



ORDINARY MEETING OF COUNCIL

To be held at 5.00pm on

Tuesday 13 February 2024

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

Members

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

7 February 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 13 February 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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING OF MEETING.....	6
2	WEBCASTING STATEMENT	6
3	ACKNOWLEDGEMENT OF COUNTRY	6
4	STATEMENT OF ETHICAL OBLIGATIONS	6
5	APOLOGIES	6
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
	6.1 Ordinary Council meeting held on 14 December 2023.....	7
	6.2 Extraordinary Council meeting on 1 February 2024	26
7	BUSINESS ARISING FROM THE MINUTES.....	40
8	DISCLOSURE OF INTEREST	40
9	TABLING OF PETITIONS AND OTHER DOCUMENTS.....	40
10	PUBLIC FORUM SUMMARY.....	40
11	MAYORAL MINUTE.....	41
	11.1 Congratulations: Medal of the Order of Australia (OAM) - 2024 Australia Day Honours	41
12	MINUTES OF COMMITTEES.....	42
	12.1 Minutes: Audit, Risk and Improvement Committee - 12 December 2023 Revised Charter.....	42
13	REPORT OF THE CHIEF EXECUTIVE OFFICER.....	66
	13.1 2024 local government election - referendum	66
	13.2 Australian Local Government Association - National General Assembly 2024 - Councillor attendance and call for motions.....	70
	13.3 Council Committees - meeting minutes.....	97
	13.4 Destination Event Funding Program Assessment - Round Two	102
	13.5 Fee waiver request: Kiama Sevens	105
	13.6 Finance Advisory Committee - Resignation of member - Expressions of Interest.....	109

14	REPORT OF THE CHIEF OPERATING OFFICER.....	111
14.1	Endorse for public exhibition: DRAFT Enterprise Risk Management Policy.....	111
14.2	Post exhibition endorsement: Local Government Elections (Caretaker Period provisions) Policy	117
14.3	Quarterly Budget Review and Monthly Financial Statements December 2023	128
14.4	Statement of Investments: December 2023	158
14.5	Statement of Investments: January 2024.....	187
15	REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES	216
15.1	Southern Regional Planning Panel - Lot 2 Dido Street Proposed Subdivision	216
16	REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY.....	222
16.1	Traffic management: Kiama Local Traffic Committee meeting - 6 February 2024	222
17	REPORTS FOR INFORMATION	289
17.1	Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023.....	289
17.2	Question for future meeting: Blue Haven Bonaira finances.....	298
17.3	Question for Future Meeting: Blue Haven Project & Funding...	301
17.4	Question for Future Meeting: Blue Haven Terralong.....	304
17.5	Question for future meeting: Community Awards.....	305
17.6	Question for future meeting: Delegations.....	307
17.7	Question for future meeting: Performance Improvement Order.....	309
17.8	Question for future meeting: Sydney Water issues	310
17.9	Question for Future Meeting: Property and Divestment Strategy.....	313
17.10	Questions for Future Meeting Register - February 2024	314
17.11	Response to Notice of Motion (23/374OC): Background on timed "No Parking" restrictions outside of Kiama Public School, Collins Street Kiama.....	320
17.12	Supporting and working with First Nations Community	321
18	LATE ITEMS	323
19	NOTICE OF MOTION.....	324
19.1	Notice of Motion: Cul de sacs and waste vehicles	324

20 QUESTIONS FOR FUTURE MEETINGS.....327

21 CONFIDENTIAL SUMMARY327

21.1 Exclusion Of Press And Public:.....327

22 CONFIDENTIAL REPORTS.....328

22.1 Blue Haven Update328

22.2 Deposit refund request: booking for The Pavilion Kiama328

22.3 Write-off of outstanding debts328

23 CLOSURE329

**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 13 FEBRUARY 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 held on 14 December 2023

Attachments

- 1 14 December 2023 - Ordinary Council - minutes [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council meeting held on 14 December 2023 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 4pm on

THURSDAY 14 DECEMBER 2023

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON THURSDAY 14 DECEMBER 2023 AT 4PM**

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

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

1 OPENING OF MEETING

The Deputy Mayor opened the meeting at 4pm.

2 WEBCASTING STATEMENT

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

3 ACKNOWLEDGEMENT OF COUNTRY

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

4 STATEMENT OF ETHICAL OBLIGATIONS

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

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

5 APOLOGIES

Apology

23/355OC

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

(Councillors Draisma and Steel)

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

Against: Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1 Ordinary Council meeting on 21 November 2023

23/356OC

Resolved that the Minutes of the Ordinary Council meeting held on 21 November 2023 be received and accepted.

(Councillors Larkins and Rice)

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

Against: Nil

7 BUSINESS ARISING FROM THE MINUTES

Councillor Croxford declared a motion of urgency in relation to a Code of Conduct matter against Councillor Renkema-Lang. Councillor Keast raised a Point of Order that Councillor Croxford refrain from making defamatory statements. Councillor Renkema-Lang raised a Point of Order and requested Councillor Croxford apologise. The Deputy Mayor ruled against the motion of urgency and the point of order as no defamatory remarks had yet been made.

8 DISCLOSURE OF INTEREST

Disclosure of Interest – Councillor Stuart Larkins – Item 13.1

Councillor Larkins declared a less than significant non-pecuniary interest in Item 13.1 *Small Community Event Funding Program Assessment* as he volunteers in various Lions clubs – Gerringong Lions are recipients of funding. Councillor Larkins proposed to disclose and vote.

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

Disclosure of Interest – Councillor Renkema-Lang – Item 13.1

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in Item 13.1 *Small Community Event Funding Program Assessment* as she was the founding chair of Kiama Community Radio and remains a member and is a member of Kiama Lions Club, both of whom are recipients of funding. Councillor Renkema-Lang proposed to disclose and leave the chamber.

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

10 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Becky Guggisberg	13.2	2024 Kiama Jazz and Blues Festival – funding review
Deb Murphy	16.1	Proposed road closure: Un-named lane off Akuna Street, Kiama
Elizabeth Burnett	22.2	Dealings in land holdings: Barney Street, Kiama – unsolicited offer

11 MAYORAL MINUTE

11.1 Christmas Wishes

23/357OC

Resolved that Council extends to all, the wish for a happy and peaceful Christmas and for a safe and prosperous New Year.

(Councillor Draisma)

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

Against: Nil

Procedural motion: In globo resolutions

23/358OC

Resolved that Council move in globo and adopt the recommendations contained within the report for items 12.1, 13.2, 14.4, 16.2, 17.2, 17.3 and 17.4.

(Councillors Larkins and Keast)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

Procedural motion: Matter of urgency

23/359OC

Resolved that in accordance with clause 9.3 of the Code of Meeting Practice, Councillor Keast's motion in relation to "Investigating Jones Beach Vegetation Destruction" is considered urgent on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council, which is to be held Tuesday 13 February 2024.

(Councillor Draisma)

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

Against: Nil

Councillor Keast motion: Investigating Jones Beach Vegetation Destruction

23/360OC

Resolved that Council:

1. Allocate resources, funded from the existing operational budget, to investigate the new occurrence of vegetation destruction located near the dog off-leash pathway leading to Jones Beach, as a matter of urgency
2. Respond in accordance with the Public Tree Management Policy
3. Report to Council and the community on the outcome of the investigation and Council's response.

(Councillors Keast and Draisma)

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

Against: Nil

12 MINUTES OF COMMITTEES

12.1 Minutes: Blue Haven Advisory Committee meeting - 24 October 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/358OC.

23/361OC

Resolved that the Minutes of the Blue Haven Advisory Committee meeting held on 24 October 2023 be received.

(Councillors Larkins and Keast)

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

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

Against: Nil

Councillor Rice declared a motion of urgency to defer consideration of the Blue Haven tender report to a council meeting that is separate and subsequent to the February ordinary meeting. The Deputy Mayor ruled against the motion of urgency.

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Small Community Event Funding Program Assessment

Disclosures of interest

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

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in this matter, disclosed and left the room at 4.16pm.

23/362OC

Resolved that Council:

1. Receives and notes this report; and
2. Endorses the recommendations by the internal grant assessment panel for the following applicants and support value:

	Applicant	Event	Date	Value of support
1	Red Cross	Fun Run	9 June 2024	1,000
2	Gerringong Lions Club	Motorfest/Car Show	17 February 2024	920
3	Jamberoo Football Club	Jamberoo 7s	2-4 February 2024	1,000
4	Gerringong Bowlo <i>Pre-approved under delegated authority</i>	Carols	16 December 2023	500
5	Gerringong Anglican Church <i>Pre-approved under delegated authority</i>	Carols	17 December 2023	500
6	Jamberoo Youth Hall Association Inc	Celebration of Youth and Heritage	16 March 2024	750
7	Gerringong Community Garden	Expansion	Ongoing	250
8	Kiama-Shellharbour Camera Club	Photographic Exhibition	16-22 May 2024	550

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

9	Kiama Leagues Club	Carols	20 December 2023	2,000
10	Kiama Jamberoo Uniting Church <i>Pre-approved under delegated authority</i>	Carols	20 December 2023	500
11	Life Together	Seminar-Dealing with Disappointment	15 February 2024	350
12	CWA Evening Branch	Anzac Day biscuits	25 April 2024	500
13	Jamberoo Croquet Club	Autumn Carnival	3-6 April 2024	250
14	Kiama Community Radio	Vintage Vibrations: "Melody Through the Ages"	10 April and 18 June 2024	1,430
TOTAL				\$10,500

(Councillors Brown and Croxford)

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

Against: Nil

Councillor Renkema-Lang returned to the meeting at 4.16pm.

13.2 2024 Kiama Jazz and Blues Festival - Funding review

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/358OC.

23/363OC

Resolved that Council endorses the \$17,000 Signature Community Event funding be reallocated to the Kiama Jazz and Blues Festival for the purpose of providing a free community music performance to include activation of Manning and Terralong Streets on Sunday 10 March 2024.

(Councillors Larkins and Keast)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 October 2023 Monthly Financial Report

23/364OC

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

(Councillors Brown and Steel)

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

Against: Nil

14.2 Statement of Investments - November 2023

23/365OC

Resolved that Council:

1. Receives the information relating to the Statement of Investments as at 30 November 2023.
2. Approves the transfer of \$2,000,000 to the Land Development Reserve from Unrestricted Funds and endorses the restricted funds position outlined in the report.

(Councillors Brown and Keast)

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

Against: Nil

14.3 Endorse for public exhibition: Investment Policy

23/366OC

Resolved that Council:

1. Proceeds with public exhibition of the Draft Investment Policy for a period of 28 days
2. Adopt the Draft Investment Policy if no submissions are received by the completion of the public exhibition period.
3. Notes that if submissions are received during public exhibition period and the policy needs to be updated, the final Draft Investment Policy be reported back to Council for formal endorsement and adoption.

(Councillors Larkins and Brown)

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

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

Against: Nil

14.4 Model Code of Conduct Complaints Report - 1 September 2022 to 31 August 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/358OC.

23/367OC

Resolved that Council receive and note the Model Code of Conduct Complaints Statistics report for the period 1 September 2022 to 31 August 2023 as presented.

(Councillors Larkins and Keast)

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

Against: Nil

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

15.1 South Coast Cooperative Library Services - Annual Report

It was **moved** by Councillor Brown and **seconded** by Councillor Larkins that Council note the contents of the Annual Report on the South Coast Library Cooperative.

23/368OC

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

1. Note the contents of the Annual Report on the South Coast Library Cooperative.
2. Expresses its appreciation to the South Coast Co-operative Library partnership for their ongoing co-operation, and thanks them for the diverse range of experiences they provide to the Kiama and Shoalhaven communities.

(Councillors Brown and Larkins)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Proposed road closure: Un-named lane off Akuna Street, Kiama

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

1. Continue the road closure process for the portion of un-named lane off Akuna Street, Kiama under the Roads Act 1993.
2. Approve classification of the subject road reserve as operation land upon closure and the creation of title subject to public notice of the classification under Section 31 and 34 of the Local Government Act 1993.
3. Delegate the Chief Executive Officer the authority to sign under seal or as landowner, any documentation associated with the road closure; and
4. Note that following completion of the road closure process a future report will be prepared in relation to the sale of land.

23/369OC

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

1. Continue the road closure process for the portion of un-named lane off Akuna Street, Kiama under the Roads Act 1993.
2. Approve classification of the subject road reserve as operation land upon closure and the creation of title subject to public notice of the classification under Section 31 and 34 of the Local Government Act 1993.
3. Delegate the Chief Executive Officer the authority to sign under seal or as landowner, any documentation associated with the road closure; and
4. Note that following completion of the road closure process a future report will be prepared in relation to the sale of land.
5. If the road closure proceeds, that as a part of finalising the registration of the new Lot and any consequent sale process, that the provision of an appropriate easement or Right of Way is investigated for the new lot, or adjacent lot, if required, to deliver the connectivity goals with respect to pedestrian connectivity between Akuna Street and Terralong Street.

(Councillors Brown and Steel)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

Procedural Motion – Councillor excused from standing

23/3700C

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

(Councillors Draisma and Larkins)

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

Against: Nil

16.2 Traffic management: Kiama Local Traffic Committee meeting – 5 December 2023

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/3580C.

23/3710C

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 5 December be received and the following recommendations be adopted, subject to any other approvals that may be required:

1. **23/001LTC** the changes to the existing timed ‘Mail Zone’ at Shop 3 146-152 Fern Street, Gerringong, the Gerringong Post office, identifying 8:00am-9:00am and 4:30pm-5:30pm Monday to Friday as a no parking zone, through the installation of regulatory signage and line marking, as shown in the attached plan.
2. **23/002LTC** the traffic changes associated with the Red Hot Summer Tour event on 6 January 2024 from 6:00 a.m. to 11.00 p.m. be approved subject to organizers complying with the following conditions:
 - i. The event organizer complies with the Traffic Management Plans.
 - ii. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
 - iii. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.
 - iv. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents affected by the closure.
 - v. An advertisement be placed in the local media advising of the closure and traffic changes.
 - vi. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

- vii. Extra train services have been put in place for people travelling to and from the event.
 - viii. TfNSW will be conducting complimentary breath testing and Plan B behavioural messaging at the event, to support people attending that event to make good decisions in getting home.
3. **23/003LTC** the temporary closure of Belinda Street, Gerringong between the Princes Highway (M1) Off Ramp and driveway entry to the Gerringong Train Station 24 February 2024 to the 25 February 2024 between the hours of 12pm to 12pm each day, subject to the applicant and suitably qualified traffic controllers complying with the following conditions:
- i. The applicant complies with the Traffic Management Plan shown in Attachments and conditions of consent imposed in the Road Occupation Permit by the Roads Authority.
 - ii. Notification of the closures be given to Police, local emergency services, businesses and affected residents a minimum of 7 days prior to works occurring by the Applicant.
 - iii. The closure be advertised on Council's website 7 days prior to the commencement of works.
 - iv. Work dates and times delayed by inclement weather may be extended at the discretion and written approval of Kiama Council.
 - v. The Applicant receiving a Road Occupancy Permit from Transport for NSW for potential impacts on the M1 Princes Highway including messaging on the Highway variable message signage.
 - vi. Specific engagement with the Ampol Service Station to minimise business impacts.
 - vii. A VMS sign is placed in a suitable location south bound on the motorway, in advance of the Fern Street exit that states that Belinda Street is closed.
4. **23/004LTC** the installation of an accessible parking space between the driveways of 56 and 58 Johnson Street, Kiama Downs. Please note that this will be a public facility, and is not restricted to the residents of 56 Johnson Street, Kiama Downs.

(Councillors Larkins and Keast)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

17 REPORTS FOR INFORMATION

The following recommendation was adopted as part of the in globo adoption of items – refer minute number 23/358OC.

23/372OC

Resolved

The following Reports for Information listed for the Council's consideration are received and noted:

- 17.2 Question for future meeting: Emery Park playground update.
- 17.3 Questions for Future Meeting Register - December 2023.
- 17.4 Question for future meeting: Beach patrol extension.

(Councillors Larkins and Keast)

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

Against: Nil

17.1 Resolution Register - July 2023 to October 2023 and update on previous periods.

23/373OC

Resolved that Council receive and note the information report on Item 17.1 Resolution Register – July 2023 to October 2023 and update on previous periods.

(Councillors Brown and Steel)

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

Against: Nil

18 LATE ITEMS

Nil

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

19 NOTICE OF MOTION

19.1 Notice of Motion: Timed 'No Parking' restrictions on Collins Street, Kiama

23/374OC

Resolved that Council:

1. Provide a report for information about when the installation of timed 'No Parking' restrictions were approved outside Kiama Public School for the 45-degree angle spaces on the western side of Collins Street, south of Akuna Street, and also provide the date on which these signs were installed between December 2020 and March 2022.
2. As part of the report, provide an update on the number of infringement notices issued at this site between the above-mentioned timeframe.
3. Review the current time parking arrangements around Kiama Public School and continue to work with relevant stakeholders on any future changes.

(Councillors Larkins and Keast)

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

Against: Nil

19.2 Notice of Motion: Impact of development on the Minnamurra River

23/375OC

Resolved that Council:

1. Supports the development of health facilities in our area that are designed to meet the health needs of our community.
2. Acknowledges the Minnamurra Progress Association's concerns about the potential adverse impact of the Shellharbour Hospital development on the biodiversity of the Minnamurra River and surrounding eco-systems.
3. Writes to The Hon. Ryan John Park, Minister for the Illawarra and South Coast and the Hon. (Penny) Penelope Gail Sharpe NSW Minister for the Environment:
 - (a) Highlighting that in addition to providing natural habitat for endangered and threatened species, the Minnamurra River and surrounding eco-systems provides public and social infrastructure for recreational, fishing and tourism activities, activities that bring significant economic benefits for our municipality.
 - (b) Expressing concerns about the cumulative adverse impact of urban and industry development (such as the Shellharbour Hospital and Dunmore Lakes Sand Extraction projects) on the biodiversity of the Minnamurra River and surrounding eco-systems.

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

- (c) Seeking clarification on what planning instruments or other legislative arrangements are in place to protect and preserve the biodiversity of the Minnamurra River and surrounding eco-systems from the cumulative impacts of nearby urban and industry developments.
- (d) Seeking their assistance to establish stronger planning controls (such as the introduction of a site-specific Biodiversity and Conservation State Environmental Planning Policy) to protect, preserve and restore the biodiversity of the Minnamurra River and surrounding eco-systems.

(Councillors Renkema-Lang and Draisma)

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

Against: Councillors Brown, Croxford and Steel

20 QUESTIONS FOR FUTURE MEETINGS

20.1 Blue Haven Havilah

Councillor Croxford requested a report on the Blue Haven Havilah former residential aged care facility to identify under the boarding houses and co-living housing provisions of the NSW Planning Act the viability of, and range of possible options available to Council to enable suitable accommodation solutions at the same time as matters relating to the Blue Haven Havilah precinct proceed. This matter was referred to the Chief Operating Officer.

20.2 Delegations

Councillor Keast requested:

1. A report on the status of the review of the Council's Register of Delegations, noting that on the Council website it states it is currently under review.
2. Provide a copy of the current Register of Delegations i.e. the register of the functions delegated to the CEO, Mayor and officers of the Council.

This matter was referred to the Chief Operating Officer.

20.3 Performance Improvement Order

Councillor Renkema-Lang requested a report that details:

1. the status of the Office of Local Government Performance Improvement Order issued on 8 November 2022
2. correspondence between Council and the Office of Local Government since July 2023 related to progress against any outstanding action items detailed in the PIO report.

This matter was referred to the Chief Executive Officer.

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

20.4 Jamberoo Heritage Review

Councillor Larkins requested an update on the progress of the Jamberoo Heritage Review and whether as a result of the deferral from 12 months ago, that creating heritage conservation areas are no longer being considered. This matter was referred to the Director Planning, Environment and Communities.

21 CONFIDENTIAL SUMMARY

23/376OC

Resolved that at this time, 4.49pm, 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 Keast and Rice)

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

Against: Nil

Public Representations:

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

21.1 Exclusion Of Press And Public:

23/377OC

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

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 DEALINGS IN LAND HOLDINGS - BARNEY STREET, KIAMA - UNSOLICITED OFFER

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act and information that would, if disclosed, confer a commercial

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

advantage on a person with whom the Council is conducting (or proposes to conduct) business as per Section 10A(2)(c) of the Local Government Act.

(Councillors Larkins and Croxford)

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

Against: Nil

22 CONFIDENTIAL REPORTS

22.1 Blue Haven Update

23/378OC

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

(Councillors Larkins and Renkema-Lang)

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

Against: Nil

22.2 Dealings in land holdings - Barney Street, Kiama - Unsolicited Offer

Councillor Croxford foreshadowed the original motion.

Councillor Renkema-Lang raised a Point of Order. The Deputy Mayor ruled this was not a Point of Order under meeting procedures.

23/379OC

Committee recommendation that Council:

1. Retain ownership of the Barney Street freehold properties described as Lot 9 DP850163 and part Lot 69 DP1065423.
2. Decline the current unsolicited offer.
3. Delegates to the Chief Executive Officer to offer the current lessee a new longer term lease of 5 x 5 years negotiating a commercial return that recognises community benefit.
4. Pending successful negotiation of a new lease consider as part of the budget process for 2024/2025:
 - a) working with the lessee to apply for grant funding to establish disability access and other infrastructure required to facilitate ongoing operation of the business.
 - b) reviewing the DCP to allow for the restrictions around Sunday and Public Holiday trading on this site to be removed, noting that a modification application would need to be submitted to Council for consideration.

(Councillors Renkema-Lang and Rice)

MINUTES OF THE ORDINARY MEETING

14 DECEMBER 2023

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

Close of Confidential Committee of the Whole:

23/380OC

Resolved that at this time, 5.16pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Renkema-Lang and Brown)

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

Adoption of Report

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

23/381OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 23/377OC to 23/380OC be confirmed and adopted.

(Councillors Keast and Renkema-Lang)

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

23 CLOSURE

There being no further business the meeting closed at 5.19pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 13 February 2024

.....
Deputy Mayor

6.2 Extraordinary Council meeting on 1 February 2024

Attachments

- 1 Minutes: Extraordinary Council - 01/02/2024 [↓](#)

Enclosures

Nil

Item 6.2

RECOMMENDED

That the Minutes of the Extraordinary Council meeting held on 1 February 2024 be received and accepted.



MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL

commencing at 5pm on

THURSDAY 1 FEBRUARY 2024

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

**MINUTES OF THE EXTRAORDINARY MEETING
OF THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON THURSDAY 1 FEBRUARY 2024 AT 5PM**

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

BY AUDIO-VISUAL: Deputy Mayor – Councillor I Draisma
LINK

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
Daryl Hagger – Public Officer

1 OPENING OF MEETING

The Mayor opened the meeting at 5pm.

2 WEBCASTING STATEMENT

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

3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional owners.

4 STATEMENT OF ETHICAL OBLIGATIONS

The Mayor read the statement of ethical obligations:

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

5 APOLOGIES

Nil.

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

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

24/001OC

Resolved that Council, as required under section 5.2 of the Code of Meeting Practice, permit Councillor Draisma to attend the Extraordinary Council meeting held on 1 February 2024 via audio-visual due to her being overseas at this time.

(Councillors Brown and Croxford)

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

Against: Nil

Procedural motion – Councillor excused from standing

24/002OC

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

(Councillors Croxford and Brown)

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

Against: Nil

6 DISCLOSURE OF INTEREST

Disclosure of Interest - Councillor Renkema-Lang

Councillor Renkema-Lang declared a less than significant non-pecuniary interest in item 8.1 *Notice of Motion: Open letter to Council – Blue Haven* and item 9.1 *Tender – Blue Haven – Bonaira divestment* as she is a member of the United Services Union. Councillor Renkema-Lang proposed to disclose and vote on this matter.

Disclosure of Interest - Councillor Keast

Councillor Keast declared a less than significant non-pecuniary interest in item 9.1 *Tender – Blue Haven – Bonaira divestment* as she is an employee of the Kiama Community College Ltd which offers courses in Certificate III Aged Care. Students undertake placement at Blue Haven Bonaira, though Councillor Keast is not involved in coordinating the course, recruiting the students or arranging the placements. Councillor Keast's father also volunteers at Blue Haven Bonaira, providing entertainment at Friday Happy Hour. Councillor Keast proposed to disclose and vote on this matter.

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

7 PUBLIC FORUM SUMMARY

Name	Item No.	Subject
Howard Jones	8.1	Notice of Motion: Open letter to Council – Blue Haven

TABLING OF PETITIONS AND OTHER DOCUMENTS

Due to the unlawful, unenforceable and unworkable notice of motion for the Open Letter to Council written by Howard Jones and Sandra McCarthy, the Mayor proposed to table the open letter for the public record.

Councillor Croxford raised a **point of order** in line with clause 10.28 of the Code of Meeting Practice to reduce the speaking time. The Mayor ruled that a motion needed to be put.

Procedural motion**24/003OC**

Resolved that in line with clause 10.28 of the Code of Meeting Practice the speaking time be reduced from 5 minutes to 3 minutes.

(Councillors Croxford and Brown)

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

Against: Nil

Councillor Rice disagreed with the Mayor's ruling on the tabling of the Notice of Motion open letter. At this time 5:09pm, standing orders were suspended to deal with a motion of dissent.

The Mayor ruled that Councillor Rice could speak for 5 minutes on the dissent motion, as well as for his response.

Councillor Brown raised a **point of order** that the motion was unlawful so should not be debated. The Mayor ruled that the notice of motion was not being debated but the Chair's ruling on the tabling of the letter was the matter being discussed and that Councillor Rice had dissented from the Mayor's ruling.

Councillor Renkema-Lang raised a **point of order** that there are corrections to the advice that the motion is not lawful that need to be stated. The Mayor ruled that the motion of dissent was being discussed, not the recommendation of the Notice of Motion.

Motion of dissent

It was **moved** by Councillor Rice that the meeting dissent from the Chairperson's ruling on the Open Letter being tabled.

The **motion** on being put was **lost**.

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

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

Standing orders resumed at 5:20pm.
The Mayor tabled the Open Letter in petitions and other documents.

8 NOTICE OF MOTION

8.1 Notice of Motion: Open letter to Council - Blue Haven

As the Open letter to Council has been tabled this Notice of Motion did not proceed to debate.

The Mayor advised the public and press attending that the Council would be moving into closed session. As some members of the public (United Services Union officials) refused to leave the gallery standing orders were suspended at 5:23pm to seek Police assistance.

Standing orders resumed at 6:06pm.

9 CONFIDENTIAL SUMMARY

24/004OC

Resolved that at this time, 6.06pm, 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 Steel 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.

10.1 Exclusion Of Press And Public:

24/005OC

Committee recommendation that in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the

MINUTES OF THE EXTRAORDINARY MEETING**1 FEBRUARY 2024**

Confidential Committee of the Whole to the Press and Public to deal with the following matters on the grounds as detailed below.

9.1 TENDER - BLUE HAVEN - BONAIRA DIVESTMENT

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

(Councillors Steel and Keast)

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

Against: Nil

10 CONFIDENTIAL REPORTS**9.1 Tender - Blue Haven - Bonaira Divestment****Declarations of interest**

Councillor Renkema-Lang and Councillor Keast both declared a less than significant non-pecuniary interest in this matter, disclosed and voted.

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

1. receives that by RFT process, Request for Tender – Blue Haven (November 2023) (RFT) Council invited tenders in relation to the sale of its aged care business known as Blue Haven – Bonaira located at 14a Bonaira Street, Kiama NSW 2533 (together with relevant assets used to conduct the Business and the land);
2. receives the confidential report in relation to the RFT, “Tender - Blue Haven - Bonaira Divestment” (**Confidential Report**);
3. receives that the RFT did not include the Council’s Community Transport Operations, due to issues raised by Transport for NSW (TfNSW);
4. declines to accept any of the tenders submitted in response to the RFT;
5. for the purpose of section 178(3)(e) of the *Local Government (General) Regulation 2021 (LG Regulation)*, resolves to enter into direct negotiations with the Preferred Tenderer identified in the Confidential Report in the manner described in the Confidential Report;
6. notes that the reason for Council determining to enter into direct negotiations with the Preferred Tenderer is that Council is satisfied that the Preferred Tenderer would be capable of meeting the requirements set out in the RFT; and
7. accepts that the reasons for Council declining to invite fresh tenders or applications under sections 178(3)(b)-(d) are:
 - (a) it is not expected that further market testing will provide a more satisfactory result;

MINUTES OF THE EXTRAORDINARY MEETING**1 FEBRUARY 2024**

- (b) despite none of the tenders being capable of acceptance at the end of the RFT Tender, Council considers that there are reasonable prospects of achieving an advantageous outcome through direct negotiations with the Preferred Tenderers;
- (c) inviting fresh tenders would delay the sale with potentially adverse consequences for the organisation;
- 8. authorises the Chief Executive Officer to directly negotiate with the Preferred Tenderer(s):
 - (a) in the manner described in the Confidential Report for the purposes of entering into an agreement to sell Council's aged care business known as Blue Haven – Bonaira;
 - (b) ensuring in accordance with the Fair Work Act 2009 that for a period of five years, the current terms and conditions of employment be transferred to the employment of the transferring employees with the new employer;
- 9. directs the Chief Executive Officer to table any draft contract arising from the direct negotiations with either of the Preferred Tenderer(s) before Council for resolution prior to contract execution;
- 10. resolves that because of extenuating circumstances a satisfactory result would not be achieved by inviting tenders for the sale of the Council's Community Transport Operations related to Blue Haven-Bonaira, and notes that the reasons for forming that view are that a fresh open tender process would be difficult to conduct where Transport for NSW requires direct involvement;
- 11. authorises the Chief Executive Officer under s55(3)(i) of the LG Act, to:
 - (a) directly negotiate with the parties listed in the Confidential Report for the purposes of entering into an agreement to sell the Council's Community Transport Operations related to Blue Haven-Bonaira, and
 - (b) execute any agreement arising from those direct negotiations.

An **amended motion was moved** by Councillor Renkema-Lang and seconded by Councillor Rice, that Council:

1. receives that by RFT process, Request for Tender – Blue Haven (November 2023) (RFT) Council invited tenders in relation to the sale of its aged care business known as Blue Haven – Bonaira located at 14a Bonaira Street, Kiama NSW 2533 (together with relevant assets used to conduct the Business and the land);
2. receives the confidential report in relation to the RFT, "Tender - Blue Haven - Bonaira Divestment" (**Confidential Report**);
3. receives that the RFT did not include the Council's Community Transport Operations, due to issues raised by Transport for NSW (TfNSW);
4. declines to accept any of the tenders submitted in response to the RFT;
5. for the purpose of section 178(3)(e) of the *Local Government (General) Regulation 2021 (LG Regulation)*, resolves to enter into direct negotiations with the Preferred Tenderer identified in the Confidential Report in the manner described in the Confidential Report;

MINUTES OF THE EXTRAORDINARY MEETING**1 FEBRUARY 2024**

6. notes that the reason for Council determining to enter into direct negotiations with the Preferred Tenderer is that Council is satisfied that the Preferred Tenderer would be capable of meeting the requirements set out in the RFT; and
7. accepts that the reasons for Council declining to invite fresh tenders or applications under sections 178(3)(b)-(d) are:
 - (a) it is not expected that further market testing will provide a more satisfactory result;
 - (b) despite none of the tenders being capable of acceptance at the end of the RFT Tender, Council considers that there are reasonable prospects of achieving an advantageous outcome through direct negotiations with the Preferred Tenderers;
 - (c) inviting fresh tenders would delay the sale with potentially adverse consequences for the organisation;
8. authorises the Chief Executive Officer to directly negotiate with the Preferred Tenderer(s):
 - (a) in the manner described in the Confidential Report for the purposes of entering into an agreement to sell Council's aged care business known as Blue Haven – Bonaira;
 - (b) ensuring in accordance with the Fair Work Act 2009 that for a period of five years, the current terms and conditions of employment be transferred to the employment of the transferring employees with the new employer;
9. directs the Chief Executive Officer to table any draft contract arising from the direct negotiations with either of the Preferred Tenderer(s) before Council for resolution prior to contract execution;
10. defers the decision to sell Council's community transport operations related to Blue Haven Bonaira until the draft contract comes back to Council;
11. authorises the Chief Executive Officer under s55(3)(i) of the LG Act, to:
 - (a) directly negotiate with the parties listed in the Confidential Report for the purposes of entering into an agreement to sell the Council's Community Transport Operations related to Blue Haven-Bonaira and
 - (b) execute any agreement arising from those direct negotiations.

Councillor Brown raised a **point of order** that Councillor Renkema-Lang's motion was in direct contradiction of a decision of Council and could not be put. Prior to the Mayor making a ruling Councillor Draisma raised a **point of order** that as this is outside of the three (3) month timeframe there is capacity to change the motion. The Mayor ruled that he had already not accepted the amendment.

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

For: Councillors Keast, Renkema-Lang and Rice

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

An **amended motion was moved** by Councillor Keast and seconded by Councillor Rice that Council:

MINUTES OF THE EXTRAORDINARY MEETING**1 FEBRUARY 2024**

1. receives that by RFT process, Request for Tender – Blue Haven (November 2023) (RFT) Council invited tenders in relation to the sale of its aged care business known as Blue Haven – Bonaira located at 14a Bonaira Street, Kiama NSW 2533 (together with relevant assets used to conduct the Business and the land);
2. receives the confidential report in relation to the RFT, “Tender - Blue Haven - Bonaira Divestment” (**Confidential Report**);
3. receives that the RFT did not include the Council’s Community Transport Operations, due to issues raised by Transport for NSW (TfNSW);
4. declines to accept any of the tenders submitted in response to the RFT;
5. for the purpose of section 178(3)(e) of the *Local Government (General) Regulation 2021 (LG Regulation)*, resolves to enter into direct negotiations with the Preferred Tenderer identified in the Confidential Report in the manner described in the Confidential Report;
6. notes that the reason for Council determining to enter into direct negotiations with the Preferred Tenderer is that Council is satisfied that the Preferred Tenderer would be capable of meeting the requirements set out in the RFT; and
7. accepts that the reasons for Council declining to invite fresh tenders or applications under sections 178(3)(b)-(d) are:
 - (a) it is not expected that further market testing will provide a more satisfactory result;
 - (b) despite none of the tenders being capable of acceptance at the end of the RFT Tender, Council considers that there are reasonable prospects of achieving an advantageous outcome through direct negotiations with the Preferred Tenderers;
 - (c) inviting fresh tenders would delay the sale with potentially adverse consequences for the organisation;
8. authorises the Chief Executive Officer to directly negotiate with the Preferred Tenderer(s):
 - (a) in the manner described in the Confidential Report for the purposes of entering into an agreement to sell Council’s aged care business known as Blue Haven – Bonaira;
 - (b) ensuring in accordance with the Fair Work Act 2009 that for a period of five years, the current terms and conditions of employment be transferred to the employment of the transferring employees with the new employer;
9. directs the Chief Executive Officer to table any draft contract, and the supporting evaluation report, arising from the direct negotiations with either of the Preferred Tenderer(s), before Council for resolution prior to contract execution;
10. resolves that because of extenuating circumstances a satisfactory result would not be achieved by inviting tenders for the sale of the Council’s Community Transport Operations related to Blue Haven-Bonaira, and notes that the reasons for forming that view are that a fresh open tender process would be difficult to conduct where Transport for NSW requires direct involvement;

MINUTES OF THE EXTRAORDINARY MEETING**1 FEBRUARY 2024**

11. authorises the Chief Executive Officer under s55(3)(i) of the LG Act, to:
- (a) directly negotiate with the parties listed in the Confidential Report for the purposes of entering into an agreement to sell the Council's Community Transport Operations related to Blue Haven-Bonaira and
 - (b) execute any agreement arising from those direct negotiations.

Councillor Steel raised a **point of order** that the amendment be put.

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

For: Councillors Keast, Renkema-Lang and Rice

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

24/006OC**Committee recommendation** that Council:

1. receives that by RFT process, Request for Tender – Blue Haven (November 2023) (RFT) Council invited tenders in relation to the sale of its aged care business known as Blue Haven – Bonaira located at 14a Bonaira Street, Kiama NSW 2533 (together with relevant assets used to conduct the Business and the land);
2. receives the confidential report in relation to the RFT, "Tender - Blue Haven - Bonaira Divestment" (**Confidential Report**);
3. receives that the RFT did not include the Council's Community Transport Operations, due to issues raised by Transport for NSW (TfNSW);
4. declines to accept any of the tenders submitted in response to the RFT;
5. for the purpose of section 178(3)(e) of the *Local Government (General) Regulation 2021 (LG Regulation)*, resolves to enter into direct negotiations with the Preferred Tenderer identified in the Confidential Report in the manner described in the Confidential Report;
6. notes that the reason for Council determining to enter into direct negotiations with the Preferred Tenderer is that Council is satisfied that the Preferred Tenderer would be capable of meeting the requirements set out in the RFT; and
7. accepts that the reasons for Council declining to invite fresh tenders or applications under sections 178(3)(b)-(d) are:
 - (a) it is not expected that further market testing will provide a more satisfactory result;
 - (b) despite none of the tenders being capable of acceptance at the end of the RFT Tender, Council considers that there are reasonable prospects of achieving an advantageous outcome through direct negotiations with the Preferred Tenderers;
 - (c) inviting fresh tenders would delay the sale with potentially adverse consequences for the organisation;
8. authorises the Chief Executive Officer to directly negotiate with the Preferred Tenderer(s):

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

- (a) in the manner described in the Confidential Report for the purposes of entering into an agreement to sell Council's aged care business known as Blue Haven – Bonaira;
 - (b) ensuring in accordance with the Fair Work Act 2009 that for a period of five years, the current terms and conditions of employment be transferred to the employment of the transferring employees with the new employer;
9. directs the Chief Executive Officer to table any draft contract arising from the direct negotiations with either of the Preferred Tenderer(s) before Council for resolution prior to contract execution;
10. resolves that because of extenuating circumstances a satisfactory result would not be achieved by inviting tenders for the sale of the Council's Community Transport Operations related to Blue Haven-Bonaira, and notes that the reasons for forming that view are that a fresh open tender process would be difficult to conduct where Transport for NSW requires direct involvement;
11. authorises the Chief Executive Officer under s55(3)(i) of the LG Act, to:
- (a) directly negotiate with the parties listed in the Confidential Report for the purposes of entering into an agreement to sell the Council's Community Transport Operations related to Blue Haven-Bonaira and
 - (b) execute any agreement arising from those direct negotiations.

(Councillors Reilly and Brown)

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

Against: Councillors Renkema-Lang and Rice

The Mayor retracted his comments made during the course of the debate.

Close of Confidential Committee of the Whole:

24/007OC

Committee recommendation that at this time, 6.36pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Croxford and Draisma)

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

Against: Nil

The Mayor ruled that the public cannot return to the gallery due to the health and safety risk to Councillors and staff.

Adoption of Report

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

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

24/008OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 24/005OC to 24/007OC be confirmed and adopted.

(Councillors Reilly and Brown)

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

Against: Nil

Addendum to reports

24/009OC

Resolved that at this time, 6:43pm, Council bring forward and deal with the supplementary item S1 *Notice of Intention to vary a Performance Improvement Order*.

(Councillors Steel and Larkins)

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

Against: Nil

S.1 Notice of Intention to vary a Performance Improvement Order

Councillor Croxford raised a **point of order** that Councillor Renkema-Lang was grandstanding and the motion should be put. The Mayor ruled that the motion could not be put as there had not been two speakers in favour and against.

Councillor Renkema-Lang moved a motion of dissent against the Mayor's ruling that she was not allowed to continue to speak. The Mayor ruled that it was not a motion of dissent but a motion [sic] of disorder and in line with section 15.12 of the Code of Meeting Practice "Acts of disorder", asked Councillor Renkema-Lang to withdraw the motion of dissent and apologise to the Councillors.

Councillor Renkema-Lang disagreed with the Chair's ruling and stated that it was not a motion [sic] of disorder.

The Mayor stated that it was a motion [sic] of disorder and again asked Councillor Renkema-Lang to either withdraw the motion and apologise to the Councillors, or leave the meeting.

Councillor Renkema-Lang left the meeting at 6:47pm.

24/010OC

Resolved that Council note the correspondence from the Minister for Local Government, the Notice of Intention to vary a Performance Improvement Order and the John Rayner report.

MINUTES OF THE EXTRAORDINARY MEETING

1 FEBRUARY 2024

(Councillors Brown and Croxford)

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

Against: Nil

11 CLOSURE

There being no further business the meeting closed at 6.49pm.
These Minutes were confirmed at the Ordinary Meeting of Council held on 13 February 2024.

.....
Mayor

7 BUSINESS ARISING FROM THE MINUTES

8 DISCLOSURE OF INTEREST

9 TABLING OF PETITIONS AND OTHER DOCUMENTS

10 PUBLIC FORUM SUMMARY

11 MAYORAL MINUTE

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

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council formally congratulate both Val Bruncker and Warwick Shanks on receiving an Order of Australia (OAM) award.

REPORT

Two Kiama residents were proud recipients of a Medal of the Order of Australia (OAM) in this year's Australia Day Honours.

Val Bruncker and Warwick Shanks were announced by the Governor-General, His Excellency General the Honourable David Hurley AC DSC (Retd).

Minnamurra resident Val Bruncker received her award for service to netball, and to the community. Val was a founding member of Kiama Netball Association in 1986 which was proudly called the Val Bruncker Centre and has served as a player, coach, umpire, as well as president from 1986-2015. The Val Bruncker Netball Centre at Kiama was named in her honour in 1999 and Val was listed on the Kiama Sports Honour Roll in 2009.

Mr Warwick Shanks, of Jamberoo, has also been recognised in the 2024 Australia Day Honours List, being awarded the Medal of the Order of Australia (OAM) for his service to business and to the community through a range of organisations.

Warwick has been a leader in the Illawarra business community, as Chairman of the Illawarra Committee of the Australian Institute of Company Directors, he oversees the judging of the Illawarra Business Awards, and contributes a great amount of his personal time to growing our economy. Our recent council financial situation could have been a lot worse without Warwick's intervention. He not only helped the council in identifying our problems but in actively seeing solutions that will see us through to a sustainable future. As a mayor who had just discovered this situation, it was wonderful to have contractors like Warwick on board stabilising the ship! He was also previously the Deputy Chairman of RDA Illawarra and has been on many economic development committees for the region.

On behalf of Kiama Municipal Council and our community, I congratulate Val and Warwick on receiving these auspicious awards and thank them both for their contributions to our community. .

12 MINUTES OF COMMITTEES

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

Responsible Director: Office of the Chief Executive Officer

Attachments

- 1 Minutes: Audit, Risk and Improvement Committee meeting - 12 December 2023 [↓](#)
- 2 Audit, Risk and Improvement Committee revised Charter [↓](#)

Enclosures

Nil

RECOMMENDED

That Council:

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

Background

The Minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on 12 December 2023 are attached for Councillors' information.

At the December ARIC meeting the Committee adopted the revised Audit, Risk and Improvement Committee Charter (attached) which is submitted to Council for endorsement.



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

commencing at 1.15pm on

TUESDAY 12 DECEMBER 2023

Council Chambers, 11 Manning Street, KIAMA NSW 2533

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

12 DECEMBER 2023

**MINUTES OF
THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING
HELD BY TEAMS ON TUESDAY 12 DECEMBER 2023 AT 1.15PM**

PRESENT: Mr D Pendleton (Chair)

Mr J Mitchell

Ms R Wheatley

Councillor J Keast (non-voting)

IN ATTENDANCE: Jane Stroud - Chief Executive Officer

Jessica Rippon – Director Planning, Environment and Community

Joe Gaudiosi - Chief Operating Officer

Sally Darragh - Internal Auditor

Renee Winston – Manager People and Performance

1 APOLOGIES

Cr Neil Reilly, Mayor

Olena Tulubinska | CFO

Michael Malone | Director Infrastructure and Liveability

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 DECLARATIONS OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

4.1 Audit, Risk and Improvement Committee meeting on 10 October 2023

23/042ARIC

Resolved that the Audit, Risk and Improvement Committee (ARIC) receive and accept the Minutes of the ARIC meeting held on 10 October 2023 which were submitted to the November 2023 Council meeting noting that Councillor Keast had

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

12 DECEMBER 2023

declared an interest in item 8.1 Self-reporting notification and that Councillor Keast left the Chamber at 1.05pm and returned at 1:30pm.

(Members Mitchell and Wheatley)

5 BUSINESS ARISING FROM THE MINUTES

Nil.

6 ACTIONS ARISING

6.1 Action items arising from previous meetings

23/043ARIC

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

(Members Wheatley and Mitchell)

7 STANDARD REPORTS

7.1 Risk Management Report

23/044ARIC

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

(Members Wheatley and Mitchell)

Noted:

- New risk management coordinator is commencing in January and will be working on the new Enterprise Risk Management guidelines.
- Child safe organisation requirements are progressing. The standards and the policy are on public exhibition with targeted consultation undertaken prior to the statute exhibition period. A workshop with councillors was also held.
- The Mandatory data breach notification policy and Local Government elections (caretaker period provisions) policy are on public exhibition.
- The Chair questioned the risk rating on some items remaining as "significant" and was advised that although Council is implementing treatments and making progress, against the risk management matrix there is not an overwhelming change to warrant reducing the rating.
- The Committee thanked the staff for the thorough update.

7.2 Update on internal audit activities

23/045ARIC

Resolved that the Audit, Risk and Improvement Committee notes the information in the internal auditors update and the progress against the internal audit plan.

(Members Wheatley and Mitchell)

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

12 DECEMBER 2023

Noted:

- InConsult have been appointed to undertake 3 internal audits and have commenced the fraud and corruption control audit. A full report will be presented to the next ARIC meeting.
- The internal audit on Council information/papers will be reported to the next ARIC meeting.

7.3 Progress report on implementation of audit recommendations

23/046ARIC

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

1. Internal audit recommendations
2. External audit recommendations
3. Continuous Risk Improvement Program audit recommendations
4. Forsyths recommendations
5. Hopwood Governance Report recommendations.

(Members Mitchell and Wheatley)

Noted:

- Recruitment of the Procurement Coordinator will help progress the procurement audit recommendations.
- The Committee commented on the pleasing progress working through the payroll audit recommendations.
- The Committee noted the revised target completion date for the risk management plans is required due to recruitment issues and current review of options for the project management framework (eg external consultancy and resource sharing with neighbouring councils).
- **Action:** COO to provide an update on external audit recommendations from the Management Letter 2021 and prior years, and suggest revised target completion dates for ARIC approval.
- **Action:** COO to provide a specific update on the process/policy for a formal delegation for the CEO in regards to approval of non-standard settlement claims.

7.4 Revised ARIC and Internal Audit Charters

23/047ARIC

Resolved that the Audit, Risk and Improvement Committee adopt the revised Audit, Risk and Improvement Committee Charter and the revised Internal Audit Charter, reflecting compliance with the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

(Members Mitchell and Wheatley)

Noted:

- The Local Government (General) Regulation 2022 has been amended to give statutory force to the new guidelines, commencing 1 July 2024.
- **Action:** Internal Auditor to develop a matrix list of requirements for compliance with the new guidelines, what the action is, priority and timeframe.
- **Action:** CEO will discuss with the Internal Auditor the logical sequence for the tenure of committee members in line with the new guidelines and a plan from 1 July 2024.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

12 DECEMBER 2023

7.5 ARIC self-assessment June 2023

23/048ARIC

Resolved that the Audit, Risk and Improvement Committee notes the positive results and feedback of the Committee's self-assessment for the year ended 30 June 2023.

(Members Wheatley and Mitchell)

Noted:

- Results of the self-assessment were positive and good feedback received from staff.
- The Chair suggested the "improvement" aspect of ARIC needs focus along with the right level of resourcing for internal audits
- The Committee has been focussing on recommendations from audits and associated improvements rather than value-add. As Council moves towards core business operations there will be opportunity to investigate enhancements, efficiencies and performance improvement.

7.6 September 2023 Monthly Financial Report

23/049ARIC

Resolved that the Audit, Risk and Improvement Committee receive the Monthly Financial Report for September 2023.

(Members Mitchell and Wheatley)

Michael Kharzoo from the Audit Office joined the meeting at 2:15pm and the Chair introduced the Committee.

Noted:

- Quarterly Budget Review was completed last month.
- COO detailed a review of occupancy, funding, master roster and hospitality services for Blue Haven to identify efficiencies, which is difficult for single service providers.
- **Action:** COO and CFO will investigate the work involved in providing a four year forecast and report back to the Committee.

7.7 Statement of Investments - October 2023

23/050ARIC

Resolved that the Audit, Risk and Improvement Committee:

1. Receives the information relating to the Statement of Investments as at 31 October 2023.
2. Notes the transfer of \$2,174,773 from the Land Development Reserve to Unrestricted Funds and the restricted funds position outlined in the report.

(Members Mitchell and Wheatley)

Noted:

- Capital and general funds have been impacted by \$2.6M expenditure to be received on acquittal of grants.
- **Action:** COO to advise the committee on the negative unrestricted funds balance calculation.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

12 DECEMBER 2023

7.8 2022 Final Audit Management Letter

23/051ARIC

Resolved that the Audit, Risk and Improvement Committee note the issues identified in the Management Letter on the final phase of the audit for the year ended 30 June 2022.

(Members Wheatley and Mitchell)

Michael Kharzoo from the Audit Office presented the 2022 Management Letter and the 3 high risk issues.

Note:

- Council staff are working on the TechOne workflow system and within the new finance structure to improve processes for segregating duties, particularly journals, and appropriate policy and controls for this.
- Previous year recommendations that require follow up by the Audit Office are included as an Appendix to the Management Letter

8 REPORTS FOR INFORMATION

The information report, Item 8.1 *Committee membership – thank you to Jim Mitchell* and the CEO note from the supplementary agenda were noted.

9 GENERAL BUSINESS

The Chair thanked the Committee members and staff for their efforts and offered his best wishes for the season. The Chair also wished Mayor, Cr Reilly a speedy recovery.

10 CONFIDENTIAL REPORTS

The Audit, Risk and Improvement Committee formed itself into a confidential committee to deal with item 10.1 *Blue Haven Bonaira sale update*.

At 2.58pm Jessica Rippon, Sally Darragh and Renee Winston left the meeting.

10.1 Blue Haven Bonaira sale update

23/052ARIC

Resolved that the Audit, Risk and Improvement Committee note the information contained in this report regarding the sale of Blue Haven Bonaira.

(Members Wheatley and Mitchell)

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE

12 DECEMBER 2023

11 CLOSURE

There being no further business the meeting closed at 3.06pm.

These Minutes were confirmed at the Ordinary Meeting of Council
held on 13 February 2024.

.....
Chair

Item 12.1

Attachment 1



Kiama Municipal Council Audit, Risk, and Improvement Committee Charter

Kiama Municipal Council has established an Audit, Risk, and Improvement committee in compliance with section 428A of the *Local Government Act 1993*, relevant supporting clauses of the *Local Government (General) Regulation 2021*, and the *Guidelines for risk management and internal audit for local government in NSW*. This Charter sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities, reporting, and administrative arrangements.

Objective

The objective of Kiama Council's Audit, Risk, and Improvement Committee is to provide independent assurance to Council by monitoring, reviewing, and providing advice about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations, and overall performance.

Independence

The Committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide Council with robust, objective, and unbiased advice and assurance.

The Committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The Committee will provide independent advice to the Council that is informed by the Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies, and subject matter experts.

The Committee must always ensure it maintains a direct reporting line to and from the Council's internal audit function and act as a mechanism for internal audit to report to the governing body and the Chief Executive Officer (CEO) on matters affecting the performance of the internal audit function.

Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- access any information it needs from Council
- use any Council resource it needs
- have direct and unrestricted access to the CEO and senior management of the Council
- seek the CEO's permission to meet with any other Council staff member or contractor
- discuss any matters with the external auditor or other external parties;
- request of the CEO the attendance of any employee at Committee meetings; and

Audit, Risk and Improvement Committee Charter

- obtain external legal or other professional advice in line with Councils' procurement policies and budgetary arrangements. Prior discussion with the CEO must be obtained to determine the appropriateness of any reimbursement by Council for external legal or other professional advice.

Information and documents pertaining to the Committee are confidential and are not to be made publicly available. The Committee may only release Council information to external parties that are assisting the Committee to fulfil its responsibilities with the approval of the CEO, except where it is being provided to an external investigative or oversight agency to inform that agency of a matter that may warrant its attention.

Composition and Tenure

The Committee consists of an independent chair and two independent members who have voting rights and one non-voting councillor, as required under the *Guidelines for risk management and internal audit for local government in NSW*. As required by the Guidelines, the Mayor is ineligible to be a Councillor member.

The governing body is to appoint the chair and members of the Committee. Current Committee members are:

David Pendleton	Independent chair (voting)
Rhonda Wheatley	Independent member (voting)
Jim Mitchell	Independent member (voting)
Cr Jodi Keast	Councillor member (non-voting)

~~3.1 Members (voting)~~

- ~~• Three independent external members (not a member of the Council), one of whom shall be elected as the Chair and one as the Deputy Chair.~~

~~3.2 Members (non-voting)~~

- ~~• Two Councillor members nominated by Council~~

~~3.3 Attendee (non-voting)~~

- ~~• CEO~~
- ~~• Internal Auditor and staff responsible for providing secretariat services to the Committee.~~

~~3.4 Invitees (non-voting) for specific Agenda items~~

- ~~• Representative of any contracted internal audit service provider(s).~~
- ~~• Representatives of the external auditor.~~
- ~~• Other Council officers may attend by invitation from the Committee through the CEO.~~

~~Initially, the Chair shall be appointed for a three year term and the other two independent members shall be appointed for two years.~~

Audit, Risk and Improvement Committee Charter

~~An option for a two year extension will be considered following a formal review of performance.~~

~~The independent external members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Kiama Municipal Council. At least one independent external member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.~~

All Committee members must meet the independence and eligibility criteria prescribed in the *Guidelines for risk management and internal audit for local government in NSW*.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chair of the Committee. Members who have served an eight-year term (either as a member or as chair) must have a two-year break from serving on the committee before being appointed again. To preserve the Committee's knowledge of the Council, ideally, no more than one member should retire from the Committee because of rotation in any one year.

The terms and conditions of each member's appointment to the Committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Before approving the reappointment or extension of the Chair's or an independent member's term, the governing body is to undertake an assessment of the Chair's or Committee member's performance. Reappointment of the Chair or a Committee member is also to be subject to that person still meeting the independence and eligibility requirements.

Members of the Committee must possess and maintain a broad range of skills, knowledge, and experience relevant to the operations, governance and financial management of the Council, the environment in which the Council operates, and the contribution that the committee makes to the Council. At least one member of the Committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the Council's financial reporting responsibilities to be able to contribute to the Committee's consideration of the Council's annual financial statements.

Role

As required under section 428A of the *Local Government Act 1993* (the Act), the role of the committee is to review and provide independent advice to the Council regarding the following aspects of the Council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program, and strategies
- service reviews
- collection of performance measurement data by the Council, and
- internal audit.

The committee must also provide information to the Council for the purpose of improving the Council's performance of its functions.

Audit, Risk and Improvement Committee Charter

The Committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to this charter.

The Committee will act as a forum for consideration of the Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The Committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The Committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that the primary responsibility for the management of the Council rests with the governing body and the CEO.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

~~The Committee has no executive powers, except those expressly provided by the Council.~~

~~In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the CEO as defined by the Local Government Act.~~

~~Development and day-to-day maintenance of internal controls and risk management strategies and practices remains the function of Council's management.~~

~~The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are to assess the effectiveness of the Kiama Municipal frameworks, actions and controls as outlined below; and shall be supported by regulations and/or guidelines containing prescriptive detail.~~

~~**Part 4A Internal Audit**~~

~~**428A Audit, Risk and Improvement Committee**~~

- ~~(1) A council must appoint an Audit, Risk and Improvement Committee.~~
- ~~(2) The Committee must keep under review the following aspects of the council's operations:
 - ~~(a) compliance,~~
 - ~~(b) risk management,~~
 - ~~(c) fraud control,~~
 - ~~(d) financial management,~~
 - ~~(e) governance,~~
 - ~~(f) implementation of the strategic plan, delivery program and strategies,~~
 - ~~(g) service reviews,~~
 - ~~(h) collection of performance measurement data by the council,~~
 - ~~(i) any other matters prescribed by the regulations.~~~~
- ~~(3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.~~

~~Specifically, the Committee may review;~~

4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud and corruption;
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business recovery and continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements attesting the adequacy of internal controls;
- Review the external audit opinion, including whether appropriate action has been taken by Council in response to audit recommendations and adjustments;
- To consider contentious financial reporting matters in conjunction with Council's management and external auditors;
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements;
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations; and
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements; and

Audit, Risk and Improvement Committee Charter

- ~~● Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.~~

4.5 Internal Audit

- ~~● Act as a forum for communication between the Council, CEO, senior management and internal audit;~~
- ~~● Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan;~~
- ~~● Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan;~~
- ~~● Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices;~~
- ~~● Monitor the implementation of internal audit recommendations by management;~~
- ~~● Annually review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place; and~~
- ~~● Annually review the performance of Internal Audit, and ensure an independent external assessment is undertaken every five years.~~

4.6 External Audit

- ~~● Act as a forum for communication between the Council, CEO, senior management and external audit;~~
- ~~● Provide input and feedback on the financial statements and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided;~~
- ~~● Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management; and~~
- ~~● Consider significant issues raised in relevant external audit reports and better practice guides, recommend actions that should be implemented and ensure appropriate action is taken.~~

4.7 Business Process Improvement and Performance Management

- ~~● Review the business improvement activities as a means to support Council in achieving strategic objectives and meet the needs of the community more effectively and efficiently.~~
- ~~● Satisfy itself that the Council's program for transition and improvement of operational processes is appropriately managed.~~
- ~~● Satisfy itself that there is a performance management framework linked to organisational objectives and outcomes.~~

Responsibilities of Members

~~Members of the Committee are expected to:~~

- ~~• Understand the relevant legislative and regulatory requirements appropriate to Kiama Municipal Council;~~
- ~~• Contribute the time needed to study and understand the papers provided;~~
- ~~• Apply good analytical skills, objectivity and good judgment; and~~
- ~~• Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.~~

Independent members

The chair and members of the Committee are expected to understand and observe the requirements of the *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement
- act in the best interests of the Council
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the Council
- have strong leadership qualities (Chair)
- lead effective committee meetings (Chair), and
- oversee the Council's internal audit function (Chair).

Councillor members

To preserve the independence of the Committee, the Councillor member of the Committee is a non-voting member. Their role is to:

- relay to the Committee any concerns the governing body may have regarding the Council and issues being considered by the Committee
- provide insights into local issues and the strategic priorities of the Council that would add value to the Committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the Committee and any issues arising from it, and
- assist the governing body to review the performance of the Committee.

Issues or information the Councillor member raises with or provides to the Committee must relate to the matters listed in Schedule 1 and issues being considered by the Committee.

The Councillor member of the Committee must conduct themselves in a non-partisan and professional manner. The Councillor member of the Committee must not engage in any conduct that seeks to politicise the activities of the Committee or the internal audit function or that could be seen to do so.

If the Councillor member of the Committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chair of the Committee may recommend to the Council that the Councillor member be removed from membership of the Committee. Where the Council does not agree to the Committee Chair's recommendation, the Council must give reasons for its decision in writing to the Chair.

Conduct

Independent committee members are required to comply with the Council's code of conduct.

Complaints alleging breaches of the Council's code of conduct by an independent committee member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The CEO must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the Council's code of conduct.

Conflicts of interest

Once a year, committee members must provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the Committee. Independent Committee members are 'designated persons' for the purposes of the Council's code of conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a Committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and current Australian risk management standards, where applicable.

Work plans

The work of the Committee is to be thoroughly planned and executed. The Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the Committee and considered by the internal audit function. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The Committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the Committee.

The Committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The Committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the Committee.

When considering whether to vary the strategic or annual work plans, the Committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

Assurance Reporting

The Committee must regularly report to the Council to ensure that it is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

The Committee will provide an update to the governing body and the CEO of its activities and opinions after every committee meeting.

The Committee will provide an annual assessment to the governing body and the CEO on the Committee's work and its opinion on how the Council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the CEO.

The Committee may at any time report to the governing body or the CEO on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the Chair of the Committee may also meet at any time to discuss issues relating to the work of the Committee.

Should the governing body require additional information, a request for the information may be made to the Chair by resolution. The Chair is only required to provide the information requested by the governing body where the Chair is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the Committee.

~~The Committee will provide a report (at least annually if not more frequently) to the Council on its operation and activities during the year including:~~

- ~~• A summary of the work the Committee performed to fully discharge its responsibilities (including a performance review of Internal audit and progress to the annual plan)~~
- ~~• A summary of managements progress in addressing the findings and recommendations made in internal and external reports~~
- ~~• An overall assessment of Council's risk, control and compliance framework, including details of any significant emerging risks or legislative changes impacting Council.~~
- ~~• Details of meetings, including the number of meetings held during the relevant period, and the number of meetings each member attended.~~

~~5.1 Reports to be provided by the Internal Auditor to include:~~

- ~~• Regular routine reports to Council on Audit, Risk and Improvement Committee Update to be completed subsequent to each meeting or at least three times per year.~~
- ~~• By the first meeting after 30 June each year, Internal Audit via the CEO will provide an annual performance report on Audit, Risk and Improvement Committee and Internal Audit activity for the previous audit year. Details of the Annual performance report will be included in Council's Annual Report.~~

~~5.2 The Committee must at all times ensure it maintains a direct reporting line to and from Internal Audit and acts as a mechanism for Internal Audit to report to Council on functional matters.~~

Administrative arrangements

Meetings

The Committee will meet at least five times per year, with one of these meetings to include review and endorsement of the annual audited financial statements.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members or CEO may make requests to the Chair for additional meetings.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a Committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the Chair has the casting vote.

The Chair of the Committee will decide the agenda for each Committee meeting. Each Committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the Committee.

The CEO and the Internal Auditor should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The Chair can request the Council's Chief Finance Officer, head of risk management function, senior managers, any Councillors, any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the Chair at any time.

The Committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the Committee present.

The Committee must meet separately with the Internal Auditor and the Council's external auditor at least once each year.

~~A meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The meeting plan will cover all Committee responsibilities as detailed in this Charter.~~

Dispute resolution

Members of the Committee and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have amicably and professionally by discussion and negotiation.

In the event of a disagreement between the committee and the CEO or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

Attendance at Meetings and Quorums

~~A quorum will consist of a majority of Committee voting members, including at least two independent external members. Meetings can be held in person, by telephone or by video conference~~

~~Any contracted internal audit provider(s) will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request, through the CEO, for other employees to participate for certain agenda items, as well as the external auditor.~~

Secretariat

Council management will arrange to provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

Once the minutes have been approved by the Chair, the Secretariat shall arrange for the minutes to be provided to Council.

6.1 Conflicts of Interest

~~Committee members must comply with the applicable provisions of Council's Code of Conduct.~~

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

~~Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.~~

6.2 Induction

~~New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.~~

6.3 Assessment Arrangements

~~The Chair of the Committee will initiate a review of the performance of the Committee annually. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.~~

Resignation and dismissal of members

Where the chair or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give six weeks notice to the Chair and the governing body prior to their resignation to allow the Council to ensure a smooth transition to a new Chair or Committee member.

The governing body can, by resolution, terminate the appointment of the Chair or an independent Committee member before the expiry of their term where that person has:

- breached the council's code of conduct
- performed unsatisfactorily or not to expectations

Audit, Risk and Improvement Committee Charter

- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a Councillor member on the Committee can be terminated at any time by the governing body by resolution.

Review arrangements

At least once every Council term, the governing body must review or arrange for an external review of the effectiveness of the Committee.

This Charter is to be reviewed annually by the Committee and once each Council term by the governing body. Any substantive changes are to be approved by the governing body.

Approval of the Charter

Reviewed by Chair of the Audit, Risk, and Improvement Committee

[signed]

[date]

Reviewed by Council in accordance with a resolution of the governing body.

[signed]

[date]

[resolution reference]

Next review date: [date]

Schedule 1

Kiama Council Audit, Risk and Improvement Committee responsibilities

Responsibilities of the committee related to each matter listed in section 428A of the Local Government Act 1993 are detailed in this schedule.

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, CEO, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - on whether the Council is providing the resources necessary to successfully deliver the internal audit function
 - if the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the Council's Internal Audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the Council's internal audit function
 - if the Council's internal audit activities are effective, including the performance of the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the Council of these corrective actions
 - on the appointment of the head of the internal audit function and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities

External audit

- Act as a forum for communication between the governing body, CEO, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations
- Provide advice to the governing body and/or CEO on action taken on significant issues raised in relevant external audit reports and better practice guides

Risk

Risk management

Review and advise the Council:

Audit, Risk and Improvement Committee Charter

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council is providing the resources necessary to successfully implement its risk management framework
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the Council:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately

Compliance

Review and advise the Council of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and

Audit, Risk and Improvement Committee Charter

- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the Council:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate
- if the Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise the Council regarding its governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures
- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and

- management and governance of the use of data, information and knowledge

Improvement

Strategic planning

Review and advise the Council:

- of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the Council:
 - If the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the Council can improve its service delivery and the Council's performance of its business and functions generally

Performance data and measurement

Review and advise the Council:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.

13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 2024 local government election - referendum

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

On 14 September 2024 local government elections will be held. At the July 2023 Council meeting it was resolved to undertake a constitutional referendum at the September 2024 elections, to ask voters to consider a change from a Councillor elected mayor to a directly elected mayor by 2028. This report provides an explanation of what a constitutional referendum means for the community.

Financial implication

The estimated cost of the local government election is \$218,722 and the referendum is \$21,872, to be included in the 2024-25 budget.

Risk implication

Providing information and educating the community on referendums and how they work improves understanding and decreases the risk of voting confusion.

Policy

Local Government Act 1993

Local Government (General) Regulation 2021

Consultation (internal)

Local Government Election Working Group

Chief Executive Officer

Communication/Community engagement

Council's communications team are developing a strategy to promote the referendum and provide an understanding of the implications of voting yes and voting no.

- A website event page for the 14 September 2024 election has been created
- A program of informative and reminder posts via social media to begin two (2) months prior to the election
- Create a short, informative video clip to explain the referendum
- FAQs page on the Council website will explain the implications of voting yes and voting no
- Radio campaign to raise awareness

Report of the Chief Executive Officer

13.1 2024 local government election - referendum (cont)

- Visual displays at community facilities and key sites
- Promotional material circulated to residents via the July/August rates notice.

Attachments

Nil

Enclosures

Nil

Item 13.1

RECOMMENDATION

That Council:

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

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

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

What is a referendum?

A Constitutional referendum is a special poll initiated by a Council that can only contain questions relating to the creation or abolition of wards, the way the mayor is elected, or changing the number of councillors. The outcome of a Constitutional referendum is binding on the Council.

At a referendum voters are asked to answer 'yes' or 'no' to a particular question. The question is carried if it is supported by a majority of the formal votes cast. This question will be on a separate ballot paper.

Voting in referendums is compulsory for enrolled voters, as is voting in a local government election.

Changing the method of electing the mayor

The Local Government Act 1993 provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its voters at a constitutional referendum.

The Mayor of Kiama Municipality is currently elected every two (2) years by the nine (9) elected Councillors. At the referendum voters will be asked whether they agree to a change to a direct election of the Mayor which will be for a four (4) year term. A direct election of a Mayor means that the voters will choose who the Mayor is, not the Councillors. This is commonly known as a popularly elected Mayor.

Report of the Chief Executive Officer

13.1 2024 local government election - referendum (cont)

The number of Councillors would remain at nine (9) – including the directly elected Mayor. A candidate can run to be the Mayor and/or a Councillor.

If voters approve a change to the way the mayor is elected, the change would come into effect for the electoral term commencing in September 2028. It would not affect the vote of elected representatives or Mayor at the 2024 election, the existing practice will be used for the incoming Council.

There are additional costs associated with holding a mayoral election as the following is required:

- management of a separate set of nominations and ballot papers,
- separate counts at each polling place and returning office, and
- a separate distribution of preferences process are required.

The NSW Electoral Commission estimates the cost of a popularly elected mayor will be approximately \$21,872 per election, which will increase as the number of voters in the Municipality grows and election costs increase.

The question

Council staff have reviewed questions asked in previous referendums held by other councils who have undertaken to change the way a Mayor is elected. Staff have considered a range of wording and consulted the NSW Electoral Commission, as per the required process. Staff submitted the following suggested for wording for consideration by the Commission:

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

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

The NSW Electoral Commission advised that the question is suitable. Council must formally lodge the referendum question with the NSW Electoral Commission by 30 June 2024.

What does a “Yes” vote mean?

If the majority of voters say yes in the referendum, the following changes will occur from 2028:

- The position of Mayor will be elected by the public;
- The Mayoral term will increase from two to four years; and
- Election costs will increase by 10%.

What does a “No” vote mean?

If the majority of voters say no in the referendum, the status quo will remain:

- The position of Mayor will be elected by the sitting Councillors; and
- The Mayoral term will be for a 2 year period.
- Election costs will increase in line with usual schedule of electoral fees.

Report of the Chief Executive Officer

13.1 2024 local government election - referendum (cont)

Deputy Mayor

If the Council wishes to elect a Deputy Mayor, the status quo remains regardless of a yes or no vote, as per the Local Government Act 1993. The Deputy Mayor is elected at the first meeting following the election by the elected representatives for a period of two (2) years.

Item 13.1

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

CSP Objective: Outcome 14: Council has the right structures, technology, processes and procedures to support their role in delivering for the public

CSP Strategy: 14.2 Reduce risk and promote, maintain and improve the safety culture within the organisation

Delivery Program: 14.2.2 Support good governance through systems and processes for legislative compliance

Item 13.2

Summary

This report advises of the Australian Local Government Association's National General Assembly (NGA) to be held from 2-4 July 2024 at the National Convention Centre in Canberra and the call for motions to be submitted to the Australian Local Government Association (ALGA) prior to 29 March 2024.

Financial implication

Early bird registration for the NGA is \$945 per delegate. Accommodation for 3 delegates over 3 nights is \$2,200.

Registration and accommodation costs will be covered by the Councillor conference budget.

Policy

Councillor attendance and motions to be submitted to the Assembly must be endorsed by the Council.

Consultation (internal)

Not required.

Communication/Community engagement

A post-conference report will be provided to Council.

Attachments

- 1 2024-NGA-Motions-Discussion-Paper [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

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

Report of the Chief Executive Officer

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

Background

Council has received notification from the Australian Local Government Association (ALGA) of the call for motions for the 2024 National General Assembly of Local Government. The National General Assembly (NGA) is being held at the National Convention Centre in Canberra from 2-4 July 2024.

The theme for this year's conference is "Building Community Trust. ALGA is seeking motions that align with this theme and identify opportunities for new federal programs and policies that will support councils to build trust, both in our communities and as a local delivery partner for the Australian Government.

A Call for Motions Discussion Paper is attached. Any motions must be endorsed by Council and meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...

Motions must be submitted to the ALGA by 29 March 2024. Any motions will need to be presented to the March Council meeting for endorsement.

The National General Assembly brings together several hundred delegates from councils across Australia to move and debate resolutions of concern to local government. Speakers include prominent local government leaders, national political

Report of the Chief Executive Officer

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

leaders and leading Australian experts and academics from fields of interest and relevance to local government.

Further information is available at <https://alga.com.au/2023-national-general-assembly-of-local-government/>.

Item 13.2

**2024
NGA**

Building
Community
Trust

National Convention Centre
Canberra

AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

**2 - 4
JULY
2024**

DISCUSSION
PAPER

KEY DATES

29 March 2024 | Acceptance of Motions

2 July 2024 | Regional Cooperation & Development Forum

3 - 4 July 2024 | National General Assembly

5 July 2024 | Australian Council of Local Government

TO SUBMIT YOUR MOTION

VISIT: **ALGA.COM.AU**



The Australian Local Government Association (ALGA) is pleased to convene the 30th National General Assembly of Local Government (NGA), to be held in Canberra from 2-4 July 2024.

As convenor of the NGA, the ALGA Board cordially invites all councils to send representatives to this important national event.

The NGA is the premier national gathering of local governments, and provides councils with the opportunity to come together, share ideas, debate motions, and most importantly unite and further build on the relationship between local government and the Australian Government.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2024 National General Assembly of Local Government (NGA).

It is recommended that all councils and delegates intending to attend the 2024 NGA familiarise themselves with the guidelines for motions contained in this paper on page 6.

BACKGROUND TO ALGA AND THE NGA

ALGA was established 1947. In structure, ALGA is a federation of member state and territory associations. Its mission is to achieve outcomes for local government through advocacy with impact, and maximise the economic, environmental and social wellbeing of councils and our communities.

Since 1994, the NGA has built the profile of local government on the national stage, showcased the value of councils, and most importantly demonstrated - particularly to the Australian Government - the strength and value of working with local government to help deliver on national priorities.

Debate on motions was introduced to the NGA as a vehicle for councils from across the nation to canvas ideas. Outcomes of debate on motions (NGA Resolutions) could be used by participating councils to inform their own policies and priorities, as well as their advocacy when dealing with federal politicians.

At the same time, they help ALGA and its member state and territory associations gain valuable insight into council priorities, emerging national issues, and the level of need and support for new policy and program initiatives.

Given the structure of ALGA, its Constitution, and level of resources, the NGA does not bind the ALGA Board. However, the Board carefully considers NGA resolutions as it determines ALGA's policies, priorities and strategies to advance local governments within the national agenda.

This is your NGA and ALGA is pleased to act as the convenor. ALGA's policies and priorities will continue to be determined by the ALGA Board in the interests of all councils.

The ALGA Board thanks all councils for attending the NGA and those that will take the time to reflect on the purpose of debate on motions outlined in this paper, and to submit motions for debate at the 2024 NGA.

SUBMITTING MOTIONS

Australia is one of the world's great democracies. It is held in high regard across the world but should never be taken for granted.

The theme of the 2024 NGA is – Building Community Trust.

This theme aims to explore the critical importance of trust in governments, between governments, its institutions, and its citizens. This trust is a fundamental building block of our nation's democracy.

While relatively low key, over the past decade there has been increasing public debate by scholars and policy makers about the level of trust in government, its institutions and indeed the operation of our democracy more broadly.

Mark Evans et al (2019) published research in 'The Conversation' indicating that Australians' trust in politicians (our political representatives) and democracy has hit an all-time low. This report indicates 'fewer than 41% of Australian citizens are satisfied with the way democracy works in Australia, down from 86% in 2007.

Public satisfaction has fallen particularly sharply since 2013, when 72% of Australian citizens were satisfied. Generation X is least satisfied (31%) and Baby Boomers most satisfied (50%). Some political authors suggest that these trends in part explain the rise in popularity and the relative success of independents and micro or single-issue parties.

These statistics should be of concern to every level of government and those interested in the future of our communities and Australia's democratic system.

It is said that 'trust is hard-earned, easily lost, and difficult to re-establish – and a key to absolutely everything.' While media and public attention frequently focuses on levels of trust in the national and state governments, local governments have an equally important role in building, maintaining and indeed, often repairing government-community relationships.

At its most fundamental level, the 2024 NGA focusses on the role of local government and how all levels of government can help each other build, maintain and strengthen government-community relationships.

This discussion paper is a call for councils to submit motions for debate at the 2024 NGA to be held in Canberra from 2-4 July 2024.

Motions for this year's NGA should consider:

- how all levels of government in Australia can build trust in each other and earn greater trust from the community;
- practical opportunities for the Australian Government to leverage the trust that local communities have in their local council;
- focus on practical programs that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities; and
- new program ideas that that would help the local government sector to deliver the Australian Government's objectives.

Motions should be concise, practical and implementable and meet the guidelines for motions set out in the paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s must address one or more of the issues identified in the discussion paper.

Motions must be lodged electronically using the online form available on the NGA website at: www.alga.com.au and received no later than 11:59pm AEST on Friday 29 March 2024.

All notices of motions will be reviewed by the ALGA Board's NGA Sub-committee prior to publishing the NGA Business Paper to ensure that they meet these guidelines. This sub-committee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA.

All NGA resolutions will be published on www.nationalgeneralassembly.com.au.

As the host of the NGA, ALGA will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

Please note that if your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2024 NGA.

CRITERIA FOR MOTIONS

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...

Please note that resolutions of the NGA do not automatically become ALGA's national policy positions.

OTHER THINGS TO CONSIDER

It is important to complete the background section of the submission form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. Please note, motions should NOT be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed and capable of implementation to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Try to avoid motions that are complex, contain multi-dot points and require complex cross-portfolio implementation.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-committee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Sub-committee considers the criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate, where there are numerous motions on a similar issue, the NGA Sub-committee will group these motions together under an overarching strategic motion. The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate published in the Business Papers and will focus on the strategic motions. Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

All motions require:

- a contact officer;
- a clear national objective;
- a summary of the key arguments in support of the motion; and
- endorsement of your council.

**Motions should be lodged electronically using the online form available at www.alga.asn.au.
Motions should be received no later than 11:59pm AEST on Friday 29 March 2024.**

SETTING THE SCENE

The theme for NGA24 'Building Community Trust' aims to focus on the role of local government in the Australian system of government and explore the critical importance of trust in governments, between governments, its institutions, and our citizens.

In a recent essay on Capitalism after the Crisis (2023) the Treasurer the Hon Dr Jim Chalmers MP wrote:

'Our mission is to redefine and reform our economy and institutions in ways that make our people and communities more resilient, and our society and democracy stronger as well.'

The need to strengthen our democracy was also emphasised the Prime Minister the Hon Anthony Albanese MP in a speech at Queensland's Woodford Folk Festival toward the end of 2022:

'I urge anyone who thinks our democracy is unassailable to have a look around the world. Even some of the oldest, most stable democracies have come under attack from a whole range of corrosive, insidious forces. No one is immune. Our democracy is precious, something we have carefully grown and nurtured from one generation to the next. One of our core responsibilities is to make it stronger, and the key to that strength is transparency and accountability.'

In early 2023 the Australian Government established a taskforce to advise government on 'what can be done – practically – to strengthen Australian democracy'.

The 2024 NGA provides you - the elected representatives of Australia's local councils and communities - with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or expanded programs and key policy initiatives that could strengthen local governments, its capacity to deliver services and infrastructure to local communities across the nation. This service delivery is critical to build, maintain and strengthen the trust of our citizens.

This year's call for motion focusses on twelve priority areas:

- Intergovernmental relations;
- Financial sustainability;
- Roads and infrastructure;
- Emergency management;
- Housing and homelessness;
- Jobs and skills;
- Community services;
- Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation;
- Data, digital technology and cyber security;
- Climate change and renewable energy;
- Environment; and
- Circular economy.



1. INTERGOVERNMENTAL RELATIONS

'Australia's federal structure, built upon reciprocal financial, legislative and policy responsibilities, requires intelligent cooperation on issues of strategic national significance.'

National Cabinet is a forum for the Prime Minister, Premiers and Chief Ministers to meet and work collaboratively. National Cabinet was established on 13 March 2020 and is chaired by the Prime Minister. The National Cabinet is a key mechanism in Australia's current intergovernmental architecture.

A representative of local government, the President of ALGA, is invited to meet with National Cabinet once each year. The President of ALGA also attends one meeting per year of the Council on Federal Financial Relations comprising the Commonwealth Treasurer as Chair and all state and territory treasurers.

A substantial body of research, from Australia and internationally, has highlighted that governments that work together are generally more successful in achieving shared national objectives, including economic recovery from events like the COVID-19 pandemic as well as in service and infrastructure delivery.

This research reinforces the need for local government to be included in relevant ministerial forums that support national priorities – from housing affordability to reaching net-zero emissions. ALGA currently participates in National Cabinet (1/year), Council on Federal Financial Relations (1/year), Infrastructure Transport Ministers Meeting, National Emergency Managers Meeting, Local Government Ministers Forum, Joint Council on Closing the Gap, Planning Ministers Meeting, Meeting of Environment Ministers, Energy and Climate Change Ministers and the Road Safety Ministers Meeting, to represent local government views.

Local government input can provide a community voice, enabling our intergovernmental forums to make decisions with greater legitimacy and authority.

Given the importance of trust in governments, between governments and its citizens, how can intergovernmental arrangements be further improved in Australia?

Are there ways of maintaining and enhancing the community's trust in local government?

Are there new initiatives and programs that could be adopted to improve the level of cooperation and collaboration between the Australian Government and local government?

2. FINANCIAL SUSTAINABILITY

Trust in governments is highly correlated with their ability to fulfill the implicit social contract between government and its citizens by keeping promises.

Local government is the third sphere of government in Australia's system of government. Councils are comprised of locally elected representatives who understand local needs and engage locally on strategies to meet those needs.

Councils are responsible for providing a wide range of critical local area services including planning, libraries, waste management systems, transport and infrastructure (eg roads and footpaths, parks, sporting grounds and swimming pools) and social services.

These services are critical to the wellbeing, liveability and productivity of all local communities, and therefore the nation. Equally important is the sustaining of democratic processes at the local and regional level.

Local government's total annual expenditure in 2021 -22 was approximately \$43.6 billion. Non-financial assets including roads, community infrastructure such as buildings, facilities, airports, water, and sewerage (in some states) including land, are valued at \$539 billion [ABS Government Finance Statistics, Australia, 2021-22].

In 2021-22, the Australian Government provided \$2.6 billion in Financial Assistance Grants funding to councils. This included \$1.3b which was brought forward from the 2021-22 estimate and paid through state and territory governments in 2020-21.

Nationally, local government derives nearly 90% of its revenue from its own sources (including rates and services charges), compared to around 50% for state governments. Grants from other levels of government make up just over 10% of local government's total revenue, however these grants are particularly important in areas with a low-rate base, and/or high growth rates, and rapidly expanding service and infrastructure needs.

In 2021-22 Financial Assistance Grants to local governments was less than 0.6% of Commonwealth taxation revenue (CTR), a significant drop from 1996 when these grants were at 1% of CTR. In 2023-24 Financial Assistance Grants have fallen to 0.5% of Commonwealth taxation.

What improvements are needed to the intergovernmental financial transfer system, particularly the Commonwealth transfers to local government, to enhance the community's trust in local government and by extension all governments?

Noting that Commonwealth tied funding is provided with detailed requirements how can this system be improved to provide flexibility and maximize the benefit to local communities?

3. ROADS AND INFRASTRUCTURE

ALGA's 2021 National State of the Assets Report (NSoA) is currently being updated and expected to be launched in 2024. The most recent NSoA shows that while most local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater, and airports and aerodromes are generally in good to very good condition, around 10% are not fit for purpose, and around 20–25% are only fair and over time will need attention.

The last NSoA found that in 2019–20 non-financial infrastructure assets were valued at \$342 billion and were depreciating at \$7.7 billion per year. Replacement costs of these infrastructure assets were in the order of \$533 billion.

Local government assets make up a significant proportion of the physical structure of local communities and often provide critical access to and support for citizens to engage in state and national assets and opportunities.

For example, local roads provide important “first and last-mile access” for communities and industry to road networks, integral to economic development and community connection. Local sporting grounds can provide access for community groups to build community participation that has social, health and economic benefits.

Are there programs or initiatives that the Australian Government could adopt to improve the long-term sustainability of local government infrastructure?

Are there programs or initiatives that the Australian Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?

Are there programs or initiatives that the Australian Government could develop to maintain, strengthen and enhance the reputation of Australia's infrastructure providers, including local government?

4. EMERGENCY MANAGEMENT

In 2022 alone, 46 disasters were declared across Australia, covering more than 300 different council areas. In recent years, almost every Australian council has been impacted in some way by fires, floods, or cyclones.

Last year's flooding caused a damage bill of approximately \$3.8 billion to local roads across Queensland, New South Wales, Victoria and South Australia. This was just a fraction of the total disaster costs incurred by governments across the country.

There have been numerous NGA motions in recent years regarding natural disasters and this has been a significant priority in ALGA's advocacy program.

In 2022 ALGA successfully advocated for a new \$200 million per year Disaster Ready Fund, with the first round of funding allocated in June 2023. This fund will support councils and communities to mitigate against the risk of future disasters and help address the significant imbalance between mitigation and recovery spending.

Councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Australian Government could assist.

What new programs, or improvements to existing programs, could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?

5. HOUSING AND HOMELESSNESS

Almost every Australian council and community is facing challenges around a lack of affordable housing.

Alarming research by the UNSW City Futures Research Centre shows 640,000 Australian households – or one in 15 households – are under housing stress.

All levels of government, including councils, have a fundamental role to play in addressing this crisis, which is being compounded by high interest rates, rising construction costs and skills shortages.

At a national level, ALGA is a signatory to the National Housing Accord, and in 2023 successfully advocated for a new \$500 million Housing Support Program for state and local governments to deliver supporting infrastructure for new housing developments.

While the provision of affordable housing is not a local government responsibility, councils have a role to play in ensuring there is enough suitably located land available for housing and that a diversity of housing stock is supported. Councils also want to ensure that new housing developments are supported with the necessary services and infrastructure to create liveable and sustainable communities.

Many councils are also addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities.

Councils also want to ensure that they engaged with planning decisions that affect local communities. Taking planning powers away from councils does not always support the best local outcomes.

Councils also play an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can the Australian Government work with councils to address the causes and impacts of homelessness?

6. JOBS AND SKILLS

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations.

However, councils are facing significant jobs and skills shortages that are constraining their capacity to deliver services and build and maintain local infrastructure.

ALGA's 2022 National Local Government Workforce Skills and Capability Survey indicated that more than 90 percent of Australia's 537 councils were experiencing skills shortages.

The survey also showed that for approximately two-thirds of these councils, these shortages were impacting on project delivery.

In particular, councils are facing a shortage of planners, engineers, building surveyors, environmental officers and human resources professionals.

Skills shortages occur for a variety of reasons including an inability to compete against the private sector, worker accommodation, support services for families, ageing of the workforce and geographic isolation.

Are there programs or initiatives that the Australian Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Australian Government could provide to improve the sector's ability to plan and develop skills fit for the future?

7. COMMUNITY SERVICES

Councils provide a wide range of services based on local characteristics, needs, priorities, and the resources of their community. Indeed, it is this level of responsiveness and accountability to the local community that is an essential feature of democratic local governments worldwide.

Some of these services are provided to address market failure, and many of them are provided by councils on behalf of other levels of government.

It is important to note that nationally local government is more than 83% self-sufficient ie funded at the local level either through rates, fees and charges, sale of goods and services, or interest. The Australian Bureau of Statistics data shows that total local government annual expenditure in 2021-22 was \$43.6 billion.

Only 17% comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, or require matching funding which restricts the ability to address local priorities in the way the council and community might need.

Arguably there is no greater obligation upon government than to maintain the trust that citizens have in meeting their community services obligations and promises, particularly to society's most vulnerable.

Local government community services are broadly defined, and may include but are not limited to:

- environmental health including food safety;
- childcare, early childhood education, municipal health;
- aged care, senior citizens;
- services to people living with disability;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, programs and festivals;
- tourism and economic development activities; and
- library services.

Noting the funding arrangements for the provision of local government community services are there programs and initiatives that the Australian Government could implement to improve the delivery of these services?

Are there reforms or improvements in national community services program that would help local governments support the Australian Government to deliver on its national objectives?

8. CLOSING THE GAP AND ABORIGINAL AND TORRES STRAIT ISLANDER RECONCILIATION

In 2021, ALGA co-signed a landmark national agreement to close the gap between Indigenous and non-Indigenous Australians. At the heart of the National Agreement on Closing the Gap Partnership are four agreed priority reform targets and 19 socio-economic targets in areas including education, employment, health and wellbeing, justice, safety, housing, land and waters, and Aboriginal and Torres Strait Islander languages.

The Indigenous Voice Co-design Final Report to the Australian Government was released in December 2021. The Local & Regional Voice will contribute to achieving the Closing the Gap outcomes by providing avenues for Indigenous voices to be heard, including to provide feedback to government on Closing the Gap.

As the level of government closest to the people, councils have an essential role supporting and helping to steer the development of policies and programs in partnership with local Indigenous peoples that address closing the gap priorities at the local and regional level.

Local government plays a positive role in reconciliation and celebrating Indigenous culture and identity, and sustainably funded could work effectively to reduce Indigenous disadvantage in all its forms.

On 14 October 2023, Australians voted in a referendum about whether to change the Constitution to recognise the First Peoples of Australia by establishing a body called the Aboriginal and Torres Strait Islander Voice. The referendum did not pass.

Are there programs or initiatives that the Australian Government could adopt to assist local government to advance reconciliation and close the gap?

Are there practical programs or initiatives that local government and the Australian Government could introduce to maintain, build and strengthen the level of trust between Aboriginal and Torres Strait Islanders and governments?

9. DATA, DIGITAL TECHNOLOGY AND CYBER SECURITY

Provision of information technology to all Australians is vital to innovation, economic growth, and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social. Innovative technology is becoming more broadly available and could boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, implementation can be hindered without access to basic technological infrastructure and the necessary IT skills and resources.

In recent times, cyber-attacks on major corporations and other businesses have resulted in significant data breaches. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attacks and address cyber security. At a national level, there is limited understanding of local governments' vulnerability to cyber-attacks, preparedness and adequacy of risk management strategies or business continuity planning.

While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

Drawing upon your council's experience, and your knowledge of other councils within your state or territory, are there programs and initiatives that the Australian Government could implement to help local government develop its digital technology services and infrastructure?

Are there actions the Australian Government could take to improve cyber security within the local government sector?

10. CLIMATE CHANGE AND RENEWABLE ENERGY

Australia's changing climate presents a significant challenge to governments, individuals, communities, businesses, industry, and the environment.

The Australian Government has committed to address climate change and in June 2022 submitted its revised National Determined Contribution (NDC) to the United Nations Framework Convention on Climate Change. The revised NDC included reaffirming a target of net zero emissions by 2050 and committing to reduce greenhouse gas emissions by 43% from 2005 levels.

Local governments have played an important leadership role in addressing climate change, and councils have supported a wide range of community-based programs and initiatives to lower the carbon footprint of their own business operations and of their local communities.

As a sector, local government has been an advocate and active participant in the debate for lowering carbon emissions, is sourcing renewable energy, has responded creatively to reduce greenhouse gas emissions from landfills, and facilitated the construction of green buildings and water sensitive design of cities and towns.

Local government has been at the forefront in addressing the impacts of climate change and adaptation to climate change. In particular, councils have a practical understanding of the risk and impact of climate change on Australia's infrastructure and physical assets, natural ecosystems, local economies and their community.

Noting the Australian Government's approach to reducing emissions, are there partnerships, programs, and initiatives that local government and the Australian Government can form to achieve Australia's 2050 net zero emissions target?

Are there initiatives that could assist local governments to build trust in the community for implementation of key climate change and emissions reduction initiatives?

11. ENVIRONMENT

Australia's 537 local councils play an essential role in providing, regulating and managing Australia's environmental services and infrastructure.

Whether it's biodiversity, biosecurity, natural resource management (NRM), contaminated lands, waste management, water resources, sustainability or roadside environments, councils are responsible for educating households and businesses on environment policy, as well as driving environmental programs and initiatives in their local communities.

In recent years the National General Assembly has considered a range of environmental issues, and passed resolutions on biodiversity, biosecurity, conservation, climate change and water security.

How could the Australian Government partner with local government to strengthen Australia's environmental services and infrastructure?

What new programs could the Australian Government partner with local government in to progress local regional and national objectives?



12. CIRCULAR ECONOMY

Local government is responsible for the management of household and domestic waste and has a critical role to play in further developing the circular economy.

Australia's 537 councils manage approximately 26 percent of Australian waste, either directly or through contractual arrangements. Each year, local governments collect around 9.7 million tonnes of waste from kerbside bin services, sort it at material recovery facilities (MRFs), and dispatch what can be recycled to reprocessing facilities in Australia and overseas.

Where waste cannot be recovered it is landfilled, and local governments in most jurisdictions must pay a significant levy per tonne for landfilled waste, as well as incur the operational costs of maintaining and managing a landfill.

Collecting, treating, and disposing of Australian domestic waste costs local government an estimated \$3.5 billion annually. Local government also dedicates resources to administering community waste-education programs, collecting litter, addressing illegal rubbish dumping, and ensuring compliance with waste bylaws.

In November 2023, Australia's Environment Ministers agreed that the Federal Government would establish new regulations for packaging as well as mandate how packaging is designed, develop minimum recycled content requirements and prohibit harmful chemicals being used. These changes are expected to have a positive impact on the amount of waste sent to landfill, and the costs borne by councils and their communities.

How could the Australian Government further strengthen product stewardship arrangements to support local governments in their endeavours to increase recycling and reduce the volume of waste?

How could the Australian Government partner with local government to advance the circular economy?

CONCLUSION

Thank you for taking the time to read this discussion paper and your support for the 2024 National General Assembly of Local Government.

A FINAL REMINDER:

- » Motions should be lodged electronically at www.alga.com.au and received no later than 11.59pm on Friday 29 March 2024.
- » Motions must meet the criteria published in this paper.
- » Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- » Motions should not be prescriptive in directing how the matter should be pursued.
- » Motions should be practical, focussed and relatively simple.
- » It is important to complete the background section on the form.
- » Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- » When your council submits a motion there is an expectation that a council representative will be present at the 2024 National General Assembly to move and speak to that motion if required.
- » Resolutions of the National General Assembly do not automatically become ALGA's national policy positions. The resolutions are used by the ALGA Board to inform policies, priorities and strategies to advance local governments within the national agenda.

We look forward to hearing from you and seeing you at the 2024 National General Assembly in Canberra.



Item 13.2

Attachment 1



**AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION**

8 Geils Court | 02 6122 9400
Deakin, ACT, 2600 | alga@alga.asn.au

www.alga.com.au

Item 13.2

Attachment 1

13.3 Council Committees - meeting minutes

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.

Summary

This report provides information on how meeting minutes from Council's advisory committees are reported to Council, and what the requirements of Council are with respect to receiving the minutes.

Financial implication

N/A

Risk implication

The information provides clarity for Council that resolutions are not required to confirm advisory committee minutes, which avoids unnecessary discussion and unexpected resolutions aiding Council meeting efficiency.

Policy

Code of Meeting Practice

Committees Framework Policy

Terms of Reference for each Council Committee

Audit, Risk and Improvement Committee Charter

Consultation (internal)

Manager People and Performance

Todd Hopwood | Wollongong City Council's Manager Governance and Customer Service + Public Officer

Communication/Community engagement

Information for each of Council's advisory committees is provided on the Council website, which includes membership, the Terms of Reference and minutes/meeting notes.

Attachments

Nil

Enclosures

Nil

Report of the Chief Operating Officer

13.3 Council Committees - meeting minutes (cont)

RECOMMENDATION

That Council endorse:

1. the process for dealing with minutes of Council's Advisory Committees as outlined in this report.
2. the changes to the "Meeting administration" and "Conflicts of interest" terms of reference are updated for each of Council's Advisory Committees.

Current situation

Kiama Council has 7 advisory committees, being:

1. Audit, Risk and Improvement Committee
2. Blue Haven Advisory Committee
3. Finance Advisory Committee
4. Infrastructure and Liveability Committee
5. Kiama Local Traffic Committee
6. Sustainable Communities Advisory Committee
7. Tourism and Economic Advisory Committee.

The Committees generally meet once a month and members are provided with a formal business paper at least 5 days in advance of the meeting. A Council officer attends the meeting to take minutes through the InfoCouncil system, these are checked by the Chair and received at the next meeting of the Council. Minutes can include recommendations, discussion notes and actions.

Hopwood advice

The CEO has requested from Todd Hopwood advice and clarity on dealing with minutes of advisory committees. Todd has provided answers to the following questions below.

Todd is Wollongong City Council's Manager Governance and Customer Service + Public Officer and is a board member of Local Government Professionals NSW. Todd is also the author of the *Review of Governance Arrangements at Kiama Municipal Council* which was a functional risk-based review undertaken in March 2021 of Council's governance framework, systems, process and resources, making 32 recommendations to Council.

What minutes are Council committees required to keep?

The rules on what to include in the minutes of committees of council as detailed in Part 20 of the Code of Meeting Practice only apply to committees where the membership is comprised only of councillors. Committees with public/non-Councillors as members are not bound by the requirements under the Code of Meeting Practice.

The Terms of Reference for each advisory committee may require particular content to be recorded which may be over and above the Code of Meeting Practice. For best practice, all committees should report on a consistent template.

Report of the Chief Operating Officer

13.3 Council Committees - meeting minutes (cont)

Are committee minutes required to be provided to Council for the purposes of resolution for confirmation?

The Code of Meeting Practice does not require committees of council, irrespective of membership composition, to have their minutes confirmed by resolution.

The Terms of Reference for each advisory committee will otherwise prescribe if meeting minutes should be referred to the council, which may be over and above the requirements of the Code of Meeting Practice.

What is recommended to communicate to Council the outcome of committee meetings and how should the minutes be 'received' by council?

Advisory committee minutes can be sent to councillors for information purposes only via email, bulletin or councillor portal [Dropbox]. These minutes will continue to have the same level of detail in the minutes as previously presented, as the content is good for transparency.

The advisory committee minutes will be published on the Council website (excluding confidential matters) following endorsement of the minutes at the next advisory committee meeting.

The minutes of advisory committee meetings should include:

- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio -visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under the Model Code of Meeting Practice.

If the Terms of Reference for a specific committee requires the minutes to be formally submitted to Council, the Minutes will only include the information as outlined in (a) to (e) above (basically what is moved and carried only). The recommendation to Council will be to receive and note the minutes of the Committee. The recommendation to Council will not include the detailed replication of Committee decisions.

Proposed changes

Following consideration of the Hopwood advice the following process is recommended:

- minutes of an advisory committee meeting will include (a)-(e) above together with any actions and discussion notes.
- a recommendation from the advisory committee that requires Council endorsement will be reported separately for inclusion in the business papers for the next ordinary meeting of Council.
- minutes of advisory committee meetings will be circulated to Councillors and published on the Council website, within two weeks of the meeting.

Report of the Chief Operating Officer

13.3 Council Committees - meeting minutes (cont)

-
- Councillors have the option to table the minutes at the next ordinary meeting of Council in the “Tabling of petitions and other documents” section.

As an explanation the Tabling of petitions and other documents section enables Councillors to record documents such as releasable government letters, minutes of associations/committees, letters of concern/thanks, petitions, etc. There is no debate, no motions, no questions to staff, the document is simply tabled on the public agenda. With the permission of the Chair, Councillors may be able to speak to those documents.

As an exception, it is considered prudent that while the Performance Improvement Order remains in place Council formally reports to the ordinary meeting of Council, the minutes of the Audit, Risk and Improvement Committee, the Finance Advisory Committee and the Blue Haven Advisory Committee meetings under the “Minutes of Committees” section of the business paper.

Terms of reference | meeting administration

It is recommended that the following replaces the existing “Meeting administration” terms in the Terms of Reference for each advisory committee:

- Meetings are to be chaired by a non-councillor committee member as elected by the committee and endorsed by Council.
- The agenda and business papers will be circulated no less than five days prior to a scheduled meeting.
- Minutes will be taken by a representative of Council.
- Minutes shall be approved by the Chair and circulated to each member and to Councillors within two weeks of the meeting being held.
- Minutes are to be brief and focused on action items and advice.
- Recommendations from the meeting minutes that require Council endorsement will be reported separately to the next Ordinary Meeting of Council.
- A Councillor can table the minutes under the “Tabling petitions and other documents” section of the Ordinary Meeting of Council.

Terms of reference | conflicts of interest

It is also recommended that the following “Conflicts of Interest” terms be added to each of the advisory committee terms of reference:

- Conflicts of Interest are to be called as a matter of process.
- Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately noted.
- Committee members must complete a declaration of interest form.
- Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they

Report of the Chief Operating Officer

13.3 Council Committees - meeting minutes (cont)

be excused from Committee deliberations on the issue where the conflict of interest may exist.

- Where there is a conflict, Council's Code of Conduct will be adhered.

13.4 Destination Event Funding Program Assessment - Round Two

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

CSP Strategy: 3.2.2 Support sustainable local business development, visitations and events.

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

Summary

Council opened round two the Destination Event Funding Program on 1 December 2023. Applications were invited to support major or destination style events within the Kiama Local Government Area.

The applications closed 19 January and the *Internal Grants Assessment Panel (IGAP)* reviewed the nine eligible* applications that were received.

Following evaluation and scoring against the program criteria, a recommendation was made to support each of the applications. This recommendation was subsequently reported to the Tourism Economic Advisory Committee (TEAC) who thanked the IGAP, reviewed the summary, rationale and recommendation, subsequently proposing a slightly different financial apportionment of funds.

** one application received did not meet the full program eligibility due to the proposed event occurring without the three month lead time. Due to the timeline of the funding program, together with the availability of the applications headline act, the IGAP permitted the application.*

Financial implication

\$47,140.00 which is the remaining budget allocated to this program for the 2023/24 financial year.

Risk implication

N/A

Policy

Destination Event Funding Program Guidelines

Kiama Tourism and Events Strategic Plan 2022-2026

Consultation (internal)

Council's internal assessment panel has reviewed and scored the applications received for this round of funding against documented criteria available within the Funding Program Guidelines. The panel consists of four staff from various departments of Council.

Communication/Community engagement

The funding program invites people and organisations interested in hosting a destination event within the Kiama Local Government Area.

Report of the Chief Executive Officer

13.4 Destination Event Funding Program Assessment - Round Two (cont)

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

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

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

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

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

Report of the Chief Executive Officer

13.4 Destination Event Funding Program Assessment - Round Two (cont)

Background

The Destination Event Funding Program opened its second and final round of funding for this financial year in November 2023. The program closed for applications on 19 January 2024. Each applicant must meet the funding criteria detailed in the Guidelines and respond to questions that relate to such.

Each application is read by Council's *Internal Grants Assessment Panel (IGAP)* and scored individually, a consensus meeting is then held with members to provide comment and justify the score they have provided. Following this discussion, a moderated score is given to each application and a suggested funding allocation provided based on the scoring and perceived value based on the program objectives.

The Tourism Economic Advisory Committee discussed the applications received for the program, the recommendations made by the IGAP and made an alternate apportionment of funds, indicated in red below:

Event name and location	IGAP	TEAC	TEAC comment / basis for variation
Melvo Baptiste, The Pavilion	\$2,000.00	\$2,000.00	Agree.
DISTILLED, The Co-op Gerringong	\$3,220.00 (\$220 in-kind)	\$5,220.00 (\$220 in-kind)	1st event for this new venue, multi day, winter season.
Winter Wine Festival, Crooked River Wines	\$5,220.00 (\$220 in-kind)	\$5,220.00 (\$220 in-kind)	Agree.
Kiama Coastal Classic Running Festival	\$4,000.00 (\$1,000 in-kind)	\$4,000.00 (\$1,000 in-kind)	Agree.
Kiama Readers Festival - Books by the Sea, various	\$4,500.00 (\$1,500 in-kind)	\$4,500.00 (\$1,500 in-kind)	Agree.
Jamberoo Music Festival	\$8,200.00 (\$4,200 in-kind)	\$7,200.00 (\$4,200 in-kind)	Multi day, winter, better in line previous funding for this festival and more reflective of the score the IAP provided.
KISS Arts Festival, Black Beach	\$8,000.00	\$8,000.00	Agree.
Jamberoo Car Show & Family Day, Reid Park	\$7,000.00 (\$1,500 in-kind)	\$5,000.00 (\$1,500 in-kind)	One day event, heavy reliance on council, opportunity to ticket /charge vehicles entering the event.
Clearly Music Local Artists 2024 Campaign, The Pavilion	\$5,000.00 (\$3,000 in-kind)	\$6,000.00 (\$4,000 in-kind)	Proposed 8 individual events throughout year with drawcard acts that will drive younger market visitation.
TOTAL	\$47,140.00	\$47,140.00	

13.5 Fee waiver request: Kiama Sevens

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

CSP Strategy: 3.2.2 Support sustainable local business development, visitations and events.

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

Summary

The Kiama Sevens has requested that Council consider a request to waive the reserve hire fee for the event on 25 February 2024.

This report is offered for council consideration.

Financial implication

\$2,600.00

Risk implication

There is a risk that resolving against current policy creates precedents and has a negative impact on fees and charges.

Policy

Destination Event Funding Program Guidelines.

Consultation (internal)

This requested amount is outside of Council staff delegation. The event application for funding has been assessed by Council's Internal Grants Assessment Panel against criteria and the recommendation to support the event to the value of \$10,000.00 endorsed by Council.

Communication/Community engagement

N/A

Attachments

- 1 Letter from Mark Bryant to CEO requesting reserve hire fee waiver [↓](#)

Enclosures

Nil

RECOMMENDATION

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

Report of the Chief Executive Officer

13.5 Fee waiver request: Kiama Sevens (cont)

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

Background

Kiama Sevens is a rugby union tournament in which 40+ teams consisting of seven players per side play in a competition format. Kiama Sevens has grown from a community game into a national event with statewide significance over the last 50+ years.

Kiama Council have supported this event in varying levels since its inception due to its strong community involvement and positive social and economic impact. In particular, the events continual growth and plight to include an increase of indigenous players, women, and also the integration of a junior pathway leading to the final of the Kiama Sevens.

One of our five Destination Kiama objectives within the 2022-26 Strategic Plan is to create a thriving high quality event destination. Consequently, in more recent years, Council's support for this event has been awarded via a meritorious application process through the Destination Events Funding Program.

Economic impact

Spendmapp data provides actual credit card data from the town, and an analysis can be run with date ranges to better understand economic activity during a specified time period.

During the 2023 Kiama Sevens event (Saturday 25 February), there was a total of \$1.64 million in spending in Kiama. The Saturday prior, there was a total of \$1.4 million in spending and the Saturday prior to that a total \$1.53 million. It can therefore be deduced that the 2023 Kiama Sevens event brings an estimated 6-9% increase in economic activity to Kiama over the one day event.

When drawing conclusions on the impact an event has on local spending, it is important to consider other factors that may contribute to a busier or quieter spend period (eg. weather, large congregations staying in the area for weddings etc.). Fine weather was reported on each of the Saturday's analysed.

Application for Destination Event funding

Kiama Sevens applied for round one of the Destination Event Funding Program. All applications submitted were assessed by the Internal Grants Assessment Panel and a recommendation was made to support the event to the value of \$10,000.00 (all monetary funding, and no-in-kind, due to the event organiser's preference to not engage Council waste services).

The Internal Assessment Panel noted when scoring against criteria and comparing other applications, that the economic impact is limited due to it only operating on one day.

The recommendation for \$10,000.00 of funding was endorsed by Council at the July 2023 meeting.

Report of the Chief Executive Officer

13.5 Fee waiver request: Kiama Sevens (cont)

It is noted that in 2023, Kiama Sevens event was awarded \$7,500 monetary funding plus \$7,500 in-kind funding through this program.

Council fees

For the Councillors' information, Council fees for this event are as follows:

\$2,600 Major Short Term Event Licence Fee (reserve hire)

\$62 Native Title Assessment

\$1,900 Pavilion venue hire – Saturday event day and Friday for setup.

Applicant request

The rationale for fee waiver provided by the applicant is based on the reduced support offered by Council for the 2024 event, together with an increase in costs due to the reservation at The Pavilion the Friday evening for set-up (\$400). The fee waiver request is for Major Event Short Term Licence Fee (\$2,600).

The costs imposed on this event are aligned with Council's adopted Fees and Charges and therefore council staff are unable to recommend against this endorsed policy.

Should council wish to resolve differently and approve the fee reduction, an amendment would need to be moved. Staff are only able to recommend in line with current delegations and adopted policy.



9 January 2024
Mark Bryant
Tournament Director
Kiama Sevens
kiamasevens@kiamarugby.com

Attention: Jane Stroud
Chief Executive Officer
Kiama Municipal Council

**Request to Waive Major Short Term Event Licence Fee
Kiama Sevens – Kiama Showground Precinct – 24 February 2024**

Dear Jane,

Further to my discussions with your colleague, Helen Demertzis, I am writing to request that the Major Short Term Event Licence Fee be waived for the 2024 Kiama Sevens.

Kiama Sevens has not previously paid this fee.

Should you have any questions regarding this matter please contact me on 0439 640 896.

Thank you for your consideration.

Kind regards,

Mark Bryant
Tournament Director – Kiama Sevens

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

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 13.6

Summary

Council has received advice that Mr Jim Thomson has resigned from the Finance Advisory Committee. An expressions of interest process is required to seek a new Committee member.

Financial implication

There are no financial implications.

Risk implication

The risk to Council would be non-compliance with the Finance Advisory Committee terms of reference which requires membership of 5 community members appointed by Council and when positions become vacant the selection of new committee members will be undertaken:

1. through a public invitation for EOI by applicants
2. by consideration of applications by Council
3. by Council approval of successful applicant.

Policy

Finance Advisory Committee terms of reference.

Consultation (internal)

CFO

COO

Communication/Community engagement

Invitations to submit an expression of interest will be available on the Council website and promoted through usual media channels. Council staff will shortlist and recommend the preferred applicant to the Chair of FAC.

Attachments

Nil

Enclosures

Nil

Report of the Chief Executive Officer

13.6 Finance Advisory Committee - Resignation of member - Expressions of Interest (cont)

RECOMMENDATION

That Council:

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

Background

Mr Jim Thomson has resigned from the Finance Advisory Committee (FAC) for personal reasons. Jim's membership to the FAC was endorsed by the Council in October 2021.

Jim has been a valuable FAC member. His legal knowledge and his commitment to FAC has added value to the Committee's interpretations and recommendations throughout the last two and half years of his membership. Jim has been generous in providing his advice – both analytical and legal in dealing with a number of financial challenges put to the FAC.

It is recommended that Council formally thank Jim for his contributions.

Expressions of interest

As set out in the Terms of Reference of the FAC, when a position becomes vacant the selection of a new committee member will be undertaken:

1. through a public invitation for EOI by applicants
2. by consideration of applications by Council
3. by Council approval of successful applicant.

It is Council's intention to invite expressions of interest through an online form available on the Council website, promotion of which will be achieved through usual media and social media channels.

14 REPORT OF THE CHIEF OPERATING OFFICER

14.1 Endorse for public exhibition: DRAFT Enterprise Risk Management Policy

CSP Objective: Outcome 5.3: Council has the right structures, technology, processes and precedures to support delivering for the public

CSP Strategy: 5.3.1 Council will build organisational capabilities and capacity to deliver excellent customer service.

Delivery Program: 5.3.1.2 To reduce risk and promote, maintain and improve the safety culture within the organisation.

Item 14.1

Summary

The Draft Enterprise Risk Management Policy has been developed based on the model policy provided in the Office of Local Government *Guidelines for Risk Management and Internal Audit for Local Government in NSW*. The Policy updates and replaces Council's current Enterprise Risk Policy, last endorsed in November 2021.

Risk implication

The purpose of this policy is to express Council's commitment to implementing organisation-wide risk management principles, systems and processes that ensure the consistent, efficient and effective assessment of risk in all Council planning, decision-making and operational processes.

Policy

DRAFT – Enterprise Risk Policy

Consultation (internal)

This policy is based on a Model policy under the *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.

Council's Audit, Risk and Improvement Committee are aware of Council's activity towards meeting the guidelines which become effective on 1 July 2024.

Communication/Community engagement

The draft Enterprise Risk Management Policy will be placed on public exhibition for a period of 28 days. As this policy is based on a model policy, feedback will only be considered if it strengthens the policy. Council cannot weaken the policy in any way.

Attachments

- 1 DRAFT Enterprise Risk Management Policy [↓](#)

Enclosures

Nil

Report of the Chief Operating Officer

14.1 Endorse for public exhibition: DRAFT Enterprise Risk Management Policy
(cont)

RECOMMENDATION

That Council:

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

Background

It is incumbent on Council to understand the internal and external risks that may impact the delivery of its services, contracts and strategic objectives and have processes in place to identify, mitigate, manage and monitor those risks to ensure the best outcome for Council, employees and the community. It is also our responsibility to ensure the efficient, effective and ethical use of resources and services by ratepayers, residents, employees and visitors.

Council has developed a risk management framework consistent with ISO 31000 to assist in identifying, treating, monitoring and reviewing all risks to its operations and strategic objectives and apply appropriate internal controls. The proposed policy is based on the model policy provided in the Office of Local Government *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.



Enterprise Risk Management Policy

Policy owner	Risk Management Coordinator
Department	Office of the Chief Executive Officer
Date adopted/endorsed	D Month Year
Resolution number (if applicable)	XX
Next review due	February 2025
TRIM reference	24/13155

Contents

Purpose	1
Risk Management Framework	1
Responsibilities	2
Monitoring and review	3
Further information	3
References	3
Consultations	3
Definitions	3
Variation and review	3
Authorisation	4

Purpose

The purpose of this policy is to express Kiama Municipal Council’s commitment to implementing organisation-wide risk management principles, systems and processes that ensure the consistent, efficient and effective assessment of risk in all Council planning, decision-making and operational processes.

Risk Management Framework

Council provides critical services and infrastructure to the residents, ratepayers and visitors to our municipality. Council also has service agreements and contractual obligations with government and non-government agencies and organisations and has its own strategic goals and objectives that it seeks to achieve on behalf of the Kiama community.

RESPECT • INTEGRITY • INNOVATION • TEAMWORK • EXCELLENCE •

It is therefore incumbent on Council to understand the internal and external risks that may impact the delivery of these services, contracts and strategic objectives and have processes in place to identify, mitigate, manage and monitor those risks to ensure the best outcome for Council, employees and the community. It is also Council's responsibility to ensure the efficient, effective and ethical use of resources and services by ratepayers, residents, employees and visitors.

Council has developed a risk management framework consistent with ISO 31000 to assist it to identify, treat, monitor and review all risks to its operations and strategic objectives and apply appropriate internal controls.

Council is committed to the principles, framework and process of managing risk as outlined in ISO 31000 and commits to fully integrating risk management within the Council and applying it to all decision-making, functions, services and activities of Council in accordance with statutory requirements.

Responsibilities

Council aims to create a positive risk management culture where risk management is integrated into all everyday activities and managing risks is an integral part of governance, good management practice and decision-making at Council. It is the responsibility of every employee and business area to observe and implement this policy and Council's Risk Management Framework.

All employees are responsible for identifying and managing risk within their work areas. Key responsibilities include:

- being familiar with, and understanding, the principles of risk management
- complying with all policies, procedures and practices relating to risk management
- alerting management to risks that exist within their area, and
- performing any risk management activities assigned to them as part of their daily role.

Risk management is a core responsibility for the Executive Leadership Team (ELT) and Management Leadership Team (MLT) at Council. In addition to their responsibilities as employees, ELT and MLT are responsible for:

- ensuring all employees manage their risks within their own work areas. Risks should be anticipated, and reasonable protective measures taken
- encouraging openness and honesty in the reporting and escalation of risks
- ensuring all employees have the appropriate capability to perform their risk management roles
- reporting to the Chief Executive Officer (CEO) on the status of risks and controls, and
- identifying and communicating improvements in Council's risk management practices to Council's risk management function.

Council's risk management function is available to support employees in undertaking their risk management activities.

To ensure Council is effectively managing its risk and complying with its statutory obligations, Kiama Municipal Council's Audit, Risk and Improvement Committee (ARIC) and internal audit function is responsible for reviewing the Kiama Municipal Council:

- risk management processes and procedures
- risk management strategies for major projects or undertakings
- control environment and insurance arrangements
- business continuity planning arrangements, and
- fraud control plan.

Monitoring and review

Council is committed to continually improving its ability to manage risk. Council will review this policy and its risk management framework at least annually to ensure it continues to meet the requirements of the Local Government Act 1993, the Local Government (General) Regulation 2021, and Council requirements.

Further information

For further information on Kiama Municipal Council risk management policy, framework and process, contact our Enterprise Risk Coordinator on risk@kiama.nsw.gov.au or by phone 4232 0444.

References

- ISO 31000:2018 Risk management guidelines
- Local Government Act 1993
- Guidelines for Risk Management and Internal Audit for Local Government in NSW
- Enterprise Risk Management Framework

Consultations

- Based on the Model Policy as provided in the *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.

Definitions

Term	Definition
Audit Risk Improvement Committee (ARIC)	ARIC is an independent committee that seeks assurance about the Council's governance processes, compliance, risk management and control frameworks, external accountability obligations and overall performance
Employees	All staff, contractors and volunteers engaged by council.
Executive Leadership Team (ELT)	Council's ELT comprises of our CEO, COO, CFO and Directors
Management Leadership Team (MLT)	Council's MLT comprises of all Managers
Objectives	An adopted or stated goal, deliverable, outcome intended to be attained. Often external to Councils' control.
Operational Risk	Disruption to day-to-day business activities, often within councils' control.
Risk	The effect of uncertainty on objectives
Strategic Risks	Disruption that may result in not being able to meet long term objectives or overall strategy.

Variation and review

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

Date reviewed	Date adopted/endorsed	Brief detail of amendments
February 2024		Update of policy to model template from the Guidelines for Risk Management and Internal Audit for Local Government in NSW
May 2021	16 November 2021	Update to CEO, update definitions, adjust departments, refine purpose and objectives, update review history process
March 2018	17 April 2018	Policy review
	18 March 2014	New policy

Authorisation

Name: Council Resolution No: ****

Date: Date adopted by Council

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

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

CSP Strategy: 5.2.1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Delivery Program: 5.2.1.2 Support good governance through systems and processes for legislative compliance.

Item 14.2

Summary

This report recommends the adoption of Post exhibition endorsement: Local Government Elections (Caretaker Period provisions) Policy adopted for public exhibition at the Council meeting on 21 November 2023.

Financial implication

The Local Government Elections (Caretaker Period provisions) is an administrative policy and does not impact the budget.

Risk implication

The Local Government Elections (Caretaker Period provisions) Policy addresses constraints that apply during the caretaker period so that operational and civic duties can be undertaken compliantly – particularly with respect to S393B of the regulations, significant contracts, controversial planning decisions or appointment or reappointment of General Manager (Chief Executive Officer).

Policy

- NSW Local Government Act 1993
- NSW Local Government (General) Regulations 2021

Consultation (internal)

Management Leadership team

Executive Leadership Team

Communication/Community engagement

The draft Policy was placed on public exhibition closing 15 January 2024.

Attachments

- 1 Local Government Elections and Caretaker Provisions highlighted proposed amendments [↓](#)

Enclosures

Nil

Report of the Chief Operating Officer

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

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

Background

At the November 2023 Council meeting, Council resolved to place the draft Local Government Elections (Caretaker Period provisions) Policy on public exhibition for 28 days. The draft Policy was on exhibition from 27 November 2023 to 15 January 2024.

Submissions

A summary of the 1 submission received is provided below:

Submission No.	Received From	Submission Details	Council Response
1.	Employee Submission	1. Can we please include the start/ end date of caretaker period in the 'key dates' table? 2. Also, request to add the following to section 3.7 - in CAPS below. Council’s website will function as normal during the caretaker period, however Councillor profile pages Council policy name will be limited to names, contact details and membership of committees (this includes removing the Mayors blogs from the Mayor profile page). Any references to the election on the website will be restricted to process only.	1. Agreed, table updated. 2. Agreed, policy updated.

Item 14.2



KIAMA MUNICIPAL COUNCIL
your council, your community

Local Government Elections (Caretaker Period provisions) Policy

Policy Owner/Responsible Officer	Public Officer
Department	People & Performance
Date adopted/endorsed	D Month Year
Resolution number (if applicable)	XX
Next review date	D Month Year
TRIM reference	XX

Contents

Policy Statement/Objectives	1
Scope	2
References	2
Consultations	2
Variation and review	3
POLICY	3
1. Election Preparation	3
2. Key Dates	4
3. Caretaker Period	5
Related Forms/Documents	8
Attachments	8
Authorisation	9

Policy Statement/Objectives

Kiama Municipal Council is committed to observing the specific legislative and governance requirements and other considerations that apply to the decisions councils make and the way they exercise their functions in the four week lead up to the election when the caretaker period applies.

The objectives of the policy are to:

- Ensure Councillors, community and staff are aware of what can and cannot be done during the election caretaker period.
- Ensure Council complies with the election period caretaker provisions of the Local Government Act 1993 (the Act).
- Ensure Council continues to provide high standards of service and governance to the community during an election period
- Avoid making significant new policies or decisions that could unreasonably bind a future Council

RESPECT • INTEGRITY • INNOVATION • TEAMWORK • EXCELLENCE •

- Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election

Scope

This policy applies to Councillors, Chief Executive Officer and Directors for the caretaker period. The caretaker period for the Saturday 14 September 2024 local government election starts midnight Friday 16 August 2023 and ends on Friday 13 September 2023.

References

- Local Government Act 1993
- Model Code of Conduct for Local Councils in NSW
- Local Government Regulations (General) 2005
- Council's Code of Conduct
- Environmental Planning and Assessment Act 1979

Consultations

- Office of Local Government – Pre-election Guide
- NSW Electoral Commission

Definitions

Term	Definition
Caretaker Period	The period of 4 weeks preceding the date of an ordinary election (clause 393B(3) of the Reg)
Chief Executive Officer	1st tier management position and titled as such
Controversial Development Application	A development application for designated development under section 4.10 of the Environmental Planning and Assessment Act 1979 for which at least 25 persons have made submissions during community consultation
Councillor	An elected member of Council
Council officer	A member of Council staff
Electoral material	Means anything, including without limitation a how-to-vote card, poster or advertisement, containing Electoral Matter (whether in a tangible or an electronic form).
Electoral Campaign Material	Any matter that is intended or calculated or likely to affect or is capable of affecting the result of any election held or to be held or that is intended or calculated or likely to influence or is capable of influencing an elector in relation to the casting of his or her vote at any election

Regulated period	The regulated period starts when the electoral rolls close 40 days before election day and ends on election day
------------------	---

Variation and review

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

Review History

Date reviewed	Date adopted/ endorsed	Brief detail of amendments
		This is a new policy.

POLICY

1. Election Preparation

1.1 Coordinating an Election

Following Council’s resolution on August 2023, to engage the NSW Electoral Commission (NSWEC) to run Kiama Municipal Council’s 2024 Local Government Election, relevant Council officers have been and will continue to liaise with representatives of the NSWEC to facilitate the coordination of the election. These officers will include the Chief Executive Officer, Governance Coordinator and Executive Services staff.

The Council Officers listed above have and will assist with organising the following:

- preparation of non-Residential roll.
- scoping of pre-poll voting venues.
- scoping of Returning Officer venue.
- information for prospective candidates relevant to Kiama Municipal Council.
- preparation of Councillor Induction Training Programs after election results are declared.

1.2 Non-Residential rolls

The non-Residential rolls close forty (40) days prior to the Election Day, which is 4 August 2024. Information on non-Residential nomination forms can be found at [Non-residential enrolment for local government election - NSW Electoral Commission](#)

2. Key Dates

Key Dates for 2024 Local Government elections	
22 July 2024	Advertising of enrolments
29 July 2024	Last day to lodge half-yearly political donations disclosure.
5 August 2024	Start of regulated period for each electoral material 8am: Lodgements of nominations open 6pm: Close of roll for the purposes of being a candidate, nominator and roll printing
6 August 2024	Lodgement of postal vote applications open
14 August 2024	Registration of electoral materials open 12pm: Close of nominations and close of registration of candidates and groups
15 August 2024	2pm: Ballet paper draw conducted 2pm: Uncontested elections declared
16 August 2024	Councillor Caretaker Period commences
19 August 2024	Postal packs distribution begins
2 September 2024	Pre-poll voting opens Display of registered electoral material website commences
6 September 2024	5pm: Registration of electoral material closes
9 September 2024	Telephone voting registration and voting opens 5pm: Postal vote applications close Registration of third-party campaigners close
13 September 2024	Pre-poll voting period closes Telephone voting registration closes
13 September 2024	Councillor Caretaker Period concludes
14 September 2024	Election day: 8am – 6pm 1pm: Telephone voting closes 6pm: Regulated period for electoral material ends
22 September 2024	Last day to lodge annual electoral expenditure disclosure
27 September 2024	6pm: End of postal vote return
30 September 2024	Progressive distribution of preferences

1 October 2024	Progressive distribution of preferences Progressive declaration of results
2 October 2024	Progressive distribution of preferences Progressive declaration of results
3 October 2024	Progressive declaration of results
7 October 2024	Public holiday

3. Caretaker Period

In the four weeks preceding the date of an ordinary election, Councils enter a caretaker period. The caretaker period for the Saturday 14 September 2024 local government election starts midnight Friday 16 August 2023 and ends on Friday 13 September 2023.

During this period, restrictions are placed on Councils functions.

3.1 Decision Making

Council is committed to complying with Clause 393B of the Regulations which states:

The following functions of a council must not be exercised by the council, or the Chief Executive Officer or any other delegate of the council, during a caretaker period:

- a) entering a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger),*
- b) determine a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period*
- c) appoint or reappoint the council's Chief Executive Officer (except for temporary appointments)*

In certain circumstances, these functions may be exercised with the approval of the Minister

3.2 Council meeting or officers acting under delegated authority

Council meetings may be held during the caretaker period however the following decisions will not be made during the caretaker period by Council or an officer acting under delegation:

- acquisition of land;
- adoption or amendment of the Kiama Local Environmental Plan 2011 (Kiama LEP 2011);
- adoption or amendment of policies, protocols, strategies, master plans or frameworks;
- adoption or amendment of the Community Strategic Plan or Council's Delivery Program;
- adoption of a revised budget;
- allocation of grants or awards to individuals or organisations;

- appointing representatives to Council committees;
- endorsing submissions to government or public bodies;
- entering into a contract or entrepreneurial agreements exceeding the amount specified in the Regulation;
- entering into agreements deeds or leases;
- hearing of submissions or deputations from the community;
- naming or re-naming of roads, reserves or features;
- reviewing of programs or service provision; and
- any other decision that the Chief Executive Officer considers may affect voting at the election or is a decision that can be made outside of the caretaker period.

Decisions made prior to the caretaker period by Council or by an officer under delegation can be implemented during the caretaker period.

3.3 Council Meetings and Councillor Briefings

Ordinary Council Meetings will continue to be held during the caretaker period. As the standard Council Meeting agenda contains item that may lead to discussing election issues, Council will not consider the following during the caretaker period:

- petitions, joint letters and deputations
- public forum
- questions on notice
- notices of motion
- Mayoral Minute
- matters of an urgent nature

Councillor Briefings are a forum for information sharing, not decision-making. Councillor briefings may be held during the caretaker period however; Councillor briefing material will relate only to factual matters or to existing Council services, and will not relate to matters that might be perceived to be connected with a candidate's election campaign.

The Chief Executive Officer will have final approval of topics presented at Councillor Briefings during the caretaker period. Council Meeting Public Forum sessions will not be held during the caretaker period.

3.4 Council Resources

The Councillor Facilities and Expenses Policy still applies during the caretaker period. Council will continue to support Councillors with their normal civic duties and appropriate out-of-pocket expenses will be covered.

Council resources (including, but not limited to, offices and equipment, phones and tablets, logos, letterheads, photocopying, corporate clothing etc.) must not be used by Councillors and officials for Electoral Matters and campaigns.

No election campaigning material is to be prepared or produced by Council, nor distributed from or displayed in or on Council land, facilities, libraries or community noticeboards.

Councillors must ensure that operational requests can only be made on behalf of themselves (e.g. issues with roads, footpaths, trees, waste management and general amenity etc.) are made through Council's Request Management system.

Request for Council records can be submitted under the Government Information Public Access (GIPA) Act 2009. If a formal application is made during the election period, the usual requirements of this Act will apply.

Databases and mailing lists held by the organisation remain the property of Council, are subject to the requirements of the Privacy and Personal Information Protection (PPIP) Act 1998, and are therefore not available to members of the public, candidates or as Councillors.

The use of Council's internet and intranet sites, including Council's social media sites for any activity to do with election campaigning is prohibited. There will be no links from the Council's website to a candidate's private website.

Council facilities booked for the election campaign purposes will be let at the same rate to all hirers.

The Mayor Vehicle is under a leaseback arrangement and is available for private use during the caretaker period.

No Mayoral column will be published during the caretaker period.

Throughout the election period, including the time in which the Council is in a caretaker period, Councillors are required to adhere to the Code of Conduct for Councillors.

3.5 Access to Council Information

Councillors will continue to receive information necessary to fulfil their existing roles as a Councillor during the caretaker period (e.g. information related to Council Meetings).

Council staff must not offer comment to the public about any Councillors or candidates, except to provide contact details for current Councillors.

3.6 Community Consultation, Engagement and Events

Council will limit community consultation and engagement during the caretaker period. Regular statutory planning consultations/ engagement involving Council staff, councillors and interested persons may continue. Discussions at these planning meetings must not involve Electoral Matters or significant community consultation on major developments, strategy or policy issues.

Council will not schedule public Council events outside of the existing program during the caretaker period. Councillors can attend and accept invitations for externally organised events (e.g. business breakfasts, annual general meetings, launches, openings and exhibitions) held during the caretaker period. However, they will not be provided with administration assistance and the event must not be used for electioneering.

3.7 Publications and Communications

Council will, where possible, reduce media releases. The Chief Executive Officer is required to approve all media releases, responses and public comments and will determine the appropriate

spokesperson in relation to specific issues. The Chief Executive Officer will be Council's spokesperson if the issue relates to Electoral Matters

The Chief Executive Officer will have final sign-off on all publications produced and distributed by the Council during the caretaker period. The Chief Executive Officer must certify that the publication does not contain electoral matter. This should be broadly interpreted to refer to documents that are produced for the purpose of communicating with the community including:

- Council newsletters.
- Advertisements and notices.
- Media releases and response to media enquiries.
- Leaflets, brochures, stickers etc.
- Mail outs to multiple addresses.
- Social media content.

The Policy applies to both hard copy publications and publications on the internet.

Publications that were published prior to the commencement of the caretaker period and publications that are required to be published in accordance with any Act or Regulation do not require certification by the Chief Executive Officer

Council's website will function as normal during the caretaker period, however Councillor profile pages will be limited to names, contact details and membership of committees. **This includes removing the Mayor's blogs/columns from the Mayor's profile page.** Any references to the election on the website will be restricted to process only.

During the election period Council-managed social media sites must not be used for election campaigning. Any publication of comments or new content on Council-managed social media sites will require approval by the Chief Executive Officer during an election period.

The ability for members of the public to post comments on Council's social media sites will continue during the election period and must adhere to the published community guidelines for each site.

Related Forms/Documents

[How does a local government election work? - NSW Electoral Commission](#)

[2024 NSW Local Government elections - NSW Electoral Commission](#)

[Local government elections - Office of Local Government NSW](#)

Attachments

Nil	

Authorisation

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

Date: **Date endorsed by ELT or adopted by Council**

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023

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 presents the quarterly budget review statement for the quarter ending 31 December 2023 to comply with Part 9, Division 3, Clause 203 (1) of the Local Government (General) Regulation 2021. This report details recommended changes to the adopted budget and a revised estimate of income and expenditure for the 2023/24 financial year.

Financial implication

Monitoring of the budget on a quarterly basis enables timely financial management and budget variations to effectively manage the resources available to Council to provide public services and amenities.

Risk implication

The risk implication attached to this information is not meeting legislative requirements as set out above.

Policy

Part 9, Division 3, Clause 203 (1) of the Local Government (General) Regulation 2021 legislates the preparation of this report. As such Kiama council complies with the legislation by preparation of this report.

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Directors

Department Managers

Management Accountants/Finance team

Communication/Community engagement

N/A

Attachments

1 Financial Statements - December 2023 [↓](#)

2 2023-24 QBR 2 [↓](#)

Enclosures

Nil

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)

RECOMMENDATION

That Council:

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

Background

In the quarterly budget review (QBR) for the quarter ending September 2023, it was advised that from QBR 2, all future quarterly budget review reports will combine the monthly financial statements into a single report. Variance analysis expressed in the monthly financial statements for December 2023 refer to variances in comparison to the previous or current adopted budget (QBR 1 in this instance) and not the proposed budget per the current QBR process.

Throughout the second quarter of the 2023/24 budget year, Kiama Council has largely continued its normal operations, however a significant internal review of Council's Domestic and Commercial Waste, Hire Services and Cleaning Services budgets has been conducted. A more comprehensive summary of the budgetary effect of the review is detailed in this report (see Table 6).

Executive Summary

The Council's consolidated performance remains aligned with the original budgetary framework adopted by Council.

The removal of the LTFP proposed Barney Street sale (as resolved by Council) emerges as a pivotal budget adjustment, exerting an unfavorable influence on the overall financial outlook and associated Key Performance Indicators (KPIs).

Kiama Council has been successful in its application for the NSW Government's Infrastructure Betterment Fund grant payment, totalling \$4.5M paid in instalments over 3 financial years, commencing in 2023/24 with a payment of \$2.25M.

A comprehensive review of the Council's Domestic and Commercial Waste, Hire Services and Cleaning Services budgets has been completed. The subsequent budget modifications have been incorporated in proposed budget adjustments, setting the stage for presenting the performance of these business units individually in the upcoming months. We anticipate additional adjustments in the allocation of overheads as this review progresses.

Consistent with previous reports and the current sustainability strategy, the Council's budget relies on asset divestment to fulfill key KPIs and positive cash flow.

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023 (cont.)

Item 14.3

Overview

The attached quarterly budget review statement for the quarter ended 31 December 2023 shows a projected increase to the operating budget surplus of \$707K, taking the QBR 1 adopted budget surplus of \$31.84M to a projected year end surplus of \$32.55M. The attached QBR highlights that both remaining revenue and expenditure budgets will be largely on track on consolidated level assuming proposed changes to the annual budget are adopted.

Revenue remaining to be received is 57% (highlighting that 43% of Councils revenue has been received halfway through the year). Expenses remaining to be spent is 50% (highlighting Council has spent half of its expenditure budget to December 2023).

Table 1. The following table presents a summary of the combined operational and capital quarterly budget review movements for QBR 2.

\$'000	QBR1 Adopted Budget	QBR2 Forecast Budget	QBR2 Changes	Result
Operational budget (Surplus)	31,844	32,551	707	Increased budgeted surplus
Capital budget (Expenditure)	18,970	18,848	(122)	Decreased budgeted expenditure
Total	12,874	13,702	829	

Table 2. The following table presents a high-level summary of the budget movements and variances at a Consolidated level, year to date to December 2023.

\$'000	Adopted Budget (QBR 1)	QBR 2 Changes	Proposed Budget	YTD Adopted Budget	YTD Actuals	YTD Variance to Adopted budget
Revenue	127,079	3,229	130,308	49,378	55,536	6,158
Expenses	95,235	2,522	97,757	47,239	48,799	(1,559)
Operating result	31,844	707	32,551	2,139	6,738	4,599

Operational Revenue

An overall increase in budgeted revenue of \$3.22M or 2.5% from the adopted budget (QBR1) has been projected in this quarterly budget review, increasing the overall income budget from \$127.08M to \$130.3M.

\$751K of the total \$3.22M increase in revenue relates to non-internal increases, with the other \$2.47M being internal in nature and offset by internal expenditure changes. The internal increases predominately relate to the waste services budget review, specifically a recalculation and distribution of internal plant and equipment recharges.

An explanation of the material income variances and subsequent QBR change recommendations are detailed below.

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)

Net gain/(loss) from the disposal of assets

The most notable event contributing to the \$6.15M favorable year to date revenue variance relates to the Net gain/(loss) from the disposal of assets, which is \$3.13M favorable to the adopted budget as at December 2023. This variance primarily relates to the timing of the sale of the Akuna St South Carpark, which was budgeted to be sold in June 2024, however sold in November 2023. The proceeds from this sale exceeded the budget by \$500K.

The proposed budget adjustment of \$3.77M (unfavorable) reflects Council decision not to sell Barney Street property which was included in the original budget. Another element of this unfavorable adjustment is updating the book value of land held for sale based on the asset revaluation done for 2021/22 financial year. This was partially offset by increasing budget to actuals for Akuna Street carpark proceeds (\$500K noted above in actuals). For details, please refer to Attachment 2, page 4.

User charges and fees

A favourable variance of \$786K exists against the adopted budget at the conclusion of the second quarter for user charges and fees. The main drivers of this favourable variance relate to the waste services review and reflected in recommended changes found in QBR 2 relating to this review (\$448K increase in user charges and fees budget), for further detail see Table 6.

The remaining favourable variance can be in-part attributed to higher than anticipated revenue across the Pavilion and Leisure centre (General fund) due to seasonal fluctuations in revenue.

A recommendation to remove \$60K of income from the Holiday Park budget due to the cessation of Showgrounds operations was made in QBR 2 which would further decrease the favourable variance to the current adopted budget.

Lastly, Blue Haven has higher than budget fees charges because of Means Tested Care Fees payable by aged care residents (calculated using a formula based on a resident's income and assets and as such difficult to forecast, offset by lower subsidy from DOH, nil net effect).

Grants and contributions provided for operating and capital purposes

The combined variance of operational and capital grant revenue at a consolidated level is \$848K favourable against the adopted budget. It is necessary to analyse the combined variance of these two categories due to the misallocation of some operating and capital grants acknowledged during the reconciliation process.

A reconciliation of operational and capital grants for the 2023/24 year has been undertaken, however is still in progress with completion expected by QBR 3 as it is intertwined with the preparation of the 2022/23 financial statements.

The results of the reconciliation thus far have led to a number of proposed budget adjustments in QBR 2 (\$746K additional operating grants, \$3.39M additional Capital grants and contributions).

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023 (cont.)

In addition to budget adjustments, re-phasing of the timing of expected grant revenue has also been undertaken.

Significant adjustments include the removal of \$1.5M of capital grant funding from the Get NSW Active (Active Transport grant) for Jamberoo Cycleway project (to be reintroduced in 2024/25).

Kiama Council's upper limit for NSW Disaster Recovery Funding Arrangement was increased, resulting in an additional \$1.71M of revenue which will be used to complete remaining landslide road repairs.

Kiama Council has also been successful in its application for the NSW Government's Infrastructure Betterment Fund grant payment, totalling \$4.5M paid in instalments over 3 financial years, commencing in 2023/24 with a payment of \$2.25M. Both of these were included in budget adjustments at QBR 2 with the capital program allocation of this grant is pending finalisation.

Other material adjustments to Grants, subsidies, contributions and donations – Capital include a recommendation to increase the budget by \$936K in respect to developer contributions paid to council. The increase is due to a number of large commercial developments in the Kiama LGA. The original budget, which also remained unchanged in the September quarterly budget review has now been revised to \$2M for the 2023/24 financial year.

Blue Haven's Aged Care Facility received \$260K in Covid-19 outbreak management grant payments (relate to previous year) in October and November 2023. These payments were not contained within the original budget.

In addition, Blue Haven contributed further to the favourable consolidated variance in operating grants (subsidy). This is a combination of Fair Work Commission 15% wage related increases, ANACC funding and the hotelling supplement of \$10/resident/day. A budget adjustment of \$500K to the Aged Care Facility is proposed, totalling 760K in increased revenue overall. This has helped to offset the expenditure increases in staffing and agency costs noted below.

Table 3. The following table presents the income variance to the adopted budget, per entity as at December 2023

\$'000	Consolidated	Council General Operations*	Blue Haven	Holiday Parks	Pavilion
Income Actual	55,536	34,067	14,794	6,177	499
Income Budget	49,378	30,554	12,354	6,059	411
Income Variance \$	6,158	3,513	2,440	117	88
Income Variance %	12.5%	11.5%	19.8%	1.9%	21.4%

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

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)

Operational Expenditure

An overall increase in budgeted expenditure of \$2.52M or 2.6% has been projected in this quarterly budget review with the \$2.47M being internal in nature and offsetting the increase in internal revenue by the same amount. As with the increase in internal revenue, this internal increase in expenditure predominately relates to the waste services budget review, specifically the recalculation and distribution of internal plant and equipment recharges.

Non-internal increases account for \$44K of the total \$2.52M increase in expenditure budget. At a consolidated level to December 2023, there is \$1.55M or 3.3% unfavorable variance against the adopted budget for total expenditure. Explanation of the material income variances and subsequent QBR change recommendations are detailed below.

The most significant budget variance to December 2023 in comparison to the adopted budget exists within internal expenditure. An unfavorable variance of \$1.61M can be observed. This relates to a number of budget adjustments linked to the waste services review. The proposed changes highlighted within the waste services review section of this report (see Table 6) will, if adopted, ultimately correct this variance to within an immaterial tolerance.

With regard to the non-internal variances at a consolidated level, a total combined immaterial variance of \$58K exists comparing to the adopted budget, with no significant individual material variances at each financial reporting line level in operational expenditure.

In reference to the expenditure variances of each entity, Blue Haven has a significant unfavorable variance of \$2.23M, predominately within materials and services and more specifically relating to contractor services and agency staff. Noting staffing requirements are essential to meeting Quality Standards and aged care is experiencing a national skill shortage. Recruitment activities continue to occur. A subsequent budget adjustment has been recommended of \$760K, fully offset by the additional income budget adjustments (\$260K Covid-19 management grant payments, and \$500K of increase in funding budget in the Blue Haven Aged Care Facility.)

Kiama's Holiday Parks net operating results are tracking favorably to the adopted budget by (\$780K or 41%). In relation to Holiday Park expenditure variances, materials and services are the main contributor to the 663K underspend against the adopted budget. A proposed reduction of the materials and services budget by \$120K has been included in QBR 2. This relates to the removal of the budget for a Holiday Park manager (contractor position) which was initially included in the original budget, however is no longer required due to Council hiring a temporary contracted staff position for this role (funded by existing employee costs budget, not materials and contracts). In addition, some expenditure budget re-phasing has occurred to reflect more accurate estimates of the timing of certain outflows.

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)**Table 4.** The following table presents the expenditure variance to the adopted budget, per entity as at December 2023

\$'000	Consolidated	Council General Operations*	Blue Haven	Holiday Parks	Pavilion
Expenses Actual	48,799	29,037	15,782	3,492	487
Expenses Budget	47,239	29,033	13,548	4,155	503
Expenses Variance \$	(1,559)	(4)	(2,234)	663	15
Expense Variance %	(3.3%)	(0.0%)	(16.5%)	16.0%	3.1%

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

Individual Business Units Performance

The below table and associated commentary summarises the performance of each of Councils entities to December 2023.

General operations

Council's general operations, which are all operations excluding Blue Haven, the Holiday Parks and the Pavilion are tracking favourably to budget from a net operating result perspective (\$3.5M or 230% favourable). This large favourable variance relates almost exclusively to revenue, which is (\$3.51M over budget). As detailed previously in this report, a significant driver of this variance relates to the net gain on sale adjustment relating to the sale of the Akuna St South carpark which was overstated (for more details refer to the 'operational revenue' section above). The remaining favourable revenue of variance of \$378K in Council's general operations income statement largely relates to the recent Waste services review, however can be considered immaterial to the year to date revenue budget of \$30.5M).

Holiday Parks

Holiday parks operations are tracking favorably to budget in respect to both income (1.9% favourable) and expenditure (16% favourable) to December 2023. As a result, net operating results have exceeded budgeted projections by \$780K. As mentioned above, the primary driver of the favourable variance in the net operating results is in relation to a variance in materials and contracts. The adjustments proposed in QBR 2 (removal of contractor budget) will reduce this favourable variance. In addition, re-phasing of budgets relating to planned maintenance to later in the financial year contribute to reducing this.

Pavilion

The Pavilion has continued to generate income above budgeted projections to December 2023, with total revenue being favourable by \$88K or 21.4%. As mentioned earlier in this report, analysis has been conducted that shows the current variance is likely in relation to the timing of income versus the linear phasing of the budget. The Pavilions income has historically been weighted more heavily to the first half of the

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)

financial year, and therefore it can be expected that even without a re-phase of the revenue budget, the favourable variance may begin to lessen in the coming months as it enters into the less busy period of operations.

From an expenditure perspective the Pavilion's variance is minor, tracking favourably to the adopted budget by \$15K or 3.1%.

Blue Haven

Blue Haven Care Consolidated

Blue Haven at a consolidated level, year-to-date, has a net operational deficit of \$988K comparing to adopted budget of \$1,195K. A significant matter to note is the result for year to date December does include \$800K of advance funding for January so this will level out with an adverse impact in January. As noted earlier, the COVID outbreaks funding of \$260K is included. In addition, a backlog of invoices associated with essential services such as agency staff during Christmas break were processed in January 2024 and not accrued into December.

Blue Haven Bonaira Residential Aged Care (RAC)

The RAC recorded a net deficit of \$1.17M comparing to the budget of \$1.14M, so actuals are in line with the budget. The January advance funding of \$800K needs to be added back for a truer reflection indicating a deficit of \$1.97M for the 6 month period along with the impact of the invoice backlog.

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

On another hand, an increase in occupancy also impacted overall expenses of RAC, which continue to exceed budget, agency costs in particular, in order to meet staffing ratios and requirements.

Budget adjustment of \$760K to increase revenue and expenses is recommended in this QBR in order to better align forecast with actuals (NIL impact on bottom line).

Blue Haven Bonaira Community Programs

Community Programs recorded a minor net deficit of \$4K for the first 6 months. There has also been an increase in the revenue from Community Transport on account of a timing adjustment in the grant receipt.

Blue Haven Bonaira Independent Living Units (ILUs)

The Bonaira ILU's recorded a net surplus of \$415K comparing to budgeted surplus of \$522K. Revenue was recorded at \$1.5M and expenditure at \$1M. Both revenue and expenses actuals are slightly unfavourable comparing to the budget.

Report of the Chief Operating Officer

**14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)**

Blue Haven Terralong Independent Living Units (ILUs)

The Terralong ILU's recorded a net deficit of \$110K comparing to budgeted surplus of \$160K. Revenue was recorded at \$1.7M and expenditure at \$1.8M with materials and contracts materially unfavourable to budget due to previously deferred maintenance items being brought up to date. Contractor costs have also been required to undertake most of the maintenance works as well as review some building and refurbishment issues.

ILU Consolidated EBITDA - The deferred management fee in Other revenue and Depreciation cost are both non-cash items in the above results. Together they account and add to \$630K to the surplus result, resulting in a deficit EBITDA of \$529K.

Item 14.3

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)**Table 5.** The following table presents variances in operating results to the adopted budget, per entity as at December 2023

\$'000	Consolidated	Council General Operations*	Blue Haven	Holiday Parks	Pavilion
Income Actual	55,536	34,067	14,794	6,177	499
Income Budget	49,378	30,554	12,354	6,059	411
Income Variance \$	6,158	3,513	2,440	117	88
Income Variance %	12.5%	11.5%	19.8%	1.9%	21.4%
Expenses Actual	48,799	29,037	15,782	3,492	487
Expenses Budget	47,239	29,033	13,548	4,155	503
Expenses Variance \$	(1,559)	(4)	(2,234)	663	15
Expense Variance %	(3.3%)	(0.0%)	(16.5%)	16.0%	3.1%
Actual operating results	6,738	5,029	(988)	2,685	12
Budgeted operating results	2,139	1,521	(1,195)	1,904	(91)
Operating results Variance \$	4,599	3,509	206	780	103
Operating results Variance %	215.0%	230.8%	17.3%	41.0%	113.1%
Actual operating results (before capital)	(316)	(2,024)	(988)	2,685	12
Budgeted operating results (before capital)	(6,297)	(6,916)	(1,195)	1,904	(91)
Operating results Variance \$ (before capital)	5,982	4,892	206	780	103
Operating results Variance % (before capital)	95.0%	70.7%	17.3%	41.0%	113.1%

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

Waste Services Review

It has been foreshadowed in preceding monthly reports and quarterly budget reviews that council would be undertaking budget review of its Domestic waste, Commercial waste, Hire services and Cleaning services functions, previously and more simply referred to as 'Waste Services'.

A significant amount of work has since been undertaken in reviewing and changing the operational processes and internal reporting methodology regarding the abovementioned Council operations. The approach taken was to conduct an extensive budget rebuild from the ground up, determining the revenue expected and expenditure needed to operate each area.

In many cases, the previous Waste Services budget featured many complex internal interrelationships with one another. As a result of this work, a simplification of the budget has allowed for a significant improvement in transparency which will allow for

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023 (cont.)

greater operational decision making which may lead to driving operational efficiencies in the future.

The consolidated result of this work to date is a positive effect on Kiama Councils operational budget of \$1.05M. Please note that this project is ongoing and further adjustments will occur in the coming months, most notably overhead allocations from Council’s administrative departments are being further reviewed and will affect the below results.

It should be noted that the below consolidated adjustments have been included in the December QBR report for adoption, therefore the existing year-to-date adopted budget variances have been addressed in the abovementioned review. As the quantity of changes proposed is numerous and in some cases complex, a comprehensive variance analysis and breakdown of the changes between the previous and proposed Waste Services budgets will not be included in this report.

Item 14.3

Table 6. The following table presents the proposed changes to the budget in relation to the Waste services review.

	QBR 2 Changes	Effect on budget
Income from continuing operations		
User charges and fees	448,039	Increased revenue
Other revenue	(6,406)	Decreased revenue
Internal Revenue	2,523,300	Increased revenue
Total income from continuing operations	2,964,933	Increased revenue
Expenses from continuing operations		
Employee benefits and on-costs	(260,854)	Decreased expenditure
Materials and services	(356,976)	Decreased expenditure
Internal Expenditure	2,523,300	Increased expenditure
Total Expenses from continuing operations	1,905,470	Increased expenditure
Operating result from continuing operations	1,059,464	Increased surplus

Capital Program

The attached quarterly budget review for the quarter ended December 2023 shows a minor decrease to the capital budget program of \$122K. Taking the QBR 1 adopted budget, from \$18.97M to \$18.84M, a decrease of 0.6%.

The capital projects changed in this QBR were funded from Councils general revenue. As a result, the budget change of \$122K has resulted in these funds being returned to Councils operational funds. As at QBR 2, the majority of the capital program is still

Report of the Chief Operating Officer

14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)

expected to be funded by capital grant revenue and reserves, with only a small portion being funded by general, unrestricted revenue.

At a consolidated level, year to date to December 2023, \$8M has been expended on capital works across the various program levels, with a further \$7.8M committed. The remaining \$3M in the budget is currently not actioned or committed at this point. As a result, Kiama Council has spent 43% of its capital budget in the first six months of 2023/24, highlighting that spending is largely on track.

More comprehensive changes are expected to occur to the capital program at QBR 3. The additional capital grant funding mentioned earlier in this report, totaling \$2.25M from the Infrastructure Betterment Fund grant and \$1.71M from the NSW Disaster Assistance Arrangements will be allocated to respective projects based on work deemed achievable by the end of 2023/24, thus likely increasing the capital program in these areas in the current and following financial years.

KPI summaryOperating performance ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenue. The accepted benchmark for this KPI is a ratio of greater than 0%.

The attached KPI's review statement shows that Kiama Council has had a continuous year on year improvement in this KPI, up from -12.5% in 2020/21, to a projected QBR 2 operating performance ratio for 2023/24 of 13.1%. There has been a minor decrease in this ratio between the original adopted budget and the proposed budget after QBR 2 changes, decreasing by 3.3% from 16.4% to 13.1%. This is mainly as a result of the removal of the net gain on sale associated with the sale of Barney St property. This highlights that Kiama Council is still currently projected to be able to cover its budgeted operational expenditure for the 2023/24 financial year, subject to its asset divestments. Council's planned divestment of its Blue Haven Bonaira is the main driver of this positive operating performance ratio due to the expected gain on sale it is currently expected to deliver.

Excluding the gain on sale Council expects to generate from the divestment of its property and other assets, the ratio would conversely be -11.28% and subsequently this would indicate that Council will not be able to cover its budgeted operational expenditure for the 2023/24 financial year.

Own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. The accepted benchmark for this KPI is a ratio of greater than 60%. The attached KPI's review statement shows that Kiama Council has had a continuous year on year improvement in this KPI, up from 72.9% in 2020/21 to a projected QBR 2 operating performance ratio for 2023/24 of 73.2%. This is due to a projected \$916K reduction in operating revenue in QBR 2, excluding all grants and contributions. The main reason this ratio has improved in 2023/24 on prior years relates to the net gain on sale expected from the planned divestment of Blue Haven Bonaira and other property and assets.

Report of the Chief Operating Officer

**14.3 Quarterly Budget Review and Monthly Financial Statements December 2023
(cont.)**

Excluding the gain on sale Council expects to generate from the divestment of its property and other assets, the ratio would conversely be 52.1% and subsequently fall below the benchmark.

Capital expenditure ratio

This ratio assesses the extent to which a Council is expanding its asset base through capital expenditure on both new assets and the replacement and renewal of existing assets. The accepted benchmark for this KPI is a ratio of greater than 100%. The attached KPI's review statement shows that an increase in the capital program of \$122K in this quarterly review has resulted in Kiama Council's ratio reducing marginally from 129.9% in QBR 1 to 129.0% as at QBR 2. This slight reduction is still an improvement from the 95.2% capital expenditure ratio associated with the original adopted budget. As the ratio is still over the benchmark of 100%, Kiama Council is still projected to be expanding its asset base in 2023/24.

KIAMA MUNICIPAL COUNCIL

Income Statement - Consolidated

For the Period Ending 31 December 2023



	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	14,086	14,183	(97)	12,879	26,232
User charges and fees	12,660	11,873	786	12,522	23,721
Other revenue	3,362	3,319	43	3,201	5,914
Grants and contributions provided for operating purposes	9,798	7,568	2,231	8,506	19,426
Grants and contributions provided for capital purposes	7,053	8,436	(1,383)	3,061	4,560
Interest and investment income	1,003	1,194	(190)	127	1,859
Other income	-	0	(0)	-	0
Net gain/(loss) from the disposal of assets	3,108	(29)	3,137	15,823	8,086
Internal Revenue	4,467	2,834	1,633	4,117	5,335
Total income from continuing operations	55,536	49,378	6,158	60,235	127,079
Expenses from continuing operations					
Employee benefits and on-costs	18,587	18,618	31	17,754	35,680
Materials and services	17,741	17,818	77	13,072	33,586
Borrowing costs	296	127	(169)	789	1,263
Depreciation, amortisation and impairment for non financial assets	7,304	7,304	-	5,593	10,574
Other expenses	422	541	120	400	1,045
Internal Expenditure	4,449	2,831	(1,618)	4,109	5,331
Total Expenses from continuing operations	48,799	47,239	(1,559)	41,717	87,479
Operating result from continuing operations	6,738	2,139	4,599	18,518	31,844
Net operating results for the year	6,738	2,139	4,599	18,518	31,844
Net operating result for the year before grants and contributions provided for capital purposes	(316)	(6,297)	5,982	15,457	17,448

KIAMA MUNICIPAL COUNCIL

Income Statement - Blue Haven

For the Period Ending 31 December 2023



	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	2,670	2,472	198	4,943	4,943
Other revenue	2,535	2,506	29	4,488	5,013
Grants and contributions provided for operating purposes	8,685	6,632	2,053	12,446	13,264
Grants and contributions provided for capital purposes	-	-	-	-	-
Interest and investment income	117	234	(117)	409	468
Other income	-	0	(0)	-	0
Net gain/(loss) from the disposal of assets	-	-	-	-	-
Internal Revenue	787	510	277	1,247	1,019
Total income from continuing operations	14,794	12,354	2,440	23,533	24,708
Expenses from continuing operations					
Employee benefits and on-costs	6,554	6,491	(64)	12,604	12,976
Materials and services	4,746	3,130	(1,616)	8,396	6,260
Borrowing costs	222	49	(173)	1,076	393
Depreciation, amortisation and impairment for non financial assets	2,126	2,126	-	385	4,253
Other expenses	41	4	(37)	3	9
Internal Expenditure	2,092	1,748	(344)	3,230	3,496
Total Expenses from continuing operations	15,782	13,548	(2,234)	25,695	27,386
Operating result from continuing operations	(988)	(1,195)	206	(2,162)	(2,678)
Net operating results for the year	(988)	(1,195)	206	(2,162)	(2,678)
Net operating result for the year before grants and contributions provided for capital purposes	(988)	(1,195)	206	(2,162)	(2,678)

KIAMA MUNICIPAL COUNCIL
Income Statement - Blue Haven Per Area
 For the Period Ending 31 December 2023



	RACF		ILLU		Community Programs		Barroul House		BH Management		Total Bluehaven		Full Year	
	Actual		Actual		Actual		Actual		Actual		Adopted Budget		Adopted Budget	
	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2023/24	2022/23	2023/24
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from continuing operations														
Rates and annual charges	-	-	-	-	-	-	-	-	-	-	-	-	-	-
User charges and fees	1,890	690	90	-	2,670	2,472	198	-	2,320	4,943	4,943	4,943	4,943	
Other revenue	13	2,451	14	57	2,535	2,506	29	-	2,559	4,488	5,013	4,488	5,013	
Grants and contributions provided for operating purposes	6,232	-	2,453	-	8,685	6,632	2,053	-	6,021	12,446	13,264	12,446	13,264	
Grants and contributions provided for capital purposes	-	-	-	-	-	-	-	-	-	-	-	-	-	
Interest and investment income	47	64	6	-	117	234	(117)	-	4	409	468	409	468	
Other income	-	-	-	-	-	-	-	-	-	-	-	-	-	
Net gain/(loss) from the disposal of assets	-	-	-	-	-	-	-	-	-	-	-	-	-	
Internal Revenue	-	-	217	-	787	510	277	-	699	1,247	1,019	1,247	1,019	
Total income from continuing operations	8,183	3,205	2,780	57	14,794	12,354	2,440	11,603	11,603	23,533	24,708	23,533	24,708	
Expenses from continuing operations														
Employee benefits and on-costs	4,360	145	1,630	163	6,554	6,491	(64)	-	6,243	12,604	12,976	12,604	12,976	
Materials and services	3,340	735	418	50	4,746	3,130	(1,616)	-	2,748	8,396	6,260	8,396	6,260	
Borrowing costs	155	67	-	-	222	49	(173)	-	684	1,076	393	1,076	393	
Depreciation, amortisation and impairment for non-financial assets	626	1,500	-	-	2,126	2,126	-	-	629	385	4,253	385	4,253	
Other expenses	41	-	-	-	41	4	(37)	-	2	3	9	3	9	
Internal Expenditure	835	452	736	18	2,092	1,748	(344)	-	1,471	3,230	3,496	3,230	3,496	
Total Expenses from continuing operations	9,358	2,899	2,784	230	15,782	13,548	(2,234)	11,777	11,777	25,695	27,386	25,695	27,386	
Operating result from continuing operations	(1,175)	305	(4)	(173)	(988)	(1,195)	206	(174)	(174)	(2,162)	(2,678)	(2,162)	(2,678)	
Net operating results for the year	(1,175)	305	(4)	(173)	(988)	(1,195)	206	(174)	(174)	(2,162)	(2,678)	(2,162)	(2,678)	
Net operating result for the year before grants and contributions provided for capital purposes	(1,175)	305	(4)	(173)	(988)	(1,195)	206	(174)	(174)	(2,162)	(2,678)	(2,162)	(2,678)	

KIAMA MUNICIPAL COUNCIL

Income Statement - Holiday Parks



For the Period Ending 31 December 2023

	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	6,053	6,035	17	11,131	10,999
User charges and fees	6	1	5	2	2
Other revenue	83	-	83	0	-
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	-	-	-	-	-
Internal Revenue	35	23	11	72	45
Total income from continuing operations	6,177	6,059	117	11,205	11,046
Expenses from continuing operations					
Employee benefits and on-costs	154	171	17	355	397
Materials and services	2,587	3,199	612	5,541	6,409
Borrowing costs	32	36	5	85	73
Depreciation, amortisation and impairment for non financial assets	428	428	-	689	857
Other expenses	114	180	66	406	433
Internal Expenditure	177	140	(37)	221	281
Total Expenses from continuing operations	3,492	4,155	663	7,297	8,449
Operating result from continuing operations	2,685	1,904	780	3,908	2,596
Net operating results for the year	2,685	1,904	780	3,908	2,596
Net operating result for the year before grants and contributions provided for capital purposes	2,685	1,904	780	3,908	2,596

KIAMA MUNICIPAL COUNCIL

Income Statement - The Pavilion

For the Period Ending 31 December 2023



	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	470	404	66	466	666
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	1	1	-	3
Internal Revenue	27	6	20	19	13
Total income from continuing operations	499	411	88	685	823
Expenses from continuing operations					
Employee benefits and on-costs	116	132	16	112	205
Materials and services	229	222	(6)	40	408
Borrowing costs	-	-	-	-	-
Depreciation, amortisation and impairment for non financial assets	131	131	-	-	263
Other expenses	-	-	-	-	-
Internal Expenditure	11	17	6	23	34
Total Expenses from continuing operations	487	503	15	636	1,003
Operating result from continuing operations	12	(91)	103	49	(181)
Net operating results for the year	12	(91)	103	49	(181)
Net operating result for the year before grants and contributions provided for capital purposes	12	(91)	103	49	(181)

KIAMA MUNICIPAL COUNCIL



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

For the Period Ending 31 December 2023

	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	14,086	14,183	(97)	12,879	26,232
User charges and fees	3,468	2,963	504	3,622	6,981
Other revenue	820	812	8	641	1,424
Grants and contributions provided for operating purposes	1,030	936	94	2,485	6,980
Grants and contributions provided for capital purposes	7,053	8,436	(1,383)	3,061	4,560
Interest and investment income	886	959	(73)	123	1,449
Other income	-	-	-	-	-
Net gain/(loss) from the disposal of assets	3,105	(30)	3,135	15,823	8,086
Internal Revenue	3,619	2,295	1,324	3,383	3,997
Total income from continuing operations	34,067	30,554	3,513	42,017	59,709
Expenses from continuing operations					
Employee benefits and on-costs	11,762	11,824	62	11,227	22,516
Materials and services	10,179	11,267	1,088	7,732	19,240
Borrowing costs	43	41	(1)	59	101
Depreciation, amortisation and impairment for non financial assets	4,618	4,618	-	4,965	9,499
Other expenses	267	357	90	357	637
Internal Expenditure	2,168	926	(1,242)	2,510	1,852
Total Expenses from continuing operations	29,037	29,033	(4)	26,849	53,851
Operating result from continuing operations	5,029	1,521	3,509	15,167	5,858
Net operating results for the year	5,029	1,521	3,509	15,167	32,107
Net operating result for the year before grants and contributions provided for capital purposes	(2,024)	(6,916)	4,892	12,106	17,711

2023/24 Operational Budget - Variance summary per entity						
\$'000	Consolidated	Council General Operations*	Blue Haven	Holiday Parks	Pavilion	
Income Actual	55,536	34,067	14,794	6,177	499	
Income Budget	49,378	30,554	12,354	6,059	411	
Income Variance \$	6,158	3,513	2,440	117	88	
Income Variance %	12.5%	11.5%	19.8%	1.9%	21.4%	
Expenses Actual	48,799	29,037	15,782	3,492	487	
Expenses Budget	47,239	29,033	13,548	4,155	503	
Expenses Variance \$	(1,559)	(4)	(2,234)	663	15	
Expense Variance %	(3.3%)	(0.0%)	(16.5%)	16.0%	3.1%	
Actual operating results	6,738	5,029	(988)	2,685	12	
Budgeted operating results	2,139	1,521	(1,195)	1,904	(91)	
Operating results Variance \$	4,599	3,509	206	780	103	
Operating results Variance %	215.0%	230.8%	17.3%	41.0%	113.1%	
Actual operating results (before capital grants and contributions)	(316)	(2,024)	(988)	2,685	12	
Budgeted operating results (before capital grants and contributions)	(6,297)	(6,916)	(1,195)	1,904	(91)	
Operating results Variance \$ (before capital grants and contributions)	5,982	4,892	206	780	103	
Operating results Variance % (before capital grants and contributions)	95.0%	70.7%	17.3%	41.0%	113.1%	

KIAMA MUNICIPAL COUNCIL
Consolidated



Statement of Financial Position
For the Period Ended 31 December 2023

Notes	Actual 6 Months 2024 \$'000	Actual 6 Months 2023 \$'000
ASSETS		
Current assets		
Cash and cash equivalents	8,594	3,635
Investments	42,087	72,234
Receivables	2,343	-2,359
Inventories	323	306
Contract assets and contract cost assets	216	216
Current assets classified as 'held for sale'	-	16,426
Other	2,089	1,358
Unclassified assets	-	-
Total current assets	55,652	91,815
Non current assets		
Investments	750	6,000
Receivables	201	194
Infrastructure, property, plant and equipment	550,632	541,021
Investment property	139,030	139,030
Intangible assets	-	-
Right of use assets	122	122
Investments accounted for using equity method	-	-
Other	-	-
Total non current assets	690,734	686,367
Total assets	746,387	778,182
LIABILITIES		
Current liabilities		
Payables	136,519	132,967
Contract liabilities	2,614	2,673
Lease liabilities	36	36
Borrowings	336	1,397
Employee benefit provisions	6,406	7,757
Unclassified liabilities	-	-
Unclassified suspense	-	-
Total current liabilities	145,911	144,831
Non current liabilities		
Payables	18	24
Lease liabilities	6	6
Borrowings	20,494	50,427
Employee benefit provisions	602	741
Total non current liabilities	21,121	51,198
Total Liabilities	167,032	196,029
Net Assets	579,355	582,153
EQUITY		
Retained earnings	196,569	187,204
Revaluation reserves	376,066	376,063
Other reserves	-	-
Council equity interests	-	-
Minority equity interests	-	-
Current Year Net Earnings	6,720	18,886
Total equity	579,355	582,153



KIAMA MUNICIPAL COUNCIL

QUARTERLY BUDGET REVIEW

For the Period Ending 31 December 2023

KIAMA MUNICIPAL COUNCIL
QUARTERLY BUDGET REVIEW
For the Period Ending 31 December 2023



Responsible Accounting Officer Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 31/12/23 indicates that Council's projected financial position at 30/06/24 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:
1/02/2024

Olena Tulubinska
Responsible accounting officer

KIAMA MUNICIPAL COUNCIL
OPERATIONAL QUARTERLY BUDGET REVIEW
 For the Period Ending 31 December 2023



Recommended changes to revised budget

Note	Details	Budget Adjustment
User charges and fees - External changes		
1	Removal of revenue budget for Showgrounds Holiday Park due to cessation of operations.	(60,000)
2	Waste services budget review - Consolidated changes.	448,039
	Total	388,039
User charges and fees - Internal changes		
3	Removal of accommodation budget for contracted Holiday Park Manager position no longer required.	(45,000)
	Total	(45,000)
User charges and fees - Total changes		
		343,039
Grants and contributions provided for operating purposes - External Changes		
4	Removal of grant funding from the National Australia Day Council (NADC) Community Grants Program amount for Australia Day 2024.	(15,000)
5	Covid-19 outbreak management grant payments to Blue Haven aged care facility not considered in original budget.	260,589
6	Additional funding received for the Blue Haven Aged facility.	500,000
	Total	745,589
Grants and contributions provided for capital purposes - External Changes		
7	Increase in developer contribution revenue budget as additional income is expected due to underestimation in original budget.	936,866
8	Jamberoo valley cycleway project rescheduling. Reduction in anticipated grant revenue from Get NSW Active (Active Transport) Grant ordinarily paid on milestone completion which will now no longer occur in 2023/24.	(1,500,000)
9	Removal of grant funding budgeted in error.	(2,500)
10	Grant monies to be received from the Department of Regional NSW Infrastructure Betterment Fund, first instalment.	2,248,738
11	Approval of additional grant funding from the NSW Disaster Assistance Arrangements.	1,715,990
	Total	3,399,094
Net gain/(loss) from the disposal of assets - External Changes		
12	Removal of proceeds on sale associated with the divestment of Barney St property as per council resolution (23/3790C).	(2,850,000)
13	Adjustment to proceeds on sale relating to councils divestment of the Akuna St South Carpark.	527,272.72
14	Removal of cost of sale associated with the divestment of Barney St property as per council resolution.	1,043,905
15	Cost of sales adjustment due to asset revaluation of sold Akuna St South Carpark property and identification of correct assets included in the divestment.	(2,496,738)
	Total	(3,775,560)
Other Revenue - External changes		
16	Waste services budget review - Consolidated changes.	(6,406)
	Total	(6,406)
Other Revenue - Internal changes		
17	Waste services budget review - Consolidated changes.	2,523,300
	Total	2,523,300
Other Revenue - Total changes		
		2,516,894
Materials and services - External changes		
18	Removal of expenditure budget due to unsuccessful Australia Day Grant application.	(11,000)
19	Budget required for the South Coast Cooperatives libraries agreement.	36,000
20	Software subscription for Leisure centre omitted from original budget.	18,750
21	Removal of expenditure budget for Showgrounds Holiday Park due to cessation of operations.	(36,965)
22	Removal of contractor budget for Holiday parks manager no longer required.	(120,000)
23	Addition of budget for expenditure on library local priority grant projects, funded by the Library subsidy and Local Priority Grant.	17,288
24	Waste services budget review - Consolidated changes.	(356,976)
25	Increase in the contractor services and agency staff budget at Blue Haven Aged Care Facility. Fully offset by increases in revenue (see note 5 & 6).	760,589
	Total	307,686
Materials and services - Internal changes		
26	Waste services budget review - Consolidated changes.	2,523,300
27	Removal of budget for accommodation for contractor budget Holiday parks manager	(45,000)
	Total	2,478,300
Materials and services - Total changes		
		2,785,986
Employee benefits and on-costs - External Changes		
28	Waste services budget review - Consolidated changes.	(260,854)
	Total	(260,854)
Other Expenses - External changes		
29	Removal of expenditure budget for Showgrounds Holiday Park due to cessation of operations.	(3,000)
	Total	(3,000)
Total Revenue Adjustments - External changes - Increased revenue/(Decreased revenue)		750,756
Total Revenue Adjustments - Internal changes - Increased revenue/(Decreased revenue)		2,478,300
Total Revenue Adjustments - Total changes - Increased revenue/(Decreased revenue)		3,229,056
Total Expenditure Adjustments (excluding capital expenditure) - External changes - Increased expenditure/(Decreased expenditure)		43,832
Total Expenditure Adjustments (excluding capital expenditure) - Internal changes - Increased expenditure/(Decreased expenditure)		2,478,300
Total Expenditure Adjustments (excluding capital expenditure) - Total changes - Increased expenditure/(Decreased expenditure)		2,522,132
Net effect on operational budget - Increased surplus/(Decreased surplus)		706,924

Item 14.3

Attachment 2



December Quarterly Budget Contracts Budget Review Statement

Contracts Listing (contracts entered into between October to December 2023)

Contractor	Contract detail & Purpose	Contract Value	Start Date	Duration of Contract
Growth Civil Landscapes Pty Ltd	Construction of Hindimarsh Park Enhancement landscaping and play equipment	\$ 3,423,498.00	4/12/2023	9 months
Twinstars HGB Pty Ltd	Property transfer (contract of sale)	\$ 6,080,000.00	16/10/2023	35 days
Audit Office of NSW	Audit services	\$ 378,000.00	23/11/2023	12 months
Roadworx Group	Road resealing Fern St, Gerringong	\$ 222,352.37	3/11/2023	1 month
Roadworx Group	Road resealing Bland St, Kiama	\$ 192,166.14	28/11/2023	1 month
Vitalcare Pty Ltd	Personal Emergency Response System (PERS);	\$ 109,053.00	26/10/2023	1 month
The Trustee for Talis Unit Trust	Jamberoo Valley Cycleway Detailed Design	\$ 101,423.30	24/10/2023	5 months
McCullough Robertson Lawyers	Legal fees	\$ 93,000.00	17/11/2023	ongoing
Valuer General NSW	Land valuation services - coastal 2023-24	\$ 72,830.16	7/11/2023	12 months
Soil Conservation Services	Blue Angle Creek bank stabilisation	\$ 66,835.00	27/10/2023	4 months
Morrison Low Consultants Pty Ltd	Kiama Leisure Centre service review	\$ 62,975.00	27/11/2023	3 months
Dream Landscaping	Blue Haven Terralong ILLU garden maintenance	\$ 57,200.00	23/11/2023	12 months
Asset Future	Assessment of Blue Haven Terraolong ILLU	\$ 55,000.00	11/08/2024	3 months
Chefs on the Run	Chef/Cook hire	\$ 51,047.34	23/10/2023	2 months
Kinghorn Motors Pty Ltd	Vehicle purchase VW Tiguan	\$ 51,543.20	6/11/2023	NA
InConsult Pty Ltd	Internal audit services 2023-24	\$ 50,875.00	15/11/2023	7 months
Harrigan Ford	Vehicle purchase Ranger XL	\$ 50,750.08	1/11/2023	NA
Harrigan Ford	Vehicle purchase Isuzu	\$ 50,125.40	18/12/2023	NA
Stewart Brown	Blue Haven Consultancy	\$ 50,000.00	18/10/2023	2 months
Chefs on the Run	Chef/Cook hire	\$ 50,000.00	7/12/2023	3 months
Chubb Fire & Security Pty Ltd	Blue Haven Stage 5 – Remedial Passive Fire Works	\$ 51,979.40	11/12/2023	2 months



December Quarterly Budget Consultancy and Legal Expenses Budget Review Statement

Consultancy & Legals Expenses Overview

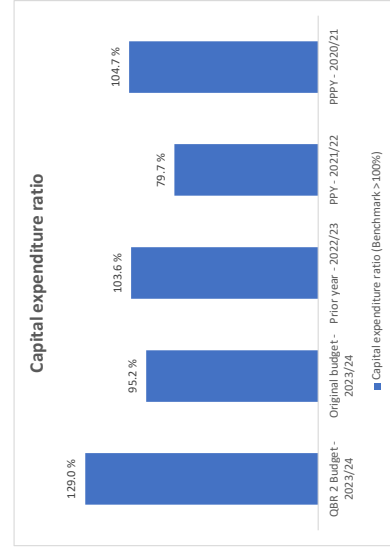
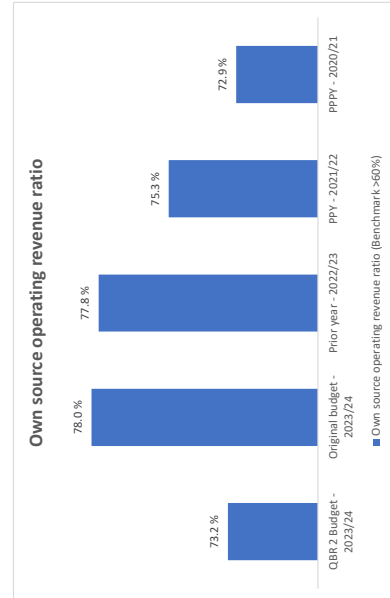
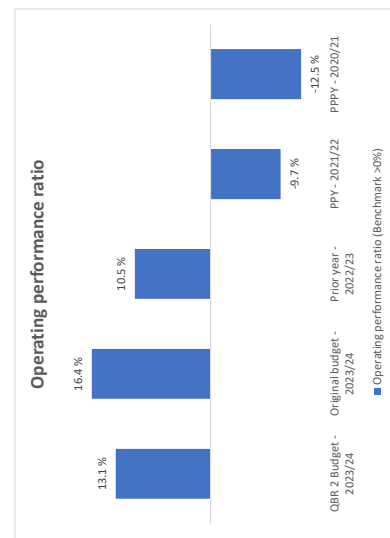
Expenses	YTD Expenses (exc Commitments)	Budget Y/N
Consultants - Economic	25,800	Y
Consultants - Building & Valuations	2,500	Y
Consultants - Development Applications	413,422	Y
Consultants - Other	5,049	Y
Legal Fees	1,184,327	N

Definition of a consultant: is defined as a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.



December Quarterly Budget KPI's Review Statement

Key performance indicators budget review statement	KPI Calculations (\$'000)						KPI Ratios			
	QBR 2 Budget 2023/24	Original budget 2023/24	Prior year* 2022/23	Current projection 2023/24	Original budget 2023/24	PPY 2022/23	PPY 2021/22	PPY 2020/21	Benchmark	
NSW local government industry key performance indicators (OLIG):										
Operating performance										
Operating revenue (excl. capital grants & contributions) - operating expenses	14,756	18,522	9,983	13.1 %	16.4 %	10.5 %	-9.7 %	-12.5 %	> 0%	
Operating revenue (excl. capital grants & contributions)	112,513	112,784	95,416							
This ratio measures Council's achievement of containing operating expenditure within operating revenue.										
Own source operating revenue										
Operating revenue (excl. ALL grants & contributions)	95,376	96,959	79,188	73.2 %	78.0 %	77.8 %	75.3 %	72.9 %	> 60%	
Total Operating revenue (incl. capital grants & cont)	130,308	124,230	101,790							
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.										
Capital expenditure ratio										
Annual capital expenditure	18,848	13,900	11,587	129.0 %	95.2 %	103.6 %	79.7 %	104.7 %	>= 100%	
Annual depreciation	14,608	14,608	11,186							
To assess the extent to which a Council is expanding its asset base through capital expenditure on both new assets and the replacement and renewal of existing assets.										
* Prior year final adjusted budget (QBR 4). Will be updated with 2022/23 audited financial statement ratios once available.										



KIAMA MUNICIPAL COUNCIL

CAPITAL QUARTERLY BUDGET REVIEW

For the Period Ending 31 December 2023



	Adopted Budget 2023/24	Carry Forwards	Sep QBRs	Revised Budget 2023/24	QBR 2 Adjustment	QBR Note	Projected Year End Budget 2023/24	Actuals YTD to Dec-23 2023/24	Remaining Budget %
	\$'000	\$'000	\$'000	\$'000	\$'000		\$'000	\$'000	
New Assets									
Parks & Reserves	25	-	-	25			25	2	93%
Buildings & Facilities	61	-	-	61			61	2	97%
Holiday Parks	25	-	-	25			25	-	100%
Commercial Business	60	-	-	60			60	10	83%
Footpaths & Cycleways	972	55	(649)	378			378	125	67%
ICT	170	-	(150)	20	3	3	23	3	86%
Recreation and Open Space	467	-	(243)	224			224	48	79%
Roads and Bridges	-	-	40	40			40	-	100%
Traffic Facilities	161	352	-	513	(99)	2	413	91	78%
Blue Haven	305	-	10	315			315	1	100%
Waste Services	7	-	-	7			7	8	-17%
Total new assets	2,253	407	(992)	1,667	(97)		1,571	289	82%
Renewal Assets (Replacement)									
Parks & Reserves	20	-	-	20			20	14	28%
Buildings & Facilities	1,118	100	101	1,319	(22)	1	1,297	702	46%
Holiday Parks	225	-	-	225			225	9	96%
Commercial Business	2,092	-	11	2,103			2,103	432	79%
Footpaths & Cycleways	140	-	(50)	90			90	-	100%
ICT	515	-	-	515	(3)	4	512	71	86%
Plant & Equipment	2,275	-	2,104	4,379			4,379	1,065	76%
Playgrounds	0	-	16	16			16	2	90%
Recreation and Open Space	2,027	-	40	2,067			2,067	345	83%
Roads and Bridges	2,534	-	3,143	5,677			5,677	4,723	17%
Stormwater Assets	162	-	1	163			163	43	73%
Blue Haven	280	-	188	468			468	321	31%
Waste Services	260	-	-	260			260	44	83%
Total renewal assets	11,648	100	5,555	17,303	(25)		17,278	7,771	55%
Total Capital Expenditure	13,900	507	4,563	18,970	(122)		18,848	8,060	57%

KIAMA MUNICIPAL COUNCIL
CAPITAL QUARTERLY BUDGET REVIEW
 For the Period Ending 31 December 2023



Recommended changes to revised budget

<u>Note</u> <u>Capital Program/Details</u>	<u>Budget Adjustment</u>
Buildings and Facilities	
1 Administration Building Main Air Conditioning System project completed under budget. Removal of excess budget back to general revenue.	(22,168)
	(22,168)
Traffic Facilities	
2 Kiama Public School Raised Pedestrian Crossing project removed from program. Removal of excess budget back to general revenue.	(99,470)
	(99,470)
ICT	
3 Reallocation capital budget between ICT projects.	3
4 Reallocation capital budget between ICT projects.	(3)
	-
Net decrease in capital program budget:	(121,638)

14.4 Statement of Investments: December 2023

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 Councils cash and investment portfolio and investment performance at December 2023 and endorsement of the restricted funds position.

Financial implication

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

Risk implication

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

Policy

Clause 625 of the *Local Government Act 1993*

Clause 212 of the Local Government (General) Regulation 2021

Kiama Municipal Council – Investment Policy

Kiama Municipal Council – Restricted Funds Policy

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Financial Accountant

Communication/Community engagement

n/a

Attachments

1 December 2023 Investment Report [↓](#)

Enclosures

Nil

RECOMMENDATION

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

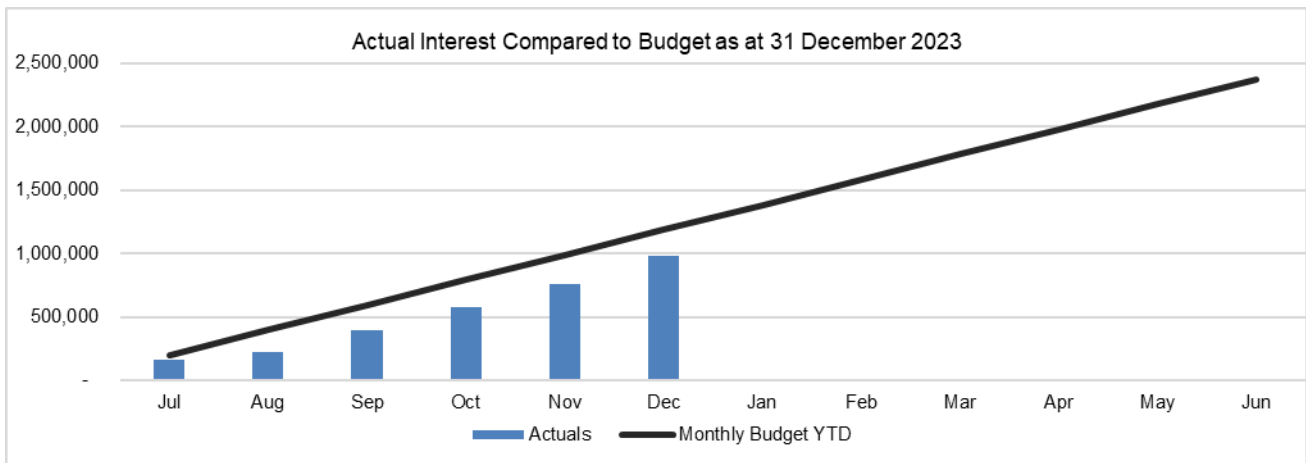
Background

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. In compliance with the Order and Office of Local Government guidelines, Council adopted an Investment Policy in August 2021 with the new policy being on public exhibition in December 2023. The Investment Policy provides a framework for the credit quality, institutional diversification, and maturity constraints that Council’s portfolio can be exposed to. Council’s investment portfolio was controlled by Council’s Finance Department during the period to ensure compliance with the Investment Policy. External investment advisor advice is also considered at the time.

Return on Investments

Council’s average weighted return for December was 5.06%. The 90 Day Bank Bill Swap Rate (BBSW) benchmark monthly average return was 4.35% as at 31 December 2023. As such, Council outperformed the benchmark by 0.71%.

For the month of December, excluding cash, the total portfolio provided a return of 5.38%. The attached investment advisor report compares Council’s performance against AusBond Bank Bill Index rate of 4.43% for December (page 7 of the report attached). The monthly performance has improved over the recent months reflective of the maturity of lower yielding term deposits that are being replaced by higher yielding term deposits, providing greater overall returns to the portfolio.

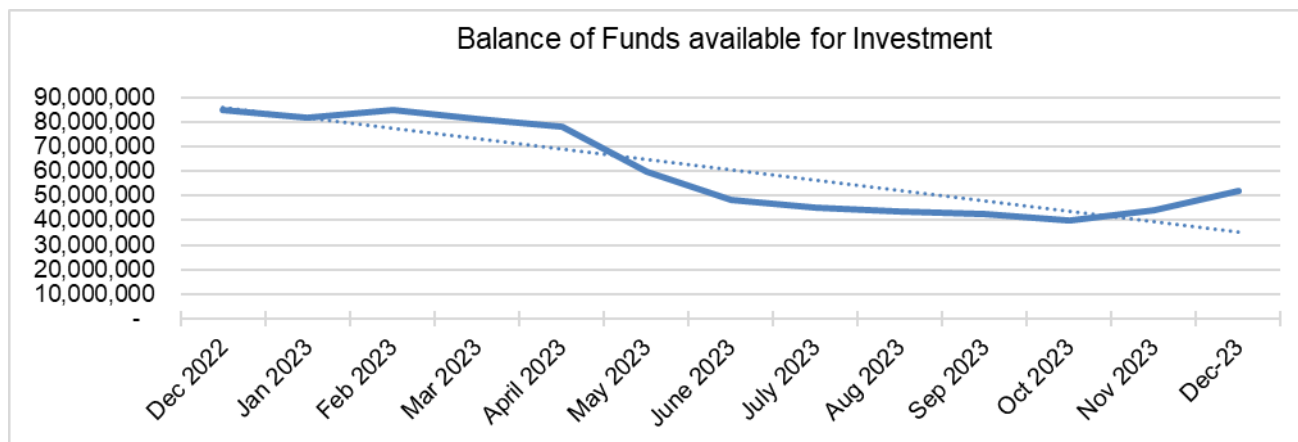


Movement in Investments

Compared to December 2022 Council’s investments portfolio decreased by \$32.8M. Repayment of TCorp loan tranches of \$30M (excluding interest payments) being key outflows, offset by operational cash flows.

Report of the Chief Operating Officer

14.4 Statement of Investments: December 2023 (cont)



Item 14.4

Matured trades for December:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate	Value
NAB	AA-	TD	At Maturity	04/09/2023	04/12/2023	4.90	3,000,000
Commonwealth Bank	AA-	TD	At Maturity	15/08/2023	13/12/2023	5.09	2,000,000
Commonwealth Bank	AA-	TD	Semi-Annual	16/12/2022	18/12/2023	4.67	3,000,000
Totals							8,000,000

New trades entered under delegation, during December:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate	Value
ING Direct	A	TD	At Maturity	04/12/2023	04/12/2025	5.25	1,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	04/12/2024	5.35	1,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	03/06/2024	5.28	1,000,000
Suncorp	A+	TD	At Maturity	13/12/2023	13/12/2024	5.30	2,000,000
NAB	AA-	TD	Annual	18/12/2023	18/09/2024	5.13	1,000,000
ING Direct	A	TD	Annual	18/12/2023	18/12/2025	5.20	2,000,000
ING Direct	A	TD	Annual	21/12/2023	18/12/2024	5.23	2,000,000
Total							10,000,000

Report of the Chief Operating Officer

14.4 Statement of Investments: December 2023 (cont)

Portfolio Summary:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
Commonwealth Bank	AA-	TD	At Maturity	15/08/2023	16/01/2024	5.19	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	21/08/2023	22/01/2024	5.15	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	28/08/2023	29/01/2024	5.09	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	28/08/2023	26/02/2024	5.27	2,000,000
NAB	AA-	TD	At Maturity	22/11/2023	11/03/2024	5.06	1,000,000
Commonwealth Bank	AA-	TD	At Maturity	18/09/2023	18/03/2024	5.09	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	25/09/2023	25/03/2024	5.13	2,000,000
NAB	AA-	TD	At Maturity	11/09/2023	11/04/2024	5.10	2,000,000
BOQ	BBB+	TD	At Maturity	22/11/2023	16/04/2024	5.23	1,000,000
Suncorp	A+	TD	At Maturity	11/10/2023	13/05/2024	5.15	2,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	03/06/2024	5.28	1,000,000
Suncorp	A+	TD	At Maturity	30/10/2023	30/07/2024	5.35	2,000,000
BOQ	BBB+	TD	At Maturity	21/11/2023	21/08/2024	5.40	1,000,000
NAB	AA-	TD	Annual	18/12/2023	18/09/2024	5.13	1,000,000
AMP Bank	BBB	TD	Annual	27/09/2022	26/09/2024	4.95	750,000
ING Direct	A	TD	At Maturity	16/10/2023	16/10/2024	5.23	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	23/10/2023	23/10/2024	5.26	2,000,000
ING Direct	A	TD	At Maturity	15/11/2023	15/11/2024	5.48	2,000,000
Suncorp	A+	TD	At Maturity	21/11/2023	21/11/2024	5.40	1,000,000
Suncorp	A+	TD	At Maturity	28/11/2023	28/11/2024	5.50	2,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	04/12/2024	5.35	1,000,000
Suncorp	A+	TD	At Maturity	13/12/2023	13/12/2024	5.30	2,000,000
ING Direct	A	TD	Annual	21/12/2023	18/12/2024	5.23	2,000,000
ING Direct	A	TD	At Maturity	22/11/2023	23/09/2025	5.35	1,000,000
Suncorp	A+	TD	At Maturity	21/11/2023	21/11/2025	5.36	1,000,000
ING Direct	A	TD	At Maturity	04/12/2023	04/12/2025	5.25	1,000,000
ING Direct	A	TD	Annual	18/12/2023	18/12/2025	5.20	2,000,000
Westpac	AA-	CASH	Monthly	31/12/2023	31/12/2023	4.24	11,465,283
Totals							54,215,283

Item 14.4

Restricted Funds Movements

The restricted fund movement for this month and balance is presented in the table below.

Cash and Investments Held	Nov-23	Movement	Dec-23
Cash at Bank - Transactional Account	6,208,461	5,256,823	11,465,283
Other Cash and Investments	40,750,000	2,000,000	42,750,000
Total Portfolio Balance (agrees to Arlo Advisory report)	46,958,461	7,256,823	54,215,283
Cash on Hand	6,110		6,110
Bank Reconciliation items	(2,612,289)	216,327	(2,395,962)
Book Value of Cash and Investments	44,352,282	7,473,150	51,825,431
Developer Contributions	12,388,678	46,431	12,435,110
Unexpended Grants	1,158,511		1,158,511
Domestic Waste	3,976,804		3,976,804

Report of the Chief Operating Officer

14.4 Statement of Investments: December 2023 (cont)

Cash and Investments Held	Nov-23	Movement	Dec-23
Blue Haven Terralong ILU Maintenance Levy	1,873,322		1,873,322
Blue Haven Bonaira ILU Maintenance Levy	312,035		312,035
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	2,087,895	2,528,415	4,616,311
Leisure Centre Unspent Loan Funding	500,000		500,000
Stormwater Levy	228,947		228,947
Security bonds, Deposits & Retentions	1,987,623	9,051	1,996,675
Externally Restricted	30,022,634	2,583,898	32,606,532
Council Elections	49,776		49,776
Employee Leave Liabilities	3,367,000		3,367,000
Land development	2,527,227		2,527,227
Plant replacement	-		-
Risk Improvement Incentive	99,097		99,097
Waste Business Unit	865,308		865,308
Waste and Sustainability	558,180		558,180
Blue Haven ILU Prudential Cover	4,300,000		4,300,000
Internally Restricted	11,766,587	0	11,766,587
Unrestricted Funds	2,563,061	4,889,251	7,452,312

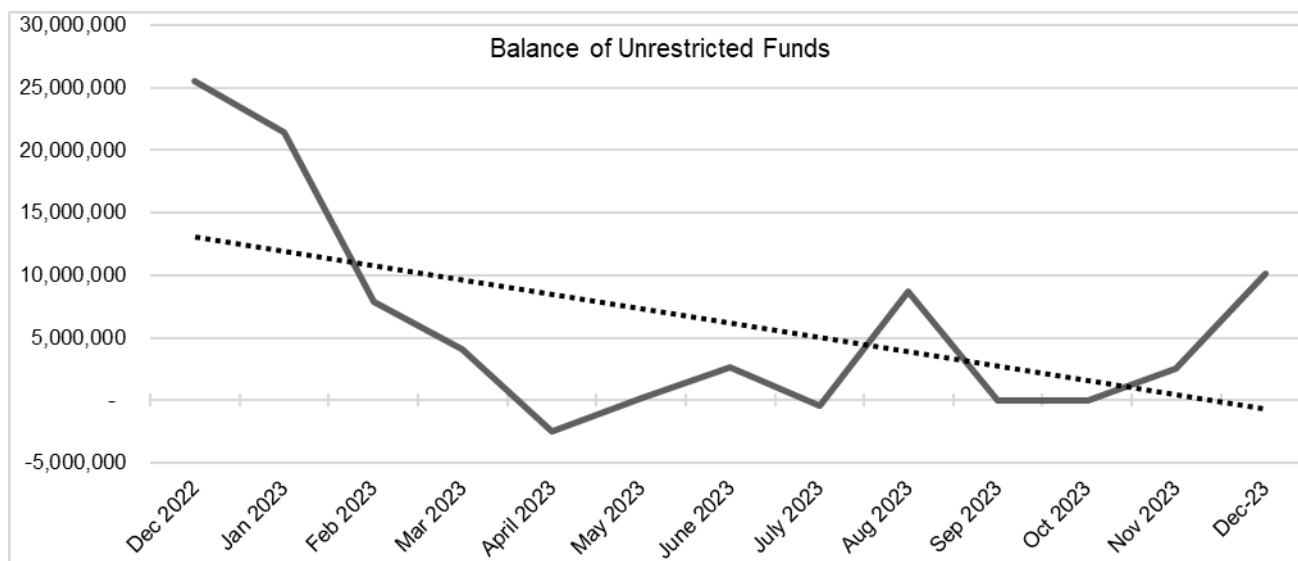
Item 14.4

Movements in reserves include an increase in Crown Holiday Parks of \$2.53M which reflects revenue received during December and significant booking deposits for January/February, the busiest time for holiday parks, an increase in the Developer Contribution reserve of \$46K and in Security and Bonds, Deposits and Retentions of \$9K.

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

\$2,000,000 was returned as at 30 November 2023 to the Internally Restricted Land Development Reserve Ref 23/365OC.

Unrestricted Funds for Future Strategic or Operational Expenditure



Item 14.4

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

Council received \$5.5M net proceeds from sale of Akuna Street Carpark (South) in November, this cash inflow improved Council’s unrestricted cash position to \$2.6M positive, after \$2M was transferred to the Land Development reserve.

The unrestricted funds balance increased further in December to \$7,452,312 at month end. The increase in Councils overall cash position is explained by the following:

- \$4M of grant funding received for the Landslide Disaster Recovery Funding (DRFA) which was offset by payments during the month of December of \$527K
- \$1.9M of grant funding received in Aged Care Grants of which \$800k was advance payment of January funding
- A net inflow of \$1.1M for Blue Haven Residential Accommodation Bonds Deposits and \$1.3M of Independent Living Unit deposits

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

Report of the Chief Operating Officer

14.4 Statement of Investments: December 2023 (cont)

Reference	Date Effective	Reserve	Amount	Reason
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
	Total:		-7,474,773	

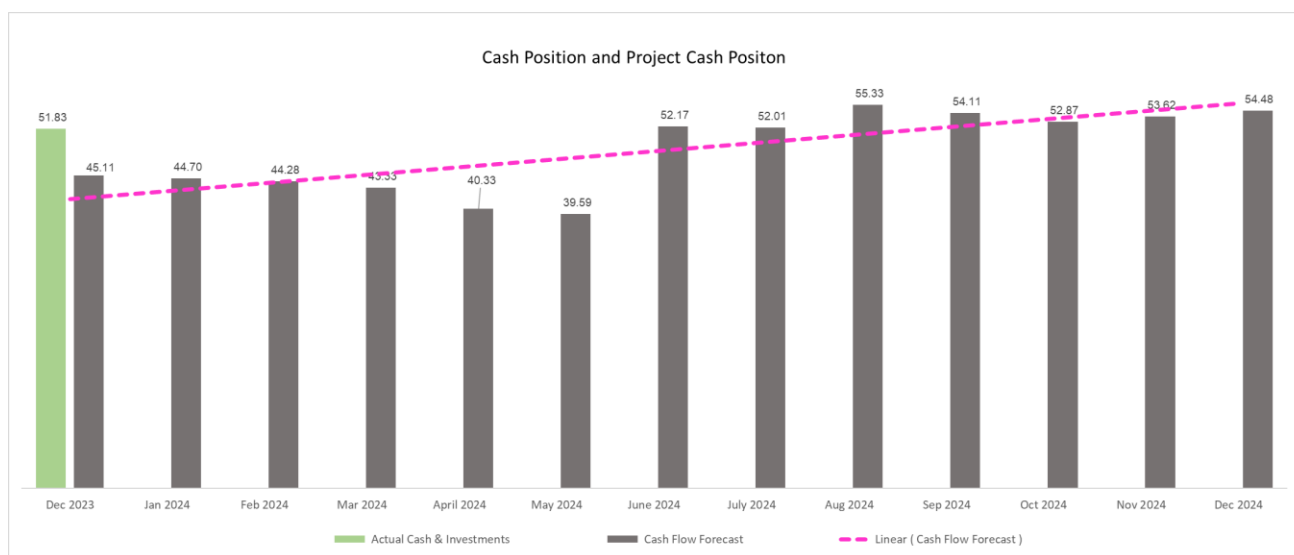
Item 14.4

A further transfer to replenish previous drawdowns will be considered next month.

Consolidated Cash Position and Cash Flow Forecast

As mentioned in the November Investment report to Council, Council’s Forecasted Cashflow was reviewed, updated, and presented to the Financial Advisory Committee in November.

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



Certification – Responsible Accounting Officer

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

Olena Tulubinska
Chief Financial Officer

4/01/2024



Monthly Investment Review



KIAMA MUNICIPAL COUNCIL
your council, your community

December 2023

Item 14.4

Attachment 1

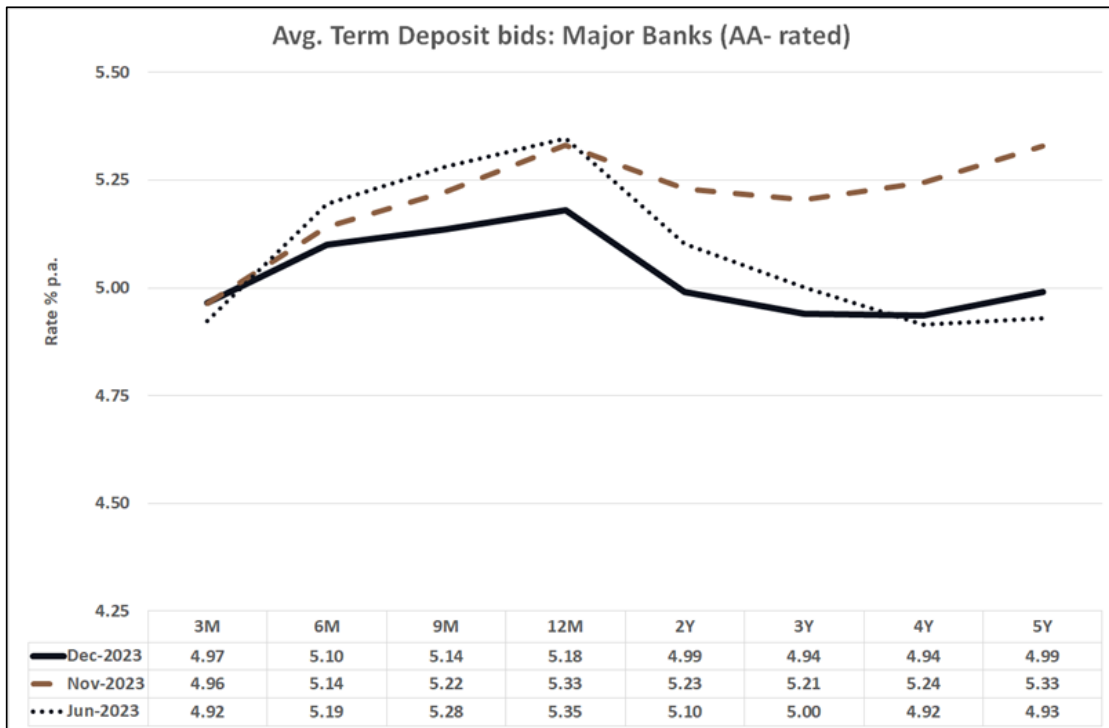
Arlo Advisory Pty Ltd
ABN: 55 668 191 795
Authorised Representative of InterPrac Financial Planning Pty Ltd
AFSL 246 638
Phone: +61 2 9053 2987
Email: michael.chandra@arloadvisory.com.au / melissa.villamin@arloadvisory.com.au
125 Middle Harbour Road, East Lindfield NSW 2070



Market Update Summary

Financial markets continued their strong rally in December as inflation continues to ease and growing hopes that central banks will move towards an easing cycle (cut official interest rates) in 2024.

Over December, major bank deposit rates fell ~5-10bp for 6-12 month tenors, as the market turns its attention to potential rate cuts in 2024. Interestingly, at the longer-end (2-5 years), deposit rates offered by the majors banks fell between ~25-30bp with the banks clearly pricing in rate cuts in 2024 and into 2025. Rates are now inverse again across the longer-tenors (1-5 year rates), with the peak rate offered in the 12 month tenor.



Source: Imperium Markets

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



Kiama Municipal Council’s Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to term deposits (79%), with the remainder in cash (21%).

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

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



Term to Maturity

The portfolio is highly liquid with the majority maturing under 3 months (~91%). 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 6–12 months, with a smaller allocation to 2 year deposits.





Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 365 days	\$49,215,283	90.78%	0%	100%	\$4,538,875
✓	1 - 3 years	\$5,000,000	9.22%	0%	40%	\$15,147,238
✓	3 - 5 years	\$0	0.00%	0%	30%	\$14,764,585
✓	5 - 10 years	\$0	0.00%	0%	30%	\$14,764,585
		\$54,215,283	100.00%			

Counterparty

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

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$14,000,000	25.82%	100%	\$40,215,283
✓	Westpac	AA-	\$11,465,283	21.15%	100%	\$42,750,000
✓	NAB	AA-	\$4,000,000	7.38%	100%	\$50,215,283
✓	Suncorp	A+	\$12,000,000	22.13%	30%	\$4,264,585
✓	ING	A	\$10,000,000	18.44%	30%	\$6,264,585
✓	BoQ	BBB+	\$2,000,000	3.69%	10%	\$3,421,528
✓	AMP	BBB	\$750,000	1.38%	5%	\$1,960,764
			\$54,215,283	100.00%		



Fossil Fuel Investments

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

Using the following link <http://www.marketforces.org.au/banks/compare>, based on the Council's investment portfolio balance as at 31/12/2023 (~\$54m), we can roughly estimate that ~74% of the institutions invested have some form of exposure. Note this is purely based on the institution/counterparty and not the actual underlying investments themselves.

Council's exposure is summarised as follows:

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

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

Summary	Amount	Invested %
Yes	\$40,215,283	74%
No	\$14,000,000	26%
	\$54,215,283	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%	\$54,215,283
✓	AA Category	\$29,465,283	54.3%	100%	\$24,750,000
✓	A Category	\$22,000,000	40.6%	100%	\$32,215,283
✓	BBB Category	\$2,750,000	5.1%	30%	\$13,514,585
✓	Unrated Category	\$0	0.0%	10%	\$5,421,528
		\$54,215,283	100.0%		



Performance

Council's performance (excluding cash holdings) for the month ending December 2023 is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.36%	1.06%	2.09%	2.09%	3.89%
AusBond Bank Bill Index	0.37%	1.06%	2.15%	2.15%	3.89%
Council's Portfolio[^]	0.45%	1.27%	2.39%	2.39%	4.10%
Outperformance	0.08%	0.22%	0.24%	0.24%	0.21%

[^]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%	4.27%	4.18%	4.18%	3.89%
AusBond Bank Bill Index	4.43%	4.26%	4.31%	4.31%	3.89%
Council's Portfolio[^]	5.38%	5.15%	4.80%	4.80%	4.10%
Outperformance	0.95%	0.89%	0.49%	0.49%	0.21%

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

For the month of December, excluding cash, the total portfolio provided a return of +0.45% (actual) or +5.38% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.37% (actual) or +4.43% p.a. (annualised). The monthly performance has improved over the recent months reflective of the maturity of lower yielding term deposits that are being replaced by higher yielding term deposits, providing greater overall returns to the portfolio.



Recommendations for Council

Term Deposits

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

As at the end of December 2023, Council's deposit portfolio was yielding around 5.24% p.a. (up 8bp from the previous month), with a weighted average duration of 246 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 December, we see value in:

Index	LT Credit Rating	Term	Rate % p.a.
ING	A	2 years	5.14%
ING	A	5 years	5.08%
ING	A	3-4 years	5.03%
Suncorp	A+	1½ years	4.95%
BoQ	BBB+	2 years	4.90%
Suncorp	A+	2 years	4.85%
Westpac	AA-	2 years	4.74%
NAB	AA-	2 years	4.70%

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

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



Index	LT Credit Rating	Term	Rate % p.a.
ING	A	12 months	5.32%
ING	A	9 months	5.22%
Suncorp	A+	9 months	5.17%
Suncorp	A+	12 months	5.15%
NAB	AA-	12 months	5.13%
NAB	AA-	6-11 months	5.10%
BoQ	BBB+	9 months	5.10%
Bendigo	BBB+	9 months	5.05%
BoQ	BBB+	12 months	5.05%
NAB	AA-	3-5 months	5.05%
Westpac	AA-	12 months	5.01%
BoQ	BBB+	3 months	5.00%

If Council does not require high levels of liquidity and can stagger a proportion of its investments across the longer term horizons (1–5 years), it will be rewarded over a longer-term cycle. Investing a spread of 12 months to 3 year horizons is likely to yield, on average, up to $\frac{1}{4}$ – $\frac{1}{2}$ % p.a. higher compared to those investors that entirely invest in short-dated deposits (under 6–9 months).

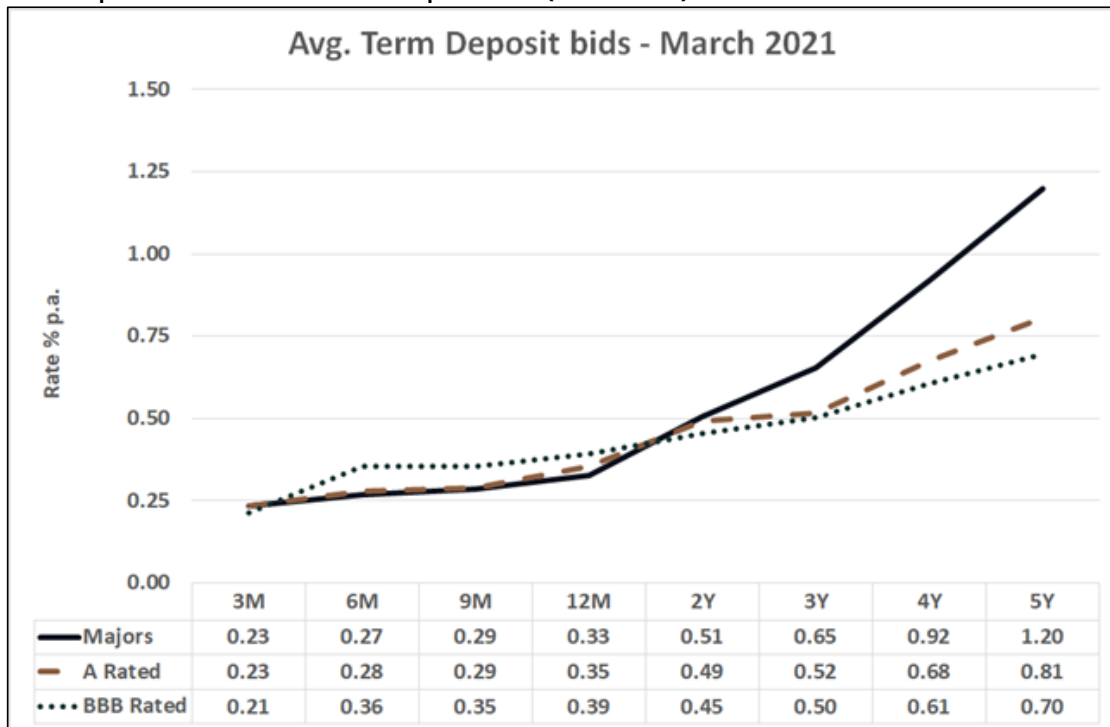
With a global economic slowdown and rate cuts being priced in coming years, investors should consider allocating some longer term surplus funds and undertake an insurance policy by investing across 2–5 year fixed deposits and locking in rates close to or above 5% p.a. This will provide some income protection if central banks decide to cut rates in future years, assuming inflation has well and truly stabilised.



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)



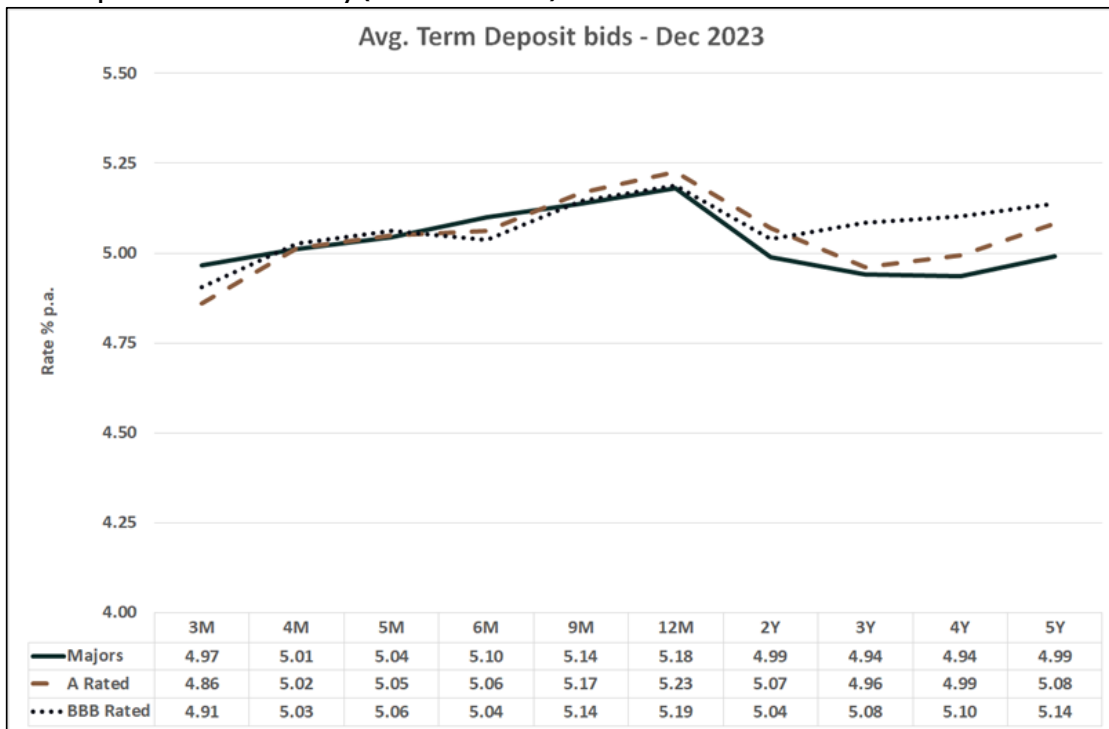
Source: Imperium Markets

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



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

Term Deposit Rates – Currently (December 2023)



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.

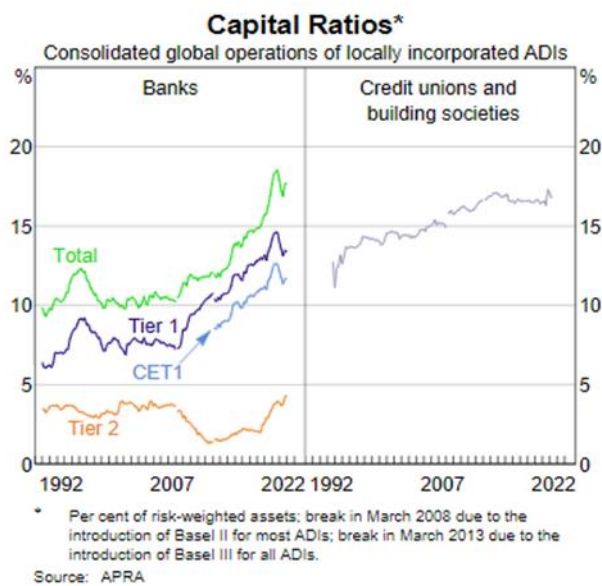
We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have 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 nine years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

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

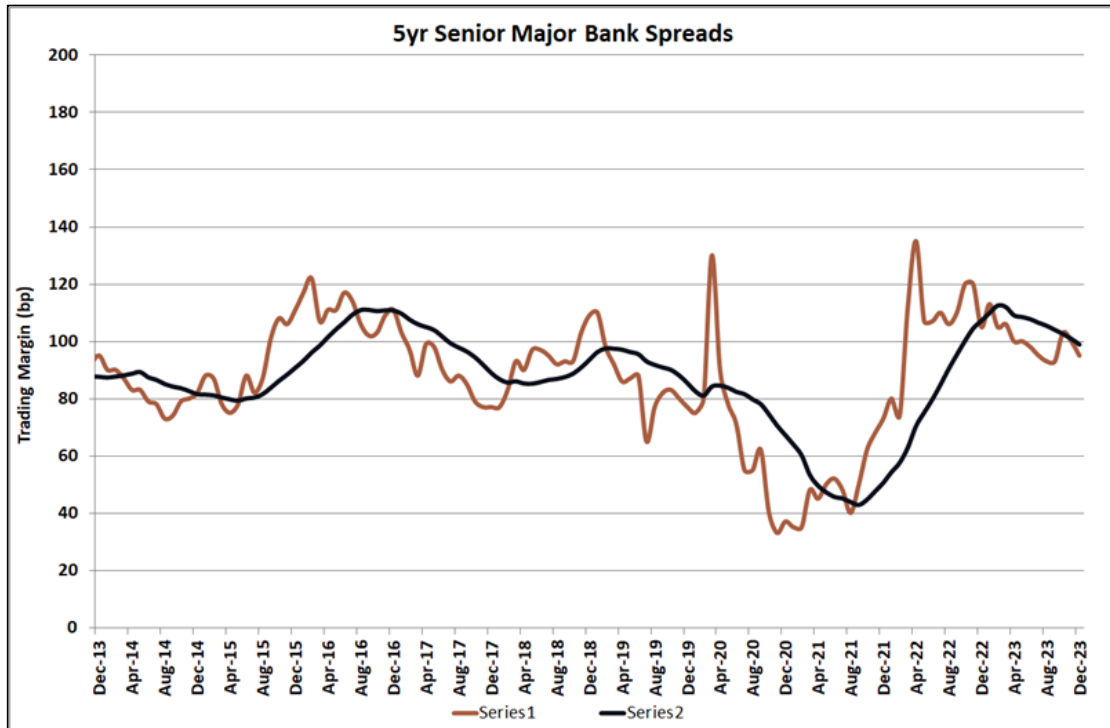
In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. APRA's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





Senior FRNs Market Review

Over December, amongst the senior major bank FRNs, physical credit securities tightened by around 5-10bp at the long-end of the curve. Major bank senior securities remain at fair value on a historical basis (5yr margins around +95bp level).



Source: IBS Capital

During December, there was a lack of new issuances from the ADIs heading into the holiday period. The only two notable issuances were as follows:

- QBank (BBB-) 3yr senior FRN at +165bp
- BoQ (BBB+) 1yr senior FRN at +87bp



Amongst the “A” rated sector, the securities tightened by around 10bp at the longer-end of the curve. The “BBB” rated sector remained relatively flat, particularly given there is noticeably less secondary market trading. Credit securities are looking much more attractive given the widening of spreads over the past ~2 years. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over future years (in a relatively stable credit environment).

Senior FRNs (ADIs)	31/12/2023	30/11/2023
“AA” rated – 5yrs	+95bp	+100bp
“AA” rated – 3yrs	+71bp	+81bp
“A” rated – 5yrs	+125bp	+135bp
“A” rated – 3yrs	+97bp	+110bp
“BBB” rated – 3yrs	+148bp	+150bp

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 2025 for the “AA” rated ADIs (domestic major banks);
- On or before 2024 for the “A” rated ADIs; and
- Within 6–9 months for the “BBB” rated ADIs (consider case by case).

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



Senior Fixed Bonds – ADIs (Secondary Market)

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

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

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0273407	UBS	A+	Senior	30/07/2025	1.60	1.20%	5.02%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	2.36	1.40%	5.22%
AU3CB0299337	Bendigo	BBB+	Senior	15/05/2026	2.39	4.70%	5.05%
AU3CB0296168	BoQ	BBB+	Senior	27/01/2027	3.09	4.70%	5.10%



Economic Commentary

International Market

Risk markets continued their rally in December on the back of easing inflation and central banks turning their focus on the timing of future interest rate cuts in 2024.

Across equity markets, the S&P 500 Index gained +4.42%, whilst the NASDAQ added +5.52%. Europe’s main indices also experienced further gains, led by UK’s FTSE (+3.75%), Germany’s DAX (+3.31%) and France’s CAC (+3.18%).

As widely expected, the US Federal Reserve held its policy rate unchanged at 5.25–5.50% for the third consecutive meeting. The Fed acknowledged US economic growth *“has slowed from its strong pace in the third quarter”* plus a recognition that *“inflation has eased over the past year”*. The US central bank also released its latest economic projections, and its latest ‘dot plot’ which shows each Fed official’s projection for the central bank’s key short-term interest rates. The new ‘dot plot’ effectively eliminated any further hints of rate hikes and showed an average of 75bp of interest rate cuts over 2024, and a further 100bp of cuts in 2025.

The latest US inflation data, which was released just prior to the US central bank policy meeting in mid-December, was in line with expectations, with headline consumer price index (CPI) rising +3.1% y/y and +0.1% m/m.

UK CPI surprised sharply lower in November, the headline falling -0.2% m/m and +3.9% y/y (+4.3% expected) and the core sliding to +5.1% y/y from +5.7% (consensus +5.6%).

The European Central Bank (ECB) and Bank of England (BoE) kept their respective interest rates steady. However unlike the Fed, both the ECB and BoE maintained higher interest rates had to continue. The BoE stated monetary policy was *“likely to need to be restrictive for an extended period of time”* and *“further tightening would be required if there were evidence of more persistent inflationary pressure”*.

The Bank of Canada held its policy rate at 5.00%, its third consecutive pause, whilst maintaining a tightening bias, noting *“the Governing Council is still concerned about risks to the outlook for inflation and remains prepared to raise the policy rate further if needed”*. Canada’s employment rose a little ahead of expectation at +25k vs +14k expected. The unemployment ticked up to 5.8% from 5.7% as expected.

The MSCI World ex-Aus Index rose +4.70% for the month of December:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+4.42%	+11.24%	+24.23%	+8.29%	+13.73%	+9.94%
MSCI World ex-AUS	+4.70%	+11.00%	+22.04%	+5.70%	+11.09%	+6.83%
S&P ASX 200 Accum. Index	+7.26%	+8.40%	+12.42%	+9.24%	+10.28%	+7.93%

Source: S&P, MSCI



Domestic Market

The RBA kept rates on hold at 4.35% as expected in its December meeting. The RBA Minutes continued in their recent tradition as reading more hawkish than the post-Meeting Statement. This was particularly the case this time around given it was not clear whether the case of a rate hike was genuinely discussed in December. Adding to the hawkish tone in the December Statement was the RBA’s concerns over domestic driven inflation and the need to target the mid-point of the 2-3% inflation band, rather than just the top of the band.

The updated agreement between the RBA Board and the Government on key aspects of Australia’s monetary and central banking framework revealed two significant changes. Firstly, the RBA will look to target the mid-point of the 2-3% inflation target. Secondly, the RBA has a dual mandate of sustained full employment and inflation (“current maximum level of employment that is consistent with low and stable inflation”).

Australia’s unemployment rate increased to 3.9% in November (3.8% in October) despite the creation of more than 60,000 new jobs over the month. This was due to the rise in the participation rate which increased to a record high of 67.2% in November (67.0% in October) largely driven by high net migration which boosted domestic labour supply.

GDP rose by a weaker-than-expected +0.2% q/q (+2.1% y/y), signifying a clear further slowing in both domestic final demand and GDP growth, with the ‘highlight’ being flat Household Consumption in the quarter.

The October goods trade surplus rose to \$7.1bn (consensus \$7.5bn). Goods exports rose (+0.4% m/m or \$0.2bn) driven by ‘metal ores and minerals’ (+2.3% m/m or \$0.4bn) and ‘metals’ (+21.6% m/m or \$0.3bn).

The Australian dollar rose +2.89%, finishing the month at US68.40 cents (from US66.48 cents the previous month).

Credit Market

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

Index	December 2023	November 2023
CDX North American 5yr CDS	56bp	63bp
iTraxx Europe 5yr CDS	60bp	68bp
iTraxx Australia 5yr CDS	72bp	75bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	December 2023	November 2023
Bloomberg AusBond Bank Bill Index (0+YR)	+0.37%	+0.35%
Bloomberg AusBond Composite Bond Index (0+YR)	+2.69%	+2.97%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.51%	+0.45%
Bloomberg AusBond Credit Index (0+YR)	+2.10%	+1.84%
Bloomberg AusBond Treasury Index (0+YR)	+2.77%	+3.08%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+4.65%	+2.47%

Source: Bloomberg

Other Key Rates

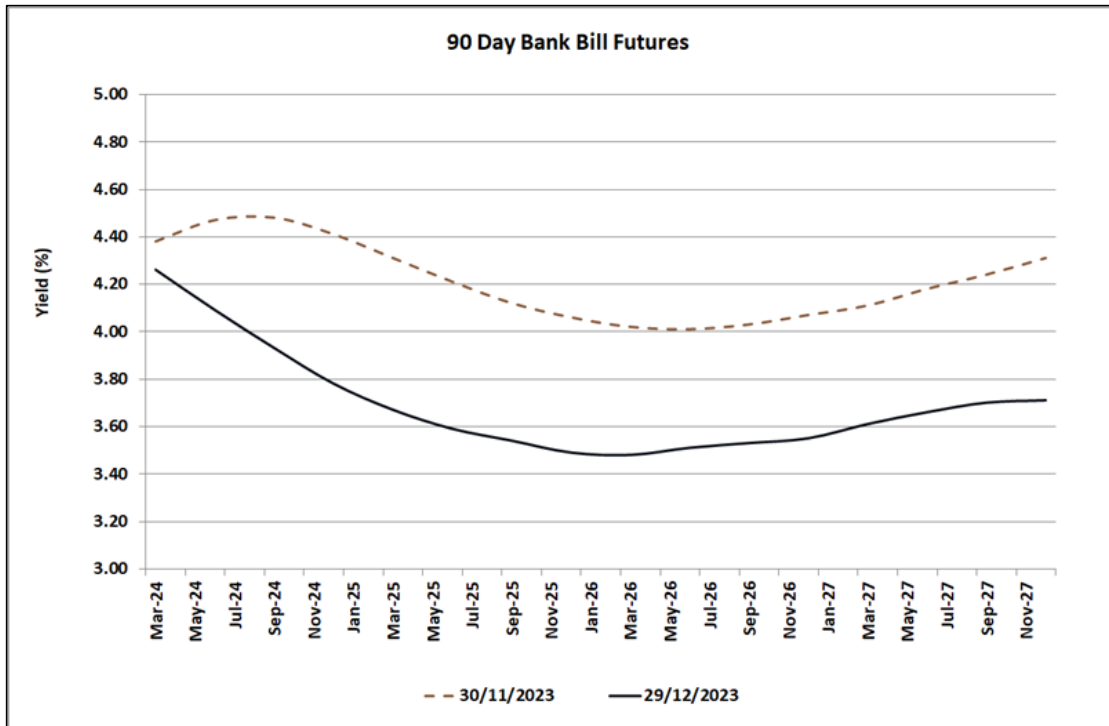
Index	December 2023	November 2023
RBA Official Cash Rate	4.35%	4.35%
90 Day (3 month) BBSW Rate	4.36%	4.37%
3yr Australian Government Bonds	3.61%	4.01%
10yr Australian Government Bonds	3.97%	4.41%
US Fed Funds Rate	5.25%-5.50%	5.25%-5.50%
2yr US Treasury Bonds	4.23%	4.73%
10yr US Treasury Bonds	3.88%	4.37%

Source: RBA, ASX, US Department of Treasury



90 Day Bill Futures

Bill futures fell across the board this month, following the movement in the global bond market. The market has quickly turned and now focusing more on when the first rate cuts will be delivered in 2024:



Source: ASX

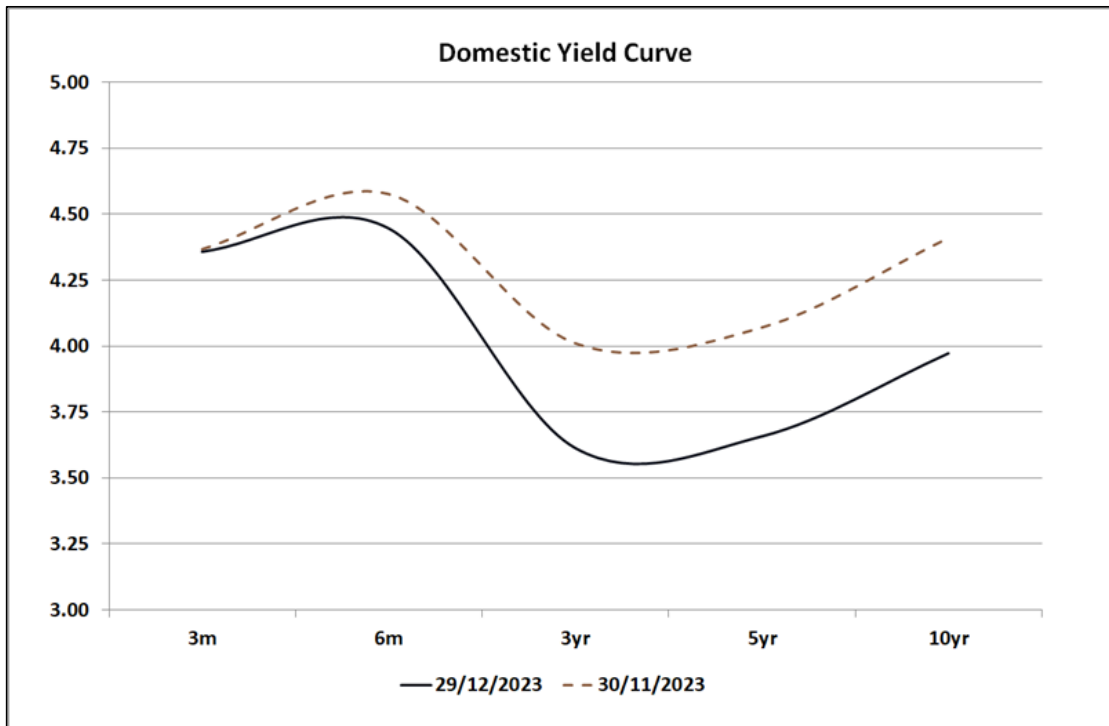


Fixed Interest Outlook

Despite signs of easing, global inflation has remained somewhat sticky across advanced economies, with elevated energy prices remaining a risk to headline inflation. There is some uncertainty when central banks will start to cut official rates in 2024. Importantly, there was a change in stance by the US Federal Reserve as their latest 'dot plot' released in mid-December had no policymakers projecting further interest rate hikes for the first time since early 2021, with 17 of 19 Fed officials predicted lower rates by December 2024. Financial markets are now pricing in around 75-100bp of Fed rate cuts in 2024, with the first cut projected as early as March 2024.

The Fed's pivot in monetary policy stance has reduced the risk of the RBA needing to raise rates its first meeting in 2024 (February). However, we note the RBA remains on a mild tightening bias, with the Board commenting that whilst the trend in global inflation has been favourable, it was heavily caveated, consistent with the RBA waiting for the Q4 CPI to determine whether further tightening is required rather than taking significant signal from recent offshore developments. Key data to influence the RBA ahead of its next policy meeting in February will be Q4 CPI on 31 January 2024 and before then the November Monthly Inflation Indicator on 10 January 2024 which has better coverage of key services sectors.

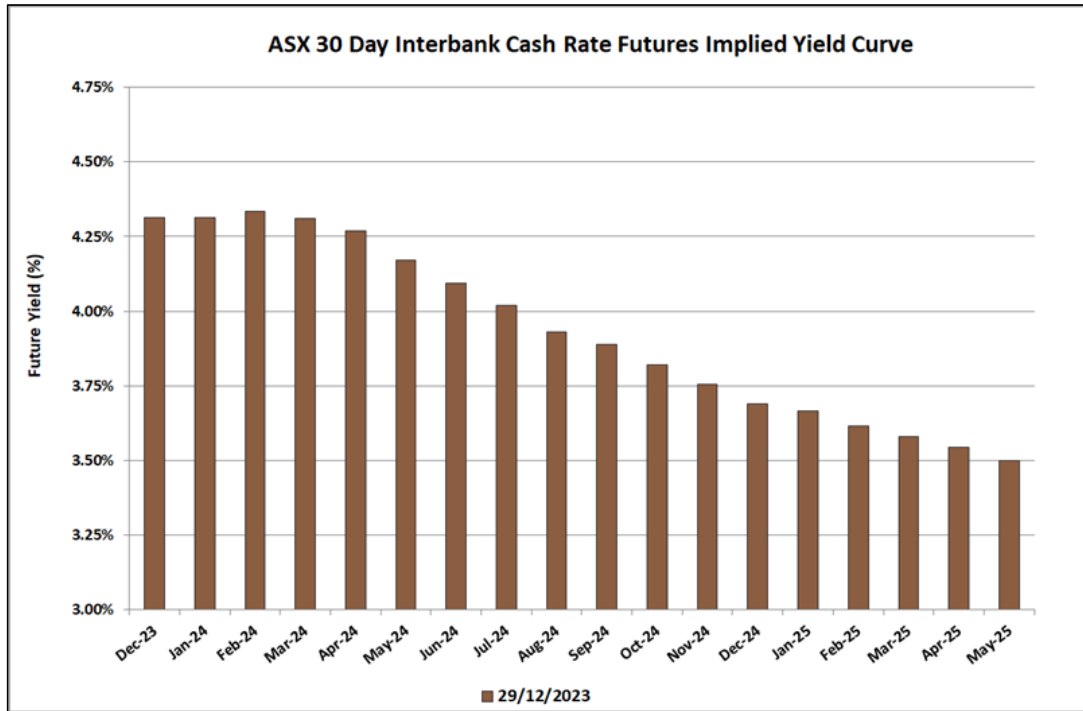
Over the month, yields fell by 44bp at the long end of the curve:



Source: ASX, RBA



The consensus from the broader market is that we have reached the peak of the interest rate cycle, though there are still a handful that believe the RBA will deliver one more rate hike (likely in Feb 2024). Interestingly, financial markets have pushed forward their rate cut expectations, with the first rate cut fully priced in by June 2024:



Source: ASX

DISCLAIMER

This document has been prepared by Arlo Advisory Pty Ltd ("Arlo"), ABN 55 668 191 795, an authorised representative of InterPrac Financial Planning Pty Ltd (ABN 14 076 093 680) AFS Licence No. 246638. Arlo provides fixed income investment advisory services to wholesale investors only. The information in this document is intended solely for your use. This document may not otherwise be reproduced and must not be distributed or transmitted to any other person or used in any way without the express approval of Arlo.

General Advice Warning

The information contained in this document is general in nature and does not take into account your individual investment objectives and adopted policy mandate. Arlo monitors the fixed income market and recommends the best rates currently available to the investors. You are responsible for deciding whether our recommendations are appropriate for your particular investment needs, objectives and financial situation and for implementing your decisions.

Accuracy & Reliability of Information

Arlo sources and uses information provided by third parties from time to time, including from Imperium Markets Pty Ltd ABN 87 616 579 527, a sister company of Arlo. Although every effort has been made to verify the accuracy of the information contained in this document, Arlo, its officers, employees and agents disclaim all liability (except for any liability which by law cannot be excluded), for any error, inaccuracy in, or omission from the information contained in this document or any loss or damage suffered by any person directly or indirectly through relying on this information.

14.5 Statement of Investments: January 2024

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

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

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

Summary

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

Financial implication

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

Risk implication

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

Policy

Clause 625 of the *Local Government Act 1993*

Clause 212 of the Local Government (General) Regulation 2021

Kiama Municipal Council – Investment Policy

Kiama Municipal Council – Restricted Funds Policy

Consultation (internal)

Chief Executive Officer

Chief Financial Officer

Financial Accountant

Communication/Community engagement

n/a

Attachments

1 January 2024 Investment Report [↓](#)

Enclosures

Nil

Report of the Chief Operating Officer

14.5 Statement of Investments: January 2024 (cont)

RECOMMENDATION

That Council:

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

Item 14.5

Background

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Office of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. Council Investment Policy provides a framework for the credit quality, institutional diversification, and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Department during the period to ensure compliance with the Investment Policy. External investment advisor advice is also considered at the time.

Investment Policy

A review of Council's Investment Policy was undertaken in collaboration with Council's Independent Investment Advisor which was presented to Council at its meeting held on 14 December 2023.

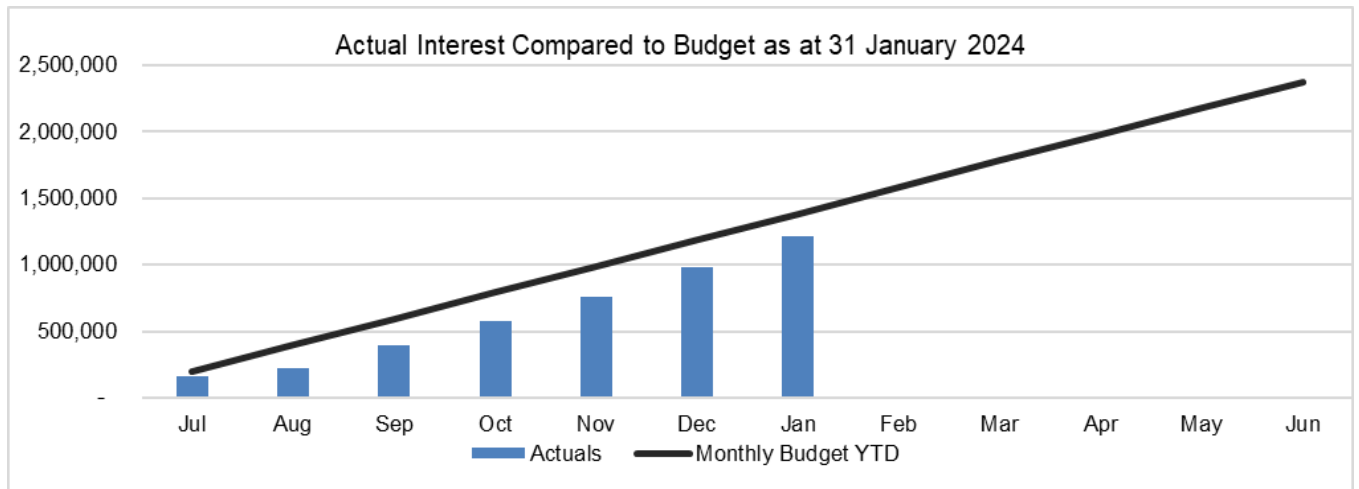
Council resolved that the draft Investment Policy be exhibited for 28 days for public comment and to adopt the Draft Investment Policy if no submissions are received by the completion of the public exhibition period. During the submission period, ending 5 February 2024, there were no submissions received. Accordingly, and in line with the resolution the Investment Policy is now adopted.

Return on Investments

For the month of January, excluding cash, the total portfolio provided a return of +0.45% (actual) or +5.40% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.37% (actual) or +4.44% p.a. (annualised). The monthly performance has improved over the recent months reflective of the maturity of lower yielding term deposits that are being replaced by higher yielding term deposits, providing greater overall returns to the portfolio.

Report of the Chief Operating Officer

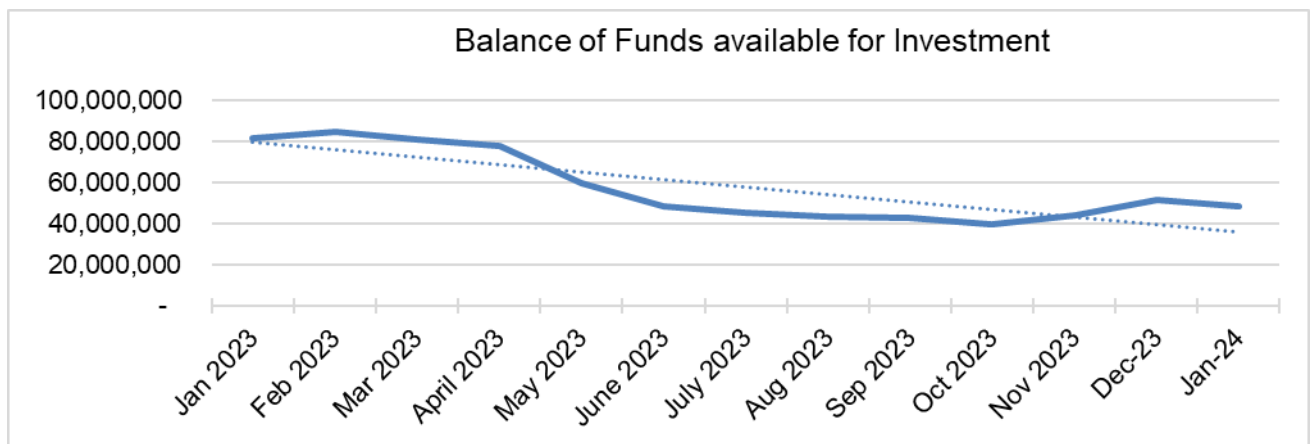
14.5 Statement of Investments: January 2024 (cont)



Item 14.5

Movement in Investments

Compared to January 2023 Council’s investments portfolio decreased by \$32.8M. Repayment of TCorp loan tranches of \$30M (excluding interest payments) being key outflows, offset by operational cash flows.



Matured trades for January:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
Commonwealth Bank	AA-	TD	At Maturity	15/08/2023	16/01/2024	5.19	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	21/08/2023	22/01/2024	5.15	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	28/08/2023	29/01/2024	5.09	2,000,000
Totals							6,000,000

Report of the Chief Operating Officer

14.5 Statement of Investments: January 2024 (cont)

New trades entered under delegation, during January:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
ING Direct	A	TD	At Maturity	10/01/2024	09/01/2025	5.22	1,000,000
ING Direct	A	TD	Annual	10/01/2024	14/01/2026	4.96	1,000,000
NAB	AA-	TD	At Maturity	10/01/2024	12/06/2024	5.10	4,000,000
Total							6,000,000

Portfolio Summary:

Issuer	Rating	Type	Interest	Purchase	Maturity	Rate %	Value
Commonwealth Bank	AA-	TD	At Maturity	28/08/2023	26/02/2024	5.27	2,000,000
NAB	AA-	TD	At Maturity	22/11/2023	11/03/2024	5.06	1,000,000
Commonwealth Bank	AA-	TD	At Maturity	18/09/2023	18/03/2024	5.09	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	25/09/2023	25/03/2024	5.13	2,000,000
NAB	AA-	TD	At Maturity	11/09/2023	11/04/2024	5.10	2,000,000
BOQ	BBB+	TD	At Maturity	22/11/2023	16/04/2024	5.23	1,000,000
Suncorp	A+	TD	At Maturity	11/10/2023	13/05/2024	5.15	2,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	03/06/2024	5.28	1,000,000
NAB	AA-	TD	At Maturity	10/01/2024	12/06/2024	5.10	4,000,000
Suncorp	A+	TD	At Maturity	30/10/2023	30/07/2024	5.35	2,000,000
BOQ	BBB+	TD	At Maturity	21/11/2023	21/08/2024	5.40	1,000,000
NAB	AA-	TD	Annual	18/12/2023	18/09/2024	5.13	1,000,000
AMP Bank	BBB	TD	Annual	27/09/2022	26/09/2024	4.95	750,000
ING Direct	A	TD	At Maturity	16/10/2023	16/10/2024	5.23	2,000,000
Commonwealth Bank	AA-	TD	At Maturity	23/10/2023	23/10/2024	5.26	2,000,000
ING Direct	A	TD	At Maturity	15/11/2023	15/11/2024	5.48	2,000,000
Suncorp	A+	TD	At Maturity	21/11/2023	21/11/2024	5.40	1,000,000
Suncorp	A+	TD	At Maturity	28/11/2023	28/11/2024	5.50	2,000,000
Suncorp	A+	TD	At Maturity	04/12/2023	04/12/2024	5.35	1,000,000
Suncorp	A+	TD	At Maturity	13/12/2023	13/12/2024	5.30	2,000,000
ING Direct	A	TD	Annual	21/12/2023	18/12/2024	5.23	2,000,000
ING Direct	A	TD	At Maturity	10/01/2024	09/01/2025	5.22	1,000,000
ING Direct	A	TD	At Maturity	22/11/2023	23/09/2025	5.35	1,000,000
Suncorp	A+	TD	At Maturity	21/11/2023	21/11/2025	5.36	1,000,000
ING Direct	A	TD	At Maturity	04/12/2023	04/12/2025	5.25	1,000,000
ING Direct	A	TD	Annual	18/12/2023	18/12/2025	5.20	2,000,000
ING Direct	A	TD	Annual	10/01/2024	14/01/2026	4.96	1,000,000
Westpac	AA-	CASH	Monthly	31/01/2024	31/01/2024	4.24	8,100,524
Totals							50,850,524

Item 14.5

Report of the Chief Operating Officer

14.5 Statement of Investments: January 2024 (cont)

Restricted Funds Movements

The restricted fund movement for this month and balance is presented in the table below.

Cash and Investments Held	Dec-23	Movement	Jan-24
Cash at Bank - Transactional Account	11,465,283	(3,364,760)	8,100,524
Other Cash and Investments	42,750,000	-	42,750,000
Total Portfolio Balance (agrees to Arlo Advisory report)	54,215,283	(3,364,760)	50,850,524
Cash on Hand	6,110		6,110
Bank Reconciliation items	(2,395,962)	397,480	(1,998,482)
Book Value of Cash and Investments	51,825,431	(2,967,280)	48,858,152
Developer Contributions	12,435,110	106,213	12,541,323
Unexpended Grants	1,158,511		1,158,511
Domestic Waste	3,976,804		3,976,804
Blue Haven Terralong ILU Maintenance Levy	1,873,322		1,873,322
Blue Haven Bonaira ILU Maintenance Levy	312,035		312,035
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	4,616,311	143,950	4,760,261
Leisure Centre Unspent Loan Funding	500,000		500,000
Stormwater Levy	228,947		228,947
Security bonds, Deposits & Retentions	1,996,675	15,012	2,011,687
Externally Restricted	32,606,532	265,175	32,871,707
Council Elections	49,776		49,776
Employee Leave Liabilities	3,367,000		3,367,000
Land development	2,527,227	1,000,000	3,527,227
Plant replacement	-		-
Risk Improvement Incentive	99,097		99,097
Waste Business Unit	865,308		865,308
Waste and Sustainability	558,180		558,180
Blue Haven ILU Prudential Cover	4,300,000		4,300,000
Internally Restricted	11,766,587	1,000,000	12,766,587
Unrestricted Funds	7,452,312	(4,232,454)	3,219,858

January's reserve movements include:

- An increase in the Developer Contribution reserve of \$106K
- An increase in the Crown Holiday Parks reserve of \$144K
- An increase in the Security and Bonds, Deposits and Retentions reserve of \$15K.

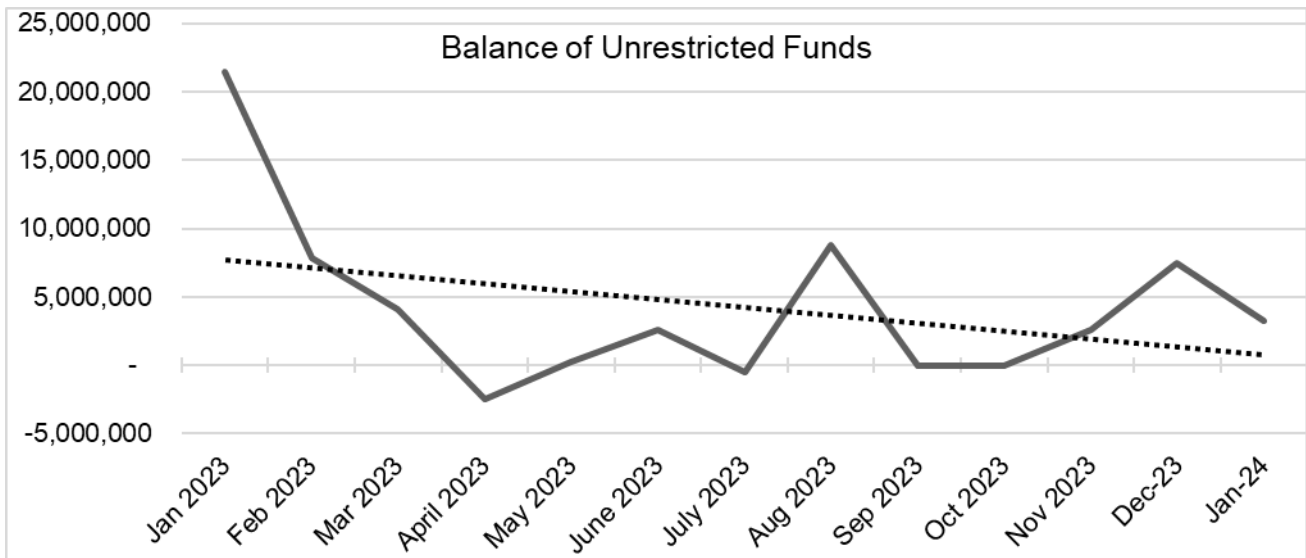
Report of the Chief Operating Officer

14.5 Statement of Investments: January 2024 (cont)

This month, it is recommended to return \$1M to the Land Development Reserve following the approval of Council.

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

Unrestricted Funds for Future Strategic or Operational Expenditure



Item 14.5

The unrestricted funds balance as at 31 January 2024 decreased by \$4.2M in January to \$3.2M (after \$1M was set aside to be transferred to Land Development reserve). This is in line with the overall cash reduction in January.

Council adopted an unbalanced 2023-24 Budget with an estimated unrestricted cash deficit of \$8M. In other words, the budget anticipates an average monthly reduction in unrestricted cash of \$667K. As outlined in 2023-24 budget and LTFP, this unrestricted cash deficit will be offset by proceeds from sale of assets in line with the divestment strategy. As such, it is anticipated for unrestricted cash balance to reduce during periods when no assets proceeds are being received.

Another reason for a significant decrease in Council’s overall cash position in January is due to January having 5 Wednesdays which has resulted in an additional Payroll and Suppliers payment run. A catch up on a backlog of Blue Haven invoices for essential services provided during Christmas break also had a negative impact on unrestricted cash.

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

Report of the Chief Operating Officer

14.5 Statement of Investments: January 2024 (cont)

Reference	Date Effective	Reserve	Amount	Reason
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
	Total:		-7,474,773	

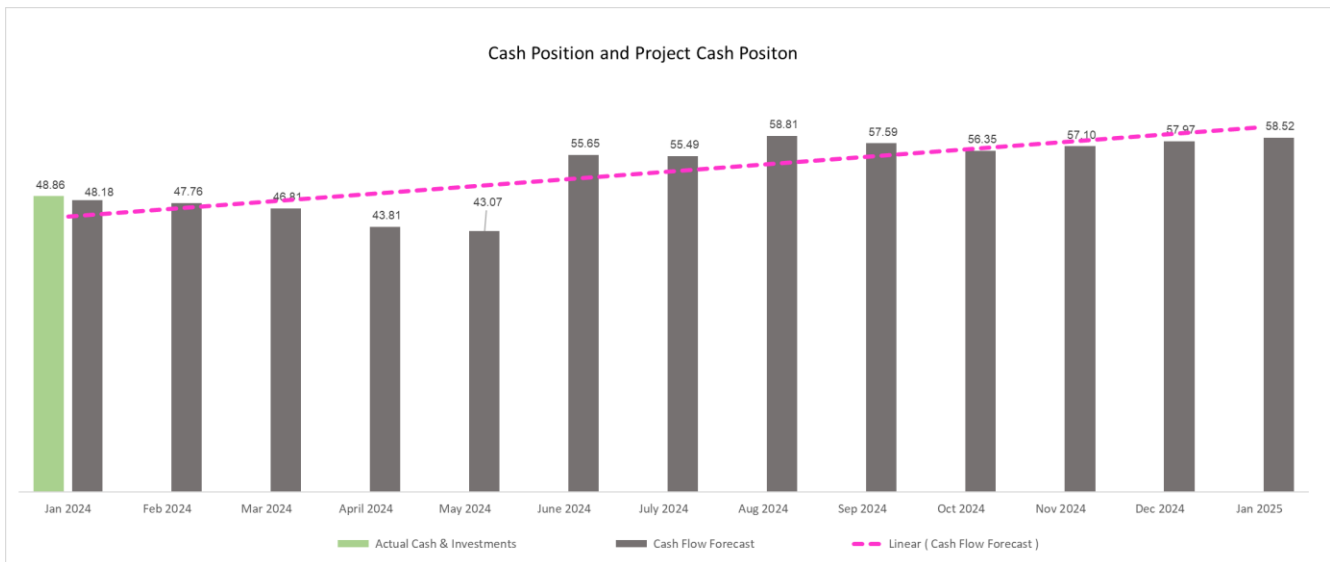
Item 14.5

The proposed transfer this month of \$1M will reduce the above drawdown to \$6.474M.

Consolidated Cash Position and Cash Flow Forecast

As mentioned in the November Investment report to Council, Council’s Forecasted Cashflow was reviewed, updated, and presented to the Financial Advisory Committee in November.

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



Certification – Responsible Accounting Officer

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

Olena Tulubinska
Chief Financial Officer

06/02/2024



Monthly Investment Review



KIAMA MUNICIPAL COUNCIL
your council, your community

January 2024

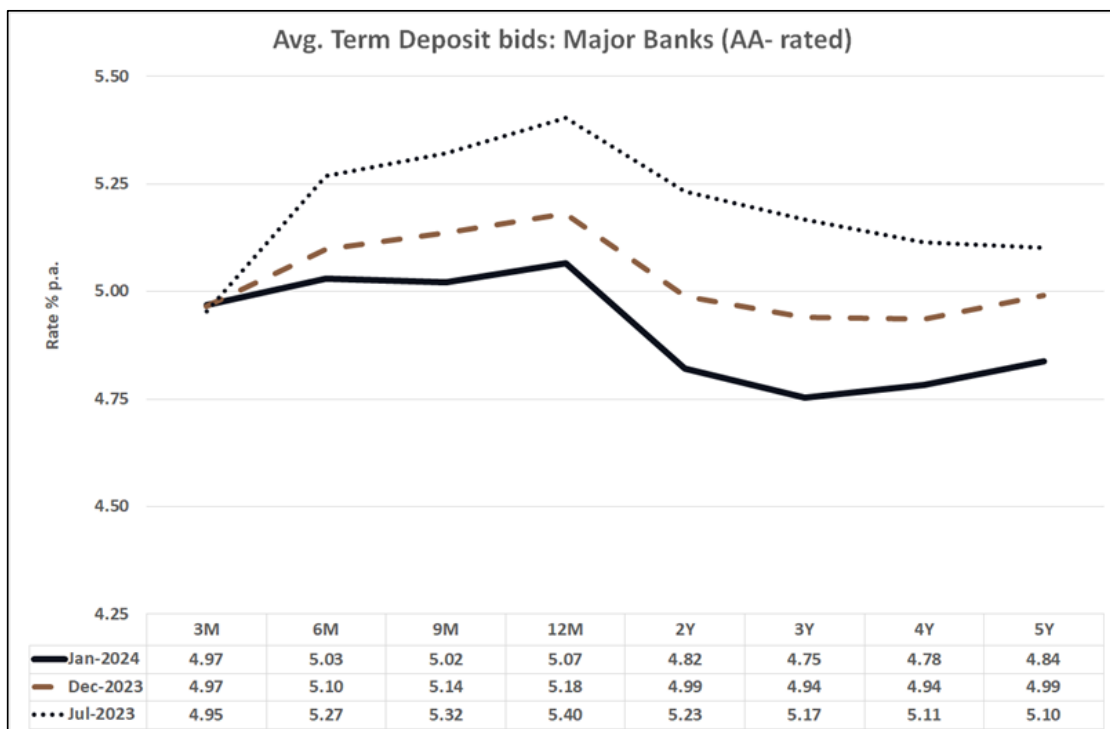
Arlo Advisory Pty Ltd
ABN: 55 668 191 795
Authorised Representative of InterPrac Financial Planning Pty Ltd
AFSL 246 638
Phone: +61 2 9053 2987
Email: michael.chandra@arloadvisory.com.au / melissa.villamin@arloadvisory.com.au
125 Middle Harbour Road, East Lindfield NSW 2070



Market Update Summary

Financial markets continued their rally in January following the shift by central banks indicating that inflationary pressures globally have receded more quickly than they had expected. The market is now clearly focused on the timing of the first interest rate cuts in 2024.

Over January 2024, major bank deposit rates were lower across the board compared to the previous month (December 2023). Major bank deposit rates dropped by as much as 12bp across the shorter-tenors (3-12 months) and by around 15-20bp across the longer-tenors (2-5 years). Interestingly, major bank deposit rates are approximately 20-40bp lower than what they were 6 months ago (July 2023).



Source: Imperium Markets

With a global economic downturn and multiple interest rate cuts being priced in coming years, investors should consider taking an 'insurance policy' against a potentially lower rate environment by investing across 2-5 year fixed deposits, targeting rates above or close to 4%-5% p.a. (small allocation only).



Kiama Municipal Council’s Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to term deposits (84%), with the remainder in cash (16%).

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

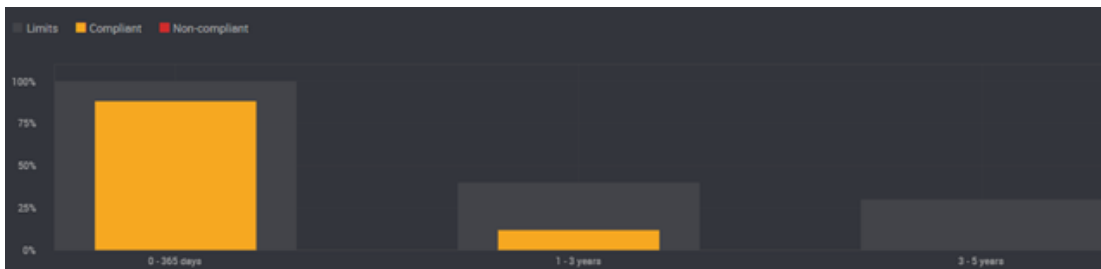
With multiple rate cuts and a global economic downturn being priced in coming years, investors can choose to allocate a small proportion of longer-term funds and undertake an insurance policy against any potential future rate cuts by investing across 2-5 year fixed deposits, locking in and targeting yields close to or above 4%-5% p.a.



Term to Maturity

The portfolio is highly liquid with the majority maturing under 3 months (~88%). 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 6-12 months, with a smaller allocation to 2 year deposits.





Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 365 days	\$44,850,524	88.20%	0%	100%	\$5,292,043
✓	1 - 3 years	\$6,000,000	11.80%	0%	40%	\$12,648,167
✓	3 - 5 years	\$0	0.00%	0%	30%	\$13,455,157
✓	5 - 10 years	\$0	0.00%	0%	30%	\$13,455,157
		\$50,850,524	100.00%			

Counterparty

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

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$8,000,000	15.73%	100%	\$42,850,524
✓	Westpac	AA-	\$8,100,524	15.93%	100%	\$42,750,000
✓	NAB	AA-	\$8,000,000	15.73%	100%	\$42,850,524
✓	Suncorp	A+	\$12,000,000	23.60%	30%	\$3,255,157
✓	ING	A	\$12,000,000	23.60%	30%	\$3,255,157
✓	BoQ	BBB+	\$2,000,000	3.93%	10%	\$3,085,052
✓	AMP	BBB	\$750,000	1.47%	5%	\$1,792,526
			\$50,850,524	100.00%		



Fossil Fuel Investments

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

Using the following link <http://www.marketforces.org.au/banks/compare>, based on the Council's investment portfolio balance as at 31/01/2024 (~\$51m), we can roughly estimate that ~72% of the institutions invested have some form of exposure. Note this is purely based on the institution/counterparty and not the actual underlying investments themselves.

Council's exposure is summarised as follows:

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

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

Summary	Amount	Invested %
Yes	\$36,850,524	72%
No	\$14,000,000	28%
	\$50,850,524	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%	\$50,850,524
✓	AA Category	\$24,100,524	47.4%	100%	\$26,750,000
✓	A Category	\$24,000,000	47.2%	100%	\$26,850,524
✓	BBB Category	\$2,750,000	5.4%	30%	\$12,505,157
✓	Unrated Category	\$0	0.0%	10%	\$5,085,052
		\$50,850,524	100.0%		



Performance

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

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.36%	1.08%	2.11%	2.46%	4.00%
AusBond Bank Bill Index	0.37%	1.09%	2.15%	2.53%	4.00%
Council's Portfolio[^]	0.45%	1.29%	2.50%	2.83%	4.27%
Outperformance	0.08%	0.20%	0.35%	0.31%	0.28%

[^]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%	4.22%	4.21%	4.00%
AusBond Bank Bill Index	4.44%	4.41%	4.30%	4.33%	4.00%
Council's Portfolio[^]	5.40%	5.23%	5.02%	4.86%	4.27%
Outperformance	0.96%	0.83%	0.72%	0.53%	0.28%

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

For the month of January, excluding cash, the total portfolio provided a return of +0.45% (actual) or +5.40% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.37% (actual) or +4.44% p.a. (annualised). The monthly performance has improved over the recent months reflective of the maturity of lower yielding term deposits that are being replaced by higher yielding term deposits, providing greater overall returns to the portfolio.



Recommendations for Council

Term Deposits

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

As at the end of January 2024, Council's deposit portfolio was yielding around 5.23% p.a. (down 1bp from the previous month), with a weighted average duration of 253 days (~8½ 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 January, we see value in the following (note rates likely to be at least 5-10bp lower across the board following the lower than expected inflation print on 31st January):

Index	LT Credit Rating	Term	Rate % p.a.
ING	A	5 years	5.13%
ING	A	4 years	5.02%
ING	A	2 years	4.97%
ING	A	3 years	4.95%
BoQ	BBB+	5 years	4.95%
Suncorp	A+	2 years	4.94%
BoQ	BBB+	4 years	4.90%
Suncorp	A+	3 years	4.86%
Westpac	AA-	2 years	4.76%
NAB	AA-	2 years	4.75%

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

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



Index	LT Credit Rating	Term	Rate % p.a.
Australian Unity	BBB+	12 months	5.19%
Suncorp	A+	12 months	5.17%
ING	A	12 months	5.17%
NAB	AA-	12 months	5.15%
Suncorp	A+	9 months	5.14%
NAB	AA-	5-9 months	5.10%
Suncorp	A+	6 months	5.10%
Bendigo	BBB+	9 months	5.06%
BoQ	BBB+	9 months	5.05%
NAB	AA-	3-4 months	5.05%
Westpac	AA-	12 months	5.02%

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

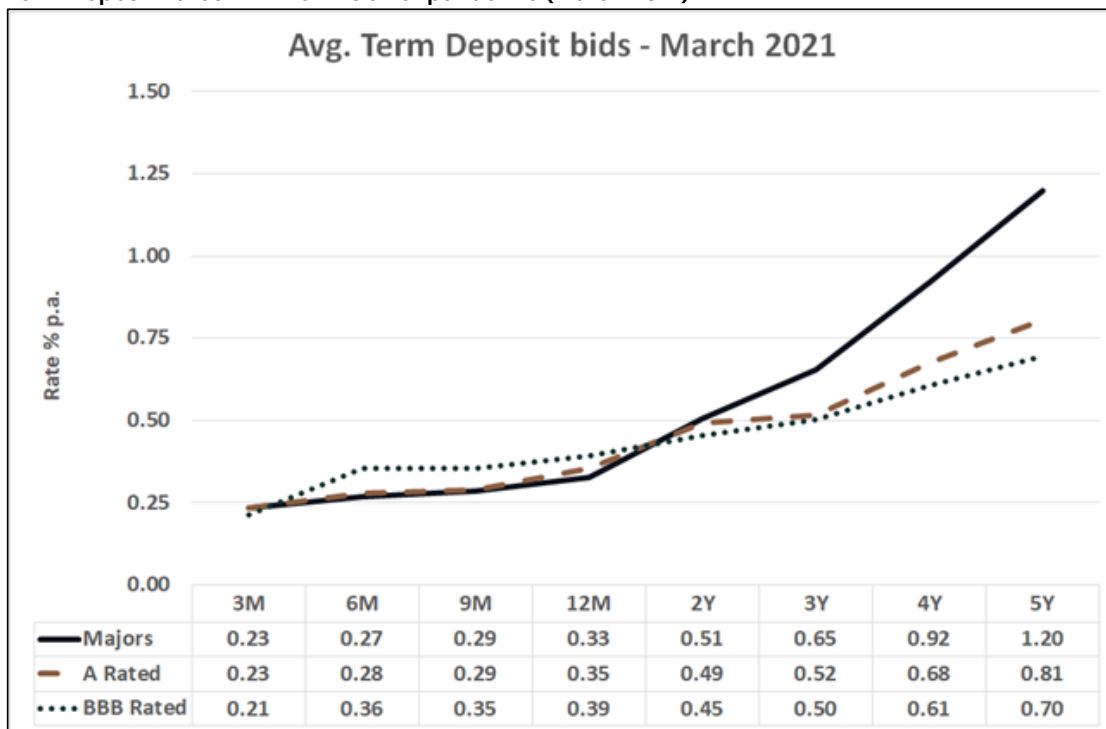
With a global economic slowdown and rate cuts being priced in coming years, investors should strongly consider and allocate some longer term surplus funds to undertake an insurance policy by investing across 2-5 year fixed deposits and locking in rates close to or above 4¼-5% p.a. This will provide some income protection with central banks now likely to cut rates at some stage later this year.



Term Deposits Analysis

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

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



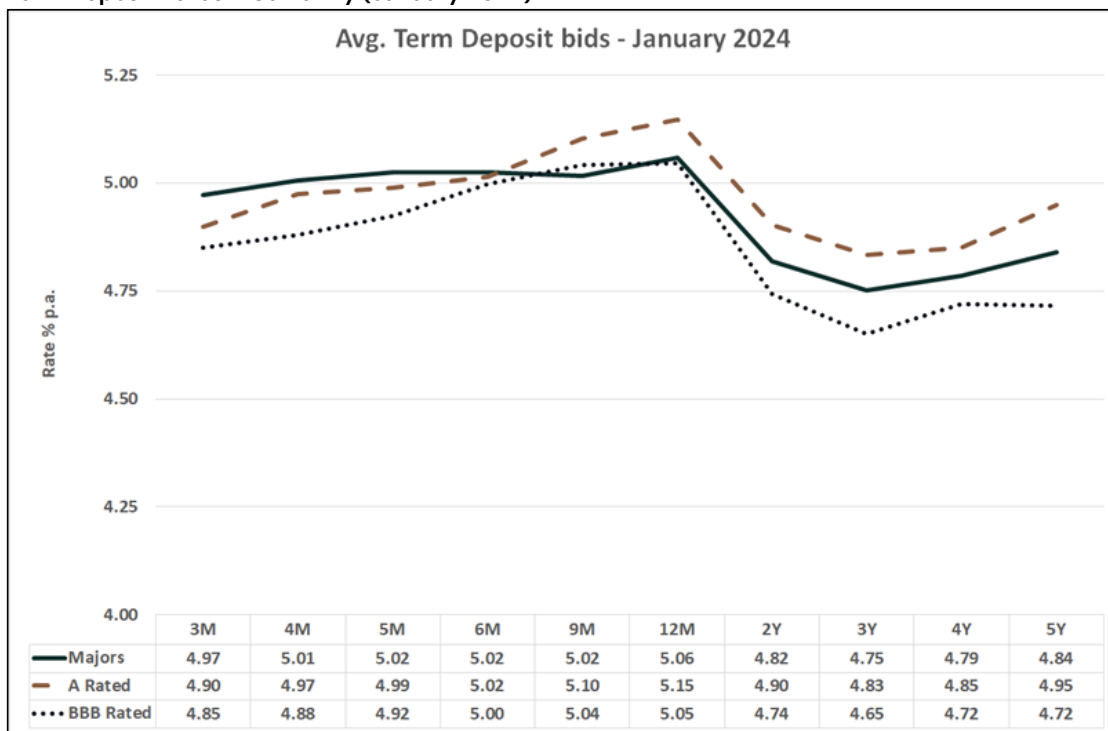
Source: Imperium Markets

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



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

Term Deposit Rates – Currently (January 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.

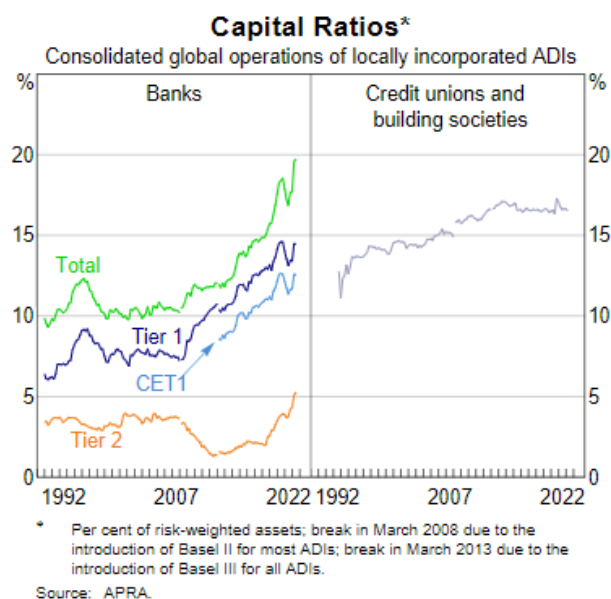
We remain supportive of the regional and unrated ADI sector (and have been even throughout the post-GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have 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 ten years. Over the same time, banks' assets have grown by 44%. Some of the extra capital is supporting growth in the banking system itself but clearly, there has been a strengthening in overall resilience and leverage in the system is lower.

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

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



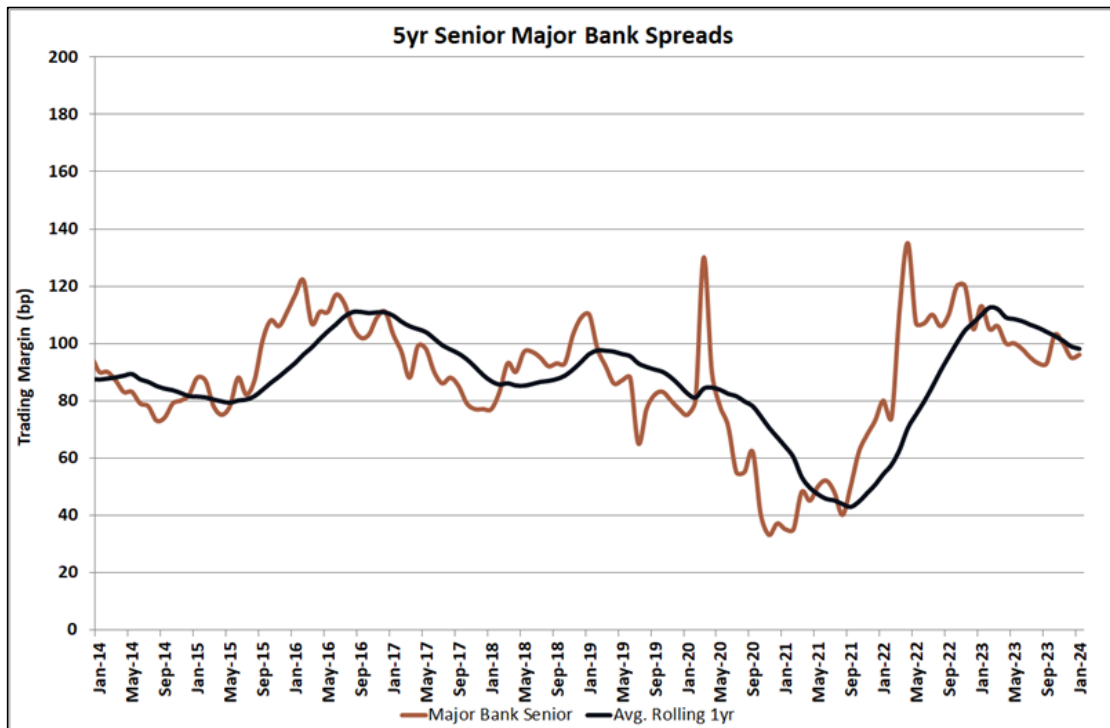


Senior FRNs Market Review

Over January, amongst the senior major bank FRNs, physical credit securities widened up to 9bp at the long-end of the curve. During the month, there were notable new issuances from:

- WBC (AA-) ~3yr & 5yr senior security at +82bp and +100bp respectively
- ANZ (AA-) 3 & 5yr senior security at +80bp and +96bp respectively
- QTC (AA+) 10yr fixed sustainable bond at 4.75% s.a.

Major bank senior securities remain at fair value on a historical basis (5yr margins around +96bp level).



Source: IBS Capital

During the month, the other new notable issuances were as follows:

- Great Southern Bank (BBB) 3yr senior FRN at +160bp
- Mizuho (A) 3yr senior FRN at +88bp
- Heritage (BBB) 3yr senior FRN at +160bp



Amongst the “A” and “BBB” rated sectors, the securities remained relatively flat at the longer-end of the curve. Credit securities are looking much more attractive given the widening of spreads over the past ~2 years. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over future years (in a relatively stable credit environment).

Senior FRNs (ADIs)	31/01/2024	31/12/2023
“AA” rated – 5yrs	+96bp	+95bp
“AA” rated – 3yrs	+80bp	+71bp
“A” rated – 5yrs	+125bp	+125bp
“A” rated – 3yrs	+99bp	+97bp
“BBB” rated – 3yrs	+148bp	+148bp

Source: IBS Capital

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

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

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



Senior Fixed Bonds – ADIs (Secondary Market)

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

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

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0273407	UBS	A+	Senior	30/07/2025	1.50	1.20%	5.07%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	2.27	1.40%	5.14%
AU3CB0299337	Bendigo	BBB+	Senior	15/05/2026	2.29	4.70%	5.10%
AU3CB0296168	BoQ	BBB+	Senior	27/01/2027	2.99	4.70%	5.16%



Economic Commentary

International Market

Financial markets continued their rally in January following the shift by central banks indicating that inflationary pressures globally have receded more quickly than they had expected. With global economic activity and labour markets continuing to gradually cool, investors are becoming more confident of a soft landing, reflected by the fall in bond yields and a rise in equities in recent months.

Across equity markets, the S&P 500 Index gained +1.59%, whilst the NASDAQ added +1.02%. Europe's main indices also experienced further gains, led by France's CAC (+1.51%) and Germany's DAX (+0.91%). UK's FTSE (-1.33%) was the exception, losing ground against global trends.

In the US, the latest core personal consumption expenditures (PCE) index, which is the US central bank's preferred measure of inflation (which excludes volatile food and energy costs), recorded a +0.2% increase for the month of December, taking the annual rate to +2.9%.

The US economy grew at a +3.3% annual rate in the fourth quarter of 2023, which was well above the +2.0% consensus, though down from the +4.9% rate in the third quarter.

As widely expected, the Bank of Japan, European Central Bank (ECB) and Bank of Canada all held their respective interest rates steady at their policy meetings. The commentary accompanying their monetary policy decisions were largely unchanged, with these central banks reaffirming their commitment to fight inflation.

Germany reported that GDP had shrunk -0.3% for the calendar year of 2023 and in Q4 - though the Eurozone's biggest economy has been spared a technical recession in H2 2023 by an upward revision Q3, from -0.1% to 0.0%.

China is sinking deeper into its worst deflation in years. It signals continuing economic distress in China, which could mean weaker sales for Western brands that do business there. China's population also fell by 2 million last year, highlighting the challenges facing the world's second-largest economy.

The World Bank released the latest edition of its Global Economics Prospects. It provided a fairly pessimistic view, with advanced economies GDP growth set to slow, from +1.5% on average in 2023 to +1.2% in 2024.

The MSCI World ex-Aus Index rose +1.20% for the month of January:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+1.59%	+15.54%	+18.86%	+9.27%	+12.37%	+10.52%
MSCI World ex-AUS	+1.20%	+15.71%	+15.51%	+6.51%	+9.72%	+7.36%
S&P ASX 200 Accum. Index	+1.19%	+13.99%	+7.09%	+9.56%	+9.71%	+8.39%

Source: S&P, MSCI



Domestic Market

The consumer price index (CPI) rose +0.6% during Q4 2023, resulting in an annual increase of +4.1%. Inflation has fallen to its lowest level in two years, dampening the chances of a further interest rate rise. The monthly measure of inflation also showed price pressures easing even further. This measure dropped to +3.4% in December from +4.3% in November. The measure of underlying inflation also eased, to +4.0% from +4.6%.

Employment fell a sharp -65.1k in December, following the upwardly revised +72.6k surge in November and October's +44.2k. The unemployment rate was unchanged at 3.9% (or 3.8820% unrounded). Since October 2022, the unemployment rate has risen by 0.47%, highlighting that whilst the labour market remains tight, the degree of tightness in the labour market is easing.

Retail sales rose +2.0% m/m in November (consensus +1.2%). That reflects the shift towards increased spending at Black Friday rather than a trend acceleration in what remains sluggish consumer spending growth. Consumers delayed spending from October, when retail sales fell -0.4% m/m, to November and likely also pulled forward more spending from December.

Dwelling approvals rose +1.6% m/m in November, as a rise in attached approvals offset a small fall in detached approvals.

The November goods trade surplus rose to \$11.4bn (consensus \$7.3bn), from an upwardly revised \$7.7bn. The large surprise was driven by a fall back in imports (-7.9% m/m or -\$2.99bn).

The Government announced changes to stage three tax cuts. Those earning \$200,000 or more will receive a \$4,529 cut, instead of the legislated \$9,075 they were due to receive from 1 July. Those earning between \$45,000 and \$135,000 will be taxed at 30%, while the 37% tax rate will be reinstated and apply to incomes between \$135,000 and \$190,000, after which the 45% rate will apply.

Iron ore prices tumbled by the most in at least five months on concerns about a weakening economy of top consumer China and heightened tensions in the Taiwan Strait and the Red Sea.

The Australian dollar fell -3.89%, finishing the month at US65.74 cents (from US68.40 cents the previous month).

Credit Market

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

Index	January 2024	December 2023
CDX North American 5yr CDS	55bp	56bp
iTraxx Europe 5yr CDS	60bp	60bp
iTraxx Australia 5yr CDS	68bp	72bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	January 2024	December 2023
Bloomberg AusBond Bank Bill Index (0+YR)	+0.37%	+0.37%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.21%	+2.69%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.44%	+0.51%
Bloomberg AusBond Credit Index (0+YR)	+0.41%	+2.10%
Bloomberg AusBond Treasury Index (0+YR)	+0.16%	+2.77%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-0.69%	+4.65%

Source: Bloomberg

Other Key Rates

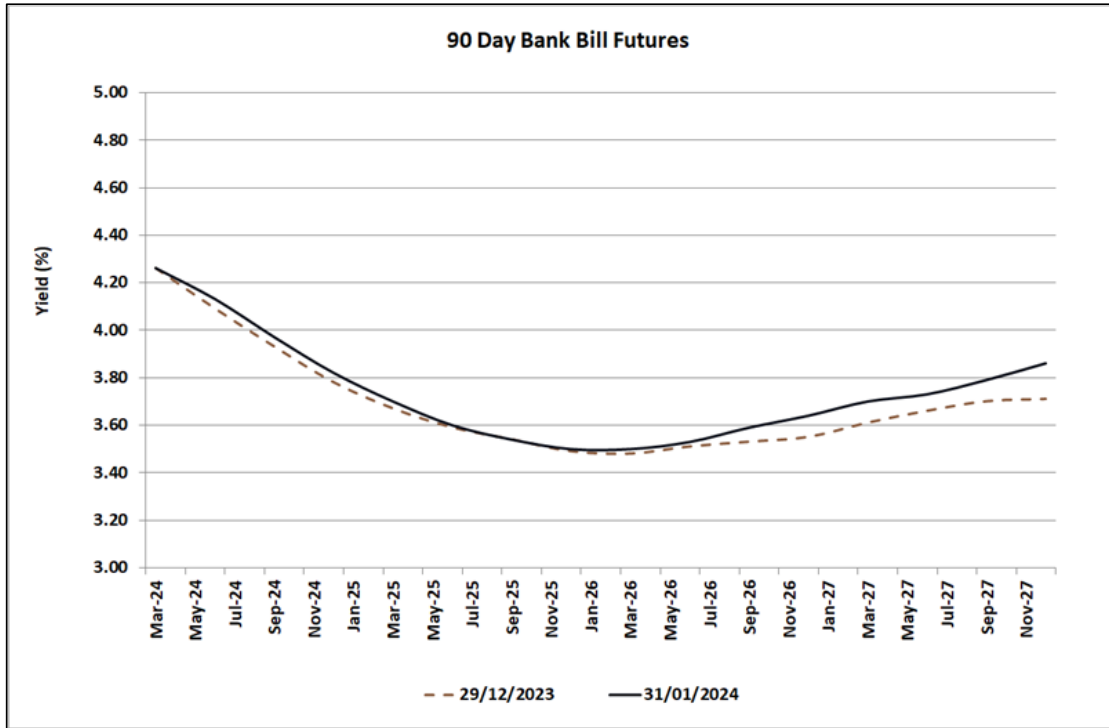
Index	January 2024	December 2023
RBA Official Cash Rate	4.35%	4.35%
90 Day (3 month) BBSW Rate	4.35%	4.36%
3yr Australian Government Bonds	3.45%	3.61%
10yr Australian Government Bonds	4.01%	3.96%
US Fed Funds Rate	5.25%-5.50%	5.25%-5.50%
2yr US Treasury Bonds	4.27%	4.23%
10yr US Treasury Bonds	3.99%	3.88%

Source: RBA, ASX, US Department of Treasury



90 Day Bill Futures

Bill futures marginally rose at the long-end of the curve, following the movement in the global bond market. The focus from the market remains on when the first rate cut will be delivered:



Source: ASX

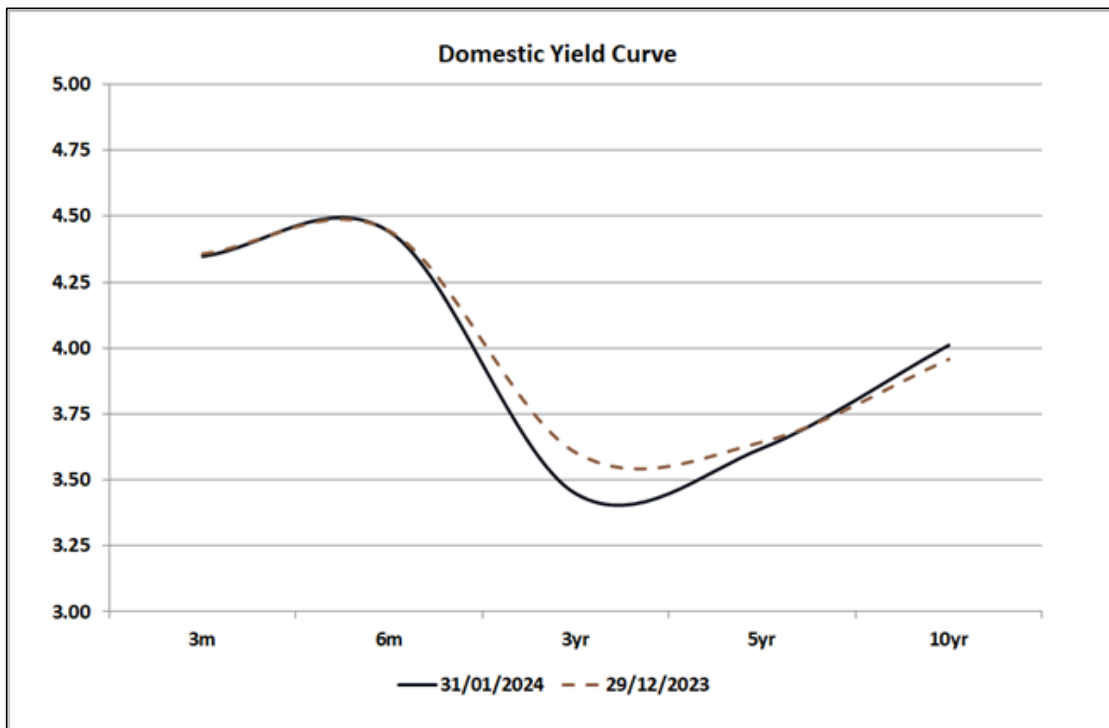


Fixed Interest Outlook

There is uncertainty when central banks will start to cut official rates in 2024. In recent weeks, financial markets have been pricing more and more delays for rate cuts, particularly in the US, suggesting that with the economy seemingly in relatively good health, there is no immediate need to cut rates quickly. This was supported by the stronger than expected US economic growth recorded in the last quarter of 2023 of +3.3% on an annual basis (which was well above the +2.0% forecast). Nevertheless, financial markets continue to price in more than 100bp of US Fed rate cuts in 2024.

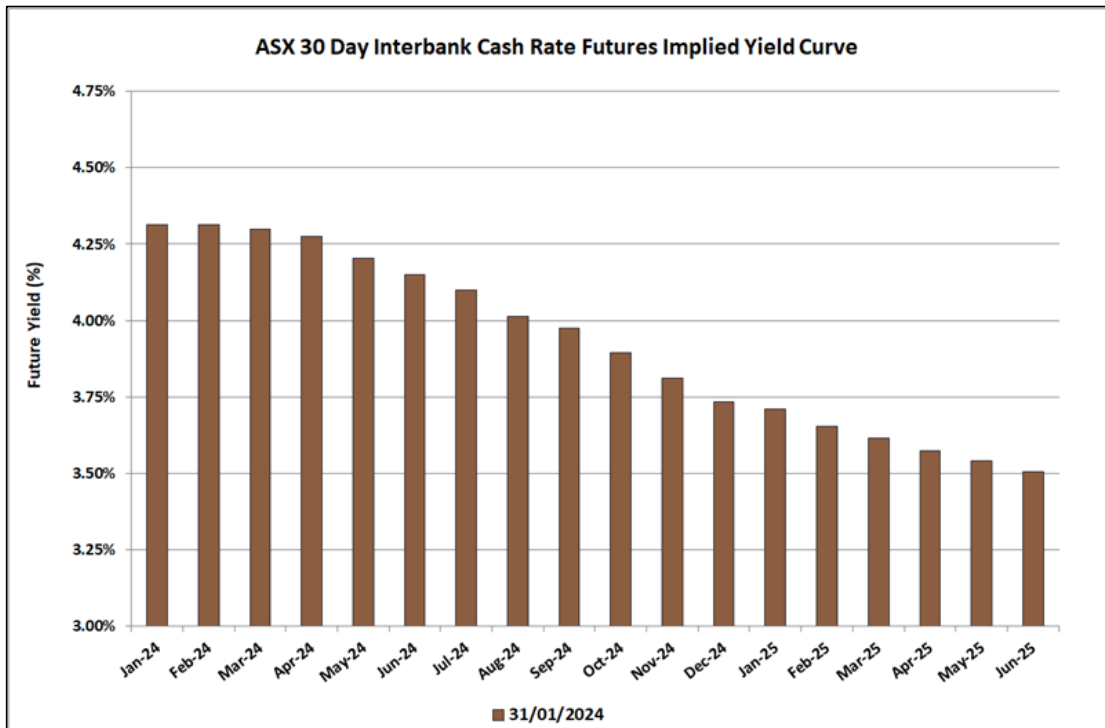
The Fed's pivot in monetary policy stance (easing bias) has reduced the risk of the RBA needing to raise rates in the immediate future. The RBA remains on a mild tightening bias, with the Board commenting that whilst the trend in global inflation has been favourable, it was heavily caveated, consistent with them waiting for the Q4 CPI (on 31st January). Inflation did print lower than expected, so this may allow the RBA to remove its mild tightening bias for its meeting on the 6th February.

Over the month, longer-term yields rose by 5bp at the very long end of the curve:



Source: ASX, RBA

The consensus from the broader market is that we have reached the peak of the interest rate cycle. Financial markets have pushed forward their rate cut expectations, with the first rate cut fully priced in by July 2024 following the lower than anticipated inflation number.



Source: ASX

DISCLAIMER

This document has been prepared by Arlo Advisory Pty Ltd ("Arlo"), ABN 55 668 191 795, an authorised representative of InterPrac Financial Planning Pty Ltd (ABN 14 076 093 680) AFS Licence No. 246638. Arlo provides fixed income investment advisory services to wholesale investors only. The information in this document is intended solely for your use. This document may not otherwise be reproduced and must not be distributed or transmitted to any other person or used in any way without the express approval of Arlo.

General Advice Warning

The information contained in this document is general in nature and does not take into account your individual investment objectives and adopted policy mandate. Arlo monitors the fixed income market and recommends the best rates currently available to the investors. You are responsible for deciding whether our recommendations are appropriate for your particular investment needs, objectives and financial situation and for implementing your decisions.

Accuracy & Reliability of Information

Arlo sources and uses information provided by third parties from time to time, including from Imperium Markets Pty Ltd ABN 87 616 579 527, a sister company of Arlo. Although every effort has been made to verify the accuracy of the information contained in this document, Arlo, its officers, employees and agents disclaim all liability (except for any liability which by law cannot be excluded), for any error, inaccuracy in, or omission from the information contained in this document or any loss or damage suffered by any person directly or indirectly through relying on this information.

15 REPORT OF THE DIRECTOR PLANNING, ENVIRONMENT AND COMMUNITIES

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

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

CSP Strategy: 2.2.3 Develop strategies and plans for our current and future generations.

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

Summary

Council has received a development application (DA 10.2023.59.1) for land located at Lot 2 Dido Street Kiama. The application involves:

- demolition and clearing;
- bulk earthworks;
- construction of a private road network and stormwater infrastructure;
- construction of housing including 60 semi-detached dwellings and 7 detached dwellings;
- subdivision of land into 67 residential lots plus a Community lot including the private road network, park, stormwater infrastructure; and
- rehabilitation of the existing riparian corridor.

This report is provided for Council and the communities information only, so that the community and Council are aware of the process status and the expected recommendation by staff being made to the Southern Regional Planning Panel on 20 February 2024.

The application is being assessed and determined by the Southern Regional Planning Panel. The final determination will be made by the panel.

Financial implication

The applicant may choose to seek review or alternatively undertake Land and Environment Court proceedings which may have cost implications for Council.

Risk implication

The recommendation in this report must be adhered with given the delegations and process being followed for this development application. The application is not being assessed by the Councillors and the determination is being made by the panel only.

Policy

Council's existing policies have been used in the assessment of this application and included within the officer's report to the Planning Panel.

Report of the Director Planning, Environment and Communities

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

Consultation (internal)

Internal consultation has occurred as part of the standard notification process outlined in Council's Community Consultation Policy.

Communication/Community engagement

Formal notification of the application was undertaken in accordance with the Environmental Planning and Assessment Act and Council Policy. A total of 20 submissions were received through this process. The content of these submissions has been included within the report to the panel and will be considered as part of the assessment process.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council **note** that:

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

Purpose of report

The purpose of this report is to provide Council with an update on the status of this application and to advise of the recommendation to be made to the Panel by Staff.

This is provided for information only as the panel process does not include an assessment or determination to be undertaken by Councillors.

Given the community interest in this proposal it is also important that the community is advised of the status of the development application and the next steps that are to be taken in the process.

Planning Panels – development applications

The Planning Panels determine regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications including:

- Regionally significant development, as outlined in Schedule 6 of the State Environmental Planning Policy Planning Systems 2021

Report of the Director Planning, Environment and Communities

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

-
- Regionally significant development relating to Aboriginal land, as outlined in Chapter 3 of the State Environmental Planning Policy Planning Systems 2021
 - Development with a capital investment value (CIV)* over \$30 million.
 - Development with a CIV* over \$5 million which is:
 - council related
 - lodged by or on behalf of the Crown (State of NSW)
 - private infrastructure and community facilities
 - eco-tourist facilities
 - extractive industries, waste facilities and marinas that are designated development
 - certain coastal subdivisions and
 - certain coastal protection works.

Due to the scale and value of the development the assessment and determination of the application is undertaken by the South Regional Planning Panel.

The process followed for this assessment is that qualified planning staff undertake the assessment of the application and provide a recommendation to the panel for consideration. Site inspections and meetings of the Panel are also held through the process. Council staff can provide representations and undertake technical discussions with the Panel members.

It is expected that a meeting is to be held with the Panel on the 20 February 2024 at which the Panel will consider the assessment report of Council staff and the recommendation provided.

Description

The proposal comprises a 67-dwelling development with subdivision comprising private community access, drainage works, landscaping and a park, detailed as follows:

- demolition and clearing vegetation
- bulk earthworks for site grading and drainage
- relocation of an existing dry stone wall adjacent to the western boundary
- civil works including construction of:
 - a private road network with a single two way collector road extending from Glenbrook Drive, plus two one way loops – one northern loop and one southern loop incorporating 6.4m – 9m wide road pavement
 - 1m footpaths plus 600mm rolled kerbs (total width minimum 9m)
 - two bridge crossings over the creek that traverses the site
 - stormwater infrastructure including open swale aligning to existing creek

Report of the Director Planning, Environment and Communities

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

- local park located central to the development
- Staged construction of housing including 60 semi-detached two storey dwellings and 7 detached dwellings
- Housing designed as 3 - 4 bedroom two storey dwellings, and 2-3 storey dwellings on sloping sites, with attached single or double garage parking, and private open space to rear
- Construction of housing over 7 stages
- landscaping and rehabilitation of the existing riparian corridor associated with the creek through the site.



Figure 1- Locality Plan

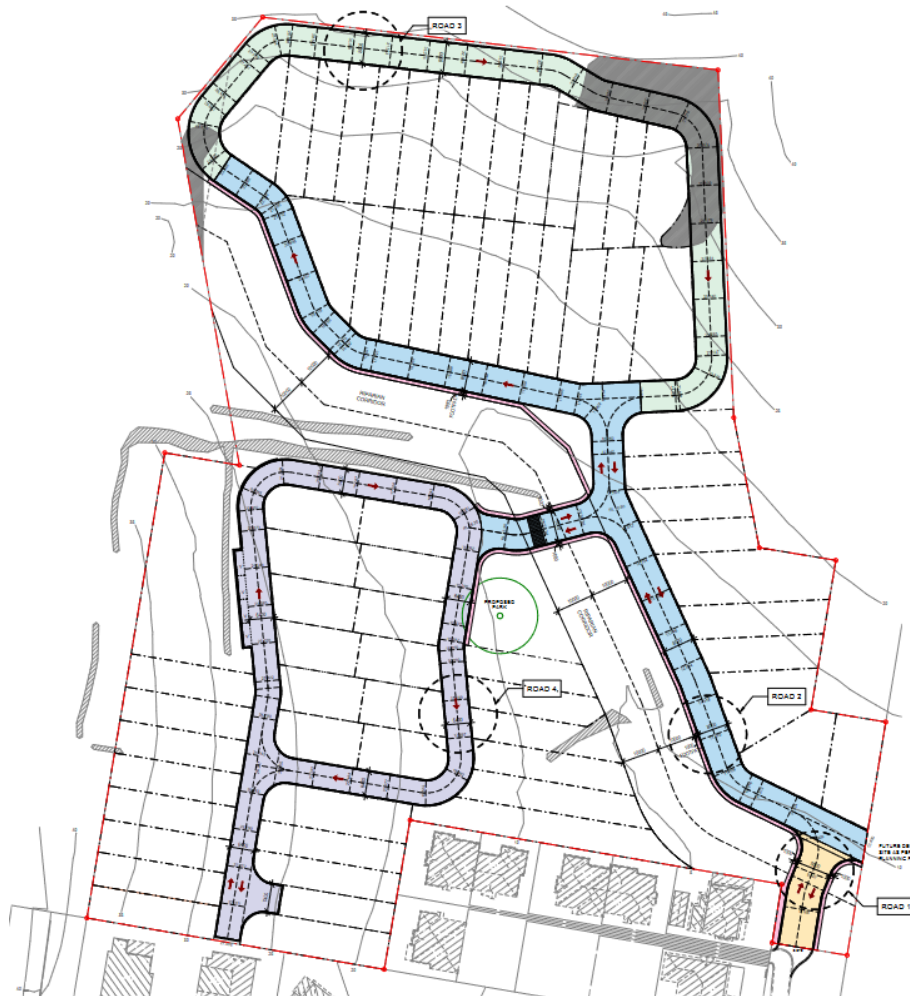


Figure 2 – Subdivision Plan

Site constraints

The site is subject to the following constraints:

- Flooding affectation – Dido Street bridge crosses Spring Creek, bridge is affected by more than 5% Annual Exceedance Probability of flooding with no alternative evacuation route
- Bushfire affectation – entire site and surrounds
- Geotechnical instability – steeper upper northern slopes
- Terrestrial biodiversity – north-eastern corner of site and portion along western side boundary characterised by established stand of trees and native vegetation.
- DP & 88b Restriction - noted on DP 805229 - Easement for Services 5m wide, and Easement for Water Supply over existing pipes.

Reasons for refusal

The reasons for refusal are based on a number of issues that cannot be resolved. A summary of these issues is outlined below:

Report of the Director Planning, Environment and Communities

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

-
1. The lack of flood free access/egress in the event of an emergency evacuation from the development during a defined flood is unacceptable having regard to the EP&A Act S.4.15(1)(b) – social and economic impacts in the locality, and S.4.15(1)(c) the suitability of the site for the development.
 2. Pursuant to the EP&A Act S.4.15(1)(a)(iii) the provision of any Development Control Plan, the proposal does not provide flood free access/egress as required pursuant to Kiama Development Control Plan objective O:3.6.44 – Property Access
 3. Pursuant to EP&A Act S.7.4 Planning agreements, the proposed Planning Agreement to fund a flood free access study is considered inadequate to address the critical issue of flood free access/egress.
 4. Pursuant the EP&A Act S.4.15(1) (d) and (e) The proposal is considered unsatisfactory having regard to having regard to issues raised in submissions, and the public interest.
 5. Pursuant to the EP&A Act S.4.15(1)(a)(i) the provision of any environmental planning instrument, the proposal does not satisfactorily demonstrate how protection and maintenance of terrestrial biodiversity will be achieved having regard to Clause 6.4 Terrestrial biodiversity of Kiama LEP 2011.
 6. The development requires an Asset Protection Zone over neighbouring land Lot 3 DP805229 with owners consent not obtained for this as required pursuant to cl.23 of the Environmental Planning and Assessment Regulation 2021.
 7. The proposal involving 67 Torrens title residential lots and one Community lot does not satisfactorily demonstrate binding arrangements for the maintenance of the Community lot drainage, roads and park, pursuant to the *Community Land Development Act 2021* clause 8 Establishment of community scheme.

16 REPORT OF THE DIRECTOR INFRASTRUCTURE AND LIVEABILITY

16.1 Traffic management: Kiama Local Traffic Committee meeting - 6 February 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 6 February 2024 to consider reports for traffic management in the Kiama Local Government Area. The Traffic Management Plans considered at that meeting require Council endorsement.

Financial implication

The traffic management plans for events (Recommendations 1 & 2) and will be implemented by the event organisers with no financial impact on council.

The traffic management items under Recommendations 3 to 5 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

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 - 6 February 2024 - PDF [↓](#)
- 2 Kiama Tri TMP 2024 v2 traffic management plan [↓](#)
- 3 Triathlon 24 elite COC(2) [↓](#)

Report of the Director Infrastructure and Liveability

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

-
- 4 [KiamaTri-24-RC-Notification Triathalon](#)
 - 5 [TGS-KT-2024 Triathalon Traffic Guidance Scheme](#)
 - 6 [Elite - letter addressing Traffic Committee's recommendations](#)
 - 7 [Traffic Management Brief Kiama Beach Tag 2024\(3\)](#)
 - 8 [Riversdale and Jamberoo Roads Installation of Stop Sign Plan 2024 01](#)
 - 9 [Bergin Street Gerringong. Installation of No Stopping Restrictions Plan 2024 02](#)
 - 10 [Holden Place Kiama Installation of Timed No Parking Plan 2024 03](#)

Enclosures

Nil

RECOMMENDATION

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

1. **24/001LTC** the traffic changes and road closures of the following roads for the Elite Energy Triathlon event on 13/10/24:
 - Federal Street – from Charles Avenue to Riverside Drive
 - Riverside Drive – from Swamp Road/M1 off Ramp to Oxley Avenue
 - Swamp Road – from M1 off Ramp to Jamberoo Road

The traffic changes and road closures with the event on 14 October 2023 from 8.00a.m. to 11.30a.m. be approved subject to organisers complying with the following conditions:

- i. The event organiser complies with the Traffic Management Plans.
- ii. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
- iii. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.
- iv. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.
- v. An advertisement be placed in the local media advising of the closure and traffic changes.
- vi. Local residents and businesses located within the area of the road closure be notified of the proposed event 4 and 2 weeks prior to the event with a letter box drop.

Report of the Director Infrastructure and Liveability

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

-
- vii. Access through the road closures for emergency services be available at all times.
 - viii. The applicant obtain approval from Shellharbour City Council for the road closures within the Shellharbour LGA.
 - ix. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
 - x. Contingent on NSW Police issuing an approval under Section 115 for the Road Transport Act (Public road race approval).
- 2. *24/002LTC the traffic changes on O’Keefe Place associated with the Kiama Beach Tag event at Kendall’s Beach on 9 March 2024 from 7:00 a.m. to 9:00 p.m. be approved subject to organisers complying with the following conditions:***
- i. The event organiser complies with the Traffic Management Plans.
 - ii. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
 - iii. An advertisement be placed in the local media including Council website advising of the closure a minimum of seven days prior to the event.
- 3. *24/003LTC the replacement of the existing Give Way signs at the Riversdale Road and Jerrara Road intersection with Jamberoo Road (both approach roads), with stop signs and associated line-marking.***
- 4. *24/004LTC the installation of:***
- The standard 10m lengths of No Stopping restrictions around the south-east corner at the intersection of Gray and Bergin Streets, to include No Stopping signs and yellow No Stopping line.
 - No Stopping restrictions on the western side of Bergin Street for a 6m length to the south of the driveway to No.11 Bergin Street, to include a No Stopping sign and yellow No Stopping line.
 - The addition of no stopping signs are to be added on the eastern side of Bergin Street, curving around onto Gray Street (mirroring that shown on the draft plan).
- 5. *24/005LTC the installation of No Parking restrictions in Holden Place Kiama to be timed from 6 am to 12 pm on Wednesdays.***

Background

The Kiama Local Traffic Committee Meeting was held on Tuesday 6 February 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 5 items that require adoption by Council, as above.

Report of the Director Infrastructure and Liveability

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

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 Local Traffic Committee. There are four permanent members of the Local Traffic Committee, each of whom has a single vote only. The members are representatives of the NSW Police Force, TfNSW, the Local State Member of Parliament (for the location of the issue to be voted upon) and a representative of Council. Only matters requiring a resolution of Council are included in this report, other endorsed upgrades have been approved under delegated authority.

Options

Council's options are to:

1. Accept report items as recommended;
2. Decline to accept the recommendations;
3. Request the LTC to reconsider the report.

Item 16.1



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

commencing at 9.00am on

TUESDAY 6 FEBRUARY 2024

**Council Chambers
11 Manning Street, KIAMA NSW 2533**

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 FEBRUARY 2024

**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 6 FEBRUARY 2024 AT 9.00AM**

PRESENT: Michael Malone (Director Infrastructure and Liveability) (Chairman), Stuart Larkins (Councillor Representative), Andy Gaudiosi (Transport for NSW Representative), Joanne Cummins (NSW Police Representative), Darrell Clingan (Local Member's Representative), Michaela Sisk (Manager Engineering and Technical), Lindsay Dunstan (Kiama Council Road Safety Officer), Darren Hewitt (Council Ranger) and Alyson Hodgekiss (Minutes)

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee meeting on 5 December 2023

24/001LTC

Resolved that the Minutes of the Kiama Local Traffic Committee meeting held on 5 December 2023 be received and accepted.

(Member Stuart Larkins and Member Darrell Clingan)

4 BUSINESS ARISING FROM THE MINUTES

It was noted by AG that TfNSW did have concerns about having accessible parking at 56 Johnson Street, Kiama Downs.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 FEBRUARY 2024

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Triathlon - Elite Energy 13/10/24

24/002LTC

Resolved that the Committee supports that the traffic changes and road closures of the following roads:

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

The traffic changes and road closures with the event on 14 October 2023 from 8.00a.m. to 11.30a.m. be approved subject to organisers complying with the following conditions:

1. The event organiser complies with the Traffic Management Plans shown in Attachments.
2. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
3. Lodgement with Council of an application for a Section 138 Roads Act permit and payment of associated fee.
4. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.
5. An advertisement be placed in the local media advising of the closure and traffic changes.
6. Local residents and businesses located within the area of the road closure be notified of the proposed event 4 and 2 weeks prior to the event with a letter box drop.
7. Access through the road closures for emergency services be available at all times.
8. The applicant obtain approval from Shellharbour City Council for the road closures within the Shellharbour LGA.
9. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
10. Contingent on NSW Police issuing an approval under Section 115 for the Road Transport Act (Public road race approval).

(Member Stuart Larkins and Member Andy Gaudiosi)

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 FEBRUARY 2024

5.2 Approval for the Road Closure of O’Keefe Place proposed by Kiama Beach Tag and Kiama Municipal Council on Saturday 9 March 2024 for the annual Kiama Beach Tag at Kendall’s Beach.

24/003LTC

Resolved that the Committee endorses the traffic changes associated with the event on 9 March 2024 from 7:00 a.m. to 9:00 p.m. be approved subject to organisers complying with the following conditions:

1. The event organiser complies with the Traffic Management Plans shown in Attachment 1.
2. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
3. An advertisement be placed in the local media including Council website advising of the closure a minimum of seven days prior to the event.

(Member Andy Gaudiosi and Member Stuart Larkins)

5.3 Install Stop Sign on Riversdale and Jamberoo Road

24/004LTC

Resolved that the Committee endorse the replacement of the existing Give Way signs at the Riversdale Road and Jerrara Road intersection with Jamberoo Road (both approach roads), with stop signs and associated line-marking.

(Member Stuart Larkins and Member Andy Gaudiosi)

5.4 Install No Stopping Restrictions in Bergin Street Gerringong to facilitate truck movements.

24/005LTC

Resolved that the Committee endorse the installation of:

- The standard 10m lengths of No Stopping restrictions around the south-east corner at the intersection of Gray and Bergin Streets, to include No Stopping signs and yellow No Stopping line.
- No Stopping restrictions on the western side of Bergin Street for a 6m length to the south of the driveway to No.11 Bergin Street, to include a No Stopping sign and yellow No Stopping line.
- The addition of no stopping signs are to be added on the eastern side of Bergin Street, curving around onto Gray Street (mirroring that shown on the draft plan).

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 FEBRUARY 2024

(Member Andy Gaudiosi and Member Darrell Clingan)

5.5 Installation of Timed No Parking Restrictions in Holden Place Kiama, to Facilitate Waste Collections.

24/006LTC

Resolved that the Committee endorse the installation of No Parking restrictions in Holden Place Kiama to be timed from 6 am to 12 pm on Wednesdays.

(Member Stuart Larkins and Member Darrell Clingan)

6 GENERAL BUSINESS

6.1 Active road closed signage for the top of Jamberoo Mountain Road

AG advised that there has been a request for active road signage with flashing lights to be installed at the top of Jamberoo Mountain Road, which can be remotely controlled, to advise drivers when the road is closed. TfNSW have a design, and are looking into pricing.

6.2 Road safety exiting Gerringong Library carpark

DC raised road safety concerns regarding the exit to Gerringong Library carpark on Blackwood Street, Gerringong. Cars that are parked on either side of the driveway are causing site issues for vehicles trying to exit the carpark and is a safety issue. DC suggested blocking off parking spaces with some kind of concrete barrier so that people can't park directly either side of the exit. Council will look into the issue and come back to the Committee with a proposal or traffic management solution, if one can be found.

6.3 Parking spaces and traffic at the bottom of Hothersal Street, Bombo

SL advised that he has received quite a number of complaints about the volume of parking spaces and traffic at the bottom of Hothersal Street, Bombo Beach in the busy Summer holiday period.

6.4 Requested speed zone changes on Allowrie and Churchill Street, Jamberoo

SL requested an update on the requested speed zone change down to 40km per hour at Allowrie and Churchill Streets Jamberoo, which had been brought up at previous meetings. SL was aware of the traffic counters that have been placed at the site a few months ago to get data on speed information at that site for TfNSW.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 FEBRUARY 2024

7 CLOSURE

There being no further business the meeting closed at 10.08am

These Minutes were confirmed at the Ordinary Meeting of Council held on 13
February 2024

KIAMA TRIATHLON

2024

SUNDAY 13TH OCTOBER 2024

TRAFFIC MANAGEMENT PLAN

TABLE OF CONTENTS

PART 1 Event Overview

PART 2 Traffic Arrangements

PART 3 Maps

PART 4 VMS Strategy

PART 5 Operational Manual

PART 6 Contact List

PART 7 Traffic Guidance Scheme

PART 8 Risk Assessment

PART 1 Event Overview

TMP Event Overview

Event Name:	Kiama Triathlon
Event Date:	13th October 2024
Time:	8:00am to 4:00pm
Location:	James Oates Reserve, Minnamurra
Event Organiser:	Elite Energy
TMP Version:	Version 2
Revision Date:	13/11/2023
Document Author:	Zeah McMillan

This Traffic Management Plan reviewed by:

Kiama Municipal Council:	/ /	
Shellharbour City Council:	/ /	
NSW Police:	/ /	
Transport for NSW (if required – see below):	/ /	

Authority of the TMP

This Traffic Management Plan (TMP) when reviewed by the above relevant authorities becomes the prime document detailing the traffic and transport arrangements under which the Kiama Triathlon will proceed.

Changes to the TMP require the approval of the above relevant authorities. All functional or single agency supporting plans (if any) are to recognise the primacy of this TMP and nothing contained in those plans may contravene any aspect of the TMP.

In the case of emergencies, or for the management of incidents, the NSW Police are not subject to the conditions of the TMP but will make every effort to inform the other stake holders of the nature of the incident and the Police response.

Transport for NSW (TfNSW) approval is required if the proposed event is to be held on or will impact upon a State Highway or Classified Road (see list below) or is within 100 metres of a Classified Road or any traffic signals. The applicant must also obtain a Road Occupancy Licence (ROL) from Transport for NSW (TfNSW) and must comply with all conditions of the ROL.

Contents	
TMP Event Overview	3
Contents	4
Planning Contacts	5
Mission	6
Situation Analysis	6
Risk Assessment	7
Execution	7
General Outline	7
Physical Survey of Route	9
Survey of Route	9
Road Closures	10
Contingency Plans	10
Barricade Locations and Road Closure Times	12
Media	12
On-road Event Infrastructure	13
Ambulances	13
Medical	13
Port-A-Loos	13
Cleaning/removal/disposal	13
Public Transport Management	13
Volunteers and Event Marshals	13
Event Signage	13
Variable Message Signs	13
Access – Local Residents, Business, Emergency vehicles	13
Parking	14
Other Considerations	14
Attachments	14

Planning Contacts

Organiser	Sarah Hallam	Position:	Operations Manager	
Phone:	02 4423 7775	Fax:		Mobile: 0475 008 153
Address:	15 Haigh Ave Nowra NSW 2541			
E-mail:	sarah@eliteenergy.com.au			

Kiama Municipal Council	Nathan Zaremski	Position:	Civil Engineer	
Phone:	02 4232 0474	Fax:		Mobile:
Address:	11 Manning St Kiama NSW 2533			
E-mail:	nathan.zaremski@kiama.nsw.gov.au			

Kiama Municipal Council	Cheyne Dick-Lenehan	Position:	Local Traffic Committee	
Phone:	02 4232 0444	Fax:		Mobile:
Address:	11 Manning St Kiama NSW 2533			
E-mail:	cheyne.dick-lenehan@kiama.nsw.gov.au			

Shellharbour City Council	Wayne Wilson	Position:	Senior Transport Engineer	
Phone:	02 4221 6111	Fax:		Mobile: 0448 243 858
Address:	76 Cygnet Avenue Shellharbour City Centre NSW			
E-mail:	Wayne.wilson@shellharbour.nsw.gov.au			

NSW Police	Lake Illawarra Police	Position:		
Phone:	02 4232 5331	Fax:		Mobile:
Address:	6 Pioneer Drive Oak Flats NSW 2529			
E-mail:	gray1cra@police.nsw.gov.au			

Transport for NSW	Mitchell Vidler	Position:	Customer Operations Planner	
Phone:		Fax:		Mobile: 0491 215 301
Address:	Level 3, 193 Morgan St, Wagga Wagga NSW 2650			
E-mail:	mitchell.vidler@transport.nsw.gov.au			

Mission

This document – Traffic Management Plan (TMP) aims to provide a plan for vehicular traffic and pedestrian control measures to assist in delivering safe logistical support of Kiama Triathlon event planned to take place at James Oates Reserve, Minnamurra on Sunday, 13th October 2024. The underlining objective is to minimise safety conflicts between vehicles and pedestrians and disruption to normal vehicular and pedestrian traffic on all approaches to James Oates Reserve.

The objectives of this TMP are:

- To provide a high-level description of the various traffic management elements needed to make the event a success
- Ensure effective separation between event patrons and participants from vehicular traffic.
- To provide a framework for each agency to use to develop their own lower-level plans.
- To serve as the key document that is agreed to by all parties and is the final approval to conduct the event.
- Minimise impact on non-event community and emergency services.

Situation Analysis

On Sunday, 13th October 2024, we are holding the Kiama Triathlon event held at James Oates Reserve, Minnamurra, that will require altered traffic arrangements.

The Kiama Triathlon will include a Standard Triathlon, Aquabike, and Sprint Triathlon. We are expecting 400 athletes to attend and approximately 100 spectators to the event.

The event will be conducted by Elite Energy Pty Ltd and approved, sanctioned & insured by the national governing body, Triathlon Australia. All athletes MUST abide by the current rules & regulations of Triathlon Australia endorsed by the International Triathlon Union (ITU).

Traffic Control measures included in this document are a result of consultation undertaken by Elite Energy, Kiama Municipal Council, Shellharbour City Council, NSW Police & TfNSW (if required).

EVENT and COURSE DESCRIPTIONS

Transition Area, Finish Chute, and Finish Line

The events will start on the beach on the Minnamurra River, next to James Oates Reserve off Charles Avenue, with the transition area for the events set up in the reserve. The finish chute and finish arch for the events will also be located within the reserve.

Sunday, 13th October 2024

Standard Triathlon & Aquabike - 8:00am – 12:00pm

The Olympic Distance Triathlon will consist of a 1.5km swim, 40km bike leg which will head out along Federal Street, turning south along Riverside Drive, before heading north on the same road and west to Swamp Rd, with the turn located near the Jamberoo Road intersection. The Standard riders will then return to Riverside Drive to start their second lap, following the same course, before heading back to the event site via Federal Street. This is followed by a 10km run leg on the footpath south towards the turn located near Cathedral Rocks. Standard consists of two laps of the run course with runners returning to finish at the event site at James Oates Reserve. (See course map for details).

The Aquabike will consist of a 1.5km swim, 40km bike leg which sees riders complete the above course.

Sprint Triathlon - 09:15am – 11:30am

The Sprint Triathlon event will consist of a 750m swim, 20km bike leg which follows the same course as the Standard, with 1 lap only. Sprint is finished with a 5km run leg, completing one lap of the Standard run course, as above. (See course map for details).

TRAFFIC ARRANGEMENTS

Traffic control measures include simple hard and soft road closures, use of traffic control devices (traffic signs) to warn motorists of the changes in traffic conditions. It is noted that per NSW Workplace Health & Safety (WHS) law the Event Organiser – Elite Energy, bear individual and shared risks related to the safety of event patrons and motorists. Elite Energy is identified as being responsible for event related safety risks which are associated with non-transferable WHS statute-posed obligations and Common Law Duty of Care provisions. In this context, Elite Energy should continue to actively consult and take all reasonable measures to practically exercise their duty of care obligations.

Risk Assessment

Part 8 of this document includes the completed risk assessment for the event.

Execution

General Outline

The event requires highly coordinated efforts from a number of agencies:

Elite Energy

- Co-ordinates the logistics for holding the event, Venue Management / Event Production / Stage Management / Marshalling / Programming
- Arranges advertising for road closure locations, times, other traffic disruptions
- Prepares the Traffic Management Plan
- Provides traffic information signposting as identified in the TMP and associated Traffic Guidance Scheme (TGS).
- Provides resources and traffic management infrastructure for traffic control and road closures as identified in the TMP.
- Monitors traffic on all roads approaching James Oates Reserve to minimise traffic congestion on the day.

NSW Police

- May provide resources in the case of emergencies, or for the management of incidents.

Physical Survey of Route

Survey of Route

Item	Verified <input checked="" type="checkbox"/> <input type="checkbox"/>	Action Taken
All one-way streets are as described	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Block access to Church on Sunday	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block access to local businesses	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block Ambulance access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block fire station access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block heavy vehicle access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block hospital access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block local resident access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block Police vehicle access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Block Public facility (football oval, carpark etc)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Event site/transition
Block public transport access	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Can route use alternatives such as bicycle tracks, paths, parks, bush tracks etc?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Construction – existing, proposed that may conflict	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Distance measured is correct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Lane widths	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Local access	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Numbers of lanes are as described	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Restricted movements – banned turns, heavy/high vehicles	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Road signage – existing/temporary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Route impeded by traffic calming devices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Signalised intersections (flashing yellow? Point duty?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Tidal flows	<input type="checkbox"/> Yes <input type="checkbox"/> No	Not Applicable to traffic
Traffic generators – shopping centres, schools, churches, industrial area, hospitals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Traffic signals are as described	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Turning lanes are as described	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Road Closures

Part 2 (Traffic Arrangements) of this document provides details of proposed road closures during the event.

Maps showing road closures are in Part 3 (Maps) of this document.

Contingency Plans

This section of the Traffic Management Plan describes the contingency plans for the event. The contingency plan checklist identifies all possible issues/risks that may interfere with the event and the action to be taken to minimise the disturbance of the event.

Contingency Plan checklist

Issues/Risks	Applicable	Action Taken
Heavy Weather	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Lightening, hail, etc.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Poor Lighting	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Flood hazard on the route	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Flood hazard at the parking area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Parking during Wet weather	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Bush fire hazard	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Accident on the route	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Breakdown	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Absence of marshals and volunteers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Absence of traffic signs crew	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Block public transport access	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Slow participants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Delayed Event	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Cancellation of Event	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Security of participants	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Security of very important persons (VIP's)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
Dual purpose bridge	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan
COVID-19	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached Contingency Plan

A Risk Management approach shall be an integral part of the planning for Kiama Triathlon. The risk, identification, assessment and control process is a legal obligation (as per the NSW Workplace Health and Safety Act and Regulation) and should be compliant with AS/NZS ISO 31000:2018. The event organiser is responsible for the management of risks arising from Kiama Triathlon.

It shall be noted that Traffic Management Plan (TMP) and particularly Traffic Guidance Scheme (TGS) are seen as risk control measures, but alone they cannot substitute and AS/NZS ISO 31000:2018 – compliant and detailed event Risk Assessment.

Barricade Locations and Road Closure Times

See Separate Traffic Guidance Scheme and Special Event Traffic Arrangements in Part 2 Traffic Arrangements

Traffic Control

- All traffic control including the placement and removal of barricades and/or regulation of traffic is to be carried out in accordance with the requirements of the approved Traffic Guidance Scheme and is to be undertaken by either Police or Traffic Controllers appropriately trained in accordance with the requirements of AS1742.3 and giving consideration to the TfNSW's Traffic Control at Worksites Manual.
- Consistent with the requirements of the WH&S regulations; in determining the appropriate resourcing for the event including placement of traffic controllers in accordance with the approved Traffic Guidance Scheme, the event controller (or traffic control supervisor) must consider a traffic controllers age, experience and level of competence to complete any tasks assigned as well as ensure the extent of information, instruction and training provided to all traffic control resources is appropriate to complete their tasks safely.

Media

There will be publicity about the event with our associated supporters and partners.

On-road Event Infrastructure

Ambulances

Emergency access lanes have been provided to allow emergency access to road closures areas.

Medical

There are medical personnel onsite and mobile for the duration of the event.

Port-A-Loos

There will be port-a-loos located at the event site.

Cleaning/removal/disposal

There will be wheelie bins and skips positioned at various locations at Guidance Scheme. During the event there will be staff servicing the area.

Barricades

Road closure barriers will be installed by Accredited Traffic Controllers.

Public Transport Management

Competitors and spectators are being encouraged to utilise public transport, given the close proximity of Minnamurra Station and catch the train to reduce the number of vehicles requiring parking. Competitors will be offered 'EE dollars', to be used towards future events, when they provide us with a copy of their train ticket to and from the event.

Volunteers and Event Marshals

Volunteers and event marshals are given verbal induction on arrival, provided with Hi-Vis vests and contacts of event and medical staff. Volunteers and event marshals are placed on the course by the staff member in charge with specific instructions on what their role involves in their position. Communications between volunteers and staff will be done throughout the day via mobile phone for breaks and any other issues.

Event Signage

Advanced notification and event signage per legislative requirements will be placed at key entry points to the affected area. A letterbox notification to all affected residents and businesses will be carried out.

Variable Message Signs

Part 4 of this document details the VMS Strategy that will be deployed to inform motorists of changed traffic conditions.

Access – Local Residents, Businesses, Emergency vehicles

Local Resident and Business Access

Residents and businesses in and around Minnamurra, Dunmore and Kiama Downs will receive a letterbox drop notice with a minimum 21 days' notice, with road closures and alternate routes outlined. All access for residents will be maintained throughout the day when it is safe to do so. The notice will also advise residents of the alternate parking locations for eventgoers and note that they are discouraged from parking on residential streets and a request will be made to the council regarding extra rangers to attend the area throughout the day.

Access to Kiama Golf Club, Minnamurra Café and the tennis courts located on James Oates Reserve will still be easily accessed by resident throughout the day.

A dedicated 'deadzone' will be located on Federal St and Charles Ave – see Part 2 – Traffic Arrangements for further details.

Emergency Vehicle Access

The road closures allow for emergency vehicle access. NSW Ambulance, Police and Fire Brigade will be informed of changed conditions by Elite Energy.

Boat Ramp Access

There will be unrestricted access to Trevethan Reserve Boat ramp and James Oates Reserve boat ramp until the road closures are in place at 8:00am and again after the roads are re-opened at 11:30am.

Access to both boat ramp's during the road closure times will be under the direction of traffic control.

Notifications will be placed at each location 14 days prior to the event, in accordance with the event aquatic licence conditions.

Parking

All athletes will be directed to park at the following locations:

- Minnamurra Whale Watching Platform carpark off Eureka Ave, with a parking marshall managing this area throughout the day
- Jones Beach carpark located on North Kiama Drive, which holds approximately 90 parking spots
- Kiama Golf Club overflow parking (to be confirmed closer to the event date)

Other Considerations

Television

Television crew may be present on the day but will have zero impacts on roads as they will be located at the event site. Further information will be provided in the event that a television crew attends the event.

Major Hotels and Other Businesses

All hotels, businesses and caravan parks will be informed of our event with no impact on these.

Attachments

- COC
- TGS
- SWMS
- CONTINGENCY PLAN
- APPLICATION FOR ROAD & FOOTPATH OCCUPATION PERMIT
- POLICE NOTICE
- LETTER TO THE COMMISSIONER
- ROL

PART 2 Traffic Arrangements

SPECIAL EVENT TRAFFIC ARRANGEMENTS

Road Closures

The following road closures (emergency & official vehicles exempt and limited local resident access only) are requested for Sunday, 13th October 2024 for the safety of competitors and the general public during the running of the triathlon events:

1. **Federal St - from Charles Ave to Riverside Dve** - 8:00am – 11:30am
2. **Riverside Dve - from Swamp Rd/M1 Princes Hwy to Oxley Ave** (inc Riverside Drive exit ramp from M1 Princes Hwy) - 8:00am – 11:30am
3. **Swamp Rd - from Riverside Dve to Jamberoo Rd** - 8:00am – 11:30am

Detours on the following roads will be in place from 8am (as per TGS-KT-2024) for access to Minnamurra/Kiama Downs:

- Rangoon Rd, between Charles Ave and Austin Ave
- Austin Ave, between Rangoon Rd and Federal St
- Federal St, between Charles Ave and Austin Ave
- Charles Ave, between Federal St and Eureka Ave
- Eureka Ave/Oxley Ave, between Charles Ave and Riverside Drive
- Riverside Drive, between Oxley Ave and Quarryman Rd/M1 Princes Hwy
- M1 Princes Hwy (southbound) only, between Riverside Drive exit ramp (North) and Riverside Drive exit ramp (South)/Quarryman Rd

No Parking Signage

'No Parking' signage on Federal Street, between Charles Avenue and the train overpass bridge, in place from 6pm Saturday 12th October 2024 until 11:30am.

Bike Deadzone

There will be a bike 'deadzone' located on Federal St and Charles Ave, measuring at approximately 1800m². The deadzone will be marked by timing mats and signage. Competitors will be directed to give way to any vehicles within this area.

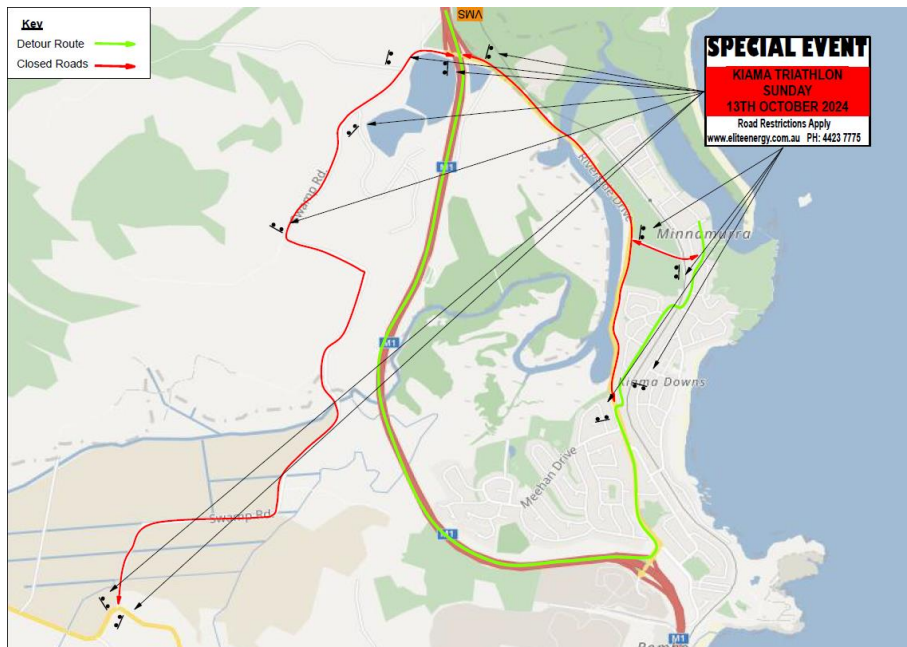
Federal Street will be closed to vehicles from Riverside Drive through to Charles Avenue.

The deadzone area is marked in the TGS – TGS-KT-2024 Plan 2.

PART 4 VMS Strategy



Static Sign Placement



PART 5 Operational Manual

Event Schedule



Start	Saturday 12th OCTOBER 2024	Location
4:00pm	Registration Opens all Events	Kiama Golf Club
6:00pm	Registration Closes all Events	Kiama Golf Club
Start	Sunday 13th OCTOBER 2024	Location
6.00am	Health and Lifestyles Expo	James Oates Reserve
6:00am	Registration / Transition Opens - Standard & Aquathon Triathlon	James Oates Reserve
6.30am	Registration / Transition Opens - Sprint Distance Triathlon	James Oates Reserve
7.15am	Registration / Transition Closes - Standard & Aquathon Triathlon	James Oates Reserve
7.15am	Race Briefing - Standard & Aquathon Triathlon	Transition Area, James Oates Reserve
7.30am	RACE START, STANDARD & AQUATHON TRIATHLON	Race Start, Boat Ramp
7.45am	Registration / Transition Closes - Sprint Distance Triathlon	James Oates Reserve
7.45am	Race Briefing, Sprint Distance Triathlon	Transition Area, James Oates Reserve
8.00am	RACE START- SPRINT DISTANCE TRIATHLON	Race Start, Boat Ramp
5.00pm	<i>PRESENTATION - ALL EVENTS</i>	<i>Kiama Golf Club</i>

Subject to change

PART 6 Contact List

KIAMA TRIATHLON				
NAME	ACTING FOR	TELEPHONE	MOBILE	EMAIL
Sarah Hallam	Operations Manager, Elite Energy	02 4423 7775	0475 008 153	sarah@eliteenergy.com.au
Zeah McMillan	Traffic Manager, Elite Energy	02 4423 7775	0412 722 209	zeah@eliteenergy.com.au
Mark Emerton	Race Director, Elite Energy	02 4423 7775	0413 765 248	emo@eliteenergy.com.au
Irene O'Brien	Volunteer Manager Elite Energy	02 4423 7775	0407 221 510	volunteer@eliteenergy.com.au
Christie McIlvrde	Media Liaison	02 4423 7775	0425 242 405	christie@eliteenergy.com.au
Insurance	Triathlon Australia	02 8488 6200		

PART 7 Traffic Guidance Scheme

See attached TGS-KT-2024

Item 16.1

Attachment 2

PART 8 Risk Assessment

See attached SWMS

Item 16.1

Attachment 2



Sportscover Australia Pty Ltd

A.C.N. 006 637 903
A.B.N. 43 006 637 903
AFS Licence No. 230914

CERTIFICATE OF CURRENCY

CERTIFICATE NO. 68337

This certificate confirms that the under mentioned policy is effective in accordance with the details shown.

Name of Insured: ELITE ENERGY PTY LTD

Cover: Public Liability: \$20,000,000 any one occurrence
 Products Liability: \$20,000,000 any one occurrence and in the aggregate
 Professional Indemnity: \$1,000,000 any one claim and in the aggregate
 (For The Business of Event Organisation-triathlon, Ocean & Swimming Events only)

Sport/Business: Event Organisation-triathlon, Ocean & Swimming Events

Excess: As per policy schedule.

Period of Insurance: 19/4/2023 to 30/6/2024

Underwriter: Certain underwriters at Lloyd's & HDI Global Specialty SE-Australia

Policy Number: PMEL99/0128605

Counterparties: None

For full terms, conditions and exclusions please refer to Your Policy Wording version Combined_Liability_Policy_Wording_04.23.



19/04/2023

MANAGER

DATE

SPORTSCOVER™ MELBOURNE • SYDNEY • LONDON



Claims : 1300 134 956 | Office: +61 (0)3 8562 9100
 Email : info@sportscover.com | Post : Locked Bag 6003, Wheelers Hill, VIC 3150
 ACN 006 637 903 • ABN 43 006 637 903 • AFS LICENCE NUMBER 230914
 The word SPORTSCOVER and the Sportscover logo are registered trademarks of Sportscover Australia Pty Ltd.

INSURING SPORT SINCE 1986
 2009, 2010 UNDERWRITING AGENCY OF THE YEAR
 2014 GENERATION 1 YOUTH EMPLOYER OF THE YEAR

sportscover.com

Item 16.1 Attachment 3

TRIKIAMA

CHANGED TRAFFIC CONDITIONS WILL APPLY ON SUNDAY 13TH OCTOBER 2024

The following traffic conditions and restrictions have been considered and adopted by Kiama Municipal Council, Transport for NSW & NSW Police in conjunction with Elite Energy.

Please take note of area maps, optional travel routes and times of road restrictions.

ROAD RESTRICTION	DESCRIPTION	TIME
SUNDAY 13TH OCTOBER 2024		
FEDERAL ST	CLOSED - Charles Ave to Riverside Dve	8:30am - 11:30am
RIVERSIDE DVE	CLOSED - Swamp Rd/M1 Princes Hwy to Oxley Ave (inc Riverside Dve exit ramp from M1 Princes Hwy)	8:00am - 11:30am
SWAMP RD	CLOSED - Riverside Dve to Jamberoo Rd	8:00am - 11:30am
DETOURS ON THE FOLLOWING ROADS WILL BE IN PLACE FROM 8AM FOR ACCESS TO MINNAMURRA/KIAMA DOWNS		
RANGOON RD	Charles Ave to Austin Ave	From 8:00am
AUSTIN AVE	Rangoon Rd to Federal St	From 8:00am
FEDERAL ST	Charles Ave to Austin Ave	From 8:00am
CHARLES AVE	Federal St to Eureka Ave	From 8:00am
EUREKA AVE/OXLEY AVE	Charles Ave to Riverside Dve	From 8:00am
RIVERSIDE DVE	Oxley Ave to Quarryman Rd/M1 Prince Hwy	From 8:00am
M1 PRINCES HWY (SOUTH-BOUND ONLY)	Riverside Dve exit ramp (North) and Riverside Dve exit ramp (South)/Quarryman Rd	From 8:00am

Resident access will be granted by accredited traffic control when safe to do so.

TRIKIAMA

'No Parking' signage will be present on Federal St, between Charles Ave and the train overpass bridge as well as on Charles Ave between Federal St and the boat ramp.

No Parking will be in place from 6pm Sat 12th Oct 2024 until 11:30am Sun 13th Oct 2024

To make prior arrangements for access, please contact our office via phone or email (information listed below).



All event attendees will be directed to park at the following locations:

- Minnamurra Whale Watching Platform carpark off Eureka Ave, with a parking marshall managing this area throughout the day
- Jones Beach carpark located on North Kiama Drive, which holds approximately 90 parking spots
- Kiama Golf Club overflow parking (to be confirmed closer to the event date)

15 Haigh Ave Nowra NSW 2541 | office@eliteenergy.com.au
Office: 02 4423 7775 | Event day: 0439 538 903

 eliteenergy
MAKING EVENTS MEMORABLE

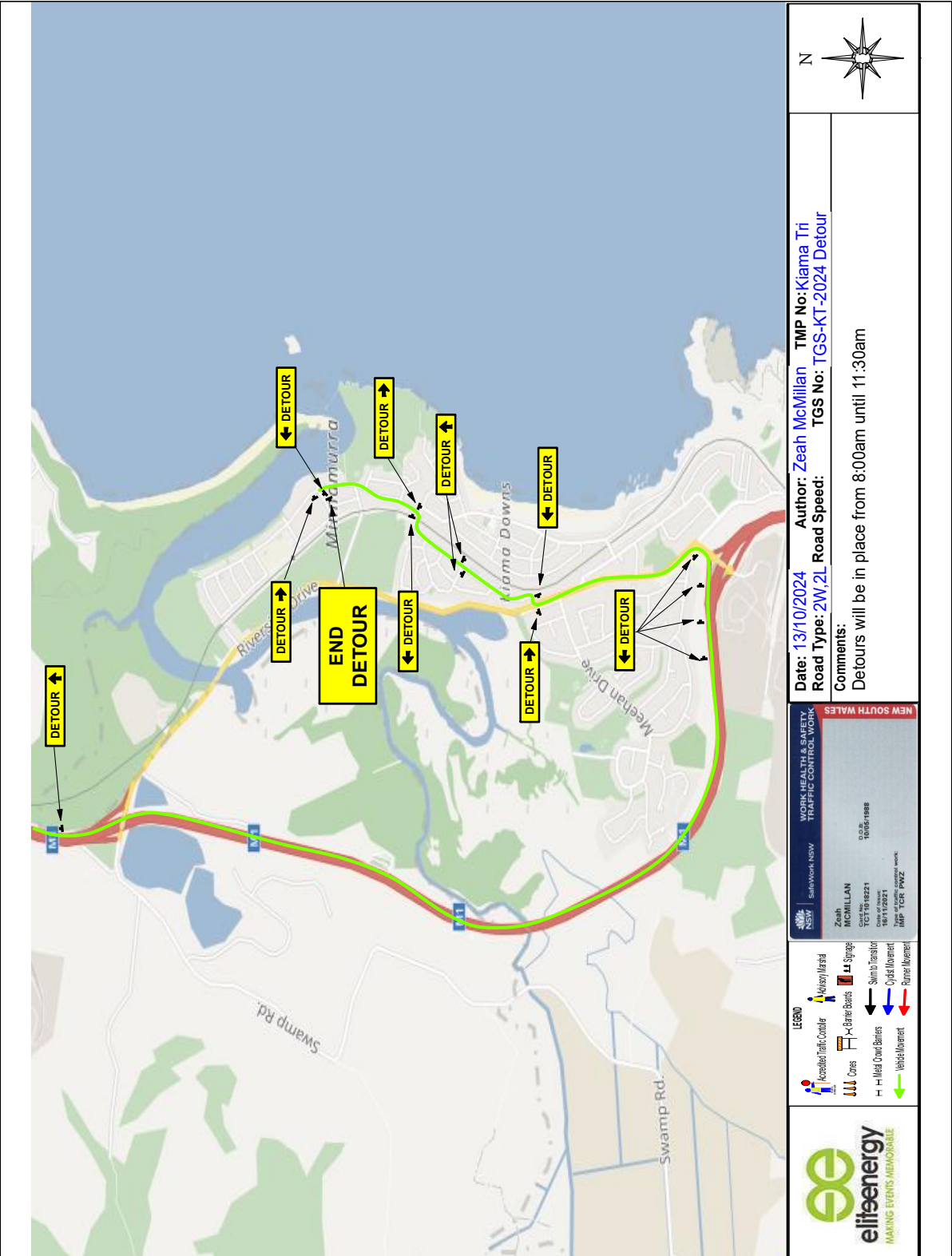
www.invarion.com

KIAMA TRIATHLON 13th October 2024

TGS-KT-2024 (PLANS 1 - 21)

TRAFFIC GUIDANCE SCHEME

www.invarion.com



	<p>LE500</p> <ul style="list-style-type: none"> Access Point Controller Variable Message Sign Cones H-Meal Crowd Barriers Verbs/Signment 	<p>SAFETYWORK NSW</p> <p>WORK, HEALTH & SAFETY TRAFFIC CONTROL WORK</p> <p>Zeah MCMILLAN TCT10 48221 Date of Issue: 16/11/2021 IMP: TCR PWZ</p> <p>15/05/1888</p>	<p>NEW SOUTH WALES</p>
	<p>Date: 13/10/2024 Author: Zeah McMillan TMP No: Kiama Tri Road Type: 2W, 2L Road Speed: TGS No: TGS-KT-2024 Detour</p>	<p>Comments: Detours will be in place from 8:00am until 11:30am</p>	<p>North Arrow</p>

www.invarion.com

Rangoon Reserve

Rangoon Rd

Ave

AUS

DETOUR

DETOUR

DETOUR

END DETOUR

SPECIAL EVENTS IN PROGRESS

N

Date: 13/10/2024 Author: Zeah McMillan TMP No: Kiama Tri
 Road Type: 2W, 2L Road Speed: 50km TCS No: TGS-KT-2024 Plan 3

Comments:
 Detours will be in place from 8:00am until 11:30am

NEW SOUTH WALES

WORK, HEALTH & SAFETY
 TRAFFIC CONTROL WORK

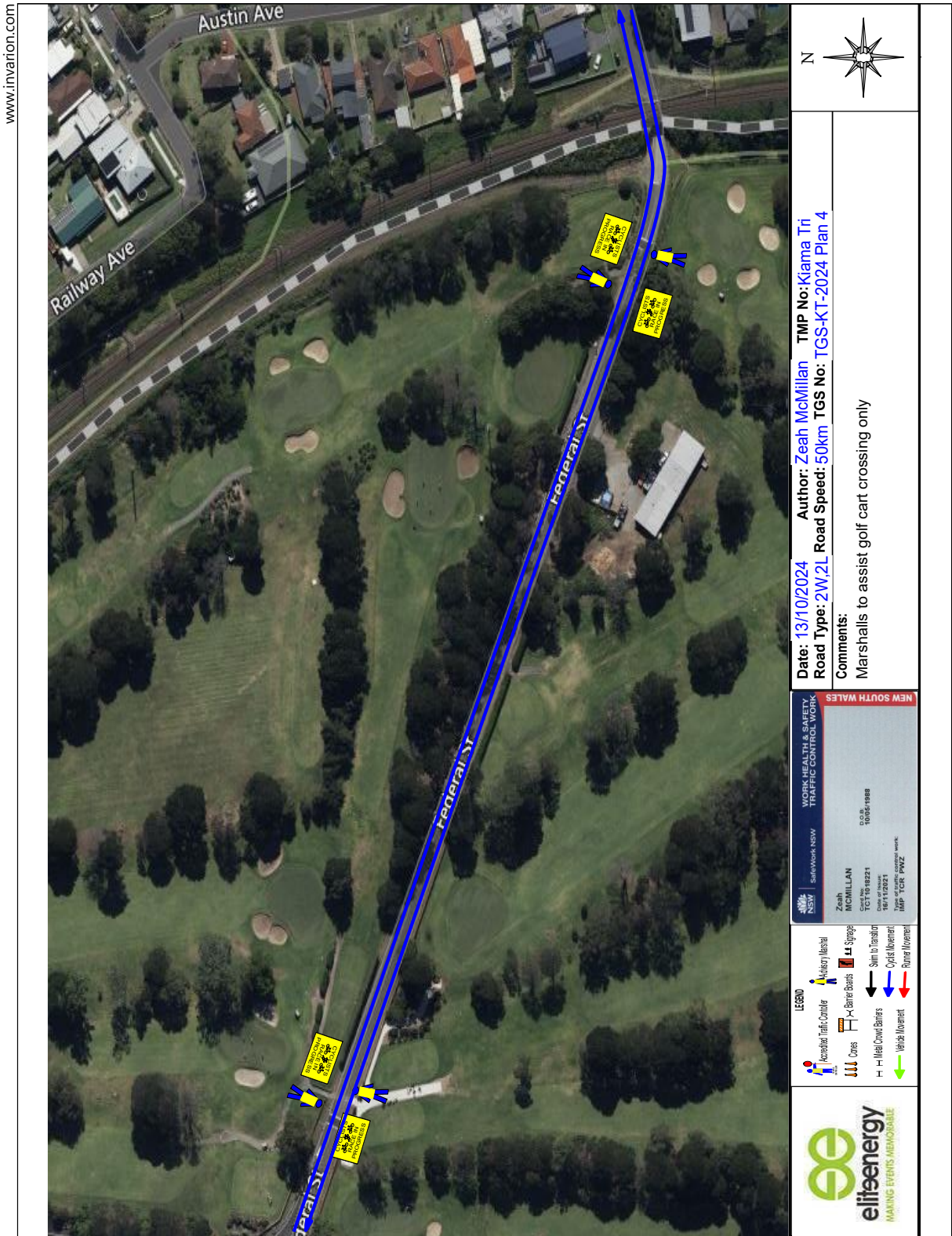
SaferWork NSW

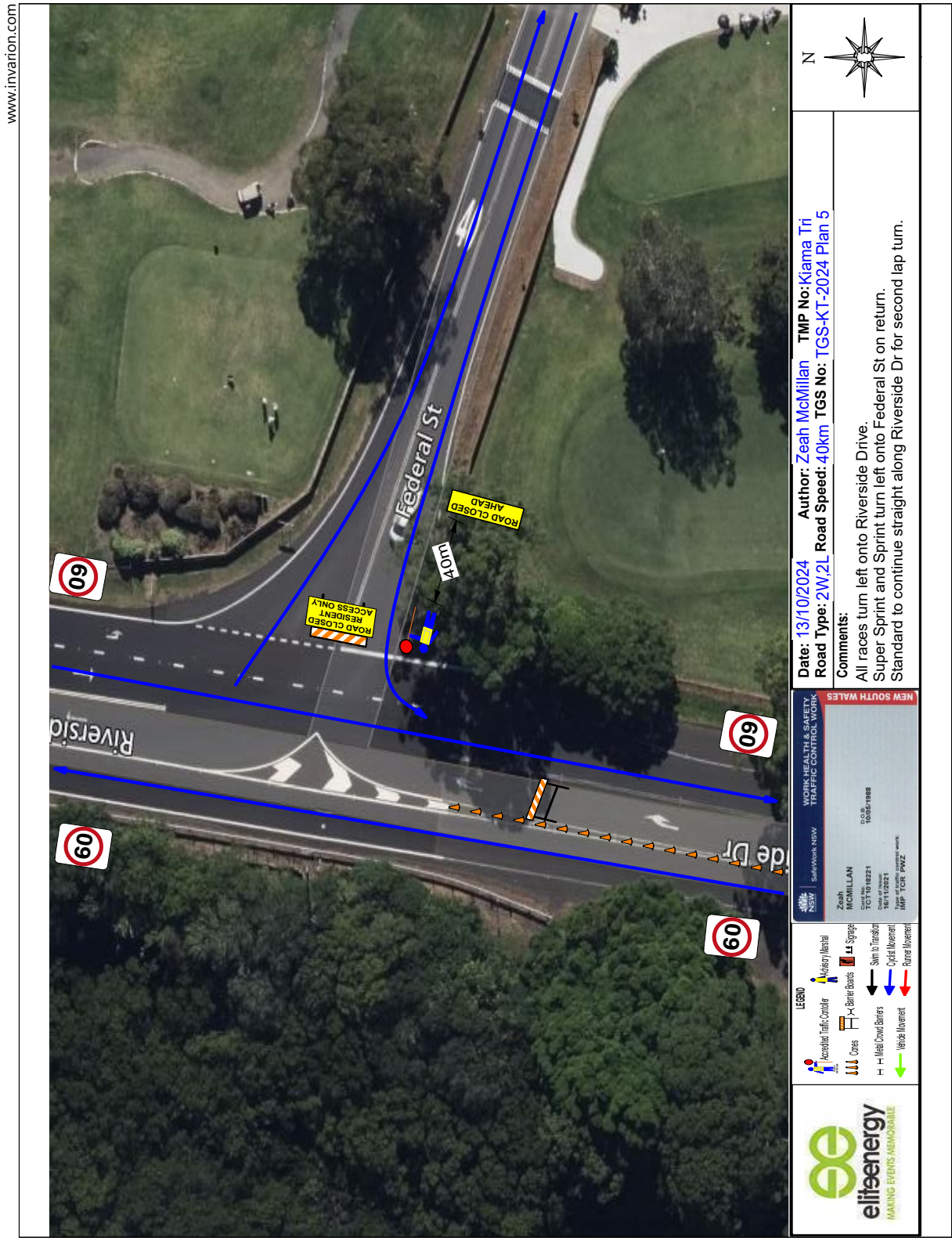
Zeah
 MC MILLAN
 TCT 15 8221
 Date of Issue: 10/02/1988
 10/02/1988

LEGEND

- Advanced Traffic Control
- Advisory Island
- Barriers
- Cones
- Mail Cood. Barriers
- Vehicle Movement
- Synage
- Shimbo / Rastron
- Cycle Movement
- Runner Movement

elifeenergy
 MAKING EVENTS MEMORABLE

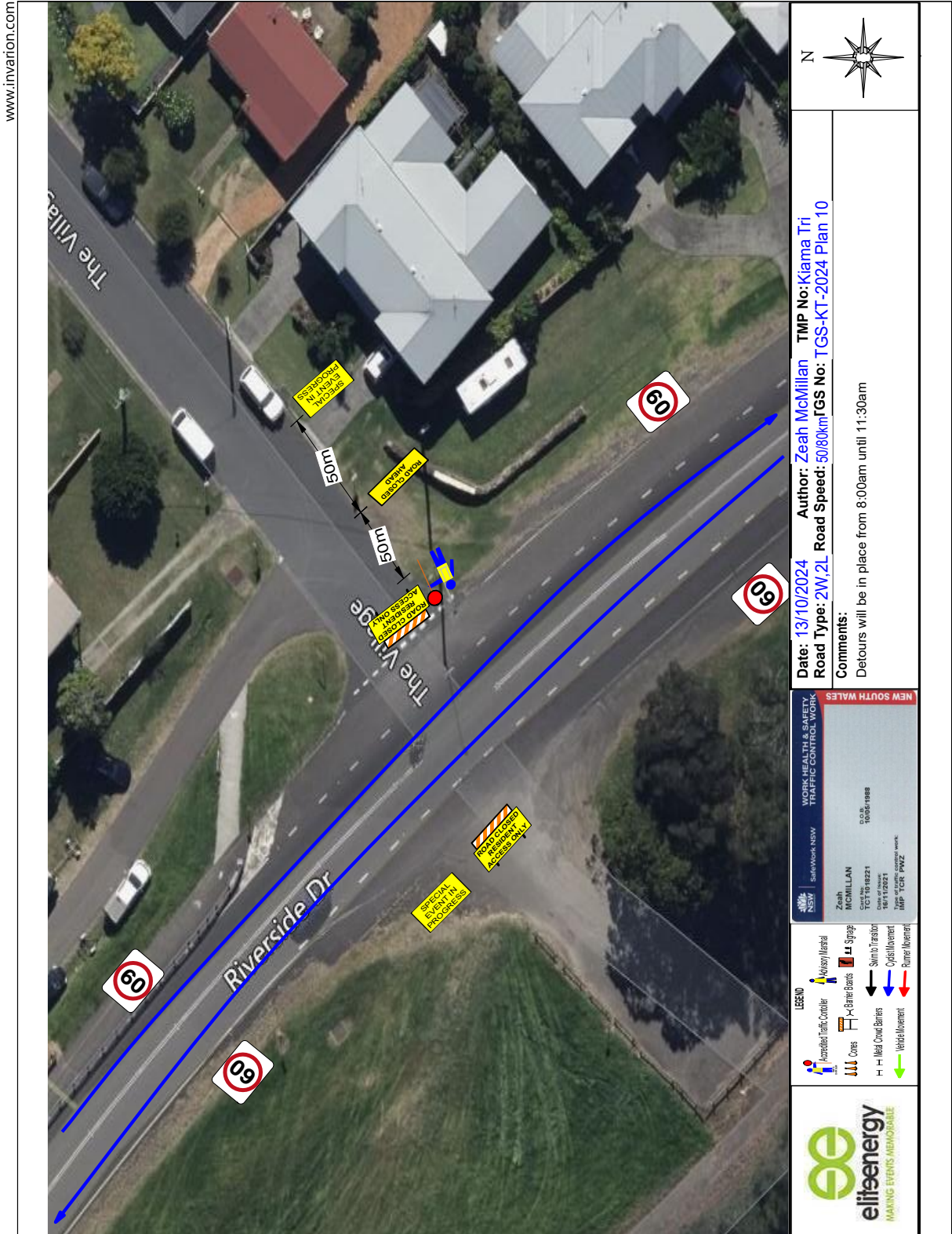




www.invarion.com

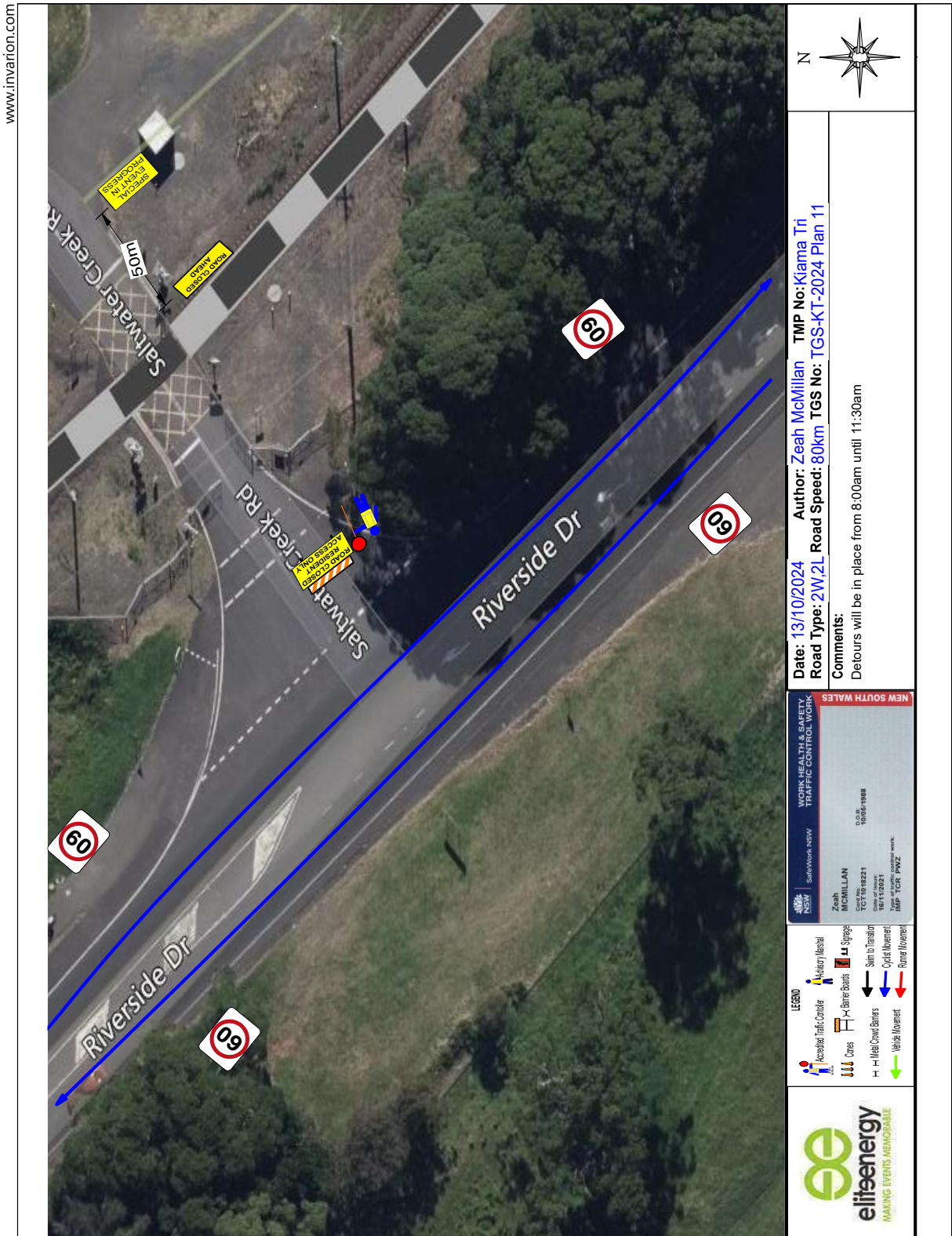
www.invarion.com

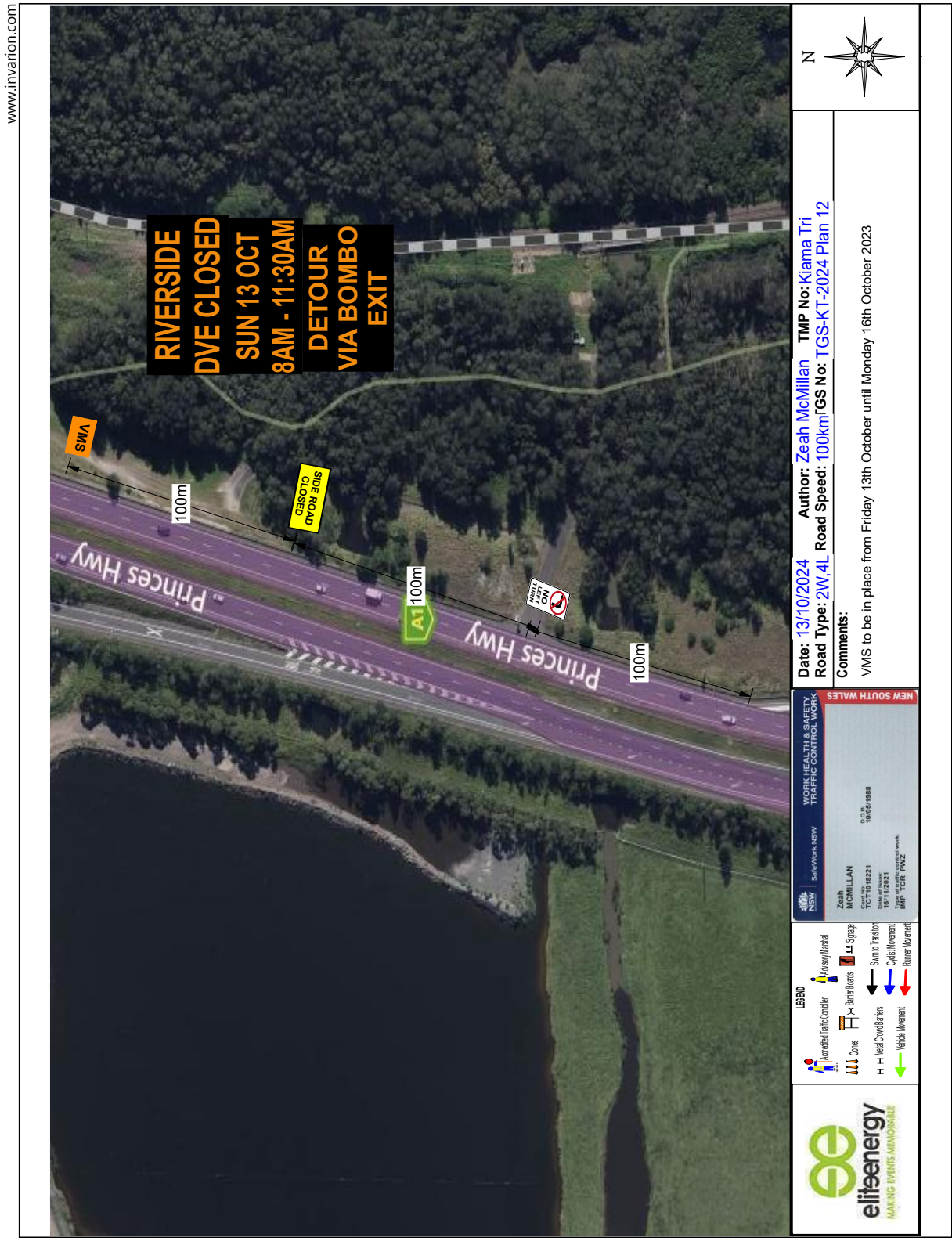
	<p>Date: 13/10/2024 Author: Zeah McMillan TMP No: Kiama Tri Road Type: 2W,2L Road Speed: 50km TGS No: TGS-KT-2024 Plan 8</p> <p>Comments: Detours will be in place from 8:00am until 11:30am</p>
	<p>NEW SOUTH WALES</p> <p>Zeah McMILLAN TCT 15 8221 10/05/1988 Date of Issue: 10/12/2021 10/12/2021 IMP: TCR PWZ</p>
<p>LEGEND</p> <ul style="list-style-type: none"> Acceptor Traffic Control Water/Metal Cones Barrier Beams Springs Swim to Transition H-Metal Cow Banners Cyclist Movement Rover Movement Wedge Movement 	
<p>eliteenergy MAKING EVENTS MEMORABLE</p>	



www.invarion.com

<p>elifeenergy MAKING EVENTS MEMORABLE</p>	<p>LEGEND</p> <ul style="list-style-type: none"> Personnel Traffic Control Vehicle/Trailer Barriers Cones Signs Swim/Traction Cycle/Movement Runner/Movement Vehicle/Movement 	<p>NEW SOUTH WALES</p> <p>WORK, HEALTH & SAFETY TRAFFIC CONTROL WORK</p> <p>SafetyWork NSW</p> <p>Zaeh MCMILLAN TCT 15 8221 Date of Issue: 16/12/2021 IMP: TCR PWZ</p>	<p>Date: 13/10/2024 Author: Zaeh McMillan TMP No: Kiama Tri Road Type: 2W, 2L Road Speed: 50/80km TGS No: TGS-KT-2024 Plan 10</p>
			<p>Comments: Detours will be in place from 8:00am until 11:30am</p>





www.invarion.com

elitsenergy
MAKING EVENTS MEMORABLE

LEGEND

- Accretion Traffic Control
- Water/Metal
- Cones
- Barrier Beams
- Synops
- Swim to Transition
- Cyclist Movement
- Rover Movement
- Wedge Movement

WORK HEALTH & SAFETY
TRAFFIC CONTROL WORK

NEW SOUTH WALES

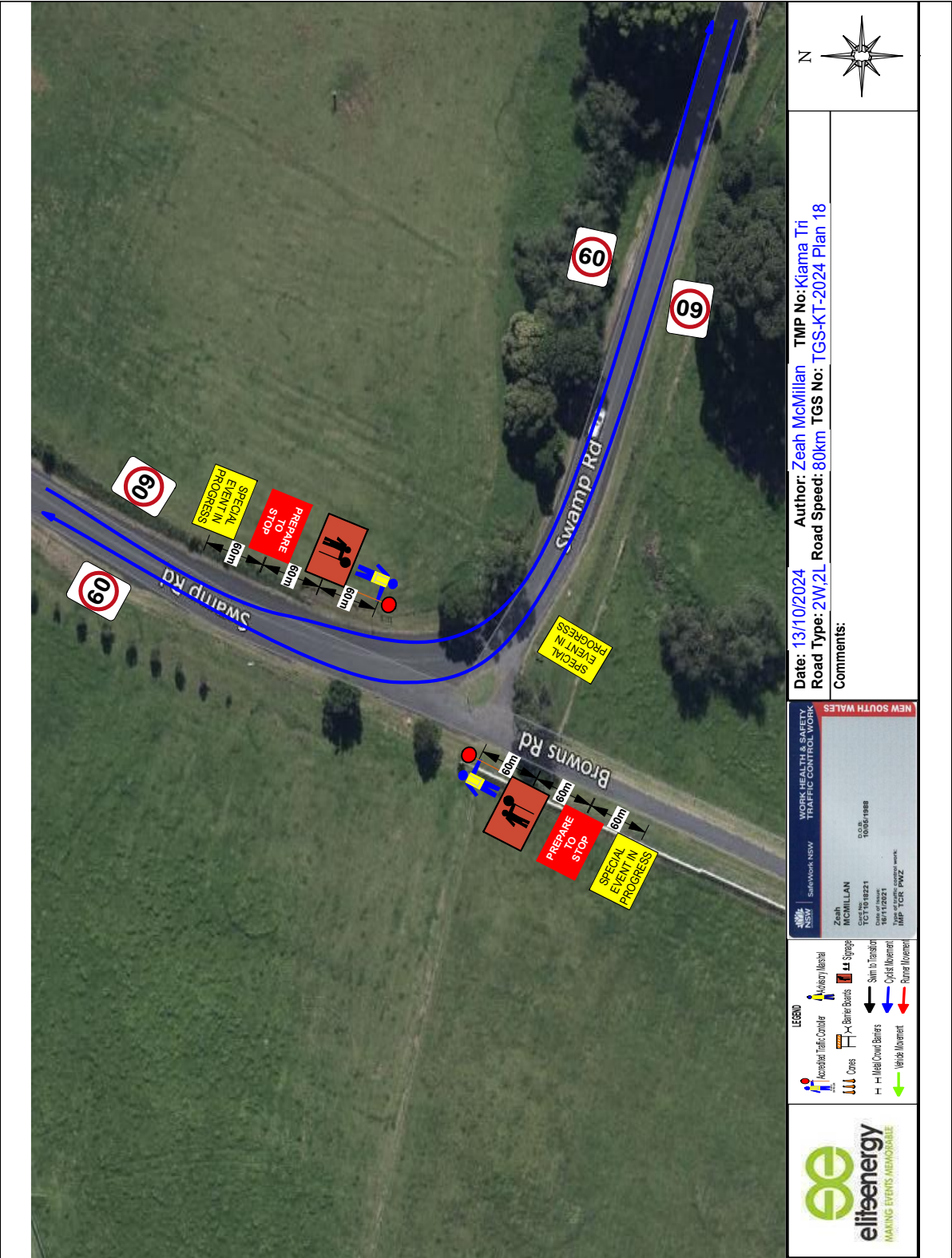
SafetyWork NSW
Zeesh
McMILLAN
TCT 15 8221
18/12/2021
10/05/1988
IMPTCR PWZ

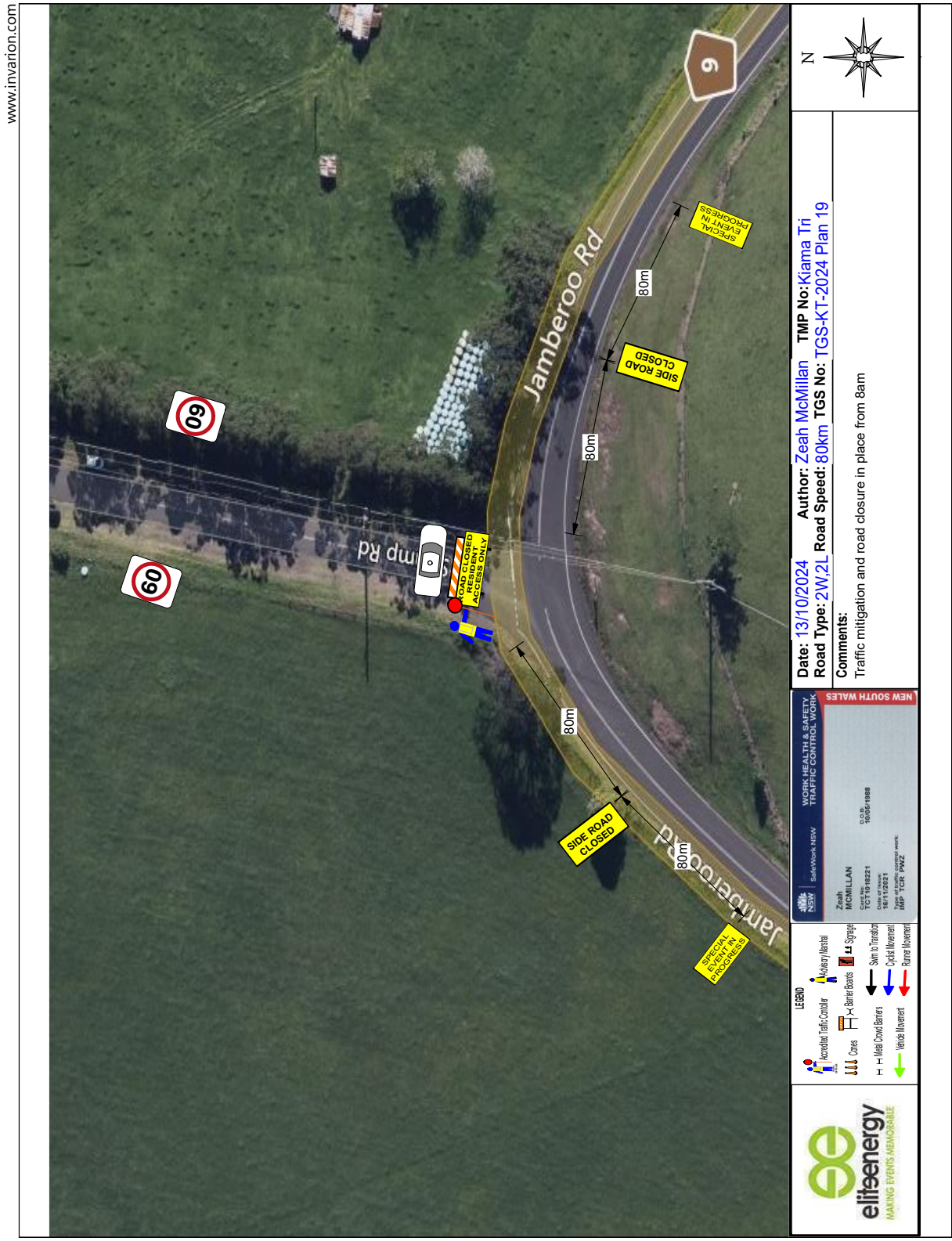
Date: 13/10/2024 **Author:** Zeesh McMillan **TMP No:** Kiama Tri
Road Type: 2W,2L **Road Speed:** 80km **TGS No:** TGS-KT-2024 Plan 14

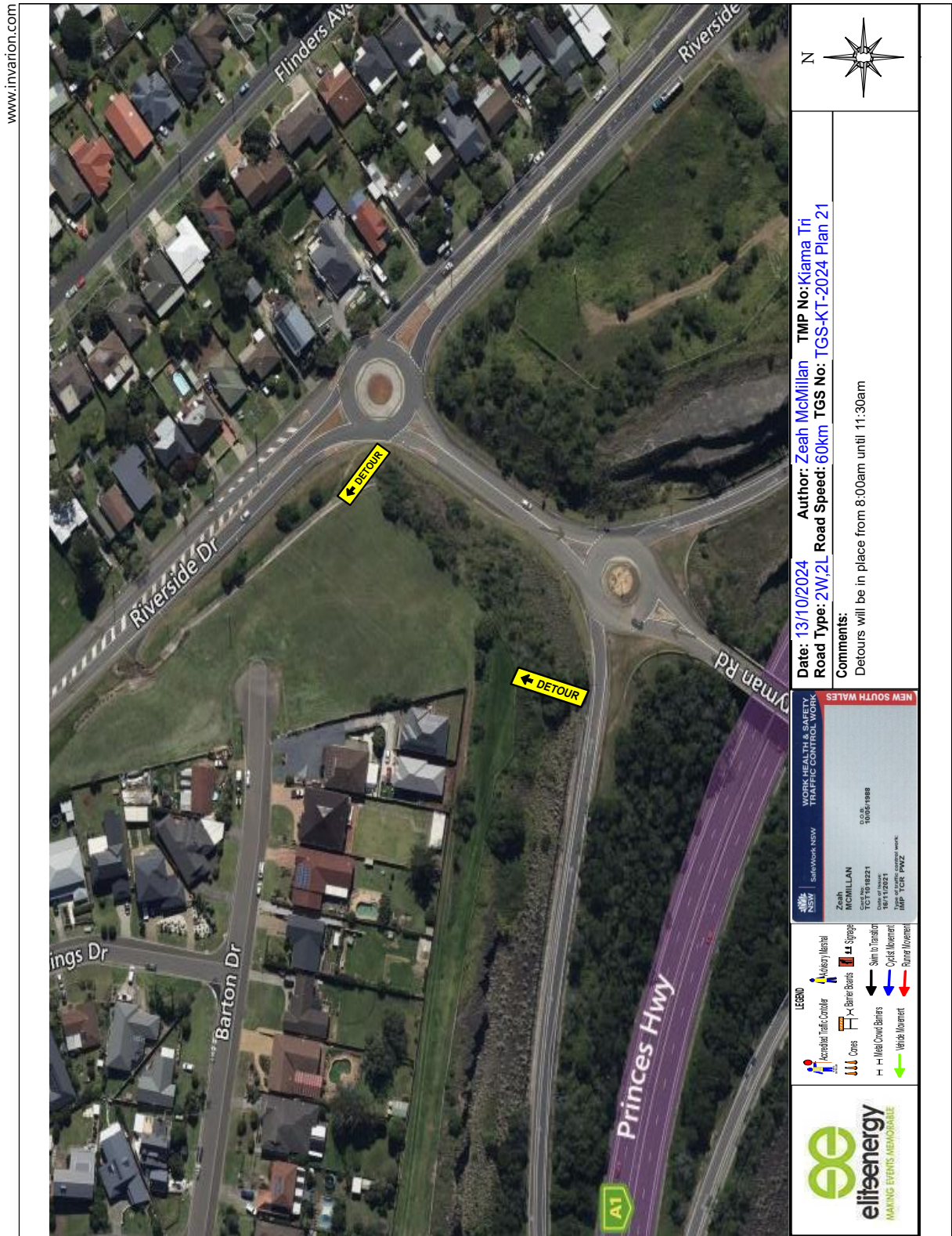
Comments:

N

www.invarion.com







Good afternoon Janelle,

Following on from the Kiama Local Traffic Committee Meeting held on Tuesday 7th November, please see our notes in response to the points raised regarding Kiama Triathlon to be held on 13th October 2024:

1. Parking is to be limited along the route.

[Additional NO PARKING signage has been added to the TGS on Federal Street, between Charles Avenue and the train overpass bridge, and Charles Street between Federal Street and the Boat Ramp access road. This can be viewed on Plan 2 of the updated TGS.](#)

2. A copy of the letter that will be provided via letter drop to residents advising of the impacts of the event is to be provided to the Traffic Committee. It is expected that residents are not going to react well to the restrictions and impacts they are facing from this event.

[The notice being delivered to all affected businesses and residents has been updated and is attached to this email. This notice outlines the times of road closures and detours, contact details to arrange access during the road closure as well as advising residents where all event goes are being directed to park for the event.](#)

3. Police are engaged or consulted with for this event, to facilitate the safety of the event. Section 115 of the Road Transport Act relates to racing on public roads, requiring written approval from NSW Police before the events may proceed. Early engagement with NSW Police prior is recommended given the complexity of the area. Further information roles of approving agencies is captured in New South Wales Guidelines for Bicycle Road Races Version 2.0. A link to the guideline is can be found on TfNSW web page [Event management guidelines | Transport for NSW](#).

[Police have been notified and been included in all event documents including direct consultation regarding the event. Council approval is required before the Regional Commander will provide their approval.](#)

4. The plan showing emergency access for residents who need to leave or enter their home in the event of an emergency is clarified and detailed in the Traffic Management Plan.

[Emergency vehicle access will be maintained during the event. Residents will be able to access their homes when it is safe to do so, following directions from accredited traffic controllers. The resident and business notification provides email address and phone number for residents who require alternate arrangements prior to the event, with the Traffic Director's number which can be utilised on the day, as outlined in the TMP.](#)

5. Hostile mitigation measures are to be provided at areas where there a concentration of vehicles and cyclists e.g. the roundabout intersection at Riverside Drive and Oxley Ave. NSW Police can provide advice of more areas. These are to be shown on the Traffic Management Plan.

[Traffic Mitigation Vehicles have been added to the TGS and can be viewed in Plan 7 and Plan 19.](#)

6. Additional detail is given around the underpass with the stop sign to ensure cyclists aren't breaking road rules. Refer to above guidelines for details and guidance.

As the abovementioned Stop sign is located on a closed road controlled by traffic controllers, this sign will be overridden for the duration of the road closure period, which will be conveyed to all athletes as part of their pre-event briefing.

7. The M1 off ramp at Riverside Drive (Minnamurra interchange) is proposed to be closed for this event. This will require a Road Occupancy Licence and endorsement from the TfNSW Regional Events Team. A speed zone reduction on the off ramp is also recommended to facilitate pedestrian crossing movement.

An ROL will be applied for and provided for this closure. An approved ROL was provided for the event's original date in 2023. There will be event spectators/pedestrians in this area as all will be at the event site. As this ramp is closed and a detour in place, there is no vehicle movement in the ramp requiring a reduced speed zone.

8. Some of the road closures will cause issues as there are no detours available, including Swamp Road and Riverside Drive. This will cause issues for bus services, waste services, milk trucks, and quite a lot of residents needing to access their properties

Resident access will be provided by qualified traffic controllers when it is safe to do so.

As mentioned above, all affected businesses and residents in the area will receive the notification with contact details to make arrangements with our team. The bus route that services this area (Bus 71 - Shellharbour to Kiama Loop Service does not currently run on a Sunday. This has been confirmed by Transport for NSW. There are no waste services in this area on the event day. Milk trucks and other residents on Swamp Road and Riverside Drive who are unable to utilise the detours in place will be encouraged to contact our office before the event day to discuss and arrange access during the road closure times.

9. More research is conducted as to the most appropriate day for this event, to cause the least amount of disruption with residents, bus runs, garbage pickups, and also communication needs to be undertaken with the golf club, to see what the expected numbers are for golfers for Saturday and Sunday.

After investigation undertaken by Elite Energy, in consultation with Kiama Council, Sunday is the best day for the event with minimal impact on residents, bus and waste services, Kiama Golf Club, etc. There will be further communication with Kiama Golf Club to ensure there is little to no interruption to patrons.

10. More research needs to be conducted as to how to close down the water areas proposed for the event, that the public use for swimming, boats, paddleboards, etc.

As part of the Aquatic Licence required to hold this type of event, exclusive use notifications will be placed at the following locations 2 weeks prior to notify users of the event and affected areas:

1. James Holt Reserve
2. North Street Reserve
3. Rangoon Reserve
4. James Oates Reserve

Kiama Downs Surf Life Saving Club will be present for the duration of the event to ensure the safety of swimmers. Their equipment includes 2 x IRB's with 2 crew members in each as well as 8 x paddleboards and riders.

We would be happy to organise a meeting between yourselves and our team to discuss this event in further detail prior to the next Traffic Committee Meeting. Please let me know when would be suitable and we can arrange it.

Alternatively, if you have any questions relating to any of the information above or require further information please phone or email me.

I have attached the updated documents listed below:

- TMP
- TGS
- Road Closure Notification for affected residents and businesses

Kind regards

Zeah McMillan
Operations and Traffic



Elite Energy Pty Ltd 15 Haigh Avenue, Nowra, NSW 2541
T 02 4423 7775 | M 0412 722 209 | W www.eliteenergy.com.au

Traffic Impact Brief

Kiama Beach Tag

9 March 2024

Kiama Beach Tag will be held on Kendall's Beach from 7am to 7pm on Saturday 9 March 2024, with on-sand Oztag round robin style competitions scheduled throughout the day. To cater for the number of people they wish to attract, food trucks will be employed with live entertainment and a bar operating in the afternoon/evening. This is the third year the event has operated and was previously held at Surf Beach and Kendalls Beach, Kiama, however due to the popularity a larger location that provides for more 'fields' is required.

To assist with the operations of the event, Chapman Oval will be used for attendee vehicle parking (weather dependent) and managed by a volunteer service club.

The event is working in consultation with Kendall's on the Beach Holiday Park, who have suggested that O'Keefe Place be closed as well as the access to the southern carpark closed with traffic controllers put in place to manage controlled access to holiday park patrons, those with a disability and residents.

Event Details

Time/Day: 7am – 7pm, Saturday 9 March 2024

Proposed Road Closure time: 7am – 9pm Saturday 9 March 2024

Location: Road closure to be placed on both entry/exit points of O'Keefe Place as well as the unmarked street that provides access to the Holiday Park and southern beach carpark.

Expected attendance: 2,500

Event Contact

Event Organiser: Kiama Beach Tag / Kiama Municipal Council

Event Manager: Kristy Young, 0491 049 509

Keiron Duncan, 0404 204 518

Event Manager Phone: Sally Bursell, 0491 051 572

Proposed Road Closure Location



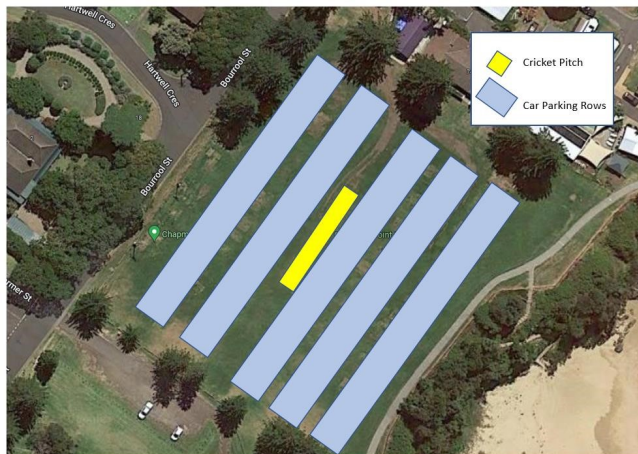
Controlled Access

Traffic Controllers will manage access to this car park for those attendees with accessibility requirements (marked Accessible Car Parking below). Access for those staying at Kendall's on the Beach Holiday Park and residents needing access to their property will also be managed by the Traffic controller.



Chapman Oval

The event organisers are aware that vehicles will not be permitted on the reserve if it is raining prior to or on the day of the event and that no cars can be parked on the cricket pitch. Volunteers will be stationed at the entry to Chapman Oval in order to direct people where to park this will also be communicated by event organisers prior to the event. Cars will be in rows oriented north/south.



Notification to Residents and Businesses

Resident and business notification advising of the disruption will be distributed 4 weeks prior to the event.

Onsite signage

Residents of O’Keefe Place and patrons of Kendall’s on the Beach Holiday Park will have continued access to the closed road.

Signage will be erected at the entrance to the Holiday Park and southern carpark, before the access bridge, advising ‘Caravan Park Access Only’ and ‘Special Event NO PARKING’. Competitor communication sent prior to the event will advise competitors of event parking locations and advise there is no parking available in the caravan park.

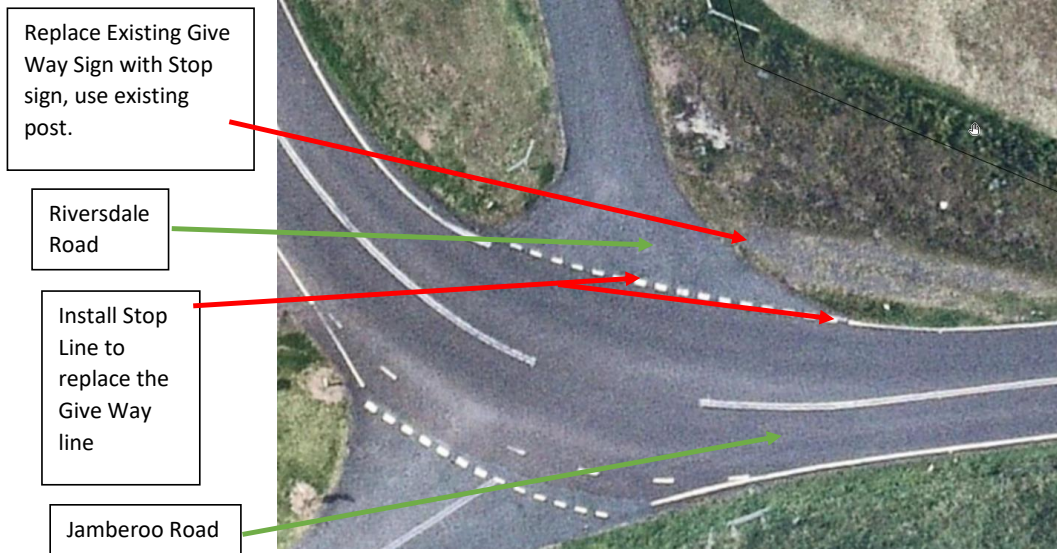
Emergency Vehicle Access

The road closures allow for emergency vehicle access. NSW Ambulance, Police and Fire Brigade will be informed of changed conditions.

Traffic Guidance Scheme:



2024 – 01

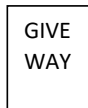


Item 16.1
Attachment 8

SIGNAGE DETAILS

Install Stop sign to replace Give Way sign on existing post, retain existing Give Way sign in Jerra Road.

Install a Stop Line to replace the existing Give Way Line, noting that the pavement at approximately 5 m wide is too narrow to permit the standard double barrier lines.



NOTES:

1. REGULATORY SIGNS & LINEMARKING TO BE INSTALLED IN THE POSITIONS SHOWN
2. ALL SIGNS AND LINEMARKING TO BE IN ACCORDANCE WITH THE TfNSW STANDARDS

Register of Installation of Regulatory Signs and Markings

Scales	KIAMA MUNICIPAL COUNCIL	Register Number 2024-01
Drawn LD	Details Riversdale Road/Jamberoo Road	Date. 24/2/24



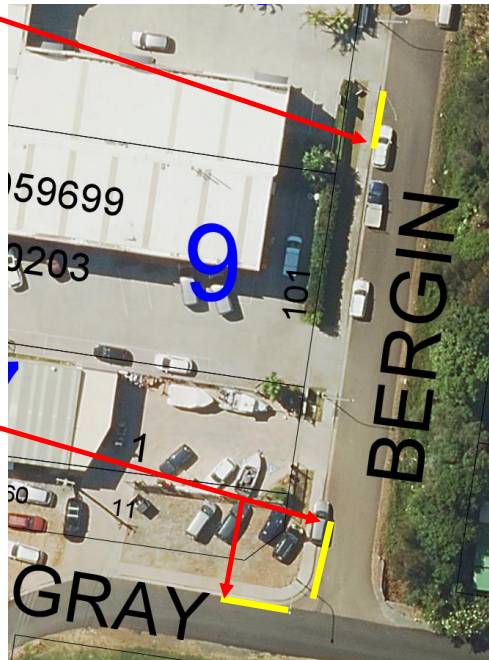
2024 – 02



Bergin & Gray Streets. Gerringong

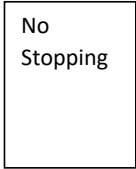
Install No Stopping R5-4000 (R) Sign and 6 m length Yellow line south from driveway.

Install No Stopping R5-400 (R) and (L) and 2 x 10 m lengths of Yellow Line around the cnr in Gray and Bergin St.



SIGNAGE DETAILS

- 3 x new posts
- 2 x R5-400 (R) signs
- 1 x R5-400 (L) sign
- Yellow No Stopping line to match signs



NOTES:

1. REGULATORY SIGNS & LINEMARKING TO BE INSTALLED IN THE POSITIONS SHOWN
2. ALL SIGNS AND LINEMARKING TO BE IN ACCORDANCE WITH THE tFNSW STANDARDS

Register of Installation of Regulatory Signs and Markings

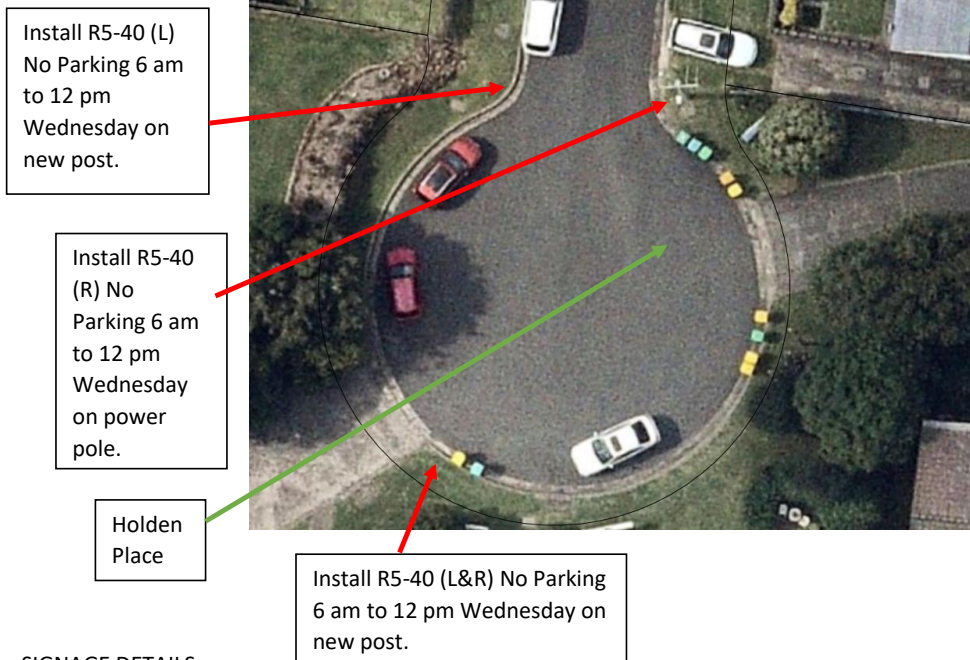
Scales	KIAMA MUNICIPAL COUNCIL	Register Number 2024-02
Drawn LD	Details Bergin and Gray Streets No Stopping	Date. 24/2/2024



Item 16.1

Attachment 9

2024 – 03



SIGNAGE DETAILS

- a) Install R5-40 (L) No Parking 6 am to 12 pm Wednesday on new post.
- b) Install R5-40 (R) No Parking 6 am to 12 pm Wednesday on existing power pole.
- c) Install R5-40 (L&R) No Parking 6 am to 12 pm Wednesday on new post.



NOTES:

- 1. REGULATORY SIGNS & LINEMARKING TO BE INSTALLED IN THE POSITIONS SHOWN
- 2. ALL SIGNS AND LINEMARKING TO BE IN ACCORDANCE WITH THE TfNSW STANDARDS

Register of Installation of Regulatory Signs and Markings

Scales	KIAMA MUNICIPAL COUNCIL	Register Number 2024-03
Drawn LD	Details Holden Place Kiama	Date. 24/2/24



17 REPORTS FOR INFORMATION

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023

Responsible Director: Office of the Chief Executive Officer

Conference: Joint National Coastal Conference and NSW Coastal Conference 2023

Location: Newcastle Exhibition and Convention Centre (NEX)

Date: 30 October – 3 November 2023

Overview

This is a unique conference in that it imparts much more technical information than is usual at a symposium designed for a widely diverse group of attendees.

The conference is attended by clever, curious, coastal people who share their ideas, personal development, usefulness, business and administration skills. Some work in planning, some in the hard-edge science of climate change, some are engineers and others have devoted their lives to saving other's lives and some sell insurance.

All these various people have various reasons for being there.

It is interesting to note that as a councillor, I was only one of two who attended, and I was the only Mayor.

I was asked why I was there (and if I can remember, the same question was asked of one of our councillors when I decided I would like to attend...) the answer was, of course, to listen and learn. It is incumbent on me that if I am to make decisions and influence decisions on coastal living, I must ensure that I am at least semi-literate in those matters and able to grasp the broad strategic consequences of those decisions.

The Conference

Like all conferences, the interaction with the participants is as equally important as the conference program itself. I am happy to say that I took full advantage of a shared passion for life on the coast and engaged with many distinct and diverse attendees. This provided me with an opportunity to ask many questions and receive good responses from the experts. Post the conference, I found that the networking works, and I have been in touch with a broad spectrum of individuals who have offered great support. More than one of my new colleagues has subsequently visited me in Kiama.

Then, there was the content of the conference.

The conference was organised into 'Streams'. A 'stream' is a specific presentation that you attend as part of your conference experience. It allows you to focus on a particular area of interest. To be clearer, one stream on one day might be 'Opportunities for adaptive coastal planning', another was 'Estuary health and hazards, connecting land and sea' and yet another 'Coastal Economics and funding in Australia'. This encouraged collaboration among conference participants and sharing the load. Worked a treat!

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

NEWCASTLE, points of Interest

Newcastle is on the southern bank of the Hunter River mouth. The northern side is dominated by sand dunes, swamps and multiple river channels. A "green belt" protecting plant and wildlife flanks the city from the west (Watagan Mountains) around to the North where it meets the coast just north of Stockton. Urban development is mainly restricted to the hilly southern bank. The small town of Stockton sits opposite central Newcastle at the river mouth and is linked by ferry. Road access between Stockton and central Newcastle is via the Stockton Bridge, a distance of 20 km. The Conference was held in Newcastle, and it is worthy to note the region's port, which is Newcastle's international trade gateway.

Port of Newcastle

- \$71 Billion worth of trade each year
- Over 4,140 Ship Movements
- Powered by 100 % Renewable energy
- Approximately 145,000 Tonnes of cargo (pa)
- Imports & Exports to 77 ports in 31 countries

The Port of Newcastle is well positioned and works closely with the Port Authority of New South Wales, a state-owned corporation with responsibility for Sydney Harbour, Port Botany, Port Kembla and the Ports of Newcastle, Yamba and Eden

Hexham Swamp Rehabilitation Project

Hexham Swamp Rehabilitation Project involved reinstating tidal flow from the Hunter River by opening floodgates on Ironbark Creek with the aim to restore valuable estuarine wetlands. Hexham Swamp is located near Newcastle and covers a vast area of almost 2000 ha. The swamp supports a range of wetland types including mangroves and saltmarsh – an endangered ecological community. A vegetation survey in 2021 found the area of mangroves had increased to 185 ha, saltmarsh to 109ha and tidal mudflats and shallow ponds to 135 ha.

The area of freshwater reed has reduced to 792 ha. The vegetation mapping indicates a continuing transition of habitat in a mosaic fashion including mangrove recruitment and expansion of saltmarsh, ponds, channels and mudflats. These estuarine wetland habitats cover 520 ha in 2021, approaching the predicted minimum increase of 600 ha.

The next vegetation survey will be conducted in 2025. Habitat restoration The project is restoring nursery habitat for juvenile fish and prawns and provides essential habitat for waterbirds, including migratory shorebirds. From Australian shores to the Arctic Circle, migratory shorebirds fly the length of the East Asian-Australasian Flyway to breed each year.

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

The Conference

A warm Welcome to Country by Aunty Cheryl and Uncle Ray Smith was followed by brief presentations from the Host city, federal ministers and state representatives.

Concurrent streams were conducted: opportunities for adaptive coastal planning, building resilient coasts habitats and communities, the knowledge we need for the coast we want, and estuary health and hazards connecting land and sea. The full Conference Program can be downloaded [here](#).

Takeaways for Kiama

As we progress towards implementing actions within our Kiama Coastal Management Program (CMP) in partnership with the community and other stakeholders and also monitor the implementation and effectiveness of the CMP, we should look at the vast array of information available to us in interpreting and learning from the work presented at this and other conferences.

As councillors, we need not be scientists or even experts, but we need to be able to have a working knowledge of what impact implementation actions within the CMP will have.

Attachment: Neil's notes on AI for Coastal Communities

As we are a tourist destination, we know our population swells in the summer. I think our Federal Assistance Grants are based on population from census sources, this may not be an accurate gauge. Artificial Intelligence (AI) may give us another tool to measure population.

I have tried to capture as much as I could in bullet form, as you can see from my rough, *selected* notes below:

AI in Coastal Engineering Presentation

- Welcome to the presentation
- Topic: AI in coastal engineering
- Acknowledge colleagues and partners

- Low-cost camera system developed at UNSW
- Machine learning for people counting
- Case studies from New South Wales Central Coast
- Dashboards for data display

Camera system:

- Wildlife camera traps used

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

-
- Self-sufficient with solar panel
 - 4G SIM card for data storage
 - Cost: \$700 per camera
 - Takes images every 15 minutes

Camera installation:

- Flexible and easy to install
- Can be placed on lifeguard towers or hidden in possum boxes
- Monitors economy of the coast

Camera functions:

- Shoreline monitoring (not the focus of this presentation)
- People counting for beach value estimation

Machine learning for people counting:

- Annotate data by drawing boxes around objects
- Adapt pre-trained models from autonomous cars

Detection accuracy factors:

- Size of people in pixels
- Size of training data set (25,000 boxes)
- Model trained to detect specific objects (e.g., people in water or on the beach)

Conclusion:

- Valuable insights from low-cost camera system
- Importance of understanding the economy of the coast
- Draw boxes around people sitting, standing, swimming, or surfing.
- Camera at Redhead Beach: can detect sitting and standing, struggles with swimmers and surfers.
- Model accuracy: perfect not necessary, trends are important.
- Predicted counts vs. manual counts: consistent models preferred over varying lifeguard counts.
- Avoca Beach example: time-lapse shows increasing beach visitors during Christmas and New Year's rush.

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

-
- Day timex: all images from one day combined to show patterns in surf and people's locations.
 - Map of corridors: shows where people congregate on the beach.
 - Changing coastlines impact beach usage, e.g., lagoon opening altering people's walking paths.
 - Long-term records: nine cameras on Central Coast provide data for 2021 and 2022 at Avoca Beach.
 - Half a million visitors in two years: potential value of beach calculated using average spending per person.
 - Busiest time of year: Christmas and January period.
 - Busiest day of the week: weekends.
 - Busiest hour of the day: 10am - 12pm, creating a "fingerprint" of each beach's usage pattern.
 - Seasonality analysis: busiest times of the year identified.
 - Risk of drowning assessed using Dr Tom Shan's Surf Zone Fun tool to locate wave breaking and rip currents.
 - Wambool Beach example mentioned as another location for analysis.
 - Analysing daily visits at a beach
 - Looking north, lagoon entrance visible
 - Interesting patterns in beach usage
 - Identify busiest time of year, day, and hour
 - Different fingerprint: more visits at day's end
 - Importance for lifeguards and council planning
 - Comparing three cameras: Wambool, Terrigal, Avoca
 - Examining seasonal trends in beach usage
 - Least usage during colder months
 - Surprisingly low attendance in November
 - Correlation between temperature and beach usage

Arup's Climate Adaptation Journey

- Moved to L.A. for climate adaptation work
- Worked with American consulting firm for 8 years
- Now with Arup, leading climate and sustainability in the Americas
- Arup stands for sustainable development and shaping a better world

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

-
- Named after founder, Ove Arup
 - 25,000 "Arupians" in Australia and beyond

 - Focused on adaptation to climate change issues
 - Co-creation: collaboration between disciplines
 - Adaptive coastal planning: pathways-based plans over time
 - Speed of change: climate impacts emerging quickly
 - Co-creation components:
 - Prerequisites: investment in information systems, e.g., CalAdapt
 - Design issues: accessible and open framework
 - Opportunities and constraints: collaboration with various organisations

 - California State Government's CalAdapt:
 - Open framework with an API
 - Developing an analytics engine on AWS platform
 - Encourages collaboration and co-creation of information use

 - Working with Caltrans:
 - Complex statewide infrastructure
 - RFP for co-creation process following a traditional climate change risk assessment in 2019
 - Focus on user needs in IT world
 - Viltron collaboration
 - 24 full-time climate change specialists
 - Technical assessment and engagement
 - Post-fact environment challenge
 - Adaptive planning in California
 - 2018 report on adaptation planning
 - Involvement in state adaptation planning document
 - Case studies in San Diego Gas and Electric
 - California Coastal Commission sea level rise guidance
 - New guidance expected in 2024
 - City of Darabont local coastal plan controversy
 - Managed retreat issue and community backlash

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

- Need to analyze power structures for change
- Transformation studies as a trend
- City of Delamar infrastructure challenges
- Work with Qualtrans on highway solutions
- Acceleration due to technology and corporate engagement

Shoalhaven Foreshore Education Project

- Presenting a new project
- Previously cancelled
- Focus on commercial residence management
- Traditional custodial unit background
- Community commuting connections

- Project overview:
 - Background and key issues
 - Community engagement
 - Workshops and school programs
 - Ongoing education and activities

- Shoalhaven CZMP established in 2018
 - Addressed community concerns about the coastal environment

- Key issues identified:
 - Erosion and dehumanisation
 - Climate change impact
 - Transport shortcomings

- Culburra Beach targeted for engagement
 - Informal access tracks causing dune destabilisation

- Coastal protection concerns in March 2022
 - Significant storms caused damage

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

-
- Vegetation vandalism issue identified
 - Illegal tree removal along foreshore

 - Seabed MP management action:
 - Engage with property owners about dune ecosystems and coastal hazards

 - Grant funding received from New South Wales Government
 - Water Technology engaged for project implementation

 - Project achievements:
 - 11 fact sheets, two videos, three workshops, four school excursions, and over 500 dune species installed

 - Community workshops held to educate foreshore residents on dune vegetation importance

 - Promotion of dune care and citizen science programs like CoastMap

 - Challenges in reaching holiday property owners for workshop attendance
 - Good turnout for Israel Community Information Hub workshops.
 - Evaluation survey for feedback after sessions.
 - Mixed responses due to various reasons.
 - Format of delivery important for community engagement.
 - Weather events affected workshops (rain, heat).
 - Hybrid program (indoor and outdoor) less formal, good for accessibility.
 - Managing consultation fatigue in the community.
 - Clear messaging to frame objectives and manage expectations.
 - Tailor learning objectives to residents' interests.
 - School excursions component delayed due to COVID.
 - Flexibility needed when engaging with schools.
 - Successful workshops with engaged students.
 - Created lesson plans for school excursions.
 - Potential to formalise lesson plans for ongoing school engagement.

Reports for Information

17.1 Conference report: Councillor Reilly, Mayor - Joint National Coastal Conference and NSW Coastal Conference 2023 (cont)

-
- Evergreen educational resources available (fact sheets, website).
 - Signage used to provide information at community events.
 - Great signs drafted for installation.
 - Address police sites for reinforcement.
 - Keep messaging in online communities.
 - Ongoing education engagement important.
 - Continue lessons learned from project.
 - Connect with more Shoal Haven community groups.
-
- Open Coastal Berms by CMP in Stage 4.
 - Management actions promote community education.
 - Address coastal hazards and risks.
 - Empower residents about best practice for Shoal Management at Koala Beach.

17.2 Question for future meeting: Blue Haven Bonaira financesResponsible Director: Office of the Chief Executive Officer

Précis

At the 20 June 2023 Ordinary Council meeting, Councillor Brown requested a report that:

1. Confirms Blue Haven is losing \$3.5M per annum.
2. Confirms the development of Blue Haven Bonaira cost \$105M which left an initial cash shortfall for Council of \$21M.
3. Explains how this shortfall was met.
4. Provides a figure of how much money the ratepayers have subsidised for this venture.

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

Response

The table attached is provided for reference. This table presented in August 2023 is the same as that presented in December 2022 and is based on the original table first presented in June 2022. The original table in June 2022 did not correctly reflect the amount of internal funding via Residential Aged Care (RAC) and Independent Living Unit (ILU) Reserve Funds and the amount of external Government grant funding. Additional information and feedback was considered and adjusted in the subsequent months following June 2022 arriving at the table presented in December 2022. The adjustments show an “unfunded” component of \$5.8M after consuming \$17.8M of internal reserve funds.

Question 1

The Monthly Financial Reports during 2023 provide financial results for all Blue Haven operations that support the comment of “operational losses of \$3M pa” in the table attached. The results and commentary provided in the Monthly Financial Report December 2023 indicate Bonaira operating loss of \$878K plus the advance funding for January received in December of \$800K producing an operating loss of \$1.678M the 6 month period or \$3.35M annualized. The backlog of invoices noted in the Monthly Financial report would suggest a further increase closer to this amount.

Question 2

The table shows the project costs of \$104.5M sourced from:

- Federal and State Government Grants - \$18.6M
- external financing via NSW TCorp - \$60.0M
- use of internal cash reserves (both Council ‘municipal’ and ‘Blue Haven specific’) - \$25.9M

The table shows that available resident funds of \$64.5M will ultimately be used to repay TCorp \$60M with the remaining \$4.5M partly replenishing Council’s internal cash reserves. Notably, this still leaves Council cash reserves (consolidated

Reports for Information

17.2 Question for future meeting: Blue Haven Bonaira finances (cont)

irrespective of whether core Council or Blue Haven specific) short by \$21.3M. Interest costs paid to TCorp are additional to the Council's net outflow or shortfall and continue while the debt (remaining \$15M) remains outstanding.

Question 3

Refer Question 2. The shortfall was met by Council's overall cash reserves. The current position is still being met by Council's overall cash reserves. Normally, in similar aged care and retirement village developments, the initial allocation or sale of units to residents seeks to recover 100% (or very close) of the development cost so that all funding sources are repaid or satisfied. In this instance, \$64.5M was sourced from incoming residents compared to the \$85.9M initially sourced from both TCorp and Council, creating the upfront shortfall of \$21.3M.

Question 4

Blue Haven historical retained earnings is not possible as a separate balance sheet was not maintained since the inception of Blue Haven in circa 1980. The cumulative impact is unknown. Therefore this question cannot be answered definitively. The impact on Council's current cash reserves is noted in question 2 and 3 above. The impact on Council's current and recent operating results is noted in Q1 above. The operating results are adversely impacting Council's general and unrestricted funds.

Communication/Community Engagement

External Forensic Accountant Review

CEO and Executive

Risk implication

The report provides context for the funding of the Bonaira Aged Care and Retirement Living Development.

Attachments

- 1 Table from August 2023 and December 2022 - Blue Haven - for Council meeting 13/02/2024 [↓](#)

Table from August 2023 and December 2022

AFTER increasing Reserve Funds ILU and total Grants Received per additional information and feedback received			
BLUE HAVEN BONAIRA DEVELOPMENT FINANCING BREAK-UP	Reported to Council	Actual Finance available	Unfunded Amount
Loan Funds Tcorp	\$60,000,000	\$60,000,000	\$0
Section 7.11 Funds	\$2,200,000	\$2,182,000	(\$18,000)
Reserve Funds ILU	\$5,360,000		
Reserve Funds RAC	\$11,253,000	\$17,887,000	\$1,274,000
Section 7.11 Recoupment Funds Infrastructure	\$740,000	\$0	(\$740,000)
Internal Loan	\$7,721,894	\$0	(\$7,721,894)
Federal Government Grants	\$2,397,000		
State Government Grants	\$10,000,000	\$18,617,000	\$6,220,000
Sub-Total	\$99,671,894	\$98,686,000	(\$985,894)
Contingency	\$5,000,000	\$0	(\$5,000,000)
Unreconciled amount	(\$180,000)	\$0	\$180,000
TOTAL PROJECT BUDGET	\$104,491,894	\$98,686,000	(\$5,805,894)
Total Project Cost per Above	\$104,491,894		
Less Grant Funding	\$18,617,000		
Net Project Cost	\$85,874,894		
Financed as follows:			
External (TCORP)	\$60,000,000		
Internal Consolidated Cash Reserves (irrespective of whether KMC 'core' or 'blue haven')	\$25,874,894		
Resident Entry Payments as follows:			
ILU	\$44,500,000		
RAC	\$20,000,000		
	\$64,500,000		
INITIAL PROJECT CASH SHORTFALL	\$21,374,894		
Interest on TCORP Loan @ \$1.3Mpa since 2018 to 2022	\$5,200,000		
ADJUSTED PROJECT CASH SHORTFALL	\$26,574,894		
Note this figure has the added adverse cash flow impact of 3 years operational losses circa 2020 to 2022 of \$3M pa Or circa \$10M resulting in a total draw of approx \$36M on overall Council cash reserves			

17.3 Question for Future Meeting: Blue Haven Project & Funding

Responsible Director: Office of the Chief Executive Officer

At the August 2023 Council Meeting, Councillor Rice requested a report that comprehensively:

1. compares the original and revised Forsyth's figures and
2. details the impact of the Blue Haven Bonaira project on Council's unrestricted cash and
3. portrays the extent to which the building and operation of Blue Haven Bonaira has necessitated the use of rate payer rather than aged care derived funds.

Item 17.3

Background

The table presented in August 2023 is the same as that presented in December 2022 and is based on the original table first presented in June 2022. Council has received two previous reports on this subject matter.

It has already been reported to Council that the original table in June 2022 did not correctly reflect the amount of internal funding via Residential Aged Care (RAC) and Independent Living Unit (ILU) Reserve Funds and the amount of external Government grant funding. Additional information and feedback was considered at the request for the Councillor and adjusted in the subsequent months following June 2022 arriving at the table presented in December 2022. The adjustments show an "unfunded" component of \$5.8M after consuming \$17.8M of internal reserve funds.

Question 1Initial Table from Forensic Review

FINANCING BREAK-UP	Reported to Council	Actual Finance available	Unfunded Amount
Loan Funds Tcorp	\$60,000,000	\$60,000,000	\$0
Section 7.11 Funds	\$2,200,000	\$2,182,000	\$18,000
Reserve Funds ILU	\$5,360,000	\$5,732,000	(\$372,000)
Reserve Funds RAC	\$11,253,000	\$5,834,000	\$5,419,000
Section 7.11 Recoupment Funds Infrastructure	\$740,000	\$0	\$740,000
Internal Loan	\$7,721,894	\$0	\$7,721,894
Federal Government Grants	\$2,397,000		
State Government Grants	\$10,000,000	\$15,067,000	(\$2,670,000)
Total	\$99,671,894	\$88,815,000	\$10,856,894
TOTAL PROJECT BUDGET	\$104,491,894	\$88,815,000	(\$15,676,894)

Updated table presented December 2022 and then August 2023

BLUE HAVEN BONAIRA DEVELOPMENT FINANCING BREAK-UP	Reported to Council	Actual Finance available	Unfunded Amount
Loan Funds Tcorp	\$60,000,000	\$60,000,000	\$0
Section 7.11 Funds	\$2,200,000	\$2,182,000	(\$18,000)
Reserve Funds ILU	\$5,360,000		
Reserve Funds RAC	\$11,253,000	\$17,887,000	\$1,274,000
Section 7.11 Recoupment Funds Infrastructure	\$740,000	\$0	(\$740,000)
Internal Loan	\$7,721,894	\$0	(\$7,721,894)
Federal Government Grants	\$2,397,000		
State Government Grants	\$10,000,000	\$18,617,000	\$6,220,000
Sub-Total	\$99,671,894	\$98,686,000	(\$985,894)
Contingency	\$5,000,000	\$0	(\$5,000,000)
Unreconciled amount	(\$180,000)	\$0	\$180,000
TOTAL PROJECT BUDGET	\$104,491,894	\$98,686,000	(\$5,805,894)

Item 17.3

Question 2

Total Project Cost per Above	\$104,491,894		
Less Grant Funding	\$18,617,000		
Net Project Cost	\$85,874,894		
Financed as follows:			
External (TCORP)	\$60,000,000		
Internal Consolidated Cash Reserves (irrespective of whether KMC 'core' or 'blue haven')	\$25,874,894		
Resident Entry Payments as follows:			
ILU	\$44,500,000		
RAC	\$20,000,000		
	\$64,500,000		
INITIAL PROJECT CASH SHORTFALL	\$21,374,894		
Interest on TCORP Loan @ \$1.3Mpa since 2018 to 2022	\$5,200,000		
ADJUSTED PROJECT CASH SHORTFALL	\$26,574,894		
Note this figure has the added adverse cash flow impact of 3 years operational losses circa 2020 to 2022 of \$3M pa Or circa \$10M resulting in a total draw of approx \$36M on overall Council cash reserves			

Question 3

The above shows an initial cash shortfall of \$21M which increases due to interest payments (totaling \$6.5M to June 2023) and operational losses (totalling \$14M to June 2023) adding to a cumulative shortfall of \$41M by June 2023. If the reserve funds of nearly \$18M are critically excluded then the initial and cumulative shortfall on unrestricted funds is \$3M and \$23M. Without knowing the historical origins of the

Reports for Information

17.3 Question for Future Meeting: Blue Haven Project & Funding (cont)

reserve funds, it may be that they derived from resident ILU and RAC entry payment vs refund accumulation or they may have received transfers from unrestricted reserves.

Additionally, Blue Haven historical retained earnings is not possible as a separate balance sheet was not maintained since the inception of Blue Haven in circa 1980. The cumulative impact of annual operating results mixed with any resident entry vs refund accumulation is unknown. Therefore this question or distinction cannot be answered definitively.

Irrespective, the consolidated cash shortfall of \$41M to 2023 is being borne by Council's balance sheet. Externally restricted reserves are typically regulatory inspired with strict drawdown requirements. Internally restricted reserves are good governance practices and flexible with accumulation and drawdown requirements but total balance sheet cash reserves is the prime interest or focus of auditors and financiers for sustainability and going concern purposes.

17.4 Question for Future Meeting: Blue Haven TerralongResponsible Director: Office of the Chief Executive Officer

Précis

At the October 2023 Council Meeting Councillor Brown requested an update on progress of the dilapidation report for Blue Haven Terralong, along with any update on the profit and loss statement of Blue Haven Terralong which incorporates depreciation.

Response

A consultant was engaged to undertake an Asset Condition Report. The review has been completed. Initial information in the form of many asset registers and lists has been provided by access to the asset software system used by the consultant. This is currently being reviewed by Council's Infrastructure & Livability Team. The Performance Improvement order requires this work to be made public and staff are currently working on this material. It will be reported to a future meeting.

The monthly management accounts at December 2023 show a loss of \$110K for Blue Haven Terralong including depreciation and also deferred management fees.

17.5 Question for future meeting: Community AwardsResponsible Director: Planning, Environment and Communities

Purpose

At its meeting held on 19 September 2023, Councillor Reilly requested a report listing all the awards granted to the community in our LGA and the timing of those awards.

The following information is provided in response to a request for a report listing of all the awards granted to the community in the Kiama Local Government Area (LGA).

1. Community achievement awards - annual

These awards were previously presented on Australia Day but have been moved to Local Government Week held during the first week of August each year. Awards include: citizen, senior citizen, young person, community group and will be expanded to include other achievements such as sports, arts, environmental, etc.

2. Arts Honour Roll – no timing

This award honours individual artists of all genres who contribute to the Municipality and excel within their chosen field, forming an important part of the cultural arts tapestry of the local government area.

3. Australian Honour Roll – no timing

This award is provided to residents of the Kiama municipality who have received an Australian honour or award from the governor general for outstanding service and contribution.

4. Local Government Regional Award During the National Aborigines and Islanders Day Observance Committee (NAIDOC) Awards – Annually in July

The Local Government Regional NAIDOC Awards celebrate the contribution and achievements of Aboriginal and Torres Strait Islander communities in Wollongong, Shellharbour, Kiama and Shoalhaven local government areas.

5. Megan Dalley Memorial Award – Annual

The Megan Dalley Award recognises outstanding performance by a Council trainee, apprentice or cadet. The Award is in memory of Megan Dalley, an outstanding Kiama Council customer service trainee of tremendous ability, attitude and commitment, who was tragically killed in a car accident in 2007.

6. Robert East Award – Annual

The Robert East Memorial Award recognises Council employees who have made significant contributions as volunteers in the community. The Award honours the late Councillor East who had an outstanding record of community service.

7. Sports Honour Role – no timing

This award honours residents who have made an exceptional contribution to sport at a national or international level, either as a participant coach or administrator as well as successful teams.

Reports for Information

17.5 Question for future meeting: Community Awards (cont)

Other Illawarra-based Awards

8. Community Industry Group Community Service Awards – September annually
Community Industry Group Community Service Awards to recognise exceptional work from groups and individuals in the community sector.
9. Volunteer of the Year Regional Awards – Annually in October
Volunteering Illawarra celebrates the amazing tales of volunteers in the Illawarra who have been at the heart of their local community during the 12 months prior.

Community Engagement

The community can engage and participate in awards nominations and ceremonies throughout the year. Awards recognize the contribution that the community makes to our LGA. Council actively promotes awards and the opportunity to nominate community members.

Risk Implication

There is limited risk associated with this report. The core potential risks could be limited number of nominations for awards, dissatisfaction with award recipients and potential reputational damage. Each of these risks are mitigated through appropriate process and communication strategies.

17.6 Question for future meeting: DelegationsResponsible Director: Chief Operating Officer

Précis

At the 14 December 2023 Ordinary Council meeting Councillor Keast requested:

1. A report on the status of the review of the Council's Register of Delegations, noting that on the Council website it states it is currently under review.
2. A copy of the current Register of Delegations i.e. the register of the functions delegated to the CEO, Mayor and officers of the Council.

This matter was referred to the Chief Operating Officer.

Background

Delegations and authorisations are the legislative mechanism by which the Council enables its officers to act on its behalf by devolving responsibility for decision making downwards through the organisation.

Delegations are a fundamental part of good governance and play an important role in ensuring that Council is acting in accordance with the legal and policy framework that applies to it.

The Local Government Act 1993 (Act), and other relevant legislation, authorises Council to undertake a range of functions by way of delegations and authorisations to staff (or another person or body such as a section 355 committee).

Response

1. *A report on the status of the review of the Council's Register of Delegations, noting that on the Council website it states it is currently under review.*

Councils must maintain a register of their Delegations, and this information is prescribed as 'Open Access' in accordance with the Government Information (Public Access) Act (2009) and Regulations (2018).

To ensure this information is publicly available, Council has subscribed to a suitable platform (PULSE) that provides automated and fit for purpose registration, allocation, acknowledgement for users that integrates with our current software and internet platform to provide a real time register.

There is ongoing work to finalise the completed register, as historically not all roles have had specific delegations allocated, and organisation structure changes have impacted and continue to be worked through. This matter was identified in the State of the Organization report and the Strategic Improvement Plan 1 and 2.

2. *A copy of the current Register of Delegations i.e. the register of the functions delegated to the CEO, Mayor and officers of the Council.*

The Delegations Register is available on the Council website - [Open Access Information Kiama Council \(nsw.gov.au\)](https://www.kiama.nsw.gov.au/open-access-information).

The governance team have been reviewing and collating delegations for import to the platform and the platform is live on our intranet from January 2024. The register contains all delegation for council employees.

Reports for Information

17.6 Question for future meeting: Delegations (cont)

Delegations for Mayor and CEO are located as a hardcopy in the same section on the Council website.

Communication / Community engagement

The Delegation Register is publicly available.

Risk implication

It is important that delegations and authorisations are managed effectively to ensure decisions are validly made by a lawfully appointed delegate or authorised officer.

The Register also provides a useful means for external bodies to confirm that staff members they are dealing with have appropriate authority.

Item 17.6

17.7 Question for future meeting: Performance Improvement OrderResponsible Director: Office of the Chief Executive Officer

Précis

At the 14 December 2023 Council meeting Councillor Renkema-Lang requested a report that details:

1. the status of the Office of Local Government Performance Improvement Order issued on 8 November 2022.
2. correspondence between Council and the Office of Local Government since July 2023 related to progress against any outstanding action items detailed in the PIO report.

This matter was referred to the Chief Executive Officer.

Response

Question 1.

The final compliance report for the Performance Improvement Order (PIO) was submitted to the Office of Local Government (OLG) on 30 June 2023, as per the requirements of the PIO.

Council received the Minister's notice of intention to vary the performance improvement order on 30 January 2024 and there is a separate report concerning this.

Question 2.

Since submitting the compliance report in July 2023, the OLG sought additional operational information once on 21 August 2023. Council staff provided the requested operational information to the OLG on the 14 September 2023 with OLG acknowledging receipt of this the same day.

Councillors have previously been advised that compliance reports cannot be made public as the submitted to the OLG. The OLG determines when the final compliance report is made public in accordance with the Local Government Act 1993.

On the 19th December 2023 the Minister for Local Government wrote to Council conducting a review. The scope and findings of the review were permitted to be public by the OLG and Minister, accordingly these were published as a supplementary agenda item for the extraordinary meeting of 1 February 2024.

17.8 Question for future meeting: Sydney Water issuesResponsible Director: Office of the Chief Executive Officer

Précis

At the 20 June 2023 Council meeting Councillor Renkema-Lang requested a report detailing the number and locations of untreated sewerage breaches from the Bombo Sewer Treatment Plant, or the associated infrastructure, over the past 5 years. Including breaches that have resulted in pollution of beaches, creeks, rivers, or other public spaces in the townships of Kiama Heights, Kiama, Bombo, Kiama Downs, Jamberoo, and Minnamurra.

Sydney Water response

On 8 December 2023 the Government Relations team from Sydney Water provided the following response:

All flows entering the Bombo Sewer Treatment Plant (STP) are treated before discharge. As such no untreated sewerage has entered the environment from Bombo STP in the past five years (Jul 2018 - Jun 2023) and all discharges have been in accordance with Environment Protection Licence.

The existing wastewater network in the Kiama system meets the Environment Protection Authority's (EPA) wet weather overflow Environment Protection Licence (EPL) requirement. Wet weather overflows occur when stormwater enters the wastewater network, and the infrastructure cannot cope with the increased volume. Usually overflows occur from intentionally designed overflow points (as per international best practice) but can occur through unintentional surcharges.

Sydney Water has a range of wastewater network investments planned in the Kiama wastewater system in the coming few years to ensure we continue to meet our wet weather overflow EPL requirements:

- Wastewater network augmentation works to address reported wet weather surcharges inside customer properties.
- Source control works to reduce stormwater inflows.
- Network augmentations to cater for the proposed growth.

The Bombo wastewater system Environment Protection Licence compliance performance is reported and publicly available at [Environment & Heritage | POEO Licences, Application and Notice Detail \(nsw.gov.au\)](https://www.environment.nsw.gov.au/POEO/Licences/ApplicationandNoticeDetail).

In the last five years, this wastewater network has not experienced any dry weather untreated sewerage breaches due to capacity issues. However, the system has experienced dry weather overflows in the network due to operational issues, including sewer chokes and blockages. Such incidents can be caused by tree roots and/or wet wipes, for example. These events are reported on the EPA website and detailed in table 1 below. These blockages are addressed by corrective maintenance and any repeat incidents are identified for routine maintenance programs. A Choke Improvement Pollution Reduction Program has been identified with the EPA for action between 2025-2030.

Reports for Information

17.8 Question for future meeting: Sydney Water issues (cont)

Table 1 Bombo EPL 2269 Non-compliance details relating to untreated sewerage breaches over the last five years (Jul 2018 – Jun 2023)

Year	Licence Condition no.	Type of non-compliance	EPA action	No. of times occurred
2021 – 2022	L1.3a	Uncontrolled sewage overflows during dry weather due to blockage of major pipe, channel or valve	EPA action determined as part of scheduled inspection program	3
2020 – 2021	L1.3a	Uncontrolled sewage overflows during dry weather due to blockage of major pipe, channel or valve	EPA to monitor future compliance with this condition	2
2019 – 2020	L1.3a	Uncontrolled sewage overflows during dry weather due to blockage of major pipe, channel or valve.	EPA to monitor future compliance with this condition	1
	L1.3b	Directed sewage overflows during dry weather due to blockage of major pipe, channel or valve.	EPA to monitor future compliance with this condition	1
2018 -2019	L1.3a	Uncontrolled sewage overflows	EPA to monitor future compliance	2

Item 17.8

Reports for Information

17.8 Question for future meeting: Sydney Water issues (cont)

Year	Licence Condition no.	Type of non-compliance	EPA action	No. of times occurred
		during dry weather due to blockage of major pipe, channel or valve.	with this condition	

Item 17.8

17.9 Question for Future Meeting: Property and Divestment StrategyResponsible Director: Office of the Chief Executive Officer

Précis

At the October 2023 Council Meeting, Councillor Renkema-Lang requested a report that details:

1. The variances to the 2021/2022 Annual Financial Statements (GPFS and SPFS) provided at agenda item 13.1 of 17 October 2023 meeting compared to the Financial Statements reported to Council at the meeting of 16 August 2022 and the Long-Term Financial Plan – 2023-2032.
2. The implications to and risks associated with decisions of Council related to property divestment and Councils liquidity strategy resulting from any differences.

Response

1. As answered on the floor during the September 2023 meeting, the SPFS contains a year end revaluation increment of \$4.06M. This contributes and creates the surplus of \$1.65M. The monthly management accounts do not include these asset revaluation adjustments. If \$4.06M is deducted from \$1.65M, the result becomes a loss of \$2.41M which better aligns with the management account result previously reported through the monthly management accounts process.

2. The LTFP and the Sustainability & Cash Flow Strategy are reliant on asset divestment in the years leading up to 2024/25. Specifically Akuna Street, Barney Street and Bonaira being the substantive asset sales. The Akuna Street car park has been a recent asset sale not originally anticipated but has replaced and offset some smaller sales that will not be occurring. Noting Barney Street was resolved not to be sold.

The LTFP and Budget 2024 include some \$30M of asset sales. This is critical for cash reserves, debt repayment and general viability (going concern). To date, with the Bonaira divestment process occurring though not complete, the planned revenue from these asset sales is being achieved. A significant risk exists if the asset sales do not occur. Currently the second phase of the Sustainability & Cash Flow Strategy requires operating efficiency savings and the Bonaira sale also impacts this, so this would add a further risk and complexity by requiring additional savings or service reduction across Council.

Individual asset consideration have specific risks attached which are considered on a case by case basis, and will continue to be handled accordingly.

17.10 Questions for Future Meeting Register - February 2024

Responsible Director: Office of the Chief Executive Officer

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

Attachments

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



Questions for Future Meetings Register
16/73192

No	Details	Actions
20 December 2022		
18.4	<p>Failed implementation of the Finance System</p> <p>Councillor Renkema-Lang requested a report on the likely outcomes, actions and implications of the review of the failed implementation of the Finance System – referred to on page 511 of the 20 December agenda papers – including where available:</p> <ol style="list-style-type: none"> 1. Total expenditure since Council resolved to accept the tender from TechnologyOne at the Ordinary meeting 25 June 2019 (resolution 19/247OC). 2. Original budget, schedule and projected completion date. 3. Initial cost and schedule estimates for data migration services as per resolution to accept the tender from AAXT for the provision of a Data Migration Strategy (20/264OC). 4. Approved variations to budget and schedule for TechnologyOne and Data Migration since the project commenced. 5. Anticipated project completion date. 6. Forecast budget required to finalise the project. 7. Ongoing yearly costs to maintain the system (licence, support and maintenance). <p>This matter was referred to the Chief Financial Officer for action.</p>	<p>Reported to Councillor Briefing 6 February 2024</p>
21 February 2023		
18.1	<p>Seven Mile Beach community consultation</p> <p>Councillor Rice requested a report on what else stands in the way of actioning Point 2 of the following resolutions 19/170OC, 19/171OC and 19/172OC from 21 May 2019 – “<i>That Council expedites the community consultation to devise new guidelines for the use of Seven Mile Beach</i>” now that finalisation of Council’s Crown Lands Management Plans is likely to occur within a few months.</p> <p>This matter was referred to the Director Infrastructure and Liveability for action.</p>	<p>Following Plan of Management adoption, consideration for new guidelines for the use of Seven Mile Beach will be reviewed, depending on staff resources.</p>
21 March 2023		
20.1	<p>Support for local businesses and investment in live music</p> <p>Councillor Croxford requested a report on how Council can better support local businesses and encourage investment in live music venues, that also addresses the challenges of using</p>	<p>Awaiting outcome of the State Government proposed changes to Live</p>

No	Details	Actions
20 June 2023		
20.2	<p>Blue Haven Bonaira finances Noting the Council decision to sell Blue Haven Bonaira, well supported by the local community, Councillor Brown requested a report that:</p> <ol style="list-style-type: none"> 1. confirms Blue Haven is losing \$3.5M per annum. 2. confirms the development of Blue Haven Bonaira cost \$105M which left an initial cash shortfall for Council of \$21M. 3. explains how this shortfall was met. 4. provides a figure of how much money the ratepayers have subsidised for this venture. <p>This matter was referred to the Chief Operating Officer for action.</p>	Reported to the February 2024 Council meeting.
20.4	<p>Sydney Water Issues Councillor Renkema-Lang requested a report detailing the number and locations of untreated sewerage breaches from the Bombo Sewer Treatment Plant, or the associated infrastructure, over the past 5 years. Including breaches that have resulted in pollution of beaches, creeks, rivers, or other public spaces in the townships of Kiama Heights, Kiama, Bombo, Kiama Downs, Jamberoo, and Minnamurra. This matter was referred to the Director Planning, Environment and Communities for action.</p>	Reported to the February 2024 Council meeting.
20.3	<p>Kiama Harbour staircase mural Councillor Larkins requested a report on the feasibility of a mural at the staircase entering Kiama Harbour from Terralong Street. This matter was referred to the Director Infrastructure and Liveability for consideration and has since been reassigned to the Director Planning, Environment and Communities.</p>	Response will be provided via a memo once advice received from Department of Lands.
15 August 2023		
20.1	<p>Blue Haven Bonaira project and funding Councillor Rice requested a report that comprehensively:</p> <ol style="list-style-type: none"> 1. compares the original and revised Forsyth's figures and 	Reported to the February 2024 Council meeting.

No	Details	Actions
19 September 2023		
20.1	<p>Planned future uses for Joyce Wheatley Community Centre Councillor Renkema-Lang requested a report:</p> <ol style="list-style-type: none"> 1. On the planned future uses for the Joyce Wheatley Centre. 2. Grants received to fund upgrades to the Joyce Wheatley Centre. 3. How the funds have been or will be used and the timing for the upgrades. <p>This matter was referred to the Director Planning, Environment and Communities for consideration.</p>	Separate memo to be prepared and forwarded to Councillors from Director.
20.3	<p>Community awards Councillor Reilly requested a report listing all the awards granted to the community in our LGA and the timing of those awards. This matter was referred to the Director Planning, Environment and Communities for consideration.</p>	Reported to the February 2024 Council meeting.
20.4	<p>Grants policy Councillor Reilly requested Council review existing policies and deliver a revised Grants Policy. This matter was referred to the Director Planning, Environment and Communities for consideration.</p>	Awaiting internal feedback. Will be reported to the March 2024 Council Meeting.
17 October 2023		
20.1	<p>Blue Haven Terralong Councillor Brown requested an update on progress of the dilapidation report for Blue Haven Terralong, along with any update on the profit and loss statement of Blue Haven Terralong which incorporates depreciation. This matter was referred to the Chief Operating Officer for consideration.</p>	Reported to the February 2024 Council meeting.

No	Details	Actions
20.4	<p>Property Divestment and Liquidity Strategy Councillor Renkema-Lang requested a report that details:</p> <ol style="list-style-type: none"> The variances to the 2021/2022 Annual Financial Statements (GPFS and SPFS) provided at agenda item 13.1 of 17 October 2023 meeting compared to the Financial Statements reported to Council at the meeting of 16 August 2022 and the Long-Term Financial Plan – 2023-2032. The implications to and risks associated with decisions of Council related to property divestment and Councils liquidity strategy resulting from any differences. <p>This matter was referred to the Chief Financial Officer for consideration.</p>	<p>Reported to the February 2024 Council meeting.</p>
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>	<p>Correspondence to be forwarded to Shoalhaven Council. Update will be provided via email to Councillors once a response has been received.</p>
21 November 2023		
20.1	<p>Short term rental accommodation - cost recovery strategies Councillor Rice requested a report on short term rental accommodation and the possible cost recovery strategies being explored by other local government areas in NSW that are experiencing a high density of this type of tourist accommodation. This matter was referred to the Director Planning, Environment and Communities</p>	<p>To be reported to the March 2024 Council meeting.</p>
14 December 2023		
20.1	<p>Blue Haven Havilah Councillor Croxford requested a report on the Blue Haven Havilah former residential aged care facility to identify under the boarding houses and co-living housing provisions of the NSW Planning Act the viability of, and range of possible options available to Council to enable suitable accommodation solutions at the same time as matters relating to the Blue Haven Havilah precinct proceed. This matter was referred to the Chief Operating Officer.</p>	<p>To be reported to the April 2024 Council meeting.</p>

No	Details	Actions
20.2	<p>Delegations Councillor Keast requested:</p> <ol style="list-style-type: none"> 1. A report on the status of the review of the Council's Register of Delegations, noting that on the Council website it states it is currently under review. 2. A copy of the current Register of Delegations i.e. the register of the functions delegated to the CEO, Mayor and officers of the Council. <p>This matter was referred to the Chief Operating Officer.</p>	<p>Reported to the February 2024 Council meeting.</p>
20.3	<p>Performance Improvement Order Councillor Renkema-Lang requested a report that details:</p> <ol style="list-style-type: none"> 1. the status of the Office of Local Government Performance Improvement Order issued on 8 November 2022 2. correspondence between Council and the Office of Local Government since July 2023 related to progress against any outstanding action items detailed in the PIO report. <p>This matter was referred to the Chief Executive Officer.</p>	<p>Reported to the February 2024 Council meeting.</p>
20.4	<p>Jamberoo Heritage Review Councillor Larkins requested an update on the progress of the Jamberoo Heritage Review and whether as a result of the deferral from 12 months ago, that creating heritage conservation areas are no longer being considered. This matter was referred to the Director Planning, Environment and Communities.</p>	<p>An update on the Jamberoo Heritage Review will be sent to Councillors via an email from the Director.</p>

17.11 Response to Notice of Motion (23/374OC): Background on timed "No Parking" restrictions outside of Kiama Public School, Collins Street KiamaResponsible Director: Infrastructure and Liveability

Precis

At the December 2023 Council meeting following a Notice of Motion, Council resolved (Minute 23/374OC):

1. Provide a report for information about when the installation of timed 'No Parking' restrictions were approved outside Kiama Public School for the 45-degree angle spaces on the western side of Collins Street, south of Akuna Street, and also provide the date on which these signs were installed between December 2020 and March 2022.
2. As part of the report, provide an update on the number of infringement notices issued at this site between the above-mentioned timeframe.
3. Review the current time parking arrangements around Kiama Public School and continue to work with relevant stakeholders on any future changes.

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

Background

1. A search of Council records show that the 7 angled parking spaces on the western side of Collins Street had timed No Parking for School Zones installed originally in January 2002. However, it was removed in September 2013 after significant changes to the School Zone parking arrangements in Bong Bong Street.

The restrictions were re-installed in the period June to July 2020 when the COVID pandemic led to parents being restricted in their access to school grounds around NSW. Unrestricted parking was available across those 7 spaces from 2013 to 2019, and the spaces were generally not readily available to Kiama PS parents. The parking opposite on the eastern side and in Collins Street to the north is restricted to 2 hour parking and also provided little or no access for school parents. For these reasons, parents needed these additional No Parking spaces close to the school when dropping off and collecting children.

2. The number of infringement notices issued in the time since the School Zone timed parking restrictions were re-installed in Collins Street Kiama, has not been determined. This is because the infringements are filed by infringement number, rather than the location or type of offence. The infringement numbering system is used by Council to manage the income from fines and when working with Revenue NSW and the Courts.
3. Council reviews parking and traffic arrangements around schools as an ongoing process of improvement. However, the key stakeholder is the school community because the community needs to agree the arrangements either in place or being discussed are workable. In the case of Kiama Public School Council is also working with the community by way of education strategies in order to improve compliance, rather than suggest changes to the parking arrangements

17.12 Supporting and working with First Nations CommunityResponsible Director: Planning, Environment and Communities

Aboriginal and Torres Strait Islander people make up 2.3% of the population within the Kiama Local Government Area (LGA). The Kiama community has a strong sense of pride that resonates amongst locals and is shown by the rich cultural activities that take place throughout the year.

Council is proud and committed to support and work with our First Nations people. Over the year, Council has worked with the Aboriginal community on various initiatives, namely cultural events and local art and cultural projects. A recent review of working relationships and local initiatives, coupled with the community feedback and aspirations has identified a need for Council to develop its first Reconciliation Action Plan (RAP).

Council has connected with Reconciliation Australia to guide and support the development of Kiama's RAP, using the RAP Framework. There are successive steps for organisations to deliver outcomes under RAP, starting with 'Reflect RAP' (first of 4 steps in reconciliation). This will assist Council to prepare a more systematic approach to reconciliation initiatives and working with the community. The RAP will consolidate initiatives and programs Council will undertake in collaboration with the community to strengthen relationship with our First Nations People.

One of the key elements of developing a RAP is the establishment of a RAP Working Group. Council's Aboriginal Liaison Officer has been liaising closely with community members regarding the establishment of the Aboriginal Reference Group. The Aboriginal Reference Group will provide input and support the development of the draft RAP. The RAP will then be submitted to Reconciliation Australia for initial approval and then to Council for endorsement. Once in place, the Reflect RAP is estimated to be completed within 12 months.

Expected to commence soon, the Aboriginal Working Group will be an independent community led group that would meet regularly in Kiama. The group will work on a variety of projects such as the Aboriginal Heritage Project, funded by the NSW Department of Community and Justice to identify sacred cultural sites within the Kiama LGA, to be preserved and raise community awareness on these significant sites among local community, and visitors.

Other initiatives currently underway include:

- development of cultural awareness training for staff.
- facilitating Aboriginal community participation and cultural representation at Council events such as Australia Day.
- supporting community members with the establishment of the Aboriginal Reference Group including provision of venue and engagement mechanism with Council.
- development of a cultural protocol, in consultation with the Reference Group.
- planning for 'Youth Yarn Up', a program on Aboriginal culture and heritage, commencing from February.

Reports for Information

17.12 Supporting and working with First Nations Community (cont)

-
- planning for Sorry Day event in May 2024.
 - contributing to planning and delivery of NAIDOC Week program for implementation from 5-12 July 2024, including the Illawarra NAIDOC Awards hosted by Shoalhaven City Council.
 - providing cultural advice and information to Council staff and external stakeholders.
 - collaboration and information sharing with internal and external stakeholders.

Communication/Community Engagement

Council will be working closely with the Aboriginal Reference Group, as the key platform to inform, consult and engage with the First Nations people.

Risk Implication

There is no risk exposure associated with this report.

18 LATE ITEMS

19 NOTICE OF MOTION

19.1 Notice of Motion: Cul de sacs and waste vehicles

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

MOTION

That Council:

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

Signed Councillor Stuart Larkins

Purpose

The purpose of this motion is to assist our waste services with accessing and managing bin collection services across our LGA in cul de sacs and turning bays and to do so in a safe manner.

Background

Over the past 12 to 18 months, Kiama Council's waste services have requested to the Kiama Traffic Committee that waste vehicles have had difficulties with accessing

Notice of Motion

19.1 Notice of Motion: Cul de sacs and waste vehicles (cont)

waste bins of residents in cul de sacs and turning bays. It has resulted in some of the vehicles also having to undertake unsafe turning manoeuvres.

The requests have resulted in the installation of timed 'no parking' signs and restrictions on 6 out of the 7 locations listed in point 1.

In addressing point 2, I have met with nearly all residents who reside in Eastern View Place, Kiama, who are concerned about the installation of the 'no parking' signs and the subsequent restrictions which are not timed to the waste services. The residents have respectfully requested that the recent installation be reviewed and are open to supporting a change in the signs that they be timed to only when the waste bins are collected. This would bring Eastern View Place, Kiama being brought into line with the other locations listed in Point 1.

In addition to the background provided, and the notice of motion, there has been a gradual increase in the requests by the waste services to the traffic committee for more locations to have signs installed. The third point of the motion is designed to undertake an appropriate review of current cul de sacs and turning bays to ensure that waste services vehicles can access bins and do so in a safe manner for our workers and the community.

Chief Executive Officer response

Council alters and updates traffic management arrangements based on reported safety, operational and legislative requirements with proposed changes being submitted to the Local Traffic Committee, as required, for review and endorsement prior to Council engaging its delegations under the Roads Act 1993 to implement.

The parking restrictions proposed by Council for Eastern View Place were considered by the Kiama Local Traffic Committee at its meeting of 5 September 2023 and subsequently resolved for implementation by Council at its meeting of 19 September 2023.

In assessing the situation at Eastern View Place the following issues were taken into consideration in proposing the No Parking area:

1. Concerns about ability for service/delivery trucks and waste collection trucks to safely turn around in the turning head of Eastern View Place
2. The Development Control Plan
 - 3.6.92 *"T" or "Y" turning heads will only be permitted within small cul-de-sacs/access roads which serve up to a maximum of 10 lots/dwellings. In most cases, a "Y" turning head configuration is preferred, in order to discourage potential parking in the turning space. Turning heads must provide sufficient space for larger vehicles such as waste and recycling collection trucks to make a three point turn.*
 - 3.6.93 *Where a "T" or "Y" turning head is proposed, a suitable waste and recycling bin storage area(s) must be carefully positioned on the left hand (forward direction of the truck). The bin storage area(s) must not be located any closer than 5 metres from the forward end and 8 metres from the reverse end of the "T" or "Y" turning head. This is to ensure that waste and recycling collection trucks are able to satisfactorily service the bin storage areas.*

Notice of Motion

19.1 Notice of Motion: Cul de sacs and waste vehicles (cont)

-
3. Observation that given the arrangements of the various driveways there was limited legal parking along the perimeter of the turning head
 4. Analysis that determined that a Medium Heavy Vehicle (the most common delivery vehicle size) was unable safely undertake a turning maneuver with vehicles parked within the turning head.
 5. Council's operational needs for safe access for waste collection and managing the safety and compliance circumstance of staff
 6. Observed parking conflicting with the intentions of the turning head
 7. The general nature of the parking/maneuvering conflicts being different to that being experienced by waste vehicles in some of the other cul-de-sac situations were a lower impact solution, such as a day & time based restrictions, could be implemented and monitored for potential increases in restrictions if the presenting issues continue or other impacts increase
 8. The use of the lower level restriction of No Parking, compared to No Stopping, so as to cater for quick legal stopping for passenger and/or delivery vehicles within the time restrictions set out in the NSW Road Rules.

Should Council resolve to review the traffic management arrangements, this could be undertaken within existing resources; however, the same considerations as outlined above would apply. Should any opportunities for change be identified that would be presented to the Traffic Committee for review.

With respect to assessing all turning heads and cul-de-sac arrangements across the municipality; this would be a large scale and potentially resource intensive process and would require a specific budget allocation in order to be able to complete. At this time there are no grant programs that align with this type of project so resources would have to be funded from general revenue.

At this time, staff have been assessing the sites on an issues raised basis to minimise resource allocation away from other committed projects and the potential budget impacts for assessment and implementation.

If resolved in the affirmative, a conceptual cost impact could be estimated for the assessment process; however, the potential budget impacts for any implementation program would have to be identified as an outcome of the assessment process.

20 QUESTIONS FOR FUTURE MEETINGS

21 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 13 February 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 BLUE HAVEN UPDATE

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

22.2 DEPOSIT REFUND REQUEST: BOOKING FOR THE PAVILION KIAMA

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

22.3 WRITE-OFF OF OUTSTANDING DEBTS

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

22 CONFIDENTIAL REPORTS

22.1 Blue Haven Update

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.

22.2 Deposit refund request: booking for The Pavilion Kiama

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

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

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

REASON FOR CONFIDENTIALITY

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

22.3 Write-off of outstanding debts

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

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

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

REASON FOR CONFIDENTIALITY

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

23 CLOSURE

Item 22.1 CONFIDENTIAL