



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 10 February 2015

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Confirmation of Minutes of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Public Access Summary
- 6 Mayoral Minute
- 7 Minutes of Committees
- 8 Public Access Reports
- 9 Report of the Director Environmental Services
- 10 Report of the General Manager
- 11 Report of the Director Corporate and Commercial Services
- 12 Report of the Manager Corporate Services
- 13 Report of the Director Engineering and Works
- 14 Report of the Director Community Services
- 15 Reports for Information
- 16 Addendum To Reports
- 17 Notice of Motion
- 18 Questions Without Notice
- 19 Confidential Summary
- 20 Confidential Reports
- 21 Closure

Members

His Worship the Mayor
Councillor B Petschler
Councillor W Steel
Deputy Mayor
Councillor M Honey
Councillor G McClure
Councillor N Reilly
Councillor K Rice
Councillor D Seage
Councillor A Sloan
Councillor M Way

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

3 February 2015

To the Chairman & 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** on **Tuesday 10 February 2015** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

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

Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 10 FEBRUARY 2015**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF 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 Ordinary Council Meeting 16 December 2014

Attachments

- 1 Minutes - Ordinary Meeting 16 December 2014

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Meeting held on 16 December 2014 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 16 DECEMBER 2014

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

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16 DECEMBER 2014

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 16 DECEMBER 2014 AT 5PM**

PRESENT: Mayor – Councillor B Petschler,
Deputy Mayor – Councillor W Steel
Councillors G McClure, N Reilly, K Rice, D Seage, A Sloan
and M Way

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

1 APOLOGIES

Councillor M Honey

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor declared the meeting open and Councillor Reilly provided an
acknowledgement of the traditional owners:

The Mayor asked those present to be upstanding for one minute's silence in memory
of the siege hostages killed in the Lindt Cafe in Sydney's Martin Place on Monday
15 December 2014.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting on 18 November 2014

14/280

Resolved that the Minutes of the Ordinary Meeting held on 18 November 2014 be
received and accepted.

(Councillors McClure and Steel)

3.2 Extraordinary Meeting on 2 December 2014

Resolved that the Minutes of the Extraordinary Meeting held on 2 December 2014
be received and accepted.

(Councillors McClure and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

5 PUBLIC ACCESS

Mr R McKinnon – DA 10.2014.189.1, DA 10.2014.193.1, DA 10.2014.191.1 – all lots regarding Torrens Title Subdivision, Wyalla Road, Jamberoo

Mr R Curnow - DA 10.2014.189.1, DA 10.2014.193.1, DA 10.2014.191.1 – all lots regarding Torrens Title Subdivision, Wyalla Road, Jamberoo

Mr P Lewis - DA 10.2014.189.1, DA 10.2014.193.1, DA 10.2014.191.1 – all lots regarding Torrens Title Subdivision, Wyalla Road, Jamberoo

The Mayor asked Drs Andrew and Robyn Dalley to come forward and present the Megan Dalley Award on behalf of the Dalley family.

6 MAYORAL MINUTE

6.1 Megan Dalley Award

14/281

Resolved that Council congratulates Matthew Finch on the receipt of the 'Megan Dalley Trainee of the Year Award'.

(Councillors Petschler and Reilly)

The Mayor asked Ms Leanne Williams (nee East) to come forward and present the Robert East Award on behalf of the East family.

6.2 Robert East Award

14/282

Resolved that Council congratulates Terry Quinn and Greg Herbert on the receipt of the 'Robert East Community Service Award' for 2014.

(Councillors Petschler and Steel)

6.3 Executive Certificate for Elected Members: Councillors D Seage, N Reilly and A Sloan

14/283

Resolved that Council formally extend its congratulations to Councillors Reilly, Sloan and Seage on their attaining the Executive Certificate for Elected Members.

(Councillors Petschler and Way)

A presentation of certificates was made by the Mayor to Councillors Reilly, Sloan and Seage.

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

6.4 Seasons Greetings to All

14/284

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

(Councillors Petschler and McClure)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee Meeting - Minutes

14/285

Resolved that Item 2 Informal Items – Seaview Street – Intersection with Shoalhaven Street, Kiama (CR223) be deferred until the February 2015 Kiama Local Traffic Committee meeting to allow for additional information to be provided to that meeting.

(Councillors Seage and Reilly)

14/286

Resolved that subject to the above amendment the Minutes of the Kiama Local Traffic Committee Meeting held on 9 December 2014 be received and accepted.

(Councillors McClure and Way)

14/287

Resolved that Council write to the RMS representative on the Kiama Local Traffic Committee, Mr Andy Gaudiosi acknowledging Council's appreciation of his long standing membership on the Committee and his commitment to road safety in the Kiama LGA.

(Councillors Petschler and Way)

8 PUBLIC ACCESS REPORTS

14/288

Resolved that at this time, 5.18pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Seage)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1)

14/289

Resolved that Council approve development Application number 10.2014.189.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the draft conditions at the end of this report.

(Councillors Way and Steel)

14/290

An amendment was moved by Councillor Sloan and seconded by Councillor Reilly that the application be deferred to enable a further Senior Counsel opinion to be obtained.

(Councillors Sloan and Reilly)

The amendment was put and **carried**.

For: Councillors Petschler, McClure, Reilly, Seage, Sloan and Rice

Against: Councillors Way and Steel

The amendment became the Motion and was **carried**.

For: All Councillors

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1)

14/291

Committee recommendation that Council defer the application to enable a Senior Counsel opinion to be obtained.

(Councillors Reilly and Seage)

For: Councillors Petschler, Reilly, Rice, Sloan, Steel, Seage and McClure

Against: Councillor Way

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1)

14/292

Committee recommendation that Council defer the application to enable a Senior Counsel opinion to be obtained.

(Councillors Sloan and Seage)

For: Councillors Petschler, Reilly, Sloan, Rice, Steel, Seage and McClure

Against: Councillor Way

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Draft Chapter 31 Site Specific Controls – Wyalla Road Residential Release Area

14/293

Committee recommendation that :

1. Council endorse draft Chapter 31 site specific controls – Wyalla Road Residential release Area for public exhibition subject to the provisions of the Environmental Planning and Assessment Act for a period not less than 28 days.
2. at the completion of the exhibition period a further report be submitted to Council.

(Councillors Sloan and Seage)

For: All Councillors

COMMITTEE OF THE WHOLE

14/294

Resolved that at this time, 5.50pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Director Environmental Services
- Report of the General Manager
- Report of the Director Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors Reilly and Way)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

9.5 Development Application for a 16 lot Torrens Title subdivision for Lot 2 DP 1165344 & Lot 20 DP 1151501 Caliope Street Kiama (10.2014.161.1)

14/295

Committee recommendation that Council approve Development Application number 10.2014.161.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the 'draft' conditions at the end of this report.

(Councillors Steel and Way)

For: All Councillors

9.6 Dual Occupancy Subdivision - Planning Proposal

14/296

Committee recommendation that:

1. Council staff provide a report on likely administrative Planning Proposals required under Kiama LEP 2011 and potential time frames for same.;
2. Council receive a report on the possibility of amending the B7 planning zones to include gymnasiums and fitness centres, as well as light industrial training; and
3. a report be provided on the need to form an LEP Review Committee.

(Councillors Seage and Reilly)

For: Councillors Petschler, Way, Sloan, Steel, Seage and McClure
Against: Councillor Rice

9.7 Kiama Development Industry Committee - Membership request

14/297

Committee recommendation that Council invite Mr Michael Mantei to attend a meeting of the Kiama Development Industry Committee and apply for membership to the Committee in September 2015.

(Councillors Seage and McClure)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

9.8 Prohibition of Camping and Other Activities - Bombo Beach (North)

14/298

Committee recommendation that :

1. Council endorse the proposal to establish an 'alcohol prohibited area', at the northern end of Bombo Beach described as Lot 1 DP 744712 (indicated in attachment 2 – map 1) prohibiting the consumption of alcohol between the hours of 9.00pm and 5.00am and consultation be undertaken as outlined in this report and in accordance with legislation; and
2. A further report is to be submitted to council following the completion of the consultation process.

(Councillors Way and Seage)

10 REPORT OF THE GENERAL MANAGER

Nil

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Kiama Economic Development Strategy

RECOMMENDATION

That council adopt the draft Kiama Economic Development Strategy with the inclusion of the amendments as outlined in the report.

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

14/299

Committee recommendation that the information relating to the Statement of Investments for November 2014 be received and adopted.

(Councillors Sloan and McClure)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Licence Agreement - Jamberoo Markets

14/300

Committee recommendation that Council:

1. advertise the proposed licence for the Jamberoo Markets being on community land as required under the Local Government Act 1993;

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

2. enter into a licence agreement with the Jamberoo Business Group Inc. for the running of the Jamberoo Markets in accordance with development consent D2014.255 and other licence conditions as appropriate subject to satisfactory advertising of the proposal; and
3. that delegated authority be given to the General Manager to sign all documentation associated with the licence agreement.

(Councillors Steel and Rice)

13.2 Temporary Licence - Kiama Farmer's Markets

14/301

Committee recommendation that Council as Blowhole Point Reserve Trustee (R87397) enters into a new temporary licence agreement with the Kiama Farmer's Markets Inc. for the continued operation of the markets on Black Beach for a further 12 months and that delegated authority be given to the General Manager to sign any documentation associated with the licence.

(Councillors Rice and Steel)

13.3 Access to Seven Mile Beach - Beach Haul Fishing.

14/302

Committee recommendation that Council consent to the provision of access to Seven Mile Beach Gerroa over Track 7 by licensed beach haul fishermen for a twelve month trial period under the conditions outlined in this report with advice that the consent will be revoked if the condition relating to the locking of the gate is not met.

(Councillors McClure and Seage)

An amendment was moved by Councillor Rice and seconded by Councillor Sloan that the matter be deferred pending further information.

The amendment was put and **lost**.

The original Motion was put and **carried**.

14/303

Committee recommendation that Council seek input into the granting of beach haul fishing licences by NSW Fisheries.

(Councillors Way and Steel)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

13.4 Licence Agreement - KISS Arts Festival

14/304

Committee recommendation that Council enter into a licence agreement with Tamara Campbell (t/a Sunflower Productions ABN 71 360 095 461) for the use of the following public reserves for the KISS Arts Festival between 4 January 2015 and 14 January 2015:

1. Hindmarsh Park Kiama (R89014);
2. Coronation Park Kiama (R131);
3. Kendalls Beach Caravan Park;
4. Old School Park, Gerringong;

and that delegated authority be given to the General Manager to sign any documentation associated with the licence.

(Councillors Steel and Rice)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 NSW Public Library Funding Campaign - continued local government support needed

14/305

Committee recommendation that Council continue its support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:

- a) supporting the Day of Action held in libraries across the state on 5 December 2014 with the primary objective of engaging community members and attracting the attention of local media.
- b) encouraging community groups and individuals to make representations to their local Member of Parliament Gareth Ward on Tuesday 13 January 2015 in regards to supporting the urgent need for increased and sustainable funding for NSW libraries to ensure that the library funding issue becomes a relevant issue for Members of Parliament.
- c) taking a lead role in activating the campaign locally and encouraging community participation.

(Councillors Sloan and Reilly)

14.2 Kiama Health & Sustainability Committee - Revised Terms of Reference

Committee recommendation that Council endorse the proposed revised Terms of Reference for the Kiama Health and Sustainability Committee

(Councillors Rice and Way)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

14.3 Kiama Hospital Redevelopment

14/306

Committee recommendation that Council:

- 1) endorse the purchase of the Kiama Hospital site with the inclusion of remediation costs; and
- 2) endorse the signing of the Funding Deed for NSW Infrastructure as soon as possible with the determination of proceeding with the residential lots being made at a future Council meeting.

(Councillors Seage and McClure)

15 REPORTS FOR INFORMATION

RECOMMENDATION

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

- 15.1 South Precinct Minutes - Meeting of 15/10/14
- 15.2 Annual Report 2013/14
- 15.3 Kiama Liquor Accord - Minutes
- 15.4 OK - Organics Kiama Program
- 15.5 Minutes from Kiama Development Industry Committee - 11 November 2014
- 15.6 Changes to the 10/50 Clearing Entitlement Area
- 15.8 Dog on-leash swimming area, Minnamurra River - confirmation of agreed area
- 15.9 Busking Competition and Chalk Artist
- 15.10 Seven Mile Beach Holiday Park - Fraud
- 15.11 Economic Development Committee - Minutes of Meeting held 25 November 2014
- 15.12 Outdoor Movies 2015
- 15.13 Short Film Competition
- 15.14 Kiama Road Safety Steering Committee Meeting - Minutes
- 15.16 Kiama Youth Centre Indent Concert
- 15.17 Southern Phone Company grants scheme
- 15.18 Councillor Meeting Register
- 15.19 2013-2014 StateCover Workers Compensation and WHS Performance Report
- 15.20 Free Public WiFi Service in the Kiama CBD
- 15.21 Fit for the Future
- 15.22 Fit for the Future - Joint Organisations
- 15.23 Recording of Confidential Meetings
- 15.24 Christmas Wishes - Merry Christmas to All
- 15.25 Kiama Walking Tracks and Cycleways Committee Recommendations.
- 15.26 Parking Statistics - November 2014
- 15.27 Kiama Walking Tracks and Cycleways Committee Meeting - Minutes November 2014
- 15.28 Kiama Access Committee Meeting - Minutes December 2014.

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

15.7 Marine Estate Management Authority - Survey Results

14/307

Committee recommendation that Council:

1. notes that well managed Marine Parks are known to be beneficial for biodiversity and fish populations;
2. notes that ongoing fishing in the no take zones of Marine Parks may reduce regional biodiversity and fish stocks;
3. notes that the community response to the Marine Estate Survey demands both protection of biodiversity and increased usage of marine areas;
4. notes that an increased local and tourist population will place pressure on the Marine Estate that needs to be planned for;
5. writes to Premier Baird and Minister Stokes and requests that:
 - a) the amnesty on recreational fishing in no take zones is now ended or replaced by other measures known to maintain biodiversity;
 - b) the public education that is recommended to progress Marine Estate Management includes material that improves public awareness of ways that revitalisation of ocean life can be achieved and maintained.
 - c) the report of the Marine Estate Expert Knowledge Panel and the evidence underlying proposals for reconciliation of the environmental, social and economic facets of the Marine Estate be made public.

(Councillors Rice and Sloan)

15.15 The 6th Global Conference of the Alliance for Healthy Cities -

14/308

Committee recommendation that Council investigate joining the World Health Organisation Global Network of Age Friendly Cities and that a report be provided to the February 2015 Council meeting.

(Councillors Rice and Sloan)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

RESUMPTION OF ORDINARY BUSINESS

RECOMMENDED

That at this time, 6.55pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

16 ADDENDUM TO REPORTS

14/309

Resolved that at this time 6.55pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Way and Sloan)

16.1 Australia Day and Municipal Achievement Awards - Nomination Awards

14/310

Committee recommendation that Council endorse the decision of the Australia Day Wards Judging Panel and the date of the presentation of these Awards.

(Councillors Steel and Reilly)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

14/311

Resolved that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 14/280 to 14/311 above.

(Councillors McClure and Seage)

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE

18.1 Tourism - Festival and Event Site

Councillor Reilly requested a report on suitable sites in the Municipality for function, festival and event sites that could be used for:

Scout Jamborees;
Industrial and Agricultural Equipment Expos;
Motocross and BMX Competitions;
Folk and Cultural Festivals;

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

Garden Shows;
Car Shows;
Indigenous Festivals;
Ethnic Festivals;

and when not used for these purposes, an RV park.

The Mayor referred this matter to the Director of Engineering and Works for information and report.

18.2 Street Lighting

Councillor Sloan requested a report on the feasibility and process of retrofitting street lights with LED globes. The Mayor referred this matter to the Director of Engineering and Works for information and report.

18.3 Learner Drivers

Councillor Rice requested a report on suitable sites throughout the Municipality for students to practice driving whilst they are still very early in their driving education. The Mayor referred this matter to the Director of Engineering and Works for information and report.

18.4 Council Meetings

Councillor Steel requested a report on the possibility of moving the March Council meeting from 17 March to 10 March 2015. The Mayor referred this matter to the General Manager for information and report.

18.5 Bombo to Cathedral Rocks Walkway/Cycleway

Councillor Steel requested information on the progress of the reinstatement of the coastal walkway/cycleway between Bombo and Cathedral Rocks. The Director of Engineering and Works advised that a temporary path is to be installed before Christmas.

18.6 Meehan Drive Kiama Downs

Councillor Seage requested a report on the concrete traffic calming devices located in Meehan Drive, Kiama Downs. The Mayor referred this matter to the Director of Engineering and Works for information and report.

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19 MATTERS OF URGENCY

14/312

Resolved It was moved by Councillor Steel and seconded by Councillor Way that the following matters be brought forward as matters of urgency.

(Councillors Steel and Way)

19.1 Tourism Conference – 2-4 March 2015

14/313

Resolved that Councillors Reilly, Honey, Seage and Steel be approved to attend the Conference.

(Councillors Steel and Way)

19.2 Seachange Conference - 11-13 March 2015

14/314

Resolved that Councillors Reilly, Rice and other interested Councillors be approved to attend the Conference.

(Councillors Reilly and Sloan)

20 CONFIDENTIAL SUMMARY

14/315

Resolved that at this time, 7.06pm, 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 Reilly and Way)

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.

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

20.1 Exclusion Of Press And Public:

14/316

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

20.1 INVESTMENTS

Reason for Confidentiality: This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act. .

20.2 RETAIL DEVELOPMENT AKUNA/SOALHAVEN STREET KIAMA - DEED OF AGREEMENT

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

20.3 WIDE AREA NETWORK FIBRE INSTALLATION

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

20.4 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENTS - REVIEW FOR THE PERIOD FROM 1 JULY 2013 TO 30 JUNE 2014

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.

20.5 LAND FOR SALE - LOT 1 DP: 50193 160 TERRALONG STREET, KIAMA AND LOT 1 DP: 506764 AKUNA STREET, KIAMA

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 Seage and McClure)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

19 CONFIDENTIAL REPORTS

20.1 Investments

14/317

Committee recommendation that Council endorse the proposed range of a maximum offer on the basis that there is no interest payable to LBSF and no ANZ fees, irrespective of whether ANZ agrees in negotiations to make any contribution.

(Councillors Sloan and Seage)

20.2 Retail Development Akuna/Shoalhaven Street Kiama - Deed of Agreement

14/318

Committee recommendation that Council:

1. enter into a Deed of Agreement with the retailer for the future leasing of the Akuna/Shoalhaven Street site with a future developer/purchaser of the land;
2. that following the signing of the Deed of Agreement by Council and the other party, that Colliers International (Wollongong) proceed to Expression of Interest and Tender for sale of the land;
3. undertake a consolidation of land titles comprising the Shoalhaven/Akuna Street development site (except Lots 10 and 15 DP229319) prior to the land being offered for sale by Expression of Interest;
4. that Council dedicate Lot 10 and Lot 15 DP229319 as public road; and
5. delegated authority be given to the General Manager and Mayor to the signing of all documentation including the seal of Council with respect to recommendations 1 and 3 above including publishing a notice in the Government Gazette pursuant to Section 10 of the Roads Act 1993 that Lot 10 and Lot 15 DP229319 are dedicated as public road with respect to (4) above.

(Councillors Steel and McClure)

20.3 Wide Area Network Fibre Installation

14/319

Committee recommendation that Council accepts the Bass Electrical quote to install stage 2 of the fibre network in the Kiama CBD between the Library and Pavilion.

(Councillors Way and Reilly)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

20.4 Executive Officers' Performance Agreements - Review for the Period from 1 July 2013 to 30 June 2014

14/320

Committee recommendation that Council adopt the proposed structure of the evaluation of performance of the Executive Officers and endorse the performance reviews for the 2013/2014 year.

(Councillors Steel and Seage)

20.5 Land for Sale - Lot 1 DP: 50193 160 Terralong Street, Kiama and Lot 1 DP: 506764 Akuna Street, Kiama

14/321

Committee recommendation that Council maintain the current tender.

(Councillors Seage and McClure)

Close of Confidential Committee of the Whole:

14/322

Resolved that at this time, 7.34pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors McClure and Way)

Adoption of Report

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

14/323

Resolved that that the Confidential Committee of the Whole recommendations numbered 14/314 to 14/319 be confirmed and adopted.

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

16 DECEMBER 2014

20 CLOSURE

There being no further business the meeting closed at 7.35pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
10 February 2015

.....
Mayor

.....
General Manager

Item 3.1

Attachment 1

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Australia Day Award Ceremony and Australia Day Events

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council :

- 1) Extend congratulations to the 2015 Australia Day Awardees;
- 2) Thank Richard Walsh for the Australia Day Address;
- 3) Thank Harry O'Brien, Kiama Men's Probus Choir and Loren Collyer for the excellent entertainment;
- 4) Congratulate and thank Ms Melissa Colless on her significant role in organising the event;
- 5) Thank Councillors Reilly, Way and Steel along with the General Manager, Ms Pip Spence, Ms Kirrilee McManus and Ms Louise Croker for their assistance in the organising of the successful Australia Day events.

REPORT

On 15 January 2015 the winners of Kiama Council's Australia Day & Achievement Awards 2015 were officially announced at a special function held in the Pavilion. Councillor Reilly as chair of the Australia Day Committee was the Master of Ceremony.

Kiama's Australia Day 2015 Award winners were:

Australia Day Citizen of the Year	Gerard McInerney
Australia Day Young Citizen of the Year	Emily Stratten
Australia Day Sports Award	Aidan Zingel
Australia Day Community Arts Award	John Cornwell

Kiama Council's Achievement Award 2015 winners were:

Community Achievement	Derek & Nicole McMahon
Service to the Environment	Howard Jones
Youth Achievement	Bjorn Meyers

Mayoral Minute

6.1 Australia Day Award Ceremony and Australia Day Events (cont)

The Ceremony also acknowledged the following as Kiama's inductees to the Arts Honour Roll:

Charmian Clift

Orry Kelly

John Downton

Dennis Koks

The attendees were entertained by Harry O'Brien and the Kiama Men's Probus Choir. Harry O'Brien a local resident and school student is highly talented and has a bright career ahead of him.

Celebrated publisher, Richard Walsh gave the Australia Day Address reflecting on his days as a child visiting the South Coast and Kiama and commenting on the positive changes that have occurred to Kiama since.

On the Sunday night before Australia Day the legendary Australian film "The Castle" was shown at Black Beach. The film was sponsored by IMB and Council.

The Australia Day Citizenship Ceremony was held on Monday 26 January outside the Community Centre in Hindmarsh Park welcoming thirteen new Australian Citizens to our community. The Australia Day Ambassadors were the Special Olympics Dance Performance Group who provided inspiration through their dance and speech. Local musician Loren Collyer also provided entertainment.

Successful breakfasts were held at Kiama, Kiama Downs, Jamberoo and Gerringong with the "Special Olympics Dance Performance Group" attending the Gerringong breakfast.

The principal organiser of the Australia Day events was Ms Melissa Colless. In her first year of organising the events Melissa did an excellent job ensuring all of the events ran very smoothly and at a high standard. She deserves a significant commendation.

6.2 The 167th Kiama Show**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council congratulates Show President David Young and the Kiama Show Society on the successful 167th Annual Kiama Show.

REPORT

The Kiama Show Society held the 167th Annual Kiama Show at the Kiama Showground on 23 and 24 January 2015. The Kiama Show, which included a number of major attractions and features, was highly successful.

The Show commemorated the Centenary of ANZAC with the RSL sponsorship of classes within the Pavilion and the program including reference to the First World War and the use of the Kiama Showground as a training camp by the Department of Defence.

A tremendous amount of work is undertaken by members of the Show Society leading up to and during the event to ensure that the Show runs smoothly and is a great enjoyment for locals and visitors.

Members of the Show Society should again be congratulated on their hard work and creativity in providing such a high standard show.

6.3 Surf Rescue**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council send John McGregor and Noah Uphill a letter of commendation and refer the incident and rescue to the Royal Life Saving Society for their information.

REPORT

I was recently contacted by a resident of North Kiama advising me of the bravery of Mr John McGregor and Mr Noah Uphill who entered heavy surf at the southern end of Jones Beach on 13 January 2015 to assist in the rescue of two girls.

The two girls were swimming in the surf at approximately 7.30pm when a rip took them approximately 200 metres out to sea and behind the breakers. Their father reached the girls on a board but due to the conditions needed assistance. John and Noah watching the events unfold selflessly jumped in and swam out through the heavy surf to the group. They then accompanied and directed the group some 500 metres to the beach below Cathedral Rocks where they emerged safely.

It would be appropriate for Council to send John and Noah a letter of commendation and refer the incident and rescue to the Royal Life Saving Society for their information.

6.4 South Coast Regional Sea Level Rise Policy and Planning Response Framework.**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council write to the Member for Kiama, Mr Gareth Ward, Minister for the Environment, the Hon Rob Stokes and the Premier of NSW, the Hon Mike Baird MP requesting that the NSW Government:

- 1) Adopt a State-wide guideline for sea level rise that is consistent with the South Coast Regional Sea Level Rise Policy and Planning Response Framework
- 2) Monitor future Intergovernmental Panel on Climate Change reports to inform updates to planning advice issued to local councils
- 3) Take over responsibility for preparing all Coastal Hazard Studies in NSW to ensure consistency of methods applied to examine coastal hazards.

REPORT

The Mayor of Eurobodalla Shire Council recently wrote to me advising of the Eurobodalla Shire's resolution relating to the South Coast Sea Level Rise Policy and Planning Response Framework.

An extract from the letter is as follows:-

"On behalf of Eurobodalla Shire Council I wish to bring to your attention Council's adoption of the South Coast Regional Sea Level Rise Policy and Planning Response Framework. In July, I wrote advising you of the report being placed on public exhibition and encouraged each local council to consider the draft as a potential guideline to inform a return to a State-wide approach to sea level rise planning.

The project was collaboration between Shoalhaven City Council and Eurobodalla Shire Council who initiated the report following withdrawal by the NSW Government of a State-wide policy for sea level rise. The project was supported by the Office of Environment and Heritage through the provision of funding and participation of staff on a technical review panel.

The regional approach adopted by our Council has yielded an outcome that we believe will benefit all coastal councils in New South Wales by providing a structured approach that can serve as a suitable replacement for the previous State policy on sea level rise. Above all else, it will provide a degree of certainty to our communities in respect to how sea level rise will be considered now and into the future.

Mayoral Minute

6.4 South Coast Regional Sea Level Rise Policy and Planning Response Framework. (cont)

In adopting this report at its meeting held on 25 November 2014, Council resolved to approach the Premier of NSW, the Hon Mike Baird MP, requesting three key actions from the State Government:

- 1. Adopt a State-wide guideline for sea level rise that is consistent with the South Coast Regional Sea Level Rise Policy and Planning Response Framework*
- 2. Monitor future Intergovernmental Panel on Climate Change reports to inform updates to planning advice issued to local councils*
- 3. Take over responsibility for preparing all Coastal Hazard Studies in NSW to ensure consistency of methods applied to examine coastal hazards.*

In regard to such, we again encourage you to support Eurobodalla Shire Council by lobbying your local member and the Minister for the Environment, the Hon Rob Stokes, to endorse the report via adopting its use in a State policy resolution.

The return to a State-wide policy will ensure a uniform strategic approach is applied by all local government areas when developing a response to the risk presented by sea level rise. It will also lead to potential cost savings to the State Government and local councils in not having to fund similar projects in response to the State Government direction to adopt locally relevant guidelines for seal level rise.”

The relevant Framework can be accessed on the Eurobodalla website. During a presentation of the policy and framework made at a Southern Councils Group meeting it was explained that the investigations leading to the policy and framework revealed that the south coast from Sydney to Victoria will experience the same level rise and as such the policy and framework can be applied to all coastal councils in this region.

The resolution of the Eurobodalla Shire Council is sensible and I recommend it to Council.

6.5 Passing of former Mayor and Alderman Mr Arthur Campbell**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council note his passing with regret and recognise his tremendous service to Council and the community.

REPORT

Former Kiama Mayor, Alderman and Order of Australia Medal (OAM) recipient Mr Arthur Campbell passed away on 16 January 2015.

Arthur Alexander Campbell was a resident of Gerringong who served as an Alderman of the Kiama Municipality between 1977 and 1991, and as Mayor from 1983 to 1987.

In 2010, he received the OAM for his service to local government, to his church and to Gerringong RSL.

Mr Campbell served as an Alderman during a period of high growth and change within the Kiama Municipality.

Major projects undertaken by Council during his term of office included the building of the current Administration Centre, the Kiama Leisure Centre, and the start of the major expansion of the Council-owned Blue Haven Retirement Village, particularly stages 2 and 3, and the expansion of the Nursing Home.

Mr Campbell served as a member of the Blue Haven Board of Management for many years until 2006.

Mr Campbell was highly respected by the community for his tireless work, leadership and fairness.

A retired long-term dairy farmer, Mr. Campbell had also served as President of the Gerringong RSL and was a highly active member of Rotary International, having served in the Berry-Gerringong Club, Kiama Rotary and, more recently, the Gerringong Sunrise Club.

Mr Campbell was a well respected and influential leader in local government in NSW, serving as a country executive member of the Local Government Association and as Chairman of the NSW Local Government Gas Committee.

Mayoral Minute

6.5 Passing of former Mayor and Alderman Mr Arthur Campbell (cont)

He was especially well-known in the Illawarra, being involved in the re-establishment of the Illawarra Regional Organisation of Councils, the forerunner of the current Southern Councils Group.

I had the honour of working with Arthur Campbell in the latter part of his local government career and his commitment and dedication to the municipality, and particularly Gerringong, shone through at all times.

He was a true gentleman in every sense of the word. His passing is a loss to our municipality and the Illawarra region.

I had the significant honour of delivering the eulogy at his funeral which was held in a packed Gerringong Town Hall with representatives of Council and a wide range of community organisations in attendance

Mr Campbell is survived by his wife Loma and their two children. Council has forwarded condolences to Loma and the family. It would be appropriate for a minute's silence to be held in honour of Arthur.

7 MINUTES OF COMMITTEES

Nil

8 PUBLIC ACCESS REPORTS

Committee Of The Whole

RECOMMENDATION

That Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

- Report of the Director Environmental Services
- Report of the General Manager
- Report of the Director Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Reports for Information
- Addendum to Reports

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews Development Application 10.2014.245.1 which seeks consent for a dwelling and associated access driveway. The proposed development is sited within the RU2 Rural Landscape Zone and is permissible with Council consent in this zone. The proposed development complies with the provisions of Kiama Local Environmental Plan (LEP) 2011 and the objectives of Kiama Development Control Plan 2012. A variation is sought to a rural setback control relating to separation of dwellings on adjoining properties as contained in Section 2 of Chapter 6 of Kiama Development Control Plan 2012 (DCP).

The report recommends that Council approve Development Application 10.2014.245.1 subject to conditions.

Finance

A Section 94A contribution will apply to the proposal.

Policy

N/A.

Reason for Report to Council

This development application is reported to Council for its determination at the request of Councillor Sloan.

Attachments

- 1 10.2014.245.1 - location plan
- 2 10.2014.245.1 - riparian map
- 3 10.2014.245.1 - zoning map
- 4 10.2014.245.1 - bushfire map
- 5 10.2014.245.1 - site plan
- 6 10.2014.245.1 - elevation 1
- 7 10.2014.245.1 - elevation 2
- 8 10.2014.245.1 - landscape plan

Enclosures

Nil

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

RECOMMENDATION

That Council approve Development Application number 10.2014.245.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of this report.

BACKGROUND

Applicant: Mr G R Wilson

Owner: Mr R O Wilson

Property Information

The property is described as Lot 300 in Deposited Plan 1163471 and is located at No 513 Fountaindale Road Saddleback Mountain. The zoning of the property is a combination of RU2 Rural Landscape, E2 Environmental Conservation and E3 Environmental Management pursuant to Kiama LEP 2011. A zoning map has been included in the attachments to this report. The area of the property is 40.97 hectares and it is irregular in shape.

Fountaindale Road bounds the site to the south-west of the property, unformed Mount Brandon Road to the east, an unnamed unformed road to the north and to the south a small rural property (under the same ownership as the subject site) which contains a dwelling. Mount Brandon Road is unsuitable for access to the property due to grades. The land slopes away from Fountaindale Road at a general fall of around 8° to 10° with there being some pockets of gentler sloping land available. Kiama LEP 2011 identifies seven (7) Category 2 watercourses on the property. A riparian zone map has been included in the attachments to this report. Areas between these watercourses appear to be used for grazing purposes. Council's adopted bushfire map indicates that approximately 80% of the allotment is classified as bushfire prone. A bushfire affectation map has been included in the attachments to this report.

An overhead transmission line and an associated ninety (90) metre wide easement, approximately 700 metres in length traverses through the middle and northern part of the property in close proximity to Fountaindale Road.

The property has a 922 metre frontage to Fountaindale Road in two parts as the property surrounds No 475 Fountaindale Road (Lot 1 in Deposited Plan 617894) which is 4000m² in area and has a dwelling constructed on it.

No improvements currently exist on the land however, the property has development consent (DA 10.2009.313.1) to construct a dwelling towards its northern extent which is in a bushfire zone and near an overhead transmission line.

Dwelling Site

The proposed dwelling site is located towards the southern extent of the property. A Category 2 watercourse is located to the east of the dwelling site. The watercourse continues from the terminus of the mapped watercourse approximately one hundred (100) metres uphill to a road culvert crossing which drains the western side of

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Fountaindale Road. A topographic map prepared by the Central Mapping Authority of NSW names the watercourse as McIlwain Creek and indicates that it eventually drains into Jerrara Dam.

An open drainage channel, which appears to be man-made, is located to the west and north of the dwelling site. Fountaindale Road is located approximately forty-five (45) metres to the west of the dwelling site. Three (3) Fig trees are located between Fountaindale Road and the dwelling site. The dwelling site has been chosen by the applicant as it is not mapped as being bushfire affected, is on a gentle slope, provides safe road access, is clear of the Fig tree canopies and is situated outside of the riparian zone and away from other drainage flow paths. The site also enjoys good coastal views to the east and north.

It is considered that due to the undulating landform in the locality and large areas of native vegetation in close proximity, that the site is not visually prominent when viewed from Kiama's urban areas.

Description of the Proposed Development

As mentioned above, the site currently has an operational consent for a dwelling at the northern extent of the property. According to the Statement of Environmental Effects lodged in support of the application, a transmission line in close proximity to the proposed dwelling would contribute to a loss of amenity to future occupants. The dwelling is also on land which is mapped as being affected by bushfire. This proposal seeks to replace the previous approval.

The dwelling proposed in the current application consists of a two storey contemporary design with a floor area of 374.43m². Skillion roofs are proposed in the design. The dwelling is proposed to be cut into the hillside so that the view from Fountaindale Road will be of a single storey building. Fig trees positioned between the proposal and Fountaindale Road will provide some screening. The proposal also includes a detached triple garage, 69.72m² in area, and a hardstand area to allow manoeuvring of vehicles and access to the dwelling from Fountaindale Road.

The proposed dwelling has a Colorbond sheet metal roof 'Windspray' in colour, with exterior cladding consisting of weatherboard, Colorbond sheeting and rendered brick all in 'earthy' neutral tones. Attached decks to the north are to be constructed in timber.

The proposal is situated approximately fifty (50) metres from the neighbouring dwelling (No 475 Fountaindale Road) to the east of the site. A buffer planting area is proposed to screen the proposed dwelling from the neighbouring dwelling. This is in addition to existing mature vegetation which provides extensive screening.

It is a standard Council practice that a detailed design for sewage management is not approved with the development consent but obtained with a Construction Certificate application. In order to ensure that a future system is feasible, the applicant has provided a geotechnical report which recommends an aerated waste water disposal system using a subsurface drainage system. An effluent disposal area has been nominated down slope and to the east of the proposed dwelling. The system itself and siting of the system has been assessed as being able to comply with relevant requirements when a future, specific application is lodged. A 'draft'

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

condition of consent has been included at the end of this report which makes reference to the requirement for the proposal to comply with the recommendations made in the geotechnical reports lodged in support of the development application.

Section 79C Assessment

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

Environmental Planning Instruments

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)

A BASIX Certificate was lodged with the application which demonstrates that the dwelling has been designed in accordance with BASIX.

- State Environmental Planning Policy No 55 - Remediation of Land

The previous land uses have been investigated and the site is considered suitable for the proposed use.

- State Environmental Planning Policy (Rural Lands) 2008

The proposal facilitates the orderly and economic use and development of the land for rural and related purposes.

- Illawarra Regional Environmental Plan No 1 (IREP 1)

The proposal is consistent with the aims and objectives of IREP 1.

- Illawarra Regional Environmental Plan No 2 (IREP 2)

The proposal is consistent with the aims and objectives of IREP 2.

- Kiama LEP 2011

The proposal is located in land zoned RU2 Rural Landscape pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the relevant zone objectives which are to maintain the rural landscape character of the land and to provide for a range of compatible land uses.

Specific clauses requiring consideration:

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal meets with the relevant objective of the clause which is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The matters prescribed for consideration in the clause are also deemed to be satisfied.

Clause 6.4 lists considerations and requirements for land which has been identified as "Biodiversity land" on the Terrestrial Biodiversity Map. The proposal meets with the objectives of the clause which are the protection of native fauna and flora, protecting the ecological processes necessary for their continued existence and encouraging the conservation and recovery of native fauna and flora and their habitats. The matters which are required to be satisfied prior to issue of consent are deemed to be satisfied.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. The property contains seven (7) Category 2 watercourses. The proposal meets with the objectives of the clause which are to maintain water quality within watercourses, maintain the stability of the bed and banks of watercourses, maintain aquatic riparian habitats and maintain ecological processes within watercourses and riparian areas. The matters prescribed for consideration are also deemed to be satisfied.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

The development application has been notified in accordance with Kiama Development Control Plan DCP 2012.

The proposal has been assessed against the development controls listed within the relevant chapters of Kiama DCP 2012, and in particular, Chapter 6 which discusses rural development. It is considered that the proposal, with the exception of the control listed below, meets all relevant development controls and objectives of Kiama DCP 2012.

Control C20 of Chapter 6 states that *“A dwelling and ancillary development must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity”*. The proposed and adjoining existing dwelling are located approximately fifty (50) metres apart. The objective in Kiama DCP 2012 relating to this control is to protect rural residential amenity.

A variation has been applied for by the applicant with their justification based on the following reasons:

- The existing dwelling at No 475 Fountaindale Road has been designed and orientated away from the proposed dwelling;
- The common boundary is delineated with a thick bank of screening vegetation
- Thick hedging has also been provided within No 475 Fountaindale Road at the common boundary;
- Additional plantings are proposed within the subject property to screen the entire proposal; and
- The proposal does not include any balconies or expanses of glazing orientated towards No 475 Fountaindale Road.

The applicant has provided a reasonable argument for a departure from the control and it is considered that the current levels of rural residential amenity will not be compromised. It should also be noted that due to combinations of bushfire affectation, transmission lines, watercourses, environmental considerations and access requirements, it appears that the hundred (100) metre separation requirement cannot be readily met within the area of the site selected by the applicant.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

Nil.

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

- Design

It is considered that the proposal:

- shall be able to comply with the Building Code of Australia at time of construction;
- adequately treats and drains stormwater and sewerage;
- causes minimal visual impacts through its siting, orientation, use of design, colour and material selection;
- provides for the health, safety, security and amenity of future occupants in its design;
- can be adequately serviced;
- does not cause flooding impacts;
- does not cause bushfire impacts; and
- does not cause site contamination.

- Context & Setting

Having regard to the above, the proposal is considered to be compatible with existing activities and land uses adjacent to the site.

The proposal is of a scale that is regarded to be consistent with contemporary rural Illawarra dwellings which have tended to be larger architect designed homes in a modern style.

It is considered that because of the dwelling design and proposed landscape planting that there will be no undue impacts to existing neighbourhood amenity if the proposal is granted approval.

No concerns are raised in relation to overshadowing, visual or acoustic privacy or view loss from the proposed development.

- Traffic, Access and Parking

The proposal is unlikely to cause an increase in traffic that could not be accommodated on the existing road network.

The proposal provides sufficient accessibility.

A satisfactory amount of parking spaces, consistent with Kiama DCP 2012, has been proposed.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

- Environmental Impacts

No significant vegetation as described in Kiama LEP 2011 and Kiama DCP 2012 will be removed as a result of the proposal.

It is considered unlikely that the proposal will adversely impact native fauna or its habitat.

- Social Impacts

The proposed development is considered unlikely to cause adverse social impacts.

- Economic Impacts

The proposed development is considered unlikely to cause adverse economic impacts.

- Construction Impacts

Construction activities have the ability to generate traffic, noise, dust and vibration, however, conditions of consent may be imposed in any development consent to ensure that construction impacts upon neighbours are satisfactorily managed.

- Utility Needs and Supply

It is considered that the utility demands of the proposal can be met through existing service infrastructure or provision of on-site infrastructure.

- Heritage

Aboriginal, non-Aboriginal and natural heritage significance of the site has been investigated and it is considered the proposal will cause nil adverse effects.

- Land Resources

The proposal is considered unlikely to have an effect on the conservation and use of productive agricultural land.

The Suitability of the Site for the Development

The proposal fits within the locality and the site attributes are considered to accommodate the development.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, objection was received from one adjoining landowner. The matters of concern are listed in the table below, with the assessing officer's response following:

Matter of Concern	Assessing Officer's Comment
The proposed effluent system is in close proximity to existing residence and the watercourse.	The proponent has submitted a geotechnical report in support of the development application which recommends installation of

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Matter of Concern	Assessing Officer's Comment
Issues associated with this are odours, water pollution and possible flooding impacts.	an aerated waste water disposal system with sub-surface drainage infrastructure. The nominated effluent disposal area is situated down slope and to the east of the proposed dwelling and is approximately sixty (60) metres away from the objector's residence. According to a geotechnical report lodged in support of the application " <i>no odour is developed in subsurface irrigation areas, as the wastewater is treated to a high standard in both anaerobic and aerobic conditions, disinfected and then widely distributed at a low application rate at a depth of about 150mm below the ground surface</i> ". There are no concerns raised by Council's Development Engineer in regard to alleged flood impacts.
The proposed building area is steep. An area further south is level, has better views and will cause less amenity impacts.	As detailed in this report, because of watercourses, biodiversity areas, bushfire affectation, access issues and transmissions lines, other areas of the site are significantly constrained. The area chosen by the applicant is not impacted by the same degree of constraint.
Concentrated drainage discharges from the proposal will cause an increased flooding risk.	The majority of water will be captured in water tanks for domestic and bushfire fighting purposes. Council's Development Engineer has raised no concerns in regard to the surface run-off from increased impervious areas causing flooding of adjoining properties.
There will be a loss of privacy caused by the proposal.	The objector has no windows that face the proposed development. Established landscaping within the vicinity of the common boundary will also limit overlooking if the objector was to use their garden areas. The orientation of the proposed dwelling also directs sight lines away from the objectors property.
Construction of and subsequent use of the proposal will cause noise impacts which will affect existing amenity.	Conditions of consent can be included to limit construction times so that impacts to amenity during the construction period are lessened. The use of the proposal for domestic purposes is unlikely to cause a level of noise

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Matter of Concern	Assessing Officer's Comment
	that would be considered unreasonable having regard to the permitted land uses.

External Referrals

Nil

Internal Referrals

The application was referred to the following Council Officers for their consideration.

- Senior Development Assessment Officer - Building

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Subdivision & Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Landscape Design Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, is not likely to cause undue impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

Conclusion

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama Local Environmental Plan 2011 and relevant Development Control Plans. The proposed development is consistent with the objectives of the RU2 Rural Landscape zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. The concerns raised in the objection have been considered and, having regard to the measures proposed by the applicant, it is considered that the objectives for the zone and those contained in Chapter 6 of Kiama DCP, particularly in regard to rural amenity, are complied with.

The proposed development is considered to be reasonable and conditional approval is recommended.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

'Draft' Conditions of Development Consent**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.245.1 dated 10/02/2015 and on the application form except as amended by the following conditions:
- (2) A Construction Certificate must not be issued for any part of the development unless Development Consent No 10.2009.313.1 has been surrendered in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979*.
- (3) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual. The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.
- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Fountaindale Road for the purpose of carrying out activities associated with the development.

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
 - i The licensee's name and contractor licence number;
 - ii That the licensee has complied with Part 6 of the Home Building Act 1989.

In the case of work to be done by any other person, the Principal Certifying Authority:

- a Has been informed in writing of the person's name and owner builder permit number;
 - or
 - b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.
- (2) The developer shall lodge with Council a bond of **\$5,500** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

The bond shall be refunded in full subject to the following:

- a There being no damage to the infrastructure within the road reserve.
 - b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
 - c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building which take into account
 - Geotechnical Assessments for Lot Classification and On Site Disposal of Effluent prepared by Southern Geotechnics dated 24 July 2014 (Reference No. 2009189-a:amw:)
 - Response to Submission Regarding On-site Disposal of Effluent prepared by Southern Geotechnics dated 11 December 2014 (Reference No. 2009189-b:amw:)
 - Bushfire Hazard Assessment prepared by Harris Environmental Consulting dated September 2014 (ref 1004bf)
 - External Colour & Material Schedule by BHI dated 29 September 2014 (Job No. 8341)must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days notice to Council of your intention to commence work.
- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (5) A separate application shall be submitted to Council for the On-site Sewerage Management System prior to release of the Construction Certificate. The application must take into consideration the following reports:
- a) Geotechnical Assessments for Lot Classification and On Site Disposal of Effluent prepared by Southern Geotechnics dated 24 July 2014 (Reference No. 2009189-a:amw:)
 - b) Response to Submission Regarding On-site Disposal of Effluent prepared by Southern Geotechnics dated 11 December 2014 (Reference No. 2009189-b:amw:)

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

-
- (6) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee.

- (7) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.
- (8) The applicant shall submit engineer's details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided to the Certifying Authority prior to the issue of a Construction Certificate.

Civil Engineering Design

- (1) The developer shall submit details of all civil engineering works, on engineering drawings, to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Access Construction

- (1) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate.
- (2) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area. Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

Car Parking and Vehicular Access

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking.
- (2) The proposed access roadway intersecting with Fountaindale Road shall be constructed to comply generally with the design requirements of Subsection

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

4.9.7 Rural Property Access of the RMS *Road Design Guide*. The work shall be completed to the satisfaction of the Roads Authority prior to the issuing of any Occupation Certificate.

- (3) The applicant shall meet the design requirements of Fig 3.2 Sight Distance Requirements at Access Driveways of AS/NZS2890.1. In this regard a restriction will apply on any future vegetation or obstruction at the intersection with Fountaindale Road.

Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Certifying Authority prior to the release of a Construction Certificate.
- (2) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate.
- (3) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Certifying Authority for assessment and approval prior to the release of the Construction Certificate.

Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (2) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (3) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority.

Inspections

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
Monday to Friday - 7.00 am to 6.00 pm
Saturdays - 8.00 am to 1.00 pm
No construction work is to take place on Sundays or Public Holidays.
- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

Erosion and Sedimentation Controls/Soil and Water Management

- (1) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).
All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.
- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Report of the Director Environmental Services

- 9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)
-

Bushfire Hazard Management

- (1) In compliance with the Bushfire Risk Management Plan and Chapter 4 of the Rural Fire Service of New South Wales document "*Planning for Bushfire Protection (2006)*", under "*Access (2) – Property Access*" the developer must provide:
- a A roadway with a minimum trafficable pavement width of 4.0 metres.
 - b Roads shall be maintained as two-wheel drive, and have all weather capability.
 - c A minimum vertical clearance of 4.0 metres to any overhanging obstructions including tree branches.
 - d Curves have a minimum inner radius of 6.0 metres and are minimal in number to allow rapid access and egress.
 - e The minimum distance between inner and outer curves is to be 6.0 metres
 - f Geometric design detail fully compliant with Roads and Traffic Authority Road Design Guide Section 4 Intersections at Grade and Austroads Guide to Road Design Part 4 Intersections and Crossings and Austroads Guide to Traffic Management Part 6 Intersections Interchanges and Crossings.

Landscaping Works

- (1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012, the NSW RFS document Planning for Bush Fire Protection 2006 and shall be consistent with the landscape concept plan.
- (2) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of the Occupation Certificate.
- (3) At the end of the 52 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.
- (5) A temporary fence (parawebbing) is to be erected around the drip line of the Fig trees. No builder's material, machinery, vehicles or sheds shall be located within this fence.

Report of the Director Environmental Services

9.1 Development Application for a dwelling and access driveway for Lot 300 DP 116371 Fountaindale Road Saddleback Mountain (10.2014.245.1) (cont)

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials.

Prior to Occupation

- (1) A contribution pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of any Occupation Certificate. The total contribution required for the development is **\$7,000**.

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

$$\text{Contribution (at time of payment)} = \frac{C \times \text{CPIP}}{\text{CPIc}}$$

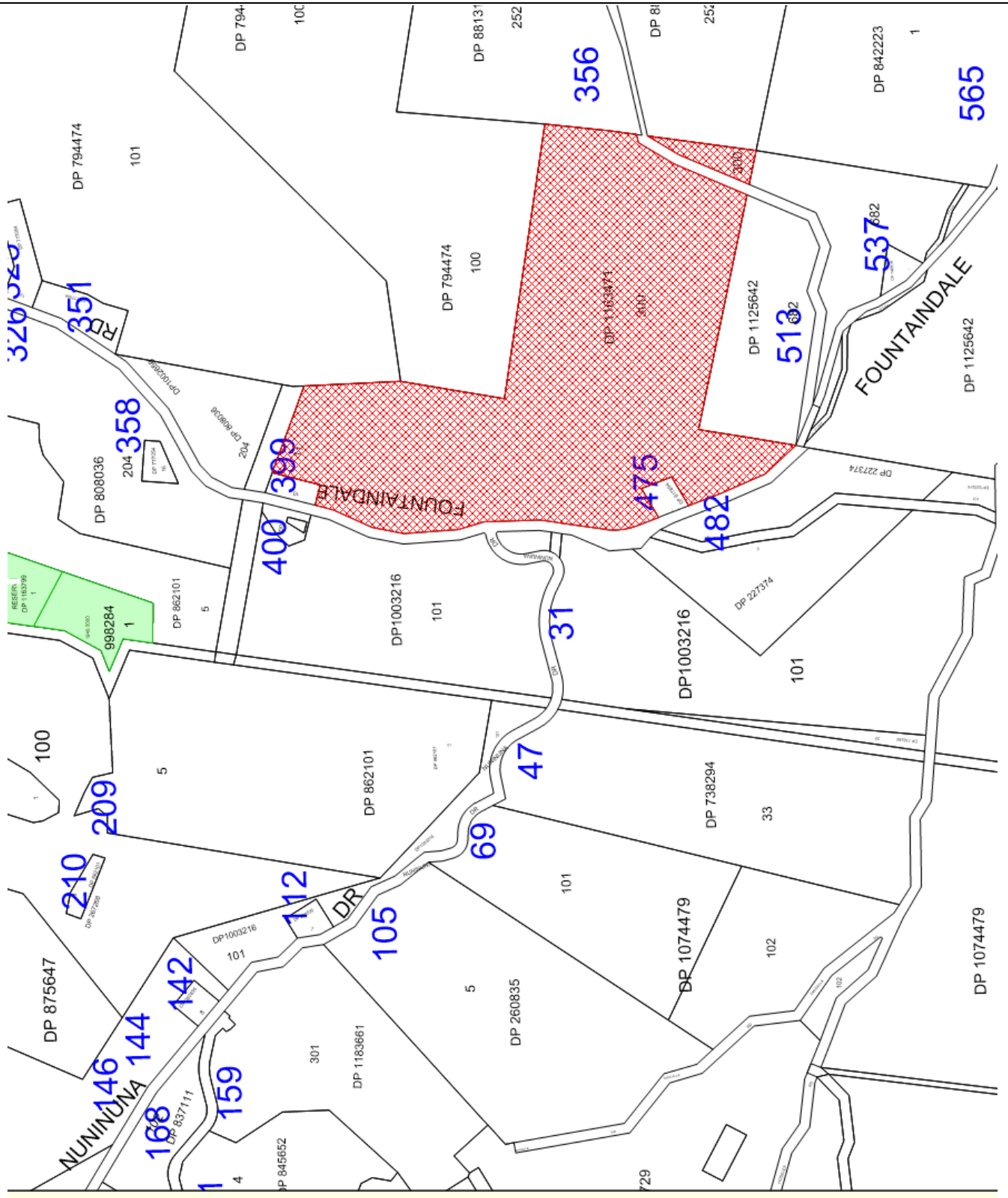
Where:


C = The original contribution amount as shown in the development consent.

CPIP = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment.

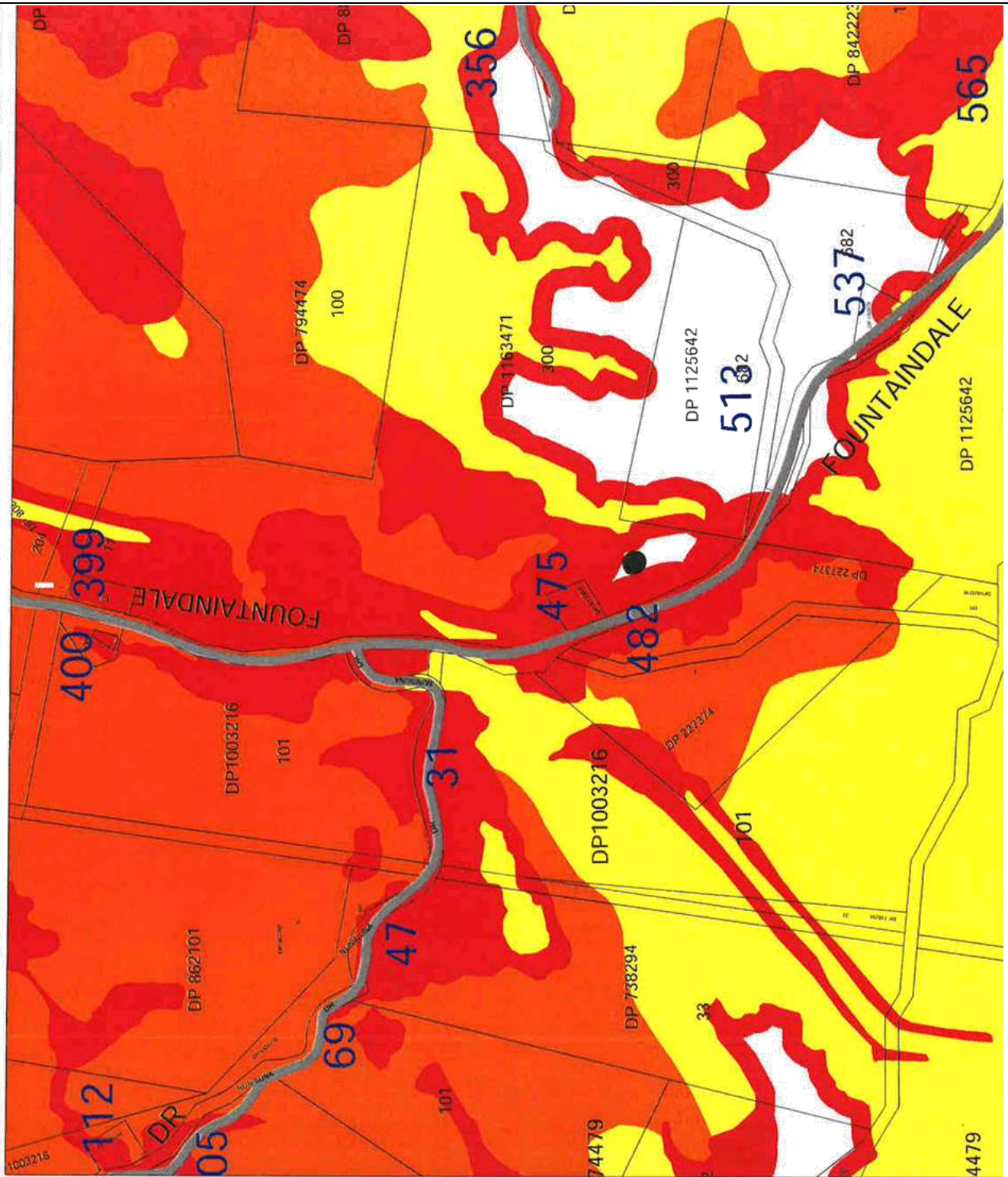
CPIc = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent.

- (2) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate.
Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.
- (3) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (4) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.
- (5) The developer shall complete all access and drainage works prior to the issue of any Occupation Certificate.





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your council, your community

BUSH FIRE PRONE LAND

- Vegetation Category 1
- Vegetation Category 2
- Vegetation Buffer (100 & 30m)

Dwelling Site

The Bush Fire Prone mapping contained in this map has been developed in line with the NSW RFS 'Bush Fire Prone Land Mapping Guidelines, V3 2006'.

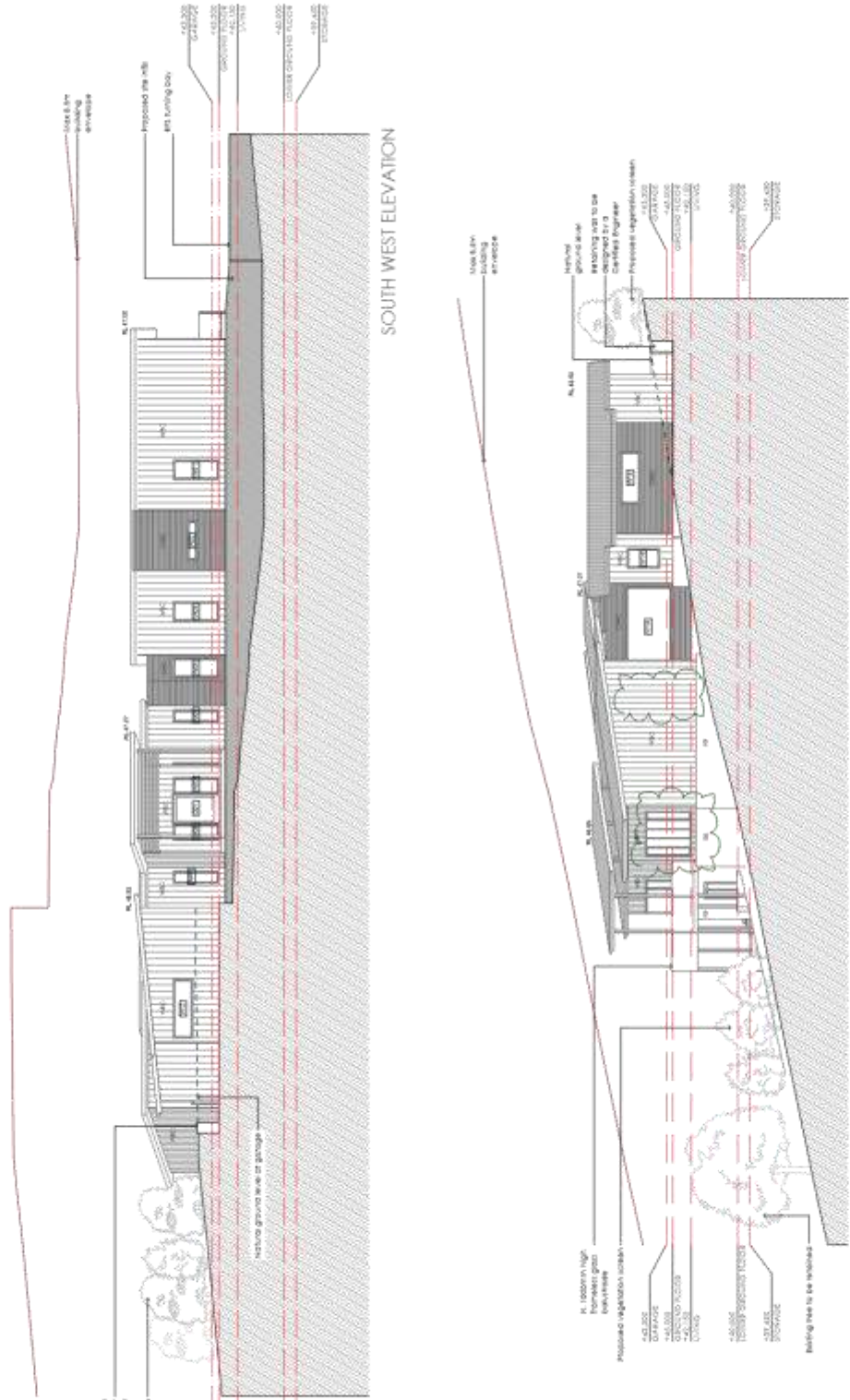


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Legend

- RB Rendered Brick
- CWC Coroband Wall Cladding
- WBC Weatherboard Cladding
- TBR Timber



<p>NOTES</p> <p>1. All work to be done in accordance with the relevant Australian Standards and Codes of Practice.</p> <p>2. All work to be done in accordance with the relevant Australian Standards and Codes of Practice.</p> <p>3. All work to be done in accordance with the relevant Australian Standards and Codes of Practice.</p> <p>4. All work to be done in accordance with the relevant Australian Standards and Codes of Practice.</p> <p>5. All work to be done in accordance with the relevant Australian Standards and Codes of Practice.</p>	<p>DATE</p> <p>10/10/2014</p>	<p>BY</p> <p>David Lambson</p>	<p>PROJECT</p> <p>WILSON RESIDENCE</p> <p>LOT 300 DP 116371 FOUNTAINDALE RD</p> <p>JAMBEROOD NSW 2533</p> <p>CLIENT</p>	<p>DATE</p> <p>10/10/2014</p>	<p>BY</p> <p>David Lambson</p>	<p>PROJECT</p> <p>WILSON RESIDENCE</p> <p>LOT 300 DP 116371 FOUNTAINDALE RD</p> <p>JAMBEROOD NSW 2533</p> <p>CLIENT</p>	<p>DATE</p> <p>10/10/2014</p>	<p>BY</p> <p>David Lambson</p>	<p>PROJECT</p> <p>WILSON RESIDENCE</p> <p>LOT 300 DP 116371 FOUNTAINDALE RD</p> <p>JAMBEROOD NSW 2533</p> <p>CLIENT</p>	<p>DATE</p> <p>10/10/2014</p>	<p>BY</p> <p>David Lambson</p>	<p>PROJECT</p> <p>WILSON RESIDENCE</p> <p>LOT 300 DP 116371 FOUNTAINDALE RD</p> <p>JAMBEROOD NSW 2533</p> <p>CLIENT</p>
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9.2 “Scores on Doors” Food Safety Program

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.6 Recognise and promote community safety throughout the Municipality

Delivery Program: 1.6.3 Enforce and comply with public health and safety legislation

Summary

This report outlines the “Scores on Doors” program, a NSW Food Authority initiative to provide a food safety scoring system to retail food premises, and a number of issues raised by staff in regard to this program.

Finance

There is a potential for the program to require additional staff time for implementation.

Policy

N/A.

Attachments

1 Draft letter to Minister for Primary Industries

Enclosures

Nil

RECOMMENDATION

That:

- 1) Council support a uniform and consistent assessment and scoring system for food premises, however seek clarification in regard to the identified issues prior to further considering the implementation of the “Scores on Doors” program.
- 2) The Minister for Primary Industries and the Food Authority be informed in terms of the draft response (attached).

BACKGROUND

The Minister for Primary Industries, Katrina Hodgkinson, has written to the General Manager and Mayor to seek support for the ongoing rollout of the “Scores on Doors” program.

“Scores on Door” is a NSW Government (Food Authority) initiative aimed at providing a food safety scoring system to retail food businesses and displaying the score for consumers.

The NSW Food Authority (the Authority) work with Councils to improve food safety through the Food Regulation Partnership. Under the Partnership, local Councils have delegated authority to undertake inspections of food retail premises, with the Authority providing advice and training.

Report of the Director Environmental Services

9.2 "Scores on Doors" Food Safety Program (cont)

By displaying the results of the food safety inspection, the Authority hopes that the "Scores on Door" program will foster greater competition amongst food businesses and increase recognition of safe food preparation and service as a key part of operating food businesses in NSW. The aim is also to provide consumers with more information on their dining choices.

The program has been adopted by 31 NSW Councils. It should be noted that none of the Illawarra Councils have adopted the scheme at this time, with Environmental Health Officers from each Council expressing similar concerns. The NSW Government is presently considering strategies to ensure a complete rollout of the program.

To discuss the rollout of the program and any issues this Council may have, senior staff recently met with representatives of the Authority.

The Authority representatives explained that in its current model the program is only paper-based with food business owners displaying a paper certificate in the premises' window and displaying a score of either 3, 4 or 5. A score of 5 means that the food premises are complying with all the requirements of the Food Act and the Food Standards Code.

During the meeting concerns regarding the program were raised as listed below:

- The scoring is a snap shot of the premises at the time of inspection. There is no guarantee that the premises will remain a 5 star premises over any given period of time. This is particularly relevant when considering the nature of food preparation and service.
- The potential legal ramifications as consumers may be guided to a particular premise by the Scores on Doors scheme. There are reported instances where a food business can have good cleaning and temperature control practices yet, through an already contaminated product or a slip in food handling practices, an outbreak of food borne illness has occurred. These issues are not generally detectable during inspections and the implication on Council as a result of giving the premises the 5 star score is a concern.
- Having a paper-based system is labour intensive and increases the resources invested by Councils, particularly having regard to the issue of certificates, expiry and the replacing of certificates if a score is changed in a subsequent inspection. Introducing a web-based system that is secure, and able to be accessed by the general public, providing instant up-to-date information is seen as a better option and one Council would encourage the Food Authority to investigate.
- The issuing of a 5 star rating may give the consumer the opinion that the premises is operating above and beyond the basic requirements of the Food Act and Food Standards Code. In general terms, a 5 star rating is viewed as being of very high quality; however the "Scores on Doors" scheme requires the issue of a 5 star rating for a business that is achieving at a level which is expected of them by law. It is felt that consideration should be given to a different scale, one that simply acknowledges compliance with relevant standards.

Report of the Director Environmental Services

9.2 "Scores on Doors" Food Safety Program (cont)

- A 5 star rating scheme has the potential to mislead customers who are more likely to associate a 5 star rating with the quality of food and service, not the hygiene/cleanliness of a premises.

Mr Paul Czulowski
4232 0419

PC:CB – SC1256: 15/5779

22 January 2015

The Hon. Katrina Hodgkinson, MP
Minister for Primary Industries
Level 15
52 Martin Place
SYDNEY NSW 2000

Dear Minister

Rollout of "Scores on Doors" scheme

I refer to your letter received by Council on 6 January 2015, regarding the rollout of the "Scores on Doors" scheme for retail food premises. Council supports the Food Regulation Partnership by regulating and regularly inspecting food businesses within our Local Government Area. Through the Partnership we have adopted the Food Premises Assessment Report (FPAR) auditing tool and are active in addressing emerging and immediate issues required of us by the Authority, for example correct handling of raw egg products.

We have reviewed the current "Scores on Doors" system and while we support a uniform and consistent assessment and scoring system there are issues associated with the proposed scheme that Council would like to see resolved prior to giving further consideration to adopting the program.

The following matters are of concern:

- The scoring is a snap shot of the premises at the time of inspection. There is no guarantee that the premises will remain a 5 star premises over any given period of time. This is particularly relevant when considering the nature of food preparation and service.
- The potential legal ramifications as consumers may be guided to a particular premise by the Scores on Doors scheme. There are reported instances where a food business can have good cleaning and temperature control practices yet, through an already contaminated product or a slip in food handling practices, an outbreak of food borne illness has occurred. These issues are not generally detectable during inspections and the implication on Council as a result of giving the premises the 5 star score is a concern.
- Having a paper-based system is labour intensive and increases the resources invested by Councils, particularly having regard to the issue of certificates, expiry and the replacing of certificates if a score is changed in a subsequent inspection. Introducing a web-based system that is secure, and able to be accessed by the general public, providing instant up-to-date information is seen as a better option and one Council would encourage the Food Authority to investigate.

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- The issuing of a 5 star rating may give the consumer the opinion that the premises is operating above and beyond the basic requirements of the Food Act and Food Standards Code. In general terms, a 5 star rating is viewed as being of very high quality; however the "Scores on Doors" scheme requires the issue of a 5 star rating for a business that is achieving at a level which is expected of them by law. It is felt that consideration should be given to a different scale, one that simply acknowledges compliance with relevant standards.
- A 5 star rating scheme has the potential to mislead customers who are more likely to associate a 5 star rating with the quality of food and service, not the hygiene/cleanliness of a premises.

It is requested that the above concerns are considered prior to advancing the program and that Council is advised in regard to same in order that it may further consider the implementation of the program.

If you require any further information or wish to discuss the matter please contact Julie Milevski on (02) 4232 0444 or email council@kiama.nsw.gov.au

Yours faithfully

Michael Forsyth
General Manager

Item 9.2

Attachment 1

9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for a machinery shed, tennis court, picnic facility & renovation of existing dam on the subject property.

Finance

N/A

Policy

N/A

Reason for the Report

Council has received more than five (5) submissions in relation to the proposal.

Attachments

- 1 10.2014.278.1 - location plan
- 2 10.2014.278.1 - dam
- 3 10.2014.278.1 - machinery shed and picnic facility
- 4 10.2014.278.1 - site master plan
- 5 10.2014.278.1 - machinery shed and picnic facility site plan
- 6 10.2014.278.1 - tennis court

Enclosures

Nil

RECOMMENDATION

That Council approve development Application number 10.2014.278.1 (excluding the proposed dam augmentation works) pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the draft conditions at the end of this report.

Report of the Director Environmental Services

- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
(cont)
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BACKGROUND

Owner/Applicant: Code Monkey Investments Pty Ltd

Development Site

The property is described as Lot 2 DP 609891 which is located at 40 Crooked River Road Gerroa.

The overall site measures 21.68Ha in size and is irregular in shape. The site contains a dwelling currently under construction (approved under DA 10.2013.130.1) and is bounded by rural land containing dwellings/pasture to the north and south, the Tasman Sea to the east and Crooked River Road to the west.

The site is zoned part E2 Environmental Conservation and part E3 Environmental Management pursuant to Kiama LEP 2011.

The site is predominantly cleared and is undulating in its topography.

Access to the property is obtained from Crooked River Road at a point approved under the separate development consent for the dwelling.

The site is serviced by electricity and telecommunications.

Description of the Proposed Development

The proposal involves the construction of a machinery shed, tennis court, picnic facility and renovation and enlargement of the existing dam on the property along with supplementary landscaping.

The proposed machinery shed is sited to the immediate south of the approved dwelling (opposite the car port) and is partly recessed into the embankment (created by the dwelling excavation). The shed proposed is 19.5m long x 7.5m wide x 3.3m high and is proposed to be finished with a muted colour sympathetic to the area (no specific finish colour detail is provided).

The 5kw photo voltaic solar collectors (approved under DA 10.2013.130.1, as per BASIX commitments) displaced by the proposed machinery shed is to be repositioned onto the roof of the proposed machinery shed.

The proposed tennis court is sited in the south western corner of the property, adjacent the access roadway, some 430m away from the approved dwelling. The applicant advises that this location was selected because it *“is one of the most level sections of the site, which will reduce the amount of earthworks required to achieve the court. It has also been selected for its proximity to the existing driveway/access road, and being well away from the visually sensitive foreshore/headland area.”*

The natural ground level at the tennis court site ranges in the order of RL 72.2 – 73.5. To level the ground for the tennis court it is proposed to excavate the site to RL 72.2. Consequently the south eastern corner of the tennis court will essentially be at existing ground level, while the north western corner (the deepest point of excavation) will be some 1.3m below natural ground level.

Intensive shrubbery landscaping is proposed along the western length of the tennis court to screen it from the neighbouring dwelling (the neighbours property boundary

Report of the Director Environmental Services

- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
(cont)
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is 40m from the western edge of the proposed shrubbery landscaping) with taller landscaping vegetation proposed on the northern and eastern side of the tennis court.

The tennis court is proposed to be illuminated, with light poles on all four corners of the court. Retractable curtain tennis court fencing (3m high) is proposed. In addition a landscaped, split level terrace area with timber pergola is proposed to the east of the tennis court, between the court and the property driveway.

The proposed picnic facility is sited some 70m south east of the approved dwelling, 12m from the southern property boundary. The structure consists of a shelter measuring 3m x 3.2m x 2.5m high with hardwood deck measuring 3m x 2.8m extending outward to the south east.

The shelter structure is timber framed and timber clad with a metal sheet roof. The shelter is box like in appearance, but open on the north-west and south east elevation.

The proposed picnic shelter is sited within the foreshore area ie between the foreshore building line and the mean high water mark.

The proposed dam enlargement and renovation involves the deepening and widening of the existing derelict farm dam. Based on the plans submitted the existing dam has a surface area of some 174m² and a depth of approximately 1m, whereas the proposed enlarged dam will have a surface area in the order of 294m² and a depth of approximately 1.8m.

Renovation of the dam will involve terracing upslope of the dam with two (2) concentric stone retaining walls (no more than 1m high), with landscaping proposed above the terraced area.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

The site is partly located within a 'sensitive coastal location' as defined by SEPP 71; however the proposed development is clear of this area.

Consideration has been given to the objectives of SEPP 71 and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP.

- State Environmental Planning Policy (Rural Lands) 2008

The proposal does not significantly undermine the orderly and economic use and development of the land for rural and related purposes.

Report of the Director Environmental Services

- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
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- Illawarra Regional Environmental Plan No 1 (IREP 1)

The proposal is consistent with the aims and objectives of IREP 1.

- Kiama LEP 2011

The subject land is zoned part E2 Environmental Conservation and part E3 Environmental Management pursuant to Kiama LEP 2011. The proposed development is sited entirely within the E3 zone and is permitted with consent, with the exception of the proposed dam enlargement.

A dam is defined as a “water storage facility” pursuant to LEP 2011. “Water supply systems” include water storage facility and water supply systems are prohibited in the E3 zone. The proposed dam extension would subsequently be reliant upon existing use rights provisions of the Environmental Planning & Assessment Act (EP&A Act) 1979; however for existing use rights to apply the dam would have to be a lawful non-conforming use. In this instance, no evidence can be found that the dam was ever approved by Council. The proposed enlargement of the dam is therefore not permissible and, as a result, cannot form part of the development approval, should it be granted.

The proposed development does not compromise the objectives of the E3 Environmental Management zone.

Specific clauses requiring consideration:

Clause 5.5 lists requirements for development within the coastal zone. The proposal is consistent with the objectives of the clause. The proposal does not cause increased coastal hazards or adverse impacts by way of diminished foreshore access, treatment of effluent and disposal of stormwater.

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The proposed development is not likely to result in a lowering of the water table.

Clause 6.2 lists considerations for proposals which involve earthworks. The earthworks involved are directly ancillary to development for which development consent is being sought. The proposal meets with the objectives of the clause and the matters prescribed for consideration are satisfied.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. A Category 3 watercourse traverses the site; however the development proposed is clear of the watercourse. Consideration has been given to subclause (3) & (4) of clause 6.5 and no significant concerns are raised.

Clause 6.6 – Development on the foreshore must ensure access. The proposed picnic facility is sited within the foreshore area, however does not have any implications in terms of public foreshore access.

Clause 6.7 – Foreshore building line. The proposed picnic facility is sited forward of the foreshore building line i.e. within the foreshore area.

Report of the Director Environmental Services

- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
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The objective of this clause is to “*ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.*”

Pursuant to clause 6.7(2)(b) development for the purposes of “picnic facilities” is permissible within the foreshore area, subject to Clause 6.7(3) which states that development consent must not be granted under subclause (2) unless the consent authority is satisfied that the development meets relevant provisions.

The proposed picnic facility is on privately owned land and located approximately 375m inland from the mean high water mark. It is a small and generally innocuous structure and as such is not expected to be visually prominent or significantly impact the natural significance of the foreshore area.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama DCP 2012

The proposed development is consistent with Kiama DCP 2012.

Chapter 6 – Rural Development

The proposed development is generally consistent with the objectives and performance controls within Chapter 6, with the exception of control C7, which states:

“Rural dwellings and ancillary development must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.”

The landscape and visual impacts of the proposal are discussed in this report and are generally considered to be acceptable. Similarly the siting in relation to the ongoing agricultural use of the land is not considered to be problematic. In relation to the development being “clustered” with the dwelling, the proposed tennis court and picnic facility are dispersed over property away from the dwelling.

The applicant advises that the proposed tennis court location was selected because it “*is one of the most level sections of the site, which will reduce the amount of earthworks required to achieve the court. It has also been selected for its proximity to the existing driveway/access road, and being well away from the visually sensitive foreshore/headland area.*” This is considered to be sound reasoning for the tennis court location, although clearly results in the development not being clustered as required by the DCP control.

Repositioning the tennis court to be closer to the dwelling (clustered) would place the tennis court on steeper land which will necessitate significant earthworks in a position that will result in the tennis court and associated earthworks being more visually prominent from Crooked River Road. Conversely the proposed tennis court location means it will be visible from Gerroa, but due to its elevation all that will be visible will be the four corner posts and lights. In terms of visual impact these are

Report of the Director Environmental Services

- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
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very light weight elements in the landscape that will in time be screened by the taller landscape vegetation proposed around the tennis court. Although the tennis court is not clustered with the dwelling, the reasoning behind its siting and the visual impact is considered to be acceptable under the circumstances.

The proposed picnic facility is also remote from the dwelling; however as discussed below in the report, the structure is of a small scale, is light weight in its appearance and is only visible from land, at a distance, from the southeast. The dwelling is not visible from this direction, so siting the picnic facility closer to the dwelling will not result in the visually clustered presentation sought by the DCP control.

Under the circumstances strict compliance with control C7 of DCP Chapter 6 is not considered to be warranted.

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

- NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Landscape

The proposed tennis court is sited on the most level part of the property, which is also the most elevated part of the property. The court surface is predominantly below natural ground level, so the most visible element of the tennis court will be the four (4) corner posts and lights. The proposed tennis court fencing (3m high from the surface of the tennis court) will be retracted when the court is not in use (which will be a condition of consent should consent be granted) and therefore will only be visible when the court is in use.

The proposed siting of the tennis court is not directly visible from Crooked River Road; only intermittently (due to roadside vegetation and topography) at a point just south of the property entrance. Given the topography, only the top parts of the corner post and lights will be visible. The tennis court would arguably be more visible from Crooked River Road if it was sited closer to the dwelling, as has been suggested in some submissions.

From Gerroa the proposed tennis court site would appear to be most publicly visible from the eastern end of Stafford Street, however from this perspective the view of the tennis court is distant over the urban area of Gerroa and therefore does not look particularly out of place. Again, due to the elevation it is the four corner posts and lights that are visible when the tennis court is not in use.

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Although it would generally be preferable that the tennis court is not sited on the ridge line in such an elevated and prominent location, the applicants' justification for selecting this site is well founded. In terms of landscape impact, the tennis court is not a bulky or solid structure and will effectively present as four corner posts, which will in time be screened amongst the taller landscaping vegetation proposed around the tennis court. Under these terms no significant objection is raised.

The proposed picnic facility is a discretely proportioned structure nestled into the south eastern side of the ridge (below the ridge line) on the eastern section of the property that descends to the ocean. While it is a built form in an otherwise undeveloped foreshore area, it is not considered to be an unreasonably prominent structure within the landscape. On balance, given the proportions of the structure and the fact that it is only publicly visible from land to the south east (albeit from a distance); no significant objection is raised to the picnic facility in terms of landscape impact.

Overall, the design and siting of the proposed development is considered to be reasonable when considered in relation to the context and constraints of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not unacceptable within the landscape.

- Views

The proposal will have no unreasonable impact upon views currently available to neighbours.

Noise

The playing surface of the tennis court is in excess of 50m from the property boundary of the nearest neighbour to the west. The part of that dwelling closest to the tennis court is a double lock-up garage, with the habitable portion of the dwelling extending to the west away from the tennis court (i.e. the habitable rooms of the dwelling are approximately 70m from the tennis court). While it is possible noise from the tennis court will at times be audible at the neighbouring property and dwelling, such noise is not expected to be of an unreasonable level.

- Privacy and Overlooking

In relation to the proposed tennis court, the nearest neighbouring dwelling will be screened from view from the court by dense shrub planting between the court and the neighbouring dwelling. It should be noted that the majority of the tennis court surface will be below natural ground level and the subject neighbouring dwelling is also excavated into the hillside.

Views will be available from the tennis court over the Gerroa urban area to the south, with dwellings in excess of 100m from the tennis court. It is not considered that the proposed tennis court will pose an unreasonable source of privacy loss and overlooking of neighbours.

The proposed picnic facility does not directly overlook any nearby dwellings. Established vegetation on the neighbouring lot to the south screens the dwelling on that lot from the picnic facility (which is some 216m away from that neighbouring

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- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
(cont)

dwelling). Distant views from the picnic facility towards Blackhead may take in the most eastern part of the Gerroa urban area; however this is some 800m from the proposed picnic facility. Given the distances involved and the likely intermittent use of the picnic facility, no unreasonable impact in terms of privacy loss and overlooking is anticipated.

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

- Overshadowing

N/A

- Vehicular Access, Parking and Manoeuvring

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

- Environmental Impacts

Vegetation Removal – Five (5) existing trees are proposed to be removed, consisting of Coral trees (*Erythrina x sykesii*) and Radiata Pine (*Pinus radiata*). These are not protected tree species and no objection is raised to their removal.

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

Impact on Soil Resources – Construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent should be imposed, if consent is granted, in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources.

Impact on Water Resources – Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will have no undue social or economic impacts.

The Suitability of the Site for the Development

The proposal fits within the locality and the site attributes are considered to be conducive to development.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, fifteen (15) submissions were received, although two (2) of these were not accompanied by a completed political donations disclosure form and therefore cannot be formally considered in the assessment process (notwithstanding

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- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
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this the two submissions were reviewed and the concerns raised reflect those raised in other submissions).

Of the thirteen (13) submissions formally considered, the following (summarised) matters of concern are identified and addressed in order of importance based on the most frequently raised issue:-

Item 1 - Tennis court lighting will have an adverse impact on the area and neighbours due to light spill/light pollution

Response - Use of the private tennis court at night time is likely to be intermittent. To reduce the potential impact of tennis court lighting, conditions can be imposed requiring that the lighting be directed toward the playing surface of the tennis court and that the lights incorporate hoods to mitigate the effect of light spill. It would also be prudent to restrict the time upon which the tennis court lights could be used. Such conditions are recommended should Council approve the development.

Item 2 - Noise from the tennis court use will have an adverse impact on neighbours.

Response - The proposed tennis court is positioned some 50m from nearest neighbouring dwelling and no unreasonable noise impact is anticipated. This matter is discussed in greater detail above the Likely Impacts of the Proposed Development - Noise.

Item 3 - Concern was expressed about the distance the proposed tennis court is from the dwelling on the land (i.e. the tennis court should be nearer to the dwelling) and the concern that there is no WC.

Response - This matter has been addressed above under DCP 2012 Chapter 6. There is considered to be sound reasoning for the proposed siting of the tennis court.

In relation to the lack of WC, if the applicant chooses to site the tennis court remote from a WC, that is their choice. This is not a matter that would warrant refusal of the proposal.

Item 4 - The tennis court is too close to the nearest neighbouring dwelling i.e. the dwelling at 62 Crooked River Road

Response - Issues of noise and light spill impact have been addressed above. The siting of the proposed tennis court is not considered to be unreasonably close to the neighbouring dwelling, which will be screened from view from the tennis court and terrace area by dense shrub planting.

Item 5 - Concern is expressed about the proposed picnic facility being sited within the foreshore building line and the adverse environmental and scenic impact of the facility on the foreshore area.

Response - This matter is discussed above under LEP 2011 Clause 6.7 as well as under the Likely Impacts of the Proposed Development – Landscape/Views. In this instance the proposed picnic facility is permissible and reasonable.

Item 6 - The location of the proposed picnic facility within the foreshore area will set an undesirable precedent for further development.

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- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
(cont)
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Response - Potential undesirable precedent of development is not lawful grounds upon which development may be refused.

Item 7 - The tennis court is inappropriately sited as this is a scenic rural area.

Response - This has been addressed above under the Likely Impacts of the Proposed Development – Landscape/Views.

Item 8 - Tennis court will devalue the neighbours' property

Response - The potential impact of a proposed development on property value is not a matter for consideration under Section 79C of the Environmental Planning & Assessment Act, 1979.

Item 9 - Tennis balls will be hit into the yard of the neighbouring dwelling at 62 Crooked River Road.

Response - The yard of the dwelling is in excess of 50m from the tennis court playing surface. A 3m high court net will surround the majority of the court when in use. With the distance involved combined with the netting, it is unlikely that tennis balls will find their way into the yard at 62 Crooked River Road.

Item 10 - Tennis court will result in loss of view from neighbours' property.

Response - The neighbouring dwelling at 62 Crooked River Road is not oriented in such a way as to take advantage of the view to the north east where the tennis court will be sited. The eastern section of that dwelling is a double garage, with the habitable floor area of the dwelling extending to the west. The windows of the dwelling face the north, south and west. Primary water views are to the southeast and south, over Gerroa and hinterland views are to the north toward Saddleback Mountain. These views are uninterrupted by the proposed tennis court.

It is also reiterated that the only visible part of the court, when it is not in use, will be the four corner light posts.

Item 11 - The picnic facility is contrary to the objective of the foreshore area as it will adversely affect the significance and amenity of the area.

Response - The proposed picnic facility is a small scale structure with a very simple form approximately 375m inland of the mean high water mark. As such is not expected to be visually prominent or significantly adversely impact the natural significance of the foreshore area. On balance the proposed facility is not considered to be contrary to Clause 6.7 and its objective (this is discussed above under Kiama LEP 2011).

Item 12 - The proposed machinery shed will increase the footprint of the development and its visibility from Crooked River Road

Response - The proposed machinery shed is sited to the immediate south of the approved dwelling, opposite and in line with the approved car port. The shed is partly recessed into the embankment (created by the dwelling excavation) and the roof is lower than that of the approved dwelling. Although the shed undoubtedly increases the footprint of the development, it is sited in such a manner that it blends with, and is partly screened from view from Crooked River Road, by the approved dwelling.

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- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
(cont)
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External Referrals

Nil

Internal Referrals

The application was referred to the following Council Officers for their consideration.

- Development Assessment Officer - Building

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments (with the exception of the dam enlargement, as discussed) and Development Control Plans, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama Local Environmental Plan 2011 (with the exception of the dam enlargement, which is prohibited) and relevant Development Control Plans. The proposed development does not compromise the objectives of the E3 Environmental Management zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

Draft Conditions of Development Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.278.1 dated 10/02/2015 and on the application form except as amended by the following conditions.
- (2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate.

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
 - i The licensee's name and contractor licence number;

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ii That the licensee has complied with Part 6 of the Home Building Act 1989.

In the case of work to be done by any other person, the Principal Certifying Authority:

a Has been informed in writing of the person's name and owner builder permit number;

or

b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.

(2) Under the provisions of the Act, work may not commence on the development until the following is carried out:

a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and

b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and

c You **must** notify the Council of the appointment; and

d You **must** give at least two (2) days notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form.

(3) A sign must be erected in a prominent position on any site on which building work is being carried out:

a Showing the name, address and telephone number of the Principal Certifying Authority for the work;

b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and

c Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work

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-

has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee.

- (4) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.

Erosion and Sedimentation Controls/Soil and Water Management

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
 - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - d All the above requirements must be in place for the duration of the construction works.

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials.
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
 - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed.

Inspections

- (1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.

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(cont)

NOTE: Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment.

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
- (4) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
- (5) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
 Monday to Friday - 7.00 am to 6.00 pm
 Saturdays - 8.00 am to 1.00 pm
 No construction work is to take place on Sundays or Public Holidays.
- (6) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

Prior to Occupation

- (1) A contribution pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of any Occupation Certificate. The total contribution required for the development is **\$6,350.00**.

The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner:

$$\text{Contribution (at time of payment)} = \frac{C \times CPI_p}{CPI_c}$$

Where:

C = The original contribution amount as shown in the development consent.

Report of the Director Environmental Services

- 9.3 Lot 2 DP 609891, 40 Crooked River Road Gerroa - Machinery shed, tennis court, picnic facility and renovation of existing dam (10.2014.278.1)
(cont)
-

CPI_P = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of payment.

CPI_c = The *Consumer Price Index: All Groups Index for Sydney* as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent.

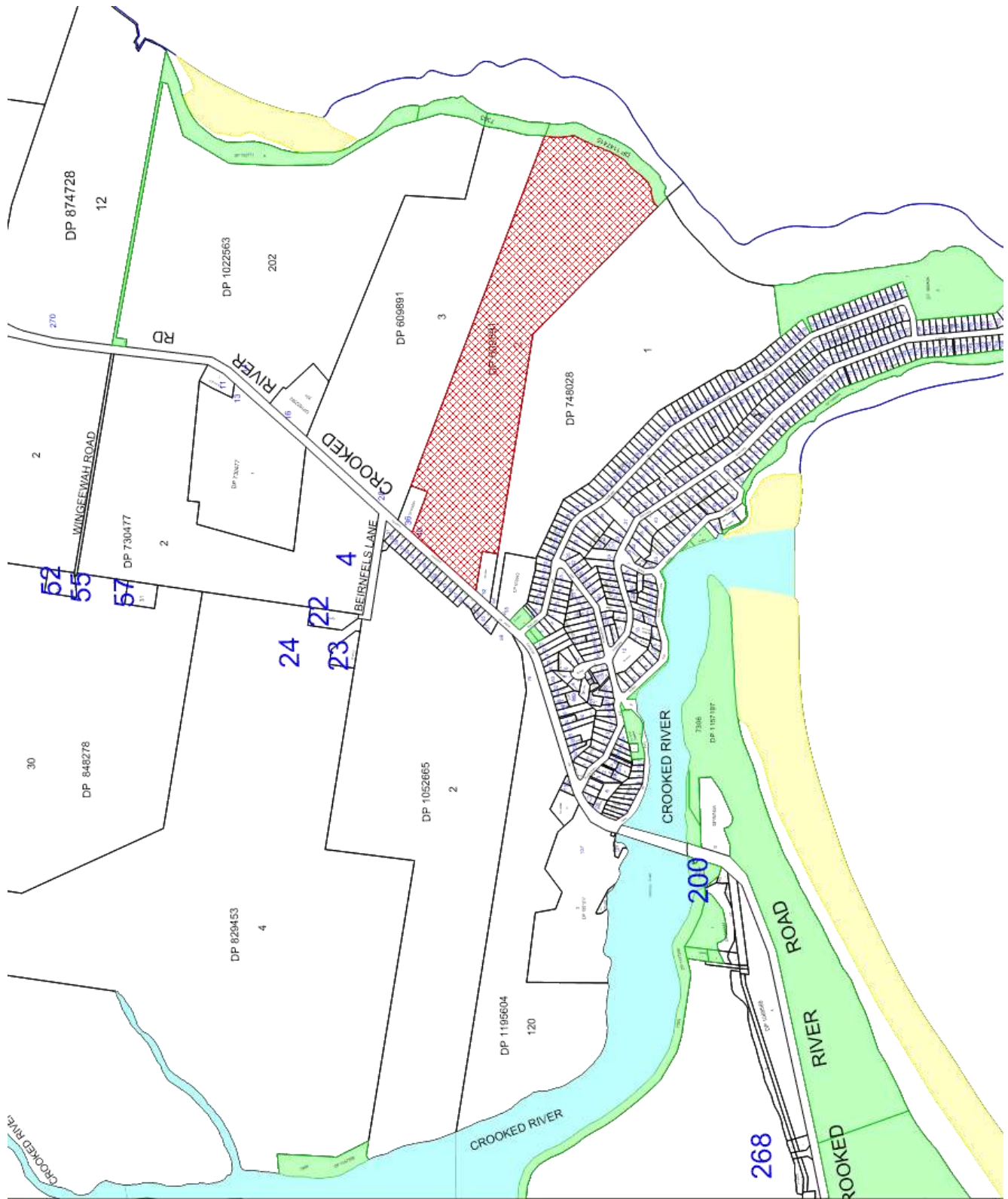
- (2) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.

- (3) The landscape works shall be completed in accordance with the approved plans, prior to the issue of any Occupation Certificates.
- (4) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

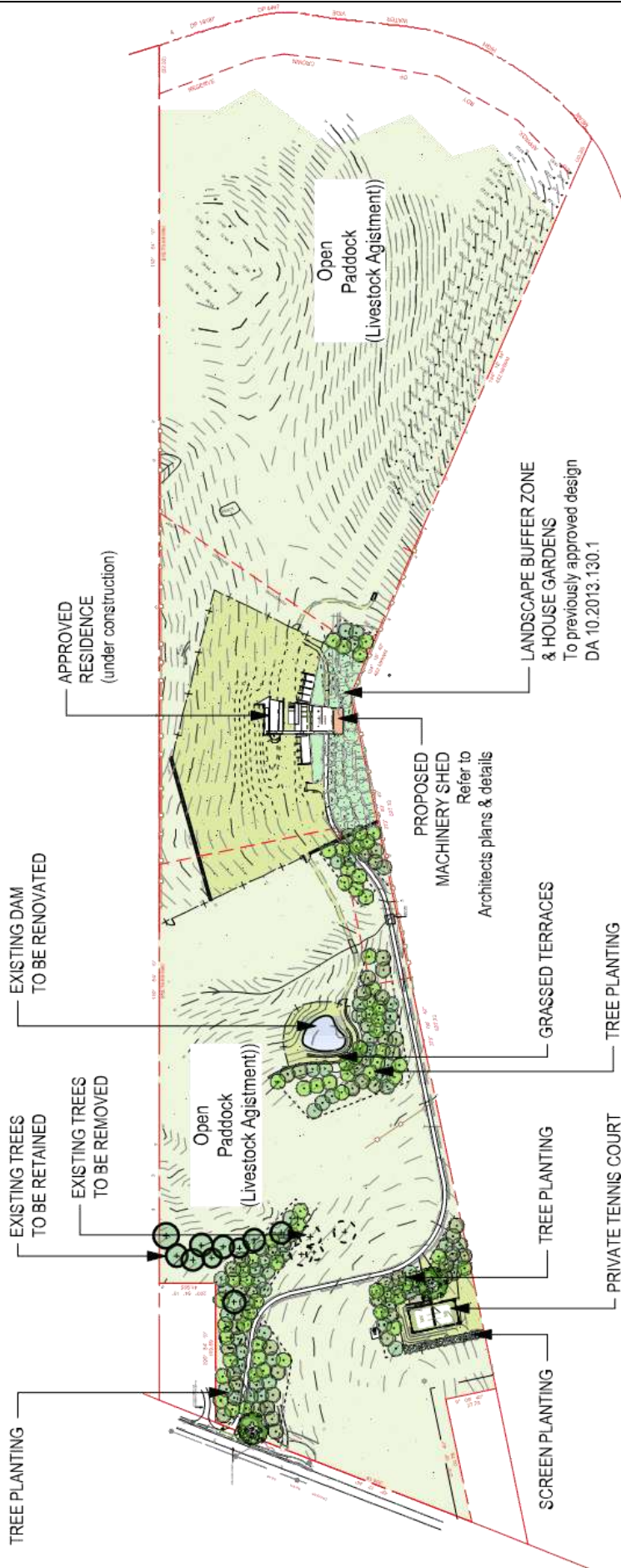
Site Operations

- (1) The hours of operation of the tennis court and tennis court lighting shall generally be restricted to no later than 9.00pm.
- (2) The curtain tennis court fencing is to be fully retracted and secured when tennis court is not in use.
- (3) The tennis court lighting is to be directed to the court surface and is to be hooded to reduce the effect of light spill.
- (4) The tennis court is to be used for private purposes only.

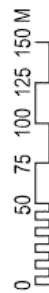


Item 9.3

Attachment 1

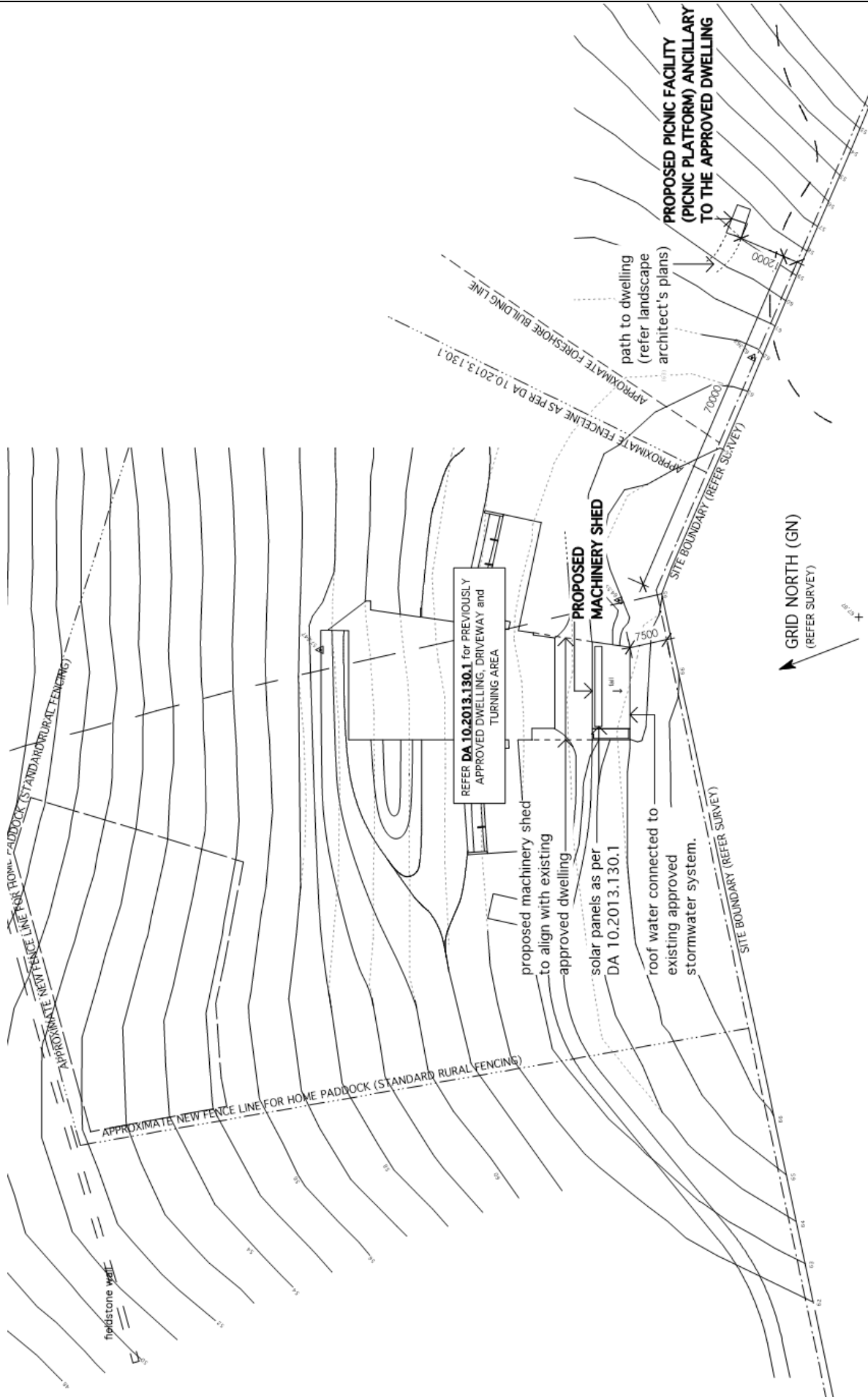


1 Site Master Plan
not to scale



spirit level design pty ltd 1st floor 40 crooked river road gerroa nsw 2536 phone 02 8399 0554 email info@spiritlevel.com.au ABRN 58 078 310 826	
PROJECT #	1031
PROJECT DATE	30/08/14
PROJECT NAME	The Farm Gerroa
PROJECT ADDRESS	40 Crooked River Road Gerroa NSW 2536
DESIGNER	B & J Richardson
DATE	14/11/14
SCALE	A1
PROJECT NO.	Ag shown
PROJECT CODE	L001 A





<p>THESE DRAWINGS MUST BE VERIFIED BY THE STRUCTURAL ENGINEER'S DOCUMENTS, DO NOT SCALE FROM THESE DRAWINGS. ALL DIMENSIONS & LEVELS MUST BE VERIFIED ON SITE BY BUILDER. FERGUS SCOTT ARCHITECTS IS THE OWNER OF THE COPYRIGHT THAT SURVISTS IN THESE DRAWINGS</p>	<p>FERGUS SCOTT ARCHITECTS 1a cohen street fairlight nsw 2094 p: 02 9948 0711 f: 02 9948 0722 mail@fergusscottarchitects.com.au</p>	<p>THE FARM ANCILLARY WORKS LOT 2 DP 609891 CROOKED RIVER ROAD GERROA NSW 2534</p>	<p>Drawing name & scale: NOTIFICATION PLAN (1 of 2) PART SITE PLAN 1:1000 @ A4</p>	<p>Date: 24. 11. 14</p>	<p>Issue: DA</p>
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9.4 Revision of Chapter 9 – Kiama Development Control Plan 2012

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

Kiama Development Control Plan (DCP) 2012 was adopted by Council on 31 July 2012. As part of an ongoing review of the entire document, the existing Chapter 9 – Car Parking Requirements has undergone revision to address identified issues, provide better clarity and increase development opportunities through the amendment of some of the existing requirements.

The report seeks Council endorsement to publicly exhibit the revised 'draft' Chapter 9 – Car Parking Requirements of Kiama DCP 2012.

Finance

N/A

Policy

Under the Environmental Planning and Assessment Act, 1979 consideration of a draft development control plan, or part thereof, requires a public exhibition period to obtain community feedback on the draft controls.

Reason for Report to Council

Revision of existing Chapter 9 – Car Parking Requirements of Kiama DCP 2012 requires Council's endorsement to be placed on public exhibition.

Attachments

1 Draft Kiama DCP - Chapter 9 car parking requirements

Enclosures

Nil

RECOMMENDATION

That:

1. Council Endorse 'draft' revised Chapter 9 - Car Parking Requirements of Kiama Development Control Plan 2012 for public exhibition subject to the provisions of the Environmental Planning and Assessment Act for a period of not less than 28 days.
2. At the completion of the exhibition period a further report be submitted to Council.

Report of the Director Environmental Services

9.4 Revision of Chapter 9 – Kiama Development Control Plan 2012 (cont)

BACKGROUND

Kiama DCP 2012 was adopted by Council 31 July 2012. Through its use by the development industry and staff over this time inconsistencies, anomalies and controls which are considered too restrictive or unwarranted have been highlighted. In particular, the Kiama Development Industry Committee has been a supporter of a review of Chapter 9 – Car Parking Requirements for the reasons mentioned above.

Prior to preparing the draft document, developers and consultants were emailed requesting their input into the process. They were informed that input could come in the form of concerns, possible solutions and ideas to improve the current document. A small number of submissions were received and where pertinent, were included in the draft document.

The most notable changes to the document are listed below:

- The objectives have been expanded to not only reflect that the document includes parking, but safe and efficient access for vehicles, bicycles and people with a disability;
- Tables are included showing the legislative framework, policies, guidelines and other standards which must be adhered to;
- A complete revision of the Schedule of Parking Requirements (Schedule), which in the current version relies greatly on the Roads and Maritime Services *“Guide to Traffic Generating Development (RMS Guide)”*. The revision still takes into account the *RMS Guide*; however Council’s requirements shown in the Schedule take precedent in the majority of circumstances. The revised Schedule now includes every permissible land use in Kiama Local Environmental Plan 2011. Of particular note, the *RMS Guide* had a lesser visitor parking requirement for high density developments (20 or more dwellings) than a medium density developments. The Schedule specifies an across the board standard of one (1) visitor space per four (4) dwellings regardless of the number of dwellings proposed in a multi-unit development. Further, each 3 bedroom medium/high density dwellings will be required to provide 2 off street car spaces.
- Parking for *“Food & Drink”* premises within the CBD’s of Kiama and Gerringong have also been relaxed in the Schedule to facilitate a change in use of premises to accommodate *“Food and Drink”* premises.
- The Schedule also provides some opportunities for developers/consultants to obtain a merit review (through providing a Parking Impact Study prepared by a suitably qualified and experienced professional person) where they feel that the parking requirements are unwarranted due to specific circumstances.
- Manoeuvrability requirements for new developments are explained with better clarity through revised controls and the addition of a new diagram.

As stated above, it is proposed to exhibit the draft chapter for a period of not less than 28 days, following which all submissions will be reviewed, any amendments made and the matter reported back to Council.



9

Car Parking Requirements

DRAFT

9

Car Parking Requirements

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Section 1 – Introduction

This chapter of the Kiama Development Control Plan 2012 provides general requirements for the assessment and management of traffic impacts associated with development. This chapter also outlines Council's general requirements for the design and provision of vehicle parking, storage facilities and loading facility requirements for specific developments. The objectives, clauses and requirements in this chapter apply to all land in the Municipality.

NOTE: Where there is an inconsistency between objectives, clauses and requirements and other Council policies and codes in terms of parking, then this plan prevails.

1.1 Objectives

Controls have been formulated having regard to the following objectives;

- a) To ensure that appropriate off-street parking is provided for new development commensurate with the land use.
- b) To ensure adequate parking is provided for new development so that thoroughfares are not adversely impacted upon.
- c) To ensure that the design of car parking areas meet relevant adopted standards.
- d) To ensure that adequate servicing of new developments can be undertaken with safety and efficiency.
- e) To ensure adequate provision is made for people with a disability.
- f) To ensure adequate provision is made for cyclists.
- g) To ensure that parking facilities cater for the safety of all users and minimise visual impacts.

1.2 Legislative Framework

This chapter should be read in conjunction with the *Kiama Local Environmental Plan 2011 (KLEP)*.

Several other Acts and State Environmental Planning Policies (SEPP's) may also be considered; these include, but may not be limited to:

Environmental Planning Instruments
NSW Environmental Planning and Assessment Act 1979
State Environmental Planning Policy (Infrastructure) 2007
Roads Act 1993
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Disability Discrimination Act 1992 (Cth)

1.3 Council Policies and Guidelines

Section D5 Stormwater Drainage of Kiama Development Code
Water Sensitive Urban Design Policy
Driveway and Footpath Works Procedure Manual

Contributions Plan

1.4 Adoption of other Standards and Guidelines

All parking requirements, access and manoeuvrability shall be designed as outlined within this plan and in accordance with:

Building Code of Australia
Australian Standards 2890.1 – 2890.6
Australian Standard 1428 Parts 1 – 4 Design for Access & Mobility
Australian Standard 1742 Manual of Uniform Traffic Control Devices
NSW Roads and Maritime Service Guide to Traffic Generating Developments
AUSTROADS Guide to Traffic Management
AUSTROADS Guide to Traffic Engineering Practice

NOTE: Where above mentioned standards and guidelines are superseded by updated versions, the version current at the date of lodgement of a Development Application shall apply to the development.

1.5 Advisory Information

1.5.1 Development Application Documents

Development Applications must be accompanied with plans that show the arrangements for parking, where vehicles will enter and leave the site and how vehicles will move about the site.

1.5.2 Variations

Each application for variation will be considered on its individual circumstances and merits of the case. A request to vary any guidelines contained within this Chapter must be supported in writing and lodged with the Development Application. The variation should detail the grounds of the proposed variation and address the relevant objectives. In support of the variation, Council may require the submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.

Section 2 - Parking Demand and Servicing Requirements

2.1 General Parking Requirements

- C1 All new developments within the Municipality of Kiama shall provide parking spaces, servicing areas and manoeuvring areas in accordance with the requirements of this Chapter of Kiama Development Control Plan 2012. All deliveries and servicing associated with new developments must be provided within the same site.

- C2 Traffic generating applications may be referred to the relevant Traffic Authorities. Council reserves the right to determine parking requirements for such developments with due regard to the representations made by these authorities.

- C3 Parking spaces specified in the Schedule of Requirements below, unless stipulated otherwise, are for cars. Depending on the development proposed, parking for delivery/service vehicles, courier vehicles, bicycles, buses, taxis, emergency vehicles and motorcycles may also be required by Council.

- C4 Calculations should be rounded up to the nearest whole number for each use on the site and then combined to give the total amount. For example, if the calculation determines for the residential component that 5.3 spaces are required and for a commercial component that 8.7 spaces are required then 15 spaces would be required in total.
- C5 Where on-site parking has been provided as a condition of development consent and in accordance with this Plan, all spaces must be available for use by patrons/clients of the development at all times during operating hours and be clearly signposted. If parking spaces are required for the exclusive use of an owner or operator, then such spaces must be provided over and above those required by any development consent.
- C6 Parking requirements for uses not included in the Schedule of Requirements below, or which are disputed by the applicant as being unwarranted will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
- C7 The car parking component of the study must include:
- a) A detailed car parking survey of similar development located in localities which demonstrate similar traffic and parking demand characteristics;
 - b) Assessment of the current traffic flow conditions in the local road network and performance of key intersections in the locality;
 - c) Assessment of existing on-street car parking and whether the locality is experiencing traffic and on-street parking congestion issues;
 - d) Anticipated traffic generation rate for the development;
 - e) Assessment as to likely impact of the development on traffic flows and traffic safety within the local road network and the demand for on-street parking in the future as a result of the proposed development; and
 - f) Assessment of the on-site car parking requirements based on the detailed car parking survey of other similar developments and localities.
- C8 For developments which include more than one use, the number of parking spaces should be calculated on the basis of each separate use. As an example, a development comprising retail at ground level and office space above will be assessed at one (1) space per 35m² for the retail component and one (1) space per 40m² for the office component.
- C9 In developments where there is more than one land use and the time of a peak demand for each use does not coincide, Council will consider a reduction from the requirements for the individual uses subject to the submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.

2.2 How Much Parking Is Required?

Schedule of Requirements

All new developments shall comply with the land use parking requirements of the Roads and Maritime Services (RMS) “*Guide to Traffic Generating Developments*” (*Guide*), except where listed in the following Schedule of Requirements (Schedule). Where a State or Regional Classified road is affected by a development proposal, the RMS Guide shall take precedence.

Council also reserves the right to define a requirement for uses not referred to in the RMS *Guide* or Schedule according to the merits of the specific development.

Land Use Types in the Schedule are defined in Kiama Local Environmental Plan 2011.

LAND USE TYPE	MINIMUM CARPARKING STANDARDS
Residential	
Dwelling House	1 dedicated space behind the building line and 1 space behind the front boundary.
Dual Occupancy	For each occupancy, 1 dedicated space behind the building line and 1 space behind the front boundary.
Secondary Dwelling	1 space behind the front boundary for the secondary dwelling.
Attached Dwelling/Multi-Dwelling Housing/Residential Flat Building/Shop top housing	1 dedicated space behind the building line (per one or two bedroom dwelling) and 1 additional space per three bedroom dwelling (and above) behind the front boundary, plus 1 space per 4 dwellings for visitor parking behind the front boundary. Note: Enclosed rooms, that is nominated as a Study (or similar) and is capable of being used as a bedroom is considered to be a bedroom for the purposes of calculating car parking requirements.
Boarding House/Hostel/Group Home	1 space per 4 beds and 1 space per staff member on shift.
Seniors Housing	1 dedicated space per unit plus 1 space per 4 units for visitor parking.
Seniors Housing (Residential Care Facility)	1 space per 10 units, plus 1 space per 4 units for visitor parking, plus 1 space per staff member on shift, plus 1 space for ambulance parking.
Rural Worker’s Dwelling	1 space per bedroom.
Home Based Childcare	1 space per 7 children in care.
Home Industry	1 space per employee.
Home Business	1 space per employee.
Exhibition Village	4 spaces per exhibition home.

Tourist & Visitor	
Backpackers Accommodation	1 space per 4 beds plus 1 space per staff member on shift.
Bed and Breakfast Accommodation	1 space per bedroom.
Camping Ground and Caravan Park	1 space per camping / caravanning site, plus 1 space per 10 long term sites and 1 space per 20 short term sites for visitor parking, plus 1 space per staff member on shift.
Farm Stay Accommodation	1 space per bedroom.
Hotel or Motel accommodation	1 space for each occupancy plus 1 space per staff member on shift.
Serviced Apartment	1 space per apartment plus 1 space per staff member on shift.
Short Term Rental Accommodation	The home owner shall be able to demonstrate how parking is provided without adversely affecting existing neighbourhood amenity.
Food & Drink	
Restaurant (or Reception Centre) or Cafe in a CBD	1 space per 35m ² of gross leasable floor area, plus 1 space per 50m ² of designated stock storage areas plus 1 space per staff member on shift. Note: Where peak use in the CBD is after 6 p.m. on-street parking may be taken into consideration. The submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person shall be provided to Council for its consideration in regard to this matter.
Restaurant (or Reception Centre) or Cafe <u>not</u> in a CBD	1 space per 8m ² of gross leasable floor area, plus 1 space per 50m ² of designated stock storage areas plus 1 space per staff member on shift.
Take Away Food and Drink Premises	1 space per 4 staff members on shift, plus <ul style="list-style-type: none"> • No on-site seating: 1 space per 35 m² of gross leasable floor area plus 1 space per 50m² of designated stock storage areas. • On-site seating and no drive through facility: 1 space per four seats (internal and external) plus 1 space per 50m² of designated stock storage areas. • On-site seating and drive through facility: 1 space per three seats (internal and external) plus a queuing area for 12 cars as measured from the food pick up point plus 1 space per 50m² of designated stock storage areas.
Pub/Registered Club	1 space per 5m ² of licensed floor area plus 1 space per staff

	member on shift.
Restaurants, Reception Centres and Conference Facilities <u>used in conjunction</u> with Tourist Accommodation	<p>Consideration will be given for off-setting parking spaces where it is likely that patrons of the tourist accommodation will use the facilities on the following basis:</p> <ul style="list-style-type: none"> • Within urban areas – 25% reduction on parking required for the Restaurant/Conference/ Reception Facility. • Outside urban areas – 50% reduction on parking required for the Restaurant/Conference/ Reception Facility. • Where a Restaurant is used by patrons of the tourist development only and is not open to the public, the assessment for the Restaurant requirement will be excluded from the general rate for the tourist establishment.
Commercial	
Business Premises/Office Premises	<p>Whichever is the greater:</p> <p>1 space per 40m² gross leasable floor area or 1 space per leasable office.</p>
Retail Premises (If not otherwise defined below)	1 space per 35m ² of gross leasable floor area plus 1 space per 50m ² of designated stock storage areas.
Neighbourhood Shop/Kiosk	1 space per 35m ² of gross leasable floor area plus 1 space per 50m ² of designated storage areas.
Shopping Centre (including supermarkets)	Refer to the RMS <i>Guide</i>
Market	<p>On public lands: A merit based assessment will be undertaken by Council, taking in account available parking within walking distance of the market, hours of operation and stall numbers.</p> <p>On private lands: 2 spaces per stall.</p>
Roadside Stalls/Cellar Door Premises	A merit based assessment will be undertaken by Council, taking into account proposed hours of operation, staffing, location and the type of goods for sale.
Garden Centre/Plant Nursery	<p>Whichever is the greater of:</p> <p>15 spaces or 1 space per 50m² of site area.</p>
Hardware and Building Supplies/Landscape Material Supplies/Rural Supplies/Timber Yard	1 space per 50m ² of site area.
Service Station (included with a convenience store)	1 space per 20m ² gross leasable floor area. If a Vehicle body Repair Workshop / Vehicle Repair Station is included, five spaces per work bay is required.
Vehicle body Repair Workshop/Vehicle Repair	Five spaces per work bay.

Station	
Vehicles Sales or Hire Premises	One space per 75m ² of site area plus five spaces per work bay.
Animal boarding or training establishment	Whichever is greater: 4 spaces or 1 space per 25 animal enclosures.
Industrial	
Light Industry (If not otherwise defined below)	Whichever is the greater of 2 spaces per unit or 1.3 spaces per 100m ² GFA.
Warehouse or Distribution Centre	1 space per 300m ² GFA.
Depot/Transport Depot/Truck Depot	Parking requirements will be determined by Council following the completion and submission of a Parking Impact Study by a suitably qualified and experienced professional person.
Bulky Goods Premises	1 space per 50m ² GFA.
Self Storage Units	Whichever is the greater of: 4 spaces or 1 space per fifty storage units.
Infrastructure	
Hospital	1 space per 3 beds for general hospital or 1 space per 5 beds for a convalescent hospital / respite day care centre; plus 1 space for Ambulance, plus 1 space per Doctor, plus 1 space per 3 staff. Note: Alternatively, parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
Medical Centre	1 space per 25m ² gross leasable floor area.
Health Consulting Room	1 space per practitioner on shift and two client spaces per practitioner on shift.
Veterinary Hospital	1 space per 25m ² gross leasable floor area.
Educational Establishment/Information & Education Facility/Industrial Training Facility	For primary and high schools, 1 space per 100 students, plus 1 space per staff, plus 1 space per 10 students in Year 12 (where applicable). For tertiary institutions and other education facilities, 1 space per 3 students, plus 1 space per staff. Note: Alternatively, parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.

Place of Public Worship/Community Facility	1 space per 5m ² of gross leasable floor area. Note: Alternatively, parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
Child Care Centre	1 space per 7 children in care, plus 1 space for each staff member on shift.
Cemetery/Mortuary Crematorium / Funeral Home	Parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
Recreation	
Amusement Centre	1 space per 35m ² of gross leasable floor area
Entertainment Facility	1 space per 5m ² of theatre or hall area.
Recreation Area/Recreation Facility (indoor)/Recreation Facility (outdoor)/Recreation Facility (major)	Where a use has not been addressed in the RMS <i>Guide</i> parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.

2.3 Additional Controls

- C10 For recreation, religious or educational land uses and where surplus on-street parking exists at the appropriate times, Council may consider a reduction in on-site parking requirements subject to a Parking Impact Study prepared by a suitably qualified and experienced professional person
- C11 An existing building altered, extended, remodelled with or without change of land use, may be required to comply wholly or partly with the provisions of this plan. In these cases the Council shall determine the extent of the parking provisions required in each case, having regard to the extent of the alteration, extensions and/or remodelling and the nature of the altered land use.
- C12 Where in the opinion of Council conditions are such as to render impracticable the compliance in full with the provisions of this plan, the Council may permit such departures as in Council's opinion, the circumstances warrant.
- C13 All assessment of parking requirements for clubs and related licensed premises will be open for a merit review by Council. A discount may apply where there is apparent pooling of uses within the club or licensed premises and where the premises proposes to provide a formal and regular bus service for patrons.
- C14 All development applications for commercial development, including 'Food and Drink Premises', shall contain a calculations that indicate the area in square metres of each section of the gross leasable floor area or other required areas as defined in the Schedule of Requirements.

Section 3 - Parking Layout and Design Requirements

3.1 General Access Requirements

- C15 For new developments which result in less than five occupancies being created, driveway access from a public road shall conform to the road widths stated in Council's current version of the "Driveway and Footpath Works Procedure Manual" (manual). Where a departure from the requirements of the manual is preferred by the applicant, reasons for the departure shall be provided with the development application for Council's assessment. New developments which propose five or more occupancies shall provide a driveway(s) of sufficient width to allow safe and efficient passing and manoeuvring of vehicles and also considers the safety of pedestrians and cyclists.
- C16 Access to parking areas shall be designed to minimise conflict between pedestrians, cyclists and traffic. Council may require road and traffic management works to ensure safe access to parking areas. Where developments front a busy road, access to rear lanes (if available) should be provided.
- C17 The location and width of all driveways shall conform with AS2890 and Council's 'Driveway and Footpath Works Procedure Manual' and shall be located to the street with the lowest traffic volume. See Note A for access driveway locations.
- C18 The layout of parking areas shall be designed so that parking spaces remain available and accessible for the intended users. These parking spaces shall have unrestricted access to a road by way of a corridor provided within the lot boundaries, but not through a building or other structure that could lead to closure of such access.
- C19 Parking areas except for single residences and dual occupancy buildings shall be designed so that all vehicles enter and leave the subject land in a forward direction and that all manoeuvring of vehicles takes place within the subject site and not the road reserve.
- C20 Pedestrian flow in parking areas shall be an integral part of the design and pedestrians should be separated from vehicular traffic wherever possible. Use of lighting should be considered where night use is involved. Please refer to the lighting section in this chapter.
- C21 Each site shall minimise the number of ingress and egress points to any street frontage. Where there is proposed more than one access point to a site, the first driveway reached by the nearest traffic lane shall be the entrance.
- C22 Where parking exceeds fifty (50) spaces, provision shall be made for separate ingress and egress.
- C23 Driveway ingress and egress points shall be a minimum of 1 metre from the side boundary and a minimum of 1 metre apart.
- C24 To ensure the safety of pedestrians, traffic calming shall be provided in locations where vehicular access intersects with a designated pedestrian route.

3.2 Disability Access and Parking

- C25 To ensure an adequate parking provision is made for people with disability, the minimum requirements for Class 3, 5, 6 7, 8, 9 buildings as defined in the Building Code of Australia (BCA) shall be included within the proposed development.

3.3 Location

- C26 Off-street parking shall be located on the site of the development, and in places where they are easily and safely accessible to staff and customer entrances.
- C27 Council may accept parking on adjoining or nearby land owned by the applicant provided that the adjoining or nearby land is appropriately zoned and consolidated with lands the subject of the development or a restriction to user is created on nearby land so as to effectively tie the parking to the development for perpetuity.
- C28 In R3 Medium Density Residential zones, all parking shall be appropriately screened from the public domain and manoeuvring areas shall be located behind the front boundary.

3.4 Manoeuvrability

- C29 To ensure that adequate space is provided for the manoeuvring of vehicles, turning paths and heights for vehicle access and parking shall be based upon the largest vehicles likely to utilise the premises, as defined in AS2890. At a minimum these are:
 - Residential/Medium density zoned development – The B99 and B85 Vehicle shall be used in the situations identified in Note B
 - Commercial Zoned Development (sites <600 m2) – Small Rigid Vehicle (SRV).
 - Commercial Zoned Development (sites 600+ m2) - Medium Rigid Vehicle (MRV).
 - Industrial Zoned Development – Heavy Rigid Vehicle (HRV).
 - All sites - size of garbage collection vehicle to service the site.
- C30 Council may in exceptional circumstances consider reducing the above minimum vehicle type to service a site. In these situations, conditions of Development Consent will be applied to strictly enforce this vehicle size for future usage of the site.
- C31 The minimum height in undercover parking areas shall be 2.3 metres. Council may require a larger vertical clearance for the provision of delivery vehicles, disabled entry and the like in accordance with Australian Standards.

3.5 Pavement Treatments

- C32 Parking areas shall be suitably paved with a permanent, all weather surface such as two coat bitumen seal, concrete, asphaltic concrete or interlocking paving. Consideration shall be given to the relief of large areas of pavement by alternative surface textures. Engineering plans of the parking area will be required to be submitted to Council for approval with the development application. The plans are required to detail dimensions of the parking area, spaces, manoeuvring areas, access, levels and drainage.
- C33 Depending on the development type, the parking area pavement shall be designed to cater for the projected future usage, with a minimum as follows:

Rural Development	All weather gravel standard with a minimum compacted pavement thickness of 200mm with associated stormwater drainage. The minimum pipe size in the table drain, where required, is 375mm dia. For grades > 12%, sealing of the parking area is required.
Retail/Commercial Development	<ul style="list-style-type: none"> • Paving bricks for light vehicular loading, or • Light duty reinforced patterned or coloured concrete, or • Pavement to be designed for a traffic loading of 2 x 10⁴ ESA, or • Standard Asphaltic Concrete (AC) for more than 6 spaces, or

	<ul style="list-style-type: none"> • 2 coat bitumen seal for 6 spaces or less.
Medium Density Residential Development	<ul style="list-style-type: none"> • Exposed aggregate, or • Paving bricks for light vehicular loading, or • Coloured/patterned concrete
Industrial	<ul style="list-style-type: none"> • Heavy duty concrete, or • Industrial asphaltic concrete AC10 with minimum pavement thickness of 200mm subject to pavement testing for a design load of 6 x 10⁴ ESA.

The following are the minimum pavement requirements:

- i. Bitumen Surfacing
 - The pavement shall be constructed to generally conform to the Roads & Traffic Authority (MR Form No. 743), "Specification for construction of natural Gravel or Crushed Rock road pavement".
 - The minimum compacted depth of pavement is to be 150mm over a pre-compacted sub-base of acceptable material.
- ii. Bitumen and Aggregate Sealing
 - Two coats of bitumen and aggregate sealing shall be applied to the parking areas.
 - Bitumen shall conform to the Roads and Traffic Authority Standard Specification (MR Form No. 337) "Residual Bitumen". Class 160 bitumen fluxed binder is to be used, with a rate of application of 1.2 litres/square metre.
 - Aggregate shall conform to the Roads & Traffic Authority Specification (MR Form No. 351) for the supply and delivery of cover aggregate. Nominal size of aggregate shall be 10mm. The rate of application of the aggregate shall be 1 cubic metre/100 square metres.
- iii. Concrete Paving
 - Minor parking areas 100mm, 20MPa concrete with SL872 bottom reinforcement over a pre-compacted sub-base of acceptable material.
 - For larger parking areas (ie supermarkets) 150mm, 20MPa concrete, with appropriate reinforcement over a pre-compacted sub-base of suitable material.

For other forms of pavement, the developer is to submit specifications and details for approval. In circumstances where Council considers the use of parking areas to be of a limited nature, Council may consider construction to a lesser standard.

3.6 Lighting

C34 Appropriate levels of lighting shall be provided in car parking areas for all users to ensure their safety and security. Such lighting may either be wall or ceiling mounted, free standing poles or bollard lights. In some instances, all forms of lighting may be incorporated to provide effective illumination.

All new public parking spaces shall be lit and shall comply with the requirements of AS/NZS1158 (2005) and shall comply with AS/NZS1158.3.1 - Pedestrian Area Lighting.

Prior to installation, all proposed lighting of public parking spaces shall be approved by the relevant authorities.

3.7 Car Wash Bays

C35 For all medium density residential developments, provision must be made for a car washing area at the rate of one (1) wash bay per twelve (12) dwellings or part thereof. This area must be identified on the site plan, be clearly signposted as a designated car washing area and be equipped with a tap and appropriate waste water drainage. A visitor car parking space may be utilised for the dual purpose of a car washing bay, provided it is appropriately signposted, have satisfactory bunding and is designed to drain waste water to the sewer.

3.8 Loading Bays and Service Areas

C36 All Service docks shall be designed to cater for the largest vehicle anticipated to use the premises and shall be designed to operate independently of other parking areas and to avoid the need for service vehicles to reverse across the pedestrian desire lines.

3.9 Bicycle Parking

C37 Provision for bicycle parking shall be made in accordance with the 'Cycling Aspects of Austroads Guide' (2011) as per the extract in Note C. Where it can be demonstrated that there is sufficient underutilised bicycle parking in the vicinity of the proposal or that bicycle parking is not warranted in the circumstance, Council may totally or partially waive this requirement.

3.10 Signage

C38 Signage and pavement markings shall be provided in accordance with the relevant Australian Standard to clearly identify:

- Vehicle entry and exit points,
- Parking bays and loading facilities,
- Direction of traffic movement,
- Pedestrian paths and crossing points.

3.11 Stormwater

C39 Adequate drainage for surface waters in all parking areas shall be provided and disposed of to a legal drainage system in accordance with Council Stormwater Drainage Design policy and the principles of Council's 'Water Sensitive Urban Design' policy.

3.12 Landscaping

Please refer to Kiama Development Control Plan 2012 Chapter 8 Landscaping for requirements relevant to Car parking.

3.13 Stack Parking

C40 Stack parking occurs when one vehicle is parked adjacent to another in a way that prevents the other vehicle from exiting. In general, Council does not favour the use of stack parking. However, it is prepared to consider the provision of parking in a stacked arrangement when the applicant can demonstrate that such a proposal:

- will not adversely affect use of the site;
- only requires the removal of one vehicle to enable another vehicle to exit and occurs wholly within the site;
- allows for a change of use/occupancy of a building without impacting on parking needs of other tenants/users; and

- No more than 10% of parking required in a commercial development will be stacked; will be for the use of employees of the same organisation or inhabitants of the same household.

3.14 Mechanical Parking Systems

C41 An application to provide for car parking by the use of mechanical devices will be considered on its merit, where an applicant can demonstrate to the satisfaction of Council that conventional car parking cannot be provided. Mechanical parking systems may be considered appropriate in certain circumstances, subject to the following:

- Full details are provided on the system including, dimensions, noise & vibration levels, cycle times, traffic volumes using the system and hence predicted queue lengths at peak hour operation, general and emergency management procedures;
- There is a demonstrate need for a mechanical parking system and that its provision will not adversely affect the use of the site or the immediate locality;
- No visitor parking is included in the system;
- The system can accommodate 100th percentile vehicles (ie small sports cars to large 4WD's); and
- Adequate queuing space is provided within the site on the approach to the system, without the queue extending onto the public road network.

Section 4 - Existing Building Change of Use for 'Food and Drink' Premises

For development applications lodged for existing buildings which change their use to '*Food and Drink Premises*' and involve no increase in the gross leasable floor area, then no additional parking spaces shall be required. Where there is an increase in the gross leasable floor area, the increase shall provide parking in accordance with the Schedule of Requirements.

Section 5 – Road Widening in New Subdivisions

Where a proposed subdivision of land requires road construction or road upgrading and the combined lots created will permit further development at a ratio of more than 33 dwellings per hectare, Council may require that the road widths specified in Chapter 7 – Subdivision of this development control plan be widened in the proposal to accommodate additional on-street parking and improved access and servicing arrangements.

Section 6 - Loss of On-Street Parking

Where a development/redevelopment has frontage to a public street, Council will take into account the loss of any existing on-street parking spaces arising from the construction of access, bus bays and parking restrictions, where these are directly related to the development proposal. The loss of any on-street parking will be required to be replaced on-site, or other satisfactory arrangements are made with Council, or will be deducted from any overall parking credits accrued for the development. Any replacement public parking spaces proposed on site shall be accessible at all times and shall be covered by an easement for parking on the property title in favour of Council.

Section 7 - Heritage Conservation Sites

If a development proposal involves the conservation of a heritage item identified within Kiama Local Environmental Plan 2011, Council may reduce the car parking requirements stipulated in this Chapter, if it is felt that full compliance would be detrimental to the conservation works or heritage value of the building.

Section 8 – Parking Credit Policy

8.1 Payment of Contributions

Where the development of a site is identified within Council's current Section 94 Contributions Plan as being capable of making a contribution towards off-street parking, a cash contribution paid to an appropriate trust account of Council may, in some circumstances, be accepted in lieu of provision of on-site parking.

8.2 Works In Kind

Council may consider the construction of on road spaces in lieu of providing parking within the development site through a 'works in kind' planning agreement pursuant to Clause 93F of the *Environmental Planning & Assessment Act 1979*.

8.3 Developments Where Parking is Defined in the Development Consent

Where development consent(s) exists for the lawful use of the site and such consent(s) define parking requirements, a parking credit for such sites will be:

- i. any spaces provided and still in existence on-site in accordance with the consent(s); and
- ii. any spaces paid for off-site by way of Section 94 contributions

8.4 Dedication of land to Council

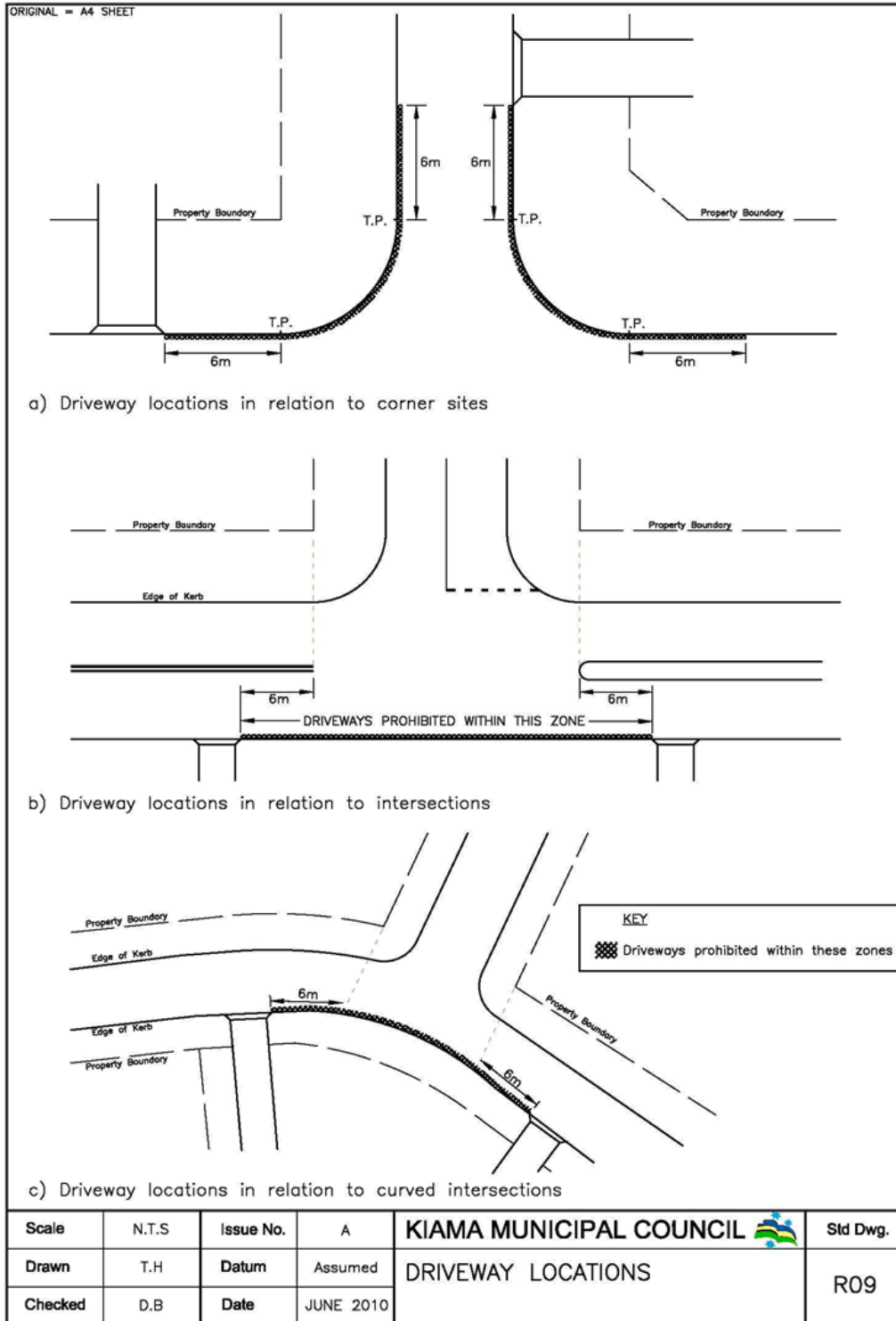
Where defined in Council's strategic planning documents, a credit of one (1) parking space per thirty (30) square metres of area will be given for any land dedicated free of cost or encumbrances, for road widening or service lane purposes.

Section 9 - Schedule Definitions

The following definitions are additional definitions or are a redefinition of the definitions in the Roads and Maritime Services' *"Guide to Traffic Generating Developments"*.

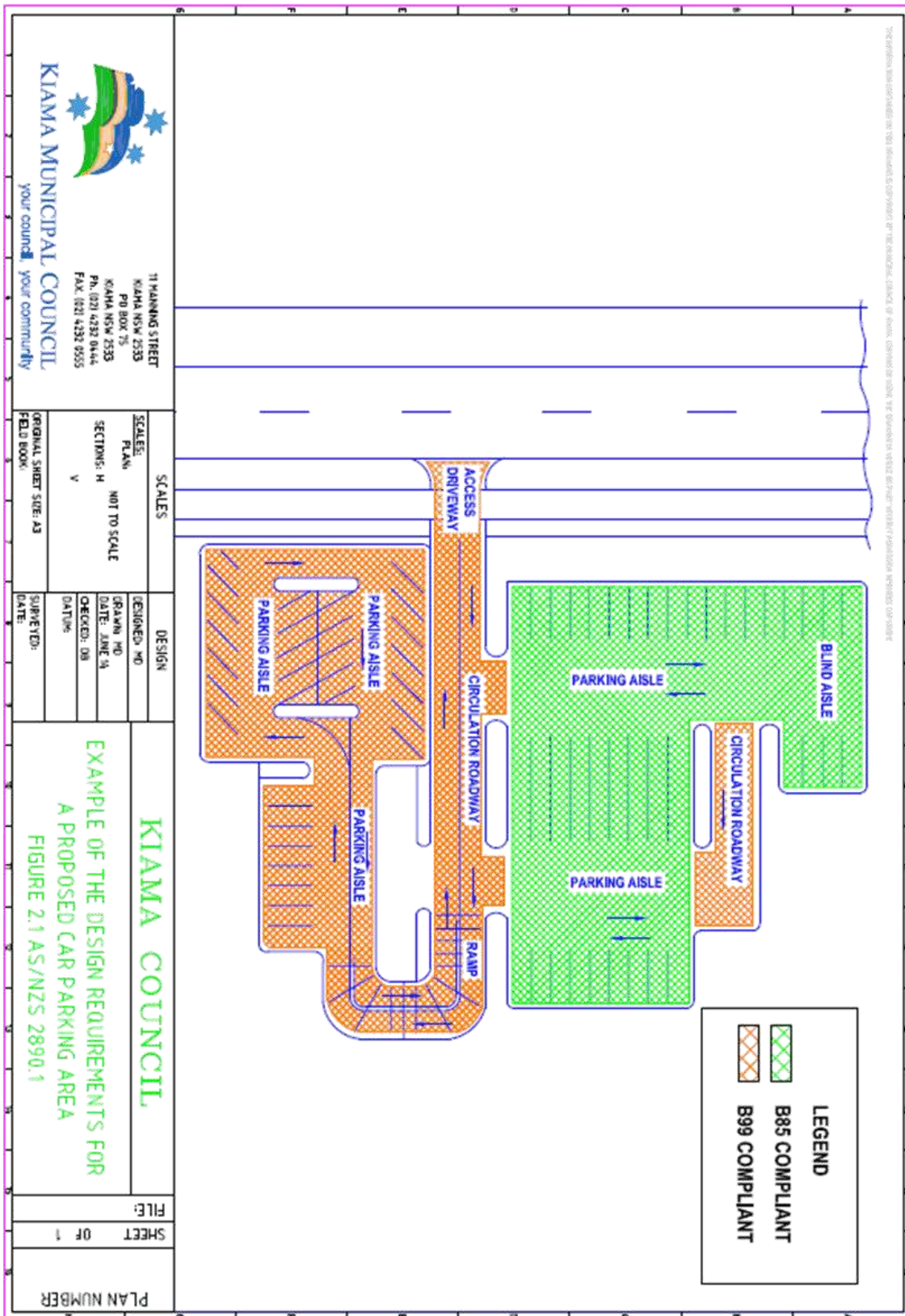
- **Amenities** - means staff and public toilets, as well as staff only facilities.
- **CBD** - means the same areas included in Chapter 26 and Chapter 27 of Kiama Development Control Plan 2012
- **Designated Stock Storage Area** - means an area within the internal faces of the walls of a building, which is purposely designed and constructed for storage only, physically separated from the retail floor area and not in the immediate sight of customers.
- **Gross Leasable Floor Area** – means the sum of the area within the internal faces of the walls of a building, excluding stairs, lifts, circulation areas and amenities, but includes the designated stock storage areas.
- **Licensed Floor Area** - means the floor area which is licensed for the purposes of serving liquor in accordance with current NSW legislative requirements.

Note A - Driveway Location



Item 9.4 Attachment 1

Note B– Manoeuvring Requirements



Note C – Bicycle Parking Requirements

Cycling Aspects of Austroads Guides

Table F 2: Bicycle parking provision

Land use	Employee/resident parking spaces	Class	Visitor/shopper parking spaces	Class
Amusement parlour	1 or 2	1 or 2	2, plus 1 per 50 m ² gfa	3
Apartment house	1 per 4 habitable rooms	1	1 per 16 habitable rooms	3
Art gallery	1 per 1500 m ² gfa	2	2, plus 1 per 1500 m ² gfa	3
Bank	1 per 200 m ² gfa	2	2	3
Café	1 per 25 m ² gfa	2	2	3
Community centre	1 per 1500 m ² gfa	2	2, plus 1 per 1500 m ² gfa	3
Consulting rooms	1 per 8 practitioners	2	1 per 4 practitioners	3
Drive-in shopping centre	1 per 300 m ² sales floor	1	1 per 500 m ² sales floor	3
Flat	1 per 3 flats	1	1 per 12 flats	3
General hospital	1 per 15 beds	1	1 per 30 beds	3
General industry	1 per 150 m ² gfa	1 or 2	-	3
Health centre	1 per 400 m ² gfa	1 or 2	1 per 200 m ² gfa	3
Hotel	1 per 25 m ² bar floor area 1 per 100 m ² lounge, beer garden	1 1	1 per 25 m ² bar floor area 1 per 100 m ² lounge, beer garden	3
Indoor recreation facility	1 per 4 employees	1 or 2	1 per 200 m ² gfa	3
Library	1 per 500 m ² gfa	1 or 2	4, plus 2 per 200 m ² gfa	3
Light industry	1 per 1000 m ² gfa	1 or 2	-	3
Major sports ground	1 per 1500 spectator places	1	1 per 250 spectator places	3
Market	-	2	1 per 10 stalls	3
Motel	1 per 40 rooms	1	-	3
Museum	1 per 1500 m ² gfa	1	2, plus 1 per 1500 m ² gfa	3
Nursing home	1 per 7 beds	1	1 per 60 beds	3
Office	1 per 200 m ² gfa	1 or 2	1 per 750 m ² over 1000 m ²	3
Place of assembly	-	2	-	3
Public hall	-	1 or 2	-	3
Residential building	1 per 4 lodging rooms	2	1 per 16 lodging rooms	3
Restaurant	1 per 100 m ² public area	1 or 2	2	3
Retail show room	1 per 750 m ² sales floor	1	1 per 1000 m ² sales floor	3
School	1 per 5 pupils over year 4	2	-	3
Service industry	1 per 800 m ² gfa	1	-	3
Service premises	1 per 200 m ² gfa	1	-	3
Shop	1 per 300 m ² gfa	1	1 per 500 m ² over 1000 m ²	3
Swimming pool	-	1 or 2	2 per 20 m ² of pool area	3
Take-away	1 per 100 m ² gfa	1	1 per 50 m ² gfa	3
University/Inst. of Tech	1 per 100p/t students 2 per 100ft students	1 or 2 2	-	3

9.5 Development Application for a 5 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report follows on from Council's resolution at its meeting held on 16 December 2014, at which Item 9.2 (see attachments) was deferred to obtain the opinion of a Senior Counsel (SC) prior to Council making its determination. Such opinion has been obtained, which in short, advises that Council is entitled to proceed to determine the development application.

The report recommends that Council approve Development Application 10.2014.189.1 subject to conditions previously provided in Item 9.4.

Finance

Section 94 contributions will apply.

Policy

N/A.

Attachments

1 10.2014.189.1 - report to Council - 16 December 2014

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application number 10.2014.189.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to 'draft' conditions provided in Item 9.2 - Report of the Director Environmental Services to Council -16 December 2014 as attached to this report.

BACKGROUND

Council at its meeting 16 December 2014 was tabled with a report from the Director Environmental Services (Item 9.2) for its determination of a development application (DA) for a 5 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (DA 10.2014.189.1).

Council resolved that the application be deferred to enable the opinion of a SC to be obtained. From the meeting, the opinion from the SC was required to address the matter of whether there were inconsistencies between Illawarra Regional Plan No 2

Report of the Director Environmental Services

9.5 Development Application for a 5 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

(REP) and Kiama Local Environmental Plan 2011 that would leave Council open to a legal challenge if Council were to determine the DA.

A legal opinion has been obtained from Adrian Galasso SC. The opinion consists of eight (8) pages, and in brief, the contention advanced by objectors was that the provisions of the REP operate as a “complete impediment to the grant of development consent for residential purposes consistent with the LEP until its repeal”. The SC opinion indicates that this is incorrect as the REP is only concerned with the preparation of a draft Local Environmental Plan (LEP) and the ability to determine a development application is derived from s.76A and s.80 of the *Environmental Planning & Assessment Act, 1979*. Pursuant to the Kiama LEP amendment 1 and for the purposes of s.76A, “the only relevant environmental planning instrument which identifies that, as a matter of relevant planning law, subdivision is permissible with development consent, and by reference to particular standards, is the LEP”.

Further, the opinion points out that the REP refers to Council’s preparation of a draft LEP. With changes to the Environmental Planning and Assessment Act in 2009, Councils no longer prepare Draft LEPs, thus making the clause redundant.

The opinion goes on to review a possible alternate construction of the REP, in that it could be inferred that it now refers to the making of local environment plans. Such alternate construction is not supported by Mr Galasso, however, even if such inference were considered, the opinion, at paragraphs 28–35, demonstrates how Council has acted appropriately and is entitled to proceed to determine the subject development application.

A copy of the SC opinion has been included as a separate confidential report in this business paper.

ORDINARY MEETING

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews Development Application 10.2014.189.1 which seeks consent for the development of a five (5) lot Torrens title subdivision. The proposed development is sited within the R2 Low Density Residential zone and E3 Environmental Management zone pursuant to Kiama Local Environmental Plan (LEP) 2011 and is permissible in this zone subject to Council's approval. The proposed development complies with the provisions of Kiama LEP 2011 and the objectives of Kiama Development Control Plan 2012.

The report recommends that Council approve Development Application 10.2014.189.1 subject to conditions.

Finance

Section 94 contributions will apply to any newly created allotments.

Policy

N/A.

Reason for Report to Council

This development application is reported to Council as more than five objections have been received.

Attachments

- 1 10.2014.189.1 - Wyalla Road - location map
- 2 10.2014.189.1 - Wyalla Road - Staging Plan
- 3 10.2014.189.1 - Wyalla Road - Overall Plan
- 4 10.2014.189.1 - Wyalla Road - Lot layout plan

Enclosures

Nil

RECOMMENDATION

- 1. That Council approve development Application number 10.2014.189.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the draft conditions at the end of this report.

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

BACKGROUND

Owner/Applicant: Huntingdale Developments Pty Ltd

Development Site

The property is described as Lot 100 in Deposited Plan 1063277 and is located at Wyalla Road Jamberoo. Pursuant to a planning proposal gazetted on 15 August 2014 the site was rezoned to R2 Low Density Residential and E3 Environmental Management.

The overall site measures 7.8 hectares and is irregular in shape. The site was previously used for dairying and grazing and at present the site is currently vacant. Residential dwellings are located to the south and east of the site. Hyams Creek bounds the site to the north and west, with rural zoned land adjacent. A development application (DA 10.2014.191.1) for eleven (11) Torrens title lots has been lodged on the adjacent property to the south (Lot 1 in Deposited Plan 781781) which will be reported separately to Council at this meeting.

The site slopes downhill from south to north at a grade of approximately 6%, with there being some flatter areas within the site. Access to the property is gained from Wyalla Road. The site drains to Hyams Creek. Water, sewer, electricity and telecommunications are available to the site.

The site is subject to the following constraints:

- Flood affectation;
- A heritage item indicated in the Kiama LEP 2011 on adjoining land;
- Areas mapped in Kiama LEP 2011 as riparian land and water courses; and
- Areas mapped in Kiama LEP 2011 as acid sulphate soils.

Description of the Proposed Development

The proposal is one of three development applications, on adjoining land, reported to this Council meeting. The following table should be viewed in conjunction with the staging plan included within the attachments.

Proposal	Stage No.	Development Application No.	Property Description
5 Lots	Stage 1	10.2014.189.1	Lot 100 DP 1063277
51 Lots	Stage 2 and 3	10.2014.193.1	Lot 100 DP 1063277
11 Lots	Stage 4	10.2014.191.1	Lot 1 DP 781781

The proposal the subject of this report is for Stage 1 which involves a five (5) lot Torrens title subdivision. Four lots will directly access the existing road infrastructure in Wyalla Road with the fifth lot being a residual parcel of land approximately 7.5 hectares in size. This residual land is subject to a separate development application (DA 10.2014.193.1) for a fifty-one (51) lot Torrens title subdivision that is reported separately to Council at this meeting.

Section 79C Assessment

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16 DECEMBER 2014

Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 55 - Remediation of Land

The previous land uses have been investigated and no concerns are raised. It is considered that the land is suitable for the proposed use.

- Illawarra Regional Environmental Plan No 1 (IREP1)

The proposal is consistent with the aims and objectives of IREP 1.

- Illawarra Regional Environmental Plan No 2 - Jamberoo Valley (IREP 2)

Correspondence from NSW Planning and Environment relating to the planning proposal for the rezoning acknowledges the site is located outside of the mapped village boundaries of IREP 2. The inconsistency was deemed to be of a minor nature and was justified by the Kiama Urban Strategy 2011 and Illawarra Regional Strategy 2006. As a result the land has been re-zoned for residential use with such use being consistent with IREP 2.

- Kiama Local Environmental Plan 2011

The subject land is zoned R2 Low Density Residential and E3 Environmental Management pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses of Kiama LEP 2011 requiring consideration:

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map. The proposal complies with the minimum lot size requirement of 800m² indicated on the Lot Size Map.

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of heritage exists on the opposite side of Wyalla Road which is listed in Schedule 5 as "*Wesleyan parsonage (former)*". The proposal meets the objectives of the clause and is considered unlikely to adversely affect the heritage significance of the item.

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The site is subject to Class 5 Acid Sulfate Soils and the nature of the proposed works does not require that an Acid Sulfate Soils management plan be prepared with the development application.

Clause 6.3 lists requirements for the development of land which is at or below the known flood planning level. Although the site is not mapped in Kiama LEP 2011, Hyams Creek is located within the site. A Flood study carried out in support of the Planning Proposal indicated the allotments the subject of this application, and access thereto, are above flood planning levels including allowance for climate change.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. The site contains Hyams Creek which is

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

designated as a Category '1 'watercourse. As the proposal involves no physical works impacting on the riparian area, it is considered that the objectives of the clause and the matters prescribed for consideration are deemed to be satisfied.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The development application has been notified in accordance with Kiama DCP 2012.

Kiama DCP 2012 lists a number of aims and objectives that promote development that is accessible, liveable and safe. In particular, Chapter 7 discusses subdivision design requirements and it is considered that the road widths proposed meet Kiama DCP 2012 requirements, thus ensuring the abovementioned aims and objectives have been met.

It is considered that the proposal meets the relevant development controls and/or satisfies the relevant objectives of Kiama DCP 2012.

- 'Draft' Site Specific Development Control Plan

A 'draft' site specific Development Control Plan was lodged by the proponent in support of the planning proposal for the rezoning. The document has been revised and is reported separately to this Council meeting to seek endorsement to place the document on public exhibition.

The proposal in its current form is consistent with the version of the 'draft' site specific Development Control Plan lodged in support of the planning proposal. To ensure that future development on the completed lots complies with the site specific development control plan, a development consent condition has been recommended for inclusion with the 'draft' development consent conditions at the conclusion of this report stating that "A Subdivision Certificate shall not be issued until the site specific development control plan has been endorsed by Council".

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

Nil.

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

- Context & Setting

The proposal is considered to be compatible with existing activities and land uses adjacent to the site with their being little to no impact on the public domain.

- Design

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

It is considered that the proposal can accommodate future development without adversely impacting adjoining lands.

- Traffic and Access

It is considered that the increase in traffic attributable to future housing can be accommodated on the existing road network.

The proposal is considered to provide sufficient accessibility for vehicles, pedestrians and bicycles.

- Environmental Impacts

No significant vegetation as described in Kiama LEP 2011 and Kiama DCP 2012 will be removed as a result of the proposal.

It is considered unlikely that the proposal will disturb any native fauna or its habitat.

- Social Impacts

It is considered that there will be no undue adverse social impacts caused by the proposal.

- Economic Impacts

It is considered that there will be no adverse economic impacts caused by the proposal.

- Construction Impacts

Construction activities have the ability to generate traffic, noise, dust and vibration; however, conditions of consent may be imposed on the development consent to ensure that construction impacts upon neighbours are lessened. Construction activities also have the potential to impact on soil and water resources by way of erosion and sedimentation; however, conditions of consent may be imposed on the development consent to prevent any significant impacts on soil and water resources.

- Utility Needs and Supply

It is considered that the utility demands of the proposal can be met through provision of existing service infrastructure and any requirements of relevant service authorities prior to issue of a Subdivision Certificate.

- Heritage

The site has no known Aboriginal, non-Aboriginal or natural heritage significance.

- Land Resources

The proposal is considered unlikely to have an effect on the use of agricultural land in close proximity to the site.

The Suitability of the Site for the Development

It is considered that the proposal fits within the locality and the site attributes are conducive to this development.

Submissions

Public Submissions

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period ten (10) submissions were received of which six (6) objected to the proposal and four (4) supported the proposal.

The relevant (summarised) reasons for the objection and the assessor’s response are tabled below:

Objection	Assessor’s Response
The site is an overdevelopment.	The lot sizes proposed meets the minimum lot size requirements in Kiama Local Environmental Plan 2011 and are consistent with the recent planning proposal for the rezoning of the land.
The site is flood affected and not suitable for housing	A Flood Impact Study (FIS) prepared for the applicant in 2012 was accepted by Council in preparation of the planning proposal for the rezoning of the land. The report and data submitted with the development application identified no change to the previously prepared FIS and the report is considered acceptable by Council’s Subdivision and Development Engineer. The FIS asserts that with some minor earthworks carried out in the road construction, all residential lots and their road access will be unaffected by the Probable Maximum Flood event. The residual lot created is affected by some flooding; however, this lot is subject to a development application (DA 10.2014.193.1) for fifty (50) Torrens title lots (and one lot to be dedicated to Council for passive recreation) which will be discussed in a separate report to go before Council at this meeting.
Hyams Creek will be detrimentally affected by the proposal	The four lots created are approximately 170 metres away from Hyams Creek and are considered unlikely to cause any adverse effect that would warrant a refusal of the application. The residual lot is proposed to be left as is within this application and it is therefore considered that there will be no potential harm on Hyams Creek resulting from this development application.
Existing road access is too narrow, difficult and dangerous	The existing road network is considered by Council’s Subdivision and Development Engineer to be suitable for providing safe ingress and egress to each property created.
The proposal is inconsistent	This matter has been discussed above under the

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

with Illawarra Regional Plan No 2	heading "Relevant Environmental Planning Instruments".
The ensuing housing should be single level to preserve amenity	This application is for Torrens title subdivision only. Kiama Local Environmental Plan 2011 permits a maximum building height of 8.5 metres; however, any such proposal would undergo merit assessment at development application stage. Any height restrictions placed on the lots by way of an 88b instrument would be inconsistent with this control and therefore unenforceable.
Productive agricultural land is lost if the proposal is approved	The site has been recently rezoned for residential use and is now unable to be used for commercial agricultural purposes.

External Referrals

Nil.

Internal Referrals

The application was referred to the following Council Officers for their consideration.

- Senior Development Assessment Officer - Building

No objection has been raised in relation to the proposed development.

- Subdivision & Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- GIS Officer

No objection has been raised in relation to the proposed development.

The Public Interest

The proposal is considered to be consistent with all applicable Environmental Planning Instruments and the Kiama DCP 2012, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be in the public interest.

The proposal will also contribute to the meeting the objectives of the Illawarra Regional Strategy 2006-31 and the Kiama Urban Strategy.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCPs. The proposed development is consistent with the objectives of the R2 Low Density Residential and E3 Environmental Management zones.

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been properly considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

RECOMMENDATION

That Council approve Development Application number 10.2014.189.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions.

'Draft' Council Conditions of Development Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.189.1 dated 16 December 2014 and on the application form except as amended by the following conditions:
- (2) A Subdivision Certificate shall not be issued until the site specific development control plan has been endorsed by Council.
- (3) No civil works may be commenced unless a Construction Certificate has been obtained.
- (4) The applicant and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land is to carry the following insurances, copies of which are to be produced to Council upon request:
 - Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work;
 - Workers compensation insurance; and
 - Ten million dollar public liability insurance.
- (5) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (6) The developer shall bear the cost of relocation of any service utilities required.
- (7) All Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

National Parks and Wildlife Service shall be contacted immediately.

Prior to the Issue of a Construction Certificate

(1) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross sectional detail shall be provided for the proposed road network;
- c The proposed pavement treatment to the road network. The minimum surface treatment shall be asphaltic concrete;
- d The location and reduced level of all services under the control of public utilities or agencies;
- e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD).

- (2) Part road construction will be required along Wyalla Road for the length of the property. The part road construction shall consist of pavements with 150mm high concrete barrier kerb and gutter. The design shall comply with the Kiama Development Control Plan 2012 supplementary document *Kiama Development Code – D01 Geometric Road Design, D05 Stormwater Drainage Design* and Council's *Water Sensitive Urban Design Policy – Section 4*. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (3) Wyalla Road shall generally maintain an eight (8) metre wide carriageway with a minimum three (3) metres (and variable) verge. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (4) The applicant shall design and construct a minimum 1.2 metre wide reinforced concrete footpath within the verge of Wyalla Road over the length of proposed

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

-
- lots 101 to 104 (inclusive). Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (5) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the '*Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines*'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (6) The detailed MUSIC modelling data shall be provided to enable checking of input and output data and results. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
 - (7) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama DCP 2012. Full hydrological and hydraulic calculations and civil engineering drawings and details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (8) The developer shall construct a minimum 150mm, uPVC Class SH inter-allotment drainage system to drain proposed lots 101-104 (inclusive) in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama DCP 2012. Details of the inter-allotment drainage network proposed shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (9) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (10) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama DCP 2012. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (11) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

-
- (12) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the *'Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines'*. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (13) All flexible road pavements shall be designed in compliance with the Austroads publication *"Pavement Design for Light Traffic – a Supplement to Austroads Pavement Design Guide"*. The proposed pavement treatment details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (14) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The report shall cover, but not be limited to:-
- a Extent and stability of proposed embankments (particularly those acting as retarding basins) and if any of the land is subject to subsidence/slip;
 - b Soil dispersibility;
 - c Slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled;
 - d Recommended geotechnical testing requirements;
 - e Required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - f Compaction specification for all fill within private subdivisions;
 - g The level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;
 - h The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - i Recommended treatment methods for rectification/remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned;
 - j Requirements for sub-surface drainage lines;

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

-
- k Overall suitability of the engineering drawings for the proposed development.
- (15) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.
- (16) Prior to the issue of a Construction Certificate the applicant shall provide street lighting for the development which includes a street lighting upgrade for the intersection of Wyalla Road and Macquarie Street and complies with the design requirements of AS/NZS 1158.
- (17) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama DCP 2012 and shall be consistent with the landscape concept plan.

Prior to Commencement of Works

- (1) The developer shall obtain a Construction Certificate prior to the commencement of any works.
- (2) The developer shall lodge with Council a bond of \$20,500 in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as security for any new and/or remedial work which may be required within the adjoining public road administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction of the development. The bond may be called on for any damage which occurs to the adjoining public road during the period of construction of the development without the need for Council to prove that the damage resulted from works associated with the approved development.

The bond shall be refunded in full subject to the following:

- There being no damage to the infrastructure within the road reserve.
 - Twelve (12) months has elapsed from the date of the issue of the Subdivision Certificate.
 - The submission of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

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9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.

- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Wyalla Road, for the purpose of carrying out activities associated with the development.
- (5) Under the provisions of the Act, work may not commence on the development until the following is carried out:
 - a) Detailed plans and specifications of the civil works must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b) You **must** appoint a Principal Certifying Authority; and
 - c) You **must** notify the Council of the appointment; and
 - d) You **must** give at least two (2) days notice to Council of your intention to commence work.
- (6) A sign must be erected in a prominent position on any site on which subdivision work is being carried out:
 - a) Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) Stating that unauthorised entry to the work site is prohibited.
- (7) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (8) The applicant shall submit a dilapidation survey prepared by a chartered professional engineer prior to the commencement of any work within the public road reserve of Wyalla Road.

During Works

- (1) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (2) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

-
- a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
- (3) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
 - (4) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
 - (5) No vibratory rollers are to be used during the construction of any work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
 - (6) All new construction work shall make smooth junctions with existing work.
 - (7) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama DCP 2012, and civil engineering drawings approved by the Principal Certifying Authority.
 - (8) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama DCP 2012 and civil engineering drawings approved by the Principal Certifying Authority.
 - (9) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site.
 - (10) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site.
 - (11) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified National Association of Testing Authorities Australia (NATA) registered laboratory for contaminants. Based on the test results certification shall be provided to the Principal Certifying Authority prior to the issue of any occupation certificates by a suitably qualified geotechnical engineering consultant confirming the imported fill is suitable for use in residential development. Any imported fill found to not be suitable for residential use shall be removed / remediated in accordance with the NSW Department of Environment, Climate Change and Water requirements.
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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

(12) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Prior to the Issue of a Subdivision Certificate

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The developer shall complete all street lighting, engineering and landscape works prior to the issue of a Subdivision Certificate, unless otherwise approved in writing by the Principal Certifying Authority.
- (3) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 for the following amounts shall be paid to Council prior to the issuing of the Subdivision Certificate.

• Contributions Plans No 1	\$ 23,155.24
• Contributions Plans No 1 (street tree planting)	\$ 881.50
• Contributions Plans No 2	\$ 3,141.67

The total contribution required for the development is \$ 27,178.41

- (4) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
 - a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council's adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided either on disc or thumbdrive.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

-
- g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 94 Contributions identified in this consent.
 - j) A conduit plan showing the location of all service conduits laid beneath the constructed road system.
- (5) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.
- The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have not adversely impact on adjacent properties.
- (6) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate an electronic copy of the Works-as-Executed drawing as follows:
- a A full set of engineering drawings in either DWG or DXF format;
 - b An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
- (7) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report shall cover, but not be limited to:
- a All earthwork operations.
 - b The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
 - c A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.
 - d Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama DCP
-

ORDINARY MEETING

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

-
- 2012. This shall include appropriate test results and test location diagram and date of testing.
 - e Certification of all recommendations contained in the geotechnical report lodged in support of the Construction Certificate have been satisfied.
 - f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument.
- (8) The applicant shall provide Council with an electronic copy of an infrastructure asset report to accompany the Work as executed drawings. The report shall provide a bill of quantities prepared by a suitably qualified person and shall include information relating to public and private assets for digital mapping purposes. The applicant shall consult with Council regarding the infrastructure asset detail required. The report shall be submitted to Council prior to the issue of the Subdivision Certificate.
 - (9) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
 - (10) A certificate from a suitably qualified person verifying compliance that all lighting throughout the development complies with AS/NZS 1158 shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
 - (11) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Wyalla Road and Chapel Lane and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the subdivision certificate.
 - (12) The developer shall acknowledge all existing easements on the final plan of subdivision.
 - (13) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
 - (14) The developer shall chart the natural watercourse on the final plan of subdivision.
 - (15) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land (where applicable):
 - a. easement for services;

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Report of the Director Environmental Services

9.2 Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1) (cont)

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- b. easement for the drainage of water, benefiting proposed lots 101 to 104 (inclusive), over proposed lot 105 (to Hyams Creek).
 - c. drainage easements over overflow paths;
 - d. a restriction as to user for all lots which stipulates that:
 - *Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person.*
 - *The hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge.*

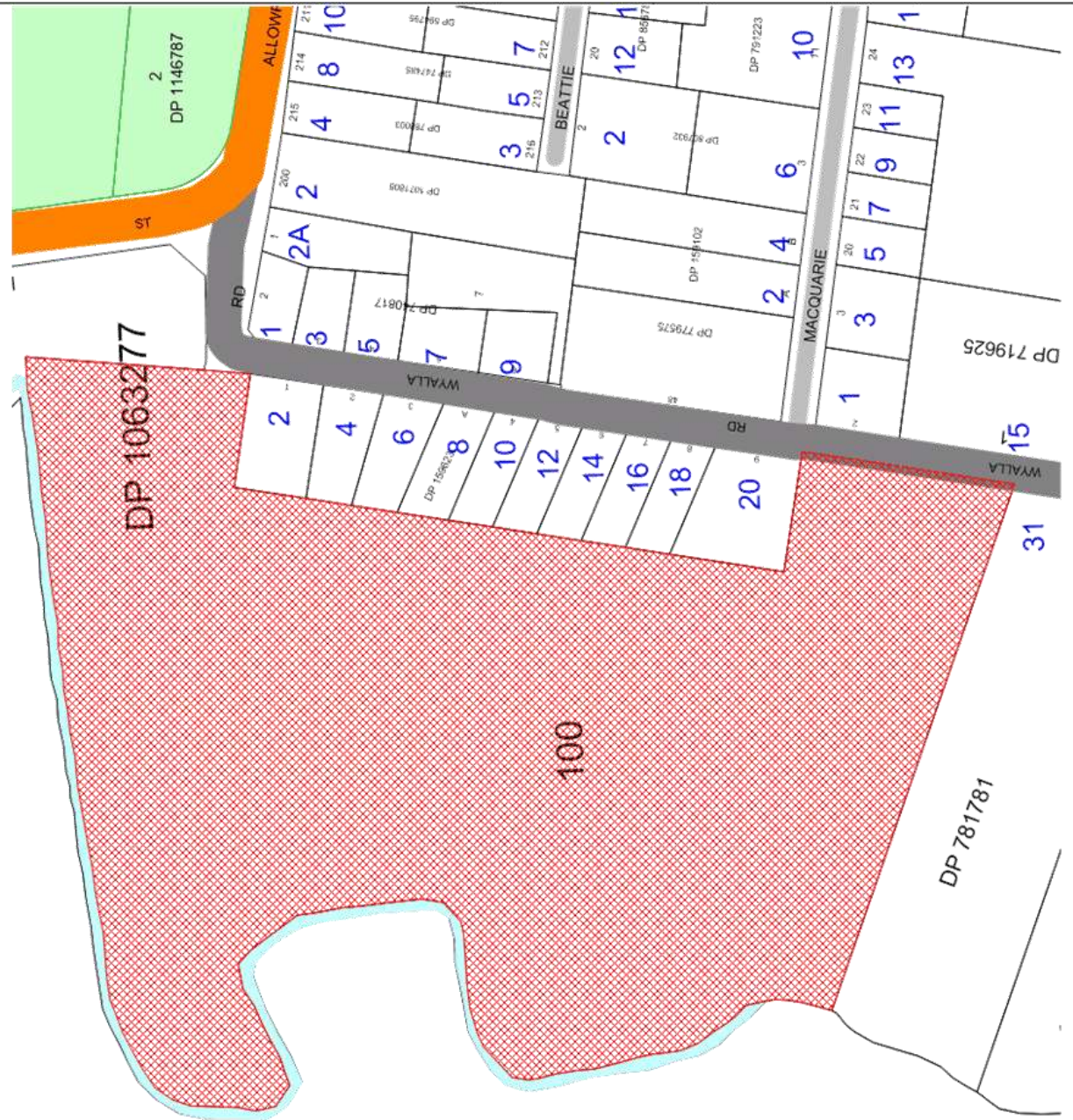
The document shall meet the standard terms applied by Council, with Council being the party to release, vary or modify (except for services), and shall be submitted to Council for review and approval a minimum of two weeks prior to the lodgement of any Subdivision Certificate application.

Item 9.5

Attachment 1

Item 9.2 - Development Application for a 5 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.189.1)

1 - 10.2014.189.1 - Wyalla Road - location map





KIAMA MUNICIPAL COUNCIL
your council, your community

KMC LEP 2011
Land Zoning Map

<p>one</p> <ul style="list-style-type: none"> 1 Neighborhood Centre 2 Local Centre 3 Business Park 4 National Parks and Nature Reserves 5 Environmental Conservation 6 Environmental Management 7 Light Industrial 8 Working Waterfront 9 Low Density Residential 10 Medium Density Residential 11 Large Lot Residential 12 Public Recreation 13 Private Recreation 14 Primary Production 15 Rural Landscape 16 Infrastructure 	<p>Scale: 1:2400 @ A4</p> <p>Section: GDA 1994 MGA Zone 95</p> <p>Copyright LPRIA NSW 04/12/14</p> <p><small>Map is provided by Council as a guide only. Council will not be responsible for any errors or omissions which may result from any use of the map other than the boundaries and descriptive advice should be obtained from a local architect or LP. New South Wales.</small></p>
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Item 9.5 Attachment 1



STAGING PLAN

Item 9.5

Attachment 1

9.6 Development Application for a 51 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report follows on from Council's resolution at its meeting held on 16 December 2014, wherein Item 9.3 (see attachments) was deferred to obtain the opinion of a Senior Counsel (SC) prior to Council making its determination. Such opinion has been obtained, which in short, advises that Council is entitled to proceed to determine the development application.

The report recommends that Council approve Development Application 10.2014.193.1 subject to conditions previously provided in Item 9.3.

Finance

Section 94 contributions will apply.

Policy

N/A.

Attachments

1 10.2014.193.1 - Report to Council - 16 December 2014

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application number 10.2014.193.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to 'draft' conditions provided in Item 9.3 - Report of the Director Environmental Services to Council -16 December 2014 as attached to this report.

BACKGROUND

Council at its meeting held on 16 December 2014 was provided with a report from the Director Environmental Services (Item 9.3) for its determination of a development application for a 51 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (DA 10.2014.193.1).

Council resolved that the application be deferred to enable the opinion of a SC to be obtained. From the meeting, the opinion from the SC was required to address the matter of whether there were inconsistencies between Illawarra Regional Plan No 2

Report of the Director Environmental Services

9.6 Development Application for a 51 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

(REP) and Kiama Local Environmental Plan 2011 that would leave Council open to a legal challenge if Council were to determine the DA.

A legal opinion has been obtained from Adrian Galasso SC. The opinion consists of eight (8) pages, and in brief, the contention advanced by objectors was that the provisions of the REP operate as a “complete impediment to the grant of development consent for residential purposes consistent with the LEP until its repeal”. The SC opinion indicates that this is incorrect as the REP is only concerned with the preparation of a draft Local Environmental Plan (LEP) and the ability to determine a development application is derived from s.76A and s.80 of the *Environmental Planning & Assessment Act, 1979*. Pursuant to the Kiama LEP amendment 1 and for the purposes of s.76A, “the only relevant environmental planning instrument which identifies that, as a matter of relevant planning law, subdivision is permissible with development consent, and by reference to particular standards, is the LEP”.

Further, the opinion points out that the REP refers to Councils preparation of a draft LEP. With changes to the Environmental Planning and Assessment Act in 2009, Councils no longer prepare Draft LEPs, thus making the clause redundant.

The opinion goes on to review a possible alternate construction of the REP, in that it could be inferred that it now refers to the making of local environment plans. Such a view is not supported by Mr. Galasso. Even if this inference were considered, the opinion, at paragraphs 28 – 35, demonstrates how Council has acted appropriately and is entitled to proceed to determine the subject development application.

A copy of the SC opinion has been included as a separate confidential report in this business paper.

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16 DECEMBER 2014

Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews Development Application 10.2014.193.1 which seeks consent for the development of a fifty-one (51) lot Torrens title subdivision. The proposed development is sited within the R2 Low Density Residential zone and E3 Environmental Management zone pursuant to Kiama LEP 2011 and is permissible in this zone subject to Council's approval. The proposed development complies with the provisions of Kiama Local Environmental Plan (LEP) 2011 and the objectives of Kiama Development Control Plan (DCP) 2012.

The report recommends that Council approve Development Application 10.2013.193.1 subject to conditions.

Finance

Section 94 contributions will apply to any newly created allotments.

At the time of finalisation of the subdivision the applicant proposes the dedication to Council of a 3.4 hectare parcel of land zoned E3 Environmental Management. There will be an ongoing financial burden on Council to maintain the lot for community use.

Policy

N/A.

Reason for Report to Council

This development application is reported to Council as more than five objections have been received and the proposal involves a subdivision of over thirty (30) lots.

Attachments

- 1 10.2014.193.1 - location map - Lot 100 Wyalla Road Jamberoo
- 2 10.2014.193.1 - Wyalla Road - Staging Plan
- 3 10.2014.193.1 - Wyalla Road - Overall Plan
- 4 10.2014.193.1 - Wyalla Road - Lot Layout Plan

Enclosures

Nil

RECOMMENDATION

- 1. That Council approve Development Application number 10.2014.193.1 pursuant to Section 80 of the Environmental Planning and Assessment Act,

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[1979, subject to the draft conditions at the end of this report.](#)

BACKGROUND

Owner/Applicant: Huntingdale Developments Pty Ltd

Development Site

The property is described as Lot 100 in Deposited Plan 1063277 and is located at Wyalla Road Jamberoo. Pursuant to a planning proposal gazetted on 15 August 2014 the site was rezoned to R2 Low Density Residential and E3 Environmental Management.

The overall site measures 7.8 hectares and is irregular in shape. The site was previously used for dairying and grazing and is currently vacant. Residential dwellings are located to the south and east of the site. Hyams Creek bounds the site to the north and west, with rural zoned land adjacent. A development application (DA 10.2014.191.1) for eleven (11) Torrens title lots has been lodged on the adjacent property to the south (Lot 1 in Deposited Plan 781781) which will be reported separately to Council at this meeting.

The site slopes downhill from south to north at a general fall of approximately 6% with there being some flatter areas within the site. Access to the property is gained from Wyalla Road. The site drains to Hyams Creek and Wyalla Road. Water, sewer, electricity and telecommunications services are available to the site.

The site is subject to the following constraints:

- Flood affectation;
- A heritage item indicated in the Kiama LEP 2011 on adjoining land;
- Areas mapped in Kiama LEP 2011 as riparian land and water courses; and
- Areas mapped in Kiama LEP 2011 as acid sulphate soils.

Description of the Proposed Development

The proposal is one of three adjoining development applications reported to this Council meeting. To gain a clearer understanding, the following table should be viewed in conjunction with the overall plan included within the attachments.

Proposal	Stage No.	Development Application No.	Property Description
5 Lots	Stage 1	10.2014.189.1	Lot 100 DP1063277
51 Lots	Stage 2 and 3	10.2014.193.1	Lot 100 DP1063277
11 Lots	Stage 4	10.2014.191.1	Lot 1 DP 781781

The proposal the subject of this report is for Stage 2 and 3 which involves a fifty-one (51) lot Torrens title subdivision of the residual 7.5 hectare lot created in Stage 1 (Development application 10.2014.189.1), also reported to Council at this meeting.

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Stage 2 proposes the construction of 8 metre wide carriageways to support the creation of twenty (20) Torrens title lots which range in size from 803m² to 964 m². Also included in Stage 2 is a 3.4 hectare lot which contains flood liable land proposed to be dedicated to Council as public reserve.

Stage 3 proposes the construction of a 7.5 metre carriageway to support the creation of thirty (30) allotments of 358m² which are designated in the planning proposal for *seniors housing*. In this respect, any housing constructed shall need to comply with a site specific development control plan to be endorsed by Council beforehand. *Seniors housing* shall take the same definition as that in Kiama Local Environmental Plan 2011, being for those person over 55 years of age, or for people who have a disability, or for people who live with those persons.

The proposal includes the provision of an 8 metre perimeter road which extends from the north east of the site (at the 90⁰ bend of Wyalla Road near the corner of Allowrie Street and Churchill Street) through to the adjoining land to the south of the site (Lot 1 in Deposited Plan 781781) which is subject to Development Application 10.2014.191.1 for an eleven (11) lot Torrens title subdivision that is also reported to Council at this meeting.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Although the application includes a *seniors housing* component, the application does not rely on the above State Environmental Planning Policy and is permitted in the zone under Council's adopted LEP.

- State Environmental Planning Policy No 55 - Remediation of Land

The previous land uses have been investigated and no concerns are raised. It is considered that the land is suitable for the proposed use.

- Illawarra Regional Environmental Plan No 1 (IREP 1)

The proposal is consistent with the aims and objectives of IREP 1.

- Illawarra Regional Environmental Plan No 2 - Jamberoo Valley (IREP 2)

Correspondence from NSW Planning and Environment relating to the planning proposal for the rezoning acknowledges the site is located outside of the mapped village boundaries of IREP 2. The inconsistency was deemed to be of a minor nature and was justified by the Kiama Urban Strategy 2011 and Illawarra Regional Strategy 2006. As a result the land has been re-zoned for residential use with such use being consistent with IREP 2.

- Kiama Local Environmental Plan 2011

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The subject land is zoned R2 Low Density Residential and E3 Environmental Management pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses of Kiama LEP 2011 requiring consideration:-

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map. The proposal complies with the minimum lot size requirement of 800m² for Stage 1 and 350m² for Stage 2 indicated on the Lot Size Map.

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of heritage exists on the opposite side of Wyalla Road which is listed in Schedule 5 as "*Wesleyan parsonage (former)*". The proposal meets the objectives of the clause and is considered unlikely to adversely affect the heritage significance of the item.

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The site is subject to Class 5 Acid Sulfate Soils and the nature of the proposed works do not require that an Acid Sulfate Soils management plan be prepared with the development application.

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal requires a limited amount of earthworks to be undertaken in the construction of road access and it is deemed that the objectives of the clause and the matters prescribed for consideration have been satisfied.

Clause 6.3 lists requirements for the development of land which is at or below the known flood planning level. Although the site is not mapped in Kiama LEP 2011, Hyams Creek is located within the site. A Flood study carried out in support of the Planning Proposal indicated the allotments the subject of this application, and access thereto, are above flood planning levels including allowance for climate change.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. The site contains Hyams Creek which is designated as a Category 1 watercourse. The application was referred to the NSW Office of Water who has provided their General Terms of Approval which have been included with the development consent conditions at the end of this report.

The proposal is considered to meet the objectives of the clause and the matters prescribed for consideration are deemed to be satisfied.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The development application has been notified in accordance with Kiama DCP 2012.

Kiama DCP 2012 lists a number of aims and objectives that promote development that is accessible, liveable and safe. In particular, Chapter 7 discusses subdivision design requirements and it is considered that the road widths proposed meet Kiama

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DCP 2012 requirements, thus ensuring the abovementioned aims and objectives have been met.

It is considered that the proposal meets the relevant development controls and/or satisfies the relevant objectives of Kiama DCP 2012.

In regard to the seniors living allotments a draft Site Specific Development Control Plan will need to be endorsed by Council prior to any dwelling construction occurring. A draft condition of development consent has been included at the end of this report which requires its adoption prior to issue of a Subdivision Certificate.

- Draft Site Specific Development Control Plan

A draft site specific Development Control Plan was lodged by the proponent in support of the planning proposal for the rezoning. The document has been revised and is reported separately to this Council meeting to seek endorsement to place the document on public exhibition.

To ensure that future development on the completed lots complies with the site specific development control plan a development consent condition has been recommended for inclusion with the draft development consent conditions at the conclusion of this report stating that "A Subdivision Certificate shall not be issued until the site specific development control plan has been endorsed by Council". A specific condition relating to the 'community facility' is also recommended in the draft development consent conditions to ensure its provision.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

Nil.

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

- Context & Setting

The proposal is considered to be compatible with existing activities and land uses adjacent to the site with there being little to no impact on the public domain.

- Design

It is considered that the proposal can accommodate future development without significant impact on adjoining lands.

- Traffic, Access and Parking

It is considered that the increase in traffic attributable to future housing can be accommodated on the external existing roads and proposed road network. The proposal is considered to provide sufficient accessibility for vehicles, pedestrians and bicycles. The road widths proposed of 7.5 metres and 8 metres are in accordance

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with Chapter 7 of Kiama DCP, "Subdivision" and are considered wide enough for a vehicle to park on one side and not obstruct traffic in either direction.

• Environmental Impacts

No significant vegetation as described in Kiama LEP 2011 and Kiama DCP 2012 will be removed as a result of the proposal. It is considered unlikely that the proposal will disturb any native fauna or its habitat.

• Social Impacts

It is considered that there will be no undue adverse social impacts caused by the proposal.

• **Economic Impacts**

It is considered that there will be no adverse economic impacts caused by the proposal.

• Construction Impacts

Construction activities have the ability to generate traffic, noise, dust and vibration; however, conditions of consent may be imposed on the development consent to ensure that construction impacts upon neighbours are lessened. Construction activities also have the potential to impact on soil and water resources by way of erosion and sedimentation; however, conditions of consent may be imposed on the development consent to prevent any significant impacts on soil and water resources.

• Utility Needs and Supply

It is considered that the utility demands of the proposal can be met through provision of existing service infrastructure and the requirements of relevant service authorities.

• Heritage

The site has no known Aboriginal, non-Aboriginal or natural heritage significance.

• Land Resources

The proposal is considered unlikely to have an effect on the use of agricultural land in close proximity to the site.

The Suitability of the Site for the Development

It is considered that the proposal fits within the locality and the site attributes are conducive to this development.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, twenty-one (21) submissions were received of which twelve (12) objected to the proposal and nine (9) supported the proposal. The relevant (summarised) reasons for objection and assessor's response are tabled below:

Objection	Assessor's Response
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<p>The site is an overdevelopment and the seniors living sites are too small. Some lots in Stage 2 should be deleted to make the other lots larger. The 350m² lot size will create a medium to high density result, causing visual impacts inconsistent with the rest of Jamberoo.</p>	<p>The lot sizes proposed meets the minimum lot size requirements in Kiama Local Environmental Plan 2011 and are consistent with the recent planning proposal for the rezoning of the land. A site specific development control plan to be adopted by Council will address the issue of appropriate built form on the stage 3 allotments.</p>
<p>The proposal is inconsistent with the Illawarra Regional Plan No.2.</p>	<p>This matter has been discussed above under the heading "Relevant Environmental Planning Instruments".</p>
<p>A site specific Development Control Plan was not provided with the application. There is also no community building proposed within the application (as identified with the Plan).</p>	<p>A 'draft' site specific Development Control Plan was provided with the planning proposal for the re-zoning. The document has been revised and is reported separately to this Council meeting to seek endorsement to place the document on public exhibition. The proposal is for the creation of a Torrens title subdivision only and the design is consistent with the 'draft' document that was lodged in support of the planning proposal. In order to provide a safeguard that the community facility is provided, a development consent condition can be provided which requires the community facility to be provided, or allowance made for provision, by a required stage of development.</p>
<p>The <i>seniors living</i> component should be provided in Stage 1.</p>	<p>In order to provide for efficient and safe access it is recommended (through development consent conditions) that the developer be required to construct all roads in Stage 2 and 3 prior to issue of any Subdivision Certificate. In this way all allotments covered by this application will be registered at the same time.</p>
<p>The site is flood affected and not suitable for housing</p>	<p>A Flood Impact Study (FIS) prepared for the applicant in 2012 was accepted by Council in preparation of the planning proposal for the rezoning of the land. The report and data submitted with the development application identified no</p>

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	change to the previously prepared FIS and the report is considered acceptable by Council's Subdivision and Development Engineer. The FIS asserts that with some minor earthworks carried out in the road construction, all residential lots and their road access will be unaffected by the Probable Maximum Flood event.
Hyams Creek will be affected by the proposal.	Hyam's Creek has suffered degradation due to previous land uses. The NSW Office of Water's General Terms of Approval require that the creek corridor be rehabilitated as part of the proposal. This rehabilitation work is subject to a specific "controlled activity approval" from the Office of Water, and all works must be completed prior to issue of a Subdivision Certificate.
Provision should be made for the existing Wyalla Road properties currently draining over the development site.	The applicant has agreed to legally cater for the flows and this will be conditioned in the development consent.
The existing water reticulation and sewerage system may not be able to cope with the additional loading.	As a recommended 'draft' consent condition, prior to the issue of a Subdivision Certificate, Sydney Water will be required to supply a Section 73 Certificate to confirm that the proposal meets their requirements.
Existing road access is too narrow, difficult and dangerous.	The existing road network is in accordance with Councils relevant standards and considered by Council's Subdivision and Development Engineer to be suitable for providing safe ingress and egress to each property created.
The ensuing housing should be single level to preserve amenity.	This application is for Torrens title subdivision only. Kiama Local Environmental Plan 2011 permits a maximum building height of 8.5 metres; however, any such proposal would undergo merit assessment at development application stage. Any height restrictions placed on the lots by

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	way of an 88b instrument would be inconsistent with this control and therefore unenforceable.
Productive agricultural land is lost if the proposal is approved.	The site has been recently rezoned for residential use and cannot be used for commercial agricultural purposes.
No green corridors have been provided.	The applicant has proposed that approximately 3.4 hectares of land be dedicated to Council for passive recreation purposes. A 'draft' condition of consent has been included with the conditions at the end of this report which require that prior to dedication that requirements of the General Terms of Approval (GTA) by the NSW Office of Water has been satisfactorily completed and maintained for no less than two years.

External Referrals

The application was made pursuant to Clause 91A of the *Environmental Planning and Assessment Act 1979*. The application was referred the NSW Office of Water who have provided their General Terms of Approval which have been included with the development consent conditions at the end of this report.

Internal Referrals

The application was referred to the following Council Officers for their consideration.

- Environmental Health Officer

No objection has been raised in relation to the proposed development.

- GIS Officer

No objection has been raised in relation to the proposed development.

- Manager Community and Cultural Development

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Manager Strategic Planning

No objection has been raised in relation to the proposed development.

- Manager Property

No objection has been raised in relation to the proposed development.

- Senior Development Assessment Officer - Building

No objection has been raised in relation to the proposed development.

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• Subdivision & Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

The Public Interest

The proposal is considered to be consistent with all applicable Environmental Planning Instruments and the Kiama Development Control Plan 2012, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be in the public interest.

The proposal will also contribute to the meeting the objectives of the Illawarra Regional Strategy 2006-31 and the Kiama Urban Strategy.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama Local Environmental Plan 2011 and relevant Development Control Plans. The proposed development is consistent with the objectives of the R2 Low Density Residential and E3 Environmental Management zones.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

NSW Office of Water General Terms of Approval (GTA)

- (1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 10.2013.193.1 and provided by Council:
 - (i) Civil Plans
 - (ii) Statement of Environmental Effects
 - (iii) Flora and Fauna Assessment
 - (iv) Flood Study

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

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-
- (3) The consent holder must prepare or commission the preparation of:
- (i) Vegetation Management Plan
 - (ii) Detailed Construction Plans
 - (ii) Soil and Water Management Plan
- (4) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
- (i) Vegetation Management Plans
 - (ii) Outlet structures
 - (iii) Riparian Corridors
- (5) The consent holder must:
- (i) carry out any controlled activity in accordance with approved plans; and
 - (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
 - (iii) when required, provide a certificate of completion to the NSW Office of Water.
- (6) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- (7) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
- (8) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
- (9) The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
- (10) The consent holder must ensure that no materials or cleared vegetation that may
- (i) obstruct flow,
 - (ii) wash into the waterbody, or
 - (iii) cause damage to river banks;
- are left on the waterfront land other than in accordance with a plan approved by the NSW Office of Water.
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-
- (11) The consent holder is to ensure that all drainage works
 - (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
 - (ii) do not obstruct the flow of water other than in accordance with a plan approved b the NSW Office of Water.
 - (12) The consent holder must stabilise the drainage discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
 - (13) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
 - (14) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
 - (15) The consent holder must establish a riparian corridor along Hyams Creek in accordance with a plan approved by the NSW Office of Water.

'Draft' Council Conditions of Development Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.193.1 dated 16 December 2014 and on the application form except as amended by the following conditions:
- (2) A Subdivision Certificate shall not be issued until the site specific development control plan for the site has been adopted by Council.
- (3) A Subdivision Certificate shall not be issued until the applicant has made satisfactory arrangements with Council to provide the 'community facility' as defined in the site specific development control plan endorsed by Council.

Satisfactory arrangements shall be defined as follows:

- Development consent has been obtained for the 'community facility' ; and
- A Construction Certificate has been obtained for the 'community facility'; and
- A bond/bank guarantee has been provided for an amount of 130% of the total development cost, with that cost being calculated by a certified Quantity Surveyor; and
- A deed of agreement is provided which states that the 'community facility' will be completed upon 70% of the dwellings on lots 301 to 331 (inclusive) being occupied. The deed of agreement shall include a clause which allows Council to oversee completion of the 'community facility' (with the 'calling in'

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-
- of the lodged bond/bank guarantee) if the 'community facility' is not completed within the specified timeframe; and
- A mechanism shall be implemented which ensures that the 'community facility' is maintained for perpetuity by the *seniors housing* lot holders. The mechanism shall include, but not be limited to, the establishment and paying into of a maintenance fund and the establishment of a management committee.
- (4) The dedication of Lot 221 to Council may only occur after:
- the work specified within the General Terms of Approval (GTA) by the NSW Office of Water has been satisfactorily completed and maintained for no less than two years. Written advice from the NSW Office of Water stating of their satisfaction shall be provided to Council; and
 - the majority (a minimum of 90%) of the area of the lot not covered by the GTA shall be in a condition that Council can, safely and efficiently, maintain with a tractor mower.
- (5) No civil or landscape works may be commenced unless a Construction Certificate has been obtained.
- (6) The applicant and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land is to carry the following insurances, copies of which are to be produced to Council upon request:
- Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work;
 - Workers compensation insurance; and
 - Ten million dollar public liability insurance.
- (7) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (8) The developer shall bear the cost of relocation of any service utilities required.
- (9) All Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately.

Prior to the Issue of a Construction Certificate

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- (1) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross sectional detail shall be provided for the proposed road network;
- c The proposed pavement treatment to the road network. The minimum surface treatment shall be asphaltic concrete;
- d The location and reduced level of all services under the control of public utilities or agencies;
- e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD).

- (2) Proposed Road No.1 shall maintain an eight (8) metre carriageway width and verge widths of four (4) metres and three (3) metres. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (3) Proposed Road No.2 shall maintain a 7.5 metre carriageway width and verge widths of 3.5 metres. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (4) The applicant shall prepare civil engineering drawings for the detailed manoeuvring of the AS 2890.2 articulated vehicle including design swept paths for the intersection of Road No 1 and Wyalla Road, the intersections of Road Nos 1 and 2 and the return adjacent to proposed lot 203 within Road No 1. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (5) The applicant shall provide road construction at the intersection of Wyalla Road and proposed Road No.1 to provide a T-intersection with priority given to traffic entering and leaving the development site. The construction shall provide for modified pavement design grades and shall incorporate 150mm high concrete barrier kerb and gutter for kerb returns and extending within

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Road No 1 to the intersection with Road No 2. The design shall comply with the Kiama Development Control Plan 2012 supplementary document *Kiama Development Code – D01 Geometric Road Design, D05 Stormwater Drainage Design* and Council's *Water Sensitive Urban Design Policy – Section 4*. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

- (6) Proposed lot 216 and 217 shall be serviced by a common accessway. All lot servicing, including refuse and recycling collection, shall take place within the proposed public road. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (7) The applicant shall design and construct an accessway supporting proposed lot 216 and lot 217 with a minimum three (3) metre wide, 150 millimetre thick concrete reinforced with SL72 fabric mesh from the kerb for the full length of the access corridors. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (8) A concrete refuse and recycling pad shall be designed and constructed at a safe location within the public road verge such that it does not conflict with the proposed concrete footpath or the proposed accessway supporting lot 216 and lot 217. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (9) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama DCP 2012. Full hydrological and hydraulic calculations and civil engineering drawings and details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (10) The developer shall construct a minimum 150mm, uPVC Class SH inter-allotment drainage system to drain proposed lots 101-104 allotments in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama DCP 2012. Details of the inter-allotment drainage network proposed shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (11) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (12) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama DCP 2012. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

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Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- (13) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (14) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the 'Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (15) The detailed MUSIC modelling data shall be provided to enable checking of input and output data and results. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (16) A traffic management plan detailing all proposed line marking and signage in compliance with Australian Standards, RMS and Austroads guidelines shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The traffic management plan shall be designed by a chartered professional engineer in compliance with section 4 of the RMS *Road Design Guide* and the Standards Australia publication AS 1742.2 *Manual of Uniform Traffic Control Devices Part 2: Traffic Control Devices for General Use*.
 - (17) The applicant shall provide a minimum 1.2 metre wide reinforced concrete footpath within the verge of proposed Road No.1 (to be located adjacent to lots 201 to 212 (inclusive) and 220) over its total length from the intersection with Wyalla Road to the southern edge of the development at lot 1 DP 781781. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (18) The applicant shall provide a minimum 1.2 metre wide reinforced concrete footpath within each footpath verge of proposed Road No.2 (to be located adjacent to lots 201, 214 to 220 (inclusive), lot 317 to 331 (inclusive) and lots 301 to 315 (inclusive) from each of the intersections with Road No.1. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (19) All flexible road pavements shall be designed in compliance with the Austroads publication "*Pavement Design for Light Traffic – a Supplement to Austroads Pavement Design Guide*". The proposed pavement treatment details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
-

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Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- (20) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The report shall cover, but not be limited to:-
- a Extent and stability of proposed embankments (particularly those acting as retarding basins) and if any of the land is subject to subsidence/slip;
 - b Soil dispersibility;
 - c Slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled;
 - d Recommended geotechnical testing requirements;
 - e Required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - f Compaction specification for all fill within private subdivisions;
 - g The level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;
 - h The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - i Recommended treatment methods for rectification/remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned;
 - j Requirements for sub-surface drainage lines;
 - k Overall suitability of the engineering drawings for the proposed development.
- (21) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.
- (22) Prior to the issue of a Construction Certificate, the applicant shall provide street lighting for the development which includes a street lighting upgrade for the intersection with Wyalla Road and complies with the design requirements of AS/NZS 1158.

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Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- (23) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama DCP 2012 and shall be consistent with the landscape concept plan.
- (24) Accessible kerb ramps shall be provided at all intersections as well as each side of Road 2 in the vicinity of the 'community facility'. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Prior to Commencement of Works

- (1) The developer shall obtain a Construction Certificate prior to the commencement of any works
- (2) The developer shall lodge with Council a bond of \$30,000 in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as security for any new and/or remedial work which may be required within the adjoining public road administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction of the development. The bond may be called on for any damage which occurs to the adjoining public road during the period of construction of the development without the need for Council to prove that the damage resulted from works associated with the approved development.

The bond shall be refunded in full subject to the following:

- There being no damage to the infrastructure within the road reserve.
 - Twelve (12) months has elapsed from the date of the issue of the Subdivision Certificate.
 - The submission of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.
- The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.
- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Wyalla Road, for the purpose of carrying out activities associated with the development.
- (5) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a) Detailed plans and specifications of the civil works must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

- b) You **must** appoint a Principal Certifying Authority; and
 - c) You **must** notify the Council of the appointment; and
 - d) You **must** give at least two (2) days notice to Council of your intention to commence work.
- (6) A sign must be erected in a prominent position on any site on which subdivision work is being carried out:
- a) Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) Stating that unauthorised entry to the work site is prohibited.
- (7) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (8) The applicant shall submit a dilapidation survey prepared by a chartered professional engineer prior to the commencement of any work within the public road reserve of Wyalla Road.

During Works

- (1) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (2) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
- (3) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (4) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.

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Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- (5) No vibratory rollers are to be used during the construction of any work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
 - (6) All new construction work shall make smooth junctions with existing work.
 - (7) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama DCP 2012, and civil engineering drawings approved by the Principal Certifying Authority.
 - (8) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama DCP 2012 and civil engineering drawings approved by the Principal Certifying Authority.
 - (9) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site.
 - (10) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site.
 - (11) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified National Association of Testing Authorities Australia (NATA) registered laboratory for contaminants. Based on the test results certification shall be provided to the Principal Certifying Authority prior to the issue of any occupation certificates by a suitably qualified geotechnical engineering consultant confirming the imported fill is suitable for use in residential development. Any imported fill found to not be suitable for residential use shall be removed / remediated in accordance with the NSW Department of Environment, Climate Change and Water requirements.
 - (12) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Prior to the Issue of a Subdivision Certificate

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The developer shall complete Road 1 and Road 2 works prior to the issue of any Subdivision Certificate.

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- (3) The proposal may be issued with a Subdivision Certificate in two stages. In this regard all street lighting, engineering and landscape works associated with the individual stage shall be constructed prior to the issue of a Subdivision Certificate.
- (4) Prior to the issue of a Subdivision Certificate the applicant shall put forward for endorsement of Council a road name that is consistent with the requirements of the NSW Geographical Names Board, The road name must be endorsed by Council prior to the issue of the Subdivision Certificate.
- (5) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 for the following amounts shall be paid to Council prior to the issuing of the Subdivision Certificate.
- Contributions Plans No 1 \$ 289,440.53
 - Contributions Plans No 1 (street tree planting) \$ 8,991.30
 - Contributions Plans No 2 \$ 39,270.83
- The total contribution required for the development is \$ 337,702.65
- (6) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council's adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided either on disc or thumbdrive.
 - d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
 - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.

Item 9.6

Attachment 1

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16 DECEMBER 2014

Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

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- h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 94 Contributions identified in this consent.
 - j) A conduit plan showing the location of all service conduits laid beneath the constructed road system.
- (7) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.
- The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have not adversely impact on adjacent properties.
- (8) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate an electronic copy of the Works-as-Executed drawing as follows:
- a A full set of engineering drawings in either DWG or DXF format;
 - b An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
- (9) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report shall cover, but not be limited to:
- a All earthwork operations.
 - b The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
 - c A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.
 - d Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012. This shall include appropriate test results and test location diagram and date of testing.
-

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16 DECEMBER 2014

Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- e Certification of all recommendations contained in the geotechnical report lodged in support of the Construction Certificate have been satisfied.
 - f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument.
- (10) The applicant shall provide Council with an electronic copy of an infrastructure asset report to accompany the Work as executed drawings. The report shall provide a bill of quantities prepared by a suitably qualified person and shall include information relating to public and private assets for digital mapping purposes. The applicant shall consult with Council regarding the infrastructure asset detail required. The report shall be submitted to Council prior to the issue of the Subdivision Certificate.
 - (11) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
 - (12) Prior to issue of the Subdivision Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.
 - (13) A certificate from a suitably qualified person verifying compliance that all lighting throughout the development complies with AS/NZS 1158 shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
 - (14) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Wyalla Road and Chapel Lane and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the subdivision certificate.
 - (15) The proposed road shall be dedicated to Council as public road pursuant to the provisions of the Roads Act 1993.
 - (16) The developer shall acknowledge all existing easements on the final plan of subdivision.
 - (17) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
 - (18) The developer shall chart the natural watercourse on the final plan of subdivision.
 - (19) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority
-

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

which incorporates the following easements and restrictions on the use of land (where applicable):

- a. easement for services
- b. easement for inter-allotment drainage
- c. drainage easements over overflow paths
- d. reciprocal right of way over the access handles for proposed Lots 216 and 217
- e. an easement for inter-allotment drainage benefitting lots 1 to 9 (inclusive) DP 26004 and lot A DP 159623 (House No.'s 2, 4, 6, 8, 10, 12, 14, 16, 18 & 20 Wyalla Road) that burdens relevant lots within Stage 2 and Stage 3 of the proposal
- f. restriction as to user which burdens one lot only of lot 301-331(inclusive) that stipulates that "the lot shall only be used for the purpose of a community facility"
- g. restricted building zone over Lot 221 which prohibits the erection of dwellings
- h. restriction as to user over lots in Stage 3 which stipulates that the use of any accommodation shall be limited to:
 - (a) *seniors or people who have a disability, being:*
 - (i) *people aged 55 or more years,*
 - (ii) *people who are a resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,*
 - (iii) *people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider*
 - (iv) *people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life*
 - (b) *people who live within the same household with seniors or people who have a disability,*
 - (c) *staff employed to assist in the administration of and provision of services to housing provided under this Policy.*
- i. a restriction as to user for all lots which stipulates that:
 - *Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person.*

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Report of the Director Environmental Services

9.3 Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1) (cont)

-
- *The hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge.*

The document shall meet the standard terms applied by Council, with Council being the party to release, vary or modify (except for services), and shall be submitted to Council for review and approval a minimum of two weeks prior to the lodgement of any Subdivision Certificate application.

Post Issue of the Subdivision Certificate

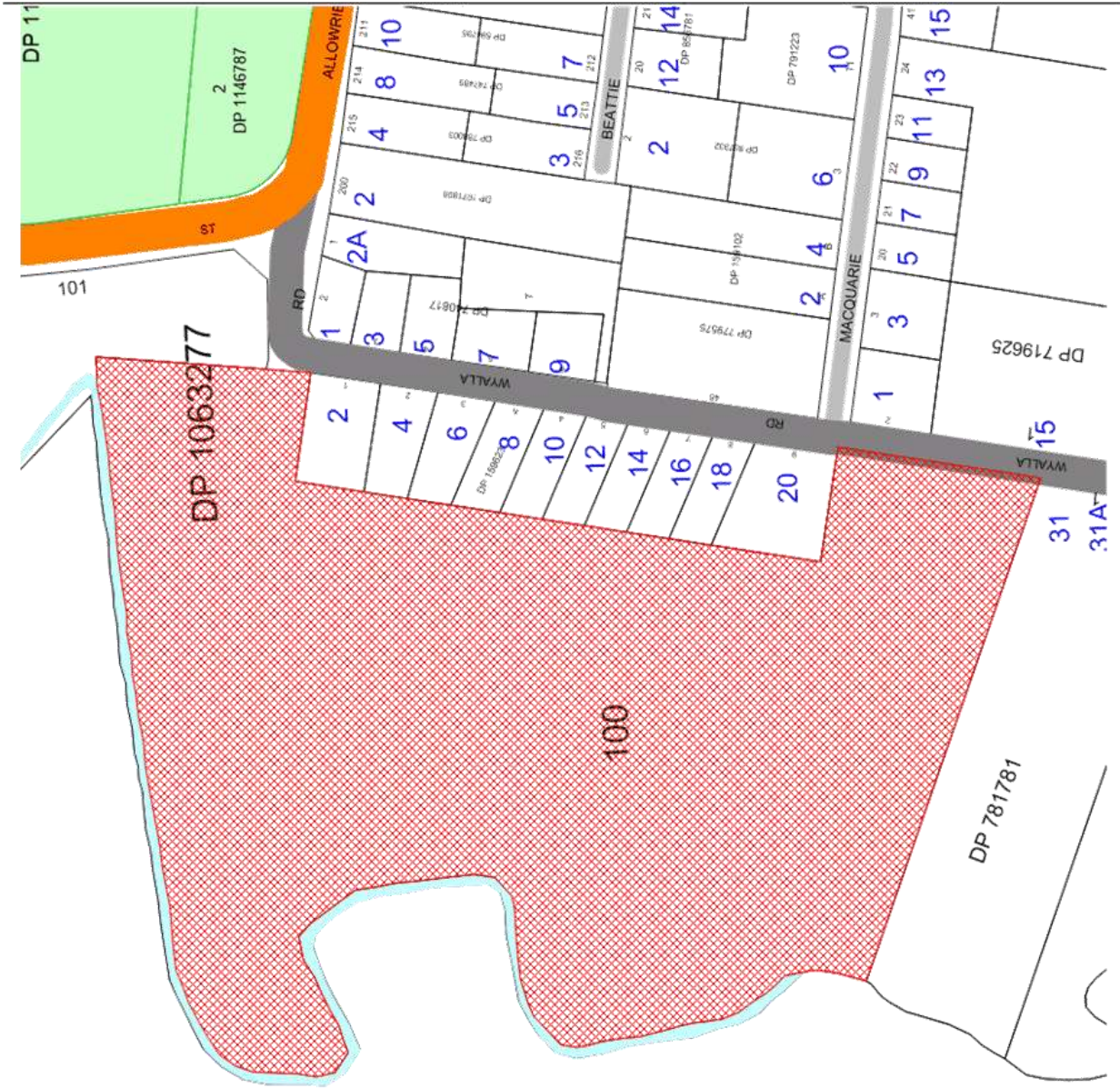
- (1) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of any Subdivision Certificate.
- (2) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.
- (3) The 'community facility' shall be maintained for perpetuity by the owners of lots 301-331(inclusive).

Item 9.6

Attachment 1

Item 9.3 - Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1)

1 - 10.2014.193.1 - location map - Lot 100 Wyalla Road Jamberoo



Item 9.6

Attachment 1

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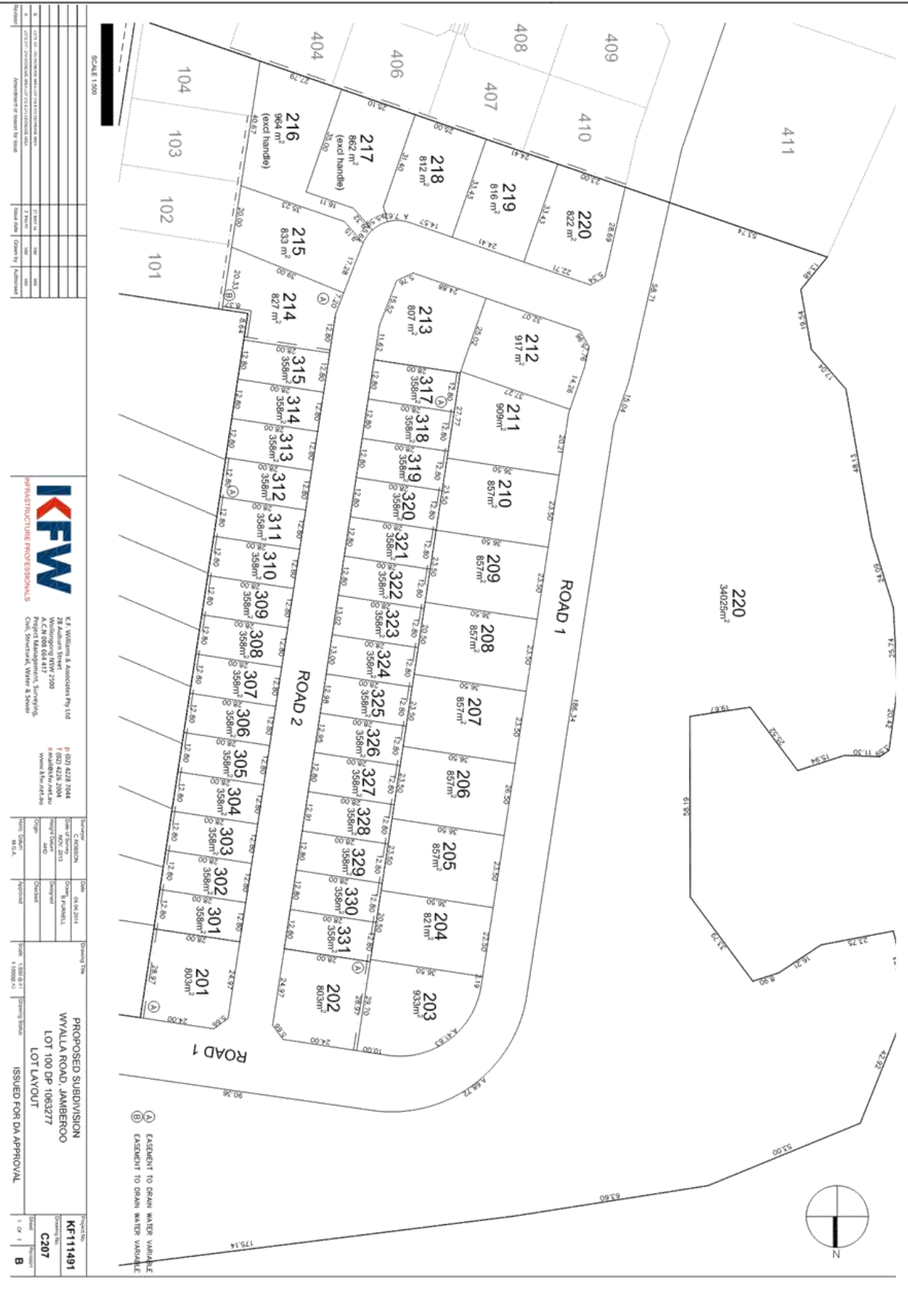
STAGING PLAN

Item 9.6

Attachment 1

Item 9.3 - Development Application for a 51 Lot Torrens Title Subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo (10.2014.193.1)

4 - 10.2014.193.1 - Wyalla Road - Lot Layout Plan



9.6 Item 1 Attachment 1

9.7 Development Application for an 11 lot Torrens Title subdivision for Lot 1 DP 781781 Wyalla Road Jamberoo (10.2014.191.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report follows on from Council's resolution at its meeting held on 16 December 2014, wherein Item 9.4 (see attachments) was deferred to obtain the opinion of a Senior Counsel (SC) prior to Council making its determination. Such opinion has been obtained, which in short, advises that Council is entitled to proceed to determine the development application.

The report recommends that Council approve Development Application 10.2014.193.1 subject to conditions previously provided in Item 9.4.

Finance

Section 94 contributions will apply.

Policy

N/A.

Attachments

1 10.2014.191.1 - Report to Council - 16 December 2014

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application number 10.2014.191.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to 'draft' conditions provided in Item 9.4 - Report of the Director Environmental Services to Council -16 December 2014 as attached to this report.

BACKGROUND

Council at its meeting 16 December 2014 was tabled with a report from the Director Environmental Services (Item 9.4) for its determination of a development application (DA) for an 11 lot Torrens Title subdivision for Lot 1 DP 781781 Wyalla Road Jamberoo (DA 10.2014.191.1).

Council resolved that the application be deferred to enable the opinion of a SC to be obtained. From the meeting, the opinion from the SC was required to address the matter of whether there were inconsistencies between Illawarra Regional Plan No 2

Report of the Director Environmental Services

9.7 Development Application for an 11 lot Torrens Title subdivision for Lot 1 DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

(REP) and Kiama Local Environmental Plan 2011 that would leave Council open to a legal challenge if Council were to determine the DA.

A legal opinion has been obtained from Adrian Galasso SC. The opinion consists of eight (8) pages, and in brief, the contention advanced by objectors was that the provisions of the REP operate as a “complete impediment to the grant of development consent for residential purposes consistent with the LEP until its repeal”. The SC opinion indicates that this is incorrect as the REP is only concerned with the preparation of a draft Local Environmental Plan (LEP) and the ability to determine a development application is derived from s.76A and s.80 of the *Environmental Planning & Assessment Act, 1979*. Pursuant to the Kiama LEP amendment 1 and for the purposes of s.76A, “the only relevant environmental planning instrument which identifies that, as a matter of relevant planning law, subdivision is permissible with development consent, and by reference to particular standards, is the LEP”.

Further, the opinion points out that the REP refers to Councils preparation of a draft LEP. With changes to the Environmental Planning and Assessment Act in 2009, Councils no longer prepare Draft LEPs, thus making the clause redundant.

The opinion goes on to review a possible alternate construction of the REP, in that it could be inferred that it now refers to the making of local environment plans. Such alternate construction is not supported by Mr. Galasso, however, even if such inference were considered, the opinion, at paragraphs 28 – 35, demonstrates how Council has acted appropriately and is entitled to proceed to determine the subject development application.

A copy of the SC opinion has been included as a separate confidential report in this business paper.

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1)

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews Development Application 10.2014.191.1 which seeks consent for the development of an eleven (11) lot Torrens title subdivision. The proposed development is sited within the R2 Low Density Residential zone and E3 Environmental Management zone pursuant to Kiama Local Environmental Plan (LEP) 2011 and is permissible in this zone subject to Council's approval. The proposed development complies with the provisions of Kiama LEP 2011 and the objectives of Kiama Development Control Plan (DCP) 2012.

The report recommends that Council approve Development Application 10.2013.191.1 subject to conditions.

Finance

Section 94 contributions will apply to any newly created allotments.

The application proposes dedication of a 3962m² lot that is zoned E3 Environmental Management and is to be used for passive recreation. There will be an ongoing financial commitment to Council to maintain the lot for community use.

Policy

N/A

Reason for Report to Council

This development application is reported to Council as more than five objections have been received.

Attachments

- 1 10.2014.191.1 - location map - 31 Wyalla Road Jamberoo
- 2 10.2014.191.1 - Wyalla Road - Staging plan
- 3 10.2014.191.1 - Wyalla Road - Overall plan
- 4 10.2014.191.1 - Wyalla Road - Lot layout plan

Enclosures

Nil

RECOMMENDATION

1. That Council approve Development Application number 10.2014.191.1 pursuant to Section 80 of the Environmental Planning and Assessment Act,

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

[1979, subject to the draft conditions at the end of this report.](#)

BACKGROUND

Applicant: KFW Infrastructure Professionals

Owner: Mrs CA Camarda

Development Site

The property is described as Lot 1 in Deposited Plan 781781 and is located at Wyalla Road Jamberoo. Pursuant to a planning proposal gazetted on 15 August 2014 the site was rezoned to R2 Low Density Residential and E3 Environmental Management.

The overall site measures 1.682 hectares and is rectangular in shape. The site is predominately cleared, with gardens located towards the front of the site. One dwelling currently occupies the site. Vacant residential land (proposed for 54 residential lots in DA 10.2014.189.1 and DA 10.2014.193.1 also reported to Council at this meeting) is located to the north of the site. Hyams Creek bounds the site to the west with rural zoned land adjacent.

The site slopes downhill from east to west at a general grade of approximately 12%. Access to the property is gained from Wyalla Road. The site drains to Hyams Creek. Water, sewer, electricity and telecommunications service are able to be provided to the site.

The site is subject to the following constraints:

- Flood affectation;
- A heritage item indicated in the Kiama LEP 2011 on adjoining land;
- Areas mapped in Kiama Local LEP 2011 as riparian land and water courses.

Description of the Proposed Development

The proposal is one of three adjoining development applications reported to this Council meeting. To gain a clearer understanding, the following table should be viewed in conjunction with the staging plan included within the attachments.

Proposal	Stage No.	Development Application No.	Property Description
5 Lots	Stage 1	10.2014.189.1	Lot 100 DP 1063277
51 Lots	Stage 2 and 3	10.2014.193.1	Lot 100 DP 1063277
11 Lots	Stage 4	10.2014.191.1	Lot 1 DP 781781

The proposal the subject of this report is for Stage 4 which involves an eleven (11) lot Torrens title subdivision that includes ten (10) residential lots and a 3962m² lot which is zoned E3 Environmental Management and proposed to be dedicated to Council as public reserve.

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The proposal includes the provision of an eight (8) metre wide perimeter road which extends from the north west corner of the site (linking with the eight (8) metre perimeter road proposed within DA 10.2014.193.1 on the adjoining lot to the north) through to Wyalla Road at the south east corner of the site.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 55 - Remediation of Land

The previous land uses have been investigated and no concerns are raised. It is considered that the land is suitable for the proposed use.

- Illawarra Regional Environmental Plan No 1 (IREP1)

The proposal is consistent with the aims and objectives of IREP 1.

- Illawarra Regional Environmental Plan No 2 - Jamberoo Valley (IREP 2)

Correspondence from NSW Planning and Environment relating to the planning proposal for the rezoning acknowledges the site is located outside of the mapped village boundaries of IREP 2. The inconsistency was deemed to be of a minor nature and was justified by the Kiama Urban Strategy 2011 and Illawarra Regional Strategy 2006. As a result the land has been re-zoned for residential use with such use being consistent with IREP 2.

- Kiama Local Environmental Plan 2011

The subject land is zoned R2 Low Density Residential and E3 Environmental Management pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses of Kiama LEP 2011 requiring consideration:-

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map. The proposal complies with the minimum lot size requirement of 800m².

Clause 5.9 requires the preservation of the amenity of an area through the preservation of trees. The area around the existing dwelling has a cottage garden containing semi-mature native and European trees. Some of these trees will require removal to facilitate road access and the creation of a building area on proposed lot 402. It is considered that the removal of this vegetation will not adversely affect the existing amenity of the area.

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of heritage exists on the opposite side of Wyalla Road which is listed in Schedule 5 as "Wesleyan parsonage (former)". The proposal meets the objectives of the clause and is considered unlikely to adversely affect the heritage significance of the item.

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Clause 6.2 lists considerations for proposals which involve earthworks. The proposal requires a limited amount of earthworks to be undertaken in the construction of road access and it is deemed that the objectives of the clause and the matters prescribed for consideration have been satisfied.

Clause 6.3 lists requirements for the development of land which is at or below the known flood planning level. Although the site is not mapped in Kiama LEP 2011, Hyams Creek is located within the site. A Flood study carried out in support of the Planning Proposal indicated the residential allotments the subject of this application, and access thereto, are above flood planning levels including allowance for climate change.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. The site contains Hyams Creek which is designated as a Category 1 watercourse. The application was referred the NSW Office of Water who have provided their General Terms of Approval which have been included with the development consent conditions at the end of this report.

The proposal is considered to meet the objectives of the clause and the matters prescribed for consideration are deemed to be satisfied.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The development application has been notified in accordance with Kiama DCP 2012.

Kiama DCP 2012 lists a number of aims and objectives that promote development that is accessible, liveable and safe. In particular, Chapter 7 discusses subdivision design requirements and it is considered that the road widths proposed meet Kiama DCP 2012 requirements, thus ensuring the abovementioned aims and objectives have been met.

It is considered that the proposal meets the relevant development controls and/or satisfies the relevant objectives of Kiama DCP 2012.

- 'Draft' site specific Development Control Plan

A 'draft' site specific Development Control Plan was lodged by the proponent in support of the planning proposal for the rezoning. The document has been revised and is reported to this Council meeting to seek endorsement to place the document on public exhibition. The proposal in its current form is consistent with the revised version of the 'draft' site specific Development Control Plan.

To ensure that future development on the completed lots complies with the site specific development control plan a development consent condition has been recommended for inclusion with the 'draft' development consent conditions at the conclusion of this report stating that "A Subdivision Certificate shall not be issued until the site specific development control plan has been endorsed by Council".

Any Planning Agreement

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9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

Nil

Any Matters Prescribed by the Regulations

Nil

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Context & Setting

The proposal is considered to be compatible with existing activities and land uses adjacent to the site with there being little to no impact on the public domain.

- Design

It is considered that the proposal can accommodate future development without adversely impacting adjoining lands.

- Traffic, Access and Parking

It is considered that the increase in traffic attributable to future housing can be accommodated on the external existing roads and proposed road network. The proposal is considered to provide sufficient accessibility for vehicles, pedestrians and bicycles. The proposed road width of eight (8) metres exceeds the requirements of Kiama Development Control Plan 2012 and is considered wide enough for a vehicle to park on one side and not obstruct traffic in either direction.

- Environmental Impacts

No significant vegetation as described in Kiama LEP 2011 and Kiama DCP 2012 will be removed as a result of the proposal. It is considered unlikely that the proposal will disturb any native fauna or its habitat.

- Social Impacts

It is considered that there will not be undue social impacts caused by the proposal.

- Economic Impacts

It is considered that there will not be adverse economic impacts caused by the proposal.

- Construction Impacts

Construction activities have the ability to generate traffic, noise, dust and vibration; however, conditions of consent may be imposed on the development consent to ensure that construction impacts upon neighbours are lessened. Construction activities also have the potential to impact on soil and water resources by way of erosion and sedimentation; however, conditions of consent may be imposed on the development consent to prevent any significant impacts on soil and water resources.

- Utility Needs and Supply

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The utility demands of the proposal can be met through extension of existing service infrastructure to the requirements of relevant service authorities.

- Heritage

The site has no known Aboriginal, non-Aboriginal or natural heritage significance.

- Land Resources

The proposal is considered unlikely to have an effect on the use of agricultural land in close proximity to the site.

The Suitability of the Site for the Development

It is considered that the proposal fits within the locality and the site attributes are conducive to this development.

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, eleven (11) submissions were received of which eight (8) objected to the proposal and three (3) supported the proposal.

The relevant (summarised) reasons for objection and assessor’s response are tabled below:

Objection	Assessor’s Response
The site is an overdevelopment.	The lot sizes proposed meets the minimum lot size requirements in Kiama LEP 2011 and are consistent with the recent planning proposal for the rezoning of the land.
The proposal is inconsistent with the Illawarra Regional Plan No.2.	This matter has been discussed above under the heading “Relevant Environmental Planning Instruments”.
The site is flood affected and not suitable for housing	A Flood Impact Study (FIS) prepared for the applicant in 2012 was accepted by Council in preparation of the planning proposal for the rezoning of the land. The report and data submitted with the development application identified no change to the previously prepared FIS and the report is considered acceptable by Council’s Subdivision and Development Engineer. The FIS asserts that with some minor earthworks carried out in the road construction, all residential lots and their road access will

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	be unaffected by the Probable Maximum Flood event.
Hyams Creek will be affected by the proposal.	Hyam’s Creek has suffered degradation due to previous land uses. The NSW Office of Water’s General Terms of Approval require that the creek corridor be rehabilitated as part of the proposal. This rehabilitation work is subject to a specific “controlled activity approval” from the Office of Water, and all works must be completed prior to issue of a Subdivision Certificate.
The existing water reticulation and sewerage system may not be able to cope with the additional loading.	Sydney Water as the relevant authority will be required to certify that the proposal meets their requirements prior to Council issuing its approval of a Subdivision Certificate.
Existing road access is too narrow, difficult and dangerous.	The existing road network is considered by Council’s Subdivision and Development Engineer to be suitable for providing safe ingress and egress to each property created.
The ensuing housing should be single level to preserve amenity.	This application is for Torrens title subdivision only. Kiama LEP 2011 permits a maximum building height of 8.5 metres; however, any such proposal would undergo merit assessment at development application stage. Any height restrictions placed on the lots by way of an 88b instrument would be inconsistent with this control and therefore unenforceable.

External Referrals

The application was made pursuant to Clause 91A of the *Environmental Planning and Assessment Act 1979*. The application was referred the NSW Office of Water who have provided their General Terms of Approval which have been included with the development consent conditions at the end of this report.

Internal Referrals

The application was referred to the following Council Officers for their consideration.

- GIS Officer

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No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Senior Development Assessment Officer - Building

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

- Subdivision & Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended should the application be approved.

The Public Interest

The proposal is considered to be consistent with all applicable Environmental Planning Instruments and the Kiama Development Control Plan 2012, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be in the public interest.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant DCPs. The proposed development is consistent with the objectives of the R2 Low Density Residential and E3 Environmental Management zones.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

NSW Office of Water General Terms of Approval (GTA)

- (1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 10.2013.191.1 and provided by Council:
 - (i) Civil Plans
 - (ii) Statement of Environmental Effects
 - (iii) Flora and Fauna Assessment
 - (iv) Flood Study

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- (2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront

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9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

- (3) The consent holder must prepare or commission the preparation of:
 - (i) Detailed Construction Plans
 - (ii) Soil and Water Management Plan
- (4) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - (i) Riparian Corridors
 - (ii) Outlet structures
- (5) The consent holder must:
 - (i) carry out any controlled activity in accordance with approved plans; and
 - (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
 - (iii) when required, provide a certificate of completion to the NSW Office of Water
- (6) The consent holder must ensure that no materials or cleared vegetation that may
 - (i) obstruct flow,
 - (ii) wash into the waterbody, or
 - (iii) cause damage to river banks;are left on the waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (7) The consent holder is to ensure that all drainage works
 - (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
 - (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- (8) The consent holder must stabilise the drainage discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
- (9) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

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9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

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- (10) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

'Draft' Council Conditions of Development Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.191.1 dated 16 December 2014 and on the application form except as amended by the following conditions:
- (2) A Subdivision Certificate shall not be issued until the site specific development control plan has been adopted by Council.
- (3) The dedication of Lot 411 to Council may only occur after:
 - the work specified within the General Terms of Approval (GTA) by the NSW Office of Water has been satisfactorily completed and maintained for no less than two years. Written advice from the NSW Office of Water stating of their satisfaction shall be provided to Council; and
 - the majority (a minimum of 90%) of the area of the lot not covered by the GTA shall be in a condition that Council can, safely and efficiently, maintain with a tractor mower.
- (4) No civil or landscape works may be commenced unless a Construction Certificate has been obtained.
- (5) The applicant and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land is to carry the following insurances, copies of which are to be produced to Council upon request:
 - Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work;
 - Workers compensation insurance; and
 - Ten million dollar public liability insurance.
- (6) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (7) The developer shall bear the cost of relocation of any service utilities required.
- (8) All Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife

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9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately.

Prior to the Issue of a Construction Certificate

- (1) The developer shall submit details of all civil engineering works on engineering drawings to the Principal Certifying Authority for approval prior to the issue of the construction certificate.

The drawings shall include, but shall not be limited to, the following detailed information:

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
- b Plan, longitudinal and cross sectional detail shall be provided for the proposed road network;
- c The proposed pavement treatment to the road network. The minimum surface treatment shall be asphaltic concrete;
- d The location and reduced level of all services under the control of public utilities or agencies;
- e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD).

- (2) Part road construction will be required along Wyalla Road for the length of the property. The part road construction shall consist of pavements with 150mm high concrete barrier kerb and gutter. The design shall comply with the Kiama Development Control Plan 2012 supplementary document *Kiama Development Code – D01 Geometric Road Design, D05 Stormwater Drainage Design* and Council's *Water Sensitive Urban Design Policy – Section 4*. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (3) A Subdivision Certificate shall not be issued unless:
- Proposed Road 1 connects into a dedicated public road at its northern terminus; or
 - A temporary cul-de-sac arrangement with the capacity to manoeuvre the Austroads articulated and heavy rigid vehicles shall be provided at the northern edge of the proposed road adjacent to the boundary with lot 100

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9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

DP 1063277. The proposed turning arrangement shall not impinge upon proposed lot 411. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

- (4) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the '*Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines*'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer and shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (5) The detailed MUSIC modelling data shall be provided to enable checking of input and output data and results. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (6) The applicant shall, in constructing the road shoulder, maintain a road carriageway width of eight (8) metres and a minimum verge width of three (3) metres over the length of the Wyalla Road frontage. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (7) Proposed Road No.1 shall maintain an eight (8) metre carriageway width and verge widths of 3.5 metres and three (3) metre on the southern edge, and four (4) metres and three (3) metres on the western edge of the development. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (8) Proposed lots 404, 406 and 407 shall be serviced by a private access handle and accessway. All lot servicing, including refuse and recycling collection, shall take place within the proposed public road. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (9) The applicant shall prepare civil engineering drawings for the detailed manoeuvring of the AS 2890.2 articulated vehicle including design swept paths for the intersection of Road No 1 and Wyalla Road, and the return adjacent to proposed lot 409 within Road No 1. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (10) A concrete refuse and recycling pad shall be designed and constructed at a safe location within the public road verge such that it does not conflict with the proposed concrete footpath or the proposed accessway supporting lots 404, 406 and 407. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (11) The applicant shall design and construct accessways supporting proposed lots 404, and 406 and 407 with a minimum three (3) metre wide, 150 millimetre thick concrete reinforced with SL72 fabric mesh from the kerb for

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9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

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- the full length of the access corridors. Details shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (12) All vehicles shall leave the proposed accessways in a forward direction.
 - (13) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama DCP 2012. Full hydrological and hydraulic calculations and civil engineering drawings and details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (14) The developer shall construct a minimum 150mm, uPVC Class SH inter-allotment drainage system to drain proposed lots 401, 404, 406 and 407 in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama DCP 2012. Details of the inter-allotment drainage network proposed shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (15) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (16) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama DCP 2012. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (17) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (18) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the '*Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines*'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer. Details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
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- (19) A traffic management plan detailing all proposed line marking and signage in compliance with Australian Standards, RMS and Austroads guidelines shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The traffic management plan shall be designed by a chartered professional engineer in compliance with section 4 of the RMS *Road Design Guide* and the Standards Australia publication AS 1742.2 *Manual of Uniform Traffic Control Devices Part 2: Traffic Control Devices for General Use*.
- (20) The applicant shall provide a minimum 1.2 metre wide reinforced concrete footpath within the verge of Wyalla Road (to be located adjacent to lots 401 and 402) from the intersection of proposed Road No 1 to the northern edge of the development. Design details shall be submitted to the certifying authority for assessment and approval prior to the issue of a construction certificate.
- (21) The applicant shall provide a minimum 1.2 metre wide reinforced concrete footpath within the verge of proposed Road No 1 (to be located adjacent to lots 402 to 410) from the intersection of Wyalla Road to the termination of Road No 1. Design details shall be submitted to the certifying authority for assessment and approval prior to the issue of a construction certificate.
- (22) All flexible road pavements shall be designed in compliance with the Austroads publication "*Pavement Design for Light Traffic – a Supplement to Austroads Pavement Design Guide*". The proposed pavement treatment details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (23) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The report shall cover, but not be limited to:
- a extent and stability of proposed embankments (particularly those acting as retarding basins) and if any of the land is subject to subsidence/slip
 - b soil dispersibility
 - c slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled
 - d recommended geotechnical testing requirements
 - e required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments
 - f compaction specification for all fill within private subdivisions
 - g the level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone
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- h the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation
 - i recommended treatment methods for rectification/remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned
 - j requirements for sub-surface drainage lines
 - k overall suitability of the engineering drawings for the proposed development.
- (24) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.
- (25) Prior to the issue of a Construction Certificate, the applicant shall provide street lighting for the development which includes a street lighting upgrade for the intersection with Wyalla Road and complies with the design requirements of AS/NZS 1158.
- (26) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama DCP 2012 and shall be consistent with the landscape concept plan.

Prior to Commencement of Works

- (1) The developer shall obtain a Construction Certificate prior to the commencement of any works
- (2) The developer shall lodge with Council a bond of \$20,500 in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as security for any new and/or remedial work which may be required within the adjoining public road administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction of the development. The bond may be called on for any damage which occurs to the adjoining public road during the period of construction of the development without the need for Council to prove that the damage resulted from works associated with the approved development.

The bond shall be refunded in full subject to the following:

- There being no damage to the infrastructure within the road reserve.
- Twelve (12) months has elapsed from the date of the issue of the Subdivision Certificate.

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- The submission of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.
- The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.
- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Wyalla Road, for the purpose of carrying out activities associated with the development.
- (5) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a) Detailed plans and specifications of the civil works must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b) You **must** appoint a Principal Certifying Authority; and
 - c) You **must** notify the Council of the appointment; and
 - d) You **must** give at least two (2) days notice to Council of your intention to commence work.
- (6) A sign must be erected in a prominent position on any site on which subdivision work is being carried out:
- a) Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) Stating that unauthorised entry to the work site is prohibited.
- (7) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (8) The applicant shall submit a dilapidation survey prepared by a chartered professional engineer prior to the commencement of any work within the public road reserve of Wyalla Road.

During Works

- (1) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

-
- (2) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
 - (3) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
 - (4) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
 - (5) No vibratory rollers are to be used during the construction of any work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
 - (6) All new construction work shall make smooth junctions with existing work.
 - (7) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama DCP 2012, and civil engineering drawings approved by the Principal Certifying Authority.
 - (8) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama DCP 2012 and civil engineering drawings approved by the Principal Certifying Authority.
 - (9) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site.
 - (10) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site.
 - (11) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified National Association of Testing Authorities Australia (NATA) registered laboratory for contaminants. Based on the test results certification shall be
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ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

provided to the Principal Certifying Authority prior to the issue of any occupation certificates by a suitably qualified geotechnical engineering consultant confirming the imported fill is suitable for use in residential development. Any imported fill found to not be suitable for residential use shall be removed / remediated in accordance with the NSW Department of Environment, Climate Change and Water requirements.

- (12) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Prior to the Issue of a Subdivision Certificate

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The developer shall complete all street lighting, engineering and landscape works prior to the issue of a Subdivision Certificate, unless otherwise approved in writing by the Principal Certifying Authority.
- (3) Prior to the issue of a Subdivision Certificate the applicant shall put forward for endorsement of Council a road name that is consistent with the requirements of the NSW Geographical Names Board, The road name must be endorsed by Council prior to the issue of the Subdivision Certificate.
- (4) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 for the following amounts shall be paid to Council prior to the issuing of the Subdivision Certificate.
 - Contributions Plans No 1 \$ 57,888.11
 - Contributions Plans No 1 (street tree planting) \$ 1,939.30
 - Contributions Plans No 2 \$ 7,854.17

The total contribution required for the development is \$ 67,681.57

- (5) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
 - a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council's adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided either on disc or thumbdrive.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
 - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 94 Contributions identified in this consent.
 - j) A conduit plan showing the location of all service conduits laid beneath the constructed road system.
- (6) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.
- The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have not adversely impact on adjacent properties.
- (7) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate an electronic copy of the Works-as-Executed drawing as follows:
- a A full set of engineering drawings in either DWG or DXF format;
 - b An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
- (8) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report shall cover, but not be limited to:

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

-
- a All earthwork operations.
 - b The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
 - c A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.
 - d Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012. This shall include appropriate test results and test location diagram and date of testing.
 - e Certification of all recommendations contained in the geotechnical report lodged in support of the Construction Certificate have been satisfied.
 - f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument.
- (9) The applicant shall provide Council with an electronic copy of an infrastructure asset report to accompany the Work as executed drawings. The report shall provide a bill of quantities prepared by a suitably qualified person and shall include information relating to public and private assets for digital mapping purposes. The applicant shall consult with Council regarding the infrastructure asset detail required. The report shall be submitted to Council prior to the issue of the Subdivision Certificate.
- (10) The developer shall provide compliance certification from the hydraulic designer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
- (11) Prior to issue of the Subdivision Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.
- (12) A certificate from a suitably qualified person verifying compliance that all lighting throughout the development complies with AS/NZS 1158 shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
- (13) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Wyalla Road and Chapel Lane and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate
-

ORDINARY MEETING

16 DECEMBER 2014

Report of the Director Environmental Services

9.4 Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1) (cont)

shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the subdivision certificate.

- (14) The proposed road shall be dedicated to Council as public road pursuant to the provisions of the Roads Act 1993.
- (15) The developer shall acknowledge all existing easements on the final plan of subdivision.
- (16) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (17) The developer shall chart the natural watercourse on the final plan of subdivision.
- (18) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land (where applicable):
 - a. easement for services
 - b. easement for inter-allotment drainage
 - c. drainage easements over overflow paths
 - d. reciprocal right of way over all battle-axe allotments
 - e. restricted building zone over Lot 411 restricted building zone over Lot 221 which prohibits the erection of dwellings
 - f. a restriction as to user for all lots which stipulates that:
 - *Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person.*
 - *The hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge.*

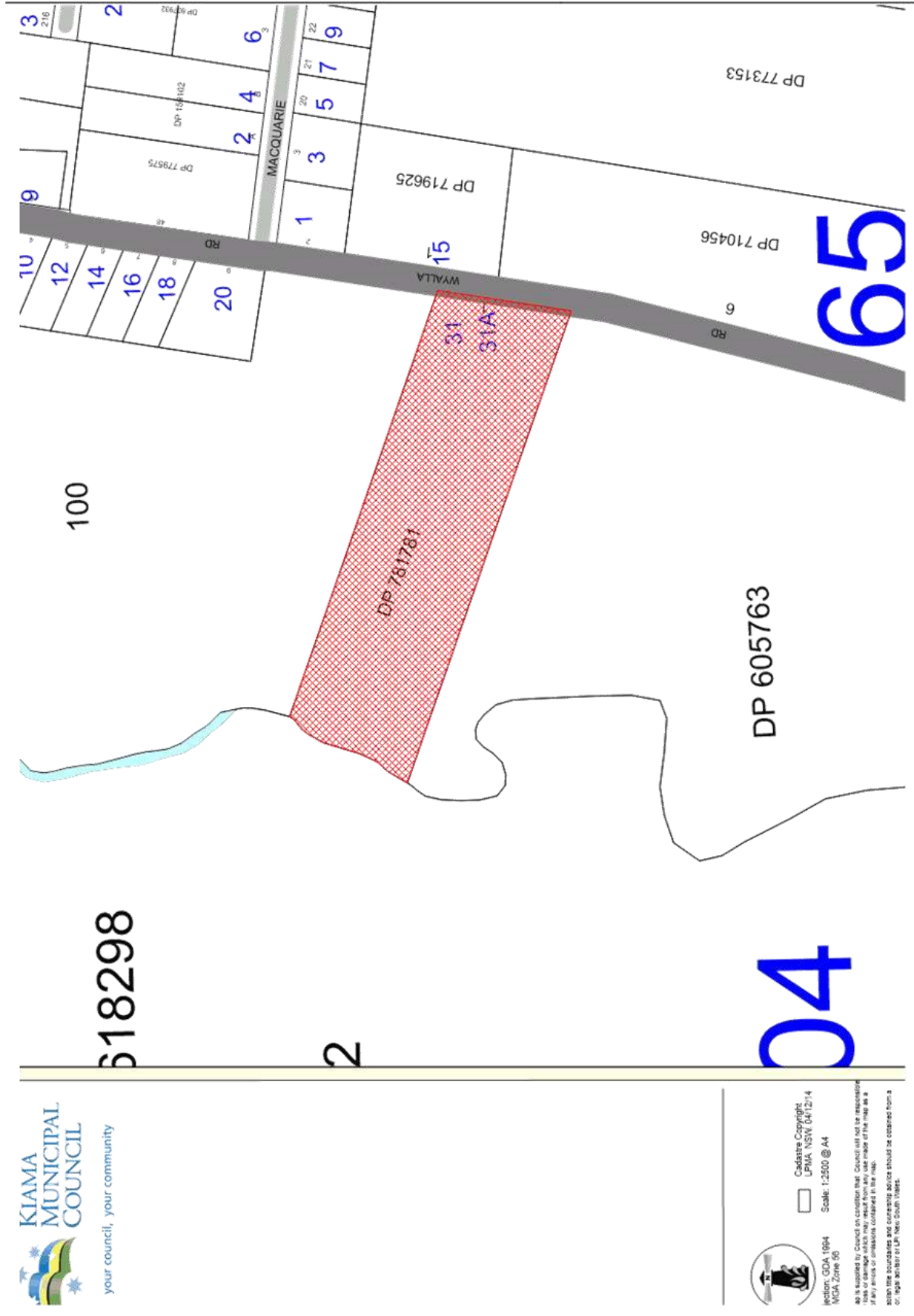
The document shall meet the standard terms applied by Council, with Council being the party to release, vary or modify (except for services), and shall be submitted to Council for review and approval a minimum of two weeks prior to the lodgement of any Subdivision Certificate application.

Post Issue of the Subdivision Certificate

- (1) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of any Subdivision Certificate.
- (2) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.

Item 9.4 - Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1)

1 - 10.2014.191.1 - location map - 31 Wyalla Road Jamberoo



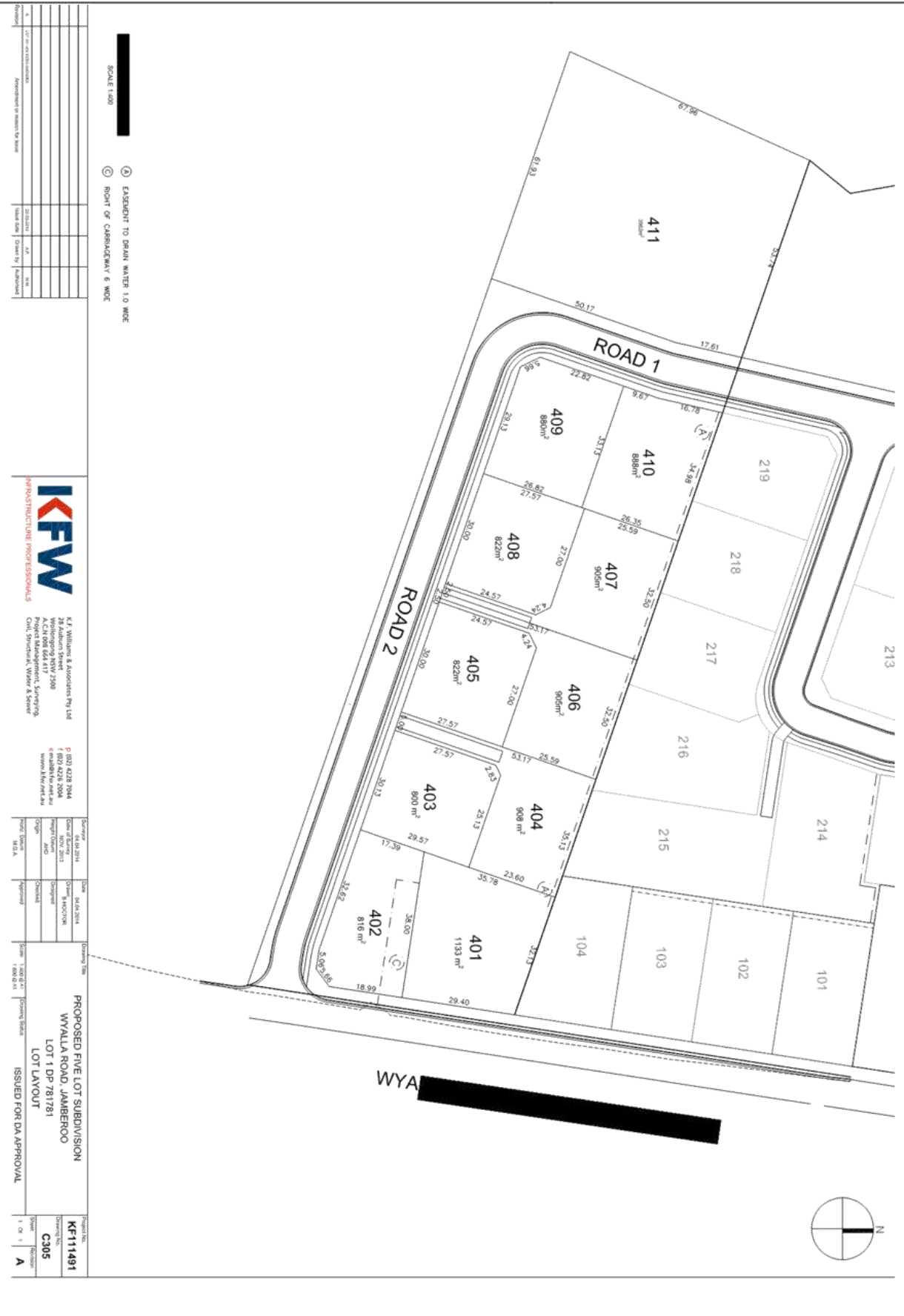

 Creative Commons
 License
 Attribution-NonCommercial-ShareAlike 4.0 International
 Scale: 1:2500 @ A4
 MCA Zone 05
 This is provided to Council as a location map. Council will not be responsible for any errors or omissions which may result from any use made of this map other than the boundaries and ownership advice should be obtained from a professional surveyor or legal adviser or LPI New South Wales.



STAGING PLAN

Item 9.4 - Development Application for an 11 lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo (10.2014.191.1)

4 - 10.2014.191.1 - Wyalla Road - Lot layout plan



Item 9.7 Attachment 1

10 REPORT OF THE GENERAL MANAGER

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

The purpose of this report is to advise of the submissions received in relation to the proposal to place the ANZAC Centenary Commemorative Logo on the side of the Kiama Lighthouse and the report recommends that Council request the Minister for Crown Lands to permit the proposal subject to appropriate conditions.

Finance

Not applicable.

Policy

Not applicable.

Attachments

1 Image of proposed logo on lighthouse

Enclosures

Nil

RECOMMENDATION

[That Council continue to support the proposal and refer the proposal to Crown Lands and the relevant Minister for determination.](#)

BACKGROUND

From 2014 to 2018 the highly significant National commemoration of the ANZAC Centenary is being held.

The Kiama/Jamberoo RSL is planning to hold the major ANZAC Day services at Blowhole Point in the area around the Kiama Lighthouse as part of the commemoration of the Centenary of ANZAC. It is proposed to place a removable form of the official commemoration logo on the lighthouse during the commemoration period (2014-2018). The RSL advised that there is a strong symbolic link between the First World War servicemen and women leaving Australia by boat and the

Report of the General Manager

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse (cont)

lighthouses that would have guided boats and would have been one of the last sights of Australia seen by the servicemen and women.

An image of the proposed logo on the lighthouse is attached.

On 19 November 2013 Council resolved to support the application to place the 100 Years of ANZAC logo on the lighthouse to commemorate the nationally significant event. Council noted that while the placing of other logos and symbols on the lighthouse would not generally be supported, the proposal has significant merit in raising further awareness of the sacrifices made by the Australian and New Zealand servicemen and women during World War I and of the significance of the war in terms of the history of Australia. It was also noted that it would be a unique way for Kiama to participate in the commemoration.

As the lighthouse is on Crown Land, details of the proposal and a Statement of Environmental Effects were referred to the Crown Lands and the relevant Minister for determination.

Sometime after the submission of the proposal to NSW Crown Lands the Minister advised that the proposal should be subject to a Heritage and Visual Impact Assessment and be placed on exhibition for public comment.

Proposal

The proposal involves the placement of vinyl film 1.5 metres in height and 2.0 metres wide on the western elevation of the lighthouse in the form of the ANZAC commemorative logo. The vinyl film was selected because of its easy removability. In contrast to an earlier painted proposal there is a reduced colour area of text and image on the proposed signage.

Text selected is a Sans Serif type face that is complimentary to the simple forms and decoration of the building. Proposed signage is located centrally on the main cylindrical section of the lighthouse and does not obscure/cover any heritage detail.

Visual Impact Analysis

Borst and Conacher Heritage Architects undertook a visual assessment analysis of the proposal which was placed on exhibition for public comment.

The analysis notes that the Kiama Lighthouse is an important local monument and is listed as a place of environmental significance in the Illawarra Regional Environmental Plan No. 1 and the Kiama Local Environmental Plan.

The report concludes that the modifications proposed are considered to be of a relatively minor and sympathetic nature, so that although the site is assessed as having a high degree of sensitivity, the proposal is not considered to have a significant or deleterious impact.

In terms of the impact of the proposal and the heritage significance and visual quality of the lighthouse, the report states that there should be minimal impact on the heritage significance and visual quality of the listed item.

The report further states that there should not be any long term physical impact on the lighthouse as the image is peelable removable with no residue or damage arising.

Report of the General Manager

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse (cont)

The report notes that the lighthouse is intended to be used as a direct backdrop for one large community event to be held in the large open area comprising the lighthouse precinct, as well as a more general temporary memorial. The report states that this is a one off signage application and will not set a precedent for any future applications.

The report further notes that while there are other suitable venues, eg showground, other large open spaces, none of these have a specific "spirit of ANZAC", where lighthouses were the last image of Australia for servicemen and women leaving Australian shores.

The report recommends that the following conditions should be imposed on the placement of the logo on the lighthouse:

- The image be installed in the appearance and manner indicated.
- The image be removed as agreed.
- That rectifications works, if any, be carried out at the applicant's expense equal to, or greater than existing status of the building fabric.

Local Heritage Advisor

Council's Local Heritage Advisor has reviewed the visual impact analysis prepared by Borst and Conacher Architects and he has provided advice from a heritage point of view.

He states that the proposed sign shown in the report is more discreet, respectful and less visually prominent than early designs reviewed and as the report has demonstrated, the visual impact of the subject sign would generally be limited to short range views from the lighthouse precinct.

While stating there are strong and compelling arguments for including the lighthouse in the ANZAC commemoration as proposed in the visual impact analysis report, the Local Heritage Advisor raised concern in relation to potential precedent and potential damage to the fabric of the lighthouse. He recommends that if the development proceeds as proposed there should be precautionary tests carried out on the fixing method proposed for the signage in order to ensure significant fabric is not physically damaged. He further advises that if this is not undertaken consideration should be given to imposing a security deposit.

He further advised that consideration should be given to shortening the length of time that the sign is proposed to be displayed on the lighthouse and if the sign is to be fixed for four (4) years temporary interpretation signage should be provided explaining the connection between the lighthouse and the soldiers going to World War 1. The Local Heritage Advisor states that including a poem by Private J W Carr of the 6th Reinforcements, 45th Battalion, and a former resident of Kiama, may be appropriate for the benefit of visitors who may not understand the meaning of the proposed lighthouse sign. The poem refers to the lighthouse. Private J W Carr was killed in France on 18 August 1918, three months before the end of the war.

Public Exhibition

The proposal and visual impact analysis was placed on public exhibition for an extended period of more than 30 days. Council received 227 individual submissions

Report of the General Manager

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse (cont)

and a petition with 187 signatures in support of the proposal and 16 submissions against.

The submissions in support of the proposal included the following points:

- The physical impact will be of a minimal and temporary nature.
- The fixing of a temporary vinyl stencil to the Kiama lighthouse will not impede the Australian Maritime Safety Authority's operation or maintenance of the facility.
- The character of the proposed signage is sympathetic with the listed heritage item.
- This is a "one-off" signage application and will not set a precedent for any future applications.
- It is a unique way to commemorate the loss of 60,000 diggers and a fitting tribute to those who will never see the "light" again.
- Any unexpected repair/maintenance should be easily undertaken.
- The huge importance of the First World War to the history of the nation and the need to remember the massive loss of life and other tragic impacts of that war.
- The logo will promote locally, interstate and internationally that the Kiama community remembers the solemn duty necessary to preserve and respect the significant price paid for our way of life.
- The placement of the logo on the lighthouse will be an attraction for visitors to the Kiama Township.
- The placement of the logo on the lighthouse will actually be showing respect for an icon and joining two historic Australian features to give life to a concept which will be of benefit to all of us.
- The Voluntary Defence Corp had a camp at the Kiama lighthouse during World War II where they were spotters. At least one local resident being William Thomas Jones participated in the Voluntary Defence Corp at this location.

The submissions against the proposal made the following points:

- The proposal will lead to a precedent with lighthouses being reduced to billboards for local events and ultimately for commercial advertisers.
- The proposal will lead to a dangerous precedent where it will be difficult to say no to any future proposals involving other charities and organizations.
- The physical impact will not be minimal and temporary in nature.
- There are preferable alternate locations such as the memorial arch.
- A light show or projection on the lighthouse is preferred.
- There is no historical connection between the Kiama lighthouse and World War I.

Report of the General Manager

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse (cont)

-
- There is concern that the vinyl application will damage the lighthouse and if approved there should be a bond to cover repairs.
 - The placement of the logo on the lighthouse may create confusion and boat safety risks.
 - The Blowhole Point is already cluttered with signage and stunning natural landscape should be protected.

The Boating & Operations Branch of the Roads & Maritime Services has forwarded comments to Crown Lands in relation to the proposal. The Roads & Maritime Service has advised of the following:

1. The logo must only be visible from the western (land) side of the lighthouse so the lighthouse remains visible and recognizable to sea farers at sea. It is suggested that the logo cover a maximum arc of 90 degrees of the lighthouse surface.
2. The proposed length of time for the logo to be on the lighthouse (4 years) will impact on the ability of other community groups and events to use the lighthouse for light projection displays.
3. The proposal will set a precedent which should be a consideration.

In response to the comments made by the Roads & Maritime Service, the following points are made:

- The logo will only be visible from the western (landwards) side of the lighthouse and will generally be restricted to a maximum arc of 90 degrees of the lighthouse surface.
- The lighthouse will still be able to be used for other community events with lighting of the lighthouse by other community groups being possible while the logo is placed on the lighthouse.

Comment

The Kiama lighthouse and Blowhole Point are places of environmental significance.

The visual impact analysis concludes that the proposed ANZAC commemoration should have minimal impact on the heritage significance and visual quality of the lighthouse. The proposed logo is to be made of vinyl which should be easily removed with no residue or damage arising.

In supporting the proposal Council had regard to the Centenary of ANZAC being a highly significant national event and the placing of other logos and symbols on the lighthouse would not be generally supported.

The major ANZAC Day services are to be held at Blowhole Point, in and around the Kiama lighthouse, and because of a number of symbolic links between First World War servicemen and women and lighthouses the placing of the logo on the lighthouse is supported.

Alternatives do not have the same level of symbolic link and are not in locations that would provide the same level of support for the commemoration.

Report of the General Manager

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse (cont)

Use of the lighthouse for a light show in lieu of the placement of a logo has not been supported by the RSL because of the low number of people who visit Blowhole Point at night.

The company that has proposed the vinyl application has inspected the lighthouse and believes that the vinyl sign can be removed from the lighthouse without physical damage or impact.

It is recommended that the Council continue to support the proposal and refer the matter to Crown Lands and the relevant Minister for final determination. It is also recommended that any approval be subject to the following conditions:

- The image to be installed in the appearance and manner proposed.
- That the image be removed immediately following the commemoration period and that any rectification works, if required, be carried out.
- That precautionary tests be carried out on the fixing method proposed.
- That an interpretive sign be placed in the vicinity of the lighthouse explaining the connection between the lighthouse and World War 1.



THOMAS CREATIVE

© THOMAS CREATIVE 2014

Kiama Council - Kiama Lighthouse - 100 Years of ANZAC

Front Elevation

Not to Scale

1.0

10.2 Kiama Hospital Redevelopment

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.2 Redevelop and expand the Blue Haven Aged Care Facility

Summary

This report provides an update on the proposed redevelopment of Kiama Hospital and proposes Council engage NSW Public Works to assist in the development application phase of the project following which a project manager will be appointed.

Finance

Possibly \$62m in a three stage development.

Policy

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council engages the NSW Public Works to assist in the preparation of the submission of the development application for the subject development.

BACKGROUND

At its meeting on 16 December 2014 Council resolved to endorse the purchase of the Kiama Hospital site with the inclusion of the remediation costs. Council also resolved to endorse the signing of the Funding Deed for NSW Infrastructure as soon as possible, with the determination to proceeding with the residential lots being made at a future meeting.

Since Council's decision discussions have been held with Restart NSW and the Illawarra Shoalhaven Local Health District with the aim of finalising the relevant agreements. It is expected that the agreements will be finalised in the next month.

The next stage of the project is preparation and submission of the development application to Council and the Joint Regional Planning Panel. Subject to the favourable determination of the application a project manager will be appointed and construction can be commenced.

As part of the master planning of the site, significant work has already been undertaken for the preparation of the development application and accompanying documents with the preparation of the concept plan known as 4B and the undertaking of a number of site reports including an arborist assessment, contamination report, preliminary town planning report and heritage report.

Report of the General Manager

10.2 Kiama Hospital Redevelopment (cont)

The development management phase includes:

- Selection and appointment of the Principle Design Consultant (PDC) and other consultants. This step includes preparation of briefs for the engagement of the PDC and team.
- The preparation of the more detailed design to enable the submission of the development application.
- A review of the risk assessment.
- Environment impact assessment.
- Preparation of development application documentation for submission by Kiama Municipal Council.

A further step in this phase is communication management involving liaising with and coordination between Council, service providers, approval authorities, stakeholders and user groups.

Cost control and value engineering and financial feasibility analysis and validation for both the project and operational forecasts will continue to be applied during this step.

Premier Consulting and Public Works Department, who are very familiar with the project, provided quotes to assist Council in the development phase prior to the stage of appointing a project manager. The Department of Public Works has quoted \$75000 while Premier Consulting has quoted \$130400. Premier Consulting has a thorough understanding of the project, are aged care specialists and through their cost controls and value engineering can make longer term development cost savings. Public Works have a good understanding of hazardous material handling and access to NSW Public Works Tender Evaluation Review Panel. They are also familiar with the Restart NSW funding and reporting requirements.

There is urgency to continually progress the planning and construction of the new Aged Care Centre of Excellence to meet the Restart NSW funding and Federal Government bed licence requirements.

It is proposed that Public Works be engaged to assist Council in the management of the development application phase with Premier to be engaged as required to assist in the review of financial aspects and the preparation of specifications for a project manager and selection.

10.3 Centenary of ANZAC

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report recommends that Council provide financial and in-kind support for the Kiama/Jamberoo RSL and the Gerringong RSL in the organisation of special ANZAC Day and other events to commemorate the Centenary of ANZAC.

Finance

\$4000 from Council's Events budget is proposed to be allocated to local Centenary of ANZAC commemorations.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council provides financial and in-kind support for the Kiama/Jamberoo RSL and the Gerringong RSL in the organisation of special ANZAC Day and other events to commemorate the Centenary of ANZAC.

BACKGROUND

Council is aware of the Centenary of ANZAC commemorations being held from 2015-2019. While events at a National level are being held, local communities, often led by the Returned Services League associations, are organising important local commemorations. The commemorations will be greatly attended and will be highly significant times for people to reflect on the impacts of war and the sacrifices made by many Australian and New Zealand men and women.

The Kiama/Jamberoo RSL and Gerringong RSL are organising special ANZAC Day and other events as part of the commemoration. The nature of the events in terms of logistics and costs require community and Council support. It is proposed that Council in addition to in-kind support contribute \$2000 to each of the Kiama/Jamberoo and Gerringong events from Council's Events budget.

Report of the Director Corporate and Commercial Services

11.1 Stocktake of Stores and Materials (cont)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Stocktake of Stores and Materials

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

This report recommends a net adjustment write off to the Depot Store Inventory

Finance

Provision has been made in the Stores Adjustment Account in the 2014/2015 Budget.

Policy

The stocktake of Council's Stores and Materials was carried out in accordance with Legislation.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council authorise a net write off of \$390.99

BACKGROUND

In accordance with the Local Government (General) Regulation 2005, an inventory of stores and materials on hand at Council's Depot Store as at 5 December 2014 has been undertaken. A comparison has been made with the appropriate accounts in the Stores and Materials Ledger and as a result, there is a net adjustment to be written off to the Store of \$390.99.

Report of the Director Corporate and Commercial Services

11.1 Stocktake of Stores and Materials (cont)

Council's resolution is now required to bring the stores and materials in line with the physical stocktake. The value of Council's stores and materials at the time of writing this report was \$161,185.12.

11.2 Leisure Centre

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.5 Foster positive relationships with our community through open communications, opportunities for participation in decision making and sharing of information

Delivery Program: 4.5.3 Promote a consistent and positive image of Council to the community

Summary

This report advises that Leisure Centre Manager Jenene Gilbert and Council Leisure Centre Receptionist, Hannah McInerney will be awarded the Royal Life Saving Society's Certificate of Commendation for their actions on 4 February 2014.

Finance

Not applicable

Policy

Not applicable

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council congratulates Jenene Gilbert and Hannah McInerney on receiving the Royal Life Saving Society's Certificate of Commendation.

BACKGROUND

On 4 February 2014, an employee of contractor Sight and Sound, Alan Beattie, received an electrical shock while installing speaker cables at the Kiama Leisure Centre.

The quick actions of Leisure Centre Manager Jenene Gilbert and Casual Leisure Centre Receptionist Hannah McInerney, revived Mr Beattie before the arrival of paramedics.

As a result of their quick action both employees have been advised that they will be awarded the Royal Life Saving Society's Certificate of Commendation. These prestigious awards will be presented at a ceremony hosted by His Excellency General The Honourable David Hurley AC DSC (Ret'd) Governor of New South Wales at Government House at 2pm on Friday 6 March 2015.

11.3 Interstate Conference - WA Local Government Finance Professionals

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.10 Provide training and professional development for Councillors and staff to promote a culture of strong leadership, good governance and ethical practice

Delivery Program: 4.10.1 Ensure understanding of, and compliance with, Council's Code of Conduct and relevant policies and procedures

Summary

This report outlines the reasons for attendance of Council's Financial Accountant, Tracy Sligar, at the Western Australia (WA) Local Government Finance Professionals Conference in Perth from 5-6 March 2015.

Finance

The cost of registration and accommodation is met by WA Local Government Finance Professionals. Cost of travel is to be met by Council.

Policy

All interstate conference attendance requires Council approval.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council grants approval for Council's Financial Accountant to attend the 2015 WA Local Government Finance Professionals Conference in Perth from 5-6 March 2015.

BACKGROUND

Council's Financial Accountant, Tracy Sligar is an Executive member of the NSW Local Government Finance Professionals. Every year Executive members of the NSW Local Government Finance Professionals are invited to attend the Finance Conferences in each of the states of Australia. Under reciprocal arrangements with the other states, the cost of registration and accommodation while attending the conference is paid for by the hosting state's Finance Professionals.

The Executive of the NSW Local Government Finance Professionals has proposed to send Council's Financial Accountant, Tracy Sligar to the conference which will be held in Perth from 5-6 March 2015.

It is Council policy that all interstate conferences require Council approval.

Report of the Director Corporate and Commercial Services

11.3 Interstate Conference - WA Local Government Finance Professionals (cont)

Given the appropriateness of this conference with finance issues being relevant nationally and the attendance costs being met by the WA Local Government Finance Professionals, it is appropriate that a delegate from the NSW Local Government Finance Professionals Executive attend to support this conference. This reciprocal arrangement with other States has been in place for a number of years.

Approval is sought for the Financial Accountant, Tracy Sligar, to represent Council and NSW Local Government Financial Professionals at this conference. The cost to Council will be approximately \$800 from Council's Training Budget. Tracy will provide a report to the NSW Local Government Finance Professionals upon her return as well as an information report back to Council.

11.4 2016 Local Government Election

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report outlines the process leading up to the 2016 Local Government Election.

Finance

To be included in the 2016-17 budget.

Policy

n/a

Attachments

1 Summary of the Local Government Amendment (Elections) Act 2014

Enclosures

Nil

RECOMMENDATION

That Council resolves:

- 1 pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- 2 pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- 3 pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council."

BACKGROUND

The Local Government Amendment (Elections) Act 2011 was passed by the NSW Parliament and commenced on 27 June 2011. The amendments removed the mandate of the New South Wales Electoral Commission (NSWEC) to run local government elections and instead returned the responsibility to councils (Sec 296

Report of the Director Corporate and Commercial Services

11.4 2016 Local Government Election (cont)

LGA). As a result councils were faced with the following options for the 2012 elections:

- 1 engage the services of the NSWEC to conduct the election, or
- 2 conduct the election "in house" utilising Council staff, or
- 3 engage the services of a third party to conduct the election.

Under option 1 the Electoral Commissioner is accountable for the election. However, under options 2 and 3, the General Manager assumes that responsibility.

In considering a report to Council on 18 October 2011, Council resolved to:

1. Retain the NSWEC to administer its elections (other than elections of mayors and deputy mayors), constitutional referendums and polls until the conclusion of the 2012 ordinary election of councillors.

With respect to the conducting of the election, the process was handled very professionally by the NSWEC with positive feedback from Council's Election Liaison Officer, candidates and voters. The Returning Officer and Office Manager were very experienced and knowledgeable. The election was completed without any major issues. It attracted an 82.6% participation rate with 7% of the votes being informal. The informal rate can be contributed largely to the complexity of the voting system.

The poll was declared on Friday 14 September 2012, six days after the election.

The cost of the election was \$114,970 plus GST, some of which was the hire charge for the use of some of the Council venues.

92% of Councils in NSW elected to utilise the services of the NSWEC for their 2012 elections.

Following the 2012 election the NSW Government established the NSW Parliament's Joint Standing Committee on Electoral Matters (JSC) to review feedback from the 2012 local government election. One of the issues considered by the JSC was the length of time allocated to pre-poll. Despite a number of submissions requesting a reduction in the time available for pre-poll, the JSC decided to retain the existing two week period.

Following the findings of the JSC the NSW Parliament passed the Local Government Amendment (Elections) Act 2014 which gave effect to many of the recommendations of the JSC.

The amendments, which will only take effect once the supporting regulations are made and which have little impact upon Kiama Council's election process, are outlined in the attachment to this report.

If Council decides to again utilise the services of the NSWEC, Council needs to resolve to do so prior to 9 March 2015 (18 months prior the election) and then advise the Electoral Commissioner no less than 15 months prior to the election.

The NSWEC has been contacted and asked to provide a cost estimate to conduct the 2016 election. The preliminary estimate of costs for an ordinary election \$131,876 plus GST. It assumes between the 2012 and 2016 elections, an increase of 8.4% in voter numbers, a CPI growth of 11% and a wage growth of 10.4%. The figure is an estimate only. An examination of the breakdown suggests that there is

Report of the Director Corporate and Commercial Services

11.4 2016 Local Government Election (cont)

potential for savings in the staffing costs, particularly if agreement can be reached with a neighbouring council to share a returning officer.

Given the experience displayed by the NSWEC over many years, its performance at the 2012 election, the fact that 92% of Councils use the NSWEC and the price estimate provided by the NSWEC, it is considered appropriate that Council resolves to engage the NSWEC to conduct its election in 2016.

By circular dated 18 September 2013 (Circular 13-41) the Office of Local Government advised that if Council wished to engage the NSWEC to conduct the election and or any poll or constitutional referendum it should adopt the following resolution:

“Model council resolution that an election arrangement be entered into for the Electoral Commissioner to administer all elections, council polls and constitutional referenda (s. 296(3) Local Government Act 1993)

The [insert full description of council] (“the Council”) resolves:

- 1. pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.*
- 2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.*
- 3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.”*

The NSWEC advised that even if Council has no intention of conducting a poll or constitutional referendum, it is important to pass 2 and 3 of the model resolution, should they choose to do so at some point in the future.

Attachment**Amendments to the Local Government Act**

The amendments to the *Local Government Act 1993* will:

Reduce costs and improve the administration of council elections by:

- Requiring councils that administer their own elections to demonstrate to their communities that they have the capacity to do so successfully.
- Ensuring that councils that choose to administer their own elections have access to soft copy information contained in the electoral roll necessary for the effective administration of their elections and ensuring that this information is used solely for the purposes of administering the election.
- Allowing councils to avoid the significant expense of holding a by-election to fill vacancies that arise in the first 18 months of their terms by giving them the option of filling vacancies by use of a count back system based on votes cast at the last ordinary election instead. The decision to exercise this option must be made at the first meeting of the council following the election.

Build on the reforms to non-residential enrolment for the City of Sydney and promote non-residential voter participation at other council elections by:

- Allowing the City of Sydney the option of conducting its elections by universal postal voting instead of attendance voting and extending this to all councils in the future.
- Boosting non-residential elector participation in elections for councils other than the City of Sydney by relieving non-residential voters of the need to reapply to vote at each election.

Amendments to the Local Government (General) Regulation

The amendments to the Act will be complimented by amendments to the Regulation, which will be developed in close consultation with the NSW Electoral Commissioner.

These amendments will prescribe the detailed procedural requirements for the use of count backs to fill vacancies and conducting universal postal voting elections. In addition, the amendments to the Regulation will give effect to a number of other recommendations of the Committee. In particular, they will:

Improve the administration of elections by:

- Requiring the Electoral Commissioner to report to the Minister on the council elections he has administered
- Add to the candidate data currently collected by the Office of Local Government, information about candidate membership of registered political parties
- Requiring the Electoral Commissioner and general managers of councils that administer their own elections to report voter turnout numbers.

4

Improve voter participation at elections by:

- Abolishing the qualification requirements for postal and pre-poll voting for voters for the City of Sydney allowing all voters, (including non-residential voters) to cast their vote this way should they choose to do so, and extending this to all council areas in the future.

11.5 Staff Matters - Local Government (State) Award 2014

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.9 Manage Council staff in a fair, equitable and sustainable manner to ensure the most efficient outcomes for the Community Strategic Plan

Delivery Program: 4.9.1 Recruit and retain an appropriate workforce to deliver planned objectives of the Community Strategic Plan

Summary

This report outlines anomalies between the Local Government (State) Award, the Nursing Homes, &C., Nurses' (State) Award and the Charitable Sector, Aged and Disability Care Services (State) Award.

Finance

Will have a minor impact upon the Blue Haven Aged Care Facility budget.

Policy

Local Government (State) Award

Nursing Homes, &C., Nurses' (State) Award

Charitable Sector, Aged and Disability Care Services (State) Award

Fairness and Equity Policy

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approves the transfer of leave in accordance with the provisions of the Local Government (State) Award for the employee, the subject of the report, and for all employees who transfer from Council to Blue Haven in future.

BACKGROUND

One of Council's Community Services Support Workers was recently appointed to the position of Care Service Employee at Blue Haven Aged Care Facility. Her appointment to the position has highlighted an anomaly that was initially identified in March 2014 when a former Council Senior Coordinator was appointed to a role at Blue Haven Nursing Home. The anomaly that has been identified is between the various Awards that apply to Blue Haven and Council employees.

As Local Government is considered to be an industry where many employees move from Council to Council to advance their careers, there is provision within the Local Government (State) Award to transfer certain leave and to retain credit for previous

Report of the Director Corporate and Commercial Services

11.5 Staff Matters - Local Government (State) Award 2014 (cont)

service from another Council. For example, an employee at Kiama Council who gained a position at Shellharbour Council would be able to transfer a maximum of 65 days sick leave (Shellharbour would wear the cost of the transfer) and any accrued long service leave (Kiama Council would transfer the monetary value of the long service leave to Shellharbour). If the employee had been working at Kiama for five or more years, the employee may elect to be paid out the long service leave rather than having it transferred. The person would start at Shellharbour with continuous service for the purpose of accruing and accessing further long service leave. However, there is no provision within the Local Government (State) Award to transfer accrued annual leave, so that would be paid out on termination.

The anomaly between the various Awards is that while an employee who transfers from Council to Blue Haven is still technically an employee of Kiama Council, they would be employed under the conditions of the Nursing Homes, &C., Nurses' (State) Award or the Charitable Sector, Aged and Disability Care Services (State) Award. The Local Government (State) Award has no provision to transfer leave to employees employed under either of the Awards administered at Blue Haven. Additionally neither of the Awards administered at Blue Haven has provision to accept leave from another institution or Award.

This means that if an employee of Kiama Council was appointed to a position at Shellharbour Council sick leave and long service leave could be transferred, but if they were appointed to a position at Blue Haven and remained a Kiama Council employee, technically of transfer of leave or service could not occur.

In March 2014 when the Service Coordinator was appointed to a position at Blue Haven, the anomaly was reported to Council and Council approved the transfer of leave for her in accordance with the provisions of the Local Government (State) Award. This is a similar circumstance.

The anomaly is considered unfair on employees who transfer from Council to Blue Haven and it is therefore proposed that Council approves the transfer of leave in accordance with the provisions of the Local Government (State) Award for this employee. Given the current changes within the aged care industry, it is anticipated that increasingly Council's Support Workers may seek employment at Blue Haven. It would also be considered unfair if the transfer of leave was not made available to all employees who transfer from Council to Blue Haven. As such, it is recommended that Council approves the transfer of leave in accordance with the provisions of the Local Government (State) Award for all employees who transfer from Council to Blue Haven in future.

11.6 Kiama Tourism - Memorandum of Understanding

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.4 Maintain a robust relationship with Kiama Tourism

Summary

This report provides information on the updated Memorandum of Understanding between Council and the Kiama District Tourist Commerce and Industrial Association (Kiama Tourism) and also seeks a determination on the commencement of the amended funding model.

Finance

2014/2015 Budget

Policy

2013-2017 Delivery Program

Attachments

Nil

Enclosures

- 1 Kiama Tourism - Draft Memorandum of Understanding
- 2 Kiama Tourism - Draft Memorandum of Understanding - Appendix A

RECOMMENDATION

That Council:

- 1 delegate authority to the General Manager to sign the Memorandum of Understanding identified in the report between Council and Kiama District Tourist Commerce and Industrial Association (Kiama Tourism) pending confirmation that Kiama Tourism will also sign the document; and
- 2 determine when the amended funding model resolved at the Council meeting on 16 September 2014 should to come into effect.

BACKGROUND

At the meeting on 16 September 2014 Council resolved in part to continue to provide funding support to the Visitors Information Centre, contributing approximately \$160,000 comprising part Special Rate Levy, Kendall's Beach Holiday Park contribution and rental subsidy on the basis that the Centre maintains at least Level 2 accreditation, seven day operation, accommodation booking service and visitors guide conditional that Kiama Tourism sign the Memorandum of Understanding by 1 November 2014 and that the funding arrangement be reviewed on a 6-monthly basis with the first coinciding with Council's 2015/2016 budget preparation.

Council also resolved to enter into negotiation of a Memorandum of Understanding with Kiama Tourism which includes performance standards for each organisation

Report of the Director Corporate and Commercial Services

11.6 Kiama Tourism - Memorandum of Understanding (cont)

with the details of a Memorandum of Understanding being submitted to a subsequent meeting.

Council established a committee of Councillors Petschler, Steel and Seage and the General Manager to meet with representatives of Kiama Tourism to negotiate a Memorandum of Understanding.

A meeting was held on 9 October 2014 to discuss the terms of the Memorandum of Understanding. During the meeting there was general acceptance of a draft Memorandum of Understanding which was subsequently considered by Council at the meeting on 14 October 2014. At that time Council resolved:

“14/227 - That Council formally endorse the draft Memorandum of Understanding and maintain the present number of delegations on the Committee as two Councillors and the General Manager in accordance with the Kiama Tourism Constitution.”

Shortly after 14 October both Council and Kiama Tourism received their own independent advice that the Memorandum of Understanding should not be signed in the form presented to Council. The parties agreed to redraft the Memorandum of Understanding for consideration at a later date. A series of meetings was held resulting in the enclosed draft Memorandum of Understanding identified by footer KMC-1-595\2598672 V5 being provided to both parties for consideration. At the time of writing it is understood that Kiama Tourism will consider the draft Memorandum of Understanding at a meeting scheduled for 11 February 2015.

It is considered appropriate that Council endorse the signing of the enclosed Memorandum of Understanding subject to Kiama Tourism's confirmation to do likewise.

It is clear from the resolution of the 16 September 2014 meeting that Council had an expectation that the Memorandum of Understanding would be signed by 1 November 2014. As reported due to a number of factors the Memorandum of Understanding is yet to be signed at this point.

Following the commencement of Council's Strategic Tourism/Marketing Manager the amended funding arrangements were implemented. The Kiama Tourism Chairman has on a number of occasions raised with the Mayor and Council Officers his interpretation that the amended funding model would not be implemented until after the Memorandum of Understanding was signed by both parties. In this circumstance it is requested that Council make a determination as to the date the amended funding model is to be implemented.

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Investment Policy

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

This report recommends adoption of a revised Investment Policy.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulations 2005.

Attachments

Nil

Enclosures

1 Investment Policy Revised January 2015

RECOMMENDATION

That the Investment Policy be received and adopted

BACKGROUND

Under Guidelines issued by the Office of Local Government, Council is required to revise its Investment Policy at least annually. The policy is governed by the Investment Order issued by the Minister and this order is still current. Finance staff has reviewed the policy and no changes are recommended.

12.2 Statement of Investments

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

This report recommends receipt and adoption of the Statement of Investments for December 2014.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

1 Investments December 2014 Part (b) & (c)

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for December 2014 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for December 2014.

a) Investment Commentary

The total investment portfolio increased by \$745K during December 2014. Various revenue was received totalling \$6.1M, including rate payments amounting to \$1.6M, grants and contributions of \$1.5M, user fees and charges and other revenue of \$1.4M, Blue Haven ILU unit sales of \$300K, Blue Haven Hostel bonds of \$600K, investment maturity of \$200K and Debtor receipts of \$500K. Payments to suppliers of \$4.5M and employee wages of \$1.5M amounted to total expenditure of \$6.0M.

Note that the Westpac Bank Account balance shown in (a) of \$3.0M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 December 2014 is \$651K with an annual budget estimate for 2014/2015 of \$1.1M. Included in the actual interest

Report of the Manager Corporate Services

12.2 Statement of Investments (cont)

income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years. With the Reserve Bank cash rate at 2.5%, and on hold, there does not appear to be any likelihood of any change in rates upward. The current 90 day investment rate quoted by National Australia Bank on 31 December was 3.42%. The previous month's was 3.42% with December 2013 rate being 3.66%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index.

Certification – Responsible Accounting Officer

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

**Phil Mison**

Responsible Accounting Officer
Manager Corporate Services

(b) Council Investments as at 31 December, 2014

DIRECT INVESTMENTS:	S & P RATIN	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	G	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
ANZ	AA-	1,000,000.00	Term Deposit	18/06/14	14/01/15	210	3.60
ANZ	AA-	1,000,000.00	Term Deposit	11/11/14	20/05/15	190	3.49
Bankwest	AA-	1,000,000.00	Term Deposit	25/11/14	26/05/15	182	3.45
Bankwest	AA-	500,000.00	Term Deposit	03/12/14	03/06/15	182	3.50
Bankwest	AA-	1,000,000.00	Term Deposit	04/11/14	29/04/15	176	3.45
Bank of Qld	A-	1,000,000.00	Term Deposit	05/11/14	03/06/15	210	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	09/10/14	01/04/15	174	3.50
Bank of Qld	A-	1,500,000.00	Term Deposit	13/08/14	11/02/15	182	3.60
Bank of Qld	A-	1,000,000.00	Term Deposit	20/11/14	15/07/15	237	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	21/10/14	17/06/15	239	3.50
Bendigo	A-	1,000,000.00	Term Deposit	09/09/14	04/03/15	176	3.45
Bendigo	A-	1,000,000.00	Term Deposit	19/06/14	18/03/15	272	3.55
Commonwealth Bank	AA-	500,000.00	Term Deposit	30/07/14	28/01/15	182	3.45
Macquarie	A	500,000.00	Term Deposit	17/12/14	16/03/15	89	3.25
ME Bank	BBB+	1,000,000.00	Term Deposit	09/07/14	07/01/15	182	3.50
ME Bank	BBB+	1,500,000.00	Term Deposit	19/11/14	01/07/15	224	3.50
ME Bank	BBB+	1,000,000.00	Term Deposit	15/10/14	06/05/15	203	3.50
NAB	AA-	1,000,000.00	Term Deposit	27/08/14	25/02/15	182	3.65
NAB	AA-	1,470,000.00	Term Deposit	08/10/14	08/04/15	182	3.58
NAB	AA-	1,000,000.00	Term Deposit	12/11/14	27/05/15	196	3.55
NAB	AA-	1,000,000.00	Term Deposit	14/11/14	11/11/15	362	3.50
NAB	AA-	1,000,000.00	Term Deposit	22/10/14	24/06/15	245	3.57
NAB	AA-	1,000,000.00	Term Deposit	26/11/14	30/06/15	216	3.56
NAB	AA-	1,000,000.00	Term Deposit	20/08/14	18/02/15	182	3.65
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	27/10/14	29/01/15	94	3.35
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	01/09/14	10/06/15	282	3.30
IMB Society	BBB	1,000,000.00	Term Deposit	14/08/14	13/05/15	272	3.45
IMB Society	BBB	1,000,000.00	Term Deposit	10/09/14	11/03/15	182	3.40
ING Bank	A-	1,000,000.00	Term Deposit	25/06/14	21/01/15	210	3.65
ING Bank	A-	1,000,000.00	Term Deposit	23/07/14	28/01/15	189	3.49
ING Bank	A-	1,000,000.00	Term Deposit	15/09/14	15/04/15	212	3.49
ING Bank	A-	1,000,000.00	Term Deposit	06/08/14	04/02/15	182	3.37
Rural Bank	A-	1,000,000.00	Term Deposit	01/10/14	03/02/15	125	3.40
Suncorp	A+	1,000,000.00	Term Deposit	10/12/14	09/06/15	181	3.50
Suncorp	A+	1,000,000.00	Term Deposit	28/08/14	24/02/15	180	3.40
Westpac	AA	1,000,000.00	Term Deposit	29/10/14	29/01/15	92	3.38
Westpac	AA	1,000,000.00	Term Deposit	05/02/14	04/02/15	364	3.70
Westpac	AA	3,005,287.51	Bank Account	-	AT CALL		0.84
Westpac	AA	2,474,367.31	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		42,449,654.82					
						Average Rate-Dec 2014	3.41
						Average Rate-Dec 2013	3.55

MANAGED FUNDS:	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
Lehman Brothers -See Note 1 below	942,775.24	Managed	09/12/05	VARIOUS		3.56
TOTAL MANAGED FUNDS	942,775.24					
					Average Rate-Dec 2014	3.56
					Average Rate-Dec 2013	2.78

TOTAL INVESTMENTS	43,392,430.06
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TOTAL INVESTMENTS NOV 2014	42,647,458.40	1.72%	Change in total investment over prev 1 month
TOTAL INVESTMENTS DEC 2013	39,687,405.35	9.34%	Change in total investment over prev 12 months

MANAGED FUNDS

Note 1:-Total Lehman Managed Funds above are subject to market value fluctuations. Council obtains monthly independent market valuations from Australia and New Zealand Banking Group Limited (ANZ).

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,449,241.23
	Grants	1,251,258.00
	Domestic Waste	1,359,016.00
	Waste & Sustainability	204,173.18
	Southern Council's Group	2,793,088.31
Internally Restricted	Blue Haven ILU	4,054,791.49
	Blue Haven Hostel	6,272,939.37
	Blue Haven Nursing Home	1,971,770.83
	Land Development	6,081,524.71
	Waste Business Unit (Plant Replacement)	1,416,579.00
	Plant Replacement - Engineers	884,279.00
	Employee Leave Entitlements	791,669.00
	Carry-over works	1,260,569.00
	Holiday Parks (incl crown reserves)	1,196,545.00
	Contingencies	1,024,040.00
	Computer	200,000.00
	Property Insurance	120,000.00
	Community Bus	209,736.00
Loan Funds	CACP	8,257.00
	Local Infrastructure Renewal Scheme	440,007.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	8,402,945.94
TOTAL INVESTMENTS		43,392,430.06

Note:

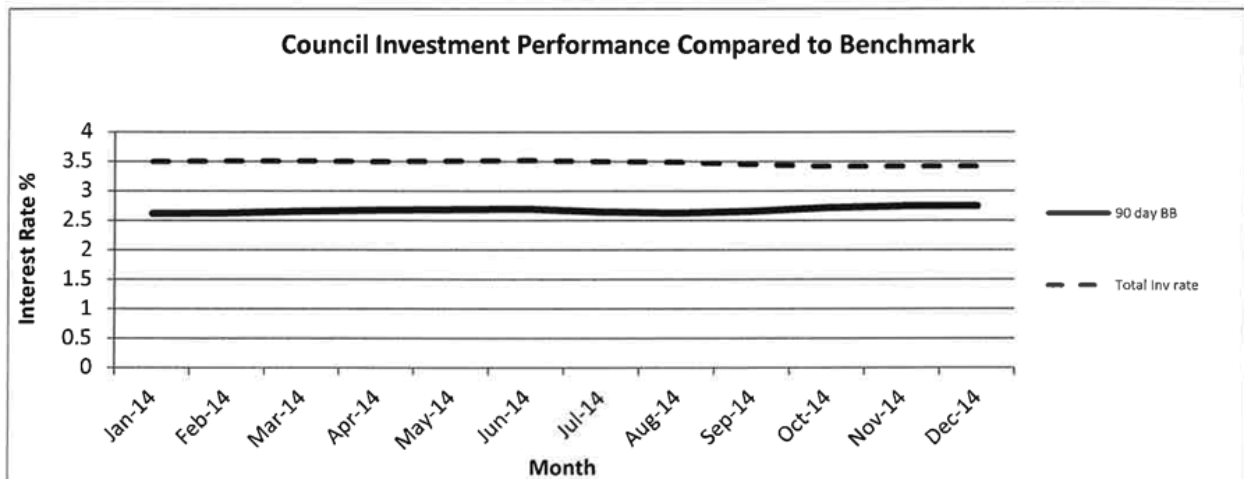
The above Application of Invested Funds reflects audited balances as at 30 June 2014. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	3.42	2.75
3 months	3.42	2.74
6 months	3.45	2.69
12 Months	3.48	2.68



12.3 Financial Report for the quarter ending 31 December 2014

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

That the revised budget for the period ending 31 December 2014 be received and adopted

Finance

Variation to Council's 2014/2015 Budget

Policy

This report is a requirement under the Local Government Act 1993

Attachments

1 Quarterly Budget Review 1/10/14 to 31/12/14

Enclosures

Nil

RECOMMENDATION

That the revised budget for the quarter ending 31 December 2014 be received and adopted.

BACKGROUND

In accordance with Clause 203 of the Local Government (General) Regulation 2005 the revised budget for the period is presented for Council's consideration. The statement provides for any variations, which have previously been approved by Council, and adjustments to income and expenditure items based on present trends to date.

Report of the Manager Corporate Services

12.3 Financial Report for the quarter ending 31 December 2014 (cont)

Original Estimates 2014/2015	\$
Expenditure (excluding depreciation)	60,722,765
Revenue	<u>60,722,765</u>
Projected Budget result as at 30/6/15	0
Add: Net variations previously approved by Council	0
Add: Net variations proposed for this quarter ended 30/09/14	0
Projected result on 2014/2015 Original Budget Estimates as at 30/09/14	0
Add: Revenue Revotes (previously reported)	4,128,897
Less Funding	(4,128,897)
Projected Deficit as at 31/12/14 for 2014/2015 Operations	0
Add: Depreciation (non cash)	7,950,000
Projected Deficit Including Depreciation as at 31/12/14	7,950,000

Budget Review Report

The second quarter review has a nil overall effect based on the original budget figures with funding of the property purchase coming from cash reserves. Material variations to the budget are included in the following statements.

Summary of changes in the following reports:-	(\$,000)
Income & Expenses Statement - net increase in revenue	67
Capital Budget Statement - net increase in expenditure	<u>3,875</u>
Resulting in:-	
Cash & Investments Statement - decrease in Restricted Cash	<u>3,808</u>

Attached are Revised Income Statement, Capital Budget Statement, Cash and Investments, Key Performance Indicators and Contracts & Other Expenses showing the material variances for the December Quarter.


Phil Mison

Responsible Accounting Officer

Manager Corporate Services

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 31/12/14 indicates that Council's projected financial position at 30/6/15 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



date:

Phillip Mison
Responsible Accounting Officer

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Kiama Municipal Council
Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2014
Income & Expenses - General Fund

(\$000's)	Original Budget 2014/15	Approved Changes			Revised Budget 2014/15	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
		Revotes	Other than by QBRS	Sep QBRS				
Income								
Rates and Annual Charges	18,399				18,399	2	18,401	18,363
User Charges and Fees	14,395			12	14,407	190	14,597	7,335
Interest and Investment Revenues	1,111				1,111		1,111	349
Other Revenues	1,726			65	1,791	13	1,804	597
Grants & Contributions - Operating	9,516			167	9,683	(20)	9,663	4,719
Grants & Contributions - Capital	984			(53)	931	38	969	691
Net gain from disposal of assets	508			319	827	17	844	293
Share of interests in Joint Ventures								
Total Income from Continuing Operations	46,639	-	-	510	47,149	240	47,389	32,347
Expenses								
Employee Costs	21,825			200	22,025	1	22,026	11,377
Borrowing Costs	381				381	(1)	380	140
Materials & Contracts	15,956	1,383		62	17,401	244	17,645	7,026
Depreciation	7,950				7,950		7,950	-
Other Expenses	3,530			(133)	3,397	(71)	3,326	1,967
Interest & Investment Losses								
Net Loss from disposal of assets								
Share of interests in Joint Ventures								
Total Expenses from Continuing Operations	49,642	1,383	-	129	51,154	173	51,327	20,510
Net Operating Result from Continuing Operations	(3,003)	(1,383)	-	381	(4,005)	67	(3,938)	11,837
Net Operating Result from All Operations	(3,003)	(1,383)	-	381	(4,005)	67	(3,938)	11,837

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details			(\$,000)
Revenues			
1786	CCTV	Grant of \$50K received in 2013/14 year	(50)
1830	Kiama Youth Belonging	Return of unexpended grant funds	(25)
2710	Building Control	Increase in subdivision fees	14
3800	100 Terralong St Kiama	Rental	48
3900	Rural Fire Service	Contribution to Foxground fire shed extension	90
6420	Surf Beach Holiday Park	Increase in park usage	56
6440	Kendalls Beach Holiday Park	Increase in park usage	50
6460	Werri Beach Holiday Park	Increase in park usage	18
Expenses			
32	Workers Compensation	Reduction in premium	(100)
37	Risk Management Program	Increase in staff rehabilitation costs	20
1130	Kiama Youth Belonging	Reduction in expenditure	(13)
2325	Companion Animals	Increase in costs for new off-leash areas	14
2360	Domestic Waste Management	Increased costs associated with Household Bulky Waste Drop off Trial	21
2380	Minnamurra Waste Depot	Increase in costs	32
3371	Parks Open Space	Increase in costs	35
3373	Parks	Increase in costs	25
6005	Surf Beach Holiday Park	Increased maintenance costs-offsett by revenue	49
6010	Kendalls Beach Holiday Park	Increased maintenance costs-offsett by revenue	27
6015	Werri Beach Holiday Park	Increased maintenance costs-offsett by revenue	12
6020	Seven Mile Beach HolidayPark	Increased maintenance costs-offsett by revenue	42

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Kiama Municipal Council
Capital Budget Review Statement

Budget review for the quarter ended 31 December 2014
Capital Budget - General Fund

(\$000's)	Original Budget 2014/15	Approved Changes			Revised Budget 2014/15	Variations for this Dec Qtr	Projected Year End Result
		Revotes by QBRs	Other than QBRs	Other than QBRs			
		Revotes by QBRs	Other than QBRs	Other than QBRs			
Capital Expenditure							
Assets							
- Plant & Equipment	2,728	162	123	3,013	1	3,014	
- Information Technology	137	360	285	782		782	
- Land Development			50	50	3,780	3,830	
- Library Resources	87			87		87	
- Infrastructure	3,306	2,224	385	5,915	94	6,009	
Loan Repayments (Principal)	960			960		960	
Total Capital Expenditure	7,218	2,746	843	10,807	3,875	14,682	
Capital Funding							
Rates & Other Untied Funding	2,495	602	392	3,489		3,489	
Capital Grants & Contributions	601	561	227	1,389	90	1,479	
Reserves:							
- External Restrictions/Reserves					5	5	
- Internal Restrictions/Reserves	3,614	1,010	140	4,764	3,780	8,544	
New Loans		369		369		369	
Receipts from Sale of Assets							
- Plant & Equipment	508			508		508	
- Land & Buildings							
S94 Developer Contributions		204	84				
Total Capital Funding	7,218	2,746	843	10,807	3,875	14,682	
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xxx/xx and should be read in conjunction with the total QBRs report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details			(\$,000)
3160	Foxground RFS	Extension of Fire Shed-funded from contribution from Rural Fire Service	90
6945	Elambra Estate	GST Expense returned to Australian Tax Office	377
6967	100 Terralong St	Purchase of Mitre 10 site plus legals	3,403

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Kiama Municipal Council
Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2014
Cash & Investments - General Fund

(\$000's)	Cash Position 30/6/14	Original Budget 2014/15	Approved Changes			Revised Budget 2014/15	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
			Revotes	Other than by QBRs	Sep QBRs				
Externally Restricted (1)									
S94 Developer Contributions	3,086	190	(204)	(84)	(98)	(5)	2,983	3,086	
Grants and Contributions	1,251		(1,251)		(1,251)		-	1,251	
Domestic Waste	1,359	127		(20)	107	(21)	1,445	1,359	
Waste & Sustainability	204	84	(34)	(38)	12	(2)	214	204	
Southern Council's Group	2,793				-		2,793	2,793	
Total Externally Restricted	8,693	401	(1,489)	(142)	(1,230)	(28)	7,435	8,693	
(1) Funds that must be spent for a specific purpose									
Internally Restricted (2)									
Blue Haven ILU	4,055	(90)			(90)		3,965	4,055	
Blue Haven Hostel	6,273	60			60		6,333	6,273	
Blue Haven Nursing Home	1,972	(67)			(67)		1,905	1,972	
S94 Recoupments	363	(150)	(45)	(27)	(222)		141	363	
Land Development	6,082	1,752	(862)		890	(3,713)	3,259	6,082	
Carry-over Works	1,260		(1,260)		(1,260)		-	1,260	
Waste Business Unit	1,417	100			100		1,517	1,417	
Employee Leave Entitlements	792				-		792	792	
Holiday Parks	1,196	24	(103)		(79)		1,117	1,196	
Contingencies	1,024	(29)			(314)		710	1,024	
Plant Replacement	884	(3)		(285)	(3)	(67)	814	884	
Community Bus	210	(70)			(70)		140	210	
Computer	200	(200)			(200)		-	200	
Property Insurance	120				-		120	120	
CACAP	8			(8)	(8)		-	8	
Unexpended Loan Funds	440		(369)		(369)		71	440	
Total Internally Restricted	26,296	1,327	(2,639)	(320)	(1,632)	(3,780)	20,884	26,296	
(2) Funds that Council has earmarked for a specific purpose									
Unrestricted									
(ie. available after the above Restrictions)	5,654						5,654	8,403	
Total Cash & Investments	40,643	1,728	(4,128)	(462)	(2,862)	(3,808)	33,973	43,392	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$43,392,430

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/12/14

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

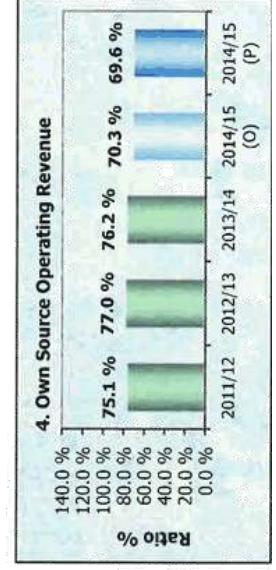
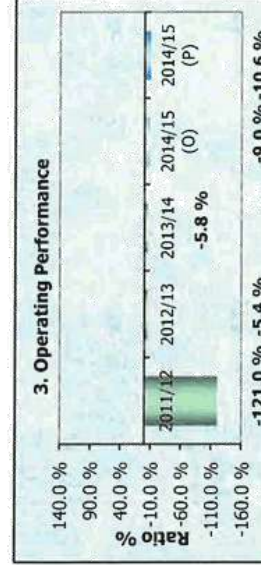
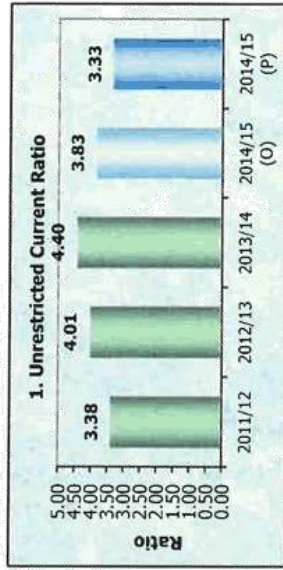
Details	Internally Restricted Cash	Transfers to (from) Restricted Cash	(\$,000)
2833	Domestic Waste Management	Funding of costs associated with Household Bulky Waste Drop off Trial	(21)
3960	Plant Replacement	Reduction in plant usage	(67)
7050	Land Development	Purchase of 100 Terralong St Kiama	(3,403)
7050	Land Development	Savings in budget	67
7050	Land Development	Return of GST on Elambra sales to ATO	(377)

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Key Performance Indicators Budget Review Statement
Budget review for the quarter ended 31 December 2014

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	
	14/15	14/15	14/15	13/14	12/13
1. Unrestricted Current Ratio					
Current Assets less all External Restrictions	25,419	3.33	3.83	4.40	4.01
Current Liabilities less Specific Purpose Liabilities	7,626				
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.					
Industry Benchmark:	2:1				
5. Building & Infrastructure Renewals Ratio					
Asset Renewals	1,076	17.04 %	17.04 %	57.27 %	38.57 %
Depreciation, Amortisation & Impairment	6,313				
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.					
Industry Benchmark:	100%				
3. Operating Performance					
Operating Revenue (excl. Capital) - Operating Expenses	-4,907	-10.6 %	-9.0 %	-5.8 %	-5.4 %
Operating Revenue (excl. Capital Grants & Contributions)	46,420				
This ratio measures Council's achievement of containing operating expenditure within operating revenue.					
4. Own Source Operating Revenue					
Rates & Annual Charges + User Charges & Fees	32,998	69.6 %	70.3 %	76.2 %	77.0 %
Total Operating Revenue (incl. Capital Grants & Cont)	47,389				
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.					



Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Kiama Municipal Council
Contracts Budget Review Statement

Budget review for the quarter ended 31 December 2014
Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
	Nil this quarter					

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRs report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/14 to 31/12/14

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	234,469	Y
Legal Fees	36,892	Y

Definition of a consultant:

A consultant is 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.

Comments

Details

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Proposed Classification of Land

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.11 Ensure Council owned buildings and infrastructure are planned and maintained with consideration to both current and future generations

Delivery Program: 4.11.1 Ensure the Strategic Asset Management Plan is maintained and funded in the 10 year financial plan

Summary

Council has recently acquired the property known as the Mitre 10 site in Terralong Street, Kiama. All land acquired by Council needs to be classified as operational or community land. This report recommends that Council classify the land as operational and that the required notification be made.

Finance

The Local Government Act requires a notice to be placed in the local print media advising of the proposed classification.

Policy

Local Government Act 1993

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council classifies Lot 1 DP 50193 and Lot 1 DP506764, 100 Terralong Street Kiama as operational land under section 31 of the Local Government Act 1993 and that a notice be placed in the local print media advising of this.

BACKGROUND

Council purchased the property known as the Mitre 10 site on Terralong Street in December 2014 with a settlement date of 28 January 2015. The Local Government Act requires all Council owned land to be classified as operational or community land. To classify land as operational, the Council must resolve to do so and notice must be placed in the local print media advising the community of the Council's resolution.

The land must be classified as operational being a commercial zoned property with redevelopment potential and holds significant strategic value with regard to future main street redevelopment.

Report of the Director Engineering and Works

13.1 Proposed Classification of Land (cont)

The notice will appear in the local print media as required under the Act to comply with the legislative requirements for land classification following the resolution of the Council.

13.2 New Lease - use of Pt Lot 1 DP604644, 48 Manning St Kiama, Uniting Church property for public car parking

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

Kiama Council has leased a section of the Uniting Church property on Manning Street for public car parking since 1981. The lease was originally for three years but has continued over the last twenty years on a holding-over basis. This report recommends entering into a new lease with the Uniting Church in Australia for the continued use of the property for public car parking purposes.

Finance

Council has been incurring an annual rental based on an assessment of the value of the property and the use being conducted in 1981. The new lease reflects the current rental that could be expected for the use of the subject land for car parking purposes.

Council will also continue to incur some costs in relation to the continued use of the land for on-going maintenance in the form of line marking and pavement repair.

Policy

NA

Attachments

- 1 Plan of leased area - Uniting Church land

Enclosures

Nil

RECOMMENDATION

That Council:

1. enter into a new two year lease with the Uniting Church in Australia (NSW/ACT Synod) for the use of Pt Lot 1 DP604644, 48 Manning Street Kiama for public car parking commencing 1 January 2015 with starting rental of \$16,800 (exclusive of GST) increasing annually by CPI with yearly options to renew the lease.
2. That the General Manager be given delegated authority to sign any documentation associated with the proposed new lease.

Report of the Director Engineering and Works

13.2 New Lease - use of Pt Lot 1 DP604644, 48 Manning St Kiama, Uniting Church property for public car parking (cont)

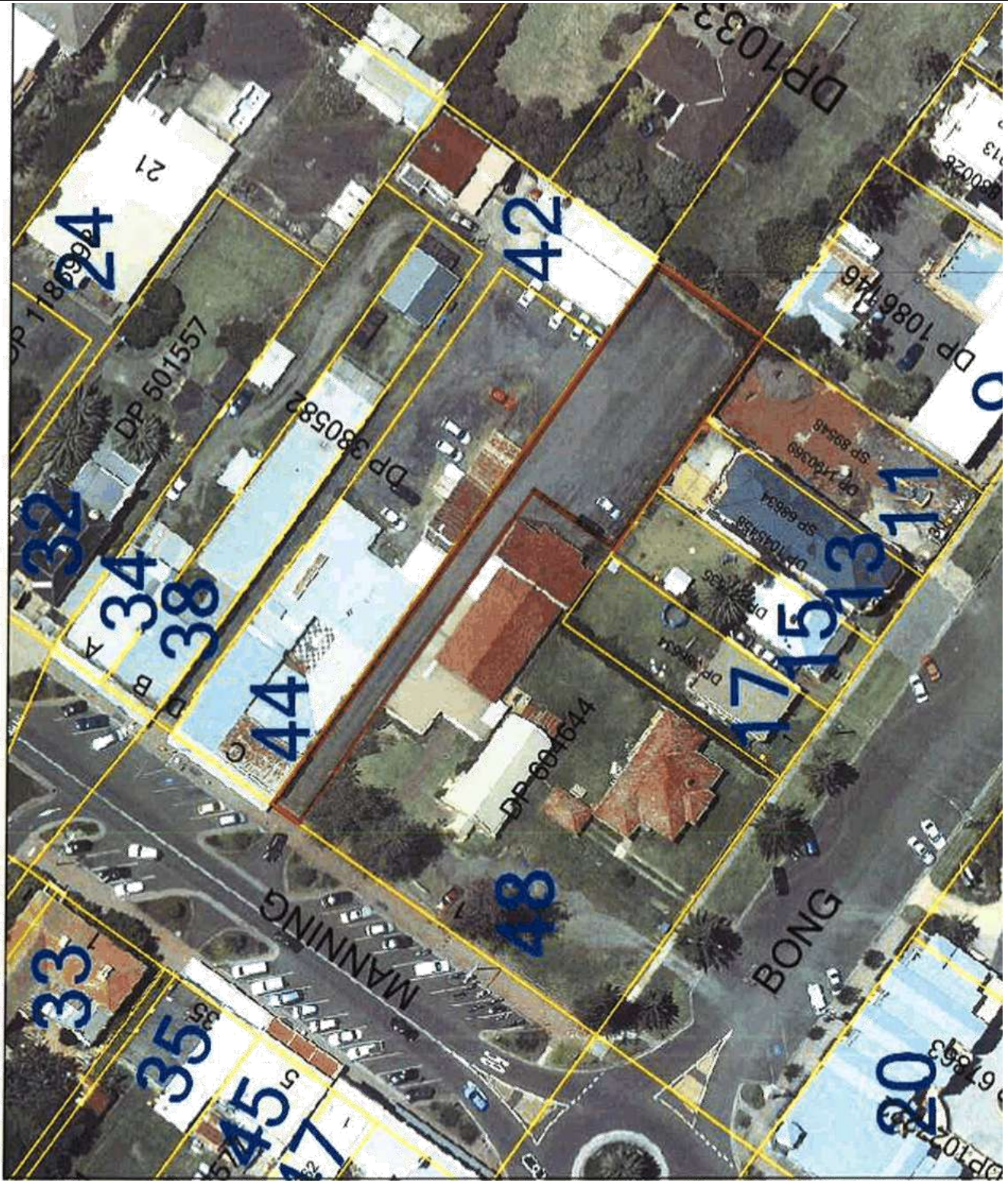
BACKGROUND

Council entered into a lease with the Uniting Church in Australia in 1981 for the use of part of their Manning Street property for public car parking. This lease was only intended to be for three years and subsequently reviewed. However, the lease continued on a holding over basis for a further twenty years.

The Church recently approached Council with a view to purchase the land currently leased but this offer was rejected by Council. As indicated in discussions with the Church at that time, it was their intention to review the existing lease if no agreement was able to be reached with regard to land sale/purchase.


The proposed new lease terms offered by the Uniting Church reflect an expected commercial rental rate for car parking provision compared to the previous lease which was based on 1981 land and rental values. The proposed lease term is for two years with options to renew on a yearly basis thereafter. The Uniting Church has indicated it does not want to enter into longer term arrangements as it is continuing to develop concept planning of the site to determine its long term needs. This arrangement is satisfactory to Council as it is not necessary at this stage to enter into long term arrangements. However it is acknowledged that the site has been a useful addition to off-street car parking in the eastern part of the Kiama CBD and continuing leasing of the site in the short term is justified.

The Church has also agreed to undertake some site works to better define their property ownership and thereby maximise the available area used for public car parking for the benefit of the general public using the site.



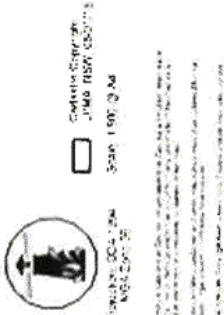
Item 13.2

Attachment 1



KIAMA MUNICIPAL COUNCIL
your council, your community

Uniting Church land
- lease to Council



Graphic Scale: 1:1000
Scale: 1:1000 (3 M)
Graphic Scale: 1:1000 (3 M)
Scale: 1:1000 (3 M)

13.3 New Lease - Suite B Gerringong Town Hall

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.13 Effectively manage other assets to cater for current and future generations (including car parks, community buildings, cemeteries and dams)

Delivery Program: 2.13.2 Manage other assets and infrastructure by the creation and implementation of the Other Assets and Infrastructure Asset Management Plan actions

Summary

Suite B in the Gerringong Town Hall is currently occupied under a short term licence agreement for office use. The licensee is prepared to enter into a lease agreement and this report recommends that the lease commence.

Finance

Rental is based on previous valuation assessment for the premises.

Policy

Local Government Act 1993

Attachments

1 Plan of leased area

Enclosures

Nil

RECOMMENDATION

That Council enter into a lease agreement for Suite B of the Gerringong Town Hall with PPS Solutions as follows:

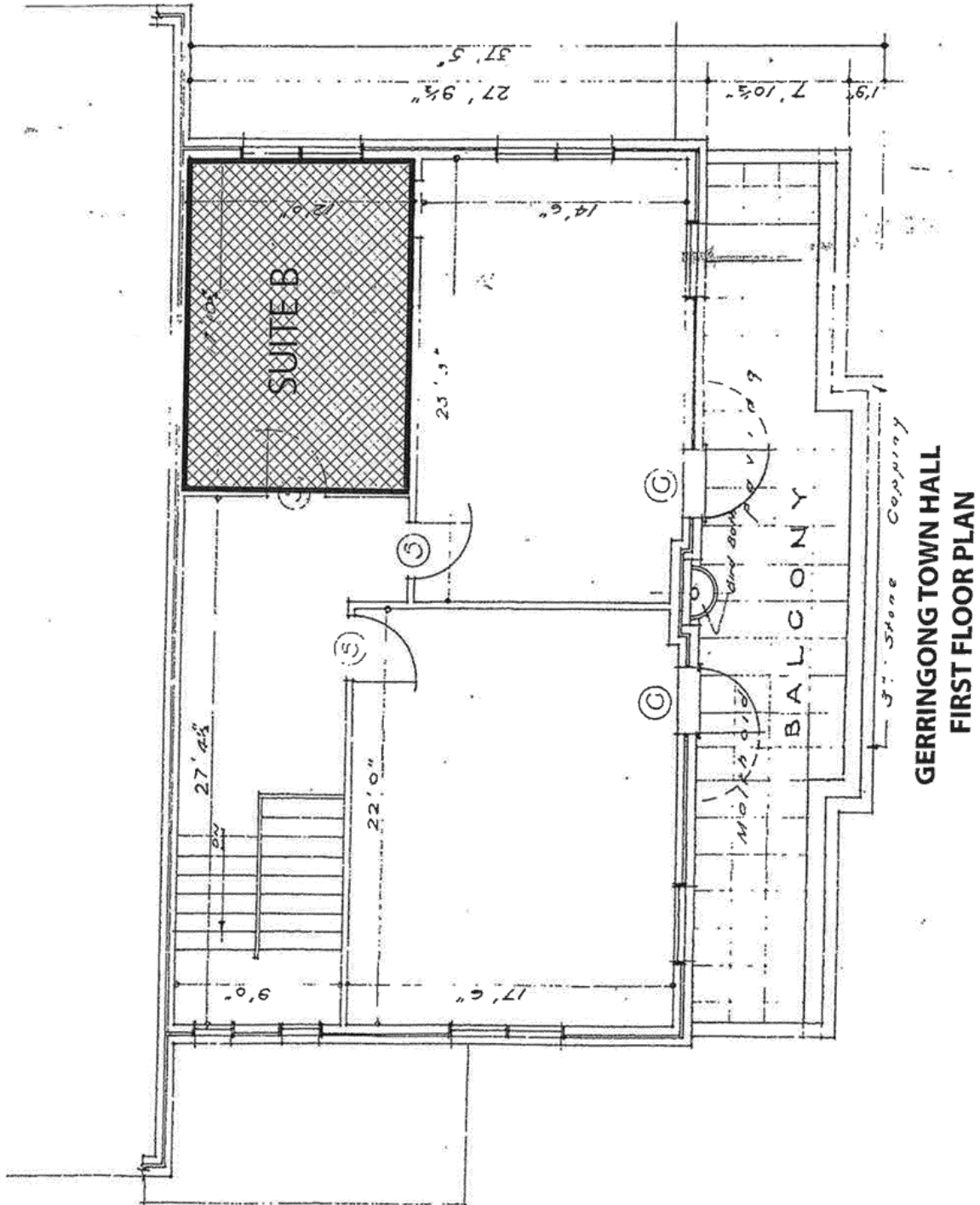
1. Lease term of one year commencing 1 March 2015 with a further 2 year option,
2. Rental of \$3,600 (excluding GST) per annum, and that:
3. The General Manager be given delegated authority to sign any documentation associated with this lease.

BACKGROUND

In July 2014 Council entered into a licence agreement for the use of Suite B in the Gerringong Town Hall for office purposes. The licence agreement was for six months with negotiations to take place to enter into a lease following this initial period. The licensee has agreed to enter into a lease to commence in early 2015.

The Gerringong Town Hall is operational land under the Local Government Act 1993 and there are no specific requirements for Council in relation to the lease of the premises.

Accordingly it is recommended that the new lease commence.



GERRINGONG TOWN HALL
FIRST FLOOR PLAN

13.4 Acquisition of Easement - Lot 269 DP782043

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.11 Effectively manage the drainage network to cater for current and future generations

Delivery Program: 2.11.1 Manage drainage infrastructure for the community by the implementation of the Drainage Asset Management Plan actions

Summary

Council granted deferred commencement development consent to a five lot residential subdivision in Willawa Avenue Gerringong subject to the creation of an easement for stormwater across the adjoining crown reserve (Werri Beach Caravan Park). This report recommends that Council acquire the easement across the crown reserve and the costs associated with this be met by the adjoining land developer.

Finance

All costs associated with the easement acquisition and other statutory costs with Crown Lands are to be met by the proponent of the adjoining residential land subdivision.

Policy

Crown Lands Act 1989

Attachments

1 Site Plan - proposed easement location

Enclosures

Nil

RECOMMENDATION

That Council;

1. acquire an easement under the Land Acquisition (Just Terms Compensation) Act 1991 over Lot 269 DP782043 in favour of Council and that all costs associated with the easement acquisition, survey, statutory costs and plan registration be met by the developer acting on development consent D2014.110, and
2. give the Mayor and General Manager delegated authority to the signing of all documents associated with the easement creation including the seal of Council.

BACKGROUND

Deferred development consent D2014.110 requires the developer to create an easement for stormwater across the adjoining crown reserve. The relevant development consent proposes a five lot residential subdivision of land in Willawa Street Gerringong generally behind the Uniting Church. The crown reserve downslope of the development site comprises the Werri Beach Caravan Park which

Report of the Director Engineering and Works

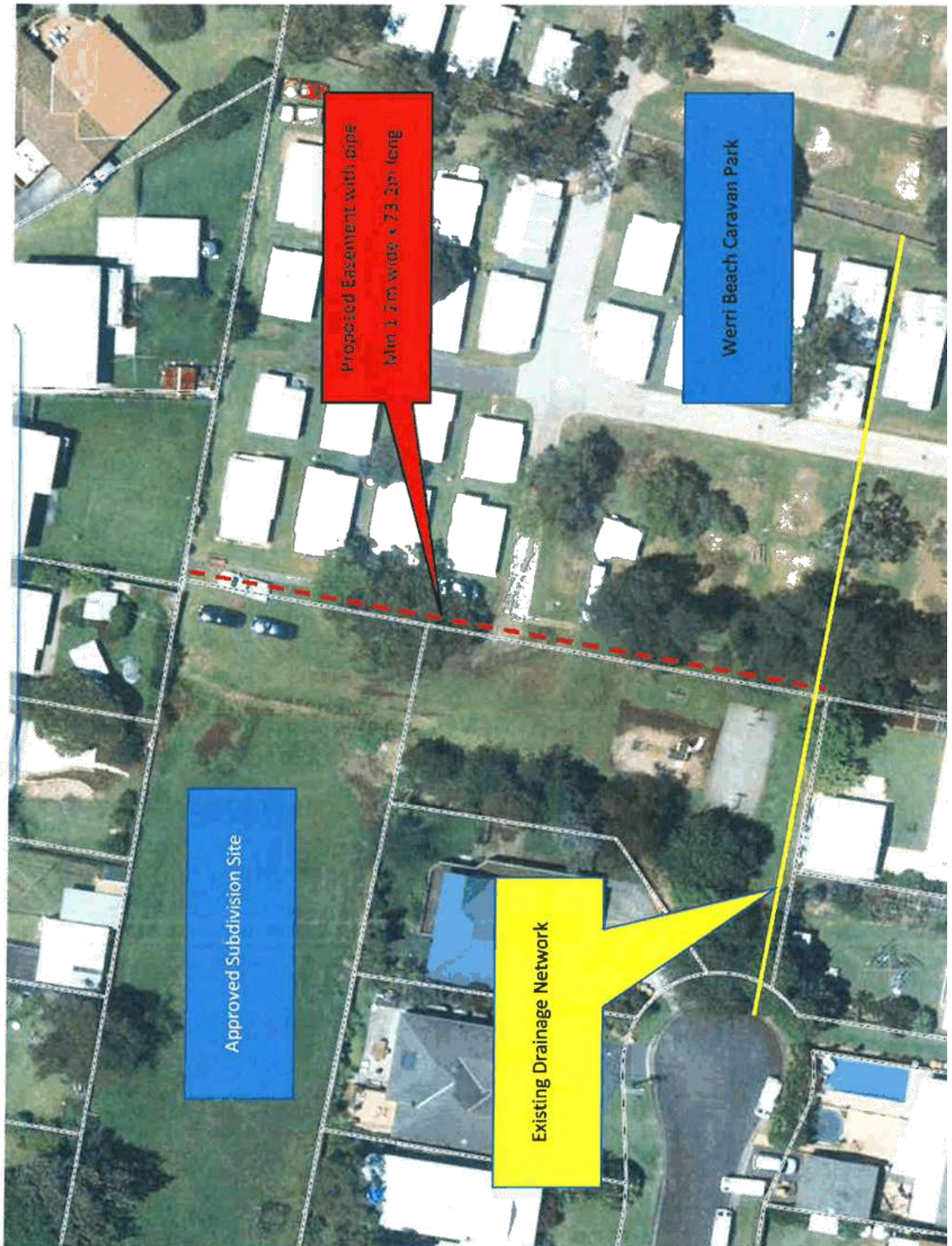
13.4 Acquisition of Easement - Lot 269 DP782043 (cont)

Council manages. Kiama Council is also the Reserve Trustee of the crown land in question identified as R80816.

Crown Lands have advised the developer that Council needs to acquire the easement and become part of Council's public stormwater asset system. Crown Lands have agreed for the easement to be created over their land on the basis Council is the acquiring authority. The adjoining developer will have the benefit of the easement. The proposed stormwater easement comprises a 73m long underground piped system connecting with Council's existing drainage network extending from the end of Burra Place. There will be no impact on the useable area of the caravan park by the creation of the easement.

It is considered reasonable to concur with the position of Crown Lands in this particular case and Council will require the adjoining land developer to meet all costs associated with the easement acquisition and registration of the plan creating the easement. The developer has agreed to this.

The easement acquisition price will be determined by separate valuation process under the Land Acquisition (Just Terms Compensation) Act 199. All of the administrative tasks associated with the acquisition are undertaken by Crown Lands.



13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

This report provides Council with the results of a public exhibition to gauge opinion on proposed new traffic facilities in Riverside Drive, Kiama Downs in the vicinity of Oxley Avenue and Meehan Drive. The report also provides some background to the concept, response to issues raised in individual submissions and amendments required to the draft Traffic Facilities Management Plan to accommodate the needs and expectations identified through the public exhibition.

Finance

Council has allocated \$90,000 in the 2014/15 budget for the implementation of new traffic facilities in Riverside Drive, Kiama Downs in the vicinity of Oxley Avenue and Meehan Drive.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

1. That Council adopts the draft Traffic Facilities Management Plan for Riverside Drive to proceed with the construction of a new raised mountable roundabout at Oxley Avenue intersection on Riverside Drive, but retain the existing traffic signals at the intersection of Meehan Drive.
2. That a design and cost estimate for a roundabout at the intersection of Riverside Dr and Gibraltar Ave be prepared and submitted to Council for consideration.

BACKGROUND

At Council's meeting of 14 October 2014, it was resolved to place the draft Riverside Drive Traffic Facilities Management Plan on public exhibition for twenty eight (28) days. This was undertaken from 20th October 2014 to 17th November 2014, however due to strong public interest, the exhibition period was extended to 28th November 2014. Council also received a number of submissions after the extended deadline and by 7th January 2015, a total of 25 submissions were received.

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

The issues and opinions expressed in relation to the draft Traffic Facilities Management Plan are summarised below with a response to each item.

1. ***Replacing the Traffic Signals with a Give-Way controlled channelized seagull type intersection at Meehan Drive intersection will reduce the safety level for pedestrians especially for school students and people with prams and wheelchair and encourage speeding along Riverside Drive.***

Support	Against
15	1

Response:

Council has received a number of complaints in the past that the traffic signals at the intersection of Meehan Drive/Riverside Drive are causing unnecessary delays for traffic from Meehan Drive turning into Riverside Drive. Anecdotal reports are still being received of vehicles driving through the red signal from Meehan Drive due to the substantially reduced traffic volumes in Riverside Drive.

In conjunction with the design for the roundabout at the Oxley Avenue intersection, Council has prepared an integrated design for the nearby Meehan Drive intersection that includes the replacement of the existing traffic signals with a give-way controlled channelized ‘seagull’ type intersection treatment.

The benefits of this proposal included:

- an intersection layout that is commensurate of a local road rather than a major Highway;
- reduced delays;
- the elimination of the ongoing maintenance costs of the signals;
- creation of an on-street parking lane for residents on the eastern side of Riverside Drive.

However, given the strong opposition to the removal of the traffic signals and associated safety concerns for the pedestrians crossing the intersection, the draft Traffic Facilities Management Plan is recommended to be amended to retain the existing traffic signals at the intersection of Meehan Drive/Riverside Drive.

In addition, Council will forward a request to NSW Roads and Maritime Services (RMS) to reprogram the traffic signals and introduce a ‘*Left Turn on Red Permitted After Stopping*’ sign for vehicles existing Meehan Drive to reduce unnecessary delays at the intersection.

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

- 2. The proposed roundabout at intersection of Oxley Ave/Riverside Drive should be deleted as it is too close to the Minnamurra bends and drivers from north might not have enough sight distance to respond to the new roundabout.**

Support	Against
6	7

Response:

The proposed roundabout at the intersection of Oxley Avenue and Riverside Drive was designed in accordance with Austroads Guide to Road Design Part 4B: Roundabouts. Both the Approach Sight Distance and Sight Distance to potentially conflicting movements within the roundabout comply with the Austroads guideline.

In addition, an advance warning sign, pavement markings and a reverse curve in the road geometry has been designed to the north of the new roundabout on Riverside Drive prior to the entry curve of the new roundabout. This arrangement will alert drivers to reduce vehicle speed gradually before entering into the roundabout.

- 3. Replace the existing traffic signals with a roundabout at the intersection of Meehan Drive/Riverside Drive.**

Support	Against
8	1

Response:

In 2007 Council developed and publicly exhibited a conceptual integrated traffic management plan for Riverside Drive, Kiama Downs. One of the proposals of this scheme was the replacement of the existing traffic signals at the intersection of Meehan Drive with a new roundabout. However since that time, Council have undertaken further investigation and assessment of the roundabout proposal and found the following:

- There is difficulty establishing deflection for southbound traffic due to its configuration as a "T" junction. A roundabout would have some affect in slowing southbound traffic, but this would also be attained by the proposed construction of a nearby roundabout at the intersection of Oxley Avenue.
- Pedestrian refuge arrangements would be required on all approaches. The RMS at the time expressed concerns with this proposal and believed the existing signals would provide a higher level of safety for pedestrians.
- The need to close Duguid Way at Meehan Drive and provide a new access to Riverside Drive via a roundabout at Oxley Avenue, which had been opposed by residents in Duguid Way.
- Existing residential driveways would access into the roundabout, making it difficult for residents reversing onto Riverside Drive.

Based on the above, the Traffic Committee at the time had previously recommended the retention of the existing traffic signals.

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

4. Create a second entrance to Gainsborough Estate at Barton Drive to relieve the congestion on Meehan Drive.

Support	Against
7	Nil

Response:

This matter has been the subject of extensive community consultation and reporting in the past. At the February 2013 Council meeting it was unanimously resolved to not pursue the opening of Barton Drive to Riverside Drive. Council is investigating the provision of an additional emergency access point to the estate.

5. Reduce the speed limit on Riverside Drive from 70km/h to 60km/h or lower and possibly enforce with speed cameras.

Support	Against
7	Nil

Response:

Speed zonings are administered on NSW roads by the RMS. While Council is able to make a request to the RMS for a review speed zones in this area, it has no authority in the approval of speed zoning changes or the location of speed cameras. Changes to the road environment as proposed are generally required before the RMS will consider speed zone changes. This could therefore be considered following the implementation of the scheme.

6. Close the current entry of Duguid Way at Meehan Drive and open at Oxley Avenue roundabout.

Support	Against
4	Nil

Response:

At present the entrance to Duguid Way off Meehan Drive is approximately 12 metres from the Meehan / Riverside Drive intersection. A number of concerns were raised with near miss rear collisions to vehicles waiting to turning right into Duguid Way from vehicles turning from Riverside Drive due to the close proximity and restricted sight distance.

The configuration of the Duguid Way entry is a legacy of the period when Riverside Drive was the route of the Princes Highway, where high traffic volumes required the minimisation of the number of local street entry points.

As previously noted, in 2007 Council publicly exhibited a conceptual traffic management plan for Riverside Drive which included a proposal to replace the existing traffic signals with a new roundabout at the Meehan Drive / Riverside Drive

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

intersection. This would have necessitated the closure of the Duguid Way at Meehan Drive, with a new access to Riverside Drive provided via the new roundabout at Oxley Avenue. This proposal was opposed by residents in Duguid Way in the vicinity of Oxley Avenue on the grounds of:

- A roundabout into Duguid Way / Oxley Ave will confuse drivers into believing this is the entrance to the 'Gainsborough' estate;
- Headlight glare into houses from vehicles entering Duguid Way from the new entry;
- Higher traffic volumes passing their property.

The proposal to retain the existing traffic signals at Meehan / Riverside Drive intersection will not result in any changes to the existing Duguid Way entry configuration. While an alternate access to Duguid Way was not included in the recent publicly exhibited concept plans, the proposed construction of the Oxley Avenue roundabout may permit a fourth leg to be constructed in future to Duguid Way subject to further community consultation.

7. The proposed roundabout at Gibraltar Avenue is needed to slow down the northbound traffic.

Support	Against
5	Nil

Response:

The original 2007 Traffic Management Plan for Riverside Drive only included the provision to reopen Gibraltar Avenue for right turn traffic which has previously been completed. Since that time, community concerns have been raised regarding speeding traffic in Riverside Drive particularly in the vicinity of Gibraltar Avenue given the long straight section of road.

Although the publicly exhibited Traffic Facilities Management Plan predominantly dealt with treatments at the Oxley Avenue and Meehan Drive intersections, an indicative outline of a potential roundabout was also shown at Gibraltar Avenue.

With the proposed retention of the existing traffic signals at Meehan Drive likely to result in a cost saving to the 2014/15 budget allocation of \$90,000, there may be scope to utilise any savings towards a roundabout at Gibraltar Avenue. However further survey, detailed design and community consultation would be required for the development of a roundabout at this location which may delay this work into the 2015/16 financial year. It is proposed that this design be further developed and presented to Council for consideration.

8. Inadequate sight distance for drivers turning right onto Riverside Drive from Meehan Drive due to the high garden hedge.

Support	Against
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3	Nil
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Response:

Due to the strong opposition to the removal of traffic signals and safety concerns for the pedestrians crossing the intersection, the draft Traffic Facilities Management Plan is proposed to be amended to retain the existing traffic signals at the intersection of Meehan Drive/Riverside Drive. This amendment will subsequently eliminate the concerns of inadequate sight distance for right turn traffic from Meehan Drive under a give-way controlled channelized 'seagull' type intersection arrangement.

9. Riverside Drive should be reduced to one traffic lane in each direction with a dedicated on-street parking lane for residents.

Support	Against
3	Nil

Response:

One of the main objectives of the proposed draft Traffic Facilities Management Plan is to create on-street parking lanes for residents on Riverside Drive between Oxley Avenue and Meehan Drive except in the vicinity of intersections where additional turning lanes are warranted.

It should be noted that the main section of Riverside Drive with two traffic lanes is between Oxley Avenue and Iluka Crescent. To provide an integrated design solution and avoid frequent changes to traffic conditions, Council would incorporate the provision of on-street parking south of Meehan Drive into the detailed design of the roundabout at Gibraltar Ave/Riverside Drive where practical.

10. The 'Left Turn On Red Permitted After Stopping' sign is needed at the intersection of Meehan Drive and Riverside Drive to reduce unnecessary delay for traffic on Meehan Drive turning left onto Riverside Drive.

Support	Against
2	Nil

Response:

This has been addressed in Item 1).

11. Connect the footpath on the eastern side of Riverside Drive between Meehan Drive and Gibraltar Avenue.

Support	Against
2	Nil

Response:

A footpath in this on the eastern side has not been included as part of the draft Traffic Facilities Management Plan as it was is not included in Council’s 10 year Strategic Footpath Program. This may be reconsidered in future subject to usage/demand.

- 12. Pedestrians from the cycle path at the north end of Duguid Way tend to cross Riverside Drive to the north or at Oxley Avenue and not the pedestrian refuge indicated within the proposal.**

Support	Against
2	Nil

Response:

As part of the draft Traffic Facilities Management Plan, a pathway is proposed to link the shared path at the end of Duguid Way to the pedestrian crossing point.

Council will include the installation of a pedestrian fence to block off the desire line to direct the pedestrians to the existing refuge south of Oxley Avenue.

- 13. Two Lanes are required for Riverside Drive immediately south of Meehan Drive for school buses turning left into Meehan Drive at the intersection.**

Support	Against
1	Nil

Response:

The proposed intersection at Meehan Drive/Riverside Drive has been designed to accommodate turning movements for heavy rigid vehicles up to 12.5m in length, such as school buses and rigid trucks, however as previously noted the retention of the existing traffic signals and intersection configuration will eliminate any further concerns.

- 14. A roundabout at Iluka Crescent would help reduce traffic speed and near misses that occur when the traffic merges.**

Support	Against
1	Nil

Response:

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

A roundabout at this location has not been included as part of this draft Traffic Facilities Management Plan. The intersection of Iluka Crescent and Riverside Drive is located at the crest of the Riverside Drive which has inadequate approach sight distance for both southbound and northbound traffic and currently prohibits right turns into or out of Iluka Crescent for this reason. A roundabout at this location would also be constrained by these sight distance restrictions.

In addition, a proposed roundabout at Gibraltar Ave/Riverside Drive will provide a safer solution for traffic from Iluka Crescent turning north onto Riverside Drive.

15. Consideration should be given to a lane along Riverside Drive for cyclists especially travelling up the hill because of speed difference between the cyclists and motorists.

Support	Against
1	Nil

Response:

An exclusive cycleway along Riverside Drive has not been included as either a part of the Riverside Drive Traffic Facilities Management Plan or Council’s adopted Kiama Cycleway Plan. Council has an existing well defined cycleway route through Minnamurra and Kiama Downs. Consideration also needs to be given to not encouraging more on-road cyclists through the Minnamurra bends due to sight distance limitations and narrow lane widths that could create hazardous situations for cyclists.

As part of the publicly exhibited draft Traffic Facilities Management Plan it was proposed to construct a parking lane on the eastern side of Riverside Drive that could be utilised by cyclists. Due to road width limitations the implementation of a dedicated cyclist lane would preclude any parking opportunities.

16. An Appropriate threshold treatment / gateway treatment on the approach to the residential areas of Riverside Drive would define the residential area, slow vehicles, and could be combined with a reduction in speed, a suburb sign, consistent with other residential areas in the LGA.

Support	Against
1	Nil

Response:

The proposed roundabout at Oxley Ave/Riverside Drive was endorsed by Council as a part of a conceptual traffic management plan for Riverside Drive developed in 2007. Adequate funding was subsequently allocated in 2014/15 budget for the construction works.

One of the main objectives of the proposed roundabout at the intersection of Oxley Ave/Riverside Drive is to slow down the southbound traffic entering into the

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

residential area, as well as providing an easier and safer access to and from Oxley Avenue which is effectively similar to a threshold/gateway treatment.

17. Improving the line marking and delineation on the eastern end of Meehan Drive.

Support	Against
1	Nil

Response:

Although outside of the area of the publicly exhibited draft Traffic Facilities Management Plan, the retention of the existing traffic signals discussed in Item 1) will result in the existing linemarking being retained in Meehan Drive. A linemarking plan for the eastern end of Meehan Drive has previously been prepared but has yet to be implemented due to competing budget constraints.

18. Providing some side road pedestrian facilities for those travelling along Meehan Drive and crossing multiple side streets such as Alexander Ave and Barton Drive which are quite busy and due to the alignment allow vehicles to navigate at quite high speeds.

Support	Against
1	Nil

Response:

Pedestrian facilities along Meehan Drive has not been included as part of the draft Riverside Drive Traffic Facilities Management Plan. However, pedestrian facilities such as refuge islands can be included as part of Councils footpath program should the usage/demand warrant its construction in future.

19. The removal of the fence line in the middle of the medium strip at Riverside Drive. This no longer serves as pedestrian safety, it actually hinders the view of oncoming traffic coming down the hill from Bombo to Meehan.

Support	Against
1	Nil

Response:

The existing pedestrian fence on the medians south of Gibraltar Avenue complies with Austroads Guide to Traffic Engineering Practice Part 13 Pedestrians. It is designed to direct pedestrians to the dedicated crossing and prevent pedestrians from crossing Riverside Drive at undesired locations.

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

20. *Insufficient allowance has been made for left turning traffic on the Meehan Drive east bound approach to Riverside Drive. The proposed median west of Duguid Way restricts approach traffic to only one lane and right turning queuing traffic will prevent access to the left turn lane which, with the current design, would only permit queuing of one vehicle. Currently the configuration allows for a right and left turn traffic lane with the left turn lane extending up to the existing blister about 70m west in Meehan Drive.*

Support	Against
1	Nil

Response:

The retention of the existing traffic signals discussed in Item 1) will result in the existing traffic signals and most of the existing arrangements at the intersection of Meehan Drive/Riverside Drive remaining unchanged.

21. *The design does not make provision for the bus that stops every morning on the north bound lane of Riverside Drive in front of about No. 7 Duguid Way.*

Support	Against
1	Nil

Response:

Council has no records of any legal bus stop at this location, therefore is not able to provide facilities to accommodate this request.

22. *Reprogram the traffic light to give priority to southbound traffic on Riverside Drive turning right into Meehan Drive.*

Support	Against
1	Nil

Response:

This has been addressed in Item 1)

Summary

A main competing priority identified through the public exhibition is between maintaining the safety level of pedestrians crossing the intersection at Meehan Drive/Riverside Drive and reducing unnecessary delays for traffic from Meehan turning into Riverside Drive.

Item 13.5

Report of the Director Engineering and Works

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs (cont)

Given the strong opposition to the removal of the traffic signals and safety concerns for the pedestrians crossing the intersection, the draft Traffic Facilities Management Plan is proposed to be amended to retain the existing traffic signals at the intersection of Meehan Drive/Riverside Drive. Council will also forward requests from the community to the RMS to reprogram the traffic signals to give priority to traffic from Meehan Drive and introduce a '*Left Turn of Red Permitted After Stopping*' sign at the eastern end of Meehan Drive to reduce unnecessary delays at the intersection.

Another clear desire identified through the public exhibition is to reduce the speed limit on Riverside Drive from 70km/h to 60km/h as well as provide an on-street parking/cycle lane. The proposed roundabout at the intersection of Oxley Avenue/Riverside Drive will slow down the southbound traffic into the residential area, however, a roundabout at Gibraltar Ave is required to slow down the northbound traffic which will also create an opportunity for Council to provide an integrated traffic management solution to accommodate community's need for an on-street parking/cycle lane.

Twenty percent (20%) of the submissions have praised Council's initiative to propose a roundabout at the intersection of Gibraltar Avenue/Riverside Drive, after witnessing frequent accidents and near misses at this location and have urged Council to give priority to the construction of this proposed roundabout.

In summary, to accommodate issues and concerns identified through the public exhibition, the draft Riverside Drive Traffic Facilities Management Plan is proposed to be amended to retain the existing traffic signals at the Meehan Drive/Riverside Drive. Council could also give consideration to allocate funding for the construction of the Gibraltar Avenue/Riverside Drive roundabout to further improve the draft Riverside Drive Traffic Facilities Management Plan.

13.6 Flood Risk Management Plan Grant Acceptance

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.8 Provide supportive environments that encourage a healthy and sustainable lifestyle

Delivery Program: 2.8.1 Develop, implement and promote infrastructure, policies and programs that support a healthy and sustainable lifestyle

Summary

This report provides information on an application for grant funding assistance under the NSW Floodplain Risk Management Grants Scheme and recommends acceptance of grant funding from the NSW Office of Environment & Heritage (OEH).

Finance

Council funding of \$30,000 is provided in 2014/2015 and \$15,000 in the draft 2015/2016 budget for a flood risk management study. \$90,000 grant under a 2:1 (OEH:Council) funding offer.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council give the General Manager delegated authority to enter into a funding agreement to accept the NSW Office of Environment & Heritage grant funding of \$90,000 for a flood risk management study and plan for the Surf Beach Catchment area.

BACKGROUND

In April 2014, Council applied for funding under the NSW Floodplain Risk Management Grants Scheme to commence a Flood Risk Management Study and Plan (FRMS&P) of the Surf Beach catchment area. Council has recently received notification that its application for grant funding under the scheme has been successful.

The Surf Beach catchment is a short, steep catchment and while predominantly rural to the west of the Princes Highway has undergone considerable urbanisation in the last 50 years on the land east of the Highway. On this basis, this catchment was identified by the Kiama Floodplain Committee as a priority based on past urbanisation, increasing development density and existing evidence of flooding in various areas of this catchment.

Report of the Director Engineering and Works

13.6 Flood Risk Management Plan Grant Acceptance (cont)

In 2013 Council adopted a flood study of this same catchment that determined flood levels and extents and identified that 59 properties are deemed flood affected. The purpose of the FRMS&P is to build on the broad information obtained in this flood study through further detailed investigation. This will also examine the extent of flooding within individual affected properties ie below or above floor flooding etc, to calculate the impact of flooding. Options will then be developed in consideration of social, ecological and economic factors to manage flood risk on existing affected properties and for future development. Preferred options will be publicly exhibited and subject to revision before adoption by Council in future.

A FRMS&P is a pre-requisite when applying for future State Government grant funding for assistance in implementing flood mitigation and management options.

Council has allocated \$30,000 in its 2014/15 budget on the anticipation of receiving grant funding from the NSW Office of Environment & Heritage (OEH) for the sum of \$60,000 under the 2:1 ratio (OEH:Council) to undertake the above FRMS&P. Prior to lodging the grant application, discussions with OEH indicated that they did not believe the originally anticipated overall budget of \$90,000 would be sufficient. The grant application was subsequently revised with an overall budget of \$135,000 which would comprise \$90,000 and \$45,000 from OEH and Council respectively under the 2:1 funding ratio. As the grant program permits studies to be completed over an 18 month period, it is proposed that Council accept the full OEH grant offer and utilise the \$30,000 in its current budget and re-allocate \$15,000 from the proposed \$30,000 for the Ooaree Creek flood study that is listed in the draft 2015/16 budget. It is not anticipated that this will jeopardise a future grant application for a flood study in Ooaree Creek as again due to the 18 month timeframe, any shortfall in Council funding for this project could be made up in the 2016/17 budget.

Based on the above, it is recommended that Council accept the full grant funding of \$90,000 from OEH.

13.7 Upgrading of Fern St Omega and construction of the Union Creek Bridge, Belinda St Gerringong

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

This report informs Council of an agreement reached with the Roads & Maritime Services (RMS) for the upgrading of Fern St Omega and the Construction of the Union Creek Bridge, Belinda St Gerringong and seeks Councils endorsement of the agreement.

Finance

\$55,000 will need to be included in the 2015/16 budget to meet the Council financial commitment to the agreement.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the action taken to enter into a formal agreement with the RMS for the upgrading of Fern St Omega and the construction of the Union Creek bridge, Belinda St Gerringong and authorise the General Manager to execute the agreement on behalf of Council.

BACKGROUND

The construction of the Union Creek Bridge forms part of the contract between RMS and Fulton Hogan for Stage 1 of the Princes Highway upgrade from Mt. Pleasant to Toolijooa. Accordingly the work must be completed before the finalization of the project in mid 2015. Fulton Hogan had scheduled the work to occur around February/March 2015.

The project will require Belinda St to be closed for a period of approximately 6 weeks leaving Fern St Omega as the only reasonable access in and out of Gerringong during that period. As Council is aware Fern St Omega is subject to regular flooding and requires closure during periods of extended heavy rain. This is also largely influenced by the ocean conditions and whether the lagoon is open or closed.

Report of the Director Engineering and Works

13.7 Upgrading of Fern St Omega and construction of the Union Creek Bridge,
Belinda St Gerringong (cont)

Accordingly if these conditions are experienced during the construction of the Union Creek Bridge, Gerringong will be effectively isolated.

This creates a significant risk for the project and has provided the opportunity for negotiations between RMS and Council.

REPORT:

Council staff raised the issue of the exclusion of the raising of Fern St Omega from the project with the RMS and the Local Member at the commencement of the project. The matter was referred to the Minister for Roads who advised that Fern St is a local road and is therefore the responsibility of Kiama Council, however instructed the RMS to enter into further discussion with Council on the matter.

Fern St is a local road under the care and control of Council. The prospect of it remaining a flood prone, weight restricted section of road following the significant expenditure on the new Omega Bridge and Gerringong access road cannot be entertained.

As outlined above the need to close Belinda St for the construction of the Union Creek Bridge has created an opportunity for negotiations between the RMS and Council. These negotiations have led to the option of the construction of the Union Creek Bridge being removed from the Fulton Hogan contract and being carried out by Kiama Council. This will allow Fulton Hogan to raise the level of Fern St during the contract period.

Accordingly Council called tenders for the construction of the Union Creek Bridge which has resulted in the RMS agreeing to pay Council the contract price, plus 10% contingencies. There are a number of additional items beyond the contract which will add additional cost to the project including contract management and the provision of a temporary pedestrian bridge over Union Creek during construction. These costs have been estimated at approximately \$55,000 and will be the responsibility of Council under the agreement. A confidential report on the tender is included in this business paper.

Fulton Hogan needed to schedule the work to raise Fern St to occur after the school holidays in early February 2015. In order for them to be able to plan for the work Council needed to make a decision as a matter of urgency in relation to the proposed agreement. On this basis and given that Council were not to meet again until the 10th February the General Manager and the Mayor provided consent to enter into the agreement. The RMS has subsequently been notified and Fulton Hogan has scheduled the work for the week beginning the 9th February 2015 subject to weather conditions. The project is anticipated to take approximately one week and will involve the closure of Fern St.

Fern St will be raised by approximately 500mm from the end of the Omega Bridge road approach to the entrance to the Mercure Hotel. Specifications for the construction have been agreed upon between RMS and Council.

The construction of the Union Creek Bridge is then proposed to occur in the winter months when a closure will have the least impact on traffic. Accordingly the additional funds required by Council to meet its obligations under the agreement can be included in the 2015/16 budget, having no affect on the current budget.

Report of the Director Engineering and Works

13.7 Upgrading of Fern St Omega and construction of the Union Creek Bridge,
Belinda St Gerringong (cont)

It is considered that this is a great outcome for the community. Council will affectively achieve a new bridge over Union Creek and a vastly improved level of flood immunity for Fern St Omega for \$55,000.

Accordingly Council is asked to endorse the action taken and authorise the General Manager to execute the agreement with the RMS.

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Red Cross Fun Run Sponsorship Request

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

Kiama Red Cross has requested that Council provide sponsorship for their planned Fun Run to be held on 7 June 2015 along the Coastal Walk.

Finance

\$2,000

Policy

Kiama Health Plan

Attachments

1 Request for Sponsorship, Kiama Red Cross Fun Run 2015

Enclosures

Nil

RECOMMENDATION

That Council provide sponsorship of \$2,000 for the Kiama Red Cross Fun Run

BACKGROUND

In 2014 Council sponsored the Kiama Red Cross \$2,000 to offset the costs associated with holding two centenary celebration events, one of which was the Kiama Fun Run. Due to the success of this event they are hoping to make this an annual event and have requested that Council provide sponsorship of \$2,000. The letter of request is attached to this report.

As indicated in the letter, the Fun Run is an opportunity to showcase Kiama, in particular the Coastal Walk, and to attract visitors to the area. As the event will be held in June, in the traditionally quiet season for tourism, it has the potential to provide a winter boost for local businesses.

Funds are available in the Tourism budget to cover the sponsorship.



14 McBrien Drive
Kiama Downs 2533

The General Manager
Mr M. Forsyth
Kiama Municipal Council
PO Box 75
Kiama 2533

10th January 2015

Dear Michael

We would like to formally request assistance from Kiama Council for sponsorship of the Kiama Red Cross Fun Run to be held in 2015.

In 2014, the Centenary Year of Australian Red Cross, Kiama Council sponsored the Centenary Fun Run. As this was such a great success, Kiama Red Cross would like to continue and grow this event annually.

Many of the 2014 participants, both local and visitors, were extremely impressed with the beauty of the Kiama Coastal Walk. Visitors came from as far away as the Central Coast and the Blue Mountains. Several mentioned how they would advertise Kiama to their friends and bring more entrants to the event if held again. We feel that this event would again assist tourism in Kiama.

We propose to hold the Fun Run on Sunday 7th June which is on the Queen's Birthday long weekend. We would like to ask Kiama Council for \$2,000 in sponsorship for this event which will again use the Kiama Coastal Walk.

We look forward to your anticipated support of this proposal. Any assistance you can give to Red Cross would be greatly appreciated.

Yours faithfully,

Judi O'Brien
Fun Run Coordinator
Kiama Red Cross

14.2 Beyond the Walls Public Libraries Conference

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.10 Provide training and professional development for Councillors and staff to promote a culture of strong leadership, good governance and ethical practice

Delivery Program: 4.10.1 Ensure understanding of, and compliance with, Council's Code of Conduct and relevant policies and procedures

Summary

This report advises Council of the 21st AUSLIB Australian and New Zealand Public Libraries Conference titled *Beyond the Walls* to be held 25-27 March 2015 and recommends that Council endorse Michelle Hudson Manager of Library Services to attend and present her paper *Community connections and partnership through the National Broadband Network: The Kiama Library experience*.

Finance

Conference registration and expenses will be financed from existing library funds and attendance has been factored into the staff training budget.

Registration: \$440 includes a speaker's discount

Flights: \$200 each (approximately)

Accommodation: \$154 a night (approximately)

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the Library Manager, Michelle Hudson to attend the Beyond the Walls conference to be held in Adelaide, South Australia on 25-27 March 2015.

BACKGROUND

The tenth annual Auslib Australian and New Zealand Public Libraries conference will aim to identify and celebrate the great work undertaken by public libraries in connecting, and helping to build, their diverse communities – and their potential to make an even stronger contribution.

Report of the Director Community Services

14.2 Beyond the Walls Public Libraries Conference (cont)

The themes at the conference include creativity and achievement in marketing; connection with disadvantaged children, adults and older adults; partnerships; Friends of Libraries; fund raising; technology and electronic development; and programs, services and resources provided outside of the library building.

Manager of Library Services, Michelle Hudson, submitted an abstract in November 2014 for consideration.

The paper *Community connections and partnership through the National Broadband Network: The Kiama Library experience* was accepted. The presentation will involve a 30 minute verbal presentation plus participation in the panel Q & A session on 26 March. The written paper will be submitted for the conference proceedings.

15 REPORTS FOR INFORMATION

15.1 LGNSW Request to Support a Container Deposit System (CDS)

Responsible Director: Office of the General Manager

Local Government NSW has reported that the NSW Government is close to making a decision on the introduction of a container deposit system (CDS).

This system can significantly reduce the problem of litter and could also reduce the costs to council recycling programs.

LGNSW have called on Councils to contact the Premier and the Treasurer to implement the CDS program into all NSW council regions.

15.2 Minnamurra Progress Association - Minutes

Responsible Director: Office of the General Manager

The Minutes of the Minnamurra Progress Association Meetings held 7 October, 4 November and 2 December 2014 are enclosed in Councillors' envelopes.

Enclosures

- 1 Minnamurra Progress Assoc. mins 7 October 2014
- 2 Minnamurra Progress Assoc. minutes 4 November 2014
- 3 Minnamurra Progress association minutes 2 December 2014

Reports for Information

15.3 Minutes - Commercial Centres and Community Safety Committee Meeting - 9 December 2014

Responsible Director: Environmental Services

Enclosed in Councillors' envelopes are the minutes from the Commercial Centres and Community Safety Committee Meeting held on 9 December 2014.

Attachments

- 1 Minutes

Item 15.3

Minutes of the Commercial Centres & Community Safety Committee meeting held on Tuesday 9 December 2014 at Kiama Council, Commencing 10.00am

Present: Councillor Dennis Seage, Bryan Whittaker (Director of Engineering and Works), Dennis Tracey (Kiama Council Senior Ranger), Nick Guggisberg (Manager Community and Cultural Development), Clare Rogers (Director of Community Services), Greg Langford (Kiama & District Chamber of Commerce), Tony Hardy (Manager Waste Services) and Phil Costello (Director of Environmental Services).

1. **Apologies** – Councillor Neil Reilly and Councillor Gavin McClure, John Shelley, Inspector Ron Davies (NSW Police) and Mark Scott (NSW Police).

2. **Previous Minutes**

The minutes of the previous meeting held on 14 October 2014 were tabled.

Motion: that the minutes of 14 October 2014 be accepted as a true and accurate record of the meeting.

Moved: Councillor Seage **Seconded:** Dennis Tracey **Carried**

Matters arising - Nil

3 **Policing Matters**

Mark Scott emailed a summary of the crime/incident statistics for the October/November period.

4. **Updates - CCTV**

Nick Guggisberg advised the following:

- CCTV project is progressing well even if a little behind schedule.
- Installation of fibre network almost complete for stage 1, with RFQ for stage 2 completed and contract ready to award. It is anticipated that work will begin on stage 2 in early February. The CCTV system is dependent on the Fibre network being installed to transmit the data from the CCTV cameras back to council where the server and storage will be located. Prior to installation of the CCTV system, council is erecting the poles that the cameras are mounted on. This is creating a significant financial saving for council. The poles are currently on order, with depot staff scheduled to modify them to our needs and should be ready for installation late January.
- The tender for the supply, installation and commissioning of the CCTV system closed on 8 December, with the evaluation scheduled to take place on the 10 December. It is anticipated that the cameras should be installed around late February.

Engineering and Works

- Highway at Gerringong – 4 lanes through to the Gerringong turnoff remains on track to be open for Xmas.
- Loading zone at Jamberoo IGA completed.
- Amenities block and harbour completed - construction of footpath delayed due to weather but hopeful of completion prior to Christmas.
- Management Plan for Blowhole Point currently on exhibition.
- Fireworks display scheduled for New Year's eve. Traffic Management Plan being reviewed.

Community Services

- Review of Crime Prevention Plan remains a work in progress.

Rangers

- Parking statistics – 86 patrols, 14 reactive complaints and 25 school patrols and no stopping. Patrols including Kiama and Gerringong.
- Companion animal trials going well – increased educational role and visual presence have been the focus.
- Bombo Headland – restricted parking has been implemented.
- Skateboard in CBD - exclusion zone in place and policed by Rangers on their regular patrols. Mark Scott to clarify status of on road use.
- Positive response from licensing Police regarding restricted alcohol area North Bombo.
- Illegal dumping litter specific campaign to be held in January.

Waste Services

- Focus on additional servicing and cleaning over the Christmas holiday period.
- Mini street sweeper in use.
- Additional bin enclosures to be installed in Gerringong prior to Christmas.

5. Other Items

- New signs expected highlighting issues with illegal dumping around Harbour.

Next Meeting

The next meeting of the Commercial Centres & Community Safety Committee will be held on **Tuesday 10 February 2015 at 10.00am**, Kiama Council Building, Committee Room 2.

There being no further business the meeting closed at 11:00am

(14/85098)

Reports for Information

15.4 South Precinct Committee Meetings

Responsible Director: Office of the General Manager

Minutes of the South Precinct Committee Meetings held on 20 November 2014 and 18 December 2014 are enclosed.

Enclosures

- 1 Minutes South Precinct Committee - November
- 2 Minutes South Precinct Committee - December

15.5 Parking Statistics - December 2014

Responsible Director: Environmental Services

The following are parking statistics for December 2014:

- 49 Parking Patrols Completed.
- 8 Infringements Issued.

15.6 Introduction of BPAY Payment Option for Council Invoices

Responsible Director: Corporate and Commercial Services

Council has recently introduced BPAY as an option for the payment of Council invoices. The newly designed invoices display all required information to enable customers to clearly identify invoice and payment details.

It is anticipated this will provide a more efficient method for customers to make invoice payments as well as providing efficiency gains in administrative processes.

15.7 2015 Twilight Jazz & Blues in the Park and Kiama Jazz & Blues Festival

Responsible Director: Corporate and Commercial Services

Council has received a thank you letter from the Kiama Jazz & Blues Club which says in part:

“A short note from the Kiama Jazz & Blues Club to say thank you to Kiama Council for generous support given towards our upcoming events ie the Twilight Jazz & Blues in Hindmarsh Park in January and the Kiama Jazz & Blues Festival in March. We are most appreciative of your continuing sponsorship and wish you and yours, a very happy Christmas and New Year.”

A copy of the letter is enclosed for Councillors' information.

Enclosures

- 1 Kiama Jazz & Blues Club - Letter

15.8 Littering from vehiclesResponsible Director: Environmental Services

The NSW Minister for the Environment, Rob Stokes, has announced a new reporting system for littering from vehicles. For the first time in NSW, the new system will enable the issuing of a penalty notice based on a public report of littering from a motor vehicle. Currently NSW issues warning letters based on public reports. The new "Report Litter from Vehicles" system is part of a broad program to reduce litter to meet the target set for 2021. The target equates to a 40% reduction in littered items in NSW by 2016 and continuous reduction after that.

The new reporting system was launched on the 1 February 2015 with a one month amnesty where advisory letters will continue to be issued based on any reports received from the public. As of 1 March 2015, the EPA will commence issuing penalty notices.

A person will need to report either directly through the EPA website (a new reporting portal) or through a mobile app which, once downloaded, will take a person to the reporting portal - <http://www.epa.nsw.gov.au/litter/from-vehicle.htm>

The information required about an incident is the same as the previous report to EPA system where warning letters were issued.

However the new system will require a new reporter (aged 18+) to register their personal details, agree to Terms and Conditions, and declare understanding of the responsibilities associated with reporting which include:

- That the information provided is true and correct.
- It is an offence under the Crimes Act 1900 to knowingly provide false or misleading information to the EPA.
- That another person cannot submit a report on their behalf or use their login/password.
- Can only submit reports that they have witnessed.
- They are prepared to attend court if a penalty notice is challenged by the alleged offender, based on the report they have submitted.

This is important because a reporter may be called upon as a witness in any court proceedings and the EPA needs to be confident in the quality of the information provided in order to issue a penalty notice. A reporter will have to sign/acknowledge the above declaration each time before submitting a report.

A penalty notice will only be issued if all the necessary requirements are met.

The above reporting system will be publicised as part of Council's ongoing Illegal Dumping and Litter campaign and will be included on Council's website.

15.9 LED Street LightingResponsible Director: Engineering and Works

At Council's meeting of 16 December 2014, Councillor Sloan requested a report on the feasibility and process of retrofitting street lights with Light Emitting Diode (LED) luminaires.

All Councils in NSW have entered into agreements with their local electricity distributor for the supply and maintenance of street lighting. In Kiama's case this agreement is with Endeavour Energy, in which Council pays an ongoing maintenance for street lights, fittings, poles etc based on their whole of life cost (typically 15-20 years) as set by IPART.

As at January 2014, Council has 1997 street lights within the Municipality. These comprise a mix of street lighting types depending on location and level of lighting required. For example, main roads and major intersections require higher intensity lighting than a local residential street. The bulk of Council's street lights comprise low intensity lighting mainly for residential areas and of these 896 are still the older type 80 Watt mercury vapour luminaires.

At present, once an existing street light or its components fails or has reached the end of its life cycle (typically 15-20 years), it is replaced by Endeavour Energy at no cost to Council with the new energy efficient luminaires, which provide an equivalent or greater light output while consuming less power. For example:

- New 42W T5 compact fluorescent light (CFL) replace existing 80W mercury vapour
- New 150W high pressure sodium replace existing 250W mercury vapour
- New 250W high pressure sodium replace existing 400W mercury vapour

While Endeavour Energy have been progressively replacing older streets lights as they are due, previous negotiations have found it to be cost prohibitive for Council to replace all the remaining older lights in the Municipality with energy efficient luminaires in one year, due to upfront cost of purchasing and installing the luminaires / fittings and having to reimburse Endeavour Energy the residual value of the asset removed as per the maintenance agreement. In December 2012, a consultant engaged by the Southern Councils Group (SCG) investigated a bulk streetlight replacement program for its group members to take advantage of Commonwealth grant funding on offer. It was estimated a bulk replacement program would cost Kiama Council between \$160,000 – \$870,000 depending on the level of external funding provided by Endeavour Energy and taking into account Energy Savings Certificates available at the time. Due to the short timeframe for applications and high level of funding commitment required, the grant application was not pursued by the SCG.

In January 2014, Council was advised by Endeavour Energy that 25 Watt LED had been approved by the regulatory authorities as a replacement alternative to the standard 42 Watt T5 CFL. In addition to lower power usage, the LED is envisaged to

Reports for Information

15.9 LED Street Lighting (cont)

have longer life spans and require less maintenance/replacement than CFL. Disappointingly, the annual maintenance charges for LED approved by IPART were \$12/street light/year, higher than CFL. Taking into account the lower power consumption with LED, it was calculated that LED would still be more expensive overall per year than CFL (approximately \$7500 annually). In this regard, CFL were nominated as Council's continued street light replacement choice pending further review on future technology and costs.

In summary the cost of replacing all of the existing streetlights would be in the order of \$870,000 plus an additional operational cost of \$7,500 per annum.

15.10 Learner Driver PracticeResponsible Director: Engineering and Works

At Council's meeting of 16 December 2014, Councillor Rice requested a report on suitable sites throughout the Municipality for students to practice driving whilst they are still very early in their driving education.

Unfortunately Council cannot nominate particular locations for learner drivers to practice as this will depend on their level of confidence and experience. Council's Road Safety Officer recommends that learner drivers start practicing in quiet locations, preferably in daylight hours, before moving onto busier roads and more challenging conditions.

The supervising driver (i.e. anyone who holds an Australian unrestricted Class C drivers licence or higher) should choose locations based on the learner's ability. Research indicates that learner drivers need to spend as much time as possible practicing their driving and that gaining experience under supervision in a wide range of conditions is critical to safe driving.

It is important to include a wide variety of learning environments with quiet back streets on public roads being a good place to start when learning to drive. The overall aim is to gain as much experience as possible in a wide range of driving conditions while under supervision.

Young drivers face many challenges when learning the complex task of driving. The learner driver will need a minimum of 120 hours of supervised driving experience on public roads, with 20 of those hours to be completed at night.

The following Road Safety Programs provided in partnership with the Local Government Road Safety Program are available to learner drivers in the Kiama Municipality.

These programs are set out in Kiama Municipal Council's three year Road Safety Action Plan 2014/2017.

Log Book Runs: Daylight and Night time log book runs provide an opportunity for learner drivers to obtain more log book hours and to experience a variety of driving conditions. The next Daylight Log Book Run held in conjunction with Shellharbour Council is scheduled to be held on Sunday 15 March 2015 followed by a Night time Log Book Run on Tuesday 14 April 2015.

Safer Drivers Course: A Safer Drivers Course is now available for learner drivers under 25. The course involves both theoretical and practical coaching and deals with different road conditions, understanding factors beyond a driver's control and also helping identify risks on the road. The course is available in Kiama and promoted by Council's Road Safety Officer.

Reports for Information

15.10 Learner Driver Practice (cont)

Professional Driving Instructors: A professional driving instructor is also recommended in the early stages of learning to demonstrate effective driving techniques and strategies. It is also good to use a driving instructor in partnership throughout the entire learner driver experience. The professional driving instructor will also choose locations that suit the learner's ability when starting to drive.

Rotary Youth Driving Awareness (RYDA): The RYDA Program run by Illawarra Rotary is a one day out of school program delivering practical road safety information targeting attitude and awareness of young drivers and their passengers.

RYDA targets 16-18 year old students and includes six interactive sessions delivered to small student groups covering topics such as hazard perception, distraction management, vehicle safety, stopping distance, fatigue and experiences of a crash survivor, also supported by Council's Road Safety Officer.

More information on these programs for learner drivers can be obtained from Council's Road Safety Officer.

15.11 Local Traffic Calming Devices - Meehan Drive Kiama DownsResponsible Director: Engineering and Works

At Councils meeting of 16 December 2014 Councillor Seage requested a report on the concrete traffic calming devices located in Meehan Drive, Kiama Downs.

The current traffic calming devices comprising concrete blisters and medians, linemarking and signposting were installed at the western end of Meehan Drive in mid 2012, following numerous complaints received from residents regarding speeding vehicles and difficulties in exiting side streets and driveways.

Council prepared four design options that were letter box dropped to 400 residents in the area. Of these 110 responses were received with the clear majority favouring the current design structure. This proposal was also reviewed and subsequently approved by the Kiama Local Traffic Committee at its meeting of April 2012.

The current traffic calming devices have been constructed with traffic lanes at the minimum standard of 2.8 metres wide. This reduction in lane widths, while not providing a physical impediment to vehicles, has been proven to slow vehicle speeds due to a driver's perception of the narrow road environment. This section of Meehan Drive is also part of the local bus route and according to Council records there have been no reported accidents at this location, however the 85th percentile vehicle speeds have dropped considerably since the traffic calming devices have been installed.

15.12 Small Vehicle Parking Spaces - Terralong Street KiamaResponsible Director: Engineering and Works

At Council's meeting of 18 November 2014, Councillor Steel requested a report on the introduction of a 'small car only' carparking space at the pedestrian blisters in Terralong Street.

As noted by Councillor Steel in the meeting, the five car spaces where the footpath widens to allow for the large trees are not standard sized car spaces. A standard car space is 5.4 metres in length and these spaces are only approximately 4.5–5 metres long. Due to the demand for parking in the Kiama CBD, it was deemed that these five spaces could be utilised for smaller vehicles without impacting on through traffic in Terralong Street.

In general, this has been left to driver judgment in terms of their vehicle's size and suitability to fit within these car spaces and while it operates successfully the majority of time, there have been instances where large vehicles have parked in these spaces and have partially protruded into the traffic lane.

While signage will be installed adjoining these five spaces advising they are for small vehicles only, it should be noted these signs will be advisory only and cannot be enforced as there is no regulation or definition of a small vehicle under the Australian Road Rules.

15.13 Cycling on Minnamurra Bends - Riverside Drive MinnamurraResponsible Director: Engineering and Works

At Council's meeting of 14 October 2014 Councillor McClure questioned what options are available to prevent cyclists from using the Minnamurra Bends section of Riverside Drive.

Due to the current posted speed limit of 70kph, very narrow to nil road shoulder width and sight distance restriction around the curves, separate community concerns have also been previously raised regarding the safety of cyclists using this section of road. Under the Australian Roads Rules cyclists are deemed as vehicles and are therefore allowed on any road, unless specifically signposted otherwise (rule 252).

The Austroads research report – 'Cycling on Higher Speed Roads (2012)', recommends that for a 70kph road with traffic volumes of 6348 vehicles per day (as measured in 2012), a separate bicycle path with a separating verge is required. As the Minnamurra bends are constrained by the cliff cutting and the River on either side, the construction of a separate cycle path is not presently feasible.

This matter has been raised in various community forums and has been discussed at Council's Cycleways and Walking Tracks Committee on a number of occasions. Although there is a well defined alternate cycle route through Minnamurra and Kiama Downs that bypasses this section of road, the Minnamurra Bends provides the shortest and flattest route for commuter cyclists who regularly travel in traffic lanes at much higher speeds than recreational cyclists.

While the Committee shared the safety concerns raised and endorsed the current warning signs that are in place at either approach to the Minnamurra Bends, it did not believe that prohibiting cyclists from this route was warranted and would be difficult to enforce. The alternate commuter route for cyclists is the Princes Highway North Kiama Bypass, which is not favoured by cyclists due to constant debris from quarry trucks on the road shoulders, along with the steep hill approaching Kiama Downs.

Council does not provide cycling infrastructure on either approach to the Minnamurra bends on Riverside Drive, nor does it encourage or promote this route, on the understanding that commuter cyclists are experienced road users, used to travelling within vehicle travel lanes and would be well aware of the risks associated with cycling on the road.

15.14 Local Government NSWResponsible Director: Office of the General Manager

The President of the Local Government NSW has forwarded to Council a copy of the LGNSW's State Election priorities for 2015. A copy has been circulated to Councillors.

This document has been sent to all parties contesting the 2015 NSW Parliamentary Election and outlines the issues of significance for NSW councils and LGNSW's proposed solutions. It is being sent to candidates.

It covers seven key themes:

1. Greater autonomy in governance;
2. Autonomy in council revenue raising;
3. Fair funding for shared infrastructure and service responsibilities;
4. Agreed pathways on voluntary structural reform;
5. Mutual positioning on social policy priorities;
6. Improved environmental legislation and setting; and
7. Balanced land use planning.

LGNSW has sought a formal response to the priorities from parties contesting the election and will keep councils informed of the outcome.

15.15 Kiama Memorial Arch - Hindmarsh Park

Responsible Director: Office of the General Manager

Council made application under the NSW Government's 2014 Community Building Partnership program for further funding to assist in the restoration/stabilization of the leaning Memorial Arch at Hindmarsh Park, Kiama.

Council has been advised that the application was unsuccessful on this occasion.

15.16 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts TaskforceResponsible Director: Office of the General Manager

At the meeting on 16 September 2014 Council resolved to:-

1. Note the Office of Local Government circular and the NSW Government response to the Local Government Review Panel and Government Acts Taskforce;
2. Advise of its interest to participate in the pilot program for the establishment of joint organisation of councils;
3. Raise concern regarding the shifting of financial assistance grants to councils with the greatest need. This action may disadvantage councils that have been more efficient and responsible in the past and also lead to further deterioration of the financial sustainability of councils generally;
4. Write to the NSW Government seeking a greater period in the future to make submissions on important issues such as this matter.

Council has received a reply from the Acting Chief Executive of the Office of Local Government an extract from which is as follows:-

"I have noted your comment about the timeframe for Expressions of Interest in the Joint Organisation pilots and thank you for your timely application in what I acknowledge was a tight timescale.

I can advise that applications were received from 11 groups of regional and rural councils across NSW by the closing date of Friday 17 October 2014. As you will be aware, the Illawarra region was one of the successful applications for a pilot region.

Your views in Financial Assistance Grants are also noted. The Independent Local Government Review Panel in their consultation process, and the NSW Government in its response to the Panel's recommendation, took into account the range of views on this issue.

The NSW Government's response to the Panel, as you would be aware, is that it will ask the NSW Grants Commission to continue to identify opportunities to support communities with the greatest need and to ensure transitional protection to minimise the impact of any redistribution."

15.17 Record of Thanks for Council support

Responsible Director: Community Services

The Board that administers the SHINE program at Kiama High School and Jamberoo Public School have both recently acknowledged their appreciation of Council financial support, received in 2014 under the Donations Policy. The Certificate of Appreciation and letter of appreciation are contained in the enclosures.

Enclosures

- 1 SHINE, letter of appreciation
- 2 Jamberoo Public School, Certificate of Appreciation

15.18 Ask Illawarra ShoalhavenResponsible Director: Community Services

This report informs council of a community development initiative that is taking place on 12 February 2015.

Ask Illawarra Shoalhaven is led by the Illawarra Regional Community Development Consortium and local neighbourhood centres and community organisations (Bulli Community Centre, CareWays Community, North Kiama Neighbourhood Centre, and Shoalhaven Neighbourhood Services), and forms part of the regional collective impact/collaboration work being co-ordinated by the NSW Department of Family and Community Services (FaCS).

Volunteers will be signed up to survey the general public asking the below four questions that seek to understand people's aspirations for their communities. Along with quantitative data and information from Council Community Strategic Plans and other community consultations undertaken in recent years, the data gathered during Ask Illawarra Shoalhaven will be analysed and used by the consortium in its strategic planning. All volunteers participating will receive 1 hour of training prior to carrying out the survey.

The four questions are:

1. What kind of community do you want to live in?
2. Why is that important to you?
3. How is that different from how you see things now?
4. What are some of the things that need to happen to create that kind of change?

15.19 Job Board for Kiama LGA - Kiama and District Chamber of Commerce - CommentResponsible Director: Corporate and Commercial Services

At the Ordinary Meeting held on 14 October 2014 Council considered a report in relation to the establishment of a Job Board for the Kiama LGA and resolved at that time (in part):

“14/212 That Council contact the Kiama & District Chamber of Commerce (KDCC) and ask for their comments on such a proposal.”

The KDCC's response dated 24 November 2014 is attached.

In summary the KDCC in 2012 considered establishing a job listing agency (job board) on its website. Following advice the KDCC decided not to proceed due to potential safety risks for users of the service and to avoid competition with the two existing Kiama employment service providers. Further the KDCC does not support Council creating a job board as it believes this would be an unnecessary duplication of the services provided by the existing job service providers.

Enclosures

- 1 Kiama and District Chamber of Commerce - Comment

Reports for Information

15.20 Southern Phone - Managing Director Newsletter

Responsible Director: Corporate and Commercial Services

The January 2015 Southern Phone Managing Director Newsletter is enclosed for Councillors' information.

Enclosures

- 1 Southern Phone Managing Director Newsletter

Item 15.20

15.21 Community Care Support ProgramResponsible Director: Community Services

The NSW Department of Family and Community Services Ageing Disability and Home Care announced that funding for disability service contracts due to cease in June 2015, will be extended for an additional 12 months until June 2016. Consequently, Blue Haven Care's Community Care Support Program will have an extension of funding until June 2016.

Further, all disability service providers are required to undertake third party verification of their performance against the NSW Disability Service Standards once during the life of each funding agreement. The verification process will take into account the service provider self review against feedback from people with a disability, their families and carers, and will include an onsite review.

Service providers are expected to act on the independent feedback received from a third party as a valuable source of information towards continuously improving the quality of services. Service providers are also required to provide the Department of Family and Community Services Ageing Disability and Home Care with the results of the verification to inform a risk management approach to monitoring and review of service delivery. As such, Blue Haven Care will be working through this process and seeking third party verification by June 2015.

15.22 The new Commonwealth Home Support ProgramResponsible Director: Community Services

From June 2015 the introduction of the new Commonwealth Home Support Program will bring together the:

- Commonwealth Home and Community Care (HACC) program
- National Respite for Carers program
- Day Therapy Centres; and
- Assistance with Care and Housing for the Aged program.

Blue Haven Care receives funding from the Department of Social Services for the Commonwealth Home and Community Care program; currently funded until June 2015. The Department of Social Services recently announced that the majority of current providers of the abovementioned programs will continue to deliver services under the new Commonwealth Home Support program, and will receive two years of continued funding until 30 June 2017. Consequently Blue Haven Care will receive ongoing funding for an additional two years.

However, it has been confirmed that funding for the Case Management program in the Commonwealth Home Care Support program will not be funded post June 2015. This equates to \$305,000 of Blue Haven Care's funding. Planning is underway to transition clients and staff in this program before June 2015.

15.23 Home Care Support Program

Responsible Director: Community Services

The Department of Social Services advised that Blue Haven Care was successful in receiving an allocation of 10 new Home Care Places in the Aged Care Approval Round late last year.

Blue Haven Care has been allocated 4 level 1 packages and 6 level 2 packages. These packages will be delivered on a Consumer Directed Care basis.

As all Home Care Packages must be delivered on a Consumer Directed Care basis by June 2015, work has commenced in order to transition Blue Haven Care's current 110 Home Care Packages to a Consumer Directed Care model by June 2015.

15.24 Council Meetings

Responsible Director: Office of the General Manager

At the Council Meeting on 16 December 2015, a question without notice was asked by Councillor Steel on the possibility of holding the March Council meeting on 10 March 2015 instead of 17 March 2015.

Council may change the date of meetings by resolution with public notice being given in the local newspaper.

The National Seachange Conference is being held from 11-13 March 2015 at Mornington in Victoria. Councillors Reilly and Rice are attending the conference.

If Council wishes to change the date of the meeting a resolution may be made in relation to this report.

15.25 Matters relating to potential Planning Proposals and the need for an LEP Review CommitteeResponsible Director: Environmental Services

Council at its meeting held on 16 December 2014 resolved in CR 14/296 that:

“Staff prepare a report addressing the following points:

- 1. Council staff provide a report on likely administrative Planning Proposals required under Kiama LEP 2011 and potential time frames for same.;*
- 2. Council receive a report on the possibility of amending the B7 planning zones to include gymnasiums and fitness centres, as well as light industrial training; and*
- 3. A report be provided on the need to form an LEP Review Committee.”*

A response will be provided to each recommendation separately.

Item 1

- “1. Council staff provide a report on likely administrative Planning Proposals required under Kiama LEP 2011(LEP 2011) and potential time frames for same.”*

Council has a number of administrative Planning Proposals that could be progressed to provide greater clarification and address identified issues in regard to LEP 2011. These Planning Proposals include the following broad categories:

- a. Incorporation of changes to mapping/clauses etc initiated by the State Government.
- b. Investigation of changes to wording to address the functionality of LEP 2011. These issues are largely internally identified.

Examples of some of these potential Planning Proposals includes

- CI 6.1 Acid sulfate soils - changes are required to the wording to reflect changes to model clauses authored by State Government.
- The de listing of State heritage item, Kiama Rail under bridge.
- Torrens title subdivision of dual occupancy development.
- Changes to detail on LEP maps, eg inclusion of locality and street names
- Incorporation of Mining SEPP overlays, buffer zones.
- Review of secondary dwelling size.
- Review of – 4.2A(4)(b) sunset clause.
- Review of Height limit in R3 zone.
- Heritage Schedule, administrative changes.

Reports for Information

15.26 Ocean Lifeguard Peak Season Report 2014/2015 (cont)

-
- Review of R3 zones and permissible uses.
 - Signage in the B zones - rectify the omission of signage as a land use permissible with consent in some Business zones.

To schedule administrative Planning Proposals (PPs), staff will need to give consideration to:

- Grouping of PPs of similar nature and complexity for consistency of assessment
- Timing in order to moderate workloads, having regard to externally driven PPs
- The impact of current provisions on development
- Potential risk to Council
- Current practices to deal with impacted development proposals.

An issue that has been identified to be dealt with via a PP is the Torrens title subdivision of dual occupancy development, clause 4.1B. This clause provides exceptions to the general minimum lot size requirements of the LEP, for the subdivision of dual occupancy development approved prior to the introduction of the LEP. It is felt this clause should be amended to allow subdivision of all approved and constructed dual occupancies as such developments have met overall objectives and merit assessment standards. In the last year there were 4 development applications affected by this clause. At the present time staff deal with these applications by seeking a request for variation from applicants which puts forward reasons supporting the Torrens Title subdivision. Members of the Development Industry Committee have indicated that the preparation of this additional submission is generally a cost to applicants and one that could be overcome with a relevant amendment to the LEP. In the last year, all such requests were supported and approved.

As stated above, staff also deal with externally driven PPs (ie PPs arising out of the implementation of the Kiama Urban Strategy). These externally driven PPs have a timeframe set by legislation and must be progressed in a timely manner to ensure we meet State Government requirements. Thus, having regard to the number of stages involved in a PP and the input required from external agencies, it is prudent to regulate, as far as possible, the number of PPs being dealt with at any time to ensure effective assessment and progress of each proposal.

At the present time, staff have been unable to prepare identified administrative PPs due to the volume of external PPs and other policy review work. Having regard to the considerations identified in the dot points above, the administrative PPs have not been such that warrant attention at this time. If a circumstance arose where a high risk to Council was identified, or a clause was significantly hampering development in a particular zone, certainly, priority could be given to such an issue.

Having regard to current circumstances, it was considered that scheduled administrative Planning Proposals would be addressed in the latter half of 2015. However, this anticipated timeframe may need to be amended if we continue to progress the same number of externally driven Planning Proposals. Further the

Reports for Information

15.26 Ocean Lifeguard Peak Season Report 2014/2015 (cont)

ability to replace a staff position subject to extended leave will have an impact on the review process.

Council also will be required to revisit and review LEP 2011 by the end of 2016. Some of the administrative issues may be able to be addressed as a part of this process.

Item 2

“2. Council receive a report on the possibility of amending the B7 planning zones to include gymnasiums and fitness centres, as well as light industrial training;”

When considering land uses in relation to a particular zone, defined land uses as per the standard LEP template must be used. In regard to the activities mentioned above, none are individually defined in the standard template. In regard to gymnasiums/fitness centres, these would fit under the heading of “recreation facility (indoor)” which also includes a number of other like uses. Similarly a light industrial training facility is not defined, however an “industrial training facility” is and includes training associated with heavy industrial and mining activities.

These broader, defined land uses are not permitted in the B7 zone. As can be seen above, the identified land uses have the potential for considerably different impacts, with the use of “industrial training facility” causing the greatest concern in regard to appropriateness and potential amenity impacts.

Whilst it is possible to consider a PP to add particular land uses to a zone, the proposal would need to consider what are the potential broader impacts? Are there better zones for these types of land uses to be undertaken? Is there a Municipality wide need for such amendment? Having regard to this last point, it should be noted that individuals can apply to have specific land uses made legal on given allotments via a listing in Schedule 1 of the LEP. This schedule identifies additional permitted uses associated with individual parcels of land.

In giving consideration to initiating a PP, Council should determine if the PP is one required across the entire Local Government Area, or one that is localised and is aimed at facilitating an individual development. If the later is the case, it may be appropriate for any PP application to be prepared and submitted by the beneficiary of a successful PP application.

Item 3

“3. A report be provided on the need to form an LEP Review Committee.”

During mid 2015-2016 Council will need to a review of the current LEP. Any review process would be consultative, involving relevant staff, Councillors, Industry Representatives, State Agencies, Sector groups, and the community.

The concept of an LEP review committee is considered to be a sound one, and one that would provide benefit to the process. It is envisaged that membership would be drawn from the above identified groups and members would act as conduits to/from the respective areas.

If Council felt it appropriate, a draft terms of reference could be drafted for Council’s endorsement.

Reports for Information

15.26 Ocean Lifeguard Peak Season Report 2014/2015 (cont)

15.26 Ocean Lifeguard Peak Season Report 2014/2015

Responsible Director: Corporate and Commercial Services

The Council lifeguard peak season commenced on 20 December 2014 and finished on 26 January 2015. The Ocean Lifeguard Peak Season Report is enclosed for Councillors' information.

Enclosures

1 Ocean Lifeguard Peak Season Report 2014/15

15.27 Council to Assist with Trial of Virtual Counter KioskResponsible Director: Corporate and Commercial Services

COVIU, a National Information Communications Technology Australia (NICTA) company associated with the CSIRO, has been developing a virtual digital service counter (kiosk) to aid in the future delivery of on-line customer service for remote and rural communities where in-person access to services may present as challenging.

Kiama Council has offered to assist with the trial of a model developed by COVIU and will be installing a standalone kiosk at the Kiama Library for a trial period of approximately four to six weeks.

The kiosk will provide access for customers to engage in limited on-line transactions with Council's Customer Service staff during the trial period via a web-based video communication system with document sharing, interactive form completion and desktop sharing. In addition Council will be seeking evidence as to whether such technology can integrate seamlessly with the TRIM record management system,

While the nature of transactions to be trialled will initially be kept to a minimum, this new software and approach to technology will hopefully one day provide customers access to government services and the ability to engage on-line with government agencies to complete more complex transactions which would generally require in-person and face-to-face support.

Attachments

- 1 Attachment for Business Paper - Information Report - Virtual Counter -10 February 2015

COVIU

a NICTA company

VIRTUAL COUNTER

CUSTOMER SERVICE EXCELLENCE

Provide your customers with in-person access to expert officers.

Tele-consultation with paper and electronic document sharing can resolve customer needs in a single, efficient transaction.

REMOTE SERVICE DELIVERY

Expert services can be provided regardless of the geographical location of the customer or your staff. This creates new options for telework - a convenience win for everybody.

EXTEND COUNTER SERVICES INTO RURAL AREAS AND HOMES

Start your Virtual Counter Service in a Shopfront, then take it to Libraries or Community Centres in rural Australia, or add a specialist call-through to your Agency Website.

VIRTUAL COUNTER

www.virtualcounter.io

FACE TO FACE SERVICES FOR ALL AUSTRALIANS



The centralisation of service centres has made in-person access to government and corporate services in remote and rural communities challenging.

Additionally, service centres deal mostly with mass-market needs, so specialised services continue to be delivered via paper mail and telephone, making them labour-intensive, inconvenient and costly.

COVIU Virtual Counter has been developed to meet the needs of specialised and remote service delivery. A Web-based video communication system with document sharing, interactive form completion and desktop sharing enables a smooth and efficient transaction.

Service features

Officer End Web based video communication with document sharing that integrates with your workflow

Customer End Different service options including different sized Kiosk systems, single screens or a Website widget

Three-way Conferencing Ability to introduce a supervisor, translator or sign language interpreter into a session

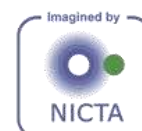
Secure communication
100% end-to-end encryption

No specialised software or hardware
100% Cloud Solution utilising standard off-the-shelf equipment

Product features

The video technology is based on **open standards**. Video and documents are **exchanged securely** between the customer and the officer. The communication channels are fully encrypted. The digital signature system is consistent with the **1999 Electronics Transaction Act** covering legally valid signatures. A **call queuing and distribution system** manages customer call requests. The colours, graphics and logos of the interface are fully **adaptable**. Documents and data received from the customer end can be fed directly into departmental software interfaces for inclusion into **existing digital workflows**.

COVIU is a NICTA spinout company comprising experts in HTML5, WebRTC and Software as a Service delivery



TRANSFORM YOUR CUSTOMER SERVICE

TECHNICAL SUPPORT

A Service Quality Monitoring System enables us to provide remote technical support covering all sessions and endpoints.

ZERO DOWNTIME

The COVIU Virtual Counter is a web-based Cloud Service that only requires a reliable Internet connection.

FULLY CUSTOMISABLE

All facets are customisable. Off-the-shelf, you can add your logo, graphics and adjust colors.

Arrange a pilot session with us today!



NICTA Pty Ltd
 13 Garden Street
 Eveleigh NSW 2015
Phone: +61 2 9376 2207
Email: Silvia.Pfeiffer@nicta.com.au

A flexible virtual service portal



The officer's single screen incorporates a video interface with the customer as well as transaction-related data and documents. The officer can introduce a third person into the communication.

Paper documents, such as forms, or ID, can be seamlessly scanned by our high definition cameras and shared by both parties for further editing, signature and printing.

There are multiple setup options for the customer end, ranging from a stand-alone Kiosk, to a computer terminal in a Services Hub to a Webpage Widget.



Minimum system requirements

Requirements	Version 1.0
Network requirements	Min. 1Mbps upstream & downstream Good performance: 2.5Mbps – 10Mbps Ethernet connection
System Requirements - Officer End	CPU: Desktop i5 or similar RAM: 2GB or more OS: Windows 7, Mac OsX 10.7, Ubuntu 12.04 or later Display: 1920 x 1080 pixels One HD Webcam with Microphone, eg. Logitech C920 Audio: External speakers or headset
System Requirements - Customer End	Same as Officer End Optional additional touch screen Wacom signature pad if required 3 HD Webcams with Microphone for user, room overview, document sharing Audio: External speakers
Software Requirements	Web Browser: Google Chrome; no extra software
Firewall Bypass	STUN and TURN Servers are provided (if required)
Signalling Server	WebSocket Servers are provided
Security & Privacy	Secure Protocols: TCP/IP, HTTPS, SRTP, DNS Server-free and encrypted Person-to-Person connection for video and data
Monitoring & Reporting	COVIU Cloud Monitoring Service
Automatic Call Distribution	COVIU Call Distribution Service

16 ADDENDUM TO REPORTS

17 NOTICE OF MOTION**17.1 Redevelopment - Aged Care Centre of Excellence**

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That the proposed residential development no longer form part of the plans for the establishment of an Aged Care Centre of Excellence to be located on the old Hospital Site, Kiama.

The reasons for this motion are:

1. The contribution towards the funding of the overall project is grossly disproportionate to the land that will be permanently lost to council.
2. The legislation and policies currently in place relating to the construction of aged care facilities relating to fire prone areas has changed and will doubtless change many times during the productive life of our proposed facility. While we must conform to current regulation, to constrain the site boundaries is unnecessary and may prove to be a source of regret in the future.
3. Community objection to the selling off of part of this site is not only vigorous, but strong in numbers as evidenced by a petition with over 1,500 signatures indicating that opposition is certainly wider than neighbouring properties, in fact it represents 10% of the voting community.

Signed Councillor Neil Reilly

17.2 Master Plan for the Akuna Street Precinct

Clr Andrew Sloan has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council:

1. Prepare a Master Plan for the Akuna Street Precinct that:
 - a. develops and recommends the most appropriate options for the use of council owned property fronting Akuna Street
 - b. provides additional public car parking spaces
 - c. improves pedestrian access between Akuna and Terralong Streets
 - d. takes into consideration current and likely future use of privately owned land on Akuna Street, noting the B2 Zoning.
 - e. ensures community involvement in the development of options.
 - f. is completed by end January 2016.
2. That the process be managed by the existing Shoalhaven/Akuna Street Development Committee in close collaboration with other appropriate council committees.

Signed Councillor Andrew Sloan

Notice of Motion

17.3 Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street, Gerringong and Lot 48 DP 25008 60 Blackwood Street, Gerringong

Clr Dennis Seage has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council take no further action relating to the potential development and sale of land identified as Lot 22 DP200176 corner Willawa Avenue and Fern Street, Gerringong, as well as Lot 48 DP 250008 60 Blackwood Street, Gerringong (reserve behind the Gerringong Fire Station).

Signed Councillor Dennis Seage

Item 17.3

18 QUESTIONS WITHOUT NOTICE

19 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 10 February 2015

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.

19.1 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.

20.1 BELINDA STREET BRIDGE OVER UNION CREEK GERRINGONG

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

20.2 DEVELOPMENT APPLICATION FOR A 5 LOT TORRENS TITLE SUBDIVISION FOR LOT 100 DP 1063277 WYALLA ROAD JAMBEROO

Reason for Confidentiality: This matter deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act. .

20 CONFIDENTIAL REPORTS

20.1 Belinda Street Bridge over Union Creek Gerringong

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

20.2 Development Application for a 5 lot Torrens Title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo

CSP Objective: 2 Well Planned and Managed Spaces, Places and Environment

CSP Strategy: 2.9 Ensure the principles of sustainable development and legislative compliance underpin our land uses and the design of our buildings and subdivisions

Delivery Program: 2.9.1 Comply with Development Regulation

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

21 CLOSURE



ORDINARY MEETING OF COUNCIL

ENCLOSURES

Tuesday 10 February 2015

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L A W Y E R S

MEMORANDUM OF UNDERSTANDING

THE COUNCIL OF THE MUNICIPALITY OF KIAMA

and

KIAMA DISTRICT TOURIST COMMERCE & INDUSTRIAL ASSOCIATION
LIMITED ACN 003 123 279

RMB Lawyers

66 Collins Street, Kiama NSW 2533
Australia

T (02) 42321188
F (02) 42323419
DX 5188 Wollongong

Ref: Our Ref: AMR:KMC-1-595 - Sandy Rendel

www.rmblawyers.com.au

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Date:

Parties

The Council of the Municipality of Kiama of Council Chambers, 11 Manning Street, Kiama (Council)

and

Kiama District Tourist Commerce & Industrial Association Limited
ACN 003 123 279 of Kiama Visitor's Centre, Blowhole Point Road, Kiama
(Kiama Tourism)

Understanding

1. Non Binding MOU

- 1.1 This Memorandum of Understanding (MOU) is not a contract.
- 1.2 This MOU does not constitute either party a joint venturer, partner, agent, employee or fiduciary of the other.
- 1.3 The parties agree that no clause of this MOU is contractually binding and no clause imposes any legal liability on either party.

2. Purpose of MOU

- 2.1 This document represents a mutual understanding between Council and Kiama Tourism establishing the nature, extent and quality of core Kiama Tourism services that are of importance to Council and for which Council intends to provide funding and other support.
- 2.2 The purpose of this MOU is to facilitate cooperation between Council and Kiama Tourism and its Board to assist and promote tourism attraction and development in the Kiama local government area (Kiama LGA).

3. Period of MOU

This MOU is for a period of three (3) years with the MOU to be reviewed by the parties six (6) monthly and then annually after the first year of operation.

4. Objectives

The parties to this MOU intend to work collaboratively to raise the profile and performance of the tourism industry within the Kiama LGA by working together in:

- 4.1 providing leadership in the ongoing development of local tourism; and
- 4.2 increasing the community awareness of the significance and value of tourism; and
- 4.3 providing clear communication to the tourism industry with respect to tourism activities and offering support to all tourism operators in the Kiama LGA; and

- 4.4 identifying and harvesting appropriate innovation and opportunities to provide resilience for the future of tourism in the Kiama LGA.

5. Strategic Context

The parties to this MOU will seek to work collaboratively to support:

- 5.1 Council's Community Strategic Plan and Delivery Program, and

- 5.2 Kiama Tourism Destination Plan

in respect of agreed goals and objectives.

6. MOU Program

Broadly, the aim of this MOU is to encourage high yielding visitation through the provision of visitor information services, promotion of the Kiama LGA as a key tourist destination and local product and tourism industry development.

7. Intentions of the Council

- 7.1 To consult Kiama Tourism on planned activity that is likely to have an effect on tourism for each financial year. This to be given due consideration within normal budget planning processes;

- 7.2 To provide the following funding to Kiama Tourism:

Non Special Rate Funding

Rental Subsidy - \$59,500

Kendall's Beach Holiday Park - \$30,000

Commercial Contribution

Council advertising in Kiama Visitors Guide - \$12,000 Council Membership Fees - \$2,310

Special Rate

\$60,000 (\$157,000 redirected to Council's strategic tourism and marketing).

An ongoing review is to be conducted as indicated in clause 3.

- 7.3 To appoint directors to the Board of Kiama Tourism in accordance with the Constitution of Kiama Tourism;

- 7.4 To respond in a timely manner to tourism issues raised by Kiama Tourism or by tourism operators.

- 7.5 To actively support the development and implementation of regional tourism strategies by involvement with State and regional organisations.

8. Role of Council

- 8.1 To employ a Strategic Tourism/Marketing Manager to develop a strategic plan for, and to market and promote, the Kiama LGA within an allocated budget part funded from the Special Rate Levy and Council's own funds; and
- 8.2 To undertake strategic marketing of the Kiama LGA including formulating the marketing strategy for tourism of the Council and preparing an annual marketing and action plan with input from the local tourism sector and key stakeholders; and
- 8.3 To continue to develop, provide, maintain and improve public infrastructure within allocated budget; and
- 8.4 To provide expertise and advice for initiatives, projects and general operation; and
- 8.5 To meet regularly, as agreed, with Kiama Tourism both at an operational and at an executive level; and
- 8.6 To monitor the operation of this MOU during its term and undertake a formal review after six (6) months and twelve (12) months and then annually thereafter; and
- 8.7 To work together with Kiama Tourism on agreed projects and programs; and
- 8.8 To represent the Kiama LGA at relevant tourism industry events; and
- 8.9 To liaise with the tourism industry, tourism organisations and all tiers of government in relation to destination development and management, marketing, promotion and funding; and
- 8.10 To provide a primary link from Council's home page to Kiama Tourism and other relevant links from Council's website to the Kiama Tourism website.

9. Obligations of Kiama Tourism

- 9.1 To provide Council with a copy of its Annual Report and Financial Statements including information relating to achievement and performance. Furthermore to be available to make presentations to Council when required; and
- 9.2 To appropriately account for public funds provided by Council; and
- 9.3 To actively support the development and implementation of regional tourism strategies by involvement with State and regional organisations; and
- 9.4 To maintain a Code of Conduct and carry out due diligence for its Board, Officers, employees and contractors; and
- 9.5 To provide an annual presentation on tourism activities to Councillors.

10. Role of Kiama Tourism

- 10.1 To employ a Tourism Operations Manager to manage and operate the Kiama Visitors Information Centre, 363 days a year from 9am to 5pm (or as mutually agreed) in accordance with the accredited guidelines and to maintain at least Level Two (2) accreditation status of the Centre; and
- 10.2 To maintain an accommodation booking service; and
- 10.3 To operate a comprehensive website which provides a link to the Council website; and
- 10.4 To accurately co-ordinate and continually update a calendar of business and community events on the Kiama Tourism website, with input from the Council; and
- 10.5 To encourage sustainable high visitation levels to the Kiama LGA; and
- 10.6 To act as a promoter of the Kiama LGA as a great place to visit and to meet and fulfil the expectations of visitors to the Kiama LGA; and
- 10.7 To work actively and collaboratively with Council to ensure the best provision of public visitor services such as information and amenities; and
- 10.8 To assist Council in regular and periodic research into the tourism experience and consult with Council on the results as requested in a timely manner; and
- 10.9 To suggest on a continuing basis the fostering by Council of policies and instruments which facilitate the successful development and operation of tourism; and
- 10.10 To work with local businesses and Council in conducting tourism industry development activities, networking and familiarisation tours; and
- 10.11 To develop timely and regular promotional and media material, including a visitor's guide, with input from Council; and
- 10.12 To promote the value of tourism to the wider community in conjunction with Council; and
- 10.13 To meet regularly, as agreed, with Council at both an operational and executive level; and
- 10.14 To work actively and collaboratively with Council on agreed projects and programs.

11. Termination

- 11.1 Unless already terminated by a party this MOU terminates on 2018 (the Anticipated Termination Date).
- 11.2 Normally a party will not terminate this MOU before the Anticipated Termination Date on any day other than a six (6) monthly or annual review date.

11.3 Normally a party intending to terminate this MOU earlier than the Anticipated Termination Date will give the other party at least 3 months written notice of intention to terminate this MOU.

11.4 The parties may extend the operation of this MOU beyond the Anticipated Termination Date by mutual agreement and would normally record that extension by a written variation to this MOU executed on behalf of the Council by its General Manager or other authorised delegate of the Council and executed by Kiama Tourism by two of its directors or one director and its secretary.

12. Management

12.1 The parties intend that Council's Strategic Tourism/Marketing Manager will meet with Kiama Tourism's Tourism Operations Manager at least monthly and more frequently as necessary to implement the objectives of this MOU and to ensure the cooperative and collaborative performance of the roles and obligations of the respective parties in a harmonious and productive manner.

12.2 Meetings will be held between Council and Kiama Tourism as set out in the MOU but also as required between the Council's Mayor and General Manager and the Chairman of Kiama Tourism to ensure that the objectives of this MOU are being met and that if necessary corrective action can be undertaken.

13. Alternative Dispute Resolution

13.1 If there are any disagreements between the parties not resolved by the management processes outlined in clause 12 the parties undertake to resolve any disputes by alternative dispute resolution techniques rather than terminating this MOU.

13.2 Nothing in this clause prevents a party from terminating this MOU without notice and without resorting to or without completing alternative dispute resolution or from taking any other action if that party considers that the circumstances warrant this.

14. Kiama Tourism Marketing Collateral

14.1 Ownership of the intangible assets listed in Appendix A (the Marketing Collateral) remains with Kiama Tourism.

14.2 Subject to the prior approval of Kiama Tourism, the Council may make use of the Marketing Collateral. Normally approval will be given by Kiama Tourism's Tourism Operations Manager.

Appendix A

Kiama Tourism Marketing Collateral

Item 11.6

Enclosure 1

Execution page

Signed on behalf of The Council of the Municipality of Kiama by its authorised officer in the presence of:

Witness signature

Signature

Name (print)

Name (print)

Occupation (print)

Position Held

Signed on behalf of Kiama District Tourist Commerce & Industrial Association Limited ACN 003 123 279 by:

Signature

Signature

Name (print)

Name (print)

Director/Secretary (please amend)

Director/Secretary (please amend)

Company Name:

Kiama District Tourist Commerce Industrial Association Ltd Trading as Kiama Visitors Centre

ASIC Registered Business Names:

Destination Kiama
Visit Kiama
Kiama Tourism
Kiama Visitors Centre

Domain Names:

www.kiama.com.au
www.kiamatourism.com.au
www.kiamatourism.net.au
www.tourismkiama.com.au
www.tourismkiama.net.au
www.destinationkiama.com.au

Logo:



Banners:

We have 3 pull up marketing banners, one co-flute and one material banner

Print Media & Stationary:

All of our stationary is logoed with the Kiama Tourism logo, including letter head, envelopes, business cards, name badges, email signatures, membership stickers, Visitor Guides, "Lets Eat" Dining Guides, Kiama Coast Walk Brochures, Craigie's Tear Off Maps.

Bookeasy:

Bookeasy is the reservation system linked to our kiama.com.au website. All correspondence sent is detailed with Kiama Tourism information.

Memorabilia:

We own several South Coast Regional Tourism Awards and was inducted into the Hall of Fame in 2013.



INVESTMENT POLICY



Investment Policy

Objectives

The purpose of this policy is to provide a framework for the investing of Kiama Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.
- Notwithstanding the preceding objectives, investment consideration is encouraged in local or regional community enterprises that foster the local and regional economy and in particular enterprises that are community based cooperatives.

Legislative Requirements

All investments are to comply with the following:

- *Local Government Act 1993;*
- *Local Government (General) Regulation 2005;*
- *Ministerial Investment Order;*
- *Local Government Code of Accounting Practice and Financial Reporting,;*
- *Australian Accounting Standards; and*
- *Office of Local Government Circulars.*

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy. Officer's delegated authority to manage

Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager. Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

All investments must be denominated in Australian Dollars. Authorised new investments as from 12 January 2011 are limited to the following, as per the attached Ministerial Investment Order.

- Any public funds or securities issued by or guaranteed by, the Commonwealth, any State or the Commonwealth or a Territory
- Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW))
- Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI) (as defined in the Banking Act 1959(Cwth)), but excluding subordinated debt obligations
- Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit taking institution by the Australian Prudential Regulation Authority
- A deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass Investment Facility of the New South Wales Treasury Corporation

Council officers making decisions on investments should take all reasonable care to ensure that such investments are not made with companies whose activities would bring Council into disrepute or would conflict with its proclaimed policies on health, sustainability and ethical governance.

Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio’s total value (considering the time value of money);
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a council has invested in fails to pay the interest and or repay the principal of an investment;
- Market Risk - the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk - the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity Risk - the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

Investment portfolio parameters are risk-management tools used to manage credit risk by diversifying the portfolio to avoid a narrow concentration of investments. Investment credit risk parameters are based on credit rating bands as published by the credit rating agencies (eg. S&P, Moody’s, Fitch).

Council will use Standard and Poors (S&P) long term credit ratings (or Moodys or Fitch equivalents). The S&P ratings are broadly defined as follows:

Rating	Description	Max % of total investment portfolio
AAA	Extremely strong capacity to repay	100%
AA+, AA, AA-	A very strong capacity to repay	100%
A+, A, A-	A strong capacity to repay	100%
BBB+, BBB, BBB-	Adequate protection and adequate capacity to pay	40%
	Less vulnerable to non payment however	

Kiama Municipal Council
Investment Policy
Adopted by Council: 15/5/2012 CR113
Revised: January 2015
Next Review: January 2016
Policy File: SC556

BB+, BB, BB-	adverse economic conditions could lead to inadequate capacity to meet financial obligations	0%
CCC	Vulnerable to non payment and required positive economic conditions to meet its financial obligations	0%

• **Direct Investments**

Council’s direct investments will be with Authorised Deposit-taking Institutions as authorised by the Australian Prudential Regulation Authority.

○ **Term to Maturity Framework**

The investment portfolio is to be invested with the following term to maturity constraints:

Overall Portfolio Term to Maturity Limits	
	Maximum %
Portfolio % < 1 year	100%
Portfolio % > 1 year < 3 years	30%
Portfolio % > 3 years < 5 years	30%
Portfolio % > 5 years	10%

○ **Accounting For Premiums and Discounts**

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in line with relevant Australian Accounting Standards.

Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council’s behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments
- Adequate documentation is provided, verifying the existence of the investments
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems
- The Institution or Custodian recording and holding the assets will be:
 - Austraclear or,
 - An institution with an investment grade issued by Standards and Poor’s or Moody’s rating or,
 - An institution with adequate insurance, including professional indemnity insurance and other insurance considered prudent and appropriate to cover its liabilities under any agreement.

Investment Advisor

Kiama Council’s investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Measurement

As Kiama Council continues to hold grandfathered investments such as Collateralised Debt Obligations (CDOs), the investment returns for the portfolio is to be regularly reviewed by an independent financial advisor by assessing the market value of the portfolio. The market value is to be assessed at least once a month to coincide with monthly reporting.

Benchmarking

Performance benchmarks need to be established and should be based on sound and consistent methodology.

Investment	Performance Benchmark
Investment Portfolio Return	AFMA BBSW Rate: Average Mid - 90 day

Reporting and Reviewing of Investments

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council’s behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council’s financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

The General Manager shall establish a system of internal controls governing the administration and management of Council’s investment portfolio, which shall be

reviewed annually by the Independent External Auditor to Council. The controls shall be designed to prevent and control losses of Council assets arising from fraud, error, misrepresentation, unanticipated market changes, conflicts of interest or imprudent actions.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of that Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution

Attachments

Local Government Act 1993 – Investment Order dated 12 January 2011.

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011
Hon BARBARA PERRY MP
Minister for Local Government

Minnamurra Progress Association
Minutes of 7 October 2014

Present

Cliff Mason
Graeme Collinson Smith
Ray Smith
Ian Dodsworth

Norma Gore
David Probert
Rae McClymont
Carl Ellefsen
Cedric Miller

9 Present

Apologies

Glenda Foster
Bruce Cole
Wendy Hooper

John Le Bas
Kath Le Bas

President Cliff opened the meeting at 7.34pm and welcomed everyone. The apologies were accepted, moved Norma Gore seconded Ray Smith. Carried.

In the absence of John Le Bas, Carl Ellefsen kindly offered to take the Minutes.

Minutes

The minutes of 2nd September meeting had been distributed at the meeting and taken as read. Moved David Probert seconded Rae McClymont that they be accepted. Carried.

Matters Arising from the Minutes

There was no business arising.

Correspondence

Inward: Letter received by David from NSW Department of Fair Trading inviting attendance at a free Incorporated Associations Information Seminar to be held at 1pm 29th October at Kiama Leagues Club. Pres Cliff noted that a new national set of rules has been adopted for Co-operatives.

Outward: Letter of thanks (and copy of Minutes) sent to Josephine St John (KMC) for her talk on the new Kitchen Waste program starting 4th November. Condolence card sent by Norma to the family of Norm Wade who passed away last month.

Moved Ray Smith seconded Norma Gore that correspondence in be received and out endorsed. Carried.

Treasurers Report

Glenda prepared a report for presentation in her absence. Details are attached to the Minute Book. Since the last report on 5th August, there has been income of \$244.30 being 3 family and 1 single membership, raffles \$31.30 & \$200 from Ladies Auxiliary as contribution toward payment of \$400 to Minnamurra Public School for Progress Hall usage and public liability insurance (school policy). The balance at 7/10/14 is \$718.95 plus \$1100 term deposit. Moved Ian Dodsworth seconded Cedric Miller. Carried.

General Business

1. Cliff tabled the Insurance/Rental agreement between Progress and the Minnamurra Public School. The school confirms that this covers Progress for Public Liability insurance whilst using the Progress Hall.
2. Cliff noted the recent Federal Government grant of \$28,435 to Killalea State Park to be used to develop a business plan for the park nursery to help it become a self-

P1

Item 15.2

Enclosure 1

sustainable operation employing members of the Shellharbour Aboriginal Community Youth Association.

3. It was reported that the Wollongong Radio Doctor service has now extended its operation to include Minnamurra and Kiama. This will provide out of hours home visits (bulk billed) to our area and exchange of patient records with your family doctor.
4. Norma Gore provided a list of activities she performs on behalf of Progress, in the event that she was unable to continue doing these things:
 - a. Advises the school Office Manager of the following years' Progress and Auxiliary hall use bookings (she does this each year in December prior to the end of the school year),
 - b. Places meeting dates on the Notice Board inside Hall. If special meetings are called, these must be notified (booked) with the school in advance,
 - c. About 2nd week August, make an appointment with Headmaster to sign a new Community Use Agreement on behalf of Progress and Ladies Auxiliary,
 - d. Noted that the grey steel filing cabinet in back room contains some Progress Association files placed by Secretary and past Treasurer, Gordon Grellman. Cliff & Graeme C-S will go through Graeme's files and store any historical items in this cabinet.
 - e. Progress also has a locked cupboard in rear room holding prizes and gift books and locked wall cupboards above kitchen sink and cupboards,
 - f. Norma has two keys for these cabinets and cupboards and signs for a set of keys to the Progress Hall and outside security gate (from the school).
5. New shrubs have been planted by KMC between the railway line and the path at the rear of the school and mulch laid down. Recommended we send a letter of thanks to KMC for this work.
6. James Oates Reserve playground equipment for children has partly been "fenced off" for some time due to damage. We should ask Council if it is going to be repaired soon and re-opened for children?

Raffle

The raffle was drawn and won by Ray Smith. New prizes are requested.

Future Speakers

It was agreed that Warren Gross, Principal of Minnamurra Public School be invited to the next meeting. {Warren has since confirmed his willingness to speak at the next meeting}.

The meeting closed at about 8.45pm for supper.

Next Meeting – 7.30 pm 4th November 2014

Minnamurra Progress Association
Minutes of 4 November 2014

Present

Cliff Mason
Graeme Collinson Smith
Ian Dodsworth
John Le Bas
Kath Le Bas

Warren Grosse (Principal MPS)
Wendy Hooper
Carl Ellefsen
Norma Gore
Rae McClymont

10 Present

Apologies

David Probert
Bruce Cole
Ray Smith

Cederic Miller
Pat Phelan
Mark Honey
Viki Steele

President Cliff opened the meeting and welcomed everyone. The apologies were accepted, moved Norma Gore seconded Kath Le Bas. Carried.

Minutes

The minutes of 7 October meeting had been distributed at the meeting and taken as read. Moved Ian Dodsworth seconded Graeme Collinson Smith that they be accepted. Carried.

Matters Arising from the Minutes

Mainly deferred because of presentation by Warren Grosse.

Correspondence

Inward: Not raised this meeting due to oversight (OK Dec Meeting)

Letter from Council regarding Mayors Giving Tree. Gifts by members not to be wrapped and must be delivered to Council Chambers by Thur 11 Dec under the Giving Tree.

Pursue at meeting of 2 Dec for gift from Progress.

Outward: Condolence card sent by Norma to Pat Phelan whose sister passed away recently.

Treasurers Report

Deferred until next meeting.

Presentation by Warren Grosse Headmaster Minnamurra Public School

Warren, who has been in the teaching profession for 35 years and father of three children and grandchildren.

He opened his presentation with a most illuminating documentary by Corning Glass of USA on the multiple use of modern glasses incorporating controllable liquid crystal displays to act as projection screens to be used in every day communication.

Information to feed this technology seemed largely from swiping the ubiquitous smart phone over a sensitive part of the glass medium. The glass medium can be of the form of just about any flat surface rigid or flexible. E.g. tabletop, notice board or a roll up chart or document. He used this dramatic portrayal to emphasise his theme that what all of us remember of our school days is not quite the same as required for current day activities

Warren regards his profession as an enjoyable privilege as well as a job.

Points

P1

- Instead of a multiple of curricula Australia now has a common one for primary education. It is issued from a central office in Melbourne. This allows comparative studies to be made of the effectiveness of individual schools by the use of periodic universal tests and follow up by moving resources to areas requiring same.

- Discipline among a large number of young children has moved from largely punitive to positive reinforcement and to some extent role model emulation of teachers as examples to children. This goes beyond purely academic matters, and the example of hat wearing outside must be emphasised to children by teachers in outside duties doing what they preach to their children. Warren admitted that once he was caught out in a schoolyard emergency when he raced out hatless much to the obvious disapproval of his pupils.

- There has been much publicity for headmasters being able to fully administer their school in obvious matters such as interrelation with community and school property maintenance. The latter has resulted in i.e. use of local community trades in effecting minor repairs. There seems however some bureaucracy still in payment i.e. 30 day payment instead of immediate. Staff selection on ability rather than seniority remains a vexed question? Teachers are expected like most professions to keep up to date by extension courses and external applied skills eg electronic and computer programming and software courses offered by TAFE as a condition of being able to continue to practice. Also there seems to be some impediment in achieving a schools desire to maximise their the potential of the NBN and fibre connection by being tied through an Education Dept contract with Telstra.

- Safety of children within the school property and on their journey to school is an interrelated task of school administration and parents and the community. Progress accepts its responsibility to inform the school of matters which are highlighted in its meetings and Warren acknowledged and appreciates being advised of matters outside the school by all parties.

The school is in an unfortunate position at delivery and pick up times. (Not a problem for generally old Progress members....(we walked to school in metropolitan areas), but now many (most?) must be driven to and picked up from school. Charles Avenue a narrow and ultimately a dead end street requires inflow and outflow passage on a narrow road and thus a recipe for accidents. Maybe the obvious congestion has fortunately minimised accident occurrence. Warren personally will counsel drivers involved in dangerous drop off and pick up practices. He emphasised that this poor condition is universally recognised but cost of a better system is very high and may not rate highly in the priority list of Departmental and/or Kiama Council Expenditures

- Warren advised that one of the most persistent and continuing problems is schoolyard bullying in all of its manifestations. Instances are dealt with by counselling and modern not physical disciplinary practices but bullying still exists.

- The matter of use of technology now firmly implanted in the education process as emphasised by Warren. However there is no answer for our production of everyday use items such as there was some 20 years ago. We used to produce everything from tacks to ships. Indeed Warren's daughter a highly placed scientist worked on the Australian Cochlear ear implant development in the area of nano batteries using human circulating fluids as the electrolyte.

There is a problem in human sourcing our remaining and rapidly diminishing innovation and manufacturing potential in the light of more efficient and innovative operations demonstrated by India, China, Japan, Korea, USA and Europe. Is this partially due to our educational base or we building on our strengths in the strong agrarian, mining and environmental pursuits?

- Warren tabled a number of guidelines for school operations under the headings:-

P2

Vision Statement

“Engaging individuals that connect them to their world”

Connections

“Innovative individuals equipped to engage in a constantly evolving world”

Cirriculum

“Individuals are given learning opportunities to reach their full potential”

Relationships

Individuals develop attitudes and skills to successfully participate in their society

General Business •

Cliff outlined progress on the Minnamurra Estuary Committee

- Committee meeting of numerous interested parties held
- Draft report for community comment 2015
- Field trip for committee members carried out. Estuary area looked in good condition. Some upper river areas showed erosion due to recent heavy rainfall
- Nominee for Council committee for citizen of the year awards requested in telecom to Sec. Awaiting formal letter which is coming.

Raffle

The raffle was drawn and won by Carl Ellefsen. New prizes are requested.

Future Speakers

Christmas Meeting

Members requested to bring a plate. Sec to emphasise on invite sheets.

The meeting closed at about 8.45pm for supper.

Next Meeting – 7.30 pm 2 December 2014

Minnamurra Progress Association

Minutes of 2 December 2014

Present

Cliff Mason
Graeme Collinson Smith
Ian Dodsworth
John Le Bas
Kath Le Bas
Ray Smith

Wendy Hooper
Carl Ellefsen
Norma Gore
PatPhelan
David Probert
Glenda Foster

12 Present

Apologies

Cederic Miller

Bruce Cole

President Cliff opened the meeting and welcomed everyone. The apologies were accepted, moved Norma Gore seconded Kath Le Bas. Carried.

Minutes

The minutes of 4 November meeting had been distributed at the meeting and taken as read. Moved Ian Dodsworth seconded Graeme Collinson Smith that they be accepted. Carried.

Matters Arising from the Minutes

Nil

Correspondence

Inward:

Letter from Council regarding Mayors Giving Tree. Gifts will not be sent by Progress. Individual gifts encouraged.

Thank you card from Pat Phelan's family re recent bereavement.

Treasurers Report

Shows healthy position with total cash assets of \$1870.95.

General Business

As discussion on general matters had been deferred due to Warren Grosse's talk last meeting this Christmas meeting was devoted to members contribution.

Meeting attendance

• Very favourable comment was made of Warren's talk and his outlining of current educational direction even at primary level to prepare students for the fast evolving digital world. Members commented on the relatively poor attendance of members at this and similarly well prepared ad received topics of current relevance prepared by Warren and several other speakers this year. This is despite our publicising our meetings by flyer each month, home delivered to about 350 homes in Minnamurra. The only meetings that draw capacity crowds are political forums prior to Federal and State Elections and developments that are likely to impinge on the sensitivities of local residents and/or other groups. e.g proposed relocation of Kiama Golf Course to Jamberoo Valley and development of the golf course for high density housing.

P1

The meeting discussion accepted the general thesis that many night time organisations suffered the same lack of support due mainly to TV and other social activities Clubs etc. and maybe the present level is best attainable.

New Recycling Endeavours

It is early days yet but comment was invited on the new bin procedure applying to the Minnamurra area.

- There was some feeling that red bins were more packed than usual. This is not surprising as a two week cycle will obviously create more waste per collection.
- Comment was made on including putrescible and human effluvia in the green compost bin. The former can be frozen up to the day of collection, but the latter?
- As Council will obviously be closely monitoring the progress of this project Progress will be most interested in further development as experience is gained. Demand for compost by residents and charges if any.
- A pessimistic view was evinced that disinterested residents and some visitors over Christmas particularly will regard any bin as a repository for rubbish in general regardless of bin designation.

Slippery Dip Playground James Oates Reserve

- Repair noted by residents with thanks

Tree Growth affecting pavements

- It was noted that tree growth was affecting pavements near 110 Charles and adjacent to 110 Charles

Blocked Drains Roundabouts

- It was noted that with recent and indicated continuing wet weather that blocked drains at roundabouts at Rangoon St and cause local flooding. Maybe after the autumn dry spell some of these drains require attention.

High Insurance Costs Lower Charles Av

- Mention was made of Insurance charges of \$6500 extra pa to cover flooding loss on low areas close to the Minnamurra River. This was due to a flood plain classification assigned presumably by Climate Change Authorities. Is this under review as some reports suggest? Some residents confident that they are beyond any possible flooding ignore or seek lower rate insurance?

Minnamurra Estuary Committee

Cliff outlined progress on the Minnamurra Estuary Committee at previous meeting. No further matters to discuss except an Estuary Committee Member has requested no further planting of Mangroves in the Minnamurra River.

- Committee meeting of numerous interested parties held
- Draft report for community comment 2015
- Field trip for committee members carried out. Estuary area looked in good condition. Some upper river areas showed erosion due to recent heavy rainfall
- Nominee for Council committee for citizen of the year awards requested in telecom to Sec. Awaiting formal letter which is coming.

Raffle

The raffle was drawn by Pat and won by Carl Ellefsen.

The meeting closed at about 8.45pm for Christmas Cheer where Best wishes were exchanged all round

Next Meeting – 7.30 pm 3 February 2014

Speaker Proposed Kiama Tourism Officer

MINUTES OF THE SOUTH PRECINCT Meeting

Held on Thursday 20TH November 2014 at Gerringong Town Hall

Meeting Opened at 7.30pm

Attendance: 38 present with Darrell Clingan in the Chair.

Guest speakers, Michael Andrews (South East Local Land Services) & David Pomery (Illawarra Noxious Weeds Authority). Also presenting was Glen Kolomeitz (ALP candidate for the March State election) .

Apologies: Graham Fairbairn, Robyn Fairbairn, James Doak, Trevor Cuthbertson, Roger Berry, Brian Petschler.

Minutes of the meeting of 16th October 2014 were taken as read and confirmed. Moved Col Sharpe/Geoff Lindsay

The Meeting was informed at this point that the meeting was being taped to enable the acting secretary to compile the minutes.

Business Arising: Nil

Correspondence:

Letter- Kiama Council DA 10.2014.241.1 128 Belinda St GERRINGONG
Mixed Development 5 Shops 8 Professional Suites 29 Residential Units .

Council Papers:

Minutes of the meeting 18th November 2014

Not Read

Reports: Fulton Hogan.

Representatives Karen Williams & Carla Brookes briefed members of proposed changes to the Highway in particular, the opening of part of the new southern lane into Fern Street. An invitation was extended to the community to participate in walking across the new bridge on the 13th Dec 2014 before it is opened to traffic, the event will take place between 9am- 12pm with the local service clubs providing food and water.

Publicity Officer: Wayne Wells

During the past 6 months Precinct has been working through the original Precinct Operation guidelines which were produced 23 years ago when Council first established Precincts. South Precinct hopes by 2015 to have updated draft document to present to Council for their consideration and comment.

Neighbourhood Watch:

No Report

Presentation by Glen Kolomeitz (ALP candidate 2015 State Election)

Glen gave the forum an insight into his working life having been an Army officer, Police officer with degrees in both criminology and Law, he is a local resident of Gerroa and a father of two.

Glen outlined his policy platform for the election, issues were, Transport, Education, Policing, Health, Marine Parkes and local issues included Flooding of Fern St. Potential additional Sand mining at Gerroa, southern boundary of Gerringong and the introduction of possible cardiac exercising parks. Glen answered questions from the floor, on conclusion was thanked by the chair for his presentation.

Guest Speakers:

Michael Andrews (SELLS) & David Pomery (IDNWA)

Michael and David used a power point presentation to outline 10 very invasive noxious weeds , some of which have been found in the Kiama LGA, funding for work in this area is shared between State and Federal departments and appears to be restricted. The 10 noxious weeds being,1) Cats Claw Creeper 2)Salvinia 3)Glory Lily. 4)Sea Surge. 5)Mysore Thorn. 6)Pampas Lilly. 7)Holly Leaved Senecio. 8) Bonedseed. 9)Chilean Needle Grass. 10)Spiny Burr Grass. The presentation showed the appearance and growing habits of the weeds, both men stressed the importance to the members, to be vigilant regarding plants they have not seen before, they also requested that community members should not dump garden waste in bush settings as this could contribute to the problem.

Questions from the floor were answered and the presentation from both Michael and David was very well received.

One question from the floor which was raised :

“ To ask Gareth Ward if he might support a community push to have some Federal Government “ Green Army “ work to remove existing and extensive weed infestation in the area. “

General Business:

DA 10.2014.241.1

128 Belinda Street GERRINGONG.

The above DA was discussed at length, concerns were raised with the development, mainly the width of Belinda St in that area, with vehicles parked on both the north and south sides of the street a very dangerous squeeze point develops with only one (1) vehicle able to proceed in safety.

The other matter of concern was because of the size and scale of the proposed development, how was the builder to accommodate, materials, machinery and removal of excavation soil because of Belinda Streets narrowness if approved

ACTION: Chair to advise Council of concerns.

Alma Macpherson: requesting members to sign petition regarding sale of community land.

Next Meeting: Thursday 18th December at 7 GERRINGONG Town Hall 7.30pm meeting closed at 9.35pm

Darrell Clingan Chairperson

Irene Clingan Acting Secretary

MINUTES OF THE SOUTH PRECINCT Meeting
held on Thursday 18 December 2014 at Gerringong Town Hall

Meeting Opened at 7.32pm

Attendance 29 present with Darrell Clingan in the Chair. Gareth Ward, MLA for Kiama was welcomed to the meeting

Apologies: James Doak, Cecily Hewitt, Roger Berry, Pat Dunn, Carla Brookes

Minutes of the meeting of 20 November 2014 were taken as read and confirmed.

Moved Colin Sharp/ Bill Popple.

Correction to October minutes -

Business Arising: Nil

Guest Speaker: Gareth Ward, Member for Kiama, spoke to the meeting and answered questions from the floor. The following matters of interest were addressed.

- Coal Seam Gas – the revocation of Licence 469 was noted
- The visit of the Governor, General David Hurley on 12 December
- Highway Upgrade – the Omega Bridge walk on 13 December
 - Berry/Foxground bypass construction work commencing in January
 - Nowra Bridge and Albion Park Rail bypass planning

- Wollongong Hospital upgrade – Elective Surgery Unit and car parking
 - Shoalhaven Cancer Care Facility now operational
 - Shellharbour Hospital – petition for upgrade
 - Ambulance Station for Berry

- Transport - 4.24pm train from Sydney to Nowra – 4 extra carriages provided
- Health Care –
- Southern boundary of Gerringong – decisions should be made by councils in consultation with local communities
- Election March 2015. Electronic voting will be available as an option.

Questions were asked about

- the Opal Card
- weed infestation – suggested Green Army be used, Approach Ann Sudmalis directly
- Tree lost at Gerroa under 10/50 rule. A review of the changed laws is under way.

Correspondence:

- To Council re DA For 128 Belinda St request that it be referred to Traffic Committee.

- Email to David Pomery and Andrew - thanks for their presentation to November meeting

Council Papers:

Minutes of the meeting 1 November 2014

Access to Seven Mile Beach for professional fishermen

Fraud at Seven Mile Beach Holiday Park

Outdoor Movies

DAs – 18 Belinda St Gerringong Old milk factory proposed use as a distillery
Question – Who are the owners of the building?

Neighbourhood Watch
commercial premises,

68 Traffic offences in November, break and enters into

General Business

Howard Jones proposed a motion in relation to the southern boundary of Gerringong -
The South Precinct requests that:

1. The definition of the southern boundary of Gerringong be the current limit of residentially zoned land as set out in the Kiama LEP2011
2. The remaining rural zoned land between Gerringong and Gerroa be removed from the Illawarra Urban Development Program.
3. The Department of Planning and the Department of Primary Industries conduct a detailed mapping of rural land throughout the Illawarra region to identify which land should be preserved for food and fibre production. The mapping should not be restricted to State significant land but should also recognise the value of protecting agricultural land important at a regional and local level.
4. The Department Planning take serious account of the impact on farming and the tourism industry of having rural land in Kiama labelled as a “residential land bank” rather than as land dedicated to food and fibre production.
5. The Department of Planning permanently protect the land south of the caravan park and adjacent to Seven Mile Beach that is home to 6 endangered communities and associated biodiversity.
6. The Department of Planning discards the use of “biodiversity offsets” when irreplaceable assets are threatened with destruction and acknowledge that these special areas help to define the very nature of the Kiama LGA and the Illawarra.

Seconded Susan Griffiths Carried without dissent

Copies to be sent to Department of Planning , Kiama Council, Gareth Ward, Glen Kolomeitz and Terry Barrett.

Petition organised by Debra Moore

Write to Anne Sudmalis re Green Army and weed eradication

Alma Macpherson re petition on land proposed for reclassification

Trevor Cuthbertson reported re finances – balance of \$18.47 Suggested that we ask Council for contribution towards our expenses. Meeting to be held with Michael Forsyth in February

Publicity Officer: Wayne Wells

Precinct Guidelines Copies of the Draft update were distributed and progress reported. . Members were asked to look at draft in preparation for discussion in February particularly in relation to the Definition of Precincts and the Preamble proposed.

The meeting closed at 9.10pm

Next Meeting: Thursday 19 February 2015 at Gerringong Town Hall 7.30pm

Darrell Clingan Chairperson

Graham Fairbairn Secretary

Item 0.0 - 2015 Twilight Jazz and Blues in the Park

1 - Letter from Kiama Jazz & Blues Club

Date Recd

21 DEC 2014

Kiama Municipal Council

COPY

Kiama Jazz & Blues Club
PO Box 333 Kiama 2533
kiamajazz.com
kiamajazz@hotmail.com



December 22, 2014

Michael Forstyth
General Manager
Kiama Municipal Council

Dear Michael

A short note from the Kiama Jazz & Blues Club to say thank you to Kiama Council for generous support given towards our upcoming events ie the Twilight Jazz & Blues in Hindmarsh Park in January and the Kiama Jazz & Blues Festival in March.

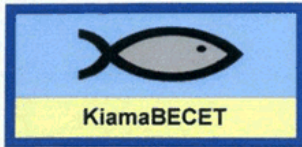
We are most appreciative of your continuing sponsorship and wish you and yours, a very happy Christmas and New Year.

Hoping you can take some time out with your families & friends and come along to Hindmarsh Park at 6pm on Thursday January 8 to enjoy a glorious summer evening and some very fine jazz & blues.

Its byo picnic and banana lounge, although this time we will have a few food stalls too (to give the cook a night off!)

Best regards

Kiama Jazz & Blues Club committee
& Kiama Jazz & Blues Festival committee.



Kiama Board for Employing Christian Education Teachers Inc.
PO Box 63
Kiama, NSW 2533
ABN 41 433 434 875

The General Manager
Kiama Municipal Council
Manning Street
Kiama NSW 2533

Attention: Ms Clare Rogers

Clare,

On behalf of the Board, which administers the Shine Program for Year 8 girls at Kiama High School, please pass on our appreciation for the donation of \$250 from Council to help purchase teaching and display materials needed for running the program.

Council's support for the program, which has been operating two years under the auspices of the school's welfare officer, is a great encouragement for the volunteers who interact with the girls on a weekly basis for three of the four terms a year.

A receipt is attached.

Yours Sincerely,

A handwritten signature in blue ink that reads "Alan Hansell".

Alan Hansell
Honorary Treasurer and Public Officer
Phone 42332291
c/c Gai Delavere

CASH RECEIPT DATE 17-12-14

RECEIVED FROM Kiama Municipal Council

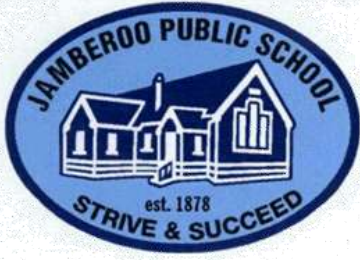
A.B.N./GST No. (Of Supplier)

THE SUM OF Two hundred and fifty
dollars

BEING FOR Contribution for Shire
Program - Teachers and
display materials

Kiama Board for Employing C
Education Teachers Inc

TOTAL	GST	TOTAL INC GST	SIGNATURE
		<u>250</u>	<u>ABN 41 433 434 875 (use for ta</u>



Jamberoo Public School

**CERTIFICATE OF
APPRECIATION**
to
Kiama Council
2014

On behalf of Jamberoo Public School we would like to show our appreciation for the financial support you have given to the school this year, and in particular to the school gardening club.



Justine Doorn-McCormack

Suzanne Hammond-Warne

Gardening Club Teacher

Principal

Item 15.17

Enclosure 2



PO Box 275, KIAMA NSW 2533
E: executive@kiamachamber.com.au
ABN: 33 384 396 711

24th November, 2014

Mr. C. Quigley
Director, Corporate & Commercial Services,
Kiama Municipal Council,
PO Box 75,
KIAMA NSW 2533

Dear Sir,

RE: JOB BOARD FOR KIAMA LGA

Reference is made to your letter dated 28th October, 2014 regarding the introduction of a Community Job Board for vacancies in the Kiama LGA.

The Kiama & District Chamber of Commerce is representative of not only its members, but to all Business operators in the LGA. Two years ago the Chamber agreed to start a Job listing agency on its website (job board), where school leavers and others could place their job interest on our website and employers could advertise their job needs at the same place. We saw that as a win-win situation. It was only after much discussion that the Board rescinded that decision for a variety of reasons.

The Chamber sought advice and it was determined that the Chamber could be held responsible for any connections that could be made by potential employers: in short we would not know who was making contact through our site and would not be able to control the safety risks that could come from such connections.

In addition the Chamber decided to not go ahead, as previously indicated, as Chamber is representative of ALL Business operators in the LGA. There are currently two employment service providers in the town, Sureway Employment & Training and Campbell Page Employment. It would not be fair and moral for the Chamber to act in competition of those Business operators that support us and we in turn represent. We do not want to be in opposition to any Business in our LGA.

The Kiama and District chamber of Commerce does not support Councils creation of a job board. This will have a direct impact on the local job service providers in our LGA. Both Campbell Page and Sureway Employment & Training are themselves employers and ratepayers in our LGA and Council should not be duplicating the services they provide.

Thank you for the opportunity to respond with our concerns.

Yours faithfully,

Marie Beikmanis
President, Kiama & District Chamber of Commerce

Email: executive@kiamachamber.com.au Website: www.kiamachamber.com.au



JANUARY 2015

Managing Director Newsletter



Six Months in Review

I am pleased to report that Southern Phone has continued to generate solid profit outcomes for the first half of this year.

In a very competitive environment, particularly in mobile and internet services, we have been able to maintain our market share. At the same time, a very strong focus on costs in the business has helped keep our profit performance intact.

I am also very proud of the fact that Southern Phone is once again being recognised by Roy Morgan Research as the winner of its '2014 Home Phone Provider of the Year' Customer Satisfaction Award. We have won this award now for two years in a row. This type of recognition keeps all our team determined to provide the very best customer experience and I am grateful to the whole team for their efforts.

As we look forward to the next 6 months, we see continued pressure on our current marketshare from competitors like Telstra, Optus and iiNet. The management team are working on a number of strategies to keep the business growing and in sound financial shape.

One of the most important strategies involves YOU, our shareholder councils. Without exception there is great opportunity for increased market share within your shire. We will be looking for your support and engagement in the following months to make sure we maximise the opportunity for us both.

Already a number of you have indicated that you will significantly increase the business conducted between your council and Southern Phone. For the first time ever, we can now offer you very competitive rates for mobile and fixed line services. Of greater importance will be the chance to jointly market Southern Phone products and services to your customers.

Increases in Southern Phone market share in your council area have the potential to lift your share of the profit dividend pool at the end of the 2014/15 financial year.

A handwritten signature in black ink, appearing to read 'Mark Warren'.

Mark Warren
Managing Director



Item 15.20

Enclosure 1

Managing Director Newsletter

Southern Phone Grants Scheme



From left: Southern Phone Company Managing Director, Mark Warren, Snowy River Mayor, Councillor John Cahill and the Governor of NSW, General David Hurley at the Jindabyne 50th Anniversary Civic Reception

As expected, the launch of the \$1 million dollar Southern Phone Grants Scheme has kept us all very busy.

We received applications for funding from 37 of our shareholder councils and just under 200 community groups and projects received funding approval.

We will be reviewing the Grant Scheme guidelines shortly in preparation for the next round of grants at the end of 2015. We will also be sure to give you more time with the application process in 2015. It is very important that both the council and Southern Phone generate positive community engagement and due recognition for the funds provided by the Scheme.

We are ready to support you as the funds provided are spent and the community benefits from the promises made by the project. Please call me to discuss joint opportunities for press coverage and relevant community events.

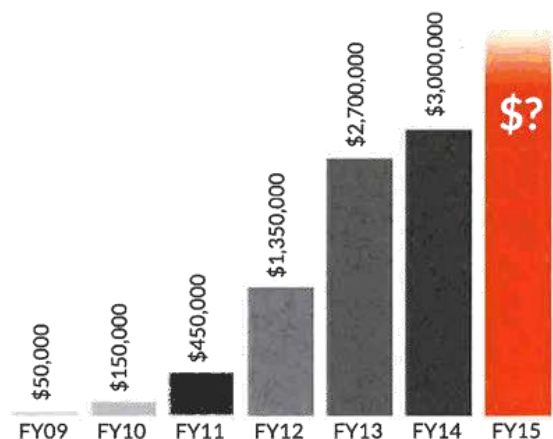
Your Council's Performance

Your council's share of the annual Southern Phone dividend is largely determined by the contribution made by your community to the pool of Southern Phone revenues generated by its shareholders. The summary below details your council's contribution to this pool in 2013-14 compared with its contribution in the second quarter of 2014-15.

Kiama Municipal Council Summary

- **2.36%** share of full year 2013-14 revenue pool
- **2.20%** share of second quarter 2014-15 revenue pool
- **6.71%** decrease in revenue pool share for second quarter 2014-15
- **2013/14 Ranking:** 9/41
- **Current Ranking:** 10/41

Dividends Paid



Next Steps

The team at Southern Phone have many strategies to enhance your ability to grow both your share of the dividend pool and the actual size of the dividend pool itself. If you would like to continue to grow your dividend, please call me to arrange a discussion between our organisations.

A stronger Southern Phone ensures greater benefits to you as a shareholder.

Ocean Lifeguard season report 2014/2015

Kiama Municipal Council Ocean Lifeguard Service statistics and summary report

Peak season report
20 December 2014 - 26 January 2015

Andrew Mole, Supervising Beach Lifeguard



About this report

This report contains all statistics and notable information relating to Kiama Municipal Council's Ocean Lifeguard Service operations across the peak summer period at seven beaches within the Kiama Municipality. This report does not contain any information or statistics from Lifesaving Operations from the three Surf Life Saving Clubs operating in the Kiama LGA.

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

General summary of season

Kiama Council Lifeguard Service saw out another successful peak season, lifeguards were extremely busy again during the two weeks over the Christmas period and the weeks that followed. This year we experienced relatively moderate sea conditions, this in turn reducing the amount of rescues that the lifeguards normally perform during that period. However one area where we did see an increase in was the amount of non-water related incidents that lifeguards attended to on our beach reserves.

Another concern for lifeguards was the high number of swimmers who still refuse to swim at patrolled beaches. A high number of rescues was performed at the southern end of Bombo Beach this season. Not only were these rescues carried out by lifeguards but a few were even carried out by members of public who happened to be at the right place at the right time. A summary of incidents that occurred during this period is included in this report.

Once again the council lifeguards liaised and worked well with other emergency services during major incidents this summer, demonstrating their abilities, skills and experience in dealing with a wide scope of emergency situations. In the near future our Lifeguard Service will be conducting training with the NSWAS, where we will be looking at ways of increasing response time and advancing the emergency care we can give to patients on scene.

Peak summer period statistics summary

20 December 2014 to 26 January 2015

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Surf	13627	27930	41307	12	5	4	464	132	128
Bombo	11925	16485	28410	15	5	3	290	55	111
Jones	3136	4435	7671	1	4	1	116	41	93
Kendall's	11545	16219	27795	11	15	2	174	41	83
East's	25498	29297	54345	7	15	0	165	73	72
Werri	5835	8636	14371	7	3	0	234	99	65
Gerroa	18050	28980	46840	4	25	3	279	94	125
Totals	89616	131982	220739	57	72	13	1722	535	677

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

Surf Beach summary

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Surf	13627	27930	41307	12	5	4	464	132	128

29 December 2014

Young child hurt neck whilst bodysurfing in flags in front of the Surf Club. Came up to the senior lifeguard on duty and complained of neck discomfort, at the time the other lifeguard on duty was attending to a rescue and came in to assist the senior lifeguard. The senior lifeguard then located the child's parents as the injured person was a minor. Lifeguards advised further medical treatment in the form of an ambulance being required and a neck collar to be applied, but the parents declined. Due to the nature of the injury the senior lifeguard advised the parents to seek further medical attention and at least take their child to the local medical centre across the road. Kiama 1 (Council Lifeguard Supervisor) later that day called into the local medical practice and he was informed that the parents again refused further medical treatment from the doctors at the practice which was very concerning.

2 January 2015

Two men approximately 20 and 45 years of age got stuck in a rip at the southern end of Bombo Beach. Lifeguards at Surf Beach were notified by 13Surf and the Bombo lifeguard was immediately deployed as well as Kiama2 (Lifeguard Personal Water Craft) from Surf Beach. Upon arrival a surfer who had been surfing at the Southern end of Bombo Beach was able to assist in rescuing the two men, once again another incident at South Bombo where the public has easy access to the beach.

At 5.30pm a member of public reported a sighting of a shark at Kendall's beach, lifeguards at both Surf Beach and Kendalls Beach closed the beaches until the end of operations that day.

8 January 2015

Beaches closed at both Surf and Kendalls due to a possible shark sighting, Kiama2 was deployed to find the shark. Nothing sighted and both beaches reopened one hour later.

13 January 2015

At 12.19pm received a call from South Coast 10 (SLS Duty Officer) that there was a possible CPR in progress at the northern end of Mystics Beach, 13Surf then notified Kiama1

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

approximately one minute later. Kiama2 was then despatched with both Kiama1 and the senior lifeguard from Surf Beach and a de-fib unit on board. Kiama2 arrived on scene approximately eight minutes after the initial call. NSWAS and NSWPF were on scene and CPR was in progress. The man was approximately 49 years of age and was pronounced deceased on scene. Kiama 2 and IRB from Kiama Downs then returned to their location.

Bombo Beach summary



Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Bombo	11925	16485	28410	15 South End	5	3	290	55	111

2 January 2015

See Surf Beach incident.

3 January 2015

Two mass rescues performed throughout the day at the southern end of the beach by the lifeguards on duty at the northern end. Flags at the northern end had to be dropped on one occasion due to six swimmers being in difficulty at the southern end of the beach. During this time a member of the public then made a complaint that there were no lifeguards at the northern patrolled area because they were responding to a mass rescue at the southern end. A rescue was also performed by a member of the public earlier that day.

Lifeguards on duty at North Bombo that day carried out numerous roving patrols of the southern end of the beach due to hazardous conditions combined with high numbers of visitors to that area of the beach. Lifeguards asked several times why they chose this particular area to swim and responses varied from *living around that area*, to *it is the first beach they come to when visiting Kiama*.

6 January 2015

Bombo container had been broken into overnight - nothing was stolen. Senior lifeguard on duty reported it to Kiama1. NSWPF notified and came to the site to take a statement.

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

25 January 2015

Whilst carrying out a routine maintenance run on Kiama2, lifeguard on the craft performed a multiple rescue on the craft at the southern end of Bombo Beach - at the time there were over 80 people swimming at the southern end and 20-30 surfers in the water.

Jones Beach summary



Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Jones	3136	4435	7671	1	4	1	116	41	93

31 December 2014

Father informed lifeguards on duty that their son was complaining of lower back pains due to him getting dumped in the shore break, Lifeguards on duty called Kiama1 for backup who in turn called the NSWAS. The injured person was then placed in a collar and onto a spinal board by the lifeguards on duty. Kiama1 attended scene and the injured person was then transported to Wollongong Hospital for further medical attention.

Kendalls Beach summary



Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Kendall's	11545	16219	27795	11	15	2	174	41	83

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

3 January 2015

15 year old female was dumped in the shore break and walked up the shore complaining of severe neck pains. Lifeguard on duty immobilised her spine using a spine board and collar and straps. Kiama1 contacted NSWAS, NSWPF and NSWAS Area Commander also attended the scene. Patient was transported to Shellharbour Hospital.

23 January 2015

Elderly lady was walking to join her family on the shoreline when she fell due fell landing on her knees. Family of the lady and the lifeguards on duty assisted her immediately and placed her into the recovery position as she was complaining of shortness of breath. Lifeguards then asked her to self administer her inhaler, breathing quickly returned to normal and the patient was assisted back to her holiday cabin by the lifeguards.

Easts Beach summary



Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
East	25498	29297	54345	7	15	0	165	73	72

Werri Beach summary



Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Werri	5835	8636	14371	7	3	0	234	99	65

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

Gerroa Beach summary

Beach	Water Attendance	Land Attendance	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Actions Swimmers	Preventative Actions Craft	Beach & Reserve Regulations
Gerroa	18050	28980	46840	4	25	3	279	94	125

29 December 2014

Lifeguard on duty at Gerroa and Kiama1 attended to a man who was experiencing shortness of breath and severe chest pains. Oxygen therapy was applied and heart rate was monitored due to a suspected heart attack. NSWAS were notified and later arrived on scene and transported the patient to Shoalhaven Hospital for further observation.

25 January 2015

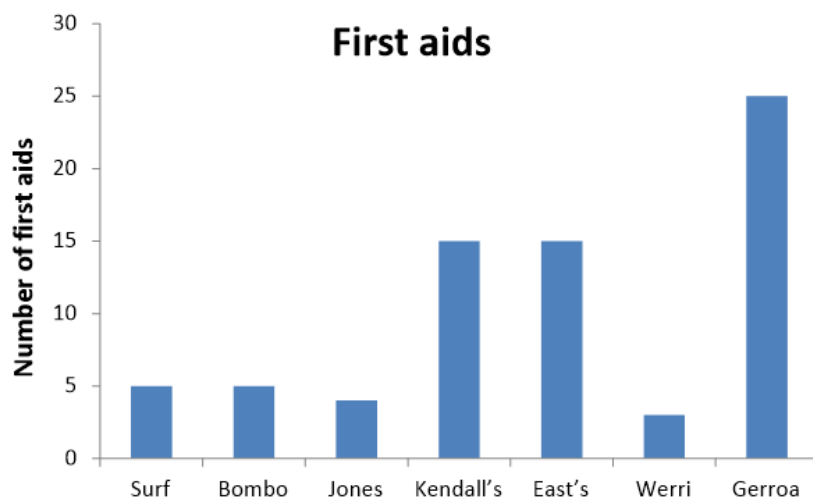
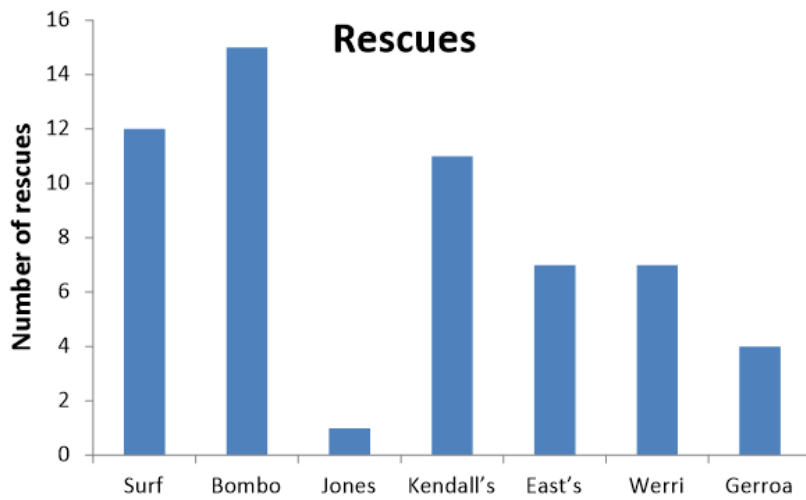
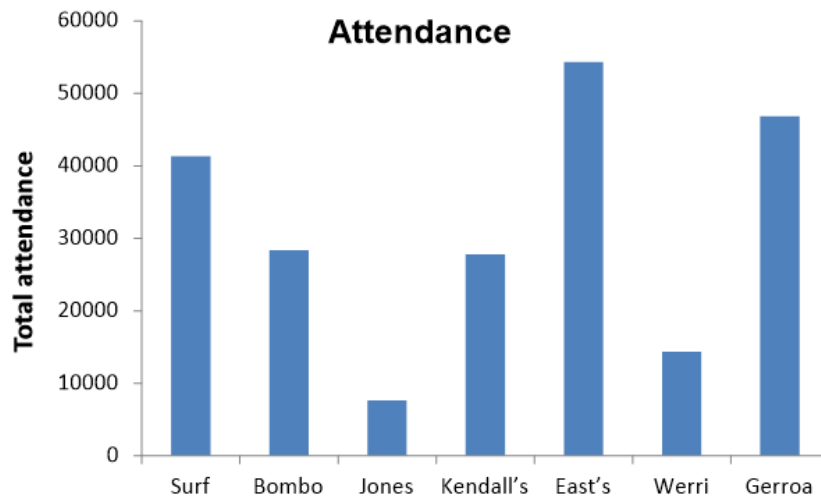
Member of the public approached the lifeguards on duty with his father complaining of severe stomach pains, Lifeguards on duty monitored patient and placed him on Oxygen Therapy. The patient's condition then started to worsen and the NSWAS was notified. The patient was then transported to hospital where it appears after further observation the patient had suffered a suspected ruptured appendix.

A member of the public approached lifeguards on duty stating that his mother in law (approximately aged 70) had collapsed due the hot weather. Lifeguards then went to her aid and assessed her condition, the lady refused oxygen therapy and further medical treatment from the NSWAS, the lady had done this on numerous occasions before and lifeguards proceeded to transport her by the Quad bike across the footbridge and assisted her into her car with her family. The family was very thankful.

Statistical comparison**Peak summer period statistics comparison summary 2014/2015**

Beach	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Totals	Beach & Reserve Regulations
Surf	41307	12	5	4	596	128
Bombo	28410	15	5	3	345	111
Jones	7671	1	4	1	157	93
Kendall's	27795	11	15	2	215	83
East's	54345	7	15	0	238	72
Werri	14371	7	3	0	333	65
Gerroa	46840	4	25	3	373	125
Totals	220739	57	72	13	2257	677

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service



Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service

Item 15.26

Enclosure 1

Peak summer period statistics comparison summary 2013/2014

Beach	Total Attendance	Rescues	First Aids	Incident Reports	Preventative Totals	Beach & Reserve Regulations
Surf	40425	39	22	3	1075	141
Bombo	31965	13	26	1	925	312
Jones	7671	0	9	1	295	89
Kendall's	36881	0	34	3	525	265
East's	53280	4	20	1	584	172
Werri	27158	27	33	1	333	45
Gerroa	94059	14	37	3	896	226
Totals	295471	97	181	13	4799	1250

Full season report

A full season report will be completed at the end of the April school holidays once Surf Beach closes for the season.

Andrew Mole, Supervising Lifeguard - Kiama Municipal Council Ocean Lifeguard Service