



ORDINARY MEETING OF COUNCIL

To be held at 5.00pm on

Tuesday 16 July 2024

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

10 July 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 16 July 2024** commencing at **5.00pm** for the consideration of the undermentioned business.

Yours faithfully

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

Jane Stroud

Chief Executive Officer

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 16 JULY 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 meeting on 18 June 2024

Attachments

- 1 Minutes of the 18 June 2024 ordinary Council meeting [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council meeting held on 18 June 2024 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5.00pm on

TUESDAY 18 JUNE 2024

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

**MINUTES OF THE ORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 18 JUNE 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,
K Renkema-Lang and M Croxford

IN ATTENDANCE: Joe Gaudiosi – Acting Chief Executive Officer
Jessica Rippon – Director Planning, Environment and Communities
Michael Malone – Director Infrastructure and Liveability
Stephanie Salviejo – Public Officer

1 OPENING OF MEETING

The Chair opened the meeting at 5pm.

2 WEBCASTING STATEMENT

The Chair advised the meeting was being livestreamed and recorded and would be made publicly available on the Council website. Persons attending the meeting should refrain from making any defamatory statements.

3 ACKNOWLEDGEMENT OF COUNTRY

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

4 STATEMENT OF ETHICAL OBLIGATIONS

The Chair reminded Councillors of their oaths or affirmations of office under section 233A of the Local Government Act 1993 and their obligations under the Code of Conduct to disclose and appropriately manage any conflicts of interest.

5 APOLOGIES

Nil.

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

Procedural motion: Councillor excused from standing

24/174OC

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

(Councillors Draisma and Larkins)

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

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Meeting - 21 May 2024

It was **moved** by Councillor Rice and seconded by Councillor Renkema-Lang that the Minutes of the Ordinary meeting held on 21 May 2024 be received and accepted subject to changing item 16.1 to reflect that Councillor Brown moved the original motion and that at the request of Councillor Rice the motion was varied by consent to include point 3.

24/175OC

At the request of Councillor Brown and by consent **the motion was varied** to read:

That the Minutes of the Ordinary meeting held on 21 May 2024 be received and accepted subject to changing item 16.1 to reflect that Councillor Brown moved the staff recommendation and that at the request of Councillor Rice the motion was varied by consent to include point 3.

(Councillors Rice and Renkema-Lang)

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

Against: Nil

6.2 Extraordinary Meeting - 27 May 2024

24/176OC

Resolved that the Minutes of the Extraordinary meeting held on 27 May 2024 be received and accepted.

(Councillors Brown and Renkema-Lang)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

7 BUSINESS ARISING FROM THE MINUTES

Councillor Croxford sought advice on points 3 and 4 of the recommendation for item 19.3 *Notice of Motion: The Bugle* from the Ordinary meeting of Council, and staff confirmed that no response had been received.

Councillor Brown acknowledged and thanked the community for their supportive response to item 19.1 *Notice of Motion: Cumberland Council censorship action* from the Ordinary meeting of Council.

Councillor Rice noted that she had received legal advice that her motion on item 16.1 *Endorsement: Plan of Management – Council Managed Crown Land* from the Ordinary meeting of Council was not unlawful.

Councillor Renkema-Lang put a motion in respect to the ordinary Council meeting minutes, item 13.4 *Endorse for public exhibition: Integrated Planning and Reporting documents 2024-2025* and item 14.1 *Endorse the public exhibition: Draft Long Term Financial Plan 2024-25 to 20233-34* however the Chair ruled the motion unlawful as the information being referred to by Councillor Renkema-Lang was not available at the last meeting and therefore cannot be voted on.

8 DISCLOSURE OF INTEREST

Nil.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Erin Egen’s and Nina McKay’s document related to a bike pump track at Jamberoo including a petition with 148 signatures from the community.

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Alan Smith	20.2	Notice of Motion: Clr Croxford - Irvine Oval lighting

Procedural motion: In globo resolutions

24/1770C

Resolved that Council move in globo and adopt the staff recommendations contained within the report for items 12.2, 12.3, 13.1, 16.1, 16.2, 17.5, 19.1, 19.2, 19.3 and 19.4.

(Councillors Larkins and Draisma)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

11 MAYORAL MINUTE

11.1 Mayoral Minute: our Local Government Week awards

24/178OC

Resolved that Council invites nominations for the Local Government community awards to be presented at a ceremony during Local Government Week on 30 July 2024.

(Councillor Reilly)

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

Against: Nil

11.2 Mayoral Minute: Congratulations to Col Rathbone

24/179OC

Resolved that Council formally congratulate Col Rathbone for being awarded the Medal of the Order of Australia OAM in the 2024 King's Birthday Honours List.

(Councillor Reilly)

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

Against: Nil

18.1 Mayoral Minute: congratulations to staff members of the Tourism and Economic Advisory Committee and Councillors

24/180OC

Resolved that Council congratulate staff, members of the Tourism and Economic Advisory Committee and Councillors on achieving the 2024 Top Towns Tourism Award from the NSW Tourism Industry Council.

(Councillor Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

12 MINUTES OF COMMITTEES

12.1 Minutes: Finance Advisory Committee - 6 June 2024

This item was withdrawn from the business paper at the request of the Finance Advisory Committee (FAC) Chair to allow the minutes of the FAC meeting held on 6 June to be further reviewed at the next FAC meeting.

12.2 Minutes: Infrastructure and Liveability Advisory Committee meeting – 14 May 2024

This item was moved as part of the in globo recommendation – refer minute 24/168OC.

24/181OC

Resolved that the Minutes of the Infrastructure and Liveability Advisory Committee meeting held on 14 May 2024 be received and accepted.

(Councillors Larkins and Draisma)

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

Against: Nil

12.3 Minutes: Sustainable Communities Advisory Committee - 4 June 2024

This item was moved as part of the in globo recommendation – refer minute 24/168OC.

24/182OC

Resolved that the Minutes of the Sustainable Communities Advisory Committee meeting held on 4 June 2024 be received and accepted.

(Councillors Larkins and Draisma)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Destination Event Funding - Round Three

This item was moved as part of the in globo recommendation – refer minute 24/168OC.

24/183OC

Resolved that Council:

1. review the consensus scoring and funding recommendation summary provided by Council's *Internal Assessment Panel*.
2. provide \$600 financial funding to the Kiama and Jamberoo Golf Club to support the Seaside and Valley Veterans Golf Tournament
3. provide \$5,400 (\$4,000 in-kind and \$1,400 financial) funding to the Illawarra Folk Club Inc to support the Folk by the Sea festival
3. congratulate and distribute contracts to successful applicants detailing funding obligations as per the Destination Event Funding Guidelines.

(Councillors Larkins and Draisma)

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

Against: Nil

13.2 Post exhibition endorsement: Community Engagement Strategy

Councillor Renkema-Lang raised a **point of order** that Councillor Brown was debating the matter and speaking twice, that he was not asking a question. The Chair rejected the point of order as Councillor Brown was questioning use of the word "and".

Councillor Croxford foreshadowed the staff recommendation.

24/184OC

Resolved that Council adopt the Community Engagement Strategy and publish to the Council website subject to changing action 3 of the "Closing the loop" sections on pages 9 and 23 of the strategy to read:

"To assess engagement activities effectiveness

- *against the Community Engagement Strategy's objective and principles including diversity, equity and inclusion, and*
- *in contributing towards the Community Strategic Plan's outcomes and strategies."*

(Councillors Renkema-Lang and Rice)

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

Against: Councillors Brown, Croxford, Reilly and Steel

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Post exhibition endorsement: Enterprise Risk Management Policy

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Keast that Council endorse the Enterprise Risk Management Policy, subject to updating section 4.1 to read:

The Council is the Governing Body that has a strategic leadership role under section 223 of the Local Government Act 1993 (LG Act), and the Governing body is responsible for establishing the foundational elements of the Council's Risk Management Framework and setting the tone at the top.

The Council is ultimately responsible for adopting and committing to this Enterprise Risk Management Policy, identifying, and monitoring emerging risks and fully considering risk management issues contained in Council reports.

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

For: Councillors Keast, Renkema-Lang and Rice

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

24/185OC

Resolved that Council endorse the Enterprise Risk Management Policy.

(Councillors Larkins and Croxford)

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

Against: Nil

14.2 Post exhibition endorsement: Unsolicited Proposals Policy

It was **moved** by Councillor Brown and seconded by Councillor Larkins that Council endorse the Unsolicited Proposals Policy.

24/186OC

At the request of Councillor Rice and by consent the **motion was varied to read** that Council endorse the Unsolicited Proposals Policy, subject to point b) of the Policy Statement/Objectives on page 2 of the Policy being amended to read,

- b) provide Council and the community with assurance around transparency, consistency and reporting for Unsolicited Proposals, ensuring that outcomes are always in the best interest of the Kiama Municipality and its people.

(Councillors Brown and Larkins)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

14.3 Monthly Financial Report - April 2024

24/187OC

Resolved that Council receives and adopts the Monthly Financial Report for April 2024, with the following amendments on page 163 of the business paper under the heading Holiday Parks:

Where it states "All Holiday Parks are showing a net operating result of \$3,841 compared to a budget of \$3,319", the figures should read 3 million 841 thousand, compared to a budget of \$3 million 319 thousand dollars.

(Councillors Croxford and Steel)

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

Against: Nil

14.4 Statement of Investments: May 2024

24/188OC

Resolved that Council:

1. Receives the information relating to the Statement of Investments as at 31 May 2024.
2. Approves the transfer of \$3,900,000 from the Land Development Reserve to Unrestricted Funds and endorses the restricted funds position outlined in the report.

(Councillors Keast and Draisma)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 Endorse for public exhibition: Dog Friendly Spaces Strategy

24/189OC

Resolved that Council:

1. Endorse the Dog Friendly Spaces Strategy to be placed on public exhibition for a period of 28 days calling for submissions.
2. Receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reasons, detailing the public exhibition outcomes and proposed changes with further recommendations regarding adoption.
3. On the day after completion of the public exhibition period, adopt the Dog Friendly Spaces Strategy, if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

(Councillors Larkins and Brown)

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

Against: Nil

15.2 Endorse for public exhibition: Draft Development Control Plan Chapter 12.11 South Kiama Urban Release Area

24/1900C

Resolved that Council:

1. Endorse the Draft Kiama Development Control Plan Chapter 12.11 South Kiama Urban Release Area for public exhibition for 28 days.
2. Receive a further report for consideration, if any relevant submissions are received or if any substantial changes are proposed for any other reasons, detailing the public exhibition outcomes and proposed changes with further recommendations regarding adoption.
3. One week after completion of the public exhibition period, adopt the Kiama DCP Chapter 12.11 South Kiama Urban Release Area, if there are no relevant submissions received and there are no substantial changes proposed for any other reasons.

(Councillors Renkema-Lang and Larkins)

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

Against: Nil

15.3 Growth and Housing Strategy - Update and Engagement Report

24/1910C

Resolved that Council:

1. Note the update on the preparation of the Growth and Housing Strategy.
2. Note the Growth and Housing Strategy Engagement Report.

(Councillors Brown and Larkins)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Beach Lifeguard Services 2023/2024 Annual Report

This item was moved as part of the in globo recommendation – refer minute 24/168OC.

24/192OC

Resolved that Council

1. Note the report of the Kiama Council Lifeguards Beach Seasonal Operation for 2023/2024.
2. Acknowledge the efforts of Council's lifeguard team and our volunteer partners in managing a successful and safe season for our community

(Councillors Larkins and Draisma)

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

Against: Nil

16.2 Traffic Management: Kiama Local Traffic Committee meeting - 4 June 2024

This item was moved as part of the in globo recommendation – refer minute 24/168OC.

24/193OC

Resolved that Council receive the Minutes of the Kiama Local Traffic Committee meeting of 4 June 2024 and the following recommendation be adopted, subject to any other approvals that may be required:

24/001LTC the temporary closure of Terralong Street on Saturday 13 and Sunday 14 July 2024 for the Kiama Winter Street Festival in accordance with the plans attached, subject to:

- a) Provision of 2 x VMS boards advising of the upcoming event, at each end of the proposed closure for at least seven days prior to the event.
- b) Provision of a Traffic Guidance Scheme detailing the controls required for Terralong Street remaining closed to traffic for the duration of the festival from Saturday 13 July 2024 to Sunday 14 July 2024, to the satisfaction of Council prior to the issue of the Road Occupancy Permit.
- c) Notification letters being sent to all affected residents and businesses along the closed route.
- d) Advertisement of the closure on Council's website and social media, and in local radio and print media.
- e) Council event staff consulting with emergency services regarding the event and road closure.
- f) TfNSW has organised additional train services for the event.

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

(Councillors Larkins and Draisma)

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

Against: Nil

17 REPORTS FOR INFORMATION

17.1 Compliance officer activities – May 2024

24/194OC

Resolved that Council receives and notes the information on Compliance Officer activities for May 2024.

(Councillors Brown and Larkins)

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

Against: Nil

17.2 Conference Report: Councillor Reilly attendance at the Australian Coastal Councils Association Conference - May 2024

24/195OC

Resolved that Council receive and note the Australian Coastal Councils Association Conference report from Councillor Reilly.

(Councillors Renkema-Lang and Larkins)

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

Against: Nil

17.3 Question for future meeting: Circular economy initiatives

24/196OC

Resolved that Council receives and notes the response to Councillor Croxford's question on current and planned 'circular economy' initiatives by the Council.

(Councillors Croxford and Steel)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

17.4 Question for future meeting: Occupational violence

24/197OC

Resolved that Council receive and note the response to Councillor Larkins' question on occupational violence.

(Councillors Larkins and Reilly)

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

Against: Nil

17.5 Questions for Future Meetings Register - June 2024

This item was moved as part of the in globo recommendation – refer minute 24/168OC.

24/198OC

Resolved that Council receive and note the Questions for Future Meetings Register for June 2024.

(Councillors Larkins and Draisma)

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

Against: Nil

17.6 Response to Cr Croxford's question with notice: Protection measures for Councillors

24/199OC

Resolved that Council receive and note this response to Councillor Croxford's question with notice regarding protection measures for Councillors.

(Councillors Croxford and Larkins)

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

Against: Nil

17.7 Response to Cr Croxford's question with notice: Unreasonable Complainant Conduct Policy.

24/200OC

Resolved that Council receive and note the response to Councillor Croxford's question regarding the Unreasonable Complainant Conduct Policy.

(Councillors Croxford and Steel)

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

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

Against: Nil

18 LATE ITEMS

Supplementary item 18.1 *Congratulations to staff members of the Tourism and Economic Advisory Committee and Councillors* was dealt with earlier in the meeting under Mayoral Minutes.

19 QUESTIONS WITH NOTICE

19.1 Question with notice: Cr Renkema-Lang - Forecast and actual cash receipts from sale of assets - 2023-2027

Cr Renkema-Lang has submitted the following question with notice for Council's consideration:

Could Council please have a report detailing actual or forecast cash flows from investing activities covering financial years 2023-2027 that identifies:

- (a) public land sales
- (b) redemption of term deposits
- (c) a year-by-year breakdown
- (d) totals for the 5-year period.

19.2 Question with notice: Cr Rice - Confidential meetings of committees of Council

Cr Rice has submitted the following question with notice for Council's consideration:

Receive an independent report that interprets Council's Code of Meeting Practice, and the NSW Local Government Act 1993, to determine whether parts of a Council committee may be closed to observer Councillors, rather than members of the public, where such councillors do not have any conflict of interest with that part of the meeting.

19.3 Question with notice: Cr Rice - Crown Land categorisation

Cr Rice has submitted the following question with notice for Council's consideration:

Receive a report based upon the previous staff discussions with Crown Lands, that details precisely why the Park category rather than Natural Area Foreshore was applied to the dunal edge of Seven Mile Beach, Werri Beach and Bombo Beach. The report is to explain why the provisions of Section 46 subsection 4 of the NSW Local Government Act 1993 were not instead utilised to allow long term leases for businesses such as surf lifesaving clubs, restaurants and kiosks to operate on these Crown Lands.

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

19.4 Question with notice: Cr Larkins - memorial plaque at Kiama Harbour rock pool

Cr Larkins has submitted the following question with notice for Council's consideration:

Could Kiama Council please advise of the feasibility of a memorial plaque being installed at the Kiama Harbour rock pool, in remembrance of Mrs Edith Clark.

20 NOTICE OF MOTION

20.1 Notice of motion: Cr Croxford - pedestrian crossings

Cr Croxford withdrew his notice of motion.

20.2 Notice of motion: Cr Croxford - Irvine Oval lighting

Councillor Draisma raised a **point of order** that the item number being dealt with was 20.2 not 20.1 which has been withdrawn. The Chair accepted this point.

24/201OC

Resolved that Council:

1. Note the current resolution (19/129OC) passed on 16 April 2019, which restricts the use of field lighting at Keith Irvine Oval, Jamberoo to weekdays only, with an automatic cut-off at 8.30 pm.
2. Remove the timer switch and restrictions to allow lighting at Keith Irvine Oval to operate in the same manner as all other sporting field lighting across the municipality.

(Councillors Croxford and Draisma)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

21 CONFIDENTIAL SUMMARY

24/2020C

Resolved that at this time, 6.50pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Reilly and Draisma)

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

Against: Nil

Public Representations:

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

21.1 Exclusion of Press and Public:

24/2030C

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

22.1 BLUE HAVEN UPDATE - JUNE 2024

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 MICROSOFT LICENSING RENEWAL

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

22.3 TENDER FOR ROADWORKS FOR HOLIDAY PARKS COMPLIANCE PROGRAM

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

(Councillors Draisma and Renkema-Lang)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

Procedural motion: in globo resolutions

24/204OC

Committee recommendation that Council move in globo and adopt the recommendations contained within the report for items 22.1, 22.2 and 22.3.

(Councillors Draisma and Brown)

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

Against: Nil

22 CONFIDENTIAL REPORTS

23.1 Blue Haven Update - June 2024

This item was moved as part of the confidential in globo recommendation – refer minute 24/203OC.

24/205OC

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

(Councillors Draisma and Brown)

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

Against: Nil

23.2 Microsoft Licensing Renewal

This item was moved as part of the confidential in globo recommendation – refer minute 24/203OC.

24/206OC

Committee recommendation that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, accept the Request For Quote response of Data#3 for Tender LGP 108-4, in the sum of \$771,198.69 excluding GST for the 3 year period to June 2027.
2. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, accept the Request For Quote response of Data#3 for Tender LGP 108-4, in the sum of \$7,117.15 monthly excluding GST. These costs should cease following the sale of Blue Haven.
3. delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to this resolution

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

4. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Draisma and Brown)

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

Against: Nil

23.3 Tender for roadworks for Holiday Parks Compliance Program

This item was moved as part of the confidential in globo recommendation – refer minute 24/203OC.

24/207OC

Committee recommendation that Council:

1. In accordance with clause 178(1)(a) of the Local Government (General) Regulation 2021, Council accepts the tender from recommended tenderer for the Holiday Parks Roadways at Kiama Holiday Parks, for the sum of \$1,239,558.31 +GST.
2. Delegate to the Chief Executive Officer the authority to finalise and execute the contract and any other documentation required to give effect to point 1 above.
3. Grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to the contract.
4. Allocate a budget of \$1.4 million in the 2024-25 Capital Budget funded from the Crown Holiday Parks Reserve to fund the tendered works.

(Councillors Draisma and Brown)

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

Against: Nil

Close of Confidential Committee of the Whole:

24/208OC

Committee recommendation that at this time, 6.54pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Larkins and Brown)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

18 JUNE 2024

Adoption of Report

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

24/209OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 24/203OC to 24/208OC be confirmed and adopted.

(Councillors Draisma and Larkins)

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

Against: Nil

23 CLOSURE

There being no further business the meeting closed at 7.01pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 July 2024

.....
Mayor

6.2 Extraordinary Council Meeting held on 27 June 2024

Attachments

- 1 Minutes of Extraordinary Meeting of Council 27 June 2024 [↓](#)

Enclosures

Nil

Item 6.2

RECOMMENDED

That the Minutes of the Extraordinary Council meeting held on 27 May 2024 be received and accepted.



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 5pm on

THURSDAY 27 JUNE 2024

Council Chambers
11 Manning Street, KIAMA NSW 2533

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF THE

MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS, KIAMA, ON THURSDAY 27 JUNE 2024 AT 5PM

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

BY AUDIOVISUAL: Councillor S Larkins

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
Ed Paterson – Head of Implementation

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

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

3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor 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.”

4 STATEMENT OF ETHICAL OBLIGATIONS

The Mayor read the statement of ethical obligations:

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

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

5 APOLOGIES

The Mayor noted Councillor Draisma was doing her best to get here as soon as possible.

Procedural motion: Councillor excused from standing when speaking

24/210OC

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

(Councillors Croxford and Keast)

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

Against: Nil

Motion: Approval to attend meeting by audio-visual

24/211OC

Resolved that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Larkins to attend the Council meeting held on 27 June 2024 via audio-visual.

(Councillors Steel and Croxford)

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

Against: Nil

6 DISCLOSURE OF INTEREST

Nil

7 PUBLIC FORUM SUMMARY

Nil.

Councillor Draisma joined the meeting at 5.06pm

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

8.1 Strategic Finance & Governance Improvement Plan

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

1. Adopt the Strategic Finance and Governance Improvement Plan, and alter the second para on page 14 of the Plan to read:

Following continued opposition and disruptions over a period of two years Council has resolved to divest of its aged care services on the Bonaira site and is currently in negotiations with a preferred tenderer.
2. Authorise the Chief Executive Officer to provide a copy of the Strategic Finance and Governance Improvement Plan to the NSW Office of Local Government by 24 July 2024.
3. Note that the Chief Executive Officer through the Implementation Team will coordinate the following reporting schedule:
 - a. Monthly financial position reporting to the elected body commencing July 2024
 - b. Bi-monthly progress on Improvement Plan actions reporting to the elected body commencing August 2024
 - c. Bi-monthly progress on Improvement Plan actions reporting to the NSW Office of Local Government commencing August 2024
 - d. Copies of the bi-monthly progress reports will be placed on Council's website to ensure continued transparency, and
 - e. Update the Strategic Finance and Governance Improvement Plan every six months to ensure newly identified actions can be implemented and reported on, and completed actions closed off.

Councillor Draisma raised a **point of order** under clause 10.11 of the Code of Meeting Practice that the amendment was out of order as the incomplete amendment had been moved and seconded before full amendment was complete. Councillor Draisma further noted the amendment was inappropriate as it was outside the 24 hour period required by the Code of Meeting Practice; and the wording had previously been adopted by Council.

Councillor Croxford foreshadowed the staff recommendation.

On the advice of the Public Officer the Mayor accepted the point of order and ruled the amendment was out of order.

Councillor Renkema-Lang raised a **point of order** against Councillor Brown. The Mayor requested Councillor Brown withdraw his comments relating to Councillor Renkema-Lang's fund raising efforts. Councillor Brown withdrew his comments.

24/2120C

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

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

That Council:

1. Adopt the Strategic Finance and Governance Improvement Plan.
2. Authorise the Chief Executive Officer to provide a copy of the Strategic Finance and Governance Improvement Plan to the NSW Office of Local Government by 24 July 2024.
3. Note that the Chief Executive Officer through the Implementation Team will coordinate the following reporting schedule:
 - a. Monthly financial position reporting to the elected body commencing July 2024
 - b. Bi-monthly progress on Improvement Plan actions reporting to the elected body commencing August 2024
 - c. Bi-monthly progress on Improvement Plan actions reporting to the NSW Office of Local Government commencing August 2024
 - d. Copies of the bi-monthly progress reports will be placed on Council's website to ensure continued transparency, and
 - e. Update the Strategic Finance and Governance Improvement Plan every six months to ensure newly identified actions can be implemented and reported on, and completed actions closed off.

(Councillors Brown and Steel)

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

Against: Councillor Rice

9 REPORT OF THE CHIEF OPERATING OFFICER

9.1 Making of Rates and Annual Charges

24/2130C

Resolved that Council make the rates and charges for 2024/25 in accordance with Section 535 of the Local Government Act 1993 inclusive of a 4.5% rate increase as outlined in the report.

(Councillors Renkema-Lang and Draisma)

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

Against: Nil

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

Procedural Motion

It was **moved** by Councillor Renkema-Lang that council move into Committee of the Whole to debate next agenda item.

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

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

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

9.2 2024/2025 Integrated Planning & Reporting suite of documents

It was **moved** by Councillor Renkema-Lang and seconded by Councillor Keast that having considered the submissions received as part of the exhibition process for the Draft 2024/25 Delivery Program and Operational Plan, Budget, Long-Term Financial Plan, and Fees and Charges, Council:

1. Adopt the 2024/25 to 2033/34 Long Term Financial Plan with a Budget result showing a loss before capital grants and asset sales of \$5.4M in 2024/25, \$2.7M in 2025/26 and a surplus of \$700K in 2026/27 as required by the Performance Improvement Order.
2. Endorse that outcomes of Council's Service Reviews will be a vital part in delivering operating efficiencies required in the next 3 years to 2026/27.
3. Endorse that review of Council's Service catalogue and essential or non-essential services will be a vital part in delivering the operating efficiencies required in the next 3 years to 2026/27.
4. Adopt the 2024/25 Delivery Program and Operational Plan inclusive of the following changes made post-exhibition as per Table 2: Amendments made to Draft DPOP:
 - a. Amendment of Community Hubs portfolio description
 - b. Updated actions and measures
 - c. Updates and corrections to Revenue Policy
5. Adopt the 2024/25 Budget with the following changes made post-exhibition:
 - a. Increase of the capital works program by \$2.5M supported by internal reserve and additional grant funding
 - b. Adjust Bonaira sale timeframe to September 2024
 - c. Increase the material and contracts expenses by \$2,339,753
 - d. Increase employee benefits expenses by \$3,506,316
6. Adopt the 2024/25 Fees and Charges with the following changes made post-exhibition:
 - a. Update and correct description texts

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

- b. Remove reference to Jamberoo Youth Hall
- c. Addition of Jamberoo Pool user fees
- 7. Adopt the 2024/25-2033/34 Long-Term Financial Plan inclusive of the following changes made post-exhibition:
 - a. Changes to the timing of projected asset sales, carrying forward those unsold from 2023-24 to 2024-25
 - b. Inclusion of 3 months of operational budget for the continuation of Blue Haven Bonaira operations until sold
 - c. Addition of Roads to Recovery funding for a further 5 years, commencing 2024-25
- 8. Updates the Long-Term Financial Plan in line with the 1st quarterly budget review process giving consideration to:
 - a. the recommendations provided by the Finance Advisory Committee during Councillor workshop undertaken on 6 June 2024
 - b. the outcomes identified during the service reviews and continuous improvement plan activities, and
 - c. the suitability of the properties earmarked for divestment in years 2025-2026 and 2026-2027.
- 9. Publish the adopted documents on Council's website by 30 June 2024.

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

For: Councillors Keast, Renkema-Lang and Rice

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

The Chief Executive Officer addressed council regarding budgetary concerns.

Councillor Croxford did not accept the amendment and raised a procedural motion that the original recommendation be put.

Councillor Croxford raised a **point of order** for the Mayor to address the procedural motion.

The Mayor confirmed he would address the amendment to the motion and due process would be followed. The point of order was not allowed.

Councillor Brown foreshadowed an amendment

That having considered the submissions received as part of the exhibition process for the Draft 2024/25 Delivery Program and Operational Plan, Budget, Long-Term Financial Plan, and Fees and Charges, Council:

- 1. Adopt the 2024/25 to 2033/34 Long Term Financial Plan with a Budget result showing a loss before capital grants and asset sales of \$5.4M in 2024/25, \$2.7M in 2025/26 and a surplus of \$700K in 2026/27 as required by the Performance Improvement Order
- 2. Endorse that outcomes of Council's Service Reviews will be a vital part in delivering operating efficiencies required in the next 3 years to 2026/27

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

3. Endorse that review of Council's Service catalogue and essential or non-essential services will be a vital part in delivering the operating efficiencies required in the next 3 years to 2026/27
4. Adopt the 2024/25 Delivery Program and Operational Plan inclusive of the following changes made post-exhibition as per Table 2: Amendments made to Draft DPOP
 - a. Amendment of Community Hubs portfolio description
 - b. Updated actions and measures
 - c. Updates and corrections to Revenue Policy
5. Adopt the 2024/25 Budget with the following changes made post-exhibition:
 - a. Increase of the capital works program by \$2.5M supported by internal reserve and additional grant funding
 - b. Adjust Bonaira sale timeframe to September 2024 to include amongst other things:
 - i. Increase the material and contracts expenses by \$2,339,753
 - ii. Increase employee benefits expenses by \$3,506,316
6. Adopt the 2024/25 Fees and Charges with the following changes made post-exhibition:
 - a. Update and correct description texts
 - b. Remove reference to Jamberoo Youth Hall
 - c. Addition of Jamberoo Pool user fees
7. Adopt the 2024/25-2033/34 Long-Term Financial Plan inclusive of the following changes made post-exhibition:
 - a. Changes to the timing of projected asset sales, carrying forward those unsold from 2023-24 to 2024-25
 - b. Inclusion of 3 months of operational budget for the continuation of Blue Haven Bonaira operations until sold
 - c. Addition of Roads to Recovery funding for a further 5 years, commencing 2024-25
8. Publish the adopted documents on Council's website by 30 June 2024

Councillor Draisma raised a **point of order** indicating Councillor Brown had foreshadowed an amendment.

Councillor Brown did not wish to take up his foreshadowed amendment.

24/2140C

Resolved that having considered the submissions received as part of the exhibition process for the Draft 2024/25 Delivery Program and Operational Plan, Budget, Long-Term Financial Plan, and Fees and Charges, Council:

1. Adopt the 2024/25 to 2033/34 Long Term Financial Plan with a Budget result showing a loss before capital grants and asset sales of \$5.4M in 2024/25, \$2.7M in 2025/26 and a surplus of \$700K in 2026/27 as required by the Performance Improvement Order.
2. Endorse that outcomes of Council's Service Reviews will be a vital part in delivering operating efficiencies required in the next 3 years to 2026/27.
3. Endorse that review of Council's Service catalogue and essential or non-essential services will be a vital part in delivering the operating efficiencies required in the next 3 years to 2026/27.

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

4. Adopt the 2024/25 Delivery Program and Operational Plan inclusive of the following changes made post-exhibition as per Table 2: Amendments made to Draft DPOP:
 - a. Amendment of Community Hubs portfolio description
 - b. Updated actions and measures
 - c. Updates and corrections to Revenue Policy
5. Adopt the 2024/25 Budget with the following changes made post-exhibition:
 - a. Increase of the capital works program by \$2.5M supported by internal reserve and additional grant funding
 - b. Adjust Bonaira sale timeframe to September 2024
6. Adopt the 2024/25 Fees and Charges with the following changes made post-exhibition:
 - a. Update and correct description texts
 - b. Remove reference to Jamberoo Youth Hall
 - c. Addition of Jamberoo Pool user fees
7. Adopt the 2024/25-2033/34 Long-Term Financial Plan inclusive of the following changes made post-exhibition:
 - a. Changes to the timing of projected asset sales, carrying forward those unsold from 2023-24 to 2024-25
 - b. Inclusion of 3 months of operational budget for the continuation of Blue Haven Bonaira operations until sold
 - c. Addition of Roads to Recovery funding for a further 5 years, commencing 2024-25
8. Publish the adopted documents on Council's website by 30 June 2024.

(Councillors Croxford and Steel)

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

Against: Councillor Renkema-Lang

MINUTES OF THE EXTRAORDINARY MEETING

27 JUNE 2024

10 CLOSURE

There being no further business the meeting closed at 6.06pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 July 2024

.....
Mayor

Item 6.2

Attachment 1

7 BUSINESS ARISING FROM THE MINUTES

8 DISCLOSURE OF INTEREST

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

10 PUBLIC FORUM SUMMARY

11 MAYORAL MINUTE

11.1 Mayoral Minute: Vale Peter Stuckey

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council take a minute's silence to remember the work and life of Peter Stuckey, the former Manager Parks and Environment at Kiama Council, who passed away on Wednesday, 26 June 2024.

Report

Peter was a highly regarded member of staff and the Kiama community. He will be remembered for many things, including his work helping deliver the Kiama Coast Walk between Loves Bay and Werri Beach.

Peter was also involved in other environmental initiatives for the region, contributing to the Illawarra Biodiversity Strategy and the Lake Illawarra Authority.

At council, Peter was the driving force behind the team that established Kiama's reputation for having some of the best parks and gardens in the Illawarra, a legacy we can all be proud of.

Following his retirement in 2010, Peter continued to be an active community member, especially regarding public open spaces.

He most recently campaigned for the extension of the Coast Walk to Gerroa, which is now in its early stages.

On a personal note, I travelled with Peter to Timor Leste in 2009 with Emeritus's Mayor Sandra McCarthy on behalf of our Council and signed a Memorandum of Understanding with the provincial town of Zumalai.

Peter was a genuine humanitarian. He possessed the traits of practicality, pragmatism, and pleasantness, and he will be sorely missed.

11.2 Mayoral Minute: Kiama Triathlon Club**Attachments**

Nil

Enclosures

Nil

Item 11.2

RECOMMENDED

That Council:

1. Provide a one-off \$550 in-kind donation toward the parking fees for the 2024-25 Kiama Triathlon Club Trailer, to be paid from the Community Grants and Donations budget.
2. Encourage the Kiama Triathlon Club to apply for future funds from the new community grants funding round commencing August 2024.

Report

Kiama Triathlon Club is a small but very successful club that has been running locally for over 22 years. Recently, they have won five of the seven NSW Club Championships and have a number of athletes both in the past and this coming season representing Australia at masters level. The Club has fostered one professional level athlete and has the female Ultraman Australia champion.

Kiama Triathlon Club is a small not-for-profit sports club with limited resources as their budget comes from its members of between 53 to 71 who pay \$50 to join. The cost of parking the Club's trailer on Council grounds equates to nearly a quarter of their members' fees, significantly impacting the Club's ability to provide uniforms, training and other member services.

12 MINUTES OF COMMITTEES

12.1 Minutes: Infrastructure and Liveability Advisory Committee meeting - 11 June 2024

Responsible Director: Infrastructure and Liveability

Attachments

- 1 Minutes - Infrastructure and Liveability Advisory Committee - 11 06 24 - PDF [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Infrastructure and Liveability Advisory meeting held on 11 June 2024 be received and accepted.

Background

The Minutes of the Infrastructure & Liveability Advisory Committee meeting held on 11 June 2024 are attached for Councillors' information.



MINUTES OF THE INFRASTRUCTURE AND LIVEABILITY ADVISORY COMMITTEE MEETING

commencing at 5.09pm on

TUESDAY 11 JUNE 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE INFRASTRUCTURE AND LIVEABILITY ADVISORY
COMMITTEE**

11 JUNE 2024

**MINUTES OF THE INFRASTRUCTURE AND LIVEABILITY ADVISORY
COMMITTEE**

HELD AT KIAMA MUNICIPAL COUNCIL

ON TUESDAY 11 JUNE 2024 AT 5.09PM

PRESENT: Cr Mark Croxford
Cr Stuart Larkins
Dr Tony Gilmour
Roy Rogers
Michael Malone | Director Infrastructure and Liveability

1 APOLOGIES

Dr Fiona Mackie

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, present and emerging."

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Infrastructure and Liveability Advisory Committee meeting on 14 May 2024

24/007IALAC

Resolved that the Minutes of the Infrastructure and Liveability Advisory Committee meeting held on 14 May 2024 be received and accepted.

(Member Rogers and Cllr Croxford)

4 BUSINESS ARISING FROM THE MINUTES

MM advised that Council goes in to Caretaker mode soon, and after that the Committee will be refreshed. He raised the point should we be getting another member, being that there is only a couple of meetings left with the current committee anyway.

**MINUTES OF THE INFRASTRUCTURE AND LIVEABILITY ADVISORY
COMMITTEE**

11 JUNE 2024

Action: MM to advise when the last official meeting will be with the Public Officer and advise the Committee.

SL and MC noted that if there is an August meeting, the Committee might like to do a review, and make recommendations to the next Committee.

TG advised that in previous meetings, the Committee had agreed to take a step back and look at Pillar 4, and see how Council has moved ahead with those issues. If there is a meeting held in August, it might be a good time to discuss this.

MM advised that we received draft Waste report from the consultants, it does have some challenges for staff to work out and is not definitive. Staff are engaging some additional external advisors to assist with this. MM also advised that the Waste Strategy won't go to Council until July. Given these issues, the Committee will not be reporting on the Waste Report.

If there is an August meeting, TG suggested that we also look at paid parking.

5 DISCUSSION ITEMS

5.1 Declarations of Conflict of Interest

Nil

5.2 Draft submission paper on Leisure Centre Facilities

TG asked for feedback on the draft submission. SL advised that there are some good points in the submission, and he would like to make sure that the information is utilised in the Council plans moving forward.

MC added that we need to understand the cost effectiveness of renovating or modernising the facility. MC agreed with the point about looking at a 'multi-purpose' facility, which is beyond just a Leisure Centre. A new facility could potentially incorporate a range of facilities such as a new Council Chamber, commercial office space, a leisure centre, a community centre, which will address multiple community needs in one project. We would have to have a look for funding sources for this, as they are limited currently. MC advised we need to think of the 'end in mind' and look forward 40 years. MC advised that Council needs to do a feasibility study, to compare the costs and benefits of renovating versus building. It must be also informed from Master Plan.

24/008IALAC

Recommended that the Committee note the draft report, and that Committee members work through the draft report for a formal recommendation for the July meeting.

(Councillor Larkins and Member Gilmour)

**MINUTES OF THE INFRASTRUCTURE AND LIVEABILITY ADVISORY
COMMITTEE**

11 JUNE 2024

5.3 Town Centre Traffic and Parking

MC advised that this report provides a great foundation, however money/funding is a concern.

MC asked MM with the builds for Akuna Street and Akuna Street South, what provisions have been made for alternative parking once those two parking sites are lost. MM advised that the developer and Council are working together to seek options for parking, park and ride and other alternatives to minimise potential impact on existing businesses.

SL suggested that the Committee also look into a disability parking audit, and the EV rollout.

RR requested that all feedback be sent via email, to move forward on finalising the document. SL advised disability parking and Electric Vehicles needs its own separate points.

MC added that we need to contemplate 'smart parking' solutions, such as installing signage to identify potential parking spots. MC suggested that we could also do a desktop study to review the existing parking allocation around the town centre, to see if it is efficient, or if it could be improved on.

The Committee agreed to put Paid Parking as a topic for the next meeting.

6 REPORTS FOR INFORMATION

Nil

7 GENERAL BUSINESS

8 CLOSURE

There being no further business the meeting closed at 6.17pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 9 July
2024

12.2 Minutes: Sustainable Communities Committee - 2 July 2024

Responsible Director: Planning, Environment and Communities

Attachments

- 1 Minutes Sustainable Communities Advisory Committee - 2 July 2024 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Sustainable Communities Committee meeting held on 2 July 2024 be received and accepted.

Background

The minutes of the meeting are attached for Councillors' information.



MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE MEETING

commencing at 5pm on

TUESDAY 2 JULY 2024

Joyce Wheatley Community Centre, Terralong Street, Kiama
NSW 2533

**MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE 2
JULY 2024**

**MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY
COMMITTEE**

HELD AT KIAMA MUNICIPAL COUNCIL

ON TUESDAY 2 JULY 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

Michael Bowden 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 Sustainable Communities Committee - Minutes - 4 June 2024

24/001SCA

Resolved that the Minutes of the Sustainable Communities Committee meeting held on 4 June 2024 be received and accepted.

(Unanimously accepted)

MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE 2
JULY 2024

5 BUSINESS ARISING FROM THE MINUTES

Nil

6 REPORTS FOR INFORMATION

6.1 Discussion and Workshop Short Term Rental Accommodation:

24/002SCA

Recommended that Council:

- a) Thank the South Precinct for providing their input and feedback to the Sustainable Communities Advisory Committee
- b) Provide the South Precinct with the outcome of the discussions and workshop on STRA's
- c) Review the Enforcement Policy to incorporate clear guidance on the role and actions that would be undertaken by Council for STRA's
- d) Model the Enforcement/Compliance Policy on the Bryon Bay Council example policy or other best practice guidelines.

Opening and Introduction

JR sought members' input on future responsibilities and items within the committee's remit. The Mayor had suggested that the Committee could potentially take responsibility for reviewing some outdated council policies, and JR sought the committee's appetite for this task.

Committee members discussed the potential benefits of reviewing council policies. It was generally felt that the current Committee represented a good cross-section of the local LGA community. Members expressed willingness to review only policies that related specifically to the Committee's responsibilities and if they were presented to the Committee in draft form, the committee did not believe that writing policies was a voluntary role however would be happy to input and contribute to the review and finalisation of any appropriate policies.

The committee reaffirmed its role as an advisory body, providing recommendations and community feedback to the Council, not making decisions. Based on the feedback, JR will send out a short survey to gather further input on what the committee felt worked well and what did not given the tenure of the committees would end in August 2024.

ACTION: JR will circulate a short survey to gather input on what the committee felt had worked well and what did not.

MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE 2
JULY 2024

Short Term Rental Accommodation (STRA) Compliance

The committee discussed how the Council could manage compliance with STRA, using policy enforcement documents from Byron Shire Council and Kiama Municipal Council as a basis for comparison.

Key points of discussion included:

- **Enforcement Pros and Cons:** The impact of enforcing noise, parking, and other issues on both STRA and local residents was considered. The example of other councils, which had faced backlash after fining residents for parking on verges, over driveways etc if they were located in the same streets as STRA, was noted.
- **Fees for STRA Owners:** There was caution against imposing high fees that might lead to properties sitting empty, thus reducing tourism revenue.
- **Local Property Managers:** A suggestion was made to require non-local STRA owners to appoint local property managers responsible for resolving issues.
- **State Government Regulations:** It was noted that the State government might differentiate between hosted and non-hosted STRAs.
- **Valid Complaints:** The need to investigate current STRA issues to determine if complaints were valid or neighbourly disputes was discussed. A benchmark similar to DA submissions could be used to manage complaints.
- **Complexity of Enforcement:** The committee acknowledged the complexity of STRA enforcement and the need for staff to manage compliance effectively. It was agreed that this was a complex issue and there was not a one size fits all model that could be applied to all STRAs.

ACTION: JR will draft new compliance enforcement framework/policy which would include STRAs and circulate it to committee members for feedback.

Conclusion

The committee recognised that while managing compliance would be challenging, enforcement could potentially generate income for the Council.

It was also agreed that the Sustainable Communities Advisory Committee should continue in its current format and structure as there had been value in discussions and the provision feedback on key Council projects which had assisted outcomes.

The committee recommended that the Sustainable Communities Advisory Committee continue in its current format and structure.

MINUTES OF THE SUSTAINABLE COMMUNITIES ADVISORY COMMITTEE 2
JULY 2024

7 GENERAL BUSINESS

8 CLOSURE

There being no further business the meeting closed at 6.10pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 23 July 2024

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Chair

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Local Government NSW Annual Conference 2024 - registration, motions, voting

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

CSP Strategy: 5.2.3 Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions

Delivery Program: 5.2.3.2 Our elected officials are supported through good systems and records.

Item 13.1

Summary

This report seeks endorsement of registration of Councillors for the Local Government NSW (LGNSW) annual conference being held in Tamworth from 17 to 19 November 2024 to take advantage of the early bird fee. This report also requests any notices of motions be submitted for endorsement at the August 2024 ordinary meeting of Council prior to submission to LGNSW.

Financial implication

Early bird registration will result in a saving of up to \$300 in the Councillors' travel and conference budget. Noting that accommodation for 3 rooms was booked in November 2023 at a cost of \$1,500.

Risk implication

The risk implication of not being able to register at the early bird fee is that Council will miss out on possible financial savings.

Policy

Payment of Expenses and Provision of Facilities Policy.

Consultation (internal)

Nil.

Communication/Community engagement

N/A.

Attachments

1 Draft 2024 LGNSW Annual Conference Program [↓](#)

Enclosures

Nil

Report of the Chief Executive Officer

13.1 Local Government NSW Annual Conference 2024 - registration, motions, voting (cont)

RECOMMENDATION

That Council:

1. register the Mayor and the Deputy Mayor to attend the Local Government NSW (LGNSW) Conference begin held in Tamworth from 17 to 19 November 2024, noting that the names of the Councillors will be confirmed following the local government election in September 2024.
2. Receive any notices of motion to be submitted for consideration at the LGNSW Conference for endorsement at the August ordinary Council meeting.
3. Note that nominations for 3 voting delegates at the LGNSW Conference close on 6 November 2024.

Conference registration

The Local Government NSW annual conference is being held in Tamworth from 17 to 19 November 2024. A copy of the draft program is attached.

Council has received advice that early bird registrations for attendance at the Local Government NSW Conference open on 17 July 2024. To take advantage of the savings offered Council seeks approval to register the Mayor and the Deputy Mayor, the names of which will be confirmed following the local government election in September 2024.

A booking for 3 rooms at a Tamworth Motel was made in November 2023 to ensure accommodation was secured.

Notices of motion

LGNSW is encouraging online submission of any motions by Friday 15 August 2024. Motions submitted for consideration at the LGNSW conference must have evidence of Councillors' support for the motion.

Motions must meet the following criteria:

1. Be consistent with the objects of the LGNSW Rules (Rule 4)
2. Demonstrate that the issue concerns or is likely to concern a substantial number of local governments in NSW
3. Seek to establish or change a policy position of LGNSW and/or improve governance of the association (noting that the LGNSW Board is responsible for any decisions around resourcing and campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process)
4. Be strategic
5. Be concise, clearly worded and unambiguous
6. Not be focussed on just a small specific part of NSW
7. Not encourage violation of prevailing laws
8. Not seek to advantage one or several members at the expense of other members

Report of the Chief Executive Officer

13.1 Local Government NSW Annual Conference 2024 - registration, motions, voting (cont)

At the 21 May 2024 ordinary Council meeting the following motion was endorsed and will be submitted prior to the 15 August 2024 deadline:

That Local Government NSW lobbies the NSW Office of Local Government to amend section 248(e) of the Local Government Act 1993 to reflect that during periods that a Mayor takes planned leave, or extended periods of unplanned leave, deputy mayors may act in the role of the mayor and receive the mayoral allowance (including superannuation) whilst not depriving the mayor of the mayoral allowance.

To meet the 15 August 2024 deadline, any other notices of motion to be considered at the LGNSW Conference should be submitted to Council by 31 July 2024 to ensure the motions are included in the business paper for the 13 August 2024 ordinary Council meeting, for endorsement.

Voting delegates

Council is categorised as a Regional/Rural Council and is entitled to three voting delegates. Registration of voting delegates closes 6 November 2024.

Council can choose to determine and register voting delegates prior to the local government election as Rule 34 of the LGNSW Rules allows the substitution of voting delegates upon receiving written notice.

**Local Government NSW Annual Conference | 17-19 Nov 2024
Tamworth Regional Entertainment and Conference Centre (TRECC)**

Sunday 17 November 2024 - TRECC	
12.30pm – 5.30pm	<p>12.30pm Registration operational in TRECC foyer 1.00pm Trade Exhibition open</p> <p>12.30pm - 2pm STAR Room off TRECC foyer Professional Development Session for Mayors and Councillors TBC</p> <p>2.30pm to 3pm Afternoon Refreshments in Exhibition area</p> <p>3pm to 5pm Plenary sessions AR Bluett Memorial Awards President’s Welcome Reception address Bus transfers to Tamworth Town Hall (CBD – Tamworth)</p>
5.30pm- 7.30pm	President’s Welcome Reception – Tamworth Town Hall. Bus transfers to selected hotels.
Monday 18 November 2024– Business Session Day 1 – TRECC	
7.30am- 8.40am	ALGWA NSW Breakfast – (TRECC)
7.30am	Registration opens. Light refreshments in exhibition area. Registration desk open from 7.30am to 6pm.
9.00am	Conference introduction, Conference Welcome Opening address
9.25am– 5.00pm	<p>Opening of the Federal & State Conferences adoption of standing orders, business sessions and consideration of motions and conference business.</p> <p>Presentation of financial reports Commencement of consideration of motions and conference business</p> <p>Morning Refreshments Consideration of Conference Business continued</p> <p>Delegate lunch in Exhibition area Consideration of Conference Business continued</p> <p>Afternoon Refreshments in trade exhibition Consideration of Conference Business</p> <p>Networking in trade exhibition</p>
6.30pm – 10.30pm	LGNSW Conference Dinner & entertainment. Presentation LG Service Awards.
Tuesday 19 November 2024 – Business Session Day 2 – TRECC	
7.30am	LGNSW Information Desk and Exhibition and light refreshments – operational
9.00am– 1.15pm	<p>Plenary and panel sessions</p> <p>Morning Refreshments Announcement of location for Annual Conference 2025</p>
1.15pm	Grab and Go Lunch in trade exhibition Conference concludes at 2.00pm

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Monthly Financial Report - May 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 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 - May 2024 - Monthly Report [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receives and adopts the Monthly Financial Report for May 2024.

Background

The Monthly Financial Report for May 2024 provides an update on the current financial position of Council on a year-to-date basis. This report aims to highlight the operational

Report of the Chief Operating Officer

14.1 Monthly Financial Report - May 2024 (cont.)

performance against budget of each of the Council's main business activities at a consolidated level.

Consolidated Income and Expenditure Statement

As at May 2024, Council has achieved an operational deficit of \$3.4M at a consolidated level compared to a budget surplus of \$4.7M, resulting in an unfavourable variance of \$8.1M year to date. This variance is due to operational revenue being \$5.5M or 5.9% unfavourable to budget, while concurrently operational expenditure is also unfavourable by \$2.6M or 3%.

The timing of capital grants is a key factor for the income variance contributing \$3.9M of the \$5.5M. If this unfavourable variance of \$3.9M relating to capital grants is excluded, the consolidated revenue variance would be a smaller \$1.6M unfavourable. Overall, this offsets 60% of the \$2.6M unfavourable variance in operational expenditure.

Further explanations regarding material income and expenditure variances, along with a financial overview of each of the Council's entities, are provided below.

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

\$'000	Consolidated	Council General Operations*	Blue Haven	Holiday Parks	Pavilion
Income Actual	88,415	52,188	25,220	10,257	750
Income Budget	93,931	57,525	25,294	10,358	754
Income Variance \$	(5,516)	(5,337)	(74)	(102)	(4)
Income Variance %	(5.9%)	(9.3%)	(0.3%)	(1.0%)	(0.6%)
Expenses Actual	91,813	56,504	27,887	6,675	747
Expenses Budget	89,166	55,808	25,588	6,947	823
Expenses Variance \$	(2,647)	(696)	(2,299)	272	76
Expense Variance %	(3.0%)	(1.2%)	(9.0%)	3.9%	9.2%
Actual operating results	(3,398)	(4,316)	(2,667)	3,582	3
Budgeted operating results	4,765	1,717	(294)	3,411	(69)
Operating results Variance \$	(8,163)	(6,033)	(2,372)	171	72
Operating results Variance %	(171.3%)	(351.3%)	(806.3%)	5.0%	104.0%
Actual operating results (before capital grants and contributions)	(11,266)	(12,184)	(2,667)	3,582	3
Budgeted operating results (before capital grants and contributions)	(7,030)	(10,078)	(294)	3,411	(69)
Operating results Variance \$ (before capital grants and contributions)	(4,236)	(2,106)	(2,372)	171	72
Operating results Variance % (before capital grants and contributions)	(60.3%)	(20.9%)	(806.3%)	5.0%	104.0%

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

Report of the Chief Operating Officer

14.1 Monthly Financial Report - May 2024 (cont.)

Operating cash flow

If the consolidated operating results excluding capital grants of \$11.2M was further adjusted for non-cash items such as depreciation (\$11.2M), Blue Haven ILU amortised income (\$4.4M) and non-cash cost of assets sold (\$6.9M) this would present a positive operating cash result of \$2.5M before considering capital expenditure, principal loan repayments and reserve movements.

Income

User charges and fees

As of May 2024, the Council has recorded an additional \$97K in user charges and fees above budgeted expectations at the consolidated level. This favourable position is primarily due to the Council's general operations, excluding Blue Haven, Holiday Parks, and the Pavilion, which have generated \$408K in additional revenue over the budget. The Leisure Centre is the main contributor, exceeding its budget by \$279K. Public fees and rents for Kiama Showground and Blowhole Points Reserve have also contributed to this positive outcome, adding a favourable variance of \$222K. The remaining variance in the Council's general operations is distributed across multiple areas, though individually these amounts are immaterial.

Conversely, Holiday Parks' consolidated operations have resulted in an unfavourable variance of \$231K, primarily due to Seven Mile Beach Holiday Park. Further details can be found in the Holiday Parks section.

Blue Haven and the Pavilion have minor unfavourable variances of \$40K and \$39K respectively. These deviations from the budget are largely immaterial and, and if considered in conjunction with other income streams, they remain in line with forecasts.

Grants and contributions

Operational

As of May 2024, consolidated grants and contributions for operating purposes are \$755K over budget. This includes small favourable variances in Blue Haven and the Holiday Parks, with the majority of the favourable variance relating to General Fund.

Blue Haven received \$59K for June before month end May. The \$83K favourable variance in Holiday park operating grants relates to Crown Land Flood Recovery Program funding originally not included in the budget. The General Fund variance is due to delays in receiving certain grants expected in previous financial years, which were received in the current financial year. For example, in 2022-23, the Council was expected to receive \$246K for Roads to Recovery funding but only received it in March 2024. Additionally, delays in receiving claims for various Transport for NSW projects from previous financial years have also contributed to the variance.

Capital

The consolidated grants and contributions for capital purposes are \$3.9M unfavourable to the budget year to date. This variance is closely related to changes in capital works at the end of the financial year.

Report of the Chief Operating Officer

14.1 Monthly Financial Report - May 2024 (cont.)

The Council expected to receive \$2M under Disaster Recovery Funding Arrangements in May 2024; however, due to the timing of claim payments, the \$2M was received in early June 2024 and as such are reflected in the June ledger.

Several factors have contributed to delays in multiple projects, including weather conditions, contractor availability, unexpected additional investigations, and upgrades ahead of schedule. These delays have resulted in deferrals of significant capital grants for the current financial year. Notable examples include the NSW Office of Sport grants, where the Council is expected to receive \$1.1M under the Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program and the Essential Community Sport Assets Program in the 2023-24 financial year, but this funding is delayed pending further confirmation of contractor availability.

Net gain/(loss) from the disposal of assets

The net gain/(loss) from asset disposals shows an unfavourable variance of \$2.3M. This primarily relates to a revaluation of Akuna Street South Carpark, which was reclassified to an asset held for sale. The current adopted budget does not reflect this revaluation and therefore this has created an unfavourable variance that will be carried until the end of this year.

It is important to note that the deferral of the divestment of Blue Haven Bonaira and Grey Street to the 2024-25 financial year, has been adopted by Council as a part of 2024/25 Budget and Long-Term Financial Plan.

Expenses

Employee Benefits

Employee benefits and on-costs are unfavourable and exceed the budget by \$725K at a consolidated level. General Fund represents a significant portion of this discrepancy, with an overspend of \$586K. Additionally, Blue Haven contributes the second largest amount, being \$224K unfavourable. Holiday Park and The Pavilion have minor favourable variances.

The variance in General Fund primarily arises from undercapitalisation of wages, noting this is an internal allocation and a non-cash adjustment. The wage capitalisation issue concerns the allocation of Infrastructure Team wage costs to capital projects. In addition, a \$360K overspend in employee allowances also contributes to the unfavourable variance in General Fund, notably lump sum back payments for various allowances as foreshadowed in previous reports.

Employee cost overspends at Blue Haven are predominately attributed to additional staffing including casual employees to cover for permanent employees while on leave or to cover vacant positions. The updated ACQSC regulations, higher occupancy rates, related mandatory staff minutes and improved accreditation, have all impacted the overspend all of which were not fully absorbed in the budget review adjustments.

Materials and services

Consolidated materials and services are \$1.5M over budget year to date to May 2024. The Council's General Fund remains on track to the budget, with only a \$98K overspend.

Blue Haven is the primary contributor to this unfavourable position, being \$1.7M overspent. The main drivers of this overspend are contractors and agency staff (\$837M over budget) and building and site maintenance (totally \$820K over budget). Further detailed analysis and insights on this matter are provided in the Blue Haven section of this report.

Report of the Chief Operating Officer

14.1 Monthly Financial Report - May 2024 (cont.)

In contrast, Pavilion and Holiday Parks are favourable with regards to materials and services by \$37K and \$238K respectively. Further details on the Council's other entities can be found in the Holiday Park and Pavilion sections.

Borrowing Costs

The unfavourable variance in borrowing costs of \$395K is largely due interest repayments on the Blue Haven Bonaira T-Corp loan which has a variable interest rate.

Blue HavenBlue Haven Care Consolidated

Blue Haven experienced a consolidated operating loss of \$2.6M. This is attributable to large unfavourable variances in materials and services costs and in employee costs. Revenues from subsidies and grants recorded a minimal favourable variance compared to the budget.

Blue Haven Bonaira Residential Aged Care (RAC)

The RAC incurred a net deficit of \$2.7M exceeding the budgeted net deficit of \$1.4M. This variance is largely due to rising increasing agency costs necessary to achieve the mandated average daily care staff requirements and registered nurse daily care minutes per resident alongside activities undertaken to maintain higher occupancy levels which is currently at 116. A Roster review has shown some improvements in the staff cost to revenue ratio following increased occupancy and funding. Overall the result remains a significant deficit.

Blue Haven Bonaira Community Programs

Community Programs experienced a net deficit of \$217K against an anticipated budget deficit of \$147K reflecting revenues of \$5M and expenses of \$5.2M. This unfavourable variance is primarily attributable to higher materials and services costs. The increased expenses stem from medical equipment and supplies purchased for clients.

Blue Haven Bonaira Independent Living Units (ILUs)

The ILU Bonaira achieved a net surplus of \$1.3M. This reflects revenues of \$2.6M against expenses of \$1.3M. It is important to note that only \$310K of this revenue represents actual cash flows through ILU maintenance levies whereas \$2.3M is derived from the amortisation of deferred management fee.

Blue Haven Terralong Independent Living Units (ILUs)

The ILU Terralong reported a net deficit of \$320K which stems from revenues of \$3M and expenses of \$3.3M. ILU maintenance levies contribute \$967K of revenue whereas amortised deferred management fee accounts for \$2.1M of revenues. High materials and contract costs amounting to \$1.2M, specifically related to costs of refurbishment and maintenance services, are the primary drivers of this deficit. Higher refurbishment costs addressing water penetration and fire safety requirements, asset and maintenance back log work across the site has resulted in significantly higher expenditure. The 're-structuring' of introducing Council's Infrastructure & Liveability Team who are responsible for Council assets across the community to review and oversee Blue Haven (noting this was not the case previously) is proving beneficial in ensuring improved facilities maintenance systems and processes, compliance and resident amenity notwithstanding the cost. These systems have not had the necessary focus and required maturity previously, commensurate with the significance of the asset.

Report of the Chief Operating Officer

14.1 Monthly Financial Report - May 2024 (cont.)

Holiday Parks

The combined operating result for all Holiday Parks to May 2024 is an operating surplus of \$3.5M. Budget for the same period was \$3.4, resulting in a favourable variance to budget of \$171K or 5%. Operating revenue is marginally unfavourable, primarily due to a reduction in user charges and fees income relating to income generated from the park cabin rental and accommodation.

This income is down on budget mainly due to compliance works, including the removal of some Holiday Vans at both Seven Mile Beach and Werri Beach and the cessation of several camping sites at Kendalls Beach Holiday Park. The continuation of maintenance works that had previously been postponed due to high occupancy rates during the busy season have been undertaken in May and June, resulting in some cabins being unavailable for reservations.

Operational expenditure is underspent by \$272K, mostly due to an underspend in materials and services (\$238K) and employee benefits (\$60K). As noted in previous monthly reports, the postponement of some cabin and site maintenance works during the busy season has contributed to the underspend, however, this is starting to catch up. Park manager remuneration and commission payments are underbudget, however this is likely to resolve once end of financial year remuneration reconciliations are completed.

The Pavilion

As of May 2024, the Pavilion has a net favourable variance of \$72K. A sustained rise in the demand for community and corporate events, as well as weddings at The Pavilion, from both local and intrastate clients has contributed to its consistent performance relative to the budget this financial year. Although total income is slightly unfavourable by \$4K, this has been offset by marginal underspends in employee costs, and materials and services. Additionally, internal revenue and expenditure together have added to the favourable variance, which highlights effective implementation of cost control measures in order to maximise its profitability. Overall, the Pavilion has consistently remained in line with the budget year-to-date.

Consolidated Statement of Financial Position

The 2022-23 financial statement audit has now been completed. Therefore, the opening balances of the 2023-24 financial year are prepared in accordance with the relevant accounting standards. The 2023-24 financial statement audit commenced in May 2024.

Current Asset Ratio

The current asset ratio measures a company's ability to pay its short-term obligations. The consolidated current asset ratio is approximately 0.31 as at May 2024, decreasing marginally from 0.35 in April. This is in part due to a decrease in cash and cash equivalents and investments of \$4.7M. This \$4.7M decrease is mainly associated with the net outflow of Residential Accommodation Deposit and ILU refunds of \$2.2M. These are timing matters based on resident departure and also probate processes.

KIAMA MUNICIPAL COUNCIL

Income Statement - Consolidated

For the Period Ending 31 May 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	Adopted Budget 2023/24 \$'000
Income from continuing operations					
Rates and annual charges	25,651	25,843	(192)	27,960	28,175
User charges and fees	21,838	21,741	97	22,726	23,476
Other revenue	5,864	5,764	100	5,915	6,251
Grants and contributions provided for operating purposes	16,564	15,809	755	21,482	19,613
Grants and contributions provided for capital purposes	7,868	11,795	(3,927)	14,567	14,346
Interest and investment income	2,145	2,188	(43)	2,178	2,387
Other income	-	0	(0)	-	0
Net gain/(loss) from the disposal of assets	72	2,407	(2,335)	72	28,921
Internal Revenue	8,413	8,384	29	7,472	9,144
Total income from continuing operations	88,415	93,931	(5,516)	102,345	132,313
Expenses from continuing operations					
Employee benefits and on-costs	35,760	35,036	(725)	38,930	38,027
Materials and services	34,568	33,023	(1,545)	39,535	36,579
Borrowing costs	918	523	(395)	937	549
Depreciation, amortisation and impairment for non financial assets	11,293	11,339	46	11,293	12,370
Other expenses	869	861	(8)	991	1,165
Internal Expenditure	8,405	8,385	(20)	7,465	9,144
Total Expenses from continuing operations	91,813	89,166	(2,647)	99,150	97,835
Operating result from continuing operations	(3,398)	4,765	(8,163)	3,194	34,478
Net operating results for the year	(3,398)	4,765	(8,163)	3,194	34,478
Net operating result for the year before grants and contributions provided for capital purposes	(11,266)	(7,030)	(4,236)	(11,373)	20,132

KIAMA MUNICIPAL COUNCIL

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

For the Period Ending 31 May 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	Adopted Budget 2023/24 \$'000
Income from continuing operations					
Rates and annual charges	25,651	25,843	(192)	27,960	28,175
User charges and fees	6,005	5,597	408	6,372	6,098
Other revenue	1,283	1,168	115	1,324	1,236
Grants and contributions provided for operating purposes	1,985	1,372	613	5,881	3,891
Grants and contributions provided for capital purposes	7,868	11,795	(3,927)	14,567	14,346
Interest and investment income	2,138	2,187	(50)	2,171	2,386
Other income	-	-	-	-	-
Net gain/(loss) from the disposal of assets	69	2,404	(2,335)	42	28,918
Internal Revenue	7,190	7,159	31	6,249	7,808
Total income from continuing operations	52,188	57,525	(5,337)	64,567	92,859
Expenses from continuing operations					
Employee benefits and on-costs	23,110	22,524	(586)	25,156	24,455
Materials and services	19,780	19,681	(98)	23,290	21,899
Borrowing costs	64	63	(1)	84	83
Depreciation, amortisation and impairment for non financial assets	8,618	8,633	16	8,618	9,570
Other expenses	449	530	81	570	726
Internal Expenditure	4,484	4,377	(107)	4,393	4,775
Total Expenses from continuing operations	56,504	55,808	(696)	62,111	61,507
Operating result from continuing operations	(4,316)	1,717	(6,033)	2,456	31,352
Net operating results for the year	(4,316)	1,717	(6,033)	2,456	31,352
Net operating result for the year before grants and contributions provided for capital purposes	(12,184)	(10,078)	(2,106)	(12,111)	17,006

KIAMA MUNICIPAL COUNCIL

Income Statement - Blue Haven

For the Period Ending 31 May 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	Adopted Budget 2023/24 \$'000
Income from continuing operations					
Rates and annual charges	-	-	-	-	-
User charges and fees	5,008	5,048	(40)	5,507	5,507
Other revenue	4,572	4,595	(23)	4,582	5,013
Grants and contributions provided for operating purposes	14,496	14,437	59	15,518	15,722
Grants and contributions provided for capital purposes	-	-	-	-	-
Interest and investment income	7	1	6	7	1
Other income	-	0	(0)	-	0
Net gain/(loss) from the disposal of assets	-	-	-	-	-
Internal Revenue	1,138	1,213	(75)	1,138	1,323
Total income from continuing operations	25,220	25,294	(74)	26,749	27,566
Expenses from continuing operations					
Employee benefits and on-costs	12,132	11,908	(224)	13,197	12,914
Materials and services	9,339	7,618	(1,721)	10,219	8,311
Borrowing costs	787	393	(394)	787	393
Depreciation, amortisation and impairment for non financial assets	1,969	1,999	30	1,969	2,181
Other expenses	67	8	(59)	67	9
Internal Expenditure	3,593	3,662	69	2,823	3,993
Total Expenses from continuing operations	27,887	25,588	(2,299)	29,061	27,799
Operating result from continuing operations	(2,667)	(294)	(2,372)	(2,312)	(233)
Net operating results for the year	(2,667)	(294)	(2,372)	(2,312)	(233)
Net operating result for the year before grants and contributions provided for capital purposes	(2,667)	(294)	(2,372)	(2,312)	(233)

KIAMA MUNICIPAL COUNCIL

Income Statement - Blue Haven Per Area

For the Period Ending 31 May 2024



	Full Year											
	Year to Date			Total Bluehaven								
	RACF	ILU	Community Programs	Barroul House	BH Management		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	Adopted Budget 2023/24 \$'000
Actual 2023/24 \$'000					Actual 2023/24 \$'000	Actual 2023/24 \$'000						
Income from continuing operations												
Rates and annual charges	-	-	-	-	-	-	-	-	-	-	-	-
User charges and fees	3,563	1,277	168	-	-	5,008	(40)	5,008	5,008	5,505	5,507	
Other revenue	11	4,442	21	97	-	4,572	(23)	4,572	4,572	4,582	5,013	
Grants and contributions provided for operating purposes	10,061	-	4,435	-	-	14,496	59	14,437	14,496	15,518	15,722	
Grants and contributions provided for capital purposes	-	-	-	-	-	-	-	-	-	-	-	
Interest and investment income	-	7	-	-	-	7	6	-	7	7	1	
Other income	-	-	-	-	-	0	(0)	-	-	-	0	
Net gain/(loss) from the disposal of assets	-	-	-	-	-	-	-	-	-	-	-	
Internal Revenue	-	-	376	-	762	1,138	(75)	1,138	1,138	1,138	1,323	
Total income from continuing operations	13,635	5,727	4,999	97	762	25,220	(74)	25,220	25,220	26,749	27,566	
Expenses from continuing operations												
Employee benefits and on-costs	8,150	240	2,938	326	479	12,132	(224)	12,132	12,132	13,197	12,914	
Materials and services	6,470	1,431	805	94	538	7,618	(1,721)	9,339	9,339	10,219	8,311	
Borrowing costs	551	236	-	-	-	787	(394)	393	787	787	393	
Depreciation/amortisation and impairment for non financial assets	187	1,782	-	-	-	1,969	30	1,969	1,969	1,969	2,181	
Other expenses	67	-	-	-	-	67	(59)	67	67	67	9	
Internal Expenditure	966	1,027	1,474	32	94	3,593	69	3,593	3,593	2,823	3,993	
Total Expenses from continuing operations	16,390	4,716	5,216	453	1,111	27,887	(2,299)	27,887	27,887	29,061	27,799	
Operating result from continuing operations	(2,755)	1,011	(217)	(356)	(349)	(2,667)	(2,372)	(2,667)	(2,667)	(2,312)	(233)	
Net operating results for the year	(2,755)	1,011	(217)	(356)	(349)	(2,667)	(2,372)	(2,667)	(2,667)	(2,312)	(233)	
Net operating result for the year before grants and contributions provided for capital purposes	(2,755)	1,011	(217)	(356)	(349)	(2,667)	(2,372)	(2,667)	(2,667)	(2,312)	(233)	

KIAMA MUNICIPAL COUNCIL

Income Statement - Holiday Parks

For the Period Ending 31 May 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	Adopted Budget 2023/24 \$'000
Income from continuing operations					
Rates and annual charges	10,125	10,357	(231)	-	-
User charges and fees	9	2	8	10,129	11,063
Other revenue	83	-	83	9	2
Grants and contributions provided for operating purposes	-	-	-	83	-
Grants and contributions provided for capital purposes	-	-	-	-	-
Interest and investment income	-	-	-	-	-
Other income	-	-	-	-	-
Net gain/(loss) from the disposal of assets	-	-	-	-	-
Internal Revenue	39	-	39	38	-
Total income from continuing operations	10,257	10,358	(102)	10,260	11,065
Expenses from continuing operations					
Employee benefits and on-costs	302	362	60	344	397
Materials and services	5,078	5,316	238	5,606	5,925
Borrowing costs	67	67	(0)	67	73
Depreciation, amortisation and impairment for non financial assets	568	568	1	568	620
Other expenses	353	323	(30)	353	430
Internal Expenditure	307	311	4	246	339
Total Expenses from continuing operations	6,675	6,947	272	7,184	7,784
Operating result from continuing operations	3,582	3,411	171	3,075	3,281
Net operating results for the year	3,582	3,411	171	3,075	3,281
Net operating result for the year before grants and contributions provided for capital purposes	3,582	3,411	171	3,075	3,281

KIAMA MUNICIPAL COUNCIL

Income Statement - The Pavilion

For the Period Ending 31 May 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	700	740	(39)	700	720	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	0	3	3	3
Internal Revenue	47	12	35	47	47	13
Total income from continuing operations	750	754	(4)	750	769	823
Expenses from continuing operations						
Employee benefits and on-costs	216	242	26	216	232	262
Materials and services	371	407	37	371	420	445
Borrowing costs	-	-	-	-	-	-
Depreciation, amortisation and impairment for non financial assets	139	139	0	139	139	-
Other expenses	-	-	-	-	-	-
Internal Expenditure	21	35	13	21	3	38
Total Expenses from continuing operations	747	823	76	747	795	744
Operating result from continuing operations	3	(69)	72	3	(25)	78
Net operating results for the year	3	(69)	72	3	(25)	78
Net operating result for the year before grants and contributions provided for capital purposes	3	(69)	72	3	(25)	78

KIAMA MUNICIPAL COUNCIL

Consolidated

Statement of Financial Position
For the Period Ended 31 May 2024



		Actual 11 Months 2024 \$'000	Actual 11 Months 2023 \$'000
	Notes		
ASSETS			
Current assets			
Cash and cash equivalents	C1-1	14,818	16,111
Investments	C1-2	22,750	22,837
Receivables	C1-4	3,028	2,545
Inventories	C1-5	327	314
Contract assets and contract cost assets	C1-6	-	822
Current assets classified as 'held for sale'	C1-7	4,342	-
Other		552	552
Total current assets		45,817	43,181
Non current assets			
Investments	C1-2	9,000	9,000
Receivables	C1-4	204	204
Infrastructure, property, plant and equipment	C1-8	584,594	587,741
Investment property	C1-9	124,950	124,950
Intangible assets	C1-10	-	-
Right of use assets	C2-1	122	122
Total non current assets		718,870	722,017
Total assets		764,686	765,198
LIABILITIES			
Current liabilities			
Payables	C3-1	141,011	139,419
Contract liabilities	C3-2	81	6,950
Lease liabilities	C2-1	36	36
Borrowings	C3-3	506	674
Employee benefit provisions	C3-4	6,452	6,410
Total current liabilities		148,086	153,490
Non current liabilities			
Payables	C3-1	18	18
Lease liabilities	C2-1	6	6
Borrowings	C3-3	20,197	20,072
Employee benefit provisions	C3-4	601	601
Total non current liabilities		20,822	20,697
Total Liabilities		168,908	174,187
Net Assets		595,778	591,011
EQUITY			
Retained earnings		180,976	176,201
Revaluation reserves		415,319	418,281
Current Year Net Earnings		-517	-3,470
Total equity		595,778	591,011

14.2 Statement of Investments: June 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 as at June 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

Senior Financial Accountant

Communication/Community engagement

N/A

Attachments

1 June 2024 Investment Report [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council notes the information relating to the Statement of Investments as at 30 June 2024.

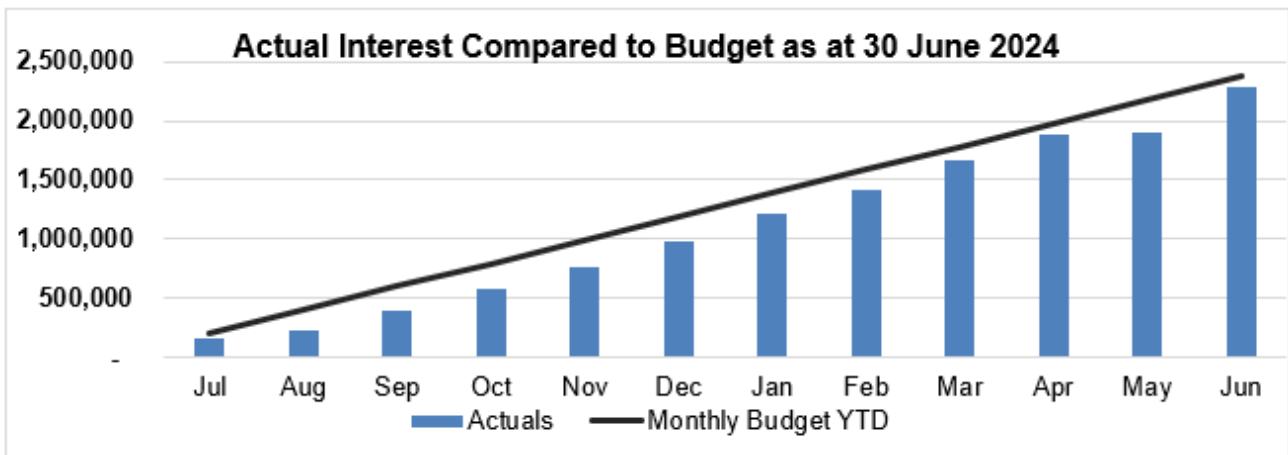
Background

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’s 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 June, excluding cash, the total portfolio provided a return of +0.43% (actual) or +5.39% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.35% (actual) or +4.35% p.a. (annualised).

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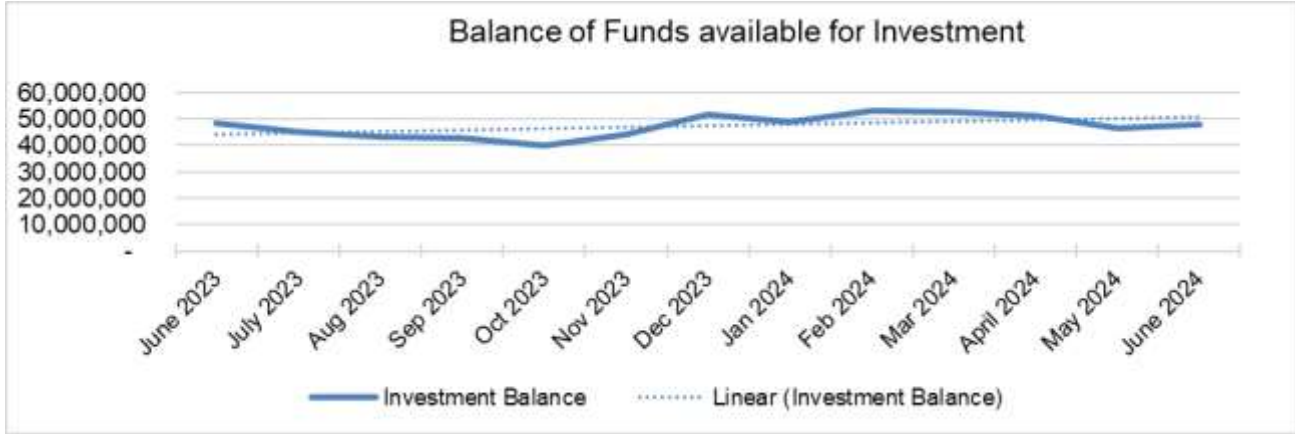


Report of the Chief Operating Officer

14.2 Statement of Investments: June 2024 (cont)

Movement in Investments

Compared to June 2023 Council's investments portfolio decreased by \$340K.



Item 14.2

Trades matured in June:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
Suncorp Bank	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
Total							7,000,000

No new trades were entered into during June in anticipation of end of financial year cash outflows and uncertainty around timing of claim payments by Transport for NSW.

Portfolio Compliance

As advised by external Investment Advisor

As at the end of the June, aside from the slight overweight position with ING (A), Council is within compliance of the Policy limits. This slight overweight position with ING (30.5% actual exposure versus 30% limit) was due to the fall in the total portfolio size from \$51.98m in May to \$49.12m in June. This can easily be rectified when the total portfolio size increases over the coming weeks/months, or by redeeming the next ING deposit maturing on 16th October 2024.

As of 3 July 2024, Council has now rectified this overweight exposure by investing funds with NAB, resulting in ING's total exposure dropping from 30.54% to 28.24%.

Report of the Chief Operating Officer

14.2 Statement of Investments: June 2024 (cont)

Portfolio Summary:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
NAB	AA-	TD	At Maturity	06/03/2024	10/07/2024	5.10	2,000,000
Suncorp Bank	A+	TD	At Maturity	30/10/2023	30/07/2024	5.35	2,000,000
NAB	AA-	TD	At Maturity	11/03/2024	07/08/2024	5.10	1,000,000
BOQ	A-	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 Bank (Australia) Ltd	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 Bank (Australia) Ltd	A	TD	At Maturity	15/11/2023	15/11/2024	5.48	2,000,000
Suncorp Bank	A+	TD	At Maturity	21/11/2023	21/11/2024	5.40	1,000,000
Suncorp Bank	A+	TD	At Maturity	28/11/2023	28/11/2024	5.50	2,000,000
Suncorp Bank	A+	TD	At Maturity	04/12/2023	04/12/2024	5.35	1,000,000
Suncorp Bank	A+	TD	At Maturity	13/12/2023	13/12/2024	5.30	2,000,000
ING Bank (Australia) Ltd	A	TD	Annual	21/12/2023	18/12/2024	5.23	2,000,000
ING Bank (Australia) Ltd	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
Suncorp Bank	A+	TD	At Maturity	06/03/2024	12/03/2025	5.14	1,000,000
BankVic	BBB+	TD	At Maturity	25/03/2024	26/03/2025	5.15	2,000,000
ING Bank (Australia) Ltd	A	TD	At Maturity	16/04/2024	02/04/2025	5.13	1,000,000
ING Bank (Australia) Ltd	A	TD	At Maturity	22/11/2023	23/09/2025	5.35	1,000,000
Suncorp Bank	A+	TD	At Maturity	21/11/2023	21/11/2025	5.36	1,000,000
ING Bank (Australia) Ltd	A	TD	At Maturity	04/12/2023	04/12/2025	5.25	1,000,000
ING Bank (Australia) Ltd	A	TD	Annual	18/12/2023	18/12/2025	5.20	2,000,000
ING Bank (Australia) Ltd	A	TD	Annual	10/01/2024	14/01/2026	4.96	1,000,000
Bank of Us	BBB+	TD	At Maturity	06/03/2024	11/03/2026	4.96	1,000,000
ING Bank (Australia) Ltd	A	TD	At Maturity	11/04/2024	08/04/2026	4.92	2,000,000
Westpac	AA-	CASH	Monthly	30/06/2024	30/06/2024	4.24	11,366,329
Total							49,116,329

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Report of the Chief Operating Officer

14.2 Statement of Investments: June 2024 (cont)

Restricted Funds Movements

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

Cash and Investments Held	May-24	Movement	Jun-24
Cash at Bank - Transactional Account	7,232,708	4,133,621	11,366,329
Other Cash and Investments	44,750,000	(7,000,000)	37,750,000
Total Portfolio Balance (agrees to Arlo Advisory report)	51,982,708	(2,866,379)	49,116,329
Cash on Hand	6,110		6,110
Bank Reconciliation items	(5,420,834)	4,372,535	(1,048,299)
Book Value of Cash and Investments	46,567,984	1,506,156	48,074,140
Developer Contributions	12,777,315	71,362	12,848,677
Unexpended Grants	2,677,144		2,677,144
Domestic Waste	5,727,549		5,727,549
Blue Haven Terralong ILU Maintenance Levy	2,023,322		2,023,322
Blue Haven Bonaira ILU Maintenance Levy	395,562		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	4,693,895	(260,403)	4,433,493
Roads Reserve	-		-
Leisure Centre Unspent Loan Funding	500,000		500,000
Stormwater Levy	228,947	637	229,584
Security bonds, Deposits & Retentions	1,991,128	193,633	2,184,760
Externally Restricted	36,523,679	5,229	36,528,908
Council Elections	49,776		49,776
Employee Leave Liabilities	3,367,000		3,367,000
Land development	746,565		746,565
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	9,985,926	0	9,985,926
Unrestricted Funds	58,379	1,500,927	1,559,306

Item 14.2

June reserve movements include:

- An increase in the Developer Contribution reserve of \$71K
- A decrease in the Crown Holiday Parks reserve of \$260K
- An increase in the Security and Bonds, Deposits and Retentions reserve of \$194K

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

Report of the Chief Operating Officer

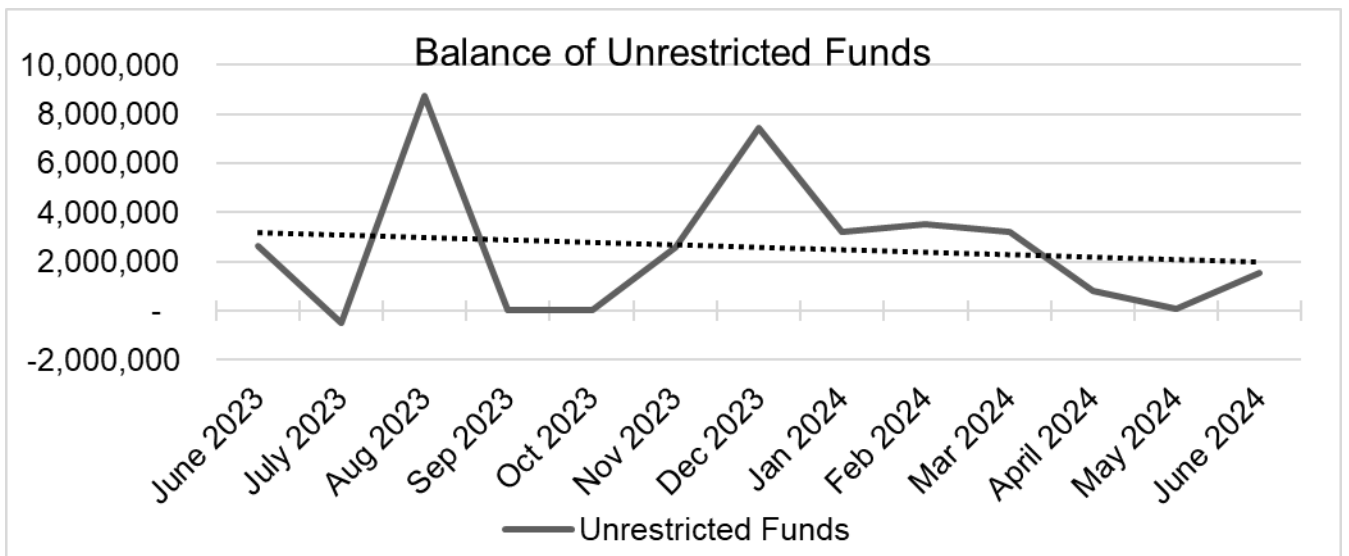
14.2 Statement of Investments: June 2024 (cont)

The RAC Prudential Liquidity Management and ILU Prudential Cover will be adjusted next month post the consideration of the annual update to both these items in this month’s Council papers.

Restricted Funds Policy

The draft Restricted Funds Policy was presented to Council at the 21 May 2024 meeting. The policy was displayed on Council’s website for the exhibition period of 28 days as per the Council resolution. No submissions were received, therefore under the Council resolution 24/001OC, Council has adopted the policy.

Unrestricted Funds



Council’s overall cash balance increased during June from \$46.6M to \$48.1M. This \$1.5M increase is mainly associated with business-as-usual operations. There were no significant Residential Accommodation Deposits in the month of June. These are timing matters based on resident departure and probate processes.

Capital expenditure equated to approximately \$1.8M during the month of June, offsetting the rate instalment receipts and 2024-25 advance payment of the Financial Assistance Grant (\$2M).

The unrestricted funds balance as at 30 June increased from \$58K to \$1.6M mainly due to end of year Financial Assistance Grant payment.

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Report of the Chief Operating Officer

14.2 Statement of Investments: June 2024 (cont)

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
24/002OC	31/05/2024	Land Development Reserve	-3,900,000	Insufficient unrestricted cash balance
	Total:		-10,374,773	

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Consolidated Cash Position and Cash Flow Forecast

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

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.

June's cash position is less than the projected cash balance, which is due to the unpredictability of Residential Accommodation Deposit receipts and refunds, ILU unit departures and timing of capital grants. These are timing in nature and should align in coming months.

Report of the Chief Operating Officer

14.2 Statement of Investments: June 2024 (cont)



Item 14.2

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

03/07/2024



Monthly Investment Review



KIAMA MUNICIPAL COUNCIL
your council, your community

June 2024

Item 14.2

Attachment 1

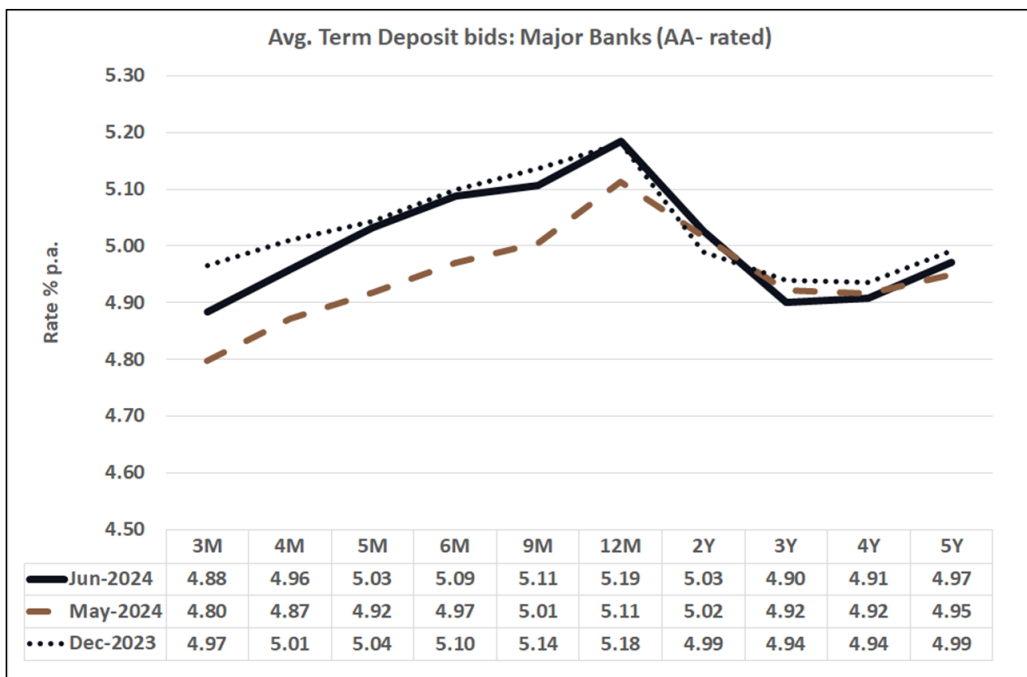
Arlo Advisory Pty Ltd
ABN: 55 668 191 795
Authorised Representative of InterPrac Financial Planning Pty Ltd
AFSL 246 638
Phone: +61 2 9053 2987
Email: michael.chandra@arloadvisory.com.au / melissa.villamin@arloadvisory.com.au
125 Middle Harbour Road, East Lindfield NSW 2070



Market Update Summary

In June, financial markets continue to reprice the time of rate cuts across several developed countries. Domestically, the market is now actually forecasting the small chance of a hike in coming months in response to ongoing inflationary pressures.

In the deposit market, over June, the average deposit rates offered by the major banks at the short-end (up to 12 months) rose between 8-11bp following the higher than expected monthly inflation figure. In the medium-longer term (2-5 years), the average bids from the major banks remained relatively flat, reflective of the market still factoring rate cuts in future years. The deposit curve is largely back to where it was 6 months ago (Dec 2023).



Source: Imperium Markets

With a global economic downturn and interest rate cuts still being priced over the next 18-24 months, investors should consider diversifying and taking an 'insurance policy' against a potentially lower rate environment by investing across 2-5 year fixed deposits, targeting rates above 5% p.a. (small allocation only).



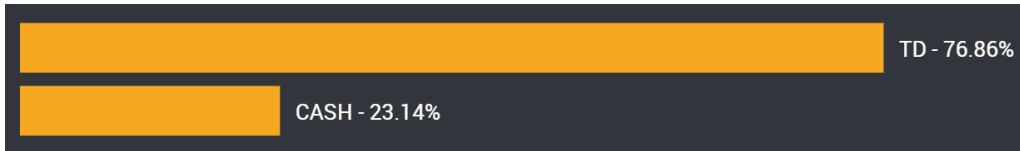
Kiama Municipal Council’s Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to term deposits (76.9%), with the remainder in cash (23.1%).

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

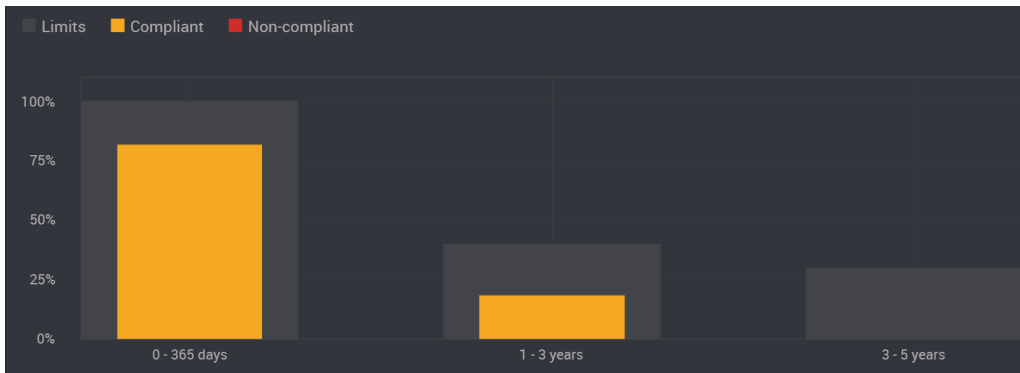
With interest rate cuts and a global economic downturn being priced in coming years, investors can choose to allocate a small proportion of longer-term funds and undertake an insurance policy against any potential future rate cuts by investing across 2-5 year fixed deposits, locking in and targeting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



Term to Maturity

The portfolio is highly liquid with the majority maturing within 1 year (~82%). 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 2-3 year deposits.





Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 365 days	\$40,116,329	81.68%	0%	100%	\$7,350,854
✓	1 - 3 years	\$9,000,000	18.32%	0%	40%	\$8,695,678
✓	3 - 5 years	\$0	0.00%	0%	30%	\$12,034,899
✓	5 - 10 years	\$0	0.00%	0%	30%	\$12,034,899
		\$49,116,329	100.00%			

Counterparty

As at the end of the June, aside from the slight overweight position with ING (A), Council is within compliance of the Policy limits. This slight overweight position with ING (30.5% actual exposure versus 30% limit) was due to the fall in the total portfolio size from \$51.98m in May to \$49.12m in June. This can easily be rectified when the total portfolio size increases over the coming weeks/months, or by redeeming the next ING deposit maturing on 16th October 2024.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$2,000,000	4.07%	40%	\$17,646,532
✓	Westpac	AA-	\$11,366,329	23.14%	40%	\$8,280,203
✓	NAB	AA-	\$6,000,000	12.22%	40%	\$13,646,532
✓	Suncorp	A+	\$10,000,000	20.36%	30%	\$4,734,899
X	ING	A	\$15,000,000	30.54%	30%	-\$265,101
✓	BoQ	A-	\$1,000,000	2.04%	30%	\$13,734,899
✓	AMP	BBB+	\$750,000	1.53%	15%	\$6,617,449
✓	Bank of Us	BBB+	\$1,000,000	2.04%	15%	\$6,367,449
✓	BankVic	BBB+	\$2,000,000	4.07%	15%	\$5,367,449
			\$49,116,329	100.00%		

In February 2024, ANZ's takeover of Suncorp was given the green light by the Australian Competition Tribunal (ACT), six months after the Australian Competition and Consumer Commission (ACCC) blocked the deal on the grounds that it could lessen competition in the mortgage market. As such, Suncorp's assets are likely to be upgraded to AA- in the near future by S&P, potentially within 6 months (but also, they may be flagged as an ADI lending to the fossil fuel industry in future).

In early April 2024, BoQ was upgraded by S&P from BBB+ to A-. Separately, several other regional banks were upgraded from BBB to BBB+ (including AMP). This has resulted in increased capacity to invest in some of these individual institutions from a counterparty perspective, as well as the aggregate "BBB" rated category (see "Credit Quality" section).



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 30/06/2024 (~\$49.12m), we can roughly estimate that ~71% 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	A-	No
AMP Bank	BBB+	Yes
Bank of Us	BBB+	No
BankVIC	BBB+	No

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

Summary	Amount	Invested %
Yes	\$35,116,329	71%
No	\$14,000,000	29%
	\$49,116,329	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 Council's 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%	\$49,116,329
✓	AA Category	\$19,366,329	39.4%	100%	\$29,750,000
✓	A Category	\$26,000,000	52.9%	70%	\$8,381,430
✓	BBB Category	\$3,750,000	7.6%	30%	\$10,984,899
✓	Unrated Category	\$0	0.0%	0%	\$0
		\$49,116,329	100.0%		

There is now much higher capacity to invest with the “BBB” rated ADIs following the recent ratings upgrade for BoQ (moved up from BBB to A category range). From a ratings perspective, the “BBB” rated banks still generally dominate the number of ADIs issuing deposits within the investment grade space. There has been some signs of appetite growing in the wholesale deposit market as additional lower rated (“BBB” and unrated) ADIs have come to market to raise ‘new’ money.



Performance

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

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.35%	1.07%	2.15%	4.28%	4.28%
AusBond Bank Bill Index	0.35%	1.08%	2.18%	4.37%	4.37%
Council’s Portfolio [^]	0.43%	1.29%	2.58%	5.01%	5.01%
Outperformance	0.08%	0.21%	0.40%	0.63%	0.63%

[^]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%	4.35%	4.27%	4.28%
AusBond Bank Bill Index	4.35%	4.41%	4.42%	4.36%	4.37%
Council’s Portfolio [^]	5.39%	5.26%	5.24%	4.99%	5.01%
Outperformance	1.04%	0.86%	0.83%	0.63%	0.63%

[^]Total portfolio performance excludes Council’s cash account holdings.

For the month of June, excluding cash, the total portfolio provided a return of +0.43% (actual) or +5.39% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.35% (actual) or +4.35% p.a. (annualised). All time periods are now above benchmark returns up to 1 year as the previously held low yielding deposits coming out of the pandemic period have all matured and been reinvested at higher prevailing rates.



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 $\frac{1}{4}$ – $\frac{1}{2}$ % p.a. higher compared to purely investing in shorter tenors. There is growing belief that interest rate cuts and a global economic downturn is forthcoming and so locking in rates above 5% p.a. across 1–5 year tenors may provide some income protection against a lower rate environment.

As at the end of June 2024, Council's deposit portfolio was yielding around 5.22% p.a. (up 2bp from the previous month), with a weighted average duration of 241 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 June, we see value in the following:

ADI	LT Credit Rating	Term	Rate % p.a.
ING	A	5 years	5.38%
BoQ	A-	5 years	5.20%
ING	A	4 years	5.32%
BoQ	A-	4 years	5.20%
ING	A	3 years	5.29%
BoQ	A-	3 years	5.10%
ING	A	2 years	5.35%
BoQ	A-	2 years	5.20%
Bank of Us	BBB+	2 years	5.20%
NAB	AA-	2 years	5.10%

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):



ADI	LT Credit Rating	Term	Rate % p.a.
Bank of Sydney	Unrated	12 months	5.47%
NAB	AA-	12 months	5.45%
ING	A	12 months	5.43%
ICBC	A	12 months	5.33%
Bank of Us	BBB+	12 months	5.31%
NAB	AA-	9 months	5.35%
Police CU	Unrated	9 months	5.35%
BoQ	A-	9 months	5.30%
NAB	AA-	6 months	5.30%
Suncorp	A+	6 months	5.23%
ICBC	A	6 months	5.20%
NAB	AA-	3 months	5.15%
ICBC	A	3 months	5.10%

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 $\frac{1}{4}$ – $\frac{1}{2}$ % p.a. higher compared to those investors that entirely invest in short–dated deposits (under 6–9 months).

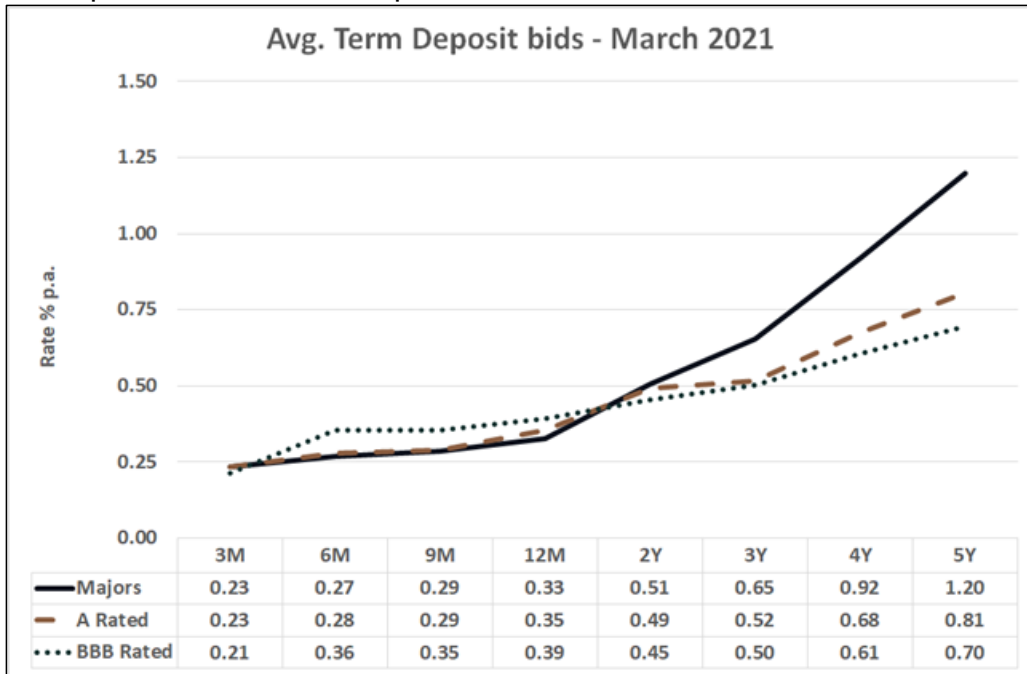
With a global economic slowdown and interest rate cuts being priced over the next few years, investors should strongly consider diversifying by allocating some longer term surplus funds and undertake an insurance policy by investing across 2–5 year fixed deposits and locking in rates above 5% p.a. This will provide some income protection with central banks now potentially looking to cut rates in 2025.



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)



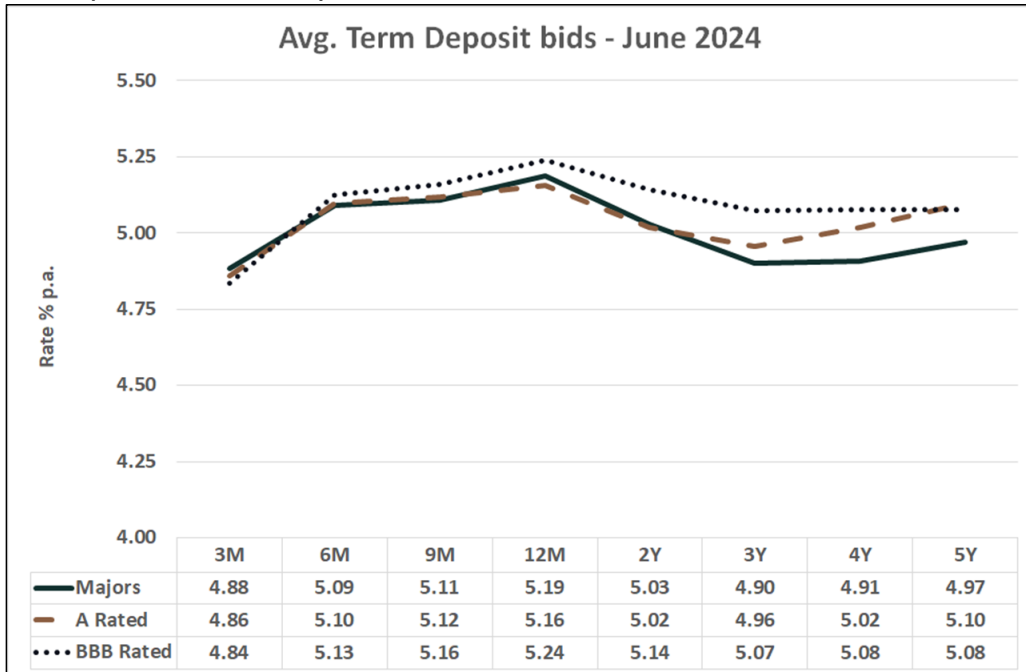
Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits slowly increases, partially driven by the RBA's term funding facility coming to an end. 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 or considered 'ethical'. We are slowly seeing this trend emerge (as was the case this month), although the major banks always seem to react more quickly than the rest of the market during periods of volatility:

Term Deposit Rates – Currently (June 2024)



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.

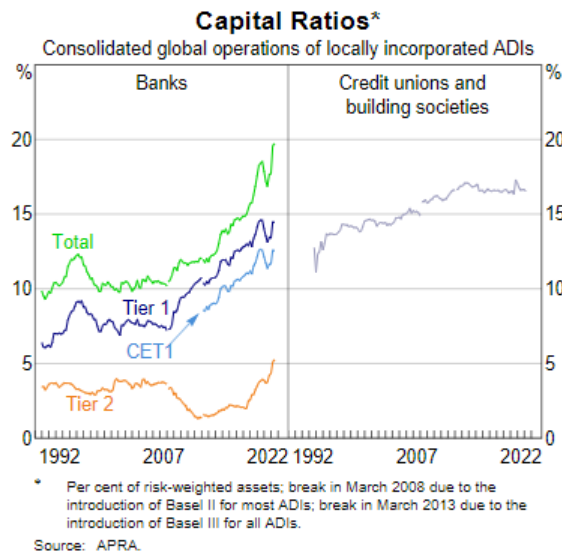
We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have 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 than 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 decade. 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.

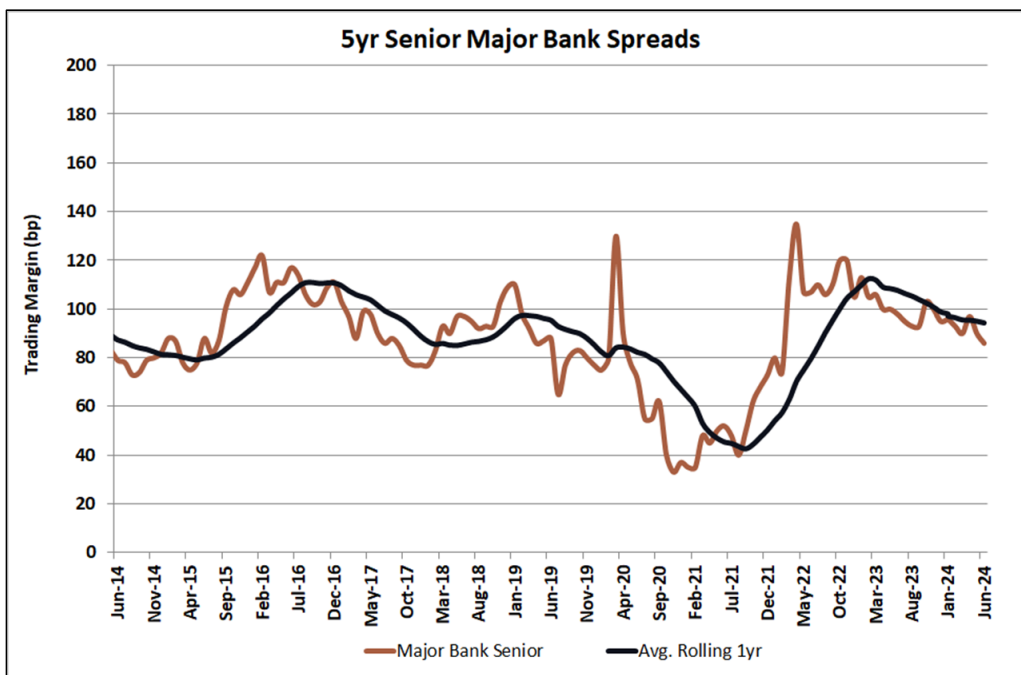
In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. APRA's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





Senior FRNs Market Review

Over June, amongst the senior major bank FRNs, physical credit securities tightened by around 4bp at the 5 year part of the curve. During the month, ANZ (AA-) issued a dual 3 & 5 year senior deal at +70bp and +86bp respectively. Major bank senior securities remain at fair value on a historical basis although looking fairly expensive if the 5yr margin tightens to +80bp in the near future.



Source: IBS Capital

There was minimal issuance again during the month apart from:

- Bendigo-Adelaide (A-) 1 year senior FRN at +60bp
- Teachers Mutual (BBB+) 3 year senior FRN at +130bp

Amongst the “A” rated sector, the securities remained flat at the longer-end of the curve, whilst the “BBB” rated sector tightened around 30bp at the 3 year part of the curve due to Teacher’s Mutual deal. Overall, credit securities are looking more attractive given the widening of spreads over the past 2-3 years. 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), whilst also providing some diversification to those investors skewed towards fixed assets.



Senior FRNs (ADIs)	28/06/2024	31/05/2024
"AA" rated – 5yrs	+86bp	+90bp
"AA" rated – 3yrs	+71bp	+68bp
"A" rated – 5yrs	+105bp	+105bp
"A" rated – 3yrs	+82bp	+85bp
"BBB" rated – 3yrs	+130bp	+160bp

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 mid-2026 for the "AA" rated ADIs (domestic major banks);
- On or before mid-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 2-3 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	1.67	1.1000%	5.25%
AU3CB0280030	BoQ	A-	Senior	06/05/2026	1.86	1.4000%	5.47%
AU3CB0299337	Bendigo	A-	Senior	15/05/2026	1.88	4.7000%	5.37%
AU3CB0296168	BoQ	A-	Senior	27/01/2027	2.59	4.7000%	5.46%
AU3CB0308955	BoQ	A-	Senior	30/04/2029	4.84	5.3580%	5.54%



Economic Commentary

International Market

In June, risk assets traded in a relatively narrow range despite further evidence of sticky inflation pushing back expectations of rate cuts across several advanced economies.

Across equity markets, the S&P 500 Index rose +3.47% over the month, whilst the NASDAQ surged +5.91%. In contrast, Europe's main indices fell across the board, led by France's CAC (-6.42%), Germany's DAX (-1.42%), and UK's FTSE (-1.34%).

The US unemployment rate increased to 4.0% from 3.9%, the highest level in over two years.

US headline CPI came in cooler than expected at +0.0% m/m vs. +0.1% expected (annual terms at +3.3% versus +3.4% expected). The core CPI also came in below expectations at +3.4% y/y versus +3.5% y/y.

Canadian CPI in May was +2.9% y/y from +2.7% (expected +2.6%). The average of the median and trim core measures rose 0.1% to +2.85%. The lift came from services inflation at +4.6% y/y from +4.2% and driven by health.

Eurozone CPI suggested the same goods vs. sticky services dynamic of the US. Core CPI printed at +2.9% y/y vs. +2.7% expected.

Canada became the second G10 nation, after Sweden, to initiate a monetary policy easing cycle. They cut rates by 25bp to 4.75% as expected, whilst signalling more easing ahead. The ECB then followed by easing monetary policy, dropping all key rates by 25bp and taking the Deposit Rate to 3.75%.

The Swiss National Bank lowered its policy rate for a second consecutive time, down 25bp to 1.25%. The central bank believes the policy rate is now balanced and it also had lowered its inflation forecasts.

The Bank of England kept its policy rate steady at 5.25% despite the slowdown in UK inflation to +2.0% y/y in May. The BoE signalled a rate reduction is possible at its next meeting in August.

The MSCI World ex-Aus Index rose +1.93% for the month of June:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+3.47%	+3.92%	+22.70%	+8.31%	+13.17%	+10.79%
MSCI World ex-AUS	+1.93%	+2.18%	+18.55%	+5.32%	+10.20%	+7.44%
S&P ASX 200 Accum. Index	+1.01%	-1.05%	+12.10%	+6.37%	+7.26%	+8.06%

Source: S&P, MSCI



Domestic Market

The RBA left the cash rate on hold at 4.35% as widely expected. The Board reiterated that all options are still on the table in its fight against inflation. The Board "did discuss the case" for a possible rate hike at its June meeting, but ultimately decided to keep the policy rate unchanged. RBA Governor Bullock added, "I wouldn't say that the case for a rate rise is increasing", but "...there's been a few things that have made the Board alert to the upside risks".

The Monthly CPI Indicator surged by 0.4% to +4.0% y/y in May from +3.6%. The ex-volatiles and travel reading did marginally slow, from +4.1% to +4.0% and key services categories remain too strong but do show some cooling.

The unemployment rate fell 0.1% to 4.0% from 4.1%. That fallback was expected because there was an unusually elevated number of unemployed people waiting to start a new job in April that moved into employment in May.

GDP rose by +0.1% q/q (+1.1% y/y), slightly weaker than consensus and the RBA's average quarterly expectation for H1. Overall, aggregate GDP growth continued to soften in both annual and quarterly terms (and is still falling in per capita terms).

The April trade balance widened to \$6.5bn, back to around its February level after a surge in imports in March saw the surplus dip to its lowest since November 2020. In the month, exports fell -2.5%, while good imports fell -7.5% m/m.

The Australian dollar fell -0.20%, finishing the month at US66.24 cents (from US66.37 cents the previous month).

Credit Market

The global credit indices finally widened across the board in June. They remain at their levels in early 2022 (prior to the rate hike cycle from most central banks):

Index	June 2024	May 2024
CDX North American 5yr CDS	54bp	51bp
iTraxx Europe 5yr CDS	62bp	52bp
iTraxx Australia 5yr CDS	71bp	65bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	June 2024	May 2024
Bloomberg AusBond Bank Bill Index (0+YR)	+0.35%	+0.37%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.77%	+0.39%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.41%	+0.50%
Bloomberg AusBond Credit Index (0+YR)	+0.44%	+0.70%
Bloomberg AusBond Treasury Index (0+YR)	+0.69%	+0.35%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+0.55%	-0.30%

Source: Bloomberg

Other Key Rates

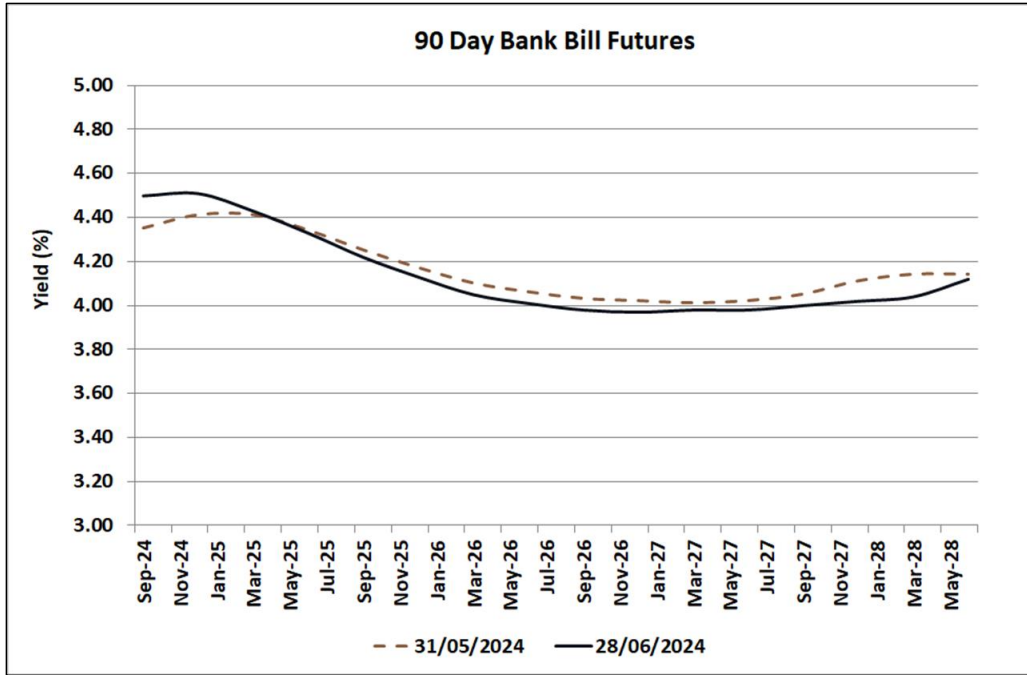
Index	June 2024	May 2024
RBA Official Cash Rate	4.35%	4.35%
90 Day (3 month) BBSW Rate	4.45%	4.35%
3yr Australian Government Bonds	4.07%	4.05%
10yr Australian Government Bonds	4.31%	4.41%
US Fed Funds Rate	5.25%-5.50%	5.25%-5.50%
2yr US Treasury Bonds	4.71%	4.89%
10yr US Treasury Bonds	4.36%	4.51%

Source: RBA, ASX, US Department of Treasury



90 Day Bill Futures

Bill futures remained relatively flat at the long-end this month, despite ongoing evidence of sticky inflation. Markets continue to push back their expectations of when the first rate cut will be delivered, resulting in a flattening of the curve.



Source: ASX

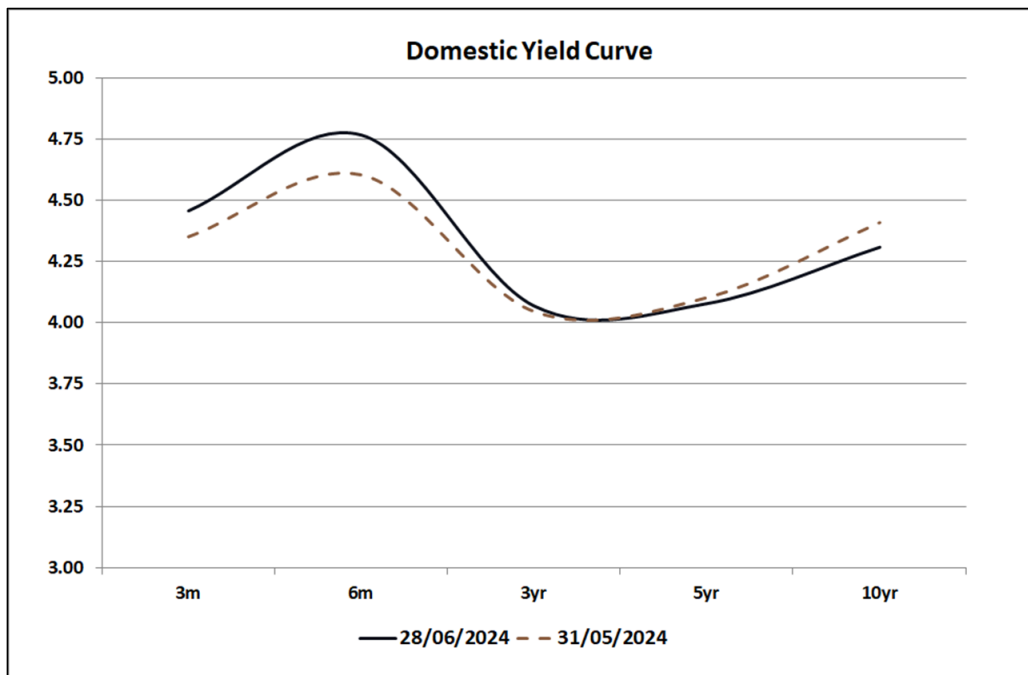


Fixed Interest Outlook

US Federal Reserve officials again highlighted the importance of waiting for further progress in bringing inflation back to the Fed’s 2% target before cutting rates. Policymakers currently expect the policy rate would be cut by just a single 25bp this year, down from at least three reductions earlier this year. The longer-run median US Fed dot plot is currently around 2.80%. US Fed Chair Powell commented that officials were “coming to the view that rates are less likely to go down to their pre pandemic level”.

Domestically, the RBA kept the cash rate unchanged at its June meeting, with the central bank emphasising, “The board is not ruling anything in or out...we still think we’re on the narrow path, [but] it does appear to be getting a bit narrower.” As is the case with most central banks at the moment, the RBA is waiting for current economic data to show a clear trend before taking any decisive action. The June quarter inflation data will be published on 31 July and will therefore give the RBA a comprehensive view of what is happening with inflation prior to its next policy meeting on 6 August.

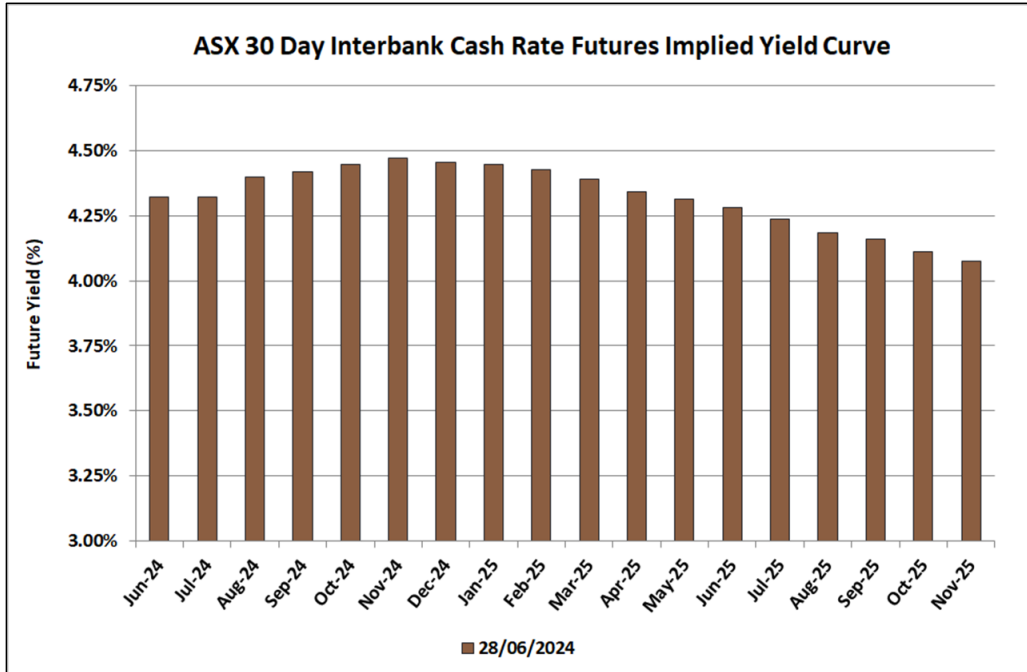
Over the month, longer-term yields fell around 10bp at the very long end of the curve (remains an inverse yield curve):



Source: ASX, RBA



The market is now factoring the potential of another rate hike later this year with inflation seemingly remaining sticky. Financial markets have pushed back their expectations of rate cuts, with the first cut pencilled in for mid-late 2025.



Source: ASX

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14.3 Post exhibition endorsement: Gifts and Benefits 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.

Item 14.3

Summary

This report recommends the endorsement of the Gifts and Benefits Policy adopted for public exhibition at the Council meeting on 21 February 2023. Management and staff changes have resulted in the process not continuing.

Kiama Municipal Council is committed to following a Gifts and Benefits Policy which enhances public confidence in the integrity of local government and adheres to our core values. This draft Policy is provided to Councillors to be endorsed.

Financial implication

No financial cost or additional resourcing required. The review of gifts and benefits would be managed by existing internal resources in Council's Governance team.

Risk implication

This Policy has been drafted to address a current risk of perceived or actual corruption. The Act requires, and the public rightly expects that council officials exercise their duties impartially and in a transparent manner, without any perceived undue influence which could be construed by the offering and acceptance of gifts, benefits and hospitality.

Policy

Council's Code of Conduct for Council Staff, Contractors and Volunteers

Council's Code of Conduct for Councillors

Consultation (internal)

The draft Policy was prepared by Governance and reviewed by Council's Executive and Management Leadership Teams.

Communication/Community engagement

The draft Gifts and Benefits Policy was placed on public exhibition for a twenty-eight day period. No submissions were received.

Attachments

- 1 DRAFT POLICY - Gifts and Benefits Policy - for endorsement [↓](#)

Enclosures

Nil

Report of the Chief Operating Officer

14.3 Post exhibition endorsement: Gifts and Benefits Policy (cont)

RECOMMENDATION

That Council endorse the Gifts and Benefits Policy.

Background

At the Council meeting of 21 February 2023, Council resolved to place the draft Gifts and Benefits Policy on public exhibition for twenty-eight days. Management and staff changes have resulted in the draft Policy not being presented to Council for endorsement following the exhibition period.

These matters are being reconciled as the issue or system of policy review and policy register work progresses at Council. The overriding system is an area that has not received appropriate attention in the intervening period, hence the oversight, reliant on individuals and not systemic. This is being remedied.

The draft Gifts and Benefits Policy defines the behaviour required of Council officials in relation to gifts and benefits. It also provides a transparent and accountable process with regard to gifts and benefits that will strengthening public confidence in the actions of Council officers.

The Policy outlines Council's commitment to ethical governance and the standards of conduct expected from officials.

A copy of the draft Policy is attached for Councillors' information.

Submissions

No submissions were received during the exhibition period.



Gifts and Benefits Policy

Policy Owner/Responsible Officer	Governance Coordinator
Department	People and Performance
Date endorsed	D Month Year
Resolution Number	D Month Year
Next review date	D Month Year
TRIM reference	24/65569

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Policy Statement/Objectives

Kiama Municipal Council is committed to following a Gifts and Benefits Policy which enhances public confidence in the integrity of local government and adheres to our core values.

The purpose of this Policy is to establish standards and provide direction to all Council officials on how to deal ethically with the offer of gifts and benefits in relation to Council's functions and/or their individual roles and responsibilities with Council.

The objectives of this Policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits; and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in Council.

RESPECT • INTEGRITY • INNOVATION • TEAMWORK • EXCELLENCE •

Scope

This Policy applies to all council officials.

The term “council official” is used within this Policy and is defined in accordance with the relevant Codes of Conduct as “councillors, members of staff of council including contractors and volunteers, administrators, council committee members, conduct reviewers and delegates of council”.

Council officials must avoid situations that give rise to the appearance that a person or body, through the provision of gifts, benefits, bribes or hospitality of any kind, is attempting to gain favourable treatment from you or the Council.

Any gift or benefit offered or accepted over the value of \$10 shall be subject to the provisions of this Policy.

This Policy is to be applied in conjunction with provisions in Council’s relevant Codes of Conduct.

References

This Policy should be read in conjunction with the following:

- Council’s Code of Conduct for Council Staff, Contractors and Volunteers
- Council’s Code of Conduct for Councillors
- Basic Standards - Gifts and benefits - Independent Commission Against Corruption website

Consultations

- Executive Leadership Team
- Management Leadership Team

Definitions

Term	Definition
Council Official	Councillors, members of staff of council including contractors and volunteers, administrators, council committee members, conduct reviewers and delegates of council
Gift or benefit	any item, service, prize, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/ or a value to the recipient, a member of their family, relation, friend or associate ¹

¹ Public Service Commissioner Direction No 1 of 2022 – Managing Gifts and Benefits: Minimum Standards

Variation and review

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

This Policy may be varied by resolution of the Council. This Policy should be reviewed as required but at least annually and/or following the conduct of the Local Government elections.

Review History

Date reviewed	Date adopted/endorsed	Brief detail of amendments
	TBA	New Policy

POLICY

1. Key considerations

- 1.1. If a Council official is offered a bribe, the incident must immediately be reported to the Chief Executive Officer (CEO), Independent Commission Against Corruption (ICAC) and where relevant, NSW Police.
- 1.2. Council officials must not seek personal gifts or benefits. Any person aware of a Council official seeking gifts or benefits must immediately report the matter to either the CEO, Public Officer, Governance Coordinator and/or the relevant Manager.
- 1.3. If you believe a gift or benefit has been offered for the purpose of influencing the conduct of a Council official in their official capacity, the gift or benefit must be declined and a report must be made to either the CEO, Public Officer, Governance Coordinator and/or the relevant Manager.
- 1.4. Any offer of a gift in the form of money is to be refused. ‘Money’ includes any form of credit or cash like gift such as, but not limited to cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, memberships or entitlements to discounts, regardless of the amount or value. This situation includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.
- 1.5. Any offer of a gift of ‘money’ is to be reported immediately to the CEO, Public Officer, Governance Coordinator and/or the relevant Manager and must be declared in accordance with this Policy.
- 1.6. As a general rule, all gifts and benefits offered to a Council official are to be declined and declared to Council, unless otherwise permitted under the Code of Conduct or this Policy (ie items with a value of less than \$10 – “token value”).
- 1.7. If you receive a gift or benefit of more than \$10 that cannot reasonably be refused or returned, the gift or benefit must be declared and surrendered to the Council’s Public Officer, unless the nature of the gift or benefit makes this impractical.
- 1.8. Where you receive a gift or benefit of any value above \$10, you must disclose this promptly to your Manager, Director or the CEO in writing by the completion of a Gifts and Benefits Declaration Form to be recorded in Council’s Gifts and Benefits Register. At a minimum, the following details are required:
 - a) the nature of the gift or benefit;
 - b) the estimated monetary value of the gift or benefit;
 - c) the name of the person who provided the gift or benefit; and
 - d) the date on which the gift or benefit was received.

- 1.9. Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single twelve (12) month period where the value of the gift, if added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same twelve (12) month period would exceed \$100 in value.
- 1.10. Any gift or benefit unable to be declined and/or exceeding \$100 in cumulative value, during the same twelve (12) month period, must be declared and surrendered to Council.
- 1.11. A gift or benefit is deemed to have been accepted by you, for the purposes of this Policy, where it is received by you or someone personally associated with you.
- 1.12. Gifts or benefits that exceed \$100 in value must not be accepted.
- 1.13. For the purposes of this Policy, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.
- 1.14. Any gift that is received without the recipient's prior knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
- 1.15. Should a Council official receive a gift, benefit or prize as a result of entering (or being included) in a competition during the course of their official duties, the gift, benefit or prize is to be surrendered to Council and will become the property of Kiama Council.
- 1.16. Any gift or benefit received when procuring products, services or other on behalf of Kiama Council are to be declared and surrendered and will become the property of Council.
- 1.17. Any gift or benefit received as a result of a purchase incentive scheme is to be declared and surrendered and will become the property of Kiama Council. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift will become the property of Kiama Council.

Related Forms/Documents

- Gifts and Benefits Declaration Form

Attachments

Nil	
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Authorisation

Name: **Title of person authorising OR ELT OR Council Resolution No: ******
Date: **Date endorsed by ELT or adopted by Council**

14.4 Review: Aged Care Prudential Standards Policy

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

Item 14.4

Summary

The Aged Care Prudential Standards Policy covers four underlying individual standards, notably Liquidity Management.

Liquidity Management prescribes the provider determine a minimum level of cash reserves to be maintained to satisfy the timely repayment of outgoing Refundable Accommodation Deposit (RAD) refunds in the next 12 months.

Financial implication

The Policy recommends the liquidity management strategy to ensure an approved provider has sufficient liquidity to refund refundable deposits and accommodation bonds.

Risk implication

The risk associated with the Liquidity Management Strategy relates to compliance with prudential responsibilities set out in the Aged Care Act and the Fees and Payments Principles.

Policy

Aged Care Act 1997

Fees and Payments Principles 2014

Prudential Standards

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Communication/Community engagement

The Policy adopted in 2022 was on public exhibition prior to adoption by Council.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approves:

1. The amount of \$4.9M as an external restriction for Liquidity Management Standard requirements and compliance with the Aged Care Act Prudential Standards regarding Residential Aged Care Resident accommodation funds
2. The amount of \$4.1M as an internal restriction for ILU Prudential Coverage regarding Retirement Village and Independent Living Unit Resident accommodation funds.

Background

The Aged Care Act Prudential Standards Policy was adopted by Council in 2022 after being on public exhibition.

The Policy does not require any re-writing but does require the Liquidity Management Strategy calculation to be reviewed annually, in this case for year ended June 2024. This is specific to Federal Residential Aged Care.

The NSW Retirement Villages Act does not prescribe any setting aside of a minimum amount of liquid assets or funds. However, it is viewed as good corporate governance within the industry and general community. This is also in line with Council’s Restricted Funds Policy.

Current position

The Liquidity Management Strategy calculation for 2023 reflected an amount of \$5M. The table below reflects an amount of \$4.9M.

The same underlying methodology has been applied but based on current balances and statistics concerning occupancy and the variability of the incoming resident accommodation entry options that can produce a different cash flow impact.

LMS CALCULATION	June 2024	June 2023
RAD Balance	39,041,181	29,798,384
average length of stay (years)	2.15	2.15
..... Conservative downgrade	2	2
therefore maximum exposure with no support from below	19,520,591	14,899,192
occupancy confidence for replacement incoming resident threshold	90%	90%
..... Conservative downgrade	85%	80%
	2,928,089	2,979,838
RAD paying resident comfort threshold	68%	68%
..... Conservative downgrade	60%	60%
	4,880,148	4,966,397
LMS Calculation to cover Unexpected RAD shortfall	4,880,148	4,966,397

The table above applies to Residential Aged Care and not Retirement Villages and Independent Living Units. However, Council like many providers, determined that for

Report of the Chief Operating Officer

14.4 Review: Aged Care Prudential Standards Policy (cont)

good internal corporate governance purposes, a similar process would be applied to its Retirement Village operations.

Accordingly, this is recorded as an internal restriction in line with the Council’s Restricted Funds Policy.

The ILU Prudential Coverage calculation for 2023 reflected an amount of \$4.3M. The table below reflects an amount of \$4.1M.

LMS CALCULATION	June 2024	June 2023	
ILU Loan Balance	93,785,189		95,770,062
average length of stay (years)	11		11
..... Conservative downgrade	10		10
therefore maximum exposure with no support from below	9,378,519		9,577,006
occupancy confidence for replacement incoming resident threshold	95.0%		95%
..... Conservative downgrade	75%	2,344,630	2,394,252
Loan Lump Sum paying resident comfort threshold	100%		100%
..... Conservative downgrade	90%	2,605,144	2,660,280
Allowance for 6 month repayment period to attract incoming resident	50%		50%
..... Conservative downgrade	0%	2,605,144	N/A 2,660,280
Additional cover for original units - resident loans	1,539,000	4,144,144	1,660,062 4,320,342
LMS Calculation to cover Unexpected ILU Loan shortfall	4,144,144		4,320,342

Conclusion

The amounts of \$4.9M and \$4.1M are based on current June 2024 resident liability balances and applying similar operational occupancy and repayment assumptions. The new balances are similar to the previous year. Overall, the total restricted funds decrease from \$9.3M to \$9M, noting the external and internal split.

Item 14.4

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy

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

Item 15.1

Summary

The purpose of this report is to seek Council endorsement of the Draft Growth and Housing Strategy (attached) for public exhibition.

On 19 March 2024 Council endorsed the Growth and Housing Strategy Engagement Schedule, and on 18 June 2024 the Engagement Report was reported to Council providing a summary of the community and stakeholder engagement feedback.

The Draft Growth and Housing Strategy provides a framework for how we can best accommodate growth and ensure sustainable and responsive delivery of housing for our community.

It is recommended that the Draft Growth and Housing Strategy be endorsed for public exhibition.

Financial implication

The engagement activities have been planned and carried out internally using existing resources, including staff from planning, community engagement, libraries and community development.

The implementation of the Strategy and future development of the 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. This will continue to be monitored and planned for.

Risk implication

The preparation of the Growth and Housing Strategy is essential to provide Council with a strategic approach to development in the LGA and ensure that proposals put forward to Council are considered against an adopted strategic planning document.

Multiple development fronts continue to occur with many concurrent projects and ad hoc speculative 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 implementation of the actions contained within this document.

Policy

The Draft Growth and Housing Strategy has been prepared in accordance with:

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

- Illawarra Shoalhaven Regional Plan 2041 (NSW Government, May 2021)
- Local Housing Strategy Guidelines (NSW Department of Planning, 2018)
- Council's Community Engagement Strategy

Consultation (internal)

An internal project team has been created including staff from strategic planning, community engagement, and cultural development teams. Infrastructure and finance have also been consulted throughout this process.

Communication/Community engagement

Throughout April, May and June 2024, a range of community and stakeholder engagement activities were carried out to gather feedback to inform the Strategy. The Engagement Report (reported to Council on 18 June 2024) provides an overview of the engagement methodology and activities and presents a summary of the feedback received.

Following the endorsement of Council, further consultation will be undertaken on the contents of the Strategy, the proposed priorities, outcomes, actions and sites identified. It is expected that this consultation process will commence following the council meeting however consideration needs to be given to the caretaker period and the impending Council elections.

Given the significance of the document and the need for adequate consultation to occur it is expected that the Strategy will be provided to the incoming Council following the election, for final adoption. This is expected to occur at the November 2024 Council meeting.

Attachments

Nil

Enclosures

- 1 Draft Growth and Housing Strategy

RECOMMENDATION

That Council:

1. Endorse the Draft Growth and Housing Strategy for public exhibition.
2. Consult with the community and other key stakeholders on the priorities, outcomes, strategic sites and actions contained within the Growth and Housing Strategy.
3. Report back to Council at the November 2024 Council meeting on the outcomes of the consultation process and seek adoption of the final Growth and Housing Strategy at this meeting.
4. Commence the preliminary work required to undertake a review of Kiama Local Environmental Plan and Development Control Plan to enable timely implementation of the Growth and Housing Strategy once adopted.

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

5. Continue to assess scoping proposals received for strategic sites and undertake other required planning processes in accordance with the Ministerial Expectation Statement, to continue to support ongoing delivery of supply and Housing Targets.
6. Continue to monitor approvals and completion data and provide this data as part of the quarterly development pipeline audit conducted by the Department of Planning
7. Actively participate in the Urban Development Program, providing the draft Strategy to industry and State agencies to support immediate planning of infrastructure and servicing needs for identified strategic sites.
8. Note that councils cannot control, enforce, or hold planning powers which ensure, the timing of any construction or completion of a dwelling following approvals being issued.
9. Complete the Employment Lands Strategy by the end of 2024 and include the findings of this Strategy in both the implementation plan for the Growth and Housing Strategy and the Kiama LEP review.
10. Complete an Infrastructure Advocacy Strategy to support grant applications and to strongly advocate to the State and Federal Government for the provision of infrastructure to support growth.

Background

The Illawarra Shoalhaven Regional Plan 2041 identifies that Kiama will need to play a role in delivering regional housing supply, and the Kiama Local Strategic Planning Statement (2020) reinforces the need to plan for future growth and provides a 20 year plan integrating land use, transport and infrastructure planning.

The NSW Government is working closely with all councils in Greater Sydney to help them reach their housing supply targets and meet the needs of their growing and changing communities through the development of mandatory Local Housing Strategies. Councils outside of this area can choose to complete a Local Housing Strategy, developed in accordance with the NSW Government Local Housing Strategy Guidelines.

Local Housing Strategies support the delivery of new homes in the right locations and identify ways of delivering the right amount and types of housing in line with infrastructure, access to services and open space. The strategies use a place-based planning approach to help provide great places to live. The Growth and Housing Strategy (GHS) will be Kiama Council's Local Housing Strategy and is expected to be submitted to the Department of Planning Housing and Infrastructure for endorsement.

It is important to note that the Strategy has been specifically structured and only includes content that is required under the State Government Local Housing Strategy Guidelines. This is to enable the Strategy to be endorsed under this planning framework.

Council is also currently completing the development of an Employment Lands Strategy to enable improvements to the availability of employment lands within our Municipality to be achieved. This work is being undertaken by Council staff with the

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

assistance of Hill PDA to deliver a detailed analysis of current supply and future demand. This strategy is currently in development and is expected to be delivered before the end of 2024, to enable the findings to be incorporated into the implementation and decision-making process of the Growth and Housing Strategy and considered as part of the comprehensive review of the Local Environmental Plan

Actions are also included within the Strategy which seeks the completion of an open space and recreation strategy and an affordable housing strategy to further support the implementation of the GHS.

Development of the Strategy

On 19 March 2024 Council endorsed the Growth and Housing Strategy Engagement Schedule. Extensive community engagement was undertaken during March 2024 to June 2024. This involved engaging with over 1,600 people to gather feedback to inform the Draft Strategy.

The community members and stakeholders that were engaged with included:

- Community members – residents and visitors.
- Landowners and Developers
- People who work in the Kiama LGA (regardless of where they live).
- Business owners.
- Precinct groups.
- Councillors.
- Youth – including pre-school, primary and high school aged children.
- State agencies.

An Engagement Report was prepared which provides an overview of the engagement methodology and activities and presents a summary of the feedback received. This was reported to Council on 18 June 2024.

In any engagement process there will always be a range of views expressed, but there was a strong shared interest in the issues that we face, the challenges before us and the expectations that were shared for the future. These included:

- A long term vision – start with the end in mind.
- Liveable place with amenities, walkways, dog parks, things to do and see.
- Job opportunities and services.
- Some growth was ok but it is essential for infrastructure to be in place to support it before houses were built.
- Need to clearly articulate the urban expansion opportunities and limitations.
- Provision of diverse housing that suits all ages groups and needs, including those of young people.

Strategy Overview

The Kiama Municipal Council Local Government Area (LGA) is expected to grow to over 31,000 people by 2044 (or by 33%), with a projected 3,456 new dwellings required (REMPPLAN, 2023) to meet current projected demand.

Table 1 Population projections 2025-2044

	2024	2025-29	2030-34	2035-39	2040-44	2025-44
	Base	Year 1-5	Year 6-10	Year 11-15	Year 16- 20	20 years
Population	23,398	24,260	26,463	29,244	31,155	
5-year change (#)		862	2,203	2,781	1,911	7,757
5-year change (%)		3.68%	9.08%	10.51%	6.53%	33%

Table 2 Dwelling projections 2025-2044

	2024	2025-29	2030-34	2035-39	2040-44	2025-44
	Base	Year 1-5	Year 6-10	Year 11-15	Year 16- 20	20 years
Dwellings	11,094	11,535	12,487	13,685	14,550	
5-year change (#)		441	952	1,198	865	3,456
5-year change (%)		3.98%	8.25%	9.59%	6.32%	31%

The Growth and Housing Strategy clearly articulates where, how and why growth will occur within the LGA and the need to carefully and appropriately manage this growth well.

The Draft Strategy identifies that the growth and housing needs of the Kiama LGA are:

1. More diverse housing for all life stages.
2. More affordable housing options for our young people and key workers.
3. To increase density in our centres to enable smaller homes, flats and apartments.
4. To enhance thriving local centres with services and jobs.
5. Respect and enhance our natural environment.
6. To locate future homes safely away from hazards.
7. New and improved infrastructure to support growth.

The Draft Strategy identifies four key priorities for housing and growth in Kiama. These are:

1. Sufficient and well-located housing supply
2. Diversity of housing options
3. Infrastructure is provided to support population growth
4. Our centre and villages thrive

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

Under each priority there are identified outcomes and nominated actions that Council proposes to implement to achieve the priorities.

The Draft Strategy also includes a vision, information about the Kiama LGA and our community, a housing supply and demand analysis, land use opportunities and constraints, as well as place-based opportunities and actions.

The Strategy clearly outlines the need for ongoing review of the document, with a two yearly review provided for actions and for place based growth options. This approach is to encourage regular consideration of the development pipeline and to respond to government priorities.

There are significant, regular and fast paced change within the policy and reform space. Both Federal and State Government policy changes are expected to impact on land supply and infrastructure funding. Monitoring of the progress of specific identified growth locations will also be required to ensure that these are progressing as expected. Change will be needed to the timing and location focus of the place-based growth options, if projects lag or change. Additional long term options could be provided if change occurs to timing or delivery of sites identified within the Strategy.

Current Supply- Infill Development

A key component of a Growth and Housing Strategy is to provide an analysis on current supply, opportunities within existing residentially zoned land and to take a place-based planning approach. While the plan is a long term plan to support our growing population, there is a focus on the initial five year supply pipeline and the targets that have been set for us by the NSW Government of 900 new completed homes by 2029. This includes focus on already residentially zoned land and current development applications either approved or within the Council or private certification system.

It is very important to understand that Council cannot control when completions will occur, this is solely within the hands of the development industry or landowners/homeowners.

There are several large projects (for Kiama standards) that are currently under construction or have achieved development approval that will provide immediate housing supply.

Council is also actively working on the subdivision of Havilah Place to seek opportunities for the provision of housing within this location as well as other mixed-use development (commercial and retail). This is not an exhaustive list and there are many other dual occupancies, townhouses and single dwellings which are also either under construction or in the pipeline that will also contribute to immediate supply.

As an example the following developments provided immediate housing supply to meet our targets:

- Residential apartments at Thomson Street are nearing completion
- Residential apartments approved for construction at Barroul Street Kiama
- Residential apartments approved for Elanora Road Kiama Heights
- Apartments under construction in Bong Bong Street

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

- Mixed use development approved at Blackwood Street Gerringong
- Construction imminent for 37 residential lots at Henry Parkes Drive Kiama Downs
- Construction imminent for 50 residential lots at Golden Valley Drive Jamberoo
- Construction imminent for 15 residential lots at Drualla Road Jamberoo

Council has been advised that any dwelling that achieves an occupational certificate from 1 July 2024, will be counted towards the target of 900.

Current Supply - Greenfield Release

Planning work and assessment is currently being undertaken for the Urban Release Area of residentially zoned land at South Kiama. This includes meetings with the landowners and their consultants to work through both the staging release plan, development control plan and other planning processes to support subdivision construction and land release.

It is expected that South Kiama will provide the substantial supply of land for our dwelling targets given that this is already zoned residential land, significant planning for construction and development is underway, a draft Development Control Plan (as required within our Local Environmental Plan) has been developed and is on exhibition.

A range of development types is permissible at this site and it is expected that a diverse housing supply will be provided within this land release.

Bombo Quarry Precinct

Extensive work is underway for Bombo Quarry. This is being achieved through a combined stakeholders group which includes landowners, Boral, Department of Planning, Housing and Infrastructure, Transport holdings and other State Government partners.

Council and the Department have now completed the required vision as detailed within the Illawarra Shoalhaven Regional Plan, with the inclusion of place principles within the Strategy.

Extensive work is also being undertaken on the Masterplan for the site including community consultation. A detailed masterplan is being developed and has progressed, with significant studies being completed to inform the development of the site.

A scoping proposal (the first step for the completion of a planning proposal process) is expected to be received by Council in the next week, to enable the commencement of the planning proposal process to rezone the Bombo Quarry site.

Other Strategically Identified Sites (LSPS Lands)

Residential zoned land at Dido Street which allows for 50-60 new lots is currently under consideration, whilst the initial development application was not accepted, Council and the application are working through amendments to the application. This includes detailed discussions on a potential planning agreement for the construction of a bridge to enable access to the site

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

Discussions with the applications of the planning proposal for Elambra Estate are also ongoing.

New opportunities - Developer Expressions of Interests

During the engagement period, a total of 35 Expression of Interests (EOIs) were received from landowners/ developers. These were assessed in accordance with a probity plan based on the criteria set out in the EOI submission form and other relevant criteria. In accordance with the probity plan supported by probity lawyer discussions with any party the subject of the EOI process was restricted and carefully managed.

Meetings during the EOI process were only held with the following:

- Existing strategically identified sites including the proponents of South Kiama lands and of Bombo Quarry (which includes Council as a part of the Stakeholder group)
- Kiama West proponents (because there was a Council resolution supporting these discussions). Two meetings were held.
- A meeting was also held with a proponent of land at Riversdale Drive who had submitted a scoping proposal to Council and such discussions are part of normal Council business.
- No other landowners or consultants that submitted an EOI were met with or spoken to during the process – this was to maintain strict compliance with the probity plan.

Of the 35 EOIs, four were duplicates and three related to Council catalyst sites, leaving 28 to be considered.

Sites not included

A total of **5** sites were not considered suitable for specific inclusion in the Draft Strategy for the following reasons:

- The land is currently zoned C3 or RE1 and not suitable for consideration of a rezoning at this stage and/or through this process.
- The proposal is better suited to be considered as part of a comprehensive Local Environmental Plan review process as part of a holistic review of the R3 zone height and FSR controls rather than as a piecemeal approach. For these sites an action is included in the Draft Strategy to consider all R3 lands in the future comprehensive LEP review.
- The site was proposed for employment lands. This EOI will be retained and reconsidered as part of the employment lands strategy that is currently under development by Council.
- The site is currently zoned rural and is not suitable for urban development at this time, due to the location and that there is sufficient supply in other areas.

Sites included – Kiama Town Centre Low and Mid Rise Reforms

It is expected that later in 2024 the State Government will implement Stage two of the Low and Mid Rise Reforms. This will be implemented through an enabling State

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

Environmental Planning Policy, meaning that the controls implemented will override any controls that are contained within Councils planning framework.

It is expected that these reforms will apply to the R2 and R3 zones within Kiama Town Centre. With this in mind, a number of sites within the town centre that were put forward as part of the developer EOI will be considered in the Growth and Housing Strategy however, this review (enabled through the review of Council's LEP) will need to occur once the new reforms are in place. This is to ensure Council complies with the State Government mandate and to assist in understanding resulting impacts of the reform changes.

Sites included – Greenfield Development - Strategic Investigation

A total of 14 other nominated sites were considered suitable for inclusion in the Draft Strategy.

It is important to note that this does not pre-empt an outcome, but rather, is a step in the process that these sites are nominated as investigation sites that may have strategic merit. Of these sites:

- Five are included in the Local Strategic Planning Statement (LSPS) prepared in 2020 and are suitable to remain in the Draft Strategy. These sites are:
 - South Kiama Urban Release Area – LSPS Item 5
 - Bombo Quarry (two separate EOI's received for this site) - LSPS Item 3
 - Lot 1, DP 1290507 (north of Bombo quarry and Highway) - LSPS Item 2
 - Elambra West (Planning Proposal PP-2023/1114) – LSPS Item 7
- Seven sites/ precincts not previously been identified have been considered suitable for inclusion as short to medium term investigation areas:
 - Riversdale Drive Precinct (70 Jamberoo Rd, 90 and 114 Riversdale Drv)
 - Dido Street Precinct – 25 Dido Street, Kiama
 - 2 Caliope Street, Kiama (part of this site only)
 - 25 Cole Street, Kiama (part of this site only)
 - 3 Akuna Street and 66 Collins Street Kiama
 - 86 Campbell Street, Gerringong (Elambra West – South)
 - 705 Jamberoo Road, Jamberoo (part of this site only) (longer term)

These sites are shown (outlined in blue) in Map 1, 2, 3 and 4 shown below.

Map 1 – Bombo Precinct

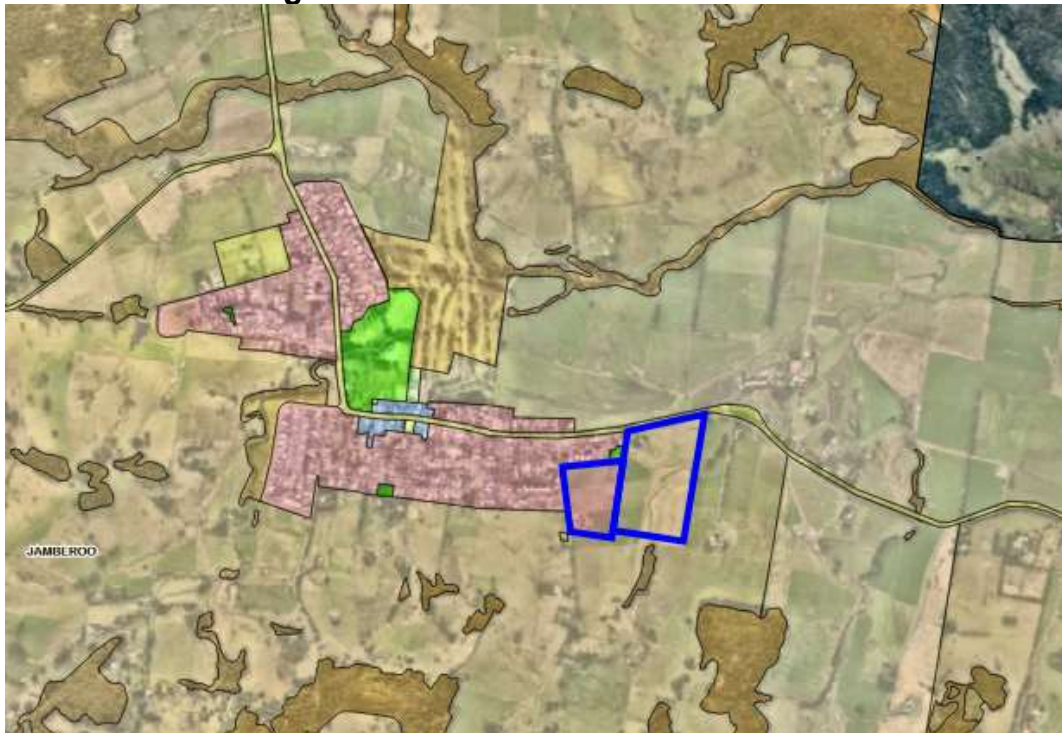


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Map 2- South Kiama and Surrounds

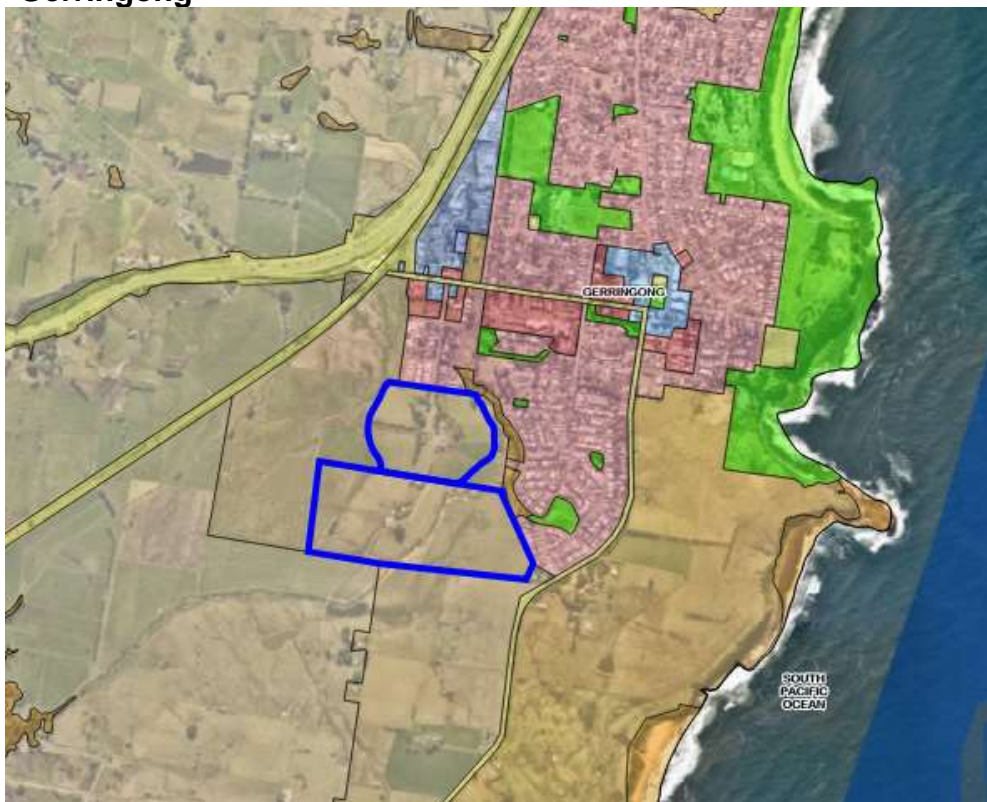


Map 3 Jamberoo – Long Term



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Map 4 - Gerringong



Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

Existing LSPS Items Changes

Sites that were previously included within the LSPS will remain in the Strategy, other than two sites which have been reconsidered. These include:

- Rowllins Road Gerringong – LSPS Item 6 – This site is zoned C3 and not currently considered suitable for urban development. It is no longer a site under consideration in this growth strategy.
- Macquarie Street, Jamberoo – LSPS Item 9 – This site is zoned RU2, is impacted by flooding, a steep descent, a creek and there is insufficient room to accommodate access roads. It has been removed from consideration in this growth strategy.

Council Catalyst Sites

As outlined in Council's adopted Strategic Finance and Governance Plan, masterplan and business plan work are continuing on several Council catalyst sites.

As part of the developer EOI, a submission was also received for two additional sites to be added to the list of Council catalyst sites. An analysis of the submission was undertaken, and one additional site was added to form part of the catalyst site investigations for Council owned lands. The catalyst sites that form part of this Growth and Housing Strategy are as follows:

- Havilah Place
- 11 Manning Street
- Council Works Depot
- Council Waste Depot
- 7 Railway Parade

These sites are included to enable investigation to occur for the best and highest possible uses for these sites as ongoing community and Council services as well as possible opportunities for co-located mixed residential and employment opportunities.

Kiama West (Springside Hill)

The Kiama West site has not been included within the Draft Strategy at this time. This is because there is already sufficient land available to meet the immediate dwelling targets that have been set for us by the NSW Government. There is also a current long term supply which has significantly progressed within the development pipeline including progress on Bombo Quarry.

Fruitful discussions were undertaken with the proponents of the Kiama West site during the four week EOI process. As part of these discussions Council staff reiterated initial concerns as outlined in the April 2024 report to the proponent for consideration. These concerns included:

- Stand alone sewer and water was not supported
- R3 zones were not supported
- Heights that proposed up to 15 m on the peri urban fringe were not supported

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15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

- Concern was raised about the additional permitted uses within the Rural Zone which created uncertainty and did not ensure community facilities such as a school and community spaces would actually occur
- Concern with transport routes into the site which relied on existing local roads
- Linkages with the Bombo Quarry precinct and surrounding lands had not been factored into the proposal
- Usefulness of the proposed open space and riparian corridors and that functional useable land would be required to ensure open space outcomes in line with NSW standards.
- Concern around the timing for immediate rezoning given other factors such as infrastructure, connection with Bombo Quarry etc needed further consideration
- Whether staging or smaller parcels would be considered as it was a potential overdevelopment of the site
- Whether partial rezoning of a portion of the land might be a more suitable option
- Concern with multiple development fronts, without the required infrastructure or services and facilities in place

The proponent indicated that they would be willing work through the concerns and make amendments to the proposed to address the issues raised and discussions to date have been productive and collaborative.

Given the timeframe that has been set for the completion of this draft Growth Strategy and once a decision making process was underway, in accordance with the probity plan discussions then ceased to enable no undue influence to occur within the process.

There has been significant push for this land to be rezoned from the landowners including lobbying at all levels of government, advocacy through the UDIA and other industry forums, direct correspondence to Council and articles and blogs within local news and media outlets.

It is understood that a planning panel review of the rezoning proposal has been submitted. If formally lodged Council staff will review documentation and provide input and feedback to the Planning Panel for consideration.

Council staff are also willing and keen to continue to work with the proponents of Kiama West to seek options and possible solutions for the site which might be considered in the long term. This would allow appropriate and detailed infrastructure planning and to support connection and integration of development sites.

There are other options and solutions for the site and surrounds that could also be discussed and determined through a collaborative approach that seeks a long term view. This could be achieved through a stakeholder group approach similar to the process that has been followed for Bombo Quarry. This would allow for further information to be available on the timing and progress of key projects already identified within the draft Growth Strategy, interconnectivity between projects could be considered and infrastructure could be planned appropriately first for the Bombo Quarry precinct and surrounds and then for any additional land that might be suitable for development.

Report of the Director Planning, Environment and Communities

15.1 Endorse for public exhibition: Draft Growth and Housing Strategy (cont)

Our role and actions

The Strategy includes actions which utilize the levers that the Council can support and influence to achieve positive growth outcomes. The actions also seek to enable Council to appropriately strategically plan for our community.

Actions are also focused on the role Council can play in the planning regulation and assessment process. Several advocacy actions are also identified seeking for support and input (including funding) from both State and Federal governments. Focus is also placed on improving assessment timeframes and meeting the requirements of the Ministerial Expectations Order, to support new strategically identified development opportunities.

A regular monitoring and review program is also included and supported by an internal housing and land monitor which will be integrated with the State Government Urban Development Pipeline. It is expected that the Growth and Housing Strategy will be a living document subject to regular review and change as required.

Conclusion

The Growth and Housing Strategy will be an important strategic planning document that will guide future development in the Kiama LGA. The community and stakeholder engagement that has been carried out has provided valuable input into the strategy and it is expected that further consultation and discussions with all stakeholders will now occur on this draft Strategy document.

It is recommended that the Draft Growth and Housing Strategy (refer to Enclosures report) be endorsed for public exhibition.

15.2 Post exhibition endorsement: Development Assessment Policy

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

Item 15.2

Summary

The purpose of this report is to seek Council endorsement to adopt the Development Assessment Policy (attached).

The Draft Development Assessment Policy (Draft DA Policy) has been prepared by council staff in response to industry feedback and legislative changes. The Policy will guide council on improving our development application (DA) and complying development certificates (CDC) assessment timeframes, systems, strategic framework, customer experience, responsiveness, and communication to applicants. It also outlines the process for how council will identify and manage conflicts of interest in relation to council related development applications.

The Draft DA Policy was exhibited for 28 days, and two submissions were received. Minor changes have been made as a result of the submissions and internal feedback, and it is recommended that council adopt the policy (attached).

A section has also been provided within this report on correspondence that has been received from the Planning Minister (on 3 July 2024). This correspondence outlines a Statement of Expectations Order that has been sent to all councils relating to planning decisions and processes.

Financial implication

The Policy was prepared internally and there are no costs associated with adopting the policy.

Council has a statutory role to assess and determine development applications that are lodged on land within the Kiama LGA. The assessment of these applications is carried out in accordance with the *Environmental Planning and Assessment Act 1979* (Act) and the *Environmental Planning and Assessment Regulation 2021* (Regulation). This Policy will help to guide good practice in development assessment which will have an indirect financial benefit to council through good planning outcomes.

Risk implication

The processing of development applications is an essential service and legislative requirement of local governments. The Act requires that DAs are processed in accordance with the provisions of the Act. Failure to meet the requirements of the Act can have implications for appeal rights for applicants and for objectors.

Policy

The Development Assessment Policy has been prepared in accordance with:

- Environmental Planning and Assessment Act 1979.

- Environmental Planning and Assessment Regulation 2021.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Kiama Local Environmental Plan 2011
- Kiama Development Control Plan 2020
- Council related development application conflict of interest guidelines (NSW Department of Planning, 2022)

Consultation (internal)

The Policy has been reviewed by planning and development staff and some minor suggestions were made to improve the document. These suggested changes are considered minor and have been incorporated to improve and clarify the Policy.

Communication/Community engagement

The Draft Development Assessment Policy was publicly exhibited on Council’s website for 28 days. A targeted email was also sent to relevant stakeholders who attended the Growth and Housing Strategy Industry Forum.

During the public exhibition two submissions were received. A summary of the comments received, and Council staff consideration of these comments is provided below:

Submission comments	Staff response
<p>There are often long delays in assessment and feedback that focuses more on documentation content rather than the adequacy of information for application acceptance.</p> <p>The merit assessment issues should be addressed after a preliminary assessment and not be a reason for returning applications before lodgement.</p>	<p>The requirements for pre-lodgement documentation are taken from the ‘Application requirements’ document produced by the NSW Government and can be found on their website - https://www.planning.nsw.gov.au/sites/default/files/2023-02/application-requirements.pdf</p> <p>In some instances, these requirements are considered too onerous and are not required at the pre-lodgement stage. This is reflected in Council’s current ‘checklists’.</p> <p>At pre-lodgement stage the content of documentation is checked only for adequacy, assessment of the information does not occur until the application is considered by the Preliminary Assessment Unit.</p> <p>Outcome: A process review and review of the prelodgement and lodgement requirements is being undertaken. The comments have been noted and are being included for consideration in this process review. No changes to the policy are required at this</p>

Submission comments	Staff response
	stage but could be included in future reviews once process review is complete.
<p>Clause 7.2.1 of the draft policy is critiqued, noting it is too open-ended and should align with Clause 24 of the Regulation, which specifies DA requirements. This alignment would ensure consistency and certainty for applicants.</p>	<p>Clause 24 of the Regulation requires a development application to be submitted in the approved form. The NSW Planning's <i>Application Requirements</i> (March 2022) lists the mandatory requirements (ie the 'approved form') that applications should be accompanied by. Clause 3.1 in the attached Policy (previously clause 7.2.1) outlines that the Application Requirements, along with any other Planning Portal and the DA checklist will be used.</p> <p>Outcome: The wording within the Policy be retained. Further consideration for improved detail and clarity can occur through future reviews of the policy and process.</p>
<p>Kiama Council's checklists should be reviewed, and a Development Application (DA) matrix checklist adopted, which could be a more suitable lodgement assessment tool for applicants.</p>	<p>A range of process improvements are being considered and implemented, including a review of the pre-lodgement process and associated webpages. Council's pre-lodgement officers are preparing a document to assist applicants and advise of documentation that is commonly not provided or not provided in the right format. Once complete, this will be published on the website.</p> <p>Outcome: This comment is noted and will be considered as part of future process enhancements. No change to the Draft Policy is required for this to be implemented.</p>
<p>This submission emphasises the importance of well-designed built environments in promoting health and wellbeing, while poorly designed environments can harm community health.</p> <p>The organisation would welcome the opportunity to enhance healthy outcomes, suggestions include:</p> <p>a) Integrate Healthy Built Environment Principles into DA</p>	<p>The importance of community's health and well being, and the role that well designed built environments play is acknowledged and agreed.</p> <p>Council will consider the comments raised, including:</p> <p>a) As part of the next DCP review consider inclusion of healthy built environment principles.</p>

Submission comments	Staff response
<p>processes to prioritise healthy food and environments in urban planning.</p> <p>b) Establish an external referral process for referring major or impactful minor developments to the organisation, such as large subdivisions, take away food premises near schools, licensed premises, community health services, recreation facilities and major infrastructure.</p> <p>c) Collaborate with Council's social planners and community workers during pre-lodgements.</p> <p>d) Develop healthy urban planning targets for DAs and planning proposals.</p>	<p>b) Update the external referral checklist to include the local health district.</p> <p>c) Opportunities for collaboration will be further considered and explored.</p> <p>d) The use of healthy urban planning targets will be further explored.</p> <p>Outcome: The comments are noted and acknowledged and will be further considered where appropriate.</p>

Item 15.2

Attachments

- 1 Development Assessment Policy [↓](#)
- 2 Ministerial Statement of Expectations Order [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

- 1. Adopt the Development Assessment Policy subject to a change being made to section 4.3 of the policy to include the new Ministerial Orders and Expectations that were issued to all councils on 4 July 2024.
- 2. Notify people who made a submission of Council’s decision.

Background

The draft Development Assessment Policy has been created to support and guide both community and staff and set expectations required in the process. The draft Kiama Development Assessment Policy outlines how Council will conduct the following steps in the Assessment Process:

Report of the Director Planning, Environment and Communities

15.2 Post exhibition endorsement: Development Assessment Policy (cont)

- Pre-lodgement advice.
- Lodgement and allocation.
- Assessment.
- Determination.
- Process for identifying and managing potential conflict of interest.

The Policy applies to the assessment of Development Applications, Complying Development Certificates, and Modifications.

Endorsement of draft policy – Council resolutions

At the Ordinary Council meeting of 19 September 2023, it was 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.*

These recommendations have been actioned as follows:

1. Exhibition of draft DA Policy

The Draft DA Policy was exhibited for 28 days and two submissions were received, along with internal feedback. A summary of the submissions and council staff responses are provided in the table above.

The Draft DA Policy has been updated as a result of the submissions and internal feedback. This includes formatting updates, minor changes to clarify process and full web site address. The updates made are considered minor in nature.

It is recommended that the Development Assessment Policy (attached) be endorsed by Council for adoption.

2. Industry Reference Group

The Planning and Economic Development team has commenced a series of Development Industry forums in accordance with this resolution. The inaugural forum was well received and was attended by a wide range of industry representatives.

3. Planning and Economic Team support and mentorship

The Planning and Economic Development team have been provided with ongoing support and mentorship, and additional opportunities for both internal and external improvements will continue to be explored and implemented.

Report of the Director Planning, Environment and Communities

15.2 Post exhibition endorsement: Development Assessment Policy (cont)

4. Delegations

Revised delegations have been adopted and implemented.

State of Expectations Order

On 4 July 2024 an email was sent to the mayors of all NSW councils advising them of a new Statement of Expectations Order 2024 that had been issued by the Planning Minister. The letter provided to Council is attached to this report.

As outlined by the Department and outlined on their website

<https://www.planning.nsw.gov.au/policy-and-legislation/housing/faster-assessments-program/statement-of-expectations-order>:

“The Ministerial Order sets new benchmarks for council performance on development assessment, planning proposals and strategic planning. The benchmarks are based on past performance and reasonable timeframes for each area. The expectations set out in the updated order include:

- *updated minimum performance standards for determining development applications*
- *a new standard for lodgement times*
- *a requirement for councils to complete the different stages of planning proposals within benchmark time frames set out in the [Local Environmental Plan-Making Guideline](#)*
- *a requirement for councils to complete and carry out local strategic planning statements and local planning strategies, with a focus on delivering housing targets within time frames that the department specifies*
- *two new heads of consideration that guide how the minister considers council performance against the expectations. These are that the minister considers council's individual circumstances and considers whether a council is meeting the expectations in regard to housing.”*

The Development Assessment Policy will need to be updated to include the new provisions that have now come into effect. Given these are legislative expectations a re- exhibition of the policy is not required. This change and the reason for it has been identified in this report to enable a formal record to be made and endorsed by the Council prior to a further change being made to a policy that has been on exhibition. The Ministerial Order was also been issued without the prior knowledge of Council and after the policy document had been finalised for inclusion in this report.

Conclusion

The Draft Development Assessment Policy has been prepared by council staff in response to industry feedback and legislative changes. The Policy will guide Council on improving our assessment timeframes, systems, strategic framework, customer experience, responsiveness, and communication to applicants.

It is recommended that Council adopt this policy.



Development Assessment Policy

Policy Owner/Responsible Officer	Manager Planning and Economic Development
Department	Planning and Economic Development
Date endorsed	[INSERT DATE]
Next review date	June 2026
TRIM reference	24/68390

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Policy Statement/Objectives

Kiama Council is committed to creating great places to live, work and enjoy in our Municipality. Council's Development Assessment and Plan Making processes provide effective opportunities to create these places.

In response to feedback and legislative requirements, Council has been developing and implementing a Planning Reform Program for our Local Government Area. An action of this Planning Reform Program is to prepare and adopt a Development Assessment Policy

The objectives of the policy are to:

- establish an efficient and effective assessment framework to ensure Council retains its planning functions.
- set clear standards and expectations for information required to lodge Development Applications.
- set clear expectations for when and how Council will request additional information from applicants.
- set clear standards and expectations for how and when Council will communicate with applicants and/or owners of Development Applications.
- set a clear relationship between other policies of Council, including the Kiama Community Participation Plan 2019.
- outline how Council will manage conflicts of interests when assessing Development Applications.
- establish a delegation hierarchy to enable efficient determinations of Development Applications.

Scope

This policy applies to all applications for development consent, including Development Applications, Modifications of Consent and Complying Development Certificates, under Part 4 of the *Environmental Planning and Assessment Act 1979*.

References

- *Environmental Planning and Assessment Act 1979*.
- *Environmental Planning and Assessment Regulation 2021*.
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- *Kiama Local Environmental Plan 2011*.
- Kiama Development Control Plan 2020.
- Kiama Community Participation Plan 2019.
- KMC 'Guide to carrying out Development or an Activity in the Kiama Municipality'.
- NSW Department of Planning & Environments' 'Development Assessment Best Practice Guide'.
- NSW Application Requirements.

Consultations

- Ongoing internal consultation with Development Assessment team and internal referral officers.
- Quarterly Planning & Development Forum.
- Formal, 28-day, public exhibition.

Definitions

Term	Definition
Act	Means the Environmental Planning and Assessment Act 1979.
Applicant	Person/s authorised to lodge applications on the NSW Planning Portal and act as the primary contact for dealings with application.
Application	Means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a Complying Development Certificate.
Complying Development Certificate (CDC)	A form of development consent, issued under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> . Complying development must comply with all applicable development standards.
Community Participation Plan (CPP)	Council policy which establishes the mandatory requirements for community participation with respect to Council's planning functions.
Construction Certificate (CC)	Certificate which confirms if proposed buildings comply with Building Code of Australia and structural engineering requirements.
Council	Means Kiama Municipal Council.
Council-related development	Means development for which the Council is the applicant developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.
Delegations	Authority conferred on staff, by the elected Council, to determine applications.
Development Assessment Unit (DAU)	Team of staff, involved in the DA process, who meet with prospective applicants and provide advice/guidance on their proposal.
Development Application (DA)	A form of development consent, issued under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> . Development applications can see variations to applicable development standards.
Development Control Plan (DCP)	Council policy which contains controls which need to be considered when assessing DAs. DCP controls must be flexibly applied.

Executive Assessment Unit (EAU)	Team of executive and management staff which have delegation to determine certain applications.
Exempt Development	Development which can be carried out without any development consent.
Local Environmental Plan (LEP)	Council legislation which contains the zoning and development standards which need to be considered when assessing DAs. Variations to development standards can be sought.
Modifications	Applications to amend conditions of consent or components of the approved development.
NSW Planning Portal	NSW Government online lodgement platform.
Occupation Certificate (OC)	Certificate and inspection process which confirms if the building has been constructed in accordance with the Building Code of Australia and structural engineering requirements.
Owner	Person, peoples, corporation who registered as owners of properties on Council's database.
Preliminary Assessment Unit (PAU)	Team of staff who review applications to determine their adequacy and determine the appropriate assessment pathway.
Regulation	Means the <i>Environmental Planning and Assessment Regulation 2021</i> .
Request for additional information (RFI)	Requests, made via the NSW Planning Portal, for additional information required to determine compliance/consistency with LEP and DCP.
Stop the Clock	Assessment timeframe stopped when RFI is issued within 25 days of the date of lodgement.
Subdivision Certificate (SC)	Certificate with authorities for the registration of a subdivision.
Subdivision Works Certificate (SWC)	Certificate which confirms if the proposed subdivision works comply with the civil engineering requirements.

Variation and review

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

Review History

Date endorsed by Council	Date effective	Brief detail of amendments
19 September 2023	[INSERT DATE]	Original Policy

POLICY

1. Introduction

1.1 Name and commencement of this Policy

This Policy is the Kiama Municipal Council Development Assessment Policy (the Policy). This Policy commenced on [INSERT DATE].

1.2 Purpose of this Policy

This Policy outlines the development assessment process and establishes how Council will assess applications for development consent.

The NSW Department of Planning & Environment's 'Development Assessment Best Practice Guide' promotes the following stages and principles to improve approval times.

2. Planning and Development Advice

2.1 General advice

Council staff can provide general planning and development advice during the pre-lodgement phase and encourage all potential applicants to seek pre-lodgement advice if required. Council offers a range of pre-lodgement advice services (see below).

Note: Once an application is lodged Council staff are unable to provide extensive planning advice as Council holds the role of assessing officer and the provision of detailed advice once the application has been lodged would be a conflict of interest.

2.2 Checklists

Council has prepared checklists for different types of DAs. These checklists are available on Council's website and have been prepared in conjunction with the NSW 'Application Requirements'. Council officers use these checklists when undertaking the pre-lodgement review of DAs.

www.kiama.nsw.gov.au/Plan-and-build/Development-Process/Checklists-Forms-Guides

2.3 Counter and Phone Enquiries

Council's Development Assessment staff are available for counter and phone enquires. This advice is general in nature and is often sought at the initial stage of determining if a proposal is possible/permissible.

2.4 Pre-DA Informal Advice

Council's Pre-DA informal advice service should be used when specific feedback/advice is sought on a proposal. This is an informal meeting to discuss the proposal and to seek initial feedback from Council.

2.5 Formal Pre-lodgement Meeting

Council's Development Assessment Unit (DAU) provides an opportunity for potential applicants to discuss specific matters, including design options, of their proposal with Council's technical staff. This is a formal pre-lodgement meeting which is encouraged for large scale proposals or complex matters.

www.kiama.nsw.gov.au/Plan-and-build/Development-Process/Development-Advice-Services

This is a pay per service, in accordance with Council's Fee and Charges, and a written response to the request will be provided within 10 business days.

Council's DAU meet, upon request and at the authorisation of the Director. Minutes of the DAU meeting will be provided to applicants as a record of the advice given and any agreements made.

Council's DAU will provide verbal and written advice on:

- Ways to address identified non-compliances with LEP and/or DCP controls.
- Advice/suggestions to improve the overall built quality of the proposal.
- Advice on the approval pathway, including any State Agency involvement.
- Advice on likely assessment timeframes.

3. Lodgement & Allocation

Once an application has been submitted on the NSW Planning Portal, the Lodgement & Allocation phase begins.

3.1 Pre-lodgement Review

A pre-lodgement review of applications is undertaken by Council's Planning Reform Officer. When necessary, information as required by the NSW Planning Portal, Council's DA Checklists or NSW 'Application Requirements', is not provided Council's Planning Reform Officer will **return** the application. Applicants will need to resubmit their application once they have prepared/compiled all necessary information. This will ensure that only complete applications are lodged.

Council's Planning Reform Officer will request the payment of the legislative lodgement fees for complete applications. This will generally occur within 14 calendar days once submitted on the NSW Planning Portal.

3.2 Preliminary Assessment Unit

Council's Preliminary Assessment Unit's (PAU) role is to perform a preliminary assessment on Development Applications once they have been lodged (i.e. fees received).

Council's PAU meets on Tuesdays and Thursdays to ensure lodged DAs are processed and allocated within three (3) business days.

Council's PAU determines:

- The adequacy of the application.
- Any public exhibition requirements.
- Any referrals required.
- The appropriate assessment pathway.

If Council's PAU determine that an application is inadequate, as it has not addressed LEP and/or DCP non-compliances etc., a RFI letter will be sent to the applicant requesting the additional information be submitted within 28 days. The PAU will Stop the Clock when issuing these RFIs. Once the requested information has been satisfactorily provided, the Clock will recommence, and the application will progress to the assessment stage. The PAU will only issue one (1) RFI.

If the RFI is not adequately responded to, it will be requested that the application be withdrawn.

If Council's PAU are of the opinion that the additional information cannot be provided within 28 days, it will request that the application be **withdrawn**. If applications are withdrawn at this stage all DA Fees paid by the applicant will be refunded, upon request.

When applicants choose not to withdraw an application the PAU will determine the application based on the information it has, likely resulting in a refusal of the application.

Public exhibition occurs in accordance with the requirements of the CPP. All DAs, including information submitted by the application, are made available for public inspection on Council's DA Tracker.

When direct notification is required, affected owners will be notified by the method outlined within Council's Records System.

Following a PAU meeting the DA Tracker is updated and applicants and the community will be able to follow the progress of their application. The tasks that the PAU are responsible for that show on DA Tracker are: Preliminary Assessment, Officer Allocation, Public exhibition and Referrals.

Applications will be identified as one of the following categories:

- Fast-Track – those applications which don't require public exhibition/neighbour notification under the CPP.
- Standard - Commercial or Business.
- Major – those applications which require comments and/or conditions from State Agencies.

Council's PAU is comprised of the following staff:

- Planning Reform Officer (PAU Chair).
- Manager Development Assessment.
- Development Assessment Coordinator.
- Building Assessment Coordinator.
- Secretary Development Assessment.
- Other specialist staff as required.

4. Assessment

There are two components to the assessment stage, the preliminary assessment and the final assessment.

4.1 Preliminary assessment

As part of the preliminary assessment the assessing officer will inspect the site, assess an application's compliance with the relevant provisions of the LEP and DCP etc., review any internal and external referrals and review any public submissions received. The preliminary assessment will occur within 20 calendar days of the application be allocated to an assessing officer.

If non-compliances are identified or issues are raised, the assessing officer will issue a RFI letter requesting the additional information be submitted within 28 days.

If the RFI is issued within 25-days of the application's lodgement, then the assessing officer will Stop the Clock.

Once the requested information has been satisfactorily provided the Clock will recommence and the application will progress to the final assessment stage. If the RFI is not adequately responded to the assessing officer will request that the application be withdrawn.

If the assessing officer is of the opinion that the additional information cannot be provided within 28 days, they will request that the application be withdrawn. If applications are

withdrawn at this stage a proportion of DA Fees paid by the applicant may be refunded, upon request.

When applicants choose not to withdraw an application the assessing officer will determine the application based on the information it has, likely resulting in a refusal of the application. Once refused no refund of fees can be provided.

4.2 Final assessment

As part of the final assessment the assessing officer will prepare and finalise their assessment report. The assessment reports are peer reviewed either by other assessing officers, the Manager of Development Assessment, or Council's EAU.

4.3 Determinations

On 26 November 2021, the Minister for Planning and Public Spaces signed the *Environmental Planning and Assessment (Statement of Expectations) Order 2021* (Order).

The new Order sets out the Minister's expectations in relation to all Councils' performance in dealing with Development assessment.

The Order outlines that the Minister expects Council to assess development applications within the following timeframes:

- 250 days to prepare assessment reports for regionally significant development applications and refer them to Regional Panels,
- 180 days to determine a Development Application, This Order enables the Minister to revoke Council's planning and development functions (i.e. assess and determine DAs etc.) if Council routinely fails to meet these timeframes. The NSW Department of Planning & Environment's 'Development Assessment Best Practice Guide' notes how delegations of staff are often a hinderance to Council's ability to efficiently process Development Applications.

The 'Development Assessment Best Practice Guide' recommends that Council provide staff delegations which:

- Facilitate decisions which reflect the nature of the DA.
- Acknowledge the judgement of their professional staff, particularly in planning and environmental management.
- Seek the continued merit assessment at the appropriate level to minimise politicisation of the decision-making process

The following delegation framework seeks to ensure applications are efficiently processed and that decisions are made in accordance with the adopted planning instruments (i.e. LEP & DCP) of Council.

4.4 Delegated Authority

Council's Development Assessment staff can reject local Development Applications, in accordance with clause 39 of the *Environmental Planning and Assessment Regulation 2021*.

Council's Development Assessment staff can assess and determine local Development Applications within their delegated authority.

Council's Manager Planning and Economic Development can determine applications with a variation to planning controls.

4.5 Executive Assessment Unit

Council's Executive Assessment Unit's (EAU) role is to provide executive oversight on significant Development Applications and peer review applications to ensure probity and compliance with legislative requirements.

4.6 Southern Regional Planning Panel

In accordance with the *State Environmental Planning Policy (Planning Systems) 2021*, regionally significant Development Applications will be reported to the Southern Regional Planning Panel for determination.

5. Process for identifying and managing potential conflicts of interest

5.1 Management controls and strategies

The following management controls apply to:

- a) the assessment and determination of an application for Council-related development:
 - i. refer to Attachment 1 for controls.
- b) the regulation and enforcement of approved Council-related development:
 - i. use of independent consultants.
 - ii. enter into a shared services arrangement with a neighbouring Council.
 - iii. Public reporting on key milestones such as construction and occupancy Certificates.

The management strategy for the following kinds of development is that no management controls need to be applied:

- a) commercial fit outs and minor changes to the building facade.
- b) internal alterations or additions to buildings that are not a heritage item.
- c) advertising signage.
- d) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services).
- e) development where the Council might receive a small fee for the use of their land.

5.2 Identifying whether a potential conflict of interest exists

Development applications lodged with the council that are council-related development are to be referred to the Chief Executive Officer (or a delegate) for a conflict-of-interest risk assessment.

The Chief Executive Officer or their delegate is to:

- a) assess whether the application is one in which a potential conflict of interest exists.
- b) identify the phase(s) of the development process at which the identified conflict of interest arises.
- c) assess the level of risk involved at each phase of the development process.
- d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the general manager's assessment of the level of risk involved as set out in section (c) above of the policy,

Note: The Chief Executive Officer could determine that no management controls are necessary in the circumstances.

- e) document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

5.3 Staff and Councillors potential conflict of interest

The following principles must be adhered to:

- a) If a Council staff member is the applicant and/or landowner or is the delegated staff member to act as an applicant for a Council project/development, any discussion relating to the affected DA processing, status, etc, must be undertaken in the staff member's (ie, applicant) own time (if the matter is a private or personal project), in a public location (eg, foyer, front counter).
- b) If a Councillor or staff member is the applicant and/ or landowner, the Councillor or staff member must not use his/ her position to influence the Assessing Officer in the processing of his/ her application.
- c) The assessing officer is to ensure that all processes undertaken during the assessment of any DA are in accordance with Council's policies, procedures and legislative requirements. The applicant is not to be given any special, preferential treatment nor discriminated against.
- d) Trim containers are to be 'blocked' where a staff member or a Council officer as delegate/applicant for a Council application is applicant/owner.

Generally, any DA lodged where the applicant and/ or landowner is a Council staff member or Councillor, the DA should be processed in the normal manner, which may include determination under delegated authority.

5.4 Declarations of Conflicts of Interest

Where a staff member, team within Council, or a Councillor, is party to a Development Application as applicant and/or landowner, the person(s) must advise their supervisor of their conflict of interest and ensure that this procedure and Council's Code of Conduct are adhered to. Declarations must be made when submitting an application via the NSW Planning Portal.

5.5 Modifications

Sections 4.55 and 4.56 of the *Environmental Planning and Assessment Act 1979* enable Council, upon request, to modify development consents. Modifications are generally sought for changes to the proposed built form or imposed conditions of consent.

Generally, Council will not permit the lodgement of modification applications for developments which have received a final occupation certificate. In these cases, it is more appropriate to submit new applications for additions and alterations.

The exception to this is a modification to commercial hours of operation.

5.6 Complying Development Certificates

There is no merit assessment of applications for Complying Development Certificates. Division 4.5 of the *Environmental Planning and Assessment Act 1979* clearly outlines that Council, or private certifiers are to determine:

- (a) whether or not the proposed development is complying development, and
- (b) whether or not the proposed development complies with the relevant development standards.

If Council's Development Assessment staff determine that an application for complying development certificate does not comply, they are legally required to refuse the application.

Related Forms/Documents

Nil

Attachments

Attachment 1	Assessment & Determination Criteria
Attachment 2	Example management statement

Authorisation

Name: Council Resolution No *****

Date: Date adopted by Council ****



Attachment 1 – Assessment & Determination Criteria

Category of Council DA	Assessment Controls	Determination Controls
<p>Minor DA Minor DAs refers to development that is small-scale, routine operational and/or non-controversial. The determination of “minor” shall be made after consideration of the following criteria, at the discretion of the Director:</p> <ul style="list-style-type: none"> • The estimated value of the works to be undertaken. • The potential impact on surrounding residential amenity associated with the proposed development. • The consistency of the proposed works with an existing Council Management Plan or strategy. • Whether the proposal involves any substantial variations from existing Council policy. • Whether the proposal will lead to any financial benefit for Council. <p>Examples include replacement of amenities block, internal refurbishment of a building and less than 5 lot subdivision.</p>	<ol style="list-style-type: none"> 1. Assessment must be by Council staff not involved in the application and peer reviewed by immediate supervisor; and 2. A management statement (refer to Attachment 2) to be prepared and exhibited with the DA. 	<ul style="list-style-type: none"> • Determination under delegated authority. <p>(Other than for development on community land under Section 47E of the Local Government Act 1993)</p>
<p>Routine DA Routine DA (not minor) or other form of DA that takes place within Council’s industrial estates or on Council reserves and complies with</p>	<ol style="list-style-type: none"> 1. Assessment by Council staff not involved in the application and peer reviewed by a senior member of staff. 	<ul style="list-style-type: none"> • Determination under delegated authority.

Category of Council DA	Assessment Controls	Determination Controls
<p>zoning, landuse provisions and Council policies, with no substantial or numerous sub</p>	<p>2. Assessment by external independent town planning consultant (in accordance with Council's Procurement Policy) may be required, if determined by the Director.</p> <p>3. Management statement to be prepared and exhibited with DA.</p>	
<p>Major DA</p> <p>Major DAs refer to development that is large-scale, significant and/or controversial. The determination of "major" shall be made after consideration of the following criteria, at the discretion of the Chief Executive Officer/Director.</p> <p>The estimated value of the works to be undertaken:</p> <ul style="list-style-type: none"> • If the DA is Regional Development (under State Environmental Planning Policy Planning Systems 2021). • The potential impact on surrounding residential amenity associated with the proposed development. • The consistency of the proposed works with an existing Council Management Plan or strategy. • Whether the proposal involves any substantial variations from existing Council policy. • Whether the proposal will lead to any financial benefit for Council. <p>Examples include – Coastal protection works, new industrial estates, new community facilities and libraries.</p>	<ul style="list-style-type: none"> • Engage external independent town planning consultant (in accordance with Council's Procurement Policy). • Management Statement to be prepared and exhibited with the DA. <p>For applications that do not trigger referral to the Regional Planning Panel, a referral may be required to the Audit, Risk and Improvement Committee.</p>	<ul style="list-style-type: none"> • Report to Council for determination <p>Or</p> <ul style="list-style-type: none"> • Determination by the Regional Planning Panel if the Capital Investment Value (CIV) of the application is >\$5million in accordance with Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021. <p>Regional applications must be independently assessed.</p>



Development Assessment Policy

Attachment 2 – Example Management Statement

Council conflict of interest management statement	
Project name	
DA number	
Potential conflict	
Management strategy	<p>Refer to Attachment 1 for guidance. The strategy could include (examples only):</p> <ul style="list-style-type: none"> • The DA to be peer reviewed • Assessment staff are not project team staff • 'Independent assessment • Determination by the Regional Planning Panel • Key milestones post determination reported to Council and published
Contact	<p>Anyone with concerns about Council fulfilling its obligations should report their concerns to the Council.</p>

The Hon Paul Scully MP

Minister for Planning and Public Spaces



Ref: IRF24/1443

Cr Neil Reilly
Mayor
The Council of the Municipality of Kiama
11 Manning St
Kiama NSW 2533
neil.reilly@kiama.nsw.gov.au

Dear Mayor

As you are aware, the NSW Government is taking immediate action to meet our commitment under the National Housing Accord to build 377,000 new well-located homes by June 2029 to help address the housing crisis.

Local government are a critical enabler of housing, assessing about 85 per cent of housing development applications (DA) in NSW. However, over the past two years, average council DA timeframes have increased by 37 per cent, from 83 in FY21/22 to 114 days in FY23/24, which is contributing to the delays in housing completions and costing the NSW economy at least \$89 million each year.

In line with the beginning of the National Housing Accord, and our shared commitment to addressing the housing crisis, I am providing an updated Ministerial Statement of Expectations Order planning.nsw.gov.au/statement-of-expectations-order.

This new Statement of Expectations sets out expectations for council performance in the areas of development assessment, planning proposals and strategic planning. The performance of councils in meeting this Statement of Expectations will be monitored and reported publicly, as will the Department of Planning, Housing and Infrastructure's timeframes for approval of planning proposals and state significant development.

Addressing the housing crisis is a shared responsibility, and all levels of government must do more.

The Government is also developing a program to support councils achieve local housing targets, reduce average DA timeframes and deliver more homes. We have started this through initiatives funding cadetships for planners in councils and opening a new TAFE course for para-planning. We've completed substantial work on the NSW Planning Portal and are introducing artificial intelligence to support further efficiencies in the local DA process and timely decision-making.

The attached document outlines the key performance metrics within the Statement of Expectations and the associated infrastructure grant funding program. Additional initiatives to support councils achieve faster assessments will be announced in the coming months to help local and State government deliver approvals and particularly homes more effectively.

With these measures, I am confident that councils in NSW can achieve a significant reduction in average DA timeframes and meet our Housing Accord commitments.

I appreciate your leadership and support for this critical work in the spirit of shared responsibility that underpins the National Housing Accord and I look forward to working with you and all councils across New South Wales to deliver more housing for our communities.

Yours sincerely



Paul Scully MP
Minister for Planning and Public Spaces

03/07/2024

Attachment A

This Attachment provides an overview of the initial programs the NSW Government is proposing to support councils in determining more housing-related planning matters during the period of the National Housing Accord. More details of these programs and initiatives will be released in the coming months.

Updated Statement of Ministerial Expectations

- The Ministerial Statement of Expectations establishes the planning-related expectations of the Minister for Planning and Public Spaces in terms of planning assessment performance. The updated Statement includes the expectation for councils to:
 - lodge DAs as soon as practical and within an average of:
 - 14 days from submission, from 1 July 2024 to 30 June 2025
 - 7 days from submission, from 1 July 2025 onwards
 - determine DAs as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:
 - 115 days from lodgement, from 1 July 2024 to 30 June 2025
 - 105 days from lodgement, from 1 July 2025 to 30 June 2026
 - 95 days from lodgement, from 1 July 2026 to 30 June 2027
 - 85 days from lodgement, from 1 July 2027 onwards
 - assess Regionally Significant DAs and refer them to the relevant planning panel for determination as soon as practical and within an average of 250 days from lodgement.

Department of Planning, Housing and Infrastructure Performance

- To assist with delivering major housing projects, the Department will be required to determine State Significant DAs for infill affordable housing and housing in transport-oriented development precincts within an average of 275 days from lodgement.
- As per the LEP Making Guidelines (August 2023) the Department must collaborate with councils to finalise planning proposals in 140 business days for basic proposals, 225 business days for standard proposals, 300 business days for complex proposals, and 380 business days for principal proposals.

Resourcing and financial incentives

- The Department will establish a new \$200 million grant program that provides milestone payments to councils based on their performance in meeting the Statement of Expectations. These grants will be for use in improving critical local infrastructure.

- The Department has made \$5.6 million worth of funding for grants to councils to integrate AI and other digital solutions into the development assessment process.
- The Department is working with industry, local government and the private sector to support a skilled planning workforce through the Strong Start mentoring program as well as a new TAFE pathway into the planning profession.

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Traffic Management: Kiama Local Traffic Committee meeting - 2 July 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 on Tuesday 2 July 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 Recommendation 1 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 - 2 July 2024 [↓](#)
- 2 Signage Plan - Timed No Parking Restrictions - 47 Thomson Street [↓](#)

Enclosures

Nil

Report of the Director Infrastructure and Liveability

16.1 Traffic Management: Kiama Local Traffic Committee meeting - 2 July 2024
(cont)

RECOMMENDATION

That Council receive the Minutes of the Kiama Local Traffic Committee meeting of 2 July 2024 and the following recommendation be adopted, subject to the following:

1. The proposal to endorse the Traffic Management Plans for the implementation of 'No Parking' restrictions below, 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 'No Parking' restrictions, as shown on the signage plan.

24/001LTC the implementation of 'No Parking' restrictions on the angled parking bay on Thomson Street, Kiama, to be timed 6pm Sundays to 12pm Mondays, as set out on the plan.

Background

The Kiama Local Traffic Committee Meeting was held on 2 July 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 1 item that requires adoption by Council, 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.

Unfortunately, the NSW Police representative was unable to attend the LTC on the day (2 July 2024) and has not been able to provide confirmation of support for the considered items before the date of this report. The LTC is therefore unable to provide the unanimous support required for the items to be endorsed by Council for implementation in accordance with the Delegations. As the matter is not contentious and is required to allow compliance with a Condition of Consent for the adjacent development it is appropriate for the matter to be adopted by Council for direct notification to TfNSW and NSW Police rather than placing the item on another Agenda.

Only matters requiring a resolution of Council are included in this report, other endorsed upgrades have been approved under delegated authority.

Report of the Director Infrastructure and Liveability

16.1 Traffic Management: Kiama Local Traffic Committee meeting - 2 July 2024
(cont)

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.

Item 16.1



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

commencing at 9.04am on

TUESDAY 2 JULY 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

2 JULY 2024

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD IN THE COUNCIL CHAMBERS, KIAMA

ON TUESDAY 2 JULY 2024 AT 9.00AM

PRESENT: Lindsay Dunstan (Chair - Resilience Engineer), Stuart Larkins (Councillor Representative), Andy Gaudiosi (Transport for NSW Representative), Darrell Clingan (Local Member's Representative), Seren McKenzie (Manager Engineering and Technical), Janelle Burns (Kiama Council Road Safety Officer), Chris Balzarano (Council Ranger) and Alyson Hodgekiss (Minutes)

1 APOLOGIES

Michael Malone (Director Infrastructure and Liveability), Jaime Gooch (NSW Police Representative)

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 4 June 2024

24/024LTC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 4 June 2024 be received and accepted.

(Councillor Stuart Larkins and Member Andy Gaudiosi)

4 BUSINESS ARISING FROM THE MINUTES

DC asked for an update on item 6.1, the Fern Street pedestrian crossing. JB advised that the crossing is being re-line marked this week (weather permitting), a request has been put through to trim any vegetation at the site, and that Council are organising for an independent auditor to complete a road safety audit on the crossing. DC asked if the police report from the latest incident had been received, LD advised that Council do not receive police reports, however if police have any recommendations they will provide them to Council.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

2 JULY 2024

5 REPORT OF RMS DELEGATED FORMAL ITEMS

**5.1 Implementation of timed No Parking restrictions for waste collection -
47 Thomson Street, Kiama**

24/025LTC

Resolved that the Committee endorse the implementation of 'No Parking'
restrictions on the angled parking bay on Thomson Street, Kiama, to be timed 6pm
Sundays to 12pm Mondays, as set out on the attached plan.

(Member Andy Gaudiosi and Councillor Stuart Larkins)

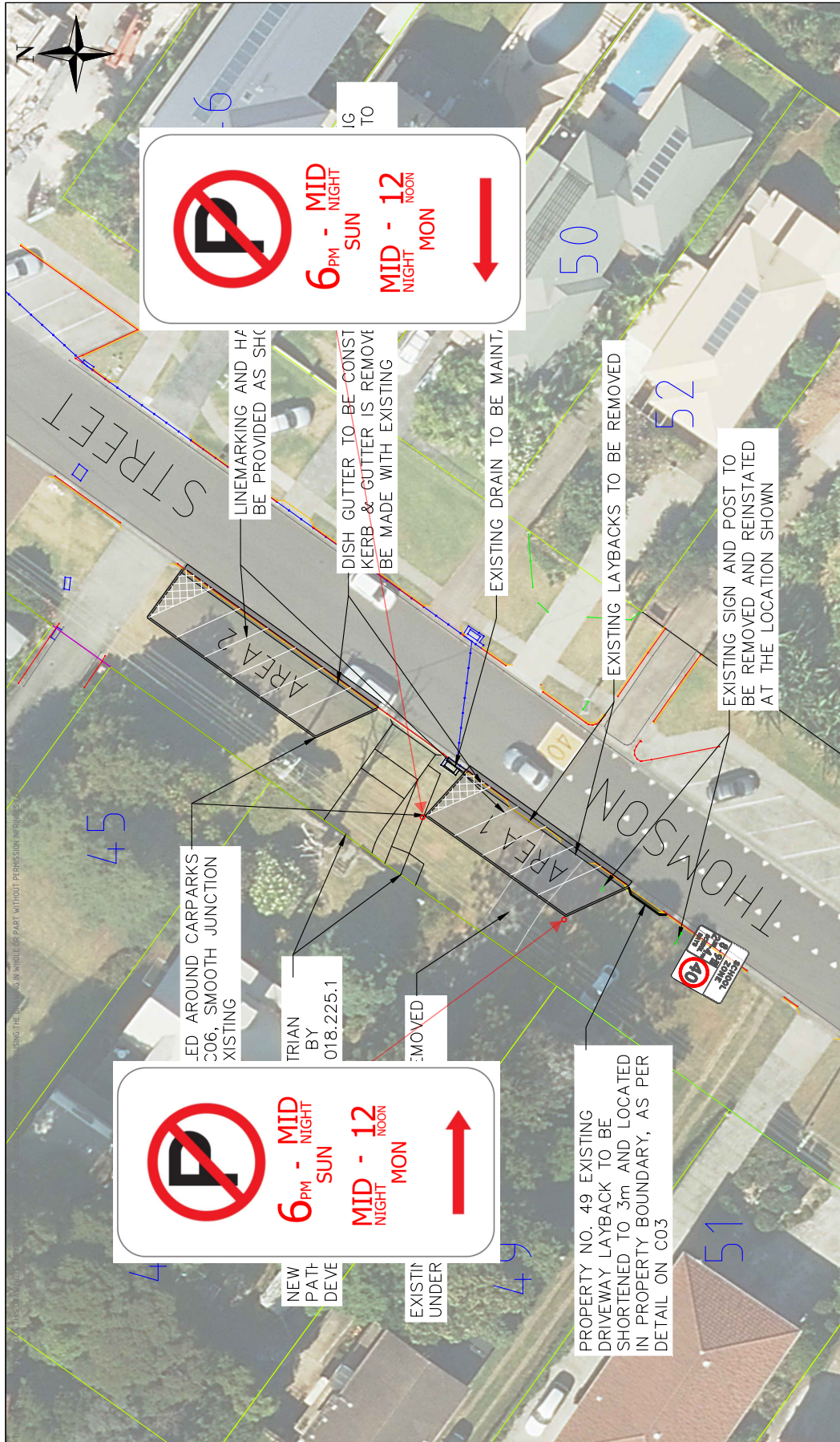
6 GENERAL BUSINESS

The Committee acknowledged Andy Gaudiosi for being the TfNSW representative for
the Kiama Local Traffic Committee over a number of years, and thanked him for his
advice and all of the road safety projects that have been achieved whilst he has been
on the Committee. The Committee wished Andy all the best for the future.

7 CLOSURE

There being no further business the meeting closed at 9.22am

These Minutes were confirmed at the Ordinary Meeting of Council held on 6 August
2024



PLAN NUMBER
2562-C02

SHEET 3 OF 7

FILE: 2562

ANGLED PARKING DESIGN
THOMSON STREET, KIAMA
SITE PLAN

DESIGN	
DESIGNED: ZH	
DRAWN: ZH	
DATE: MAY-21	
CHECKED: MB	
DATUM: AHD	
SURVEYED: BS	
DATE: NOV-20	

SCALES	
PLAN: 1:300	
SECTIONS: H	
V	
ORIGINAL SHEET SIZE: A3	



17 REPORTS FOR INFORMATION

17.1 Donation: Kiama Family History Centre

Responsible Director: Office of the Chief Executive Officer

Report

The Kiama Family History Centre (FHC) offers a wealth of resources and one-on-one assistance for people researching their family history.

Following a presentation promoting the services and resources available at the FHC, a member of the community, who wishes to remain anonymous, approached staff to offer a personal donation of \$5,000 towards the digitisation of Council's microfiche collection.

The donation would cover the cost of the digitisation and preservation of 663 microfiche reels containing historically significant records for the Kiama local government area.

The records include invaluable information that cannot be found elsewhere in other collections or online and were selected due to high usage, unique content and for their varying states of deterioration and need for preservation. They also contain Bench of Magistrates Indexes from the early 1800's, listing the criminal and civil cases heard before local magistrates; indentures of apprenticeship; colonial secretary papers; crew and passenger lists; Kiama clergy and school indexes and coroner inquests. The records are used by visitors to trace and construct their family histories and FHC staff and volunteers also use the reels to answer information requests from professional genealogists, authors and academics all over the world.

Following consultation with the Public Officer, the donor was advised that Council does not currently have a policy that addresses incoming donations that may be received from time to time from organisations or individuals. In the interim, the donor increased their donation and paid the amount of \$10,000 directly to Imaging Australia & New Zealand, a company that specialises in digitisation and preservation of microfilm. Confirmation of the payment has been provided to staff directly from that company.

This report is being provided to Council to meet the community expectation of strong civic leadership based on ethics, transparency and accountability.

Communication/Community Engagement

Not applicable

Risk implication

The absence of a policy applying to financial, in-kind or material donations, bequests or offers of donations to Council, with no expectation of any activity or benefit in return will be remedied as part of the Policy Project that is currently in progress.

17.2 Legal matters: Amendment to reporting timeframesResponsible Director: Office of the Chief Executive Officer

Report

As reported to the Council Meeting of 21 May 2024, legal matters have a significant cost implication for Council and to keep the elected representatives and public informed of costs associated with legal expenses, regular status update reports are to be submitted.

It was originally anticipated that legal status update reports would be provided to Council bi-monthly however, following further reflection, it is considered more feasible to provide quarterly reports as this would better coincide with the timing of status reports being provided by the legal panel and Council reporting timelines.

All members of the legal panel are required to submit a monthly report providing details of the status of matters they currently have on hand together with costings for each matter within 10 days of the previous month's end. Ordinary Council meetings are scheduled for the third Tuesday of the month and the associated business papers need to be published the week prior. This means that there is often only one to two days to analyse the status of each matter and prepare the Council report.

It is therefore proposed to provide a quarterly update of legal matters at the second ordinary meeting of the quarter (i.e. August, November, February and May) to ensure that Council is provided with the most current information.

Communication/Community Engagement

Not applicable.

Risk implication

There is no additional risk exposure to Council as a result of changing the reporting schedule from bi-monthly to quarterly.

17.3 Minutes: Kiama Liquor Accord Meetings - August 2023, November 2023, March 2024, May 2024Responsible Director: Infrastructure and Liveability

Report

The Minutes of the Kiama Liquor Accord Meeting held on 23 August 2023, 15 November 2023, 20 March 2024 and 15 May 2024 are attached for Councillors' information.

Communication/Community Engagement

N/A

Risk implication

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

Attachments

- 1 Kiama Liquor Accord Minutes - 23 August 2023 [↓](#)
- 2 Kiama Liquor Accord Minutes - 15 November 2023 [↓](#)
- 3 Kiama Liquor Accord Minutes - 20 March 2024 [↓](#)
- 4 Kiama Liquor Accord Minutes - 15 May 2024 [↓](#)



**KIAMA LIQUOR ACCORD
Minutes of meeting**

Date & time	Wednesday 23 August 2023	
Location	Sebel Hotel, 2 Minnamurra Street, Kiama NSW 2533	
Present (indicate name & venue/organisation)	David Rootham Jamie Warren Glen Gould Craig Hardy Brad HogeKiss Darren Ormsby Joe Auld Nathan Lawrence Daris Gear Sean Twomey Chris White Tony Holmes Rosalie Cronin Councillor Mark Croxford Mathew Williams Janelle Burns Connie Graf Morgan Lewis Joshua Thompson Paul Paterno Melissa Matters Michael Faulkner	Kiama Golf Club Jamberoo Pub Barmax The Sebel Gerroa Fishos KG Café BWS Kiama Gerringong Bowlo Kiama Inn Hotel Kiama Inn Hotel Kiama Inn Hotel Kiama Leagues Club Cronins Liquor Gerringong Kiama Municipal Council Legal Director Kiama Municipal Council ISLHD Fillmores Little Bettys The Hill Bar and Kitchen Lake Illawarra Police

Apologies	Glen Gould Barmax Joseph Lyons Gamble Aware Joseph Felice Crooked River Winery Bobby Corbet Grand Hotel David O Brien Manning Street Cellars David Hoade Celebratons Kiama Downs Jesse Obrien Kiama Leagues Club Jackie Hall Event and Conference Marketing Coordinator Kiama Municipal Council
Agenda	
1. Minutes of last meeting Wednesday 24 May 2023 <ul style="list-style-type: none">• Adopted without change• Carried unopposed <i>Business arising: Nil</i>	
2. Correspondence Nil	

3. Treasures Report

Kiama Liquor Accord Treasurer's Report – Wednesday 23 August 2023

The Treasurer's Report comprises of the Kiama Liquor Accord cash position at 09 August 2023.

Kiama Liquor Accord Cash Position at 09 August 2023

Westpac Account

Community Solutions One \$ 17, 796.00

Unanimously carried unopposed

4. OLGR

- Nil

<ul style="list-style-type: none">• Police Report• Liquor and gaming website: https://www.liquorandgaming.nsw.gov.au/• Glassing Campaign– distributed to members• Unwanted Touching Campaign- distributed to members• Gaming Signage• Suggestion of Kiama Liquor Acorrd having a social media presence• Discissions were held in relation to establishing a “Banned from One Banned from All” acorss venues in Wollongong, Shellharbour and Kiama Accords for baring troublesome patrons.• Police Contact: Michael Faulkner Sergeant – Licensing Supervisor Lake Illawarra Police District 6 Pioneer Drive, Oak Flats, NSW, 2529 E: faul1mic@police.nsw.gov.au M: 0428 738 712 P: 02 42325391 E: 89391
<p>5. General business</p> <ul style="list-style-type: none">• Connie Graf from Illawarra Shoalhaven Local Health District addressed the members with the following information on drink spiking and will present to the Accord at the next meeting <p>new training: https://www.whatwereyouwearingaus.org/drink-spiking-campaign</p>
<p>6. Next meeting</p> <p>Wednesday 15 November 2023, Crooked River Wines, 11 Willowvale Rd Gerringong NSW</p>
<p>7. Meeting closed</p> <p>At 11.00am</p>
<p>8. Action summary</p> <ul style="list-style-type: none">• Investigate Kiama Liquor Acorrd having a social media presence.• Invstigate “Banned from One Banned from All”



KIAMA LIQUOR ACCORD
Minutes of meeting

Date & time	Wednesday 15 November 2023	
Location	Kiama Golf Club, 79-,81 Oxley Ave, KIAMA DOWNS NSW 2533	
Present (indicate name & venue/organisation)	David Rootham Jamie Warren Glen Gould Brad HogeKiss Darren Ormsby Joe Auld Nathan Lawrence Hedi Hutchins Rodney Zarif Daris Gear Sean Twomey Chris White Tony Holmes Councillor Mark Croxford Janelle Burns Connie Graf Morgan Lewis Joshua Thompson Paul Paterno Melissa Matters Ken Burrows Mathew Croin Peter Grogan Joe Auld Kerrie Kristidis Browyn Hodges	Kiama Golf Club Jamberoo Pub Barmax Gerroa Fishos KG Café BWS Kiama Gerringong Bowlo Gerringong Bowlo KD Cellars Kiama Inn Hotel Kiama Inn Hotel Kiama Inn Hotel Kiama Leagues Club Kiama Municipal Council Kiama Municipal Council ISLHD Fillmores Little Bettys The Hill Bar and Kitchen Vix Vizion Cronins Liquor Gerringong Gerroa Fishos BWS Kiama Liquor and Gaming Liquor and Gaming

Item 17.3

Attachment 2

Apologies	Michael Faulkner Lake Illawarra Police Rosalie Cronin Cronins Liquor Gerringong Craig Hardy The Sebel
Agenda	
1. Minutes of last meeting Wednesday 23 August 2023 <ul style="list-style-type: none">• Adopted without change• Carried unopposed <i>Business arising: Nil</i>	
2. Correspondence Nil	
3. Treasures Report <u>Kiama Liquor Accord – Treasurer’s Report</u> <u>Wednesday 15 November 2023</u> The Treasurer’s Report comprises of the Kiama Liquor Accord cash position as of 15 November 2023, income and expenditure since the last meeting and a current Kiama Liquor Accord membership list. <u>Kiama Liquor Accord Cash Position at 15 November 2023</u> <u>Westpac Account</u> Community Solutions One \$ 18,456.00 <u>Income and Expenditure</u> The Kiama Liquor Accord has received \$480.00 income and has not incurred any expenditure since the last meeting on 23 August 2023. <i>Unanimously carried unopposed</i>	

<p>4. OLGR</p> <p>Browyn Hodges a representative from Liquor and Gaming addressed the Accord.</p> <ul style="list-style-type: none">Liquor and gaming website: https://www.liquorandgaming.nsw.gov.au/Kiama Liquor Accord was selected by Liquor and Gaming NSW to take part in a new membership campaign including resources which will be distributed across NSW.
<ul style="list-style-type: none">Police ReportPolice Contact: Michael Faulkner Sergeant – Licensing Supervisor Lake Illawarra Police District 6 Pioneer Drive, Oak Flats, NSW, 2529 E: faul1mic@police.nsw.gov.au M: 0428 738 712 P: 02 42325391 E: 89391
<p>5. General business</p> <p>Liquor and gaming website: https://www.liquorandgaming.nsw.gov.au/</p>
<p>6. Next meeting</p> <p>TBA- March 2024</p>
<p>7. Meeting closed</p> <p>At 11.00am</p>
<p>8. Action summary</p> <ul style="list-style-type: none">Further Investigate “Banned from One Banned from All”New Membership drive sent to 51 non member venues in November 2023



**KIAMA LIQUOR ACCORD
Minutes of meeting**

Date & time	Wednesday 20 March 2024, 10.00am	
Location	Kiama Golf Club, 79-,81 Oxley Ave, KIAMA DOWNS NSW 2533	
Present (indicate name & venue/organisation)	David Rootham Joe Auld Nathan Lawrence Rodney Zarif Daris Gear Tony Holmes Jesse O Brien Janelle Burns Joshua Thompson Paul Paterno Mathew Croin John Croin Joe Auld	Kiama Golf Club BWS Kiama Gerringong Bowlo KD Cellars Kiama Inn Hotel Kiama Leagues Club Kiama Leagues Club Kiama Municipal Council Little Bettys Little Bettys Cronins Liquor Gerringong Cronins Liquor Gerringong BWS Kiama

Item 17.3

Attachment 3

Apologies	Michael Faulkner Lake Illawarra Police Rosalie Cronin Cronins Liquor Gerringong Craig Hardy The Sebel Jamie Warren Jamberoo Pub Glen Gould Barmax Brad Hoge kiss Gerroa Fishos Darren Ormsby KG Café Councillor Mark Croxford Connie Graf ISLHD Melissa Matters The Hill Bar and Kitchen Peter Grogan Gerroa Fishos Matthew Williams Managing Partner & Legal Director Brent McInnes The Lodge Crooked River Winery Renee Acers Community Safety Officer Shellharbour Council KG Cafe
Agenda	
1. Minutes of last meeting Wednesday 15 November 2024 <ul style="list-style-type: none"> • Adopted without change • Carried unopposed <i>Business arising: Nil</i>	
2. Correspondence Nil	

3. Treasures Report

Kiama Liquor Accord – Treasurer’s Report Wednesday 20 March 2024

The Treasurer’s Report comprises of the Kiama Liquor Accord cash position as of 20 March 2024, income and expenditure since the last meeting and a current Kiama Liquor Accord membership list.

Kiama Liquor Accord Cash Position at 20 March 2024

Westpac Account

Community Solutions One \$ 18,756.00

Income and Expenditure

The Kiama Liquor Accord has received \$300.00 income and has not incurred any expenditure since the last meeting on 15 November 2023

Unanimously carried unopposed

Kiama Liquor Accord President, Mr David Rootham suggested that the Accord liaise with Police to investigate opportunities to hold workshops on RSA training for Schools or any similar programs in order to utilise Kiama Liquor Accord funds.

4. OLGR

- Liquor and gaming website: <https://www.liquorandgaming.nsw.gov.au/>
- Kiama Liquor Accord was selected by Liquor and Gaming NSW to take part in a new membership campaign including resources which will be distributed across NSW.

5. Police Report

- Material was distributed to members provided by Police on stealing from bottle shops and stores for the attention of Hotels, Clubs and Bottle Shops. Police are seeing a rise in theft from bottle shops, particularly from young people. The information sent to members can assist in reducing these opportunities.
- Upcoming events such as Easter and Anzac Day were discussed and members were advised to contact Police if they had any reports of intoxication and fail to quit in licenced premises.
- Police Contact: Michael Faulkner
Sergeant – Licensing Supervisor
Lake Illawarra Police District
6 Pioneer Drive, Oak Flats, NSW, 2529
E: faul1mic@police.nsw.gov.au M: [0428 738 712](tel:0428738712) P: [02 42325391](tel:0242325391) E: [89391](tel:89391)

6. General business

- Liquor and gaming website: <https://www.liquorandgaming.nsw.gov.au/>

Training provided by Craig Brown Barrington Group Contact details: 02 9899 0600 | 0432 247 900 email craig@barringtons.com.au

- Advanced RCG will become a mandatory requirement for:
- Responsible Gaming Officers (for venues with 21 or more machines) by July 1st, 2024.
- ALL Hotel Licensees, club secretaries and approved Gaming managers (regardless of machine numbers) 30th September 2024.

Kiama Leagues Club

Tuesday April 16th, 2024

10am – 4:30pm

Cost: \$300 plus GST (plus shared cost of travel)

[Kiama Leagues Enrolment Link](#)

7. Next meeting

Wednesday 15 May 2024, 10.00am, Kiama Leagues Club

<p>8. Meeting closed</p> <p>At 10.20am</p>
<p>9. Action summary</p> <ul style="list-style-type: none">• “Banned from One Banned from All” presentation being aranged for next meeting from John Green Australian Hotels Association.



**KIAMA LIQUOR ACCORD
Minutes of meeting**

Date & time	Wednesday 15 th May 2024, 10.00am	
Location	Kiama Leagues Club 109 Terralong street. Kiama, NSW 2533	
Present (indicate name & venue/organisation)	David Rootham Joe Auld Nathan Lawrence Heidi Hutchison Rodney Zarif Daris Gear Josh Ratcliff Tony Holmes Jesse O Brien Troy Allingham Paul Paterno Joe Auld Melissa Matters Darren Ormsby Michael Faulkner Brad Hoge kiss Glen Gould Craig Hardy Councillor Mark Croxford Connie Graf Gabi Martinez John Green Brent McInnes Mel Murray Smith	Kiama Golf Club BWS Kiama Gerringong Bowlo Gerringong Bowlo KD Cellars Kiama Inn Hotel Kiama Inn Hotel Kiama Leagues Club Kiama Leagues Club Kiama Leagues Club Little Bettys BWS Kiama The Hill Bar and Kitchen KG Cafe Lake Illawarra Police Gerroa Fishos Barmax The Sebel Kiama Council ISLHD ISLHD AHA NSW The Lodge

Item 17.3

Attachment 4

Apologies	<p>Janelle Burns Kiama Municipal Council Jamie Warren Jamberoo Pub Rosalie Cronin Cronins Liquor Gerringong Mathew Croin Cronins Liquor Gerringong John Croin Cronins Liquor Gerringong Peter Grogan Gerroa Fishos Matthew Williams Managing Partner & Legal Director</p>
Agenda	
<p>2. Minutes of last meeting Wednesday 15 November 2024</p> <ul style="list-style-type: none"> • Adopted without change • Carried Unanimous Consent <p>3. Business arising: Nil</p>	
<p>4. Correspondence</p> <ul style="list-style-type: none"> • Notice from the tax office of new online reporting requirements. 	
<p>5. Treasures Report</p> <p style="text-align: center;"><u>Kiama Liquor Accord – Treasurer’s Report Wednesday 15th May 2024</u></p> <p style="text-align: center;">The Treasurer’s Report comprises of the Kiama Liquor Accord cash position as of 15th May 2024, income and expenditure since the last meeting and a current Kiama Liquor Accord membership list.</p> <p><u>Kiama Liquor Accord Cash Position at 15 May 2024</u></p> <p><u>Westpac Account</u></p> <p>Community Solutions One \$ 18,756.00</p> <p><u>Income and Expenditure</u></p> <p>The Kiama Liquor Accord has received no income since its last meeting on 20 March.</p> <p><i>Carried: Unanimous Consent</i></p>	

6. OLGR

- OLGR are running a webinar on RSA on the frontline at the same time our meeting is being held. The accord has logged into the webinar and is recording. DR will send the recording or a link to the recording to the accord members. Topics covered included;
 - Alcohol related violence
 - Preventing intoxication
 - Refusing and removing patrons from the venue- how to handle aggressive patrons.
 - Refusing service safely
 - Identifying risks in your venue- what can go wrong.
 - Detecting minors and how to spot fake ID's.
 - How to use and check the digital driver's licence
 - How we regulate and what occurs during inspections
 - Possible penalties and disciplinary actions
- Some discussion on the 'Concierge service' provided by OLGR. Not used by many in our accord but those that have used it have found it to work very well. This is supported by John Green who reports his members who have used it have found it helpful.

7. Police Report

- Report on alcohol related assault numbers in the Lake Illawarra Area Command
 - January 13 assaults, 2 in licenced premises, 0 in Kiama
 - February 17 assaults, 4 in licenced premises, 2 in Kiama
 - March 13 assaults, 3 in licenced premises, 1 in Kiama.
 - April 13 assaults, 5 in licenced premises, 0 in Kiama
- Advises good preparation for the June long weekend. Expect an influx of patrons and increased risk of intox. Prepare staff for dealing with these situations.
- Suggests there has been some positive outcomes from the “50 meter” cards. This is a reference to a patron who has been RSA'd must move 50 meters from the venue and this visual/physical reminder appears to help facilitate this. Suggests printing and having available as an additional tool.
- Urges all venues to the print the ‘crime scene preservations guidelines’ and have them in the venue compliance folder.
- CCTV footage should be able to be accessed by the manager on Duty not just the Licensee. Please make every effort to ensure appropriate people are trained for this.
- Keep up the staff training on RSA rules and processes. Can help show that the venue is taking this seriously and is working to ‘prevent intoxication on premises.
- If you do have an incident take the opportunity to review it and the processes that lead to it. Looking for learning and improving opportunities.
- Some feedback from the area after Anzac Day is that some venues were not well prepared for the influx of patrons on the day. If you are going to run an event that may have an influx, make sure you are prepared with enough staff, security and other resources required to run a safe event.
- Caution on youth supply
- Police Contact: Michael Faulkner
Sergeant – Licensing Supervisor
Lake Illawarra Police District
6 Pioneer Drive, Oak Flats, NSW, 2529
E: faul1mic@police.nsw.gov.au M: [0428 738 712](tel:0428738712) P: [02 42325391](tel:0242325391) E: [89391](tel:89391)

<p>8. General business</p> <ul style="list-style-type: none">• Presentation on 'Barred from one, Barred from all' policy by John Green- Director of Liquor and Policing at AHA• John will make the information available for the accord members to decide on including draft version of<ul style="list-style-type: none">• Process involved• Template barring documents• Relevant legislation.
<p>9. Next meeting</p> <p>Wednesday 21 August 2024, 10.00am, Venue TBC</p>
<p>10. Meeting closed.</p> <p>At 11am</p>
<p>11. Action summary</p>

17.4 Question for future meeting: Outdoor dining areas as exempt developmentResponsible Director: Planning, Environment and Communities

A question for future meeting was asked by Councillor Croxford for a report on outdoor dining areas as exempt development on footways or public open spaces across the local government area. This report should also address the annual revenue generated and the annual cost to administer.

Outdoor Dining Policy

Council has a current Footpath Dining Policy which applies to all public road reserves in the Kiama Municipality in commercial or business areas under the care, control and management of Council.

This policy requires an application to be submitted to Council for consideration. This application is submitted using an "Application for Footpath Dining" form and an associated application fee. This application is considered by Council's Property team.

Conditions for footpath dining

The current Council policy outlines that the following conditions of use for the footpath dining area are:

- the footpath area able to be considered in conjunction with the adjoining food premises corresponds with the actual shop frontage width and clear of the footpath pedestrian zone referred to in 5.1 above. In addition, an 800mm exclusion zone exists from the roadside kerb to allow access to/from vehicles parked on the street.
- at all times a 1.5 metre exclusion zone must be maintained to all public infrastructure such as bins and public street furniture that are located within the footpath dining area.
- footpath dining directly in front of an adjoining shop will only be considered with the written consent of the shop owner. The adjoining owner can retract consent at any time.
- footpath dining can only be considered where the pavement grade or cross fall can safely support chairs and tables.
- screens, barriers and the like in conjunction with footpath dining are allowed to separate dining areas from the footpath pedestrian zone and the road. Screens and barriers need to be designed and secured and not be a hazard to users of the footpath.
- footpath dining furniture needs to consider the presentation of the footpath areas to the general public that positively contributes to the street environment.
- all furniture is to be removed from the footpath after each trading day.
- furniture needs to withstand weather conditions and be safe for use. Umbrellas must be firmly anchored.

Reports for Information

17.4 Question for future meeting: Outdoor dining areas as exempt development (cont)

-
- umbrellas cannot span outside designated approved footpath dining areas and need to maintain a vertical clearance from the ground surface of two metres.
 - ancillary structures such as supplementary menus or specials boards must not interfere with patron movement and safety or be positioned in footpath pedestrian zones or exclusion zones.

Revenue generated

Council's Manager Property and Recreation advises that the annual revenue generated by footpath dining in the Kiama Council area is approximately \$61,000 (including GST). Currently, there are:

- 35 active outdoor licences in the Kiama CBD
- 4 licences at Kiama Downs/Minnamurra
- 3 licences at Gerringong/Gerroa
- 1 at Jamberoo.

The associated costs are the markings placed on the footpath to delineate the approved areas which equates to under \$1,000 per annum plus labour costs and the associated costs to administer the licence approval.

In November 2018 Council considered a report (Item 11.2 Outdoor Dining Trial) on whether to opt into the NSW Outdoor Dining Policy and at that time choose to continue with the existing policy. This decision was based on retaining the revenue generated from the policy implementation.

17.5 Question for future meeting: Shoalhaven WaterResponsible Director: Office of the Chief Executive Officer

Report

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.

Response from Shoalhaven Water

Discussions have been held with representatives of Shoalhaven Water and the following answers have been provided:

- Shoalhaven Water only provides and maintains water and sewerage within the catchment area and LGA of Shoalhaven. They have no authority to undertake works or provide supplies/services in an area covered by Sydney Water.
- Shoalhaven Water has provided sewer and water supply to the Jervis Bay Territory through an agreement with the Act Government. This maintenance and supply has been whole funded by the government (or in our case would be required to be funded by our Council)
- Expanding into the Kiama LGA would likely be cost prohibitive for Shoalhaven Water and would require any servicing, maintenance, supply or assets to be funded solely by Kiama Council which is an estimated initial cost of \$20 million dollars.

Sydney Water

Following discussions with the CEO of Sydney Water, where the concerns with supply, maintenance and ongoing planning were raised, further meetings have been occurring with Sydney Water planning staff.

These meetings are now scheduled each month and data obtained through the Growth and Housing Strategy process is being provided to Sydney Water, to support their future planning. The framework that Sydney Water operates under is reactionary and requires detailed planning processes to occur prior to supply being guaranteed.

Staff are continuing to strongly advocate for our LGA, to enable supporting infrastructure to be provided to our community. A stand alone or off grid system for new housing releases is not supported, therefore ensuring Sydney Water can adequately plan for future development is imperative.

Since the question for future meeting was raised further work has also been occurring on the Golden Valley subdivision and discussions are being had with both the developer and Sydney Water about upgrades to the system to support this development.

Communication/Community Engagement

Advocacy and communication about the issues related to water and sewerage are continued to be discussed with a range of stakeholders. Engagement with the community about infrastructure and growth has also recently occurred through both

Reports for Information

17.5 Question for future meeting: Shoalhaven Water (cont)

the Growth and Housing engagement process and also at the recent Delivery Program meetings.

Risk implication

There is a significant and ongoing risk related to the lack of reliable and appropriate infrastructure to support both existing and future communities. Being at the end of the Sydney Water supply line remains a concern, as well as the lack of presence of Kiama LGA on the servicing and upgrade plans.

Strong advocacy is continuing to occur through a range of industry groups, directly with Sydney Water and with all levels of government about this risk, to seek to mitigate impacts.

Item 17.5

17.6 Questions for Future Meetings Register - July 2024

Responsible Director: Office of the Chief Executive Officer

Attached for Councillors' information is the Questions for Future Meetings Register for July 2024.

Attachments

- 1 Questions for Future Meetings Register - July 2024 [↓](#)



Questions for Future Meetings Register
16/73192

No	Details	Actions
17 October 2023		
20.6	<p>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.</p>	Reported to the July 2024 ordinary Council meeting.
16 April 2024		
20.5	<p>Outdoor dining areas as exempt development Councillor Croxford requested a report on outdoor dining areas as exempt development on footways or public open spaces across the local government area. This report should also address the annual revenue generated and the annual cost to administer. The matter was referred to Director Planning, Environment and Communities for consideration.</p>	Reported to the July 2024 ordinary Council meeting.

18 LATE ITEMS

19 QUESTIONS WITH NOTICE

19.1 Question with Notice: Community Response Policy

Clr Kathy Rice has submitted the following question with notice for Council's consideration:

Question

In September 2018, Council endorsed the development of a Community Response Policy that included a manageable timeframe for replying to community concerns and enquiries.

I understand that this is now being developed as the Customer Response Charter.

For the benefit of the community and Councillors, please can a report be provided to explain when the completed charter might become available to the community?

Chief Executive Officer response

Council officers are currently finalising the Customer Service Charter. It is moving through the final review process and is scheduled to be reported to the August 2024 ordinary Council meeting.

19.2 Question with Notice: Crown Lands

Clr Kathy Rice has submitted the following question with notice for Council's consideration:

Question

At the June 2024 Council meeting I asked the acting CEO to pass the following question on to the CEO. When would the CEO write to Crown Lands in response to resolution 24/147OC of May 2024?

The CEO has previously said that the letter would be made available to Councillors before it was sent. When can Councillors expect to see this letter?

Chief Executive Officer response

The letter to Crown Lands has been drafted and will be finalised by the Director in the next week. As Councillors are aware the organisation has been quite operationally busy with the Delivery Program and Operational Plan, budget, end of financial year, Blue Haven sale and disaster responses in recent weeks, which has impacted the timing of this letter.

20 NOTICE OF MOTION

20.1 Notice of Motion: Jamberoo Traffic Assessment

Clr Imogen Draisma has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council:

1. Receive a copy of the final report completed by the former Jamberoo Traffic Sub-committee; and
2. Refer this report to the Kiama Local Traffic Committee for consideration.

Signed Councillor Imogen Draisma

Purpose

To ensure that Council receives the full benefit of prior community consultation on measures which would increase road and pedestrian safety in Jamberoo.

Background

At the May 2024 Public Access Meeting, it was brought to the attention of Council that there was a former sub-committee of the Council which considered pedestrian safety and traffic management in the Jamberoo Village.

Mr Kennedy noted that a final report was completed prior to the current term of Council by the dedicated sub-committee. Mr Kennedy advises that the final report which suggested a range of 'traffic calming measures' were referred to the Council, however, a number of the suggested measures were not further considered or implemented.

Jamberoo locals frequently raise concerns regarding speed and traffic noise within the village. Any consideration of the suggested measures contained in the report would require further investigation, but it would be in the best interests of the community that the merits of the previous report be appropriately considered by the Kiama Local Traffic Committee.

Costings/Budget

Budgeting is not required for the circulation of a Council document. Implementation or further consideration of measures contained in the report may require future traffic studies, which would be subject to available budget in future financial years and/or grant funding.

Notice of Motion

20.1 Notice of Motion: Jamberoo Traffic Assessment (cont)

Chief Executive Officer response

The Jamberoo CBD Streetscape Development Plan, that included the traffic facilities such as the raised pedestrian crossing, was considered and adopted in 2014, and implemented in 2015-16.

There is no traffic calming proposal being developed requiring submission to the Local Traffic Committee for endorsement under the current Operational Plan.

It is agreed that periodic assessment (based on changes in circumstances such as planned or experienced changes in traffic or pedestrian volumes or behaviours etc) of traffic and pedestrian environment is appropriate; however, there is currently no budget available to undertake a review of the Jamberoo village centre beyond finalising the planned traffic speed and volume survey.

Item 20.1

20.2 Notice of Motion: Council's commitment to develop a Night-time Economy Strategy

Clr Imogen Draisma has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council:

1. Reaffirms its commitment to develop a Night-time Economy Strategy to support the vibrancy of our community and local businesses.
2. Supports the petition to the NSW Legislative Council which calls on the Hon John Graham MLC, Minister for the Night-time Economy, to support the development of a Special Entertainment Precinct in the Kiama Town Centre.
3. Write to the Hon John Graham MLC in support of the petition and call on the NSW Government to further consult Council and the community to deliver a Special Entertainment Precinct in the Kiama Town Centre.
4. Allow for copies of the petition to be hosted at the Administration Building, Kiama Library and Gerringong Library and Museum.

Signed Councillor Imogen Draisma

Purpose:

To reaffirm the existing position of Council to expand opportunities for arts in the LGA, local businesses and vibrancy of the Kiama Town Centre.

Background:

Council has previously committed to the of development a strategy to support the night-time economy in the Kiama LGA, more specifically, within the Kiama Town Centre.

On 1 July 2024, changes to the *Local Government Act* came into force. The Act now allows Special Entertainment Precincts to be established with the support of Council.

The new Special Entertainment Precinct guidelines also provide:

- clearer sound governance: from mid-2024, Liquor & Gaming NSW will manage entertainment sound complaints for licensed venues while councils will set sound standards and manage noise from unlicensed venues
- a trading extension for live music venues in special entertainment precincts, including 2 hours on nights when live music is offered, and one hour on other nights
- new powers for councils to automatically adjust trading hours on development consents to support other businesses such as shops to open later

Notice of Motion

20.2 Notice of Motion: Council's commitment to develop a Night-time Economy Strategy (cont)

-
- strengthening governance arrangements to support safety and collaboration.

The petition calls on the Hon John Graham MLC, Minister for the Night-time economy to establish a Special Entertainment Precinct in the Kiama Town Centre, which would alleviate the costs to local businesses wishing to seek additional consents for extended trading hours and for live entertainment to be a permitted activity under existing consents. Supporting the aims of the petition and further facilitating community participation will lead to positive outcomes now available to Council through the reforms.

Link

Council has previously committed to the development of a strategy to support the night-time economy in the Kiama LGA, more specifically, within the Kiama Town Centre. On 1 July 2024, changes to the Local Government Act came into force. The Act now allows Special Entertainment Precincts to be established with the support of Council.

The new Special Entertainment Precinct guidelines also provide:

- clearer sound governance: from mid-2024, Liquor & Gaming NSW will manage entertainment sound complaints for licensed venues while councils will set sound standards and manage noise from unlicensed venues
- a trading extension for live music venues in special entertainment precincts, including 2 hours on nights when live music is offered, and one hour on other nights
- new powers for councils to automatically adjust trading hours on development consents to support other businesses such as shops to open later
- strengthening governance arrangements to support safety and collaboration.

The petition calls on the Hon John Graham MLC, Minister for the Night-time economy to establish a Special Entertainment Precinct in the Kiama Town Centre, which would alleviate the costs to local businesses wishing to seek additional consents for extended trading hours and for live entertainment to be a permitted activity under existing consents. Supporting the aims of the petition and further facilitating community participation will lead to positive outcomes now available to Council through the reforms.

Chief Executive Officer Response**Existing Council Position**

Council staff have provided a number of reports to Council about the vibrancy reforms and the Night-time Economy. This includes reports provided to the Tourism and Economic Advisory Committee in March 2024 and a report to Council on 16 April 2024 regarding support for local businesses and investment in live music.

In March 2024 TEAC recommended that Council:

[24/001TEAC](#)

[Resolved that the Tourism and Economic Advisory Committee:](#)

Notice of Motion

20.2 Notice of Motion: Council's commitment to develop a Night-time Economy Strategy (cont)

1. request economic development staff complete the diagnostic tool contained in the Local Government Night-Time Economy Toolkit
2. report the results to the next Tourism and Economic Advisory Committee meeting
3. set a vision to strengthen Kiama's night-time economy and devise a plan in consultation with local stakeholders and the Office of the 24-Hour Economy.

To support the completion of the toolkit and to commence the process of completing a Nighttime Economy Strategy, a briefing was provided by Ashleigh Smith, Director Engagement Office of the 24 Hour Economy Commissioner, to the 14 March 2024 TEAC meeting.

The Nighttime Economy Diagnostic Tool was also subsequently completed by Council staff from the Planning & Economic Development team, the Infrastructure & Property team, and the Community Hubs team. The results showed Kiama's night-time economy firmly in the 'emerging' stage.

The next step towards preparing a night-time economy strategy is to seek Council's endorsement for its preparation. An audit of the existing night-time economy offerings in Kiama, and community/stakeholder engagement to form a shared vision of the local night-time economy also needs to be completed.

Since this report discussions have also occurred with the Nighttime Economy Commissioner Officer and the toolkit resources have been reviewed with preliminary analysis on the current state has been undertaken.

Extending Trading Hours Options

An immediate and practical approach to promoting sustainable growth in the local night-time economy could also be achieved through the exempt development pathways introduced as part of the vibrancy reforms.

Under this regime, certain businesses operating in certain zones are able to extend their trading hours without council approval. They are responsible for establishing systems to mitigate environmental impacts including noise and fire risk.

This pathway only applies for certain businesses, and excludes pubs, registered clubs and small bars. As such its impact would be to provide encourage more retail opportunities in the evenings, which would in turn support other evening businesses.

This exempt development pathway only allows businesses in E1 zones to extend their hours to 10pm, beyond that they would still require a DA.

Resourcing the Reforms

Whilst the proposal, petition and the vibrancy reforms are supported by Council staff the ability to resource and fund the works required to support these changes remain a challenge. Changes have occurred within the Economic Development Officer position at Council. This has resulted in the need for reconsideration of priorities and resource allocation to occur. If the Council seeks to enable a Special Entertainment Precinct to be established, then resource and budget will need to be allocated. Priorities of the

Notice of Motion

20.2 Notice of Motion: Council's commitment to develop a Night-time Economy Strategy (cont)

planning team will also need to be reconsidered to enable focus to be placed on this new priority.

It is recommended that any petition should include a request for the State Government to fully fund the work required to complete the planning proposal, accompanying studies and management plans for the establishment of such a precinct.

Item 20.2

20.3 Notice of Motion: The Bugle's adherence to journalistic standards

Clr Mark Croxford has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council:

1. Delegate to the CEO to make a formal referral to the Australian Press Council regarding concerns with The Bugle's ownership and reporting practices, based on:
 - (a) the grounds outlined in the Notice of Motion passed in May 2024;
 - (b) subsequent business arising discussions from the May 2024 ordinary meeting of council minutes at the June ordinary meeting of council; and
 - (c) the lack of response from The Bugle to the council's communications

The referral should include specific articles of concern published under The Bugle's own categories of news, blog, and Blow Your Bugle, and any other relevant attachments that validate the concerns Council has with The Bugle.

Signed Councillor Mark Croxford

Purpose

To ensure disclosure to mitigate potential conflicts of interest, transparency, accountability, and adherence to journalistic standards by The Bugle through an investigation and adjudication by the Australian Press Council.

Background

In May 2024, a Notice of Motion was unanimously passed by Kiama Municipal Council, expressing concerns regarding The Bugle's ownership and its reporting practices. The motion requested clarity around the beneficiaries of the Regional Media Unit Trust, which owns The Bugle, to determine if there are any conflicts of interest involving property developers or construction companies in the Kiama Local Government Area. Despite several communications from Council, including a formal letter from the CEO to the ASIC-listed trustee of the Regional Media Unit Trust and the local management representative, no response has been received. Specific articles published by The Bugle have raised concerns about biased reporting, lobbying for certain development applications, and actions at odds with the journalist code of ethics.

As a part of lodging a complaint with the Australian Press Council, one must be able to demonstrate the actions taken before the Press Council will consider the matter. My Notice of Motion and related actions serve to satisfy that prerequisite.

This motion seeks to refer the matter to the Australian Press Council for an independent investigation and adjudication.

Notice of Motion

20.3 Notice of Motion: The Bugle's adherence to journalistic standards (cont)

Link to Council Plans:

- **Operational Plan:** Enhancing transparency and accountability in local governance.
- **Community Strategic Plan:** Promoting ethical standards and integrity in local media. Ensuring fair and unbiased reporting on development projects.
- **Capital Works Program:** N/A

Costing/budget:

No additional funding required beyond existing operational resources for preparing and submitting the referral.

Chief Executive Officer response

The Australian Press Council (APC) has a well-established complaint handling procedure for news reports, articles, editorials, letters, cartoons, images and other published material. Complaints can be made to the APC by any person or organisation via the APC's online form, free of fee. Complaints are assessed by applying the APC's Standards of Practice.

At the Council Meeting on 21 May 2024, Cr Croxford submitted a Notice of Motion, which in essence delegated the CEO to seek full ownership details of The Bugle from its editor. This was to address concerns about potential conflicts of interest in its editorial content.

The CEO can confirm no response has been received.

In the absence of adequately disclosed interests (i.e. Principle 8 of the APC's Standards of Practice), Council has enduring concerns of articles, opinion pieces, 'Blow Your Bugle' and blogs published by The Bugle, and perceived bias in reporting in the main.

Newspapers do need to be independent, and a balance needs to be found. However, Council cannot compel The Bugle to release who are their beneficiaries. While The Bugle are not acting in an unlawful manner in protecting ownership information, their reluctance to respond to the CEO's correspondence does speak to transparency, when much of The Bugle content is anti-Council.

It is also worth noting that, if the APC determine that a breach of their Standards of Practice has occurred, the APC has power to impose a fine or other financial sanctions, or require, apologies, retractions, corrections or other remedial action.

20.4 Notice of Motion: Terralong Street Kiama - Transverse rumble strip crossings

Clr Mark Croxford has submitted the following Notice of Motion for Council's consideration:

MOTION

That for the preparation of the 2025/26 budget, Council:

1. Note the information provided to Council at the 21 May 2024 ordinary meeting at agenda item 17.2 Question for future meeting: Terralong Street Kiama - Transverse Rumble Strip Crossings.
2. Considers a project for the review of the pedestrian facilities and crossings on Terralong Street Kiama that would result in a report to Council on the outcomes of the review, including a concept plan, cost estimates, and timeline for undertaking any identified upgrade works. The review and report would address:
 - (a) Compliance with current Australian standards and guidelines, including Austroads Guide to Road Design.
 - (b) Safety assessments for all users, particularly vulnerable groups such as the elderly, people with disabilities, and cyclists.
 - (c) Potential legal liabilities associated with the current pedestrian crossings.
 - (d) Collating any community feedback on the effectiveness and safety of the pedestrian crossings.
 - (e) Potential upgrade works such as replacement of pedestrian facilities with raised pedestrian crossings or removal of pedestrian facilities.

Signed Councillor Mark Croxford

Purpose

To incorporate the review and potential upgrade of pedestrian facilities and crossings on Terralong Street Kiama into the 2025/26 budget cycle, ensuring compliance with current standards and improving safety for all users while acknowledging current financial constraints.

Background

At the ordinary meeting of 16 April 2024, Councillor Croxford requested a report for information concerning the transverse rumble strips in Terralong Street, Kiama. The report presented at the ordinary meeting of 21 May 2024 provided a detailed overview of the current situation, including:

- **Regulatory compliance:** The transverse rumble strips, installed in the late 1980s, were originally intended to encourage drivers to reduce speed in high pedestrian

Notice of Motion

20.4 Notice of Motion: Terralong Street Kiama - Transverse rumble strip crossings (cont)

areas. However, they are not a prescribed traffic facility and have no regulatory function, which may pose compliance issues with current standards.

- **Safety Risks:** The report highlighted safety concerns, particularly for vulnerable groups such as the elderly, people with disabilities, and cyclists. The rumble Page 3 strips can be misleading and hazardous, as they do not function as formal pedestrian crossings.
- **Legal Liabilities:** Potential legal liabilities were noted, with the Council needing to ensure that infrastructure is well maintained to limit civil liability for damage or injury.
- **Community Feedback:** Although no significant concerns have been raised in recent years, the need to review and potentially upgrade these facilities was emphasised to ensure ongoing safety and compliance.
- **Strategic Recommendations:** The Kiama Town Centre Study - Integrated Report - Part 1 (April 2019) recommended the removal or replacement of these rumble strips with elevated zebra crossings to enhance pedestrian safety and accessibility.

Given these findings and the significant financial constraints, it is essential to plan this necessary project within the upcoming 2025/26 budget cycle. This will ensure that proper financial planning and resource allocation can be achieved, addressing these crucial issues in a structured and financially responsible manner.

Link to Council plans:

This motion aligns with the Operational Plan and Community Strategic Plan, emphasising the importance of creating a safe, accessible, and well-managed urban environment for all residents and visitors to Kiama Municipality.

Costing / Budget:

Including this project in the 2025/26 budget cycle allows for proper financial planning and resource allocation, ensuring the Council is fully informed of the financial implications and opportunities associated with the proposed actions.

Chief Executive Officer response

This matter can be considered during the drafting of the 2025/26 Delivery Program and Operational Plan.

20.5 Notice of Motion: Timely Provision of Information

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

MOTION

That all former and new councillors are promptly advised as soon as the CEO receives any correspondence regarding the outcome of the ICAC referral made in May 2024.

Signed Councillor Kathy Rice

Chief Executive Officer response

As the Councillor Code of Conduct does not apply to former councillors, the CEO will commit to speaking or meeting relevant former councillors if appropriate, pending the ICAC outcome and determination.

21 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 16 July 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 AKUNA STREET LEGAL MATTER

Reason for Confidentiality: This matter deals with information that would, if disclosed, prejudice the maintenance of law as per Section 10A(2)(e) of the Local Government Act.

22.2 BLUE HAVEN UPDATE - JULY 2024

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 REPORT OF TENDER PANEL: JAMBEROO SPORTS FIELD LIGHTING TENDER KT-100542

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

22 CONFIDENTIAL REPORTS

22.1 Akuna Street legal matter

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, prejudice the maintenance of law.

22.2 Blue Haven Update - July 2024

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 23/0530C

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 Report of Tender Panel: Jamberoo Sports Field Lighting Tender KT-100542

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.

REASON FOR CONFIDENTIALITY

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

23 CLOSURE**Item 22.1 CONFIDENTIAL**