



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 14 February 2017

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 Finance, Corporate and Commercial Services
- 12 Report of the Director Engineering and Works
- 13 Report of the Director Community Services
- 14 Reports for Information
- 15 Addendum To Reports
- 16 Notice of Motion
- 17 Questions for future meetings
- 18 Confidential Summary
- 19 Confidential Reports
- 20 Closure

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

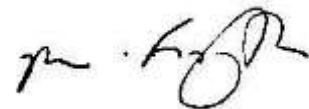
8 February 2017

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 11 Manning Street, KIAMA NSW 2533** on **Tuesday 14 February 2017** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 14 FEBRUARY 2017**

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 on 20 December 2016

Attachments

1 Minutes - Ordinary Council - 20/12/16

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 20 December 2016 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 20 DECEMBER 2016

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 20 DECEMBER 2016 AT 5PM

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

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

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Extraordinary Meeting on 21 November 2016

16/443

Resolved that the Minutes of the Extraordinary Meeting held on 21 November 2016 be received and accepted.

(Councillors Way and Reilly)

3.2 Ordinary Meeting on 15 November 2016

16/444

Resolved that the Minutes of the Ordinary Meeting held on 15 November 2016 be received and accepted.

(Councillors Way and Reilly)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

4 BUSINESS ARISING FROM THE MINUTES

4.1 Change of meeting date -

16/445

Resolved that the February 2017 meeting be held on 14 February 2017.

(Councillors Rice and Steel)

5 PUBLIC ACCESS

Mr Jason Harb – Item 9.1 - Lot 1 DP 216613, 132 Manning Street, Kiama – Demolition of existing structures and construction of 4 dwellings with Strata Title Subdivision (Amended) (DA 10.2016.154.1)

Mr Garry Cochrane – Item 9.2 - Planning Proposal – Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

Mr Geoff Boxsell – Item 9.2 - Planning Proposal – Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

Mr Tony Moody – Item 9.3 - Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

Mr Gerhard & Mrs Maria Baden – Item 9.3 - Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

Mrs Alma Macpherson – Item 12.2 – Policy Review – Commercial Fitness Trainers on public reserves

Mrs Sandra McCarthy – Item 14.7 – Development on North Werri Headland – South Precinct Minutes (Item 3 General Business)

Mr David Connolly – Item 14.37 – Questions for Future Meetings Register – Akuna Street carpark

6 MAYORAL MINUTE

6.1 Saddleback Mountain Lookout

16/446

Resolved that Council thank the Rotary Club of Kiama for their dedication and excellent work on the viewing platform at Saddleback Mountain Southern Lookout.

(Councillors Honey and Brown)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

6.2 NSW Representative on Australian Coastal Councils Association

16/447

Resolved that Council congratulate Councillor Neil Reilly on his recent election as a NSW representative on the Australian Coastal Councils Association.

6.3 Seasons Greetings

16/448

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

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee meeting held on 6 December 2016

16/449

Resolved that the minutes of the Kiama Local Traffic Committee meeting held on 6 December 2016 be received and accepted.

(Councillors Sloan and Westhoff)

COMMITTEE OF THE WHOLE

16/450

Resolved that at this time, 5.08pm, 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 Finance, Corporate and Commercial Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors Rice and Steel)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

8 PUBLIC ACCESS REPORTS

16/451

Committee recommendation that at this time, 5.08pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Way and Sloan)

9.1 Lot 1 DP 216613, 132 Manning Street, Kiama - Demolition of Existing Structures and Construction of 4 Dwellings with Strata Title Subdivision (Amended) (10.2016.154.1)

16/452

Committee recommendation that Council approve development application 10.2016.154.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Councillors Honey, Rice, Sloan and Westhoff

9.2 Planning Proposal - Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo

16/453

Committee recommendation that Council reject the subject Planning Proposal having regard to the commentary above.

(Councillors Way and Sloan)

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

Against: Councillor Steel

16/454

Committee recommendation That Council engages with the community in order to locate areas suitable for future development in Jamberoo and to assist development of a Jamberoo specific development control plan.

(Councillors Rice and Steel)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

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

Against: Nil

9.3 Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

16/455

Committee recommendation that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan and mapping amendment, associated with additional permitted uses at 96 Rose Valley Road, Rose Valley, and the inclusion of sections of Schedule 1 into Clause 4.6(8) of the draft Kiama Local Environmental Plan in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

(Councillors Way and Steel)

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

Against: Councillors Rice and Sloan

12.2 Policy review - Commercial fitness trainers on public reserves

16/456

Committee recommendation that Council:

1. adopt the revised policy – Use of Public Reserves for Commercial Fitness Activities and Personal Training as attached to this report
2. work with current providers to investigate the feasibility of using the Gerringong Headland as a potential alternative to Cooke Park and add Gerringong Headland to Schedule 1 of the Policy if appropriate.

.(Councillors Sloan and Reilly)

5.54pm Councillor Watson here left the Chamber

14.7 Development of North Werri Headland - South Precinct Minutes (Item 3 General Business) -

16/457

Committee recommendation

That .

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

1. Council employ an environmental solicitor to conduct a forensic review of the process and legal compliance involving all the DA's from 2010 to 2016 for 27 Princes Hwy Gerringong and then make a recommendation.
2. The report be presented to Council firstly for comment, then to be provided to Councillors for consideration and appropriate action. The reports to be completed for the business papers at the March Council meeting

5.59pm Councillor Watson here returned to the Chamber

(Councillors Way and Reilly)

For: Councillors Honey, Reilly, Rice, Sloan, Way and Westhoff

Against: Councillors Brown, Steel and Watson

16/458

It was **moved** by Councillor Sloan and **seconded** by Councillor Steel that the Mayor and the General Manager be authorised to speak to the proponent regarding moving the development.

(Councillors Sloan and Steel)

For: Councillors Brown, Rice, Sloan, Steel, Watson, Way and Westhoff

Against: Councillors Honey and Reilly

The **Motion** was Put and **Carried**

16/459

It was further moved by Councillor Reilly and seconded by Councillor Brown that Council limit the delegated authority of Council officers and that any development more than \$2M or with more than three submissions come before Council.

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

Against: Nil

The **Motion** was Put and **Carried**.

14.37 Questions for Future Meetings Register - Akuna Street carpark -

16/460

Committee recommendation that the item be received and noted.

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

Items 9.1, 9.2 and 9.3 were dealt with at 8. Public Access Reports

10 REPORT OF THE GENERAL MANAGER

10.1 NSW Police Country Rugby League Carnival Request for Support

16/461

Committee recommendation that Council provide in-kind support through the donation of grounds hire fee and to host a one hour mayoral reception on the first night of the carnival.

(Councillors Brown and Westhoff)

10.2 2017 Annual Johnny Warren Memorial Cup

16/462

Committee recommendation that Council supports the event by making a donation equivalent to the cost of providing waste and recycling services at the event.

(Councillors Way and Brown)

10.3 Tourism

16/463

Committee recommendation that Council:

1. note the forthcoming introduction of the new regional Destination Networks;
2. carry out a further review of the structure and funding of tourism and determine the preferred option going forward having regard to the new regional Destination Networks.
3. Council seek comment from tourism operators on the options to structure and fund tourism.
4. Make a decision on the preferred option at the March meeting.

(Councillors Reilly and Brown)

10.4 Recognition of Orry Kelly

16/464

Committee recommendation that Council dedicates the stage in Hindmarsh Park,

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

as the "Orry-Kelly Stage" in recognition of the former Kiama resident.

(Councillors Steel and Watson)

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - November 2016

16/465

Committee recommendation that the information relating to the Statement of Investments for November 2016 be received and adopted.

(Councillors Brown and Way)

11.2 Werri Beach and Seven Mile Beach Holiday Parks - Provision of Sullage and Sewer Services

16/466

Committee recommendation that Council:

1. Lifts the ban on connecting to the existing sewer at Werri Beach Holiday Park
2. Removes the condition placed on Mrs Gwen Ryan to disconnect the sewer from her van prior to it being sold.

(Councillors Sloan and Westhoff)

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 Revised Plan of Management - Parks

16/467

Committee recommendation that Council adopt the revised Plan of Management – Parks by adding the public reserves described as:

1. Lots 6 & 9 DP871423 (Old School Park Gerringong), and
2. Lot 702 DP1148475, Lot 747 DP1171578, Lot 535 DP1111492, Lot 206 DP1180016 and Lot 206 DP1156196 (public reserves in the Elambra Estate, Gerringong).
3. Iluka Reserve

(Councillors Reilly and Watson)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

12.3 Container Deposit Scheme - collection depot operator

16/468

Committee recommendation that Council:

1. register the Minnamurra Waste Disposal & Recycling Facility with the NSW Environment Protection Authority (EPA) as a potential collection point.
2. approve the preparation and lodgement of a development application for the construction of a shed at the Minnamurra Waste Disposal & Recycling Facility to be used if required, for the processing of containers associated with the NSW CDS when implemented.

(Councillors Rice and Way)

12.4 Public exhibition of the Draft Surf Beach Catchment Flood Risk Management Study & Plan

16/469

Committee recommendation that Council defer the matter until members of the former Floodplain Management Committee have the opportunity to review the draft plan.

(Councillors Sloan and Brown)

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 Cultural Board Minutes and Membership

16/470

Committee recommendation that Council endorse the November minutes of the Cultural Board with the exception of the motion recommending the appointment of members to the new Board.

(Councillors Rice and Sloan)

13.2 Kiama Council Disability Inclusion Action Plan

16/471

Committee recommendation that Council endorses the draft DIAP strategies for public exhibition.

(Councillors Westhoff and Rice)

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

13.3 Revised Community Gardens Policy

Committee recommendation that Council endorse the revised Community Gardens Policy for public exhibition.

(Councillors Steel and Westhoff)

14 REPORTS FOR INFORMATION

RECOMMENDATION

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

- 14.1 The 2015/16 Annual Report
- 14.2 Parking Statistics - October 2016
- 14.3 Letter of Appreciation - Jamberoo Red Cross
- 14.4 Minnamurra Progress Association - Minutes
- 14.5 Inaugural 'picitup' Clean Up Event – 13 November, 2016
- 14.6 Illawarra Regional Infrastructure and Growth Plan
- 14.8 Question for future meeting: Healthy Urban Development Checklist
- 14.9 Parking Statistics - November 2016
- 14.10 Emergency Services Property Levy (ESPL)
- 14.11 CENTRAL Youth Services Event Management Program 2016
- 14.12 NSW Audit Office information session
- 14.13 South Precinct Meeting Minutes
- 14.14 IPART - 2017/2018 Rate Pegging Limit - 1.5%
- 14.15 From Farm to Tourism Workshop
- 14.16 Kiama Community Gardens - donation appreciation
- 14.17 Kiama Liquor Accord - minutes of meeting - 23 November 2016
- 14.18 Question for future meeting: purchase of rubber tyre train
- 14.19 Question for future meeting: The Boneyard walkway update
- 14.20 Question for future meeting: Minnamurra Bends - Cycleway and walkway - update
- 14.21 Question for future meeting: Coronation Park power for market stalls
- 14.22 Question for future meeting: South Jones Beach stairway
- 14.23 Youth Advisory Committee minutes for meeting held 1 December 2016
- 14.24 Question for future meeting: removal of dune vegetation at Warri Beach
- 14.25 National Disability Services CEO Conference 2016
- 14.26 Access Committee Minutes from meeting held 4 November 2016
- 14.28 SWITCH Library Conference 2016
- 14.29 Kiama Tourism Monitor Research Results for Year Ending June 2016
- 14.30 NSW Tourism Awards 2016
- 14.31 Jamberoo Valley Ratepayers & Residents Association Inc - Minutes
- 14.32 Minnamurra Progress Association Meeting - Minutes
- 14.33 Outdoor Markets Policy Trial
- 14.34 Sports Honour Roll 2017
- 14.35 Arts Honour Roll 2017
- 14.36 Council meetings

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

- 14.38 Australian Coastal Councils Association Annual General Meeting Minutes
- 14.40 Christmas Wishes
- 14.41 Question for future meeting: Rezoning of properties in Cuba Street.

With regard to item 14.2, Councillor Steel requested investigation into several cars displaying disabled stickers being parked all day in disabled zones in Terralong Street.

The Director Environmental Services advised that timed zone rules still apply and that he will have the matter investigated.

With regard to Item 14.22, Councillor Way requested advice regarding the removal of the steps at Jones' Beach.

The Director Engineering & Works advised that it is intended to commence works early in the new year.

14.27 Question for future meeting: Brown Street Cutting -

16/472

Committee recommendation

That Council:

1. purchase and modify shipping containers to install along the Brown Street cutting, as per the Director of Works report, to provide safe two way traffic and pedestrian access along cliff lined portion of Brown Street Kiama.
2. allocate \$70,000 from general revenue to complete the work when the budget allows.

(Councillors Way and Brown)

14.39 Iluka Reserve - Siteplus community consultation

It was **moved** by Councillor Reilly and **seconded** by Councillor Brown that Council withdraw the planning proposal for Iluka Reserve.

The **Motion** was Put and **Lost**.

For: Councillors Brown, Reilly, Rice and Watson

Against: Councillors Honey, Sloan, Steel, Way and Westhoff

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

It was further **moved** by Councillor Steel and **seconded** by Councillor Sloan that Council defer the decision regarding the planning proposal for Iluka Reserve to allow the requested information to be provided.

The **Motion** was Put and Lost

For: Councillors Sloan, Steel, Way and Westhoff

Against: Councillors Brown, Honey, Reilly, Rice and Watson

15 ADDENDUM TO REPORTS

Nil

RESUMPTION OF ORDINARY BUSINESS

16/473

Committee recommendation 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.

(Councillors Brown and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

16/474

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 16/451 to 16/473 above.

(Councillors Brown and Way)

16 NOTICE OF MOTION

16.1 Bombo Quarry

16/475

Resolved that Council form a task force to investigate the potential benefit in terms of residential and commercial revenue to Council of Bombo Quarry.

The task force should comprise of the Mayor and two councillors, two staff and up to two independent volunteer experts.

Further the task force should develop terms of reference and questions it wishes to have answered (including a property ownership and interest register) and submit this information to Council for approval by no later than the March 2017 meeting.

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

Further that this group bring back a report to council no later than September 2017, at which time the task force dissolves.

(Councillors Reilly and Westhoff)

16.2 Public Outdoor Ping Pong

16/476

Resolved that Council endorse the purchase and installation of an outdoor table tennis table being included for consideration in the 2017/2018 budget and that further investigation of the concept by Community Services and other staff occurs and is reported on prior to that time.

(Councillors Rice and Sloan)

17 QUESTIONS FOR FUTURE MEETINGS

7.05pm Councillor Westhoff here left the Chamber.

17.1 Akuna Street development

Councillor Reilly requested that the advising architect's report for the Akuna Street development be distributed to Councillors.

The Mayor referred to matter to the Director Environmental Services for action.

7.06pm Councillor Westhoff here returned to the Chamber

17.2 Tree preservation policy

Councillor Steel requested a report from the Director Environmental Services and Director Engineering & Works to revamp our tree removal policy which is antiquated and certainly not in the best interests of the local ratepayers.

The Mayor referred the matter to the Director of Environment Services for investigation and report.

17.3 Draft SEPP (Coastal Management 2016)

Councillor Sloan requested that a submission on the Draft SEPP (Coastal Management) 2016 be made by the closing date of 20 January 2017. In that submission could council (if appropriate):

- a) discuss the areas to be protected (including maps) and the implication for development assessment within the Kiama LGA.
- b) request that all three coastal lagoon and wetland systems in the LGA (Minnamurra River, Werri Lagoon and Crooked River) be afforded equal or greater protection than at present

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

- c) request that coastal lagoons in the Kiama LGA currently listed in Schedule 1 of the outgoing SEPP 71 be listed in Schedule 1 the new SEPP (Sensitive Coastal Lakes).

The Director Environmental Services advised that a submission would be undertaken.

17.4 Shark watch blimp

Councillor Rice requested investigation into the possibility of changing the colour of the shark watch blimp's tether to make it visible to birds.

The Mayor referred the matter to the Director Financial, Corporate & Commercial Services for investigation and report.

17.5 Black Beach rock pool

Councillor Way requested investigation into the potential to pump sea water into and out of the rock pool at Black Beach. It was further requested that a cost estimate to provide and install a pump at this location be included in the report.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

17.6 Black Beach grassed area

Councillor Way requested a report on the effects that market stalls have on the grassed area at Black Beach as well as the restriction of access along the path for pedestrians and cyclists when the markets are on. He further requested investigation into restricting the markets to the Black Beach oval area only or relocating them to another site such as Surf Beach.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

17.7 Jones Beach and Werri Beach issues

Councillor Way requested a report on the best way to address the issues facing both Jones and Werri beaches with the loss of sand, narrowing/scarping, inappropriate vegetation, vermin control, safety for beach users, surf club access and views.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

17.8 Tree Preservation Policy

Councillor Brown requested a report on the number of applications received and rejected by Council's Tree Preservation Policy in the last reporting year. He further requested that the total cost of that section and its staffing be included in the report.

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

The Mayor referred the matter to the Director Environmental Services for investigation and report.

17.9 Cooke Park

Councillor Westhoff requested a report on the feasibility of permanently deleting Cooke Park Gerringong from the list of public reserves allowed for commercial fitness training activities.

The Mayor referred the matter to the Director Engineering & Works for investigation and report.

18 CONFIDENTIAL SUMMARY

16/477

Resolved that at this time, 7.14pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Reilly)

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.

18.1 Exclusion Of Press And Public:

16/478

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

19.1 BLUE HAVEN REDEVELOPMENT - CHANGE OF SCOPE

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

19.2 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENT - REVIEW FOR THE PERIOD FROM 1 JULY 2015 TO 30 JUNE 2016

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act and details of systems and/or arrangements that have been

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

implemented to protect council, councillors, staff and Council property as per Section 10A(2)(f) of the Local Government Act. .

(Councillors Brown and Reilly)

19 CONFIDENTIAL REPORTS

19.1 Blue Haven Redevelopment - Change of Scope

16/479

Committee recommendation that Council note the information contained in this report and endorse the change of scope for the project, specifically:

- 1) The reduction in size of the community hall
- 2) The conversion of the planned 16 Assisted Living Units to 8 Independent Living Units
- 3) The enlargement of several bedrooms in the aged care facility that can be utilised as either premium large single rooms or shared double rooms.

(Councillors Brown and Sloan)

19.2 Executive Officers' Performance Agreement - Review for the period from 1 July 2015 to 30 June 2016

16/480

Committee recommendation that Council adopts the report of the Performance Review Committee following the meeting of the Committee held on 16 December 2016.

(Councillors Sloan and Steel)

Close of Confidential Committee of the Whole:

16/481

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

(Councillors Sloan and Steel)

Adoption of Report

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

16/482

Resolved that that the Confidential Committee of the Whole recommendations

MINUTES OF THE ORDINARY MEETING

20 DECEMBER 2016

numbered 16/479 to 16/480 be confirmed and adopted.

(Councillors Sloan and Steel)

20 CLOSURE

There being no further business the meeting closed at 7.34pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 14 February 2017

.....
Mayor

.....
General Manager

3.2 Extraordinary Council on 24 January 2017

Attachments

- 1 Minutes - Extraordinary Council - 24/01/17

Enclosures

Nil

RECOMMENDED

That the Minutes of the Extraordinary Council Meeting held on 24 January 2017 be received and accepted.



**MINUTES OF THE
EXTRAORDINARY MEETING OF
COUNCIL**

commencing at 5pm on

TUESDAY 24 JANUARY 2017

Council Chambers 11 Manning Street, KIAMA NSW 2533

Item 3.2

Attachment 1

MINUTES OF THE EXTRAORDINARY MEETING

24 JANUARY 2017

MINUTES OF THE EXTRAORDINARY MEETING OF THE COUNCIL OF
THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 24 JANUARY 2017 AT 5PM

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

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

1 APOLOGIES

Apologies were tendered on behalf of Councillors Brown and Steel.

17/001

Resolved that the apologies as tendered be accepted.

(Councillors Watson and Way)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

COMMITTEE OF THE WHOLE

17/002

Resolved that at this time, 5.02pm, 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

MINUTES OF THE EXTRAORDINARY MEETING

24 JANUARY 2017

Report of the Director Finance, Corporate and Commercial Services
Report of the Director Engineering and Works
Report of the Director Community Services

(Councillors Westhoff and Sloan)

3 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

3.1 Planning Committee - Membership

17/003

Committee recommendation that Council endorse the following applicants as members of the Planning Committee in accordance with the adopted Terms of Reference:

Mark Hitchcock
Darryl Smith
Penny Morris
Karen Lang

(Councillors Way and Watson)

3.2 Companion Animals Management Advisory Committee - Membership

17/004

Committee recommendation that Council

1. endorse the increase in the number of community members required for the Companion Animals Management Advisory Committee from 5 to 6 and that the Terms of Reference be amended accordingly; and
2. endorse the following applicants as members of the Companion Animals Management Advisory Committee in accordance with the adopted Terms of Reference.

Ian Hornsby
Merryn Joske
Gordon Bell
Anthony Mitchell
Kevin Hodgson
Kim Elder

(Councillors Way and Reilly)

MINUTES OF THE EXTRAORDINARY MEETING

24 JANUARY 2017

3.3 Estuary and Floodplain Management Committee - Membership

17/005

Committee recommendation that Council endorse the following applicants as members of the Estuary and Floodplain Management Committee in accordance with the adopted Terms of Reference:

Ben Pinch

Leeonie Walsh

Warren Holder

Graham Pike

Barry Mahoney

(Councillors Way and Reilly)

4 REPORT OF THE GENERAL MANAGER

4.1 Kiama Independence Day

17/006

Committee recommendation that Council note the proposed change of date of the event and endorse the draft budget.

(Councillors Sloan and Way)

5 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

5.1 Walking Tracks and Cycleways Committee - determine membership

17/007

Committee recommendation that Council

1. formally thank Hugh Irving and Janelle Walker for their longstanding service as members of the Walking Tracks and Cycleways Committee; and
2. endorse the following applicants as members of the Walking Tracks and Cycleways Committee in accordance with the adopted Terms of Reference:

Peter Stuckey

Alan Pomeroy

Fiona Wilmott

Neil McLaren

MINUTES OF THE EXTRAORDINARY MEETING

24 JANUARY 2017

Gwyneth Rhys

Robert Booth

(Councillors Way and Watson)

5.2 Streets and Reserves Naming Committee - determine membership

17/008

Committee recommendation that Council endorse the following applicants as members of the Streets and Reserves Naming Committee in accordance with the adopted Terms of Reference:

Richard Payne

Suzanne Eggins

Sarah Hamblin

(Councillors Way and Sloan)

6 REPORT OF THE DIRECTOR COMMUNITY SERVICES

6.1 Kiama Access Advisory Committee - Membership

17/009

Committee recommendation that Council endorse the following applicants as members of the Kiama Access Advisory Committee in accordance with the adopted Terms of Reference:

George Puris

Beryl Batten

Merryn Joske

Graham Fairbairn

Chris Cassidy

Melissa Gorman

(Councillors Rice and Westhoff)

6.2 Kiama Health & Sustainability Advisory Committee - Membership

17/010

Committee recommendation that Council endorse the following applicants as members of the Kiama Health & Sustainability Advisory Committee in accordance with the adopted Terms of Reference:

MINUTES OF THE EXTRAORDINARY MEETING

24 JANUARY 2017

Beth Horner
Bruce Flint
Cornelia Graf
Kay Cope
John Fardy

(Councillors Rice and Way)

6.3 Kiama Cultural Board Committee - Membership

17/011

Committee recommendation that Council endorse the following applicants as members of the Kiama Cultural Board in accordance with the adopted Terms of Reference:

Anthony Body
Catherine Carr
Gregor Cullen
Bruce Ferguson
Paula Gowans
Judy White
Gail Morgan
Terri Rowe
Tamara Campbell
Michael Lothian

(Councillors Reilly and Rice)

6.4 Kiama Hospital Purchase Contract

17/012

Committee recommendation that Council:

1. gives delegation to the General Manager to sign the contract for the purchase of the Kiama Hospital site from the NSW Health Administration Corporation
2. endorse the placing of Council's seal on the relevant documentation if required.

(Councillors Sloan and Rice)

MINUTES OF THE EXTRAORDINARY MEETING

24 JANUARY 2017

7 REPORTS FOR INFORMATION

17/013

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

7.1 Seniors Week Committee - Membership.

(Councillors Rice and Way)

RESUMPTION OF ORDINARY BUSINESS

17/014

Committee recommendation that at this time, 5.22pm, Council resume the ordinary business of the meeting with all Councillors and staff present at the adjournment of the meeting being present.

(Councillors Sloan and Westhoff)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

17/015

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 17/003 to 17/013 above.

(Councillors Rice and Way)

8 CLOSURE

There being no further business the meeting closed at 5.23pm

These Minutes were confirmed at the Ordinary Meeting of Council held on
14 February 2017

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Ken Donnellan

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council extends its deepest sympathies to the family and friends of Ken Donnellan and hold one minute's silence in memory of Ken.

REPORT

As Councillors are aware Ken Donnellan, Council's Information Services Librarian, suddenly and unexpectedly passed away on 23 December 2016. Ken was an extremely well respected and valued member of Council and the Library team.

Ken has been employed with Council since May 2013 and undertook his role with enthusiasm and diligence. When required he would willingly and effectively fill the role of Acting Library Manager. Ken took a keen interest in his local history role at the Library and spent much time researching the WWI veterans from the Kiama LGA to mark the 100th anniversary. At the time of his death he had nearly finished compiling a book of his research. It is the intention of the Library to ensure that this is completed and published in his memory.

Ken is survived by his wife, Colleen, and children, Lauren and Jake. The thoughts of all of Council are with the family at this time.

Ken's funeral was held at Gerringong Catholic Church on Monday 9 January and was attended by a number of councillors and Council staff representatives.

6.2 Ian Pullar**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council congratulate Mr Pullar on his presidency and thank him for his leadership and the highly productive manner in which he has worked with Council.

REPORT

The President of the Kiama/Jamberoo RSL, Mr Ian Pullar, did not seek re-election at the Annual General Meeting on 3 February 2017.

Mr Pullar was President for seven years and during his presidency there were a number of significant developments and achievements involving a strong and positive relationship with Council.

The achievements included the restoration and stabilisation of the Memorial Arch, construction of the Hindmarsh Park Memorial Wall and the highly significant Centenary of ANZAC commemorations.

Mr Pullar has written to Council expressing his sincere thanks and those of the sub-branch for the support of Council and its staff during his tenure as President.

It would be appropriate to congratulate Mr Pullar on his presidency and thank him for his leadership and the highly productive manner in which he worked with Council.

6.3 Australia Day 2017**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council:

1. Extend congratulations to the 2017 Australia Day Awardees;
2. Thank Megan Seres for her Australia Day Address at the Awards and the very generous offer of contributing \$2000 to a Kiama LGA art prize
3. Request the Cultural Board to prepare a proposal for an appropriate art prize to be held annually with Council considering an appropriate prize amount in the 2016/17 budget.;
4. Thank Amy Wilkins for her Ambassadorial Addresses;
5. Thank the Kiama Men's Probus Choir, Kevin Sullivan, Sing Australia, the Mark Dabin Duo, Simon Dyos and Giles Robinson for their performances;
6. Thank the IMB Bank for sponsoring the Outdoor movie night;
7. Thank Councillors Reilly and Westhoff along with the General Manager, Brent Blackburn, Kirrilie McManus, Narelle Mousdale, Cathie Bax, Carole Johnston and Hope Prosser for their assistance in the organising of the successful Australia Day events.

REPORT

On 17 January 2017 the winners of Kiama Council's Australia Day & Achievement Awards 2016 were officially announced at a special function held in the Pavilion. Councillor Reilly as the chair of the Australia Day Committee was the Master of Ceremonies.

Kiama's Australia Day 2016 Award winners were:

- | | |
|---|----------------------------------|
| • Australia Day Citizen of the Year | Colin Rathbone |
| • Australia Day Young Citizen of the Year | Imogen Bakewell |
| • Australia Day Sports Award | Vince Hardman |
| • Australia Day Community Arts Award | David Evans &
Tamara Campbell |

Kiama Council's Achievement Award 2016 winners were:

- | | |
|-------------------------|-------------------|
| • Community Achievement | Jean Elaine Pratt |
|-------------------------|-------------------|

Mayoral Minute

6.3 Australia Day 2017 (cont)

-
- Service to the Environment Howard R Jones
 - Youth Achievement Ryan North

The attendees were entertained by the Kiama Men's Probus Choir and Kevin Sullivan.

The Australia Day Address was given by Megan Seres, the winner of the prestigious Doug Moran National Portrait Prize for 2016. Following the inspiring address on the importance of local culture she generously offered \$2000 towards a local art prize.

On the Wednesday night before Australia Day the movie 'Eddie the Eagle' was shown in Hindmarsh Park with close to 400 people in attendance. This event was generously sponsored by IMB Bank.

On Thursday 26 January, Kiama's Australia Day Ambassador, Amy Wilkins, presenter of Active Kidz, a children's fitness program broadcast, gave the Ambassadorial Address as part of Council's Australia Day celebrations at the Gerringong Breakfast and Citizenship Ceremony. Amy spoke of the need for inclusion of everyone, everywhere from all walks of life, from any age, gender, race, circumstance, ability, and religion.

The Australia Day Citizenship Ceremony was held at the Joyce Wheatley Community Centre in Hindmarsh Park welcoming 28 new Australian Citizens to our community, and welcoming close to 300 people at the event. The guests were entertained by the Sing Australia Kiama Choir and guitarist & vocalist, Giles Robinson.

Despite the rain in Gerringong at South Werri Reserve, the breakfasts were all well attended including those held at Coronation Park in Kiama, Jones Beach - Kiama Downs, Kevin Walsh Oval in Jamberoo. All Australia Day Breakfasts attracted several hundred guests on the day.

To end Australia Day a concert in Hindmarsh Park was held from 5pm – 7pm featuring the Mark Dabin and Simon Dyos – both locals of the LGA attracting over 800 people throughout the event.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - meeting 7 February 2017

Responsible Director: Engineering and Works

Attachments

- 1 Kiama Local Traffic Committee - meeting minutes - 07/02/17 - held electronically

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee meeting held electronically on 7 February 2017 be received and accepted.

BACKGROUND

The minutes of the Kiama Local Traffic Committee meeting held electronically on 7 February 2017 are attached for information.



**MINUTES OF THE
LOCAL TRAFFIC COMMITTEE
MEETING**

TUESDAY 7 FEBRUARY 2017

Held electronically

Item 7.1

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 FEBRUARY 2017

**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE OF THE
MUNICIPALITY OF KIAMA HELD ELECTRONICALLY ON TUESDAY
7 FEBRUARY 2017**

PRESENT: Councillor M Honey (Mayor) (Chairman), Kristian Pinochet (RMS Representative), Kevin Brown (NSW Police Representative), Darrell Clingan (Local Member's Representative), Gino Belsito (Director Engineering & Works), Darren Brady (Manager Design & Development), Janelle Burns (Kiama Council Road Safety Officer) and Cathie Bax (Minutes)

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee meeting on 6 December 2016

17/001

Committee recommendation that the Minutes of the Kiama Local Traffic Committee Meeting held on 6 December 2016 and adopted by Council on 20 December 2016 be noted.

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Brown Street, Kiama - 'No Stopping' Zone

17/002

Committee recommendation that a "No Stopping" zone be created on the southern side of Brown Street, Kiama from Terralong Street to the driveway entry at No.1 Brown Street.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 FEBRUARY 2017

5.2 Noorinan Street (intersection with Belvedere Street), Kiama - Stop Sign

17/003

Committee recommendation that the existing 'Give Way' sign at the intersection of Noorinan and Belvedere Streets be replaced with a "Stop" sign with appropriate road linemarking.

5.3 Red Hot Summer Music Concert 2017 – Road closures and traffic changes in Kiama

17/004

Committee recommendation that approval be given to the organisers of the Red Hot Summer concert at Kiama Showground, to be held on Saturday 18 March 2017, to implement proposed traffic changes, subject to the organisers and suitably qualified traffic controllers complying with the following conditions:

1. All road closures, diversions and traffic changes be undertaken by suitably qualified traffic controllers in compliance with the Traffic Management Plan No. 16-0264 prepared by Evolution Traffic Control Pty Ltd.
2. The organisers shall be responsible for the supply, erection and removal of all traffic control devices, equipment and personnel associated with the implementation of the approved Traffic Management Plan.
3. Lodgement with council of an application for a Section 138 Roads Act permit and payment of associated fee.
4. Notification of proposed traffic changes be given to police, local emergency services, businesses and residents effected by the closure.
5. An advertisement be placed in the local media advising of the closure.
6. Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.

5.4 Installation of a disabled parking space – Blowhole Point Rockpool, Kiama

17/005

Committee recommendation that the Committee give 'in-principle' approval for the installation of an additional disabled parking space on the eastern side of the public carpark adjacent to the Blowhole Point rock pool amenities building.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 FEBRUARY 2017

6 REPORTS FOR INFORMATION

Nil.

7 CONFIDENTIAL REPORTS

Nil.

8 CLOSURE

This meeting was held electronically

These Minutes were confirmed at the Ordinary Meeting of Council held on
14 February 2017

.....
Mayor

.....
Director Engineering & Works

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 Finance, Corporate and Commercial 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 Amendment to Chapter 32 of Kiama Development Control Plan - Cedar Grove Stage 2

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: 2.9.4 Review the Development Control Plan and amend as required

Summary

This report recommends adopting “Chapter 32 – Cedar Grove Stage 2” of Kiama Development Control Plan 2012 as exhibited.

Finance

N/A

Policy

If adopted, Chapter 32 – Cedar Grove Stage 2, will form part of Council’s Development Control Plan.

Attachments

1 Chapter 32 - amendments

Enclosures

Nil

RECOMMENDATION

That Council adopt the amendments to Chapter 32 - Cedar Grove Stage 2 of Kiama Development Control Plan 2012 as exhibited and outlined in this report.

BACKGROUND

Council adopted the recommendations of a report to prepare Chapter 32 - Cedar Grove Stage 2 of Kiama Development Control Plan 2012 at its Ordinary Meeting on 19 April 2016. The draft DCP chapter went on public exhibition for a period of 28 days and during this time two (2) submissions were received, regarding the unnecessary inclusion of rainwater tanks in the Chapter.

The Chapter was formally adopted at Council’s meeting held on 19 July 2016. Since these recommendations were adopted, concerns have been raised regarding the six (6) metre setback provision. Prospective purchasers appeared to be under the general assumption that the setbacks for Stage 2 would be consistent with those imposed in the first stage and thus had begun designing their future dwellings to comply with a 4 metre front boundary setback. After reviewing these concerns, and having regard to the fact that the area impacted is a greenfield subdivision not

Report of the Director Environmental Services

9.1 Amendment to Chapter 32 of Kiama Development Control Plan - Cedar Grove Stage 2 (cont)

effected by existing character requirements, it was considered reasonable that suggested front boundary setback modifications be endorsed for public consultation.

It is also appropriate to address some other minor issues that have arisen since the Chapter was adopted. The proposed changes to the Chapter include:

- Amendment to the front boundary setback from 6m to 4m to align with the controls for Cedar Grove Stage 1. Garages however, will be required to maintain a 6m setback to ensure that stacked parking can be achieved fully within the property boundaries;
- Removing any reference to individual lot numbers and instead referring to lot sizes. This removes the risk of having to amend the Chapter every time the lot layout is modified;
- Altering the maximum height from 8m to 8.5m to align with the height limits in the Kiama LEP 2011;
- Removing the house design examples but retaining the building envelopes.

Council resolved to place these amendments on public exhibition at its September 2016 Council meeting. Accordingly the draft Chapter 32 amendments were placed on public exhibition for a period of forty two (42) days from 22 October to 3 December 2016. Upon completion of the exhibition period no submissions were received. As such is it considered appropriate to amend Chapter 32 – Cedar Grove Stage 2 as exhibited.



32

Cedar Grove – Stage 2 Site Specific Controls

- This Chapter was adopted by Council on 26 April 2016 and becomes effective from <INSERT NEW DATE>

(1658289)

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Introduction

Section 1 – location

Cedar Grove Stage 2 refers to a residential release area located on the western edge of Kiama (refer to location plan). The release area contains a range of lot sizes aimed at giving greater choice and diversity for housing options.

Section 2 – Relationship with other planning instruments and policies

In addition to controls outlined in other sections of this document the following controls apply to the land referred to as Cedar Grove Stage 2 shown in figure 1. Provisions within the Kiama LEP 2011 prevail over any provisions within this chapter.

In the event of any inconsistency with another applicable chapter, the controls in this chapter will prevail.

Controls outlined in various chapters of this document including (but not limited to):

- Chapter 2 - Overall Controls,
- Chapter 3 - Preservation and Management of Trees and Vegetation
- Chapter 4 - Low Density development
- Chapter 5 - Medium Density Development
- Chapter 7 - Subdivision
- Chapter 8 - Landscaping Requirements
- Chapter 9 - Car Parking requirements
- Chapter 11 – Waste Requirements

will apply to this land.

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls
Figure 1 – Cedar Grove Stage 2 - Location Plan



Item 9.1

Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Section 3 Controls

The objectives of this Section should be taken into consideration when preparing an application for residential development within Cedar Grove - Stage 2. Small lot (i.e. lots smaller than 450m²) housing development designed within Building Envelope Plans are to provide attractive living environments and shall ensure neighbour interface issues are addressed from the outset.

Objectives
<ul style="list-style-type: none"> To ensure that amenity impacts to other dwelling houses are minimised, in terms of overshadowing, privacy and access to sunlight and daylight. To ensure that the size and bulk of dwelling houses are not overbearing on, or incompatible with, surrounding development. To ensure that the height of dwelling houses allows reasonable access to daylight and sunlight for dwelling houses and their open space on adjoining properties. To encourage small lot dwelling houses to provide a pleasant living environment for their occupants.

The following performance criteria, acceptable solutions and controls will apply in assessing applications for residential development within the Cedar Grove Estate – Stage 2.

Performance Criteria and Acceptable Solutions

Performance Criteria	Acceptable Solutions
Dwelling houses on small lots must minimise amenity impacts on other dwelling houses and their open space in terms of access to sunlight and daylight.	Side boundary setbacks are as specified in Table 1 Building Envelope Requirements. Rear boundary setbacks are as specified in Table 1 Building Envelope Requirements.
Building size and bulk is consistent with surrounding development in the wider area and must not create overbearing development for neighbouring dwelling houses and their open space.	Length of building requirements are as specified in Table 1 Building Envelope Requirements.
Small lots must include an appropriate balance of built form and open space.	The building footprint does not exceed 60% of the site area.

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Building height is consistent with those buildings prevailing in the locality. Building height must minimise amenity impacts on other dwellings and their open space in terms of access to sunlight and daylight.	Building heights are specified in Table 1 Building Envelope Requirements. Non-load bearing aerials, antennas, flues, roof ventilators and chimneys are not considered part of the dwelling house for the purpose of determining building height. Building height must not create overbearing development for neighbouring dwellings and their open space.
The setback from any road alignment must complement the setbacks prevailing in the street. The setback from any road alignment must be sufficient to enable screening and noise attenuation from the street.	Front boundary setbacks are as specified in Table 1 Building Envelope Requirements.
Privacy must be maintained between neighbouring dwellings.	Rear and Side Setback are specified in Table 1 – Building Envelope Requirements. Screening of windows of habitable rooms, decks, verandahs or balconies can also be screened from side boundaries.

Table 1 – Building Envelope Requirements

	Lots	Requirements
Side boundary setback	Lots between 400m ² and 450m ²	Zero setback on the southern boundary to garage. 1 metre setback on the northern boundary and any building on southern boundary excluding the garage (see Figure 2).
	Lots smaller than 400m ²	Zero setback on the western boundary. 1 metre setback on the eastern boundary (see Figures 3 & 4).
	All other lots	Refer to Chapter 2.
Front boundary setback	Lots smaller than 450m ²	4 metre setback with garages a minimum of 5.5 metres (see Figures 2, 3 & 4).
	All other lots	4 metre setback with garages a minimum of 6m (refer to Chapters 2 & 9).

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

	Lots	Requirements
Rear boundary setback	Lots between 400m ² and 450m ²	4 metre setback. Alternatively a 2 metre setback with a 6 metre x 6 metre private open space adjacent to the northern boundary.
	Lots smaller than 400m ²	6 metre setback for allotments with a southerly frontage (see Figure 4). 6 metre setback for single storey and 12 metres to double storey for allotments with a northerly frontage (see Figure 4).
	All other lots	6 metre setback (see Chapter 2).
Building Height Plane	Lots between 400m ² and 450m ²	No part of the structure (except the eaves, fascia and roof gutter to a maximum width of 600mm) shall exceed a building height plane projected at: <ul style="list-style-type: none"> • 32° over the actual land from a vertical distance of 3 metres above the existing ground level on the southern boundary of the lot; and • 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level on the northern boundary of the site (see Figure 5).
	Lots smaller than 400m ² with a northerly frontage	No part of the structure (excluding the eaves, fascia and roof gutter to a width of 600mm): <ul style="list-style-type: none"> • Between the front building line and 12 metres from the rear boundary shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level along the eastern and western boundaries of the site.; and • Between 6 metres and 12 metres from the rear boundary shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 2.5 metres above the existing ground level along the eastern and western boundaries of the site (see Figure 6).

Item 9.1

Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

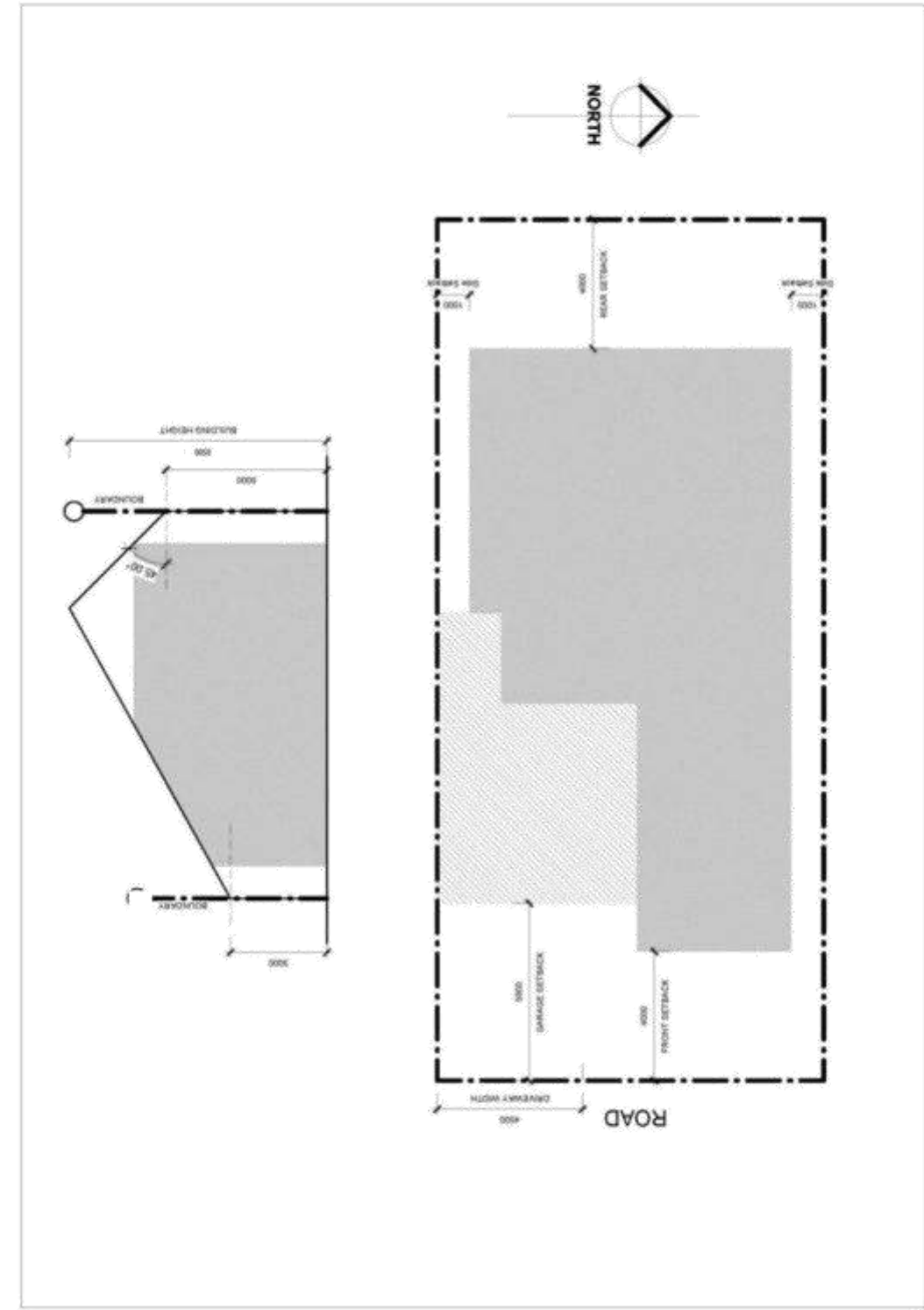
	Lots	Requirements
Building height	Lots smaller than 400m ² with a southerly frontage	No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level along the eastern and western boundaries of the site. The maximum height above ground level is 8.5 metres (see Figure 7).
	All other lots	Refer to Section 6 in Chapter 2

Item 9.1

Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 2 – Example of Compliance for Lots between 400m² and 450m²



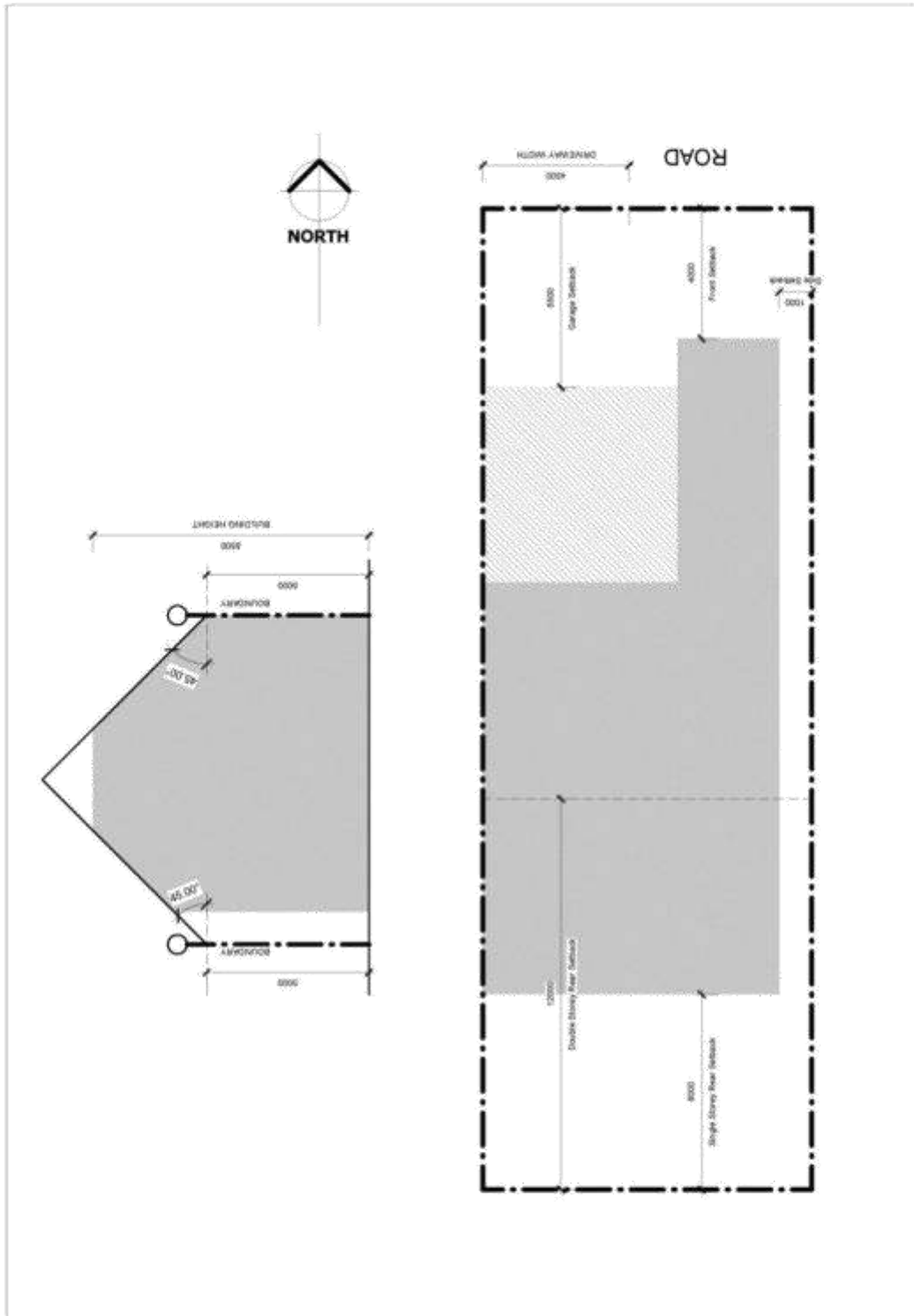
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Item 9.1

Attachment 1

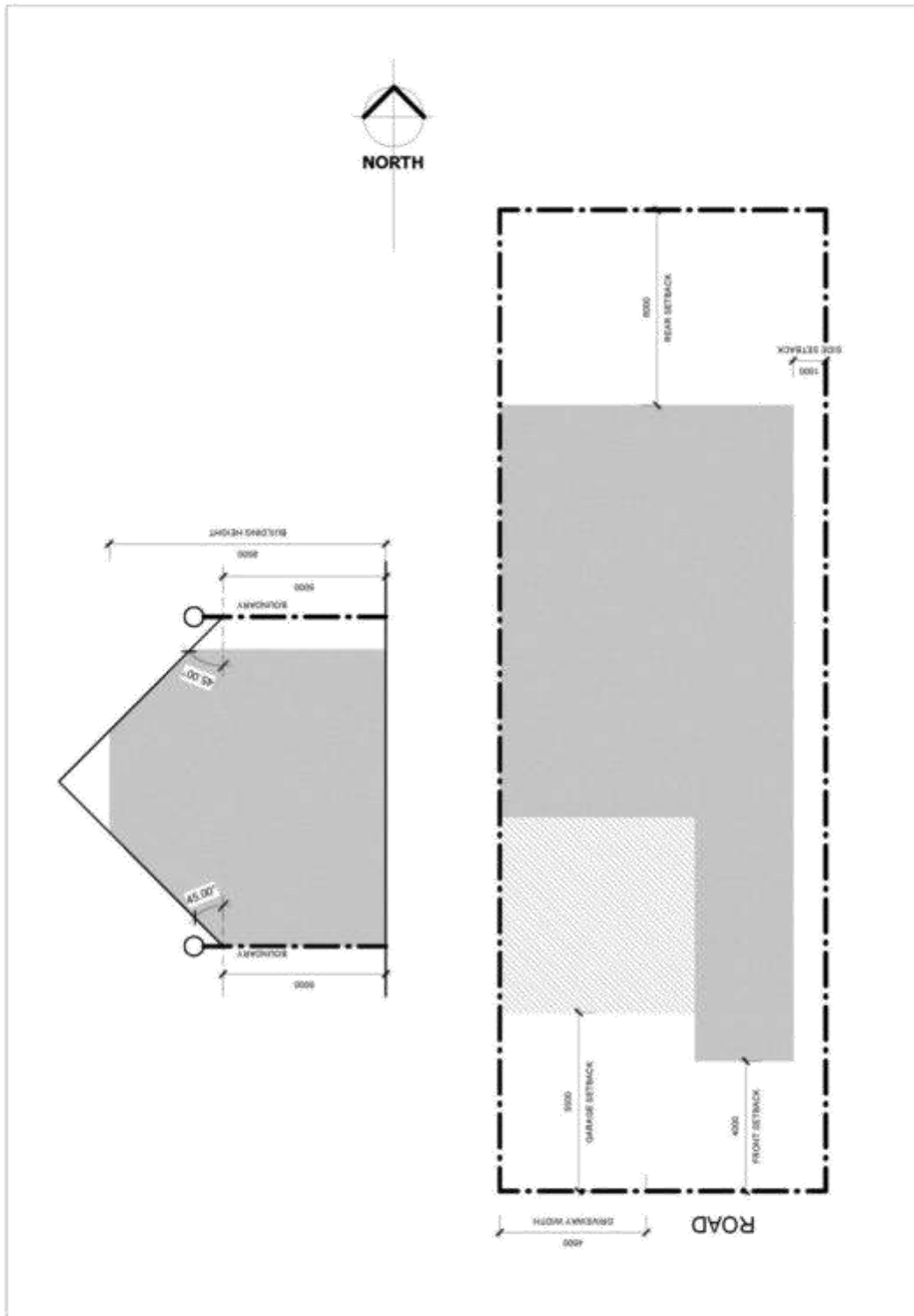
Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 3 – Example of Compliance for Lots smaller than 400m²



Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 4 – Example of Compliance for Lots smaller than 400m²



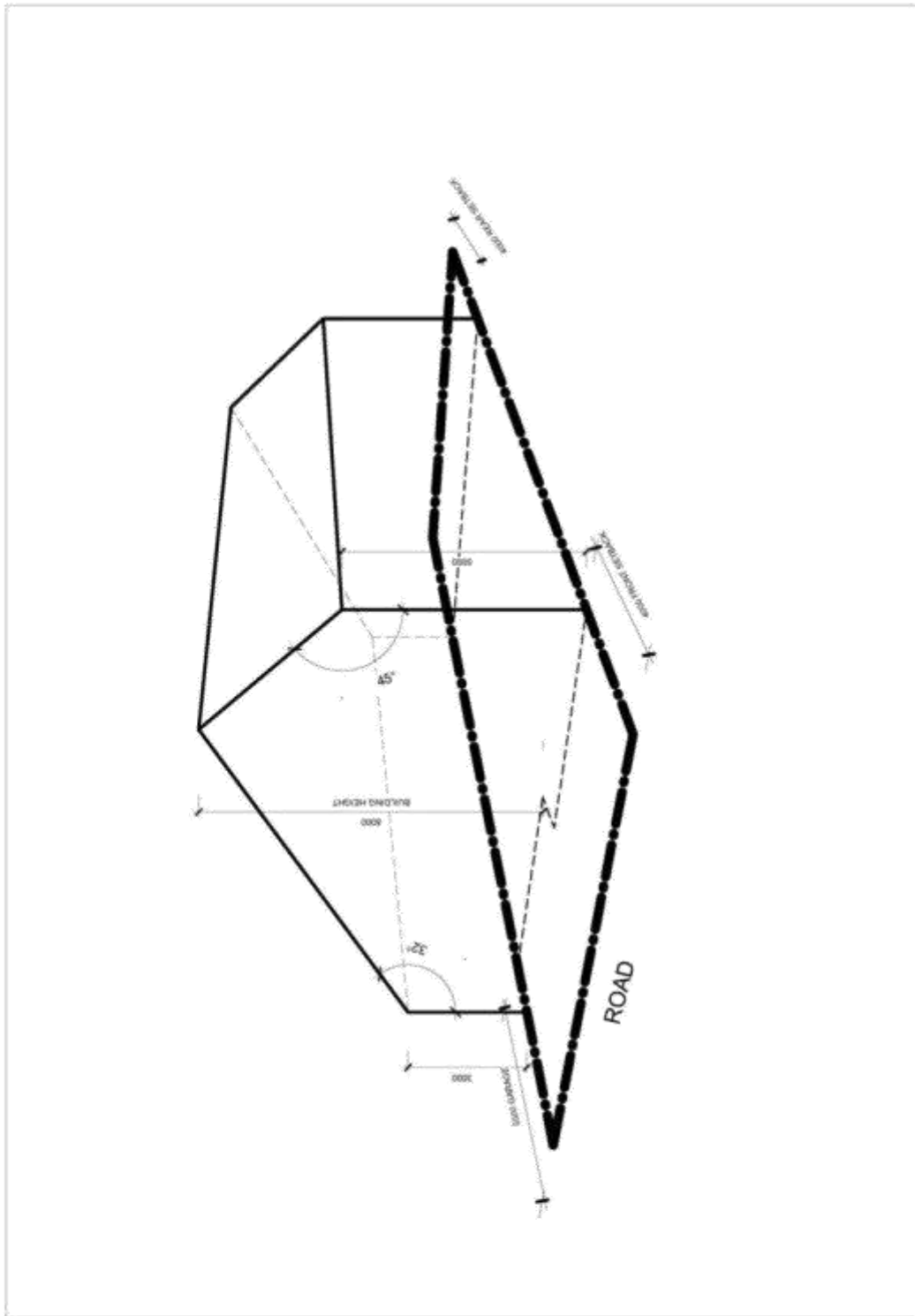
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Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

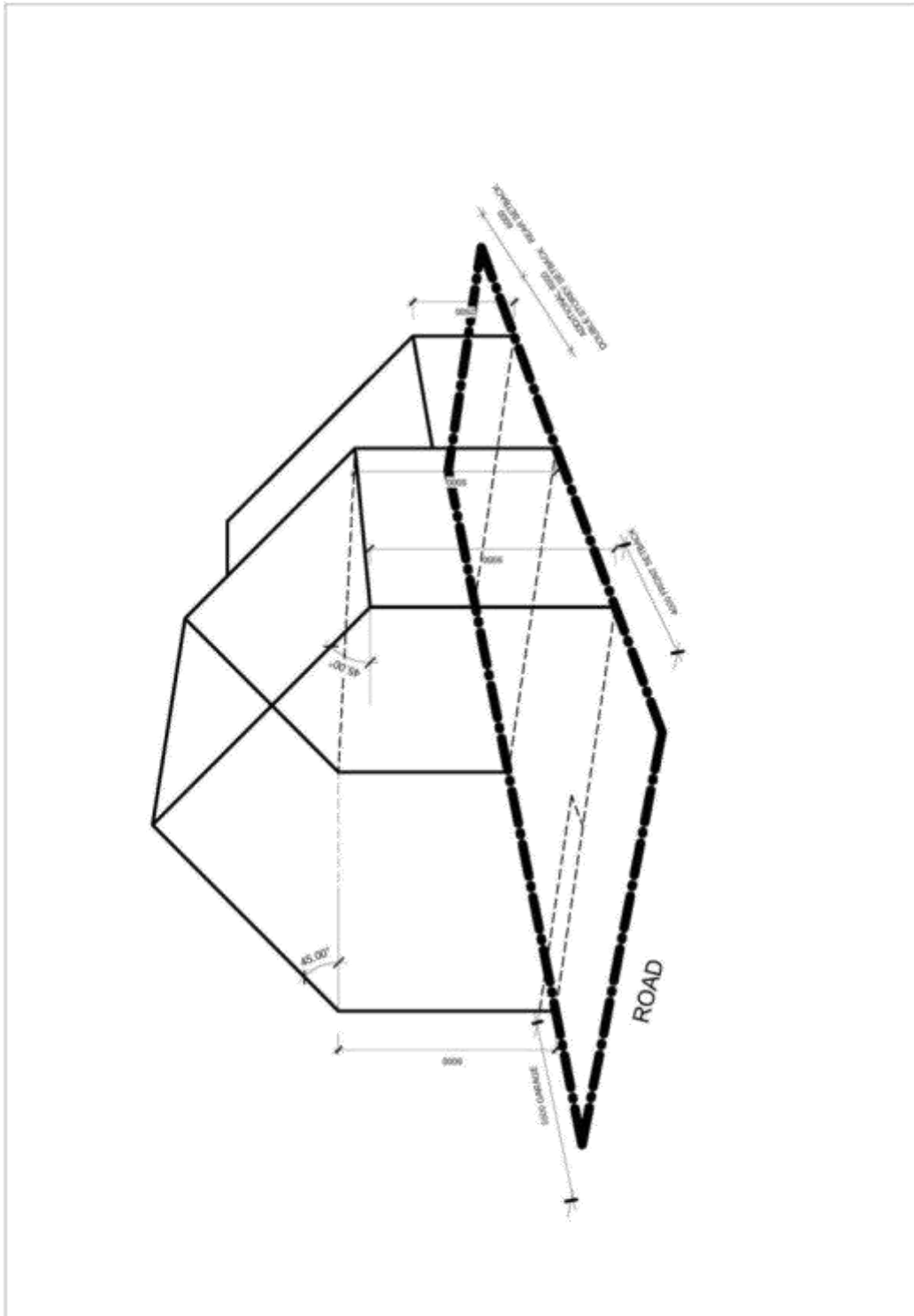
Figure 5 – Example of Compliance for Lots between 400m² and 450m²



32. 11

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 6 – Example of Compliance for Lots smaller than 400m²



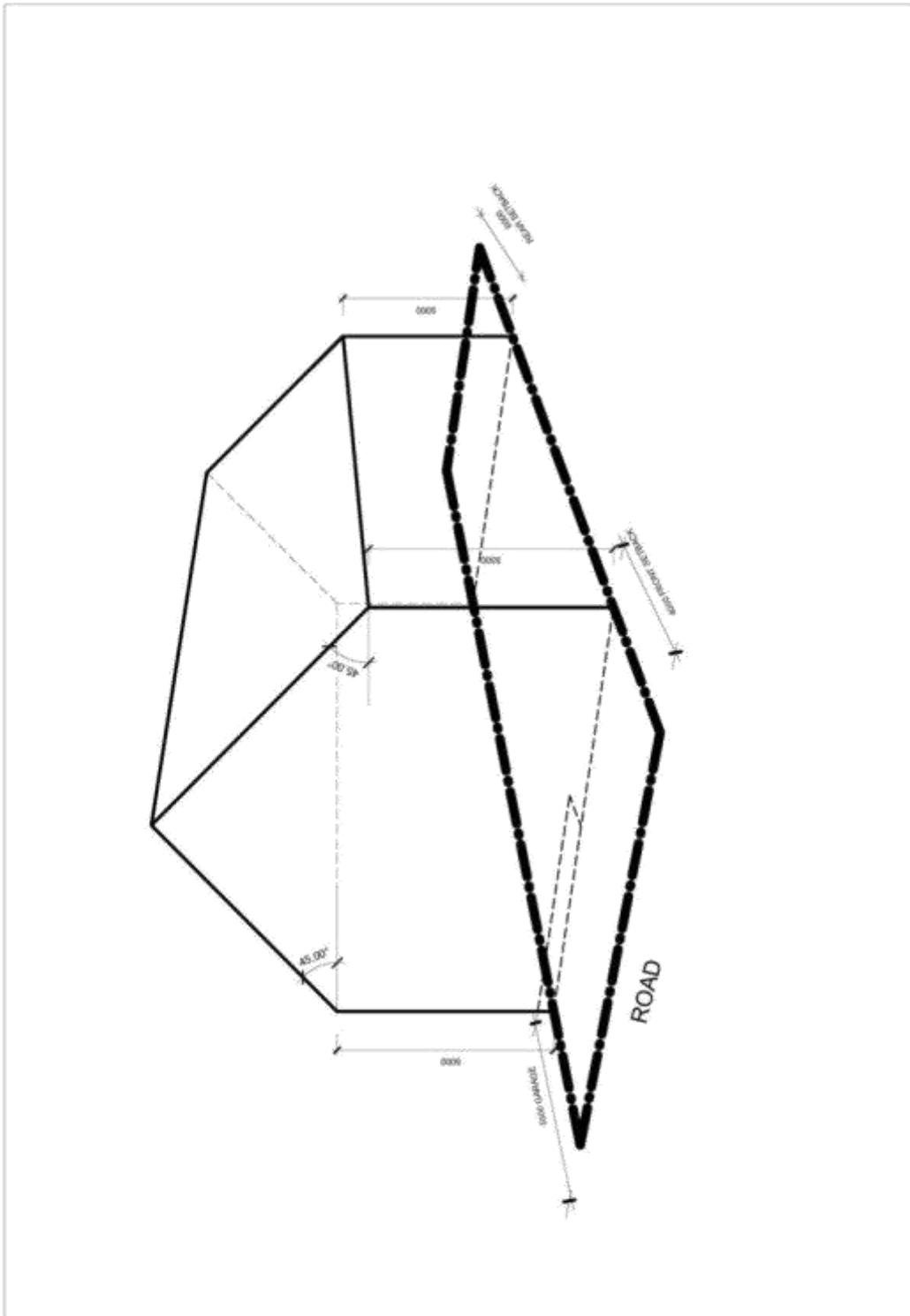
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Attachment 1

Chapter 32 – Development Control Plan 2012 – Cedar Grove – Stage 2 – Site Specific Controls

Figure 7 – Example of Compliance for Lots smaller than 400m²



32.13

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area

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: 2.9.4 Review the Development Control Plan and amend as required

Summary

This report recommends making amendments to “Chapter 31 – Wyalla Road Residential Release Area” of Kiama Development Control Plan 2012 following the recent registration of the subdivision of the site.

Finance

N/A

Policy

If adopted, Chapter 31 – Wyalla Road Residential Release Area, will form part of Council’s Development Control Plan.

Attachments

1 DCP Chapter 31 - Wyalla Road Jamberoo - proposed changes

Enclosures

Nil

RECOMMENDATION

That Council endorse the attached, amended version of Chapter 31 – Wyalla Road Residential Release Area for public exhibition as outlined in this report and subsequent report back to Council

BACKGROUND

In August 2014 Amendment No 1 was made to the *Kiama Local Environmental Plan (LEP) 2011* which resulted in the rezoning of parts of Lot 105 DP 1206470 and Lot 1 DP 781781 from RU2 Rural Landscape to R2 Low Density Residential. As part of this process a draft, site specific Development Control Plan (DCP) chapter was produced to provide guidance and parameters to potential development on the rezoned site.

At its December 2014 meeting, Council endorsed the draft site specific chapter for Wyalla Road to be placed on public exhibition. Accordingly the draft DCP chapter was placed on exhibition from 7 January to 13 February 2015. At its March 2015 meeting Council resolved to adopt the draft Chapter 31 site specific controls – Wyalla Road Residential Release Area.

Report of the Director Environmental Services

9.2 Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area (cont)

Development Consent was granted to subdivide the site at Council's February 2015 meeting. Subsequently the associated subdivision and engineering works have been completed and the relevant Subdivision Certificates released by Council in July, November and December 2016. Two of the three subdivisions have now been registered with the New South Wales (NSW) Office of the Registrar General.

As land within the subdivision becomes market ready Council Staff have received enquiries regarding the applicable building line setbacks for the residential component of the Wyalla Road subdivision. Upon review of the controls of Chapter 31 - Wyalla Road Residential Release Area and other chapters of the DCP 2012, it is unclear as to what building line setbacks prevail, thus it is necessary to clarify the relevant setbacks within the existing chapter.

Having regard to the fact that the area impacted is a greenfield subdivision, not effected by existing character requirements, a dwelling could be erected under the provisions of the *State Environmental Planning Policy (SEPP) (Exempt & Complying Development Codes) 2008* with a front building line setback of 4.5 metres and a rear building line setback of 3 metres or 8 metres depending on the height of the dwelling. It should be noted that consents issued in accordance with the SEPP are not required to consider or comply with Council's DCP. Council's recent approach for establishing building line setbacks for greenfield subdivisions, assessed as part of Development Applications, has been to provide more flexibility by establishing a 4 and 6 metres front and rear building line setbacks respectively. In order to provide for stacked car parking on site, garages and carports will be required to be setback from the front boundary by a minimum of 6 metres. These building line setbacks are considered appropriate as they are consistent with the building lines adopted in similar greenfield subdivisions. However, due to the village character of the wider Jamberoo community Council may wish to consider applying larger building line setbacks.

It is also an opportune time to address some other minor issues that have arisen since the Chapter was adopted. The proposed changes to the Chapter include:

- Removal of 'Part A –Subdivision' as the subdivisions have now occurred;
- Transfer of Landscaping and Fencing controls from Part A to 'Section 11 – Residential Allotment precinct'; and
- Removal of references to restrictions on the use of land within the seniors living precinct and the creation of an allotment for a community facility from 'Section 12 – Seniors Living Precinct' as these have since been registered with the NSW Office of the Registrar General.

If endorsed, the draft Chapter 31 amendments will be placed on public exhibition for a period of 28 days. Upon completion of the exhibition period, any submissions received will be reviewed and a further report will be submitted to Council recommending final endorsement or further amendments, depending on the nature of any submissions received.

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road



31 **Site Specific Controls –
Wyalla Road Residential
Release Area**

- This Chapter was adopted by Council on 17 March 2015.

31.1

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Attachment 1

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

31 **Wyalla Road**

Item 9.2

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31.2

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

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Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Section 1 – Character Statement

The Wyalla Road Residential Release Area is to comprise of high quality mixed residential and housing for Seniors and People with a Disability development that incorporates and utilises the high quality natural scenic character of the Jamberoo area.

The residential release area which forms the south western edge of the Jamberoo village is to integrate into the highly legible structure of the rural village and protect the natural environment along the Hyams Creek corridor.

The residential release area is to comprise a mix of low density residential allotments, housing for seniors and people with a disability, a community facility and an environmental management area. The development is to attain visual amenity through linkages to Hyams Creek corridor and scenic hills beyond.

Section 2 – Relationship with other planning instruments and policies

In addition to controls outlined in other chapters of this document the following controls apply to the land referred to as the Wyalla Road Residential Release Area as shown in Figure 1. -Provisions within the Kiama LEP 2011 prevail over any provisions within this chapter.

In the event of an inconsistency with another applicable chapter, the controls in this chapter prevail.

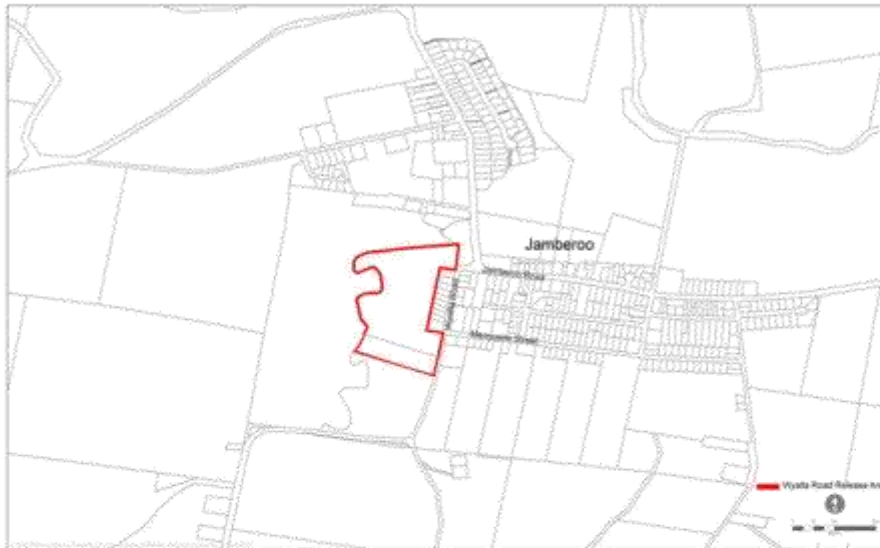


Figure 1: Site Plan

31.4

Section 3 – Development precincts

The Wyalla Road Residential Release Area comprises of three development precincts, as identified in the following Development Precincts Plan (Figure 2).



Figure 2: Precincts

31.5

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

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Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Table 1: Desired Future Character

Desired Future Character for Development Precincts	
Development Precinct	Desired Future Character
Residential Allotments	<p>The residential precinct is to comprise low density development that responds to topography and streetscape. The development is to maximise the amenity provided through views to the Hyams Creek corridor and distant hills beyond.</p> <p>Development is to provide opportunities for casual surveillance of streets and Hyams Creek corridor.</p> <p>The precinct is to be well connected including providing a direct vehicular and pedestrian connection to Jamberoo village via Wyalla Road.</p> <p>The precinct is to be designed to encourage energy and water efficient subdivision and housing.</p>
Environmental Management	<p>The environmental management precinct includes the Hyams Creek riparian corridor and adjoining flood affected land. The precinct will provide visual interest for residents as well as the protection of ecological value of the corridor.</p> <p>Flood affected land without significant ecological value is to be managed to provide bushfire protection.</p>
Seniors Living	<p>The seniors living precinct is to provide a safe, well-connected group of highly accessible independent living units and associated community facility. The seniors living precinct is to provide vehicular and pedestrian access to the Jamberoo Village via Wyalla Road.</p>

~~PART A - SUBDIVISION~~

~~Part A (Sections 4 - 10) applies to development for the subdivision of land.~~

Comment [EPI]: It is considered appropriate to delete Part A as the subdivision of the site has now been registered.

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~~Section 4 – Access and movement~~

~~Objectives~~

- ~~• To establish indicative locations for roads within the residential release area that ensures appropriate connectivity to existing.~~
- ~~• To identify locations for intersections with Wyalla Road.~~
- ~~• To provide a legible road structure that is consistent with the existing road structure of the Jamberoo Village.~~
- ~~• To provide access for management of the environmental management precinct.~~
- ~~• To provide a road structure that accommodates adequate provision for fire fighting vehicles.~~

~~Controls~~

- ~~C1 Provide at least two points of vehicular and pedestrian access to Wyalla Road.~~
- ~~C2 The internal road network is to connect the two access points with Wyalla Road.~~
- ~~C3 Provide a residential perimeter road adjacent to land within the environmental management precinct.~~
- ~~C4 Road reservations must accommodate footpaths in accordance with Figure 3 Indicative Road Layout Plan.~~
- ~~C5 Road design is to be in accordance with Council engineering requirements, including provisions for service vehicles and Rural Fire Service vehicles.~~
- ~~C6 Roads are to be designed in accordance with the indicative road layout plan (Figure 3), such that connectivity and traffic safety is maintained.~~

~~Controls for specific road and access types are as follows:~~

~~Local Road~~

- ~~C7 Local roads are to accommodate a carriageway of 7m minimum and verge widths of 3.5 m.~~
- ~~C8 The design of the streetscape is to provide appropriate landscape treatment while allowing for utilities services. Road design is to prevent conflict between services, drainage, lot access and landscaping.~~
- ~~C9 The provision of a 1.2 m footpath on each road.~~

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Cul-de-sac

~~C10—Cul-de-sac roads are only to be used where there are physical barriers for providing through roads including:~~

- ~~• Existing development.~~
- ~~• Property boundaries.~~
- ~~• Steep topography (over 15%).~~
- ~~• Safe distances between intersections (minimum 40m).~~

~~C11—Where cul-de-sac are used:~~

- ~~• The length of the cul-de-sac is to be minimised.~~
- ~~• Adequate turning space is provided at the head of the road in accordance with Council Standards.~~
- ~~• Cul-de-sac design shall incorporate a turning circle of 24 metres for Category 1 NSW Rural Fire Service Tankers and NSW Fire Brigade Composite Appliances or an appropriately designed T turning head suitable for a medium rigid vehicle with an overall length of 11 metres.~~

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road



Figure 3: Indicative Road Layout Plan

31.10

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Section 5 – Open space and landscape

Objectives

- To ensure landscaping is appropriate to the character of the locality.
- To utilise the natural topography and drainage patterns that exists on the site where possible.
- To enhance the streetscape and visual amenity by providing appropriate plantings.
- To minimise the visual impact of buildings on the rural and natural landscape.
- To retain Hyams Creek corridor to maintain ecological value, provide visual amenity and assist in water quality.

Controls

- C12 Utilise planting of species of local provenance for where possible.
- C13 Utilise planting along streets to frame views to Hyams Creek corridor along streets.
- C14 Provide a 35m-50m wide riparian zone riparian corridor along Hyams Creek by preserving land for the purpose of environmental management to maintain ecological value, provide visual amenity and assist in water quality.
- C15 To provide riparian corridor plantings in line with consent conditions.
- C16 The streetscape design is to provide appropriate landscaping that is easily maintained through selection of tree species and does not impact upon utilities or services.

Section 6 – Stormwater and water quality management

Objectives

- To effectively manage stormwater on the site so that that impacts downstream are minimised and improved where possible.
- To achieve performance criteria outlined in the Kiama Municipal Council Water Sensitive Urban Design Policy.

Controls

- C17 Design streets to maximise on-site stormwater infiltration and minimise the need for water detention.
- C18 Subdivision applications are to include a comprehensive watercycle management strategy to demonstrate how the performance criteria outlined in the Kiama Municipal Council Water Sensitive Urban Design Policy is met.

Section 7 – Utility servicing

Objectives

- To provide building servicing capability for the following utilities to ensure allotments are adequately serviced with:
 - Electricity
 - Sewer
 - Potable water
 - Telecommunications

Controls

- C19 All lots within the release area are to be supplied with connection to a suitable supply of the following services:
- Electricity
 - Sewer
 - Potable water
 - Telecommunications
- C20 The release area is to be serviced with underground service connections, following road alignments where possible.
- C21 Infrastructure design is to be in accordance with infrastructure service provider engineering design specification, including Kiama Council engineering requirements for development, Australian Standards and relevant Technical Report(s) for Development Servicing Plan(s) prepared to accompany subdivision application.

Section 8 – Allotment form

Objectives

- To reduce the quantity of cut and fill required on allotments.
- To ensure lots are created to accommodate appropriately sited dwellings to minimise visual impacts and amenity afforded by adjoining properties.
- To encourage regular shaped and adequately sized allotments to allow flexibility of building design.
- To provide minimum allotment area.

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Controls

- C22—Subdivision must be designed to minimise the amount of cut and fill required for roads and by buildings on allotments.
- C23—Lots are generally to be regular in shape with a minimum street frontage width of 12m, unless accessed using a battle axe format.
- C24—Battle axe access handle must be a minimum 5m wide, 2 adjacent access handles of 2.5m may be combined to achieve the minimum width.
- C25—Battle axe lots are only to be used where:
- C26—Access handle length is minimised without compromising form of adjoining allotments; and
- C27—Allotments reduce the amount of cut and fill that is required than if conventional layout was provided.
- C28—Allotments are to accommodate on-site storm water management which may take the form of water tanks, raingardens or swales.
- C29—Allotments must allow buildings to be designed for maximum energy efficiency and maximise potential for views to the Hyams Creek Corridor and distant hills.
- C30—Allotments within the following precincts must be of a minimum area as follows:
 - Residential Allotments – 800sqm
 - Senior Living – 350sqm

Section 9 – Fencing

Objectives

- Provide standards for fencing consistency to ensure privacy while encouraging passive surveillance of public domain areas.
- To ensure that the impact of fences on the streetscape and public places is minimised.
- To ensure that fencing does not affect the amenity of adjoining properties by adversely affecting views, vehicular access or significantly restrict solar access.

Controls

- C31—All fencing located behind the front building setback must be no higher than 1.8m at any point along the fence measured from the lowest point on the highest side.
- C32—The overall design of front fences must complement existing structures, landscaping and the general streetscape.
- C33—Front fences must contain open form sections to increase visibility for security purposes.

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

~~C34—Gates for vehicular entry shall only open inwards onto the property and shall enable the gates to open with vehicles fully off the road.~~

Section 10— Hazard management

Objectives

- ~~• To ensure human life is protected through adequate flooding and bushfire protection and egress opportunities.~~

Controls

~~C35—Asset protection zone (APZ) setbacks are to be provided in accordance with Planning for Bushfire Protection 2006.~~

~~C36—Minimum APZ setbacks from the Riparian vegetation are to be provided and managed to minimise potential risk to people and property as follows:~~

- ~~• 40m for development with a special fire protection purpose including Housing for Seniors and People with a Disability.~~
- ~~• 14m for a residential development.~~

~~C37—All allotments must provide a site for dwellings above the 1% AEP flood level.~~

~~C38—A minimum of 2 vehicular access points to Wyalla Road are to be provided to allow safe egress in the case of flooding or bushfire.~~

~~C39—Provide a perimeter local road in accordance with **Section 4 Access and Movement** of this chapter.~~

PART B – OBJECTIVES AND CONTROLS FOR DEVELOPMENT WITHIN PRECINCTS

Part B applies to development within the following precincts:

- Section 11 - Residential Allotment Precinct
- Section 12 - Seniors Living Precinct
- Section 13 - Environmental Management Precinct

Section 11 – Residential Allotment precinct

In addition to controls outlined in other chapters of this document the following controls apply:

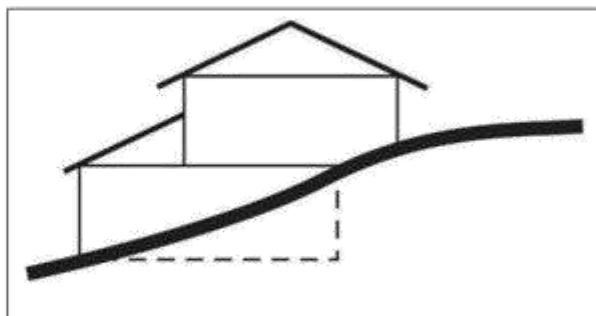
11.1. Building siting and setbacks

Objectives

- To minimise visual impact and overshadowing on adjoining development.
- To minimise the amount of cut and fill required.
- To ensure development is consistent with the desired future character for the precinct.

Controls

- C40 Development must be consistent with the desired future character for the precinct ([refer to Table 1](#)). One way of achieving this is to establish visual corridors between neighbouring built elements by way of a 1.5 metre side boundary setback.
- C41 Buildings must not require more than 2m cut or fill. Instead the building must step down with the slope as demonstrated in the following diagram:



31.15

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Figure 4: Sloping sites building configuration

C42 Dwelling houses and ancillary development must have a minimum front building line setback of 4 metres. Garages and carports must have a minimum front building line setback of 6 metres.

C43 Dwelling houses and all ancillary development (including garages/carports) must a rear building line setback of 6 metres.

C44 Development is to comply with all other relevant building line setback requirements contained within Chapter 2.

11.2. Building form

Objectives

- To ensure a legible built form that responds to the street with fenestrations.
- To ensure well defined entrances are provided.
- To minimise visual impact and overshadowing on adjoining development.
- To ensure buildings are of an appropriate bulk and scale.

Controls

~~C42 Maximum building height in accordance with Kiama Local Environmental Plan 2011.~~

Comment [EP2]: LEP already enforces this

C43 The facades of buildings are to be articulated to contain fenestrations the provide opportunity for casual surveillance of the public domain.

C44 Entrances are to be well defined through use of materials, finishes and building articulation.

C45 Built form is to be consistent with the low density residential streetscape character that occurs in the Jamberoo village area.

C46 Garage doors are to be less than 50% of the width of the building when facing the street.

Comment [EP3]: Consider amending to be consistent with Chapter 4 (i.e. 50% of elevation)

C47 The use of stone and wooden building materials is encouraged as is pitched roof forms in order to be consistent with the desired future character for the precinct (refer to Table 1)

11.3. Materials and finishes

Objectives

- To provide a consistent built form character that is sympathetic to the scenic surrounds.

Controls

C47 Buildings are to use materials and finishes that are sympathetic to the surrounding rural and natural settings.

C48 Rainwater tanks must be screened from street-view.

Chapter 31 – Kiama Development Control Plan 2012 – Wyalala Road

11.4. Waste management

Objectives

- To ensure adequate provision of bin storage.
- To ensure waste management procedures for construction and demolition are consistent with controls outlined in various chapters this DCP.

Controls

- C47 A waste management plan is to be prepared in accordance with DCP 2012.
- C48 Provision of adequate bin storage areas/enclosures are to be provided behind the building line in accordance with the waste management plan provided with the development application.
- C49 Bin storage areas/enclosures are to be provided so that bins cannot be seen from the street.

11.5. Parking and access

Objectives

- To ensure adequate off street car parking is provided for use.

Controls

- C50 Development must demonstrate compliance with the relevant requirements of Chapter 9, that adequate parking is provided on site to serve the needs of the use.

11.6 – Fencing

Objectives

- Provide standards for fencing consistency to ensure privacy while encouraging passive surveillance of public domain areas.
- To ensure that the impact of fences on the streetscape and public places is minimised.
- To ensure that fencing does not affect the amenity of adjoining properties by adversely affecting views, vehicular access or significantly restrict solar access.

Controls

- C31 All fencing located behind the front building setback must be no higher than 1.8m at any point along the fence measured from the lowest point on the highest side.
- C32 The overall design of front fences must complement existing structures, landscaping and the general streetscape.

Comment [EP4]: Included fencing requirements outlined in Part A under the requirements for residential development.
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Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

~~C33 Front fences must contain open form sections to increase visibility for security purposes.~~

~~C34 Gates for vehicular entry shall only open inwards onto the property and shall enable the gates to open with vehicles fully off the road.~~

Section 12 – Seniors Living Precinct

This section contains provisions for all development within the Seniors Living precinct identified in Figure 2.

~~12.1. Restriction on the use of lots/dwellings in this precinct~~

~~Objectives~~

- ~~• To ensure that the housing in the Senior Living Precinct will be utilised by seniors or people with a disability~~

~~Controls~~

~~C51 An appropriate mechanism will be placed in perpetuity on the title of lots in the Senior Living Precinct that will restrict the use of the dwellings to Seniors or People with a disability (as per the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.~~

Comment [EP5]: This section can be deleted as appropriate 88B instrument has been registered.

~~12.2.12.1. Building design~~

~~Objectives~~

- ~~• To ensure that all dwellings are designed and constructed to meet standards identified in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.~~

~~Controls~~

~~C53 All dwellings in this precinct must be designed and constructed to meet State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 identified standards including but not limited to AS 1428.1 and AS 4299 as amended.~~

~~C54 All dwellings in this precinct must be designed and constructed in keeping with the 'indicative' layouts provided in Appendix 1 of this chapter. (Note these designs may have minor amendments to those shown herein to ensure, compliance with appropriate standards, solar access, site variations etc).~~

Comment [EP6]: Consider deleting as this is a redundant control as SEPP already enforces this.

~~12.3.12.2. Building siting and setbacks~~

Objectives

- To minimise visual impact and overshadowing on adjoining development.
- To ensure development is consistent with the desired future character for the precinct.

Controls

C55 Development must be consistent with the desired future character for the precinct.

C56 ~~A minimum front building line setbacks from for senior living dwellings is to be property boundary is 2.5 metres to the garage~~

C57 No side setback is required when any of the following conditions are met otherwise a 0.9m side setback applies:

- It is demonstrated that the amenity of the adjoining allotment(s) are not compromised by reduction of solar access or privacy;
- Where an easement for access and maintenance is provided on title of the adjoining allotment, a zero side setback may be applied to that one side only for the single storey component of the dwelling;
- Where the adjoining allotment has a masonry wall, without openings, built to the boundary, a zero side setback may be applied to that one side only for the single storey component of the dwelling so long as drainage and fire rating is satisfactorily addressed."

C58 ~~A Rear building line setback of 1.5 metres for a building up to 4.5 metres in height is prescribed.~~

12.4.12.3. Built form

Objectives

- To ensure a legible built form that responds to the street with fenestrations.
- To ensure well defined entrances are provided.
- To minimise visual impact and overshadowing on adjoining development.
- To ensure buildings are of an appropriate bulk and scale.

Controls

~~C59 All buildings in the precinct are to be single storey~~

C60 Garages are to be setback 3 metres from the front façade to reduce visual dominance on the streetscape.

C61 Building facades facing streets are to be well articulated through the use of materials, finishes and fenestrations.

C62 The facade of a building on a corner lot is to address both streets and be articulated to contain fenestrations that provide opportunity for casual surveillance.

Comment [EP7]: This conflicts with C150 of SEPP (seniors living) and should be deleted

12.5.12.4. **Materials and finishes**

Objectives

- To provide a consistent of built form and character that is sympathetic to the scenic surrounds.

Controls

C63 Buildings are to use materials and finishes that are sympathetic to the rural and natural setting to land west of the release area.

12.6.12.5. **Open space and landscape**

Objectives

- Provide private open space for each allotment that has access to direct sunlight.
- Provide a minimum open space area to assist in managing storm water.
- Provide privacy control through landscaping, planting selection, and design.

Controls

C64 Minimum 15% of site must be landscape area, of which at least half must receive direct sunlight.

C65 Provide screening of buildings, ancillary structures and/or rainwater tanks through landscaping to minimise impact on neighbours.

C66 Landscaping is to assist in stormwater management where possible.

C67 The site must contain a minimum private outdoor space area of 20sqm with direct sunlight.

C12 Utilise planting of species of local providence for where possible.

C16 The streetscape design is to provide appropriate landscaping that is easily maintained through selection of tree species and does not impact upon utilities or services.

42.7-12.6. Waste management

Objectives

- To ensure adequate provision of bin storage behind the building line.
- To ensure waste management procedures for construction and demolition are consistent with controls outlined elsewhere in this document.

Controls

- C68 Bin storage areas/enclosures are to be provided in accordance with controls defined elsewhere in DCP 2012 and any associated guidelines.
- C69 A waste management plan is to be prepared for the community centre and adequate space for waste storage provided.
- C70 Bin storage areas/enclosures are to be provided so that bins are not visible from the street.

42.8-12.7. Parking and access

Objectives

- To ensure buildings can be accessed are in accordance with relevant standards for accessibility.
- Ensure senior living dwellings provide adequate off street car parking.

Controls

- C71 Dwellings must be accessed in accordance with Australian Standard AS1428.
- C72 Each dwelling must provide car parking for at least one vehicle behind the building line.

42.9-12.8. Onsite community facility

Objectives

- To ensure provision of an allotment that accommodates a community facility to cater for the need of the future residents of senior living precinct of the Wyalla Road Residential Release area.
- To ensure a common building (community facility) is provided (designed and constructed by the applicant) for the residents of the Seniors Living Precinct.
- To ensure that the common building (community facility) is in the "joint" ownership of the allotments of the Seniors living Precinct.
- To ensure that the "joint" ownership of the common building (community facility) is reflected in the title of these lots and the owners are made aware of this on purchase.
- Ensure parking is provided so that visitors do not compromise the movement of vehicles along local streets.

Controls

~~C73 An allotment of a minimum size 12m wide and 27m in length is to be provided as part of the Seniors Living precinct.~~

Comment [EP8]: Delete as lot has been registered.

C74 A building is to be provided (designed and constructed to agreed specifications) that accommodates seating for up to 60 people, a kitchen, toilet and storage room.

C75 That the ownership/care/control and maintenance of this building is attached through a legal mechanism to the allotments in the Seniors Living Precinct. Information reflecting these arrangements is clearly articulated to all purchasers of these lots.

C76 A minimum of one car parking space is to be provided on site.

Section 13 – Environmental Management precinct

This section contains provisions for the environmental management precinct identified in Figure 2.

Objectives

- To provide the intended use of the environmental management precinct as identified in the desired future character.
- To accommodate the provision of stormwater management.
- To ensure landscaping does not compromise bushfire protection.

Controls

C77 The landscape is to be designed to accommodate ease of management and so that a fire hazard is not created.

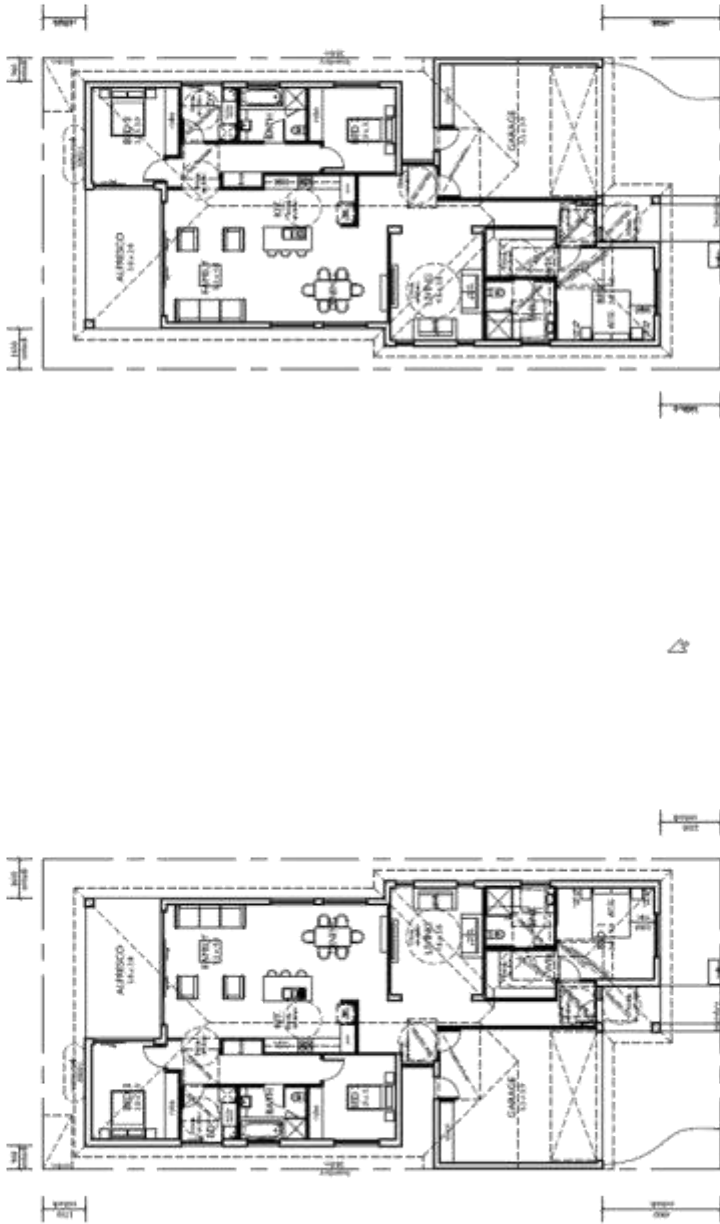
C78 Provide bushfire protection for the Residential Allotment Precinct and Seniors Living Precinct.

C79 Provide for a pathway/cycleway through this area which follows the permitter access road to exit onto the southern access point to Wyalla Rd, seats/tables etc.

C80 Provide some seating/picnic tables in this area.

C81 Provide stormwater detention and runoff from roads, if required.

Appendix 1 – Indicative concept designs for Seniors Living Precinct



CONCEPT FLOOR PLAN - A
MIRRORED
1:200 @ A3

CONCEPT FLOOR PLAN - A
1:200 @ A3

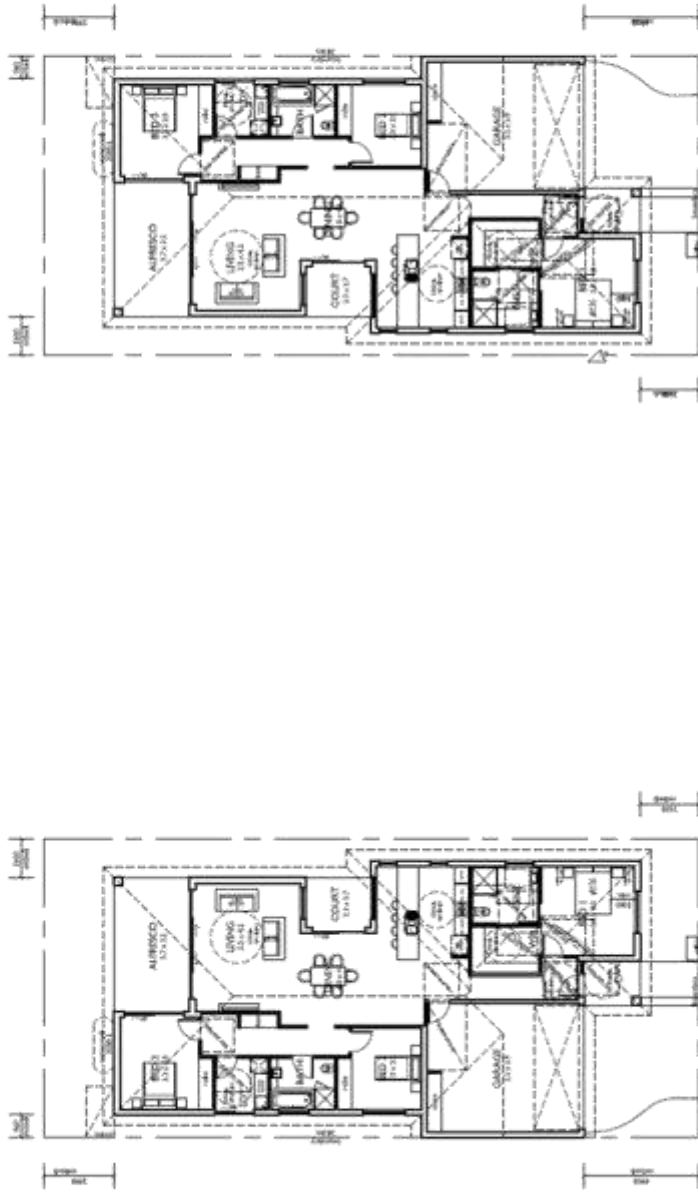
31.20

Appendix 1 – Indicative concept designs for Seniors Living Precinct



31.21

Appendix 1 – Indicative concept designs for Seniors Living Precinct

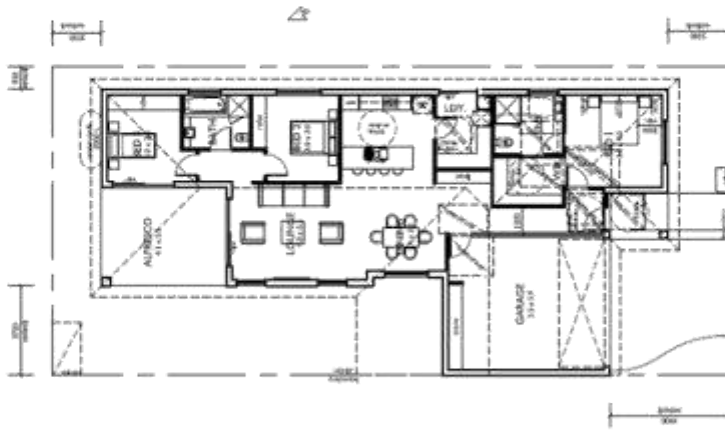


CONCEPT FLOOR PLAN - C
MIRRORED
1:200 @ A3

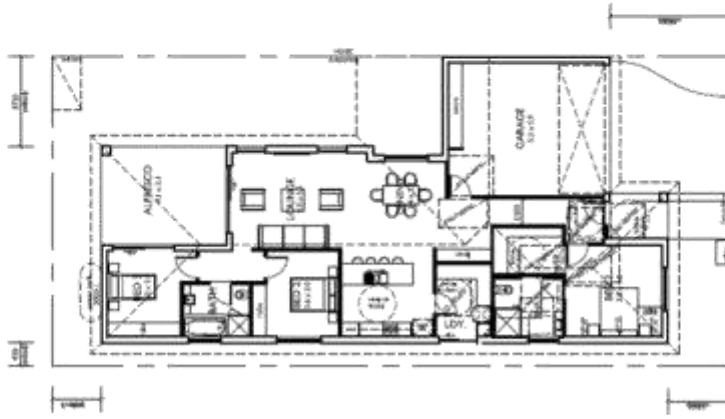
CONCEPT FLOOR PLAN - C
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31.22

Appendix 1 – Indicative concept designs for Seniors Living Precinct



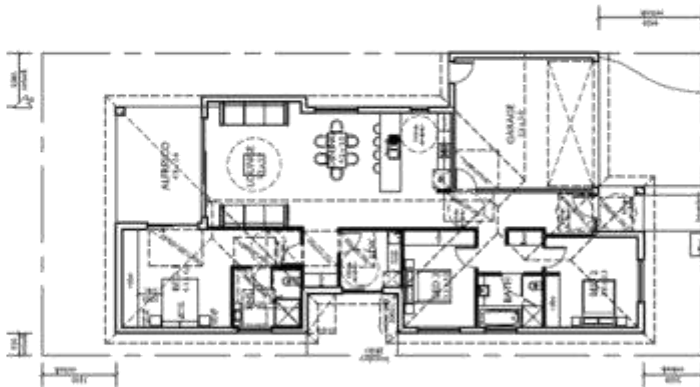
CONCEPT FLOOR PLAN - D
1:200 @ A3



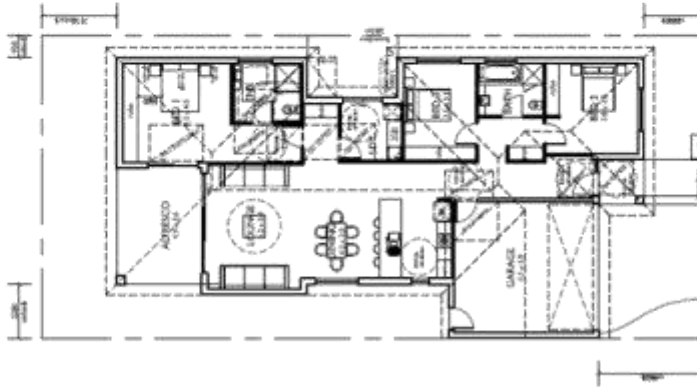
CONCEPT FLOOR PLAN - D
MIRRORRED
1:200 @ A3

31.23

Appendix 1 – Indicative concept designs for Seniors Living Precinct



CONCEPT FLOOR PLAN - E
1:200 @ A3



CONCEPT FLOOR PLAN - E
MIRRORED
1:200 @ A3

31.24

9.3 Replace existing light tower, add mobile phone base station - Lot 12 DP708875 Havilah Place, Kiama (10.2016.255.1)

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 considers a development application for a replacement light tower with a mobile phone base station.

Reason for Report to Council

More than (3) submissions received.

Finance

The proposal would provide income to Council if approved through a lease arrangement.

Policy

N/A

Attachments

1 Proposal Plans

Enclosures

1 EME Information

RECOMMENDATION

That Council approve DA 10.2016.255.1 under Section 80(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions identified at the end of the report.

BACKGROUND**Development Site**

The property is described as Lot 12 DP: 708075 which is located at Havilah Place Kiama.

The overall site has an area 7.75 ha and is irregular in shape. The site currently is used for various sports including cricket, soccer and athletics and is bounded by residential development approximately 200 metres to the south and east, Council's Leisure Centre and Blue Haven Facility to the north and the Princes Highway to the west.

The site is zoned RE1 Public Recreation pursuant to Kiama Local Environmental Plan (LEP) 2011.

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

Access to the property is gained via Havilah Place.

The site is serviced by water, sewer and electricity.

Description of the Proposed Development

The proposal involves the following:

- Removal of an existing 18.5m high light pole
- Installation of a new 20m high pole in the same location
- Installation of 3 panel antennas attached to a 4 metre headframe. This headframe will be mounted on top of the 20 metre height pole, giving an overall height of 24 metres approx.
- Installation of an Out Door Unit (ODU) (These are cabinets at ground level).
- Installation of ancillary equipment within the proposed cabinets.

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 (Infrastructure) 2007

The proposal is not covered by the exempt provisions under this SEPP as it is not being erected for or on behalf of a public authority.

The proposal is however permissible on any land with consent under the terms of Section 115 of the SEPP which states –

‘115 (1) Development for the purposes of telecommunications facilities, other than development in clause 114 or development that is exempt development under clause 20 or 116, may be carried out by any person with consent on any land.’

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

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

Consideration has been given to the objectives of the SEPP71 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 No 55 - Remediation of Land

The land is suitable for the proposed use.

- Kiama LEP 2011

The subject land is zoned as RE1 Public Recreation pursuant to Kiama LEP 2011. The proposal is best characterised as a ‘telecommunications facility’ and is not listed as a permissible use in the zone.

“telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or*

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

(b) *any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or*

(c) *any other thing used in or in connection with a telecommunications network.”*

As a dominant use of a site, a telecommunications facility would arguably be prohibited in the RE1 zone, in circumstances where a public authority was not carrying out the work. In this instance however, the facility proposed is not a dominant use and will not interfere with the dominant uses of the reserve. It is therefore considered to be an ancillary use, that does not interfere with, or in itself create, a dominant use of the site and may therefore be approved even though it is not specifically permitted in the zone.

Irrespective of whether the proposal is permissible in the RE1 zone under the provisions of Kiama LEP 2011, a telecommunications facility is permissible with consent on any land under the overriding provisions of SEPP (Infrastructure) 2007.

The proposal will not interfere with the enabling of the land to be utilised as public open space or for recreational purposes.

The proposal is seeking to replace an existing light pole and include all existing infrastructure, currently located on the existing pole, to the new pole. The new pole is required to provide sufficient strength to support the weight of the new antennas.

Having regard to the above, it is considered that development consent can be legally issued under the provisions of SEPP (Infrastructure) 2007.

Specific clauses requiring consideration:-

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The land is not covered by the Building Heights map and therefore no height limit applies to the site.

Clause 4.6 provides for exceptions to development standards. No exemptions have been requested nor are required.

Clause 5.5 lists requirements for development within the coastal zone. The proposal is not inconsistent 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 5.9AA stipulates that trees or vegetation which are not of a species or kind prescribed for preservation in a development control plan may be cut down, lopped or removed. The proposal does not involve the removal of any vegetation.

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of local heritage exists on the property and is listed in Schedule 5 as *“Pikes Hill Quarry aka Terralong Street Quarry”*.

The proposal meets the objectives of the clause

The quarry is listed principally in respect to the exposed quarry rock faces and roadside cuttings.

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

The proposal replaces an existing flood light pole and therefore does not detract from the heritage significance of the site.

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal meets with the objectives of the clause and the matters prescribed for consideration are satisfied.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama DCP 2012

The proposed development is not inconsistent with Kiama DCP 2012.

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

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

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

- *Australian Standard AS 2601—1991: The Demolition of Structures*

The proposal is not inconsistent with Australian Standard AS 2601—1991: *The Demolition of Structures*

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape.

- Noise

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No on-going significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

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

- Overshadowing

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

No shadow diagrams have been supplied with the development application which indicate as the structure will not create overshadowing impacts on adjoining properties.

Views

The proposal will have no unreasonable impact upon views currently available from neighbours. View impacts are discussed further in the submissions section of the report.

- Vehicle Access, Parking and Manoeuvring

The proposal has no impact on parking or manoeuvring on site.

- Stormwater Management

The proposal has no impact on stormwater management on the site.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

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

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

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns are raised in submissions warrant refusal of the application.

The Suitability of the Site for the Development

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

SubmissionsPublic Submissions

Notification letters were sent to neighboring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, eight (8) submissions were received which raised the following (summarised) matters of concern:-

Item 1:- Location of associated ground level cabinets

Response:- Four (4) of the objections received were concerned with the original location of the cabinets used in association with the base station. They were proposed to be located adjacent to the grandstand building. Amended plans were received relocating the cabinets to a point adjacent to the toilet block to the north of the original location.

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

As a result of the amended plans these four (4) objections were retracted.

Item 2:- Obstruction of views and aesthetically displeasing

The proposed base station replaces an existing light pole and is located approximately 190 – 200 metres from the concerned properties in Claremont Place and Irvine Street. Whilst the mobile phone array on top of the light pole will be visible, given the distance it is unlikely to diminish view quality markedly.

Item 3:- RF EME exposure concerns

A number of submissions raised concerns for the health of the community in respect to RF EME exposure from the base station.

The mobile network and towers such as that proposed emit low level radiofrequency (RF) electromagnetic energy (EME)

The emission of this energy from mobile phone base stations is regulated by the Australian Communications and Media Authority (ACMA). ACMA's regulatory arrangements require base stations to comply with the exposure limits in the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) RF standard. This standard is designed to protect people of all ages and health status against all known health effects from exposure to RF EME.

A fact sheet from ARPANSA is attached for Councillors information and highlights that EME exposure from base stations such as these are typically hundreds of times below the limits of the ARPANSA RF Standard.

The applicant has provided advice within the Statement of Environmental Effects which appears to back up the ARPANSA fact sheet advice with the maximum RF EME emission identified as being only 1.21% of the public exposure limit.

The RF EME emissions therefore appear unlikely to be a matter of concern in respect to this proposal.

Internal Referrals

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

- Subdivision & Development Engineer

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

- Environmental Health Officer

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

- Property Manager

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

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 significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts. The applicant has identified that new mobile

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

telephone coverage is required to provide 3G and 4G mobile coverage and increase traffic capacity in the Kiama area, with associated community benefit of better service. The proposal 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 and relevant Development Control Plans. The proposed development is consistent with the objectives of the LEP2011 - RE1 Public Recreation 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 Approval**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2016.255.1 dated (XXXX) except as amended by the following conditions:
(g005.doc)

Prior to Commencement of Works

- (1) 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.
(pt020.doc)

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

-
- (2) 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:
- Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - 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
 - 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. (pt060.doc)

- (3) 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. (pt062.doc)
- (4) Prior to the commencement of work the applicant is to enter into a lease/ license agreement with Council. The agreement must be executed by both parties in order for the development to take place on the land.

Demolition Works

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

Inspections

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

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. (bu015.doc)

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)

Property Management

Nil

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 Construction Certificate. The total contribution required for the development is **\$700.00**.

Report of the Director Environmental Services

9.3 Replace existing light tower, add mobile phone base station - Lot 12
DP708875 Havilah Place, Kiama (10.2016.255.1) (cont)

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. (po001.doc)

- (2) 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.

NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

SITE ADDRESS
KIAMA SOUTH OVAL
IRVINE STREET
KIAMA, NSW 2533



SITE LOCATION DATA

SOURCE SURVEY	ZONE 56
DATUM: MGA (GDA94)	UTM MONOPOLE
REF LOCATION:	E/L MONOPOLE
EASTING	302 686
NORTHING	6 181 692
LA TITUDE	-34.66855°
LONGITUDE	150.48653°

WGS84 DATUM USED BY GPS DEVICES CAN BE CONSIDERED SAME AS OCEAN TOWERS. *CENTRE DATUM OF AUSTRALIA TORQUEL MANUAL, VERSION 2.0

EXISTING SITE HAZARDS

- EXISTING EME TRANSMITTING ANTENNAS
- MANUAL HANDLING
- WORKING AT HEIGHTS
- SLIP, TRIP AND FALLS
- ELECTRICAL HAZARDS
- WEATHER / LIGHTNING
- SUN EXPOSURE
- WILDLIFE / INSECTS
- OPERATING ANTENNAS

WHS SAFETY IN DESIGN RISK ASSESSMENT
ALL HAZARDS ASSOCIATED WITH THE DESIGN OF THE PROPOSED WORKS AS WELL AS ANY EXISTING OR LEGACY DOCUMENTATION "DM38344 - MRD WHS SAFETY IN DESIGN RISK ASSESSMENT MATRIX"

SITE SIGNAGE
SITE SIGNAGE SHALL BE IN ACCORDANCE WITH OSD-170 (GROUND SITE).

EME EXCLUSION ZONES
REFER TO RADIO COMMUNICATIONS SITE MANAGEMENT BOOK (RCSMB) FOR LATEST EME EXCLUSION ZONES FOR EXISTING AND PROPOSED ANTENNAS AT THIS SITE.

GENERAL

- THE CONTRACTOR SHALL COMPLY WITH ALL THE RELEVANT OPTUS CONSTRUCTION STANDARDS AND SPECIFICATIONS.
- ALL INFORMATION TO BE CHECKED ON SITE PRIOR TO FABRICATION AND CONSTRUCTION.

ELECTRICAL INSTALLATION AND SITE EARTHING
REFER TO DRAWINGS S2347-E1, E2 & E3 FOR THE ELECTRICAL SPECIFICATION NOTES AND SITE EARTHING DETAILS.

NEW OPTUS MONOPOLE

- NEW OPTUS 30m HIGH ROCLA MONOPOLE FOUNDATION WITH NEW HEADFRAME AND ANTENNA MOUNTS.
- NEW ANTENNAS, RRUS AND ANCLARRES TO BE INSTALLED ON NEW HEADFRAME. REFER SS3C HEADFRAME CERTIFICATION DATED 07/11/2016.
- ANTENNA MAINTENANCE ACCESS BY QUALIFIED PERSONNEL ONLY VIA STEP PEGS AND LAD-SAF WITH FALL ARREST SYSTEM PROVIDED ON MONOPOLE OR LWP.
- STRUCTURAL ADEQUACY OF NEW CONCRETE MONOPOLE HAS BEEN CONFIRMED BY ROCLA. REFER ROCLA CERTIFICATION DATED 07/11/2016.

ODU EQUIPMENT

- NEW OPTUS 6-BAY ODU ON CONCRETE SLAB.
- COLOUR TO BE 'PALE EUCALYPT/PAPER BARK'.

TRANSMISSION
TO BE CONFIRMED BY OPTUS.

REMOTE ELECTRONIC TILT
RET CONTROL FOR THIS SITE TO BE INSTALLED AS PER OPTUS (DM38640) RET/MHA DEPLOYMENT GUIDE LATEST REVISION

CONSTRUCTION SITE ACCESS
ACCESS TO THE SITE IS VIA ACCESS TRACK (OFF HAVILLAH PLACE).

CLIENT
OPTUS 4e8

PROJECT
MOBILE NETWORK AUSTRALIA
SITE No:- S2347
KIAMA SOUTH
IRVINE STREET

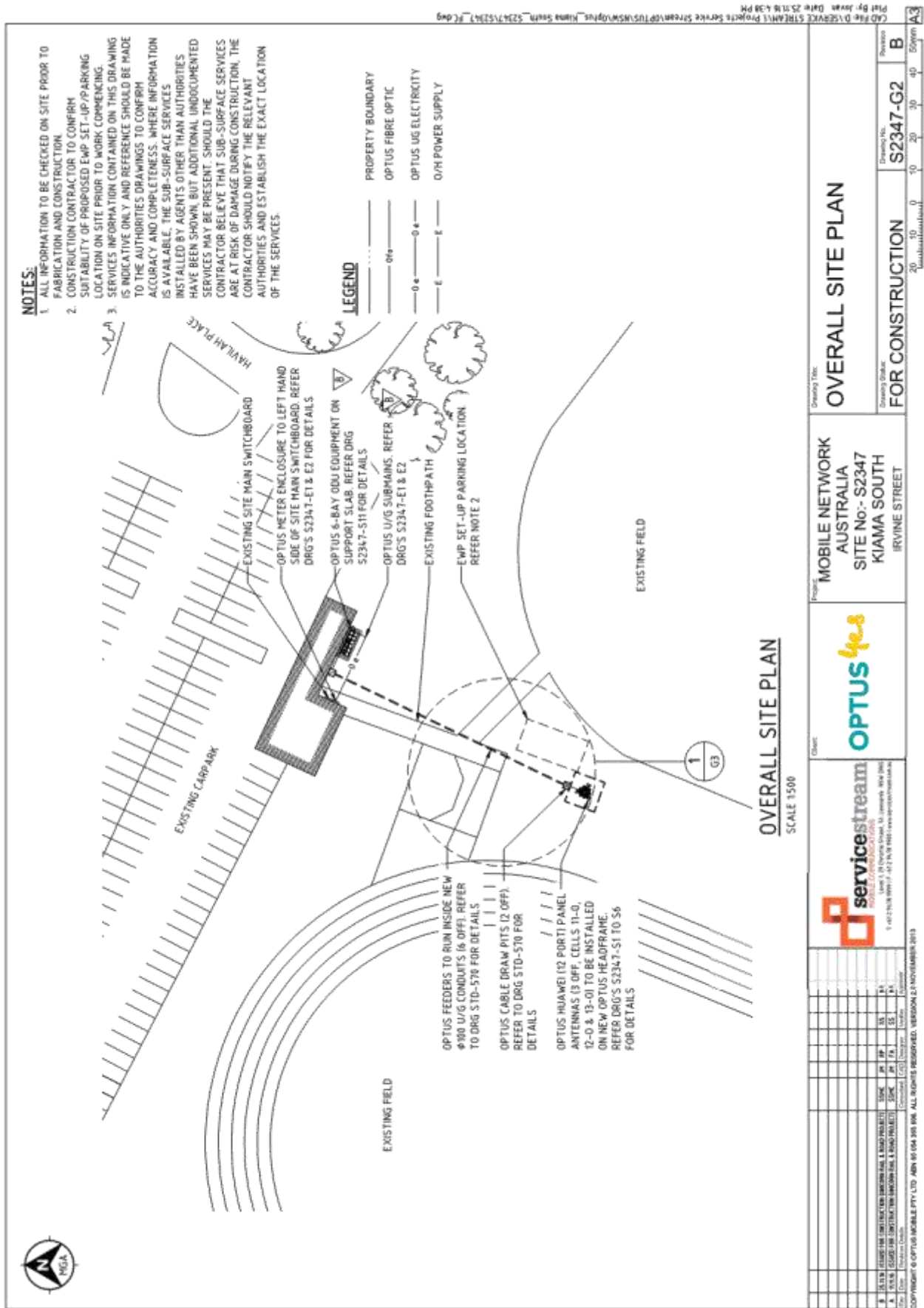
DRAWING TITLE
SITE SPECIFICATIONS
FOR CONSTRUCTION

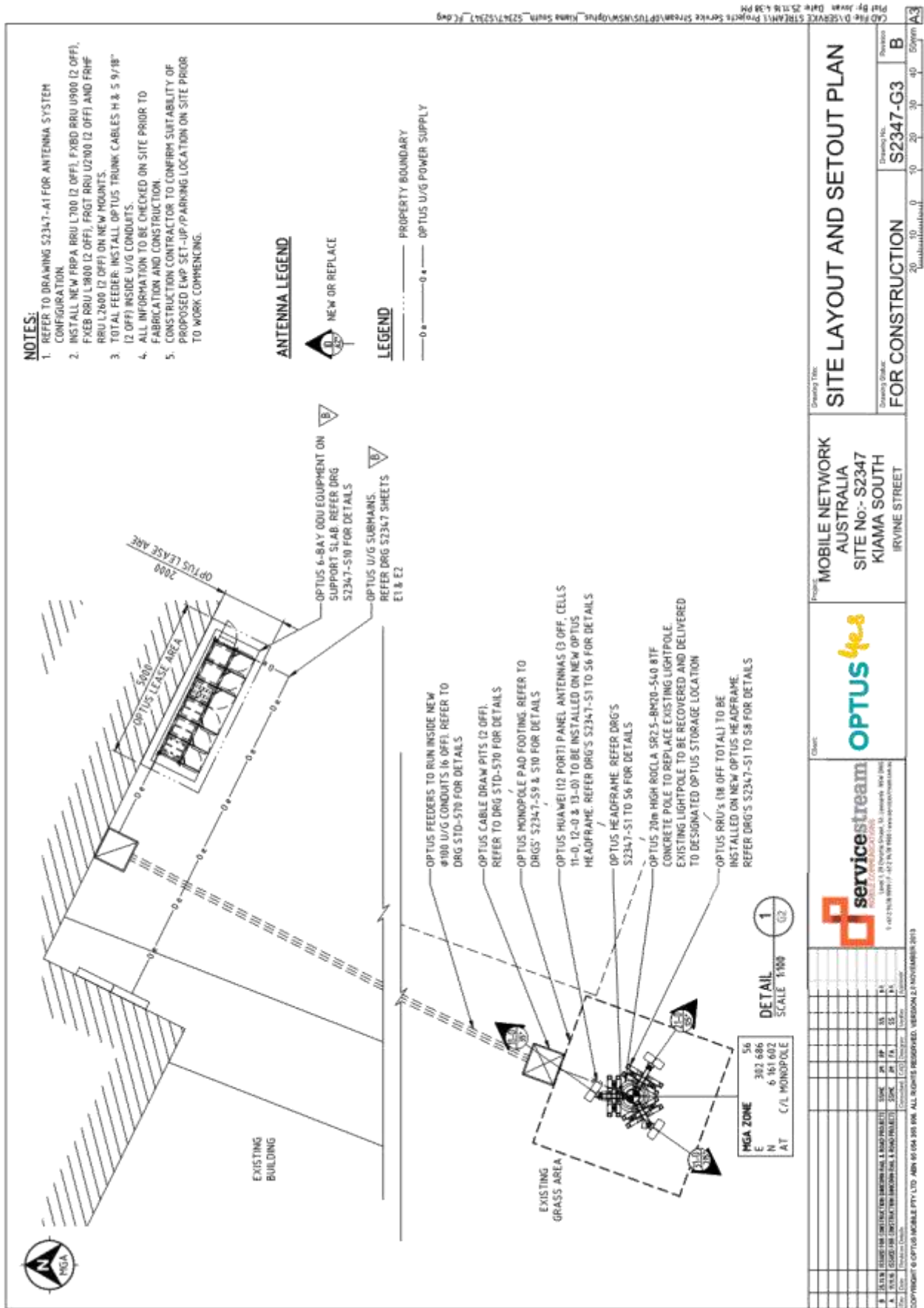
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S2347-G1

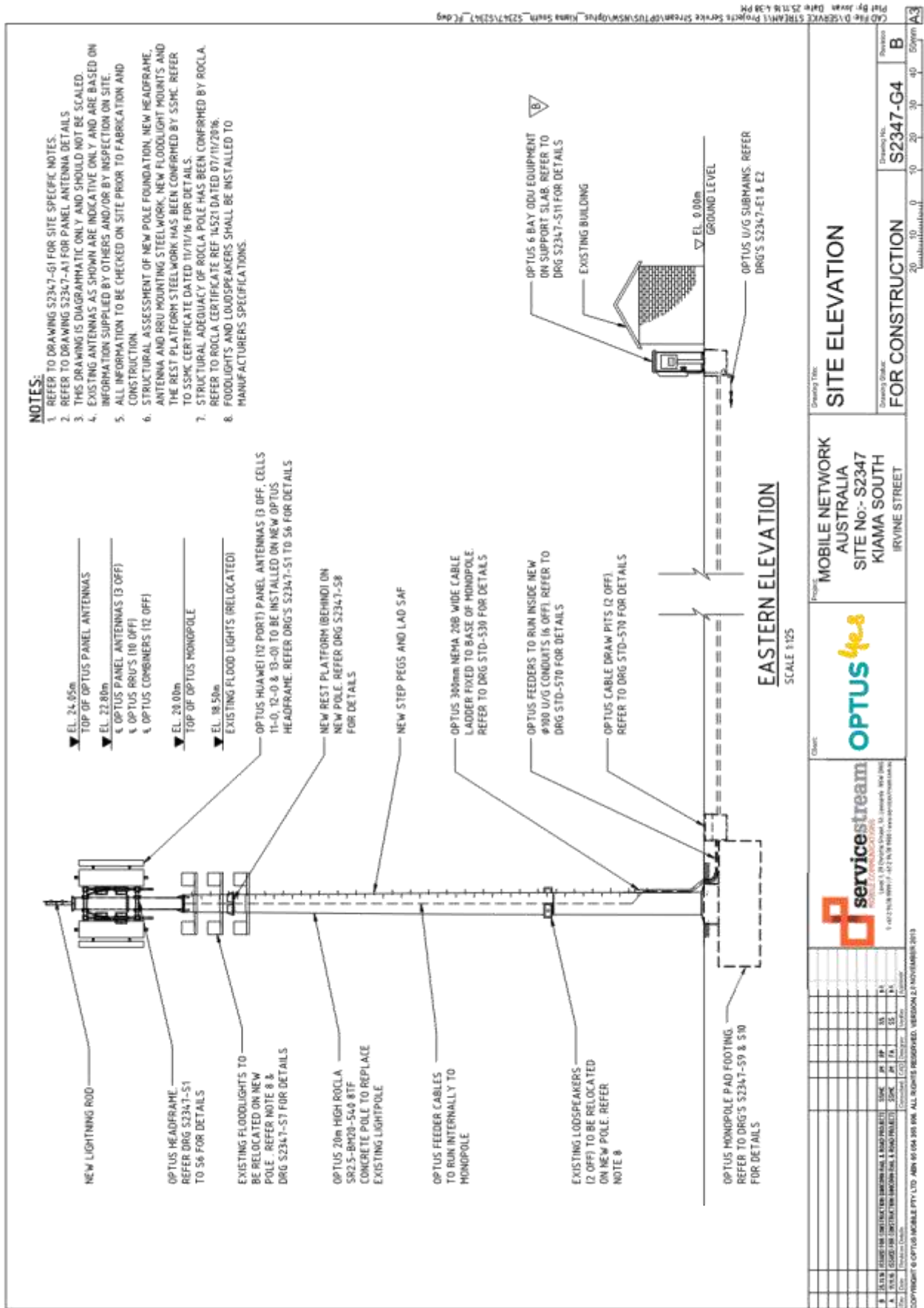
Revision
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DATE
25/16 4:38 PM







By Thomas Mackenzie | MACKINLAY MACKENZIE | PO Box 320 Bondi Junction NSW 2022 | M: 0414 410 190 | E: macmac@ozemail.com.au



By Thomas Mackenzie | MACKINLAY MACKENZIE | PO Box 320 Bondi Junction NSW 2022 | M: 0414 410 190 | E: tmackmac@ozemail.com.au



10 REPORT OF THE GENERAL MANAGER

10.1 Kiama Lions Race Day 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: 1.2.6 Support the growth and development of Kiama's community groups and service sector

Summary

This report advises of a request from the Kiama Lions Club for sponsorship of the Kiama Cup race at the Kembla Grange Race Day being held to benefit the Kiama Lions Club Cancer Care Fund and Carer's Retreat.

Finance

To be financed from Council's Donations budget.

Policy

Not applicable.

Attachments

1 Kiama Cup Sponsorship Flyer

Enclosures

Nil

RECOMMENDATION

That Council sponsor the Kiama Lions Club Race Day, the proceeds of which go to the Kiama Lions Club Cancer Care Fund and Carer's Retreat, by providing \$2500 sponsorship.

BACKGROUND

In previous years Council has provided sponsorship of a race as part of the Kiama Lions Club Race Day which is held to raise funds for local organisations.

The Kiama Lions Club has once again written to Council advising that they intend to hold a Race Day on 1 April 2017 at Kembla Grange Race Course in support of the Kiama Lions Cancer Care Fund and Carer's Retreat and are seeking sponsorship of \$2,500. The sponsorship involves:

- Naming rights for one race on the day
- Sashing of the winning horse in the named race
- Sash to display Kiama Municipal Council
- Full page advertisement in racecourse program

Report of the General Manager

10.1 Kiama Lions Race Day sponsorship request (cont)

-
- Acknowledgement in pre-race and racetrack publicity via radio 2KY, Illawarra Mercury and Sky Channel
 - Racecourse signage on the day
 - Table for 10 including luncheon the Bert Lillye Lounge.

In February 2016 Council resolved to support in principle the refurbishment/renovation of the Council-owned building at 105 Shoalhaven Street, Kiama by the Kiama Lions Club to be used as a holiday respite house for carers (Carer's Retreat). A portion of the proceeds from the Race Day are intended to assist with this worthy project.

Kiama Cup Race Day
1st April 2017

100 YEARS OF LIONS CLUB INTERNATIONAL
SINCE 1917
WHERE THERE'S A NEED THERE'S A LION

1. Naming rights for one race at Kembla Grange Racecourse on the day.

2. Sashing of the winning horse in your event by your representative.

3. Sash supplied with your Company name thereon.

4. Full page advertisement in the Kembla Grange program.

5. Acknowledgement in the pre-race & race track publicity via the mediums of radio 2KY, the Illawarra Mercury, Pay TV & SKY Channel, with exposure to in excess of 2.7 million viewers.

Display signage at the race course on the day.

A luncheon for ten clients / guests in the private Bert Lillye Lounge.

*Doncaster Day
Race Day
The Biggest*

'Your No.1 Feature'

In support of:
KIAMA LIONS CLUB &
CANCER CARE FUND &
CARER'S RETREAT

Please Contact
Ray Redgrave: 0418224461
Clive Payne: 0409047981
Ian Chelley: 0417692289

All this, and a great day out for a \$2,500.00 donation

10.2 Healthy LIVIN Festival - 13 - 14 May 2017 - 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: 1.2.1 Promote and support cultural and artistic programs for young people

Summary

This report informs Council of a sponsorship request received from Moxi & Co to assist in the running of the inaugural Healthy LIVIN Festival to be held on the 13-14 May 2017 on the School Flat in Kiama.

Finance

In-kind support is being sought for:

- Major Event License including Reserve Hire Fees estimated at \$800
- Waste (10) and Recycling (10) Bins daily estimated at \$750
- Additional Cleaning of Toilet Facilities at the School Flat, Black Beach and Hindmarsh Park estimated at \$600

Policy

Not applicable.

Attachments

- 1 Sponsorship Request - Healthy LIVIN Festival - 13-14 May 2017 Kiama - Courtney Beaton - Moxi and Co

Enclosures

Nil

RECOMMENDATION

1. That Council provides a one-year sponsorship through in-kind support to a value of \$2,200 to assist in running of the Healthy LIVIN Festival by:
 - donating reserve hire fees;
 - donating Waste Management with the consideration of incorporating the go-organics bins; and
 - the additional cleaning of toilet facilities
2. That the organiser be advised that food, clothing and craft stalls not directly promoting a healthy lifestyle will not be permitted.

Report of the General Manager

10.2 Healthy LIVIN Festival - 13 - 14 May 2017 - Sponsorship Request (cont)

BACKGROUND

Moxi and Co, own and operate some of the largest events on the South Coast including the Farmers' Market and Sculptures at Killalea Festival, Child's Play Festival and more. Their events are designed to utilize the talents of locals, welcome people of all ages and create an environment that is inclusive, affordable and above all else, enjoyable.

The inaugural event will be loaded with fitness activities, seminars, health and nutrition advice, workouts, yoga, meditation and plenty more.

The event will be targeting young families and people between the ages of 19 – 35 and while they anticipate a strong local following, they will be heavily promoting the festival to the main catchments of the South Coast who are keen fitness crowds with a strong disposable income – Southern and Western Sydney; Southern Highlands, Canberra and the far South Coast. Consideration is also being given of how to incorporate a children's living healthy component to the event.

The organiser's conservative target for ticket sales is at 1,000 anticipating 30% to be local Kiama LGA residents and the remaining 70% to be from outside of a 45 minute catchment and requiring accommodation and travelling with at least one companion.

Estimated day trippers (family, friends, support crew - (excluding those within the Kiama LGA) is 800 – 1,500 and estimated overnight visitation of 300 beds (one night), and 550 beds (two nights or more).

Moxi and Co will be partnering with one of the largest suicide prevention movements in Australia, LIVIN, to deliver a weekend dedicated to promoting the benefits of healthy habits, good living and the positive impact Healthy LIVIN' has on mental health.

The festival will also include an element of food and market stalls with preference given to local providers.

This event is a positive fit for the Kiama Community through the Kiama Health Plan, the Community Strategic Plan – Objective 1 being "A Healthy, Safe and Inclusive Community", and the Dementia Friendly Kiama initiative to name a few.

Further information visit the Healthy LIVIN Festival website

www.healthylivinfestival.com.au



Tuesday 24 January, 2017

The General Manager;
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Dear Mr Forsyth,

Re: Healthy LIVIN Fitness Festival, May 13-14 2017.

My name is Courtney Beaton, a co-owner of Moxi and Co and one of the Event Directors of the upcoming Healthy LIVIN' Festival which we are excited to be bringing to Kiama on the weekend of May 13 and 14, 2017.

The inaugural event is unlike anything this region, or the South Coast, has hosted before and we are hoping to work closely with Kiama Council to ensure it is an event that we can secure as a major drawcard for the community for years to come.

It will be loaded with fitness activities, seminars, health and nutrition advice, workouts, yoga, meditation and plenty more. We will be collaborating with some of the regions and industry's best to bring it all to life.

We're also excited to be partnering with one of the largest suicide prevention movements in the country, LIVIN, to deliver a weekend dedicated to promoting the benefits of healthy habits, good living and the positive impact Healthy LIVIN' has on mental health.

Healthy LIVIN will target all ages – fitness fanatics to families and anyone just looking for a fun day out. There will be programs tailored for beginners to the advanced. Programs that have been specifically designed by a handful of experienced and passionate Personal Trainers and operators who are all coming together to help deliver this event.

We are writing to Council to ask for their assistance in getting this event off the ground by waiving any costs associated with the venue/ hire fees and charges to allow us to dedicate those funds into a targeted marketing campaign which we hope will draw thousands into the Kiama region for the weekend. In turn, we will honour Kiama Council with the rights of a major partner of the festival.

Currently, Moxi and Co, own and operate some of the largest events on the South Coast – on the first Sunday of every month we see over 6,500 attend The Farm's Market at Killalea State Park. In September we saw over 9,000 families enjoy a day out with their kids for our inaugural Childs Play Festival, and just last month we broke a number of records as we watched over 20,000 people across the course of the five day event wander through and explore the first ever Sculptures at Killalea Festival.

Our events are designed to utilise the talents of locals, welcome people of all ages and create an environment that is inclusive, affordable and above all else, enjoyable. The South Coast is home to some of the most iconic and picturesque locations in the country and we're setting out to help really put them on the map – not just as holiday hotspots, but as event destinations.

We have prepared a draft economic impact as a guide to what we anticipate attending the festival and the increased visitation we hope it brings to Kiama.

- **Target ticket sales:**
 - 1,000
 - We anticipate 30% to be local, Kiama LGA, residents and the remaining 70% to be from outside of a 45 minute catchment and requiring accommodation and travelling with at least one companion.
- **Estimated day trippers** (family, friends, support crew - (exc. those within the Kiama LGA):
 - 800 – 1,500
- **Estimated overnight visitation:**
 - 300 beds (one night)
 - 550 beds (two nights or more)

We will be targeting young families and people between the ages of 19 – 35 and while we anticipate a strong local following, we will be heavily promoting this festival to the main catchments of the South Coast who are keen fitness crowds with a strong disposable income – Southern and western Sydney; Southern Highlands; Canberra and the far South Coast.

We are hoping to see ticket sales hit 1,000 and at least one third (including their additional family/friends) looking for at least one night's accommodation in the area and to spend a weekend in Kiama.

In addition to this, we believe this activity will create a significant spike to the day tripper and VFR (Visiting Friends and Relatives) market with an overall increase in overnight stays and where money is saved by house-share/accommodation, it will be spent elsewhere.

With our experience in events, our knowledge of the area and the market we are targeting, we do anticipate a significant injection into the town's local economy – these people are spenders. They buy coffee, eat healthy nutritious lunches and are prepared to spend on quality experiences – and when the day is done, they're the first to sit with their friends and share stories over a glass or two of wine.

We are keeping our ticket prices to an absolute minimum to ensure we encourage spending within the local area and we're already in discussions with a handful of local businesses who will be working with us to offer opportunities, packages and discounts to ticket holders.

While there will be a component of food and an element of stalls and suppliers as part of the festival, we will be endeavouring to work with Council to ensure minimal (if any) double up on providers and ensure where possible, local operators are given first preference to attend to also encourage spend in the main eating and shopping precincts of Kiama.

Our website will also promote and provide details on places to stay, eat and play which will be further promoted through Facebook, Instagram and key partners.

The multi-year plan for this festival is to see activations take place in and around the town – be it training sessions at multiple sites, cooking classes in nearby cafes and long lunches hosted by local chefs and eateries. Kiama has received recognition by the World Health Organisation in the past and we'd love to see this event further demonstrate how amazing – and active - this coastal town is.

If you have any additional questions regarding the event, the activity, speakers or setup, please don't hesitate to contact me on 0466 420 669.

We look forward to your response and bringing this event to Kiama in May, 2017.

Kind Regards,
Courtney Beaton.

0466 420 669
courtney@moxiandco.com.au

10.3 Illawarra Light Rail Museum

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

Illawarra Light Rail Museum is seeking Council's support for an event in March 2017 celebrating 100 years of the 1917 Davenport steam locomotive known as 'Kiama'.

Finance

The Museum is seeking funding support of \$1500 to assist in the holding of the event. Council's assistance would need to be provided from the Event budget.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council provides a donation of \$1500 to the Illawarra Light Rail Museum to support the holding of the event celebrating 100 years of the locomotive known as 'Kiama'.

BACKGROUND

Council has received letters from the Treasurer of the Illawarra Light Rail Museum seeking Council support for the holding of an event in March to celebrate 100 years of the 1917 Davenport steam locomotive known as 'Kiama'.

The Illawarra Light Rail Museum advises that "the donation would be utilised as follows:

1. A head board for the locomotive saying 'Kiama 100 Years'.
2. 100 year plaque marking the 100 years of the locomotive.
3. As a special presentation is a life membership badge and long service plaques for 3 of our dedicated volunteers.
4. Printing of historical photographs of the locos history.

Report of the General Manager

10.3 Illawarra Light Rail Museum (cont)

The day itself will be a dedication where a Kiama resident will attend who's (sic) grandfather used to drive the engine whilst in service at Kiama and also special presentations to 3 of our hard working volunteers."

The locomotive had worked on the Kiama Railway system carrying blue metal until the tramway closed in 1941.

Having regard to the significance of the locomotive to Kiama's history it is appropriate that Council provides some funding support to the event. As such it is recommended that Council provide a sponsorship/donation of \$1500 towards holding the event to which local community representatives will be invited to attend.

10.4 Rubber Duck Derby

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: 1.2.6 Support the growth and development of Kiama's community groups and service sector

Summary

This report seeks endorsement of the in-kind donation of the provision of waste services for the Gerringong Rubber Duck Derby held on 2 January 2017.

Finance

\$111.80 for additional waste services provided from the Events budget.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the in-kind donation of the provision of waste services for the Gerringong Duck Derby held on 2 January 2017.

BACKGROUND

In late December 2016, Council received a request from the Gerringong Men's Shed seeking the donation of an additional waste service to be provided for the Gerringong Rubber Duck Derby to be held on 2 January 2017 at Crooked River Gerroa.

The event was held in conjunction with the Lions Club of Gerringong to raise funds for the Gerringong Men's Shed project. A sausage sizzle was being held at the event and it was anticipated that this would also contribute towards the generation of waste.

The event provided an additional activity for locals and tourists in the Gerringong area to enjoy and was also seen as a good fundraising event to support the construction of the Gerringong Men's Shed. Therefore, the donation of two additional garbage and recycling services on the day at a cost of \$111.80 was approved.

Council's endorsement of the donation is now being sought.

10.5 Defibrillators

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.6.4 Implement community safety and injury prevention programs and education

Summary

This report proposes the allocation of part of the community donations budget to assist clubs and other not-for-profit organisations acquire defibrillators.

Finance

The allocation of up to \$2000 of Council's Community Donations budget is proposed.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council allocate up to \$2000 funding from the Community Donations budget each year to be made available for applications by sports clubs and relevant associations for a maximum 50% donation to the cost of the acquisition of a defibrillator.

BACKGROUND

At the meeting on 28 June 2016 Council was advised that the Jamberoo Red Cross and Kiama District Sports Association had written to Council seeking support for, and guidance on, the installation of defibrillators. It was suggested that a portion of Council's community donations fund be made available for applications by sports clubs and relevant associations for a maximum 50% donation of the cost of the acquisition of a defibrillator.

The location, management and operation of the defibrillator will be the responsibility of the clubs/associations. Subject to the defibrillator and battery being maintained and the defibrillator being used in accordance with the activated recorded instructions, legal issues should not arise or will be minimised.

The cost of a defibrillator is approximately \$1500 and with Council's financial support it is hoped that 3-4 defibrillators will be acquired by clubs per year. A number of clubs have already acquired defibrillators, some of them through other funding assistance.

10.6 Payment of Expenses and Provision of Facilities Policy

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.4 Ensure a policy framework exists which meets all legislative requirements and community expectations

Delivery Program: 4.4.1 Ensure corporate legislative compliance

Summary

This report recommends the adoption of the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors Policy.

Finance

Expenses associated with the Policy have been factored into the 2016/17 Budget.

Policy

Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors Policy

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council adopt the amended Payment of Expenses and Provision of Facilities to Councillors Policy.

BACKGROUND

Council at its meeting on 27 September 2016 resolved to give public notice of its intention to adopt the amended Payment of Expenses and Provision of Facilities to Councillors Policy.

The policy was subsequently advertised for 28 days and no comments from the public were received.

It is therefore recommended that Council adopt the policy with minor updates relating to the provision of computers and the recent amendment to the NSW Local Government Act.

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10.7 Kiama Council Code of Meeting Practice

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.4 Ensure a policy framework exists which meets all legislative requirements and community expectations

Delivery Program: 4.4.1 Ensure corporate legislative compliance

Summary

This report seeks adoption of Council's Code of Meeting Practice

Finance

Not applicable

Policy

Code of Meeting Practice

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council adopt the draft Code of Meeting Practice.

BACKGROUND

At its meeting on 18 October 2016 Council resolved to endorse the draft Code of Meeting Practice and place the draft Code on public exhibition for comment.

The draft Code was subsequently placed on public exhibition and no comments were received.

It is therefore recommended that Council adopt the draft Code of Meeting Practice.

11 REPORT OF THE DIRECTOR FINANCE, CORPORATE AND COMMERCIAL SERVICES

11.1 Statement of Investments - December 2016

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 2016.

Finance

N/A

Policy

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

Attachments

1 Statement of Investments December 2016

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for December 2016 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for December 2016.

Investment Commentary

The total Investment portfolio increased by \$1.8M during December 2016.

Income Received:		Expenses Incurred:	
Rate payments	\$1.3 M	Employee salaries	\$1.6 M
User Fees & Charges	\$1.5 M	Payment to suppliers	\$2.8 M
Grants & Contribution	\$0.9 M		
Debtor Receipts	\$1.8 M		
ILU & Hostel Bonds	\$0.7 M		
Total	\$6.2 M	Total	\$4.4 M

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 now at 1.5% there is speculation that this may rise, however there does not appear to be any likelihood of any change in rates upward in the short term.

The National Australia Bank is quoting the following rates:

Previous Month	As at 31/12/16	As at 31/12/15	90 days	1 year	2 years	3 years
2.65%	2.55%	2.95%	2.55%	2.60%	2.80%	2.90%

Certification – Responsible Accounting Officer

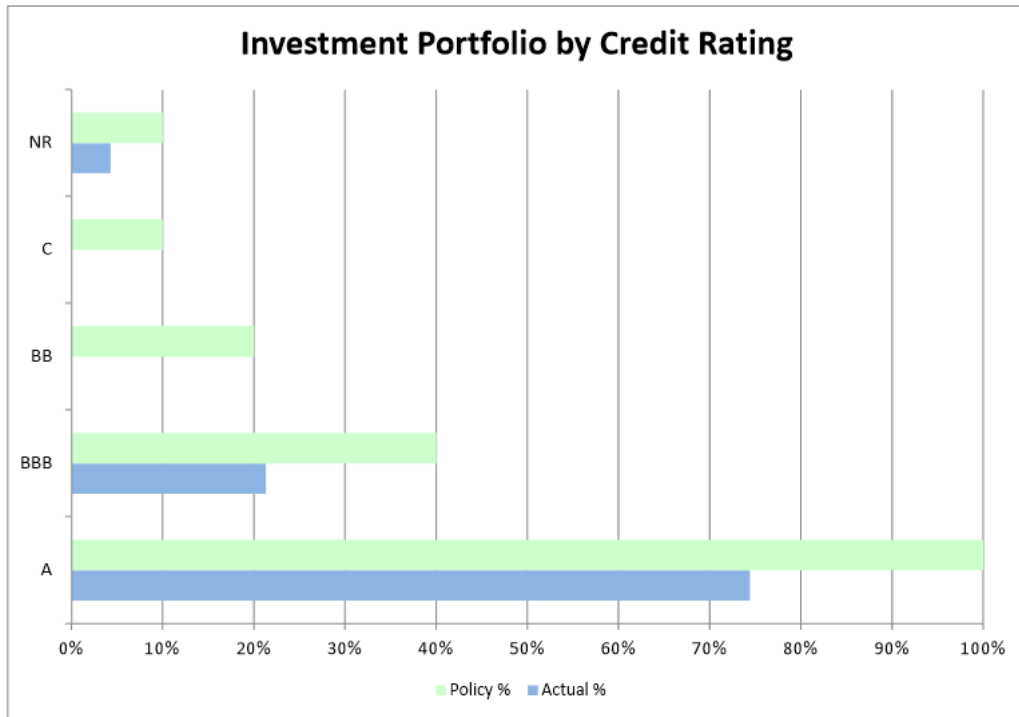
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

(b) Council Investments as at 31 December, 2016

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000.00	Term Deposit	12/09/16	13/09/17	366	2.80
AMP	A+	1,000,000.00	Term Deposit	23/11/16	24/05/17	182	2.70
AMP	A+	1,000,000.00	Term Deposit	30/11/16	31/05/17	182	3.75
AMP	A+	1,000,000.00	Term Deposit	11/08/16	08/03/17	209	2.95
AMP	A+	500,000.00	Term Deposit	19/08/16	22/03/17	215	2.95
Beyond Bank	BBB+	1,000,000.00	Term Deposit	29/08/16	01/03/17	184	2.65
Beyond Bank	BBB+	1,000,000.00	Term Deposit	07/09/16	29/03/17	203	2.65
Bankwest	AA-	1,000,000.00	Term Deposit	16/11/16	10/05/17	175	2.55
Bank of Qld	A-	1,000,000.00	Term Deposit	06/07/16	11/01/17	189	2.95
Bank of Qld	A-	2,000,000.00	Term Deposit	02/11/16	10/05/17	189	2.75
Bank of Qld	A-	1,500,000.00	Term Deposit	17/08/16	17/05/17	273	2.80
Bank of Qld	A-	1,000,000.00	Term Deposit	18/07/16	25/01/17	191	2.95
Bank of Qld	A-	1,000,000.00	Term Deposit	21/07/16	01/02/17	195	2.90
Bank of Qld	A-	1,500,000.00	Term Deposit	26/10/16	26/04/17	182	2.75
Bendigo	A-	1,000,000.00	Term Deposit	04/08/16	02/08/17	363	2.70
Bendigo	A-	1,000,000.00	Term Deposit	22/06/16	04/01/17	196	2.75
Community Alliance Credit Union	N/R	1,000,000.00	Term Deposit	09/09/16	06/09/17	362	2.85
Community Alliance Credit Union	N/R	1,000,000.00	Term Deposit	09/09/16	13/09/17	369	2.85
ME Bank	BBB+	1,000,000.00	Term Deposit	15/03/16	15/03/17	365	3.07
ME Bank	BBB+	1,500,000.00	Term Deposit	24/02/16	22/02/17	364	3.05
ME Bank	BBB+	1,000,000.00	Term Deposit	05/09/16	05/04/17	212	2.65
ME Bank	BBB+	1,000,000.00	Term Deposit	20/04/16	20/04/17	365	3.15
NAB	AA-	1,000,000.00	Term Deposit	05/07/16	04/01/17	183	2.97
NAB	AA-	1,000,000.00	Term Deposit	14/12/16	13/12/17	364	2.73
NAB	AA-	1,000,000.00	Term Deposit	28/09/16	27/09/17	364	2.74
NAB	AA-	2,000,000.00	Term Deposit	11/08/16	07/06/17	300	2.80
NAB	AA-	1,000,000.00	Term Deposit	12/10/16	11/10/17	364	2.82
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/12/16	14/06/17	175	2.75
Newcastle B/S	BBB+	1,500,000.00	Term Deposit	19/08/16	22/03/17	215	2.70
IMB Society	BBB	1,000,000.00	Term Deposit	19/10/16	12/04/17	175	2.50
ING Bank	A-	1,000,000.00	Term Deposit	27/07/16	25/01/17	182	2.77
ING Bank	A-	1,000,000.00	Term Deposit	03/08/16	08/02/17	189	2.95
ING Bank	A-	1,000,000.00	Term Deposit	10/08/16	15/02/17	189	2.96
Rural Bank	A-	1,000,000.00	Term Deposit	07/12/16	07/06/17	182	2.45
Suncorp	A+	1,000,000.00	Term Deposit	31/10/16	03/05/17	184	2.70
Suncorp	A+	1,000,000.00	Term Deposit	01/12/16	31/05/17	181	2.80
Suncorp	A+	1,000,001.00	Term Deposit	09/11/16	05/07/17	238	2.75
Suncorp	A+	1,000,000.00	Term Deposit	16/06/16	18/01/17	216	3.03
Westpac	AA-	4,308,994.49	Bank Account	-	AT CALL		0.84
Westpac	AA-	1,581,578.82	Maxi Account	-	AT CALL		1.30
TOTAL DIRECT INVESTMENTS		46,890,574.31			Average Rate-Dec 2016		2.74
					Average Rate-Dec 2015		2.78

TOTAL INVESTMENTS NOV 2016	45,048,678.68	3.93%	Change in total investment over prev 1 month
TOTAL INVESTMENTS DEC 2015	39,317,411.23	19.26%	Change in total investment over prev12 months

Note: The Westpac Bank Account balance shown above of \$4.3M includes deposits at month-end not processed to Council's financial System and cheques that have not been presented.
Council staff have been reviewing investment rates with 8 short to medium term investments currently included in our portfolio



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	4,213,509.69
	Grants	389,611.00
	Domestic Waste	2,083,279.00
	Waste & Sustainability	315,791.18
	Southern Council's Group	2,586,700.70
Internally Restricted	Blue Haven ILU	4,146,557.12
	Blue Haven Care-Residential	8,913,295.65
	Carer Respite Centre	820,565.33
	Land Development	2,937,484.00
	Waste Business Unit (Plant Replacement)	1,042,260.00
	Plant Replacement - Engineers	1,326,661.00
	Employee Leave Entitlements	2,000,000.00
	S94 Recoupments	1,422,606.86
	Carry-over works	2,299,446.00
	Holiday Parks - Crown Reserves	1,421,581.00
	Holiday Park - Kendalls Beach	363,657.00
	Contingencies	779,730.00
	Computer	679,698.00
	Property Insurance	120,000.00
	Community Bus	149,598.17
CACP	355,562.53	
Organisational Development	300,000.00	
Fleet Replacement	50,000.00	
Unrestricted Funds:	Funds to meet current budgeted expenditure	8,172,980.08
TOTAL INVESTMENTS		46,890,574.31

Note:

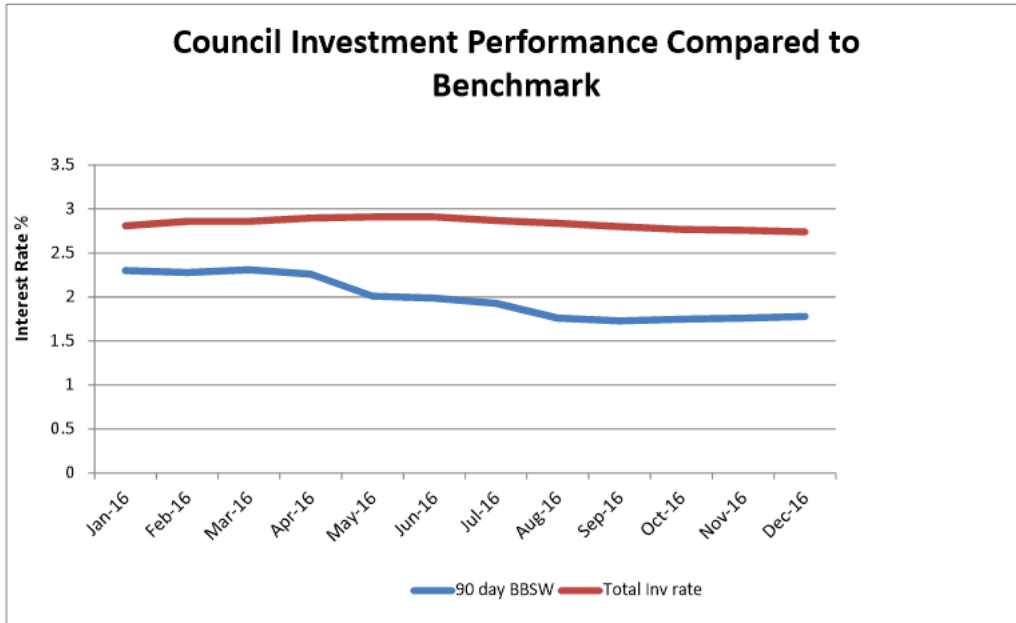
The above Application of Invested Funds reflects audited balances as at 30 June 2016. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

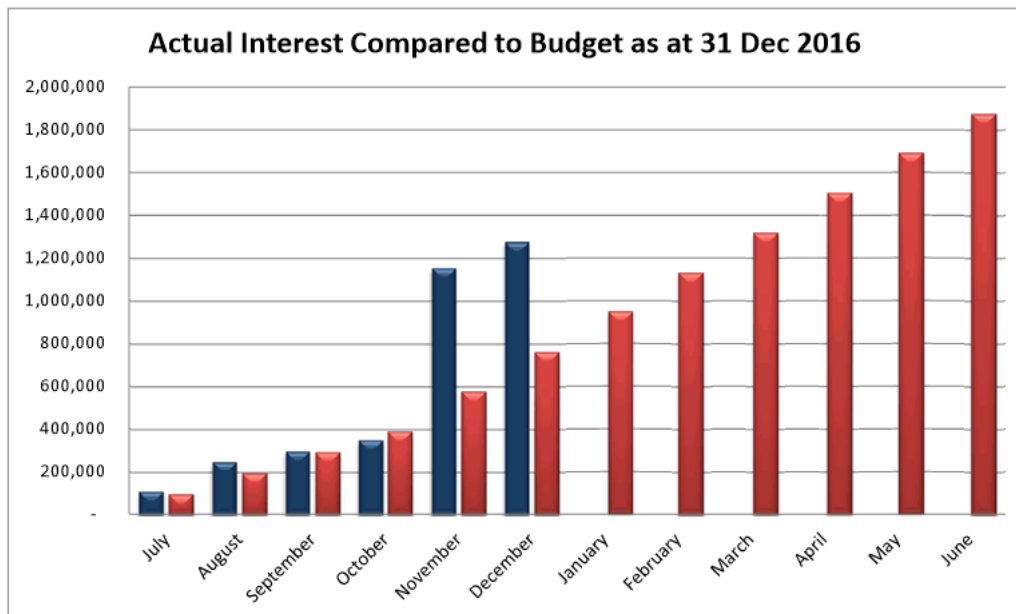
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.74	1.76
3 months	2.76	1.75
6 months	2.80	1.82
12 Months	2.84	2.04



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



Council's interest on investment budget estimate has been conservative based on the trend with interest rates.

11.2 Statement of Investments - January 2017

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 January 2017.

Finance

N/A

Policy

Clause 625 of the Local Government Act 1993 (NSW)

Clause 212 of the Local Government (General) Regulation 2005

Kiama Municipal Council – Investment Policy

Attachments

1 Statement of Investments January 2017

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for January 2017 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for January 2017.

Investment Commentary

The total Investment portfolio decreased by \$1.8M during January 2017.

Income Received:		Expenses Incurred:	
Rate payments	\$0.9 M	Employee salaries	\$1.1 M
User Fees & Charges	\$2.4 M	Payment to suppliers	\$5.9 M
Grants & Contribution	\$1.8 M	Investment placed	\$1.5 M
Debtor Receipts	\$0.8 M	ILU & Hostel Bonds	\$0.7 M
ILU & Hostel Bonds	\$0.5 M		
Investment Recalled	\$1.0 M		
Total	\$7.4 M	Total	\$9.2 M

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 now at 1.5% there is speculation that this may rise, however there does not appear to be any likelihood of any change in rates upward in the short term.

The National Australia Bank is quoting the following rates:

Previous Month	As at 31/1/17	As at 31/1/16	90 days	1 year	2 years	3 years
2.55%	2.50%	2.95%	2.50%	2.55%	2.75%	2.85%

Certification – Responsible Accounting Officer

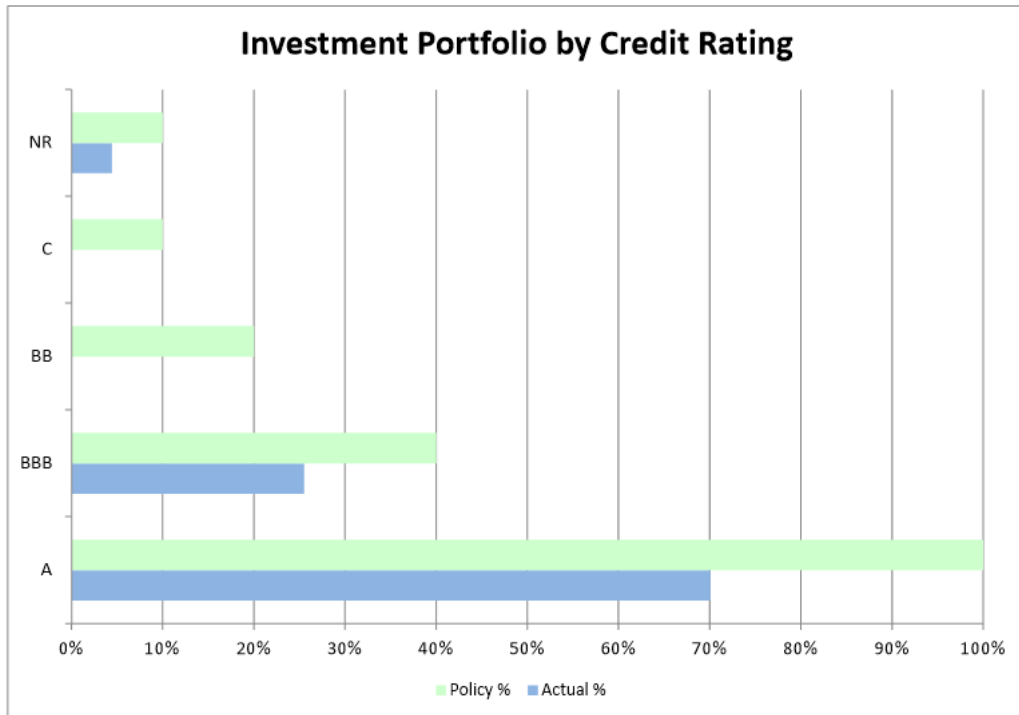
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy.

(b) Council Investments as at 31 January, 2017

DIRECT INVESTMENTS:	S & P	MARKET	INVESTMENT	DATE	MATURITY	TERM	
INSTITUTION	RATING	VALUE \$	TYPE	LODGED	DATE	(DAYS)	RATE %
AMP	A+	500,000.00	Term Deposit	12/09/16	13/09/17	366	2.80
AMP	A+	1,000,000.00	Term Deposit	23/11/16	24/05/17	182	2.70
AMP	A+	1,000,000.00	Term Deposit	30/11/16	31/05/17	182	3.75
AMP	A+	1,000,000.00	Term Deposit	11/08/16	08/03/17	209	2.95
AMP	A+	500,000.00	Term Deposit	19/08/16	22/03/17	215	2.95
Beyond Bank	BBB+	1,000,000.00	Term Deposit	29/08/16	01/03/17	184	2.65
Beyond Bank	BBB+	1,000,000.00	Term Deposit	07/09/16	29/03/17	203	2.65
Bankwest	AA-	1,000,000.00	Term Deposit	16/11/16	10/05/17	175	2.55
Bank of Qld	A-	1,000,000.00	Term Deposit	06/07/16	11/01/17	189	2.95
Bank of Qld	A-	2,000,000.00	Term Deposit	02/11/16	10/05/17	189	2.75
Bank of Qld	A-	1,500,000.00	Term Deposit	17/08/16	17/05/17	273	2.80
Bank of Qld	A-	1,000,000.00	Term Deposit	25/01/17	26/07/17	182	2.75
Bank of Qld	A-	1,000,000.00	Term Deposit	21/07/16	01/02/17	195	2.90
Bank of Qld	A-	1,500,000.00	Term Deposit	26/10/16	26/04/17	182	2.75
Bendigo	A-	1,000,000.00	Term Deposit	04/08/16	02/08/17	363	2.70
Bendigo	A-	1,000,000.00	Term Deposit	04/01/17	04/10/17	273	2.60
Community Alliance Credit Union	N/R	1,000,000.00	Term Deposit	09/09/16	06/09/17	362	2.85
Community Alliance Credit Union	N/R	1,000,000.00	Term Deposit	09/09/16	13/09/17	369	2.85
Credit Union Australia	BBB+	1,500,000.00	Term Deposit	30/01/17	29/11/17	303	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	15/03/16	15/03/17	365	3.07
ME Bank	BBB+	1,500,000.00	Term Deposit	24/02/16	22/02/17	364	3.05
ME Bank	BBB+	1,000,000.00	Term Deposit	05/09/16	05/04/17	212	2.65
ME Bank	BBB+	1,000,000.00	Term Deposit	20/04/16	20/04/17	365	3.15
NAB	AA-	1,000,000.00	Term Deposit	04/01/17	03/01/18	364	2.74
NAB	AA-	1,000,000.00	Term Deposit	14/12/16	13/12/17	364	2.73
NAB	AA-	1,000,000.00	Term Deposit	28/09/16	27/09/17	364	2.74
NAB	AA-	2,000,000.00	Term Deposit	11/08/16	07/06/17	300	2.80
NAB	AA-	1,000,000.00	Term Deposit	12/10/16	11/10/17	364	2.82
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/12/16	14/06/17	175	2.75
Newcastle B/S	BBB+	1,500,000.00	Term Deposit	19/08/16	22/03/17	215	2.70
IMB Society	BBB	1,000,000.00	Term Deposit	19/10/16	12/04/17	175	2.50
ING Bank	A-	1,000,000.00	Term Deposit	03/08/16	08/02/17	189	2.95
ING Bank	A-	1,000,000.00	Term Deposit	10/08/16	15/02/17	189	2.96
Rural Bank	A-	1,000,000.00	Term Deposit	07/12/16	07/06/17	182	2.45
Suncorp	A+	1,000,000.00	Term Deposit	31/10/16	03/05/17	184	2.70
Suncorp	A+	1,000,000.00	Term Deposit	01/12/16	31/05/17	181	2.80
Suncorp	A+	1,000,001.00	Term Deposit	09/11/16	05/07/17	238	2.75
Suncorp	A+	1,000,000.00	Term Deposit	18/01/17	17/01/18	364	2.70
Westpac	AA-	2,017,124.60	Bank Account	-	AT CALL		0.84
Westpac	AA-	1,581,578.82	Maxi Account	-	AT CALL		1.30
TOTAL DIRECT INVESTMENTS		45,098,704.42			Average Rate-Jan 2017		2.72
					Average Rate-Jan 2016		2.81

TOTAL INVESTMENTS DEC 2016	46,890,574.31	-3.97%	Change in total investment over prev 1 month
TOTAL INVESTMENTS JAN 2016	39,728,660.58	13.52%	Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$2M includes deposits at month-end not processed to Council's financial System and cheques that have not been presented.
Council staff have been reviewing investment rates with 10 short to medium term investments currently included in our portfolio



(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	4,213,509.69
	Grants	389,611.00
	Domestic Waste	2,083,279.00
	Waste & Sustainability	315,791.18
	Southern Council's Group	2,586,700.70
Internally Restricted	Blue Haven ILU	4,146,557.12
	Blue Haven Care-Residential	8,913,295.65
	Carer Respite Centre	820,565.33
	Land Development	2,937,484.00
	Waste Business Unit (Plant Replacement)	1,042,260.00
	Plant Replacement - Engineers	1,326,661.00
	Employee Leave Entitlements	2,000,000.00
	S94 Recoupments	1,422,606.86
	Carry-over works	2,299,446.00
	Holiday Parks - Crown Reserves	1,421,581.00
	Holiday Park - Kendalls Beach	363,657.00
	Contingencies	779,730.00
	Computer	679,698.00
	Property Insurance	120,000.00
Community Bus	149,598.17	
CACP	355,562.53	
Organisational Development	300,000.00	
Fleet Replacement	50,000.00	
Unrestricted Funds:	Funds to meet current budgeted expenditure	6,381,110.19
TOTAL INVESTMENTS		45,098,704.42

Note:

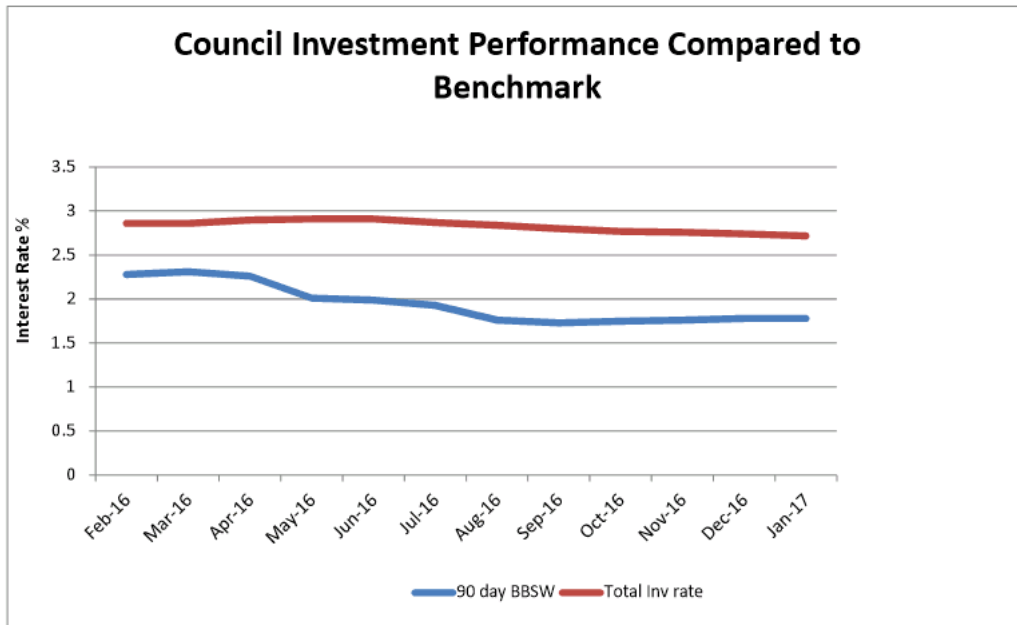
The above Application of Invested Funds reflects audited balances as at 30 June 2016. Actual movement in these balances are recorded at the end of the financial year.

The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

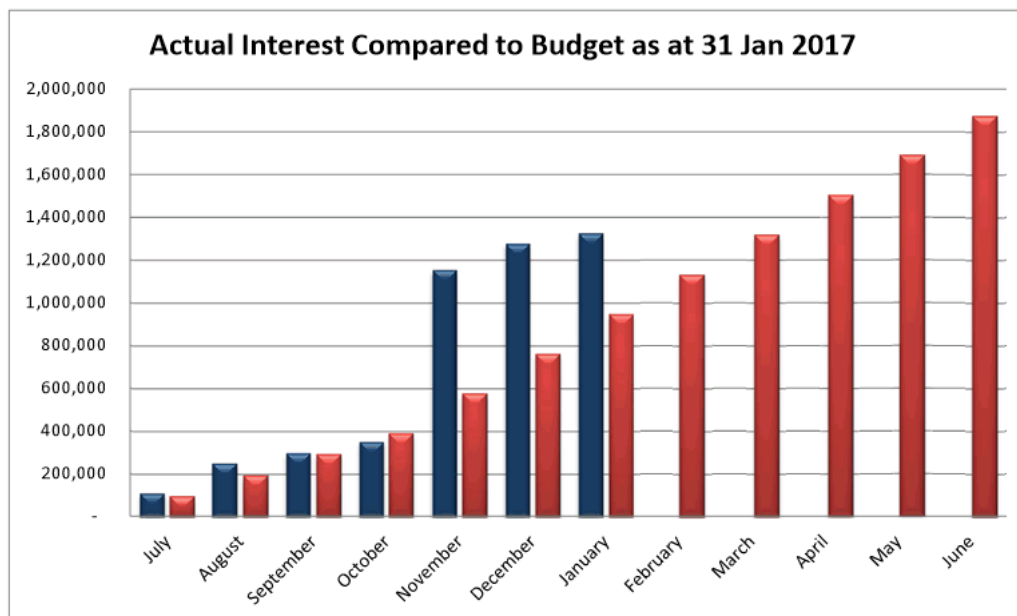
(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month	2.72	1.78
3 months	2.74	1.76
6 months	2.77	1.79
12 Months	2.83	1.99



Council has been able to consistently perform above the Reserve Bank 90 day Bank Bill Index.



Council's interest on investment budget estimate has been conservative based on the trend with interest rates.

11.3 Financial Report for the period ending 31 December 2016

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 2016 be received and adopted

Finance

Variation to Council's 2016/2017 Budget

Policy

This report is a requirement under the Local Government Act 1993

Attachments

1 Quarterly Budget Review 31/12/2016

Enclosures

Nil

RECOMMENDATION

That the revised budget for the period ending 31 December 2016 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. A detailed budget review statement will be tabled at the meeting. 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.

Original Estimates 2016/2017	\$
Total Expenditure (excluding depreciation)	85,899,674
Total Revenue	<u>85,907,068</u>
Projected Original Budget result as at 30/6/2017	7,394
Add: Net variations previously approved by Council	0
Add: Net variations proposed for this quarter ended 31/12/16	0
Projected result on 2016/2017 Original Budget Estimates as at 31/12/16	7,394
Projected Budget Result as at 31/12/16 for 2016/17 (excluding depreciation)	7,394
Projected Net Operating Result before Grants & Contributions provided for Capital purposes (deficit)/surplus (as per Long Term Financial Plan)	5,870,217

Budget Review Report

The second quarter review has a nil overall effect based on the original budget figures. Material variations to the budget are included in the following statements.

Summary of changes in the following reports:-	(\$,000)
<i>Income & Expenses Statement - net increase in revenue</i>	387
<i>Capital Budget Statement - net increase in expenditure</i>	<u>650</u>
Resulting in:-	
Cash & Investments Statement - increase in Restricted Cash	<u>263</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 September Quarter.

The Budget Review Report will be tabled at the meeting.

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

Table of Contents	page
1. Responsible Accounting Officer's Statement	1
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Item 11.3

Attachment 1

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

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 31/12/16 indicates that Council's projected financial position at 30/6/17 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: Tracy Sligar
Tracy Sligar
Responsible Accounting Officer

date: 31/1/17

Item 11.3

Attachment 1

Kiama Municipal Council
Quarterly Budget Review Statement
 for the period 01/10/16 to 31/12/16

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2016

Income & Expenses - General Fund

(\$'000's)	Original Budget 2016/17	Approved Changes			Revised Budget 2016/17	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
		Revolves Other than by QBRS	Sep QBRS	Dec QBRS				
Income								
Rates and Annual Charges	19,808			19,808		19,808	19,798	
User Charges and Fees	16,124		417	16,541	56	16,597	8,262	
Interest and Investment Revenues	1,207		700	1,907		1,907	944	
Other Revenues	1,886		10	1,896	101	1,997	527	
Grants & Contributions - Operating	12,243		128	12,371	744	13,115	6,161	
Grants & Contributions - Capital	1,552		1,855	3,407	42	3,449	2,291	
Net gain from disposal of assets	498		4,660	5,159	300	5,459	647	
Share of interests in Joint Ventures								
Total Income from Continuing Operations	53,319	-	7,770	61,089	1,243	62,332	38,630	
Expenses								
Employee Costs	23,552	19	128	23,699	226	23,925	12,484	
Borrowing Costs	-		236	236		236	67	
Materials & Contracts	17,133	634	35	17,802	632	18,434	7,867	
Depreciation	6,884		(76)	6,808		6,808	-	
Other Expenses	3,645		(34)	3,611	(2)	3,609	1,503	
Interest & Investment Losses								
Net Loss from disposal of assets								
Share of interests in Joint Ventures								
Total Expenses from Continuing Operations	51,214	653	289	52,156	856	53,012	21,921	
Net Operating Result from Continuing Operations	2,105	(653)	7,481	8,933	387	9,320	16,709	
Net Operating Result from All Operations	2,105	(653)	7,481	8,933	387	9,320	16,709	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2016 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details	(\$,000)
Revenues	
Library & Family History Centre	(1)
Private & Recoverable Works	3
Parks & Reserves	3
Rural Fire Service - Reimbursement Mazzanine Floors	18
Carer Respite Centre - new funding agreements signed	710
Youth Services - Youth Opportunities Grant	25
Recoverable works	2
Rural Fire Service	(6)
Development Applications	35
Building Services	16
Emergency Services Property Levy Funding Support	26
Insurance Recoveries	81
Grant for installation of Adult change table and lift at Kiama Harbour	32
Expenses	
Carer Respite Centre - costs offset by Grant funding	215
Carer Respite Centre - costs offset by Grant funding	441
Leisure Centre	32
Civic Activities - civic receptions	8
Car Parking - lease expense	8
Illegal Dumping (RID) program	10
Street Lighting	(15)
Contributions & Donations	13
Development	6
Storm Damage - Insurance coverage	81
Building & Development	53
Environmental	5

Item 11.3

Attachment 1

Kiama Municipal Council
Quarterly Budget Review Statement
 for the period 01/10/16 to 31/12/16

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2016
Capital Budget - General Fund

(\$000's)	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Dec Qtr	Projected Year End Result
		Revolves	Other than by QBRS	Sep QBRS	Dec QBRS			
Capital Expenditure								
Assets								
- Plant & Equipment	1,858	472		32		2,362	506	2,868
- Information Technology	321	-		636		957	25	982
- Land Development	-	-				-		-
- Library Resources	85	62				147		147
- Infrastructure	26,623	9,205	(16,697)			19,131	119	19,250
Loan Repayments (Principal)	-	-				-		-
- Land Improvements	60					60		60
Total Capital Expenditure	28,947	9,739	- (16,029)			22,657	650	23,307
Capital Funding								
Rates & Other Untied Funding	4,206	1,996		238		6,530		6,530
Capital Grants & Contributions	1,894	90		1,825		3,809	77	3,886
Reserves:								
- External Restrictions/Reserves	3,255	7,176		636		11,067	211	11,278
- Internal Restrictions/Reserves	18,802		(18,802)			-		-
New Loans								
Receipts from Sale of Assets								
- Plant & Equipment	335					335	300	635
- Land & Buildings								
S94 Developer Contributions	215	418		74		707	26	733
S94 Recoupments	150	59				209	36	245
Total Capital Funding	28,947	9,739	- (16,029)			22,657	650	23,307
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	0	0

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2016 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

Capital Budget Review Statement
Recommended changes to revised budget

Attached is a list of all Capital New and Renewal Works Budget items.

Budget Variations being recommended include the following material items:

Details	(\$,000)
Carrington Falls RFS Shed Design	1
Gerringong RFS Mezzanine Floor Renewal	10
Jamberoo RFS Mezzanine Floor Renewal	10
Emergency Services Property Levy Software modifications	25
Youth Cottage Improvements	25
Adult change table and lift at Kiama Harbour	68
Gerringong Library, Museum & Community Facility	5
Plant replacement	506

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

Kiama Municipal Council
Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2016
Cash & Investments - General Fund

(\$000's)	Cash Position 30/6/15	Original Budget 2016/17	Approved Changes				Revised Budget 2016/17	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
			Revolves	Other than by QBRs	Sep QBRs	Dec QBRs				
Externally Restricted ⁽¹⁾										
S94 Developer Contributions	4,213	175	(417)	(74)	-	(316)	(25)	3,872	4,213	
Grants and Contributions	390		(390)			(390)		-	390	
Domestic Waste	2,083	166	(645)			(479)		1,604	2,083	
Waste & Sustainability	316	(85)	(38)			(123)	(15)	178	316	
Southern Council's Group	2,587					-		2,587	2,587	
Total Externally Restricted	9,589	256	(1,490)	(74)	-	(1,308)	(40)	8,241	9,589	
⁽¹⁾ Funds that must be spent for a specific purpose										
Internally Restricted ⁽²⁾										
Blue Haven Care-Self Care	4,146	(821)	(719)			(1,540)		2,606	4,146	
Blue Haven Care-Residential	8,913	(1,536)	(5,201)	(32)		(6,769)		2,144	8,913	
S94 Recoupments	1,423	(350)	(59)			(409)	(36)	978	1,423	
Land Development	2,937	(1,900)		8,500		6,600	(5)	9,532	2,937	
Carry-over Works	2,299		(2,299)			(2,299)		-	2,299	
Waste Business Unit	1,042	(464)	(488)			(952)		90	1,042	
Employee Leave Entitlements	2,000					-		2,000	2,000	
Holiday Parks	1,786	304	(136)			168		1,954	1,786	
Contingencies	780	419		200		619	23	1,422	780	
Plant Replacement	1,327	918				918	(206)	2,039	1,327	
Community Bus	150	56				56		206	150	
Computer	680			(246)		(246)		434	680	
Property Insurance	120					-		120	120	
CACP	355	530				530		885	355	
Carer Respite Centre	821					-		821	821	
Fleet Replacement	50	50				50		100	50	
Infrastructure Asset Renewal	-	487		200		687		687	-	
Council Election	-	45				45		45	-	
Organisational Development	300					-		300	300	
Total Internally Restricted	29,129	(2,262)	(8,902)	8,622	-	(2,542)	(224)	26,363	29,129	
⁽²⁾ Funds that Council has earmarked for a specific purpose										
Unrestricted	1,291					-		1,291	8,173	
(i.e. available after the above Restrictions)										
Total Cash & Investments	40,009	(2,006)	(10,392)	8,548	-	(3,850)	(264)	35,895	46,891	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

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 \$46,891

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 31/12/16

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

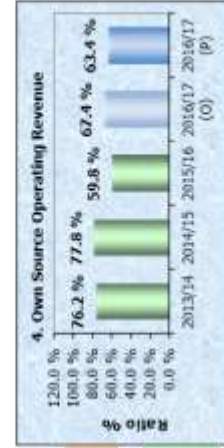
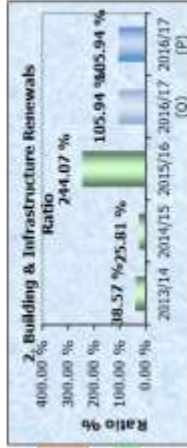
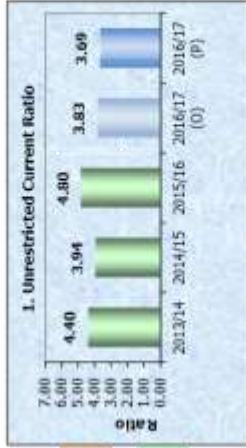
Details				(\$,000)
	Internally Restricted Cash	Transfers to (from) Restricted Cash		
0531	Contingency	Transfer to	net surplus of budget adj	23
1835	S94 Funds	Transfer from	Kiama Youth Cottage	(25)
2845	Waste & Sustainability	Transfer from	Environmental Services Program	(15)
3887	S94 Recoupment	Transfer from	Adult Change table & Lift facility at Kiama Harbour	(36)
3960	Plant Replacement	Transfer from	additional plant items	(206)
7050	Land Development	Transfer from	Gerringong Library, Museum & Community Facility	(5)

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

Key Performance Indicators Budget Review Statement
Budget review for the quarter ended 31 December 2016

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		15/16	14/15
1. Unrestricted Current Ratio					
Current Assets less all External Restrictions	32,183	3.69	3.83	4.80	3.94
Current Liabilities less Specific Purpose Liabilities	8,721				
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					
2. Building & Infrastructure Renewals Ratio					
Asset Renewals	5,261	105.94 %	105.94 %	244.07 %	25.81 %
Depreciation, Amortisation & Impairment	4,966				
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	412	0.70 %	0.11 %	2.60 %	-5.30 %
Operating Revenue (excl. Capital Grants & Contributions)	58,883				
This ratio measures Council's achievement of containing operating expenditure within operating revenue.					
4. Own Source Operating Revenue					
Rates & Annual Charges + User Charges & Fees	39,524	63.4 %	67.4 %	59.8 %	77.8 %
Total Operating Revenue (incl. Capital Grants & Cont)	62,332				
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.					
5. Debt Service Cover Ratio					
Operating Result before Interest & Dep. exp (EBITDA)	7,456	6.90	9.40	4.85	4.95
Principal Repayments + Borrowing Interest Costs	1,080				



Kiama Municipal Council

Key Performance Indicators Budget Review Statement
Budget review for the quarter ended 31 December 2016

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

(\$000's)	Current Projection Amounts 16/17	Indicator 16/17	Original Budget 16/17	Actuals Prior Periods 15/16 14/15
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This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

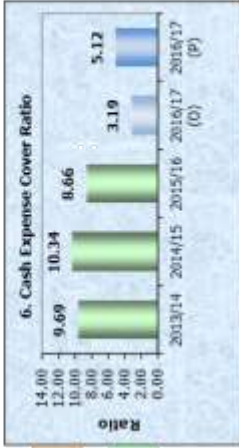


6. Cash Expense Cover Ratio

Current Year's Cash & Cash Equivalents
(Total Expenses - Depreciation - Interest Costs)

19,956	5.12
3,895	

8.66	10.34
------	-------



This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Kiama Municipal Council		Quarterly Budget Review Statement for the period 01/10/16 to 31/12/16				
Contracts Budget Review Statement		Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Budget review for the quarter ended 31 December 2016						
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
Bonnaci Group	KACCOE - Civil Engineering Consultancy	\$58,182 (ex GST)	18/11/16	20 months	Y	
Bonnaci Group	KACCOE - Structural Engineering Consultancy	\$219,091 (ex GST)	18/11/16	20 months	Y	
Building Services Engineers	KACCOE - Multi Service Engineers	\$284,725 (ex GST)	18/11/16	20 months	Y	
Wilde & Woollard	KACCOE - Cost Planner/Quantity Surveyor	\$226,745 (ex GST)	18/11/16	20 months	Y	
Roadworx	Supply and lay Asphaltic Concrete	\$310,000 (ex GST)	01/12/16	7 months	Y	
Roadworx	Supply and lay Spray Seal	\$360,000 (ex GST)	01/12/16	7 months	Y	
Panel Contract x5	IPJO - Tree Services Panel	\$200,000 (ex GST)	01/12/16	36 + 12 months	Y	

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 (QBR) for the quarter ended 31/12/2016 and should be read in conjunction with the total QBR report

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/10/16 to 31/12/16

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies:- Finance & Administration	15,715	Y
Aged Care Facility	483,621	Y
Engineering	44,820	Y
	544,156	
Legal Fees	59,782	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

**2016 - 2017 CAPITAL NEW PROGRAM
(DELIVERY PROGRAM)**

PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET
Plant & Equipment:	80,500	0	32,000	0	0	112,500
CCTV	20,000					20,000
Council Property Cleaning	5,500					5,500
240L Bins	45,000					45,000
Commercial Recycling Bins	10,000					10,000
Nursing Home	0		32,000			32,000
Office Equipment:	304,000	60,546	636,198	25,505	0	1,026,249
Computers	301,000		636,198			937,198
Library Equipment	3,000					3,000
Library - Digital Asset Management System	0	60,546				60,546
Software development for ESPL	0			25,505		25,505
Library Books:	85,000	1,100	0	0	0	86,100
Books	85,000					85,000
Library Purchases Childrens Books	0	1,100				1,100
Roads:	150,000	51,696	55,768	0	0	257,464
Figtree Lane Gerringong - Car Park Redesign and Extension	150,000		-150,000			0
Riverside Dr/Oxley Ave Roundabout & Ped Crossing	0	51,696				51,696
Guardrail works for various locations	0		102,500			102,500
Collins St Garden Landscape	0		20,000			20,000
Riverside Drive RAB	0		71,768			71,768
Spring creek development - valuation reports	0		10,000			10,000
Akuna St development - valuation reports	0		1,500			1,500

**2016 - 2017 CAPITAL NEW PROGRAM
(DELIVERY PROGRAM)**

PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET
Buildings:						
Blue Haven Aged Care Facility	22,947,197	6,213,841	-16,943,197	73,000	0	12,290,841
Leisure Centre	22,808,197	5,920,000	-16,908,197			11,820,000
	84,000					84,000
Kiama State Emergency Services Development Program	35,000		-35,000			0
DWM - New Office & Amenities	20,000	87,644				107,644
Transfer Station	0	206,197				206,197
Adult Change Facility at Kiama Harbour	0			68,000		68,000
Gerrington Library, Museum and Community Facility	0			5,000		5,000
Footpaths:	302,500	61,840	-46,000	0	0	318,340
Footpath - Churchill Street (Churchill St to 92 Tate Place)	10,000					10,000
Footpath - Eddy Street (Noorinan St to Bong Bong St)	23,000					23,000
Footpath - Michael Cronin Oval (Shared Path to Car Park)	8,000					8,000
Footpath - Miller Street (Renfrew Rd to Pacific Ave)	18,000					18,000
Footpath - Noorinan Street (Eddy St to Shoalhaven St)	10,000					10,000
Footpath - Rangoon Road (Railway Ave to Shops)	15,500					15,500
Footpath - Thomson Street (Bong Bong St to Irvine St)	18,000					18,000
Jamberoo Valley Cycleway	200,000	8,500	-100,000			108,500
Footpath - Pheasant Point Drive	0	1,340				1,340
Footpath Henry Parkes Dr - Meehan to Cycleway	0	52,000				52,000
Footpath - Greta Street	0		14,000			14,000
Footpath - Figtree Lane	0		10,000			10,000
Minnamurra River Boardwalk	0		30,000			30,000

**2016 - 2017 CAPITAL NEW PROGRAM
(DELIVERY PROGRAM)**

PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET
Other Open Space / Recreation:	86,150	455,484	40,425	0	0	582,059
Gainsborough Chase Playground Shade Structure	65,000					65,000
Kiama Tourism Action Plan	5,000					5,000
Water Bubbler Station - South Bombo Beach	11,150					11,150
Fencing - Minnamurra Waste Depot	5,000					5,000
Hillside Native Food Forest Land	0	4,400				4,400
Kiama Harbour/Blowhole Point New Bin Enclosures	0	53,300				53,300
West Kiama 'Silver Hill' - Reserve Upgrade	0	261,930				261,930
Kiama Harbour/Blowhole Pt Picnic Shelter	0	133,500				133,500
Minnamurra Whale Watching Platform	0	2,354	-2			2,352
Collins Street Landscape Lighting			3,727			3,727
Jones Beach Picnic Tables			6,700			6,700
Sports Association Various Projects			30,000			30,000
Dams:	0	29,039	1	0	0	29,040
Jerrara Dam Safety Upgrade		29,039	1			29,040
Buildings - Holiday Parks:	175,000	99,470	0	0	0	274,470
Surf Beach	7,000					7,000
Kendalls	135,000	26,730				161,730
Werrri Beach	25,000	42,740				67,740
Seven Mile Beach	8,000	30,000				38,000
TOTALS all sections	24,130,347	6,973,016	-16,224,805	98,505	0	14,948,023

2016 - 2017 CAPITAL RENEWAL PROGRAM (DELIVERY PROGRAM)						
PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET
Plant & Equipment:	1,849,845	471,595	0	506,020	0	2,827,460
Fleet - vehicles	503,000	21,995				524,995
Lifesaving	14,100	11,600				25,700
Public Works plant	1,150,270			506,020		1,656,290
DWM	86,975					86,975
Surf Beach	20,000					20,000
Enviro - Photovoltaic	20,000					20,000
Enviro - Double bin enclosures	3,500	38,000				41,500
Minnamurra Tip Rehab	10,000					10,000
Kiama Works Depot - replace garage roller doors	10,000					10,000
Kiama Works Depot - replace gate controller	7,000					7,000
Two way Radio Base	15,000					15,000
Bushfire Services	10,000					10,000
DWM Transport Trailers	0	400,000				400,000
Office Equipment:	0	0	0	0	0	0
Library Books:	0	0	0	0	0	0
Roads:	1,463,658	14,329	261,969	-	-	1,739,956
Byrne Place Resealing	19,378					19,378
Chapel Lane Resealing	12,227					12,227
Collins Street Resealing	30,438					30,438
Connors Creek Road Resealing	18,152					18,152
Curramore Road Resealing	49,935					49,935
Daltons Road Resealing	51,223					51,223
Dooley Road Resealing	4,084					4,084
Dualla Road Resealing	12,347					12,347
Elliott Place Resealing	12,152					12,152
Fountaindale Road Resealing	88,348					88,348
Free Selectors Road Resealing	7,447					7,447

2016 - 2017 CAPITAL RENEWAL PROGRAM (DELIVERY PROGRAM)						
PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET
Gray Street Resealing	28,981					28,981
Halls Road Resealing	10,131					10,131
Henley Avenue Resealing	33,245					33,245
Hoddles Road Resealing	12,924					12,924
Hothersal Street Resealing	47,210					47,210
Kinross Place Resealing	5,355					5,355
Long Brush Road Resealing	37,484					37,484
Meehan Drive Resealing	101,951					101,951
Minnamurra Street Resealing	46,893					46,893
Mitchells Lane Resealing	7,707					7,707
North Curramore Road Resealing	43,239					43,239
North Kiama Drive Resealing	46,749					46,749
North Street Resealing	20,941					20,941
Nuninuna Drive Resealing	22,846					22,846
Pacific Street Resealing	37,890					37,890
Railway Avenue Resealing	35,145					35,145
Rose Valley Road Resealing	22,659					22,659
South Kiama Drive Resealing	211,226					211,226
Thompsons Road Resealing	24,232					24,232
Tootijooa Road Resealing	47,073					47,073
Willowvale Road Resealing	37,105					37,105
Wilson's Road Resealing	11,138					11,138
Wyalla Road Resealing	35,193					35,193
Sign Replacement Various	92,578					92,578
Loan Interest Capitalisation	138,032		-138,032			0
Union Creek Bridge - Culvert Replacement	0	14,329	1			14,330
Capitalised wages	0		400,000			400,000
Buildings	528,693	1,162,146	-71,193	45,980	0	1,665,626
Jamberoo Pool Amenities Upgrade	161,000					161,000
Blue Haven ILU	224,000					224,000

2016 - 2017 CAPITAL RENEWAL PROGRAM (DELIVERY PROGRAM)						
PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET
Leisure Centre	57,500					57,500
Leisure Centre - Loan Interest capitalisation			-22,673			0
The Pavilion	15,000					15,000
The Pavilion - Loan interest capitalisation	48,520		-48,520			0
Transfer Station		363,284				363,284
Kevin Walsh Sports Field Amenities		438,458				438,458
Dog Pound Office (Waste Depot)		80,000				80,000
Youth Centre Building Improvements		109,705		25,295		135,000
Community Recycling Centre		42,464				42,464
Leisure Centre Building Alterations		130,235				130,235
Carrington Falls RFS Shed Design				875		875
Gerrington RFS Mezzanine Floor Renewal				9,805		9,805
Jamberoo RFS Mezzanine Floor Renewal				10,005		10,005
Shared Pathways	253,139	90,000	0	0	0	343,139
Footpath Renewal - Croft Place Reserve	17,730					17,730
Footpath Renewal - Ruffi Devenney Reserve	235,409					235,409
Footpath - Boneyard Reserve	0	90,000				90,000
Recreation & Open Space	140,000	520,498	1,532	0	0	662,030
Chittick Oval Field Lighting Renewal	50,000					50,000
Sports Association Assistance	30,000		-30,000			0
Seven Mile Beach Bush Regeneration	60,000					60,000
Kiama Harbour/Blowhole Pt Lighthouse Carpark	0	199,807				199,807
Kiama Harbour/Blowhole Pt Bank Stabilisation	0	192,641				192,641
Kiama Harbour/Blowhole Pt Retaining Wall	0	128,050	-118,468			9,582
Figtree Lane Gerrington - Car Park Redesign and Extension			150,000			150,000
Buildings - Holiday parks	581,621	18,625	3,454	0	0	603,700
Kiama Harbour Cabins	29,981					29,981
Kiama Harbour Cabins - Loan Interest capitalisation	6,534		-6,534			0

2016 - 2017 CAPITAL RENEWAL PROGRAM (DELIVERY PROGRAM)							
PROJECT DESCRIPTION	ORIGINAL BUDGET	REVOTES	QBR 1	QBR 2	QBR 3	REVISED BUDGET	
Surf Beach	130,000	18,625				148,625	
Kendalls	108,000		10,000			118,000	
Kendalls - Loan interest capitalisation	20,106		-20,106			0	
Werri Beach	147,000					147,000	
Seven Mile Beach	140,000		16,500			156,500	
Showground camping ground	0		3,594			3,594	
Bridges:	0	488,600	0	0	0	488,600	
Cloony Bridge Renewal	0	488,600				488,600	
TOTAL	4,816,956	2,765,793	195,762	552,000	0	7,841,911	

11.4 2017 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 Chief Financial Officer, Tracy Sligar, at the Western Australia (WA) Local Government Finance Professionals Conference in Perth from 2-3 March 2017.

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 Chief Financial Officer to attend the 2017 WA Local Government Finance Professionals Conference in Perth from 2-3 March 2017.

BACKGROUND

Council's Chief Financial Officer, 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 Chief Financial Officer, Tracy Sligar to the conference which will be held in Perth from 2-3 March 2017.

It is Council policy that all interstate conferences require Council approval.

Report of the Director Finance, Corporate and Commercial Services

11.4 2017 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 Chief Financial Officer, 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.

11.5 Draft Asset Management Plans

CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible

CSP Strategy: 4.14 Ensure continual improvement of Council's Integrated Planning and Reporting framework to meet the Community's long-term vision for Kiama Municipality

Delivery Program: 4.14.1 Ensure compliance with, and continual improvement of, the Integrated Planning and Reporting Framework

Summary

In preparing Council's Financial Reassessment Submission, which focused on a revised Long Term Financial Plan, it was necessary to reexamine Council's Asset Management Plans, to ensure integration with the Long Term Financial Plan (LTFP) and that the required asset renewal and asset maintenance could be and was fully funded in the LTFP.

As part of this process, there was a strong focus on ensuring that these documents and the LTFP met the benchmarks of the Fit for the Future and the achievement of these indicators were sustainable in the long term.

In addition the Draft Asset Management Plans ensure that current service levels are maintained, which was a very strong message from the community during the merger proposal period.

Council is now asked to resolve to put these Draft Asset Management Plan on public exhibition.

Finance

Financial requirements identified in Asset Management Plans have been incorporated into the adopted Long Term Financial Plan.

Policy

Asset Management Policy

Attachments

Nil

Enclosures

- 1 Draft Asset Management Plan - Buildings
- 2 Draft Asset Management Plan - Footpaths and Cycleways
- 3 Draft Asset Management Plan - Recreation and Open Space
- 4 Draft Asset Management Plan - Roads
- 5 Draft Asset Management Plan - Stormwater
- 6 Draft Asset Management Plan - Other Assets

RECOMMENDATION

That Council:

1. Place the Draft Asset Management Plans for the following Asset Classes on public exhibition for 28 days:
 - a) Buildings
 - b) Footpaths and Cycleways
 - c) Recreation and Open Space
 - d) Roads
 - e) Stormwater
 - f) Other Assets.
2. Consider all submissions after the exhibition period has closed as part of the Integrated Planning process.

BACKGROUND

These asset management plans are to demonstrate responsive management of assets (and services provided from assets), compliance with regulatory requirements, and to communicate funding needed to provide the required levels of service over a 10 year planning period.

The asset management plan follows the format for plans recommended in Section 4.2.6 of the International Infrastructure Management Manual.

These asset management plans are to be read with the organisation's Asset Management Policy, Asset Management Strategy and the following associated planning documents:

- Community Strategic Plan
- Work Force Plan
- 10 Year Financial Plan
- Delivery Program
- Operational Plan

Goals and Objectives of Asset Management

Council exists to provide services to its community. Some of these services are provided by infrastructure assets. Council has acquired infrastructure assets by purchase, by contract, construction by staff and by donation of assets constructed by developers and others to meet increased levels of service.

The goal in managing infrastructure assets is to meet the defined level of service (as amended from time to time) in the most cost effective manner for present and future consumers. The key elements of infrastructure asset management are:

Report of the Director Finance, Corporate and Commercial Services

11.5 Draft Asset Management Plans (cont)

Providing a defined level of service and monitoring performance,

Managing the impact of growth through demand management and infrastructure investment,

Taking a lifecycle approach to developing cost-effective management strategies for the long-term that meet the defined level of service,

Identifying, assessing and appropriately controlling risks, and

Having a long-term financial plan which identifies required, affordable expenditure and how it will be financed.¹

Plan Framework

Key elements of the Asset Management Plans are:

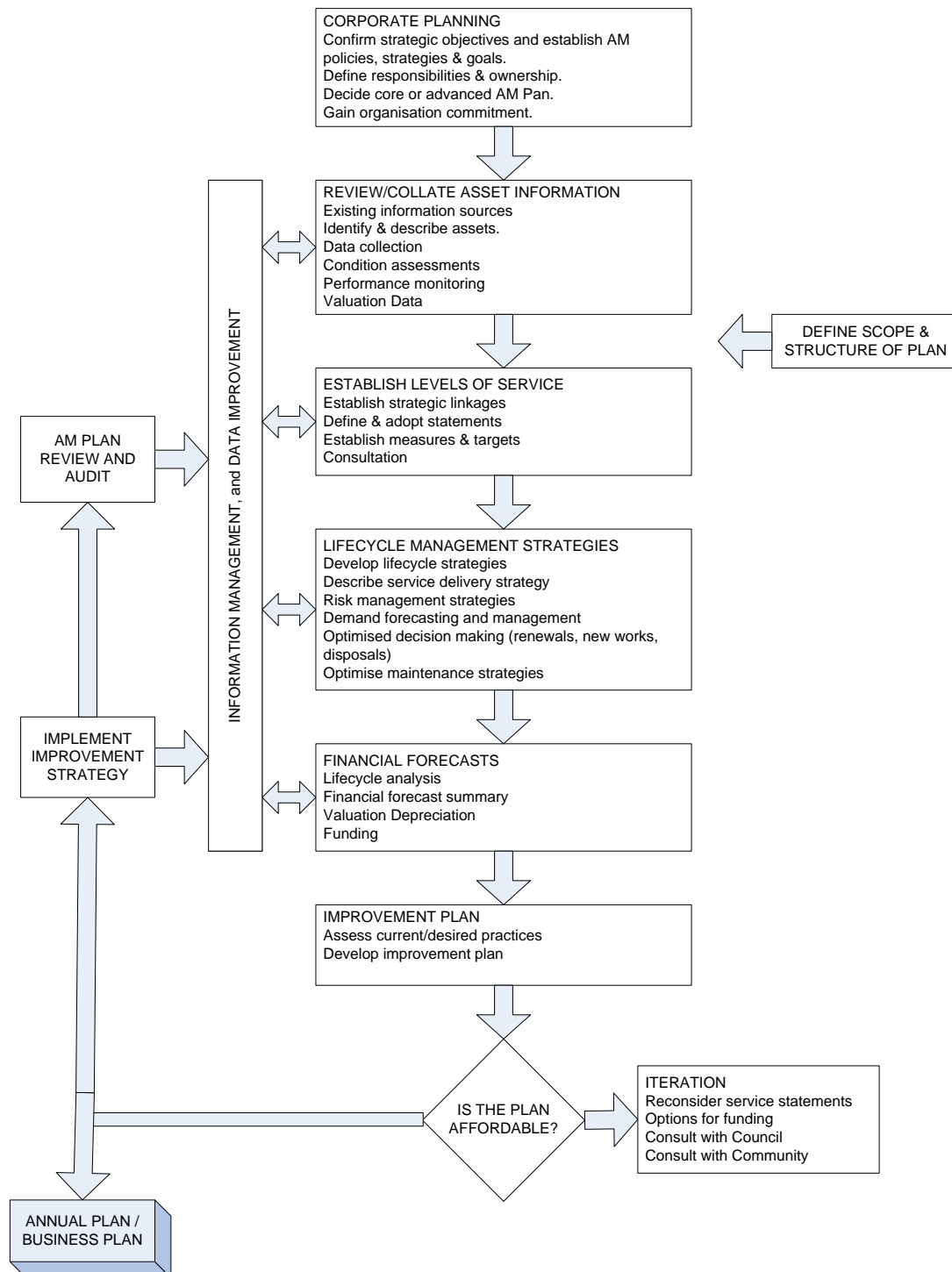
- levels of service – specifies the services and levels of service to be provided by the organisation
- future demand – how this will impact on future service delivery and how this is to be met
- life cycle management – how Council will manage its existing and future assets to provide defined levels of service
- financial summary – what funds are required to provide the defined services
- asset management practices
- monitoring – how the plan will be monitored to ensure it is meeting organisation's objectives
- asset management improvement plan.

A road map for preparing an asset management plan is shown below.

¹ Based on IPWEA, 2011, IIMM, Sec 1.2 p 1|7.

Road Map for preparing an Asset Management Plan

Source: IPWEA, 2006, IIMM, Fig 1.5.1, p 1.11.



Item 11.5

Legislative Requirements

The organisation has to meet many legislative requirements including Australian and State legislation and State regulations. These include:

Table 3.3: Legislative Requirements

Legislation	Requirement
Local Government Act 1993	Sets out role, purpose, responsibilities and powers of local governments including the preparation of a long term financial plan supported by asset management plans for sustainable service delivery.
Protection of the Environment Operations Act 1997	To ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development.
Australian Accounting Standards	<p>Sets out the financial reporting standards relating to Infrastructure assets. Standards of particular relevant to Infrastructure Assets include:</p> <ul style="list-style-type: none"> • AASB116 Property, Plant & Equipment – prescribes requirement for recognition and depreciation of property, plant and equipment assets • AASB136 Impairment of Assets - aims to ensure that assets are carried at amounts that are not in excess of their recoverable amounts • AASB1021 Depreciation of Non-Current Assets - specifies how depreciation is to be calculated • AAS1001 Accounting Policies - specifies the policies that Council is to have for recognition of assets and depreciation • AASB1041 Accounting for the reduction of Non-Current Assets - specifies the frequency and basis of calculation depreciation and revaluation basis used for assets • AAS1015 Accounting for acquisition of assets - method of allocating the value to new assets on acquisition
Crown Lands Act 1989	Defined principles for the use and management of Crown land which may be under Trust to Council, they may prescribe: Lease & licences of Crown Lands (Part 4, Division 3 & 4); and Plans of Management for Crown Lands (Part 5, Division 6)
Civil Liability Act 2002	Protects the Council from civil action by requiring the courts to take into account the financial resources, the general responsibilities of the authority and the compliance with general practices and applicable standards.
Water Management Act 2000	<p>The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations and, in particular:</p> <ul style="list-style-type: none"> • to apply the principles of ecologically sustainable development, and • to protect, enhance and restore water sources, their associated ecosystems, ecological processes and biological diversity and their water quality, and

11.5 Draft Asset Management Plans (cont)

	<ul style="list-style-type: none"> • to recognise and foster the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including: <ul style="list-style-type: none"> ○ benefits to the environment, and ○ benefits to urban communities, agriculture, fisheries, industry and recreation, and ○ benefits to culture and heritage, and ○ benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water, • to recognise the role of the community, as a partner with government, in resolving issues relating to the management of water sources, • to provide for the orderly, efficient and equitable sharing of water from water sources, • to integrate the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna, • to encourage the sharing of responsibility for the sustainable and efficient use of water between the Government and water users, • to encourage best practice in the management and use of water. 	Item 11.5
<p>Work Health And Safety Act 2011</p>	<p>To take a constructive role in promoting improvements in occupational health, safety and welfare practices and assisting in the preservation of public health and safety in all undertakings of Council</p>	

Council will exercise its duty of care to ensure public safety in accordance with the infrastructure risk management plan linked to these Asset Management Plans.

12 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

12.1 2017-2018 NSW Government Pedestrian Infrastructure Safety Around Schools Program - project funding

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.6.6 Facilitate Local Road Safety and Traffic Committees

Summary

The report outlines the 2017-2018 NSW Government Pedestrian Infrastructure Safety Around Schools Program funding and recommends acceptance of the grant from Roads and Maritime Service (RMS) for the installation of a turnaround bay for Kiama High School on Saddleback Mountain Road, Kiama.

Finance

\$25,300 grant funding.

Policy

Not applicable

Attachments

- 1 Roads and Maritime Services letter of offer - Pedestrian Infrastructure Safety Around Schools Program: Project Funding
- 2 Attachment A - key requirements for acceptance
- 3 Attachment B - key dates
- 4 Attachment C - Council acceptance of funding
- 5 Attachment D - Council initial financial forecast and key milestone dates

Enclosures

Nil

RECOMMENDATION

That Council accepts the offer of a \$25,300 grant from the Roads and Maritime Services to install a turnaround bay for Kiama High School on Saddleback Mountain Road, Kiama.

BACKGROUND

An offer of \$25,300 has been received from the RMS (as attached) for the installation of a turnaround bay for Kiama High School on Saddleback Mountain Road, Kiama for the 2017-2018 financial year. This funding will cover 100% of the estimated cost of the project.

Report of the Director Engineering and Works

12.1 2017-2018 NSW Government Pedestrian Infrastructure Safety Around Schools Program - project funding (cont)

Council is asked to participate in the program by providing its commitment to the earliest possible delivery of the project within the financial year.

The key requirements that Council must adhere to as part of its acceptance of the project funding are outline below, with further details and key dates provided in Attachments A and B:

1. Council provides written acceptance of funding (Attachments C and D) to the RMS by 28 February 2017
2. Council provides detailed design and cost estimate
3. Council submits monthly status reports
4. Council submits invoices and evidence of work completed
5. All physical works completed by 30 June 2018
6. Any variations to scope or cost must be discussed and approved by RMS before starting construction of the project.
7. Council accepts ongoing maintenance of the completed asset.

RMS advises that it looks forward to working with Council to successfully deliver the 2017-18 financial year NSW Safer Roads program of works.



8 December 2016

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Dear Mr Forsyth

Pedestrian Infrastructure Safety Around Schools Program: Project Funding

Roads and Maritime Services is pleased to advise Kiama Municipal Council that you have been successful in gaining funding through the NSW Government's Pedestrian Infrastructure Safety Around Schools Program.

The Pedestrian Infrastructure Safety Around Schools Program is currently funded until June 2018. The following projects have been endorsed for funding in your council area in the identified financial years:

School	Project Description	Total Project Cost	RMS Contribution	Funding Year
Kiama High School	Turn around bay	\$25,300	\$25,300	Jan 2017- June 2018

Roads and Maritime notes that any projects nominated by your council but not identified in the above table have not been successful in achieving funding under the Pedestrian Infrastructure Safety Around Schools Program.

This letter also documents the procedures Roads and Maritime and council must follow so that funding to councils is administered in accordance with RMS *Financial Arrangements with Councils for Road Management* (see internet page Local Government Relations under www.rms.nsw.gov.au/doingbusinesswithus/lgr/index.html). Roads and Maritime has a considerable amount of funds invested in a range of traffic, safety and active transport projects that are to be delivered by councils. Both Roads and Maritime and councils need to adhere to this process and the schedule for the effective delivery of these projects under the various programs.

The key requirements that council must adhere to as part of its acceptance of project funding are outlined below, with further detail and key dates provided in Attachments A and B.

1. Council provides written acceptance of funding (Attachments C and D).
2. Council provides detailed design and cost estimate.
3. Council submits monthly status reports.
4. Council submits invoices and evidence of work completed.
5. All physical works completed by 30 June in the financial year in which funding is allocated.
6. Any variations to scope or cost must be discussed and approved by Roads and Maritime before starting construction of the project.
7. Council accepts ongoing maintenance of the completed asset.

Attachments:

- A. Key requirements for acceptance of NSW Government funding
- B. Key Dates
- C. Council acceptance of NSW Government funding
- D. Council initial financial forecast and Key Milestone Dates

Please complete Attachments C and D and return a signed copy of each to Roads and Maritime by Friday 16 December 2016.

For any further enquiries about the Pedestrian Infrastructure Safety Around Schools Program, please contact Mark Hourigan, Safety Around Schools Project Officer at mark.hourigan@rms.nsw.gov.au or by phone on 4221 2580.

Yours sincerely

Chris Millet
Network and Safety Manager, Southern Region

Attachment A: Key Requirements for Approval of Funding

Key requirements for funding

There are several compliance phases throughout the life of a project that need to be adhered to if funding is to be accepted and maintained. The performance of council against these compliance phases will be monitored and reported on by Roads and Maritime.

1. Council acceptance of funds and council project / program plan

Council must notify Roads and Maritime that they will accept the funding offered by Roads and Maritime by **2 December 2016**. If council requires more time to process the funding approval please advise Roads and Maritime before this date. Council is required to submit "*Council acceptance of Roads and Maritime funding*" form when accepting the funds offered by Roads and Maritime (Attachment C).

In addition to the acceptance, council should also submit the financial forecast sheet (Attachment D). For projects funded in the 17/18 financial year, the forecast sheet will not be required until July 2017.

Please note that these targets may be used as a performance measure in future funding submission considerations.

Funding may be re-allocated to other councils where the signed acceptance letter and a completed financial forecast are not returned by the due date.

2. Completion of design and estimate

Councils are requested to complete the design and final cost estimate for each project by no later than **28 February 2017** for projects funded in the 16/17 financial year, and by 30 September 2017 for projects funded in the 17/18 financial year, (or by agreement with Roads and Maritime). Should there be any variation to cost or scope of the project, details of the variation must be submitted in writing to Roads and Maritime for assessment and approval, prior to commencement of construction.

If Roads and Maritime is to be responsible for the ongoing maintenance of any part of the project, council must ensure that Roads and Maritime reviews and provides formal approval of the plans prior to the commencement of construction by council.

Council is required to undertake public consultation and meet all WHS requirements for each project, including any duties that relate to the construction or commissioning of a structure. Projects must be constructed in accordance with the relevant Australian Standards and Austroads Guidelines.

Council is responsible to undertake a Road Safety Audit, if required, under *Guidelines for Road Safety Audit Practices* for all funded projects and address all corrective actions. Any audits must be undertaken by an accredited and independent audit team.

3. Council monthly reporting

Each month throughout the financial year council must submit a report that includes all projects funded in the current financial year. In the event other projects are funded throughout the year these must be added to the monthly report.

A report template will be provided to council following their acceptance of the funds and return of Attachments C and D.

The monthly report includes:

- The program and project numbers for each project along with a description/scope of each project in accordance with the funding proposal.

- Details of the progress of all works including submission of design and cost estimate to Roads and Maritime, and the start and completion dates of construction.
- Cost estimation/actuals as follows:
 - Actual costs for each month prior to the current reporting month.
 - Actual costs for reporting month including an estimate for the value of works to be completed to the end of the month.
 - Forecast for each month after the reporting month to the end of the financial year.
 - Note that the cost estimate represents the works completed, not council receipt of invoices. Also, council should be aware that forecasting does not generate payment, and is separate from invoicing.
- Risks, mitigations and comments on each project. Comments should be detailed enough to give an accurate view as to the current status of the project.
- Work Health Safety (WHS) occurrences (any events or conditions that resulted in or had the potential to result in a noteworthy amount of damage of injury including any notifiable incidents).

Monthly reports shall be provided by no later than the dates in the attached schedule (Attachment B). Reports are encouraged to be submitted earlier than this. A report is still required to be submitted even if there has been no change to the previous month, in this case it should be noted that there is no change. Please email monthly reports to mark.hourigan@rms.nsw.gov.au.

4. Invoicing

Roads and Maritime will email council the monthly Council Payment Invoice spreadsheet during the second week of the month. Council is to update the spreadsheet including populating the milestone, forecast, expenditure and comments fields, as well as signing the Works Progress Certifications. The updated spreadsheet is to be returned by email by the specified date to the Roads and Maritime contact specified in the email. The council invoice functions as a monthly financial forecast and certification of expenditure.

5. Project finalisation

All physical works must be completed by **30 June** in the financial year in which the project is funded. The final tax invoice and completion report are to be submitted as soon as practicable after completion. **Any funding not spent prior to 30 June will lapse.** Roads and Maritime will only pay for actual and completed works at this date and is unable to pay for any incomplete project works.

On completion of the works Roads and Maritime will arrange for a site inspection of the works or request evidence of completion (photos), prior to payment of the final invoice.

6. Scope changes / variations

Any change of scope, including time or cost, for projects **MUST** be discussed as soon as possible with the Roads and Maritime Safety Around Schools Project Officer. Council must formally request and detail in writing the proposed scope changes to the Safety Around Schools Project Officer. No works are to commence prior to receiving written approval for the change of scope from Roads and Maritime and a revised forecast is agreed to in writing. Note that a change of scope may result in a revised funding allocation and the merits of the project may be re-assessed against other priority projects.

7. Ongoing maintenance

Council will be responsible for the maintenance of all completed assets except for any asset where Roads and Maritime has formally accepted ownership and maintenance liability in writing.

For Roads and Maritime to accept ownership/maintenance of an asset, the asset must be designed and constructed in accordance with all Roads and Maritime specifications/requirements.

8. Work Health and Safety

Council will comply with WHS Laws (*Work Health and Safety Act 2011, Work Health and Safety Regulation 2011*).

Council acknowledges that under WHS Laws, it has a primary duty of care to ensure, so far as is reasonably practicable:

- the health and safety of workers, and
- that the health and safety of others is not put at risk from the works.

Council acknowledges and agrees to consult, cooperate and coordinate with other relevant persons about matters relating to shared risks and the health, safety and welfare of the workers.¹

Council will have a system in place to manage work health and safety risks that is sufficiently resourced and implemented.

If a notifiable incident occurs, council must notify:

- SafeWork NSW (formerly WorkCover) immediately, and
- Roads and Maritime within 24 hours.

Council will exercise due diligence in the selection of workers to carry out works and impose the requirements set out above, to the extent possible.

¹ For more information on duties and consultation please refer to the SafeWork NSW website at www.safework.nsw.gov.au

Attachment B: Key Milestones / Dates

Milestone	Submission Date
Council accepts funding and provides initial forecast for 2016-17	2 December 2016
December 2016 monthly report	23 December 2016
January 2017 monthly report	27 January 2017
February 2017 monthly report	24 February 2017
Council submits detailed designs and cost estimates for all projects funded in 2016/17	1 March 2017
March 2017 monthly report	31 March 2017
April 2017 monthly report	28 April 2017
May 2017 monthly report	26 May 2017
June 2017 monthly report	23 June 2017
Completion of physical works for all projects funded in 2016/17	30 June 2017
July 2017 monthly report	
August 2017 monthly report	
September 2017 monthly report	
Council submits detailed designs and cost estimates for all projects funded in 2017/18	30 September 2017
October 2017 monthly report	

November 2017 monthly report	
December 2017 monthly report	
January 2018 monthly report	
February 2018 monthly report	
March 2018 monthly report	
April 2018 monthly report	
May 2018 monthly report	
June 2018 monthly report	
Completion of physical works for all projects funded in 2017/18	30 June 2018

Attachment C: Council Acceptance of Roads and Maritime Funding
2016/17 and 2017/18 Financial Years

Kiama Municipal Council hereby accepts Roads and Maritime funding for the following projects:

School	Project Description	Total Project Cost	RMS Contribution	Funding Year
Kiama High School	Turn around bay	\$25,300	\$25,300	Jan 2017- June 2018

Council confirms acceptance of Roads and Maritime funding on the terms and conditions outlined in the RMS funding letter and attachments which detail the Roads and Maritime funding program requirements for 2016/17 and 2017/18.

- Council has committed its share of the cost of the project for all co-funded projects.
- Council will complete all necessary planning, design, road safety audit, public consultation, WHS considerations and environmental assessment for each project.
- Council will construct the project in accordance with the submitted project plan and endeavour to meet all specified completion dates noted in the Roads and Maritime letter and attached notes.
- Council will submit a monthly financial and milestone report.
- Council will endeavour to complete all physical works by 30 April in the financial year in which a project is funded. Roads and Maritime will only pay for actual and completed works and is unable to pay bills for any incomplete project works. No funds will be rolled over to the next financial year.

General Manager Signature:

General Manager Name:

Date:

Please retain a copy of this funding acceptance letter for council's records.

Attachment D: Initial financial forecast and Key Milestone Dates

Please provide an initial financial forecast of the expected dollar value and key milestone dates in the tables below. Monthly reports will also be required to be completed via a supplied spreadsheet and must include an estimate of the cost of works to be completed up to the end of the current month for Roads and Maritime accrual purposes. This does not generate payment and is separate from invoicing. Forward months should show a forecasted figure of expected work completed.

Financial Forecast
Please provide an initial financial forecast of the expected dollar value of works to be completed for the year against each project in the table below.

Project Description	Funding Offered	Jul 2016	Aug 2016	Sep 2016	Oct 2016	Nov 2016	Dec 2016	Jan 2017	Feb 2017	Mar 2017	Apr 2017	May 2017	Jun 2017
	\$												

Milestone Dates
Please provide key milestone dates for each of council projects as outlined below.

Project Description	Planning/Concept Design	Detailed Design	Commence Construction	Finish Construction and Open for Use

I have the authority to complete the monthly financial report on behalf of council:

Kiama Municipal Council

Officer Name:

Officer Title:

Contact Number:

Signature:

12.2 Cedar Ridge Stage 2 access

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

A proposal for an alternate access road to Cedar Grove Stage 2 was provided to Council for consideration. This report sets out concerns with the proposal and the action to be taken by Council officers.

Finance

N/A

Policy

N/A

Attachments

- 1 Cedar Grove Stage 2 - June 2015 Council meeting report extract

Enclosures

Nil

RECOMMENDATION

That Council officers investigate the proposal submitted by David Yates, and any other alternative options, for a second access to Cedar Grove 2 and report back to Council.

BACKGROUND

At the public access meeting on 14 November 2015 meeting the applicant Mr David Yates submitted a proposal for an alternate access road to the Cedar Grove Stage 2 development. The proposal has been investigated and a number of preliminary concerns have been identified which makes this proposal difficult and will require further consideration by the applicant. These concerns include:

1. Council's current standards specify a maximum road grade requirement of 17% to 20% for distances not exceeding 100 metres.
2. The proposed road has a maximum grade of 22% and has an 18% fall from the edge of bitumen at Lilly Pilly Way to the edge of bitumen at Jamberoo Road which will significantly increase to allow for a deceleration/acceleration lane along Jamberoo Road.
3. Jamberoo Road is a Roads & Maritime Services (RMS) controlled road and will require their approval for this access. RMS is likely to have a number of requirements regarding the traffic merge onto Jamberoo Road.

Report of the Director Engineering and Works

12.2 Cedar Ridge Stage 2 access (cont)

-
4. The Water Quality Pond which services the entire Cedar Grove developments will be significantly impacted and potentially will require a full relocation including the associated pipework.
 5. Lilly Pilly Way will require road widening along the Jamberoo Road Reserve and this will need RMS approval.
 6. There is also the potential for likely objections from neighbours in this area, due to the potential increase in traffic along Lilly Pilly Way that will need to be managed.

At a meeting with the applicant late last year the above issues were communicated and it was agreed that he would review his proposal to ensure that these issues were addressed. Obviously as part of the review the applicant will assess the financial viability of his proposal before he submits any further information to Council.

In relation to other options for an alternative access road to the Cedar Grove Estate, comments to Council in the June 2015 report (attached) identified other routes that were considered but were not viable.

At this stage Council will continue to work with the applicant on his proposal to provide an access alternative from Jamberoo Road.

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Report of the Director Environmental Services

9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1)

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 10.2015.27.1 which seeks consent for a one hundred (100) lot Torrens title subdivision. The proposed development is sited within R2 Low Density Residential zoned land pursuant to Kiama Local Environmental Plan (LEP) 2011 and is permissible in the 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.

Finance

Section 94 contributions will apply to newly created lots.

Policy

N/A

Reason for Report to Council

The development application is reported to Council as more than five (5) submissions have been received and the proposal is greater than thirty (30) lots.

Attachments

1 10.2015.27.1 - plans

Enclosures

Nil

RECOMMENDATION

That Council approved Development Application No. 10.2015.27.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the draft conditions at the end of this report.

Background

Applicant: White Constructions Pty Ltd

Owner: Mr J W & Mrs M E Milne

Development Site

The development site (site) is described as Lot 201 and Lot 202 in Deposited Plan (DP) 1199549 and Lot 1 in DP 1203690. The overall site measures 8.492 Hectares, is irregular in shape, currently vacant and has a history of being used for rural purposes. The site was rezoned on 22 January 2015 from RU2 Rural Landscape to R2 Low Density Residential. The

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9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

proposal includes the construction of new roads within existing unformed Crown road reserves (Noorinan Street, Dido Street, Barney Street and Cuba Street).

To the north of the site lies a public road (Lilly Pilly Way), to the south, an unformed Crown road reserve (Barney Street), to the east, an unformed Crown road reserve (Dido Street and Noorinan Street) and undeveloped rural land (Lot 1 and 2 in DP 986836) and to the west, an unformed Crown road reserve (Cuba Street) and undeveloped land (Lot 1 in DP 720053).

Access to the property can be legally gained through Lilly Pilly Way to the north, the unformed Crown road reserve Cuba Street to the south and from the east via the unformed Crown road reserves Hutchinson Street, Bong Bong Street and Dido Street.

The site is predominantly cleared and located across a ridgeline. From its centre, the site slopes gently to the south, east and west before falling away steeply at its sides. The site falls approximately at an 18% grade to the north before falling steeply away to Lilly Pilly Way. The site drains overland to watercourses located on adjacent land to the east and west. The site is currently not serviced with utilities.

The site is subject to bushfire affectation and areas mapped in Kiama Local Environmental Plan 2011 as terrestrial biodiversity. Dry stone walls are located around the perimeter of the site.

Description of the Proposed Development

The application was originally proposed as a one hundred and one lot (101) lot subdivision, but this has now been reduced to a one hundred (100) lot subdivision as the result of the requirements of the NSW Rural Fire Service (RFS).

The subdivision is generally referred to as Cedar Grove Stage Two. Cedar Grove Stage One is described as the land adjacent to the north of the site. The proposed lots range in size from 2332m² (Lot 13) down to 300m² (Lots 38 to 40 (inclusive) and Lots 42-44 (inclusive)). If approved, a site-specific development control plan will be required to be adopted (prior to the issue of a Subdivision Certificate) to ensure that future development on these lots meets accepted amenity standards.

Four lots access the proposal from Lilly Pilly Way (Lots 1 to 4 (inclusive)) with the remainder accessing the site via an extension to the existing Lilly Pilly Way which will have maximum longitudinal grade of 12.7%. Lilly Pilly Way was constructed as part of Cedar Grove Stage One, which was approved by the NSW Department of Planning in May 2005.

The application proposes eight (8) metre wide carriageways around the perimeter of the site with four (4) internal roads each containing a six (6) metre wide carriageway. A shared pathway (for cycles and pedestrians) constructed through the unformed Cuba Street to the south is proposed to link to the West Kiama area. The proposal incorporates the use of four unformed Crown road reserves (Noorinan Street, Cuba Street, Barney Street and Dido Street) to create some of the proposed eight (8) metre wide perimeter roads. If Council was to approve of the proposal, it will be required to notify the Crown Lands Department to transfer the Crown road reserves to Council (pursuant to the requirements of Clause 151 of the Roads Act 1993). An appropriately worded condition has been included within the 'draft' conditions of consent at the end of this report which requires this to be done before Construction Certificate plans are approved.

The proposed perimeter roads will drain to the east and west via on-site detention and water quality treatment devices, onto adjoining lands (via easements) and then into natural watercourses.

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Report of the Director Environmental Services

- 9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

A (approximately) sixty-metre section of dry stone wall in Dido Street, which is currently in a very poor condition, will need to be relocated and rebuilt to accommodate a portion of the proposed perimeter road. This matter is elaborated on further in this report.

The proposal also includes a small playground, landscape embellishment and street trees.

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 (Infrastructure) 2007 (Infrastructure SEPP)

The provisions contained within Clause 94 of the Infrastructure SEPP allow the proposed public roads constructed within the unformed Crown road reserves (Noorinan Street, Dido Street, Barney Street and Cuba Street) without development consent.

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

The site is located within the coastal zone, as defined by SEPP 71. Clause 18 requires a master plan to be prepared if more than twenty-five lots are proposed. NSW Planning and Environment has issued a master plan waiver pursuant to Clause 18(2).

Consideration has been given to the objectives of the SEPP71 and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of SEPP 71.

- State Environmental Planning Policy No 55 - Remediation of Land

Evidence has been provided in the application which indicates that the land is not considered to be contaminated from previous land uses and is therefore deemed suitable for the proposed use.

- Illawarra Regional Environmental Plan No 1

The assessment has taken into account *Part 7 – Provisions relating to living areas* and *Part 15 - Provisions relating to Environmental Heritage* with there being no concerns raised.

- Kiama Local Environmental Plan 2011

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

Specific clauses 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 indicated on the Lot Size Map.

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 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of heritage exists on the property and is listed in Schedule 5 as

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Report of the Director Environmental Services

- 9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

"dry stone walls". The proposal meets the objectives of the clause and is not likely to adversely affect the heritage significance of the item.

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal meets with the objectives of the clause and the matters prescribed for consideration are 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 and addresses all matters which are required to be satisfied prior to issue of consent.

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 the requirements of Kiama DCP 2012. It is considered that the proposal meets all relevant development controls contained within Kiama DCP 2012.

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

- Context & Setting

The proposal is compatible with existing activities and land uses adjacent to the site. It is considered that there will be no undue impacts to adjoining lands (including threat of flooding, bushfire or contamination) if the proposal is granted approval. After construction has been completed there are likely to be no impacts on the public domain. The proposal is also considered unlikely to have any impacts which may in unison cause cumulative effects.

- Traffic Generation, Access, Parking & Transport

The applicant advises in the Statement of Environmental Effects that when the site is fully developed with housing that the expected traffic generation will conservatively be 1000 vehicle movements per day. RMS Technical Direction TDT 2013/04 states that there will be a lesser expected traffic generation of approximately 747 vehicle movements per day. This is based on 7.4 vehicle trips per day per dwelling (as applies in regional areas). In relation to the potential for dual occupancies, a high take up rate of dual occupancies has also been modelled and the resultant traffic flows has been demonstrated to be within accepted limits. Following the assessment by Council officers of the Traffic Impact Assessment Report submitted in support of the application, an independent traffic consultant was engaged to carry out a peer review. The independent consultant came to the conclusion that the report provides an accurate assessment of the possible traffic impacts resulting from the proposed

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9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

subdivision and it is considered that the proposal will not have any unreasonable traffic impacts on the road system.

The proposed development will access the existing road network in Cedar Grove Stage One including Lilly Pilly Way, Banksia Drive and the roundabout at Jamberoo Road. Lilly Pilly Way will be widened to accommodate an 8 metre wide carriageway. Banksia Drive is to maintain the current eight (8) metre carriageway width with draft conditions of consent also requiring road widening at the 90° bend. All verge widths located adjacent to properties will be provided with a minimum width of 3.5 metres for pedestrian access and servicing purposes. The existing Banksia Drive and Coachwood Street intersection will become a T intersection with priority given to Banksia Drive. The proposed intersection of the new access road and Lilly Pilly Way will be designed to accommodate maneuvering of the AS 2890.2 heavy rigid vehicle.

In the Statement of Environmental Effects, the applicant has provided the following information on why alternative vehicle access to the site via Cuba Street (only) is impractical and should be discounted.

- (i) The average additional distances travelled to and from the site to Woolworths, the Council Offices, the Leisure Centre and trips to the north of Kiama compared with the Banksia Drive option is 2km. This is equivalent to an additional 2,000 vehicle kilometres/day or 730,000 vehicle kilometres per year;
- (ii) There will be additional traffic redirected to Shoalhaven Street, Terralong Street and Bland Street;
- (iii) There will be environmental and engineering issues with construction of the road including the Figtree within the Cuba Street reserve, the Fig trees between Bland Street and Cuba Street, the widening of Bland Street and the upgrading of the intersections along Bland; and
- (iv) The work will require construction and ongoing maintenance costs of a 650m long road with no direct access to properties.

An alternative location was investigated for access via Hutchinson Street, Bong Bong Street and Dido Street. The applicant provided the following advice:

- (i) A new roundabout on Jamberoo Road/Hutchinson Street would be required. Issues with this are:
 - An additional street for pedestrians to cross;
 - Major earthworks along Jamberoo Road are required due to the grade of Jamberoo Road;
 - There will be a loss of large Figtree; and
 - There will be large costs involved,
- (ii) Bridge/culverts are required over Willow Gully Creek which is 75 metres wide,
- (iii) The grade from Willow Gully Creek to rear of No.41 Banksia Drive is an average of 26%,
- (iv) Bong Bong Road behind No.41 Banksia Drive is 16.3m wide, has a longitudinal grade of 15% and a crossfall of 4.5m (27%),
- (v) There is 12 metres between the southern boundary of Banksia Drive (closed portion of Bong Bong Road) and the top of the existing Banksia Drive road batter. There is between 3 and 3.5m of fall across this area, and

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9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

-
- (vi) The intersection angle of Dido Street and Banksia Drive is approximately 63° (approx133%). The grade of the unformed portion of Dido Street above the Banksia Drive batter is 36% and there is a dry stacked stone wall along the approximate centreline of Dido Street.

Careful consideration from Councils Design and Development section has determined that the proposed alternate accesses to the east and south would not provide fair and reasonable benefit from a traffic engineering perspective.

Section 23 of Kiama DCP 2012 Chapter 7 – Subdivision requires that consideration be given to the provision of traffic calming devices. The unrestricted lengths of the eastern and western perimeter roads necessitate the need for traffic calming, especially in the vicinity of the proposed playground adjacent to the eastern perimeter road and the direction change at the northern edge of the western perimeter road. A 'draft' condition of development consent requiring traffic calming within the eastern and western perimeter roads have been recommended and included at the end of this report.

It is the intention of the developer to provide an eight (8) metre wide carriageway to the perimeter road network and six (6) metre wide carriageway to the four (4) proposed internal roads. The proposed eight (8) metre wide perimeter road will support service vehicles including garbage trucks, delivery vehicles, fire fighting appliances, and buses. The carriageway width will comply with the design requirements of NSW RFS *Planning for Bushfire Protection 2006*. Road verges shall be conditioned to be a minimum 3.5 metres in width to cater for pedestrian access, servicing and landscaping purposes.

'Draft' conditions of development consent requiring pedestrian and cycleway facilities have been recommended and included at the end of this report.

A bus service operates along Jamberoo Road (approximately 400 metres from the site) travelling between Jamberoo and Kiama Railway Station, in each direction, four times per day)

- Stormwater, Water Quality and Flooding

Councils Design and Development section has determined that the existing hydrologic and proposed hydraulic impact is not detrimental to the development proposal and does not impact established properties.

Water Sensitive Urban Design (WSUD) principles have been adopted where considered appropriate. The proposed stormwater drainage concept presents a WSUD strategy for the site incorporating bio-retention basins and a gross pollutant trap. The conceptual strategy has been designed and assessed to meet and comply with Council's WSUD Design Policy 2005 targets. The WSUD elements are considered sufficient enough to protect downstream environments.

The development site is not influenced by the Spring Creek or Willow Gully Creek flood plains; however, the access point at Jamberoo Road is influenced by the 1% AEP and the high hazard classification.

- Environmental Impacts

A preliminary flora and fauna assessment was undertaken during the Planning Proposal for the rezoning of the land. The purpose of the assessment was to identify whether the rezoning of the site to low density residential and subsequent development of the site would have an unacceptable impact upon any endangered ecological communities, threatened species, habitats and connectivity.

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9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

The assessment found that the subject site has been cleared and used for agricultural purposes for a substantial amount of time, that there is an area of regrowth in the north east corner of the site with the vegetation consisting of exotic species, weeds and some native trees, and areas of vegetation surrounding the site are largely isolated, fragmented and disturbed. The assessment also found that the development is unlikely to have to a significant impact on threatened species and endangered ecological communities found on the adjacent lands.

- Social Impacts

The proposed development is considered unlikely to cause any adverse social impacts if the application is approved.

- Economic Impacts

The proposed development is considered unlikely to cause any adverse economic impacts if the application is approved.

- Construction Impacts

Construction activities also have the potential to impact on soil and water resources by way of erosion and sedimentation. Construction activities also have the ability to generate traffic, noise, dust and vibration. 'Draft' conditions of consent have been included at the end of this report to ensure that construction impacts upon the environment and neighbors are managed within acceptable limits.

- Waste

A waste collection provider can service the proposal.

- Utility Needs and Supply

Service authorities have indicated their ability to service the proposal and certification confirming this will be required (through conditions of consent) prior to the issue of a Subdivision Certificate.

- Heritage

The site has been investigated with there being no evident Aboriginal significance. If the application is approved, a condition of development consent relating to unexpected finds has been recommended for inclusion.

Dry stone walls are the only European items of significance evident on the site. The application involves the removal and relocation of approximately sixty (60) metres of wall which is currently in disrepair and is currently located in a proposed carriageway. Council's Heritage Consultant supports the relocation proposed. If the application is approved, a condition of development consent relating to the restoration and repair of all dry stone walls present on the site has been recommended for inclusion at the end of this report.

- Land Resources

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

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

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Public Submissions

The application was initially notified on 18 February 2015 by way of a notification letter, where fourteen (14) days were provided in which to comment on the proposal. During the ongoing assessment it came to Council's attention that shared pathway plans were not provided. Plans were subsequently submitted and additional impacted property owners were then notified.

A total number of 140 submissions were received with there being 139 objections to certain aspects of the proposal. The matters of concern and number of objections are detailed below:

Issue 1 – Eighty-eight (88) objections were received which raised the following (summarised) concerns regarding vehicular access to the proposal via the currently unformed Cuba Street. The following points were raised:

- increased traffic generation in Bland Street and surrounding areas during construction and when occupied;
- safety around schools, preschools and playgrounds due to speeding vehicles;
- impacts to amenity from vehicle emissions and noise;
- removal of significant vegetation and dry stone walls to build the road;
- greater travel distances required to Kiama township for future occupiers and emergency services.

In response, the proposal does not include vehicular access (only a shared path) to the south. The objections are not relevant in terms of the assessment of the current proposal.

Issue 2 – Forty-two (42) objections were received which raised the following (summarised) concerns regarding access to the proposal via Banksia Drive and Lilly Pilly Way.

Concern	Response
Narrow road widths in the existing estate make it difficult for existing residents, visitors, construction vehicles, garbage trucks and emergency vehicles to access. This is evidenced by a number of collisions that have taken place. Additional traffic will intensify this situation.	The issue of access into Cedar Grove Stage Two has been discussed earlier in this report and the current proposal meets Council's required standards. Draft conditions have been included regarding the provision of no stopping signs and widening of Banksia Drive at its 90° bend.
There is a strong demand by existing residents within existing Cedar Grove to park their vehicles within the road carriageway. This has been exacerbated by a recent development for twenty (20) townhouses at No 41 Banksia Drive. This situation narrows down the carriageways even further, particularly in the vicinity of the 90° bend near the townhouse development.	Existing development within Cedar Grove Stage One has generally been approved with required amounts of off-street parking. Council cannot control whether or not residents use on site parking or street parking. Consent conditions have been included which proposes the installation of 'No Stopping' zones within Lilly Pilly Way and Banksia Drive to facilitate safe and efficient access. There will be a loss of some on-street parking spaces; however, given that there should be sufficient existing off-street parking, refusing the proposal on these grounds could not be justified.
Verges within Banksia Drive and Lilly Pilly	Pedestrians will be directed down a new

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Way are considered unsuitable for pedestrian traffic with residents sometimes having to walk on the roadway. There are a number of children and elderly persons who may be at increased risk if traffic increases	pathway in Coachwood Street (conditioned within the consent, if approved) to link within an existing pathway network.
The proposed access road from Lilly Pilly Way to the proposal is considered too steep and will cause associated noise and emission impact issues from larger vehicles.	The access road is proposed at a gradient of 12.7%. From Council's mapping system, this grade appears to be less than the gradients of the other four roads within Cedar Grove Stage One which run north-south. Noise and emission levels are expected to be within acceptable limits.
The existing intersection of Banksia Drive and Jamberoo Road is subject to flooding and there are poor existing sight lines from Jamberoo Road to the site.	The round-a-bout in Jamberoo Road is affected by larger flooding events; however, refusal on these grounds could not be justified given Cedar Grove Stage One was approved with this same situation in place. The Jamberoo Road round-a-bout is fully compliant in terms of sight distances.
Alternative road access (such as Cuba Street, land for sale to the west or behind 41 Banksia Drive) which causes lesser impacts is available to the site.	Alternative road accesses to the east and south have been discussed earlier in this report and they have been shown to be impractical, or have greater impact than the access proposed.

Issue 3 – Four (4) objections were received which raised the following (summarised) concerns regarding the overall design and impacts of the subdivision itself.

Concern	Response
The design will impact on birdlife	The environmental impacts on fauna have been taken into account in the planning proposal stage with there being no likely adverse impacts resulting.
Kiama DCP 23 required a landscape buffer between existing Cedar Grove and the development proposal.	Kiama DCP 23 has been replaced by Kiama DCP 2012 Chapter 24. Some vegetation that is perceived as part of the "buffer" may be removed as part of this proposal, however such vegetation is on the proponents land and there is legal obligation between this land and the existing cedar grove.
The road widths within the proposal are too narrow to accommodate parking and passing vehicles.	The road widths are considered to be sufficient in width and compliant with Council's and the NSW RFS requirements.
Some of the lots within the proposal are around 300m ² and are considered too small for housing.	The 300m ² reflects the need in Kiama for more affordable housing and are consistent with Clause 4.1 – Minimum Subdivision Lot Size in Kiama LEP 2011

ORDINARY MEETING

16 JUNE 2015

Report of the Director Environmental Services

9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

The four (4) lots proposed which front Lilly Pilly Way are considered unsafe as vehicles will need to reverse out.	The lots proposed which front Lilly Pilly Way are in a low traffic environment and will be afforded good sight distance to reduce the chances of accidents taking place.
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Issue 4 - Five (5) objections were received which raised the following (summarised) concerns regarding the proposed shared pathway along Cuba Street.

Concern	Response
Safety and security impacts	The locality is not known for any anti-social behavior and there are no perceived impacts relating to neighboring safety and security
Removal of dry stone walls and significant vegetation	The proposal will not result in the removal of dry stone walls and significant vegetation
The steep topography in some locations does not suit the proposal	Council's engineers have raised no concern that the proposed shared pathway cannot meet Council's standards in regard to grades
Overall amenity impacts from overlooking into yards	There may be some overlooking impacts into rear yards; however, suitable landscaping can reduce overlooking impacts. A 'draft' condition of consent has been included at the end of this report.

External Referrals

- The NSW Rural Fire Service (RFS).

The RFS issued their Bushfire Safety Authority which has been included with the 'draft conditions of consent at the end of this report.

- The NSW Office of Water.

The Office of Water issued their General Terms of Approval which have been included with the 'draft conditions of consent at the end of this report.

- Kiama Local Traffic Committee (KLTC)

The proposal was referred to KLTC Meeting on 5 May 2015 where the following recommendations were made

1. That No Stopping signage and linemarking be installed on the eastern and southern sides of Banksia Drive in accordance with the signage and linemarking plan tabled;
2. That additional No Stopping signage and linemarking be installed on the western side of Banksia Drive from the western boundary of house number 40 to the driveway of number 38;
3. That the widening of Banksia Drive on the southern side of the road by removal of the existing kerb and drain be referred to Council for consideration with the assessment of the development application for subdivision of the adjoining land; and

ORDINARY MEETING

16 JUNE 2015

Report of the Director Environmental Services

9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama (10.2015.27.1) (cont)

-
4. That the option of further widening of Banksia Drive to provide roadside parking bays be referred to Council for consideration with the assessment of the development application for subdivision of the adjoining land.

Council resolved that:

- a) the Minutes of the Kiama Local Traffic Committee Meeting held on 5 May 2015 be received and accepted; and
- b) Council seek the opinion of local residents on the alternative proposal explained by the Director of Engineering and Works and following a favourable response it be put to Traffic Committee with the endorsement of Council.

'Draft' consent conditions (included at the end of this report) have been formulated around Recommendations 1 to 3 (inclusive) made by KLTC. In regard to KLTC Recommendation 4, the matter has been considered and additional roadside bays would be challenging to construct in the location proposed.

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 and included at the end of this report.

- Subdivision & Development Engineer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended and included at the end of this report.

- Landscape Design Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended and included at the end of this report.

- Environmental Health Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended and included at the end of this report.

- Council's Heritage Adviser

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended and included at the end of this report.

- GIS Officer

No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended and included at the end of this report.

The Public Interest

The proposal will contribute to meeting the objectives of the Illawarra Regional Strategy 2006-31 relating to providing additional housing in the region. The proposal is also considered to be consistent with all relevant Environmental Planning Instruments 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.

ORDINARY MEETING

16 JUNE 2015

Report of the Director Environmental Services

9.3 One Hundred (100) Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot
201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama
(10.2015.27.1) (cont)

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 Development Control Plans. The proposed development is consistent with the objectives of the R2 Low Density Residential 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.

13 REPORT OF THE DIRECTOR COMMUNITY SERVICES

13.1 CCTV Kiama Harbour

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.6.7 Develop and implement a Community Safety Plan

Summary

Council is asked to support a funding application for a grant that would enable an extension to the proposed Kiama Harbour CCTV coverage.

Finance

Dollar for dollar funding is required for any grant funding and Council's contribution will need to be considered as part of the budget preparation.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the submission of a funding application, up to \$20,000 to the NSW Community Safety Fund to extend the coverage of CCTV at Kiama Harbour.

BACKGROUND

The NSW Community Safety Fund is designed to 'provide funding for community safety initiatives which will reduce crime and stamp out anti-social behaviour'. The funding round is currently open and closes on 20 February. Administered by the NSW Department of Justice the program is in its second year. The program will provide \$10 million over four years to improve community safety across NSW. Applications can be made for up to \$250,000 'for innovative projects designed to prevent crime and fear of crime and help people feel safe and proud of their community.'

The Kiama CCTV network currently provides coverage within the Kiama CBD and Gerringong CBD and will soon be expanded to include two cameras at the harbour. Funding for the pole and cameras at the harbour will come from a \$14,000 electoral commitment from Ann Sudmalis MP and \$20,000 included in the 2016/17 budget. Council has previously endorsed locating the pole near the Scout Hall with a camera directed along the street beside the harbour and the other directed across

Report of the Director Community Services

13.1 CCTV Kiama Harbour (cont)

the harbour. While this will capture activity that occurs on the opposite side of the harbour it is not expected that the quality of the images would allow facial recognition from that distance.

As there have been reports of some illegal activity occurring on that side of the harbour over the Christmas season, it is proposed that further funding be sought to install an additional pole and cameras in the vicinity. The installation of CCTV is supported by both the Boat Owners Association and the Kiama Game Fishing Club and they have supplied letters of support to submit with a funding application. A quote is not available at the time of writing but is being sought. It is anticipated that the cost would be of a similar value to the first pole and cameras, although installation may be higher depending on the proximity of a power source. If successful the grant would require matched funding from Council. It is therefore requested that Council endorse an application for 50% of the value of the quote including installation, for a system valued up to \$40,000.

13.2 Kiama Council Crime Prevention Plan

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.6.7 Develop and implement a Community Safety Plan

Summary

This report seeks Council's endorsement to place the current Crime Prevention Plan on exhibition to seek community comment and feedback for a review of the plan.

Finance

Nil

Policy

N/A

Attachments

Nil

Enclosures

1 Kiama Council Crime Prevention Plan adopted August 2013

RECOMMENDATION

That Council endorse placing the existing Crime Prevention Plan on exhibition to seek community comment and feedback for a review of the plan.

BACKGROUND

The current Crime Prevention Plan was adopted by Council in August 2013. The plan is overdue for a review, therefore this report seeks Council's endorsement to place the plan on exhibition to seek community comment and feedback for a review of the plan prior to the preparation of a new Plan which will be incorporated in the Integrated Planning and Reporting Framework.

14 REPORTS FOR INFORMATION

14.1 Question for future meeting: Black Beach rock pool

Responsible Director: Engineering and Works

At Council's meeting of 20 December 2017 Councillor Way requested an investigation into the potential to pump sea water into and out of the rock pool at Black Beach. It was further requested that a cost estimate to provide and install a pump at this location be included in the report. The Mayor referred the matter to the Director Engineering & Works for investigation and report.

As requested an investigation was carried out to determine the feasibility to install a pump at the Black Beach rock pool for the purpose of draining and filling the pool to carry out maintenance required to improve the water quality. Currently this rock pool is drained by opening a valve at the bottom of the pool which discharges directly to the ocean. Once the work activities are completed the valve is shut and the pool refills naturally when the swell is high. At times it is very difficult to refill the pool in a timely manner due to the ocean conditions and this may take several days for the pool to be full. Unfortunately swimmers/pool users do become frustrated when the pool is not available due to maintenance activities and this has generated some complaints from time to time.

The suggestion to install a pump to alleviate this problem has merit and a preliminary investigation to install a permanent pump could be achieved however there would be significant costs and environmental issues that would need to be considered. Some of the challenges would include:

- upgrading the existing nearby single phase power supply to 3 phase power for an electric pump adequate for this application
- installing a fully enclosed power supply from the source across the rock to the pump at the pool
- constructing the housing for the pump with minimal visual impact
- constructing a permanent suction pipe out in the ocean at a distance to be determined
- constructing a delivery pipe into the pool through the existing rock.

It is envisaged that the work required, taking into account the above, could exceed \$100,000 for this one pool alone.

As an alternative to a permanent pumping system, it would be more cost effective and with minimal disruption to consider a suitable portable pump that could achieve the same desired outcome. A 150mm diameter diesel pump complete with acoustic housing and mounted on a trailer could be utilised for draining and filling the rock pool. As this is a mobile unit it could also service the other 3 remaining rock pools which would assist with maintaining all the pools to a high standard and reduce the time to refill. Furthermore this type of pump could also be used for other activities including responding to flood events, dewatering trenches and drain cleaning where

Reports for Information

14.1 Question for future meeting: Black Beach rock pool (cont)

the current practice is to hire portable pumps as required which is costly and subject to availability from external suppliers.

To purchase a complete portable diesel pump suitable for our needs would be approximately \$50,000.

14.2 Question for future meeting: impact of markets on Black Beach grassed areaResponsible Director: Engineering and Works

At Council's meeting of 20 December 2016 Councillor Way requested a report on the effects that market stalls have on the grassed area at Black Beach as well as the restriction of access along the path for pedestrians and cyclists when the markets are on. He further requested investigation into restricting the markets to the Black Beach oval area only or relocating them to another site such as Surf Beach. The Mayor referred the matter to the Director Engineering & Works for investigation and report.

On 1 December 2016 Council's Property Manager wrote to the Kiama Farmers Market, HiViz Event Management (Makers & Growers Market) and the Kiama District & Business Chamber (Seaside Markets) advising them of the introduction of a one metre setback from the footpath along Black Beach for all stall holders. A copy of this letter is attached.

In response to Councillor Way's question regarding the maintenance of the grassed area at Black Beach, council staff attends this site on average once every 14 days. A team of 2 staff attend for approximately 4 hours to mow the grass, trim the edges and generally clean the area. This activity is required to be carried out regularly regardless if the markets or any other event is taking place at this location. Accordingly there is no additional cost incurred for ground maintenance as a result of the markets. The only major rehabilitation of this area occurred after the June 2016 storm event where the existing shared pathway and the lawn in front of Black Beach was destroyed and approximately 1,000 m² of area required to be returfed at a total cost of \$8,000.

In relation to the further use of the Black Beach reserve for future markets, it is important to note that the market operators have development consents and licences to operate in this area. The Seaside Markets' development consent expires on 9 August 2021, the Makers & Growers Markets' consent expires on 14 May 2020 and the consent for the Kiama Farmers Markets expires on 11 November 2018 (albeit they are currently sited at Coronation Park). It would not be advisable to revoke these permit before they expire and that the current policy on the use and hire of public land and property be reviewed during this time. Any changes to the policy would require it to be presented to Council and be made available to the public for comment.

Attachments

- 1 Kiama Farmers Market - 1m setback requirement for market stalls on Black Beach



KIAMA MUNICIPAL COUNCIL

Phone Enquiries:
- 4232 0444
Tim McLeod
Reference:

TMc:BR

1 December 2016

The Manager
Kiama Farmers Markets
25 Anembo Crescent,
KIAMA HEIGHTS NSW 2533

Dear Tricia,

Introduction of Market Stall Setbacks

Council's Walking Track & Cycle Way Committee has expressed concern regarding the congestion that accumulates on the footpath along Black Beach Reserve whilst the markets are in operation.

In an attempt to alleviate this issue all market stalls will now be required to setup one (1) metre back from the constructed footpath.

The introduction of this setback will be included in any future licence agreement together with the three (3) metre exclusion zone surrounding playground infrastructure.

Council thank you for your cooperation in this matter.

Should you require further information, please contact Council's Property Officer, Brooke Ramaekers.

Yours faithfully

Darren Brady
Manager Design and Development

ALL CORRESPONDENCE

GENERAL MANAGER
PO BOX 75
KIAMA NSW 2533

ADMINISTRATION
CENTRE

11 MANNING STREET
KIAMA NSW 2533

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ABN: 22 379 679 108

your council
your community

14.3 Question for future meeting: Cooke Park fitness training activitiesResponsible Director: Engineering and Works

At Council's meeting of 20 December 2016 Councillor Westhoff requested a report on the feasibility of permanently deleting Cooke Park Gerringong from the list of public reserves allowed for commercial fitness training activities. The Mayor referred the matter to the Director Engineering & Works for investigation and report.

In May 2015 Council adopted a policy for the use of public reserves for commercial fitness activities and personal training. In August 2015 an application was received and a permit was issued for a commercial fitness/trainer to operate from Cooke Park. This permit was effective from 27 August 2015 and is due to expire on 31 August 2017. This permit allows the operator to conduct fitness classes of up to 20 people maximum within a restricted area to prevent any impact to local users.

Until the permit expires it would be difficult to exclude Cooke Park from the list of public reserves. The current policy will be reviewed in 2017 and it would then be appropriate to remove Cooke Park from the list of available sites if that is what the council chooses.

In the meantime as per the Council decision at the December meeting further discussions with the current fitness operator has taken place to investigate the possibility of relocating the fitness classes to the Gerringong Headland. Whilst the operator was reluctant to move her classes from Cooke Park, she did explain that her operating needs had changed and she was prepared to implement the following changes in good faith to resolve this issue:

- To conduct one fitness class only per day between 6:00am to 7am Monday to Saturday
- To ensure as best as possible that all her customers park away from the lower parking area.
- That her class numbers would remain at approximately 11 people, even though her current permit allows a maximum of 20 people.

The above changes to the policy have been agreed and her current permit has been amended accordingly.

14.4 Question for future meeting: update on the Soil Mapping Project across the Illawarra - identified in the Illawarra - Shoalhaven Regional PlanResponsible Director: Environmental Services

At its meeting held on 15 November 2016 Council resolved the following:

“16/432

Committee recommendation that:

1. *Until the current process of Soil and Agricultural Land Mapping in Kiama is complete that any description of land as, or not as, Strategic Agricultural Land will not be acceptable for determining its future and current agricultural potential unless such a description is also supported by the existing NSW Agricultural Land Classification Maps.*
2. *Council write to the Department of Primary Industries requesting that the Kiama LGA be a priority when undertaking this mapping.*

(Councillors Rice and Sloan)”

Council has written to the Department of Primary Industries, a copy of which is enclosed in Councillors’ envelopes.

Enclosures

- 1 Letter to Department of Primary Industries

14.5 Parking Statistics - December 2016

Responsible Director: Environmental Services

CBD Parking:

Parking patrols conducted – 17 site specific – 31 general area

Infringements issued – 15

Vehicle spaces inspected – 1328

Terralong Street 2P – 4 patrols

Terralong Street 1/2P – 3 patrols

Terralong Street 1P – 2 patrols

Blowhole Point 4P – 2 patrols

Rosebank Place 1/2P – 1 patrol

Fern Street 1/2P – 1 patrol

Ocean Street 4P – 1 patrol

Manning Street 2P – 2 patrols

Morton Lane - 2P – 1 patrol

School Parking:

St Peter and Paul - 1 patrol resulting in nil infringements

Reactive Issues:

7 Mile Beach - 3 infringements

Disabled Parking - 1 infringement

Bus Zone- 1 infringement

Total amount of infringements issued = \$2726

Specific patrols for January 2017 will be for locations nominated above.

**14.6 Parking Statistics - Item 14.2 Information Reports to Council's Meeting
20 December 2016**Responsible Director: Environmental Services

Council at its meeting held on 20 December 2016 considered an information report on monthly parking statistics and resolved the following:

“With regard to item 14.2, Councillor Steel requested investigation into several cars displaying disabled stickers being parked all day in disabled zones in Terralong Street.”

The requirements for occupying disabled spaces are that a disabled permit must be clearly displayed. The only time restriction that applies to vehicles displaying a disabled permit is in the case of thirty (30) minute parking zones, in which case the permit holder may legally stay for two (2) hours. In restricted parking zones where the maximum stay exceeds 30 minutes, permit holders have no time restriction.

Rangers do inspect the expiry date of the permit if the vehicle in question is contravening any parking related matter.

All this information can be found on the Roads and Maritime Services website.

14.7 Question for future meeting: Tree Preservation PolicyResponsible Director: Environmental Services

At the December meeting of Council, a Question for Future Meeting was put forward by Councillor Steel requesting *“a report from the Director Environmental Services and Director Engineering & Works to revamp our tree removal policy which is antiquated and certainly not in the best interests of the local ratepayers.”*

Council, at its meeting held on 19 November 2013, resolved to endorse draft Chapter 3 of Kiama Development Control Plan (DCP) 2012 – Preservation and Management of Trees and Vegetation and to place this draft chapter on public exhibition.

Following exhibition of the draft document, a further report was submitted to Council on the 20 March 2014, at which Council resolved to defer the report detailing the exhibition of draft Chapter 3 - Preservation & Management of Trees & Vegetation until May. The deferral was to allow some minor changes to be made to the document.

The Tree Working Group, consisting of Councillors and staff, reconvened to discuss the desired changes which were subsequently submitted to and endorsed by Council at its meeting in May 2014.

Some of the principle changes in the endorsed document were;

- The inclusion of an overall objective relating to the maximisation of public safety;
- The inclusion of a general control relating to trees on private land to include whether the growth habit or mature size of a tree is undesirable in a given situation i.e. closeness to power lines, roofs or infrastructure;
- A further general control relating to whether the tree species is appropriate in terms of its proximity to dwellings or other infrastructure.

The following controls were also adopted in regard controls applying to public land;

“Where a land owner adjoins public land, they can submit a Customer Request for the removal of a tree located on that land, provided:

- i. the tree on public land is an **Exempt Tree Species** listed in Appendix 1 of this Policy*
- ii. justification for tree removal is not because of shedding leaves, bark, sticks, flowers, fruit, exudates, view improvements or any other reason associated with a tree or trees normal life cycle*
- iii. it does not have streetscape, local amenity, historical, horticultural or environmental value.*

Where a Customer Request for pruning is submitted for work of a cosmetic nature, solar access issues, streetscape, ecological or to alleviate nuisance issues and that work will not compromise the health, safety, species, integrity of the tree, or compromise amenity for other members of the community, Council will carry out the works”.

Reports for Information

14.7 Question for future meeting: Tree Preservation Policy (cont)

Councils across NSW recognise the positive contribution trees make to urban areas and their impact on overall character, thus controls are adopted to manage the removal of trees. The standards contained within Chapter 3 of Kiama DCP are similar to many other Councils and would appear to allow the pruning or removal of trees where reasonable grounds exist.

In the 2016 calendar year, Council dealt with 270 applications for tree removal or pruning from private land, of which 218 were approved or partially approved and 52 applications were refused. A further 506 requests were dealt with in regard to trees on public land. For those aggrieved by a decision in regard to an application on private land, a review process is available whereby the decision is reviewed by the Manager of Environment and Health or Director, Environmental Services, or in some instances, referred to Council.

Any specific issues in regard to the operation of the tree management chapter can be raised with staff for review.

14.8 Acknowledgement of Library services and staffResponsible Director: Community Services

Kiama Library provides a highly valued service within the community which reflects positively on the Council. This can be evidenced by the following two unsolicited compliments which have been emailed to Council from members of the public in the first few weeks of 2017:

'I am a local resident and have regularly studied at the Kiama library this year and wanted to let you know what a great place it is. The staff there are wonderful and many of them have gone above and beyond to help me with requirements for the course I am completing. I feel fortunate to have access to such an environment and wanted to let you know what a fantastic job the library staff do there.'

'We have just moved to Kiama from the U.S. and have always enjoyed spending time in our library at home. Since we have moved here, we seem to be in your library most weekdays. Michael, one of the library employees, has made each trip an enjoyment. He is eager and willing to help my children whenever needed, and has shown them that kindness is the norm here in Kiama, not the exception. I just wanted to say thank you to him and let you know that we love Kiama and all its people!'

14.9 Submission - Draft State Environmental Planning Policy - Coastal ManagementResponsible Director: Environmental Services

The NSW Department of Planning & Environment (DPE) recently placed on exhibition the draft State Environmental Planning Policy (SEPP) Coastal Management which affects a large portion of the Kiama Municipality. The Policy will repeal and replace three existing SEPPs and will set the land use planning framework for coastal management to ensure implementation of the planning objectives of the new Coastal Management Act.

The role of the new SEPP

- To seek to balance social, economic and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the Coastal Management Act 2016.
- Is part of the NSW Government's commitment to improving the management of the coastal zone.
- Review and consolidate the existing SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

At the December Council meeting, a request was made that the following be included (if appropriate) in Council's submission:

- a) discuss the areas to be protected (including maps) and the implication for development assessment within the Kiama LGA.*
- b) request that all three coastal lagoon and wetland systems in the LGA (Minnamurra River, Werri Lagoon and Crooked River) be afforded equal or greater protection than at present*
- c) request that coastal lagoons in the Kiama LGA currently listed in Schedule 1 of the outgoing SEPP 71 be listed in Schedule 1 the new SEPP (Sensitive Coastal Lakes).*

Spring Creek and Crooked River were not included in the list of Coastal Lakes as they do not fit the description of a coastal lake. They are also both within mapped coastal wetland areas which are afforded the highest level of protection under the draft SEPP (see clause 19 – Hierarchy of Development Controls). Werri Lagoon is listed in Schedule 2 as a Coastal Lake but not in Schedule 1 as a Sensitive Coastal Lake. The listing of Coastal Lakes was formed on the basis of the classifications given by the Healthy Rivers Commission as part of the Independent Public Inquiry into Coastal Lakes: Final Report 2002. Werri Lagoon is identified in the report as being of extreme natural sensitivity, as are the majority of coastal lakes in the report. It is described as having a modified catchment and moderately affected lake condition. Its recognised conservation value in the report is listed as low and the lake is classed as being healthy with modified conditions, likely due to the lack of native vegetation and abundance of grazing lands within the catchment. It is noted that the other lakes listed in draft Schedule 1 are within pristine uncleared natural environments.

It is possible to request Werri Lagoon be added to Schedule 1 at a later date if considered necessary. This would require the preparation of an environmental study

Reports for Information

14.9 Submission - Draft State Environmental Planning Policy - Coastal Management (cont)

and consultation with DPE to demonstrate that the original classifications by the Independent Panel are no longer appropriate.

Council staff prepared a submission outlining a number of issues with the draft Policy which was forwarded to DPE on 20 January 2017 (see attached). These mainly related to the following:

- Mapping changes regarding the extent of the Coastal Use Zone compared with the original SEPP 71 Coastal Zone mapping;
- Changes to the extent of some coastal wetlands. For example, Spring Creek has been extended to include the freshwater area above the dam wall;
- Lack of definition regarding some of the terms used in the report; and
- The onus on Council to prepare coastal hazard studies and maps over the next five years and the increased financial burden this will place on Council.

14.10 LGNSW Award for Sydney Peri Urban NetworkResponsible Director: Environmental Services

Council is an active member of the Sydney Peri Urban Network of Councils (SPUN) which aims to:

- Advocate for recognition for peri urban areas across NSW in State and Federal policy making. There is a need for legislative reform and policy recognition as urban doesn't just stop and then rural start. There is a mediating role between rural and urban
- Act as a platform for peri urban regions to share knowledge and good practice
- Build partnerships and resource sharing initiatives
- Promote connections and productive cross-fertilisation between networks and existing projects
- Develop the economic potential of peri urban areas
- Ensure long term viability for peri urban agricultural and horticultural production – promoting short food chains and production which enhances regional identity
- Achieve sustainably managed open space, which conserves local landscapes (including peri urban forests and woodlands), takes account of local biodiversity and provides access to recreation
- Improve multi-functional land use with strengthening of infrastructure
- Ensure strategic planning addresses current and future change within the peri-urban environment

SPUN recently received a Local Government NSW Environment Award in the Natural Environment Policies, Planning and Decision Making category for its Sydney Food Futures Project which modelled and mapped the impact of future urban growth scenarios upon Sydney's food production to show spatial impacts of urban growth. The project highlighted the need for policy development and consideration of land for agriculture with separation to residences.

It is suggested that Council send congratulations to the SPUN group on its award and continued advocacy for the protection of agriculture in Peri-Urban areas.

14.11 Shark watch blimp

Responsible Director: Finance, Corporate and Commercial Services

At the December 2016 Ordinary Council Meeting, Councillor Rice requested an investigation into the possibility of changing the colour of the shark watch blimp's tether to make it visible to birds.

The Manager Human Resources and Commercial Services, Russell Park, has made enquiries with an ornithology expert based at the University of Wollongong, who advised that the colour of the tether will make no difference to the ability of the birds to see the tether.

14.12 Economic Development Committee Meeting Minutes

Responsible Director: Finance, Corporate and Commercial Services

The Minutes of the Economic Development Committee Meeting held on 22 November 2016 are enclosed for information.

Attachments

- 1 Economic Development Committee Meeting Minutes 22 November 2016

Minutes of the Kiama Municipal Council Economic Development Committee meeting held on 22 November 2016 at The Pavilion Kiama

1 Present: Councillor Mark Honey, Councillor Don Watson, Gavin McClure, Tass Schmidt, Steve Thomas, Roy Schmidt, Andrew Waugh, Sandy Rendel, Michael Hatfield, Kay McNiven (as an alternate to Matt Brown representing Tourism)

Attending: Kerry McMurray, Megan Hutchison,

Apologies: Councillor Warren Steel, Matt Brown, Geoff Pratt

2. Acceptance of Minutes 23 August 2016

Minutes moved:	Steve Thomas
Seconded:	Tass Schmidt

****Note there was no meeting in September due to the Council elections**

****The October meeting was replaced with the Community Consultation meeting at the Old Fire Station to enable the Committee's input to the proposed development of the Kiama Arts Centre and precinct design.**

3. Business Arising

Election of Committee Chair

There were two nominations for the position of Chair:-

Councillor Mark Honey

Councillor Don Watson

Councillor Honey was elected to the position by show of hands.

4. Community Strategic Plan Review

Councils Corporate Planner Andrew de Montemas addressed the committee requesting input to the review of the Community Strategic Plan. The committee were encouraged to participate in the community meetings that were taking place and/or to submit feedback to the online survey that is on council's website.

Action: *Economic Development Manager to distribute table showing the Community Strategic Plan, the Delivery Program and the operational plan in one document to enable a more thorough review of the Plan*

5. Role of the Economic Development Manger

Due to time constraints it was agreed to distribute the document to the Committee for their information and consideration in relation to the Community Strategic Plan.

6. Economic Development Strategy- Project Action List/Review

At the August committee meeting, a project summary listing was provided to the committee for consideration. This listing was emailed to the new committee prior to the November meeting

requesting that committee members consider which elements of the Strategy they would like to prioritise for the next term of the Committee.

The project action list was then summarised into the following categories and voted on by the members and the outcomes in priority order were:-

1. Commercial Lands
2. Investment attraction
3. Industrial Lands
4. Residential Sector
5. Agriculture
6. Tourism
7. Home Based Business
8. Jamberoo
9. Cultural Development

There were also a number of side issues that were identified as follows;-

Kiama Township masterplan
Service Stations Jamberoo and Kiama
Bombo Quarry

The issues were then further broken down into the following categories:-

Urban Business

Commercial Lands
Industrial Lands
Investment Attraction
Home Based Business
Digital Economy

Agriculture

Rural Industry
Agritourism
Farm Gate
Land Share
Eco Tourism

Other

Residential Land Supply
Tourism
Aged Care
Cultural Development

The above issues were discussed at length and the committee decided that there were more specific organisations that are focussed on the above strategies and that our role with these strategies would be to monitor and participate where necessary.

There were also partnerships that were identified as key drivers to the process;-

Economic Development Committee
Council
Tourism
Chambers of Commerce
State Government
Federal Government

Action *It was agreed that at the next meeting that there would be two planning issues on the agenda*

1. *Urban Business*
2. *Agriculture*

These priorities would then be further developed in a SWOT analysis so that we can more accurately identify and capitalise on the opportunities available.

5 General Business and New Ideas

Tourism

- Visitor numbers are tending upwards and expected to exceed previous years.
- The new board of Tourism was announced
- South Coast Tourism Awards were held on the 26th October with the following local tourism operators being successful:-
 - South Coast Holidays- Gold for Holiday Rental Services
 - Sebel Harbour side Kiama – Gold in Meetings, Functions and Business Tourism
 - The Pavilion Kiama – Silver in Meetings, Functions and Business Tourism
 - El Corazon – Silver in Tourism Restaurants

Economic Development

The Illawarra Joint Organisation is participating in a pilot program initiated by Office of NSW Small Business to develop a Best Practice Outdoor Markets Policy. This pilot will comprise five stages:-

1. Facilitated Engagement workshops

2. Research Report
3. Best Practice Outdoor Markets Policy (to be completed by March 2017)
4. Trial
5. Evaluation

Kiama Council will be represented on that project by Paul Czulowski Council's Manager of Environment and Health.

Meeting closed 7.30.

Next meeting is 5.30pm on 24 January 2017 in the RSL Rooms, Old Council Building Manning St Kiama.

14.13 Question for future meeting: Shared Pathway - Omega Flat (Fern Street to Renfrew Road), GerringongResponsible Director: Engineering and Works

At Council's meeting of 15 November 2016, Councillor Westhoff requested an update on the pathway across Omega flat, from Fern Street to Renfrew Road, Gerringong now that the roadworks have been completed. The Mayor referred this matter to the Director Engineering & Works and investigation and report.

In the 2012/13 financial year, Council were successful in obtaining 50% grant funding from the Roads and Maritime Services (RMS) for the construction of a new off road concrete shared pathway at Omega flat, to provide the missing link between existing shared paths at Renfrew Road, Warri Beach to Fern Street, Gerringong. The proposed pathway would provide a relatively level all weather access to the township, schools, train station etc via existing cycleway network and onto the recently constructed cycle lanes of the upgraded Princes Highway.

Council had previously completed all design works and undertaken a Review of Environmental Factors to enable the project to proceed. Unfortunately at the time, the construction of the new railway overbridge bridge piers and abutments in Fern Street as part of the Princes Highway upgrade, restricted all site access resulting in Council being unable to complete the project and unfortunately relinquishing the grant funding.

Now that all the Princes Highway and Fern Street roadworks have been completed, Council have again reapplied for RMS cycleways grant funding for the 2017/18 financial year and are awaiting notification on the success of the application.

14.14 Question for future meeting: Roundabout – Manning and Farmer Streets, KiamaResponsible Director: Engineering and Works

At Council's meeting of 15 November 2016, Councillor Westhoff requested that the Kiama Local Traffic Committee consider the construction of a roundabout at the intersection of Farmer Street and Manning Street as proposed by the Youth Advisory Committee. The Mayor referred this matter to the Director Engineering & Works and investigation and report.

At present there is a disconnect in the alignment of Farmer Street of approximately 10 metres between the eastern and western sides of the intersection. This is predominantly due to a considerable number of major utility services located in the grassed area on the south east corner and the height differential of this corner with the existing road pavements. Any proposal to re-align the two sides of Farmer Street would require either the relocation of these existing utility services on the eastern side and/or land acquisition of the corner frontage of Stan Crapp Funerals on the western side, either of which would be at considerable cost and disruption.

Council staff have previously prepared a preliminary concept plan for this intersection, based on the existing road alignments. Due to the existing Farmer Street alignment issue, the concept design resulted in an elongated egg shaped roundabout, with a number of medians and kerbside blisters required to guide traffic through the intersection. The concept plan was tabled at the March 2015 meeting of the Kiama Local Traffic Committee for informal discussion, where it was unanimously agreed that the concept plan would create confusion to drivers and reduce safety at the existing intersections which currently operate as standard T-intersections with good sight distances.

14.15 Parking Statistics - January 2017

Responsible Director: Environmental Services

CBD Parking

Parking patrols conducted – 14 site specific – 31 general area

Infringements issued – 11

Vehicle spaces inspected -1176

Collins Street 2P – 3 patrols

East Beach 4 P – 1 patrol

Terralong Street 2P – 2 patrols

Manning Street 2P – 4 patrols

Fern Street 1/2P – 2 patrols

Terralong Street 1P – 1 patrol

Shoalhaven Street 2P – 1 patrol

Reactive Issues

No Parking – 3 infringements

7 Mile Beach- 2 infringements

No Stopping – 6 infringements

Local Government – 2 infringements

Driveway – 1 infringement

Motor Bike – 3 infringements

Disabled – 1 infringement

Total amount of infringements issued = \$4919

Specific patrols for February 2017 will be for locations nominated above.

14.16 WSL World Junior Championships Wrap UpResponsible Director: Office of the General Manager

The World Surf League (WSL) 2016 World Junior Championship was held in Kiama from the 4th – 13th January 2017 – with the closing ceremony being held on the evening of the 9th January after completing all heats.

The competition comprised of 54 Athletes – 36 Men and 18 Women representing the best junior surfers from 16 countries. Competitors travelled with their families and coaches staying primarily in main stream accommodation with a few being billeted with families across the LGA.

The Opening Ceremony was held at the Pavilion Kiama with approximately 150 guests in attendance and 39 athletes. The Warri Boardriders Micro Groms attended the opening and had the opportunity to meet and have their photos taken with the athletes which added an element of community involvement.

Media coverage was extensive with the event being streamed live worldwide on the on www.worldsurfleague.com. Daily posts including video were significant with a minimum of 30 posts made during the competition and can be viewed on <http://www.worldsurfleague.com/?hubld=231514> (see summary attached). Local media provided excellent coverage via daily radio interviews, television (WIN TV), online posts and print publication through the Illawarra Mercury, Kiama Independent and the Bugle.

A half hour television program is currently being produced and will be aired featuring not only the surfing competition but location shots of the area and what the athletes did on lay days.

A full post event report outlining how public relations and media benefited Kiama is being compiled by Nielsen's and is expected early March, which will be reported to Council upon receipt.

Economic Impact to the Kiama LGA is estimated to be approximately \$870,000 based on conservative numbers. (See Remplan Report Attached).

The event was well received by the community with plenty of social media posting and engagement highlighting a very positive community spirit.

Councillors Mark Honey (Mayor), Cllr Mark Westhoff, Director of Engineering and Works Director Gino Belsito and Strategic Tourism and Marketing Manager Carole Johnston attended a wrap up dinner with representatives from the World Surf League and Surfing NSW. Both organisations were extremely happy with the location and management of the event and look forward to returning in January 2018.

Early planning is now underway for the WSL 2017 World Junior Championships to be held in Kiama in January 2018 – dates to be formally announced shortly.

Enclosures

- 1 WSL World Juniors Brief Summary
- 2 WSL World Juniors Remplan Report

14.17 Parks & Leisure Australia NSW/ACT Conference - 17-19 May 2017Responsible Director: Office of the General Manager

This report is to advise that Council has put in an expression of interest and has won the bid to bring the Parks & Leisure Australia NSW/ACT (PLA) Annual Conference to Kiama from the 17-19 May 2017.

The conference will attract over 100 delegates from across the ACT and NSW. Delegates will be made up of both metropolitan and rural LGAs, peak sports bodies, consultancies and industry specialists.

The conference will be held at the Sebel Kiama Harbourside.

The NSW/ACT State Conference is developed and delivered by the industry, by members active in the parks and leisure sector in NSW/ACT. The objective is to deliver a program including best practice case studies and projects which explore the theme of resilience both in the social and built environment and which showcase opportunities to adapt and thrive in an ever changing environment. Local technical tours will provide an up close opportunity to see how facilities have been developed and what has been learned along the way.

The theme Resilience: Adapt and Thrive is in response to current trends in the industry and feedback from the successful 2016 State Conference in the Hunter Valley. The program will incorporate two streams, Active Recreation and Planning and Place.

As part of the conference, PLA will also be announcing and presenting the Regional Awards of Excellence winners at the Gala Dinner, who will then progress to become National finalists. The Pavilion Kiama has submitted an expression of interest to host the dinner.

Council has agreed to sponsor this event through the Tourism budget by sponsoring an award category.

For more information on the Parks & Leisure Australia NSW/ACT Conference 2017 please visit <https://www.eiseverywhere.com/ehome/215911/Welcome/>

14.18 Gerringong Library, Museum and Community Facility

Responsible Director: Community Services

Preparation is being carried out in response to the offer of funding from the Department of Infrastructure and Regional Development for the Gerringong Library, Museum and Community Facility. Consolidation of the land lots in Blackwood Street is being carried out by land and development consultants Allen Price and Scarratts. Due to the expiry of the original Development Application, a new DA will be completed and submitted in the coming month.

Item 14.18

14.19 Skate Park - design auditResponsible Director: Community Services

At the November meeting Cllr Rice asked that a preliminary report be provided in regard to undertaking 'an urban design audit of the Kiama Skate park to address crime prevention and student safety issues as requested from the November Youth Engagement meeting.' This task has been allocated to Council's Community and Cultural Development Officer, who has received training in Crime Prevention Through Environmental Design (CPTED). The first step of the project will be to undertake a CPTED audit. Unfortunately, due to ill health requiring extended leave, work has not commenced on the project. It is not anticipated that the project will be able to be recommenced until the Officer's return to full time duties. A project timeline will then be reported to Council.

Item 14.19

14.20 Questions for Future Meetings Register as at 8 February 2017

Responsible Director: Office of the General Manager

Attached for Councillors' information is the Questions for Future Meetings Register as at 8 February 2017.

Attachments

- 1 QFFM Register as at 8/2/17

Questions for Future Meetings Register

16/73192

No	Details	Actions
20 October 2015 Meeting		
18.2	<p>Secure Storage for Caravans and Boats Councillor Seage requested a report on the feasibility of Council providing a secure storage area for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.</p>	Reported to November 2015 Council meeting (combined with 18.4) with a further report to April & November 2016 meetings
18.4	<p>Possible Commercial Opportunity for Caravan Storage Councillor Steel requested a report on approving a local park area (approx. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.</p>	Reported to November 2015 Council meeting (combined with 18.2) with a further report to April & November 2016 meetings
15 May 2016		
18.1	<p>Cycleway and walkway along Minnamurra Bends Councillor Steel requested a report be completed on the feasibility of the installation of a cantilevered walkway/cycleway along the western side of Riverside Drive around the Minnamurra bends, Kiama Downs. The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	Reported to December 2016 Council meeting Further report to March 2017 meeting
18.4	<p>Cycleway and boardwalk around Minnamurra Bends – expression of interest Councillor Way requested that an expression of interest be prepared for suitable parties to prepare an options report to identify a suitable system that could be constructed along Riverside Drive, from Meehan Drive around Minnamurra Bends to Minnamurra Bridge for the purpose of:</p> <ul style="list-style-type: none"> • safe access and travel for pedestrians and cyclists • minimising the footprint on the surrounding natural environment • designing a cycleway/walking path that is cost affective and enhances the aesthetics of the surrounding area • preparing innovative design concepts that may include cantilever, cable gantries, pier and beam or any other solutions that will accommodate a shared pathway • prepare a fee proposal for the preliminary report/concept design. <p>The Mayor referred this matter to the Director Engineering & Works for investigation and report.</p>	Reported to December 2016 Council meeting Further report to March 2017 meeting
18 October 2016		
17.2	Purchase of rubber tyre train	Reported to December

No	Details	Actions
15 November 2016		
17.1	<p>Lighting at Kiama Skate Park Councillor Rice requested a preliminary report on the process and likely timeframe for a study on undertaking an urban design audit of the Kiama Skate Park to address crime prevention and student safety issues as requested from the November Youth Engagement meeting. The Mayor referred this matter to the Director Community Services for investigation and report.</p>	Report to February Council meeting
17.4	<p>Omega ("Miller's") flat walkway Councillor Westhoff requested an update on the pathway across Omega flat, from Fern Street to Renfrew Road, now that the roadworks have been completed. The Mayor referred this matter to the Director Engineering & Works and investigation and report.</p>	Reported to February Council meeting
17.6	<p>Roundabout at Farmer Street and Manning Street intersection Councillor Westhoff requested that the Kiama Local Traffic Committee consider the construction of a roundabout at the intersection of Farmer Street and Manning Street as proposed by the Youth Advisory Committee. The Mayor referred this matter to the Director Engineering & Works and investigation and report.</p>	Reported to February Council meeting
20 December 2016		
17.1	<p>Akuna Street development Councillor Reilly requested that the advising architect's report for the Akuna Street development be distributed to Councillors. The Mayor referred to matter to the Director Environmental Services for action.</p>	Reported to February Council meeting
17.2	<p>Tree Preservation Policy Councillor Steel requested a report from the Director Environmental Services and Director Engineering & Works to revamp our tree removal policy which is antiquated and certainly not in the best interests of the local ratepayers. The Mayor referred the matter to the Director of Environment Services for investigation and report.</p>	Reported to February Council meeting
17.3	<p>Draft SEPP (Coastal Management 2016) Councillor Sloan requested that a submission on the Draft SEPP (Coastal Management) 2016 be made by the closing date of 20 January 2017. In that submission could council (if appropriate): a) discuss the areas to be protected (including maps) and the implication for development assessment within the Kiama LGA. b) request that all three coastal lagoon and wetland systems in the LGA (Minnamurra River, Warri</p>	Reported to February Council meeting

No	Details	Actions
c)	Lagoon and Crooked River) be afforded equal or greater protection than at present request that coastal lagoons in the Kiama LGA currently listed in Schedule 1 of the outgoing SEPP 71 be listed in Schedule 1 the new SEPP (Sensitive Coastal Lakes). The Director Environmental Services advised that a submission would be undertaken.	
17.4	Shark watch blimp Councillor Rice requested investigation into the possibility of changing the colour of the shark watch blimp's tether to make it visible to birds. The Mayor referred the matter to the Director Financial, Corporate & Commercial Services for investigation and report.	Reported to February Council meeting
17.5	Black Beach rock pool Councillor Way requested investigation into the potential to pump sea water into and out of the rock pool at Black Beach. It was further requested that a cost estimate to provide and install a pump at this location be included in the report. The Mayor referred the matter to the Director Engineering & Works for investigation and report.	Reported to February Council meeting
17.6	Black Beach grassed area Councillor Way requested a report on the effects that market stalls have on the grassed area at Black Beach as well as the restriction of access along the path for pedestrians and cyclists when the markets are on. He further requested investigation into restricting the markets to the Black Beach oval area only or relocating them to another site such as Surf Beach. The Mayor referred the matter to the Director Engineering & Works for investigation and report.	Reported to February Council meeting
17.7	Jones Beach and Werri Beach issues Councillor Way requested a report on the best way to address the issues facing both Jones and Werri beaches with the loss of sand, narrowing/scarping, inappropriate vegetation, vermin control, safety for beach users, surf club access and views. The Mayor referred the matter to the Director Engineering & Works for investigation and report.	Reported to March Council meeting
17.8	Tree Preservation Policy Councillor Brown requested a report on the number of applications received and rejected by Council's Tree Preservation Policy in the last reporting year. He further requested that the total cost of that section and its staffing be included in the report. The Mayor referred the matter to the Director Environmental Services for investigation and report.	Reported to February Council meeting
17.9	Cooke Park Councillor Westhoff requested a report on the feasibility of permanently deleting Cooke Park Gerringong from the list of public reserves allowed for commercial fitness training activities. The Mayor referred the matter to the Director Engineering & Works for investigation and report.	Reported to February Council meeting

14.21 Question for Future Meeting: 2011 Urban Strategy - Lots and dwellings released since commencement of Kiama Urban Strategy

 Responsible Director: Environmental Services

At the Ordinary Council meeting on 18 October 2016, Councillor Rice requested that the previous report (see attached), be expanded upon to include the actual dwelling yield that is expected from all currently approved and progressing planning proposals, subdivisions, medium density development applications.

The numbers contained within the Kiama Urban Strategy (KUS) were based upon the Department of Planning's previous projected housing demand of an additional 1,890 dwellings required by 2021, as outlined in the former Illawarra Regional Strategy. The composition of these new dwellings was to be: 43% detached, 55% medium density, 2% high density. The KUS estimated that by 2021 we would be able to provide an additional 3,722 new dwellings'. The Illawarra-Shoalhaven Regional Plan now requires that Kiama provide 2,850 new 'dwellings' by 2036. No break down regarding type or density has been provided.

The original Council report contained information relating to subdivisions and medium density development up until the end of the 2015-2016 financial year. Planning Proposals were left out at the time due to the actual numbers of lots not yet being established.

In addition to the information provided in the previous report, the following developments can be added to the total:

Calioppe Street, Kiama (DA):	16 residential allotments;
Cedar Grove, Kiama (DA):	100 residential allotments;
Wyalla Road, Jamberoo (DA):	62 residential allotments;
Iluka Reserve, Kiama Downs (PP):	9 allotments;
Irvine Street, Kiama (PP):	1 allotment;
Bland Street, Kiama (PP):	1 allotment;
Drualla Road, Jamberoo (PP):	15 allotments.

At the end of 2016, there were approximately 198 lots zoned and service ready, however 163 of these are located within the Spring Creek area and cannot be developed until such time as quarry operations cease.

From the data in the table below, a total of 589 new dwellings have been approved since the commencement of the KUS. This equates to an average of 118 dwellings per year.

Reports for Information

14.21 Question for Future Meeting: 2011 Urban Strategy - Lots and dwellings released since commencement of Kiama Urban Strategy (cont)

DA between Oct 2011 - Feb 2017																			
Density	Bombo	Brogers Creek	Broughton V	Curramore	Foxground	Gerringong	Gerroa	Jamberoo	Kiama	Kiama Down	Kiama Heights	Knights Hill	Minnamurra	Rose Valley	Saddleback	Tollijooa	Werri Beach	Willow Vale	TOTAL
Detached	9	1	1	3	3	93	20	44	60	9	7	1	5	4	4	5	13	2	284
Med	11					47	6	7	49	5	2		12				4		143
High						39			68										107
	20	1	1	3	3	179	26	51	177	14	9	1	17	4	4	5	17	2	534
CDC between Oct 2011 - Feb 2017																			
Density	Bombo	Brogers Creek	Broughton V	Curramore	Foxground	Gerringong	Gerroa	Jamberoo	Kiama	Kiama Down	Kiama Heights	Knights Hill	Minnamurra	Rose Valley	Saddleback	Tollijooa	Werri Beach	Willow Vale	TOTAL
Detached	1					18	1	6	14	2			2				3		47
Med						6				2									8
High																			0
	1	0	0	0	0	24	1	6	14	4	0	0	2	0	0	0	3	0	55

In the KUS, the Dept. outlined that Kiama would need approximately 1,890 new dwellings (Council argued that the number would 1,285) by 2021. At our current rate 1,178 new dwellings will be approved by 2021, this equals a short fall of 712 dwellings.

In the Regional Plan (2015), the Dept. outlined that the Kiama LGA would need approximately 2,850 new dwellings by 2036. At our current rate, 2,478 new dwellings will be approved by 2036, this equals a short fall of 372 dwellings.

Attachments

- 1 Questions for Future Meetings - August Report

Item 14.21

ORDINARY MEETING

16 AUGUST 2016

Reports for Information

14.12 Question for future meeting: 2011 Urban Strategy - Lots and dwellings released since commencement of Kiama Urban Strategy

Responsible Director: Environmental Services

At its meeting held on 28 June 2016, Councillor Rice requested a report on the number of lots/dwellings, greenfield or otherwise, that have been released since the 2011 Urban Strategy that indicates how this has met the expectations of the Strategy, Kiama Council and the Department of Planning and Environment.

The Kiama Urban Strategy was adopted by Council on 20 September 2011 following extensive consultation between Council, the Department of Planning (now Department of Planning and Environment), and affected landowners.

The two principal components of the plans cover:

- Rural and environmental planning aimed at maintaining and protecting agricultural land and the ecologically sensitive natural environment, and
- Urban infill/expansion of options to cater for future population and their housing needs.

The following tables contain the number of lots released across the Municipality since the commencement of the KUS (split into financial years).

<i>Lots Released (includes Torrens-title, Community title and Strata)</i>	
Date Range	No. of Lots
20/09/11 – 30/06/12	0
01/07/12 – 30/06/13	73
01/07/13 – 30/06/14	50
01/07/14 – 30/06/15	116
01/07/15 – 30/06/16	83
	Total – 322 (Ave 64)

<i>DA's and CDC's – New Dwellings</i>			
Date Range	DA	CDC	Total
20/09/11 – 30/06/12	92	6	98
01/07/12 – 30/06/13	82	8	90
01/07/13 – 30/06/14	79	11	90
01/07/14 – 30/06/15	48	9	57

ORDINARY MEETING

16 AUGUST 2016

Reports for Information

14.12 Question for future meeting: 2011 Urban Strategy - Lots and dwellings released since commencement of Kiama Urban Strategy (cont)

01/07/15 – 30/06/16	50	12	62
Total	351	46	397 (Ave 79)

The Department of Planning informed Council in 2008 that the Illawarra Regional Strategy (now defunct) housing targets for dwellings in the Kiama LGA (for the period up until 2021) were:

Detached	812 dwellings (54 per year)
Medium Density	1040 dwellings
High Density	38 dwellings
Total	1890 dwellings (126 per year)

The number of dwellings approved is below the Department's predictions for the Municipality. The commencement of the urban expansion areas such as Calderwood (8,000 dwellings) and West Dapto (19,350 dwellings over 30-40 years) which have served to supply a large proportion of the demand for residential dwellings in the Illawarra region, may have had an impact on the outcome.

In terms of lots released since the commencement of the strategy, the majority have been around the fringes of Kiama and Jamberoo, with no lots released around Gerringong.

The commencement of the Illawarra-Shoalhaven Regional Plan (Regional Plan) has altered the projected housing needs for the Municipality. Based on the Department of Planning and Environment projections, Kiama will require 2,850 new dwellings from 2016-2036. Action 2.1.1 of the Regional Plan states that the NSW Government will:

"Work with Kiama Municipal Council to monitor and review the potential of the area to accommodate housing demand."

The commencement of the Regional Plan is a catalyst for the review of the KUS, which will be undertaken in consultation with the Department of Planning and Environment. Council is a member of and participates in the Illawarra Urban Development Program meetings, with the next meeting scheduled for the 10 August 2016.

Item 14.12

Item 14.21
Attachment 1

14.22 Question for future meeting - Tree Preservation Policy

Responsible Director: Environmental Services

At Council's meeting held on 20 December 2016, Councillor Brown requested a report on the number of applications received and rejected by Council's Tree Preservation Policy in the last reporting year. Also it was requested that the total cost of that section and its staffing be included in the report.

Council receives tree management applications for the pruning and or removal of trees on private land or customer action requests for all matters related to the removal or pruning of trees located on streets, parks and reserves.

The following information is provided: for the previous 2016- 2017 financial year:

Tree Management Applications

Total received during this period:	238
Total carried over for assessment in 2016-2017	17
Total processed	221
Number and percentage approved (83.26%)	184
Number and percentage rejected	37 (16.74%)

Of the 37 applications rejected for removal, approval however is normally given to undertake selective pruning. In certain situations applications have been refused because the applicant has not submitted the required supportive information such as a consulting arborist report or aerial tree assessment, so that a proper determination can be made of their application in accordance with requirements as specified in Council's tree management policy. Accordingly, if this information is submitted by the applicant a review of the determination can be made by Council.

Customer Action Request

Total received during this period:	491
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These requests can relate to concern relating to the structural integrity of a tree, obstruction of pedestrian access and the impact on vehicle sight lines. In regards to the structural integrity of public trees, Council engages the services of an independent professional consulting arborist to provide advice and recommended action. This may include removal or further testing to be undertaken as required of the tree.

A high percentage of these requests relate to public trees that are impacting on private property. The particular issue raised includes overhanging branches and the effect of leaf litter (including dead wood) and the shading premises and loss of views. Often the request is for Council to remove the subject trees on these grounds.

Other customer requests relate to illegal tree removal or poisoning of private and public trees.

Resource and financial management

Reports for Information

14.22 Question for future meeting - Tree Preservation Policy (cont)

Council has a part time Tree Management Officer (3 days per week) and an independent arborist is sometimes engaged to provide technical advice as required specific to public and private trees that have been requested to be removed.

Administrative support is provided (2 days per week) to undertake administrative tasks associated with tree management application and customer action requests.

During 2016-2017 period \$90,967 was expended on undertaking these functions. This includes \$29,240 on the services of consulting arborists to provide technical expert advice relating to public and private trees.

Not included is this expenditure is costs associated with the removal or pruning of trees located in public places.

The income received from tree management applications was \$16,200.

A resource and service review is currently being undertaken to identify where efficiency and effectiveness measures can be implemented to improve processes and timeframes.

14.23 Poisoning Trees in public places - Werri Beach and other locationsResponsible Director: Environmental Services

In December 2017 a customer action request was submitted to Council advising that two (2) Norfolk Island Pines (public trees) located along Pacific Avenue Werri Beach, opposite the Gerringong Surf Club and Werri Beach Bowling Club had died.

Allied Tree Services, Council's consulting arborist, inspected the subject trees and confirmed that these trees had been poisoned for no apparent reason but possibly for improvement of views.

Concern was expressed that based on the location of the remaining Norfolk Island Pines and other trees along Pacific Avenue Werri Beach, it is likely that these trees will be subject to future vandalism.

At this time it also became apparent that trees and other vegetation located in the dunes at Werri Beach appeared to have been subject to the same vandalism and poisoning. This type of vandalism is also occurring in the dune area along North Kiama Drive at Jones Beach Kiama Downs.

Allied Tree Services has recommended the follow action be considered.

- Media attention relating to the act of vandalism.
- Retain poisoned trees for 6-12 months.
- Replanting trees.
- Protective caging around existing Norfolk Pine trees. This will have to be included in the budget and if installed will prevent access for the drilling of the tree trunk poisoning to occur.
- Camera installation to catch offenders.

Council will be implementing an ongoing media and communication strategy to increase awareness of this issue and to encourage the public to provide information that is likely to result in catching and prosecuting offenders.

Council's Engineering and Works section will investigate and implement the other recommendations, where applicable, and this will be subject to any budget allocation being provided in Council's annual budget estimates.

15 ADDENDUM TO REPORTS

16 NOTICE OF MOTION**16.1 Marriage Equality**

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That in order to assist our Federal member with the assurance of community feeling she requires, Kiama Municipal Council joins other local governments who publicly support marriage equality.

I recognise that this is a Federal Government issue; however our Federal member, Ann Sudmalis, has stated that she is uncertain of the Gilmore electorate's feelings on the matter of equality in marriage.

To assist Ann in this matter, I would ask all councillors to use their knowledge of their constituents to assist her in determining her vote with clarity. I believe that Shoalhaven Council has very recently voted in support of a similar motion.

Signed Councillor Neil Reilly

16.2 Optus Community Consultation

Clr Kathy Rice has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council makes a formal complaint to Optus regarding the irregular application of the Mobile Phone Base Station Deployment Code throughout the Jones Beach community consultation recently undertaken.

Signed Councillor Kathy Rice

Background

Optus has determined it will go ahead and install a mobile phone base station at IGA Jones Beach in March 2017.

Mobile phone carriers are required to consult with local councils and community even when planning to install low impact facilities that do not require council approval. The requirements of the consultation process are laid down in The Mobile Phone Base Station Deployment Code.

Throughout the recent consultation regarding a base station to be placed above the IGA at Jones Beach, Service Stream representing Optus, engaged in many communications with Council and local residents. Carriers are required to respond to concerns and be flexible in modifying their consultation plan as a result. Evidence of this is that Service Stream extended the consultation period beyond the peak holiday period and commissioned some photomontages in response to concerns about visual impact. Visual impact was a major concern expressed by council and residents, particularly upon views from living areas towards the beach. The photomontages that were circulated are views from contrived angles and locations that do not satisfactorily address the concerns. The consultation report however, implies that the photomontages have satisfactorily addressed these concerns.

According to the Mobile Phone Base Station Deployment Code, Council and community perspectives are required to be incorporated into site selection but there is no evidence of this happening. Information about the other sites considered and the process of selecting between them is required to be displayed on the consultation webpage but it is not.

The consultation report states that the proposal fully complies with the low-impact requirements laid down in Federal Legislation. Low-impact however, is not only defined by the size of the installation but its location, in this case a B1 Neighbourhood Centre that is closely surrounded by residential land. Residential areas are second only to areas of environmental significance in their likelihood for a base station not to be low-impact or to be a sensitive site that should have been identified early by the carrier.

Notice of Motion

16.2 Optus Community Consultation (cont)

Council has no jurisdiction to overrule the decision by Optus but it has every right to make a complaint that makes its dissatisfaction with the inadequate consultation known.

Item 16.2

17 QUESTIONS FOR FUTURE MEETINGS

18 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 14 February 2017

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.

18.1 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.

19.1 SEVEN MILE BEACH HOLIDAY PARK - MANAGEMENT AGREEMENT

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

19.2 AKUNA STREET CARPARK

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. .

19 CONFIDENTIAL REPORTS

19.1 Seven Mile Beach Holiday Park - Management Agreement

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.1 Coordinate the management of Kiama Coast Holiday Parks as viable business entities

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

19.2 Akuna Street carpark

Responsible Director: Engineering and Works

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

20 CLOSURE