community regarding Short Term rental Accommodation since the STRA planning policy framework came into effect on 1 November 2021.

These were related to 4 individual properties located in the following townships:

- Gerringong: 11 complaints from 3 complainants (note a number of these complaints also relate to the behavior of the adjoining neighbour, not only the STRA residence)
- Kiama Downs: 2 complaints from 1 complainant
- Kiama Heights: 1 complaint
- Gerroa: 2 complaints from 1 complainant.

2. Role in Planning Framework

The NSW Planning website states the following:

*"The **NSW Government manages** a state-wide regulatory framework for short-term rental accommodation (STRA), which includes:*

- *a planning framework*
- *fire safety standards for STRA dwellings*
- *a government-run STRA Register.*

The state-wide policy for STRA benefits homeowners who want to take advantage of holiday rentals while providing more certainty and safety for local communities and visitors.

The laws impose obligations on all industry participants, including booking platforms, hosts, letting agents and guests."

The STRA planning policy framework comprises standard provisions for short-term rental accommodation including:

- *a definition for STRA, hosted STRA and non-hosted STRA*
- *an exempt development pathway for hosted and non-hosted STRA, including an annual 180-day limit for non-hosted STRA based on location*
- *an exemption of bookings of 21 consecutive days or more from the day limits for non-hosted STRA*
- *fire safety standards for dwellings used for STRA and associated penalty notice offences for non-compliance*
- *a government-run STRA Register that will ensure compliance with the new fire safety standards, as well as tracking day limits of each STRA dwelling and provide details to assist local councils with monitoring STRA in their local government areas (LGA).*

The planning framework came into effect on 1 November 2021 and complements the mandatory Code of Conduct and changes to strata legislation made by the Department of Customer Service.

Also of note is that:

- All short-term rental operators are required to abide by the mandatory Code of conduct for the short-term rental accommodation industry. The Code of Conduct is enacted by the Fair Trading Act 1987. Council has no regulatory powers under the Fair Trading Act 1987 as this power lies solely with NSW Fair Trading.
- In addition, the NSW Police is the regulatory authority for responding to incidents such as excessive noise and anti-social behaviour arising from STRA premises, when the issue is occurring as such incidents have the potential to turn hostile.
- Council manages the planning framework of our LEP and DCP – it is noted that STRA are exempt development under the NSW government legislation.
- Where the webpage references planning rules and Councils role it is related to if a STRA is considered un-authorised development. The following dwellings are not permitted to be used for short-term rental accommodation (as exempt development) under the rules:
    - boarding houses
    - seniors' housing
    - rural workers' dwellings
    - group homes
    - hostels
    - refuge or crisis accommodation
    - build-to-rent housing
    - co-living housing
    - moveable dwellings.

There are none that are known to be operating in this manner in our LGA.

When Council receives complaints, these are acknowledged and recorded officially within our record system. The authors are advised of the ability to also make representations to the Department of Fair Trading under the Code of Conduct.

Conclusion

Council will continue to engage and contribute to the discussion and reform process that is being undertaken by the NSW Government and continue to provide feedback into these reforms.

Exploration of the issues, outcomes, benefits, options and resulting impacts are continuing and will be provided to Council in future reports as information becomes available.

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Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Discussion paper on short-and long-term rental accommodation

Review of regulations and supply in New South Wales

February 2024



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Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Discussion paper on short- and long-term rental accommodation

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1 Introduction

1.1 Purpose of this discussion paper

The New South Wales Government is investigating policy levers to help unlock housing supply and ease the ongoing pressure on housing affordability across New South Wales (NSW). This discussion paper starts a public consultation process so you can have your say and give feedback.

The NSW Government would like your views and feedback as it reviews:

- how well the current planning and regulatory framework for short-term rental accommodation in NSW is balancing benefits to the tourism economy with the potential costs for housing availability and affordability
- potential policy options, including revenue measures, to encourage property investors to make homes available for long-term rental accommodation.

You can give your feedback by uploading a submission or taking a survey by **14 March 2024**. Go to the 'Have your say' section below to find out how.

Solutions for the longer term

Housing affordability has deteriorated significantly over the past few years in NSW. At the same time, current projections indicate that another 1.7 million people will call NSW home by 2041. This suggests nearly 900,000 additional homes will be needed.[1]

The most effective way to ensure house prices and rents are affordable is to increase housing supply where demand is highest. The NSW Government has committed under the National Housing Accord to unlock around 375,000 homes over the next 5 years.

Worsening housing affordability has coincided with an increase in the number of people in NSW sleeping rough and the number of priority applicants for social housing. These suggest that homelessness, in addition to financial stress, is becoming an increasingly serious

[1] NSW Government (2023) through the former Department of Planning and Environment, 'Population projections', https://www.planning.nsw.gov.au/research-and-demography/population-projections, accessed January 2024

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challenge in NSW. Homelessness is more than just a housing problem – it is a complex, multifaceted issue, and there is no single solution. However, a key to reversing this trend is the supply of social housing and wraparound support services.

Solutions for the near future

Policies to unlock supply will not yield immediate effects. It takes time for rezonings or land release to translate into housing approvals, construction and then into properties ready for living. Policies that encourage people to make short-term rental accommodation or underused properties (for example, holiday homes and vacant properties) available for long--term use could make a difference sooner.

1.2 Have your say

The NSW Government would like your feedback on the regulatory framework for short-term rental accommodation and potential policy options to increase the use of properties for long-term housing. The aim is to encourage long-term rental accommodation and strike a fair balance between NSW housing needs and the benefits of short-term rental accommodation. To give feedback, you can:

- complete our survey via Qualtrics, or
- upload a submission via the NSW Planning Portal.

Email questions about the discussion paper or review to the project team at STHL@planning.nsw.gov.au

Submissions are open until 14 March 2024

We prefer submissions through the online options on the Have Your Say website, or by email in an accessible format. Accessibility is about making documents easy to use for everyone, including people with disability. For more information on how you can make your submission accessible, visit http://webaim.org/techniques/word/

The NSW Government's Guide to Better Regulation, which sets out how to apply the 7 principles of better regulation to regulatory proposals, may help you consider the issues and prepare a submission.[2]

[2] Visit https://www.treasury.nsw.gov.au/finance-resource/best-practice-regulation-guidelines

Likewise, section 4.3 Potential revenue measures outlines some guiding principles of revenue policies that could help in your submission.

We may publish submissions

We may publish submissions. If you do not want your personal details or any part of your submission published, **please say so clearly in your submission**. An automatically generated confidentiality statement in your email is not enough.

We may refer to submissions in a report on the outcome of the consultation. We will accept anonymous submissions if you do not want us to publish yours, or if you have concerns about safety or your submission being linked back to you. We will refer to these in our report as anonymous submissions.

There may be circumstances where the NSW Government is required by law to release the information in your submission. For example, this may be in keeping with the requirements of the *Government Information (Public Access) Act 2009*.

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2 Context of this review

2.1 Housing pressures in NSW

NSW is an attractive and highly sought after place for people to live, work and visit. Yet the factors that make our state desirable to visitors can increase housing pressures for current and future residents.

Housing affordability is deteriorating

Since the end of 2019, advertised prices for long-term rentals in NSW have increased more than 38%. Last year alone they rose 14%. Rental vacancy rates are also at near historically low levels. The vacancy rate in Greater Sydney was 1.7% in December 2023, below the decade average of 2.3%. In regional NSW, the vacancy rate has fallen even lower.[3]

Despite the rapid increase in interest rates since May 2022, Sydney dwelling prices by the end of 2023 were 28% higher compared to the end of 2019, and prices in the regions are now up 48% over the same period.[4]

Poor housing affordability in NSW is symptomatic of an enduring supply problem, which is likely to worsen in the near term as new dwelling approvals and completions remain subdued. Rising house prices should encourage more dwelling construction to meet this strong demand. However, it takes time for this new supply to come to the market. Historically, there is a lag of around 2 years between approvals and completions. Shortages of both materials and labour and rising borrowing costs are also affecting construction.

From September 2022 to September 2023, NSW completed about 49,000 dwellings. This is well short of what is required to achieve the NSW target under the National Housing Accord.[5]

Vulnerable households

The deterioration in housing affordability has coincided with increased demand for social housing and an increase in the number of people sleeping rough.

[3] Changes in advertised rents as reported by CoreLogic; rental vacancy rates are from SQM Research.

[4] Dwelling prices as reported by CoreLogic.

[5] Data on dwelling completions is from the ABS.

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The number of priority applicants for social housing on the NSW Housing Register has grown nearly 70% from 4,484 applicants in June 2019 to 7,573 in June 2023. There are now over 55,000 applicants on the NSW Housing Register.[6]

Sleeping rough is also becoming a growing problem in NSW. The NSW Statewide Street Count has found the number of people sleeping rough in the state has increased 34% from 2022 to 2023.[7] The problem is even more pronounced in some coastal regional areas with a high proportion of short-term rental accommodation properties. Within the top 10 local government areas by the concentration of short-term rental accommodation (see Table 1), sleeping rough has increased 72% since 2022. Byron Shire has amongst the highest number of people sleeping rough in the state, and has surpassed the City of Sydney as the local government area with the most people sleeping rough in NSW in 2023.

The rise of short-term rental accommodation

As housing affordability in NSW has decreased, people have become concerned that owners are making fewer properties available for long-term use, and that this may be contributing to a rise in costs.

Over the past decade, the short-term rental accommodation market has expanded rapidly in NSW. The emergence of online booking platforms has supported this, as they make it easier for property owners to enter the short-term rental market.

In response, the NSW Government introduced a statewide regulatory policy framework in November 2021. The regulations aimed to balance the positive effects of short-term rental accommodation on the tourism economy with the amenity of local neighbourhoods and supporting housing supply and affordability.

The existing regulatory framework for short-term rental accommodation in NSW is purposely 'light touch'.

This approach to regulating short-term rental accommodation was informed by a 2016 Parliamentary Inquiry. It found that short-term rental accommodation was generally seen as a low-impact activity that does not alter the otherwise residential characterisation of a dwelling but makes a significant contribution to the tourism economy. The inquiry did touch on housing

[6] Social housing applications data is from the Department of Communities and Justice.

[7] 2023 NSW Statewide Street Count, Department of Communities and Justice.

affordability, but found that short-term rental accommodation's contribution to housing pressures at the time was mostly anecdotal.[8]

In an increasingly tight housing market, the effects of short-term rental accommodation on housing affordability have become more apparent. In some local government areas with high concentrations of short-term rental accommodation registrations, such as Shoalhaven and Eurobodalla, local mayors wrote to non-resident owners of such dwellings. The mayors urged owners to make their dwellings available for long-term rental to ease rental availability pressures in these areas.

The focus of the government has, therefore, shifted from addressing guest behaviour and neighbourhood amenity to the effects of short-term rental accommodation on the housing market and housing affordability.

[8] Section 1.71, Adequacy of the regulation of short-term holiday letting in New South Wales

Managing the existing housing stock

While increasing housing supply is the best way to address affordability, there is a renewed focus on how we manage the use of the existing housing stock. For example, we need to consider if we should encourage owners of vacant homes, holiday homes and non-hosted short-term rental accommodation to make these properties available for long-term use.

Internationally, academic studies of short-term rental accommodation have suggested that an increase in short-term rental listings can increase house prices and rents. A 1% increase in short-term rental listings has been found to increase house prices by as much as 3.7%, and rents by up to 0.52%. [9] However, the impact is highly variable across countries. The extent of the impact depends significantly on the local housing market. Short-term rental listings will have a bigger effect on housing markets that have more constraints on supply.

As of January 2024, there are approximately 52,300 dwellings registered for short-term rental accommodation across the state. About 33,000 of these are registered for non-hosted short-term rental accommodation.

The number of registered dwellings fluctuates throughout the year. For example, the number of registrations may increase during peak seasons, or some dwellings may be deregistered.

The total number of non-hosted short-term rental accommodation registrations represents approximately 1% of the stock of private dwellings in NSW. However, concentrations of non-hosted short-term rental accommodation vary across the state. Registrations in some tourist destinations make up a significantly larger share of total private dwellings.

Table 1 outlines the local government areas with the highest concentrations of non-hosted short-term rental accommodation registrations. These locations are historically popular tourist destinations, but have also had constraints on housing supply.[10]

[9] Franco & Santos (2021), The impact of Airbnb on residential property values and rents: Evidence from Portugal.
Ayouba et al. (2019), Does Airbnb Disrupt the Private Rental Market? An Empirical Analysis for French Cities

[10] Non-hosted short-term rental accommodation registrations are from the NSW Short-Term Rental Accommodation Register as 15 January 2024. These numbers are compared to the total stock of private dwellings as reported in the ABS 2021 Census.

Table 1. Areas with the highest concentrations of non-hosted short-term rental accommodation registrations

Local government area	Total private dwellings	Non-hosted short-term rental accommodation dwellings	Percentage of total private dwellings
Byron Shire	15,220	1,259	8%
Snowy Monaro Regional	10,589	771	7%
Shoalhaven	55,463	3,418	6%
Kiama	10,317	612	6%
Eurobodalla	22,827	1,074	5%
Kempsey	13,104	570	4%
Port Stephens	34,100	1,472	4%
Waverley	31,190	1,217	4%
Bega Valley	17,546	654	4%
Mid-Coast	47,366	1,608	3%

High-level estimates suggest around 95,000 residential properties in NSW are not used for long-term housing.[11] This includes around:

- 35,000 dwellings used as non-hosted short-term rental accommodation throughout the year[12]
- 45,000 dwellings used as holiday homes that are not also used as short-term rentals
- 15,000 dwellings that are left vacant throughout the year.

This represents around 3% of the stock of private residential properties. This is broadly equivalent to about 2 years of current home completions in NSW.

[11] NSW Treasury calculations based on analysis of ABS Census 2021 data on dwelling occupancy and on data from the NSW Short-Term Rental Accommodation Register. This analysis was also based on earlier research by SGS Economic and Planning in 2017, available at https://sgsep.com.au/publications/insights/why-was-no-one-home-on-census-night

[12] As properties can leave the Register, the total number of STRA properties through the year is higher than the number at any one point in time.

In the context of rising housing costs and a growing number of people sleeping rough, the NSW Government is committed to achieving the right balance between improving housing affordability, reducing episodes of homelessness and supporting the tourism economy and other benefits of short-term rental accommodation.

This discussion paper uses specific terms for short-term and long-term rental accommodation. Box 1 outlines key terms and definitions.

Box 1: Key terms and definitions

Principal place of residence means the one place of residence that a person uses and occupies as their main place to live. This definition is used, for example, to assess if a property is subject to land tax in NSW.

Short-term rental accommodation means a dwelling the host uses to provide accommodation on a commercial basis for a temporary or short-term period.[13]

Hosted short-term rental accommodation means accommodation where the host lives on the premises while providing the accommodation.

Non-hosted short-term rental accommodation is where the host does not live on the premises while providing the accommodation.

21-day exemption means non-hosted short-term rental accommodation bookings for a period of 21 consecutive days or more that do not count towards any applicable day cap.

Long-term rental accommodation means a home let on a long-term basis, which is generally for longer than 90 days.

Holiday homes are typically dwellings used by the owners occasionally during holidays but not on a permanent basis. Owners may also let out their holiday homes for short-term rental accommodation.

Vacant property means a dwelling that is not used or occupied.

[13] Part 6, State Environmental Planning Policy (Housing) 2021 – also known as the Housing SEPP – accessible at https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#ch.3-pt.6

2.2 Policy considerations for the review

The NSW Government will consider the right balance between improving housing affordability and supporting tourism, and the policy levers it can use to achieve this.

Benefits of short-term rentals

Dwellings used as holiday homes and short-term rental accommodation play a key role in supporting local economies, particularly in holiday destinations such as Byron Bay, the South Coast or the Snowy Mountains. Tourists benefit from increased accommodation options, new travel destinations, greater flexibility and potentially greater cost-effectiveness compared to other forms of accommodation.

Local businesses benefit from the increased demand for goods and services, which also supports the employment and wages of workers. In the case of short-term rental accommodation, owners benefit from the potential to earn a return while retaining flexibility in how they use their property.

The benefits of short-term rental accommodation can go beyond tourism. Short-term rental accommodation near hospitals and medical centres, or near employment or education hubs, gives patients, their families, workers and students added accommodation availability. It gives them flexibility of location, reduced costs, and better amenity.

Disadvantages of short-term rentals

Dwellings that are not used for long-term purposes may contribute to higher housing costs by reducing the availability of long-term rental accommodation and the number of properties available to buy. This can lead to higher property prices and long-term rental costs.

Vacant properties and holiday homes

Making vacant properties available for long-term users would contribute to housing supply with the least effect on tourism markets.

Similarly, making holiday homes that are not used as short-term rentals available for long-term users could result in fewer homes being left vacant for much of the year.

Regulatory and revenue measures

The NSW Government can use a mixture of regulatory and revenue measures to strike the right balance between the benefits of short-term rental accommodation and housing affordability.

Regulatory measures that could increase the use of properties for long-term housing include:

- higher registration fees for short-term rental accommodation
- more onerous approval requirements for short-term rental accommodation
- lower day caps on the maximum number of nights a dwelling can be let for non-hosted short-term rental accommodation
- limits to the number of homes in an area that can be used for short-term rental accommodation
- limits on the number of guests that can use a short-term rental property.

Revenue measures that could increase the use of properties for long-term housing include:

- a levy on the revenues from bookings of short-term rental accommodation
- day fees per guest staying in short-term rental accommodation
- an annual levy based on the use of the property (for example, non-hosted short-term rental accommodation, holiday homes and vacant properties).

Lower day caps

Lower day caps on non-hosted short-term rental accommodation can encourage some property owners to lease their property in the long-term rental market rather than on the short-term market. This is because day caps may make short-term rental accommodation less profitable.

However, day caps could also encourage owners to leave properties vacant throughout much of the year, as they restrict their short-term rental accommodation availability to peak holiday periods when they can earn the highest returns. This could hinder tourism and affect local economies without necessarily increasing the availability of properties for long-term users.

In addition, some owners of short-term rental accommodation may want to keep the ability to use their property for personal purposes. Because of this, they may be reluctant to make their property available for long-term use in response to a day cap.

Revenue measures

Revenue measures can be designed to shift the financial returns of a broader set of properties, including non-hosted short-term rental accommodation, holiday homes and vacant properties. Imposing a levy on these properties that are not used as a long-term rental or as a principal place of residence can increase the financial incentives for owners to shift these properties to the long-term uses.

Revenue measures can raise government funds for programs to support the most vulnerable. With rising housing affordability pressures and increasing numbers of people sleeping rough in NSW, support for homelessness is an important priority of the government.

Considering all options

The costs and benefits of different policy options differ. The government will consider them carefully, including the extent of any potential side effects beyond the intended policy objectives. One potential side-effect could be properties being left vacant for longer periods. Vacant homes do not contribute to long-term rental supply, and, unlike short-term rental accommodation, do not support the tourism economy.

The NSW Government aims to find the right mix of regulatory settings and revenue measures. The aim is to balance the ongoing housing affordability pressures throughout NSW with supporting tourism and economic activity throughout the state.

3 Current regulatory and policy environment

3.1 Regulatory and policy environment in NSW

3.1.1 Regulatory framework for short-term rental accommodation

On 1 November 2021, the NSW Government introduced a statewide planning and regulatory framework for short-term rental accommodation. This was in response to the industry's growth. It aimed to provide a consistent approach to balancing the effects of short-term rental accommodation on local tourism, housing supply and affordability, and neighbourhood amenity.

The planning and regulatory framework for short-term rental accommodation does not extend to holiday homes or vacant property, as the planning system is not designed to regulate how owners use their property.

The current planning and regulatory framework in NSW for short-term rental accommodation involves the Department of Planning, Housing and Infrastructure; the Department of Customer Service; and local councils. The framework comprises:

- an exempt development planning pathway for hosted and non-hosted short-term rental accommodation within the *State Environmental Planning Policy (Housing) 2021* – also known as the Housing SEPP, including:
  - definitions for short-term rental accommodation, hosted short-term rental accommodation and non-hosted short-term rental accommodation
  - associated general requirements
- a 180-day cap in any 365-day period on non-hosted short-term rental accommodation in Greater Sydney and certain local government areas, including:
  - Ballina
  - Byron Shire (with a 60-day cap commencing in most of the local government area from September 2024)
  - parts of Clarence Valley and Muswellbrook

  (hosted short-term rental accommodation is not restricted)

- an exemption for bookings of 21 consecutive days or more from the day limits for non-hosted short-term rental accommodation
- fire and safety requirements for short-term rental accommodation dwellings within the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 – also known as the EP&A Regulation (Fire Safety) – and the Short-term Rental Accommodation Fire Safety Standards
- an online, government-run Short-term Rental Accommodation Register to capture compliance with the fire safety standards and other regulations for short-term rental accommodation (for example, day caps).

Registrations

Hosts of short-term rental accommodation must register their dwelling on the NSW Government's Short-term Rental Accommodation Register. Booking platforms must ensure that a short-term rental accommodation dwelling is registered and that the registration number for the dwelling is displayed before being listed on a platform's online booking service.

The Short-term Rental Accommodation Register is accessible to local governments, allowing them to verify registrations for short-term rental accommodation dwellings in their areas, and to support compliance and enforcement activity.

3.1.2 Independent Planning Commission review of Byron Shire Council's planning proposal for short-term rental accommodation

In April 2023, the Independent Planning Commission gave advice to the Minister for Planning and Public Spaces after its review of Byron Shire Council's planning proposal for short-term rental accommodation. The planning proposal proposed to reduce the annual day limit for non-hosted short-term rental accommodation in most of its local government area to 90 days.

The Independent Planning Commission made 12 recommendations, including that the non-hosted short-term rental accommodation day cap be reduced to 60 days for a 365-day period across the whole local government area.[14]

After considering the Independent Planning Commission's advice, the Minister for Planning and Public Spaces determined the Byron Shire Council's planning proposal in September 2023. The new provisions in the Housing SEPP will apply from 23 September 2024.

[14] Byron Shire Short-Term Rental Accommodation Planning Proposal PP-2021-3351 Advice Report at NSW Independent Planning Commission (https://www.ipcn.nsw.gov.au/news/2023/04/byron-bay and https://www.ipcn.nsw.gov.au/resources/pac/media/files/pac/projects/2022/12/byron-shire-short-term-rental-pp/advice/230424_byron-stra-pp_advice-report_final.pdf)

They introduce a 60-day cap for non-hosted short-term rental accommodation across the entire Byron Shire local government area, except for 2 precincts in and around Byron Bay Town Centre and at Brunswick Heads.

The NSW Government acknowledges the advice and recommendations handed down by the Independent Planning Commission on Byron Shire Council's planning proposal. While the NSW Government did not implement all the recommendations from the Independent Planning Commission because of implications for councils beyond Byron Shire, this discussion paper draws from the recommendations where relevant for aspects of the current planning and regulatory settings.

3.1.3 Revenue policy settings

The NSW Government and local councils do not currently apply specific revenue measures to:

- short-term rental accommodation
- holiday homes not used for short-term rental accommodation
- vacant property.

The NSW land tax does not differentiate investment properties by use. The land tax system treats investment properties used for long-term rental accommodation the same way as those that are rarely or never occupied.

3.1.4 Other policy settings

The planning and regulatory framework for short-term rental accommodation is complemented by the Code of Conduct for the Short-term Rental Accommodation Industry. This sets out responsibilities for all industry participants. The Commissioner for Fair Trading administers the code, which commenced on 18 December 2020.

Under the code, the Commissioner for Fair Trading can impose a range of disciplinary actions, including warnings, directions and recording a strike against a host, a host's dwelling, or a guest. The Commissioner can also record a host, a host's dwelling, or a guest on the exclusion register for 5 years if they have 2 strikes against them within a 2-year period, and the Commissioner considers it appropriate to exclude them.

Changes were also made in April 2020 to the:

- *Fair Trading Act 1987*
- *Strata Schemes Management Act 2015*
- *Residential Tenancies Act 2010*.

These changes allow owners corporations to pass by-laws that ban short-term rental accommodation within strata schemes, but only in lots that are not a host's principal place of residence.

This review will not consider changes to the existing policy and regulatory settings of the code or strata legislation.

3.2 Policies in other jurisdictions

Jurisdictions outside NSW have responded in various ways to the expansion of the short-term rental accommodation industry and to growing concerns about housing affordability pressures.

Some jurisdictions have chosen relatively minimalist approaches, with little or no regulation and limited oversight. Other jurisdictions have implemented new regulations or taxes on short-term rental accommodation and vacant properties. In some places, such as New York, the restrictions effectively ban short-term rental accommodation outside narrow exceptions.

Policy responses have also varied in their intended goals. Common policy objectives typically include a combination of addressing:

- housing supply and affordability
- preserving neighbourhood amenity
- concerns about guest safety
- ensuring that the short-term rental accommodation market operates on a level playing field with the hotel industry.

3.2.1 Policy approaches within other Australian jurisdictions

Victoria, Queensland, Western Australia and Tasmania regulate short-term rental accommodation, mostly at the local government level. Figure 1 shows the key policy approaches within these jurisdictions. Regulations include:

- data reporting requirements for booking providers (Tasmania)
- specific codes of conduct managing guest and host behaviour (Yarra Ranges, Frankston)
- registration fees (Warrnambool, Frankston)
- zones with limitation on short-term rental accommodation use (Noosa)
- planning approvals (Perth, Gold Coast, Tasmania)
- day caps (Perth)
- higher council rates for short-term rental accommodation properties (Brisbane, Sunshine Coast and Hobart).

Following recent reviews, Western Australia and Queensland may bring forward statewide registers for short-term rental accommodation. The Queensland review also proposed a

statewide code of conduct and information portal.[15] Western Australia has announced that councils will bring forward specific planning pathways, meaning non-hosted short-term rental accommodation will require development approval from the local government.[16]

More details about short-term rental accommodation policies are set out below:

- Victoria announced in September 2023 the introduction of a 7.5% levy on short-term rental accommodation properties from January 2025, which is expected to raise around $70 million each year.
- Tasmania has a data-sharing agreement with short-term rental accommodation platforms, including on the number and location of short-term rentals in the state. Hobart requires permits for non-hosted short-term rental accommodation properties.
- From 2025, Western Australia will offer non-hosted short-term rental accommodation owners in certain areas $10,000 to encourage them to transfer their property to the long-term rental market for 12 months.

At this time, it is unclear on how many properties have been returned, or may return, to the long-term rental market because of these measures.

[15] Recommendation 1, Review of impacts of short-term rental accommodation in QLD available at https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/short-term-rental-accommodation-review.

[16] WA Short-Term Rental Accommodation Planning Reforms available at https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/short-term-rental-accommodation-planning-reforms#:~:text=A%20property%20can%20be%20operated%20as%20a%20short-term,for%20un-hosted%20short-term rental accommodation%20within%20the%20Perth%20metropolitan%20area%3B

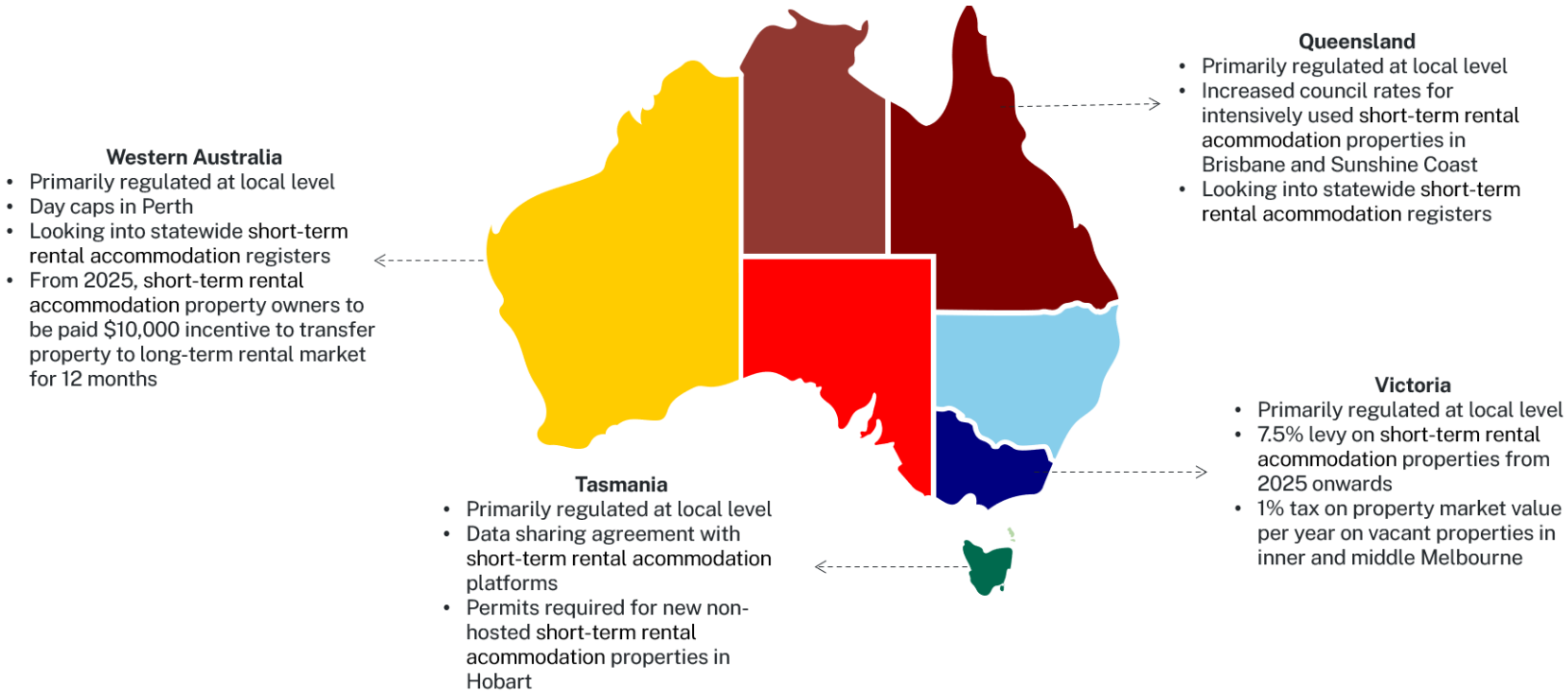

Figure 1. Summary of policy approaches within other Australian jurisdictions

Vacant properties

Measures to discourage vacant properties in Australia are more limited.

The Australian Government imposes an annual vacancy fee on foreign-owned property bought after 9 May 2017. Foreign owners must pay this fee if their dwelling is not occupied or rented out for 6 months in a year. The fee starts at $14,100 for property acquired for $1 million or less. The Australian Government announced in December 2023 that it will double vacancy fees on foreign-owned dwellings.[17]

The Victorian Government currently imposes an annual tax of 1% of the property's market value on vacant properties in inner and middle Melbourne. The tax applies to homes that were vacant for more than 6 months in the preceding calendar year. In October 2023, the Victorian Government announced an expansion of the tax. From 2025, the tax will:

- apply Victoria-wide, and include vacant, undeveloped land zoned for residential use if it has not been improved within 5 years
- increase from 1% the first year, to 2% the second year a property is vacant, and 3% in later years.[18]

3.2.2 International policy approaches

Regulatory and tax policies on short-term rental accommodation vary widely internationally. They typically entail a combination of registration requirements and day caps. They may include either a fixed daily charge for each guest or a charge based on a percentage of the listing price.

Strict regulations

For example, New York and Amsterdam have some of the strictest short-term rental accommodation regulations. Both jurisdictions have data-sharing agreements with online platforms to help monitor and enforce regulatory and taxation measures.

New York mandates a minimum 30-day stay for non-hosted bookings, with a maximum of 2 guests per booking. Guests are granted access to all the rooms in the dwelling. These requirements essentially ban the majority of non-hosted properties. Short-term rental

[17] The announcement of changes to vacancy fees on foreign-owned dwellings is available at https://ministers.treasury.gov.au/ministers/jim-chalmers-2022/media-releases/higher-foreign-investment-fees-housing

[18] The announced changes to Victoria's vacant residential land tax (VRLT) are available at https://www.sro.vic.gov.au/news/state-taxation-acts-and-other-acts-amendment-bill-2023-0

accommodation can also be subject to New York's Hotel Room Occupancy Tax of 5.875% of rent, plus a fixed component for each room. Sales taxes can also apply.

Amsterdam limits total annual bookings to 30 days and levies a 12.5% tax on short-term rental accommodation booking prices.

A more permissive approach

Other jurisdictions have taken a more permissive approach to short-term rental accommodation. For example, Auckland only requires that short-term rental accommodation properties pay increased council rates if they are let for more than 28 nights each year.[19]

Other jurisdictions, like Rome, employ a short-term rental accommodation register similar to the NSW register. Booking taxes are based on the number of guests each night, up to a maximum of 5 to 10 nights.[20]

Overall, Airbnb reports 16 countries where the platform has entered into agreements to collect short-term rental accommodation taxes. Most agreements are at a sub-national level, covering specific cities or states within the country. Where the tax is based on a percentage of rents, rates are typically around 5% to 15%.

Vacant homes

Some jurisdictions, like Ireland, France, and British Columbia (Canada), also tax vacant homes. Unlike short-term rental accommodation, vacant homes do not produce income and are not publicly advertised on platforms, making tax enforcement potentially more challenging.

British Columbia has tried to improve compliance to its vacant property tax by requiring all property owners to report on the occupation status of their property. This differs from other jurisdictions, such as Ireland, which require property owners to self-report their properties as vacant.

The British Columbia system may improve compliance. However, this is done by obliging virtually all property owners to make an annual declaration, despite the overwhelming majority not owning a vacant property.

[19] Rating of providers of online accommodation properties at https://www.aucklandcouncil.govt.nz/property-rates-valuations/your-rates-bill/Pages/accommodation-provider-targeted-rate.aspx

[20] https://www.airbnb.com.au/help/article/1228?_set_bev_on_new_domain=1694587237_NTc5ODIxZTVlYWQz

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4 Issues for consultation

This review considers the current planning and regulatory framework for short-term rental accommodation and the supply of long-term rental accommodation. It aims to explore ways to better balance the housing needs of the people of NSW with the benefits that tourism brings to the state.

Encouraging owners to change their non-hosted short-term rental accommodation, vacant properties and holiday homes to long-term rental use could help reduce the cost of long-term rentals.

We can achieve this through a balance of planning regulation and revenue policies.

This chapter raises issues for discussion and feedback. It lays out the NSW Government's policy objectives for this review. It also outlines the scope and some of the policy levers the government can use to achieve these objectives.

The government welcomes your feedback and input on the issues raised.

4.1 Policy objectives

The policy objectives of this review are set out in Figure 2.



Figure 2. Policy objectives of the review

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This review is underpinned by the broad policy objectives to:

- **encourage favourable and efficient use of dwellings** – giving property owners incentives to move property into long-term use

  Housing policy should prioritise the use of the housing stock for long-term housing.

  Incentives to shift property use can boost the supply of long-term rental accommodation in the short run. Importantly, housing policy should encourage owners to use properties more, not less.

- **balance the economic benefits of short-term rental accommodation with costs to housing affordability** – in the context of rising housing costs, increasing demand for social housing and a growing number of people sleeping rough

  While shifting properties from short-term to long-term rental accommodation can help increase the supply of long-term accommodation in the immediate term, short-term rental accommodation plays an important role in the tourism industry, particularly in regional areas. The NSW Government is committed to achieving the right balance to improve housing affordability and reduce episodes of homelessness.

  Tourism is an important contributor to the NSW economy, and every year thousands of people use short-term rental accommodation to explore and enjoy NSW. Short-term rental accommodation is not just used for leisure – it offers options for people travelling for business or for a hospital appointment, for example.

  The government also recognises that accommodation for tourists includes both short-term rental accommodation and traditional accommodation such as hotels, motels, caravan parks and bed and breakfasts. Providers of traditional tourism accommodation compete against short-term rental accommodation, though each are subject to different planning regulations, fire safety standards and taxation arrangements including liability for the GST.

- **minimise market distortions** – in particular, to avoid disrupting housing supply or constraining the highest and best use of dwellings

  NSW needs to boost the supply of housing. Planning and rezoning is a key part of the mix, but we should also adjust revenue measures and regulations to support housing supply. Revenue measures or regulation that inadvertently discourages either investment in the long-term supply of housing or the efficient use of the current residential stock should be avoided.

  Some properties that are used occasionally for short-term rental accommodation are not likely to be offered as long-term rental accommodation. For example, homeowners who make their principal place of residence available for short-term rental

accommodation while they travel would still be using their property continuously for most of the year.

Likewise, measures that restrict short-term rental accommodation should encourage property owners to move their property to long-term uses, rather than encouraging them to underuse their property.

- **ensure compliance, enforcement and reporting are effective** – the mix of regulation and revenue measures should be practical and enforceable

  A regulation, planning and revenue framework that we cannot enforce is unlikely to meet other policy goals. Compliance should be supported by enforceable policy and regulatory settings, and reliable and accurate data.

Ultimately, the policy outcomes should be balanced, effective, efficient, equitable, transparent and easy to comply with.

4.2 Review of the planning and regulatory framework for short-term rental accommodation

When first introduced, the current planning and regulatory framework for short-term rental accommodation in NSW was purposely designed to be 'light touch'. More recently, however, people are questioning the positive aspects of short-term rental accommodation. This is part of broader discussions about housing affordability, historically low rental vacancy rates and increased demand for social housing.

Concerns about how the policy works were also brought to light in the advice and recommendations handed down by the Independent Planning Commission in April 2023. The recommendations came from its review of Byron Shire Council's planning proposal for short-term rental accommodation.

4.2.1 Scope of review of planning and regulatory framework

The scope of the present review into the regulatory framework for short-term rental accommodation covers the following aspects of policy:

- **Planning pathway** – consider if the existing exempt development pathway is still appropriate
- **Day caps** – consider if day caps are appropriate for non-hosted short-term rental accommodation and if they are the most effective way to balance the benefits and effects of this accommodation

- **Reporting requirements** – consider the operation of the Short-term Rental Accommodation Register and reporting requirements for hosts, letting agents and industry
- **Compliance and enforcement** – consider the compliance regulatory framework, including complaints-handling and enforcement processes under the planning framework (this includes the relationship with the code of conduct and other legislation).

4.2.2 Suitability of the exempt development planning pathway

In NSW, people can carry out short-term rental accommodation in types of residential accommodation that are lawfully approved (for example, a dwelling house) as exempt development. Exempt development is described as very low-impact development that can be done without planning approval, if it complies with any relevant standards and requirements. This means the local council does not need to give planning approval.

The current exempt development pathway is still considered to give the most balanced response to short-term rental accommodation. It keeps a streamlined and consistent statewide framework. It also acknowledges short-term rental accommodation as a low-impact activity that does not alter the otherwise residential characterisation of a dwelling.

The Independent Planning Commission recommended introducing a new planning approval pathway for non-hosted short-term rental accommodation activities in the Byron Shire (Recommendation 2). Under this recommended arrangement, owners would need to submit a development application for non-hosted activities that sought to go beyond the recommended 60-day cap. It commented that the council would be best placed to consider short-term rental accommodation activities of this nature.

If applied across NSW, we would need to establish specific day caps, taking into account local housing markets and tourism economies. If we introduced development applications for short-term rental accommodation, local governments would need to assess each application and consider the likely effects of the development. This process can be lengthy, create uncertainty for applicants and increase costs and administration.

4.2.3 Planning policy settings for short-term rental accommodation

Land use type and definitions

The NSW planning system includes land uses to describe development that could be permitted or prohibited in certain zones.

General feedback on the short-term rental accommodation policy has been that the activity is now overly commercialised and closer to a tourist and visitor accommodation activity. The

Independent Planning Commission also commented that identifying short-term rental accommodation as a type of tourist and visitor accommodation land use was the simplest method of formalising the characterisation of short-term rental accommodation in the Byron Shire.

The current planning and regulatory framework considers short-term rental accommodation as an activity that does not alter the 'residential accommodation' land use characterisation of a dwelling.

While there is no current proposal to change this characterisation, the NSW Government could consider introducing thresholds to ensure the activity remains low-impact and residential in nature. The thresholds could establish a tipping point for activities that blur the lines between residential accommodation and tourist and visitor accommodation land uses. This could include:

- limiting short-term rental accommodation registrations to only one dwelling per property in certain land use zones, or
- characterising the activity by use (that is, new day cap thresholds).

People have been confused about the definitions of hosted and non-hosted short-term rental accommodation. They have also been unsure of the type of residential accommodation in which the short-term rental accommodation activity will take place (that is, the type of dwelling).

There are instances of hosts incorrectly identifying secondary dwellings as hosted short-term rental accommodation when they should be registered as non-hosted short-term rental accommodation. This is because the host lives in the principal dwelling and not the secondary dwelling. Similarly, people often register their short-term rental accommodation dwellings as a 'dwelling house' when in fact they should be registering their apartment as a 'residential flat building'. This creates inaccurate data and compliance difficulties for local governments.

To overcome this, the NSW Government could consider making these definitions clearer. For example, it could consider certain dwelling types as 'hosted', keeping in mind the characteristics of particular residential accommodation types and amenity impact (for example, secondary dwellings where the host resides in the principal dwelling or dwellings below a specified size/floor area).

Further considerations to this would need to include, for example, the question of whether secondary dwellings and dwellings of any size could be used for long-term rental accommodation and so contribute to overall supply of homes for long-term use.

General requirements for short-term rental accommodation

Before they can carry out a short-term rental accommodation activity, the host must ensure that they comply with the exempt development general requirements for such accommodation, as set out in the Housing SEPP. General requirements include, for example, that the dwelling must:

- have been lawfully constructed
- meet the relevant fire safety standards for short-term rental accommodation
- be registered on the Short-term Rental Accommodation Register.

Lastly, short-term rental accommodation **cannot** be carried out in:

- a boarding house
- co-living housing
- a group home
- a hostel
- a rural workers' dwelling
- seniors housing
- build-to-rent housing.

The Independent Planning Commission recommended that owners should be encouraged to use secondary dwellings and dual occupancies for long-term rental accommodation, not short-term rental accommodation (Recommendation 5). This is because they provide a form of affordable rental housing for essential workers within the Byron Shire local government area. Such dwellings could be excluded from the current exempt development pathway for short-term rental accommodation to discourage owners from putting them on the short-term rental market.

The Independent Planning Commission also recommended (Recommendation 2) that additional restrictions be introduced to prevent newly constructed residential accommodation from being used for short-term rental accommodation to help retain new housing stock for the traditional housing market.

Requirements introduced overseas

Examples of other requirements introduced in international jurisdictions have included:

- occupancy limits for short-term rental accommodation dwellings to limit effects on amenity and limit large gatherings
- short-term rental accommodation registration systems based on a lottery, where only a certain number of dwellings are permitted to be used as short-term rental accommodation
- heavily restricting or prohibiting short-term rental accommodation in certain land use zones.

Any new requirements introduced would need to be enforceable. They also should not outweigh the benefits of tourism activities done in short-term rental accommodation.

4.2.4 Day caps on non-hosted short-term rental accommodation

A cap of 180 days currently applies to non-hosted short-term rental accommodation in Greater Sydney and nominated regional local government areas, including:

- the Ballina and Byron Shire local government areas
- mapped land in the Clarence Valley and Muswellbrook local government areas.

From 23 September 2024, a new 60-day cap will apply across the Byron Shire local government area. This is with the exception of certain land in the Byron Bay Town Centre and Brunswick Heads, which will have no restrictions.

The cap was implemented to help balance the potential negative effects non-hosted short-term rental accommodation may have on local areas with the positive economic benefits. When the day cap was established, it considered:

- holiday and weekend periods
- how properties were let
- views expressed during consultation
- cost-benefit analysis results
- existing local government planning policies.

Bookings over 21 consecutive days do not count towards the day cap. This provision (within the Housing SEPP) acknowledges the role of short-term rental accommodation in supporting mobile workforces and the corporate accommodation sector, which tend to stay longer and have less effect on amenity.

Localised day caps

Recently, people have been questioning if the 180-day cap balances the effects that short-term rental accommodation has on the long-term rental market. Of the top 10 local government areas with the highest concentration of non-hosted short-term rental accommodation registrations (see Table 1), only 2 local government areas, Byron Shire and Waverley, have the 180-day cap.

In its advice to the then Minister for Planning and Public Spaces, the Independent Planning Commission recommended tightening the day cap for non-hosted short-term rental accommodation for the Byron Shire. Its aim is to ensure the financial returns from non-hosted short-term rental accommodation are closer to those for long-term rental accommodation.

The NSW Government is also aware that some local governments with no day caps want to introduce one, while others that already have a cap on non-hosted short-term rental accommodation cap have asked for a lower cap, closer to that of the Byron Shire.

There is not enough evidence to suggest that a single day cap restriction is the right way to create a level financial playing field for short-term and long-term rental accommodation. Day caps affect all types of properties – including those better used for tourist accommodation and less suited to long-term rental accommodation.

Day caps may result in more (not less) underuse of the property stock. They may not effectively add more properties to the stock of long-term rental accommodation. By restricting short-term rental accommodation, day caps may push booking prices up and encourage more owners to put their properties on the short-term rental accommodation market, not fewer.

Overall, the financial and economic effects of reducing day caps for non-hosted short-term rental accommodation are largely unknown. Similarly, there is not enough evidence to suggest that owners of short-term rental accommodation would make their dwellings available for long-term rental accommodation in response to such policy settings.

Day caps introduced overseas

Internationally, governments have applied a range of day cap approaches. Where this has reduced the concentration of short-term rental accommodation dwellings, the day caps were accompanied by other policy requirements. For example, requirements included registration, approval/issuing of permits and occupancy limits.

The NSW Government is determined to protect the positive economic contributions that short-term rental accommodation makes to local economies.

But to strike the right balance between short-term and long-term rental accommodation, the NSW Government is open to considering a different approach. That could be:

- more restrictive day caps for non-hosted short-term rental accommodation
- revenue measures on short-term rental accommodation instead of day caps
- a combination of both revenue measures and targeted day caps in areas with disproportionately high levels of non-hosted short-term rental accommodation.

4.2.5 Short-term Rental Accommodation Register

Under both the Housing SEPP and EP&A Regulation (Fire Safety), all short-term rental accommodation dwellings must be registered on the NSW Government's Short-term Rental Accommodation Register. Registrations must remain valid to maintain compliance with the requirements of the policy settings for exempt development. Registrations must also be renewed annually.

The registration information required for each dwelling includes:

- the address of the dwelling
- the type of residential accommodation
- whether the dwelling will be used as hosted or non-hosted short-term rental accommodation
- the name and address of the host of the dwelling
- a declaration that the dwelling complies with the fire safety standard.

A person cannot successfully complete the registration without a declaration from the host that the dwelling meets the fire safety standard.

Registration fees and renewals

A $65 registration fee applies for all new short-term rental accommodation dwellings. An annual renewal fee of $25 also applies for those hosts who wish to keep their dwelling on the short-term rental market. The fees are nominal and fund the ongoing operation and maintenance of the Short-term Rental Accommodation Register.

The NSW Government's Short-term Rental Accommodation Register fees are low compared to that of other jurisdictions. These fees are also distinct from taxes or development contributions. Fees are charged for a specific service and should reflect the cost of that service.

Changes to the policy for short-term rental accommodation may change the associated administrative and compliance costs. Changes to registration fees could reflect these added costs. For example, we could consider increasing fees to reflect increased compliance monitoring if the day cap policy changes. This alone could dissuade hosts from listing their dwellings for short-term rental accommodation.

However, increasing registration fees does not guarantee that the dwellings will become available as long-term rentals instead.

Responsibilities of hosts and online booking platforms

Under the short-term rental accommodation regulations, hosts or letting agents must report the number of days booked in each property on the Short-term Rental Accommodation Register. Online booking platforms must also share this information with the Short-term Rental Accommodation Register.

Many hosts and owners of short-term rental accommodation use online booking platform services to advertise and manage bookings. Some booking platforms are integrated with the

NSW Government's Short-term Rental Accommodation Register. This simplifies the sharing of booking information and ensures broader policy compliance by:

- confirming short-term rentals advertised on their website have a current short-term rental accommodation registration
- sharing usage data for short-term rentals to help hosts and councils monitor compliance with applicable caps on non-hosted accommodation.

If online booking platforms fail to share usage data about short-term rental accommodation or if they advertise unregistered short-term rental accommodation, they are committing offences under the *Fair Trading Act 1987*. The Act is administered by NSW Fair Trading.

The integration and data-sharing arrangements have allowed some booking platforms to meet these obligations more easily. Where a dwelling does not have a valid short-term rental accommodation registration ID, or the registration has not been renewed on time, an online booking platform must not allow the property to accept any more bookings until the owner supplies a correct registration or renews it.

The NSW Government has welcomed the integration and partnership with the major online booking platforms, which has helped ensure high compliance with the planning and regulatory framework for short-term rental accommodation.

However, there are several smaller online booking platforms and boutique websites that are not integrated with the NSW Government's Short-term Rental Accommodation Register. For those hosts and letting agents who do not use online booking platforms, we do not know how much accommodation information they are or are not sharing.

4.2.6 Compliance and enforcement

Department of Planning, Housing and Infrastructure

The department does not have a role in statutory compliance or the enforcement of the planning framework for short-term rental accommodation. The department prepares and reviews the legislative and planning instruments necessary to carry out the planning framework for short-term rental accommodation. This includes provisions within Part 6 of the Housing SEPP and Part 13A of the EP&A Regulation (Fire Safety).

The department also administers the mandatory Short-term Rental Accommodation Register through the NSW Planning Portal. This includes operational management and system upgrades, collecting registration fees, providing customer support, and integrating the register with the Department of Customer Service Exclusion Register and major online booking platforms. However, the Department of Planning, Housing and Infrastructure does not

have a statutory role in monitoring and enforcing the registration of dwellings for short-term rental accommodation.

Local councils

Consistent with other planning policies at the local level, enforcing the planning framework for short-term rental accommodation is a general responsibility of local government. The NSW Government recognises that local governments should have the right legislative and regulatory powers to effectively enforce and regulate short-term rental accommodation activities in their local government areas.

Authorised officers within all NSW councils have access to the Short-term Rental Accommodation Register for their local government area through the NSW Planning Portal. This includes:

- confirming whether a dwelling is registered
- details of the registered dwelling
- host details
- fire safety declarations
- a record of planned and completed booking days for each short-term rental accommodation premises.

As illustrated in Figure 3, a council may use existing planning enforcement powers. These are for unauthorised activities where short-term rental accommodation premises do not comply with the exempt development provisions or general requirements under the planning framework for short-term rental accommodation.

Such compliance action may relate to short-term rental accommodation happening in a premises that:

- has not been lawfully built for residential accommodation
- is a boarding house, build-to-rent housing unit, group home, hostel, or rural workers' dwelling, or
- has a development consent condition that bans short-term rental accommodation at the premises.

Part 9 of the *Environmental Planning and Assessment Act 1979* has provisions that councils may use to enforce the planning provisions for short-term rental accommodation, including the right to:

- enter and search the property
- require information from a person or organisation

- take enforcement action if evidence is collected and council can show there has been a breach, using powers within the *Environmental Planning and Assessment Act 1979*

  This includes issuing an order requiring a host to stop using the premises for short-term rental accommodation.

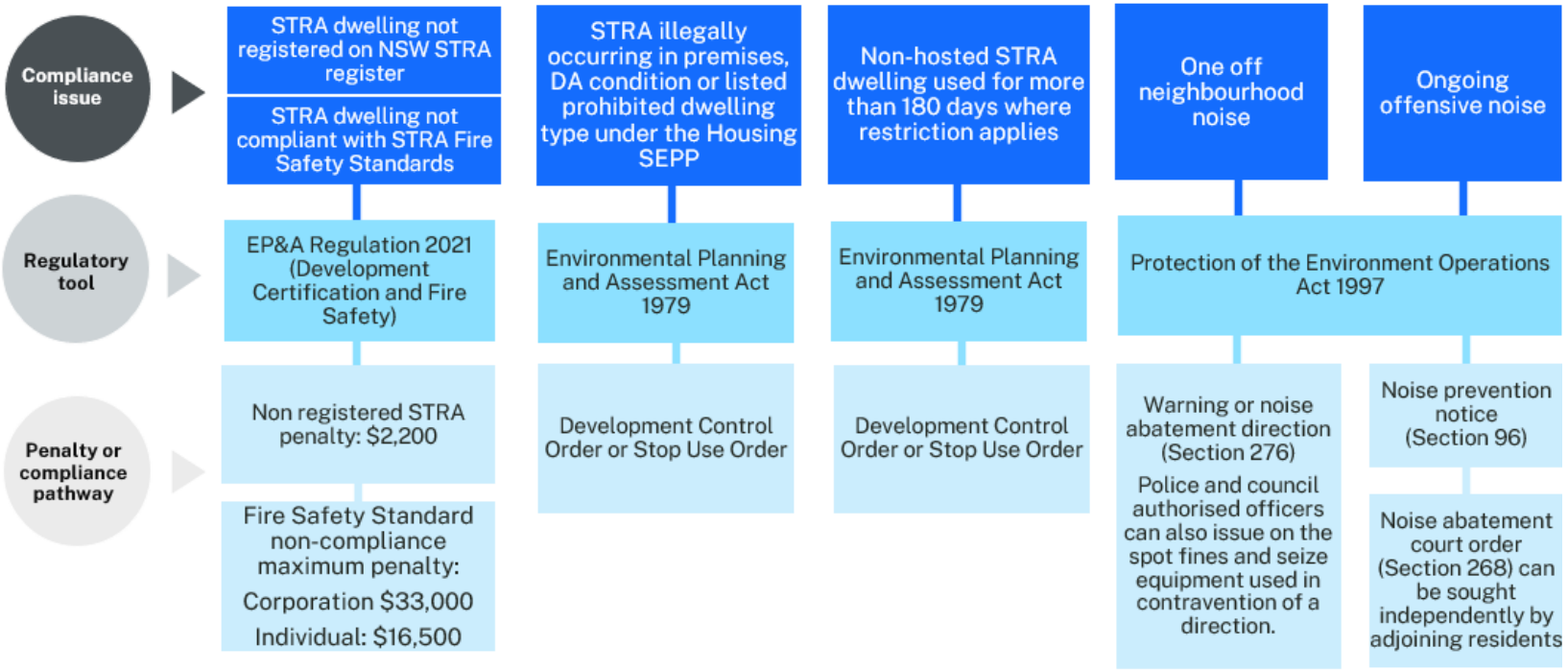

Figure 3. Compliance issues and the regulatory tools to manage them

Key: DA = development application | STRA = short-term rental accommodation

Compliance under the *Protection of the Environment Operations Act 1997*

The *Protection of the Environment Operations Act 1997* allocates responsibilities for pollution prevention and control to various authorities, including local councils.

The right regulatory authority for most matters concerning non-scheduled activities is the relevant local council. This can include offensive noise emissions from short-term rental accommodation dwellings.

Council (as well as NSW Police) may issue a direction to the occupier of a dwelling (for example, a short-term rental accommodation guest) to stop making the offensive noise.

More offences relating to short-term rental accommodation

The planning framework for short-term rental accommodation introduced new penalty offences for councils to use as part of managing short-term rental compliance issues under the EP&A Regulation (Fire Safety). This sets up the legal mechanism for the Short-term Rental Accommodation Fire Safety Standard and Short-term Rental Accommodation Register.

Under the EP&A Regulation (Fire Safety), a host must not use the dwelling for short-term rental accommodation unless it complies with the fire safety standard. Maximum penalties for non-compliance can reach up to $16,500 for an individual. Local councils have power under this EP&A Regulation (Fire Safety) to issue a penalty notice under this provision.

There are also penalties for hosts and owners who make their dwelling available for short-term rental accommodation but do not register the dwelling on the NSW Government's Short-term Rental Accommodation Register.

A maximum penalty can reach up to $2,200 for an individual. However, enforcement actions and fines for this non-compliance depend on the relevant local government bringing the matter before a court. This is time-consuming and costly for local governments, particularly for those that have a large amount of non-compliant short-term rental accommodation activity.

4.3 Potential revenue measures

Currently, the NSW approach to managing short-term rental accommodation relies solely on a planning and regulatory framework. However, as seen in other jurisdictions, revenue measures can play a role too.

More broadly, we can use the revenue system to encourage the supply of long-term rental accommodation. We can do this by giving owners incentives that discourage them from using residential property in certain ways, such as non-hosted short-term rental accommodation, holiday homes or vacant property, while promoting long-term uses.

By raising government revenue, revenue measures can also be used to fund programs to support homeless people. With rising housing affordability pressures, increased demand for social housing and increasing numbers of people sleeping rough in NSW, support for homelessness is a key priority of the NSW Government.

The NSW Government seeks your views and comments on the merits, benefits and costs of potential revenue measures to achieve the policy objectives identified in section 4.1.

We give the following guiding principles (Box 2) to help the discussion.

Box 2: Guiding principles

A well-designed revenue measure is one that achieves its intended policy goals while minimising side effects. The following principles give guidance on how such measures should be designed.

- **Be broad based** – spreading a levy over a broader set of properties discourages owners from shifting their properties to alternative, more underused purposes that are not subject to a levy. Also, for the same total revenue collected, a broader levy lowers the burden on the average person paying it.
- **Leverage an efficient revenue base** – an efficient revenue base is one which minimises unwanted behavioural changes from individuals trying to avoid or minimise their liabilities.
- **Be simple, fair, and equitable** – levies should avoid imposing unfair or unequitable burdens on specific groups and minimise undue compliance burdens.
- **Strike an effective balance between competing uses** – any levy should recognise the economic benefits of short-term rental accommodation to property owners, tourists and local businesses, and weigh these considerations against the policy objectives.
- **Be complementary** – any levy should complement the regulatory framework in achieving policy objectives.

4.3.1 Revenue policy issues

There is a range of revenue measures, each with its trade-offs, advantages and drawbacks. In considering the use and design of any specific measure, the NSW Government will be guided by the above principles and will take into account feedback from the community and interested stakeholders during consultation.

Scope

A levy on non-hosted short-term rental accommodation will encourage some owners to shift their dwellings to use as a long-term rental. All else being equal, the broader the revenue measure, the more owners will shift their dwellings to long-term use. Broader measures can also encourage fewer properties to become or stay vacant. The broadest revenue measure to encourage long-term use of dwellings would cover non-hosted short-term rental accommodation, holiday homes and vacant property.

But not all properties used for short-term rental accommodation would be likely to shift to long-term rental accommodation. Some properties are not designed for long-term living (for example, they may lack a proper kitchen). It may be appropriate to exclude these properties. On the other hand, such an exemption might create an incentive to modify properties and make them unviable for long-term use to avoid any levies.

Conversely, some short-term rental accommodation properties are already used as long-term rental accommodation or as principal places of residence. Some people choose to rent out spare rooms as hosted short-term rental accommodation to generate supplementary household income. This practice can help support hosts' mortgage repayments or rental costs and improves housing affordability. Even if these rooms were not used as short-term rental accommodation, it is unlikely they would be added to the long-term rental accommodation market.

Similarly, some people rent out their own home on occasion while away on holiday as non-hosted short-term rental accommodation. Discouraging this is unlikely to have a practical effect on the supply of long-term rental accommodation, but would lower overall use of the housing stock.

Revenue base

A revenue measure could be levied on different bases to:

- discourage non-hosted short-term rental accommodation and underused property
- encourage long-term use of property.

It could be based on annual rental revenue, as is done in several cities across the world. But a levy based on rental revenue would not affect properties that do not produce rental income, such as holiday homes that are not used as short-term rentals or vacant property.

A levy based on land values can use the existing land tax system in NSW. It can also cover, in addition to non-hosted short-term rental accommodation, underused properties that could become long-term rental accommodation but do not produce rental income, such as vacant properties and holiday homes not used as short-term rentals.

In areas where a high proportion of short-term rental accommodation are apartments, the government would need to carefully calibrate a levy on land to achieve the desired effect. This is because land values of apartments are relatively low, and a levy based on land values would tend to impose a proportionally smaller burden.

In this case, a levy on rents or applying fixed charges would likely be more effective at encouraging owners to put short-term rental accommodation apartments into the long-term market. Many popular short-term rental accommodation areas, such Sydney's Eastern Suburbs, have a high proportion of short-term rental accommodation apartments.

By location

Generally, short-term rental accommodation and holiday homes are not evenly distributed across NSW.

Some regional areas, especially coastal tourism destinations, have a higher proportion of short-term rental accommodation as a share of their stock of properties (see Table 1). For example, non-hosted short-term rental accommodation properties make up over 8% of private homes in Byron Shire Council. In other areas of the state, such as western Sydney or remote in-land areas like Bourke, short-term rental accommodation makes up much less than 1% of the private dwelling stock.

In areas where short-term rental accommodation represents a greater share of the property stock, short-term rental accommodation likely has a bigger effect on the local housing market. Levy rates could vary by location, reflecting the fact that the potential effect of holiday homes, vacant land and short-term rental accommodation on the long-term housing market may vary. However, differential rates may increase complexity and conditions in local housing markets may change over time.

Revenue collection

A levy on short-term rental accommodation could be collected by booking platforms on behalf of the NSW Government. Jurisdictions in countries such as Germany, France, the United States and Canada have established voluntary collection agreements with Airbnb to collect charges on behalf of the government.[21] In other jurisdictions, platforms might not directly collect levies, but there may be data-sharing agreements to help the government collect revenue. In 2018, the Danish government entered into one such agreement with Airbnb.

[21] More examples can be found at https://www.airbnb.com.au/help/article/2509?_set_bev_on_new_domain=1702333750_NGJjYTI4YmM5M2Zm

Having booking platforms collect the levy could help with compliance, as platforms can easily monitor users of these platforms and may make for a better user experience for hosts and guests in complying with their obligations.

However, not all short-term rental accommodation is booked through online platforms. The government would need to consider how to collect a levy from property managers or direct booking websites managed by hosts. Furthermore, collection through booking platforms would not be able to cover underused properties, such as vacant homes or holiday homes.

Compliance

The NSW Government, through Revenue NSW, would be responsible for administration of, and compliance with, any state revenue measure for short-term rental accommodation or underused properties. This would provide a consistent approach to the design, implementation and compliance across NSW.

In NSW, short-term rental accommodation hosts must register with the statewide Short-term Rental Accommodation Register and give their property's registration number when listing or advertising on booking platforms. This system of mandatory registration would likely promote compliance with a potential revenue measure. Data-sharing agreements with the booking platforms would also promote compliance. Platforms can provide evidence on the use of properties and the rental income associated with this use. However, compliance on short-term rental accommodation listed through small local agencies or direct booking is more complex.

Vacant properties or holiday homes that are not used as short-term rental accommodation do not produce income and are not publicly advertised on platforms. This would make it harder to monitor compliance on these properties.

Internationally, there are 2 broad approaches to designing a system of reporting property use for a levy:

- a **positive** approach
- a **by-default** approach.

Under a positive approach, only properties that are liable for the levy must be reported, with penalties for non-compliance. For example, for a levy solely on short-term rental accommodation, hosts would be required to register or declare their properties, but general owner-occupiers and other groups that do not list their property as short-term rental accommodation would not. For instance, in San Francisco, if a host rents a property for less than 30 consecutive nights, they must apply for a Certificate of Authority to collect Transient Occupancy Taxes then file returns for the tax on a monthly or annual basis.

Under a by-default approach, all property owners must report their property use. They must apply for an exemption if not liable, with the scheme levied by default. For example, short-term rental accommodation hosts and owner-occupiers alike would need to register. This method is used for British Columbia's Speculation and Vacancy Tax. This puts greater administrative burdens on the wider population, but likely increases compliance.

Exemptions and concessions

A case could be made to exempt hosted short-term rental accommodation from a potential levy, as it is unlikely that individual rooms would otherwise enter the long-term rental accommodation market. An exemption for hosted short-term rental accommodation currently applies to the regulated day cap in NSW. An exemption for hosted short-term rental accommodation might increase compliance complexity, though.

If the levy were to include vacant properties, we should also consider cases where a property is vacant for valid reasons, such as:

- during construction or renovation
- in cases where the property has been condemned
- when the owner-occupier is temporarily away for justifiable reasons, including for work.

Other property uses that the government may consider for exemptions include:

- non-tenanted property used as main residence for relatives
- worker accommodation, or
- secondary dwellings mostly used for work.

However, while justifiable in many instances, allowing for a wider range of exemptions would make compliance more challenging and could undermine the fairness, simplicity and transparency of the levy.

5 Have your say

This discussion paper starts a public consultation process. The NSW Government invites all interested people and organisations to comment and give feedback on all or some of the issues under consultation.

The NSW Government will continue to seek feedback over the coming weeks through to 14 March 2024.

We may publish submissions from individuals and organisations. If you would prefer to keep your submission private, please say so in your submission.

Please give your feedback by **11:59pm on 14 March 2024**.

To give feedback, you can:

- complete our survey via Qualtrics, or
- upload a submission via the NSW Planning Portal.

If you have any questions about the discussion paper or review, you can email the project team on STHL@planning.nsw.gov.au

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16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Request for funding assistance: Gerringong Surf Life Saving Club reconstruction

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.3 Assets are managed to understand the relevance, importance and lifecycle needs involved in the provision of infrastructure.

Delivery Program: 5.1.3.2 Manage Council's assets strategically to consider whole of life costings.

Summary

The Gerringong Surf Live Saving Club (SLSC) has started work on their project to replace the Club building on Council's South Werri Reserve (Pacific Ave, Lot 2 DP 1075959), funded through the Australian Government's Priority Community Infrastructure Program for $5.5m and a NSW Government contribution of $490,000 through the Surf Club Facility program.

During the excavation works following the demolition of the existing building, asbestos contaminated material (ACM) was found to be present and requiring immediate site control and rehabilitation works by the Club's builders.

The Club has advised Council that the cost of the initial decontamination works is $170,000 and that a further $250,000 (estimate only) of rehabilitation and building re-design works is required to enable the structural works to commence, a total of $420,000. Further, the Club has advised that the project has a contingencies allowance of only $50,000 leaving an unfunded additional cost of $370,000 which is beyond both the budget scope and the financial capacity of the Club.

The Club has requested that Council provide funding for the project to complete the works as the current grant funding and the Club's resources are insufficient to complete the project.

Financial implication

The current building project is being funded by the Gerringong SLSC with no financial input from Council for the original scope of works.

Given Council's current financial circumstances, funding the requested amount is challenging while still meeting current budget commitments, cash flow needs and efforts to achieve a balanced budget by 2026/27.

Possible sources for funding the requested amount include:

- Developer Contribution Funding for the scope of the additional community facilities - approximately $180,000 of potentially aligned works within the redevelopment scope has been identified

- The Australian Government's Local Roads Community Infrastructure Program Phase 4 - total amount available $323,344

Risk implication

The primary risks are:

- The inability of the Club to complete the approved development in a timely manner, with the previous facility now completely demolished
- Public risks around the lack of permanent lifesaving and permanent toilet facilities for the 2024/25 season
- Reputational risk around the incomplete re-construction a Council owned community facility
- Financial viability concerns for the ongoing operations of the Club
- Non-approval of the proposed project nomination under the Local Roads & Community Infrastructure Program Phase 4

Policy

Local Government Act 1993

Consultation (internal)

Executive Leadership Team
Development Contributions Planner
Manager Property & Recreation
Manager Engineering & Technical Services

Communication/Community engagement

The Club's request for funding assistance

Attachments

1 Request for funding from the Gerringong SLSC⇩

2 Gerringong SLSC Building Replacement Project Finacials⇩

3 Gerringong SLSC Building Replacement - Cost Review - CC1 (Dec 2023) Hanna Newman Associates⇩

Enclosures
Nil

RECOMMENDATION

That Council:

1. Acknowledge the efforts of the Gerringong Surf Life Saving Club to fund and undertake this significant building replacement project.
2. Approve the allocation of $370,000 to the Capital Budget – Building & Facilities to funded from the from the Development Contributions Reserve ($170,000) and

the Unexpended Grants Reserve ($200,000 - Local Roads & Community Infrastructure Program Phase 4, pending funder approval).

3. Delegate to the Chief Executive Officer the authority to negotiate and execute a funding agreement, to a maximum amount of $370,000, with the Club including:
   a. Council officer attendance at project control meetings
   b. implementation of appropriate project governance controls and reporting frameworks to reflect council's investment and ownership of the facility
   c. inclusion in negotiations with the funding authorities
   d. acknowledgement of Council's funding.

Background

The Gerringong Surf Life Saving Club was housed in an aged and degraded Club building on the South Werri Reserve, Council owned *community* land.

The need to replace the degraded facility was acknowledged; however, Council was unable to fund the design and construction works required.

Through its own grant application processes and community funding, the Club was able to design a replacement facility and then achieved grant funding to the estimated cost of constructing the replacement facility. Development consent was achieved from Council in April 2023 and detail planning, execution of funding agreements, engaging an appropriate builder enabled preparatory works to commence in late 2023 with demolition works being commenced in early 2024.

During the excavation works following the demolition of the existing building, asbestos contaminated material (ACM) was found to be present. The immediate health and safety issues and notifications were appropriately managed by the builder and the top 200mm of the ACM contaminated areas has been removed at a cost of approximately $170,000.

The Club and its builder have received advice from an appropriate consultant and have identified, following additional test pitting, that further excavation and disposal works followed by capping of the affected area is required to enable structure works to commence. The Club and the builder have been looking at methods to reduce the volume of material that would be removed from site such as considering the raising of the two floor levels and reducing the ceiling heights such that the overall height of the building remains the same.

At this stage, the next phase of the required remediation works is estimated to cost $250,000.

The Club has requested funding assistance from Council, Attachment 1, to allow the project to be completed.

In support of their funding request, the Club has provided copies of:

- The project budget control record (estimated costs v. funding sources) and confirmer an available contingency of $50,000 for the entire project i.e. <1% of the estimated project costs (Attachment 2)

- A summary of the 2 funding agreements (Attachment 2)
- An opinion on the costs for the first stage – CC1 (Attachment 3)
- Asbestos management investigations, costs to date and estimated cost to complete

The funding bodies have advised the Club that they view the ACM finding as a latent condition and that no further funding is available.

Potential Council funding sources

Development Contribution Reserve

Council's current Section 7.12 Contribution Plan and the preceding Section 7.11 and 7.12 Plans have applied the approved levies on developments across Kiama with the intent of funding the delivery of the works program that includes additional or augmented roads & bridges, footpaths & shared paths, car parks and various parks and sporting facility upgrades.

The Developer Contribution Reserve has an estimated balance of $12,435,110 as of December 2023.

The approved works for the Gerringong SLSC building include the provision of additional and augmented community facilities to service the community including:

- Accessible toilets
- Externally facing public toilets
- Additional storage rooms for rescue equipment to service Werri Beach
- A first aid room
- Upgrades to public parking
- Public outdoor showers
- Public bike rack
- Compliant internal toilet and showering facilities.

The value of these components of the development would exceed $180,000.

The Gerringong SLSC project aligns with the intentions of the Development Contributions Plan and using the available reserve does not have an impact the availability of unrestricted cash for ongoing operations or the existing works program at this time. However, this funding source is Council's primary source for funding infrastructure development across the Municipality.

An amount of $170,000 could be allocated from the reserve to fund the approved works within the overall Gerringong SLSC project and hence free up the matching amount of Club's grant funding to fund the initial rehabilitation works. Subject to the approval of the Funding bodies.

Local Roads & Community Infrastructure Program funding

Council has been allocated $509,856 under Phase 4 of this program with $323,344 to be allocated to the Community Facilities & Roads stream (Part A) and the balance of $186,512 to the Roads only stream (Part B).

The projects for both streams are required to be nominated and approved by the Department of Infrastructure, Transport, Regional Development, Communications & the Arts prior to expenditure of funds.

The scope of the Gerringong SLSC project aligns with the intentions and eligibility requirements of the program.

A project list of like-for-like replacements of a number of small recreation facilities and upgrades to parking areas was prepared for nomination. The like-for-like replacements were projects that were to be accelerated due to the availability of additional funding (Developer Contribution funds not being accessible for renewal works). The potential upgrade projects can be considered for applicability under the Developer Contributions Plan and can be managed through a future budgeting process.

A portion of the $323,344 (subject to final expenditure, nominally $200,000) could be nominated for this project and, subject to the approval of all funding bodies, be used to free up the same value from the Club's grant to fund the next stage of the rehabilitation works.

Land Development Reserve

This reserve has current balance, as of December 2023, of $2,527,117; however, this is the only internally restricted reserve that is accessible to address unrestricted cash needs for general operating expenses and grant projects works that are funded in arrears.

For the period April 2023 to October 2023, this Reserve has had a total of $7.474 million transferred to enable operational expenditures, with only $2 million being returned to the Reserve in November 2023.

Given the critical need to maintain access to unrestricted cash for ongoing operations it is not advisable to consider an allocation from this reserve to fund the Gerringong SLSC project at this time.

Project Control from this point.

The unplanned request to fund $420,000 towards a previously self-funded project is a significant impost on Council and the community it serves. Noting that if Council had been funding the renewal project it would also have had to fund the remediation works, though the project would have been the subject of a different funding regime with a higher level of contingencies.

Given the scale of the funding being considered by Council, it is appropriate that a Council representative attend the project control meetings between the Club and its builder and negotiations with the current funders to ensure that the impost on Council is as small as possible, appropriately managed and ensuring available opportunities to the reduce the costs of the project are pursued.

Options for Council

Council can:

1. Resolve to provide funding to the project at the recommended amount.
2. Defer consideration and request additional information (noting that the project could be effectively stalled as there is insufficient funding to complete the next stage).
3. Resolve to contribute a different amount to the project subject to the maximum funding amounts identified within the report.
4. Resolve to not provide any funding to the project.

Jane Stroud janes@kiama.nsw.gov.au

Michael Malone michael.malone@kiama.nsw.gov.au

Council council@kiama.nsw.gov.au

Gerringong Surf Lifesaving Club New Clubhouse Project

Request for Funding – Remediation Works – Response to RFI 05/03/24

Dear Michael,

In response to RFI items raised in email dated 5 March 2024

1. *The minutes indicate a total project budget/contract sum of $5,408,865 with works to CC1 being to $1,469,600 excluding design. There are references to a contract breakdown for milestones 4 to 8; however, this is not included. What is the all up project value, including design costs and contingencies; and the breakdown of all funding sources against the expenditure budget?*

- Attached is the full expanded Project Budget sheet for the Gerringong Surf Lifesaving Club redevelopment.
    - Summary of costs include.

Design Development	$	229,000
PM & QS Services	$	23,000
Construction Costs	$	5,430,000
Contingency	$	50,000
FFE (Fit-out) Costs	$	258,000
Total Project Costs	**$**	**5,990,000 (excl.gst)**

    - There are three individual Contracts between the GSLSC and Bluestone.

CC1 Contract	$	1,469,600
CC2 Contract	$	3,127,936
Commissioning/Fitoff	$	811,330
Total Bluestone Contracts	$	**5,408,866 (excl.gst)**

    - Notes
        - There is a reduction in required FFE to meet funding budget.
        - The Budget sheet indicates costs paid to date.
        - Grant allowances don't include site remediation scope.
        - Federal & NSW Grant milestone requirements & payments included
        - Also attached is an opinion of contract costs provided by Hanna Neman Quantity Surveyors.

2. *The estimated total remediation cost is the approx. cost to date of $170,000 + $250,000?*

    - Latest advice received from Bluestone is that the Forecast total remediation costs is currently at $420,000.
    - We currently have an allowance of $50,000 in the contract for GSW. This will be contributed to the remediation costs.
    - Therefore, total forecast extra-over costs is currently $370,000, that we are seeking council to fund.
    - Bluestone have already paid invoices totally $165,000 plus gst.
    - GSLSC have not paid any costs to date.

    - Noting that the potential to raise the floor level to minimise excavation is being considered, has the next phase of remediation been the subject of an estimate yet?
        - Design has been amended which has reduced potential for further remediation costs, estimate above is at the reduced levels without excavating deeper.

    - Has the Club, in conjunction with the certifier, confirmed its intentions with respect to raising the floor level to inform (a)?

        - Yes, FFL of ground floor raised 300mm, captured on CC2 design document and the CC2 issued. Building remains within building envelope and same ridge height.

3. *The Club is requesting Council to fund the entire extra over cost of $420,000?*

    - The current cost plan (contract) includes an allowance of $50,000 for GSW. This will be contributed towards the remediation costs.
    - Therefore, total forecast extra-over costs is currently $370,000, that we are seeking council to fund.
    - It should be noted that the successful completion of this project will result in a substantially remediated and capped council lot. An ongoing management plan will be developed and should reflect positively on council.

4. *What is the total grant amount (mentioned as $6 million) and can I have a copy of the grant agreement please. One of the documents mentions that the grant is payable upon completion only whereas a lot of these types of grants provide milestone payments including an upfront milestone payment upon execution to enable community organisations to cash flow the development*

    - Sheets 3 & 4 of the attached spreadsheet includes milestone reporting requirements.
    - Milestone payment and reporting dates are included.
    - The total grant funding amount is $5,990,000. Consisting.

- PCIP Federal $5,500,000
- SLS Facilities NSW $490,000

- Currently working with funding bodies to mitigate program slippage due to contaminated site issues.
- Details of payment on signing deed of agreement included, they will only agree to 10%, although I did request more.
- Design & Contract payments to date shown on attachment Sheet 1, Column K.
- Arrangement for payment is on 'execution of works'. This is imposing pressure on Bluestone to carry costs between milestone reporting periods.
- The club is not financial to forward fund project costs, therefore this agreement (eow) was sought with the funding bodies.

5. *What other funding sources is the Club pursuing to fund these additional works and to what amount?*

- The grant funding bodies response is that this is a latent site condition, they advise site remediation does not form part of the approved scope of works.
- GSLSC has very little other avenues available to source additional funds.
- KMC are aware of our financial status and average annual operating surplus which is minimal. Presently the clubs outgoings are nearly equivalent to income.
- Potential to generate increased revenue during this period is also limited due to the clubhouse demolition.
- Proceeds from holding BBQ, Bake Sale, Raffles would estimate to generate a few thousand dollars, merely insignificant considering the magnitude of the current issue.
- The work required to manage the current grants is undertaken by the club exec. There is limited resourcing capacity to seek further funding at present.

6. *What options is the Club pursuing to reduce the cost of the development either in total or by deferring some works?*

- This is a difficult proposition. Both grant agreements require delivery of a prescribed scope of works, if they are not delivered the full compliment of funding will not be received.
- Therefore, we may make the situation worse by reducing scope, it will inevitably be inversely reflected in the funding received. Milestone reports require demonstration of scope delivery.
- Technically the club have sufficient funding to deliver the grant scope of works. It is the latent site remediation that is not captured in grant scope, costings nor funding.
- The associated Development Consent and CC requires a nominal scope of works to be delivered to attain Occupation Certificate status. There is little room for deduction.

- If there arises construction cost increases other than remediation, then a value engineering process or reduction in FFE fit-out would result. This will substantially compromise the project and result in an incomplete facility.
- The outcome would be detrimental to the community as we would not be able to provide surf lifesaving or emergency response activities, nor would the council lifeguard or UAVS be able to operate.
- Temporary operational areas cannot be sustained for longer term operations, as the project is funding these facilities, including the temp public amenities.
- It should be considered that the grant obtained by the club for this new facility is also funding the replacement of the public amenities contained within the ground floor if the new facility.

7. *Is the Club looking at any longer term revenue sources from the development that can be used to re-pay the cost of development?*

- Gerringong Surf Club were successful for two grants to deliver this project for the community. Neither of these require repayment, on the basis that the conditions of grant are met, which the club intends to do.
- The rebuilding of the clubhouse will present new opportunities for revenue streams; however, these will be subject to an operational DA etc. Therefore, it is a little early to forecast whether our future income will greater or not and I fact it may take a few years to realise any uptake in income.

Any sensitive or commercial in confidence information, such as potentially grant agreement subject to confirmation from the funders, that will have to be provided to Council to consider this request can be attached to the Council report as a confidential information.

- Extracts of the grant milestone and reports are included in the attachment.
- The club requests that all information provided to KMC is considered commercial in confidence and not be release to a third party without our express permission. This is not to compromise our current project activities.

The provided programmes appear to have been extracted in December 2023 – is there a revised program and is a contingency plan being developed for completion continuing past the start of the 2024/25 season.

- An updated tracking program is currently being prepared and will be forwarded to KMC when complete.
- The current slippage due to site contamination and subsequent remediation is estimated be approximately 5 weeks.
- The site will be inspected tomorrow morning and all going well will be issued clearance, to proceed with piling activities to be resumed next week.

Council's capacity to fund the additional costs of the Club's redevelopment is very constrained. As a part of assessing potential funding sources I am looking at what additional facility is being provided through the development. Are you in a position to identify the

additional facilities and proportion of project cost? e.g. an increase in change and toileting facilities, increase in space etc

- There are substantial increases to the functionality of the building, with increased floor area for storage of surf patrol emergency response equipment, council lifeguards also utilise these spaces.
- The new facility also achieves compliance in terms of fire compliance, accessibility and gender equality.
- The replacement of the public amenities in the new facility, provision of new public showers, bike racks and improved landscape are all attributes of the project that will reflect well on council, not to mention the facility.
- Please advise if these are areas that you require proportionate costings and we can prepare further.

Michael, I hope that this information provides a sufficient response to assist the report and funding request of council.

Please let me know if anything else is required.

Yours sincerely,



Gary George
President
Gerringong Surf Lifesaving Club & Executive Members

05/03/2024

ITEM	$ Excl.GST
A. INCOME	
NSW Surf Club Facility Program *Office of Sport Funding*	$490,000
Priority Federal Infrastructure Program *Department of Infrastructure, Transport, Regional Development, Communications and the Arts*	$5,500,000
Recipient's cash contribution (e.g.: Fundraising, Trading/Operating Activities)	$0.00
Other Funding Contributers	$0.00
Sub–Total (A)	$5,990,000
B. EXPENDITURE – CAPITAL RELATED COSTS	
Design Development & Consultants	$229,000
Project Management & Quantity Surveying Services	$23,000
Construction Costs	$5,430,000
Contingency	$50,000
Fit -out Costs (adjusted)	$258,000
TOTAL COST (B)	$5,990,000

Gerringong Surf Lifsaving Club Redevelopment
Forecast Completion Costs
Prepared 20 February 24

ITEM	TRADE PACKAGE NO.	DESCRIPTION	BUDGET CONTRACT VALUE	Variance	REVISED CONTRACT SUM	PREVIOUS CONTRACT SUM	% (Claimed to date)	AMOUNT CLAIMED TO DATE	% (Previously Claimed)	AMOUNT PREVIOUSLY CLAIMED	CURRENT CLAIM
1		**Design Phase**									
			228,652.00		228,652.00			206,942.00	100.00%	206,942.00	0.00
		Preliminaries									
		Design Management	6,400.00		6,400.00		100.00%	6,400.00	100.00%	6,400.00	
		Long Service Levy	14,575.00		14,575.00		100.00%	14,575.00	100.00%	14,575.00	
		Management, Overhead & Profit	15,327.00		15,327.00		100.00%	15,327.00	100.00%	15,327.00	
		Kiama Council Development Fees	10,300.00		10,300.00		100.00%	10,300.00	100.00%	10,300.00	
		Consultant Fees									
		Private Certifier	9,480.00		9,480.00		100.00%	9,480.00	100.00%	9,480.00	
		Architect	46,480.00		46,480.00		100.00%	46,480.00	100.00%	46,480.00	
		Structural Engineer	40,100.00		40,100.00		100.00%	40,100.00	100.00%	40,100.00	
		Civil Engineer	5,200.00		5,200.00		100.00%	5,200.00	100.00%	5,200.00	
		BCA Consultant	7,460.00		7,460.00		0.00%	0.00	0.00%	0.00	
		Section J Consultant	4,600.00		4,600.00		100.00%	4,600.00	100.00%	4,600.00	
		Acoustic Consultant	3,480.00		3,480.00		100.00%	3,480.00	100.00%	3,480.00	
		Fire Engineer	8,200.00		8,200.00		100.00%	8,200.00	100.00%	8,200.00	
		Geotechnical Engineer	3,050.00		3,050.00		100.00%	3,050.00	100.00%	3,050.00	
		Consulting Arborist	4,250.00		4,250.00		0.00%	0.00	0.00%	0.00	
		Kitchen Designer	10,000.00		10,000.00		0.00%	0.00	0.00%	0.00	
		Development Costs									
		Atmosphere Productions	2,000.00		2,000.00		100.00%	2,000.00	100.00%	2,000.00	
		Allied Trees	1,750.00		1,750.00		100.00%	1,750.00	100.00%	1,750.00	
		Backlash Bushfire Consultant	850.00		850.00		100.00%	850.00	100.00%	850.00	
		Fairlight Consulting Eng	3,600.00		3,600.00		100.00%	3,600.00	100.00%	3,600.00	
		Great North Arch	10,000.00		10,000.00		100.00%	10,000.00	100.00%	10,000.00	
		MMJ Town Planning	8,995.00		8,995.00		100.00%	8,995.00	100.00%	8,995.00	
		Harwood Accoustics	2,800.00		2,800.00		100.00%	2,800.00	100.00%	2,800.00	
		Estimating Aus	1,890.00		1,890.00		100.00%	1,890.00	100.00%	1,890.00	
		Credwell Consulting	2,700.00		2,700.00		100.00%	2,700.00	100.00%	2,700.00	
		Maker Eng	3,220.00		3,220.00		100.00%	3,220.00	100.00%	3,220.00	
		Gerringong Hardware	160.00		160.00		100.00%	160.00	100.00%	160.00	
		Carpenter Cooper	440.00		440.00		100.00%	440.00	100.00%	440.00	
		Jason Scmidt (Bsmart)	325.00		325.00		100.00%	325.00	100.00%	325.00	
		United Hardware	893.00		893.00		100.00%	893.00	100.00%	893.00	
		Total Tools	127.00		127.00		100.00%	127.00	100.00%	127.00	
		Sub-Total 1	**228,652.00**		**228,652.00**			**206,942.00**		**206,942.00**	**0.00**
2		**Sub Consultants**									
		Quanitity Surveying Services									
		Cost Plan & Review	4,500.00		4,500.00		100.00%	4,500.00	100.00%	4,500.00	
		Progress Claim Assessments	15,600.00		15,600.00		8.50%	1,326.00	0.00%	0.00	
		Variation Assessment	2,580.00		2,580.00		0.00%	0.00	0.00%	0.00	
		Sub-Total 2	**22,680.00**		**22,680.00**			**5,826.00**		**4,500.00**	**0.00**
3		**Construction**									
	0	Deposit	146,960.00		146,960.00		100.00%	146,960.00	100.00%	146,960.00	
	0	Deposit Offset	-146,960.00		-146,960.00		5.00%	-7,348.00	5.00%	-7,348.00	
	1	Preliminaries	511,520.00		511,520.00		5.00%	25,576.00	5.00%	25,576.00	
	2	Demolition	89,000.00		89,000.00		90.00%	80,100.00	90.00%	80,100.00	
	3	Piling	75,000.00		75,000.00		5.00%	3,750.00	5.00%	3,750.00	
	4	Excavation	55,000.00		55,000.00		0.00%	0.00	0.00%	0.00	
	5	Tipping - GSW	50,000.00		50,000.00		0.00%	0.00	0.00%	0.00	
	6	Concrete	690,000.00		690,000.00		0.00%	0.00	0.00%	0.00	
	7	Structural Steel	340,000.00		340,000.00		0.00%	0.00	0.00%	0.00	
	8	Carpentry	82,000.00		82,000.00		0.00%	0.00	0.00%	0.00	
	9	Roofing	145,000.00		145,000.00		0.00%	0.00	0.00%	0.00	
	10	Doors & Windows	270,000.00		270,000.00		0.00%	0.00	0.00%	0.00	
	11	Masonry	320,000.00		320,000.00		0.00%	0.00	0.00%	0.00	
	12	External Cladding / Render	275,000.00		275,000.00		0.00%	0.00	0.00%	0.00	
	13	Plumbing / Drainage / Gas	145,000.00		145,000.00		0.00%	0.00	0.00%	0.00	
	14	Electrical	165,000.00		165,000.00		0.00%	0.00	0.00%	0.00	
	15	Mechanical	82,000.00		82,000.00		0.00%	0.00	0.00%	0.00	
	16	Fire	60,000.00		60,000.00		0.00%	0.00	0.00%	0.00	
	17	Lift	90,000.00		90,000.00		0.00%	0.00	0.00%	0.00	
	18	Lining / Plaster	185,000.00		185,000.00		0.00%	0.00	0.00%	0.00	
	19	Joinery / Coolroom	145,000.00		145,000.00		0.00%	0.00	0.00%	0.00	
	20	Metalwork	115,000.00		115,000.00		0.00%	0.00	0.00%	0.00	
	21	Tiling / Waterproofing	135,000.00		135,000.00		0.00%	0.00	0.00%	0.00	
	22	Fixture & Fitting	150,000.00		150,000.00		0.00%	0.00	0.00%	0.00	
	23	Painting	76,000.00		76,000.00		0.00%	0.00	0.00%	0.00	
	24	Floor Covering	60,000.00		81,303.23		0.00%	0.00	0.00%	0.00	
	V.01	Multi-function Timber Floor		21,303.23							
	25	External Works	135,000.00		135,000.00		0.00%	0.00	0.00%	0.00	
	26	Deck Paving / Pedestals	55,000.00		55,000.00		0.00%	0.00	0.00%	0.00	
	27	Kiosk (A)	75,000.00		75,000.00		0.00%	0.00	0.00%	0.00	
	28	Kitchen Equipment (Kiosk)(A)	30,000.00		30,000.00		0.00%	0.00	0.00%	0.00	
	29	Increased Kiosk Floor Area (A)	25,000.00		25,000.00		0.00%	0.00	0.00%	0.00	
	30	Extended Roof over Deck (A)	50,000.00		50,000.00		0.00%	0.00	0.00%	0.00	
	31	Additional - Stair Lifguard Access (A)	20,000.00		20,000.00		0.00%	0.00	0.00%	0.00	
	32	Security / CCTV (A)	35,000.00		35,000.00		0.00%	0.00	0.00%	0.00	
	33	Temp Operational Areas	30,000.00		30,000.00		80.00%	24,000.00	80.00%	24,000.00	
	34	Overhead Management / Profit	643,345.00		643,345.00		5.00%	32,167.25	5.00%	32,167.25	
		Sub-Total 3	**5,408,865.00**		**5,430,168.23**			**305,205.25**		**305,205.25**	**0.00**
4		**FFE - Items**									
		CM Fee FFE Manage	5,000.00		5,000.00		0.00%	0.00	0.00%	0.00	0.00
		IRB / Patrol Store			55,000.00			0.00		0.00	

Gerringong Surf Lifsaving Club Redevelopment
Forecast Completion Costs
Prepared 20 February 24

ITEM	TRADE PACKAGE NO.	DESCRIPTION	BUDGET CONTRACT VALUE	Variance	REVISED CONTRACT SUM	PREVIOUS CONTRACT SUM	% (Claimed to date)	AMOUNT CLAIMED TO DATE	% (Previously Claimed)	AMOUNT PREVIOUSLY CLAIMED	CURRENT CLAIM
		Electric Hoist for Manual Handling Motors	30,000.00		30,000.00		0.00%	0.00	0.00%	0.00	
		Storage Solutions - IRB, Rescue Board, Motors, Fuel, Benches	20,000.00		20,000.00		0.00%	0.00	0.00%	0.00	
		First Aid Room			5,000.00			0.00		0.00	
		First Aid Bed	2,000.00		2,000.00		0.00%	0.00	0.00%	0.00	
		Kit	500.00		500.00		0.00%	0.00	0.00%	0.00	
		Storage Solutions	2,000.00		2,000.00		0.00%	0.00	0.00%	0.00	
		Small Fridge	500.00		500.00		0.00%	0.00	0.00%	0.00	
		Nipper / Boat Store			35,000.00			0.00		0.00	
		Ski Racks	20,000.00		20,000.00		0.00%	0.00	0.00%	0.00	
		Nipper Board Racks	10,000.00		10,000.00		0.00%	0.00	0.00%	0.00	
		Boat Store	5,000.00		5,000.00		0.00%	0.00	0.00%	0.00	
		Amenities / Change			17,000.00			0.00		0.00	
		Sanitary Fixtures & Hardware (incl)									
		Hand Dryers (6 off)	12,000.00		12,000.00		0.00%	0.00	0.00%	0.00	
		Benches & Rails	5,000.00		5,000.00		0.00%	0.00	0.00%	0.00	
		Gymnasium			25,000.00			0.00		0.00	
		Fit -out	25,000.00		25,000.00		0.00%	0.00	0.00%	0.00	
		Members Area			31,500.00			0.00		0.00	
		Bar Joinery	15,000.00		15,000.00		0.00%	0.00	0.00%	0.00	
		Shutters	8,000.00		8,000.00		0.00%	0.00	0.00%	0.00	
		Fridges	6,000.00		6,000.00		0.00%	0.00	0.00%	0.00	
		Shelving	2,500.00		2,500.00		0.00%	0.00	0.00%	0.00	
		Kitchen / Equipment			67,000.00			0.00		0.00	
		Kitchen Equipment - Appliances									
		Dishwasher	4,000.00		4,000.00		0.00%	0.00	0.00%	0.00	
		Range / Grill	5,000.00		5,000.00		0.00%	0.00	0.00%	0.00	
		Combi Oven	12,000.00		12,000.00		0.00%	0.00	0.00%	0.00	
		Deep Fryers	6,000.00		6,000.00		0.00%	0.00	0.00%	0.00	
		Cool Room	4,000.00		4,000.00		0.00%	0.00	0.00%	0.00	
		Range Hoods / Extraction	6,000.00		6,000.00		0.00%	0.00	0.00%	0.00	
		Benches	30,000.00		30,000.00		0.00%	0.00	0.00%	0.00	
		Mezzanine Multi Use Space			36,000.00			0.00		0.00	
		Operable Wall	30,000.00		30,000.00		0.00%	0.00	0.00%	0.00	
		Additonal Structure - Operable Wall	6,000.00		6,000.00		0.00%	0.00	0.00%	0.00	
		Kitchenette			15,000.00			0.00		0.00	
		Allowance, Joinery & Equipment	15,000.00		15,000.00		0.00%	0.00	0.00%	0.00	
		Communications			39,500.00			0.00		0.00	
		Security Access Control	10,000.00		10,000.00		0.00%	0.00	0.00%	0.00	
		CCTV -Cameras and NVR	25,000.00		25,000.00		0.00%	0.00	0.00%	0.00	
		Wifi Access Point	1,012.00		2,500.00		0.00%	0.00	0.00%	0.00	
		Comms Link to Electronic Sign Board	2,717.00		2,000.00		0.00%	0.00	0.00%	0.00	
		Audio Visual			40,000.00			0.00		0.00	
		Public Address System	30,000.00		25,000.00		0.00%	0.00	0.00%	0.00	
		Smart TVs	15,000.00		15,000.00		0.00%	0.00	0.00%	0.00	
		Signage			12,000.00			0.00		0.00	
		Wayfinding	5,000.00		5,000.00		0.00%	0.00	0.00%	0.00	
		Electronic Signboard	7,000.00		7,000.00		0.00%	0.00	0.00%	0.00	
		Sub Total 4			**383,000.00**			**0.00**		**0.00**	**0.00**
		Total Forecast Items 1,2,3,4			**6,064,500.23**						
		Reduce FFE			**-74,500.23**						
		Revised Total Forecast			**5,990,000.00**						

Component	Total Voted Budget	Committed	Difference	Forecast Completion	Estimated Variance
Design	$ 228,652	$ 228,652	$ -	$ 228,652	
Consultants	$ 22,680	$ 22,680	$ -	$ 22,680	
Construction	$ 5,430,168	$ 5,430,168	$ -	$ 5,430,168	
Furniture, Fixing & Equipment (FFE)	$ 308,500	$ 383,000	-$ 74,500	$ 383,000	-$ 74,500
Total	**$ 5,990,000**	**$ 6,064,500**		**$ 6,064,500**	**-$ 74,500**

Budget Scenario - Version 1 - Forecasts		
Shortfall Estimate - 20/02/2024	-$	74,500
Anticipated ACM Remediation Costs	-$	370,000
Forecast Revised Shortfall	-$	444,500

Commentary

This shortfall will be managed by reducing FFE costs

There are no available funds to manage this shortfall
Requesting Kiama Municipal Council Funds this Component

Attachment 2

Item 16.1

Milestone Payment Schedule

Total Amount of Grant: $490,000.00 (excluding GST)

The Department will pay the Grant to You in the instalments set out in the table below on achievement of the corresponding Milestone:

Milestone	Name of Milestone	Description of Activities to achieve Milestone	Grant Payment (excl. GST)	Estimated date of Milestone Completion	Supporting documentation and evidence required	Milestone Report Due date
1	Funding Agreement execution	Funding Agreement is finalised, signed and submitted to Office of Sport.	$196,000.00 -40%	On execution of Funding Agreement by both parties.	a) Signed Funding Agreement. b) Conflict of Interest c) Copy of certificate of currency d) Invoice for Milestone 1	
2	50% completion of Project construction	Completion of 50% of the construction works related to the project.	$245,000.00 -50%	24/12/2023	a) Performance report to date – SmartyGrants template will be supplied b) Copy of DA consent document (where required) c) Copy of Construction certificate (where required) d) Copy of contract with construction company e) Photographic evidence of project progress f) Written evidence from construction company confirming Project construction is 50% complete g) Invoice for Milestone 2	
3	Handover completion and Project Completion Report	Completion of 100% of the construction works related to the project.	$ 0%	29/07/2024	a) Project Completion Report, including: – details on achievement of the Project and Objectives; – details on the final Project output/outcomes including details on Project design and ongoing commitment as outlined in Your application; – Project materials (e.g. photographs, promotional material); and – any other supporting documents requested by Us. b) Occupation Certificate / certificate of practical completion (where required) c) Proposed design of any permanent signage (including, but not limited to, plagues)	
4	Final Acquittal and Financial Statement submission	Submission of satisfactory Final Acquittal and Financial Certification Statement as per Schedule B	$49,000.00 -10%	Submitted in accordance with the requirement of Schedule B.	a) Facility Use Schedule b) Project Profit & Loss statement c) Invoice for Milestone 4	

E. Reporting

The Grantee agrees to create the following reports in the form specified by the Commonwealth and to provide the reports to the Commonwealth representative in accordance with the following:

Report	Milestone(s) / Information covered by the Report	Milestone Completion Date	Payment amount (GST Exclusive)	Due Date for Report	Due Date for Funding Payment
N/A	On execution of agreement	On execution of agreement	$550,000	N/A	14 Days from execution of agreement
Progress Report 1	Evidence acceptable to the Commonwealth that the following have been achieved: • confirmation of final designs; • confirmation of final costs for Stage One Construction; • if clause 16.3 of Schedule 2 applies, confirmation that the contractor is compliant with the WHS Accreditation Scheme; • confirmation of lease arrangements; • a construction certificate has been issued for demolition, foundations and inground services; and • 30% of the Project as defined at Item B is completed and certified by the Project Manager Quantity, Surveyor or similar.	1/03/2024	$1,100,000	1/04/2024	14/04/2024
Progress Report 2	Evidence acceptable to the Commonwealth that the following have been achieved: • Confirmation of final costs for Stage 2 Construction; • A construction certificate has been issued for the remaining construction; and • 50% per cent of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar.	3/06/2024	$1,100,000	1/07/2024	15/07/2024
Progress Report 3	Evidence acceptable to the Commonwealth that the following have been achieved: • 70 per cent of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar	2/09/2024	$1,100,000	30/09/2024	14/10/2024
Progress Report 4	Evidence acceptable to the Commonwealth that the following have been achieved: • 90 per cent of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar; and • an Event Invitation has been submitted to the Commonwealth as required.	9/12/2024	$1,100,000	6/01/2024	20/01/2025
Activity Completion Report	Evidence acceptable to the Commonwealth that the following have been achieved: • the Activity at item B of the Schedule is completed and certified by the Project Manager, Quantity Surveyor, or similar; • an independently audited financial acquittal report verifying the Grant payments made to date have been spent in accordance with this Agreement; and • the Project is fully operational.	3/03/2025	$550,000	5/05/2025	19/05/2025

Grant Details PCIP0031 - Gerringong Surf Life Saving Club New Clubhouse

A. **Purpose of the Grant**

The purpose of the Grant is to support community and sporting infrastructure through the construction of a new clubhouse for the Gerringong Lifesaving Club.

This Grant is being provided under Priority Community Infrastructure Program, (the **Program**) and these Grant Details form part of the Agreement between the Commonwealth and the Grantee as of the date of execution of this agreement for the Gerringong Surf Lifesaving Club New Clubhouse project.

The Grant is being provided as part of the Program.

B. Activity

The Grantee must deliver the Gerringong Surf Life Saving Club New Clubhouse project (the Project), which is the construction of a new two storey surf lifesaving clubhouse at Lots 1 & 2 – DP1075959 Pacific Avenue, Werri Beach, NSW, including the following Activities:

- final designs;
- demolition of the existing structure;
- a ground floor of at least 600m^2 consisting of:
  - surf boat storage area of at least 200m^2
  - gym area of at least 100m^2, including associated fit-out
  - male and female change rooms including showers and toilets
  - first aid room with adjoining accessible toilet and shower
  - male, female and accessible public toilets
  - patrol area storage of at least 100m^2
  - stairwell and lift;
- a first floor of at least 520m^2 consisting of:
  - at least 2 adjoining multi-purpose rooms
  - male and female bathrooms
  - at least one accessible bathroom
  - a commercial kitchen area, including a cool room
  - a member's area including bar area and fridges
  - an outdoor deck area of at least 350m^2; and
- improvements to outdoor areas including:
  - a new kiosk
  - bike racks
  - outdoor shower area with at least 4 showers

The Grantee must undertake the Activity so as to meet the following outcomes:

- Provision of new community infrastructure through the construction of a new clubhouse that improves social cohesion and encourages the community to thrive, both economically and socially.

The Grantee must complete the milestones specified in the table below by the corresponding due date. If the Grantee does not complete a milestone described as a critical milestone by the corresponding due date, the parties agree that the Commonwealth may treat such failure as a breach of this Agreement incapable of remedy for the purposes of clause 19 of Schedule 1 (Commonwealth Standard Grant Conditions).

Milestone	Critical Milestone (Yes/No)	Due Date
No critical milestones		

The Grantee must maintain and operate the completed Capital Works for five years following the Date for Practical Completion (**Operational Period**). During the Operational Period, the Grantee must, if requested by the Commonwealth to do so, promptly provide evidence to the Commonwealth that the completed Capital Works are maintained and operational.

C. Duration of the Grant

The Activity starts on the date this Agreement is executed by both parties.

The Project completion date is 3 March 2025.

The Activity (other than the provision of any final reports) ends on the Commonwealth's acceptance in writing of the Activity Completion Report which is the **Activity Completion Date**.

The Agreement ends on the Commonwealth's acceptance in writing of the Activity Completion Report (the **Agreement End Date**).

HANNA NEWMAN ASSOCIATES PTY LIMITED
ABN 73 093 260 685

Southern Corporate Centre
Suite 7B
35-37 Railway Parade
Engadine NSW 2233

T : 02 9548 0595
E : qs@hannanewman.com.au

David Martin
DIRECTOR BBCM, AAIQS

QUANTITY SURVEYORS
PROJECT MANAGERS

AIQS CPD Accredited
International Cost Engineering Council

19 December, 2023

The President
Gerringong Surf Lift Saving Club
Pacific Avenue, Werri Beach
Gerringong NSW 2534

Attention: Gary George

Dear Gary,

Re: Gerringong Surf Club Redevelopment – Werri Beach, Gerringong
CC1 Contract Sum Review

As commissioned, we have reviewed the split in costs prepared by Bluestone and hereby advise you on the CC1 contract sum for your attention.

Reference to 'Contract Sum Breakup' and 'Construction Programme Rev. 2' prepared by Bluestone (attached).

Bluestone's Proposed Contract Sum Split:

Contract Staging	Cost	Percentage
CC1	$1,622,660.00	30%
CC2 excl. Commissioning/fitoff	$2,974,876.00	55%
Commissioning/fitoff	$811,330.00	15%
Total (excl. GST)	**$5,408,866.00**	**100%**

In general, 30% project milestone that is up to ground floor slab pour and the associated siteworks and infrastructure works is deemed reasonable. However, we would like to draw your attention with regard to following trades.

Duration noted from the construction programme rev. 2 :
- CC to 30% milestone is 3 months (30%)
- Remaining works 7 months (70%)

* Preliminary Items - Bluestone proposes $255,760 for CC1.
Bluestone are to claim 100% of initial implementing items i.e. project insurance, service locating, fencing, survey, sheds and amenities. Other than these, 30% shall be allocated to CC1. Based on this calculation, $190k would be appropriate for CC1 preliminary items. (Circa $65k variance)
* Lift - Bluestone proposes 90% of the trade cost.
If 90% is agreed to an upfront payment, the club needs to reserve a security guarantee from Bluestone. If not, 10% upfront payment will be reasonable.
* Kitchen Equipment - Same comment as Lift
* Overhead & Profit - Bluestone proposes $250,300 for CC1.
As per the construction programme rev. 2, it would be appropriate to allocate 30% of this trade cost to CC1 which is $193k. (Circa $57k variance)

We trust the above meets with your requirements.

HANNA NEWMAN ASSOCIATES PTY LIMITED
ABN 73 093 260 685

Southern Corporate Centre
Suite 7B
35-37 Railway Parade
Engadine NSW 2233

T : 02 9548 0595
E : qs@hannanewman.com.au

David Martin
DIRECTOR BBCM, AAIQS

QUANTITY SURVEYORS
PROJECT MANAGERS

AIQS CPD Accredited
International Cost Engineering Council

Yours faithfully,

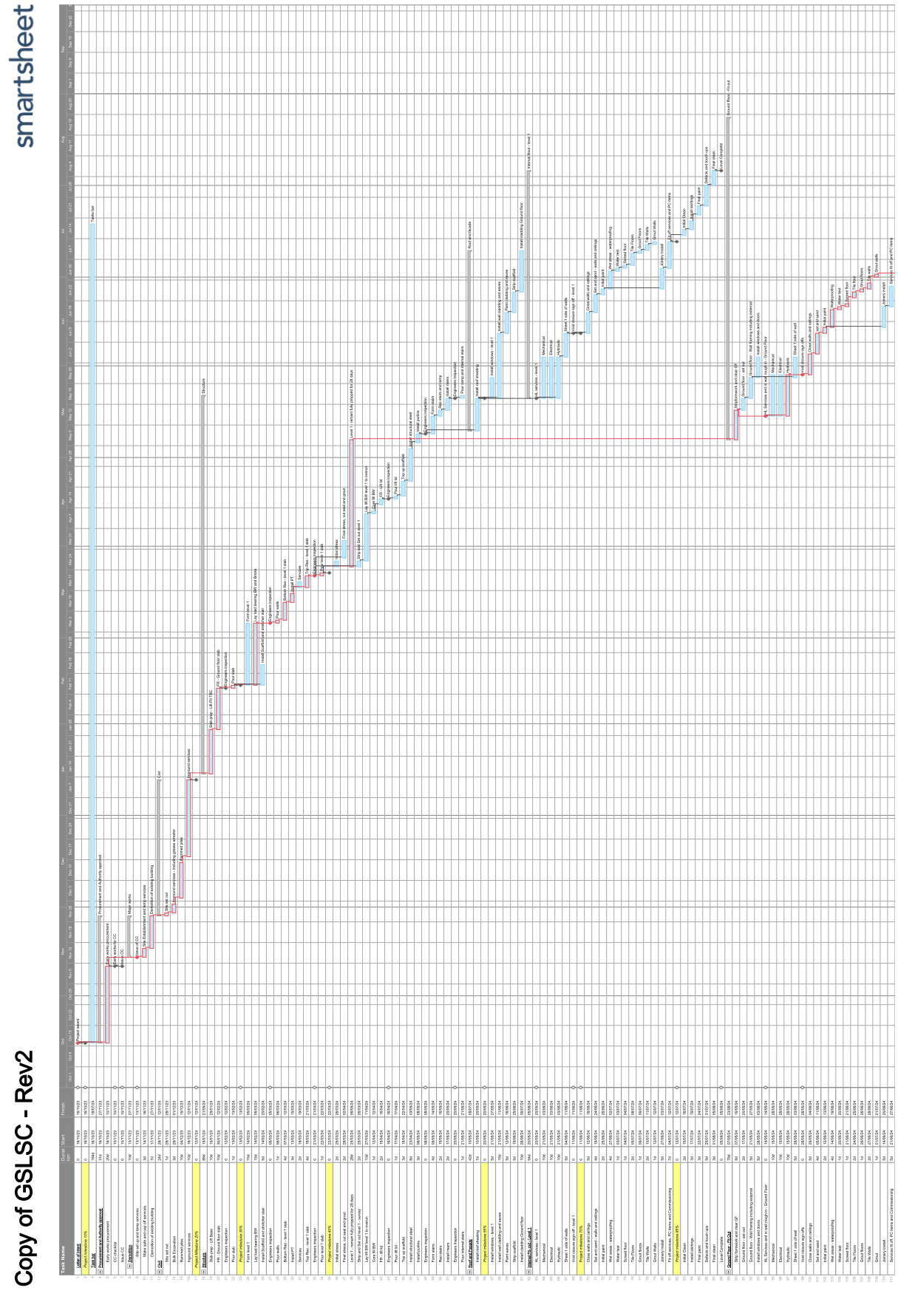
John Jung

John Jung
Quantity Surveyor
HANNA NEWMAN ASSOCIATES PTY LTD

Contract sum breakup

Gerringong Surf Club									
CONTRACT SUM BREAKUP - REFER CC1 COLUMN									
Original Budget - March 2022			**Budget Sept 2023**		**Notes for QS**	CC1 breakup	CC2 excl commissioning / fitoff	Commissioning / fitoff
Description	**Job %**	**Total**	**Budget**	**Variance**		**30%**	**85%**	**100%**
Preliminary Items	10.34	$497,251	$511,520	$14,269		$255,760	$179,032	$76,728
Demolition	1.81	$77,066	$89,000	$11,934	Some HAZMAT noted within report	$89,000	$0	$0
Piling			$75,000	$75,000	Driven timber piles - quoted Oct 23 at $135k	$75,000	$0	$0
Excavation	1.53	$73,876	$55,000	($18,876)	Bulk & detailed	$55,000	$0	$0
Tipping - GSW			$50,000	$50,000	Site is full of fill - can be PS item	$50,000	$0	$0
Concrete	16.31	$672,750	$690,000	$17,250	PT suspended slab	$345,000	$345,000	$0
Structural Steel	8.36	$339,274	$340,000	$726	Full design completed. Hot dip Gal finish, with additonal paint system to exposed elements	$34,000	$306,000	$0
Carpentry	1.54	$73,514	$82,000	$8,486		$16,400	$65,600	$0
Roofing - see also cladding	3.28	$133,892	$145,000	$11,108	Colorbond ULTRA	$0	$145,000	$0
Doors & Windows	6.13	$264,118	$270,000	$5,882	Thermal glazing	$0	$270,000	$0
Masonry	7.78	$361,603	$320,000	($41,603)	190 corefilled supporting upper floor. Scaff by contractor. Perimeter blocks in decorative limestone finish	$0	$320,000	$0
External Cladding / Render	6.72	$283,685	$275,000	($8,685)	Firerated substrate + colorbond ULTRA	$0	$275,000	$0
Plumbing / Drainage / Gas	3.12	$122,507	$145,000	$22,493	Note long stormwater runs on civil plans	$101,500	$29,000	$14,500
Electricial	3.07	$120,450	$165,000	$44,550	Refer detailed drawings + incoming	$66,000	$74,250	$24,750
Mechanical	2.1	$82,500	$82,000	($500)	Refer detailed drawings	$8,200	$41,000	$32,800
Fire	0.52	$31,207	$60,000	$28,793	Dry fire	$18,000	$18,000	$24,000
Lift			$90,000	$90,000	Standard commercial DDA lift	$81,000	$0	$9,000
Heating / Cooling Ventilation	1.9	$85,696	0	($85,696)	Refer mech item	$0	$0	$0
Linings / Plaster	4.25	$181,417	$185,000	$3,583	Includes insulation	$0	$129,500	$55,500
Joinery / coolroom	3.48	$153,934	$145,000	($8,934)	Commercial kitchen, bar, toilet partitions, coolroom	$0	$87,000	$58,000
Metal Work	2.28	$89,506	$115,000	$25,494	Balustrades, handrails, fencing	$0	$34,500	$80,500
Tiling & Waterproofing	3.47	$136,413	$135,000	($1,413)		$20,250	$33,750	$81,000
Fixtures & Fittings	3.7	$145,398	$150,000	$4,602	PC items, equipment, appliances	$0	$45,000	$105,000
Painting	1.87	$73,491	$76,000	$2,509		$0	$22,800	$53,200
Floor Coverings	1.43	$56,276	$60,000	$3,724		$0	$18,000	$42,000
External Works	5	$204,274	$135,000	($69,274)	Hard & soft landscaping, linemarking, bollards, wheelstops, showers	$47,250	$47,250	$40,500
Deck paving - pedestals		$ -	$55,000	$55,000	To all balcony areas	$0	$28,233	$26,767
				$ -				
Subtotal		**$4,260,098**	**$4,500,520**	**$240,422**		**$1,262,360**	**$2,513,915**	**$724,245**
Additional Items				$ -				
Kiosk			$75,000	$75,000	Masonry & steel construction to match main building	$37,500	$37,500	$0
Kitchen equipment - commercial			$30,000	$30,000	Related to kiosk	$30,000	$0	$0
Items added since original pricing								
Larger Kiosk		Excl	$25,000	$25,000	Design change	$12,500	$12,500	$0
Extended roof line over deck		Excl	$50,000	$50,000	Design change	$0	$50,000	$0
Stair for lifeguard access		Excl	$20,000	$20,000	Design change	$0	$20,000	$0
Security / CCTV		Excl	$35,000	$35,000	Added sccope	$0	$12,250	$22,750
Temporary operational setup, containers etc		Excl	$30,000	$30,000	Added scope	$30,000	$0	$0
Subtotal Ex GST		**$4,260,098**	**$4,765,520**	**$505,422**		**$1,372,360**	**$2,646,165**	**$746,995**
Overheads, management, profit		$639,015	$643,345	$4,331		$250,300	$328,711	$64,335
						$1,622,660	**$2,974,876**	**$811,330**
Total Ex GST		**$4,899,113**	**$5,408,865**	**$509,753**				
GST		$489,911	$540,887	$50,975				
Total Incl GST		**$5,389,024**	**$5,949,752**	**$560,728**				
					Value of full stage (exc GST)	**$1,622,660**	**$2,974,876**	**$811,330**
					Value of full stage (incl GST)	**$1,784,926**	**$3,272,363**	**$892,463**

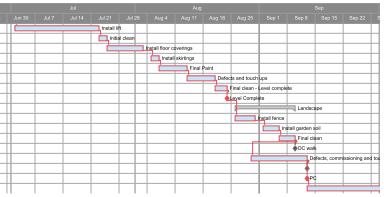
Proposed contract sum for CC1 works



Attachment 3

Item 16.1

	Task Name	Duration	Start	Finish
112	Install lift	15d	02/07/24	22/07/24
113	Initial clean	2d	23/07/24	24/07/24
114	Install floor coverings	7d	25/07/24	02/08/24
115	Install skirtings	2d	05/08/24	06/08/24
116	Final Paint	5d	07/08/24	13/08/24
117	Defects and touch ups	5d	14/08/24	20/08/24
118	Final clean - Level complete	3d	21/08/24	23/08/24
119	Level Complete	0	23/08/24	23/08/24
120	**Landscape**	11d	26/08/24	09/09/24
121	Install fence	5d	26/08/24	30/08/24
122	Install garden soil and turf	4d	02/09/24	05/09/24
123	Final clean	2d	06/09/24	09/09/24
124	**QC walk**	0	09/09/24	09/09/24
125	Defects, commissioning and touch ups	10d	30/08/24	12/09/24
126	*Project milestone 100%*	0	12/09/24	12/09/24
127	**PC**	0	12/09/24	12/09/24
128	**Inclement weather allowance**	20d	13/09/24	11/10/24



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Page 2 of 2

Attachment 3 **Item 16.1**

16.2 Response to resolution 23/359OC - Motion: Investigating Jones Beach vegetation destruction

CSP Objective: Outcome 4: We protect our people, our place, our flora and fauna through our planning and our actions

CSP Strategy: 4.2 Protect our biodiversity, native plants and animals

Delivery Program: 4.2.1 Facilitate and encourage the protection of our natural environment and biodiversity

Summary

At the December 2023 Council meeting, Council resolved (Minute 23/359OC) to investigate the recent Jones Beach vegetation destruction:

1. Allocate resources, funded from the existing operational budget, to investigate the new occurrence of vegetation destruction located near the dog off-leash pathway leading to Jones Beach, as a matter of urgency
2. Respond in accordance with the Public Tree Management Policy
3. Report to Council and the community on the outcome of the investigation and Council's response.

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

Financial implication

Nil – existing operational budget

Risk implication

Damage to environmental areas can carry environmental and reputational risk.

Policy

Public Tree Management Policy

Consultation (internal)

Manager Environment & Compliance, Environment officers, Landscape Officer

Communication/Community engagement

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council note this report on the investigation of Jones Beach vegetation destruction.

Background

Council received notification on 12 December 2023, that the last track to the beach at the south end of Jones Beach had an area of vegetation that has started to die off.

Environmental Health Officers (EHO) attended the site on 13 December 2023. At the time of inspection, vegetation from one type of plant (native wattle) was observed to be brown in colour and appeared to be dying off. The affected vegetation was located on both sides of the southernmost entrance of Jones Beach, south of the car parking facilities. All other vegetation appeared to be healthy at the time of inspection.

Vegetation sampling of the affected plants and soil sampling in the vicinity of the affected plants was undertaken. The samples were analysed by a NATA accredited laboratory for the presence of herbicides including glyphosate/AMPA and Phenoxy Acid Herbicides (16 different analytes).

The results of the sampling undertaken indicate that all samples were below the limit of reporting; however, this does not definitively exclude poisoning as rainfall, time and the motility of the analytes can affect retention time.

As there was no conclusive evidence of vegetation poisoning the Public Tree Management Policy procedures were not enacted.

Council will monitor the area for further vegetation deterioration and take action as appropriate.

16.3 Traffic management: Kiama Local Traffic Committee meeting - 5 March 2024

CSP Objective: Outcome 11: We are well connected within our local community, and to our region

CSP Strategy: 11.1 Actively plan how we travel and create safe travel routes whether we are walking, cycling, driving or accessing public transport

Delivery Program: 11.1.2 Implement road safety and traffic management programs and responsibilities

Summary

Council submitted proposals to the Kiama Local Traffic Committee (LTC) Meeting held electronically on Tuesday 5 March 2024 to consider reports for traffic regulation in the Kiama Local Government Area. The Traffic Management Plans considered at that meeting require Council endorsement.

Financial implication

The traffic management items under Recommendations 1and 2 will be implemented under existing resources allocations.

Risk implication

The risk associated with the information contained in this report is not complying with the Transport for NSW guidelines.

Policy

A Guide to the Delegation to Councils for the Regulation of Traffic (TfNSW)

Consultation (internal)

Kiama Local Traffic Committee

Communication/Community engagement

Organisers are required to advertise and notify of closures as per endorsed Traffic Management Plans.

Attachments

1 Minutes - Kiama Local Traffic Committee Meeting - 5 March 2024⇩

2 Traffic Committee Report Plan 2024 05 for Holden and Orana Avenues Kiama - No Parking Restrictions.⇩

3 Plan 2024 06 Shoalhaven Street Kiama (west of Bong Bong Street)⇩

Enclosures
Nil

RECOMMENDATION

That the Minutes of the Kiama Local Traffic Committee meeting held electronically on 5 March 2024 be received and the following recommendations be adopted, subject to any other approvals that may be required:

1. ***24/001LTC*** Trial the installation of 12m No Parking restrictions on the inside of the curve between Orana and Holden Avenues, Kiama for a period of three months, with a review at the end of the three month period to see if the restrictions are working.
2. ***24/002LTC*** the installation of No Stopping restrictions on both side of Shoalhaven Street Kiama, to the west of Bong Bong Street for a distance of 35m and extend the double barrier centre lines for a total length of 35m.

Background

The Kiama Local Traffic Committee Meeting was held electronically on 5 March 2024 to consider reports for traffic management in the Kiama Local Government Area with the Agenda papers also being distributed to all Councillors.

The Kiama Local Traffic Committee considered 2 items that require adoption by Councill, as above.

Report

The Local Traffic Committee is a Technical Committee of Transport for New South Wales (TfNSW). The Committee operates under the authority conferred to Council by TfNSW under the Transport Administration Act 1988. Council has been delegated certain powers by TfNSW with regard to traffic matters upon its local roads. A condition of this delegation is that Council must take into account the advice of the LTC.

There are four permanent members of the LTC, each of whom has a single vote only. The members are representatives of the NSW Police Force, TfNSW, the Local State Member of Parliament (for the location of the issue to be voted upon) and a representative of Council.

Only matters requiring a resolution of Council are included in this report, other endorsed upgrades have been approved under delegated authority.

Options

Council's options are to:

1. Accept report items as recommended;
2. Decline to accept the recommendations;
3. Request the LTC to reconsider the report.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING

TUESDAY 5 MARCH 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD ELECTRONICALLY

ON TUESDAY 5 MARCH 2024

PRESENT: Michael Malone (Director Infrastructure and Liveability) (Chairman), Stuart Larkins (Councillor Representative), Andy Gaudiosi (Transport for NSW Representative), Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Michaela Sisk (Manager Engineering and Technical), Lindsay Dunstan (Kiama Council Road Safety Officer), Chris Balzarano (Council Ranger) and Alyson Hodgekiss (Minutes)

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 Kiama Local Traffic Committee Meeting on Tuesday 6 February 2024

24/007LTC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 6 February 2024 be received and accepted.

(Member Stuart Larkins and Member Andy Gaudiosi)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Installation of 12m No Parking zone on Holden and Orana Avenue, Kiama

24/008LTC

Resolved that the Committee endorse to trial the installation of 12m No Parking restrictions on the inside of the curve between Orana and Holden Avenues, Kiama for a period of three months, with a review at the end of the three month period to see if the restrictions are working.

(Member Andy Gaudiosi and Member Craig Gray)

5.2 Shoalhaven Street Kiama - Extension of the Double Barrier Centre-line and 35m No Stopping Restrictions west of Bong Bong Street

24/009LTC

Resolved that the Committee endorse the installation of No Stopping restrictions on both side of Shoalhaven Street Kiama, to the west of Bong Bong Street for a distance of 35m and extend the double barrier centre lines for a total length of 35m.

(Member Craig Gray and Member Stuart Larkins)

6 GENERAL BUSINESS

7 CLOSURE

There being no further business the meeting closed at <time>

These Minutes were confirmed at the Ordinary Meeting of Council held on 2 April 2024

……
Director Engineering & Works

2024 – 05

KIAMA MUNICIPAL COUNCIL

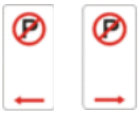
Install 1 x No Parking (L) sign in Orana Avenue

Install 1 x No Parking(R) sign in Holden Avenue



SIGNAGE DETAILS

- Install 1 x No Parking (L) in Orana Avenue, and 1 X No Parking (R) in Holden Avenue, 12 m apart around the curve as set out above.



NOTES:

1. REGULATORY SIGNS & LINEMARKING TO BE INSTALLED IN THE POSITIONS SHOWN
2. ALL SIGNS AND LINEMARKING TO BE IN ACCORDANCE WITH THE tFnsw STANDARDS

Register of Installation of Regulatory Signs and Markings

Scales	KIAMA MUNICIPAL COUNCIL	Register Number 2024-05
Drawn LD	Details Orana/Holden Avenues Kiama	Date. 24/2/24

KIAMA MUNICIPAL COUNCIL

2024 – 05



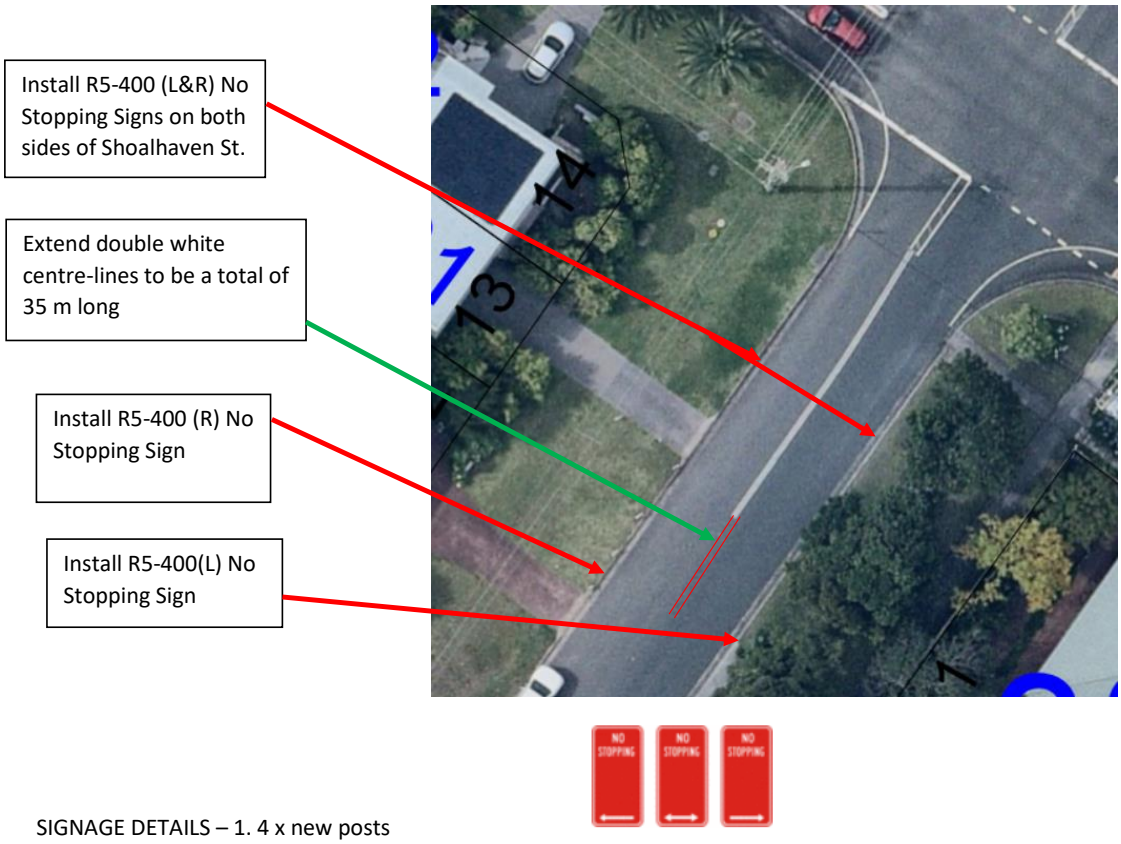


Register of Installation of Regulatory Signs and Markings

Scales	KIAMA MUNICIPAL COUNCIL	Register Number 2024-05
Drawn LD	Details Orana/Holden Avenues Kiama	Date. 24/2/24



2024 – 06



SIGNAGE DETAILS – 1. 4 x new posts

2. 2 x R5-400(L&R) signs

3. 1 x R5-400(L) and 1 x R5-400 (R) signs

4. Extend the existing white double centre-line to a total distance of 35 m from Shoalhaven Street

NOTES:

1. REGULATORY SIGNS & LINEMARKING TO BE INSTALLED IN THE POSITIONS SHOWN
2. ALL SIGNS AND LINEMARKING TO BE IN ACCORDANCE WITH THE tFnsw STANDARDS

Register of Installation of Regulatory Signs and Markings

Scales	KIAMA MUNICIPAL COUNCIL	Register Number 2024-06
Drawn LD	Details No Stopping Shoalhaven Street	Date. 5 March 2024

17 REPORTS FOR INFORMATION

17.1 Designated Persons Annual Returns 2022-2023 Update

Responsible Director: Office of the Chief Operating Officer

The purpose of this report is provide an update to the "Disclosure of Interest" annual returns for Councillors, designated staff, and independent representatives of the Audit, Risk and Improvement Committee for the 2022-2023 financial year that were presented to the October 2023 Ordinary Meeting.

Background

The report of 17 October 2023 was collated with Annual Returns yet to be submitted by:

- Jim Mitchell Member ARIC
- Joanne Brisbane Hospitality Supervisor Blue Haven Care
- Paul Czulowski Manager Environment & Health

Returns have since been completed by Jim Mitchell and Joanne Brisbane, and are attached to this report and placed on council website.

A Return has NOT been supplied by Paul Czulowski. Mr Czulowski received multiple requests, and unfortunately did not respond. It is noted that he was on leave for the entire financial year and therefore did not perform in a decision-making capacity for the 2022/2023 financial year. Mr Czulowski retired on 18 August 2023.

Communication/Community Engagement

Nil

Risk implication

Disclosing the returns furthers openness, transparency and accountability at Kiama Municipal Council. It also facilitates the identification and management of potential conflicts of interest that might arise where staff participate in decisions from which they may derive, or be perceived to derive, personal or financial benefit.

Failure by a designated person to provide a return must be reported by the CEO to the Office of Local Government.

Attachments

1 Councillors and Designated Persons Returns 2022 2023 - Hospitality Supervisor Blue Haven - redacted⇩

2 Councillors and Designated Persons Returns 2022 2023 - Jim Mitchell - redacted⇩

KIAMA MUNICIPAL COUNCIL

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS ANNUAL RETURN

DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS

By: Joanne Brisbane *full name of Councillor or Designated Person*	
In respect of the period from: 1 July 2022 to: 30 June 2023 *return period*	
Signed: [redacted] *signature of Councillor or Designated Person*	Date: 4/3/24 *date you sign this form*

A. REAL PROPERTY

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	*Nature of interest*
N/A	

B. SOURCES OF INCOME

1. *Sources of income I received from* ***an occupation*** *at any time since 30 June*

Description of occupation	*Name and address of employer or description of office held (if applicable)*	*Name under which partnership conducted (if applicable)*
N/A		

2. *Sources of income I received from a trust since 30 June*

Name and address of settlor	*Name and address of trustee*
N/A	

3. *Sources of other income I received at any time since 30 June*
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

N/A

C. GIFTS

Description of each gift I received at any time since 30 June	*Name and address of donor*
N/A	

D. CONTRIBUTIONS TO TRAVEL		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	*Dates on which travel was undertaken*	*Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken*
N/A		

E. INTERESTS AND POSITIONS IN CORPORATIONS			
Name and address of each corporation in which I had an interest or held a position since 30 June	*Nature of interest (if any)*	*Description of position (if any)*	*Description of principal objects (if any) of corporation (except in case of listed company)*
N/A			

F. PROPERTY DEVELOPING	
Were you a property developer or a close associate of a property developer on the return date?	Please select

G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at any time since 30 June	*Description of position*
N/A	

H. DEBTS
Name and address of each person to whom I was liable to pay any debt at any time since 30 June
N/A

I. DISPOSITIONS OF PROPERTY
1. *Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time*
N/A
2. *Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property*
N/A

J. DISCRETIONARY DISCLOSURES
A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of the Schedule
N/A

Submit ▶

KIAMA MUNICIPAL COUNCIL

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS ANNUAL RETURN

DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS

By: James Mitchell
full name of Councillor or Designated Person

In respect of the period from: 1 July 2022 to: 30 June 2023
return period

Signed: [redacted] Date: 30/11/23
date you sign this form

A. REAL PROPERTY

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	*Nature of interest*
[redacted]	

B. SOURCES OF INCOME

1. *Sources of income I received from* ***an occupation*** *at any time since 30 June*

Description of occupation	*Name and address of employer or description of office held (if applicable)*	*Name under which partnership conducted (if applicable)*
Independent Member Audit & Risk Committees	Various NSW Govt agencies & local councils	—

2. *Sources of income I received from a trust since 30 June*

Name and address of settlor	*Name and address of trustee*
Nil	

3. *Sources of other income I received at any time since 30 June*
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

Superannuation from State Superannuation Fund

C. GIFTS

Description of each gift I received at any time since 30 June	*Name and address of donor*
Nil	

D. CONTRIBUTIONS TO TRAVEL		
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	*Dates on which travel was undertaken*	*Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken*
Nil		

E. INTERESTS AND POSITIONS IN CORPORATIONS			
Name and address of each corporation in which I had an interest or held a position since 30 June	*Nature of interest (if any)*	*Description of position (if any)*	*Description of principal objects (if any) of corporation (except in case of listed company)*
Nil			

F. PROPERTY DEVELOPING
Were you a property developer or a close associate of a property developer on the return date? Please select No

G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at any time since 30 June	*Description of position*
Nil	

H. DEBTS
Name and address of each person to whom I was liable to pay any debt at any time since 30 June
Nil

I. DISPOSITIONS OF PROPERTY
1. *Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time*
Nil
2. *Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property*
Nil

J. DISCRETIONARY DISCLOSURES
A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of the Schedule
Nil

Submit ▶

17.2 Questions for Future Meeting Register - March 2024

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information is the Questions for Future Meetings Register for March 2024.

Attachments

1 Questions for Future Meetings Register - March 2024⇩

KIAMA MUNICIPAL COUNCIL

Questions for Future Meetings Register

16/73192

No	Details	Actions
21 February 2023		
18.1	**Seven Mile Beach community consultation** Councillor Rice requested a report on what else stands in the way of actioning Point 2 of the following resolutions 19/170OC, 19/171OC and 19/172OC from 21 May 2019 – "*That Council expedites the community consultation to devise new guidelines for the use of Seven Mile Beach*" now that finalisation of Council's Crown Lands Management Plans is likely to occur within a few months. This matter was referred to the Director Infrastructure and Liveability for action.	Following adoption of the Council Managed Crown Land Plan of Management, Council will be looking to engage a consult to implement a policy in regards to the use of recreational waterways for commercial purposes which will include Seven Mile Beach and its use for surf schools.
21 March 2023		
20.1	**Support for local businesses and investment in live music** Councillor Croxford requested a report on how Council can better support local businesses and encourage investment in live music venues, that also addresses the challenges of using private certifiers, and how Council can proactively support the growth and development of the local music scenes while promoting tourism and cultural events in Kiama. This matter was referred to the Director Environmental Services for action.	A report has been provided to the Tourism and Economic Advisory Committee meeting for the March meeting. Given the interconnectivity of the State Government reforms and the length of time this has remained on the register it is proposed that a report on the proposed legislation changes is provided to the Tourism and Economic Advisory Committee meeting, after which time the minutes of the TEAC will proceed to Council for information.
20 June 2023		
20.3	**Kiama Harbour staircase mural** Councillor Larkins requested a report on the feasibility of a mural at the staircase entering Kiama Harbour from Terralong Street.	To be reported to the April 2024 Council meeting.

No	Details	Actions
	This matter was referred to the Director Infrastructure and Liveability for consideration and has since been reassigned to the Director Planning, Environment and Communities.	
19 September 2023		
20.1	**Planned future uses for Joyce Wheatley Community Centre** Councillor Renkema-Lang requested a report: 1. On the planned future uses for the Joyce Wheatly Centre. 2. Grants received to fund upgrades to the Joyce Wheatley Centre. 3. How the funds have been or will be used and the timing for the upgrades. This matter was referred to the Director Planning, Environment and Communities for consideration.	Reported via a memo to Councillors in April 2024
20.4	**Grants policy** Councillor Reilly requested Council review existing policies and deliver a revised Grants Policy. This matter was referred to the Director Planning, Environment and Communities for consideration.	Reported to the March 2024 Council Meeting.
17 October 2023		
20.6	**Shoalhaven Water** Councillor Reilly requested a report on the possibility of Shoalhaven Water connecting utilities to the village of Jamberoo given the reluctance of Sydney Water to address the current and future requirements of the village. This matter was referred to the Director Planning, Environment and Communities for consideration.	To be reported to the April 2024 Council meeting.
21 November 2023		
20.1	**Short term rental accommodation - cost recovery strategies** Councillor Rice requested a report on short term rental accommodation and the possible cost recovery strategies being explored by other local government areas in NSW that are experiencing a high density of this type of tourist accommodation. This matter was referred to the Director Planning, Environment and Communities	Reported to the March 2024 Council Meeting.

No	Details	Actions
14 December 2023		
20.1	**Blue Haven Havilah** Councillor Croxford requested a report on the Blue Haven Havilah former residential aged care facility to identify under the boarding houses and co-living housing provisions of the NSW Planning Act the viability of, and range of possible options available to Council to enable suitable accommodation solutions at the same time as matters relating to the Blue Haven Havilah precinct proceed. This matter was referred to the Chief Operating Officer.	To be reported to the April 2024 Council meeting.
20.4	**Jamberoo Heritage Review** Councillor Larkins requested an update on the progress of the Jamberoo Heritage Review and whether as a result of the deferral from 12 months ago, that creating heritage conservation areas are no longer being considered. This matter was referred to the Director Planning, Environment and Communities.	Reported via a memo to Councillors in April 2024
13 February 2024		
20.1	**Short Term Rental Accommodation (STRA) Register** Councillor Renkema-Lang requested a report on: a) The number of STRA complaints, by LGA town or village, received since the commencement of the NSW Policy and Legislation relating to STRAs on 1 November 2021. b) The actions Council has taken to respond to complaints and enforcing the planning framework in the Kiama LGA. In the context of the Department of Planning's advice (as published on their website), *that all local councils in NSW have access to the STRA Register and have a role in enforcing the planning framework.* This matter was referred to the Director Planning, Environment and Communities.	Reported to the March 2024 Council Meeting.
20.2	**Policy Framework** Councillor Renkema-Lang requested a report that details the policy framework for the 60 different policy documents hosted on the Council website, and when the next policy audit/review will be undertaken.	The Policy framework was endorsed by Council resolution at the 19 October 2021 meeting. The Local Government Act requires policies to be reviewed in line with

No	Details	Actions
	This matter was referred to the Chief Executive Officer.	the Act and policy framework.
20.3	**Glossary of Terms** Councillor Renkema-Lang requested a report identifying the terms, meaning and a standardised interpretation of words frequently used in reports and resolutions of Council, including but not limited to the follow: a. *That Council note, adopted, receive, accept, apply, endorse, declines, rejects….* b. *Example policy, model policy, Guidelines* c. *Bonaira, Blue Haven, Blue Haven Independent Living Units, Havilah Place, Terralong Street.* This matter was referred to the Chief Operating Officer.	Reported to the March 2024 Council Meeting.

17.3 Question for future meeting: clarity of terminology

Responsible Director: Office of the Chief Operating Officer

Precis

At the 13 February 2024 ordinary Council meeting, Councillor Renkema-Lang requested a report identifying the terms, meaning and a standardised interpretation of words frequently used in reports and resolutions of Council, including but not limited to the follow:

a) That Council note, adopt, receive, accept, apply, endorse, declines, rejects….

b) Example policy, model policy, guidelines

c) Bonaira, Blue Haven, Blue Haven Independent Living Units, Havilah Place, Terralong Street.

Detail

a) That Council note, adopt, receive, accept, apply, endorse, declines, rejects….

Following the Office of Local Government reference in the Integrated Planning & Reporting FAQ guide and industry recommended references the following terms are provided:

Term	Definition
Adopt – to accept	This term is used to reflect that the council is fully responsible for the actions within the recommendation.
Endorse – to support	This term is used in instances when the recommendation may identify responsibilities that fall outside the sole responsibility or role of the council.
Note – to take notice of	This term is used where the report is provided for the information of the council and no specific action is required.
Defer	This term is used should the matter require further consideration or additional information and will be re-submitted to the council at the next ordinary or extraordinary meeting.
Approve	This term is used for granting consent for planning and development matters.
Refuse	This term is used for refusing consent for planning and development matters and any recommendation must include the reasons for refusal.
Not approved	This term is used with respect to a document or personnel appointment.
Not supported	This term is used for any other unsupported recommendation to Council.

Whilst it is preferred that the OLG guideline terms are used, it is not unlawful to use these currently practised terms, which are defined as:

Term	Definition
Receive	This term is used when the council wishes to formally acknowledge a document presented in a resolution.
Accept	This term is used when the council agrees to the terms of a resolution.
Apply	This term is used when the council wishes to put in a request or submit an application.
Declines	This term is used when the council does not want to proceed with a recommendation.
Rejects	This term is used when the council does not want to proceed with a recommendation.

b) Example policy, model policy, guidelines

The Office of Local Government (OLG) publishes a range of guidelines, codes, practice notes and other guidance for local government. These generally relate to functions that councils carry out under the Local Government Act, or under other legislation or policy for which the Minister for Local Government is responsible. These guidelines and guidance materials aim to support NSW councils to govern in a lawful, prudent, transparent and accountable manner as well as to provide strong and sustainable services to local communities.

Mandatory and Section 23A Guidelines and Codes – the OLG publishes some mandatory guidelines and codes, as well as a range of guidelines that councils must take into consideration under section 23A of the Local Government Act 1993 to support councils comply with important laws.

Practice Notes and other best practice guidance – the OLG publishes practice notes and other best practice guidance on a range of topics to support NSW councils to govern well and to carry out their functions in line with best practice approaches.

OLG Circulars to Councils – the OLG provides guidance through Circulars to Councils from time to time on a range of matters.

The terms used by OLG reflect:

Term	Definition
Guidelines	Support legislative responsibilities and provide specific sector-wide guidance. They suggest a minimum framework for the use of the respective prescribed function

Term	Definition
Model	Some Model Policies or Codes set out the minimum standards required in legislation and regulation, i.e. Code of Conduct. The detail provided by OLG on release of the Model Code of Conduct is: A council's adopted Code/Policy has no effect to the extent that it is inconsistent with the Model. However, a council may prescribe requirements that are more onerous than prescribed. Other Model policies are developed following extensive consultation and reflects best practice in the local government sector. Ie. Model social Media Policy A model policy is not mandatory, and councils are free to choose whether to use or to adapt it for their own purposes. If adopted, the policy will operate to supplement the provisions of councils' adopted codes of conduct. Therefore, any Model document prepared by OLG should be read and prepared case by case in accordance with the instructions for each specific document.
Example	There is no definition of 'example' policy in the OLG material.

c) Bonaira, Blue Haven, Blue Haven Independent Living Units, Havilah Place, Terralong Street

Term	Definition
Blue Haven	all operations currently under Blue Haven including residential aged care, home care, community programs, community transport and the independent living units, that exist on both Terralong Street and Bonaira Street.
Blue Haven Bonaira	all services currently operating onsite at Bonaira including residential aged care, community programs, community transport and Bonaira independent living units.
Blue Haven Terralong	the 5 stages of the independent living units at Terralong which includes the office and base for the independent living unit staff (2)
Bonaira ILU	the Bonaira independent living units only
Terralong ILU	the Terralong independent living units only
Aged care services	services provided to the residential aged care facility, home care and the Commonwealth Home Support Program

Term	Definition
RACF	Bonaira Residential Aged Care Facility
Home care	services offered to clients still living in their homes. Offices are at Blue Haven Bonaira.
CHSP	Commonwealth Home Support Program - services offered to clients still living in their homes. Offices are at Blue Haven Bonaira.
Community Transport	Blue Haven Community Transport service operated under agreement with Transport for NSW to provide transport to residents of Blue Haven and members of the community. Offices are at Blue Haven Bonaira.
Blue Haven community programs	Community programs operated to support clients within the community and currently in Blue Haven. Offices are at Blue Haven Bonaira.
Havilah Place	Site of the former residential aged care facility, located at Blue Haven Terralong and includes the location of the Kiama Community Garden.

17.4 Resolution Register: November 2023 to December 2023 and update on previous periods

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information is the Resolution Register for the period 1 November 2023 to 31 December 2023. The Register provides an update on the implementation of Council resolutions for this period and the actions undertaken. Also attached is an update on those resolutions that are outstanding from previous periods.

Communication/Community Engagement

Not required.

Risk implication

The information in this report illustrates what actions have been taken and provides a level of transparency to the community.

Attachments

1 Council resolution register - 1 November 2023 to 31 December 2023⇩

2 Council resolution register - outstanding from previous periods up to 31 October 2024⇩

KIAMA MUNICIPAL COUNCIL

Resolution register: 1 November 2023 to 31 December 2023

Meeting	Item	Resolution	Responsible officer	Action	Status
21/11/2023	6.1	***23/306OC*** **Resolved** that the Minutes of the Ordinary Council Meeting held on 17 October 2023 be received and accepted, subject to amending recommendation 23/297OC to read: Councillor Croxford raised a point of order and it was resolved that a 3 minute speaking limit be applied to Item 19.1 *Prohibit e-scooters* and Item 19.2 *Jamberoo Pool*. (Councillors Larkins and Draisma)	CEO	Amendments to the Minutes have been actioned and the Minutes have been published on the Council website.	Completed.
21/11/2023	11.1	***23/307OC*** **Resolved** that Council congratulate all of the local businesses who were finalists and "Jamberoo Action Park" on receiving the award for Excellence in Tourism and Hospitality at the IMB Bank Illawarra Business Awards 2023. (Councillor Reilly)	CEO	Letters sent to Jamberoo Action Park, Flagstaff Group, Big Fat Smile, Shellharbour Stand Up Paddle Boarding, RMB, and Burnetts on Barney	Completed.
21/11/2023	11.2	***23/308OC*** **Resolved** that Council formally congratulate Lumi.Media in winning the InnovationAus 2023 Award for Excellence in the Creative Technology category and MIPCOM Cannes Content Innovation Award for Sustainability and Innovation. (Councillor Reilly)	CEO	Letter sent from the Mayor on 19 January 2024.	Completed.
21/11/2023	11.3	***23/309OC*** **Resolved** that Council endorse the 2023 Mayor's Giving Tree appeal. (Councillor Reilly)	CEO	2023 Mayor's Giving Tree appeal run successfully with drop offs at the administration	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
				building, the Library, GLaM and The Pavilion.	
21/11/2023		***23/310OC to 23/313OC are procedural motions***	CEO	No action required	Completed.
		23/314OC Resolved that Council: 1. Change the date for the December 2023 Ordinary Council Meeting, briefing and Public Forum to all be held on Thursday 14 December 2023. 2. In subsequent years, schedule the December Council meeting to occur on the second Tuesday of December. (Councillors Rice and Draisma)	CEO	Dates changed and all parties notified.	Completed.
21/11/2023	12.1	***23/315OC*** At the request of Councillors Brown and Croxford and by consent, the **motion was varied** and resolved as follows – That Council: 1. receive the Minutes of the Audit, Risk and Improvement Committee meeting held on 10 October 2023. 2. accept the recommendations, being: 23/034ARIC that the Audit, Risk and Improvement Committee note the information on risk management activity contained in this report 23/035ARIC that the Audit, Risk, and Improvement Committee notes the information in the progress reports on: 1. Internal audit recommendations 2. External audit recommendations 3. CRIP audit recommendations 4. Forsyths recommendations	CEO	Minutes were reported back to the Audit, Risk and Improvement Committee's December meeting, noting point 3.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		5. Hopwood Governance Report recommendations. 23/036ARIC that the Audit, Risk, and Improvement Committee notes the information contained in the report on action items and approves due dates for outstanding items. 23/037ARIC that the Audit, Risk and Improvement Committee notes the information contained in the internal auditors update, including the findings and recommendations in the general procurement internal audit report and the payroll and leave management follow-up internal audit report. 23/038ARIC that the Audit, Risk and Improvement Committee endorse the draft ARIC annual report for inclusion in Council's Annual Report. 23/039ARIC that the Audit, Risk and Improvement Committee note the late change to the audit opinion issued by NSW Audit Office to their audit of Council's 2022 Financial Statements. 23/040ARIC that the Audit, Risk & Improvement Committee notes the information update pertaining to the sale of Blue Haven Bonaira and updated activities. 23/041ARIC that the CEO undertake a review and investigation of matters in relationship to Council. 3. Note that Councillor Keast declared an interest in item 8.1 *Self-reporting notification* and that Councillor Keast left the Chamber at 1:05 pm and returned at 1:30pm. (Councillors Keast and Draisma)			
21/11/2023	12.2	***23/316OC*** At the request of Councillor Reilly and by consent, the **motion was varied** and resolved as follows – That the Minutes of the Infrastructure & Liveability Advisory Committee meeting held on 10 October 2023 be received.	Director Infrastructure and Liveability	Minutes have been published on the Council website.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		(Councillors Brown and Croxford)			
21/11/2023	12.3	***23/317OC*** **Resolved** that Council note the Minutes of the Sustainable Communities Advisory Committee meeting held on 24 November 2023. (Councillors Draisma and Larkins)	Director Planning, Environment and Communities	Minutes noted and adopted by Council. Sent to members of the Committee and placed on Council's website.	Completed.
21/11/2023	12.4	***23/318OC*** **Resolved** that the Minutes of the Tourism and Economic Advisory Committee Meeting held on 2 November 2023 be received and the following recommendations therein accepted, being: *23/020TEAC* that given the success of the Reconnecting Regional NSW Community Events Program, the Tourism and Economic Advisory Committee write to the Department of NSW and provide feedback on the value of program, in particular the positive impacts bestowed to the community. *23/021TEAC* that the Tourism and Economic Advisory Committee 1. receive and approve the Australian Body Surfing Classic post event report, and in doing so, signal their final funding instalment be paid. 2. receive and approve the Folk by the Sea post event report, and in doing so, signal their final funding instalment be paid. 3. request staff look to attracting an event and/or partnership opportunity to co-deliver an event in April or May 2024. *23/022TEAC* that the Tourism and Event Manager explore apportioning a percentage of the marketing budget to allocate to social media promotion of the local major event calendar, while continuing to update free communication opportunities such as The Fold and Coal Coast.	CEO	23/020 – letter sent on 13 December 2023. 23/021Contacted previously interested event organisers such as Surfing NSW and 'Speigelesque'. In conversation with Surfing NSW's new CEO. 23/022 Implementing a new marketing plan for events, in conjunction with our Destination Marketing Plan which includes a large component of digital marketing. 23/023 Scope document created and distributed to three consultancies, draft findings report submitted to steering committee for	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
		23/023TEAC that the Tourism and Event Manager engage a consultant to prepare an independent report to 1. capture data and qualitative feedback from Kiama's local business and residents as well as event attendees, to determine the value and impacts of major events. 2. apply these findings to provide Council a recommendation on the number and size of events suitable for Kiama, to strike a sustainable balance for event activation and community amenity 3. recommend to Council the most appropriate support mechanism to enable this. 23/*024TEAC* that the Tourism and Economic Advisory Committee 1. issue formal congratulations to Jamberoo Action Park for their win in the Excellence in Tourism and Hospitality category at the Illawarra Business Awards 2. invite Ashleigh Smith, Associate Director Engagement, the Office of the 24 Hour Economy Commissioner to address the Tourism and Economic Advisory Committee, Kiama & District Chamber of Commerce Board and Council as they prepare policy to increase evening economic activity in targeted precincts across the six cities region. 3. issue formal congratulations to all Kiama & District Chamber of Commerce board members on their appointment 4. look forward to receiving and reviewing the State of the Economy Report at the next meeting in January/February 2024. *23/026TEAC* that Destination Kiama work with and support the volunteers of the region's Surf Lifesaving Clubs in collecting donations at the 2023 New Year's Eve Sky Show and continue to work		discussion on 8 March 2024. 23/024 Congratulations issued to winners of Illawarra Business Awards and board members appointed to Kiama & District Business Chamber. Arrangements made for Ashleigh Smith to attend March meeting of the Tourism & Economic Advisory Committee to provide a briefing on NSW Government vibrancy reforms and 24-hour economy toolkit. Remplan State of the Economy Report delivered at January Tourism & Economic Advisory Committee meeting. Consultants .id engaged to prepare an Economic Health Check Report, delivered in draft at the January committee meeting for comment and questions from committee members.	

Meeting	Item	Resolution	Responsible officer	Action	Status
		with the Gerringong Lions Club to collect cans to present to the return and earn program. (Councillors Brown and Draisma)		23/025 Worked successfully with Kiama SLSS in fundraising during the 2023 NYE Sky Show, raising almost $20,000 over the NYE period. In addition, Gerringong Lions provided can collection and Jamberoo Rural Fire Service accepted donations and managed parking at Kiama Leisure Centre, for attendees using the shuttle service.	
21/11/2023	13.1	***23/319OC*** **Resolved** that Council 1. Endorse the 2022-23 Annual Report, subject to an amendment on page 177 of the Annual Report to reflect that Cr Keast, Cr Reilly and Cr Renkema-Lang participated in the LGNSW Mentoring Program with Cr Rice not having registered for this program. 2. Notes that the financial statements of 2022-23 are still being completed and therefore the audited financial information will be provided to Council by separate report when available. (Councillors Keast and Renkema-Lang)	CEO	Annual report placed on Council website 22 November 2023	Completed.
21/11/2023	13.2	***23/320OC*** At the request of Councillor Rice and by consent the **motion was varied** and resolved as follows –	CEO	Dates have been added to all relevant diaries and to the	Completed.

<table>
<tr><th>Meeting</th><th>Item</th><th>Resolution</th><th>Responsible officer</th><th>Action</th><th>Status</th></tr>
<tr><td></td><td></td><td>That Council set the 2024 dates for Ordinary Council meetings, with meetings commencing at 5pm, as follows:
Tuesday 13 February
Tuesday 19 March
Tuesday 16 April
Tuesday 21 May
Tuesday 18 June
Tuesday 16 July
Tuesday 13 August
Tuesday 15 October
Tuesday 26 November
Tuesday 10 December
(Councillors Larkins and Draisma)</td><td></td><td>website events calendar.</td><td></td></tr>
<tr><td>21/11/2023</td><td>13.3</td><td>23/321OC
Resolved that Council determine the following representation to external organisations for the period to September 2024, noting that a vote was held for the Illawarra Shoalhaven Joint Organisation representative with Councillor Brown receiving 4 votes and Councillor Draisma 5 votes:
<table>
<tr><td>CivicRisk Mutual</td><td>1 Councillor</td><td>Cr Renkema-Lang</td></tr>
<tr><td>Cleary Bros Community Consultative Committee</td><td>1 Councillors</td><td>Cr Croxford</td></tr>
<tr><td>Friends of Kiama Library</td><td>1 Councillor
1 Alternative</td><td>Cr Larkins
Cr Keast</td></tr>
<tr><td>Illawarra Academy of Sport</td><td>Mayor/Delegate</td><td>Cr Croxford</td></tr>
</table></td><td>CEO</td><td>All bodies advised of representations and the Council website updated.</td><td>Completed.</td></tr>
</table>

Meeting	Item	Resolution			Responsible officer	Action	Status
		Illawarra Bushfire Management Committee	1 Councillor	Cr Larkins			
		Illawarra District Weeds Authority Committee	1 Councillor	Cr Draisma			
		Illawarra Regional Airport Management Advisory Committee	Mayor	Cr Reilly			
		Illawarra Rural Fire District Service Agreement Committee	1 Councillor	Cr Larkins			
		Illawarra Shoalhaven Joint Organisation	Mayor 1 Councillor 1 Alternative	Cr Reilly Cr Draisma Cr Brown			
		Kiama and District Sports Association	1 Councillor	Cr Croxford			
		Kiama Liquor Accord	2 Councillors	Cr Croxford Cr Steel			
		NSW Public Library South East Zone Committee	1 Councillor	Cr Reilly			
		South Coast Co-operative Library Service	1 Councillor	Cr Reilly			

Meeting	Item	Resolution	Responsible officer	Action	Status
		Southern Regional Planning Panel: Mayor, 1 Councillor, 1 Alternative — Cr Reilly, Cr Draisma, Cr Larkins (Councillors Larkins and Draisma)			
21/11/2023	13.4	***23/322OC*** **Resolved** that Council: 1. Provide in-kind support for the provision of waste services, road occupation including advertising, native title (if applicable) in addition to sponsorship of $1,000 to Gerringong Lions Club, Kiama Downs Surf Club, Kiama Rotary and Jamberoo Red Cross for the Australia Day 2024 breakfasts. 2. Further, that the community groups who received funding for the Australia Day 2024 breakfasts be advised Council would appreciate appropriate recognition of support of the event. (Councillors Draisma and Larkins)	CEO	Requests for payment raised and successful Australia Day events run.	Completed.
21/11/2023	14.1	***23/323OC*** **Resolved** that Council: 1. proceed to public exhibition of the Draft Child Safe Policy and the Behavioural Standards for Keeping Children Safe for a period of 28 days. 2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Child Safe Policy and Behavioural Standards for Keeping Children Safe 3. adopt the Draft Child Safe Policy and the Behavioural Standards for Keeping Children Safe if no submissions are received on the day after the completion of the public exhibition period. (Councillors Draisma and Larkins)	CEO	No submissions received. The Policy has been finalised and placed on the Council website.	Completed.
21/11/2023	14.2	***23/324OC*** **Resolved** that Council:	CEO	No submissions received. The Policy has been finalised	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. proceed to public exhibition of the Draft Complaints Handling Policy for a period of 28 days. 2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Petitions Policy. 3. adopt the Complaints Handling Policy if no submissions are received on the day after the completion of the public exhibition period. (Councillors Draisma and Larkins)		and placed on the Council website.	
21/11/2023	14.3	***23/325OC*** **Resolved** that Council: 1. proceed to public exhibition of the Draft Local Government Elections (Caretaker Period provisions) Policy for a period of 28 days. 2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Local Government Elections (Caretaker Period provisions) Policy. 3. adopt the Local Government Elections (Caretaker Period provisions) Policy if no submissions are received on the day after the completion of the public exhibition period. (Councillors Draisma and Larkins)	CEO	Submissions received. Reported to the February 2024 Council meeting for post-exhibition endorsement.	Completed.
21/11/2023	14.4	***23/326OC*** **Resolved** that Council: 1. proceed to public exhibition of the Draft Mandatory Notification of Data Breach Policy for a period of 28 days. 2. note if submissions are received during the exhibition period a further report will be provided on any proposed amendments to the Draft Mandatory Notification of Data Breach Policy. 3. adopt the Mandatory Notification of Data Breach Policy if no submissions are received on the day after the completion of the public exhibition period. (Councillors Draisma and Larkins)	CEO	No submissions received. Policy was finalised and published on the Council website.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
21/11/2023	14.5	***23/327OC*** **Resolved** that Council: 1. Receive and adopt the quarterly budget review statement for the quarter ending 30 September 2023. 2. Adopt the operational revenue, expenditure, and capital budget adjustments as noted in the September quarterly budget review. (Councillors Brown and Larkins)	CFO	No action required.	Completed.
21/11/2023	14.6	***23/328OC*** **Resolved** that Council receive and adopt the Monthly Financial Report for September 2023. (Councillors Brown and Croxford)	CFO	No action required.	Completed.
21/11/2023	14.7	***23/329OC*** **Resolved** that Council: 1. Receives the information relating to the Statement of Investments as at 31 October 2023. 2. Approves the transfer of $2,174,773 from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report. (Councillors Croxford and Brown)	CFO	No action required.	Completed.
21/11/2023	15.1	***23/330OC*** **Resolved** that Council: 1. Note the draft Stage 4 Kiama Coastline Coastal Management Plan. 2. Endorse public exhibition of the draft Stage 4 Kiama Coastline Coastal Management Plan, for a period of 28 days. 3. Note, if submissions are received during the exhibition period, a further report will be provided on any proposed amendments to the draft Stage 4 Kiama Coastline Coastal Management Plan.	Director Planning, Environment and Communities	Public exhibition concluded on 15/01/24. Feedback from submissions as well as further feedback from Government agencies has been collated and incorporated into the final draft CMP which was handed over to	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		4. Adopt the draft Stage 4 Kiama Coastline Coastal Management Plan if no submissions are received on the day after the completion of the public exhibition period. (Councillors Brown and Draisma)		Council from the consultant on the 22/02/24. A summary of the changes is being compiled & will be submitted to Council for endorsement of the final draft CMP. Once endorsed it will be submitted to the Minister for gazettal which should occur late April 2024.	
21/11/2023	15.2	***23/331OC*** **Resolved** that Council: 1. Endorse the Draft DCP Chapter 13 – Agritourism, Amendment No 22 for public exhibition for a period of 28 days in accordance with Council's Community Participation Plan. 2. Following the closure of the formal exhibition process, make changes as necessary and report the final Draft DCP Chapter 13 – Agritourism, Amendment No 22 of the Kiama Development Control Plan 2020 back to the elected Council for formal endorsement and adoption. (Councillors Draisma and Larkins)	Director Planning, Environment and Communities	Placed on Council's website for public exhibition until 15 January 2024 and reported to Council's March 2024 Meeting for endorsement.	On track
21/11/2023	15.3	***23/332OC*** **Resolved** that Council 1. Make the following amendments to Kiama Local Environmental Plan 2011 under section 3.36(1) of the Environmental Planning & Assessment Act 1979: i. Amend Sheet HOB_012 of Kiama LEP 2011 to increase the maximum height of buildings permitted:	Director Planning, Environment and Communities	Town Centre Planning Proposal was published on 15/12/2023 as Amendment No 25.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14.3m. b. Parts of Kiama Centrepoint Shopping Mall, to 14.3m. c. Parts of the Akuna Street strategic site, to 14.3m, 17.4m and 21m. ii. Amend Sheet FSR_012 of Kiama LEP 2011 to increase the maximum floors space ratio permitted: a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1. b. Parts of Kiama Centrepoint Shopping Mall, to 2:1. c. Parts of the Akuna Street strategic site, to 2:1, 2.5:1 and 3:1. iii. Amend Sheet ASF_012 and clause 6.8 of Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages'. iv. Amend clause 6.8 of Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and amend Sheet HOB_012 and FSR_012 to apply a 11m maximum building height and a floor space ratio of 1.5:1 for the site. 2. Delegate the Chief Executive Officer the authority to send the Planning Proposal to the Office of the NSW Parliamentary Counsel in accordance with section 3.36(1) of the Environmental Planning & Assessment Act 1979 to draft the legal instrument that will give effect to this Planning Proposal. 3. Delegate to the Chief Executive Officer the authority to make minor mapping and Local Environmental Plan instrument changes if required by the Office of the NSW Parliamentary Counsel. 4. Delegate to the Chief Executive Officer the authority to finalise the Planning proposal by placing the final instrument received from the NSW Parliamentary Counsel (referred to in recommendation 1) in the NSW Government Gazette and on the NSW Legislation Website.			

Meeting	Item	Resolution	Responsible officer	Action	Status
		(Councillors Brown and Croxford)			
21/11/2023	15.4	***23/333OC*** **Resolved** that Council: 1. Adopt the following amendments to Kiama LEP 2011 for the purpose of sending the amendments to the office of the NSW Parliamentary Counsel under section 3.36(1) of the Environmental Planning & Assessment Act 1979, subject to the maps being finalised in the Standard Instrument format: (a) Amend Schedule 5 of the Kiama LEP 2011 to: I. To incorporate the Blowhole Tennis Court (Terralong Street – Lot 1 DP 1115376) in heritage item I164 II. To incorporate Saints Peter and Paul Catholic Church (94-112 Manning Street, Kiama – Lot 1002 DP 859186) in heritage item I117. III. List the following sites as new individual local heritage items: (i) 24 Manning Street, Kiama – Lot 21 DP 1186998 (I180) (ii) 5 Noorinan Street, Kiama – Lot 12 DP 1166458 (I181) (iii) 51 Shoalhaven Street, Kiama – Part Lot 200 DP 1017091 (I182) (iv) 23 Barney Street, Kiama – Lot 1 DP 194007 (I183) (v) 72 Collins Street, Kiama – Lot 1 DP 781177 (I184) (vi) 1 Bong Bong Street, Kiama – Lot 1 DP 1115376 (I185) (vii) 19 Barney Street, Kiama – Lot 1 DP 1014606 (I186). IV. List the following areas as new local Heritage Conservation Areas (HCA): (i) Smiths Farm Heritage Conservation Area The area generally between Akuna Street, Shoalhaven Street, Barney Street, Seaview Street, Belvedere Street and Collins Street and 87 Shoalhaven Street – Lot 7 DP 258846 as the Smiths Farm HCA.	Director Planning, Environment and Communities	The Heritage Planning Proposal was published on 15/12/2023 as Amendment No 24.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		(ii) Kiama Town Centre Heritage Conservation Area Manning Street, from Bong Bong Street to Terralong Street, and Terralong Street, from its eastern extent to Collins Street, including the façade of 66 and 68 Terralong Street – Lots 1 & 2 DP 508891, as the Kiama Town Centre HCA. (b) Amend sheet HER_012 to include the seven (7) new heritage items, listed above, and the two (2) new heritage conservation areas. 2. Delegate the Chief Executive Officer the authority to send the Planning Proposal to the office of the NSW Parliamentary Counsel in accordance with section 3.36(1) of the Environmental Planning & Assessment Act 1979 to draft the legal instrument that will give effect to this Planning Proposal. 3. Delegate to the Chief Executive Officer the authority to make minor mapping and Local Environmental Plan instrument changes if required by the office of the NSW Parliamentary Council. 4. Delegate to the Chief Executive Officer the authority to finalise the Planning proposal by placing the final instrument received from the NSW Parliamentary Counsel (referred to in recommendation 1) in the NSW Government Gazette and on the NSW Legislation Website. (Councillors Draisma and Larkins)			
21/11/2023	15.5	***23/334OC*** **Resolved** that Council: 1. Endorse the Disability Inclusion Action Plan 2023-2027 for implementation. 2. Submit a copy of the endorsed plan to the New South Wales Disability Council and Minister for Disability Inclusion by 1 December 2023. (Councillors Draisma and Larkins)	Director Planning, Environment and Communities	The endorsed Plan was forwarded to the Minister on 24 November 2023.	Completed.
21/11/2023	15.6	***23/335OC*** **Resolved** that Council:	Director Planning,	In accordance with clause 215 of the Environmental	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Places a notice on Council's website providing 14 days' notice of its intention to repeal the following contribution plans: • Section 7.11 Contribution Plan No.1 – Municipal Wide Plan • Section 7.11 Contribution Plan No.2 – Northern Region • Section 7.11 Contribution Plan No.3 – Southern Region 2. Following the 14 day notice period, place a notice on Council's website advising that the following contribution plans have been repealed: • Section 7.11 Contribution Plan No.1 – Municipal Wide Plan • Section 7.11 Contributions Plan No.2 – Northern Region • Section 7.11 Contributions Plan No.3 – Southern Region 3. Upon repeal of the Section 7.11 contribution plans, transfer the balances to the Section 7.12 reserve and levy all future applications under the 7.12 plan. (Councillors Draisma and Larkins)	Environment and Communities	Planning and Assessment Regulation 2021 and the resolution of council, notice was placed on Council's website advising that in 14 days Council intended to repeal the following contributions plans:, Section 7.11 Contribution Plan No. 1 – Municipal Wide, Section 7.11 Contribution Plan No. 2 – Northern Region, Section 7.11 Contribution Plan No. 3 – Southern Region	
21/11/2023	16.1	***23/336OC*** **Resolved** that Council, in accordance with the Crown Lands Management Act 2016, endorse the updated draft Plan of Management for submission to the NSW Department of Planning, Industry & Environment – Crown Lands for Ministerial approval. (Councillors Brown and Steel)	Director Infrastructure and Liveability	Endorsed document sent to Crown for review on 16 January 2024. Following approval this will be reported to Council again for final adoption.	Completed.
21/11/2023	16.2	***23/337OC*** **Resolved** that Council adopt the Cemetery Operating Policy with updates as per the submissions table. (Councillors Draisma and Larkins)	Director Infrastructure and Liveability	Policy updated as per submissions table and posted on website.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
21/11/2023	16.3	***23/338OC*** **Resolved** that Council, at the request of the ratepayer: 1. Removes the confidential status of Report Item 22.2 of its meeting of 15 August 2023. 2. Provides a copy of Report Item 22.2 of its meeting of 15 August 2023 to the affected ratepayer. (Councillors Draisma and Larkins)	Director Infrastructure and Liveability	Copies of the reports were provided to the resident on 27 November 2023.	Completed.
21/11/2023		***23/339OC*** **Resolved** that Council endorse the traffic management plans for the events reviewed by the Kiama Local Traffic Committee at its meeting of 7 November 2023 as follows: 1. The proposal to endorse the Traffic Management Plans for the Kiama Sky Show and Kiama Show 2024 be the subject of a written advice to Transport for NSW and NSW Police that Council will be proceeding with the proposals, with implementation after the 14 day notice period. 2. Subject to there not being an appeal from TfNSW or NSW Police on the notice to of intention to proceed; approve the Traffic Management Plan associated with the Kiama Sky Show event at Black Beach Reserve, to be held on Sunday 31 December 2023, subject to the organisers and suitably qualified traffic controllers complying with the following conditions: a. The Traffic Management Plans attached to the report b. All road closures, diversions and traffic changes be undertaken by suitably qualified traffic controllers in compliance with the Traffic Control Plan TLTGS-6618-41549 prepared by Traffic Logistics Pty Ltd. c. The organisers be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Control Plan. Road registered VMS devices are to be placed in lawful parking areas.	Director Infrastructure and Liveability	All traffic management plans noted and complied with.	Completed

Meeting	Item	Resolution	Responsible officer	Action	Status
		d. The following provisions be made to address anti-terrorism, hostile vehicle guidelines and provide a safe environment for attendees to the event: i. Road closure on a section of Terralong Street, from Railway Parade to Manning Street roundabout, between 2pm and 10:30pm and from Railway Parade to Collins Street roundabout, between 4pm and 10:30pm; intended to allow for attendees to exit the event using Terralong Street as a pedestrian zone free from vehicles until 10:30pm. ii. Road closure on a section of Shoalhaven Street, from Minnamurra Street roundabout to Terralong Street, from 4pm – 10:30pm; intended to provide a safe environment for attendees to walk between the event sites in Hindmarsh Park & Black Beach reserve; and amplify the event by delivering an 'Eat Street' on Shoalhaven Street. iii. Road closure on a section of Stobo Road, between 8pm to 9:30pm for the fireworks exclusion zone. e. Road closure of Bong Bong Street on either side of the Bong Bong Street / Manning Street roundabout, 8pm to 10:30pm, to guide traffic from the Blowhole. f. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee. g. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure. h. An advertisement be placed in the local media advising of the closure. 3. Subject to there not being an appeal from TfNSW or NSW Police on the notice to of intention to proceed; approve of the Kiama Show 2024 Traffic Management Plan associated with the event on Friday 26 January 2024 and Saturday 27 January 2024 from 5am to 10pm			

Meeting	Item	Resolution	Responsible officer	Action	Status
		each day, subject to organisers complying with the following conditions: a. The event organiser complies with the Traffic Management Plan attached to the report. b. Notification of the closures be given to Police, local emergency services, businesses and affected residents. c. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event. (Councillors Draisma and Larkins			
21/11/2023	16.5	***23/340OC*** **Resolved** that Council 1. Make an application to NSW Department of Planning and Environment – Crown Lands to transfer the road to Council as outlined within the attached letter. 2. Give the CEO and/or Mayor delegated authority to sign any documentation as necessary to affect the road dedication process including the affixing of the Council Seal, if required. (Councillors Draisma and Larkins)	Director Infrastructure and Liveability	Road was dedicated as Council road and Gazetted on 12 January 2024.	Completed. Completed.
21/11/2023	18.1	***23/341OC*** **Resolved** that Council: 1. support candidates Neil Reilly, Mayor – Kiama Municipal Council and Sharon Cadwallader, Mayor – Ballina Shire Council as NSW representatives on the Australian Coastal Councils Association Committee of Management. 2. return the voting form to the Australian Coastal Councils Association before close of business on 24 November 2023. (Councillors Reilly and Steel)	CEO	Voting form submitted by Neil Reilly and Cathie Bax. Neil was successfully appointed to the Committee of Management.	Completed.
21/11/2023	19.1	***23/342OC*** **Resolved** that Council:	Director Infrastructure	Report has been drafted for April 2024, however more	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Acknowledges the important role that the Illawarra Rose Society, the Kiama Garden Society, and the Friends of Peace Park have had in the establishment and ongoing maintenance of Peace Park. 2. As part of future budget reviews, consider seeking grant funding to cover the cost of establishing a suitable storage solution for the garden equipment used by the volunteers who maintain Peace Park. 3. Pending the outcome of point 2 above, consider waiving any fees associated with the ongoing use of the storage facility. 4. Recognises the excellent work carried out by the volunteers of Peace Park and requests a report from the Director of Infrastructure and Liveability on how Council can assist the Kiama Rose Society in their ongoing work at Peace Park, including: (a) the erection of a shed for the storage of garden tools, mower, mulch etc; (b) bricks to be sold and laid; (c) maintenance of the ground-cover on the Manning Street side; (d) insurance for works carried out; (e) pepper-corn licence fee; and (f) other related matters. (Councillors Brown and Steel)	and Liveability	information is needed regarding the bricks and the erection of a shed.	
21/11/2023	19.3	***23/343OC*** **Resolved** that Council: 1. Acknowledges concerns raised by Taylor Street, Kiama residents about the number of buses that have been transiting through their street. 2. Notes that the establishment or alterations to bus routes are outside the specific remit of Council and the Local Traffic Committee unless Council is providing an additional road connection or seeking to relocate a Bus Stop/Zone for a road management or safety reason. 3. Writes to the NSW Minister for Regional Transport and Roads, the Hon Jenny Aitchison MP, on behalf of residents concerned about the bus route that that goes through their street, requesting that an alternative	Director Infrastructure and Liveability	1. Noted 2. Noted 3. Letter sent to the Hon. Jenny Aitchison 29/11/23 4. Email sent to relevant Council officers for prioritisation of footpath 29/11/23.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		route be investigated to reduce the impacts on the residents and the potential conflicts issues due to the narrow road and lack of footpaths. 4. That where feasible, prioritise the provision of a footpath on Taylor Street, to assist with pedestrian movement on the street under a future Operational Plan. (Councillors Larkins and Draisma)			
21/11/2023		***23/344OC*** *to* ***23/346OC*** *are procedural motions*	CEO	No action required.	Completed.
21/11/2023	22.1	***23/347OC*** **Resolved** that Council note the information provided in the Blue Haven Update report. (Councillors Draisma and Brown)	COO	No action required.	Completed.
21/11/2023	22.2	***23/348OC*** **Resolved** that Council 1. Adopt the market reserve price as outlined within the body of the report. 2. Delegate to the Chief Executive Officer and/or Mayor authorisation to sign and execute all documentation in relation to the contract of sale including the seal of Council. 3. Delegate the Chief Executive Officer and/or Mayor to enter into a contract of sale for Lot 121 DP1282295 and effect immediate exchange of contracts if sold at auction in event the market reserve is achieved. (Councillors Draisma and Brown)	Director Infrastructure and Liveability	Property was sold at auction on 17 February 2024. Settlement to occur on 25 March 2024.	On track.
21/11/2023		***23/349OC*** *is a procedural motion only*	CEO	No action required.	Completed.
21/11/2023	22.3	***23/350OC*** **Resolved** that Council: 1. Under the provisions of 7.37b, 7.46 and 7.58b of the Procedures for the Administration of the Code of Conduct and in line with section 440G of the Local Government Act, officially and formally censure Councillor Karen Renkema Lang for breaching section 440G by breaching the following clauses of the Code of Conduct flowing on from a radio	COO	1. Completed at council meeting 21/11/24. 2. Noted. No further action was taken. 3. Administrative update made to	

Meeting	Item	Resolution	Responsible officer	Action	Status
		interview on 21 June 2023 where the following breaches were found to be substantiated by the independent investigator: Clause 3.1 conducting herself in a manner likely to bring other Council Officials into disrepute; Clause 3.1(c) conducting herself in a manner that was improper or unethical; and Clause 31.1 breach of the Policy (Code of Conduct). 2. Note no further action is to be taken in relation to comments published in a June 2023 newsletter published by or on behalf of Councillor Renkema-Lang, as the Councillor removed the newsletter and therefore the complaint in respect to that matter was withdrawn. 3. Review the Social Media Policy to include reference to all forms of media (social or otherwise) used by or on behalf of Councillors regarding their role as a Councillor. 4. Remind all Councillors of the need for compliance with the Social Media Policy. 5. Continue to progress the development of a draft media policy that clearly identifies who can speak for and on behalf of the Council regarding matters within the Council. (Councillors Larkins and Steel)		KMC Social Media Policy (adopted April 2023) to definition of social media, as per legal advice. Adopted at November 2023 ordinary meeting. Action completed. 4. Various reminders sent. All Councillors have declared their social media accounts to CEO. Action completed 5. KMC Media Policy drafted and put on public exhibition Oct-Nov 2023. Due to return to Council for endorsement in March 2024. Action completed	
21/11/2023		***23/351OC*** *is a procedural motion only*	CEO	No action required.	Completed.
21/11/2023	22.4	***23/352OC***	COO	The remuneration committee completed	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		Resolved that Council note the outcome of the annual performance review of the Chief Executive Officer undertaken by the Performance Review Committee in October 2023 and in accordance with the terms and conditions of the employment contract, under delegated authority to the remuneration review committee, review the position description, currency of the CEO's contract and conduct negotiations with the Chief Executive Officer on the Total Remuneration Package, ensuring that these functions are conducted in compliance with the Local Government Act 1993. (Councillors Brown and Croxford)		the review of Position Description (not changed) and approved the revised TRP. Following liaison with LGNSW, a new contract, rather than an amended contract, was recommended. CEO contract was renewed 26/10/23.	
14/12/2023		***23/353OC to 23/355OC is a procedural motion***	CEO	No action required.	Completed.
14/12/2023	6.1	***23/356OC*** **Resolved** that the Minutes of the Ordinary Council meeting held on 21 November 2023 be received and accepted. (Councillors Larkins and Rice)	CEO	Minutes have been published on the Council website.	Completed.
14/12/2023	11.1	***23/357OC*** **Resolved** that Council extends to all, the wish for a happy and peaceful Christmas and for a safe and prosperous New Year. (Councillor Draisma)	CEO	Christmas wishes given verbally at meeting. No further action required.	Completed.
14/12/2023		***23/358OC** and **23/359OC** is a procedural motion*	CEO	No action required.	Completed.
14/12/2023		***23/360OC*** **Resolved** that Council: 1. Allocate resources, funded from the existing operational budget, to investigate the new occurrence of vegetation destruction located near the dog off-leash pathway leading to Jones Beach, as a matter of urgency 2. Respond in accordance with the Public Tree Management Policy	Director Infrastructure and Liveability	Investigated and reporting to the March meeting	Completed

Meeting	Item	Resolution	Responsible officer	Action	Status
		3. Report to Council and the community on the outcome of the investigation and Council's response. (Councillors Keast and Draisma)			
14/12/2023	12.1	***23/361OC*** **Resolved** that the Minutes of the Blue Haven Advisory Committee meeting held on 24 October 2023 be received. (Councillors Larkins and Keast)	CEO	Minutes reported back to Blue Haven Advisory Committee February 2024 meeting	Completed.
14/12/2023	13.1	***23/362OC*** **Resolved** that Council: 1. Receives and notes this report; and 2. Endorses the recommendations by the internal grant assessment panel for the following applicants and support value:	CEO	Correspondence to applicants sent by email on 15 December 2023.	Completed.

Applicant	**Event**	**Date**	**Value of support**
Red Cross	Fun Run	9 June 2024	1,000
Gerringong Lions Club	Motorfest/Car Show	17 February 2024	920
Jamberoo Football Club	Jamberoo 7s	2-4 February 2024	1,000
Gerringong Bowlo *Pre-approved under delegated authority*	Carols	16 December 2023	500

Meeting	Item	Resolution				Responsible officer	Action	Status
		Gerringong Anglican Church *Pre-approved under delegated authority*	Carols	17 December 2023	500			
		Jamberoo Youth Hall Association Inc	Celebration of Youth and Heritage	16 March 2024	750			
		Gerringong Community Garden	Expansion	Ongoing	250			
		Kiama-Shellharbour Camera Club	Photographic Exhibition	16-22 May 2024	550			
		Kiama Leagues Club	Carols	20 December 2023	2,000			
		Kiama Jamberoo Uniting Church *Pre-approved under delegated authority*	Carols	20 December 2023	500			
		Life Together	Seminar- Dealing with Disappointment	15 February 2024	350			
		CWA Evening Branch	Anzac Day biscuits	25 April 2024	500			
		Jamberoo Croquet Club	Autumn Carnival	3-6 April 2024	250			
		Kiama Community Radio	Vintage Vibrations: “Melody	10 April and 18 June 2024	1,430			

Meeting	Item	Resolution	Responsible officer	Action	Status
		Through the Ages" | | | | **$10,500** (Councillors Brown and Croxford)			
14/12/2023	13.2	***23/363OC*** **Resolved** that Council endorses the $17,000 Signature Community Event funding be reallocated to the Kiama Jazz and Blues Festival for the purpose of providing a free community music performance to include activation of Manning and Terralong Streets on Sunday 10 March 2024. (Councillors Larkins and Keast)	CEO	Funding agreement signed and returned on 18 January 2024	Completed.
14/12/2023	14.1	***23/364OC*** **Resolved** that Council receive and adopt the Monthly Financial Report for October 2023. (Councillors Brown and Steel)	CFO	No action required.	Completed.
14/12/2023	14.2	***23/365OC*** **Resolved** that Council: 1. Receives the information relating to the Statement of Investments as at 30 November 2023. 2. Approves the transfer of $2,000,000 to the Land Development Reserve from Unrestricted Funds and endorses the restricted funds position outlined in the report. (Councillors Brown and Keast)	CFO	No action required.	Completed.
14/12/2023	14.3	***23/366OC*** **Resolved** that Council: 1. Proceeds with public exhibition of the Draft Investment Policy for a period of 28 days 2. Adopt the Draft Investment Policy if no submissions are received by the completion of the public exhibition period.	COO	Draft Investment Policy adopted following public exhibition. No submissions were received.	Completed

Meeting	Item	Resolution	Responsible officer	Action	Status
		3. Notes that if submissions are received during public exhibition period and the policy needs to be updated, the final Draft Investment Policy be reported back to Council for formal endorsement and adoption. (Councillors Larkins and Brown)		Sent to Communications Team for updating on website.	
14/12/2023	14.4	***23/367OC*** **Resolved** that Council receive and note the Model Code of Conduct Complaints Statistics report for the period 1 September 2022 to 31 August 2023 as presented. (Councillors Larkins and Keast)	COO	No action required.	Completed.
14/12/2023	15.1	***23/368OC*** At the request of Councillor Rice and by consent, it was **resolved** that Council: 1. Note the contents of the Annual Report on the South Coast Library Cooperative. 2. Expresses its appreciation to the South Coast Co-operative Library partnership for their ongoing co-operation, and thanks them for the diverse range of experiences they provide to the Kiama and Shoalhaven communities. (Councillors Brown and Larkins)	Director Planning, Environment and Communities	Verbal thanks was relayed.	Completed.
14/12/2023	16.1	***23/369OC*** At the request of Councillor Larkins and by consent, it was **resolved** that Council: 1. Continue the road closure process for the portion of un-named lane off Akuna Street, Kiama under the Roads Act 1993. 2. Approve classification of the subject road reserve as operation land upon closure and the creation of title subject to public notice of the classification under Section 31 and 34 of the Local Government Act 1993. 3. Delegate the Chief Executive Officer the authority to sign under seal or as landowner, any documentation associated with the road closure; and	Director Infrastructure and Liveability	Target date was changed because a road closure process can take up to two years to complete. The road closure is currently on track.	Complete

Meeting	Item	Resolution	Responsible officer	Action	Status
		4. Note that following completion of the road closure process a future report will be prepared in relation to the sale of land. 5. If the road closure proceeds, that as a part of finalising the registration of the new Lot and any consequent sale process, that the provision of an appropriate easement or Right of Way is investigated for the new lot, or adjacent lot, if required, to deliver the connectivity goals with respect to pedestrian connectivity between Akuna Street and Terralong Street. (Councillors Brown and Steel)			
14/12/2023		***23/370OC*** *is a procedural motion*	CEO	No action required.	Completed.
14/12/2023	16.2	***23/371OC*** **Resolved** that the Minutes of the Kiama Local Traffic Committee meeting held on 5 December be received and the following recommendations be adopted, subject to any other approvals that may be required: 1. ***23/001LTC*** the changes to the existing timed 'Mail Zone" at Shop 3 146-152 Fern Street, Gerringong, the Gerringong Post office, identifying 8:00am-9:00am and 4:30pm-5:30pm Monday to Friday as a no parking zone, through the installation of regulatory signage and line marking, as shown in the attached plan. 2. ***23/002LTC*** the traffic changes associated with the Red Hot Summer Tour event on 6 January 2024 from 6:00 a.m. to 11.00 p.m. be approved subject to organizers complying with the following conditions: i. The event organizer complies with the Traffic Management Plans. ii. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan. iii. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee. iv. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents affected by the closure.	Director Infrastructure and Liveability	All resolutions carried out.	Completed

Meeting	Item	Resolution	Responsible officer	Action	Status
		v. An advertisement be placed in the local media advising of the closure and traffic changes. vi. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event. vii. Extra train services have been put in place for people travelling to and from the event. viii. TfNSW will be conducting complimentary breath testing and Plan B behavioural messaging at the event, to support people attending that event to make good decisions in getting home. 3. ***23/003LTC*** the temporary closure of Belinda Street, Gerringong between the Princes Highway (M1) Off Ramp and driveway entry to the Gerringong Train Station 24 February 2024 to the 25 February 2024 between the hours of 12pm to 12pm each day, subject to the applicant and suitably qualified traffic controllers complying with the following conditions: i. The applicant complies with the Traffic Management Plan shown in Attachments and conditions of consent imposed in the Road Occupation Permit by the Roads Authority. ii. Notification of the closures be given to Police, local emergency services, businesses and affected residents a minimum of 7 days prior to works occurring by the Applicant. iii. The closure be advertised on Council's website 7 days prior to the commencement of works. iv. Work dates and times delayed by inclement weather may be extended at the discretion and written approval of Kiama Council. v. The Applicant receiving a Road Occupancy Permit from Transport for NSW for potential impacts on the M1 Princes Highway including messaging on the Highway variable message signage. vi. Specific engagement with the Ampol Service Station to minimise business impacts.			

Meeting	Item	Resolution	Responsible officer	Action	Status
		vii. A VMS sign is placed in a suitable location south bound on the motorway, in advance of the Fern Street exit that states that Belinda Street is closed. 4. ***23/004LTC*** the installation of an accessible parking space between the driveways of 56 and 58 Johnson Street, Kiama Downs. Please note that this will be a public facility, and is not restricted to the residents of 56 Johnson Street, Kiama Downs. (Councillors Larkins and Keast)			
14/12/2023		***23/372OC is for information reports only***	CEO	No action required.	Completed.
14/12/2023	17.1	***23/373OC*** **Resolved** that Council receive and note the information report on Item 17.1 Resolution Register – July 2023 to October 2023 and update on previous periods. (Councillors Brown and Steel)	CEO	No action required.	Completed.
14/12/2023	19.1	***23/374OC*** **Resolved** that Council: 1. Provide a report for information about when the installation of timed 'No Parking' restrictions were approved outside Kiama Public School for the 45-degree angle spaces on the western side of Collins Street, south of Akuna Street, and also provide the date on which these signs were installed between December 2020 and March 2022. 2. As part of the report, provide an update on the number of infringement notices issued at this site between the above-mentioned timeframe. 3. Review the current time parking arrangements around Kiama Public School and continue to work with relevant stakeholders on any future changes. (Councillors Larkins and Keast)	Director Infrastructure and Liveability	Reported to the February Council meeting.	Completed.
14/12/2023	19.2	***23/375OC*** **Resolved** that Council:	Director Planning, Environment	Completed.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Supports the development of health facilities in our area that are designed to meet the health needs of our community. 2. Acknowledges the Minnamurra Progress Association's concerns about the potential adverse impact of the Shellharbour Hospital development on the biodiversity of the Minnamurra River and surrounding eco-systems. 3. Writes to The Hon. Ryan John Park, Minister for the Illawarra and South Coast and the Hon. (Penny) Penelope Gail Sharpe NSW Minister for the Environment: (a) Highlighting that in addition to providing natural habitat for endangered and threatened species, the Minnamurra River and surrounding eco-systems provides public and social infrastructure for recreational, fishing and tourism activities, activities that bring significant economic benefits for our municipality. (b) Expressing concerns about the cumulative adverse impact of urban and industry development (such as the Shellharbour Hospital and Dunmore Lakes Sand Extraction projects) on the biodiversity of the Minnamurra River and surrounding eco-systems. (c) Seeking clarification on what planning instruments or other legislative arrangements are in place to protect and preserve the biodiversity of the Minnamurra River and surrounding eco-systems from the cumulative impacts of nearby urban and industry developments. (d) Seeking their assistance to establish stronger planning controls (such as the introduction of a site-specific Biodiversity and Conservation State Environmental Planning Policy) to protect, preserve and restore the biodiversity of the Minnamurra River and surrounding eco-systems. (Councillors Renkema-Lang and Draisma)	and Communities		
14/12/2023		***23/376OC*** *and* ***23/377OC*** *are procedural motions.*	CEO	No action required.	Completed.
14/12/2023	22.1	***23/378OC***	COO	No action required.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		Committee recommendation that Council note the information provided in the Blue Haven Update report. (Councillors Larkins and Renkema-Lang)			
14/12/2023	22.2	***23/379OC*** **Committee recommendation** that Council: 1. Retain ownership of the Barney Street freehold properties described as Lot 9 DP850163 and part Lot 69 DP1065423. 2. Decline the current unsolicited offer. 3. Delegates to the Chief Executive Officer to offer the current lessee a new longer term lease of 5 x 5 years negotiating a commercial return that recognises community benefit. 4. Pending successful negotiation of a new lease consider as part of the budget process for 2024/2025: a) working with the lessee to apply for grant funding to establish disability access and other infrastructure required to facilitate ongoing operation of the business. b) reviewing the DCP to allow for the restrictions around Sunday and Public Holiday trading on this site to be removed, noting that a modification application would need to be submitted to Council for consideration. (Councillors Renkema-Lang and Rice)	Director Infrastructure and Liveability	Negotiations of the new lease to commence. 1. Noted 2. Action Completed 3. Pre-liminary discussions with tenant – tenant developing terms for discussion. 4. a) noted b)subject to future budget and discussion with the tenant.	On track

KIAMA MUNICIPAL COUNCIL

Resolution register: Outstanding items from previous periods

Updates in red

Meeting	Item	Resolution	Responsible officer	Action	Status
19/09/2023	13.3	***23/250OC*** **Resolved** that Council: 1. Adopt the Committees Framework Policy. 2. Confirms through the decision of April 2023 23/1070C, that Precinct Groups and Community Associations are no longer formal Committees of Council. This change requires that: (a) The minutes of precinct committees are no longer included within Council business papers. (b) Precinct Groups and Community Associations operate within their own terms of reference and requirements and will not operate under the Precinct Guidelines. (c) The Precinct Guidelines will no longer be maintained or updated by Council. 3. Recognises and confirms that (despite the above change) Precincts and Community Associations continue to operate and provide a valuable contribution to both the community and Council and ongoing involvement in the development of the Community Engagement Strategy. 4. Appreciates the hard work and collaboration between Council and the Precinct Groups and Community Associations and looks forward to continued discussion of Municipal development, Planning, and Policies with these groups. 5. Will continue to offer the following benefits to the existing recipients another year (to be reviewed within the next 12 months alongside the new committee structure): (a) Provision of $500 per annum to assist with administration and publicity.	CEO	1. Framework uploaded to Council website. 2. Noted. 3. Noted. 4. Noted. 5. (a) Payment of the $500 and (b) Microsoft Office suite subscription have been made; (c) the Precincts have retained their laptops; (d) Customer Services have been advised of free hall hire; (e) the Precincts status has changed they no longer fall within Insured Party categories so 5(e) cannot occur. 6. Actioned by the Comms team and a Precinct & Associations page has been added to the website. 7. Mayor has visited Central Precinct, yet to visit South Precinct.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		(b) Provision of $99 per annum for Microsoft Office suite subscription. (c) A second-hand notebook/laptop for minute taking and correspondence. (d) A meeting venue free of charge. (e) Personal accident insurance over the executive of Precinct committees for twelve months. 6. Refers to the forward budget estimate register for 2024-25 a request to scope and consider options for the creation of a dedicated page on the Council's website where the minutes and conversations of all community organisations can be contributed. 7. Will write to and visit the two Precinct groups (Central and South) and Community Associations (Jamberoo Valley Ratepayers and Residents and Minnamurra Progress) to advise them of this decision. (Councillors Rice and Larkins)			
19/09/2023	15.4	***23/261OC*** **Resolved** that Council: 1. Place the draft Development Assessment Policy on exhibition for 28 days and actively seek feedback from the development industry and community. 2. Establish an Industry Reference Group modelled from Cairns City Council. 3. Provide support and mentorship to the newly formed Planning and Economic Development Team to improve customer experience and online self-service. 4. Delegate to the CEO the authority to determine development applications and modification applications up to a value of $10,000,000, except for developments: (a) Where developments are for subdivisions of over fifty (50) allotments; and (b) Where there are greater than 12 individual objections.	Director Planning, Environment and Communities	1. Completed. 2. Will be completed through the Growth and Housing Strategy Engagement process. 3. Completed and ongoing. 4. Completed.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		(Councillors Rice and Renkema-Lang)			
19/09/2023	15.5	***23/262OC*** **Resolved** that Council: 1. Develop a Public Art Policy and Procedure which outlines opportunities, requirements and life cycle considerations for the installation of public art in the Kiama LGA. 2. As part of the development of the Cultural and Arts Strategy, work with local landlords to identify suitable walls and spaces for public art. 3. Explore existing internal grant streams to determine whether budget could be available to support public art opportunities at identified sites and in unexpected places. 4. At the next review of the Kiama Development Control Plan incorporate controls, incentives and/or provisions for public art in public places and new subdivisions. (Councillors Draisma and Larkins)	Director Planning, Environment and Communities	1. Policy and supporting documents have been drafted and internal consultation has occurred. Policy to be reported to the April Council meeting. 2. Grants Policy has been reported to the March council meeting for exhibition. 3. Grants funding continues to be explored. 4. To be taken on board at development stage.	On track
19/09/2023	16.2	***23/264OC*** **Resolved** that Council; 1. Commence the formal road closure process for the surplus road reserve located on Brown Street, Kiama under the Roads Act 1993, as shown on the diagram in this report, 2. Classify the subject area of road at Brown Street, Kiama as operational land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Section 31 and 34 of the *Local Government Act 1993,* 3. Give the Chief Executive Officer delegated authority to sign under seal or sign on behalf of Council, any documentation associated with the road closure; and 4. Consider a separate report for the proposed sale of the lot at the completion of the road closure process. (Councillors Draisma and Larkins)	Director Infrastructure and Liveability	The statutory road closure process is underway and can take up to 2 years to be completed. This matter is expected to be reported to Council again by October 2025.	

Meeting	Item	Resolution	Responsible officer	Action	Status
19/09/2023	19.1	***23/269OC*** **Resolved** that Council: 1. Note the commercial benefits to local businesses if they install electrical vehicle charging stations including: (a) Competitive advantages gained by attracting the growing number of electric vehicle owners looking for sustainable travel options. (b) Hotel partnership deals that offer up to 75% discount on charging station purchase costs. (c) NSW Government funding opportunities available to destination organisations (Public and Private) for installing electric vehicle charge stations. 2. Promotes the installation of electric vehicle charge stations by local businesses, as opportunities arise and within Council budget constraints. 3. Continues to raise local awareness of the benefits and opportunities available for community members and local business for moving to electric vehicles. (Councillors Renkema-Lang and Larkins)	CEO	Point 1 – Council have promoted the installation of electric vehicle charge stations by local businesses by uploading some information on current EV grant funding opportunities on our grants page Grants Kiama Council (nsw.gov.au) Points 2 and 3 – Council have also helped to raise local awareness of the benefits and opportunities for moving to electric vehicles by creating an EV information page with some helpful links to information on EV ownership Electric vehicles Kiama Council (nsw.gov.au)	Completed.
15/08/2023	16.2	***23/226OC*** **Resolved** that Council: 1. Commence the formal road closure process for the portion of surplus road reserve, the un-named lane off Akuna Street, under the *Road Act 1993.* 2. Require the applicant to meet all costs associated with the road closure. 3. Classify the portion of road reserve as operational land upon closure. 4. Give the Chief Executive Officer delegated authority to sign under seal or sign on behalf of Council any documentation associated with the road closure of surplus road reserve along Akuna Street, Kiama.	Director Infrastructure and Liveability.	The statutory road closure process is underway and can take up to 2 years to be completed. This matter is expected to be reported to Council again by December 2025.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		(Councillors Brown and Steel)			
15/08/2023	19.1	***23/231OC*** At the request of Councillor Rice and by consent the **motion was varied** and resolved as follows, to also include suggested amendments by the Director: That Council: 1. Receive a report on the recommended composition and draft terms of reference for the formation of a Jerrara Dam Working Group (the working group) to: (a) review the Jerrara Dam Plan of Management 1996. (b) consider current and futures uses of the site. (c) consider the rehabilitation of the site for the conservation and regeneration of the remnant rainforest its indigenous vegetation and associated habitats. 2. Consider the formation of the working group for the 2024/2025 Draft Budget and Operational Plan. 3. Following the completion of a report from the working group, commence a formal review of the Jerrara Dam Plan of Management subject to available budget. (Councillors Draisma and Larkins)	Director Infrastructure and Liveability	A draft Terms of Reference for will be presented to Councillors contemporaneously with the draft Operational Plan.	On track
20/06/2023	19.3	***23/167OC*** **Resolved** that a report be provided to Council on the feasibility and estimate of costs for providing reticulated three phase power to Coronation Park to improve the useability of the site, especially for ongoing markets. (Councillors Brown and Draisma)	Director Infrastructure and Liveability	Report is in draft format, and is waiting to be completed by the new Project Manager that will replace the Senior Project Engineer.	On track
20/06/2023	22.1	***23/171OC*** **Committee recommendation** that Council: 1. Authorise the CEO to provide approval to Endeavour Energy to install the Community Battery at the new location of Gainsborough Chase Reserve at the end of Thornett Way in DP790657.	Director Infrastructure and Liveability	1. Completed. 2. Payment from Endeavour received 9/8/2023 3. Property team are waiting on documents from	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		2. Accept the land valuation of $10,000 (plus GST) that is to be paid by Endeavour Energy to Council. 3. Grant an easement to support the community battery. Delegate to the CEO final sign off of legal documentation (including details within 88b Instrument) for the easement. (Councillors Draisma and Larkins)		Endeavour Energy to register the easement	
20/06/2023	22.3	***23/173OC*** **Committee recommendation** that Council: 1. Rescind its decision of 18 April 2023 for Item 15.1 Tender 1049063 - Hindmarsh Park Redevelopment, Minute 23/1080C with respect to declining all tenders. 2. In accordance with the Local Government Regulations 2021 clause 178 (1) **(b)** decline to accept any of the tender submissions for tender KIAMA 1049063. 3. In accordance with the Local Government Regulations 2021 clause 178 (3) **(e)** Council resolve to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender. 4. In accordance with Local Government Regulations 2021 clause 178 **(4)** the reasons for not inviting fresh submissions and to negotiate are the project has been unsuccessfully tendered three times, all tenders significantly exceed available budget, likely inflationary rise in costs reflected in any delayed future tenders, the grant fund timelines are critical and direct negotiation provides the flexibility to adjust the scope of works maximise the project outcomes within budget. 5. Proceed with redesigning the proposed development as required to deliver an outcome within the available funding outlined in the report and enable a contract to be entered into. 6. Note that due to the timing constraints of the grants, no further formal community consultation be undertaken.	Director Infrastructure and Liveability	1. Completed 2. All the tenderers have been notified of this. 3. Council officers are currently working with architect to revise a design to enable the project to be completed within the available budget. 4. Once designs are updated contractor will be appointed. 5. Design refinement is complete. 6. This has been noted. 7. Negotiations have been finalised and a contract has been entered into. A high level construction program is being refined for a public announcement. 8. Noted.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		7. Delegate to the Chief Executive Officer the authority to negotiate within available budgets, to finalise and execute contracts and other documentation required to give effect to this resolution. 8. This report remains confidential until the completion of the tender process. (Councillors Draisma and Larkins)			
20/06/2023	22.4	***23/174OC*** **Committee recommendation** that Council: 1. Notes the efforts of Council staff to complete the actions required on this matter under previous resolutions of Council, including negotiating potential lease terms with the Housing Trust 2. Acknowledges the efforts of the Housing Trust in providing much needed affordable rental accommodation for Kiama. 3. Delegates to the Chief Executive Officer to engage with the Housing Trust to identify other options for maintaining or increasing the scale of affordable rental accommodation at 9 O'Connell Street, Gerringong. 4. Defers further consideration on the divestment of this property until the Housing Trust advises Council on its interest in an alternative approach as per Resolution 3, expected by August 2024. (Councillors Draisma and Larkins)	Director Infrastructure and Liveability	A report will be submitted to Council in May on the way forward.	On track
20/06/2023	22.6	***23/176OC*** **Committee recommendation** that Council: 1. Continue with the process to have the encroaching structures at the location set out in the report, removed in accordance with Notices and Orders under the *Local Government Act 1993;* 2. The structures be removed and the ground reinstated within one (1) year from the date of this resolution, and; 3. The respective adjoining landowners be responsible for the costs associated with the removal of structures and ground reinstatement.	Director Infrastructure and Liveability	Orders have been issued to the landowner in accordance with the Council resolution.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		(Councillors Draisma and Larkins)			
16/05/2023	18.1	***23/132OC*** **Committee recommendation** that Council: 1. endorse the Draft Delivery Program and Operational Plan for public exhibition for a period of 28 day. 2. endorse the Draft Budget for public exhibition for a period of 28 days. 3. endorse the Draft Fees and Charges document for exhibition for a period of 28 days. 4. endorse the Draft Long Term Financial Plan for public exhibition for a period of 28 days. Note that as part of the exhibition process, the Financial Advisory Committee's consultation will be sought on the draft Long Term Financial Plan. 5. Endorse the Draft Community Engagement Strategy for public exhibition for a period of 28 days. 6. Provide the outcomes of the exhibition process and the final document back to Council for adoption prior to 30 June 2023. (Councillors Brown and Larkins)	COO	All resolutions implemented. Community Engagement Officer recruited. Role commenced in January 2024. Workshops held with staff and councillors on 29/2/24. Currently redrafting strategy for Council consideration.	On track
16/05/2023	19.1	***23/136OC*** At the request of Councillor Draisma and by consent, the **motion was varied** to read as follows: That Council: 1. Refer this matter to the Infrastructure and Liveability Advisory committee once established requesting they form a working group to develop a report on how Paid Parking for visitors to Kiama's Municipality can be implemented in a similar manner to Byron Bay Council. 2. Note that the visitor economy is the largest sector of our local economy which generates a number of costs such as rubbish removal and clean up, public toilets, road and traffic infrastructure.	Director Infrastructure and Liveability.	The Advisory Committee deferred considering until appropriate studies and data is available for the Committee. This body of work will sit with the implementation team to progress.	On hold

Meeting	Item	Resolution	Responsible officer	Action	Status
		3. As part of the process of developing the report to council on paid parking, develop a Paid Parking for Visitors Policy which clearly highlights that the objectives of paid parking will be for the betterment of the community as a whole, including local businesses and local residents, along with offsetting the costs of servicing a highly visited area. (Councillors Brown and Croxford)			
18/04/2023	13.1	***23/097OC*** **Resolved** that Council: 1. adopt the Strategic Improvement Plan 2 (SIP2) as the document that will be used to manage the work to be undertaken as a result of the initial Strategic Improvement Plan and the Performance Improvement Order issued by the Office of Local Government. 2. ensures proactive delivery within the immediate, medium and longer term to ensure future sustainability of the business. 3. dedicates the resources of the organisation to the delivery of the Strategic Improvement Plan 2, ensuring this is given ultimate priority. 4. proactively advises relevant stakeholders of the Strategic Improvement Plan 2 and note the progress made against actions in regular reporting to Council. (Councillors Croxford and Steel)	CEO	The Strategic Improvement Plan 2 will be reviewed and updated as part of the variation to the Performance Improvement Order and will be replaced with an update plan called the "Finance and Governance Improvement Plan". This will be finalised once the PIO is issued.	Completed.
18/04/2023	13.8	***23/001OC*** **Resolved** that Council proceed to public exhibition of the draft Honour Rolls Policy for a period of 28 days and that a subsequent finalised policy be presented to a future Council meeting for endorsement.	CEO	Sports Honour Roll criteria currently being reviewed by Director Infrastructure and Liveability and will return to Council for a further public exhibition period following a number of changes.	On track
21/03/2023	11.2	***23/060OC*** **Resolved** that Council:	CEO	1. Legal advice received in July 2023	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Seek legal advice on the removal of the Caveat imposed on Council investment land for all three parcels Lot 286 DP 823193 Glenbrook, Lot 45 DP 800176 Spring Creek, Lot 11 DP 810839 Spring Creek, by means of either: - formal withdrawal - the caveat lapsing - a court order. 2. Seek advice on legal options to pursue compensation from the State Government for any loss of revenue incurred during the Caveat's imposition. 3. Seek as a matter of urgency for the CEO to work with the Greater Cities Commission to utilise Spring Creek as a catalyst site and seek the removal of the caveat through other State agencies on behalf of Kiama Municipal Council. (Councillor Reilly)		2. As advised Council does not have any legal right to compensation. 3. The Greater Cities Commission has been dissolved however Council will continue to advocate through other state agencies. Recent correspondence from Parliamentary Secretary for Transport included an invitation to discuss options for Bombo Quarry and the CEO is awaiting scheduling of a meeting.	
21/03/2023	15.1	***23/076OC*** **Resolved** that Council note the update provided in this report and that the CEO and Mayor jointly write to the relevant NSW Government Ministers responsible for the various flood assistance programs to seek an update on Council's grant funding applications, particularly under the Infrastructure Betterment Fund. (Councillors Larkins and Draisma)	CEO	Council is in the process of completing the Project Details and Instalment Proposal Form, this will trigger the Grant Agreement and payment of the first instalment of $2,248,738.	On track
15/03/2022	8.2	***22/016OC*** **Resolved** that Council review the cost to our tenant, Kiama Lions Club, for the lease of the Carers Cottage and explore a means of sale by limited tender application as per section 55 (1) (g) of the LG Act from not for profit organisations, who are based in and provide direct service to the Kiama Community, for the sale of the lion's cottage. (Councillors Reilly and Croxford)	Director Infrastructure and Liveability	Meeting with Kiama Lions late March 2024 to discuss process from here.	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
15/03/2022	13.2	***22/038OC*** **Resolved** that Council: 1. authorise the Chief Executive Officer to commence negotiations with the owners of Lot 211 DP875581 (Kiama Village Shopping Centre) as outlined in Option 3 of this report involving the extinguishment of the easement and restriction as to user for car parking and all associated rights and interests conveyed by DP1133133 and receive commercial consideration for the extinguishment based on the recommendation of Council's appointed valuer 2. give delegation to the CEO to sign all documentation associated with the extinguishment of the easement of Lot 211 DP875581 and any financial transaction relating to that. (Councillors Rice and Draisma)	Director Infrastructure and Liveability	The developers declined to purchase at the price requested by Council. The easement is being retained in order to continue providing public parking at the western end of Terralong Street.	On track
15/03/2022	17.4	***22/045OC*** **Resolved** that Council: 1. temporarily pauses the Housing Strategy reference group, and other groups and committees under Councils management 2. develops and formally establishes a Policy on committees, working groups and reference groups that: a. ensures conflicts of interest are managed in line with ICACs Managing Conflicts of Interest in the NSW Public Sector and Obtaining Independent Advice: Dos and Don'ts b. ensures Councillor representation on groups and committees tasked with development of strategic documents (such as the housing strategy) c. includes mechanisms to allow for open and transparent opportunities for representatives across all relevant business sectors to provide advice to reference groups or committees d. prohibits active property developers, or any other business entities, from participating on groups or committees that can	Director Planning, Environment and Communities	Committee policy and framework has been completed. Committees have been established and are working effectively within the framework that has been created. TOR have been adopted for each Committee.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		unduly influence land zonings, LEP controls and development standards e. ensures appointment of members to committees, reference groups and working groups is publicly announced prior to the first meeting of such groups 3. develops model Terms of References for committees and reference groups that align with the policy 4. revises TORs and membership of all existing committees, reference groups and working groups to align with the policy and model TORs as soon as practical. (Councillors Renkema-Lang and Draisma)			
21/02/2023	8.4	***23/005OC*** **Resolved** that Council: 1. Take immediate action to investigate and establish an early warning system to provide early notice to the Jamberoo Preschool of impending flooding. 2. Write to the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning, the Hon Prue Car MP, Shadow Minister for Education and Early Childhood Learning, the Hon Gareth Ward, Member for Kiama, the Hon Ryan Park MP, Shadow Minister for the Illawarra and South Coast and to Georgina Harrisson, Secretary of the Department of Education seeking their support in finding a long term solution to relocate the Jamberoo Preschool to a purpose-built facility, potentially attached to the school system. 3. Write to the Hon Steph Cooke MP, Minister for Flood Recovery, Emergency Services and Resilience and the Hon Jihad Dib MP Shadow Minister for Emergency Services seeking their support for Council's submission to the NSW Flood Recovery and Resilience - Emergency Response Fund regarding flood warning systems. (Councillor Reilly)	Director Infrastructure and Liveability	1. A early warning system was investigated. Given the short sharp nature of flooding of the catchment in Jamberoo, a warning system is ineffective because of the short time period between the rain event, and the flooding. 2. Letters sent as per resolution 18/8/23. Please note that recipients were updated after the March 2023 state election. 3. Letters sent as per resolution 18/8/12. Please note that recipients were updated after the March 2023 state election.	Complete
21/02/2023	13.5	***23/027OC*** **Resolved** that Council:	Director Infrastructure	The road closure and classification process is now complete	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Continue the formal road closure process for the surplus road reserve located between Numbers 70 and 80 South Kiama Drive (historically referred to as Marsden Street), Kiama under the *Roads Act 1993,* 2. Note that the costs associated with processing the road closure will be covered by Council's existing budget allocations, 3. Upon closure, classify the subject area of road between numbers 70 and 80 South Kiama Drive, Kiama as operational land and issue a certificate of title subject to public notice of the proposed classification under Section 31 and 34 of the *Local Government Act 1993,* 4. Delegate to the Chief Executive Officer authority to sign under the seal or sign on behalf of Council, any documentation associated with the road closure, and 5. Note that a separate report will be provided to Council for the proposed sale of the residential lot at the completion of the road closure process. (Councillors Draisma and Larkins)	and Liveability	A report is being submitted to the March 2024 Council meeting to establish the reserve price for auctioning the site.	
28/02/2023	3.6	***23/043OC*** **Resolved** that Council: 1. Adopt as a working draft for future discussion and workshop (particularly on the schedules within the document) the distributions and risks outlined in the draft Liquidity Plan. 2. Following Councillor workshops and completion of the schedules, ensure a further report to Council is provided to finalise the liquidity plan and publish. 3. Embed in the Strategic Improvement Plan 2 and update into the Long Term Financial Plan, the financial actions outlined in section 8 of the Liquidity Plan. (Councillors Brown and Croxford)	COO	Liquidity Plan to be replaced by Finance & Governance Improvement Plan as part of Performance Improvement Order.	Needing attention.
28/02/2023	3.8	***23/046OC*** **Committee recommendation** that Council:	Director Infrastructure	No change on the previous comment: Report program	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Adopt as a working draft for future discussion and workshop the draft Property Plan as the document that will be used to manage the property holdings of Council, noting further work will need to be done on the schedule. 2. Further work on the draft plan and schedule allowing for the inclusion of community, social, cultural and environmental factors in determining the preferred, alternative and least preferred options. 3. Following Councillor workshops, ensure a further report to Council is provided to finalise the Property Plan. 4. Embed in the Strategic Improvement Plan 2 the action items listed within the document, which management must progress. (Councillors Renkema-Lang and Draisma)	and Liveability	to be finalised following the workshop. 1. Noted 2. Noted 3. Councillor workshop on the property and divestment plan was held on 1 August 2023 4. The revised divestment assessment will be completed under the proposed new Performance Improvement Order currently being considered by the Minister.	
28/02/2023	3.10	***23/050OC*** **Resolved** that Council: 1. Endorse the seven (7) stage methodology described in the service review process on the following business areas: • Waste services • Leisure Centre • The Pavilion • Holiday Parks. 2. Utilise funding from associated operational savings to complete the four services reviews outlined at resolution one (1) above, as a matter of priority. 3. Define the structure, scope, deliverables and performance for other municipal programs into Service Statements, from which levels of service and resourcing for future budgets may be developed.	CEO	Waste Services service review has commenced. Staff interviews have taken place and provision of required date is ongoing. Expected to be finalised mid-late April. Leisure Centre service review has been completed and presented to a Councillor workshop, FAC and ARIC. The Pavilion service review draft findings are due the week commencing 18 March and Councillors will	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		4. Refer the request for a rolling budget for service reviews to the forward budget estimates register for consideration as part of the 2023/24 budget process. (Councillors Draisma and Croxford)		be briefed at the April workshop. The draft Holiday Parks Service Review has been prepared and the finalised document is expected to be submitted to the Executive at the end of March 2024.	
28/02/2023	3.11	***23/053OC*** At the request of Councillor Croxford and by consent the motion was varied and **recommended** as follows: That Council: 1. Receive the commercial in confidence report titled "Business Case for Blue Haven", authored by Paul Sadler Consultancy and StewartBrown Chartered Accountants". 2. Note that the commercial in confidence report substantiates the previous resolution of Council in October 2022 to divest of all aged care assets and operations (residential, aged care, home care, community transport) located on the Blue Haven Bonaira site. 3. Note the steps proposed to progress a tender, property sale/s and transition of aged care, community care, community transport and residential operations. 4. Note that Council divesting and transferring ownership of the assets, does not mean the service will close, with an expectation existing aged care operators and home care providers will expand into those operations. Under legislation the Terralong and Bonaira sites will continue as aged care services, dedicated to residential age care services, home care or retirement village communities for the people of Kiama to access. 5. Note the Section 55 Local Government Act exemptions to appoint Trademark Consulting (in accordance with existing delegations and process outlined in the procurement policy) as the Project Manager for the defects works for Blue Haven, and Bonaira and StewartBrown Advisory as the aged care experts coordinating the	COO	All matters regarding Bonaira Divestment Considerations completed as per Council resolution #24/006OC 1 Feb 24. 7. Plans post-Bonaira divestment are multi-faceted. Budget, cash flow and LTFP have been prepared on post Bonaira basis including repayment of remaining TCorp debt and adjusting for operating performance improvements. Service Reviews, Terralong asset condition reports, governance matters such as PIO and Audit recommendations also form part of this. All these matters are being progressed and presented as they occur. 8. Asset condition / dilapidation report has been progressed. Consultant engaged. Report received and currently being	Complete.

Meeting	Item	Resolution	Responsible officer	Action	Status
		tender and divestment process on behalf of Kiama Municipal Council. 6. Fund the specialist and other expenses for a sale and transition from the Blue Haven budget. 7. Receive a further report from the Chief Executive Officer outlining staff and community engagement around right sizing the organisation post aged care divestment and establishes service expectations for Kiama Municipal Council 8. Seek a dilapidation/asset report (and cost) along with a subdivision redevelopment or sale of Havilah Place 9. Receive a report on the potential subdivision and excising of the portion of land occupied by Kiama Community Garden (Councillors Reilly and Croxford)		reviewed by Infrastructure & Liveability Team. Review and Final report expected early April. 9. Consultant engaged regarding options for Havilah Place. Sub-division considerations and options are expected within the consultant report. Initial report expected end of March.	
20/12/2022	13.3	***22/408OC*** **Resolved** that Council: 1. Continue the road closure process for the section of road reserve along Noorinan Street, Kiama (generally behind No's 10 – 40 Elimatta Place, Kiama) under the Roads Act 1993. 2. Approve classification of the subject are of road reserve as operation land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Section 31 and 34 of the *Local Government Act 1993*. 3. Delegate to the Chief Executive Office the authority to sign under seal or as landowner any documentation associated with the road closure. 4. Note that following completion of the road closure process a future report will be provided to Council in relation to the subdivision and sale of the lands. (Councillors Draisma and Brown)	Director Infrastructure and Liveability	1. Noted. Process commenced January 2023. Survey plan completed and awaiting legal advice on minimum lot size. 2. Noted. 3. Noted 4. A further report will be presented to Council in late 2024 on the subdivision and sale of lands.	On track.
20/12/2022	13.4	***22/409OC***	Director Infrastructure	The statutory road closure process is underway and	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		Resolved that Council: 1. approves the closure of the section of road reserve at Riverside Drive, Kiama Downs as outlined within the attached plan. 2. approves classification of the subject area of road reserve as operational land upon closure and the issue of a certificate of title subject to public notice of the proposed classification under Section 34 of the *Local Government Act 1993.* 3. gives the Mayor and/or CEO delegated authority to sign under seal or as landowner any documentation associated with the road closure. 4. note that following completion of the road closure process a future report will be provided to Council in relation to the potential subdivision and/or sale of the lands. (Councillors Brown and Renkema-Lang)	and Liveability	can take up to 2 years to be completed. The proposed subdivision is being refined to provide the most appropriate development outcome for the land zone and managing impacts on adjacent residents. This matter is expected to be reported to Council again by December 2025	
20/12/2022	17.5	***22/414OC*** **Resolved** that Council consider virtual town meetings as part of Council's Community Engagement Policy. (Councillors Renkema-Lang and Croxford)	CEO	Community Engagement Officer commenced in January 2024. Currently redrafting Community Engagement Strategy for Council consideration. Workshops held with staff and councillors on 29/2/24. Community pop-ups and other engagements planned as part of re-drafting strategy. Virtual town hall meetings will be given consideration in this process.	Completed.
13/10/2022	3.1	***22/296OC*** **Resolved** that Council rescind motion 22/283OC from the September 2022 ordinary meeting and replace with the following: That Council	COO	Refer resolution #23/052OC 28 Feb 2023 regarding Bonaira divestment and also refer resolution #24/006OC from 1 Feb 24 extraordinary	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. Retain Blue Haven Terralong (Lot 71 DP 831089) in Council ownership and ensures comprehensive engagement with the community and residents, giving consideration to future use of the decommissioned aged care facility. 2. Undertake to sell Blue Haven Bonaira (Lot 2 DP1215276) subject to the completion of the required notice in accordance with Section 34 of the Local Government Act (public notice to classify or reclassify public land) and the associated planning proposal process, which council has previously resolved to allocate funding towards at its June ordinary meeting. 3. Continue to inform and engage with the community, including those who are cared for by Blue Haven, to reassure all parties that the quality of care and standard of service of the Independent Living Units and Residential Aged Care Facility will be maintained, regardless of ownership. 4. Continue the work on the urgent need to improve cash flow to demonstrate 'going concern' status and improve the long-term financial position of Council, including, but not limited to: a. paid parking and resident permits b. ensuring a proportion of revenue generated from any sale or divestment of any assets be invested in strategies for the generation of income and continuous revenue streams. 5. Rescind its previous resolution on the sale through open tender for Barney Street lot and refer to the separate confidential report on this subject matter. (Councillors Reilly and Croxford)			
18/10/2022	12.2	***22/316OC*** **Resolved** that Council: 1. Receive the summary of feedback undertaken on the Minnamurra River Rockwall Assessment Concept Design Report for information and thank those who contributed. 2. Endorse the Minnamurra River Rockwall Assessment Concept Design Report'	Director Infrastructure and Liveability	No change on previous comment: Summary feedback received and submission responses sent. Projects have been listed within Grants Register for further consideration.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		3. Seek grant opportunities to allow for funding to be obtained for the bank stabilisation and stormwater infrastructure works at the High Priority site in Area C (adjacent to River Street). 4. Undertake investigation of opportunities for grant funding (including the 2023/24 round of NSW Coast and Estuary Grants Program) for the development of further concept options and final detailed engineering design for works at the High Priority site in Area B (North Street Reserve) 5. Continue to work with ILALC to identify strategies to avoid harm to Aboriginal objects and places of significance. 6. Work with DPI Fisheries and local community to trial a defined area of mangrove planting below natural bank areas identified as moderate priority in Area C, (adjacent to Links Street). (Councillors Draisma and Brown)		Work continuing as per resolution.	
20/09/2022	13.1	***22/273OC*** **Resolved** that Council: 1. approve the closure of the section of surplus road reserve adjoining No.2A Pheasant Point Drive, Kiama (Lot 1 DP 1026897) approximately 64m2 in area as identified by the survey plan attached to this report. 2. classify the subject area of surplus road reserve as operational land upon closure and issue of a certificate of title following public notice of the proposed classification under Section 34 *Local Government Act 1993.* 3. provide owner's consent for the landowner of No.2A Pheasant Point Drive Kiama to lodge a planning proposal for consideration of rezoning the subject land to R2 Low Density Residential following completion of the road closure process in Recommendation 2 above. 4. delegate authority to the Chief Executive Officer to sign under seal or sign on behalf of Council any documentation associated with the road closure.	Director Infrastructure and Liveability	The statutory road closure process is underway and can take up to 2 years to be completed. NSW Land Registry Services have raised reservation about the "subdivision" of the land as a result of the partial road closure. Advice is being sought to address their concerns. This matter is expected to be reported to Council again by December 2025.	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
		5. endorse the future sale of the closed section of road to the adjoining owner of No.2A Pheasant Point Drive, Kiama in accordance with the Acquisition and Disposal of Land and Easements Policy. 6. note that a separate report will be provided to Council to dispose of the closed section of road reserve subject to market valuation advice at the time. (Councillors Draisma and Steel)			
20/09/2022	17.2	***22/279OC*** **Resolved** that Council: 1. Subject to the identification of a suitable funding source at the Quarterly Budget Review, and commence as a priority the additional work required to enable the release of an Executive Summary (the Summary) of the Forsyth's Forensic Audit Assessment Report (the Audit) adopting: a. Section 3.3.5 of advice received from Maddocks, dated 22 April 2022. b. The Summary which is released publicly notes that the financial analysis provided to Council was true and correct upon its adoption at the meeting held 13 May 2022 (22/058OC). 2. Provide a report on the mechanisms available to Council for an independent investigation of the performance of Kiama Municipal Council between 2016 to 2022, which exceeds the scope of the Audit, as noted in Section 5.2 of advice from Maddocks, dated 22 April 2022. (Councillors Draisma and Larkins)	CEO	Point 1 is completed. The Rayner review has been completed by the State Government in January 2024 and publicly released.	Completed.
20/09/2022	20.4	***22/289OC*** **Committee recommendation** that Council: 1. In accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Re.Group Pty Ltd for Tender RFT KT230322 – Processing of Food Organics & Garden Organics (FOGO) for the rate of $112.00 (plus GST) per	Director Infrastructure and Liveability	Negotiations with Re-Group continue. Notice has been provided to Re-Group that Council is experiencing issues with the capacity of their Dunmore facility.	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
		Tonne for a three (3) year term with the option of four (4) x one (1) year extensions depending on performance 2. Note that the total value of this contract over its three (3) year life, is estimated to be worth over $2.1 million. 3. Delegate to the Chief Executive Officer the authority to finalise and execute the contract for the Processing of Food Organics & Garden Organics as specified in resolution one (1) above, and any other documentation required to give effect to this resolution. 4. Grant authority for the use of the Common Seal of Council on the contract for the Processing of Food Organics & Garden Organics as specified in resolution one (1) above and any other documentation, should it be required, to give effect to this resolution. (Councillors Draisma and Steel)		Garden Organics (GO) is being stockpiled at the Minnamurra Facility because Re-Group are unable to receive the material when required. Waste Services considering going to tender on processing of garden organics and continuing contract negotiations with Re-Group for processing of the domestic FOGO.	
16/08/2022	11.5	***22/228OC*** At the request of Councillor Keast and by consent the **motion was varied** and **recommended** as follows – That Council: 1. note the information relating to the Monthly Financial Report for June 2022. 2. note that these are 'management' reporting results which are prior to any year-end adjustment for accounting standards and material reconciliations. 3. note that the March 2022 Quarterly Budget Review Statement has not been presented to Council for review, leading to the inability to vary the 2021-22 budget and provide adjustment to income and expenditure based on trends to date. 4. review and update the 2022-23 Budget and long-term financial plan, taking into account the results from the year-to-date 30 June 2022 Finance Report, as well as the outcome of the in-house finance workshop held before 31 August 2022. (Councillors Renkema-Lang and Brown)	COO	All aspects have been actioned and incorporated into the budget and improved monthly financial reporting to Council.	Completed.

Meeting	Item	Resolution	Responsible officer	Action	Status
16/08/2022	20.3	***22/247OC*** An **amendment** was moved by Councillor Renkema-Lang and seconded by Councillor Keast that Council: 1. Endorse the Werri Beach Holiday Flood Mitigation Investigation by Water Modelling Solutions noting the identified flood impacts and risks 2. Endorse delivery of Council's recommended mitigation action of changing flood affected holiday van sites to casual caravan hire sites. 3. Note that affected holiday van owners will be communicated with and accommodated at alternative sites, where available, as part of the broader Holiday Park Improvement Program. 4. Include a revision of the Kiama Development Control Plan, in the forward budget estimates register for 2023/2024 (or sooner if grant funds become available) to include controls specific to holiday and caravan parks. The **amendment** on being put was **carried**.	Director Planning, Environment and Communities	No change on previous comment: 1. Complete 2. Complete, but this will not start until next year. 3. All affected Van Owners have been advised and currently working on the plan of where and who can be relocated. 4. Subject to 2024/25 budget considerations.	On track.
19/07/2022	13.1	***22/188OC*** **Committee recommendation** was moved by Councillor Steel, seconded by Councillor Croxford and further amended by Councillor Larkins that Council: 1. Re-affirms that private encroachments on public-reserve land is unacceptable and will enforce breaches under the Local Government Act 1993. 2. Resolves to commence the reclassification of land forming part of lot 1 DP593079 Eureka Reserve located adjacent to lots DP231597, 1019, 1020, 1021, and 1018 from community purpose to operational land, to enable the disposal of the land to affected land owners and to address long standing encroachment issues that Council's own building and swimming pool approval processes contributed to and which created a false boundary line at the rear of the properties.	Director Infrastructure and Liveability	This project has been significantly impacted by resources being allocated to high priority divestment projects 1. Noted 2. to 4. – Property is engaging a planner to prepare information to be presented to the affected residents in relation to: reclassification under the Local Govt Act, subdivision and eventual sale of resulting lots; along with the timeframes (possibly in	On Track

Meeting	Item	Resolution	Responsible officer	Action	Status
		3. Charges all costs associated with the land reclassification and disposal costs onto the affected landowners of lots and notes the undertakings given from all owners made in correspondence and during public access to pay those costs and purchase the land once reclassified. 4. Notes that failure to proceed and comply with points 2 and 3 of the report entitled "Encroachments onto Eureka Reserve" dated 19 July 2022 will result in Council seeking costs and expenses from the affected landowners of lots DP231597, 1019, 1020, 1021, and 1018 which are adjacent to 1 DP593079 Eureka Reserve, and the continuation of Notices and Orders under the Local Government Act 1993 for the removal of the illegal structures and ground reinstatement. 5. Notes the measures taken by staff to ensure that current development assessment approval processes and additional checks are in place to avoid a reoccurrence of this issue. (Councillors Steel and Larkins)		excess of 24 months) and costs. Currently planning to meet with the residents in April 2024 5. Noted	
19/07/2022	17.2	***22/197OC*** **Resolved** that Council: 1. Review and revise DCP Chapter 2 – clauses 2.4.1 to 2.4.3 and the tree assessment risk matrix at appendix 5, so that the risks to all people (on private or public land) are considered when Council is assessing applications to prune or remove trees. 2. Development of the Kiama Urban Greening Strategy and associated policies related to tree management be included in the forward budget estimates register for consideration in the 23/24 budget. (Councillors Renkema-Lang and Keast)	Director Planning, Environment and Communities	Request for forward budget estimate unable to be actioned by finance without a detailed costing of Kiama Urban Greening Strategy and associated policies.	On hold.
28/06/2022	15.6	***22/146OC*** **Resolved** that Council: 1. Meet with Susan Spence and other impacted neighbours to provide advice on the avenues the constituent can pursue and provide an updated report to Council; and	Director Infrastructure and Liveability	1. Email sent to Susan Spence, apologising for the delay in responding to her, and advising of the findings after	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
		2. Arrange a meeting with Endeavour Energy to ascertain how they are meeting their commitments to investment in moving power away from overhead to underground. (Councillors Brown and Croxford)		correspondence with Endeavour Energy. Council's Infrastructure Engineer prepared a report for February Council meeting, however it has been pushed back to April. 2. Endeavour Energy has advised that glare shields have been installed on luminaires to resolve glare issues raised by concerned resident. Two out of three power lines on Bourrool Lane are buried under ground and one is above ground. Two qualified arborists determined that the under boring of powerlines in this area would have major impact on the two significant trees which have substantial tree roots extending down footpath area. On this basis, Endeavour Energy waived the requirement for underground cabling in the first section of Bourrool Lane. The decision was also	

Meeting	Item	Resolution	Responsible officer	Action	Status
				confirmed from legal advice provided.	
17/05/2022	13.7	***22/086OC*** **Committee recommendation** that Council: 1. commence the sale process for 22b Irvine Street Kiama including the engagement of a sales agent through Council's panel of providers. 2. delegate to the Chief Executive Officer authority to appoint the sales agent, determine in conjunction with the sales agent the best method of sale to achieve maximum financial return, and authorise all documentation associated with the land sale process. 3. note that a report advising the tender outcome and making a recommendation regarding the land sale will be tabled at a future meeting, together with a recent valuation. (Councillors Brown and Steel)	Director Infrastructure and Liveability	Property sold at Auction on 17 February 2024 for$1.225 mil – settlement due 25 March 2024.	Completed.
17/05/2022	17.1	***22/094OC*** **Resolved** that Council: 1. affirms and endorses the Uluṟu Statement from the Heart and commits to enacting its principles, with the following additional action points: a. to consult with Aboriginal and Torres Strait Islander peoples as to how best to incorporate the Uluru Statement from the Heart into Council's Community Strategic Plan b. the Chief Executive Officer and Mayor jointly write to the Illawarra Local Aboriginal Council with a view to commence negotiations towards the signing a Principles of Co-operation Agreement between Council and the Local Aboriginal Land Council. c. Council expresses, through the Illawarra-Shoalhaven Joint Organisation, the need for a regional Principles of Co-Operation Agreement between Local Aboriginal Land Councils and the regions local governments.	CEO	1a. Works have commenced to develop Council's first Reconciliation Action Plan (RAP), inclusive of actions Council will undertake toward reconciliation. The RAP will serve as committed works and policy position of Council and will be developed in close consultation with the community. The Uluru Statement from the Heart will be written into the RAP as Council's endorsed policy position. Uluru Statement from the Heart will need to be considered	Needing attention

Meeting	Item	Resolution	Responsible officer	Action	Status
		2. as part of future budget considerations, explores community-based and culturally appropriate initiatives to improve access and support to aged care services and My Aged Care plans for local Aboriginal and Torres Strait Islander Elders by Council's Blue Haven business. (Councillors Larkins and Brown)		for the new CSP post Council elections. 1b. There are two Local Aboriginal Land Councils (LALC)bordering the Kiama LGA - The Illawarra Aboriginal Land Council in the north & Jerrinja Land Council to the south. Once a draft RAP is ready for consultation, joint letters by the Mayor and CEO be issued and a meeting with both LALC CEOs is held to discuss Council's intent on item 1 b. and c. 1c. see above 2. In progress	
12/04/2022	12.8	***22/037OC*** **Committee recommendation** that Council: 1. accept the grant funding of $10,000 received from the NSW Environment Protection Authority under their Scrap Together Funding for the delivery of a targeted education campaign to encourage continued and enhanced use of Council's food organics programs and services and delegate to the Chief Executive Officer the signing and returning the Letter of Agreement including the tax invoice. 2. delegate to the Chief Executive Officer authority to sign the funding agreement and associated documents to enable the $10,000 grant to be received by Council. (Councillors Draisma and Renkema-Lang)	Director Infrastructure and Liveability	Waste Services are still waiting to receive collateral on the changes to the EPA position Statement on FOGO. ISJO have submitted a regional grant application on behalf of regional councils for funding to develop collateral to better educate the community on the changes EPA have made in their position statement on FOGO.	On track
12/04/2022	13.1	***22/038OC*** **Committee recommendation** that Council:	Director Infrastructure	1. Noted. Council's legal advisor requested the public road notation be	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		1. endorse the sale of the unused section of public road reserve identified in Figure 1 of this report to the registered owner of Lot 1 DP 797886 Gray Street, Gerringong. 2. endorse the purchase price of $32,000 (GST exclusive). 3. authorise the Mayor and Chief Executive Officer to sign any documentation associated with the sale of the land on behalf of Council under Council seal. (Councillors Steel and Renkema-Lang)	and Liveability	removed from title. The contract of sale has been prepared and settlement to occur early May 2024.	
12/04/2022	17.1	***22/045OC*** **Resolved** that Council: 1. as part of considerations for the 2022/23 draft Operational Plan and Budget consider funding and the allocation of resources to undertake the development of a five-year Companion Animals Management Plan. 2. include in the Plan: a. A Dog Friendly Spaces Strategy. b. Identifying potential future dog friendly spaces, including potential options for fenced dog spaces in the Kiama Local Government Area. c. An outline of how Council responds and actions incidents of companion animal aggression and attacks. d. Identify potential Council initiatives to encourage the desexing, registration, microchipping and behavioural management of companion animals. e. Providing community information on responsible pet ownership, including but not limited to information around best practice management of cats, and the consideration on the use of therapy and assistance Dogs and other animals in the Local Government Area. 3. regularly provide yearly data to Councillors on the number of animals registered in the Kiama Local Government Area, including a breakdown of suburb area, and include the rates of desexing, animal vaccinations and number of incidents involving companion	Director Planning, Environment and Communities	Community Engagement on the dog friendly spaces strategy is occurring through February 2024 and March 2024.	On track

Meeting	Item	Resolution	Responsible officer	Action	Status
		animal attacks and number of listed dangerous dogs residing in the Local Government Area. This is to assist with informing future Council policy decisions. 4. That Council explores options for additional animal management initiatives, and business efficiencies, through the Illawarra-Shoalhaven Joint Organisation for council services. (Councillors Larkins and Draisma)			
12/04/2022	17.3	***22/047OC*** **Resolved** that Council: 1. acknowledge the importance of agriculture and rural lands as unique to the identity of the Kiama Municipality 2. as part of considerations for the 2022/23 draft Operational Plan and Budget undertake to develop a Rural and Agricultural Opportunities Strategy (the Strategy) 3. engage the community in the development of the Strategy through the Rural Futures Reference Group (the Group), as resolved at the 24 February 2022 Extraordinary Council Meeting 4. supports community engagement through the Group to identify both the challenges and opportunities for the rural environment, economy and infrastructure in the Kiama Municipality. (Councillors Draisma and Larkins)	Director Planning, Environment and Communities	Focus is on the completion of the Growth and Housing Strategy. Discussion regarding Rural lands will occur through this process and included within this overarching document.	On hold.
12/04/2022	17.5	***22/049OC*** **Resolved** that Council in revising the organisation structure gives consideration to: a) the resources required to address the priorities identified in the Community Strategic Plan 2017-2027 and Community Satisfaction Survey 2020 b) the introduction of new or strengthening existing capability (with additional suitably qualified people) to better manage our finances,	CEO	a) Community Strategic Plan, survey and the Performance Improvement Order have guided decisions on new structure. b) Recruitment of key managerial positions	On track.

Meeting	Item	Resolution	Responsible officer	Action	Status
		and also our natural environment, rural lands, and critical infrastructure c) introducing a dedicated grants officer to maximise revenue from grant funding d) building skills and capability in contract, risk, and project management across the organisation. (Councillors Renkema-Lang and Rice)		and a restructure of the organisation has occurred. c) Grants Officer recruited in May 2022. d) Contract Coordinator appointed in March 2022 and Risk Coordinator position filled in January 2024. The organisation structure review has occurred in stages. Stage 1 commenced in Dec 2022 and concluded in April 2023 Stage 2 commenced in August 2023 and will conclude at the end March 2023. Stage 2 reviewed Coordinators and the Finance team. Stage 3 will focus on building skills and capability across the teams.	

17.5 Shellharbour Airport draft Master Plan

Responsible Director: Office of the Chief Executive Officer

Council has received advice from Shellharbour City Council that the draft Master Plan for the Shellharbour Airport is on public exhibition until 26 April 2024. A copy of the letter from CEO, Mike Archer and the draft Plan are attached for Councillors' information.

The draft Plan considers a range of expansion considerations and Shellharbour City Council is inviting feedback on 3 different scenarios:

Scenario 1: Business As Usual

Scenario 2: Introduction of Airport Security – enabling the introduction of medium-sized domestic aircraft capable of transferring up to about 135 passengers

Scenario 3: Introduction of Affordable Travel Options – enabling the introduction of large-sized domestic aircraft capable of transferring 150+ passengers.

Council will be requesting a briefing for the Councillors prior to making a submission. A copy of the submission will be provided to the April ordinary Council meeting.

Communication/Community Engagement

Public exhibition of the Master Plan for the Shellharbour Airport is from 28 February 2024 to 26 April 2024, with drop in sessions on 25 March 2024 at Albion Park and Shellharbour.

Risk implication

At this stage this information is for advice only and the risk implications for Council will be considered further when writing the submission.

Attachments

1 Shellharbour Airport Draft Master Plan⇩

Shellharbour CITY COUNCIL

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Address all communication to the Chief Executive Officer
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council@shellharbour.nsw.gov.au
www.shellharbour.nsw.gov.au

KIAMA COUNCIL
RECEIVED
12 MAR 2024

8 March 2023

Action:

Ms Jane Stroud
Chief Executive Officer
Kiama Municipal Council

Email: janes@kiama.nsw.gov.au

Shellharbour Airport Draft Master Plan

Dear Jane

Shellharbour City Council has placed its Shellharbour Airport Draft Master Plan out on exhibition for feedback from valued key stakeholders, partners, aviation related businesses and the community.

The Draft Master Plan will assess the airport's current infrastructure and consider what other infrastructure may be required to align with the vision of establishing a vibrant business hub that contributes to regional economic development, tourism and employment of the Illawarra Shoalhaven region.

The Draft Master Plan considers a range of expansion considerations but more specifically whether an increase in passenger travel opportunities and airline routes is something that is supported. The three potential scenarios are as follows:

Scenario 1: Business as Usual – smaller jet/propellor aircraft operators such as Link Airways who currently operate Regular Public Transport (RPT) operations to Melbourne and Brisbane six days a week using a 34-seat Saab 340B aircraft.

Scenario 2: Introduction of Airport Security – enabling the introduction of medium-sized domestic aircraft capable of transferring up to about 135 passengers

Scenario 3: Introduction of Affordable Travel Options – enabling the introduction of large-sized domestic aircraft capable of transferring 150+ passengers, ie A320/737 aircraft operators (Jetstar, Virgin, Bonza, Qantas, Rex etc).

The Council is interested in hearing from relevant stakeholders including your organisation to gather your feedback on the draft Master Plan.

Please reply directly via email to wayde.peterson@shellharbour.nsw.gov.au or via telephone on Mobile 0408 751 199.

Alternatively, for more information or to have your say on the draft Master Plan indirectly please visit Planning for the future of Shellharbour Airport | Let's Chat Shellharbour (letschatshellharbour.com), make a submission via email council@shellharbour.nsw.gov.au or in writing addressed to the Chief Executive Officer, Locked Bag 155, Shellharbour City Centre, 2529.

Yours sincerely

Mike Archer
Chief Executive Officer

COLLABORATION • ACCOUNTABILITY • INTEGRITY • RESPECT • SUSTAINABILITY

SHELLHARBOUR AIRPORT MASTER PLAN

Shellharbour City Council

2 February 2024



KIAMA COUNCIL
RECEIVED

1 2 MAR 2024

Action:

L·R AIRPORT CONSULTING

L:R AIRPORT CONSULTING

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1. Introduction

L+R Airport Consulting was engaged by Shellharbour City Council to prepare the Shellharbour Airport Master Plan 2023. This Master Plan is an update of the previous Illawarra Regional Airport Master Plan 2013 (2013 Master Plan), taking into account developments which have occurred as well as changes to the aviation standards that have taken place since the release of the 2013 Master Plan. Where applicable, content from the 2013 Master Plan which remains relevant has been incorporated into this document.

1.1 Regional Setting

Shellharbour Airport is located in the Shellharbour suburb of Albion Park Rail which forms part of the Illawarra region. The major city of Wollongong is located about 18 km to the north. The airport's catchment is bordered by Helensburgh to the north, Ulladulla to the south and Moss Vale to the west. A catchment study market assessment (*Shellharbour Airport – Market Assessment – June 2023* prepared by Three Consulting) estimates the resident population of the catchment to be around 483,000 people, as such Australia's ninth largest population centre.

The airport is the only significant aviation facility in the immediate area. Sydney (Kingsford Smith) Airport, the Nancy Bird-Walton Western Sydney International Airport (WSIA) due to open in 2026, and the major general aviation (GA) airports of Bankstown and Camden are located to the north. HMAS Albatross Naval Air Station at Nowra is located to the south.

1.2 Economic Significance

The NSW Government has identified Shellharbour Airport as having economic significance and potential, with the *Shellharbour Regional Economic Development Strategy – 2023 Update* (REDS)[1] noting the delivery of the $20 million Shellharbour Airport Upgrade project as improving physical connectivity to the region.

The REDS also identifies opportunities for investment in complementary industrial or commercial uses at Shellharbour Airport as a key enabler of the strategy to improve services and infrastructure to support the population and business growth and enhance the overall amenity of the region.

The *Illawarra Regional Airport Strategic and Business Plan*[2] sets out a plan to develop the Illawarra Regional Airport into a vibrant business hub that contributes to regional economic development, tourism and employment.

1.3 Aerodrome Standards + Planning

Australia has adopted the International Civil Aviation Organization (ICAO) methodology of using a code system, known as the Aerodrome Reference Code (ARC), to specify the standards for individual aerodrome facilities which are suitable for use by aeroplanes within a range of performances and sizes.

In Australia, the Civil Aviation Safety Authority (CASA) prescribes the detailed technical material for aerodromes (safety standards) that is determined to be necessary for the safety of air navigation. Many

[1] https://www.nsw.gov.au/sites/default/files/2020-05/Shellharbour%20REDS.PDF

[2] https://cdn.shellharbour.nsw.gov.au/sites/default/files/Things_to_do_documents/Illawarra-Regional-Airport-strategic-and-business-plan.pdf

of the aerodrome standards make use of the ARC to prescribe the physical and geometric requirements for the aircraft movement area, and the provision of infrastructure. The standards are supported by several guidelines and advisory publications covering a range of additional planning and operational matters. Collectively, these provide the basis for the geometric planning of all airside elements at Australian airports.

The standards to be adopted for a given ARC in Australia have changed over time, as CASA and its predecessors have gradually aligned the historical Australian airport standards and practices with the Standards and Recommended Practices (SARPs) set out by ICAO. In turn, these ICAO SARPs continually evolve as changes to these are periodically proposed and adopted.

The standards in place in Australia over the time since the airport was originally developed are listed in **Table 1**. Historically, as changes to the standards are introduced, mechanisms for accepting facilities which no longer comply with the new standard (until certain trigger actions occur) are incorporated (known collectively as 'grandfathering').

Table 1: Aerodrome Planning + Design Standards

Period	Applicable Aerodrome Planning + Design Standards	
1960s – 1987	Department of Transport / Department of Civil Aviation *Airport Engineering Instructions*	APEIs
1987 – 2003	Civil Aviation Safety Authority *Rules and Practices for Aerodromes (RPA)*	RPA
2003 – 2020	Civil Aviation Safety Authority *Manual of Standards Part 139 – Aerodromes*	MOS Part 139
2020 – date	Civil Aviation Safety Authority *Part 139 (Aerodromes) Manual of Standards 2019*	Part 139 MOS 2019

Importantly for many Australian regional airports, including Shellharbour, the introduction of the Part 139 MOS 2019 included two important changes to relevant standards:

- The standards for runway strip width were fully aligned with the ICAO SARPs (Australia had previously allowed narrower runway strips and associated Obstacle Limitation Surfaces (OLS) for certain ARCs); and
- The ARC separated the Outer Main Gear Wheel Span (OMGWS), used to determine certain standards such as runway and taxiway width, as a third element in addition to the previous two ARC elements of a code number and a code letter.

Further detail on the ARC system and the critical airport facility planning parameters appropriate to the Shellharbour Airport Master Plan 2023 is given in **Section 4**.

1.4 Aircraft + Airport Compatibility

As a result of the progression in aerodrome planning and design standards it is important to note that the runway facilities at Shellharbour do not meet the required standards for operations by aircraft such as the Boeing 737 and Airbus A320 families, which are much larger than those currently operating regular airline services, even when 'grandfathering' provisions are applied. The runway facilities also do not meet the current Part 139 MOS 2019 standards for smaller jet aircraft such as the Boeing 717 and Embraer E190 currently operated on regional services by airlines such as QantasLink and Alliance.

CASA Advisory Circular AC 139.A-02 v1.0 (August 2020) *Aerodrome and Aircraft Compatibility* notes that, where an aerodrome does not meet the design characteristics for a particular aircraft type, the aircraft

operator may still be able to operate at the aerodrome subject to confirmation that they can do so safely. This will require the completion of a compatibility assessment by the aerodrome operator. Further discussion on the compatibility of the Shellharbour Airport facilities with various aircraft types is provided in **Section 4**.

2. Existing Airport Characteristics

2.1 Historical Development

The airport was originally constructed for military flying training in World War II and then subsequently transferred to the then Department of Civil Aviation after the war. In 1960, the then Shellharbour Municipal Council took over the airport under a permissive occupancy and in 1962 fully transferred to Council under the Commonwealth Aerodrome Local Ownership Plan.

In the 1960s and 1970s the airport was used by small charter operators and in the early 1980s two pilot training schools and an aircraft maintenance operation were the airport's main tenants. Also in the 1980s, the National Safety Council used the airport as a base for helicopter rescue operations, with this being ultimately taken over by the NSW Health Department.

Since assuming ownership and control, Council has been committed to developing the airport to provide regional benefits. In 1990, an airport management study was prepared and a master plan adopted. Further studies have since been carried out to support infrastructure development to encourage business development and employment as well as airline operators to the airport.

Between 1979 and 1999 two airlines operated Regular Public Transport (RPT) services to Canberra and to Melbourne. In 2005, following a major upgrade of the runway and navigational aids, QantasLink commenced services to Melbourne using Code 2C Bombardier Dash 8-100/200 turbo-prop aircraft with 36 seats. This service ceased in July 2008. Between late 2017 and mid-2018 regional airline JetGo operated services to Melbourne and Sydney using 40-seat Embraer ERJ-135 aircraft.

2.2 Current Operations

Currently, Link Airways operates flights to Melbourne (Essendon Fields) and Brisbane using 34-seat Saab 340B Plus aircraft. As at April 2023, the schedule included 28 weekly passenger flights.

Shellharbour Airport is also home to the Historical Aircraft Restoration Society (HARS) Aviation Museum, which have a number of flying aircraft including the Lockheed C-121C Super Constellation and AP-3C Orion types which operate intermittently. The airport also hosts the bi-annual Wings Over Illawarra air show which attracts significant flying displays.

Other operations include the Toll NSW Air Ambulance base, skydiving operations and private recreational flyers. Data recorded for the airport indicate approximately 36,500 aircraft movements in the 2022-23 financial year.

The airport functions as a non-towered aerodrome within Class G airspace from ground level to an altitude of 7,500 feet where it abuts the lower limit of the Sydney Control Area. Non-towered operational procedures apply at the airport and as the airport is certified, mandatory carriage of radio is required.

To the south of the airport, Restricted Areas associated with military flying training at the Royal Australian Navy's Fleet Air Arm Station at Nowra are promulgated. Aircraft transiting this airspace when the areas are active, are therefore required to obtain the required clearances. A Danger Area (D535) has been established near Flagstaff Point associated with parachuting. It operates from the surface to the base of the underlying Sydney Control Area during daylight hours. Hang gliding (including motorised) takes place

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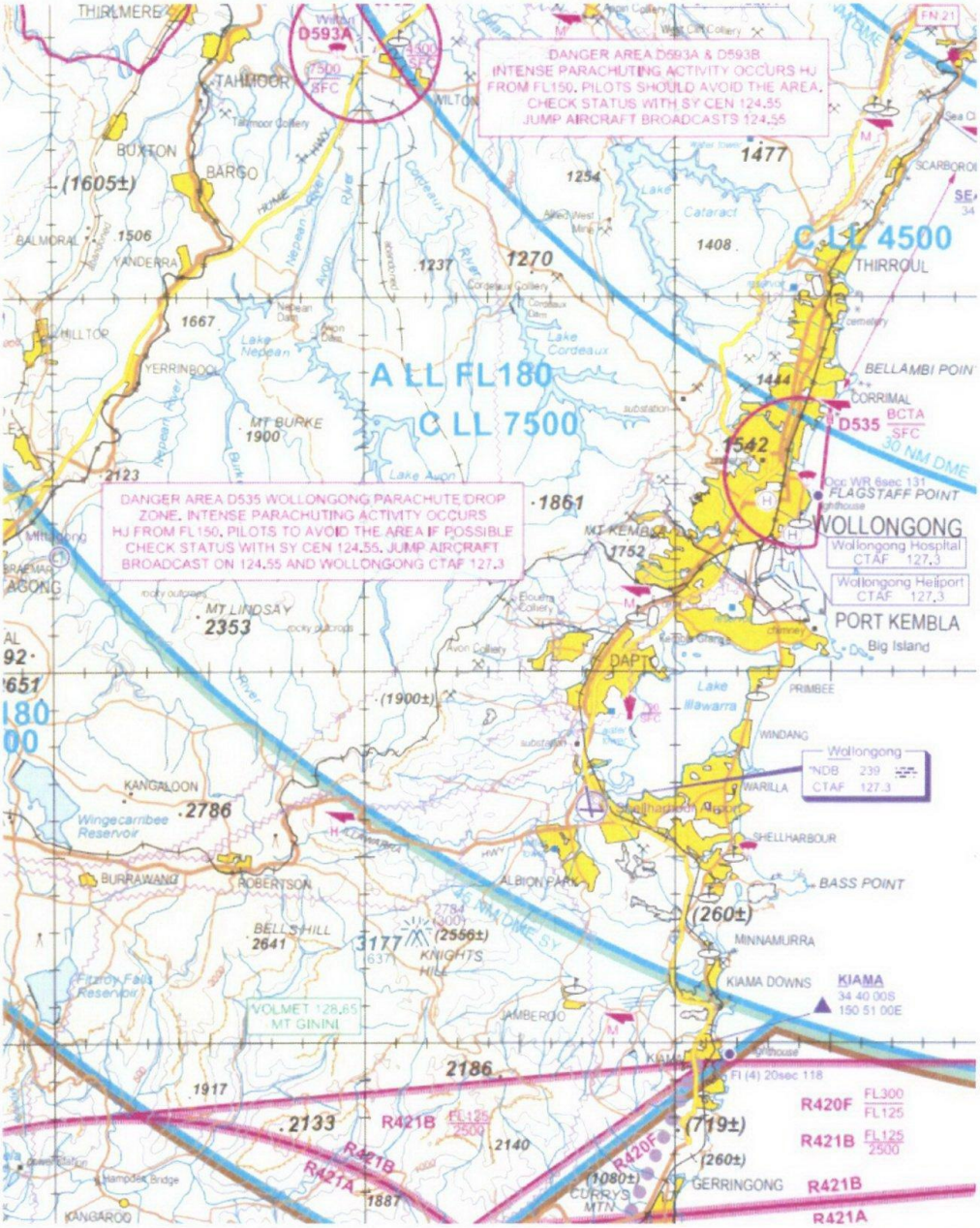
to north-east, south and west of the airport. **Figure 1** below illustrates the current airspace arrangements in the vicinity of Shellharbour Airport. There are also a number of local traffic and noise abatement procedures in force as set out in the Aeronautical Information Package – En-Route Supplement Australia.

Figure 1: Shellharbour/Wollongong Airspace Arrangements



Source: Airservices Australia

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2.3 Existing Airport Infrastructure + Facilities

The airport is a Civil Aviation Safety Authority (CASA) certified aerodrome under Part 139 of the Civil Aviation Safety Regulations 1998 and the Part 139 MOS (2019). **Figure 2** depicts the major features of the current movement area (airside) layout, landside facilities and surrounding features.

Figure 2: Existing Airport Layout



2.3.1 Runways

The airport has two sealed runways aligned in the 16/34 and 08/26 directions. Both runways are 30 m wide and are contained within 90 m wide graded runway strips and designated as Code number 2 instrument non-precision approach runways.

The main runway (16/34) is 1,819 m long and has a displaced threshold of 176 m at the southern (34) end to account for surrounding terrain and obstacles. The secondary (cross) runway (08/26) is 1,331 m long and has a displaced threshold of 90 m at the eastern (26) end. **Table 2** details the declared distances for each runway.

Table 2: Declared Distances

Runway	Code Number	Take-Off Run Available (**TORA**) (m)	Take-Off Distance Available (**TODA**) (m)	Accelerate Stop Distance Available (**ASDA**) (m)	Landing Distance Available (**LDA**) (m)
16	2	1819	1879	1819	1819
34	2	1819	1879	1819	1643
08	2	1331	1391	1331	1331
26	2	1331	1391	1331	1241

Source: Airservices Australia

Due to obstacles (terrain) the Runway 16 take-off and Runway 34 approach are offset 5 degrees to the west relative to the extended runway centreline.

Following upgrade works in 2018, Runway 16/34 has a pavement strength rating of PCN 40 /F /C /1410 (205PSI) /T. Runway 08/26 is rated as PCN 19 /F /D /1205 (175 PSA) /T.

2.3.2 Taxiways

The airport is served by a sealed partial parallel taxiway system serving the eastern side of Runway 16/34 and the northern side of Runway 08/26 as shown in **Figure 2**. Taxiway D which is located at the intersection of the runways is the main taxiway and is Code C capable and suitable for aircraft OMGWS of 6 m up to but not including 9 m. Taxiways G and H, which lead to the southern end of Runway 34 are also Code C capable. Other taxiways are generally suitable only for Code A aircraft.

2.3.3 Aprons

The main apron is located off Taxiway D and fronts the terminal area. The original apron consisted of one free-moving aircraft parking position to the south of the terminal building. The apron was expanded significantly in 2021 to accommodate a further two free-moving parking positions. Bays 1 and 2 are currently marked for aircraft up to Boeing 717-200 size. Bay 3 is designated for a maximum Fokker F70. Each bay has secondary parking positions for a reversed Saab 340B.

There are a number of other apron areas both sealed and grassed, serving individual hangars throughout the building area. The most significant of these is the large apron associated with the HARS operations on the eastern side of Taxiway D.

2.3.4 Visual Navigation Aids

Runway 16/34 is equipped with low intensity runway edge lighting and a precision approach path indicator (PAPI) system at each end. These are pilot activated as required. The vertical slope guidance for both PAPI directions are aligned slightly above the normal practice of 3 degrees. The 34 PAPI is also offset aligned by 5 degrees to the west. Runway 08/26 is equipped with low intensity runway edge lighting and has recently had PAPI installed (awaiting commissioning).

An illuminated wind direction indicator (IWDI) area is situated near the intersection of the runways in the north-west sector. A signal area is not currently provided. The airport is equipped with an AWIS facility with information available by phone or VHF radio.

2.3.5 Non-Visual Navigation Aids

The airport is equipped with a non-directional beacon (NDB) located in the building area in the north-east sector. The NDB is owned and operated by Airservices Australia and provides for instrument approaches to the airport and en-route navigation guidance.

Australia has now transitioned to new approach and navigation technologies using satellite-based systems. Many ground-based aids such as NDBs have been decommissioned but a back-up network is being retained. This includes Shellharbour, which is on the main air route between Sydney and Melbourne and represents an important navigational waypoint.

There are four published instrument approaches as follows:

- GNSS Arrival Procedures;
- RNP Runway 16;
- RNP Runway 34; and
- NDB-A.

These procedures permit appropriately equipped aircraft and instrument rated pilots to conduct instrument approaches under the Instrument Flight Rules (IFR).

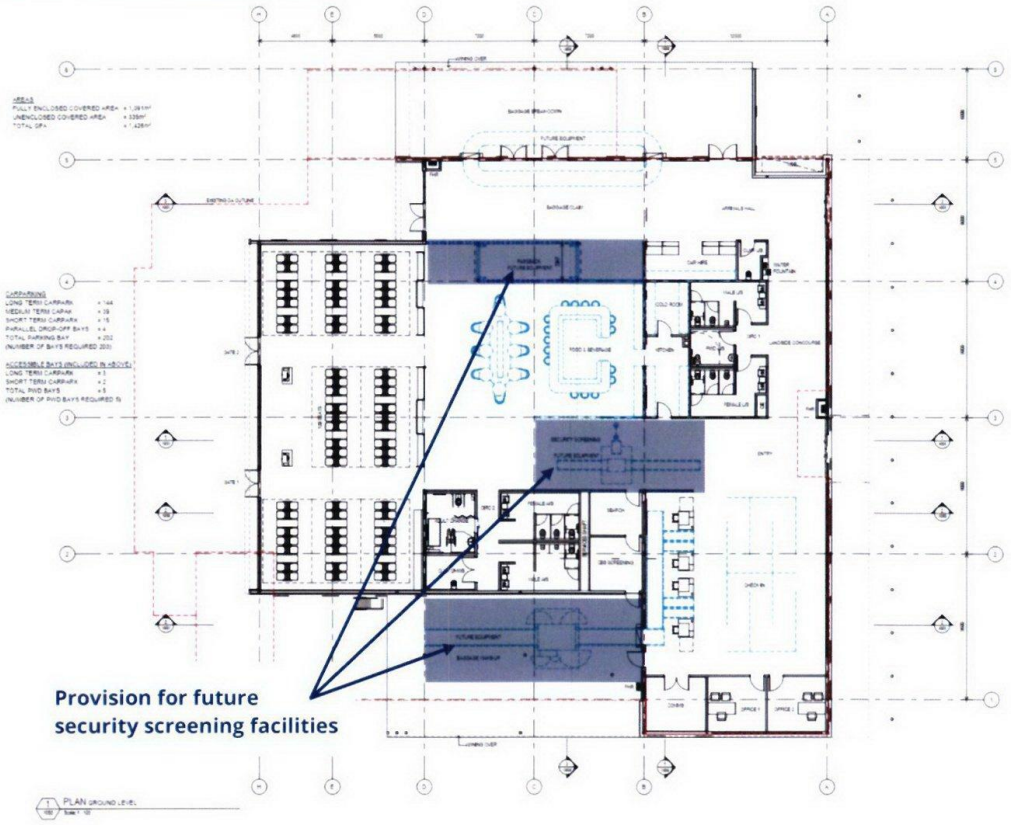
2.3.6 Terminal Precinct

The terminal building was redeveloped in 2021 with an upgrade to accommodate future installation of passenger and checked baggage screening, as shown in **Figure 3**. The terminal includes approximately 150 seats within a gate lounge area, central café and small arrivals area. The area is not currently able to be made sterile, but provision was made in the design to modify the internal layout such that the café and departures areas can be screened when the regulatory authorities determine this to be required.

The terminal precinct includes short term car parking for 13 vehicles in front of the drop off area and 39 medium term parking spaces in a fenced area immediately to the north. Long term parking (approximately 140 spaces) is available on the eastern side of Airport Road 100 m to the north of the terminal precinct.

The existing airport terminal has been retained as a leasable space to a suitable business.

Figure 3: Terminal Building Internal Layout



2.3.7 Building Area

The main features of the building area and current operators are shown in **Figure 4**. These include:

- HARS restoration/workshop/museum and hangar;
- TOLL helicopter rescue/ambulance service;
- NSW Fire Brigade Emergency Training Facility;
- Aerial Patrol Base;
- Aircraft Maintenance Services company;
- Total Aerospace Solutions - aircraft modification e.g. fit outs for the Royal Flying Doctor
- Service;
- AIRag - aircraft repairers; who do work for insurance companies;
- AeroV who build and sell kits for one and two seat hobby planes;
- Capital Aircraft Services - specialised aircraft fit outs/modification;
- Cleary Bros/Go Jet - private hangar for jet charter;
- Sydney Microlights - microlight training and joy flights;
- Community Bus parking and Viva Energy depot for aviation refuelling;
- NSW Air - pilot training and joy flights;
- Skydive the Beach –tandem skydiving;
- Touchdown Helicopters – joy flights and charter services; and

- Southern Biplane Adventures – adventure and scenic flights.

Figure 4: Building Area



2.4 Operational Airspace

Currently, Runway 16/34 thresholds are located relative to meeting legacy Code 2 Instrument Non-precision obstacle limitation requirements, including a slope of 3.33%, an inner edge length of 90 m and length of approach surface of 2,500 m.

The 2023 annual aerodrome obstacle survey identified no additional permanent obstacles in the Obstacle Limitation Surfaces (OLS), however several increased penetrations of the OLS due to vegetation growth were recorded. As a general business-as-usual activity, Council as the aerodrome operator needs to address obstacle infringements of the OLS, and it is assumed that management of these is ongoing in accordance with the obligations of certified aerodrome operators under the Civil Aviation Safety Regulations 1998 and the Part 139 MOS 2019.

There are differences in the OLS specifications that apply to Code 2 Instrument non-precision runways under the Part 139 MOS 2019, compared with those that previously applied under the previous MOS Part 139. There are also differences that would apply to Code 3 or 4 runways. These matters are discussed further at **Section 4.7** and **Section 6.6.2**.

It should be further noted that ICAO is proposing changes to the OLS specifications and the aircraft characteristics that determine the applicable OLS. These changes are not yet finalised and will need to be accounted for in a future update of this Master Plan in due course.

3. Airport Vision + Objectives

The vision and objectives for the Shellharbour Airport Master Plan 2023 are drawn from the NSW Government's *Shellharbour Regional Economic Development Strategy – 2023 Update*, Shellharbour City Council's *Illawarra Regional Airport Strategic and Business Plan* and the *Shellharbour Airport – Market Assessment – June 2023.*

3.1 Vision

To develop the Illawarra Regional Airport into a vibrant business hub that contributes to regional economic development, tourism and employment, while facilitating the viable development of a greater range of affordable air travel options for the region.

3.2 Objectives

The above vision is supported by the following key objectives:

- Deliver sustainable whole-of-life asset management for the community;
- Create, promote and maintain local business, job, investment and lifestyle opportunities;
- Plan, builds and manage infrastructure for the community; and
- Supports and increases employment and business opportunities within a strong local economy.

4. Planning Parameters + Aerodrome Requirements

The *Shellharbour Airport – Market Assessment – June 2023* sets out three infrastructure scenarios together with associated potential high level aviation strategies. Each infrastructure scenario envisages different sizes and operational categories of aircraft for airline services. These scenarios drive the required airport planning parameters, based on the ARC of the largest aircraft envisaged.

The scenarios and the standards required to accommodate each scenario in accordance with the current Part 139 MOS 2019 are discussed in the following sub-sections, which compare these requirements with current and potential airport operational capability and describe possible strategies to address the relevant capability gaps.

Table 3 sets out the representative aircraft types associated with the three scenarios, along with the applicable ARC elements.

Table 3: Aircraft Types and ARC

Scenario	Aircraft types	ARC Code Number	ARC Code Letter	ARC OMGWS
Scenario 1: Business As Usual	Saab 340B	3	B	6 m ≤ 9 m
Scenario 2: Introduction of Airport Security	Dash8-Q400	3	C	9 m ≤ 15m
	Fokker F100	3	C	6 m ≤ 9 m
	Boeing 717	3	C	4.5 m ≤ 6m
	Embraer E190	3 / 4 (1)	C	6 m ≤ 9 m
Scenario 3: Introduction of Affordable Travel Options	Airbus A320 / 321	4	C	6 m ≤ 9 m
	Boeing 737	4	C	6 m ≤ 9 m
	Airbus A220	3 / 4 (2)	C	6 m ≤ 9 m

Notes: (1) Original E190 is code 4, however the next generation E190-E2 is code 3
(2) A220-300 is code 4, however the smaller A220-100 is code 3

Source: Three Consulting / aircraft manufacturer data

4.1 Runway Width

Under the Part 139 MOS 2019, the minimum width of runway is determined by the ARC code number and the OMGWS. The current 30 m runway width meets the minimum standard for all Code 3 aircraft types except for the Dash8-Q400. However, CASA has previously accepted advice from Canada that the Dash8-Q400 is certified to operate from a standard ICAO 3C category aerodrome, which consists of a 30 m wide runway and 15 m wide taxiway. The aircraft has routinely operated from such aerodromes in Australia since its introduction to the fleet.

In terms of Code 4 aircraft, the minimum width of runway for these aircraft under the Part 139 MOS 2019 is 45 m. In Australia, there is ample precedent of Boeing 737-800, Airbus A320 and similar Code 4C size aircraft operating to regional aerodromes with runway widths of 30 m. Widening of the runway pavement to accommodate Code 4C operations is therefore not anticipated to be required, but would come down to an aircraft operator assessment that the aircraft can safely utilise the runway in accordance with the aircraft flight manual or supplement, as noted in the Part 139 MOS 2019.

4.2 Runway Strip

A more critical consideration than the runway pavement width is the width of the associated runway strip and obstacle restriction area. Under the Part 139 MOS 2019 and ICAO SARPs, a runway is required to be centrally located within a runway strip.

YSHL Runway 16/34 has a 'grandfathered' Runway 16/34 strip width of 90 m. The current Part 139 MOS 2019 standard for a Code 2 instrument non-precision runway is 140 m. 140 m is also the minimum width for a Code 3 or 4 non-instrument runway. The minimum runway strip width requirement for a Code 3 or Code 4 instrument non-precision runway under the current standards is 280 m.

It should also be noted that a 150 m wide runway strip is a historical Australian standard previously applied to Code 3C instrument non-precision runways of 30 m width and which varied from the ICAO standard of 300 m for Code 3 instrument non-precision runways.

Figure 5 below shows a 150 m wide strip applied to Runway 16/34. Parts of the strip along the western boundary would be outside the airport fenceline. In addition to no obstacles being permitted within the runway strip width, the runway strip forms the lower boundary of the transitional surface, an Obstacle Limitation Surface (OLS) (see **Section 4.7.1**). The OLS transitional surface should ideally be kept free of obstacles to protect aircraft operating in visual conditions and in the final phase of an instrument approach. The transitional surface slope associated with Code 3 and Code 4 runways is currently 1:7 (14.3%). The transitional surface limits for 5 m and 10 m high (above the runway centreline) obstacles are also shown in **Figure 5**.

There is precedent of Boeing 737-800 and Airbus A320 and similar Code 4C size aircraft operating to regional aerodromes with runway strip widths of 150 m. There is also ample precedent of Code 3C aircraft operating to 90 m wide runway strips. Both of these scenarios were allowable under previous Australian aerodrome standards, subject to landing minima adjustment. Therefore, it would be expected that preparing a safety case for either of these scenarios (i.e. operating Code 3C aircraft such as those envisaged under aviation scenario 2 to the existing 90 m wide runway strip, or Code 4C aircraft envisaged under scenario 3 to a 150 m wide runway strip) would be relatively straightforward and have a reasonable chance of obtaining approval from CASA.

There is, however, no precedent for regular Code 4C aircraft operations to runways with a runway strip width of only 90 m. In order to assess the ability of Code 4C aircraft to operate at Shellharbour within normal aircraft operator operating procedures an aircraft compatibility study and an airline safety case will be required. Developing and obtaining approval for Code 4C operations to the existing runway strip at Shellharbour Airport is not impossible, but it will likely not be straightforward and it may require mitigating measures to be adopted which affect the commercial viability or attractiveness of the operations to airlines. Examples of such measures are discussed in **Section 4.7**.

In order to achieve a 150 m wide Runway 16/34 strip, some land acquisition would be required, at least along the western side of the runway north of Runway 08/26. If the centreline of Runway 16/34 were to be moved such that the 1:7 transitional surface were able to clear a standard 2.5 m high security fence, the centreline would need to move around 15-20 m to the east. Notwithstanding the engineering impacts on infrastructure including runway lighting, strip grading, and drainage infrastructure, which would need a full and detailed evaluation, there would be other aspects to consider, including (but not necessarily limited to):

- Impact on the obstacle height clearances on the main apron and in front of the Illawarra Flyers hangars, and likely loss of additional hardstand parking opportunity in the existing GA precinct. On the main apron it is anticipated this may severely limit airline use of Bay 1 and Bay 2 due to tail height limits;

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Figure 5: 150m Wide Runway 16/34 Strip



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- Impact on the runway to taxiway separation clearances on the main apron which could mean a reduction in parking area available;
- The newly upgraded Taxiway G would likely need relocation, and the consequential impact on the Aviation Business Park layout would be significant;
- Clearing of trees to the south-east of the Runway 16 threshold, currently predominantly in the transitional surfaces, would then infringe the Runway 16 approach surface, requiring threshold displacement, and the Runway 34 take-off climb surface, affecting aircraft performance; and
- Trees along the western boundary would still require removal or reduction in height to remain clear of the transitional surface, and some buildings may also continue to infringe the transitional surface.

Therefore, relocation of the Runway 16/34 centreline is not likely to be a feasible means by which to achieve a 150 m wide runway strip.

4.3 Runway Length

Although designated as a Code 2 runway, the length of Runway 16/34 at 1,819 m exceeds the lower threshold of aeroplane reference field length for ARC number 4 which is 1,800 m. Shellharbour Airport is also effectively at sea level. Therefore, it is likely that the current runway length is adequate for all Code 3 aeroplane operations, except perhaps for operations at MTOW on very hot days for the most demanding types. The situation is similar for Runway 08/26, in regard to Code 2 operations.

Conversely, the runway length of Runway 16/34 is marginal with respect to Code 4C types associated with Scenario 3 in **Table 3** above.

A potential Code 4C aircraft operator has provided the following indicative lengths required for operations at full passenger capacity (a key consideration for affordable airline services):

- Gold Coast 1,980 m
- Sunshine Coast 2,130 m
- Adelaide 2,270 m
- Cairns 2,620 m

Other potential carriers may have different requirements.

The Part 139 MOS 2019 includes the concept of runway starter extensions. This allows additional runway length to be provided for use on take-off in one direction only. This has the advantage of not requiring the OLS to be changed, which would be impossible at Shellharbour due to surrounding terrain (see **Section 6.7.1** for details of challenges relating to the OLS), and was not a configuration provided for under previous standards. The disadvantage of starter extensions is that twice the physical pavement length is required to achieve the same operational benefit. However, it is the only practical option available at Shellharbour.

Figures **B3086/SK-01** and **B23086/SK-02** at **Appendix A** show how starter extensions might achieve additional take-off length of up to 200 m for Runway 16 and 150 m for Runway 34, based on the constraints imposed by existing road infrastructure to the north and south of the airport.

Implementation of these starter extensions would be subject to a safety case and approval by CASA, and it should be confirmed with operators that the investment would be operationally beneficial. However, if implemented the possible declared distances with the starter extensions are given in **Table 4** (changed values from existing are in **bold**).

Table 4: Possible Runway 16/34 Declared Distances with Starter Extensions

Runway	Take-Off Run Available (**TORA**) (m)	Take-Off Distance Available (**TODA**) (m)	Accelerate Stop Distance Available (**ASDA**) (m)	Landing Distance Available (**LDA**) (m)
16	**2019**	1879	1819	1819
34	**1969**	1879	1819	1643

A full and detailed business case, incorporating technical engagement with potential operators, is strongly recommended given the physical limitations on the provision of additional runway strip width within the existing airport site, as discussed in **Section 4.2** above and the additional challenges presented by the available operational airspace discussed in **Section 4.7** below. Without surmounting those, the operational and possible commercial benefit provided by the additional ground infrastructure may be significantly eroded.

4.4 Runway End Safety Areas

Under the Part 139 MOS 2019, Runway End Safety Areas (RESAs) must be provided beyond the end of the runway strip. The implementation of starter extensions can be expected to trigger the requirement for RESAs as part of the safety case, even if Runway 16/34 remains published as a Code 2 runway. RESAs of appropriate length should be incorporated into the detailed design of the starter extensions and agreed with CASA. The minimum length of RESA for Code 3 and 4 runways of 90 m is shown on B22086/SK-01 and SK-02, noting that the CASA preferred length of a RESA is 240m.

4.5 Pavement Strength

Table 5 shows the maximum operating weight and Aircraft Classification Number (ACN) at maximum weight for each of the main aircraft types identified in **Table 3** above. The ACN is number that expresses the relative effect of an aircraft at a given configuration on a pavement structure for a specified standard subgrade strength. The ACN is used in conjunction with the Pavement Classification Number (PCN), which identifies the strength of a runway, taxiway or apron, in terms of the equivalent ACN of the most damaging aircraft that can use to pavement on a regular basis ('regular' being defined by the aerodrome operator). [3]

Table 5: Aircraft Pavement Data

Aircraft	Max Weight	ACN at Max Weight	Max Op. Weight (PCN 40)
Airbus A321	89.4 t	57	66.0 t
Boeing 737 MAX 8	82.9 t	53	66.4 t
Airbus A320 neo	78.4 t	47	68.5 t
Boeing 717-200	55.3 t	37	55.3 t
Airbus A220-300	64.2 t	36	64.2 t
Fokker F100	46.0 t	30	46.0 t
Embraer E190	50.5 t	27	50.5 t
Dash8-Q400	29.4 t	19	29.4 t

Source: Aircraft Manufacturer Data

[3] www.skybrary.com

The current main runway pavement strength of PCN 40 /F /C /1410 (205PSI) /T is adequate for those aircraft envisaged in Scenario 2, as well as the Airbus A220-300 to operate unrestricted. However, operational weight limits would be required for Airbus A320/321 and Boeing 737 aircraft to avoid damaging the pavement. While it is likely that the Boeing 737 and Airbus A320 aircraft could operate adequately on the existing pavement, a full technical assessment considering aircraft loads at the proposed actual operating weights should be undertaken to determine the adequacy of the existing runway, taxiway and apron areas. This should include an assessment of the likely impact of proposed operations on the expected timing of a maintenance overlay, which can then be planned to incorporate and additional strengthening the assessment deems appropriate. An upgrade of the Bay 3 and 4 pavement area is likely to be required before the larger aircraft can operate to these areas at all (see **Section 4.8**).

4.6 Jet Blast

Regardless of whether starter extensions are introduced, management of jet blast impacts on public areas would be required. In accordance with Part 139 MOS 2019, jet blast and propeller wash impacts on public areas must be limited to 60 km/h or less (or 50 km/h on public roads where the vehicle speed is likely to be 80 km/h or more). Code 3 and 4 jet aircraft typically produce air velocities in excess of 50-60 km/h for distances of around 335 m in the case of a new generation aircraft such as the Boeing 737 8 MAX or A320 NEO, and further in cases of aircraft with older engine types.

Figure **B23086/SK-03** at **Appendix A** shows the extent of these take-off jet blast impacts based on the starter extension take-off zones. Substantial and suitably engineered deflector barriers (capable of withstanding impact velocities of 320+ km/h) would be required to mitigate the impact on public areas. Jet blast mitigation would also be required for aircraft turning at the start of take-off when using starter extensions due to the proximity to the fence.

If the runway is not extended, jet blast mitigation of some form would also be required along the airport fence line behind aircraft taking off. The nature of the mitigation treatment would depend on the aircraft types in use, but the velocities it would be required to withstand would be less than for the starter extensions, on a like-for-like aircraft basis.

4.7 Operational Airspace

4.7.1 Obstacle Limitation Surfaces (OLS)

Even though the provision of a 150 m wide runway strip free of obstacles on the ground may not be practicable (as it would require the acquisition of land and removal of trees and structures outside the airport boundary) it is still appropriate to consider what can be done to limit additional obstacles intruding into the airspace that would be associated with a 150 m wide runway strip. There are two reasons for this:

- The current Part 139 MOS 2019 requirement for Code 3 or Code 4 non-precision instrument approach runways is for a 280 m wide runway strip and approach surface inner edge and the current Part 139 MOS 2019 requirement for Code 1 or 2 instrument non-precision approach runways is for a 140 m wide runway strip and approach surface inner edge, both of which exceed the current width of 90 m; and
- Any aircraft operators wishing to operate aircraft with maximum take-off weight of 22,700 kg or greater will be required to take into account obstacles outside of the current published Code 2 take-off climb surfaces (which have an inner edge of 90 m) in accordance with Civil Aviation Order (CAO) 20.7.1B and Part 91 of the Civil Aviation Safety Regulations 1998.

Limiting the obstacles present within the approach and take-off climb surfaces previously permitted for Code 3C instrument non-precision runways will assist any prospective aircraft operators develop compliant take-off and approach procedures which will be necessary as part of any safety case for operating to narrower than prescribed runway strip widths.

An OLS based on the previous Code 3 instrument non-precision requirements, applied to Runway 16/34, has been prepared for illustrative purposes (refer to **Section 6.7.1** for details). There is reasonable precedent for Code 3 and Code 4 aircraft operations of the types listed in **Table 3** to runways which have airspace protected to such requirements. It is understood that the airport operator, Shellharbour City Council undertakes annual obstacle survey to Code 3 requirements, and it is recommended that this practice continue as discussed at **Section 6.6.2**. It is also recommended that, for planning purposes, additional intrusions into the Code 3 transitional surfaces for Runway 16/34 be avoided as far as possible. This may affect the position and height of some on-airport development proposals.

Mitigations to assist in the safe operation of larger Code 3C and Code 4C aircraft, such as Required Navigation Performance – Authorisation Required (RNP-AR) approach procedures, introduction of standard instrument departures, limitations on payload due to obstacles, or adoption of lower crosswind operating limits may be possible. However, they may not be practical in terms of the viability of particular commercial operations, due to specialised training or non-standard operational procedures. Nor do these mitigations absolve the accepted safety principle of minimising risk as far as practicable.

4.7.2 Possible Future OLS Changes

ICAO is currently considered potential changes to the OLS specifications as part of a modernisation project. These proposals are not yet final and it is important to note that they have not yet occurred and may not occur for many years. However, once they occur, currently anticipated to be around 2028-2030, they may reduce some of the barriers to compliance that Shellharbour currently faces in relation to runway strip width and obstacles required for Boeing 737/A320 operations. These OLS modernisation proposals, once finalised by ICAO, may assist in forming the basis for safety case discussions between Council, airlines and CASA prior to being implemented into Australian aerodrome standards. It is recommended the status of the ICAO proposals be kept under close review.

4.7.3 Instrument Approach Procedures

Shellharbour currently has published Required Navigation Performance (RNP) satellite-based instrument approach procedures to Runway 16 and Runway 34, as well as non-runway aligned GNSS (satellite-based) and Non-Directional Beacon (NDB) (ground-based) circling approaches.

Most Instrument Flight Rules (IFR) traffic, including airline operations, would utilise the RNP approaches. These approaches are both set somewhat steeper than the standard and ICAO recommended 3 degrees – at 3.5° for Runway 16 and 3.4° for Runway 34, in order to provide the required minimum clearance to terrain. The Runway 34 approach also has a relatively high minima of 1,340 feet, which could limit the ability of aircraft to land from this direction in poor weather.

The current RNP procedures are applicable for Approach Category C operations. The approach category determines the range of speeds the procedure designer has considered when calculating airspace and obstacle clearance requirements for each segment of the approach procedure. Medium airliner jets, such as the Boeing 737 and Airbus A320 families, typically fall into approach category C, although not always. Skybrary lists the Boeing 737 Max 8 as an approach category (APC) C aircraft[4] along with medium jet

[4] https://skybrary.aero/aircraft/b38m

types as well as the Dash8 Q400 turboprop[5]. However, other sources indicate the 737 Max 8 is approach category D[6], along with the Boeing 737-800. Suitability of the current approach procedures requires confirmation by particular aircraft operators, as part of a comprehensive safety case specific to Shellharbour. Nonetheless it is noted that Albury, Ballina and Bundaberg (as examples of airports where Boeing 737, including the MAX 8, operate to a 150 m wide runway strip) have RNP approaches suitable for maximum approach category C aircraft.

4.8 Apron + Taxiway

In terms of Code 3C aircraft operations, the main apron bays 1, 2 and 3 already provide for aircraft including the Dash 8-Q400 and the Boeing 717.

A review of the parking positions suggests that there is adequate space to accommodate a Code 4C aircraft such as the Boeing 737 MAX 8 or similar without the need to provide more pavement. The tail would be below the current published OLS, as required by the Part 139 MOS 2019, however on the existing Bay 1 and Bay 2 the tail would infringe a hypothetical OLS based on a 150 m wide runway strip and a 1:7 (14.3%) transitional surface. This may be acceptable temporarily, subject to detailed Code 3C/4C operational safety assessment. Use of Bay 2 for jet aircraft operations would be preferable, to minimise jet blast impacts on the movement area to the north.

If safety assessments for Code 3C or 4C operations require the aircraft tails to remain clear of the hypothetical OLS, then use of Bay 3 would provide the necessary clearance. Some adjustment to the fence line and Bay 4 parking clearance may be required to accommodate apron wingtip clearances in accordance with Part 139 MOS 2019, as well as strengthening of the pavement area. A further secondary position on Bay 2 (nominally Bay 2B) could also be provided to align the aircraft parallel to the runway with the tail below the hypothetical OLS. This would provide for independent power-in/power-out Code 4C operations on Bay 2B and Bay 3, although the use of Bay 2B would restrict Bay 1 to Saab 340 aircraft and smaller only.

These arrangements could provide a minimum of two (2) Code 4C parking positions, with reconfiguration of Bay 4 providing a third, and Bay 1 providing a possible fourth contingency overflow depending on the acceptability of tail infringement of the OLS in such circumstances.

As simultaneous Code 4C parking is likely to be required at the passenger traffic levels associated with Aviation Development Scenario 3, and noting the restrictions on Bay 1 usage this may introduce, re-introduction of Bay 4 for airline operations would be beneficial in providing options to manage aircraft.

Figure 8 at **Section 5.4** illustrates the apron concept arrangement along with areas to reserve for passenger terminal and ground transport expansion which are discussed in **Section 4.9** and **Section 4.10** below.

4.9 Passenger Terminal

The current passenger terminal footprint, once a sterile area has been established, could accommodate a full (186-seat) Code 4C aircraft such as the Boeing 737 MAX 8. However, comfort levels would likely be low, with all seats occupied and some standing passengers. The arrivals area would also be very congested and the baggage reclaim may not be sufficiently long. Although workable for infrequent and

[5] https://skybrary.aero/aircraft-types?facets_query=&f%5B0%5D=approach_category_apc%3A840

[6] https://contentzone.eurocontrol.int/aircraftperformance/details.aspx?ICAO=B38M&ICAOFilter=B38M

isolated Code 4C aircraft operations, some minor expansion would increase passenger comfort levels.In order to meet the assessed passenger potential of 880,000 to 1.5 million passengers per annum would require between approximately 6 and 14 passenger aircraft turnarounds (150-180 passengers each flight) per day. At this frequency, at least two airlines and a range of destinations can be anticipated. As such, the likelihood of two or more flights overlapping should be considered high, if not inevitable, and planning for a significant expansion of the terminal facilities should allowed for. This is likely to result in the loss of some of the medium-term car parking spaces immediately to the north of the terminal forecourt.

For aircraft envisaged in aviation development Scenario 2, of 70 to 110 seats approximately, with the installation of passenger and baggage screening facilities envisaged and allowed for in the recent terminal upgrade, the sterile area is likely to be comfortable for departing passengers. The arrivals baggage claim area may become congested for short periods with full flights on larger aircraft, as the introduction of a hard wall to the secure departure lounge would limit space available for passenger waiting and circulation at the reclaim belt. Nonetheless, the current infrastructure is likely to be workable for the traffic levels envisaged in Scenario 2.

4.10 Ground Access

As passenger traffic grows, it is likely that additional car parking will be required. There is limited opportunity to expand the existing long stay car parking without encroaching into the NDB Building Restricted Area (BRA) (see **Section 6.8**) so any further development in this area would need assessment by Airservices. Subject to Airservices evaluation, another 150 on-grade spaces may be achievable with a possible further 50-100 spaces to the north of Airport Road. Whether a total of 350-400 parking spaces is adequate for the assessed passenger traffic potential will depend on the travel mode proportions realised in practice as well as any demand moderators such as pricing.

A car parking demand assessment in the 2013 master plan indicated a possible total car parking requirement (short- and long-term public, plus car rental) of 1,200 spaces. This was predicated on annual passenger throughput of around 976,000 annual passengers.

It is recommended that car parking provision be reviewed regularly as traffic increases. If additional spaces are required, options in the longer term include an additional level on the existing and/or expanded long term car park area (subject to NDB BRA assessment by Airservices) or re-purposing of some of the currently leased areas further south.

The terminal forecourt would likely also require re-configuration and expansion to cope with increased passenger flows, if Code 3C or 4C jet operations eventuate. For this reason it is recommended to preserve the areas immediately north, east and south (when vacated by HARS) of the existing terminal for terminal and forecourt expansion.

Provision for electric vehicle (EV) charging stations in suitable locations in the long- and short-term parking areas should be made. Charging facilities could also be accommodated with the Future Commercial Precinct (see **Section 5.8**) subject to provision of necessary electrical infrastructure.

4.11 Aerodrome Rescue and Fire Fighting

CASA's *Manual of Standards Part 139H – Standards Applicable to the Provision of Aerodrome Rescue and Fire Fighting Services* (MOS 139H) provides the criteria for establishment of Aerodrome Rescue and Fire Fighting Services (ARFFS) and the technical basis for ARFFS siting considerations.

MOS 139H requires ARFFS to be established where an aerodrome serves international passenger air services (not envisaged for Shellharbour) or any domestic aerodrome through which more than 350,000 passengers passed in the previous financial year. Therefore, in order to fulfil the vision and potential of

the *Shellharbour Airport – Market Assessment – June 2023* Scenarios 2 or 3, provision for establishing ARFFS is required.

The aerodrome category for ARFFS provision is calculated on the overall length of the longest aircraft normally using the aerodrome and the maximum width of the fuselage. Based on the traffic scenarios, Shellharbour would fall into Category 6 or Category 7 (it is unlikely to exceed Category 7 as that would require regular operations by wide-body aircraft). Both categories have a requirement for a minimum of 2 ARFFS vehicles.

The associated Fire Control Centre (FCC) cabin must provide clear vision of the runways and short final approaches. FCC installations typically incorporate an elevated cabin to assist in meeting this requirement.

The FCC site needs to be located having regard to MOS 139H requirements although consideration of a visual surveillance system (i.e. CCTV) may be required should FCC line of sight become an issue. In order to achieve the required response times to each runway end, as well as maximising line-of-sight, a central location is desirable. The 2013 Master Plan suggested a site northwest of the intersection of the runways, co-located with the air traffic control tower, on land which would require acquisition by Council. In the absence of any appetite to acquire (and develop) such land, it is recommended that a suitable site be identified as part of the detailed Aviation Business Park layout design. The north-west corner of Aviation Business Park is likely to be the preferable location due to its central location on the aerodrome. However, Airservices Australia may require a fire training ground to be provided and a suitable location for this would need to be found. It may require modest land acquisition if it cannot be incorporated within the current airport land boundary. A specialist study involving consultation with Airservices is recommended as part of the development of a wider business case around the feasibility of larger Code 3C and 4C aircraft operations.

4.12 Air Traffic Control

Subject to CASA review of the airspace complexity, over time as traffic grows CASA may impose requirements to mitigate risks associated with a higher frequency of larger IFR aircraft mixing with general aviation and other commercial operations. These risks may be addressed through the provision of a certified air/ground radio service (CA/GRS) (at least initially) but may over the longer term require provision of controlled airspace and air traffic control (ATC) services.

The CASA *Manual of Standards Part 172 – Air Traffic Services* sets out the requirements for air traffic control facilities and equipment, including visibility and detecting movement of departing aircraft. Since 2023, the Part 172 MOS has allowed the use of visual surveillance systems (i.e. CCTV and suitable controller displays) to be used to meet the visibility and detection requirements. Airservices is developing and implementing Digital Aerodrome Services (DAS) which allows aerodromes to be controlled from a remote location rather than the on-site tower. It is assumed that any future ATC tower requirement for Shellharbour would be satisfied through the implementation of DAS and that, if necessary to achieve detection times and lines-of-sight, this would be achievable through multiple camera locations rather than a single physical tower.

4.13 Sustainability

Shellharbour Airport, like all aerodrome operators, will need to adapt to rapidly changing technologies over the next 20 years in line with global moves towards a de-carbonised economy. These adaptations will doubtless include a range of challenges and opportunities, many of which remain unclear at the time of this Master Plan. Two areas of relative clarity, however, include:

- Maximisation of renewable energy sources, in particular the use of rooftop solar installations on existing buildings and future developments; and
- Provision of electric vehicle (EV) charging facilities, including a range of fast- and slow- charging stations for the amenity of airport users but also to support the wider strategic network attracting passers-by to the airport as a charging destination strategically located between Sydney and the NSW South Coast holiday destinations.

These aspects should be incorporated as appropriate into each of the development concept precincts and other sustainability imperatives can be expected to emerge and become clearer over the coming few years.

5. Development Concept

5.1 Land Use Plan

Figure 6 shows the proposed Shellharbour Airport Land Use Plan, incorporating seven (7) distinct precincts, which are discussed and described in more detail in the following sub-sections.

Figure 6: Proposed Land Use Plan



5.2 Illawarra Flyers

The main constraints to expanding the use of this area is the curved nature of the adjacent lots and the requirement to maintain landside vehicle access to these. Options were prepared in 2017 to identify how best to accommodate additional hangars similar in size to the adjacent Illawarra Flyers hangars, suitable for the storage of private light aircraft.

That exercise confirmed that the maximum potential of the site lies in accommodating three 15m x 15m hangars facing east on the area currently used for light aircraft tie-down. Realignment of the vehicle access road further to the east would be required, to accommodate aircraft taxilane clearances for access by Code A aircraft.

Additional hangar lots are also possible to the south of Taxiway J. These could be of a consistent depth front-to-back and varying in width to suit the demand. Pedestrian access only would be possible along the south face adjacent Albion Creek and to gain the full extent of hangar space, realignment of Taxiway J access is required. Taxilane clearances only can be provided within this area, with no aircraft parking available in front of the hangars. Therefore, suitable operational requirements are recommended to manage the possible congestion. Consultation with CASA on specific proposals is recommended prior to implementation of additional hangars.

5.3 Existing GA Precinct

Within the existing GA Precinct there are three (3) key principal opportunities:

- Opportunities to implement hangar development previously conceptualised, subject to the successful attraction of a suitable commercial operator;
- Opportunities to realise additional hangar areas; and
- Opportunities to provide additional all-weather hardstand parking areas (in lieu of current grass)

Each of these shown in **Figure 7** and discussed in the following subsections.

5.3.1 Previous Hangar Concept

A draft concept was previously developed in 2017 to accommodate a possible commercial operator in an area at the eastern end of Taxiway K. This site is constrained by the available area, so concept options investigated the feasibility of accommodating various commercial operations on the site.

There are several options for accommodating commercial operators on this site and the optimum layout will to a large extent depend on the exact requirements of the lessee. The site could be leased as a whole, for the tenant to allocate as they see fit, or could be subdivided by Council.

The preferred concept layout splits the site into four sub-lots. These lots could be combined as necessary. Two of the sub-lots would have airside access and the other two would have only landside access. These might be suitable for supporting uses such as administration or non-aeronautical commercial activities which may either be associated with the adjacent airside lots or not.

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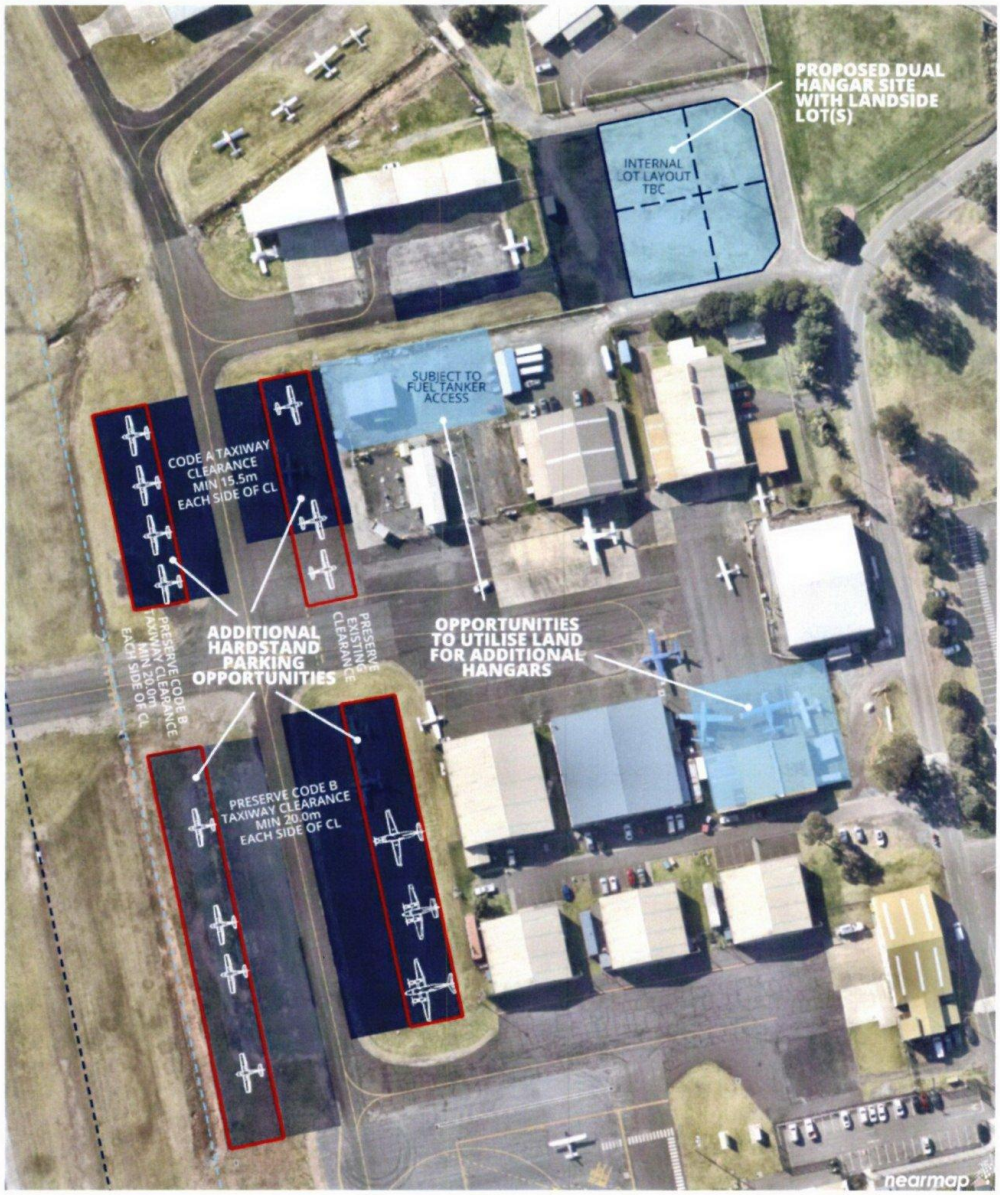
Figure 7: Existing GA Precinct Development Concept



5.3.2 Additional Hangar Opportunities

As existing lease agreements expire opportunities Council should continue to explore opportunities to ensure it maximises the use of the airport property assets to generate revenue. Two areas where potential has been identified are:

- To the north of the existing fuel depot. This would be subject to Council vacating or relocating it's current site to another location. The extent of possible hangar space would also be subject to ongoing arrangements for road tanker access to the fuel facility.
- On the Illawarra Hangars Pty Ltd site (site 6 on Figure 4 at Section 2.3.7) the possibility of rebuilding and expanding the existing hangar space.

5.3.3 Hardstand Parking

Current grass aircraft parking areas located east and west of Taxiway B could be converted to all-weather hardstand for greater amenity. It is recommended that Code B taxiway clearances per Part 139 MOS 2019 be preserved on Taxiway C and Taxiway B south of Taxiway C, to maximise the ability for larger aircraft, including Link Airways, to use this access to Runway 16/34 and minimise the need to backtrack on the runway.

Aircraft on the runway side should be parked with tails to the east to minimise the risk of intrusions into the side-slopes associated with a hypothetical 150 m wide runway strip.

5.4 Passenger Terminal Precinct

The development concept for the passenger terminal precinct, incorporating the terminal facilities and the main apron is shown in **Figure 8** below. These areas are described in the following subsections.

5.4.1 Terminal Facilities

As discussed in **Section 4.9** the passenger terminal precinct needs to reserve enough space to accommodate substantial expansion of the terminal facilities and forecourt, in the event that the assessed passenger traffic potential is realised through the implementation of Scenario 3: Introduction of Affordable Travel Options per the Three Consulting *Shellharbour Airport – Market Assessment – June 2023*. The recommended areas for this include the area potentially vacated by HARS (see **Section 5.5**) and the area to the north of the existing terminal.

5.4.2 Main Apron

With simultaneous Code 4C aircraft operations, the following is noted:

- Operations on Bay 3 are preferred, as this places the tail of the aircraft as far from the runway strip as practical. It also provides the greatest room for servicing and adjacent storage and staging of Ground Support Equipment (GSE). However, when Bay 3 is occupied by a Code 4C aircraft, the wingtips, rear stairs and horizontal stabiliser infringe the Bay 2 wingtip clearance limits in accordance with CASA Part 139 MOS 2019, preventing the Bay 2 aircraft from exiting (this restriction likely affects most aircraft types using Bay 2).
- A possible Bay 2B parking arrangement parallel to the runway allows independent Bay 2B/Bay 3 operations and also keeps larger aircraft tails clear of the hypothetical transitional OLS associated with a 150 m wide runway strip (pending airline safety case to the contrary, it is assumed for this Master Plan that this will be required). When Bay 2B is in use the accessibility to exit Bay 1 or enter Bay 1A is limited to the Saab 340B aircraft.
- The reconfiguration of Bay 4 could provide a third Code 4C capable position, with the aircraft re-oriented to minimise passenger exposure to operations into and out of Bay 3.
- There is opportunity for additional hardstand parking for smaller charter aircraft to the south of Bay 4.

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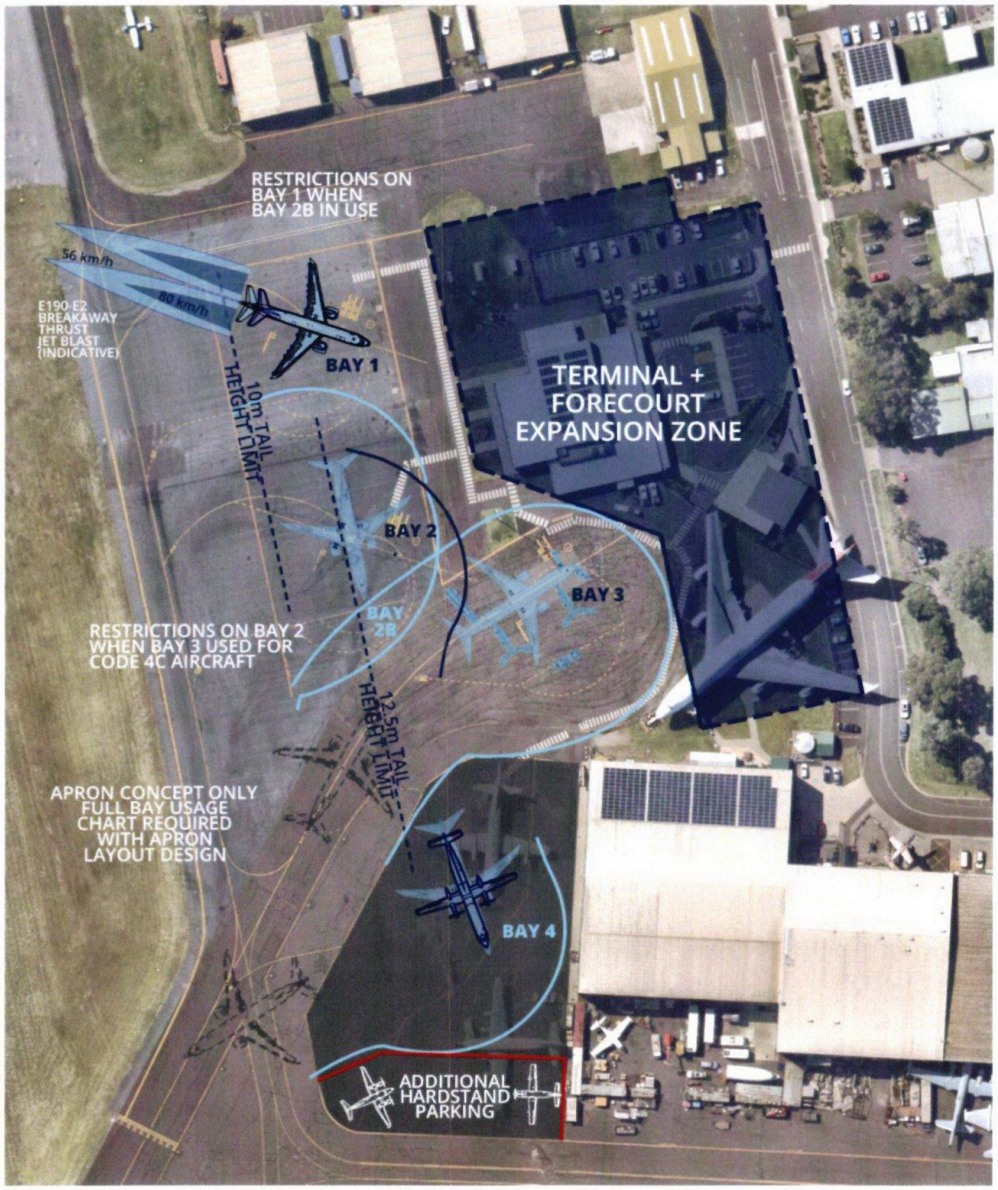
The optimal apron parking position layout and usage restrictions will depend on exact demand profiles and aircraft mix and can only be determined with certainty once an operational profile is known (and, in this case details of the airline safety case with respect to obstacles in relation to aircraft tail positioning). However, strengthening of Bay 3 and an expanded Bay 4 to accommodate Code 4 aircraft would provide the greatest flexibility to develop a detailed apron marking layout design which provides for the widest range of operational scenarios.

Figure 8: Passenger Terminal Precinct Concept Layout



5.5 HARS Precinct

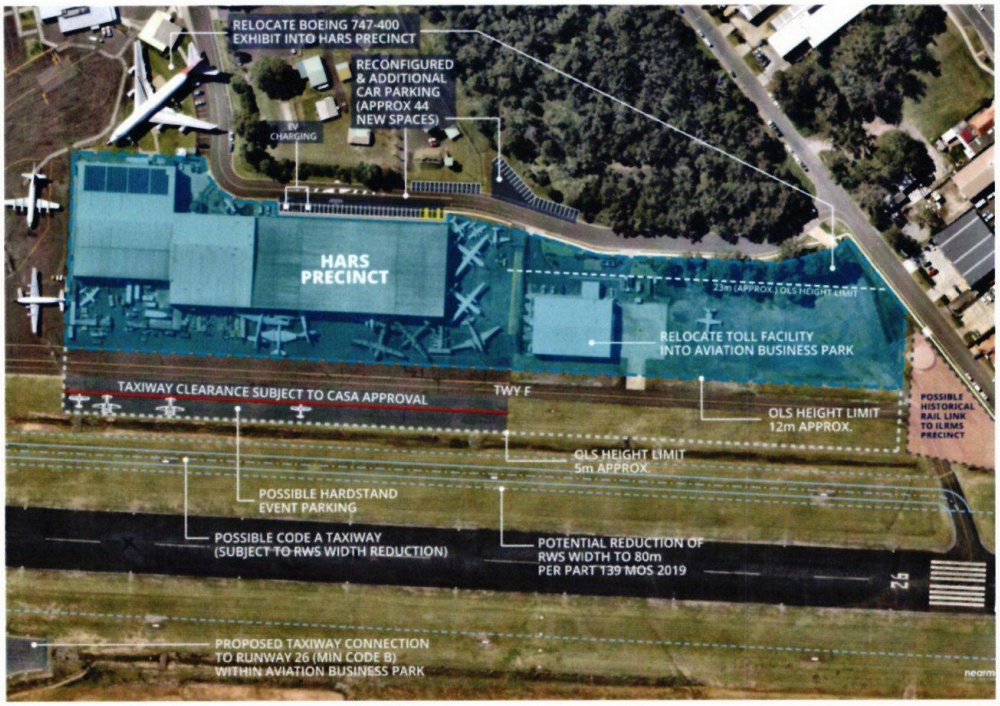
The HARS Precinct is intended to provide a defined footprint with which HARS can plan and implement it expansion plans (subject to all applicable aviation safeguarding and security requirements), including the establishment of a museum, education and conference centre.

The future expansion of the passenger terminal and forecourt will require the use of the area to the south of the existing making relocation of the HARS Boeing 747-400 exhibit necessary to free up space.

Initially, the HARS Precinct is constrained by Boomerang Avenue to the north, Taxiway E to the south and the adjacent Toll rescue helicopter facility to the east. The relocation of the rescue helicopter facility into a suitable site within the Aviation Business Park would be a requirement for this precinct concept to eventuate.

There is an opportunity for possible event hardstand parking to be introduced on the southern side of Taxiway E. However, even without the introduction of this parking, the width of the Taxiway E strip does not meet full Code A taxiway standards and is constrained by the HARS apron to the north. Once the Aviation Business Park is developed, there will be a taxiway connection on the southern side of Runway 08/26, which will be accessible for Code B aircraft through to Runway 26 end, and which will help minimise backtracking on the runway. At this point, Taxiway E/F will largely become redundant and there could be an opportunity to expand the HARS apron (subsuming the event parking hardstand). This would allow HARS more independence in managing its activities and may provide the ability to allocate land for airside/landside flexibly as different events and opportunities allow, such as air shows and potential light rail connection to the Illawarra Light Railway Museum Society (ILRMS) precinct (see **Section 0** for further discussion on this).

Figure 9: HARS Precinct Concept Layout



If required, there appears to be room for a Code A taxiway to the north of Runway 08/26 (in addition to the taxiway to the south), at the prescribed minimum offset of 47.5 m from runway centreline to taxiway centreline, with the graded strip width of 10.25 m remaining south of the existing open drain. This would require the 08/26 runway strip (RWS) to be reduced from the current 90 m width to 80 m, which is the minimum required for a Code 2 runway under the Part 139 MOS 2019.

5.6 Possible Historical Rail Link

There has been a suggestion that the HARS precinct could incorporate a possible link to the Illawarra Light Rail Museum which is located adjacent to the airport and accessed off Tongarra Road. A historical or model rail link within the airport land would require suitable security provisions including fencing, as well as consideration of the OLS for Runway 08/26. A zone in which the rail link is likely to be most feasible is illustrated on **Figure 6**, however the feasibility of such a link with respect to the safety and security of aviation operations, including possible impacts on the length of Runway 08/26, needs further detailed investigation.

5.7 Aviation Business Park

Land to the south of Runway 08/26 and east of Runway 16/34 has been set aside for Aviation Business Park development. The area is shown in **Figure 10**.

Figure 10: Aviation Business Park Precinct



Council has previously developed draft concept layouts for the area incorporating a combination of Code C hangar sites (in the western portion) and Code B hangar sites (in the eastern portion closer to the Runway 26 threshold).

Council has commenced development of Stage 1 of the Aviation Business Park, by upgrading Taxiway G to Code C standard. This has been done along the pre-existing Taxiway G centreline alignment, which is 93 m offset from the Runway 16/34 centreline. This offset is based on the legacy Code 3 runway strip standard width of 150 m. Bearing in mind aspirations for larger Code 3C and potentially even 4C aircraft operations borne out of the *Shellharbour Airport – Market Review – June 2023*, it is recommended that hangar heights in this area respect the legacy Code 3/4 OLS transitional surface, consisting of a 1:7

(14.3%) slope originating 75 m from the Runway 16/34 centreline in accordance with the previous MOS Part 139 v1.15 July 2020.

Bearing in mind these OLS considerations, as well as other developments including revisions to the aerodrome standards effective 2020, it is recommended that a full and detailed review of the Aviation Business Park internal layout be undertaken prior to formalising any subdivision or further construction proceeding. This will enable commercial opportunities to be maximise, whilst accommodating changes such as the incorporation of a suitable replacement rescue helicopter facility to enable the HARS Precinct concept and the recent installation of a Precision Approach Path Indicator (PAPI) on Runway 26, neither of which were envisaged in the 2017 draft concept layout. The latter especially will affect the parallel taxiway alignment in order to avoid the PAPI units and avoid aircraft infringing the Obstacle Assessment Surface as required by the Part 139 MOS 2019. Such re-alignment will have flow-on effects on the internal hangar site layout.

Council could consider a review of the Aviation Business Park zoning, currently SP1 Aviation, to ensure that the desired employment-related and/or commercial outcomes are maximised, by adjusting the zoning of selected portions of the business park to allow a more diverse range of uses compatible with the on-airport location. However, caution should be exercised to avoid businesses that do not require airside access from denying opportunities to businesses that do require direct access to the aerodrome airside infrastructure and facilities. Any zoning review should be undertaken in conjunction with development of the detailed internal business park layout and a corresponding business case review.

Relocation of the Bureau of Meteorology instrumentation located in the centre of this area would be necessary for the next stage of the business park.

It is also noted that the Aviation Business Park access road off Tongarra Road is not ideally positioned, directly at the end of the Runway End Safety Area (see **Section 4.4**) and requiring mitigation against jet blast (see **Section 4.6**). It is understood the location of the access road intersection with Tongarra Road is a result of Transport for NSW (TfNSW) requirements. Bearing in mind the impact and interaction with aircraft operations, especially if jet aircraft operations are introduced, as well as potential for pilot distraction due to heavy vehicle movements directly under the final approach, Council should consider further engagement with TfNSW regarding options available to mitigate these issues, including the potential to relocate the intersection further to the west, avoiding or reducing the amount of traffic passing directly below aircraft as they approach

5.8 Future Commercial Precinct

At present, this area in and around the NDB, is largely constrained by the NDB Building Restricted Area (BRA) as described in **Section 6.8**. **Figure 11** below shows how the NDB BRA restricts potential building heights in the Future Commercial Precinct and therefore limits the development of this precinct while the NDB remains operational.

The larger area, to the north of the existing long-term car park is largely restricted to ground level by the inner 60 m radius of the NDB. Any development in this darker shaded area must be referred to Airservices for assessment in accordance with NASF Guideline G. Development above 5.25 m high outside the shaded area may be possible, however if it breaches the Zone B boundary (see **Section 6.8** for details) details must be submitted to Airservices for assessment. **Figure 11** shows the approximate height above ground level of the Zone B limit. It is recommended that any developments in this area are submitted to Airservices for information, even if they do not breach the BRA limits.

In addition to car parking, potential hotel accommodation has been mentioned in this precinct. Given the NDB restrictions this may not be possible until the NDB is decommissioned, for which there are currently no plans by Airservices. Minor development of things like EV charging facilities may be possible in the meantime.

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Figure 11: NDB Building Restrictions



6. Airport Safeguarding Plan

Adequate protection of the basic capability to undertake aircraft operations in accordance with accepted safety standards and regulatory requirements, and in efficient and economic manner, is imperative to the future realisation of aeronautical opportunities at Shellharbour Airport. Safeguarding is particularly important where the capability for future upgrades is to be preserved, for example to accommodate larger aircraft. Development on and around Shellharbour Airport will require adequate respect for safeguarding in order to develop the vision and objectives of the Master Plan and preserve possible future opportunities.

Airport safeguarding includes a number of elements that will be required throughout the planning and development processes. The various safeguarding elements will be triggered by different activities and aircraft operations.

6.1 National Airports Safeguarding Framework

The National Airports Safeguarding Framework (NASF) is a national land use planning framework that aims to:

- Improve community amenity by minimising aircraft noise-sensitive developments near airports including through the use of additional noise metrics and improved noise-disclosure mechanisms; and
- Improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.

The NASF was developed by the National Airports Safeguarding Advisory Group (NASAG), comprising of Commonwealth, State and Territory Government planning and transport officials, the Australian Government Department of Defence, the Civil Aviation Safety Authority (CASA), Airservices Australia and the Australian Local Government Association (ALGA).

NASF currently consists of a set of seven principles and nine guidelines. The full NASF principles and guidelines can be found on the Department of Infrastructure and Regional Development's website at: *www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf* .

The NASF principles are as follows, and each Guideline is described in the following subsections.

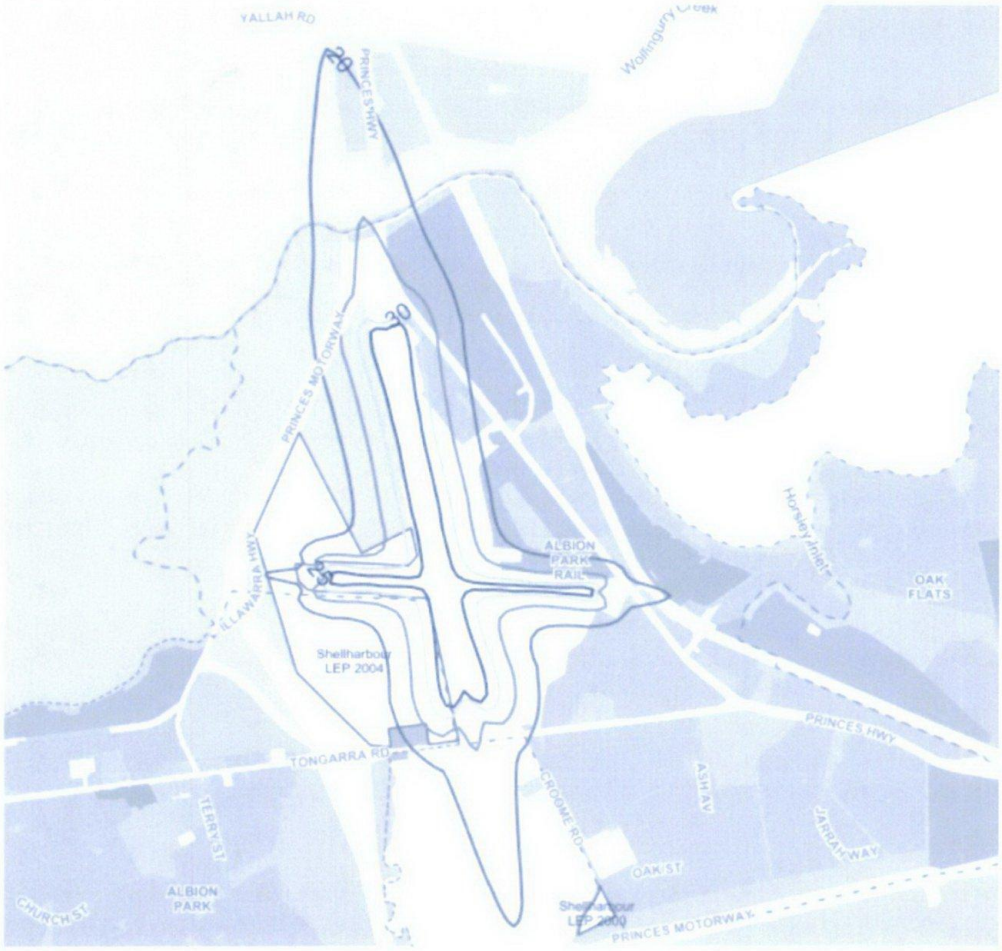
- **Principle 1:** The safety, efficiency and operational integrity of airports should be protected by all governments, recognising their economic, defence and social significance
- **Principle 2:** Airports, governments and local communities should share responsibility to ensure that airport planning is integrated with local and regional planning
- **Principle 3:** Governments at all levels should align land use planning and building requirements in the vicinity of airports
- **Principle 4**: Land use planning processes should balance and protect both airport/aviation operations and community safety and amenity expectations
- **Principle 5**: Governments will protect operational airspace around airports in the interests of both aviation and community safety
- **Principle 6:** Strategic and statutory planning frameworks should address aircraft noise by applying a comprehensive suite of noise measures
- **Principle 7:** Airports should work with governments to provide comprehensive and understandable information to local communities on their operations concerning noise impacts and airspace requirements.

The NASF Guidelines are presented here in their alphabetical order, however the guideline considered most relevant to this Master Plan and its vision, as stated as **Section 3**, is that relating to protection of operational airspace and associated matters discussed in **Section 6.6.2**.

6.2 Aircraft Noise

The Shellharbour Local Environmental Plan 2013 (LEP) includes an Australian Noise exposure Forecast (ANEF), understood to have been developed around 2008 and shown in **Figure 12**.

Figure 12: Current Shellharbour Airport ANEF



Source: Shellharbour Local Environmental Plan 2013

The basis of this ANEF, in terms of aircraft types and frequencies modelled, is not clear. It is, however, likely that due to the passage of time the aircraft types included do not represent all of the types which may commence operations as a result of the aviation strategies set out in the *Shellharbour Airport – Market Assessment – June 2023*.

Noting the technical challenges to the establishment of regular services by larger Code 3 or Code 4 aircraft, it is recommended that if these services prove possible, an updated aircraft noise assessment and ANEF be developed to account for the expected aircraft fleet and frequency of operations.

6.3 Building Generated Windshear + Turbulence

The purpose of NASF Guideline B: *Managing the Risk of Building Generated Windshear and Turbulence at Airports* is to assist land use planners and airport operators in their planning and development processes to reduce the risk of building generated windshear and turbulence at airports near runways.

Applicability of this Guideline is initially determined by the location of the building within an 'assessment trigger area' around the runway ends, that is:

- 1200 metres or closer perpendicular from the runway centreline (or extended runway centreline);
- 900 metres or closer in front of runway threshold (towards the landside of the airport); and
- 500 metres or closer from the runway threshold along the runway.

The guideline recommends that all developments within the assessment trigger areas which will infringe a 1:35 sloping surface from the runway centreline should be subject to further assessment.

Positioning of all developments on airport will need to be evaluated on a case-by-case basis. Subject to confirmation through such evaluation that no adverse impact on aircraft operations is predicted, then buildings may be located closer to the runways and within the 1:35 surface. **Figure 13** illustrates the assessment trigger areas.

Proposed developments in these areas should initially be assessed against the relevant 1:35 surface as described in Guideline B. Buildings that are proposed to infringe this surface may require further assessment in accordance with Guideline B to confirm that no adverse impact on aircraft operations is predicted. With reference to **Figure 6** at **Section 5.1**, it can be seen that developments in the Landside and Commercial precincts would be within the assessment trigger area for Runway 08-26 and developments with the HARS Precinct and the Aviation Business Park would be within the assessment trigger areas for both Runway 08-26 and Runway 16-34.

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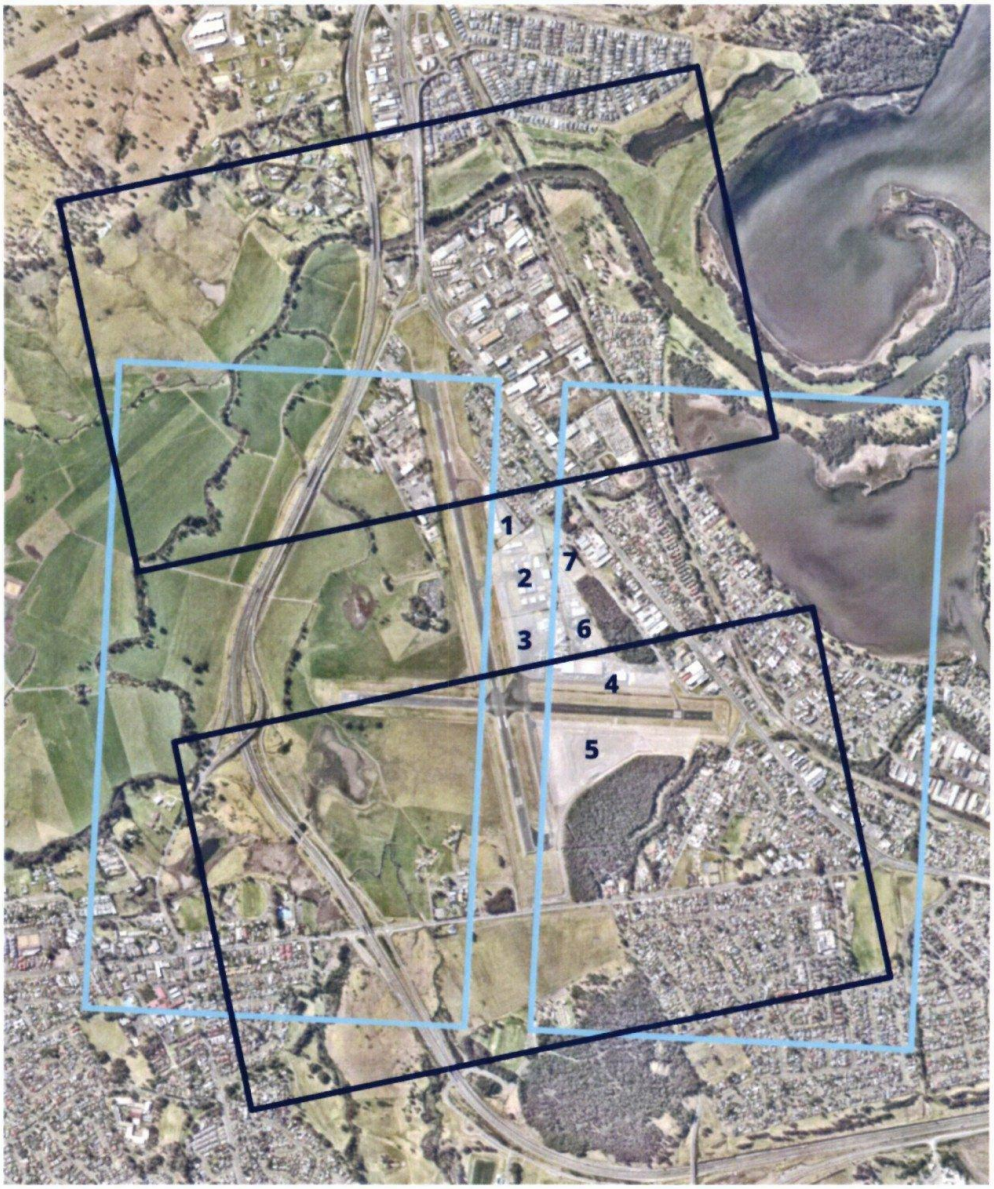
Figure 13: BGWT Assessment Trigger Areas



Building Generated Windshear + Turbulence Assessment Trigger Areas

Runway 16/34 Runway 08/26

Airport Precincts:

1 Illawarra Flyers
2 Existing GA Precinct
3 Passenger Terminal Precinct
4 HARS Precinct
5 Aviation Business Park
6 Landside Precinct
7 Future Commercial Precinct

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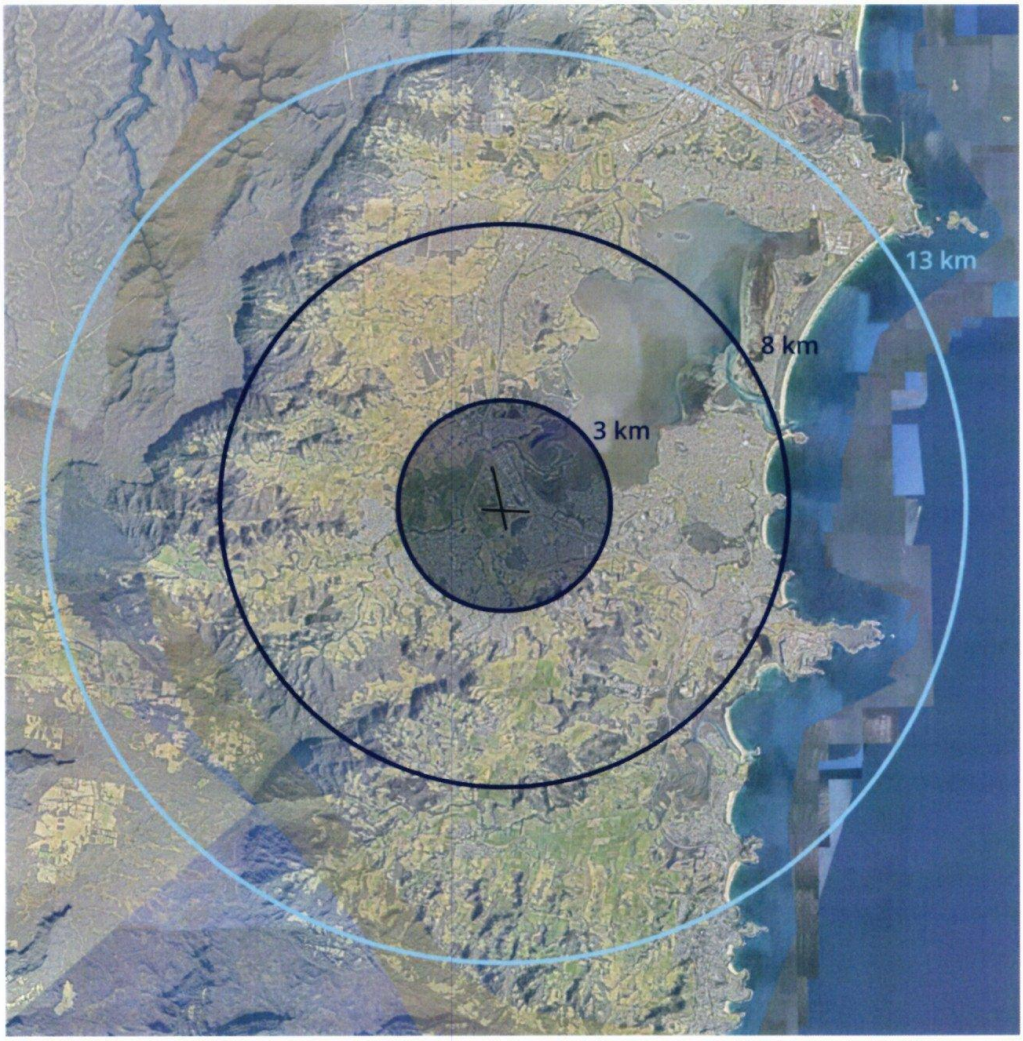
6.4 Wildlife Hazards

The purpose of NASF Guideline C: *Managing the Risk of Wildlife Strikes in the Vicinity of Airports*, is to inform the land use planning decisions and the way in which existing land use is managed in the vicinity of airports with respect to the attraction of wildlife, particularly birds. A table is included in Attachment 1 to Guideline C which indicates wildlife attraction risk and associated actions for developments within buffer zones around airports of three (3), eight (8) and 13 kilometres radius. These buffer zones are shown on **Figure 14** for Shellharbour Airport. Council should consider Guideline C in its planning decisions with respect to land uses and developments within 13 kilometres of the Airport.

Figure 14: Wildlife Buffer Zones



6.5 Wind Turbines

NASF Guideline D: *Managing the Risk to Aviation Safety of Wind Turbine Installations* provides general information and advice in relation to wind farms and turbines and their hazards to aviation. Proponents of such installations should take account of Guideline D in undertaking assessments of the impacts of the proposals, including on aviation.

Council should be aware of Guideline D and it may assist in evaluating and commenting on any wind farm proposals within 30 km of Shellharbour Airport.

6.6 Lighting and Glare

6.6.1 Lighting

NASF Guideline E *Managing the Risk of Distraction to Pilots from Lighting in the Vicinity of Airports* provides guidance on the risk of distractions to pilots of aircraft from lighting and light fixtures near airports. The CASA Manual of Standards part 139 Aerodromes Section 9.21: Lighting in the Vicinity of Aerodromes sets out the restrictions and provides advice to lighting suppliers on the general requirements, information and correspondence avenues.

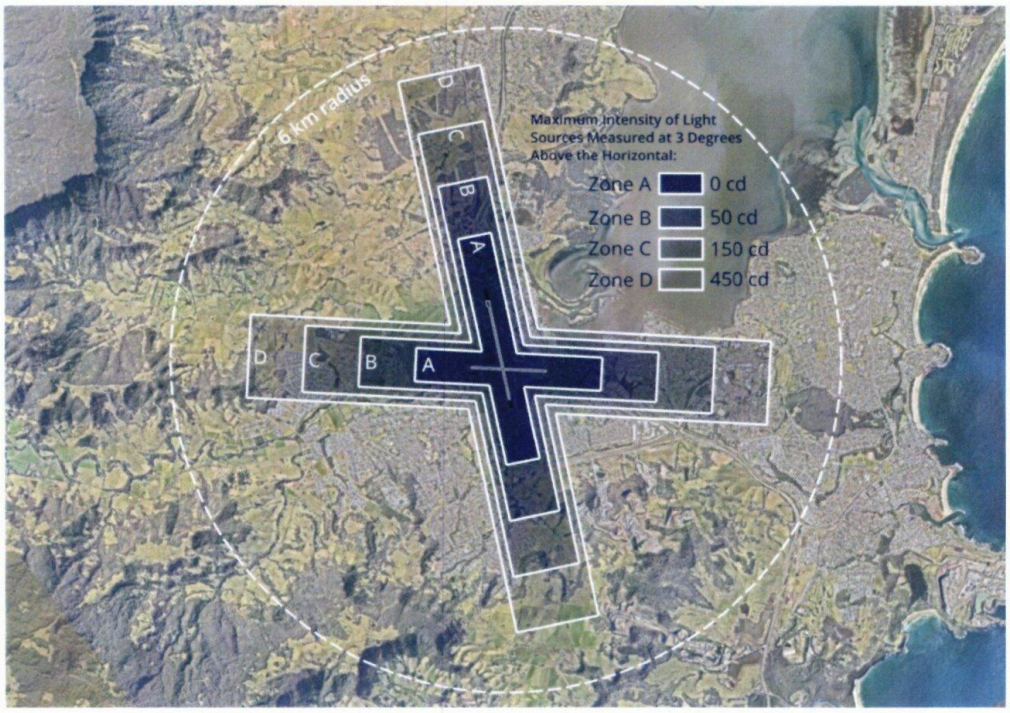
Advice for the guidance of designers and installation contractors is provided for situations where lights are to be installed within a six (6) kilometre radius of the airport. Lights within this area fall into a category most likely to be subject to the provisions of regulation 94 of the Civil Aviation Regulations 1988, under which CASA has the power to require lights which may cause confusion, distraction or glare to pilots in the air, be extinguished or modified.

The primary area is divided into four light control zones; A, B, C and D, as shown in **Figure 15**. These zones reflect the degree of interference ground lights are permitted to cause pilots as they approach. Lighting associated with any developments should therefore meet the maximum intensity of light sources measured at three (3) degrees above the horizontal associated with each Zone as follows:

- Zone A – 0 cd;
- Zone B – 50 cd;
- Zone C – 150 cd; and
- Zone D – 450 cd.

Council should consider Guideline E in relation to any proposed lighting installations on airport, as well as off-airport (for example, associated with sports fields, industrial facilities and similar) within six (6) kilometres of Shellharbour Airport.

Figure 15: Lighting Restriction Zones



6.6.2 Solar Glare

Potential for glare from solar panel installations and other reflective surfaces has, traditionally, been a concern for aviation safety around airports. Currently, there are no specific Australian standards the apply to solar farms near aerodromes, or the installation of rooftop solar panels on buildings on airport. CASA has generally followed the US Federal Aviation Administration (FAA) which is relatively advanced in terms of solar farm glare evaluation. The FAA revised its guidance in May 2021 as follows:

> *"In most cases glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features. However, FAA has continued to receive reports of potential glint and glare from on-airport solar energy systems on personnel working in ATCT cabs. Therefore, FAA has determined the scope of agency policy should be focused on the impact of on-airport solar energy systems to federally-obligated towered airports, specifically the airport's ATCT cab."*

CASA has adopted this updated FAA policy in its response to Council's request to review the Bass Point Quarry Solar Farm, where CASA has recommended a technical glare assessment is not required, " ... mainly due to the lack of a near ATC tower."

Therefore, on the basis of the CASA advice, rooftop solar installation on individual buildings are not expected to pose a significant risk to aircraft operations as a result of glint and glare to pilots.

Noting the possibility of an ATC tower (albeit likely a digital solution as discussed in **Section 4.12**) ultimately being required to fulfil aviation development scenarios, it is recommended that any installation go ahead on the proviso, in the future it may need to be adjusted or removed if it causes safety risks as a result of glint and glare on ATC.

6.7 Protected Operational Airspace

NASF Guideline F: *Managing the Risk of Intrusions into the Protected Operational Airspace of Airports*, provides guidance to State/Territory and local government decision makers as well as airport operators to jointly address the issue of intrusions into the operational airspace of airports by tall structures, as well as trees in the vicinity of airports.

If these activities are not regulated, CASA may have to mitigate risk by imposing restrictions on the runway distance that can be used. Alternatively, the minimum descent altitude for aircraft approaching in inclement weather may have to be lifted, with the result that fewer aircraft may be able to land under such conditions. Either way, an increase in the prevalence of obstacles in Shellharbour Airport operational airspace poses a threat to the ongoing operational efficiency of the airport, whether in regard to existing operations or a desired introduction of larger aircraft services.

Two separate groups of criteria determine the dimensions and volumes of the required operational airspace. The first group, Obstacle Limitation Surfaces (OLS), protect visual operations (which typically include most general aviation operations, as well as air transport operations in good weather). The OLS are described in **Section 6.7.1**. The second group of criteria protect aircraft operations that are solely reliant on navigational instruments. These criteria, known as PANS-OPS, are discussed in **Section 6.7.2**.

Finally, NASF Guideline F also addresses activities that could cause air turbulence or the emission of steam, gas, smoke, dust and other particulate matter where this could affect the operation of aircraft in accordance with the Visual Flight Rules (VFR). These matters are discussed in **Section 6.7.3**, in particular with reference to the Tallawarra B power station.

6.7.1 Obstacle Limitation Surfaces

The current Obstacle Limitation Surfaces (OLS) for Shellharbour Airport were established for Code 2 instrument non-precision approach and take-off operations on Runway 16/34 and non-instrument operations on Runway 08/26. Since these OLS were established, the standards for OLS applicable to Code 2 and Code 3 instrument runways have changed.

Table 6 shows how the existing OLS compares with the current *Part 139 (Aerodromes) Manual of Standards 2019* (Part 139 MOS 2019) specifications for Code 2 and Code 3/4 instrument non-precision approach operations. It can be seen that, with an inner edge width of only 90 m, the Runway 16/34 approach surfaces do not meet the current standards for Code 2 instrument non-precision operations. Also shown in

Table 6 are the historical standards which applied to Code 3 instrument non-precision Runways prior to the introduction of the Part 139 MOS 2019. These are taken from the legacy *Manual of Standards Part 139 – Aerodromes* v1.15 July 2020 (MOS Part 139 v1.15).

Table 6: Comparison of OLS Specifications

Element	Existing OLS	Part 139 MOS 2019 Code 2	Part 139 MOS 2019 Code 3 / 4	Legacy MOS Part 139 v1.15 Code 3 / 4
CONICAL				
Slope	5%	5%	5%	5%
Height	60 m	60 m	75 m / 100 m	75 m
INNER HORIZONTAL				
Height	45 m	45 m	45 m	45 m
Radius	3,500 m	3,500 m	4,000 m	4,000 m
APPROACH				
Length of inner edge	90 m	140 m	280 m	150 m / 150 m*
Divergence each side	15%	15%	15%	15%

Element	Existing OLS	Part 139 MOS 2019 Code 2	Part 139 MOS 2019 Code 3 / 4	Legacy MOS Part 139 v1.15 Code 3 / 4
First section length	2,500 m	2,500 m	3,000 m	3,000 m
Slope	3.33%	3.33%	2.0%	3.33% / 2.0%
Second section length	-	-	3,600 m	3,600 m
Slope	-	-	2.5%	2.5%
Horizontal section length	-	-	8,400 m	8,400 m
Total length	2,500 m	2,500 m	15,000 m	15,000 m
TRANSITIONAL				
Slope	20%	20%	14.3%	14.3%
TAKE-OFF CLIMB				
Length of inner edge	90 m	80 m	180 m	180 m
Rate of divergence	10%	10%	12.5%	12.5%
Final width	580 m	580 m	1,800 m	1,800 m
Overall length	2,500 m	2,500 m	15,000 m	15,000 m
Slope	4%	5%	2%	2%
* 150 m approach surface inner edge and runway strip width was permissible for Code 4 aeroplanes only requiring a 30 m wide runway				

The 2013 Master Plan recommended protecting the long-term potential to be able to conduct Code 3C or 4C operations and included a set of OLS applicable to Code 4 instrument non-precision approaches and Code 4 take-offs for Runway 16/34. Those 2013 OLS were based on a 2.0% approach surface slope. The OLS in **Figure 16** below are based on a 3.33% approach surface and are what would be applicable if Runway 16/34 had been 'grandfathered' to the previous Code 3 standards. It is provided to illustrate the historical challenges in safeguarding for Code 3 or 4 OLS compliance at Shellharbour as a result of the extensive infringement of the OLS by surrounding hilly terrain. These permanent and irremovable infringements may explain why Runway 16/34 has instead been grandfathered to historical Code 2 standards, given the inability to have complied with even the historical Code 3 requirements.

To operate larger Code 3C aircraft or Code 4C aircraft, the infringements shown in **Figure 16** would need to be safely avoided through operational procedures, such as curved VFR take-off and approach paths, existing or upgraded instrument approach procedures, possible standard instrument departures, and airline one-engine inoperative (OEI) take-off procedures to keep aircraft safely clear of obstacles. Demonstrating to CASA's satisfaction how the challenges presented by terrain and other obstacles would be an essential part of an airport compatibility study and airline safety case.

As discussed in Section 4.7.2, possible future OLS changes currently under consideration by ICAO may lead to greater flexibility in safely accommodating operations by larger aircraft, which more commonly operate under instrument procedures, in line with improvements in aircraft navigation technologies. Such developments should be kept under review, however pending finalisation and publication of any updated OLS specifications by ICAO and subsequently by CASA, the legacy MOS Part 139 v.1.15 Code 3 OLS should be protected from further intrusion.

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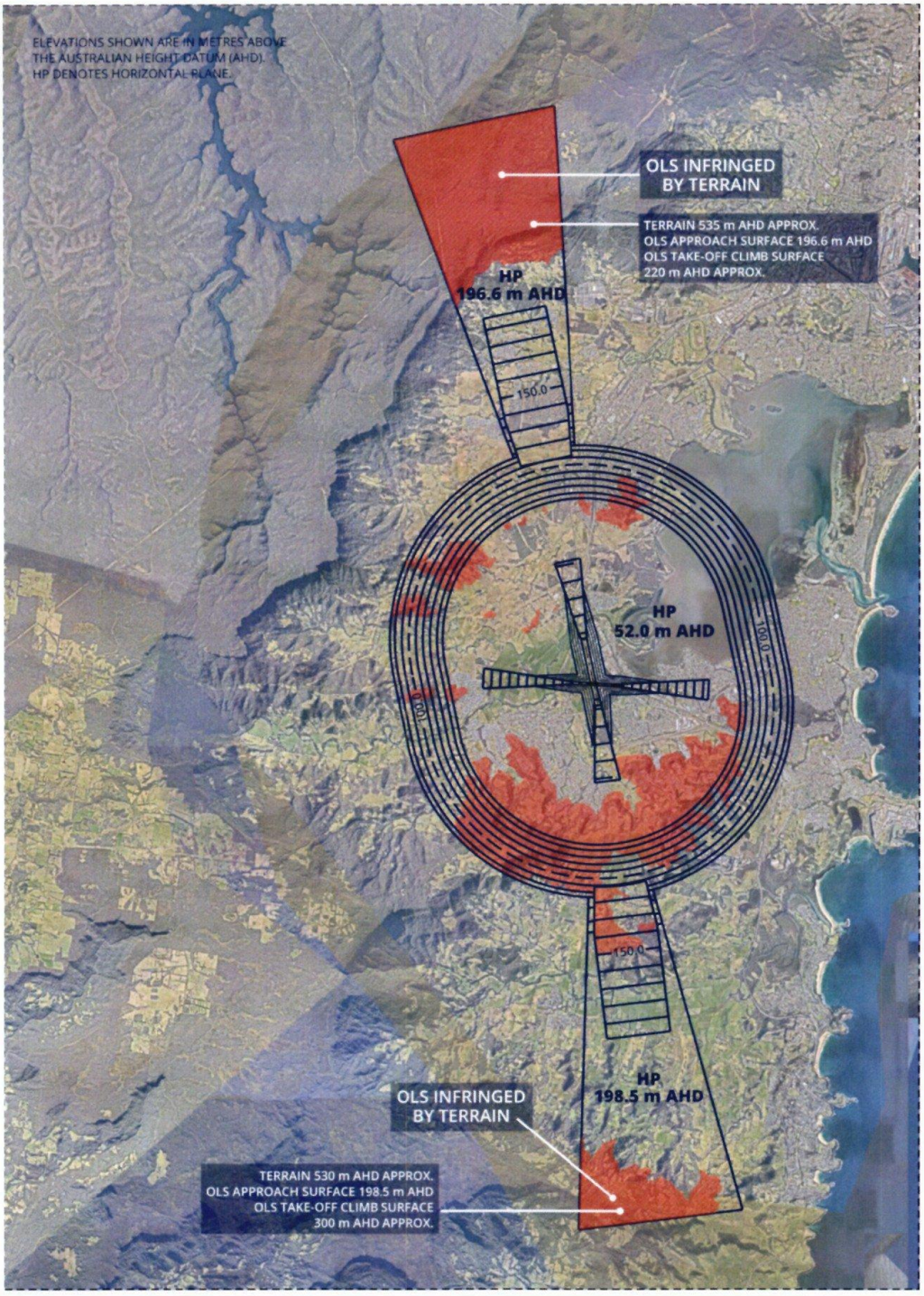
Figure 16: Illustrative Legacy Code 3 OLS Showing Terrain Infringements



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6.7.2 PANS-OPS

In addition to the OLS, Council is also required to monitor and report obstacles to the Procedures for Air Navigation Surfaces – Aircraft Operations (PANS-OPS) surfaces which may affect the published instrument approach procedures.

The PANS-OPS surfaces protect the airspace in the vicinity of the airport for instrument operations. The PANS-OPS surfaces differ to the OLS in that they protect aircraft conducting operations under IFR and as such cannot be infringed under any circumstances, as aircraft are relying on them for the avoidance of obstacles. However, like the OLS, they comprise a series of airspace reference surfaces. PANS-OPS surfaces are generally (though not always) higher than the OLS, but they extend further from the airport than the OLS.

Currently, the airport monitors the Visual Segment Surfaces (VSS) for Runway 16 and 34 approaches as part of its annual obstacle survey. The current VSS has an inner edge width of 90 m, in line with the published runway strip width. Consistent with the principle of minimising obstacles within the OLS associated with a 150 m wide runway strip, Council should consider monitoring the VSS that would apply to a 150 m wide runway strip.

Council should work with Airservices Australia to ensure the information needed for monitoring obstacles within the associated instrument approach procedure protection areas is available, to allow it to fulfil its obligations under the relevant regulations.

6.7.3 Plume Rise

Exhaust plumes from industrial and other facilities can be considered obstacles if they present a significant risk of turbulence of sufficient severity to cause a loss of safe control of aircraft by pilots.

CASA has established a process, set out in Advisory Circular AC 139.E-02 v1.0 *Plume rise assessments* March 2023 for assessing proposed plume rises for risk to aviation operations.

The proposed Tallawarra B Power Station is the source of a significant exhaust plume which has the potential to cause a turbulence hazard to aircraft operations above and near to the power station. The gas turbine exhaust is located approximately 3.6 km northeast of the airport and is below the existing OLS conical surface. The proponent, Energy Australia, has proposed a plume dispersion device (PDD), to discharge the exhaust horizontally. However due to the high exhaust temperature, the potential for turbulence remains. To assess the potential safety impacts, assessment has been carried out by others, in consultation with CASA, in accordance with the process set out in AC 139.E-02.

CASA has provided advice to the NSW Department of Planning and Environment (NSW DPE), the Land Use Planning Authority (LUPA) responsible for the Tallawarra B approval, as follows:

- A plume rise velocity lower than 6.1 m/s by 700 ft AMSL would achieve an acceptable level of safety for aviation; and
- NSW DPE should satisfy itself that the modelling of the final design is valid and that the average plume rise velocity will not exceed 6.1 m/s at 700 ft AMSL.

CFD modelling has been carried out for Energy Australia[7] and independently reviewed by GHD[8]. The modelling concludes the resulting plume rise velocity will be below 6.1 m/s at 700 ft AMSL. It is beyond

[7] Tallawarra B Power Station CFD Plume Modelling – GE Modified PDD Design Version 3B, Summary Report, 7th March 2023

[8] Tallawarra B Power Station Review of CFD Plume Rise Assessment, ref:12606819, 04 April 2023

the scope of this Master Plan to further validate this specialist assessment. However, from an airport safeguarding perspective it is important to note that CASA also advised NSW DPE that (emphasis added)[9]:

> *CASA advises that theoretical modelling must be validated using the final design* ***and actual plume data during power plant operation. Any real time outcomes that create a plume velocity greater than 6.1 m/s above 700 ft AMSL will require further mitigation to achieve an acceptable level of safety for aviation.***

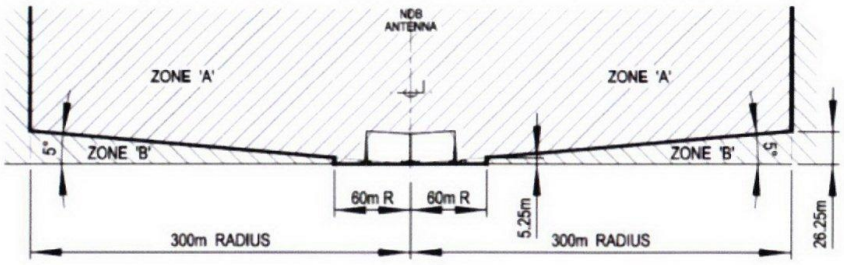
It is understood that this requirement has been imposed as a condition of the approval of Tallawarra B under a Plume Validation Monitoring Program. It is recommended Council liaise closely with NSW DPE to ensure that the monitoring program is implemented diligently.

6.8 Communication, Navigation and Surveillance (CNS) Facilities

Shellharbour Airport has a non-directional beacon (NDB) owned and operated by Airservices Australia (Airservices). Whereas most NDBs in Australia have now been decommissioned, as a result of the reduced reliance on ground-based navigation aids (navaids) and increased usage of Global Navigation Satellite System (GNSS) as the primary means of instrument flight rules navigation in Australia, the NDB at Shellharbour remains as one of the navaids forming the Backup Navigation Network (BNN). The BNN is maintained and monitored by Airservices to support a GNSS contingency mode of operation, in the unexpected case where a pilot is unable to access the GNSS service. Airservices is currently undertaking a post implementation review of the BNN[10], however there are at present no indications that the Shellharbour NDB is likely to be decommissioned in the foreseeable future. It is nevertheless possible that at some point the NDB will become unnecessary and could ultimately be decommissioned. In the meantime development will need to accommodate the NDB Building Restricted Area (BRA) as defined in NASF Guideline G: *Protecting Aviation Facilities – Communication, Navigation and Surveillance (CNS).*

The purpose of Guideline G is to provide a consistent approach to land use planning protection of CNS facilities. Guideline G assists land use planning decision makers with guidance for assessing development proposals in Building Restricted Areas (BRA). Attachment 3 to the Guideline provides the BRAs for aviation facilities, including the NDB, as shown in **Figure 17**.

Figure 17: NDB Building Restricted Area Requirements



(Cont.)

[9] Proposed Tallawarra Power Plant, CASA Ref:F17/8039-27, 27 August 2021, CASA letter to NSW Department of Planning, Industry and Environment

[10] https://www.avsef.gov.au/consultations/post-implementation-review-australian-backup-navigation-network

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(Cont.)

Building Restricted Area	Location of development	Action required
Zone A	If development is located: a. within 60 metres of the Non-Directional Beacon antenna; or b. between 60-300 metres from the Non-Directional Beacon antenna and the development will cross the zone boundary (defined as an elevation angle of 5° from ground level at the centre of the Non-Directional Beacon antenna).	All applications must be referred to Airservices Australia for assessment.
Zone B	If development is located between 60-300 metres from the centre of the Non-Directional Beacon antenna and the development will not cross the zone boundary.	No requirements.
General guidance: • within a 60 metres radius from the centre of the Non-Directional Beacon antenna vegetation should be kept to less than 60cm high. Naturally occurring native flora may be allowed to exceed 60cm subject to a site environment plan. • high voltage overhead powerlines 33kv or greater should be at least 300 metres from the centre of the Non-Directional Beacon antenna.		

Source: NASF Guideline G

6.9 Public Safety Areas

NASF Guideline I: *Managing the Risk in Public Safety Areas at the Ends of Runways* provides guidance on approaches for the application of a Public Safety Area (PSA) planning framework in Australian jurisdictions. The Guideline is intended to ensure there is no increase in risk from new development and to assist land-use planners to better consider public safety when assessing development proposals, rezoning requests and when developing strategic land use plans.

Guideline I provides two examples of most relevance to Australia (the UK and Queensland approaches) to developing PSA extents, however it is notable that since publication of Guideline I the UK has updated its policy regarding the establishment, size and shape of PSAs.

Council has previously established PSAs at all four runway ends in line with the Queensland template dimensions. Under the Queensland model, an airport's main runway requires a PSA if the runway meets the following criteria:

- RPT (i.e. airline) jet aircraft services are provided, or
- Greater than 10 000 aircraft movements occur per year (excluding light aircraft movements).

Under NASF Guideline I, an alternative approach is to establish a PSA based on an estimated individual risk level of 1 in 100,000 per year. To do this requires detailed forecasts of future aviation activity, which are not available as part of this Master Plan. However, some analysis has been undertaken to estimate the levels of risk associated with possible aviation activity scenarios.

6.9.1 Runway 08/26

Runway 08/26 is not capable of accommodating jet airline services. Nor is it anticipated to handle more than 10,000 aircraft movements per year, of any size. Therefore, under the Queensland criteria, it would not trigger a requirement for PSAs.

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An assessment of risk levels was carried out separate to this Master Plan. It concluded:

- Even with unrealistic 'worst-case' assumptions around future Runway 08/26 use, calculation of individual risk levels estimates a maximum individual risk level of around 0.7-0.8 in 100,000 per year, which is below the level of 1.0 in 100,000 at which NASF Guideline I recommends the establishment of a PSA.
- Modelling of actual risk levels based on 2022-23 financial year aircraft movements estimates a maximum individual risk level of 0.1-0.2 in 100,000 (1 in a million to 2 in a million), with levels exceeding 1 in a million remaining west of the Albion Park station and the rail line.

While this assessment represents a best endeavours order of magnitude estimation of public safety risk levels in accordance with the stated methodology, the acceptability or otherwise of the estimated risk levels for particular land uses or developments in the vicinity of the runway is a matter for Council, in line with NASF Guideline I and/or NSW HIPAP4 as may be appropriate.

6.9.2 Runway 16/34

Under either of the scenarios envisaged in this Master Plan (other than Scenario 1 Business as Usual), Runway 16/34 is envisaged to accommodate jet airline services. Therefore, under the Queensland criteria a PSA would be triggered.

Preliminary assessment of risk levels undertaken for this Master Plan indicate that, under Scenario 3 passenger levels, and including an allowance for growth of general aviation activity commensurate with Aviation Business Park and air show event growth (i.e. an approximate doubling on non-airline operations), levels of risk approximating the NASF Guideline I suggested criteria for a PSA of 1 in 100,000 per year would be generated.

Therefore, to safeguard for the nature of operations envisaged by this Master Plan, retention of the Runway 16/34 PSAs is recommended.

7. Summary & Recommendations

7.1 Summary

This Shellharbour Airport Master Plan has been developed in response to Council's vision to develop the Illawarra Regional Airport into a **vibrant business hub that contributes to regional economic development, tourism and employment**, while **facilitating the viable development of a greater range of affordable air travel options** for the region.

To achieve the first element of this vision requires development of additional infill and new build hangar sites within the Existing GA Precinct as well as the realisation of the Aviation Business Park. To complement this, the consolidation of HARS activities into a dedicated precinct, within which development of a high-quality aviation museum can occur, is a key element of the strategy.

Despite some limitations, on-ground infrastructure is largely fit-for-purpose to accommodate regular operations by a wider range of aircraft types than has been the case in the past, as a result of careful application of funding over recent years to runway, apron and terminal upgrades. These facilities, with appropriate staged upgrades, should not be a barrier to realisation of the vision. Opportunities appear to exist to provide additional runway take-off distance, to further strengthen the capacity for larger aircraft and more airlines operating to a wider range of destinations, albeit subject to satisfying CASA around certain safety matters, including the management of jet blast impacts off airport.

It is important to recognise though, that some aspects of the Shellharbour Airport context present challenges and uncertainty around what is genuinely feasible. These challenges relate primarily to runway strip width, and obstacles and terrain intruding into the airspace required for operations by larger aircraft. The airport is not able to meet the current standards for airspace and obstacle restriction applicable to Code 3 or 4 aircraft (nor even the most recent historical ones) and so will be unable to ever declare itself a Code 3 or 4 Aerodrome Reference Code facility.

Operations by larger aircraft are, nonetheless, not precluded. They are however subject to considerable uncertainty around what the limits of possibility are, especially in relation to the types of aircraft that offer the lowest cost base and bring the most affordable travel outcomes. To resolve these uncertainties will require further detailed technical safety-related work, involving potentially lengthy discussions and collaboration between Council, potential airlines, CASA and other stakeholders. Ultimately, the requirements to mitigate safety necessary to enable some operations may add to the cost base and erode the commercial viability of potential opportunities. Therefore, it is essential for Council to understand the true technical and financial reality before making an informed investment decision in expansion and upgrade of runway infrastructure.

Table 7 below provides a summary of the key Master Plan requirements relating to each of the development scenarios in the *Shellharbour Airport – Market Assessment – June 2023* as indicated in **Table 3** at **Section 4**.

Table 7: Master Plan Key Requirements Summary by Scenario

Master Plan Requirements	Scenario 1 "Business as Usual"	Scenario 2 "Introduction of Airport Security"	Scenario 3 "Introduction of Affordable Travel Options"
Aircraft Types (typical)	Saab 340B	Dash8-Q400, Fokker F100, Boeing B717, Embraer E190	Airbus A320 / 321, Boeing 737, Airbus A220
Runway strip & airspace	Maintain existing obstacles below OLS	Safety case required but likely to be achievable	Additional runway strip required (min 150m currently) and 1:7 obstacle free transitional surfaces Safety case required but likely to be straightforward if the above is achieved, but challenging otherwise
Runway length	Existing is adequate	Existing is likely adequate Additional take-off length may be beneficial – consult with operators	Additional take-off length required
Pavement strength	Existing is adequate	Existing is adequate	Runway is adequate for start-up, plan for additional strengthening in next scheduled maintenance overlay Taxiway/apron strengthening likely required earlier
Terminal Expansion	Existing is adequate	Passenger and baggage security screening required Minor terminal expansion may improve baggage claim and give greater comfort levels if overlapping flights	Passenger and baggage security screening required Minor terminal expansion may accommodate single flights Significant expansion required for overlapping flights.
Car Parking	Existing is adequate	Existing potentially adequate, minor additional long stay may be required	Minor expansion for infrequent flights. Substantial expansion required for higher traffic levels, likely requiring use of existing landside precinct lease areas.
Aerodrome Rescue & Fire Fighting Service	Not required	Potentially required (trigger 350,000 pax per FY)	Required once 350,000 pax per FY achieved

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7.2 Recommended Actions

It is therefore recommended that, in pursuit of Aviation Development Scenario 2 or 3, as set out in the *Shellharbour Airport – Market Assessment – June 2023*, being those which embody more affordable and varied travel options, the Council undertake the following steps:

- Council engage with potential airline operators, CASA and other possible stakeholders (e.g. Airservices Australia) to develop a clear understanding of what a comprehensive safety case for the regular operation of a given aircraft type will require, in terms of mitigating actions.
- With that knowledge in hand, then develop an informed business case in conjunction with potential airline operators, as to what scale of airline operation is viable for each carrier and what this means for the provision of airport infrastructure (including aspects such as runway length and considerations such as ARFFS in future).
- Apply this information to a detailed business case including cost-benefit analysis for any investment proposals, especially in relation to runway extensions, before committing to infrastructure development.

These steps are likely to be incremental, inter-related and potentially iterative. However, the implementation of this process of due diligence should not need to delay other unrelated elements of this Shellharbour Airport Master Plan.

Based on current infrastructure and operational airspace, Aviation Development Scenario 2 is likely to be more realistically achievable in the short- to medium-term, subject to the above steps. Accommodating Scenario 3 is likely to require the acquisition of some surrounding land to meet runway strip width and transitional obstacle limitation surface requirements. However, this should be re-evaluated once proposals for changes to airspace protection requirements, currently under consideration by ICAO, become more certain.

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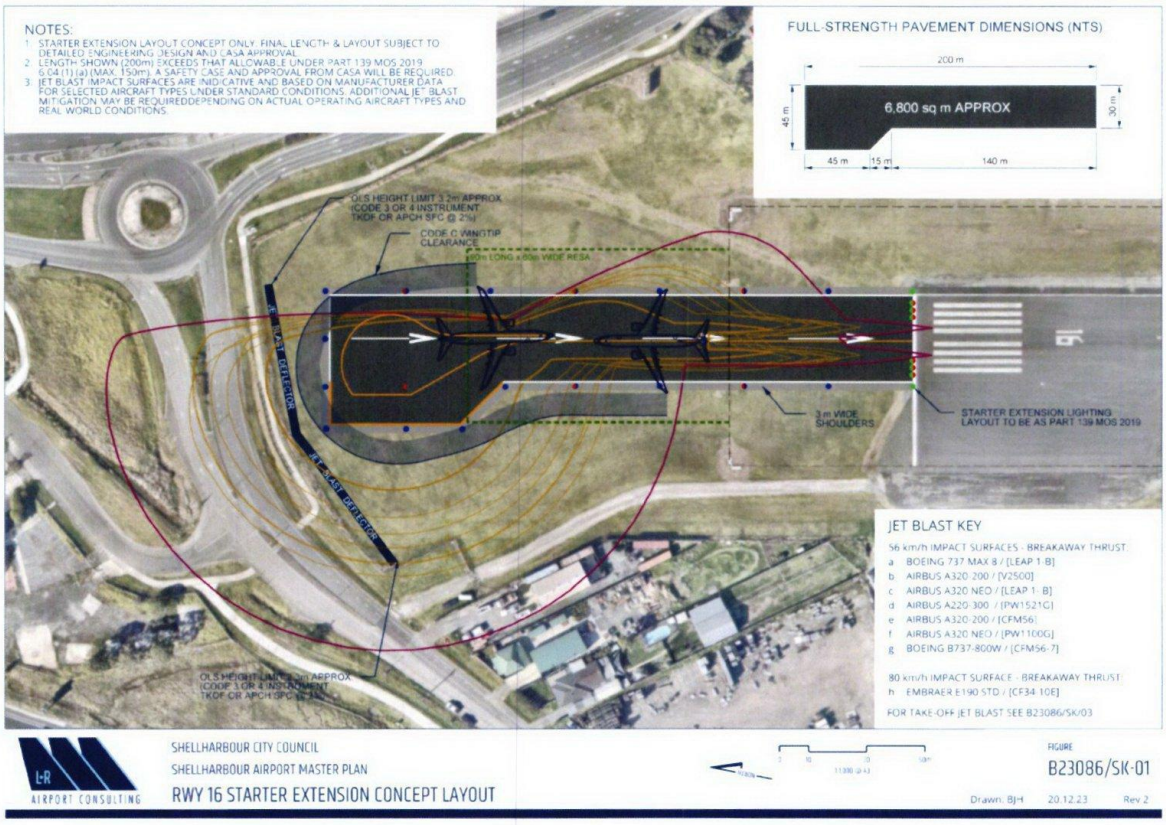
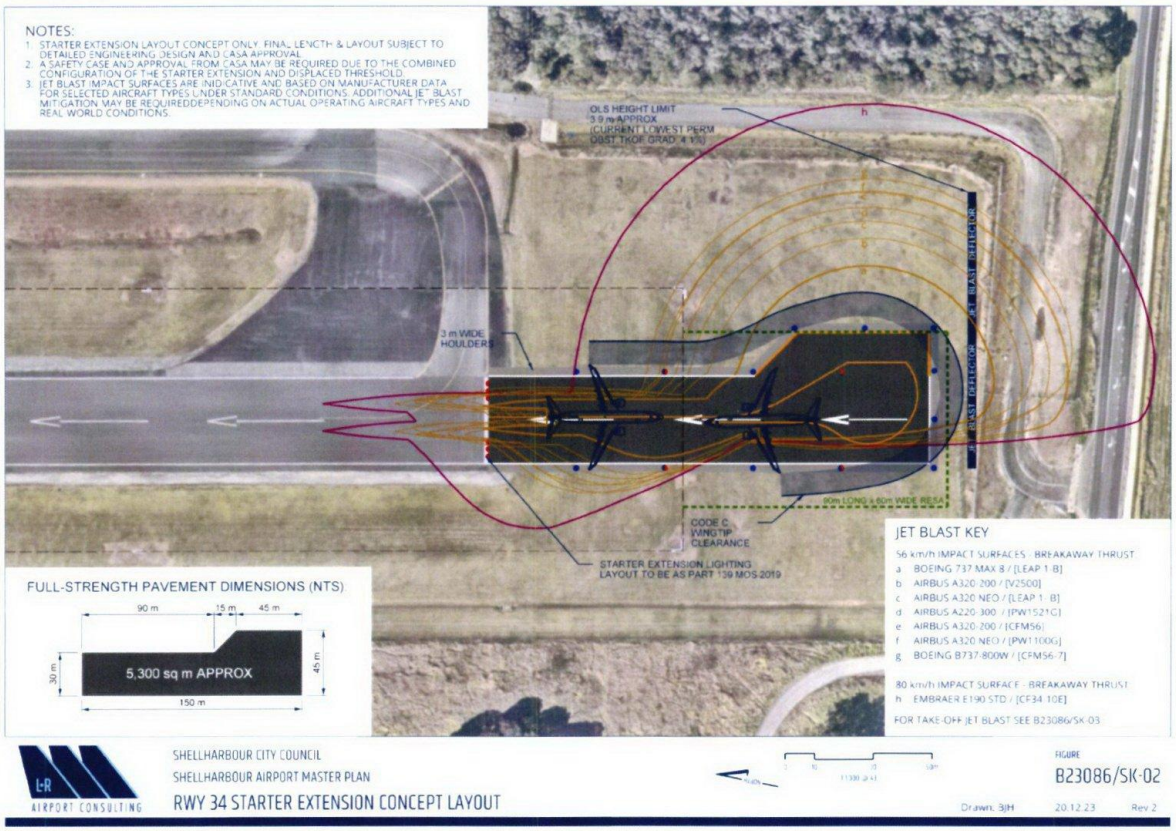
Appendix A: Runway Starter Extension Concepts


NOTES:
1. STARTER EXTENSION LAYOUT CONCEPT ONLY. FINAL LENGTH & LAYOUT SUBJECT TO DETAILED ENGINEERING DESIGN AND CASA APPROVAL.
2. LENGTH SHOWN (200m) EXCEEDS THAT ALLOWABLE UNDER PART 139 MOS 2019 6.04 (1) (a) (MAX. 150m). A SAFETY CASE AND APPROVAL FROM CASA WILL BE REQUIRED.
3. JET BLAST IMPACT SURFACES ARE INDICATIVE AND BASED ON MANUFACTURER DATA FOR SELECTED AIRCRAFT TYPES UNDER STANDARD CONDITIONS. ADDITIONAL JET BLAST MITIGATION MAY BE REQUIREDDEPENDING ON ACTUAL OPERATING AIRCRAFT TYPES AND REAL WORLD CONDITIONS.
FULL-STRENGTH PAVEMENT DIMENSIONS (NTS)
200 m
6,800 sq m APPROX
45 m
30 m
45 m
15 m
140 m
OLS HEIGHT LIMIT 3.2m APPROX (CODE 3 OR 4 INSTRUMENT TKOF OR APCH SFC @ 2%)
CODE C WINGTIP CLEARANCE
90m LONG x 60m WIDE RESA
JET BLAST DEFLECTOR
JET BLAST DEFLECTOR
3 m WIDE SHOULDERS
STARTER EXTENSION LIGHTING LAYOUT TO BE AS PART 139 MOS 2019
16
JET BLAST KEY
56 km/h IMPACT SURFACES - BREAKAWAY THRUST:
a BOEING 737 MAX 8 / [LEAP 1-B]
b AIRBUS A320-200 / [V2500]
c AIRBUS A320 NEO / [LEAP 1- B]
d AIRBUS A220-300 / [PW1521G]
e AIRBUS A320-200 / [CFM56]
f AIRBUS A320 NEO / [PW1100G]
g BOEING B737-800W / [CFM56-7]
80 km/h IMPACT SURFACE - BREAKAWAY THRUST:
h EMBRAER E190 STD / [CF34-10E]
FOR TAKE-OFF JET BLAST SEE B23086/SK/03
L-R AIRPORT CONSULTING
SHELLHARBOUR CITY COUNCIL
SHELLHARBOUR AIRPORT MASTER PLAN
RWY 16 STARTER EXTENSION CONCEPT LAYOUT
FIGURE
B23086/SK-01
Drawn: BJH 20.12.23 Rev 2


NOTES:
1. STARTER EXTENSION LAYOUT CONCEPT ONLY. FINAL LENGTH & LAYOUT SUBJECT TO DETAILED ENGINEERING DESIGN AND CASA APPROVAL
2. A SAFETY CASE AND APPROVAL FROM CASA MAY BE REQUIRED DUE TO THE COMBINED CONFIGURATION OF THE STARTER EXTENSION AND DISPLACED THRESHOLD.
3. JET BLAST IMPACT SURFACES ARE INDICATIVE AND BASED ON MANUFACTURER DATA FOR SELECTED AIRCRAFT TYPES UNDER STANDARD CONDITIONS. ADDITIONAL JET BLAST MITIGATION MAY BE REQUIREDDEPENDING ON ACTUAL OPERATING AIRCRAFT TYPES AND REAL WORLD CONDITIONS.
OLS HEIGHT LIMIT 3.9 m APPROX (CURRENT LOWEST PERM OBST TKOF GRAD 4.1%)
3 m WIDE HOULDERS
CODE C WINGTIP CLEARANCE
STARTER EXTENSION LIGHTING LAYOUT TO BE AS PART 139 MOS 2019
JET BLAST KEY
56 km/h IMPACT SURFACES - BREAKAWAY THRUST
a BOEING 737 MAX 8 / [LEAP 1-B]
b AIRBUS A320-200 / [V2500]
c AIRBUS A320 NEO / [LEAP 1-B]
d AIRBUS A220-300 / [PW1521G]
e AIRBUS A320-200 / [CFM56]
f AIRBUS A320 NEO / [PW1100G]
g BOEING B737-800W / [CFM56-7]
80 km/h IMPACT SURFACE - BREAKAWAY THRUST
h EMBRAER E190-STD / [CF34-10E]
FOR TAKE-OFF JET BLAST SEE B23086/SK-03
FULL-STRENGTH PAVEMENT DIMENSIONS (NTS)
90 m
15 m
45 m
30 m
5,300 sq m APPROX
45 m
150 m
SHELLHARBOUR CITY COUNCIL
SHELLHARBOUR AIRPORT MASTER PLAN
RWY 34 STARTER EXTENSION CONCEPT LAYOUT
AIRPORT CONSULTING
FIGURE
B23086/SK-02
Drawn: SJH
20.12.23
Rev 2


JET BLAST CONTOURS ARE INDICATIVE AND BASED ON MANUFACTURERS DATA FOR STANDARD CONDITIONS AND SELECTED AIRCRAFT TYPES ONLY.
DETAILED ENGINEERING ASSESSMENT IS REQUIRED TO INFORM THE SCOPE AND SPECIFICATION OF JET BLAST MITIGATION MEASURES TO PROTECT PUBLIC AREAS IN ACCORDANCE WITH CASA PART 139 MOS 2019.
JET BLAST MITIGATION MAY BE REQUIRED EVEN IF RUNWAY EXTENSIONS ARE NOT IMPLEMENTED.
160+ km/h
80+ km/h
56+ km/h
RWY 16
RWY 34
L·R
AIRPORT CONSULTING
SHELLHARBOUR CITY COUNCIL
SHELLHARBOUR AIRPORT MASTER PLAN
TAKE-OFF JET BLAST CONTOURS
FIGURE
B23086/SK-03
Drawn: BJH
20.12.23
Rev 1

17.6 Strategic Risk Register - March 2024 update

Responsible Director: Office of the Chief Operating Officer

This report is to provide Council with an update of the Strategic Risk Register.

Background

Councillors, Committee Chairs and the Executive attended a workshop in July 2023 to review and update Council's Strategic risk register.

The register has been reviewed and an update provided to the Audit Risk and Improvement Committee (ARIC) in September 2023, December 2023 and recently in February 2024.

At its meeting last month ARIC noted the following:

- the risk ratings shown are the ratings adopted after the July 2023 meeting
- the additional controls and mitigations, noted within the various updates of Internal Audit and other improvement actions since then, are taken into account in considering if the risk ratings require change.
- Similarly, the rating for Risk 7 (Core Operational Risk Failures) needs to be reviewed in light of the recent Fraud and Corruption internal audit report.

Communication/Community Engagement

Consultation with ARIC committee 27 February 2024

Risk implication

The report speaks to the top strategic risks of council. It is important that Councillors have awareness of, and assurance of the mitigations and treatment plans for the strategic risks of Council.

Attachments

1 Strategic Risk Register March 2024⇩

KIAMA MUNICIPAL COUNCIL

STRATEGIC RISK REGISTER

Risk 1	**Financial Sustainability**					
Potential Sources of Risk	• Financial framework gaps • Fit for purpose - technology for ledgers and report capability. • Non-compliance with reporting and audit • Low level rate pegging, inadequate revenue sources to meet core services. • Services not aligned with CSP/DP/OP					
Current Controls	• Council and Blue Haven ledgers separated and independently reported. • LTFP completed. • SIP2 to prioritise PIO actions which inform DP/OP • OP revision for 23/24 to have excessive/surplus activities reduced/removed. • Divestment review • OneCouncil reporting capabilities have been significantly improved, cleansing of financial data to ensure accurate expenditure and revenue allocation. • Fixed assets register set-up in OneCouncil to ensure accurate allocation of depreciation and monthly system calculated depreciation. • Financial sustainability strategy developed – noting asset divestment in 2 years to 2024 and operational efficiencies thereafter.					
Treatments implemented 23/24FY	n/a					
Risk (not achieving)	**Likelihood**	**High**	**Consequence**	**High**	**Rating**	**Extreme**

Proposed Treatment	**Target Date**
Tech One Finance module priority for AR implementation, enhancements. *February 2024 update* *Configuration with consultant underway. On track.*	July 2024
Financial sustainability strategy with operational efficiencies to be implemented 2025. *February 2024 update* *In progress, first consultation with FAC complete. (14/2 meeting)*	June 2024
Work program based on AO Management letter *February 2024 update* • *22 Financial year audit completed, management letter received and workplan updated* • *23 Financial year audit currently underway.*	Current

September 2023

Finance team restructure – increase procurement *February 2024 update* • *Procurement coordinator role appointed (Jan 2024)* • *Finance team restructure under consultation at present.*	November 2023
Consideration of SRV following service reviews.	October 2024
Completion of service review for business units – Holiday Parks, Leisure Centre, Waste Services & Pavilion *February 2024 update* • *Leisure Centre Service review report in draft.* • *Pavilion – commenced, due for completion end April* • *Holiday Parks – commenced, due for completion end April* • *Waste – commenced, due for completion end April. Note – OLG Circular 23-16 – Regulation amendments to protect the employment of waste workers.*	July 2024
3 phase fees & charges review- statutory, benchmarking & revenue opportunity *February 2024 update* *2025 Financial year budget will be prepared with consideration of revenue opportunities vs statutory services.*	April 2024
Divestment of Blue Haven Bonaira progressing (detailed further in Risk 3) *February 2024 update* • *Per Council Resolution 24/006OC: Council declines to accept any of the tenders submitted in response to the RFT and resolves to enter into direct negotiations with the Preferred Tenderer.* • *Budget and LTFP allow for divestment proceeds in June 2024.*	March 2024
Responsible Person/s	Chief Operating Officer, Chief Financial Officer, Financial Advisory Committee

Risk 2	**Financial Strain**
Potential Sources of Risk	• Loan repayment schedule • Inflation – materials & award costs • variable Insurance & legal costs or statutory fines • Aged care – cost of increased agency staff and national reforms • Maintaining BH accreditation • Impact of variables outside councils' control - i.e., climate change, non-owned infrastructure (stormwater, sewerage, estuary systems) that impact operations • Inadequate asset management plans • Inability to deliver quality projects on time/ budget/ fit for purpose. • Lack of compliance with procurement policies
Current Controls	• TCORP loan repayment extension • Annual review of fees & changes – regulatory changes • Restructure has created Project Management section & Grants Officer appointment. • Blue Haven RACF passed accreditation until April 2025 • KPMG service review into finance • Insurance arrangements up to date and satisfactory • Risk management framework developed for coastal locations. • Asset valuation & cost analysis for key assets • Procurement policy implemented.
Treatments implemented 23/24FY	• Project Manager to be appointed to Blue Haven divestment. • Contracts Coordinator appointed. • Completion of Contract Management Policy

Risk	**Likelihood**	**High**	**Consequence**	**High**	**Rating**	**Extreme**

Proposed Treatment	**Target Date**
Review of fees and changes – benchmarking and increased revenue opportunities. *February 2024 update* *2025 Financial year budget will be prepared with consideration of revenue opportunities vs statutory services.*	April 2024
Service reviews of commercial business units: holiday parks, pavilion, waste, and leisure centre *February 2024 update – as above.*	July 2024

Dilapidation report for Blue Haven Terralong ILU *February 2024 update* *Condition assessment report completed by consultant late 2023. Sampling to verify outcomes so maintenance and capital renewal report can be prepared.*	complete
Asset management lifecycle planning for key assets. Integrate asset management planning into councils financial accounting.	December 2024
Budget contribution accordingly (industry std 4-8%)	July 2024
Internal audit - Asset management planned for 2024-25	June 2025
Ongoing work for climate adaption including connections with regional programs, regional planning pathways.	June 2025
Responsible Person/s	Chief Operating Officer, Director Infrastructure and Liveability, Chief Financial Officer, Financial Advisory Committee

Risk 3	**Blue Haven Divestment**
Potential Sources of Risk	• Inability to divest property/ business. • Tender price point not sufficient to meet loan and budgeting requirements. • Tender quality of non-pecuniary criteria not satisfactory • Community, residents, or union objection
Current Controls	• Appointment of divestment property officer until January 2025 • Property divestment plan developed and adopted by Council. • Selected tender process. • Engagement of Marketing agent and probity lawyers to oversee process for compliance and optimal outcome. • Valuation of asset/operations and financial analysis to identify necessary offer value. • Liaison with LGNSW, IRC and unions to ensure employee welfare and entitlements are compliantly managed. • Meetings and proactive regular communications prepared for key stakeholder groups and media.
Treatments implemented 23/24FY	• Finalise land re-classification - gazetted • Engagement of solicitors for probity plan • Due diligence of Expression of Interest submission for sale of Blue Haven Bonaira site • Determination of suitable industry professionals for tender panel members

Risk (not achieving)	**Likelihood**	**Low**	**Consequence**	**Catastrophic**	**Rating**	**Extreme**

Proposed Treatment	**Target Date**
Contract Exchanged *February 2024 update* *Per Council Resolution 24/006OC: Council declines to accept any of the tenders submitted in response to the RFT and resolves to enter into direct negotiations with the Preferred Tenderer.* *Budget and LTFP allow for divestment proceeds in June 2024.*	June 2024
LTFP implemented, with surplus budgeted for 2026/2027 – interim review	June 2024

Responsible Person/s	Chief Operating Officer, Chief Financial Officer, Director Planning, Environment and Communities, Blue Haven Advisory Committee, Financial Advisory Committee

Risk 4	**Inadequate Risk and Governance Procedures**
Potential Sources of Risk	• Lack of framework for decision making processes • Commitment to services and projects without clear scope, resources, or funding • Lack of formal policies • Poor tracking KPI's or deliverables in contracts, Ineffective internal contract management for large contracts • Lack of meeting legislative requirements • Business Continuity plans not comprehensive.
Current Controls	• Individual's delegations written and issued on appointment. • Council report template requires budget comment. • Council business paper review session generally discusses budget and resource. • CEO commentary on notice of motion • Hopwood report actions being implemented. • Policy framework endorsed. • Appointment of contracts coordinator & grants officer. • Tendering and contract management internal audit completed (90% complete) • SMEs refer to professional networks and OLG for legislative updates. • Annual testing of BCP
Treatments implemented 23/24FY	• More robust delegation repository to improve transparency and accountability • OLG circular dissemination and action by Governance to relevant stakeholders • Contracts module release in Tech One • Additional focus for councillors to ensure notice of motions must identify sources of funding

Risk	**Likelihood**	**Moderate**	**Consequence**	**Moderate**	**Rating**	**Significant**

Proposed Treatment	**Target Date**
Councillor workshops on CSP and delivery program and how work must be linked to this *February 2024 update* *24/25 Operational plan being developed and present. Following ELT review, the DRAFT will be presented at a councillor workshop, prior to exhibition.*	June 2024
More robust policy register *February 2024 update* *Policy collation register (excel) complete. Policy owners given current lists and priority items. Decommission process clarified.*	March 2024
Internal Audit on procurement	July 2024

NEW - Updated Review of Governance arrangements at Council to be undertaken by Todd Hopwood.	April 2024
Complaints policy review *February 2024 update* - *Complaints Handling Policy endorsed February 2024*	Complete
Review of BCP & testing in risk management workplan	March 2024
Development of project management framework, and recruitment of project management resource. February 2024 update *CEO considering 'Implementation team' which may alter current establishment of Project Management Office Manager role.*	July 2024
Responsible Person/s	Executive Leadership team, Internal Audit, Governance team, Risk management team, Director Infrastructure and Liveability.

Risk 5	**Organisational Capability**					
Potential Sources of Risk	• Insufficient management and leadership expertise • Lack of accountability for work performance • Extensive vacancies • High attrition and low morale of staff. • Change fatigue and trauma.					
Current Controls	• Organisation restructure phase 1 complete. (Executive and managers) • Executive and Management leadership team professional development and culture building sessions. • Annual cycle of performance review and feedback that supports a culture of high performance. • clear KPI setting for all staff that drive better business performance. • Monthly HR report to ELT – workforce management activity. • Union relationships – courtesy notifications and proactive consultation					
Treatments implemented 23/24FY	n/a					
Risk (not achieving)	**Likelihood**	**Moderate**	**Consequence**	**Moderate**	**Rating**	**Significant**

Proposed Treatment	**Target Date**
Salary structure review - Performance and competency policy to be reviewed in 2023, to support with updated salary structure model *February 2024 update* - *Salary progression (as opposed to grade structure or price point) work at Award compliance review and budget impact stage, with executive affirmation approaching pre-proposal stage.*	July 2024
Position descriptions reviewed and re-evaluated as part of organisation and salary structure reviews *February 2024 update* *This work underway and continues with HR team.*	July 2024
Employee value proposition work, owning and optimising our niche of 'training' council	March 2024
Culture survey	June 2024

February 2024 update *Engagement of HSE Global will include desk top and field based interview and analysis on culture. This report to be considered prior to additional dedicated culture survey.*	
Training plan to identify and track corporate, team and individual training and development.	December 2024
Improve technology to track training. *February 2024* *Training registers are now available in Tech One system. Key corporate training records complete (Code of conduct, child safe etc). Comprehensive roll-out pending.*	December 2024
Responsible Person/s	Executive Leadership team, HR team, Organisational Development, Information, Customers and Technology team.

Risk 6	**Reputational risk due to lack of community trust**					
Potential Sources of Risk	• Poor engagement, understanding or clarity with CSP, DP & OP • Lack of understanding of IP&R Framework • Decision making without consideration of key strategic risks. • Understanding duties and responsibilities. Non-compliance with meeting code of practice, social media, and code of conduct • Poor consultation with community					
Current Controls	• Precinct groups • IP&R reporting, simple language • Transparency of reports to public where possible. • Councillor inductions and professional development. • New code of meeting practice • Externally facing council resolutions register • Social media policy endorsed April 2023 • Release of Forsyth forensic report (executive summary)					
Treatments implemented 23/24FY	• Community engagement role allocated September 2023 • Councillor development - code of meeting practice training September 2023					
Risk	**Likelihood**	**Moderate**	**Consequence**	**Moderate**	**Rating**	**Significant**

Proposed Treatment	**Target Date**
Community engagement strategy revision *February 2024 update* - *Community Engagement Officer recruitment complete* - *Strategy commenced – workshops scheduled*	June 2024
Internal Audit – council decisions *February 2024 update* - *Audit underway.*	July 2024
Responsible Person/s	Executive Leadership team, Councillors, Internal Auditor

Risk 7	**Core Operational Risk Failures**
Potential Sources of Risk	• WHS – failure to provide a safe workplace. • There is a risk of legislative non - compliance including LG Act, Privacy, GIPA, PIDs etc. • Fraud & Corruption Prevention – failure to prevent opportunities or identify fraud and corruption. • Cyber Security – Failure to provide adequate security over council systems. • Child Safe Organisation breach
Current Controls	• Safe work policy, processes, and procedures, WHS committee, audits • Governance team, management leadership training • Staff encouraged to join network groups i.e. Local Government Professionals, • OLG circulars • Policies and procedures, training for all staff. • Cyber security training for staff, simulation testing, ISJO cyber security resource, audits
Treatments implemented 23/24FY	*Fraud and corruption controls audit undertaken* *Child Safe Policy and Behavioural Standards endorsed.*

Risk	**Likelihood**	**Low**	**Consequence**	**Moderate**	**Rating**	**Moderate**

Proposed Treatment	**Target Date**
Consider EFT Sure – transaction software for incorrect payment mitigation (funded by CivicRisk Mutual) *February 2024 update* *Finance team identified priorities are not able to include EFT sure in 24/25 Operational Plan.*	July 2024
Code of Conduct and PID training for staff *February 2024 update* *Limitations with training capability as we do not have a current Learning Management System (LMS), Code of Conduct roll out imminent, PID training method being confirmed.*	December 2023
NEW - Fraud & Corruption Controls Audit Action Plan	June 2025
Progress with essential 8 cybersecurity guidelines *February 2024 update.* *Scoping of resource and budget requirements almost complete.* *Council are working with ISJO Chief Information Security Officer.* *Current focus is application control and patch applications.* *IT have pushed out timeframe until June 2025 (note target date amended from July 2024)*	June 2025

ARIC 27/2/24 – request an out of session update from IT regarding essential 8 implementation	
Implementation of Child Safe Standards *February 2024 update* - *Office of Childrens Guardian implementation review findings reported to ARIC*	July 2024
Responsible Person/s	Chief Financial Officer, Governance team, Risk Management team, Information, Customers and Technology team.

18 LATE ITEMS

19 NOTICE OF MOTION

19.1 Notice of Motion: Financial sustainability of Local Government

Clr Karen Renkema-Lang has submitted the following Notice of Motion for Council's consideration:

MOTION

That:

1. Council receive and note the findings of the Local Government NSW Cost Shifting report for the 2021/2022 financial year.
2. Council writes to the Premier of NSW, the Hon Christopher Minns, the NSW Treasurer, the Hon. Daniel Mookhey MLC, and the NSW Member for Kiama, Mr Gareth Ward requesting that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.
3. Council receive and note the Australian Local Governments Association's (ALGA) Federal Government Pre-Budget submission 2023-24.
4. Council writes to the Prime Minister of Australia, the Hon Anthony Albanese MP, the Treasurer of Australia, the Hon Dr Jim Chalmers MP, and the Minister for Regional Development, Local Government and Territories, the Hon Kirsty McBain MP expressing Councils support for the budget commitments detailed in the ALGA Pre-Budget Submission 2023- 2024.
5. A copy of the LGNSW cost shifting report and the ALGA Federal PreBudget submission be placed on Council's website so that our communities can access them.

Signed Councillor Karen Renkema-Lang

Purpose

To advocate for regulatory reform, budgetary provisions and appropriate funding to secure financial sustainability of Councils across Australia and NSW.

Background

The financial health of local councils, not just Kiama Municipal Council, is under immense strain.

As identified by both ALGA and LGNSW, three of the factors contributing to this problem are:

- Increasing Costs and Cost shifting: The state and federal governments are increasingly placing financial burdens on councils by transferring

responsibilities for services and infrastructure without providing adequate funding.

- Rate pegging: This policy limits the amount councils can raise in property taxes, further restricting their financial flexibility.
- Decreasing value of Federal assistance grants: The value of Financial Assistance Grants as a percentage of Commonwealth taxation revenue has halved over the past thirty years.

As a result of these challenges, councils are struggling to:

- Maintain existing services at a good standard.
- Invest in essential infrastructure upgrades.
- Deliver tailored solutions to local needs.
- Protect and preserve local flora and fauna habitats and biodiversity.

The pressures to fast-track housing supply across NSW will place additional financial burdens for Councils to provide the above services.

The latest report by Local Government NSW highlights the severity of the problem:

- $1.36 billion of additional costs were shifted onto councils in 2021-2022 compared to 2017-2018.
- This translates to an average extra cost of $460 per ratepayer.

Further, the Federal Government pre-budget submission lodged by the Australian Local Government Association demonstrated that:

- Australian Federal government contributions to local governments is small by international standards, forcing Australian councils to operate with very modest resources.
- Australian local governments' share of GDP ranks amongst the very lowest of comparator nations.
- Providing a "fair increase" to Financial Assistance Grants in line with the Federal Government's pre-election commitment, along with the other budget commitments detailed in the ALGA submission would greatly assist local governments to maintain financial sustainability.

This motion brings these matters to the attention of the relevant State and Federal Ministers and seeks their support to address local government challenges through a combination of regulatory reform, budgetary provisions and additional funding.

This additional funding will assist Council to implement, or assist in implementing, solutions required to support regional development; much needed infrastructure upgrades, increased waste and recycling capacity, affordable housing, increased capability to assist in responding to emergencies, protecting Councils against cyber-security attacks, protecting biodiversity and natural resources, and working with local Aboriginal communities, and to preserve and protect our heritage (to name but a few).

Investing in local government stimulates economic growth, creates jobs, and benefits communities in the long run.

Therefore, I urge all council members to support this motion and call for immediate action from both levels of government.

Chief Executive Officer response

Many Councils around Australia experience cost shifting and financial sustainability challenges. Kiama is certainly not unique in this regard.

This subject has been a long-standing topic in the sector for many decades. The Financial Assistance Grants discussion for example, has been debated nationally for at least the last 15 to 20 years and will no doubt continue to be a hotly contested topic. Rate pegging is not necessarily something that exists in all State or Territories and does create a peculiar and difficult burden for NSW councils to carry.

Efforts made by peak bodies such as LGNSW to represent the sector's interests to State and Federal Governments are always welcomed by local councils.

19.2 Notice of Motion: PIO Oversight and Implementation Committee

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

MOTION

That Council:

1. Establish a Performance Improvement Order (PIO) implementation and oversight committee. That the committee is a sunset committee, as outlined under council's committee's framework policy, and lapses following the completion of the current PIO for Council.
2. That the committee be composed of the councillors from the CEO performance review committee, the CEO and staff involved in the implementation team who are responsible for the delivery and project management of the PIO requirements.
3. That a report be provided on the establishment of the committee, which includes a draft term of reference and committee membership. The report also examines additional review of areas such as;
    a. Unexpected and unanticipated financial costs on council.
    b. Ongoing costs of legal action involving council.
    c. Insurance matters and risks.
    d. Other issues as recommended or provided by Council's Audit, Risk and Improvement Committee (ARIC), and Finance Advisory Committee (FAC) for examination by the committee.
    e. the dilapidation report for Bluehaven Terralong.
    f. Council restructure and size of the organisation.

Signed Councillor Stuart Larkins

Purpose

The purpose of this motion is for Councillor governance, implementation, and oversight of the Performance Improvement Order (PIO) on council.

Background

With the recent variation of the Performance Improvement Order, the duration of the PIO goes out until 2027. This requires additional oversight and implementation structures to be established, then what is currently in place. The number one focus for all councillors should be the administration of council, as outlined in the performance

improvement order and addressing council's financial challenges. Establishing the PIO implementation and oversight committee is designed as a sunset committee, to provide oversight and to assist with the implementation of all requirements as outlined in the PIO until the year 2027 once the PIO is completed.

In addition to that, we have additional challenges related to unexpected and unanticipated financial costs, a significantly increasing cost of legal expenses and insurance matters with risks. All of which have an impact on Council's budget and requirements under the PIO.

While these items are reported to councillors on a yearly basis, or through briefings, it does require additional scrutiny. I also believe that such expenses, and its impact on council's budget and administrative functions, need to be detailed publicly in the interest of transparency. This committee may also assist with placing additional responsibility on councillors for assuming greater political discipline in the nomination of budgetary items and decisions as part of the political body of council.

Chief Executive Officer response

The legislated role of Council is defined in the Local Government Act and any committees must be formed to exist within these parameters. It is to be noted that the caretaker period for Council will commence in coming months and that the creation of new committees will again be revisited by a new Council post the election. There are risks and resourcing implications associated with the proposed Notice of Motion which have been discussed with the Councillor.

The ordinary meeting of Council each month is the best and (only) forum for Council to make all binding decisions (resolutions), pertaining to any policy or strategy matter, including the Performance Improvement Order. Operational matters are the remit of the CEO.

Duplication of committees and reports does create additional administrative workload through the generation of reports, convening of meetings and resourcing any decisions made. Any new committee does require staff time and resourcing, and this of course has a cost attached. Time delays and duplication of material of committees can also be of concern.

All of the items noted in the performance improvement order at this current point of time traverse through the following already established committees and ultimately end up in a council report:

- Audit, Risk and Improvement Committee;
- Finance Advisory Committee; and
- Blue Haven Advisory Committee.

Each of these committees have strong terms of reference and the ability to provide good strategic advice and oversight to Council.

Legal expenses are reported to Council each quarter in the Quarterly Budget Review report and again on an annual basis in the annual report and annual financial statements.

Council does have the opportunity to change the standing order of business for its business papers and group all performance improvement order material together if it

wishes. Council may not wish to delegate its decision-making powers down to committee and may prefer to use the ordinary monthly meeting for decision making.

Importantly, the CEO advised Council that an implementation team to lead the PIO work was being developed. A supplementary business paper will be released with this detail, The work will be outlined in two documents – a finance plan and a governance plan as specified by the order.

The concept of Councillors providing leadership and oversight to all matters related to the PIO of course does have merit. But it stands to reason that Council has always had governance responsibilities for this work and that ultimately staff implement the decisions made by Council. It is agreed that the PIO should be the most important matter that Council involves itself in, financial sustainability of the organisation is paramount and must be a shared focus of this council and any new incoming council.

Council's ability to satisfy the PIO will be decided by the Minister of Local Government and will be subject to the required reporting specified in the PIO.

19.3 Rescision of motion 24/035OC: Item 19.1 of the 13 February 2023 Ordinary Council meeting

The Councillors identified have submitted the following Notice of Motion of Rescission:

MOTION

That Council rescind resolution 24/035OC of the February 2024 ordinary meeting and continue with the existing signage and management of parking in Eastern View Place Kiama.

Councillors: Kathy Rice
Karen Renkema-Lang
Warren Steel

Received 28 February 2024

The voting on this matter was an inaccurate representation of Councillors' perspective.

Eastern View Place has already been determined by the Traffic Committee to have specific constraints due to its layout, with extremely limited legal parking within the turning head.

Whenever cars are parked in the turning head, Medium Heavy vehicles (the most common delivery vehicle size) cannot safely turn and create additional risk for users of the cul-de-sac.

Council staff are already assessing cul-de-sac sites on an issues raised basis. The budget required for a comprehensive review is unavailable through grant programs and will create further budget stress for Council.

20 QUESTIONS FOR FUTURE MEETINGS

21 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 19 March 2024

PROCEDURE

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

21.1 Exclusion Of Press And Public:

RECOMMENDATION

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

22.1 10.2023.134.1 - 110 TERRALONG STREET, KIAMA

Reason for Confidentiality: This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act. .

22.2 BLUE HAVEN UPDATE

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. .

22.3 SALE OF LAND - 100 SOUTH KIAMA DRIVE, KIAMA (LOT 100 DP1231831)

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

22 CONFIDENTIAL REPORTS

22.1 10.2023.134.1 - 110 Terralong Street, Kiama

CSP Objective: Outcome 4.2: We are well connected within our local community, and to our region.

CSP Strategy: 4.2.2 Manage landuse planning to retain distinct towns and villages.

Delivery Program: 4.2.2.1 Ensure Council's planning systems and processes are contemporary and transparent

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

22.2 Blue Haven Update

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.4 Commercial investments are managed to maximise their value; and in accordance with legislative obligations.

Delivery Program: 5.1.4.2 Continue to implement Council Resolution 22/1040C for Blue Haven and Resolution 23/053OC

REASON FOR CONFIDENTIALITY

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

22.3 Sale of land - 100 South Kiama Drive, Kiama (Lot 100 DP1231831)

CSP Objective: Outcome 5.1: Public funds and assets are managed strategically, transparently, and efficiently

CSP Strategy: 5.1.2 Financial reporting is accurate, relevant and timely; to support decision makers and the community to understand how public funds and assets are managed.

Delivery Program: 5.1.2.1 Manage Council's financial sustainability through an increase of revenue and funding sources

REASON FOR CONFIDENTIALITY

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

23 CLOSURE