



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 15 December 2015

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

15 December 2015

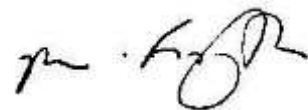
To the Chairman & Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers**

11 Manning Street, KIAMA NSW 2533 on **Tuesday 15 December 2015** 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 15 DECEMBER 2015**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Meeting on 17 November 2015

Attachments

1 Minutes - Ordinary Meeting - 17 November 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Meeting held on 17 November 2015 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 17 NOVEMBER 2015

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 17 NOVEMBER 2015 AT 5PM

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

IN ATTENDANCE: General Manager, Acting Director Of Environmental Services,
Acting Director 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 Ordinary Council Meeting on 20 October 2015

15/407

Resolved that the Minutes of the Ordinary Council Meeting held on 20 October 2015 be received and accepted.

(Councillors Sloan and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Dr Roger Collins reading comments of Mr Ang Lee – Item 9.2 - Lot 202 DP 1169384, 242 Fern Street Gerringong (10.2015.77.1) – Two dwellings, tennis court and pavilion, shed, stables, dams & two swimming pools

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

6 MAYORAL MINUTE

6.1 Former Member for Gilmore and Councillor - Mr Peter Knott

15/408

Resolved that Council hold a minute's silence in memory of former Member for Gilmore and Kiama Councillor, Mr Peter Knott.

(Councillors Petschler and Steel)

7 MINUTES OF COMMITTEES

16.1 Kiama Local Traffic Committee - Minutes

15/409

Committee recommendation that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 November 2015 be received and accepted.

(Councillors Petschler and Way)

COMMITTEE OF THE WHOLE

15/410

Resolved that at this time, 5.05pm, 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 Acting Director Corporate and Commercial Services
- Report of the Manager Corporate Services
- Report of the Director Engineering and Works
- Report of the Director Community Services
- Addendum to Reports

(Councillors McClure and Way)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

8 PUBLIC ACCESS REPORTS

15/411

Resolved that at this time, 5.05pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Way)

9.2 Lot 202 DP 1169384, 242 Fern Street Gerringong (10.2015.77.1) - Two dwellings, tennis court & pavilion, shed, stables, dams & two swimming pools

15/412

Committee recommendation that Council refuse development application 10.2015.77.1, pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, for the following reasons:

- 1) It is considered that the proposed development is inconsistent with the Aims of SEPP 71 – Coastal Protection and does not satisfy the matters for consideration prescribed by clause 8.
- 2) It is considered that the proposed development is inconsistent with the E3 Environmental Management zone objective to protect areas with special aesthetic values. The size, bulk, scale and siting of the development is unacceptable within the zone.
- 3) It is considered that the proposed dams and equestrian centre are prohibited within the E3 Environmental Management zone.
- 4) It is considered that the proposed development is inconsistent with Clause 5.5 of Kiama LEP 2011. The proposed development is of a bulk, scale, size and overall built form design that is unsuitable due to the impact on the natural scenic quality of the area.
- 5) It is considered that the proposed development is inconsistent with Clause 6.7 of Kiama LEP 2011. The proposed principal dwelling, tennis court and pavilion are sited within the foreshore area, do not contribute to achieving the objectives for the zone and are of an appearance that is not compatible with the surrounding area.
- 6) It is considered that the proposed development is inconsistent with the provisions of DCP 2012 Chapter 6 – Rural Development, in particular in relation to the design and siting of the proposed development.
- 7) It is considered that the proposed development is excessive in height, bulk and scale and also involves extensive landscaping that would likely adversely impact the scenic amenity of the locality.
- 8) The proposed development is of a bulk, scale, size, siting and overall built form design that is unsuitable due to its impact on the scenic amenity of the area and does not comply with the registered building envelope.

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

- 9) Submissions have been received making valid objections to the development on the grounds of visual impact and non-compliances with Environmental Planning Instruments and DCP 2012.
- 10) It is considered that in the circumstances of the case, approval of the development would not be in the public interest.

(Councillors Reilly and Way)

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

Against: Nil

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Household Bulky Waste Drop Off Event (HBW)

15/413

Committee recommendation that Council provide two household clean up services per annum, based on:

1. One (1) HBW drop off collection set up at the Minnamurra Recycling Depot in the first half of each financial year, enabling urban and rural residents from the Municipality to dispose of household bulky waste materials, free of charge, one service per household. Booking and proof of residency required.
2. One (1) kerbside collection service to be conducted in the second half of each financial year for urban residents of the Municipality only.

(Councillors McClure and Way)

15/414

Committee recommendation that Council congratulate the staff involved in the recent household bulky waste drop off collection at Minnamurra Recycling Depot for their excellent work.

(Councillors Seage and Way)

9.3 Design and Construction of Community Recycling Centre Shed Tender

15/415

Committee recommendation that :

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tenders as submitted by Builtform Constructions Pty Ltd and Malsave Pty Ltd for supply and

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

construction of the Community Recycling Centre

2. In accordance with Clause 178(3)(f) of the Local Government (General) Regulation 2005, Council resolve to carry out the requirements of the proposed contract itself.
2. As part of the 2015-16 Budget Review process, Council resolve to allocate \$125,000 from Waste Management Reserves, to cover any expenditure above the Waste Less Recycle More grant funds, for the construction of the Community Recycling Centre

(Councillors McClure and Way)

10 REPORT OF THE GENERAL MANAGER

10.1 19th Annual Johnny Warren Memorial Cup - Kevin Walsh Oval, Jamberoo - 5-7 February 2016

15/416

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 Rice and Sloan)

10.2 Council's Organisation Structure

15/417

Committee recommendation that Council confirms the four directorate structure with ongoing consideration of the impact of the development of Blue Haven and the alignment of activities including the need to increase the returns from commercial/profitable activities.

(Councillors Rice and Sloan)

11 REPORT OF THE ACTING DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Economic Development Committee - Recommendations

It was **moved** by Councillor Sloan and seconded by Councillor Honey:

1. That with regard to Item 3.1 Council supports an architectural competition to design a concept plan for the Kiama East Precinct and should include the relocation of the main council administration building which should be cost neutral to council. Further, that all heritage aspects should be maintained, and the existing showground area should remain unaltered. .
Further, that Council endorses the above nominations for the Subcommittee of the Economic Development Committee to design and draft the scope for

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

- the competition to design the Kiama East precinct.
2. That with regard to Item 3.2 Council supports that the Akuna Street Masterplan be considered in conjunction with a review of the Kiama Town Centre DCP.
 3. That with regard to Item 5 Council notes the concerns of the Committee and the adverse impact that delays to amendments to the current LEP are having on economic development in the Municipality
 4. That with regard to Item 7, Council supports Burnett Trees and Burnett's on Barney in a long term lease (3 x 3 years) on the Barney Street quarry site and expanding their operations to the whole of the site.
Further, that council supports the review of the current Barney Street Quarry DCP to consider more flexible trading hours.
Further, that trading hours be restricted to the nursery only on Sunday's and Public Holidays.

An **amendment** to 4. above was moved by Councillors Seage and Steel that with regard to Item 7, Council supports Burnett Trees and Burnett's on Barney in a long term lease (3 x 3 years) on the Barney Street quarry site. Further, that on Sunday and Public holidays trading hours be restricted to the plant nursery and store.

That staff investigate the feasibility of more flexible trading hours as well as use of the whole of the site and report back to Council.

15/418

A **further amendment** to 4. above was moved by Councillors Reilly and Way that with regard to Item 7, Council:

1. support Burnett Trees and Burnett's on Barney in their endeavors to secure a long term lease (3 x 3 years) on the Barney Street Quarry site, and to expand their operations.
2. support the review of the current Barney Street Quarry DCP to enable more flexible trading hours and conditions.

(Councillors Reilly and Way)

Councillor Seage withdrew his amendment.

The Motion was Put and Lost.

The Further Amendment became the Motion and was Put and Carried.

11.2 Stocktake of Stores and Materials

15/419

Committee recommendation that Council authorise a net write off of \$105.70

(Councillors McClure and Way)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Audited Annual Financial Statements 2014/2015

15/420

Committee recommendation that :

1. The Annual Financial Statements and Audit Reports for the period ended 30 June 2015 be received and adopted.
2. The Audited Financial Statements and Audit Reports be forwarded to the Office of Local Government.

(Councillors McClure and Way)

12.2 Financial Report for the period ending 30 September 2015

15/421

Committee recommendation that the revised budget for the period ending 30 September 2015 be received and adopted.

(Councillors McClure and Way)

12.3 Statement of Investments

15/422

Committee recommendation that the information relating to the Statement of Investments for October 2015 be received and adopted.

(Councillors McClure and Way)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Kiama & District Sports Association- Request for funding of plaques.

15/423

Committee recommendation that Council endorse the allocation of \$4,000 in the third quarterly review of the 2015/16 budget.

(Councillors McClure and Way)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

13.2 Lease agreement Housing Trust

15/424

Committee recommendation that Council commence the process to reclassify Lot 208 DP792192 as operational land under the Local Government Act 1993 in order to maximise options for the long term use of the property for social housing purposes and that an independent consultant be appointed to facilitate this reclassification process.

(Councillors McClure and Way)

13.3 Masterplan - Akuna Street Precinct

15/425

Committee recommendation that Council seek to appoint appropriate consultants to undertake a masterplan for the Kiama Town Centre incorporating the Akuna Street precinct incorporating the matters raised by the Shoalhaven Street Working Party, LEP review Committee and Economic Development Committee.

(Councillors McClure and Way)

13.4 Supply and lay asphaltic concrete and related services

15/426

Committee recommendation that Council accepts the services of Bitupave P/L (Boral Asphalt) for the provision of Asphaltic Concrete and Related Services for the 2015/2016 financial year.

(Councillors McClure and Way)

13.5 Tree Planting Policy

15/427

Committee recommendation that Council adopts the Draft Tree Planting Policy – Council Reserves and Public Places.

(Councillors McClure and Way)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Blue Haven Fete

15/428

Committee recommendation that Council congratulate the Friends of Blue Haven Aged Care Facility on the success of the 2015 fete.

(Councillors McClure and Way)

14.2 Consultant cost for Concept Design for CCTV at Kiama Harbour

15/429

Committee recommendation that this matter be referred to the CCTV Working Committee for discussion and comment.

(Councillors Seage and Way)

15 REPORTS FOR INFORMATION

15/430

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

- 15.1 South Precinct Meeting Minutes
- 15.4 Parking Statistics - October 2015
- 15.5 Streets and Reserves Naming Committee
- 15.6 Minnamurra Progress Association - Minutes
- 15.7 Speed Humps - Blue Haven Stage 5 Car Park
- 15.8 Kiama Youth Advisory Committee Oct meeting minutes
- 15.9 Question Without Notice Register
- 15.10 Minutes of the Health and Sustainability Committee held 22 October 2015
- 15.11 Community Recognition Award Nomination- Kate Sutton
- 15.12 Blue Haven Redevelopment Update
- 15.13 Road Safety Steering Committee
- 15.16 Noble Reserve - 73 Fern Street, Gerringong
- 15.17 Kiama Tourism
- 15.18 LED Street Lighting
- 15.19 Section 94 Development Funds
- 15.20 Council Employee Christmas Function
- 15.21 Review of NSW Crown Land Management.

(Councillors McClure and Way)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

15.2 Jones Beach - provision of picnic facilities

15/431

Committee recommendation that Council consider allocation of funding for the provision of three (3) covered picnic tables with the assistance of Minnamurra Lions Club at the playground in Jones Beach Reserve in the 2016/17 Budget.

(Councillors Way and Steel)

An amendment was moved by Councillor Rice and seconded by Councillor Sloan that Council consider allocation of funding for the provision of additional covered picnic tables with the assistance of Minnamurra Lions Club at the playground in Jones Beach Reserve in the 2016/17 Budget.

The Amendment was Put and Lost

15.3 Footpath at Kiama Harbour

15/432

Committee recommendation that Council consider allocation of funds for the construction of a footpath from the new boat trailer parking bays on Blowhole Point Road to the Kiama Harbour access road as shown in the Blowhole Management Plan in the 2016/17 budget.

(Councillors Way and Steel)

15.13 Road Safety Steering Committee

Councillor Seage requested that his name be added to the Minutes as an apology.

15.14 Possible Commercial Opportunity for Caravan Storage and Secure Storage for Caravans and Boats

15/433

Committee recommendation that Council inspects the old tip site at Gerroa to ascertain its suitability for future use as a storage centre for caravans and boats and if deemed suitable proceed with the appropriate action to enable its conception.

(Councillors Seage and Steel)

15.15 Walking Tracks & Cycleways Committee

15/434

Committee recommendation that Council supports the Committee's priority listing

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

for water drinking stations as follows:

1. South end of Bombo Beach
2. Coronation Park Kiama
3. Little Blowhole Kiama
4. Old School Park Fern St Gerringong
5. Lloyd Rees Reserve Werri Beach
6. Black Beach Kiama
7. Kendal's Beach Reserve Kiama
8. Nth Kiama Dr Surf Club Kiama Downs
9. James Oates Reserve Minnamurra
10. North end Bombo Beach
11. Blowhole Point Tourism office Kiama
12. Burke Parade-near footbridge Gerroa
13. Pacific Ave, South Werri Beach
14. South Headland, Tasman Drive Gerroa
15. Attunga Ave Kiama Heights
16. West Terralong St Kiama

(Councillors Honey and Way)

16 ADDENDUM TO REPORTS

15/435

Committee recommendation that at this time Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Steel and Way)

Item 16.1 Kiama Local Traffic Committee Minutes was dealt with at Item 7 of these minutes.

16.2 Southern Phone Notice of Annual General Meeting

15/436

Committee recommendation that Council receive and note the information.

(Councillors Seage and Sloan)

16.3 Plant Replacement

Committee recommendation that Council purchase three (3) Isuzu NPR Crew Cab trucks from Dwyers Truck Centre with a total capital value of \$176,086.35 + GST.

(Councillors Seage and Steel)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

RESUMPTION OF ORDINARY BUSINESS

15/437

Resolved that at this time, 6.15pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

15/438

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 15/411 to 15/436 above.

(Councillors Rice and Sloan)

17 NOTICE OF MOTION

17.1 Kiama Tourism Funding

15/439

Resolved that Council, in light of the Kiama Tourism Board's presentation and our ongoing alliance, extend funding to ensure:

- A. The board of tourism's financial future is secure.
- B. Our strategic marketing plans for the short term and longer terms are not compromised.
- C. Sufficient staff are able to manage the oncoming festive season's influx.

This should be achieved in a formal yet collaborative manner with the Board

(Councillors Reilly and Seage)

An **amendment** was moved by Councillor Rice and Councillor Sloan that Council, in light of the Kiama Tourism Board's presentation and our ongoing alliance, investigate extending funding to ensure:

- A. The board of tourism's financial future is secure.
- B. Our strategic marketing plans for the short term and longer terms are not compromised.
- C. Sufficient staff are able to manage the oncoming festive season's influx.

This should be achieved in a formal yet collaborative manner with the Board

The **amendment** was Put and Lost.

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

18 QUESTIONS WITHOUT NOTICE

18.1 Bin Liners

Councillor Steel requested a report on the supply of bin liners for the food waste caddies being used as part of the OK Organics program. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.2 Stormwater Control

Councillor Sloan requested that a report be brought to Council outlining the feasibility of requiring household scale Stormwater Quality Improvement Devices (also known as SQIDs) or rain gardens instead of detention basins for new developments. The Mayor referred this matter to the Director of Environmental Services for investigation and report.

18.3 Investment Policy

Councillor Rice requested a report on how Council's previous resolution to amend the Investments Policy to include consideration of investments in local or regional community based enterprises as well as those without interest in Coal Seam Gas wherever possible, has influenced Council's suite of investments since that time. The Mayor referred this item to the Director Corporate & Commercial Services for investigation and report.

19 CONFIDENTIAL SUMMARY

15/440

Resolved that at this time, 6.31pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Steel and Way)

Public Representations:

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

19.1 Exclusion Of Press And Public:

15/441

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

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

20.1 STATEWIDE MUTUAL, METRO POOL AND UNITED INDEPENDENT POOLS

Reason for Confidentiality: This matter deals with 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. .

20.2 LEASE AGREEMENT WITH HOUSING TRUST AND STRATEGIC DIRECTION

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

(Councillors Steel and Way)

20 CONFIDENTIAL REPORTS

20.1 Statewide Mutual, Metro Pool and United Independent Pools

15/442

Resolved that Council takes no action in relation to the latest Statewide Mutual offer.

(Councillors Seage and Way)

20.2 Lease Agreement with Housing Trust and strategic direction

15/443

Resolved that Council receive and note the information.

(Councillors Seage and Way)

Close of Confidential Committee of the Whole:

15/444

Resolved that at this time, 6.34pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and McClure)

Adoption of Report

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

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2015

15/445

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/442 to 15/443 be confirmed and adopted.

(Councillors Seage and Way)

21 CLOSURE

There being no further business the meeting closed at 6.34pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 December 2015

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Megan Dalley Award

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council congratulates Sash Apostoloski on the receipt of the 'Megan Dalley Trainee of the Year Award'.

REPORT

In November 2007, Council's Customer Service Trainee, Megan Dalley was tragically killed in a car accident on the Princes Highway south of Mount Pleasant. Megan was an excellent trainee who showed tremendous initiative and ability. She had a very high standard of skill and provided exemplary customer service.

In March 2008, Council resolved to establish an award named in tribute to Megan Dalley with the award having a value of \$1000 to be presented to the best performed trainee/apprentice/cadet on an annual basis.

Following an assessment by Management of work performance, attitude and course results of Council's trainees, apprentices and cadets, Sash Apostoloski, Council's Cadet Engineer has been selected as the recipient of the award for 2015.

Sash commenced work experience with Councils Engineering and Works department in mid 2014. Sash was then successful in obtaining the Cadet Engineer role in January 2015 and will graduate with a Bachelor of Civil Engineering from University of Wollongong in December 2015. Throughout his cadetship, Sash has successfully managed the demands of his studies with his role at Council. Sash has demonstrated a keen willingness, attitude and aptitude to learn. Since finishing up with Council on Friday 27 November 2015, Sash has moved onto a permanent role within a local engineering firm. Sash credits his work experience and cadet role with Council in helping him progress so quickly in his chosen field.

In Sash's nomination, comments made about him included:

- "As Sash's experience in the position grew he was able to take on additional duties and responsibilities, which became clearly evident during the year, when the Subdivision and Development Engineer (Rod King) retired and replacement of the vacancy took longer than anticipated. Sash took over the majority of these duties without question..."
- "Without Sash's significant contribution during this period which was above the expectations of a cadet engineer, it is unlikely that the quality inspections

Mayoral Minute

6.1 Megan Dalley Award (cont)

and development referrals would have been maintained within the target timeframes.

- “Sash’s quality of work was thorough, completed expediently and often exceeded what was requested of him in terms of the quality”
- “Sash has shown a very high level of initiative in wanting to learn new duties and gain experience in different engineering aspect of his role.”
- “Sash has proven to be an outstanding Cadet. He has shown a level of maturity and confidence well beyond his age.

It is indeed a pleasure to Award the ‘Megan Dalley Trainee of the Year Award’ for 2015 to Sash Apostoloski.

6.2 Robert East Award

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council congratulates Kate Sutton (Indoor) and Peter Salvatori (Outdoor) on the receipt of the 'Robert East Community Service Award' for 2015

REPORT

In 2006, an award for staff was established to acknowledge an outdoor and an indoor member of staff who have contributed in a significant way to the betterment of the community in a voluntary capacity. This award known as the 'Community Services Award' has been established in memory of the Late Councillor Robert East, who himself had an outstanding and proud record of community service. Councillor East served on an extensive range of committees, was extremely active with Rotary, and was made a 'Paul Harris Fellow' in 1997, Rotary's highest award. In June 2005, Councillor East received a Paul Harris Sapphire Pin for his fund raising efforts for cancer research.

This year Council received a number of nominations for the Robert East Community Service Award. Certificates of recognition, along with cheques for \$500, are to be presented at the Council meeting to the recipients of the 'Robert East Community Service Award', being Kate Sutton and Peter Salvatori.

Kate Sutton has been employed by Council as a Holiday Parks Administration Assistant since February 2014. Kate is the current secretary and registrar of the Kiama Surf Club, and has been heavily involved in the club's administration and undertaken many other roles over the past 10 years. Kate has been active in all aspects of surf lifesaving since nippers, and has also been involved in racing rubber ducks previously winning branch champion. Kate was recently nominated in the 2015 Kiama Community Recognition Awards for her dedication and involvement supporting the Kiama Surf Life Saving Club.

Kate's loyalty and commitment to the Kiama Surf Life Saving Club makes her a worthy recipient of this award.

Peter Salvatori has been employed by Council as a Mechanic/Welder since April 2001. Peter and his family have been involved through the Gerringong Anglican Church in helping build sustainable housing for people in war torn countries. 2015 has marked the third trip the Salvatori family has made to Cambodia to help with the Tabitha Cambodia Family Development Program. Each person who volunteers as part of the international building program team pays their own expenses as well as taking part in fundraising activities to pay for each house they will help build. When speaking about his experiences in Cambodia, Peter has explained how rewarding it is to see the sheer thrill of the Cambodian people when they received a small

Mayoral Minute

6.2 Robert East Award (cont)

private, waterproof house. Peter and his family wish to continue their involvement in this admirable program in the future.

Peter's commitment to helping Cambodian families in need makes him a worthy recipient of this award.

Item 6.2

6.3 Lake Illawarra Local Area Commander Wayne Starling**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That Council thank Superintendent Wayne Starling for the contribution he has made to the community of Kiama through his commitment to policing and community involvement and that a civic reception be held to formally recognise his work.

REPORT

I have recently learned that the Lake Illawarra Local Area Commander, Superintendent Wayne Starling, will be leaving his post in the Illawarra to take up a new role in Tweed Heads.

Superintendent Starling has served as the Lake Illawarra Local Area Commander since his appointment in 2011. Prior to this time he served as both the Barwon and Shoalhaven Local Area Commanders. He brought a wealth of experience, dedication and professional to his current role and has worked tirelessly with the local community. His commitment to community engagement and his strong advocacy for the area has proved beneficial in many ways

In 2013 Superintendent Starling led the emergency service response to the Kiama tornado and more recently has been involved in Council's CCTV and commercial centre projects offering sound advice and assistance. His leadership in the response to the tornado was outstanding.

In 2014 Superintendent Starling received the honour of being awarded the National Police Service Medal for distinguished service by a member of an Australian Police Force.

I am sure Council will join with me in thanking Superintendent Wayne Starling for the contribution he has made to the community of Kiama through his commitment to policing and community involvement. On behalf of Council I wish him and his family well in his new posting.

I seek Council's support for a civic reception to formally show our appreciation for Superintendent Starling's efforts on behalf of our community.

6.4 Season's Greetings to All**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

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

REPORT

As 2015 draws to a close I have pleasure, on behalf of the Councillors and Staff, in wishing all of our residents a happy Christmas and a peaceful and bright New Year.

To our staff I also extend the season's greetings and express our thanks for the work done for our community during the year. I ask the General Manager and his Directors to pass on the Council's best wishes to all of the Council employees. We wish them and their families all the best for the Christmas and New Year period.

At a time when the world appears to be beset by conflict and war, it is important to remember how blessed we are to live in a peaceful country and in one of the most beautiful areas of Australia. Our community is well served by the many community groups and volunteers who help to make the lives of all of us so much better and I know I speak for all Councillors in thanking all those who make our municipal community such a great place to live.

Merry Christmas to you all.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - meeting minutes - 1 December 2015

Responsible Director: Engineering and Works

Attachments

- 1 Kiama Local Traffic Committee - Minutes - 1 December 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 1 December 2015 be received and accepted.

BACKGROUND

The Minutes of the Kiama Local Traffic Committee meeting held on 1 December 2015 are attached for information.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE
ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 1 DECEMBER 2015

COMMENCING AT: Meeting commenced at 9.05am

PRESENT: Mayor Councillor Brian Petschler (Chairperson), Bryan Whittaker (Director Engineering and Works), Darren Brady (Manager Design & Development), Darrell Clingan (Local Member's Representative), Kristian Pinochet (RMS Representative), Kevin Brown (NSW Police Representatives), Janelle Burns (Kiama Council Road Safety Officer) and Cathie Bax (Minutes)

APOLOGIES: Nil

1 Minutes of Previous Meeting

CR050

Committee recommendation that the Minutes of the 3 November 2015 be received and accepted.

FORMAL ITEMS (UNDER RMS DELEGATIONS)

2 Allowrie Street, Jamberoo – Centre line extension

CR051

Committee recommendation that the Committee approve the extension of the existing unbroken centreline in Allowrie Street, Jamberoo, east from Minnamurra Lane to the intersection of Golden Valley Road as per the attached plans.

3 New Year's Eve 2015 – Road closures and traffic changes in Kiama CBD

CR052

Committee recommendation that the Kiama New Year's Eve road closures and traffic changes proposed between 6pm-10pm on 31 December 2015, be approved subject to Council and suitably qualified traffic controllers complying with the following conditions:

1. the road closures to be undertaken in compliance with the approved traffic management plans;
 2. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
 3. an advertisement be placed in the local media, Council website and on social media advising of the closure, parking locations and the free shuttle bus service;
 4. road closure signs indicating the time restrictions for vehicles entering and leaving the closed road area be displayed on the day of the closure.
-

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE
ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 1 DECEMBER 2015

4 Kiama High School – Student Drop-off Zone

CR053

Committee recommendation that:

- 1 The Committee support the previously proposed concept for improved drop-off facilities at the Kiama High School northern entrance.
 - 2 The Council review the revised concept for improved drop-off facilities at the Kiama High School southern entrance having regard to the anticipated impact on traffic movements in South Kiama Drive and also investigate further options.
 - 3 Council liaise with the NSW Department of Education in relation to utilising additional school land for a drop-off zone and other options for the southern entrance.
-

LATE FORMAL ITEMS

5 Chapel Lane, Jamberoo – 5 tonne load limit

CR054

Committee recommendation that the Committee approve the implementation of a 5 tonne weight limit in Chapel Lane, Jamberoo.

6 Red Hot Summer Music Concert 2016 – Road closures and traffic changes in Kiama

CR054

Committee recommendation that approval be given to the organisers of the Red Hot Summer Concert at Kiama Showground, to be held on Sunday 20 March 2016, to implement proposed traffic changes, subject to the organisers and suitably qualified traffic controllers complying with the following conditions:

- 1) Preparation of an additional Traffic Management Plan (for both vehicle and pedestrian traffic) in consultation with Police and Council officers, that caters for the large volume of pedestrians crossing Manning Street prior to and at the completion of the event;
 - 2) All road closures, diversions and traffic changes to be undertaken by suitably qualified traffic controllers in compliance with the Traffic Management Plan;
 - 3) 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.
 - 4) Lodgement with Council of an Application for a Section 138 Roads Act Permit and payment of associated fee.
 - 5) Notification of proposed traffic changes be given to Police, Local Emergency Services, businesses and residents effected by the closure;
-

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE
ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 1 DECEMBER 2015

- 6) An advertisement be placed in the local media advising of the closure; and
 - 7) Proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
 - 8) This item and a copy of the event plan be referred to the Liquor Accord for advice.
 - 9) All appropriate Council departments are liaised with to ensure internal approvals and licensing requirements are satisfied.
-

INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)

7 Seaview Street Kiama – Intersection with Shoalhaven Street, Kiama

CR055

Committee recommendation that a concrete median splitter be installed at the intersection of Seaview and Shoalhaven Streets.

8 Draft traffic study – Morrow Street, Gerringong

CR056

Committee recommendation that the *Traffic Study Morrow Street Gerringong (November 2015)* with amendments be placed on public exhibition and a further report referred back to the Committee.

LATE BUSINESS

Darryl Clingan reported a car parked on the western side of Fern Street near the Sandy Wha intersection is causing safety issues with the school bus pickup. The car is for sale and has been parked on the roadside for 3-4 months. Bryan Whittaker advised that the matter would be further investigated and referred to the Rangers for action.

Brian Petschler thanked Bryan Whittaker for his dedication during his 15 years of serving on the Traffic Committee. Brian Petschler recorded his appreciation of Bryan Whittaker's service over this time and wished him all the best with his retirement.

Kristian Pinochet was welcomed to the Committee

Bryan Petschler offered his season's greetings to all Committee Members and thanked members for their work over the past year.

There being no further business the meeting closed at 9.53am.

The next meeting of the Committee will be held on Tuesday 2 February 2016.

7.2 Blue Haven Advisory Minutes

Responsible Director: Office of the General Manager

Attachments

1 Blue Haven Advisory Committee Meeting Minutes - 2 December 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Blue Haven Advisory Committee Meeting held on 2 December 2015 be received and accepted.

BACKGROUND

The minutes of the Blue Haven Advisory Committee held on 2 December 2015 are enclosed in Councillors' are attached for information.

**MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE HELD ON
WEDNESDAY 2 DECEMBER 2015**

COMMENCING AT: 6:00pm

PRESENT: Mr A Fowlie (Chairman), Clr B Petschler (Mayor), Mr Forsyth, Clr N Reilly, Clr K Rice, Mr I Pullar, Mrs C Rogers, Mrs F Whittaker, Mrs P Waters, Mr B Wilson, Mrs C Crow-Maxwell, Mrs J Bartlett, Mrs T Sligar, Mr S Dawson

APOLOGIES: Mrs S McCarthy, Mrs N Brennan

CHIEF EXECUTIVE OFFICER'S REPORT

1 Minutes of Previous Meeting (SC657)

CR 057

Committee Recommendation that the information be noted.

2 Notes from Residents' Discussion Forum (SC657)

CR 058

Committee Recommendation that the information be noted.

3 Redevelopment Update (SC657)

CR 059

Committee Recommendation that a further report on the re use of the existing Aged Care Facility be presented to the next meeting.

Facility Managers Report

1 General Update

CR 060

Committee Recommendation that the information be noted.

**MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE HELD ON
WEDNESDAY 2 DECEMBER 2015**

DIRECTOR OF NURSING AND HOSTEL SUPRVISOR'S REPORT

- 1 Staffing Students & Training
- 2 Occupancy/Vacancies
- 3 Work Health & Safety

CR 061

Committee Recommendation that Items 1- 3 be noted.

CHIEF EXECUTIVE OFFICER'S CONFIDENTIAL REPORT

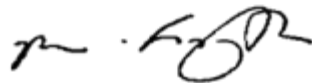
- 1 **Blue Haven Village Independent Living Units (SC658)**

CR 062

Committee Recommendation that:

- 1 that the information be noted and
- 2 that a workshop on Blue Haven Care, Independent Living Units and Aged Care related issues be held in the new year.

There being no further business
the meeting closed at 7:05pm



Michael Forsyth
General Manager

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

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for a business park comprising of hardware & associated landscaping & building material supplies; five (5) additional units and the strata subdivision of the resultant development.

The proposed development is sited within the B7 Business Park zone pursuant to Kiama Local Environmental Plan (LEP) 2011 and is permissible in this zone.

Thirteen (13) submissions were received in response to Council's neighbour notification of the proposal. The concerns raised in submissions relate mainly to the height of the proposed development, view loss and streetscape compatibility. These concerns are considered to be valid.

The report recommends that the application be refused for the reasons contained in this report.

Finance

N/A

Policy

N/A

Reason for the Report

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

Attachments

1 10.2015.122.1 - Site plan

2 10.2015.122.1 - Plans

Enclosures

Nil

RECOMMENDATION

That Council refuse development application 10.2015.122.1 pursuant the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, for the following reasons:

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

- 1) The proposed development results in unacceptable view loss impacts.
- 2) The proposed development is incompatible with the streetscape due to the proposed building height at the Rowlins Road frontage.
- 3) The proposed development is likely to result in unacceptable impact on flood waters and flood behavior.
- 4) Submissions have been received making valid objections to the development on the grounds of building height, view loss and incompatibility with the streetscape.
- 5) For the reasons outlined, the proposed development is not considered to be within the public interest.

BACKGROUND

The property is described as Lot 70 DP 1172093, Nelson Street, corner Rowlins Road, Gerringong.

The overall site measures 4765m² in size and is rectangular in shape. The site is currently vacant and is bounded by Rowlins Road to the east, Nelson Street to the south, business park development to the southwest and north and South Coast Railway to the west.

The site is zoned B7 Business Park pursuant to Kiama LEP 2011.

The site is cleared and slopes moderately from East downward to the west. The property is traversed by a Category 3 watercourse. The site drains through this natural watercourse.

Access to the property is obtained from Rowlins Road and from (unformed) Nelson Street.

The site is serviced by water, sewer, electricity and telecommunications.

The site is subject to the following constraints:

- Potential flooding
- Noise and vibration from adjoining transport corridors/industry
- Areas mapped in Kiama LEP 2011 as riparian land and water courses (Category 3)

Description of the Proposed Development

The proposal involves the construction of a commercial building comprising a hardware store with associated landscaping and building material supplies; five (5) additional units and subsequent strata subdivision of the resultant development.

The proposed building has a floor area of 1718.28m² and is sited toward the Rowlins Road frontage of the site. The building is two storeys, with the ground floor level accommodating Unit 1 (proposed to be occupied by the hardware and landscape

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

supplies business) and Shops 3 – 6 and the lower ground floor level accommodating Unit 4 and the lower level of Unit 1.

Vehicular access is obtained from Rowllins Road to the front car parking module and from Nelson Street to the lower car parking area and landscape supplies yard. A total of twenty-four (24) onsite car parking spaces are proposed, with nine (9) of these situated in the front (ground floor) parking module and the remaining fifteen (15) situated in the lower ground area (with six (6) of these within Unit 1).

Two service yards (associated with the landscaping supplies business) are proposed, one either side of the watercourse that traverses the property. A bridge is proposed to be constructed over the watercourse to connect the service yards.

A pylon 'business identification sign' is proposed which measures 2.8m x 2.05m (5.74m²) with an overall height of 5.1m. The sign is to enable the identification of each tenancy on-site in an ordered manner. No illumination of the pylon sign is proposed.

The exterior of the building is proposed to be constructed of concrete block work consisting of stacked Boral concrete blocks 'Wilderness' in colour. The upper portions of the building will be clad in a mix of Colorbond cladding in the 'Basalt' colour, "Ecotec" façade metal panels to match the Colorbond shade 'Ironstone' and "Alucobond" metal cladding- colour 'light grey'. Roofing is proposed to be finished in Spandek metal sheeting 'Dune' in colour.

It is proposed that Unit 1 utilise 1 x 660L recycle bin and 1 x 660L waste bin. The remaining units 2 – 6 are proposed to each have 1 x 240Lt recycle bin and 1 x 240 litre waste bin.

Strata subdivision of the building is also proposed.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

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

- State Environmental Planning Policy No 55 - Remediation of Land

The land appears to be suitable for the proposed business park use. There is no known history or evidence of site contamination.

- State Environmental Planning Policy No 64 – Advertising and Signage

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

Business identification signage is proposed in the form of a freestanding pylon sign at the south east corner of the site, on the corner of Rowlins Road and Nelson Street. The proposed building incorporates provision for signage for each of the business premises on its facade (ie designed into the building).

The proposed outdoor advertising signage has been assessed against the criteria contained in Schedule 1 (Clauses 8, 13 and 17) of SEPP 64 and is considered to be satisfactory.

- State Environmental Planning Policy (Infrastructure) 2007

The proposed development does not involve development of a type identified in Clause 85(1) or involve ground penetration >2m within 25m of the adjoining rail corridor (Clause 86).

The proposed business park development does not constitute a traffic generating development within the meaning of Clause 104.

- Illawarra Regional Environmental Plan No 1 (IREP1)

The proposal is not inconsistent with the aims and objectives of IREP 1.

- Kiama LEP 2011

The subject land is zoned B7 Business Park pursuant to Kiama LEP 2011. The proposal (commercial premises including hardware and building supplies, landscaping material supplies, business identification signage) is permitted with consent in the zone and is considered to be consistent with the zone objectives.

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 (11m in this case). The proposal does not exceed the height shown on the height of buildings map, having a proposed height of 11m.

Clause 4.4 requires that the floor space ratio (FSR) does not exceed the maximum floor space ratio shown for land on the FSR map (0.9:1 in this case). The proposal does not exceed the floor space ratio shown for land on the FSR map, having a proposed FSR of 0.36:1.

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 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 6.3 lists requirements for the development of land which is at or below the known flood planning level.

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

The development proposal is supported by Flood Study Report, which identifies the flood levels and flow velocity of the creek during the 100 year Average Recurrence Interval (ARI) storm events. These results allow the proponent to assess planning levels for the proposed business park development. The 100 year ARI peak flow was calculated to be 7.19m³/s. To utilise either side of the creek, a crossing has been provided. Submitted engineering design indicates the structure is sized to permit the 100 year ARI storm event flow to pass through and remain trafficable in the 100 year ARI event.

Through the course of assessment of the development application, it was identified that the location and orientation of the bridge structure in the provided flood study (Ref: CPRT – 20131098.01B) utilising HEC-RAS modelling software did not match the civil engineering plans. Although the hydraulic modelling did indicate that no significant changes result from the proposed development outside the property, this was required to be clarified with a revised HEC-RAS model and associated flood study report. A revised report was subsequently submitted (prepared by Jones Nicholson Ref: CRPT-20131098.01 dated 12 November 2015) and, following its assessment, Council's Engineers have commented that the proposal is unsatisfactory in its current form for reason that the revised Flood Study Report *"clearly indicates that an increase in flood levels results from pre development to post development both in the upstream and downstream direction. Council will not accept an increase in flood levels due to the proposed box culvert structure..."*

Given the ongoing concern about flood impact, it is considered that the current proposal does not meet with the objectives of the clause and the matters which are required to be satisfied prior to issue of consent.

Clause 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses (Category 3 watercourse in this case). The proposal generally meets with the objectives of the clause and the matters which are required to be satisfied prior to issue of consent, as detailed in the accompanying Water Cycle Management Study and the Soil and Water Management Plan. Further to this, the NSW Office of Water has issued its Controlled Activity Approval for the proposed development.

It is noted however that this will need to be revised should the proposal be amended in order to overcome the current flood impact concerns relating to the box culvert structure, as discussed above in relation to Clause 6.3.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development is consistent with Kiama DCP 2012.

Chapter 9 – Car Parking

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)

Page 48 & 49 of the State of Environmental Effects (SEE) provides a break-down of the car parking requirements of Chapter 9 with reference to the floor area of the business premises and the proposed uses.

The SEE identifies the Guide to Traffic Generating Development's land use type Business Park (requiring 1.5 spaces per 100m² of gross leasable floor area) and, for the proposed hardware store the DCP Chapter 9 land use type of bulky goods retailing (requiring 1 space per 50m² of gross leasable floor area).

The SEE identifies that the total car parking requirement is 22 car spaces, made up of 10.45 spaces for the hardware & landscape supplies (Premises 1), 3 spaces for the landscape service yards and 8.08 spaces for the five business park premises (21.53 spaces = 22 spaces).

The subject B7 zone prohibits 'retail premises', but does permit with consent 'hardware and building supplies', as proposed for Unit 1. As described in the SEE (and as described at DAU), unit 1 is a two storey unit with the ground floor accommodating the "shop style" component of the hardware store and the "lower level providing a large area for the storage of bulkier items".

Hardware stores generally stock a range of items. Small items include screws, nails, bolts, hand tools, paint brushes and paints etc which cannot be described as 'bulky items'. The bulky items that could be expected to be stored on the lower level would likely include wheel barrows, ladders, doors, timber supplies etc.

The more accurate methodology to use:

Ground floor hardware shop – $171.22/35 = 4.892$

Bulky goods – $365/50 = 7.3$

Business park units (x5) – $538.58/100 \times 1.5 = 8.08$

Landscape yard – 3 spaces

TOTAL 23.272 = 24

The applicant subsequently amended the proposal to accommodate twenty-four (24) on-site car parking spaces.

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

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

The Likely Impacts of the Proposed Development

- Streetscape

The streetscape in the vicinity of the development site is made up of two (2) distinct land use types and associated building types.

On the western side of Rowlins Road (inclusive of the subject development site) is the B7 Business Park zone with its associated business park type uses including light industries, self-storage units and passenger transport facility in the proximity of the development site. The buildings are of relatively simple form, light industrial type buildings designed for their function.

On the eastern side of Rowlins Road is the R2 Low Density Residential zone, dominated by 1 and 2 storey dwelling houses. To the north east of the site is Gerry Emery Reserve & Athol Noble Oval, being open space sporting fields and reserve.

As Rowlins Road forms the boundary between the two different land use zones, in terms of streetscape there is invariably going to be different built forms either side of the road. This difference in land uses raises the potential for there to be variations in form and function from the B7 development to the dwelling houses that dominate the R2 zone on the opposite side of the road. This in itself does not mean that residential development opposite the site should be discounted from streetscape considerations associated with development of the B7 zone. Rather, the streetscape compatibility of proposed development in the B7 zone should reasonably be weighted toward achieving an outcome sympathetic with both land uses.

The existing development in the B7 zone north and south of the subject site is, for the most part, made up of simply designed, light industrial type buildings. By contrast the proposed development is a contemporary styled, business park building with glass façade actively presenting to Rowlins Road. The proposed building represents new building stock in an area where existing industrial building have existed for some time. In terms of its styling therefore, the proposed development injects a modern building form that, although clearly distinct to existing B7 development in Rowlins Road, is considered to be a positive from a streetscape perspective by virtue of its modern, contemporary styling.

Aside from the architectural 'styling' of the proposed building however, from the perspective of streetscape, it is evident that the existing B7 development adjacent to the development site is set lower down off Rowlins Road than the proposed development. The landform of the subject site is different from neighbouring lots in that the fall away from Rowlins Road is considerably gentler (whether this is because of earlier excavation of neighbouring land, or because the subject site is the repository of road spoil, is unknown). The circumstances of the site are such that the proposed development is positioned on more elevated land than neighbouring development.

With a proposed (amended) height of some 10.5m at the Rowlins Road building frontage, the proposed development will be prominent and imposing in the streetscape, clearly contrasting to existing (and likely future) neighbouring B7

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

development in terms of its elevated siting and associated finish building height. The contrast of building siting, form and height will furthermore be emphasised in this instance because the subject site also sits adjacent to a crest in Rowlins Road, exacerbating the perceived incompatibility of the proposal within the streetscape.

It is noted that adjoining B7 development is older stock and may foreseeably be redeveloped in the short to medium term; however it is also evident that the landform of adjacent allotments will likely result in development that will be substantially lower in finish height than the proposed development. For instance, an 11m high building sited on neighbouring land, at a lower level, will mean the finished reduced level height of such a building will be substantially lower than the subject proposed building on the elevated site.

In light of the discussion above, the height of the proposed development is not considered to be acceptable when considered in relation to the context of the site and the streetscape. There are design options that could produce an overall lower height, whilst utilising a roof form with a greater connection to the adjoining residential form.

- Noise

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

- Privacy and Overlooking

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

- Overshadowing

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development will be reasonable.

- Views

The proposed building has a height of up to 11m, which is the building height limit applying to the site. It is acknowledged however that building to 11m in height is a maximum, dependent upon other factors such as potential view loss, streetscape and the like.

The proposal is expected to have an unreasonable impact on views currently available from neighbouring properties. The issue of views is discussed in detail below under 'Public Submissions'.

- Traffic, Vehicular Access, Parking and Manoeuvring

The proposed development is supported by a Traffic Impact Assessment prepared by Jones Nicholson Consulting Engineers. The report concludes that the proposed development is not expected to have a significant impact on vehicle and pedestrian

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

traffic in the local network. Council's Engineers have raised no objection to the proposal on the grounds of traffic, parking and manoeuvring.

Sufficient car parking is proposed, as discussed under DCP 2012 Chapter 9.

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the watercourse (controlled discharge).

- 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. A Soil and Water Management Plan accompanies the proposal and the NSW Office of Water has issued its Controlled Activity Approval for the proposed development. Conditions of consent should be imposed, if consent is granted, in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources.

Impact on Water Resources – A Water Cycle Management Study accompanies the proposal, which includes recommended measures to protect water quality, including bio-retention basins, rainwater storage tanks and enviropod devices in pits. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

- Contamination from previous land uses

There is no known history or evidence of site contamination that would impede the proposed development.

- Safety, security & crime prevention

The proposal has been considered against Crime Prevention Through Environmental Design (CPTED) principles and is considered to be acceptable.

- Operational waste

The proposal is accompanied by a Waste Minimisation and Management Plan (WMMP) that properly considers waste storage and retrieval.

- Risks to people & property from natural & technological hazards

There are no known natural & technological hazards on the land.

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

- Building Code of Australia (BCA) compliance

Council's Development Assessment Officer has reviewed the proposal and raises no issues in relation to BCA compliance. A Section J assessment has been submitted and no concerns are raised.

The Suitability of the Site for the Development

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

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, four (4) submissions were received. Concerns were raised in submissions about the building height and resulting view loss, to which the applicant responded by reducing the building height at the Rowlins Road frontage by 506mm (to some 10.494m) and by erecting a height profile, indicating the amended building height. Following this, a further eleven (11) submissions were received from other parties, with two (2) of these unaccompanied by completed Political Donations Disclosure forms (meaning the submissions cannot be formally considered). The issues raised in these two (2) submissions are reflective of concerns raised by others.

The thirteen (13) official submissions received raised the following (summarised) matters of concern, generally in the order of frequency with which the issue was raised:

Item 1 - The height of the proposed building is excessive, is out of character with other development and is detrimental to the streetscape.

Response - The proposed building height is within the 11m building height development standard of LEP 2011. Whilst 11m is the permissible building height, building to this height is not a right, as other factors need to be considered such as the impact of the development on views and streetscape.

As discussed in detail above under 'Streetscape' it is agreed that the proposed development does not conform to the streetscape due to its elevated siting and finished height. The issue of impact on views is discussed below.

Item 2 - The proposed development will block westerly views from residential dwellings opposite.

Response - Assessment of potential view impact has been established by planning principle outlined in the NSW Land & Environment Court judgement in *Tenacity Consulting v Warringah, Roseth, SC (2004)*. The four step assessment to establish whether or not view sharing is reasonable in this instance, as enunciated in the planning principle, is addressed as follows:

Step 1 – Assessment of views to be affected

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

The properties most directly impacted by view loss as a result of the proposed development are those at 36 & 38 Rowllins Road, directly opposite the development site.

Both of these dwellings essentially face west, with views over the subject site. Both dwellings are sited on land at a higher elevation than the subject development site.

Views westward from 36 Rowllins Road are currently hindered by existing vegetation within the front yard of that property. The dwelling is also single storey in height, in reality making preservation of westerly views from that dwelling more difficult to achieve. This is not to suggest, however, that view loss impacts from this address are to be discounted.

The dwelling at 38 Rowllins Road is a two-storey building over three (3) levels. The living area is elevated off the ground at its western (front) elevation, forming the 'middle' level of the dwelling. Arguably, retention of views from this location can more realistically be expected under such circumstances. The assessment will consequently focus on view loss from the dwelling at 38 Rowllins Road.

Step 2 – From what part of the property are the views obtained

In relation to 36 & 38 Rowllins Road, in each case the view loss is from the living area of the dwelling.

The views are currently available from a seated position within the living room of the dwelling at 38 Rowllins Road.

Step 3 – Assessment of the extent of the impact

The rural landscape view west from the living room window of the dwelling at 38 Rowllins Road currently takes in Crooked River Winery and Willowvale in the medium range, with Cambewarra Mountain in the distance toward the south west. The central landform feature is Broughton Head (or Wedding Cake Mountain, as known locally) to the far west and the southern end of the Illawarra Range (Barren Grounds area), with Currys Mountain in the foreground to the northwest. Saddleback Mountain is also visible toward the north.

As construed from the height pole that was erected on the site and the frontage of the development site, the extent of the view lost from the living room window as a result of the proposal would be from south of Cambewarra Mountain to just north of Broughton Head and the southern spur of the Illawarra Range. Views of the higher points of the Illawarra Range and views northward, including Currys Mountain and Saddleback Mountain further north, would not be affected by the proposed development.

Step 4 – Assessment of the reasonableness of the proposal

The B7 (Business Park) zone, of which the site is zoned, carries with it significantly higher development potential than the R2 residential zone opposite, including a permissible 11m building height limit and permissible FSR of 0.9:1 in

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

this instance. Clearly development designed around these controls is likely to result in some level of view loss to neighbouring properties.

In justifying the proposed building height, the applicant comments that *“the section plan of the proposed development illustrates that from natural ground level to edge of top of fascia is 11 m, the section shows that the proposed building is entirely within the 11 metre allowable building height envelope.*

Roof cantilever that extends toward Rowllins Road is an architectural feature that is positive, marketable and attractive, this provides insurance that façade is protected by the weather, which is also important, for the longevity of the building. The proposed design is a departure from the norm "BOX Like" that is presently situated in Gerringong's industrial zone. To reduce the extent of cantilever would in our view devalue the character, marketability and quality of building. We note that there are no direct adjacent residential lots, closest residential lot is across the street, and these residential properties are elevated on the higher side of the hill on Rowllins Rd.

Further to, the proposed Gerringong Business Park development is situated in a zoned B7 Business Park as per Kiama LEP 2011. The final usage of the occupying tenants within this business units are as yet to be determined, and a future business may find it necessary to store equipment, and have high shelf racking, and this provision in design has been made for the possible future occupying tenant. ie Vertical storage, Racking, materials, piping, scaffolding, equipment, therefore it is necessary to maintain the current height of the proposed building.

In meeting the objectives in Kiama LEP 2011 Provisions Clause 4.3 Height of Buildings(1) the development is in keeping with the desired scale and character of the street and local area, The Height of Buildings Map specifies a maximum building height of 11 m for the subject land, the proposed building is entirely within the 11 metre building height envelope, further to reasonable daylight access to all developments and the public domain, has been maintained.”

As previously noted, the 11m building height is not a right but rather it is the maximum permissible building height under LEP 2011 Clause 4.3. The acceptability and reasonableness of building to the 11m height limit is subject to consideration of issues including view loss, streetscape, topography of the site, necessity of building to that height etc.

In this instance the subject site falls to the west away from Rowllins Road, meaning the most elevated part of the site is adjacent the Rowllins Road frontage. The (amended) building height at this location is some 10.494m at its centre on its eastern elevation. A building of this height at this location results in significant loss of view from residential dwellings opposite (as described above).

The western section of the proposed building is sited on less elevated land. Building to the 11m height limit in this location is not considered to be problematic as the implications on view loss and streetscape at this location would be

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

reasonable and acceptable. It is not considered that the same can be said of the eastern component of the building fronting Rowllins Road.

Furthermore, it is not considered that a compelling reason has been provided by the applicant as to why it is absolutely necessary to build to the height proposed at the Rowllins Road frontage. The justification provided seems largely based on the potential needs of potential future owners/occupiers. It may be that future owners/occupiers have no need for tenancies of such expansive internal height.

Overall and on balance, it is considered that the height of the eastern component of the proposed development fronting Rowllins Road is unreasonable due to the view loss implications.

Item 3 - Car parking on-site will not be adequate for the proposed development and additional traffic in Rowllins Road will be problematic.

Response - The proposal includes 24 on-site car parking spaces, which satisfies the requirements of Council DCP 2012, as discussed in detail within the report.

In relation to traffic generation the development application has been supported by a Traffic Impact Assessment, which concludes that the proposed development is not expected to have a significant impact on vehicle and pedestrian traffic in the local network, or significant effect on traffic in terms of traffic efficiency, amenity, safety or road pavement.

Council's Engineers have reviewed the traffic study and have raised no objections to the proposal on the grounds of traffic, car parking or the like.

Item 4 - Flooding and impact on flood behaviour

Response - This matter is discussed above under LEP 2011 Clause 6.3 and ongoing concerns are raised with the proposal, particularly in relation to the impact on flood behaviour.

Item 5 - The proposed development will have an adverse impact on the watercourse

Response - A Water Cycle Management Study accompanies the proposal, which includes recommended measures to protect water quality, including bio-retention basins, rainwater storage tanks and enviropod devices in pits. Controls will be implemented during construction to minimise sedimentation. A Soil and Water Management Plan furthermore accompanies the proposal and the NSW Office of Water has issued its Controlled Activity Approval for the proposed development.

Should consent be granted, conditions of consent would be imposed in relation to soil and water management controls to be implemented during construction and with the on-going operation of the site. Satisfactory implementation of these controls will prevent significant impacts on soil and water resources.

Item 6 - Night lighting of the development will spill onto my property and bedrooms facing Rowllins Road.

Response - Night lighting of the proposed development, which is situated 50m from the objector's dwelling, is unlikely to result in unreasonable adverse impact. It is

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

possible for lighting to be shielded or directed such that it does not cause nuisance for neighbouring residential development.

Item 7 - Dust from the lower landscape supplies area

Response - A Dust Suppression Report has been submitted that addresses the concerns about dust. The proposal justifies the proposed all-weather gravel pavement for proposed overflow service yard B (west of the watercourse) and also identifies an automated water spray system to control dust nuisance. The report purports that such a dust control system meets industry standards and could be conditioned, should consent be granted.

As the subject area is an overflow storage area with intermittent use, it is considered that an industry standard automated water supply system to suppress potential dust would be satisfactory in this instance.

Item 8 - Dust during construction will cause nuisance

Response - Conditions of consent will be imposed to control dust and sediment.

Item 9 - Proposed pylon sign is unattractive

Response - The proposed sign is appropriately scaled, functional and practical. Without the sign there would likely be a proliferation individual signs with no uniformity, which would be an eyesore. The proposed pylon sign facilitates the orderly identification of the business premises occupying the site and is considered to be acceptable.

Item 10 - The building will be susceptible to high winds

Response - The building would be constructed to withstand wind forces in accordance with BCA requirements.

Item 11 - The proposed development will adversely impact views from Jerry Emery fields.

Response - There are trees along the western edge of the reserve but at the south western corner there is a view corridor over the subject site. Views over the site have been discussed in detail above and it is agreed that the proposed development has a significant impact in terms of view loss from the neighbour adjacent the south western corner of the reserve. View loss from the south western corner of the reserve would likely be similar.

External Referrals

The application was referred to the following State Government Departments.

- The NSW Office of Water.

The proposed development is integrated, requiring approval from the NSW Office of Water. The Office of Water issued their General Terms of Approval on 7 August 2015.

Internal Referrals

Report of the Director Environmental Services

- 9.1 LOT 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development (10.2015.122.1) (cont)
-

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

- Development Assessment Officer - Building

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

- Subdivision and Development Engineer

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

- Landscape Design Officer

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

The Public Interest

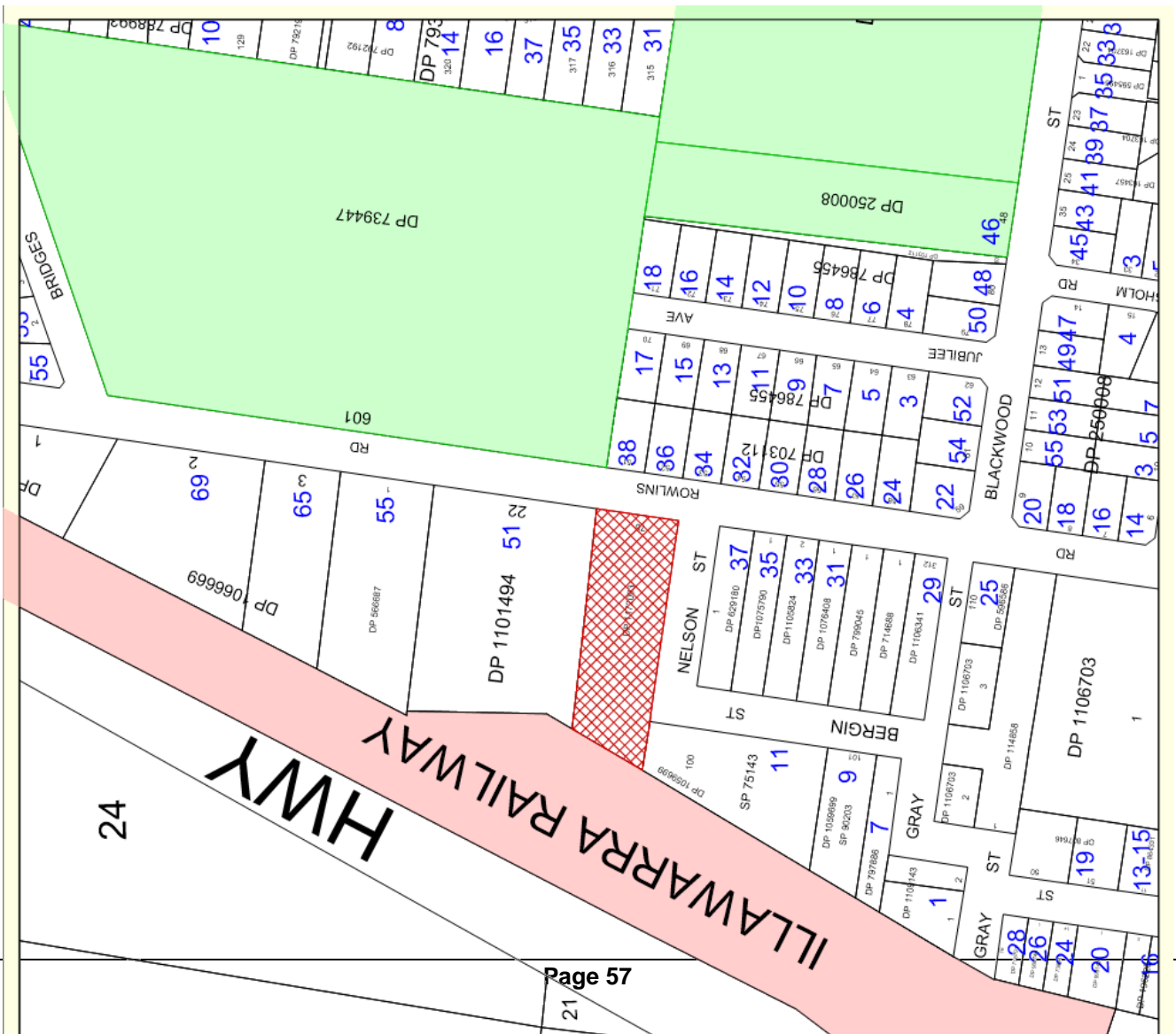
The proposal is considered to be consistent with all relevant Environmental Planning Instruments and DCP 2012, is not likely to cause significant adverse social and economic impacts, is generally suitable for the site in terms of land use; however the height of the proposed building is considered to be inconsistent with the streetscape and the view loss implication for residents opposite the site is considered to be unreasonable. On this basis it is considered that the proposed development is not 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 LEP 2011 and DCP 2012. The proposed development is consistent with the objectives of the B7 Business Park zone.

Consideration has been given to the social and economic impacts of the proposed development and no significant concerns are raised. As discussed within this report, the height of the proposed development in this instance is considered to be excessive and, in combination with this, the view loss implications for neighbours opposite the site are considered to be unreasonable. As a consequence of the combination of adverse streetscape and view loss implications, the proposed development is not considered to be acceptable.

Concerns raised in submissions have been considered and are considered to be valid, warranting refusal of the application.



DA only
Not for construction



LOWER GROUND & SITE PLAN

1

PROJECT: Gerringong Business Park
 SITE: LOT 70 DP1172093, Rowling Road
 Gerringong NSW 2534
 CLIENT: Peter Allen
 DRAWN: MJC
 DATE: 18/05/15
 PROJECT NO: 8323
 SHEET: 1 OF 1

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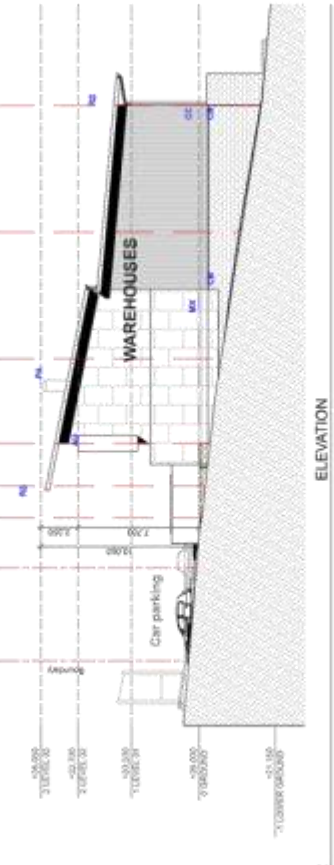
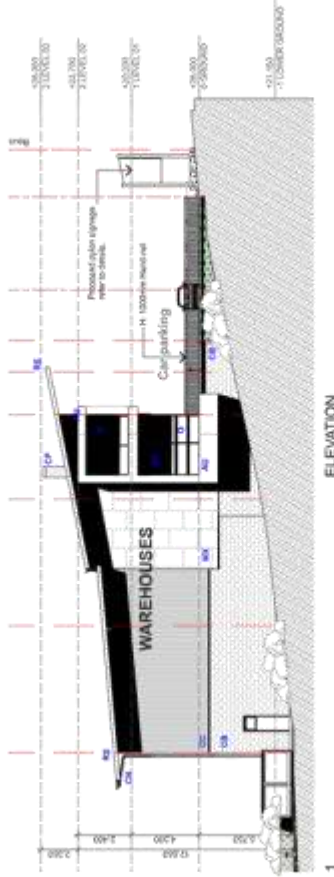
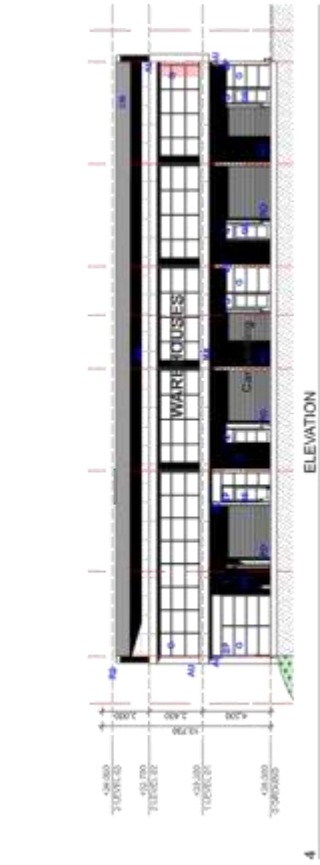
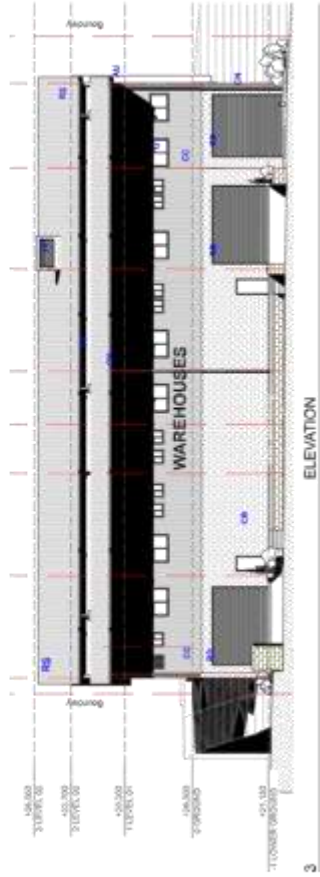
NO. DATE / REVISION
 1 18/05/15
 2 22/05/15
 3 22/05/15
 4 22/05/15

NOTE:
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 3. ALL LEVELS ARE TO FINISH UNLESS OTHERWISE SPECIFIED.
 4. ALL UTILITIES ARE TO BE DEPTH SEARCHED AND MARKED PRIOR TO CONSTRUCTION.
 5. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE LOCAL COUNCIL REQUIREMENTS.
 6. ALL MATERIALS AND WORKMANSHIP ARE TO BE APPROVED BY THE LOCAL COUNCIL.
 7. ALL CONSTRUCTION IS TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 8. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE ENVIRONMENTAL REQUIREMENTS.
 9. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE SOCIAL REQUIREMENTS.
 10. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE ECONOMIC REQUIREMENTS.

DA only
Not for construction.

Legend

- AU - Aluminium Cladding (1200 glines)
- G - Glass Panel
- RD - Roller Door
- GE - Glass Entry
- SP - Spigot Panel
- AC - Aluminium Cladding
- CC - Concrete Cladding
- CB - Concrete Block
- MX - Extruded Facade Panel



PROJECT: Gerringong Business Park
 SITE: LOT 70 DP1172093, Reading Road
 Gerringong NSW 2524
 CLIENT: PETER PATER

DATE: 10/12/15

PROJECT NO: 8323
 DRAWING NO: N2.2

BY: ARCHITECTS

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/12/15	ISSUED FOR PERMIT
2	10/12/15	ISSUED FOR PERMIT
3	10/12/15	ISSUED FOR PERMIT
4	10/12/15	ISSUED FOR PERMIT
5	10/12/15	ISSUED FOR PERMIT

NOTES:

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
2. ALL LEVELS ARE TO FINISH UNLESS OTHERWISE SPECIFIED.
3. ALL WALLS ARE TO BE CONCRETE BLOCK UNLESS OTHERWISE SPECIFIED.
4. ALL ROOFS ARE TO BE GALVANIZED STEEL UNLESS OTHERWISE SPECIFIED.
5. ALL FLOORS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.

PROJECT TITLE: GERRINGONG BUSINESS PARK
 DRAWING NO: N2.2
 DATE: 10/12/15
 PROJECT NO: 8323
 DRAWING NO: N2.2

PROJECT: Gerringong Business Park
 SITE: LOT 70 DP1172093, Reading Road
 Gerringong NSW 2524
 CLIENT: PETER PATER

DATE: 10/12/15

PROJECT NO: 8323
 DRAWING NO: N2.2

BY: ARCHITECTS

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/12/15	ISSUED FOR PERMIT
2	10/12/15	ISSUED FOR PERMIT
3	10/12/15	ISSUED FOR PERMIT
4	10/12/15	ISSUED FOR PERMIT
5	10/12/15	ISSUED FOR PERMIT

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5. ALL FLOORS ARE TO BE CONCRETE UNLESS OTHERWISE SPECIFIED.

PROJECT TITLE: GERRINGONG BUSINESS PARK
 DRAWING NO: N2.2
 DATE: 10/12/15
 PROJECT NO: 8323
 DRAWING NO: N2.2

PROJECT: Gerringong Business Park
 SITE: LOT 70 DP1172093, Reading Road
 Gerringong NSW 2524
 CLIENT: PETER PATER

DATE: 10/12/15

PROJECT NO: 8323
 DRAWING NO: N2.2

BY: ARCHITECTS

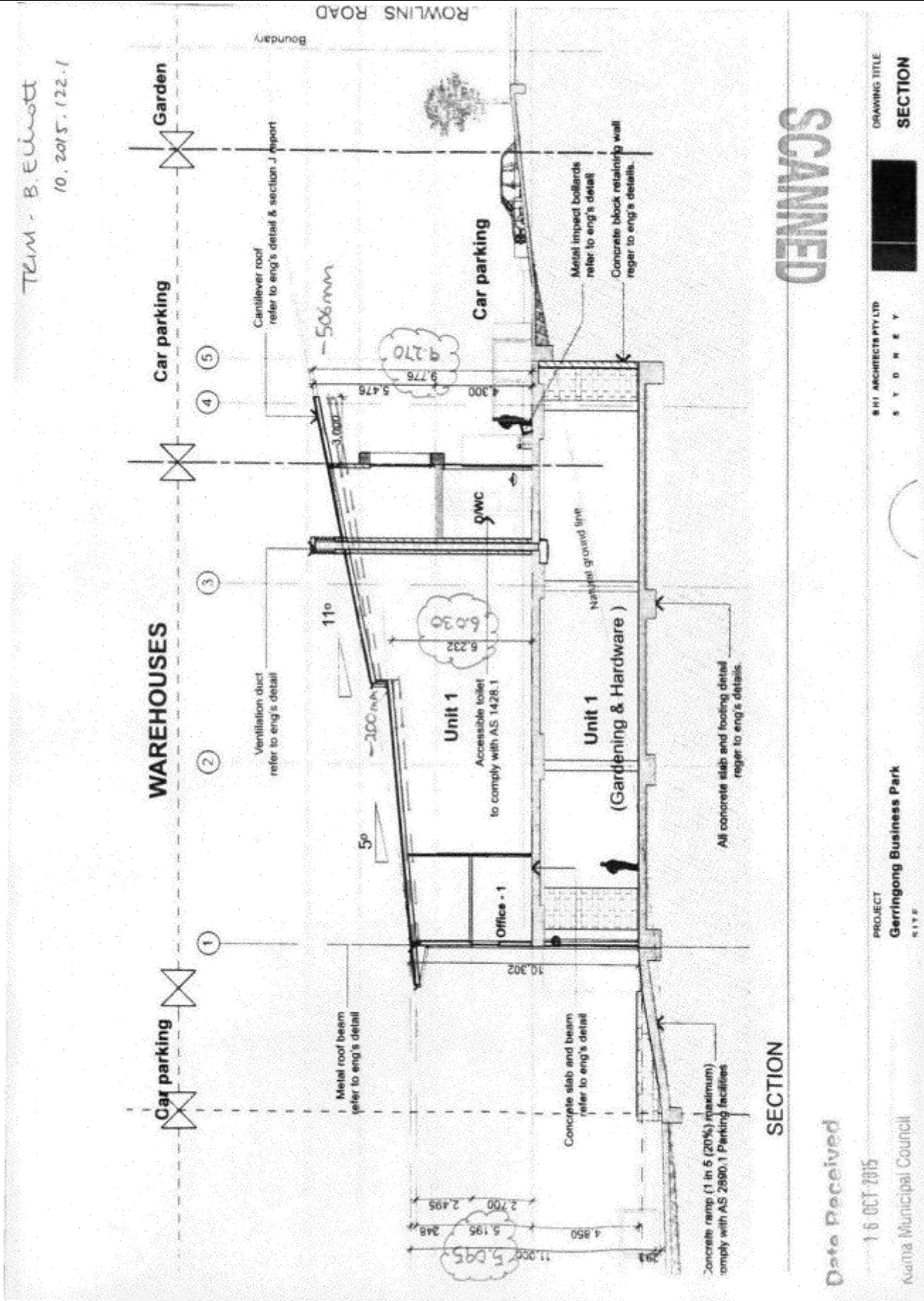
REVISIONS:

NO.	DATE	DESCRIPTION
1	10/12/15	ISSUED FOR PERMIT
2	10/12/15	ISSUED FOR PERMIT
3	10/12/15	ISSUED FOR PERMIT
4	10/12/15	ISSUED FOR PERMIT
5	10/12/15	ISSUED FOR PERMIT

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PROJECT TITLE: GERRINGONG BUSINESS PARK
 DRAWING NO: N2.2
 DATE: 10/12/15
 PROJECT NO: 8323
 DRAWING NO: N2.2



Attachment 2 Item 9.1

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the modified Development Application 10.2013.236.3 which seeks consent for the construction of a dwelling and swimming pool.

The proposed development is sited within the R2 Low Density Residential Zone and is permissible with Council consent in the zone. The proposed development complies generally with the provisions of Kiama Local Environmental Plan (LEP) 2011 and the objectives of Kiama Development Control Plan (DCP) 2012. A clause 4.6 Exception to Development Standard and a variation to Kiama DCP 2012 is sought by the applicant.

The report recommends that Council approve Development Application 10.2013.236.3 subject to conditions.

Finance

N/A

Policy

N/A

Reason for the Report

The modified development application is reported to Council following receipt of more than five (5) objections.

Attachments

- 1 10.2013.236.3 - Site plan
- 2 10.2013.236.3 - Height breaches/FSR
- 3 10.2013.236.3 - Plans
- 4 10.2013.236.3 - Exception to Development Standard Assessment Report
- 5 10.2013.236.3 - Photos

Enclosures

Nil

RECOMMENDATION

That Council grant an exception, in accordance with Clause 4.6 of Kiama Local Environment Plan, in regard to maximum height of the subject development, as outlined in this report and approve modified Development Application 10.

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

[2013.236.3, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report.](#)

Applicant: ADM Architects

Owner: Ms Sally Di Martino

BACKGROUND

The property is described as Lot 505 DP 33905 which is located at 45 Bonaira Street Kiama. The zoning of the property is R2 Low Density Residential Zone pursuant to Kiama LEP 2011. A zoning map has been included in the attachments to this report. The area of the property is 580.6m² and is regular in shape. It has a street frontage of 15.24m and a depth of 38.1m.

The site is currently vacant and Bonaira Street bounds the site to the south of the property which is the main street frontage, with a formed unnamed access road backing onto Kendal Beach Reserve to the north of the property. It is also bounded by vacant land to the east, residential dwellings to the west, and the south.

The site is mainly cleared land/rocky and slopes away steeply from Bonaria Street.

Description of the Proposed Development

The application is for a Modification of development consent issued in respect of development application No 10.2013.236.1

The proposal involves the construction of a dwelling and a swimming pool.

A brief description of the modifications to the approved design is as follows:

- Provision of additional storage and plant rooms at basement level.
- Relocation of living areas to ground floor from first floor and relocation of bedrooms from ground floor to first floor.
- Redesign of the entry paths and garaging at Bonaira Street level.
- Redesign of the outdoor areas, including pool, decking and landscaping.
- Architectural modifications to plan layouts to improve the internal design and function of each level(to suit revised brief).
- Relocation of the external private open space from level one balcony directly adjoining No. 43(on west side) to ground level 'yard' space adjoining reserve (on east side).
- Selection of revised materials and finishes; and
- Architectural modification to elevations commensurate to plan and material changes including the removal of flying skillion roofs.

Section 96(2) Modification Assessment

The proposed development has been assessed in accordance with the Environmental Planning and Assessment Act 1979.

A Section 96(2) modification requires the consent authority to take into consideration such of the matters referred to in Section 79C (1) as are of relevance to the development the subject of the application.

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

Nonetheless, given the original approval in place and previous assessment relating to the site, it is not considered that the proposed modification would trigger any significant changes to the original Section 79C assessment.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

The proposed development is considered to satisfy the SEPP.

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

A BASIX Certificate was lodged with the application which demonstrates that the dwelling & swimming pool have been designed in accordance with BASIX.

- Kiama LEP 2011(KLEP)

The subject land is zoned R2 Low Density Residential pursuant to Kiama LEP 2011. The proposed development is permitted with consent.

The applicant has provided a clause 4.6 Exception to Development Standard application (see attachment) This application has been assessed and it is considered that the items contained in Clause 4.6(3) of KLEP have been adequately addressed and the proposal is consistent with the objectives for the zone.

The Kiama LEP 2011 clause 4.3 Height of buildings with reference to part (2) Height of Building Map identifies the maximum building height of the site to be that of an 8.5m building height to be applied. It should be also note the original application also relied upon a clause 4.6 Exception to Development Standard which was supported by Council under delegation.

The majority of the dwelling remains compliant with the maximum building height control. The arrangement of the building mass within the site aims to vary from what is approved as follows:

1. Remove bulk at the northern elevation to improve the relationship to No.43 in terms of reducing the impacts (view and light) upon No.43.
2. Relocating the primary private open space (adjoining the living areas) in the form of a balcony at first floor to the ground floor in the form of green “yard” private open space on the eastern side.
3. Adding the bulk to the Bonaira Street frontage, where it has no impact on existing dwelling amenity (views or sunlight) opposite due to their typographical location, and separation to the proposal.

Comment: The proposed principal dwelling breaches the 8.5m height limit at two (2) distinct points, the most significant of which being at the centre location of the building at the midpoint of the site, where the building height is 9.82m. The other

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

breach occurs at the western end of the lower level of the dwelling in the vicinity of the pool area the building height reached 9.62m. (the attachment identifies the breach locations).

These height breaches do not result in any significant adverse impact for neighbours in relation to overshadowing, view loss or the like.

The visual impact of the proposed development is discussed in greater detail below under Visual Impact.

The applicant comments that:

The proposed amended design remains compatible in scale and character to the existing dwellings in Bonaira Street and the wider neighbourhood. The majority of dwellings in Bonaira Street are detached two to three storey forms and those on the southern side of the street are typically raised above street level due the natural topography of the hill. Most dwellings opposite also have multi-level landscaped area and retaining walls. The height, location and separation of the proposal to the nearby dwellings (opposite) will ensure no impact on existing amenity or views beyond what is already approved.

The SEE follows on to state:

In summary:

- *The proposed scheme, as modified, is substantially the same development as approved under the original (and recent) consent dated January 2014.*
- *The proposed modification came as a result of a new brief from a new land owner.*
- *The new scheme improves amenity and aspect to the nearest neighbour.*
- *The proposal remains capable of complying with all the current conditions of consent.*
- *As demonstrated with this report and the attached documentation, the modified scheme satisfies the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and as such it is recommended that approval be granted to the proposal as modified.*

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development does satisfy the Objectives and performance controls within the DCP, with the exception of a minor variation to Chapter 2 Section 6 Building Height Plane discussed below.

Chapter 2 – Overall Controls

Section 5 - Maintenance of Views and Vistas

The Objectives of Section 5 include:

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

-
- To ensure that where practical new development is designed and sited not to significantly alter views (including water and/or escarpment views).
 - To retain views to and from the water.
 - To protect conserve and maintain the landform of the municipality
 - To limit potential for large bulky housing and development
 - To encourage sensitive siting of housing.
 - To maintain or enhance significant public view corridors and other opportunistic views available from the public domain.

Comment: The proposed development is of a size and scale that will not significantly alter the views within the locality and will not have an adverse impact on the views and scenic qualities of the site and the surrounding area.

View impact is discussed in detail under Visual Impact.

Chapter 2 Section 6 Building Height Plane – Low density development only:

No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site 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 5m above the existing ground level at any boundary of the site.

Comment:

The proposal breaches the building height plane in four (4) locations (figure D.1 attached identifies the location of these minor breaches). As per the breaches to overall height, the impact is minimal, overall objectives are complied with and as such the proposal is considered reasonable having regard to site constraints.

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

- Visual Impact

To assist Council in its consideration of the visual impacts of the proposal, a height pole was requested of the applicant and subsequently provided, illustrating the proposed development from the following vantage points:

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

-
- 38 Bonaira street (existing dwelling)
 - 40 Bonaria street (existing dwelling)
 - 42 Bonaira street (existing dwelling)
 - 44 Bonaira street (existing dwelling)

These locations were specifically selected, as they were considered to be key locations most relevant to the visual assessment of the proposal following submissions received.

The photos form attachments to this report.

Comment:

The proposed development will not block any significant views, but will remove some of the southern creek end of the Kendall beach reserve from dwellings 38, 40, 42 & 44 Bonaira Street to the south which are in an elevated position.

The visual impact concerns about the proposed development raised in submissions have been assessed and are not considered to be well founded, nor do they warrant refusal of the application.

Public domain

- From the Bonaira Street the development will appear as a single storey.
- From the Kendall's Beach Reserve the development will blend in with the steep topography that surrounds it.

The bulk and scale of the proposed dwelling is subdued by the use of different levels stepping down the slope of the land.

The proposed development will be visible mainly from the Kendall's Beach Reserve which is north of the site.

- 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. This is discussed below under Public Submissions.

- Overshadowing

The proposed development will have no unreasonable impact in terms of overshadowing.

- Views

The proposal is considered to be of a scale and size that is not out of character with the surrounding development. The proposed development is consistent with the original approval and will not result in an increase in the overall height. The dwelling

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

has been designed such that the building bulk remains under the permissible height at the street interface. The dwelling incorporates a flat roof design element to minimise the overall profile of the building which helps to retain views across the proposed dwelling from the south. The dwellings on the southern side of Bonaira Street are raised above the level of the street which assists in the maintenance of existing views. Given the site slopes steeply down to the adjoining public reserve, the views from neighbouring properties will not be obstructed by the new dwelling which is mostly contained below the footpath level of Bonaira Street.

On this basis the proposal will have not have an unreasonable impact on views currently available.

- View from the Public Road Reserve Bonaira Street

The dwelling shall obstruct a small portion of the view across the site from the footpath of Bonaira Street, which is consistent with the adjoining development.

- Vehicular Access, Parking and Manoeuvring

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

- 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.

An Arboricultural Development Assessment Report was provided due to the close locality of a Moreton Bay Fig tree (*Ficus macrophylla*) (11) metres height in the Kendall's Beach Reserve.

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

Impact on Water Resources – Rainwater tanks will be provided, as required by BASIX. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

It is considered that the proposed development will not result in any significant adverse social impact.

The Suitability of the Site for the Development

As discussed throughout this report, the development is of a size, bulk, scale and sitting that are considered to be reasonable having regard to the sites steep slope. The development is proposed within the R2 zone and bounded by other residential dwellings. The site is considered to be suitable for the proposed development.

Submissions

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, six (6) submissions were received which raised the following (summarised) matters of concern:

Item 1:- View Loss.

Response: - This matter has been discussed in detail within this report including the erection of a height pole and it is agreed that the height of the proposed dwelling does not constitute an unreasonable view loss.

Item 2:- The proposal represents overdevelopment of the land and is of a size and scale not compatible with the surrounding area

Response: - This matter has been discussed in detail within this report and it is agreed that the overall development, is of a size, bulk and scale and sitting that is not out of character with the area.

Item 3:- The proposal will have an unacceptable visual impact on the streetscape.

Response: - This matter has been discussed in detail within this report and it is agreed that the development, will not have a substantial or unacceptable impact on the streetscape.

Item 4:- The proposed development exceeds the dwelling building height limit.

Response: - This matter has been discussed in detail within this report. The proposed development breaches the 8.5m building height control applying to development, for which a formal objection under clause 4.6 of Kiama Local Environmental Plan 2011 has been provided and considered reasonable.

Item 7:- The development is over the floor space ratio (FSR).

Response: - The design has been further modified to ensure that the FSR is below the maximum permissible ratio of 0.45:1 being that of 0.445:1 even though the current approved dwelling was granted a variation in respect to a FSR of 0.465:1.

Item 11:- Concerns were expressed about the impact on the Morten Bay Fig Tree adjacent to the block on the Kendall's Beach Reserve.

Response:- An Arboricultural Development Assessment Report has been provided and reviewed by Council Landscape Officer and has accepted the recommendation in the report for the protection of this tree.

External Referrals

Nil

Internal Referrals

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

- Subdivision & Development Engineer

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

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

- Landscape

Council's Landscape Officer has no objection 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 relevant Environmental Planning Instruments and DCP 2012, is not expected to cause significant adverse impacts on the visual amenity of the area or streetscape and is considered to be suitable for the site having regard to the steepness of the site. The proposed development 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 96(2) of the Environmental Planning and Assessment Act, 1979. The proposed development is consistent with Kiama LEP 2011 and relevant DCP 2012.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised in relation to the environmental impact of the proposal, particularly the likely visual impacts or view loss. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be acceptable and approval is recommended.

Draft Conditions of Modified Development Consent

The application has been determined by Council modifying Development Consent No 10.2013.236 by:

- 1) Approving modified drawing number 10.2013.236.3 dated - 15 December 2015
- 2) Modifying condition number (6) under the heading Prior to commencement to read:

A project arborist shall be appointed. The project arborist is to:

- (a) direct the placement of protection fencing;
- (b) identify 3 branches for removal overhanging the lot from the fig tree;
- (c) advise on any root pruning where the root diameter is greater than 100mm; and
- (d) approve the installation of root barrier.

Protection fencing shall be erected around the western side of the fig tree and extend into the public reserve so as to prevent damage to the roots of the tree. The fencing shall be erected prior to the commencement of works. The fencing shall consist of panels of cyclone wire supported on posts at 3 metre centres. The fencing shall be maintained and shall remain in situ until all building works

Report of the Director Environmental Services

9.2 Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool (10.2013.236.3) (cont)

are completed. The Project Arborist shall determine the most practicable location to allow on site work and pedestrian passage along the coast walk.

No machinery, builder's materials and/or waste shall be located inside the fencing.

3) Modifying condition number (2) under the heading "Landscaping" to read:

The Project Arborist shall direct the removal of 3 branches overhanging the building site as shown in the Aboricultural Development Assessment Report prepared by Moore Trees.

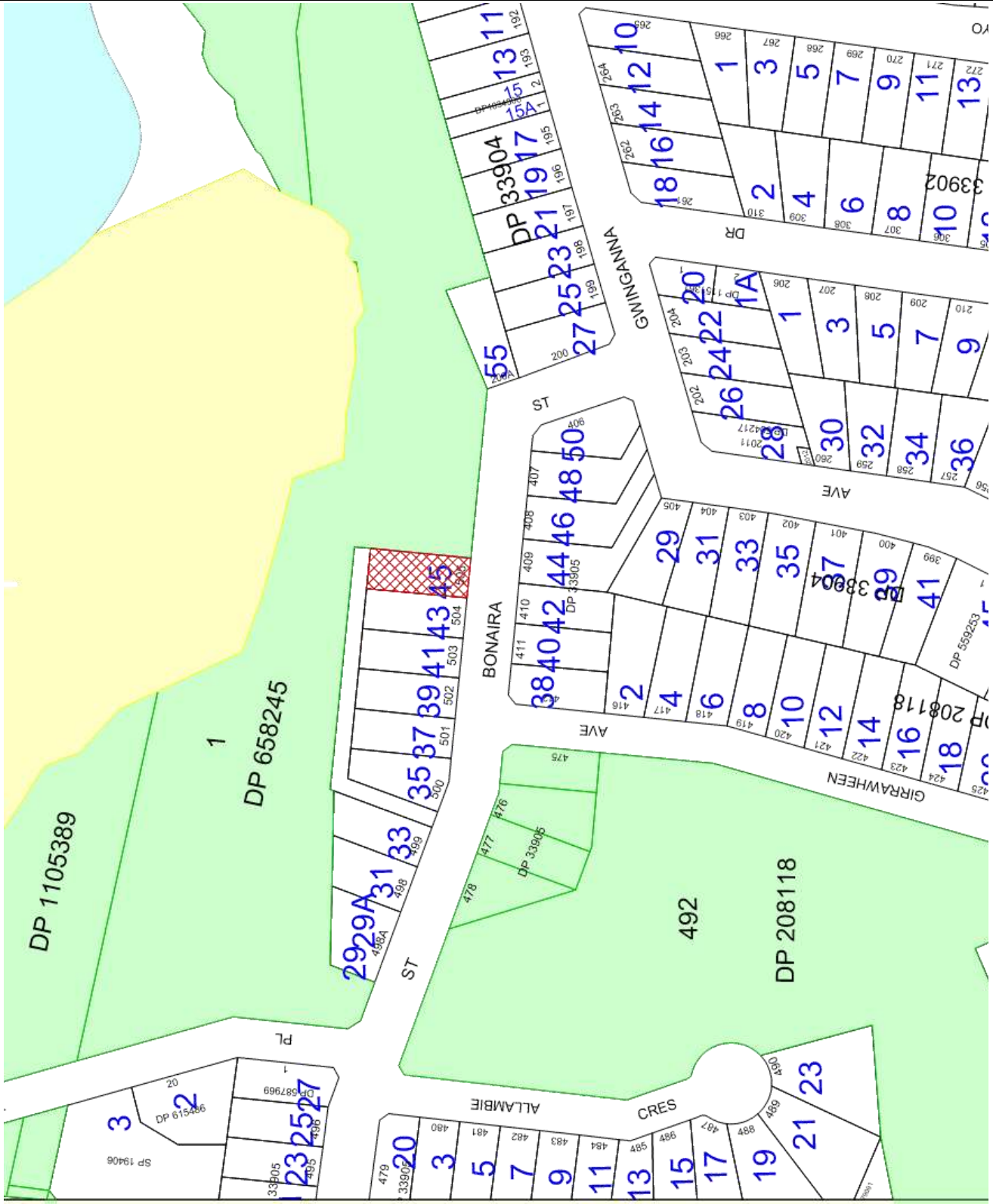
Any roots of the fig tree exposed during excavation greater than 100mm diameter shall be referred to the Project Arborist for advice


Root barrier shall be installed to protect the dwelling. The location and installation shall be determined and approved by the Project Arborist.

4) Modifying condition number (1) under the heading "Stormwater Management" to read:

The stormwater shall be carried out in accordance with the stormwater drainage details 150839, CO2 2 & CO3 2 by Jones Nicholson Pty Ltd Consulting Engineers

All other conditions contained within Council's determination notice dated 30/01/2014 remain unaltered.




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Clause 4.3 - Height of Buildings - Extent of Variation Sought to Development Standard

As indicated in Figure C.2 below, the vast majority of the dwelling remains within the permissible 8.5m, however two small areas are identified to exceed the height.

These two areas are:

- the northern most part of the roof awning over the winter terrace and balcony above the Bonaira Street Entry level - where the highest point occurs at the east corner measuring 9.35m above natural ground; and
- the north eastern part of bedroom 1 roof awning above first floor - where the highest point occurs at the east corner measuring 9.62m above natural ground.

Therefore the proposal does not comply with the 8.5m permissible height. This is directly related to the sites extremely steep topography. It is evident from the diagram below that the portion of the building that exceeds the 8.5 metre maximum building height is limited to two small portions only - ie. those portions above the red blanket in the diagram below.

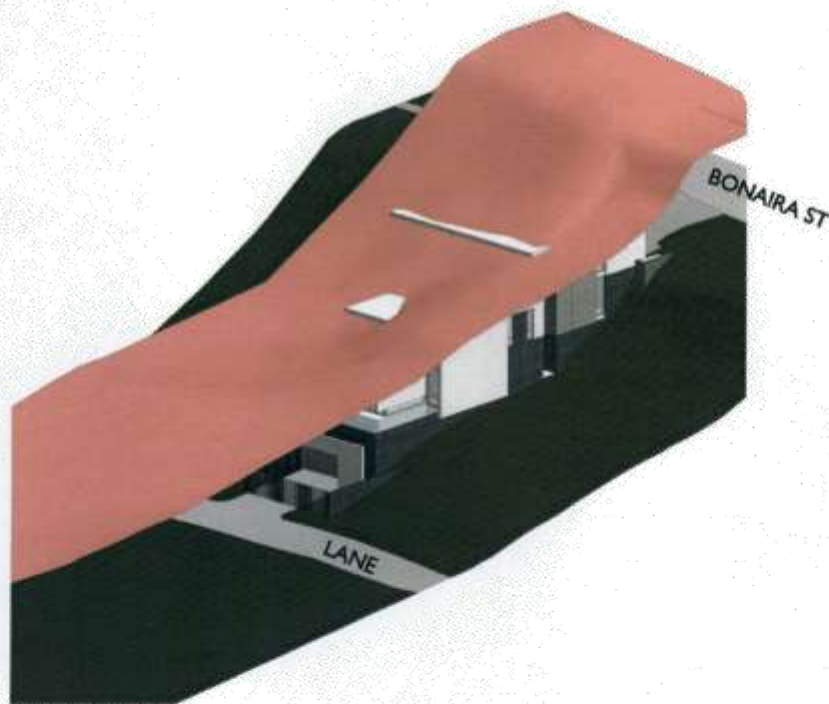


FIGURE C.2 – 8.5m HEIGHT PLANE BLANKET

As indicated in Figure C.3 and C.4 below, whilst the dwelling in part does not comply with the 8.5m height, the dwelling remains within the approved height envelope. The two small portions of the proposed building where the variation is sought are less in scale and extent to the height variations already approved on this site.

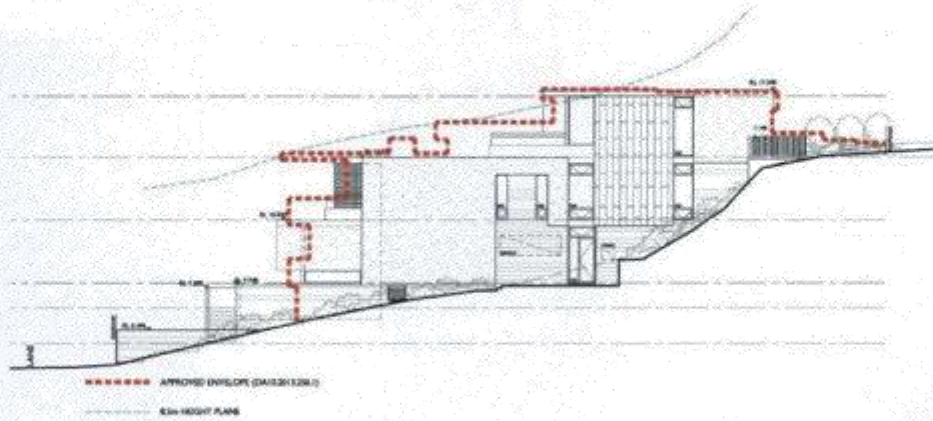


FIGURE C.3 – COMPARISON ENVELOPE
(PROPOSED WEST ELEVATION AND APPROVED ENVELOPE)

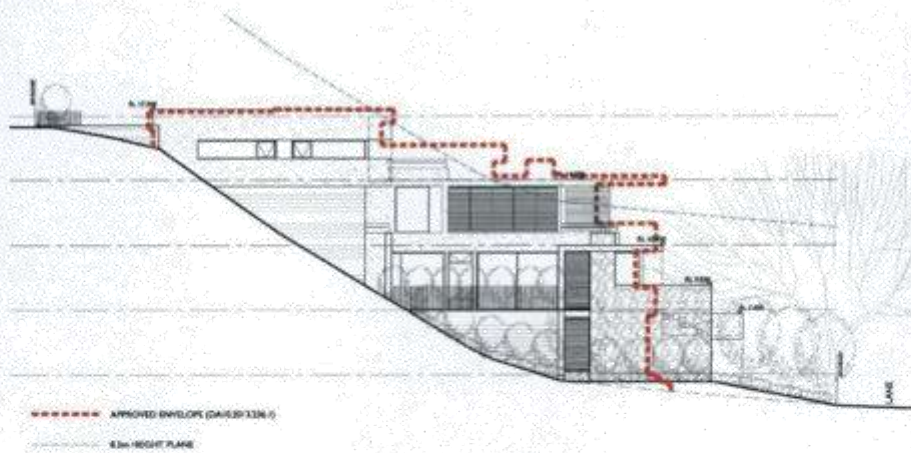


FIGURE C.4 – COMPARISON ENVELOPE
(PROPOSED EAST ELEVATION AND APPROVED ENVELOPE)

APPENDIX D

RE: VARIATION STATEMENT TO KIAMA DEVELOPMENT CONTROL PLAN, CHAPTER 2 – SECTION 6 – BUILDING HEIGHT PLAN

This statement which is to be read in conjunction with the submitted architectural plans will provide evidence as to why the development control clause is unreasonable or unnecessary in this circumstance and this statement will imply that the objectives of the development control have been achieved.

This Variation Statement is prepared in response to the additional information letter dated August, 19 in reference to the item 5:

5. *It has been noted that the modified plans do not comply with Kiama Development Control Plan 2012 Chapter 2 Section 6- Building Height Plan. Revised plans should be provided which address the development control plan controls.*

Kiama Development Control Plan 2012 Chapter 2 Section 6- Building Height Plan is defined as:

"No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at an angle of 45o over the actual land to be built upon from a vertical distance of 5m above the existing ground level at any boundary of the site".

As indicated in Figure D.1 below, the vast majority of the dwelling remains within compliance of the control, however four limited areas are identified to exceed the height plan control, two areas along the west side and two areas along the east side.

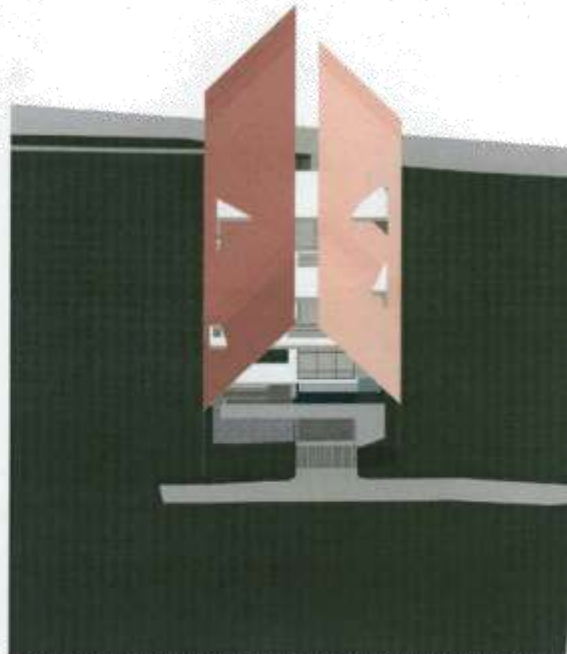
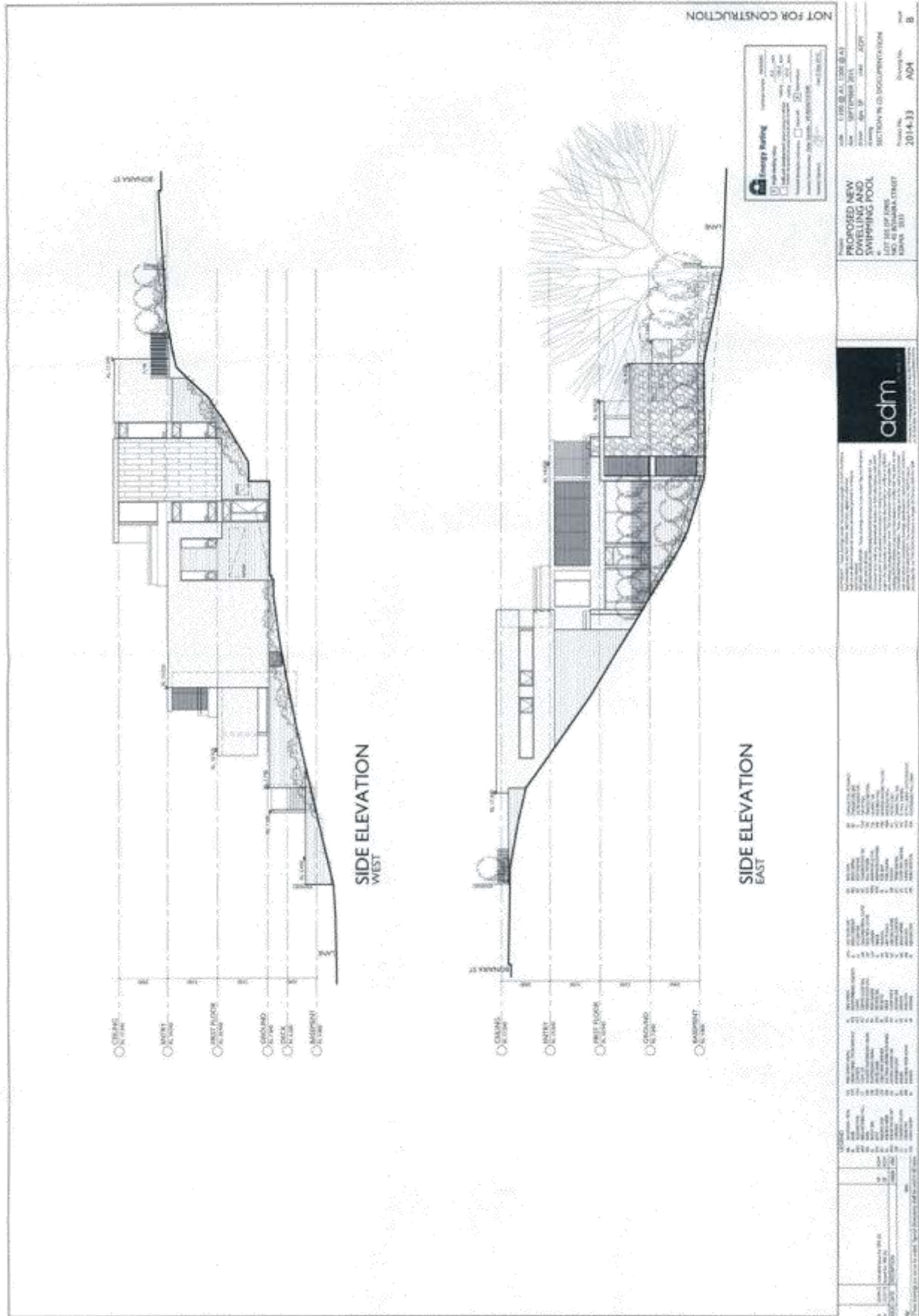
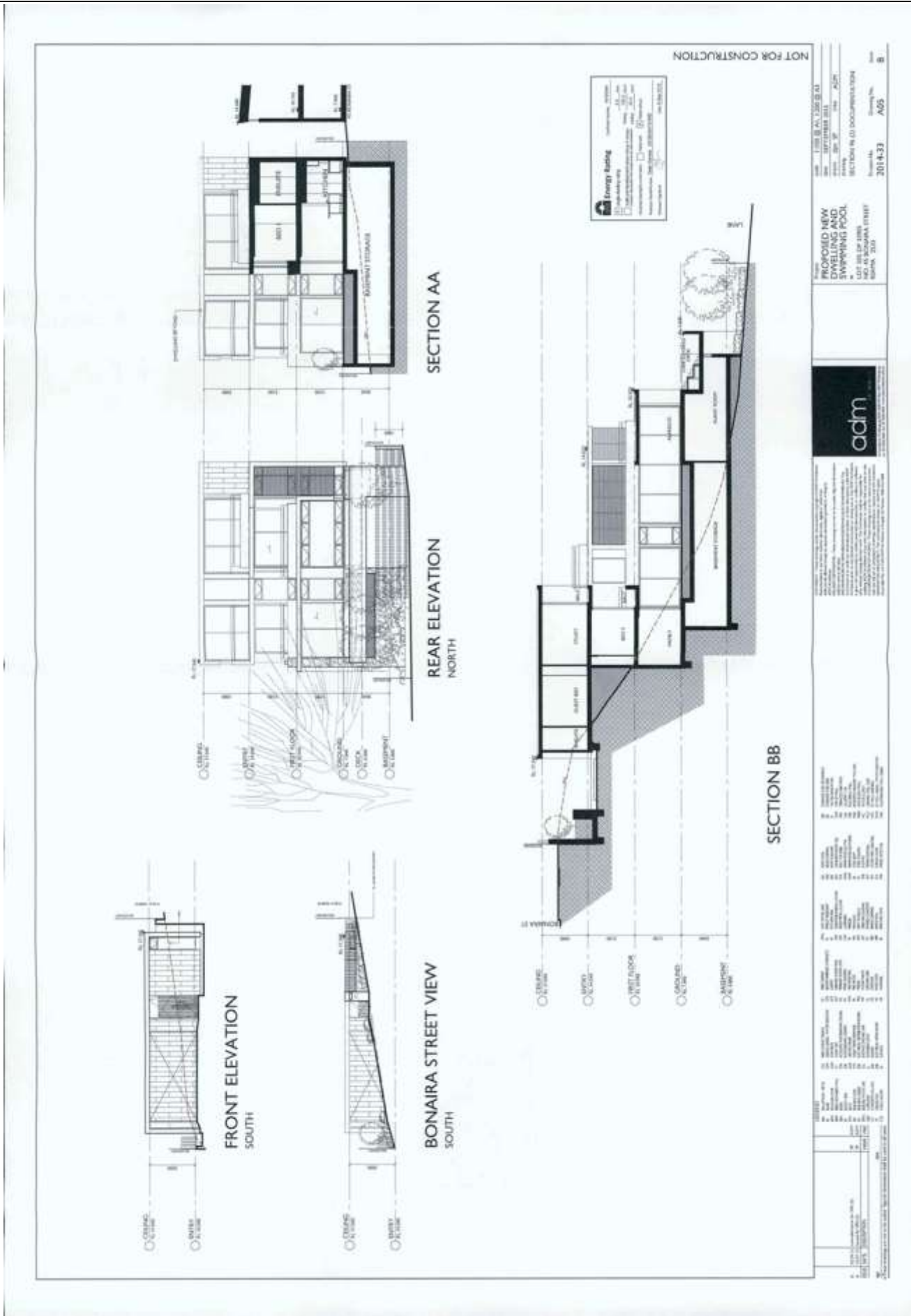


FIGURE D.1 –HEIGHT PLAN BLANKET



Item 9.2

Attachment 3



MATERIALS AND COLOUR SCHEDULE

1	DALUX WHITE PREFABRICATED CONCRETE WALLS & CLADDING CONCRETE PAINT SYSTEM
2	CLADDING ZINC FINISH ZINC ALUMINUM
3	FACE BLOCKWORK FOSSEL GREY CONCRETE BLOCKWORK
4	NATURAL BASALT ROCK CONCRETE BLOCKWORK
5	POWDERCOAT ALUMINIUM SILVER CONCRETE BLOCKWORK
6	POWDERCOAT ALUMINIUM CHARCOAL GREY CONCRETE BLOCKWORK
7	TINTED GLAZING GLAZING SYSTEM

NOT FOR CONSTRUCTION

adm

Project: PROPOSED NEW DWELLING AND SWIMMING POOL
 105 BONAIRA STREET
 KIAMA NSW 2533

Client: [REDACTED]
 Date: 10/2013
 Project No: 2014-33
 Drawing No: A06
 Scale: B

Item 9.2

Attachment 3



**Exception to Development Standard
Assessment**

PROPERTY: LOT: 505 DP: 33905 - 45 Bonaira Street KIAMA
SUBJECT: Clause 4.6 – Exception to Development Standard
FILE REFERENCE: 10.2013.236.3
ASSESSING OFFICER: Mr G A Herbert
DEVELOPMENT DESCRIPTION: MODIFIED - DWELLING & SWIMMING POOL
APPLICANT: adm Architects
DATE: 24 November 2015

Name of Environmental Planning Instrument

Kiama Local Environmental Plan 2011

What Standard is Proposed to be Varied

Clause 4.3 Height of buildings

Is the Exception Excluded by Clause 4.6(6) or 4.6(8) of KLEP 2011

No

Submission From The Applicant

10.2013.236.3

APPENDIX C

RE: KLEP 2011 CLAUSE 4.6 EXCEPTIONS TO THE DEVELOPMENT STANDARD

In response to Council's letter dated 19 August 2015 requesting the submission of additional information in relation to the Section 96 (2) modification application at 45 Bonaira Street. This correspondence addresses item 4 described as follows:

Please provide a formal objection under clause 4.6 of Kiama Local Environmental Plan 2011 with regards to height and FSR. is required for Council to consider. Please note the previous objection cannot be used in this instance as they related to the original plans and proposal.

Because the revised design complies with the floor space ratio, a variation is sought only for the height.

1 Kiama Local Environmental Plan 2011

1.1 Clause 4.3 Height of Buildings

A maximum height of buildings of 8.5 metres applies to the site in accordance with the Height of Buildings Map as shown in Figure C.1. The LEP measures building height as "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like".



FIGURE C.1 – KLEP 2011 HEIGHT MAP

10.2013.236.3

The topography of the site slopes steeply downward from the south (Bonaira Street) to the north (rear lane), and the design has responded to this by dividing the building into distinct planes. Each plane differs in maximum building height as each is relative to the natural ground directly below, with each plane therefore "stepping" down from Bonaira Street towards the rear lane.

The proposed development provides a maximum overall height of 9.62 metres from ground level (existing) to the highest point of the building above (at the north-east corner of bed 1 roof awning). The proposed development therefore does not comply with the overall maximum building height permissible on the site. A Clause 4.6 Variation report has been prepared which is contained in Section 2 of this Statement justifying departure from this height of buildings to permit a maximum height of 9.62 metres.

2 KLEP 2011: Clause 4.6 'Exceptions to Development Standards' Statement

2.1 Introduction

Clause 4.6 'Exceptions to Development Standards' of Kiama Local Environmental Plan 2011 provides the opportunity to contravene a development standard with approval of the consent authority and concurrence by the Director-General. A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".

The objectives of Clause 4.6 are as follows:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

This Section is therefore provided in order to justify why a variation is required for Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 of that Plan, as the application of these requirements is considered unreasonable or unnecessary for this particular development.

2.2 Variation to Clause 4.3 Height of Buildings

The objectives of Clause 4.3 Height of Buildings pursuant to Kiama LEP 2011 is as follows:

- (a) to ensure future development is in keeping with the desired scale and character of the street and local area,
- (b) to allow reasonable daylight access to all developments and the public domain.

Sub clause 4.3 (2) Floor space ratio states that:

"(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map." The Height of Buildings Map stipulates a building height of 8.5m for the subject site.

"Building height (or height of building) means "the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

10.2013.236.3

Clause 4.3 - Height of Buildings - Extent of Variation Sought to Development Standard

As indicated in Figure C.2 below, the vast majority of the dwelling remains within the permissible 8.5m, however two small areas are identified to exceed the height.

These two areas are:

- the northern most part of the roof awning over the winter terrace and balcony above the Bonaira Street Entry level - where the highest point occurs at the east corner measuring 9.35m above natural ground; and
- the north eastern part of bedroom 1 roof awning above first floor - where the highest point occurs at the east corner measuring 9.62m above natural ground.

Therefore the proposal does not comply with the 8.5m permissible height. This is directly related to the sites extremely steep topography. It is evident from the diagram below that the portion of the building that exceeds the 8.5 metre maximum building height is limited to two small portions only - ie, those portions above the red blanket in the diagram below.

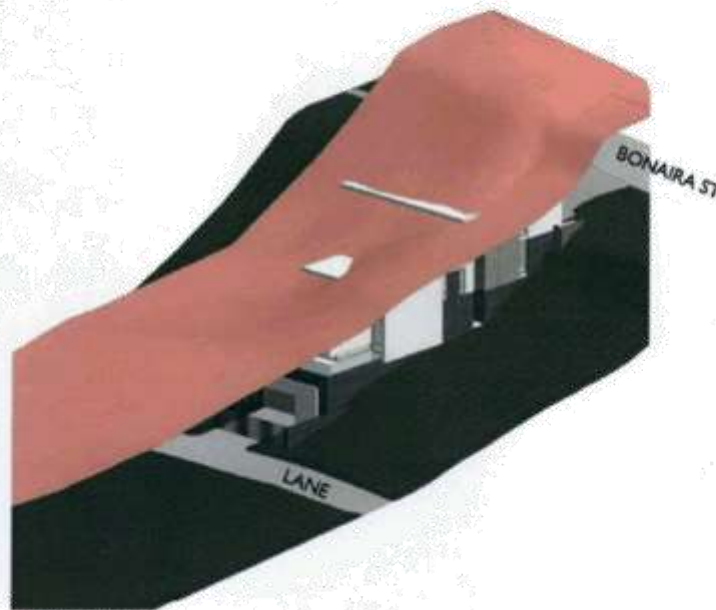


FIGURE C.2 – 8.5m HEIGHT PLANE BLANKET

10.2013.236.3

As indicated in Figure C.3 and C.4 below, whilst the dwelling in part does not comply with the 8.5m height, the dwelling remains within the approved height envelope. The two small portions of the proposed building where the variation is sought are less in scale and extent to the height variations already approved on this site.

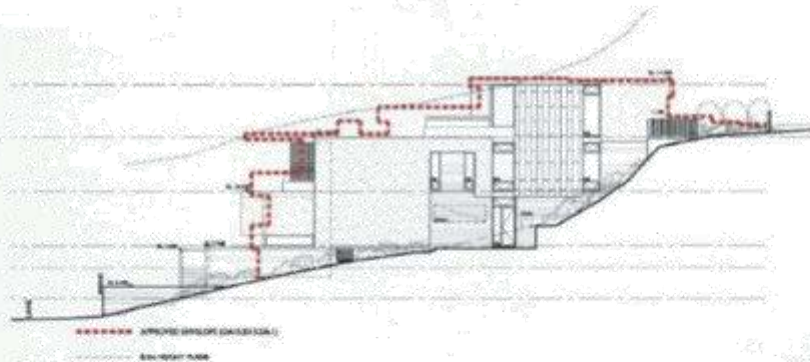


FIGURE C.3 – COMPARISON ENVELOPE
(PROPOSED WEST ELEVATION AND APPROVED ENVELOPE)

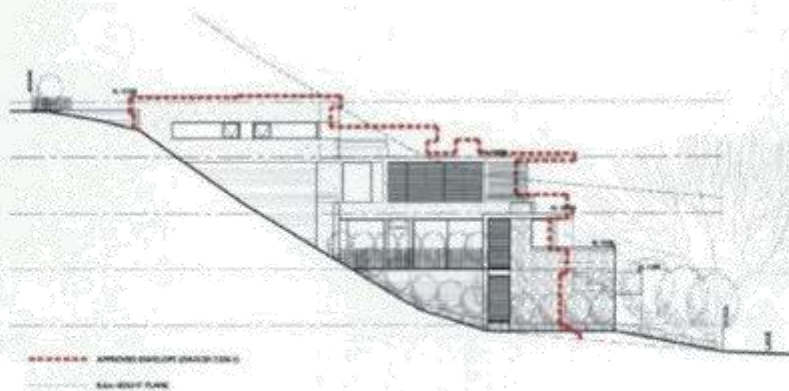


FIGURE C.4 – COMPARISON ENVELOPE
(PROPOSED EAST ELEVATION AND APPROVED ENVELOPE)

10.2013.236.3

Clause 4.6 - Exceptions to Development Standards

Clause 4.3(2) of KLEP 2011 contains a development standard in the form of a maximum building height. A written justification for the proposed variation to the overall building height is required in accordance with Clause 4.6. Table 1 below outlines how the proposal relates to the provisions of Clause 4.6 as it applies to the contravened development standards in Clause 4.3 of KLEP 2011:

Table 1: Compliance with KLEP 2011 – Contravention of Clause 4.3 Building Height		
Clause 4.6 Exceptions to Development Standards	Response / Justification	Consistent / Complies
<p>(1) Objectives</p> <p>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Flexibility is sought for the application of the height for the proposed development so that a practical outcome is achieved for the site. The particular circumstances for this are as follows:</p> <ul style="list-style-type: none"> • More than 95% of the building is compliant with the 8.5m height limit. The portion of the building that does not comply with the 8.5m height is limited to two small roof awning areas of the dwelling. Refer to the Height Blanket Diagram in Figure C.2 indicating the limited area of non-compliance. • The non-compliant portions, are both at the rear elevation of the dwelling and significantly below the permissible height at the Bonaira street frontage. • The steep topography (so steep it is not possible to walk) of the site (sloping from south to north by 12m) has been moderated as much as practical by using a multi-level plan stepping with the contours of the land. The floor plan of the residential dwelling is already significantly impacted upon by the slope. The south wall of each level is buried and cut into the ground. If compliance with the height standard were achieved and enforced, the dwelling design would be further compromised. 	Justified
<p>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p>	<p>(3) This table comprises the written request seeking to justify the contravention of the height development standard.</p> <p>(a) Compliance with the applicable height standard is considered to be unreasonable and unnecessary in the circumstances of the case having regard to site and streetscape context, the limited extent of the non-compliance, and the minimal visual impact.</p> <p>In respect of the streetscape impact, it is noted that the proposed development provides a smaller bulk (single storey) to the established two and three storey dwellings in Bonaira Street. This is because the majority of the dwelling bulk is below the Bonaira Street Level.</p> <p>The dwelling height of the proposed development is in keeping with that currently approved. Refer Figure C.3 and C.4 in this statement.</p> <p>It is therefore clear that the proposal is entirely consistent with the height objectives. In light of the above reasons demonstrating compliance with the relevant objectives, it would be unreasonable and unnecessary to insist on strict compliance with the subject standard. Furthermore to insist on strict compliance with the subject height control in light of the clear compliance with the objectives of the standard would frustrate the orderly and economic development of the site, thereby hindering the attainment of the objectives of the Environmental Planning and Assessment Act, 1979.</p>	<p>Provided</p> <p>Justified</p>

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<p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>As demonstrated in the cover statement the proposed development is satisfactory having regard to environmental planning grounds, including:</p> <ul style="list-style-type: none"> • Other provisions of the KLEP 2011; • The relevant Chapters of KDCCP 2011; • Section 79C of the Environmental Planning Assessment Act 1979; and • The context and framework within which the current approved height envelope exists. <p>The proposed height, where it exceeds 8.5m will have minimal impact, when compared to the allowable building height in terms of visual impact, disruption of views, loss of privacy, shadowing or any other impacts than if the maximum allowable height was met.</p> <p>Refer to revised plans prepared by ADM Architects accompanying the amended design.</p>	<p>Justified</p>
<p>(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:</p>		
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to height requirements.</p>	<p>Satisfied</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>Kiama LEP 2011:</p> <p>Objectives of the Standard (a) to ensure future development is in keeping with the desired scale and character of the street and local area, (b) to allow reasonable daylight access to all developments and the public domain.</p> <p>The objectives of the R2 Low Density Residential Zone are:-</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment; • To enable other land uses that provide facilities or services to meet the day to day needs of residents; • To increase the supply of secondary dwellings for affordable rental housing stock; • To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood 	<p>Despite the exceedance of the allowable height, the proposed development will be in the public interest as it meets the objectives of the height development standard as it:</p> <ul style="list-style-type: none"> • Provides a suitable built form on this site, in context with the scale and character of the street and local area. The modified development will incorporate a dwelling and pool with a building form appropriate for its setting, despite the exceedance of the height controls. • The development will not result in an unreasonable loss of sunlight to the adjacent dwelling, given the favourable orientation and shorter southern side boundary at the high point of the site and the adjoining dwelling is located westward of the proposal. • Being essentially a site bounded by public land on three sides (adjoining a public reserve and two public roads), there are no adverse impacts to other adjoining properties. Refer Shadow diagrams prepared by ADM Architects. • Compliance with the standard is unreasonable or unnecessary in this circumstance because: <ol style="list-style-type: none"> I. The exceedance occurs on the northern elevation of the building directly above where the topography below drops quickly due to the extremely steep topography; II. because of the orientation, would not cast a shadow beyond the property boundary other than upon itself; III. is minor in that it occurs over two limited portions of the building's roof eavings; IV. occurs in similar locations to where the variation has been previously approved. <p>Refer Figure C.2, C.3 and C.4 for further details.</p> <p>The proposed height of the development will also not hinder the level of achievement of the development with the R2 low density residential zone objectives.</p> 	<p>Justified</p>

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Attachment 4

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(c) the concurrence of the Director-General has been obtained	Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 06-003-Variations to Development Standards (Department of Planning, May 2008).	Addressed
(5) In deciding whether to grant concurrence, the Director-General must consider:		
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.	Addressed
(b) the public benefit of maintaining the development standard, and	There is no public benefit by maintaining the development standard, as there are no identifiable adverse impacts to approval being granted to the submitted design. Having regard to the maximum allowable height were met (together with all of the other required development controls for the site), the building design would be impractical given the very steep topography. While this is not a planning consideration, it is an important one having regard to the difficulty of any design and construction for the very steep site, noting the site has historically always remained vacant. In addition, as detailed previously in associated statements, the development provides a suitable residential form and land use outcome which warrants support.	Justified
(i) any other matters required to be taken into consideration by the Director-General before granting concurrence.	It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.	Addressed

3 Conclusion

This Statement has addressed the provisions of Clause 4.6 of Kiama LEP 2011 and demonstrates that the variation sought to the development standards of the LEP (Building Height) is justifiable and should be given concurrence to, on the basis of the unique site context, topographical constraints, the limited extent of the non-compliance and the suitability of the design.

We therefore request that Council implement a reasonable approach (as it did under the previous consent) to the proposed height for the site, to provide increased visual interest and articulation in the form of the building with no additional measurable impacts on adjacent properties and the public domain as it did so in the past.

Has the Exception Request Adequately Addressed Matters listed in Clause 4.6 (3)

Yes

Is the Proposed Development Consistent with the objectives of the Standard and therefore the Public Interest

Yes

What is the Extent of the Variation

The majority of the dwelling remains within permissible 8.5m, 2 small areas are identified as exceeding the height. These 2 are:

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The northern most part of the roof awning over their winter terrace and balcony above the Bonaira Street Entry level – where the highest point occurs at the east corner measuring 9.82m above natural ground level.

The north eastern part of bedroom 1 roof awning above first floor – where the highest point occurs at the eastern corner measuring approx. 9.62m above natural ground level.

Submissions

The proposal was notified to the adjoining property owners by way of fourteen (14) day notification letters for which Council received 6 submissions.

Comments on Submissions

The submissions were concerned about excessive height and bulk and view loss. However the modification has an overall height no higher than what was originally approved and the applicant provided a height pole so as to identify the maximum height of the dwelling and the dwellings opposite the street were visited as to see the impact of the proposal. It was found that the impact was not of a major concern.

The site is extremely steep and would appear the applicant has endeavoured to design a dwelling to suit the topography of the site.

Conclusion

As the proposed exception to development standard Clause 4.3 Height of buildings (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map has satisfactorily addressed Clause 4.6 (3) of Kiama LEP 2011, the application is supported for variation.

Recommendation

That Council approve the Exception to Development Standard Clause 4.3 Height of Buildings.



.....
Mr G A Herbert

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Height pole on block showing highest point of dwelling. Photos taken from various locations.



View from 44 Bonaira Street



View from 42 Bonaira Street

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Attachment 5

Maximum projected roof height

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Height pole on block showing highest point of dwelling. Photos taken from various locations.



View from 40 Bonaira Street



View from 38 Bonaira Street

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Attachment 5

9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan

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

CSP Strategy: 2.3 Ensure our natural and built environments are adaptive to climate change impacts

Delivery Program: 2.3.1 Consider climate change impacts and hazards and implement actions

Summary

The Draft Crooked River Coastal Zone Management Plan (CZMP) was placed on public exhibition between 25 September and 16 October 2015.

During the public exhibition period there was a total of 3 submissions received on the draft plan. The submissions have resulted in a number of minor amendments to the final document. The body of the report will detail the submissions received by Council and explain how they have been dealt with in the final document.

The main issues raised in the submissions related to:

- Recognising the importance of the terrestrial vegetation and Endangered Ecological Communities (EECs)
- Potentially adding educational signage relating to Aboriginal cultural heritage importance
- Potentially adding landing platforms, walking trails and bird hides further up the estuary
- Recognising the importance of Foy's Swamp and its potential rehabilitation.

Finance

The final Crooked River CZMP contains prioritised actions to be implemented within the Crooked River catchment by Council and a number of other state government agencies and stakeholders.

Adoption of this plan does not commit Council to the funding of the identified actions within the implementation schedule, but provides Council with the opportunity to identify and incorporate actions into its Delivery Program and Operational Plan to seek grant and/or allocate funding.

Funding by Council for any implementation of actions will need to be considered as part of the annual operational plan and budget estimate process.

Funding of initiatives identified under other agency and private land holder responsibilities will be advocated for by Council through its relationship with service delivery agencies such as the South East Local Land Services, Fisheries NSW and Office of Environment and Heritage.

Policy

The actions contained in the Crooked River CZMP, when adopted by Council, will enable the incorporation of actions into Council's Delivery and Operational Plans on an annual basis, subject to Council priorities and funding availability.

Attachments

Report of the Director Environmental Services

9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan (cont)

Nil

Enclosures

- 1 Submissions

RECOMMENDATION

That Council adopt the final Crooked River Coastal Zone Management Plan.

BACKGROUND

The draft Crooked River Coastal Zone Management Plan was endorsed by Council to go to public exhibition at its August 2015 meeting. The plan was released for public exhibition between 25 September and 16 October 2015. During this period hard copies were available for viewing at the Council's Administration Building and Kiama Library and the document was available to download from Council's website.

The Draft Crooked River CZMP was advertised in the Kiama Independent, on Council's website and in the Gerringong Gerroa Whispers.

Draft Crooked River Coastal Zone Management Plan Summary of Submissions

The following is a summary of the issues raised in the three submissions received during the public exhibition period. For Council's information each individual submission has been included as an enclosure to this report.

Issue relating to stormwater management:

1. One submission raised the issue of a specific development within the Crooked River catchment relating to Council requirements for all new developments to connect to Council's stormwater system. It was requested that '*Council give consideration to the removal of mandatory positive drainage connection requirements on the understanding that a properly engineered stormwater management system is developed for the site that combines retention / re-use and detention with an overall objective of not increasing the baseline volumes of natural surface flows to neighbours.*' It was suggested that the need for stormwater connections be pursued as a last resort rather than being a mandatory requirement.

Council has a Water Sensitive Urban Design Policy (WSUD), which sets out the requirements for stormwater capture, treatment, use and discharge. It is possible, utilising these guidelines, to design a stormwater system which captures, treats and uses stormwater on site and does not produce more stormwater runoff post development. This would require an engineered design which would satisfy all of Council's requirements to do with stormwater produced by the development, however if there is any overflow or discharge from the site during peak flows it is required to be directed to Council's stormwater system so as not to affect neighbouring properties.

As this is a specific issue with a particular development, the applicant has been directed to Council development assessment staff and engineering department to discuss specific controls for the site.

Report of the Director Environmental Services

9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan (cont)

Given each development is different and has any number of site constraints, the requirement for developments to connect to Council's stormwater system will remain, unless utilising engineered treatment elements as set out in the WSUD policy guidelines, and these elements can be shown to deal with all stormwater on site without affecting neighbouring properties.

Issue relating to community use:

1. One submission raised a number of suggestions for the community uses section of the CZMP which included launch ramps, landing platforms and bird hides. The submission suggested that the properly constructed launching facilities in the caravan park property should include a contribution from the caravan park revenue. The submission also suggested landing platforms in the upper reaches of the estuary to protect the bank to link with potential future land based activities such as bird hides and walking trails. It was suggested that these activities should be rated as a high priority because they improve the amenity for tourists and locals.

As pointed out by the submission the alteration/enhancement of the caravan park kayak launching site will have dual effects of stabilising the bank and hopefully reducing the scour from the stormwater drain. This has been nominated as a low priority as it includes the kayak launching facility in the other part of the estuary. This is not to detract from the importance of providing facilities for the public but recognises that not everything can be a high priority, and in terms of effect on estuary health the kayak launch sites are relatively low. It is likely that a design for the bank stabilisation and riparian works required in the caravan park on Blue Angle Creek will include funding from the caravan park revenue as well as potentially accessing funding from other sources including the estuary management program and the recreational fishing trust.

With regard to bird hides, walking trails and landing platforms further up the estuary, it is difficult to see this being achievable. All of the riverbank upstream of the Gerroa Water Recycling Plant is privately owned and Crown Land. Whilst technically building of a bird hide could be considered on the Crown Land, funding, access and maintenance would all be limiting factors.

Issue relating to aboriginal heritage:

1. One submission suggested that the important cultural heritage sites should be signposted with information plaques providing details about local aboriginal heritage provided it is considered appropriate by the Local Aboriginal Land Council.

This issue will need to be dealt with on a project specific basis in consultation with the Jerrinja Local Aboriginal Land Council. Due to the sensitive nature of the significant cultural heritage sites located within the Crooked River catchment, it will need to be determined whether signposting of significant sites for educational purposes will be acceptable, or more general non site specific educational signage will be a more acceptable outcome.

Issue relating to oversight and membership of the Coastal Zone Management Plan:

1. One submission made the point that it is not clear who is responsible for the management plan and that the agency and landholder committee should have responsibility for monitoring the five management areas. It was also suggested

Report of the Director Environmental Services

9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan (cont)

that the formation of the management committee should include local indigenous community representatives and river users not just agency staff and landholders, and that this should be given a high priority, raised from a medium priority.

The Crooked River CZMP recognises that the CZMP is the responsibility of Kiama Council to develop, report against and review. The plan also recognises that many other agencies, stakeholders and landholders have responsibilities or can contribute to achieving the aims of the plan outside of Council control. The suggested formation of an estuary management committee to oversee the implementation of CZMPs will assist in the coordination and communication of the aims and outcomes relating to the Crooked River and other CZMPs. The Crooked River CZMP is a guiding document which will be utilised to assist in guiding agency, landholder and stakeholder strategic planning, investment and effort to achieve estuary health outcomes for the Crooked River estuary. This action has also been altered to a high priority action.

Issue relating to Endangered Ecological Communities (EECs) and biodiversity.

1. One submission raised the issue of the potential effect of the sand mine dredging upon the EECs relating to changes in groundwater hydrology. Whilst the submission recognised that the sand mine operator is required to monitor the groundwater levels and water quality, there was concern that no one is monitoring the reported data.
The Department of Planning and Environment 'Resource Assessments and Compliance' officers recently requested a meeting with Council officers to inform them that they were doing an audit of all the environmental licences held with the department. Council is confident that the Annual Quarry Environmental Management Plan and site conditions are being monitored by the Department of Planning and Environment due to the proactive approach from the Department in communicating their activities in the Kiama LGA.
2. One submission would like to see already recognised terrestrial biodiversity habitat corridors identified in the final plan as a priority area for investment. These have been identified in previous plans such as the Draft Illawarra Growth Plan the Illawarra Regional Strategy and the Southern Rivers Catchment Management Authority
Wording has been added to the body of the report to the effect of identifying the specific plans and that there have been multiple biodiversity corridors identified in the vicinity of Crooked River estuary and Foy's Swamp, linking coastal and escarpment vegetation. Reproduction of these maps has not been included in the body of the plan, as these documents are in the public domain and referencing them is seen as sufficient to link the corridors with the CZMP. The plan also states that continued effort from agency and private landholders should prioritise investment to rehabilitation of riparian corridors and linking fragmented remnant vegetation patches to enhance connectivity of fragmented vegetation and create linkages between escarpment and coast.
3. One submission identified the hydrological significance of Foy's Swamp and suggested that reinstatement of the wetland should be included in the Crooked River CZMP as an aspirational goal. The submission recognised that the swamp is on private land and that it has agricultural value, but pointed out that

Report of the Director Environmental Services

9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan (cont)

re-establishing a more natural hydrological regime would assist with reducing impacts of acid sulphate runoff, sedimentation of the Crooked River, reduce intensity of runoff events and mitigate downstream flooding and increase terrestrial and aquatic biodiversity.

Wording to this effect has been included in the body of the CZMP in sections 6.5.2 Barriers to fish passage, 6.7 Acid Sulfate Soils and as a potential management option in section 8.1 Management of Catchment inputs. Management Action 1.11 has also been altered to read 'Coordinate research into the development of management options / plan for high risk acid sulfate soil areas within the Crooked River catchment including consideration of potential effects of reinstating natural/semi natural tidal wetlands in Foy's Swamp.

4. One submission pointed out that in Figure 1 – Crooked River Catchment, that Blue Angle Creek above the floodgates isn't highlighted and the full extent of the creek should be recognised.

The mapping of the catchment boundary and natural drainage in Figure 1 is made up of two distinct map layers. The highlighted yellow line is the catchment boundary supplied by the Office of Environment and Heritage (OEH) and the blue lines are the natural drainage layer, also supplied by the OEH. The Blue Angle Creek is classified as a third order stream above the floodgate to the point where it branches into the drainage canals associated with Foy's Swamp, and the yellow highlighting does not relate to the extent of what is recognised as Blue Angle Creek.

5. One submission pointed out inconsistencies in the mapping which identified Swamp Mahogany EEC on the map when it should be labelled as Swamp Schlerophyll Forest on coastal floodplains. The submission also thought that revegetation undertaken by Gerroa Environmental Protection Society should be recognised as EEC. The submission also pointed out the revegetation work should be recognised in the time series photos in Appendix 6.

The map labelling inconsistencies have been fixed, and the revegetated area on the Sydney Water Wastewater Recycling Plant land has been included on the Endangered Ecological Communities (EEC) map. It should be noted that the mapped EECs are based on vegetation surveys and mapping completed by Kevin Mills and Associates in 2006 and have not been officially updated or ground truthed since their development, therefore the revegetation site has been included as mixed Swamp Schlerophyll Forest on coastal floodplain and Swamp Oak Forest (revegetated).

The Office of Environment and Heritage have provided technical support and extensive review and comment at many points in the drafting process and have recommending the inclusion of a management action recognising the link between the Illawarra draft Regional Growth and Infrastructure Plan and the risk based diffuse pollution mapping undertaken by the OEH. This has been included as a new action, *1.12 Utilise diffuse pollution risk maps to guide decision making to ensure the ongoing protection of the Crooked River estuary from inappropriate development.*

Wording has also been included in Section 6.2 – Catchment modelling data which explains the link between the management action and the Illawarra Shoalhaven Regional Growth Plan (ISRGP). This is in the context of action 6.7 contained in the

Report of the Director Environmental Services

9.3 Crooked River Coastal Zone Management Plan - Adoption of Plan (cont)

ISRGP which states *'Implement a risk based decision making framework to manage water quality and waterway health for all coastal lakes and estuaries in the region where development is planned, with priority given to listed sensitive lakes and estuaries'*.

This is the only new action added to the Crooked River CZMP, with other issues being dealt with through minor additions and wording changes. Therefore it is recommended that Council adopt the final Crooked River Coastal Zone Management Plan, recognising the minor changes which have been made as a result of the submissions received during the public exhibition of the draft plan. A copy final document will be circulated to Councillors by email prior to the meeting.

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley

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: 2.9.3 Prepare and process planning proposals in a timely manner in accordance with the Environmental Planning and Assessment Act requirements

Summary

Council has received a Planning Proposal (PP) for consideration comprising of “Additional Permitted uses” on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (Figure 1 attached). This report overviews the consultant’s reports submitted by the applicant against criteria outlined in Council’s Planning Proposal Policy, relevant legislation and standards and recommends that the Planning Proposal proceed to the Department of Planning and Environment to obtain a Gateway determination.

Finance

N/A

Policy

N/A

Reason for Report to Council

In accordance with adopted policy, Council is required to support the consideration of a PP in order for the proposal to proceed to the Department of Planning for consideration.

Attachments

- 1 Figure 1 - Site plan
- 2 Figure 2 - Draft amendment to additional permitted uses map

Enclosures

Nil

RECOMMENDATION

That Council:

- 1) Endorse the Planning Proposal for “Additional Permitted” uses (as outlined in this report) on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley to proceed to the Department of Planning and Environment for a Gateway Determination.
- 2) Request plan making delegations for this proposal as a part of the Gateway determination if the Department of Planning and Environment determines that

Report of the Director Environmental Services

- 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)

as a part of the Gateway determination that the planning proposal can proceed.

- 3) On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.

BACKGROUND

In 2013 Council received a DA for the construction of an abattoir on the subject property. Council considered, exhibited and carried out a 79C assessment of the application. As a result of this assessment, Council determined that the use was prohibited and was unable to be approved under Kiama LEP 2011. The applicants then withdrew the application.

The owners of the property then entered discussions with Council staff as to how they could achieve the development outcomes on their property relating to their agricultural use of the land.

Subsequently, Council has received a PP for consideration of Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (known hereafter as ‘the site’) in line with Council’s Planning Proposal Policy. This report details the submitted PP and provides an assessment of the specialist consultant reports.

The Subject Site

The site (Figure 1 attached), Lot 103 DP 561082 and Lot 1 DP 1005217 is located at 96 Rose Valley Road, Rose Valley. The site has an area of 53 ha and has a 400m frontage to Rose Valley Road, Rose Valley. It is characterized as rural land on the south eastern foot slopes and adjoining flats of Saddleback Mountain and zoned as RU2 – Rural Landscape and E2 – Environmental Conservation.

The land is currently used for wagyu beef grazing and production, with a small meat processing plant for packaging of beef products. The property is also used for tourist accommodation with a small farm stay cottage.

Under current arrangements, cattle are raised on site, sent to an abattoir for slaughtering, with the carcass being returned for processing and packaging in the existing onsite meat processing plant. Local abattoirs have indicated that they can no longer accommodate the size and weight of the cattle produced. As a consequence of this, the cattle are required to be slaughtered in Casino, with the carcasses returned back to the farm in a refrigerated truck. This is not seen as cost effective for the producer and has the potential to influence the quality of the final product.

The applicants are seeking to extend their existing agricultural activities to facilitate paddock-to-plate agricultural production and have produced a planning report detailing these activities. The applicants have identified four (4) additional land uses on site, two (2) which are subject of this planning proposal, and two (2) which can be assessed under current land use provisions. These have all been identified herein to give an overview of overall intent for the site.

Land uses able to be considered under current provisions of the Kiama LEP 2011

- Direct sales of produce from the farm

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)

- Group tours on site providing an educational opportunity for visitors to tour the farm.

Land uses requiring a planning proposal for consideration

- Addition of a “livestock processing facility” (Abattoir)
- Addition of a Restaurant

The proposed land uses have been scoped in a business plan and staged. It is to be noted that the addition of a restaurant has been nominated in the last stage of this business plan.

The intent of the PP, including details of the proposed land uses requiring consideration under a planning proposal will be detailed below.

Intent of Planning Proposal

The PP aims to expand site activities by allowing additional permitted uses beyond current zoning restrictions. It is envisaged that this would be facilitated through the use of Schedule 1 - Additional Permitted uses. The additional uses proposed for the site include:

- Addition of a “livestock processing facility” (Abattoir)

Intent – the construction of a small abattoir in the vicinity of the existing farm sheds to enable the slaughtering of up to a stipulated maximum number of wagyu cattle per annum. The PP stipulates that only cattle that have been produced or raised on the subject site will be processed by the abattoir. The proposal seeks to cap the number of cattle slaughtered on site to a maximum of 120 head of wagyu beef (72 tonnes live weight) per annum.

- Addition of a Restaurant

Intent - the construction of a 60 seat licensed restaurant and associated parking area, in an elevated area towards the north western corner of the subject site. The applicant envisages that wagyu beef produced on site will be utilised in the restaurant. Concept plans for the restaurant have been included in the PP for illustrative purposes only.

Discussion

Under the current RU2 zone, both an abattoir and a restaurant are not permissible land uses, however, they are commensurate with the zone objectives. If Council sought to amend the land use table for this zone to “add” these land uses, this would permit them with consent in all areas zoned RU2. This is not seen as preferable.

The favoured mechanism that could be considered is to amend the Additional Permitted uses map and Schedule to add these land uses specifically for this property.

To achieve the intended outcome for the subject site, the following would be required:

- An amendment to the Kiama LEP 2011 Additional Permitted Uses Map (as shown in Figure 2 drafted by the applicant), identifying the subject site, and
- Nomination of the site and the intended land uses in Schedule 1 - Additional Permitted uses (draft below).

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)

Item 9.4

Use of Certain Land at 96 Rose Valley Road, Rose Valley

- 1) This clause applied to land at Rose valley Road, Rose Valley, being Lot 103, DP 561082, identified as xx on the Additional Permitted Uses Map.
- 2) Development for the purposes of the following is permitted with consent:
 - (a) an abattoir capable of processing a maximum of 120 head of Wagyu beef raised or produced on site per annum,
 - (b) a restaurant with a maximum seating capacity of 60 persons.

It should be noted that this PP does not propose changes to the current zone or minimum lot size. Rather the PP seeks to utilise Schedule 1 of the LEP to enable additional uses on this nominated site only.

The proposal seeks to add value to the existing agricultural undertakings on site. The majority of the site will continue to be available for agricultural purposes.

Review and Assessment of the Planning Proposal

The results of the review will be framed around the requirements of the Planning Proposal Policy.

Step 1: If the proposal meets any of the following criteria Council staff may agree in principle that a PP be prepared.

Criterion for proceeding to Step 2	Compliance
Land is identified as a nominated area in the Urban Strategy.	N/A
Land can be identified as assisting to meet Council’s strategic direction.	Land was not identified in the Kiama Urban Strategy for potential zone changes. The PP does not seek a zone change rather additional uses which is commensurate with Community Strategic Plan directions; 2.6.1 and 2.6.1.1 (see below).
A clear zoning anomaly exists on site.	N/A

Although the PP did not strictly meet the above criteria in principal, Council Staff agreed to the preparation of a concept PP on the basis that the PP meets Community Strategic Plan directions:

- Promote sustainable land use and diversification of agricultural activity.
- LEP and DCP implemented providing for new agricultural activities

Step 2: Concept PP presented to Council.

In order to adequately assess the viability of the land for development a number of specialist consultant reports were required to be undertaken by the applicant. The reports were requested in order to demonstrate:

- An assessment of environmental impacts.

Report of the Director Environmental Services

9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)

- The suitability of the site for the proposed land uses.
- The viability of the proposed land uses.

Through the peer review process additional information was requested from the applicant in order to further clarify potential outcomes on site. This additional information was reviewed and assessed by staff and found at this point to meet the required level of detail. The results of this assessment process have been summarised below:

Planning Report - Prepared by Plannex Environmental Planning

The planning report overviewed the intent of the PP, addressed the justification for the proposal, and gave an overview for the concept land uses. The report also addressed the major SEPPs and 117 Directions.

Proposed Onsite Sewerage Treatment Facilities and Effluent Reuse Scheme Plus Additional Supporting Documentation Prepared by Pacific Environmental

These reports have quantified the requirements for disposal of treated effluent generated through the proposed additional land uses on site. The report detailed waste generation and treatment, predicative flow and volume rates, as well as a site analysis. The report also detailed process design for the treatment of effluent.

The site evaluation included analysis of; soil, meteorological data, hydraulic water balance calculations and storage capacity, nutrient balance including nitrogen and phosphorous loading, and current capacity of the sewerage treatment plant.

Staff Comment

Staff raised a number of issues within the initial report and sought additional information. An assessment of the additional/revised report indicated that issues raised had been satisfactorily addressed for planning proposal stage.

The assessment indicated that effluent from the proposed land uses can be satisfactorily accommodated on site.

Agricultural Sustainability Assessment Prepared by SBS*Scibus*

This report was requested by Council to give some evidential background to the agricultural capacity of the site as outlined in the business model relating to the proposed abattoir. As such the report analyzed the current and potential future stocking and carrying capacity of the property. The report concludes that the modelled stocking and cropping rates can be achieved on site.

Traffic Impact Assessment for Proposed Tourist and Visiting Complex Development Prepared by Motion Traffic Engineers

A traffic impact assessment was carried out on proposed uses. The report quantified the changes in car usage, additional trips and car park utilisation arising from the proposed uses including the restaurant. The assessment utilised the RTA Guide for Traffic Generating Developments to quantify peak hour trip rates.

Car parking on site was assessed against councils DCP and the report found that proposed car parking on site is commensurate with the requirements of the Kiama

Report of the Director Environmental Services

- 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)
-

DCP 2012.

The existing capacity of Rose Valley road and its intersection with the Princes Highway were also assessed. The report concludes:

“The net increase of trips onto the gateway and nearby intersections are low. The trip distribution onto the Rose Valley Interchange show a small increase in trip numbers and represents a low percentage of the estimated capacity of the intersections concerned.”

Staff Comment

The report was peer reviewed by staff who concluded that the proposal could proceed to Gateway Determination.

Bushfire Hazard Assessment Report Prepared by Control Line Consulting

A bushfire risk assessment was commissioned by the applicant. This report references AS 3959-2099 and makes a number of recommendations including recommendations for the external finishes and construction techniques for the proposed restaurant. The report concluded that if the report recommendations are incorporated into future designs, the objectives of *Planning for Bushfire Protection 2006* would be achieved.

Staff Comment

The report was peer reviewed by staff who supported the conclusions of the report relating to the inclusion of the requirements for any future development applications.

Financial Viability Analysis Prepared by GKJ

A financial viability analysis of the Abattoir and the restaurant was commissioned by the applicant. This analysis concluded that construction of an onsite abattoir would result in a net saving for the applicant.

The viability assessment for the restaurant utilised base level patronage figures and made some estimations about potential net operating income.

Staff Comment

The report was peer reviewed by staff who requested additional information; specifically additional information on the viability/ functioning and business costings of the proposed restaurant. Further reports were commissioned by the applicant; and were assessed in conjunction the viability analysis.

Abattoir Operation Business Plan Prepared by Edno Technik Nord Pty Ltd

This report gave further information on the business plan associated with the abattoir.

Staff Comment

The report was peer reviewed by staff. Staff assessed that the proposal could proceed to Gateway Determination.

Restaurant Operation Business Plan Prepared by Edno Technik Nord Pty

Report of the Director Environmental Services

- 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)
-

This report gave further information on the business plan associated with the restaurant.

Staff Comment

The report was peer reviewed by staff. Staff assessed that the proposal could proceed to Gateway Determination.

Access Road Assessment Prepared by Adcot Engineering Services P/L

This report considered the access road gradients on site and in particular quantified if a ‘typical tourist bus’ would be able to negotiate the road as designed. The report concluded that:

“The road gradient is well within the capability of a typical modern tourist bus.”

Staff Comment

Staff assessed that the information provided satisfies the suitability of the site for the proposed development and that the proposal could proceed to Gateway Determination.

Flood Assessment Prepared by Jordan Mealey & Partners

This report was prepared to assess the suitability for the site for the proposed abattoir in relation to specific flood effects. The study modelled potential flood levels in relation to the proposed abattoir. The report concluded:

“The Jordan Mealey & Partners 1% ARI Water Level presented ... within the region of the Proposed Abattoir development was recorded as 15.05m AHD. Therefore, in accordance with Chapter 29 – Kiama Development Control Plan 2012 – Flood Liable Land:

Floor Level

‘All new buildings shall be constructed to the 1% AEP flood level 0.5m freeboard.’

The proposed development must be located above the Design Floor Level of 15.55m AHD.

As confirmed by the Proposed Development Site Survey of Figure 6, the existing ground level is already above the Design Floor Level with an average ground level of above 16.0m AHD.

Therefore, based on our Flood Assessment we have determined that the proposed Abattoir is located outside the flood envelope and does no impact existing flooding.”

Staff Comment

The report was peer reviewed by staff. Staff assessed that that the site was suitable for the proposed uses and that the proposal could proceed to Gateway Determination.

Environmental Management Plan Prepared by Endo Technik Nord Pty Ltd

This report overviews the environmental management systems employed Endo Technik Nord in the process flow of livestock handling. This includes the process of

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- 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)

slaughtering, processing and packaging of the product.

Staff Comment

The report was peer reviewed by staff in conjunction with the Report ‘emergency management procedures’.

Staff assessed that the proposal could proceed to Gateway Determination.

Emergency Animal Disease Procedure: Schottlanders Prepared by Lisa Perfect

This report identified procedures for the identification and management of emergency procedures for the management of animal disease.

Staff Comment

The report was peer reviewed by staff. Staff assessed that the proposal could proceed to Gateway Determination.

SB Scibus Advice (capacity stocking rates) - 19 Nov 2015

This additional advice was requested by staff in order to ascertain if the proposed stocking rates could be maintained with the additional development on site.

Staff Comment

The report was peer reviewed by staff. Staff assessed that the proposal could proceed to Gateway Determination.

Assessment Summary

Report	Appropriate to proceed to Gateway
Planning Report prepared by Plannex Environmental Planning	✓
Proposed On- Site Sewerage treatment facilities & Effluent re use scheme + Additional supporting documentation - Prepared by Pacific Environmental	✓
Agricultural Sustainability Assessment – prepared by SBScibus	✓
Environmental Management Plan – prepared by Endo Technik-Nord Pty Ltd	✓
Environmental Management Plan – prepared by Endo Technik-Nord Pty Ltd	✓
Traffic Impact Assessment for Proposed Tourist and visiting Complex development – prepared by Motion Traffic Engineers	✓
Bushfire Hazard Assessment Report – prepared by Control Line Consulting	✓
Financial Viability Analysis – prepared by GKJ + Abattoir Operation Business plan– prepared by Edno Technik Nord Pty Ltd + Restaurant operation Business Plan - prepared by Edno Technik Nord Pty	✓
Flood Assessment – prepared by Jordan Mealey & Partners	✓

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9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (cont)

SB Scibus advice (capacity stocking rates)19 Nov 2015 - Scibus	✓
Emergency Animal Disease Procedure – Schottlanders - prepared by Lisa Perfect	✓

Staff have reviewed the PP and associated reports and have concluded that the site is suitable for accommodation of the additional concept land uses.

It should be noted that if the PP proceeds, the additional land uses will be required to be further assessed though the development assessment process.

Pending the outcomes of Council’s decision, Council will complete a Planning Proposal Report outlining and assessment of the proposal against relevant state legislation, 117 directions etc. This report will accompany the reports and studies supplied by the applicants for the Gateway Determination.

It is envisaged that the PP can proceed to Planning and Environment to obtain a Gateway Determination.

Plan Making Delegations

Council has received delegations from the (then) Minister of Planning and Infrastructure for local plan making under section 59 of the *Environment Planning and Assessment Act 1979*. It is intended to request Plan making delegations for planning proposals consistent with an endorsed strategy and/or surrounding zones such as this proposal. This request will be sent to Gateway with the PP delegation following council approval to proceed. Following the Gateway determination, Council will be directed as to any further requirements to obtain additional studies and exhibit the PP.

Council will receive notification of this with the gateway determination.

Item 9.4



Figure 1 – 96 Rose Valley Road, Rose Valley (Subject Site)

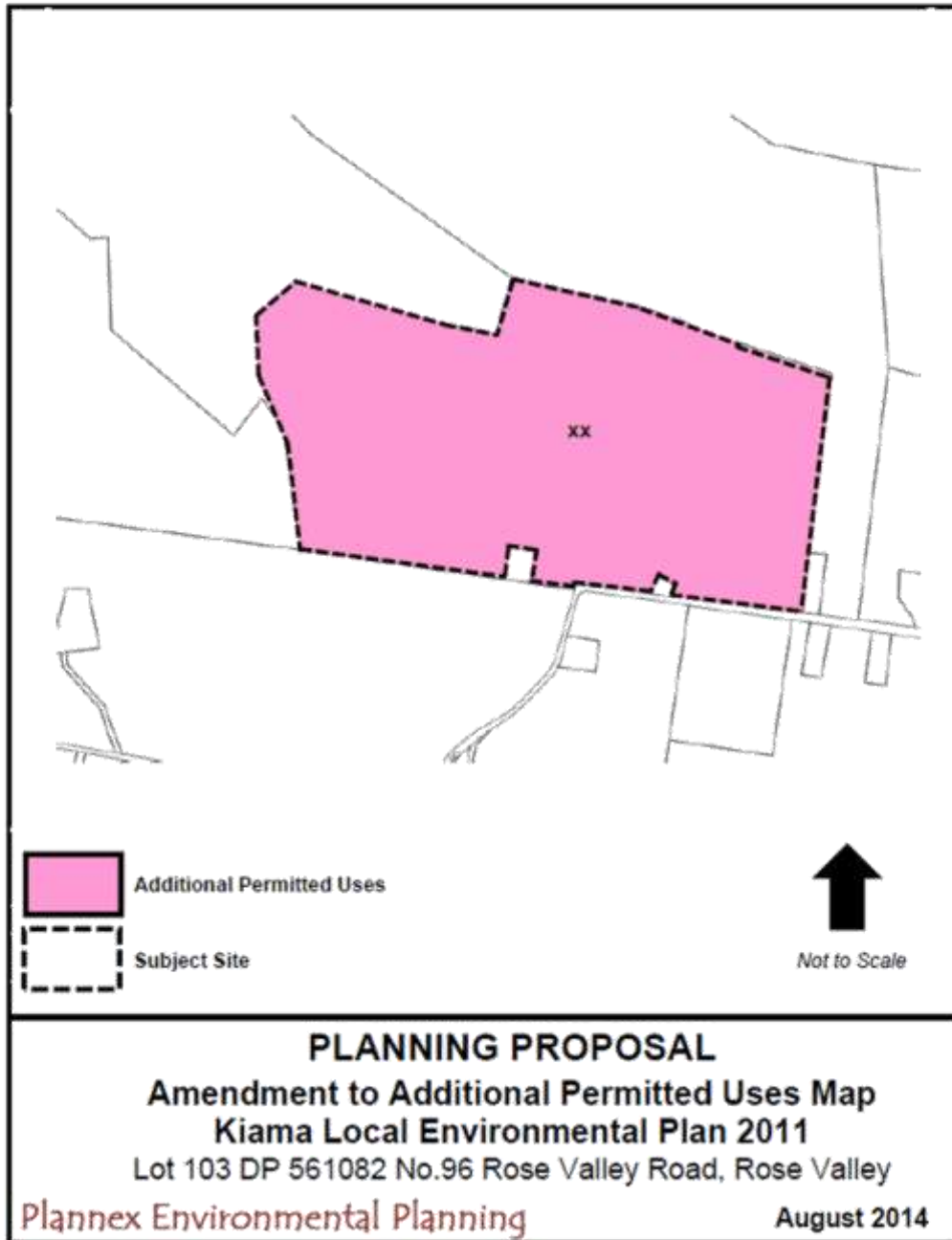


Figure 2 – Draft amendment to Additional Permitted Uses Map (Subject Site)

9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for the construction of a new retail building, additions to the rear of an existing commercial building, two (2) tourist apartments and addition to the existing car park.

The proposed development presents an issue in regard to on-site car parking, as prescribed by Council's current Development Control Plan 2012, Chapter 9 – Car Parking requirements. Further there are unresolved issues in regard to balustrading/screening and disabled access to the leased open air terrace area. These issues are discussed in the report.

The report recommends that deferred commencement approval be granted to application 10.2015.232.1, subject to the conditions contained in this report.

Finance

N/A

Policy

N/A

Reason for the Report

The development application is reported to Council as more than five (5) submissions have been received in relation to the proposal.

Attachments

- 1 10.2015.232.1 - Site plan
- 2 10.2015.232.1 - Plans

Enclosures

Nil

RECOMMENDATION

That Council grant deferred commencement development consent to development application 10.2015.232.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report.

Report of the Director Environmental Services

- 9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
(cont)
-

BACKGROUND

The property is described as Lots 51 & 52 DP 884475 which is located at Fern Street Gerringong.

The overall site measures some 2222.77m² in size and is irregular in shape. Lot 51 (2141m²) currently contains commercial premises including the heritage listed former Ocean View Inn building, while Lot 52 (81.77m²) is currently vacant. Lot 52 is owned by Kiama Council and is leased to the applicant on a long term lease. The site is bounded by Fern Street to the west, public reserve to the north (Lot 53), Noble Street to the northeast and east and commercial land to the south principally containing business premises.

The site is zoned B2 Local Centre pursuant to Kiama Local Environmental Plan (LEP) 2011.

The site is cleared and slopes moderately from Fern Street toward Noble Street, in a north-easterly direction. The site drains to Noble Street.

Vehicular access to the property is obtained from Noble Street from a shared access point over land occupied by the Gerringong Town Hall and pedestrian access is also available from Fern Street.

The site is serviced by water, sewer, electricity and telecommunications.

Description of the Proposed Development

The proposal involves the construction of a new retail building, additions to the rear of an existing commercial building, two (2) tourist apartments and addition to the existing car park.

The new commercial premise is proposed to contain floor space of 185m² (excluding WCs) comprising a retail zone of 105m² and a café zone of 80m². The café area opens onto a narrow balcony area extending the length of the proposed café zone. In conjunction with these spaces, a new tiled terrace area is proposed over the subject Lot 52, being Council owned land that is the subject of a lease agreement with the developer. A 36m² veranda zone is also proposed between the building extension, the leased terrace area and Fern Street.

Below the new retail space, two (2) self-contained tourist accommodation units are proposed, consisting of a 2 bedroom unit with a floor space of 92m² and a single bedroom unit with a floor space of 63m².

It is also proposed to extend existing shops 1 & 2 in the heritage listed building (former Ocean View Inn). The proposed additional floor area for shop 1 amounts to 14m² and for shop 2, 13m². This extension is toward the southeast (rear) of the existing building.

The proposed new built form extends to the north and east of the existing heritage listed building, wrapping around the building in those directions. The adjoining addition to the immediate north a sympathetic design with a raked roofline and external finish reflecting the roof line and finish of the heritage building. The form of this part of the addition is consistent with the form of the original building annex at this location. The proposed extension beyond that is a contemporary building form

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with a low profile, low pitched roof line with an outer edge of two interlocking arcs and curved external walls dominated by wrap around glazing at the Fern Street level. The arced walls and glazing are aimed at maximising exposure to the panoramic ocean/coastal views from within the proposed development. The contemporary form of this component of the building addition is intentionally distinct from the heritage item and that part of the adjoining addition that is purposefully sympathetic to the heritage item.

Vehicular access is obtained via a shared access over the Gerringong Town Hall site. An additional car parking area consisting of five (5) car parking spaces (inclusive of two (2) disabled parking spaces) is proposed on the site.

A new bulk bin storage area and pick-up zone is proposed adjacent Noble Street and the shared entrance point at the south eastern corner of the site.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy No 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 SEPP 71 and the matters prescribed by Clause 8. The proposed development is considered to be consistent with the objectives of the SEPP.

- Illawarra Regional Environmental Plan No 1 (IREP1)

Clause 74 of the IREP is relevant to commercial centres and states that the objectives relating to commercial centres are:

- to ensure that the commercial service centres are developed to suit the convenience of customers and to optimise private and public investment, and*
- to promote shopping and pedestrian amenity in all commercial centres.*

The proposed development is consistent with these objectives.

- Kiama LEP 2011

The subject land is zoned B2 Local Centre pursuant to Kiama LEP 2011. The proposal is permitted with consent in the zone and is considered to be consistent with the zone objectives.

Specific clauses 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, 11 metres in this instance. The proposal does not exceed the height shown on the Height of Buildings Map.

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map, 1.5:1 in this instance. The

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proposal does not exceed the floor space ratio shown for land on the Floor Space Ratio map.

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. The built form of the proposed extension has been designed, at one part, in sympathy with the adjoining heritage item on site and, beyond that, with a low profile and extensive use of glazing to minimise the impact of view loss from Fern Street towards Werri Beach, being an iconic view corridor from Blueberry Hill within the Gerringong Town Centre. View issues are discussed in greater detail under 'The Likely Impact of the Proposed Development – Views' below.

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 "*Commercial building (former Ocean View Inn)*" – *item no. 118*". The proposal meets the objectives of the clause and is not likely to adversely affect the heritage significance of the item.

The proposed development was referred to Council's Heritage Advisor for comment, who provided the following advice from a heritage point of view:

- "1) *The inventory report for the place notes its historical value in relation to associations with early tourism on the South Coast and aesthetic value as a landmark in the Gerringong Town Centre. There are primary short-range views to the place from Fern Street and secondary views to the rear of the place from surrounding streets including Belinda Street and from Werri Beach.*
- 2) *The heritage item is a two-storied building with original gable roof and original rendered walls lined out to simulate ashlar coursing. There is a 2-storey non-original verandah to the Fern Street elevation, and evidence of a rear verandah which has been removed at a date unknown. A historic photograph of the place shows a single-storey verandah across the existing building which connects to single-storey gabled built forms abutting the north and south elevations of the existing building which were removed at a date unknown.*
- 3) *The proposed additions to the place include: a single-storey gabled built form with verandah to the north elevation (which is of similar form, scale and detail to the removed element); a substantially glazed addition to the east elevation; and a partially roofed outdoor terrace with glazed balustrades located at the northern end of the site which is to be leased from Council. The latter has been designed to preserve views to Werri Beach from Fern Street."*

Council's Heritage Advisor has raised no objection to the proposal on the grounds of heritage impact, concluding that the proposal will have minimal impact on the identified historical and aesthetic (landmark) values of the place and is considered to be acceptable subject to conditions should consent be granted.

Clause 6.1 identifies requirements for development that may disturb Acid Sulfate Soils. The Acid Sulphate Soils map attached to Kiama LEP 2011 identifies the site

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9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
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as containing potential Class 5 acid sulphate soils. It is not expected that the proposed works are likely to lower the watertable and therefore an acid sulphate soils management plan is not required.

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 6.8 requires the proposal to have an active street frontage in B1 & B2 zones. The proposal meets this requirement by providing retail space at street level with a predominantly glass facade making the retail interior visible and accessible to/from Fern Street.

Clause 6.9 relates to serviced apartments and contains the singular objective of preventing “*substandard residential building design occurring by way of converted serviced apartment development.*” The proposed development seeks consent for, amongst other things, two (2) tourist and visitor accommodation units (serviced apartments), not for the conversion of serviced apartments to residential units. Clause 6.9 is therefore not applicable to the proposal.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

Chapter 9 – Car parking requirements

The proposed development includes an additional five (5) on-site car parking spaces.

The proposed mixed use development triggers separate parking demands between the commercial component of the development and the residential component. In this respect and as outlined in the DCP, car parking is calculated on the basis of each separate use.

Business/commercial component

Based on the current DCP requirements, retail premises have a requirement of 1 parking space per 35m² of Gross Leasable Floor Area (GLFA) while restaurants (including cafes) require 15 parking spaces per 100m² of Gross Floor Area (GFA) plus 1 space per 2 staff.

In accordance with this, the retail component of the proposed development (the new retail space plus the additional floor area of the 2 existing shops) requires a total of 3 car parking spaces ($132/35 = 3.77 \approx 4$) and the café requires 12 spaces ($15/100 \times 80 = 12$), based on the proposed floor areas. The applicant has advised that 4 staff will be involved with the café, requiring a further 2 car parking spaces on-site.

Consequently, 18 onsite car parking spaces are required for the retail and café component of the proposed development based on the current DCP requirements.

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It should be noted; however, that Council has endorsed a draft Car Parking Chapter of the DCP that identifies the car parking requirement for cafes as 1 space per 35m² of GLFA, the same as for retail use. On the basis of the draft DCP Chapter, the car parking that would be required for the café component of the development would be 3 spaces (i.e. 80/35 = 2.28, rounded up to 3).

Based on the draft DCP, business/commercial car parking required would overall be seven (7) spaces.

Tourist Accommodation component

Based on the current DCP requirements, Serviced Tourist Apartments require 1 parking space per 1-2 bedroom accommodation unit plus 1 space per Site Manager. The proposal involves a 1 bedroom unit and a 2 bedroom unit, thereby, with the site manager's parking space, requiring 3 car parking spaces. The draft DCP also requires 3 spaces associated with this use.

Comment: Having regard to the above and previous approvals granted in this locality, it is reasonable to accept the car parking requirement as per the exhibited draft DCP provisions. Thus the proposed development requires a minimum of 10 on-site car parking spaces pursuant to Council's requirements, with 5 spaces proposed on site, leaving a deficiency of 3 car parking spaces. The applicant states that the car parking spaces not accounted for on-site are to be made up "by portion of the Car Parking Credits resulting from a previous agreement with Council."

The applicant's comment about car parking credits refers to concessions for car parking in Noble Street. In this respect, in 1998 Council agreed that a concession of 38 car parking spaces would apply to Lots 44, 45, 48, 50 and 51 fronting Noble Street, as acknowledgement of the creation of on-street car parking provided for in the dedication of public road from land owned by Noble Bros (Gerringong) Pty Limited. The number of car parking concessions/credits applying to the identified lots (including Lot 51, being the subject of this development application) was apportioned based on the size of the lots. Consequently, 14 car parking spaces were credited to the subject Lot 51.

Having regard to the above, it is considered that the car parking required by existing land use and proposed development under the subject development application has been satisfactorily addressed.

Chapter 27 – Gerringong Town Centre

The subject site falls within Precinct 1B – Noble Street North East/Blueberry Hill of Chapter 27 of the DCP.

The proposed development is considered to be generally consistent with the objectives and performance criteria applying to the site. Specific matters of view lines (Performance Criteria P3) and Design Elements relating to development adjoining the heritage listed building (Section 5) are discussed in detail below under Public Submissions.

Overall, the proposed development is generally consistent with Kiama DCP 2012.

Any Planning Agreement

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- 9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
(cont)
-

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

- 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 are 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 ongoing significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

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

- Overshadowing

The overshadowing impacts of the proposed development will be reasonable.

- Views

The proposed development has been conceived with the intention of achieving an outcome that meets with the operational needs of the developer, is sympathetic to the heritage item with which the development adjoins and also minimises the impact of view loss toward Werri Beach.

On the issue of view loss, the proposed development (beyond that part of the addition purposefully sympathetic to the heritage item), adopts a very low profile form with its low profile roofline and dominant use of glazing over its external walls to the north and west.

The proposed roof over Council's Lot 52 and the associated glass balustrades essentially create the biggest impediment to views toward Werri Beach from Fern Street. This matter is discussed in greater and more specific detail below under 'Public Submissions.'

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9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
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The NSW Land & Environment Court has set out a five step planning principle for considering the acceptability of the impact of private development on views from the public domain in the vicinity of the proposal. The proposed development has been considered against the planning principle and is considered to be acceptable.

On balance, it is considered that the proposal will have an acceptable impact upon views currently available from neighbours and from the public domain (Fern Street), subject to conditions as discussed below under 'Public Submissions'.

- Traffic, Vehicular Access, Parking and Manoeuvring

Car parking required by the proposed development is discussed above under DCP 2012 Chapter 9. It is noted from that discussion that the proposed development is technically deficient by three (3) car parking spaces; however when the draft Car Parking Chapter is taken into account, the proposed development satisfies Council's on-site car parking requirements.

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

No concerns have been raised by Council's Engineers in relation to traffic associated with the proposed development.

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

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

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

Impact on Water Resources – Stormwater will be conveyed to the street. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

- Effect on Public Domain

The proposal is likely to positively impact on the public domain. The active street frontage of the development to Noble Street and the mixed use nature of the development will contribute to the vibrancy and vitality of Gerringong town centre and its public domain.

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9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
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- Utility Needs and Supply

The proposal is adequately serviced by all essential services.

- Safety, Security and Crime Prevention

The proposal has been considered against Crime Prevention Through Environmental Design (CPTED) principles and is considered to be acceptable.

- Operational Waste

The proposal properly considers waste storage and retrieval from Noble Street. Council's Waste Services have considered the proposal and have not raised any concerns.

The Suitability of the Site for the Development

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

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, nineteen (19) official submissions were received, including three (3) submissions supporting the proposal. Two (2) additional submissions were received that were not accompanied by a completed Political Donations Disclosure form and as such cannot be officially considered. The issues raised in these two submissions were similar to those raised in official submissions.

The submissions received raised the following (summarised) matters of concern, listed generally in order of the frequency with which the issue was raised:-

Objections to the proposal

Item 1:- The proposal will result in unacceptable view loss of Werri Beach from the public domain, which is supposed to be protected by DCP 2012 Chapter 27. This view is iconic to Gerringong, enjoyed by locals and tourists alike. Comments were also made that the view from the remaining Lot 53 is not as good.

Response:- In relation to DCP 2012 Chapter 27, performance criteria P3 identifies that view lines are to be protected from primary vantage points, including from the public area of the Blueberry Hill site. The criteria states that the "*primary view from this location is the whole of Werri Beach extending to the northern headland.*" In association with this, Map Sheet No 3 covering Precinct 1B, specifically delineates the view corridor over Blueberry Hill. The only part of the proposed development that encroaches within the identified view corridor is the proposed tiled terrace, roof area and glass balustrades over Council's Lot 52. This built element, in terms of form, incorporates a low profile roof form with minimal support structures. With the glass balustrades, the structure has as low a visual profile as is reasonably possible. The roof itself will not obstruct views of the beach, as it is above eye line and views are downward to the beach. Similarly the building up of the terrace area above the

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ground to provide a level surface will not obstruct beach views beyond the disruption already created by development on the northern side of Noble Street.

Although the proposed development includes building element within the defined view corridor, the built element as proposed is not considered to have an unacceptable impact on the view corridor.

The point is also made that the views available from Lot 53 are inferior to the views available from Lots 51 & 52, mainly as Werri Beach is less visible from Lot 53. Nonetheless, substantial views remain available for those not wishing to use the café's outdoor facilities and, under the circumstances, it is reiterated that the roof over Lot 52 has a low profile and is as unimposing as is reasonably possible.

Item 2:- Development of the Council owned Lot 52 should be low-key and for all the public to enjoy. Concern was particularly expressed about the 1.8m high glass wall preventing access by the general public to Lot 52 (unless they enter through the shop/café) and impeding views of Werri Beach from the street.

Response:- As identified in the General Manager's report to the September 2015 Council meeting, complex negotiations have taken place in the past between Council and the Nobles, resulting in the dedication of Lot 52 to Council and an agreement to lease back Lot 52 to the former owners (Nobles) for the purpose of an outdoor café.

As the beneficiary of the lease back of Lot 52 and the developer of the land, it is reasonable that the lease back area be delineated and it is understandable that the developer seeks to secure the area to promote their business activity, which is directly linked to the lease back of the land.

However, it is Council owned land and there is an expectation from members of the public that this land should be reasonably accessible to the public, particularly outside of the café operating hours. The glass balustrade originally proposed around the site clearly prevents this form of access.

Correspondence has subsequently been received from the applicant, dated 30 November 2015, advising that they were agreeable to the removal of the section of the glass balustrade fronting Fern Street and to lower of the glass balustrade along the northern edge of the outdoor area to a height of 1.0m. Further, they agreed to remove any building encroachments over the property boundary. Amended plans were subsequently provided which showed stairs leading from the terrace area onto the footpath at Fern Street. These amended plans raised the following unresolved issues;

- Glass balustrading remained on the amended plans between the terrace and verandah areas (at the western edge of the terrace area). This would prevent equitable access for a disabled person.
- The proposed stairway from the terrace area onto the Fern Street footpath does not show complying handrails. This will require a redesign of the stairway to ensure handrails do not encroach onto the footway.
- The amended plan does not show reduced balustrade height along the straight, northern boundary of the terrace area. It is recommended that a 1metre high

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temporary balustrade be placed in this location pending completion of landscape works on the adjoining reserve and the matter be re-assessed at this time.

The above would enable the leased area to be used in much the same way as Council's footpath areas are used by cafes, with chairs and tables removed from the area at the end of trading each day. The space still has a clear and direct association with the proposed retail/café space and is furthermore delineated by way of its paving, particularly during operating hours when it is occupied by tables and chairs. However, after hours and for the benefit of the general public, removal of the subject balustrades will enable uninhibited public access to Lot 52.

Having regard to:

- The likelihood that the above changes will require changes to the built form over the leased area, and
- It is reasonable to ensure, conceptually, that disabled access can be provided and
- That community objectives will be met regarding accessibility,

It is recommended that a deferred commencement approval be provided, subject to conditions requiring the above to be addressed for an operational consent.

Item 3:- The lease agreement for Lot 52 requires, under Clause 5.2, that all chairs and tables be removed from the area each day and the area returned for public use after hours. The proposed development appears to contravene this.

Response:- this issue would be addressed if the terms of the above recommendation is adopted.

Item 4:- Concern was expressed that development of Lot 52 as proposed is not in keeping with the concept outlined in the Gerringong Charrette for use of this space.

Response:- The Gerringong Charrette provided the foundation behind Council's, then, Development Control Plan (DCP) No 14 – Gerringong Town Centre. DCP 14 has since been further reworked to form Chapter 27 of the current DCP 2012. As discussed within this report, the proposed development is generally considered to be consistent with the objectives and performance criteria of Chapter 27.

Item 5:- The majority of the proposed building addition is not sympathetic to the heritage item.

Response:- The adjoining addition to the immediate north of the heritage item is of a sympathetic design, with a raked roofline and external finish reflecting the roof line and finish of the heritage building. The form of this part of the addition is consistent with the form of the original building annex at this location.

The proposed extension beyond that is a contemporary building form with a low profile, low pitched roof line. The contemporary form of this component of the building addition is intentionally distinct from the heritage item and that part of the adjoining addition that is purposefully sympathetic to the heritage item.

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Council's Heritage Advisor has considered the proposal in detail and has concluded that the proposal will have minimal impact on the identified historical and aesthetic (landmark) values of the place and is considered to be acceptable, subject to conditions. Should consent be granted, conditions recommended by the Heritage Advisor will be included in the consent notice.

Item 6:- There is an inadequate amount of on-site car parking proposed and the existing commercial uses on Lot 51 have not been accounted for.

Response:- the car parking issue has been addressed earlier in this report.

Item 7:- The proposed development is not consistent with the outcome illustrated in Development Control Plan (DCP) 2012, Chapter 27 – Gerringong Town Centre – Design Elements – Precinct 1 – Fern Street Facades.

Response:- The section of the DCP referred to includes performance criteria P1, which requires that *“New buildings adjacent to landmark or heritage buildings should enhance and be compatible with the scale and character of those buildings.”*

In relation to the subject heritage item specifically, the DCP acknowledges that *“Development is planned to the north of this building and such work should be single storey and be sympathetic in design”*. The illustration referred to, supporting this statement, relates to *“Recommended Façade Treatment”*, with specific reference to *“Proposed Restaurant with open verandah forms and single storey height”*.

The form of the proposed development, and in particular the immediate addition to the heritage item, is considered to be both sympathetic to the heritage item and consistent with the DCP in this and other areas, including preserving view lines towards Werri Beach. A building form consistent with the illustration would likely result in greater impact of view loss (including within the view corridor identified in the DCP), as the illustrated building form both:

- protrudes further north than the proposed sympathetic component of the development; and
- is sited closer to Fern Street, whereas the proposed sympathetic component of the addition maintains the alignment of the heritage item along Fern Street.

As discussed in Item 5 above, the proposed development is considered to be acceptable on heritage grounds.

Item 8:- Development of Lot 52 is covered and enclosed and therefore is not an “outdoor café”

Response:- Approximately 51% of Lot 52 is proposed to be roofed, with a further 23% covered by the pergola i.e. approximately 74% of Council's Lot 52 will be covered by the proposed roof and pergola structure. Having a roof and pergola structure over a space does not cease to make it an ‘outdoor’ area.

It is considered reasonable, and consistent with the use of the land subject to lease, to provide shelter from wind for seated patrons. This needs to be clarified and is subject to the proposed conditions of deferred commencement.

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Item 9:- There is no turning bay on-site for commercial deliveries and removal of waste and there is concern about potential vehicle/pedestrian conflict as a result.

Response:- Council's Engineers have considered the on-site manoeuvring of vehicles and consider that sufficient area is available for the manoeuvring of vehicles likely to be servicing the site.

Item 10:- The land should be purchased by Council for public use.

Response:- The subject Lot 52 was only obtained by Council by way of land dedication following complex negotiations between Council and the former land owner. In light of these previous negotiations, the acquisition of additional land from the development site would be highly unlikely and potentially cost prohibitive.

Item 11:- The proposed tourist accommodation units do not satisfy the requirements of SEPP 65 – Design Quality of Residential Apartment Development.

Response:- The proposed development does not trigger the provisions of SEPP 65, as the proposal does not involve residential apartment development (let alone of a scale that triggers SEPP 65), but rather short term tourist and visitor accommodation, which is permissible with consent in the B2 Town Centre zone.

Item 12:- The proposed development will result in adverse impact on views to and from the heritage listed Anglican Church opposite the development site in Fern Street.

Response:- This matter has specifically been taken into consideration by Council's Heritage Advisor, who is satisfied that the proposed development will not have an unreasonable adverse impact on the heritage significance of the church, including views to and from the church.

Item 13:- A Masterplan for the development of Lot 51 should be lodged.

Response:- There is no obligation for the land owner to submit a Masterplan for development of the site.

Item 14:- There is no indication with the proposal of any intention to pave the Noble Street and Fern Street footpath.

Response:- The part of the proposed development with immediate and direct frontage to the public footpath is that part of the development adjacent Fern Street. Council's Engineers and Landscape Officer have not required additional footpath paving to be provided in this instance.

Item 15:- The extent of landscaping proposed is inadequate

Response:- The application was referred to Council's Landscape Officer, who has raised no objections to the proposal subject to conditions of consent, including minor amendments to the proposed landscaping.

Item 16:- The proposed development does not satisfy the disabled access requirement of the Building Code of Australia (BCA).

Response:- The proposed development application seeks development consent only at this point. Issues have been identified that would likely require some level of re-

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design to ensure that, conceptually, BCA requirements, particularly in regard to access, can be met. This has been addressed in the conditions of deferred commencement.

Item 17:- The on-site waste facilities are inadequate.

Response:- The development application was referred to Council's Waste Officer, who has raised no objection to the proposed development. Conditions of development consent have been recommended in relation to on-site waste storage and collection should the application be approved.

Item 18:- Council should insist on a better financial return/public benefit from the leased land

Response:- Complex negotiations have taken place between Council and the Nobles in the past involving the subject land. The financial return/public benefit associated with the lease agreement is not a matter for consideration as part of the development assessment process.

Support for the proposal

Item 1:- The proposed outdoor café terrace area will provide shelter from winds and the elements, serving locals and tourists alike.

Response:- Lot 52 is currently exposed to the elements and undeveloped. The sheltered terrace area will enable the site to be used during less favourable weather events.

Item 2:- The remaining open space area (Lot 53) still provides for ample view opportunities and open space use

Response:- The relevant point is made that substantial views remain available for those not wishing to use the café's outdoor facilities.

Item 3:- The proposed development is suitably sympathetic to adjoining buildings.

Response:- The applicant has sought from an early stage to consult with Council's Heritage Advisor to achieve a built outcome that both meets with the developers business aspirations and is appropriately sympathetic to the heritage item. It is considered that this balance is achieved with the proposed development.

Item 4:- The development will make the use of Lot 52 much more user friendly for senior citizens.

Response:- The levelling off and paving of Lot 52 will undoubtedly make use of the area more user friendly.

External Referrals

Nil

Internal Referrals

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- Environmental Health Officer

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

- Property Manager

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

- Waste Officer

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

- Heritage Advisor

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 Plan 2012, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is generally 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 LEP 2011 and relevant Development Control Plans. The proposed development is consistent with the objectives of the B2 Local Centre 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.

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Draft Deferred Commencement Condition

This deferred commencement consent is issued pursuant to s.80(3) of the Environmental Planning and Assessment Act, 1979. The consent is not operational until written notice is provided from Council, verifying the following matters have been satisfactorily addressed:

- A. The developer shall submit amended plans:
- i) Showing equitable access for disabled persons from Fern Street directly onto the proposed terrace area. Such access is to include the deletion of the balustrading between the terrace and verandah areas,
 - ii) Indicating complying stairway access and associated hand rails from the terrace area to Fern Street.
 - iii) showing the reduction in height of the glass balustrade extending the length of the northern edge of Lot 52 DP 884475. The glass balustrade shall be a maximum of 1.0 metres in height; this balustrading is considered as a temporary measure pending completion of the landscape works on the adjoining reserve, and
 - iv) showing removal of the building encroachments upon Lot 53 DP884475 and upon Council's Fern Street road reserve.

**Draft Conditions of Operational Development Consent
(once deferred commencement consent conditions have been satisfied)**

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 10.2015.232.1 dated - except as amended by the following conditions: (g005.doc)
- (2) The two (2) tourist and visitor accommodation apartments shall only be used for the purpose of short term rental accommodation. Accordingly, the apartments may only be occupied for a maximum period of 60 consecutive days in any 12 month period.
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate. (g030.doc)
- (4) Full details of the external materials of construction and a schedule of finishing colours shall be submitted to an approved by Council prior to the release of the Construction Certificate. (g035.doc)
- (5) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Fern Street and Noble Street for the purpose of carrying out activities associated with the development. (g145.doc)
- (6) Compliance with the following regulations and standards is required at all times in relation to the cafe:

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- Design, construction and fit-out of food premises AS4674-2004
 - Food Act 2003
 - Food Regulations 2010
 - Mechanical Ventilation – Exhaust System AS1668.2-2002

Heritage Requirements

- (1) The developer shall undertake repair and maintenance works to original and early fabric including:
- Ease and make operable all sash windows on east and west elevation;
 - Reinstate damaged gooseneck light fitting on front elevation;
 - Remove sheeting from glazed shop doors and make good any damage to woodwork and glazing;
 - Remove redundant fixtures and fittings from east and west elevations and make good any resultant damage to surfaces and finishes; and
 - Replace non-original cast metal verandah brackets and replace with approved timber brackets.

These works shall be completed prior to the issue of the Occupation Certificate.

- (2) The developer shall undertake paint scrapes and historic research to original and early fabric to investigate previous external colour schemes. Following this, an appropriate historic colour scheme shall be submitted to Council for review and approval prior to issue of the Construction Certificate.
- (3) A colour scheme for new additions, referenced to external fabric, shall be submitted to Council for review and approval prior to issue of the Construction Certificate.
- (4) The front wall of the new shopfront should return and finish at the double doors which provide access to the proposed terrace.
- (5) Details of the new shopfront including finishes, doors, windows and verandah, are to be submitted to Council for review and approval prior to issue of the Construction Certificate.

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 3 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$4,192.28**. (bo005.doc)

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:

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- i The licensee's name and contractor licence number;
 - ii That the licensee has complied with Part 6 of the Home Building Act 1989.
- In the case of work to be done by any other person, the Principal Certifying Authority:

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

or

- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)

- (2) The developer shall lodge with Council a bond of \$2,700 in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)

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

- a Detailed plans and specifications of the building 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.

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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)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate. (pt034.doc)
- (5) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (6) 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)

Civil Engineering Design

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

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

- a The hydrologic modelling and hydraulic treatment detail including detailed calculations, drainage network layout, environmental controls (including the post-development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with *Australian Rainfall and Runoff* published by

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- Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);
 - b Plan, longitudinal and cross sectional detail shall be provided for the proposed access driveway, car parking aisles and car parking modules;
 - c The proposed pavement treatment to the access driveway, car parking aisles and car parking modules. The minimum surface treatment shall be cement concrete;
 - d The location and reduced level of all services under the control of public utilities or agencies;
 - e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

All reduced levels shall relate to Australian Height Datum (AHD). (ced030.doc)

Site Facilities

- (1) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times. (sf010.doc)
- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light-weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
 - a Stating that unauthorised entry to the premises is prohibited; and
 - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

Any such sign is to be removed when the erection or demolition of the building has been completed. (sf020.doc)

Erosion and Sedimentation Controls / Soil and Water Management

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

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- c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).
- All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development. (esc010.doc)
- (3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

Access Construction

- (1) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate. (ac015.doc)
- (2) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department. (ac020.doc)

Car Parking and Vehicular Access

- (1) The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3 and AS 4049.1. (c025.doc)
- (2) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

Stormwater Management

- (1) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections. (sm020.doc)

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- (2) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. (sm055.doc)
- (3) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm060.doc)
- (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any Occupation Certificate. (sm130.doc)
- (5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate. (sm135.doc)
- (6) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.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)

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(cont)

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- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
 - (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
 - (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
 - (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
 - (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
 - (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
Monday to Friday - 7.00 am to 6.00 pm
Saturdays - 8.00 am to 1.00 pm
No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
 - (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)
 - (9) Disabled persons access shall be provided to, and facilities shall be provided within, the building in accordance with AS1428 and D3.2 of the Building Code of Australia. Details are to be provided to the Accredited Certifier prior to the issue of the Construction Certificate. (bu155.doc)
 - (10) A 1:20 scaled detail of the disabled person sanitary facility, including all internal wall elevations shall be submitted for approval prior to commencement of works. Details are to be provided to the Accredited Certifier prior to the issue of the Construction Certificate. (bu160.doc)

Landscaping Works

- (1) All landscape areas shown on the approved landscape plans (drawing numbers 15025 L01/02) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. (lw015.doc)
- (2) The landscape plan shall be amended to:
 - i. identify the plants note on the plan as "SL". These plants shall be identified in the plant schedule; and

Report of the Director Environmental Services

9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
(cont)

-
- ii. relocate the garden bed in the Noble Street road reserve to within the boundary of the lot.
- (3) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
 - (4) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)

Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)
- (2) All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

Prior to Occupation

- (1) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.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)
- (3) The developer shall complete all access, car parking and stormwater treatment prior to the issue of any Occupation Certificate. (po010.doc)
- (4) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

Prior to Operation of Cafe

- (1) Prior to operating, the proprietor must contact Council's Environmental Health Officer to organize a final inspection.
- (2) The applicant must contact Sydney Water to gain advice as to whether a trade waste approval is required. If such an approval is required the applicant must submit a copy of the trade waste approval to Kiama Municipal Council prior to

Report of the Director Environmental Services

- 9.5 Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark (10.2015.232.1)
(cont)
-

the operation of the shop. If a grease trap is deemed not required by Sydney Water, information detailing such is to be forwarded to Council prior to operation.

- (3) Prior to operating, the proprietor must notify Council of the food premises Food Safety Supervisor.
- (4) Prior to operating, the proprietor must complete Councils Food Premises Registration Form and submit it to Council.
- (5) Prior to operating, the proprietor must provide Council with the Food Authorities notification reference number.

Site Operations

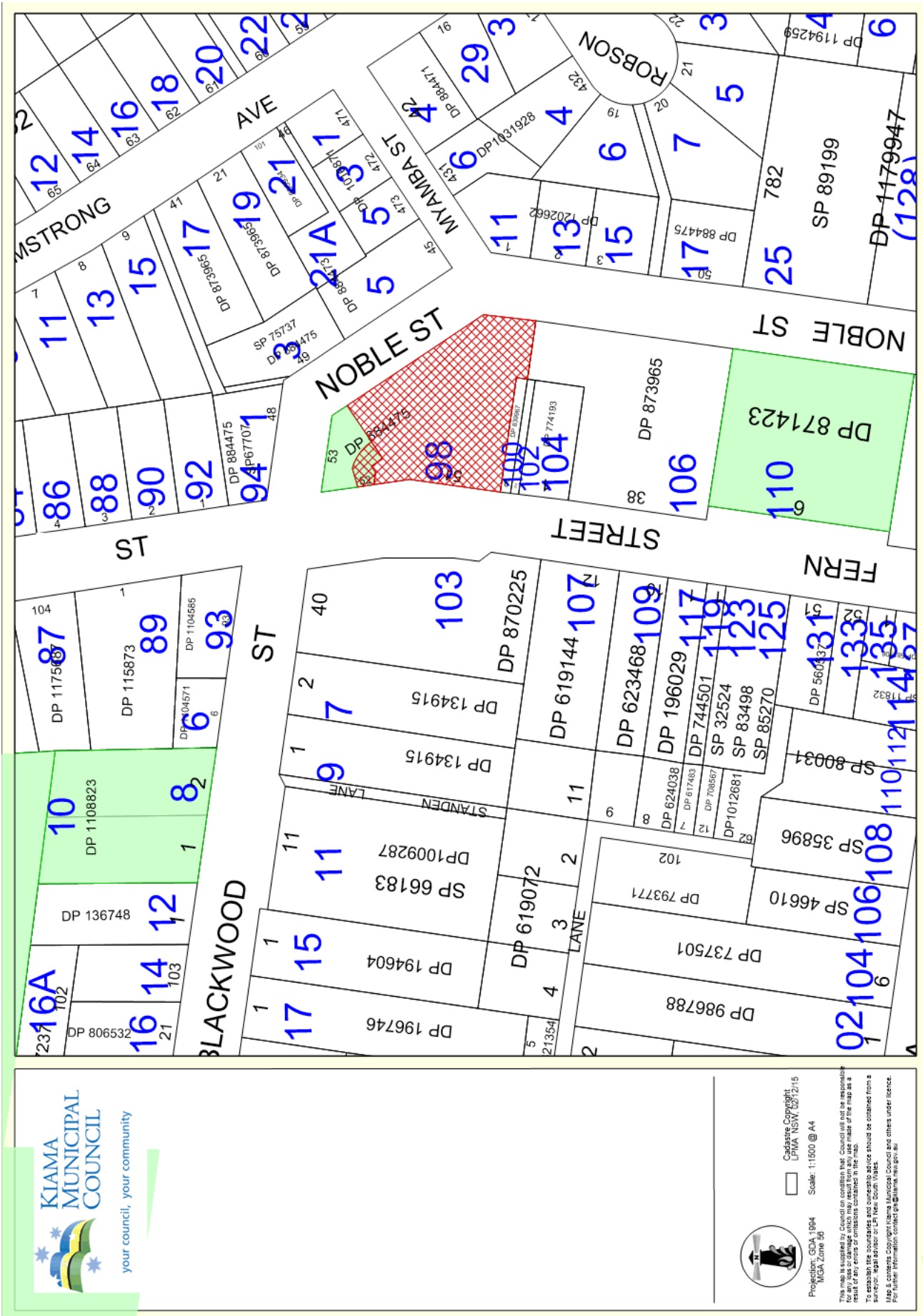
- (1) There shall be no display or storage of merchandise or advertising structures outside the curtilage of the premises. (sop020.doc)
- (2) The hours of use of the tables and chairs on Lot 52 shall be restricted to the hours of operation of the café. At the conclusion of café trading all tables, chairs and associated items shall be removed from Lot 52. (sop045.doc)
- (3) The use of the premises and equipment shall not cause a sound level in excess of 5 dB(A) above background noise at any point along the site boundaries. (sop070.doc)
- (4) The development shall not interfere with the amenity of the neighbourhood by reason of noise, odour, fumes, grit, waste products or otherwise. (sop085.doc)

Conveyancing Requirements

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

- (2) Rights of Access are to be created under the Conveyancing Act 1919 over Lot 38 DP873965 and benefitting Lot 51 DP884475, for the purposes of vehicle access from Noble Street to the development site (NB: such Rights of Access should concurrently be sought to benefit adjoining Lot 3 DP 839967 and Lot 2 DP 774193).



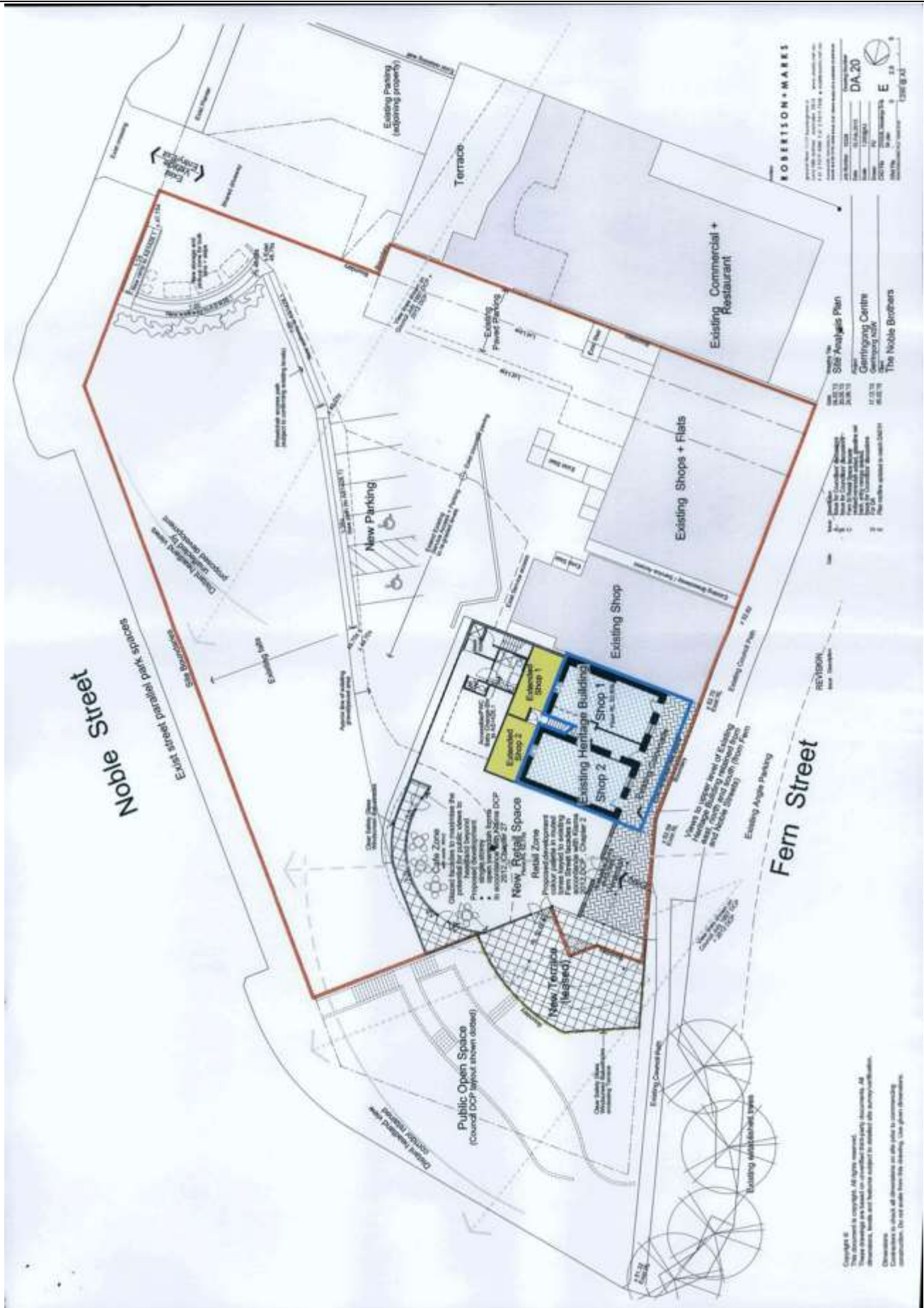
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 LPI/MCA NSW 02/12/15
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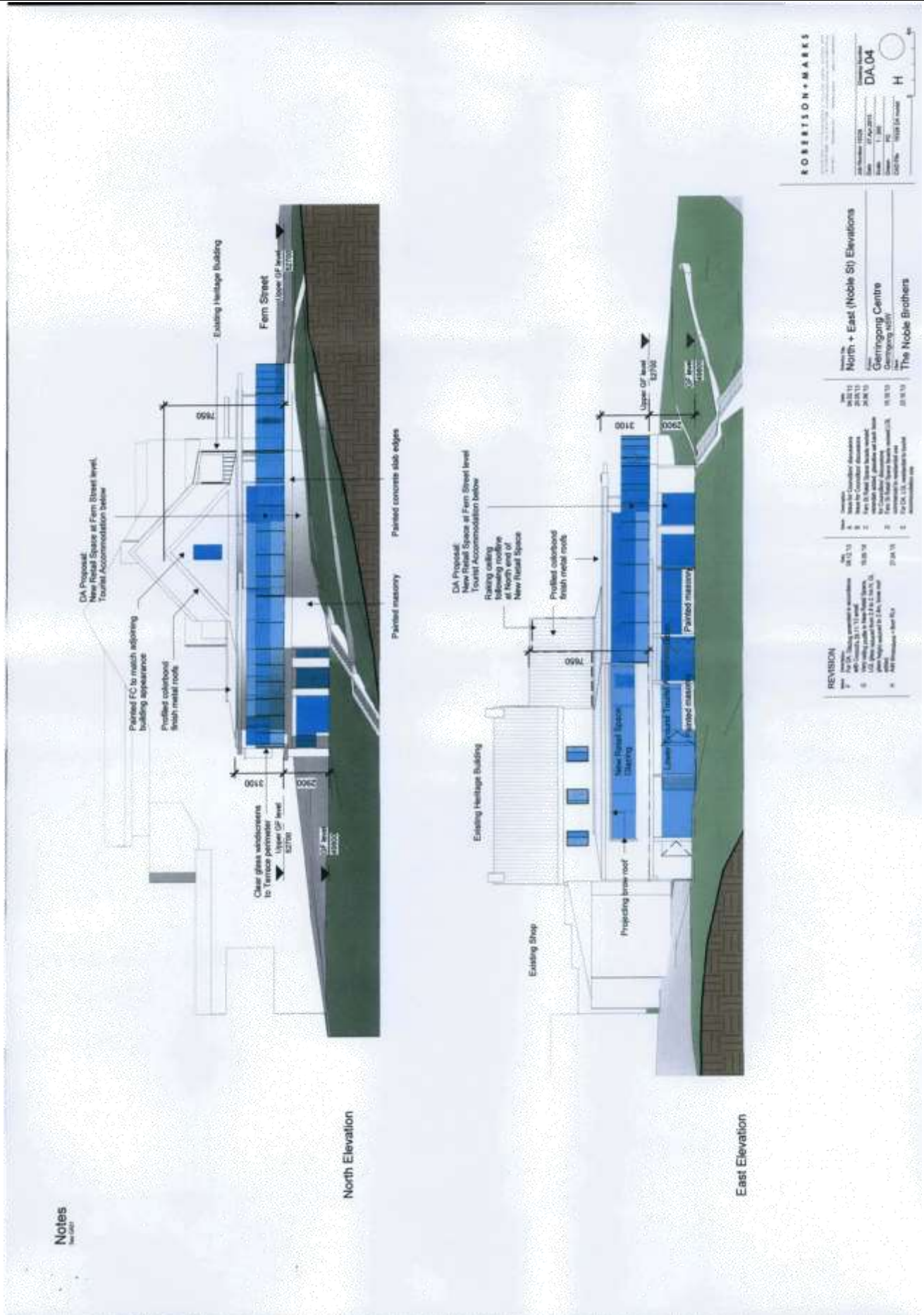
**Projection: GDA 1994
 MGA Zone 56**

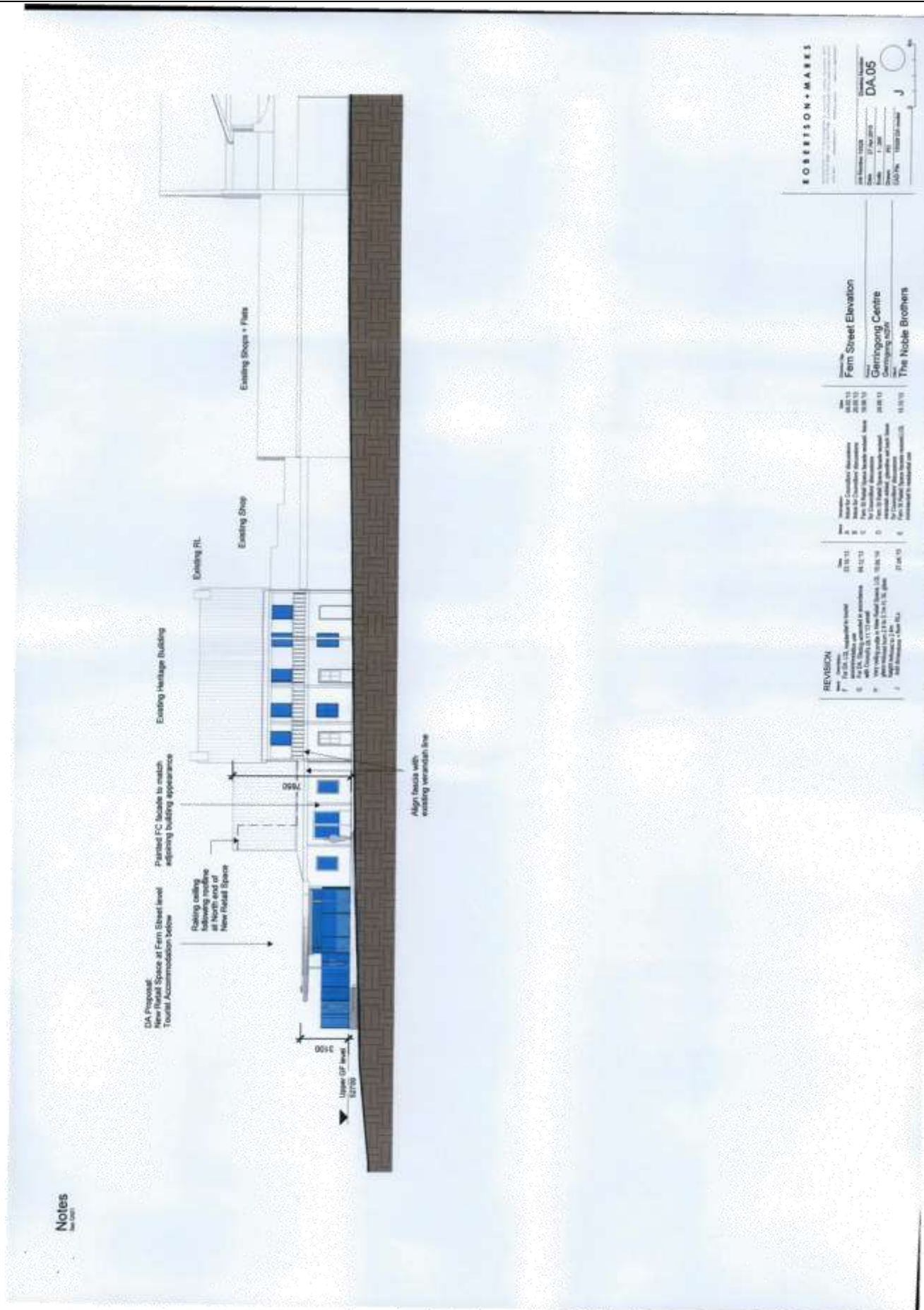
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Item 9.5

Attachment 2





Notes
See also

DA Proposal
New Retail Space at Fern Street level
Tourist Accommodation below

Painted FC facade to match
adjoining building appearance

Existing Heritage Building

Existing RL

Existing Shop

Existing Shop + Flats

Align facade with
existing verandah line

0950

0950

Align facade with
existing verandah line

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Align facade with
existing verandah line

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existing verandah line

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Align facade with
existing verandah line

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0950

ROBERTSON + MARES
Architects
100/102 Fern Street Gerringong NSW 2538
Phone: (02) 4425 1234
Fax: (02) 4425 1235
Email: info@robertsonmares.com.au
www.robertsonmares.com.au

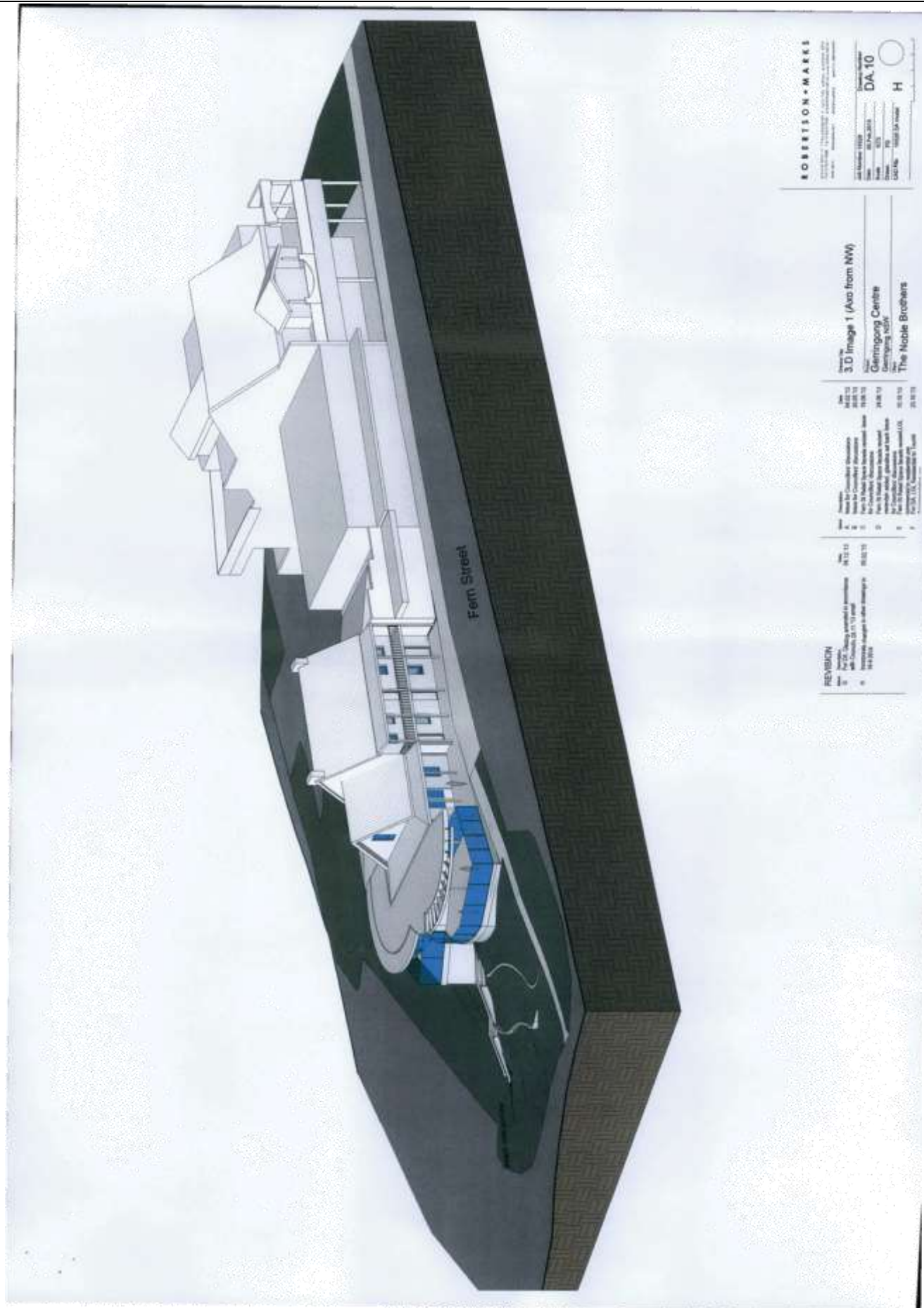
Project No: 10.2015.232.1
Drawing No: DA.05
Date: 27/01/2015
Scale: 1:100
Client: The Noble Brothers

Fern Street Elevation
Gerringong Centre
Gerringong NSW
The Noble Brothers

REV	DATE	DESCRIPTION
1	27/01/15	Issue for Council/Development
2	08/02/15	Issue for Council/Development
3	18/02/15	Issue for Council/Development
4	18/02/15	Issue for Council/Development
5	18/02/15	Issue for Council/Development
6	18/02/15	Issue for Council/Development
7	18/02/15	Issue for Council/Development
8	18/02/15	Issue for Council/Development
9	18/02/15	Issue for Council/Development
10	18/02/15	Issue for Council/Development

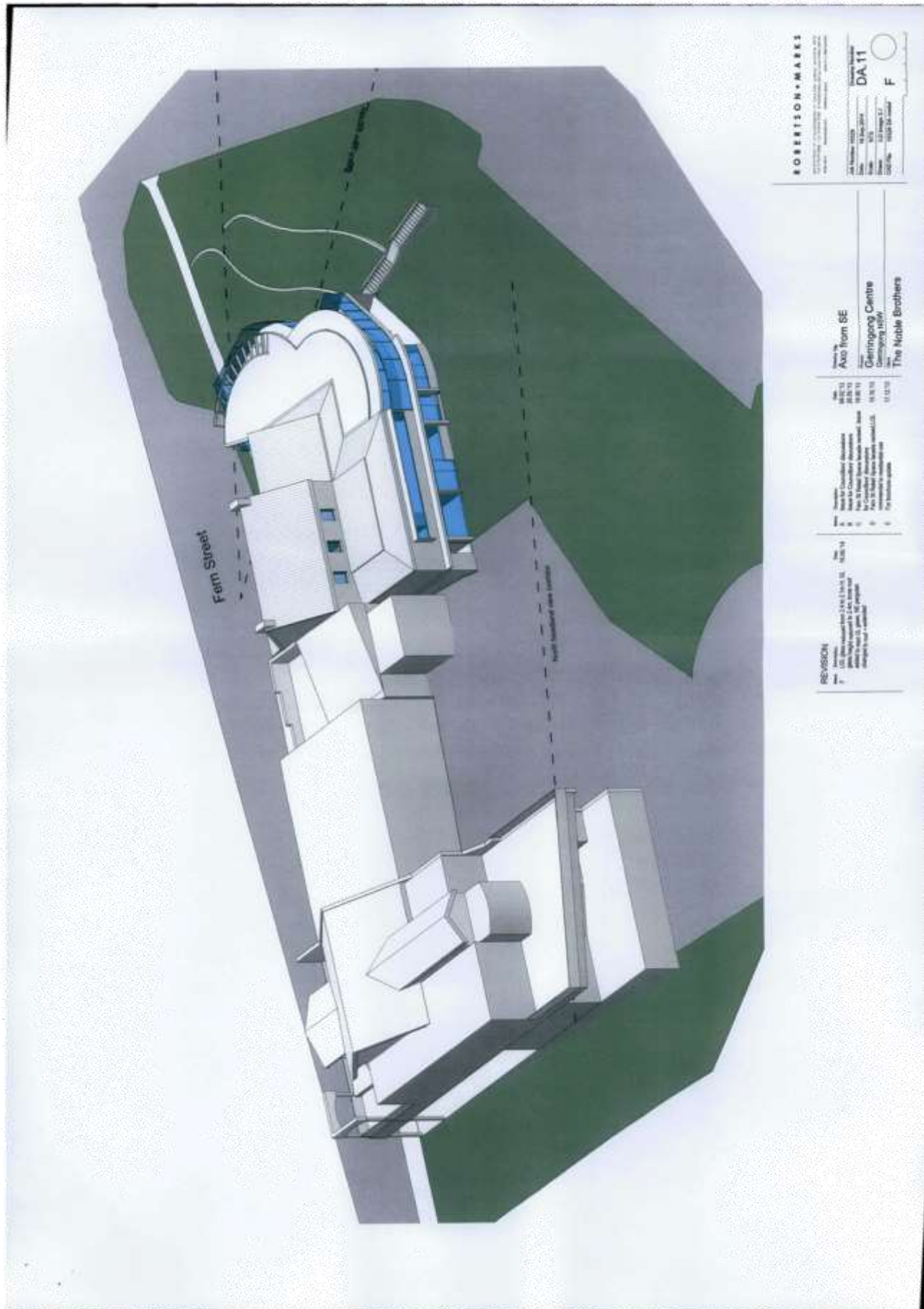
Item 9.5

Attachment 2



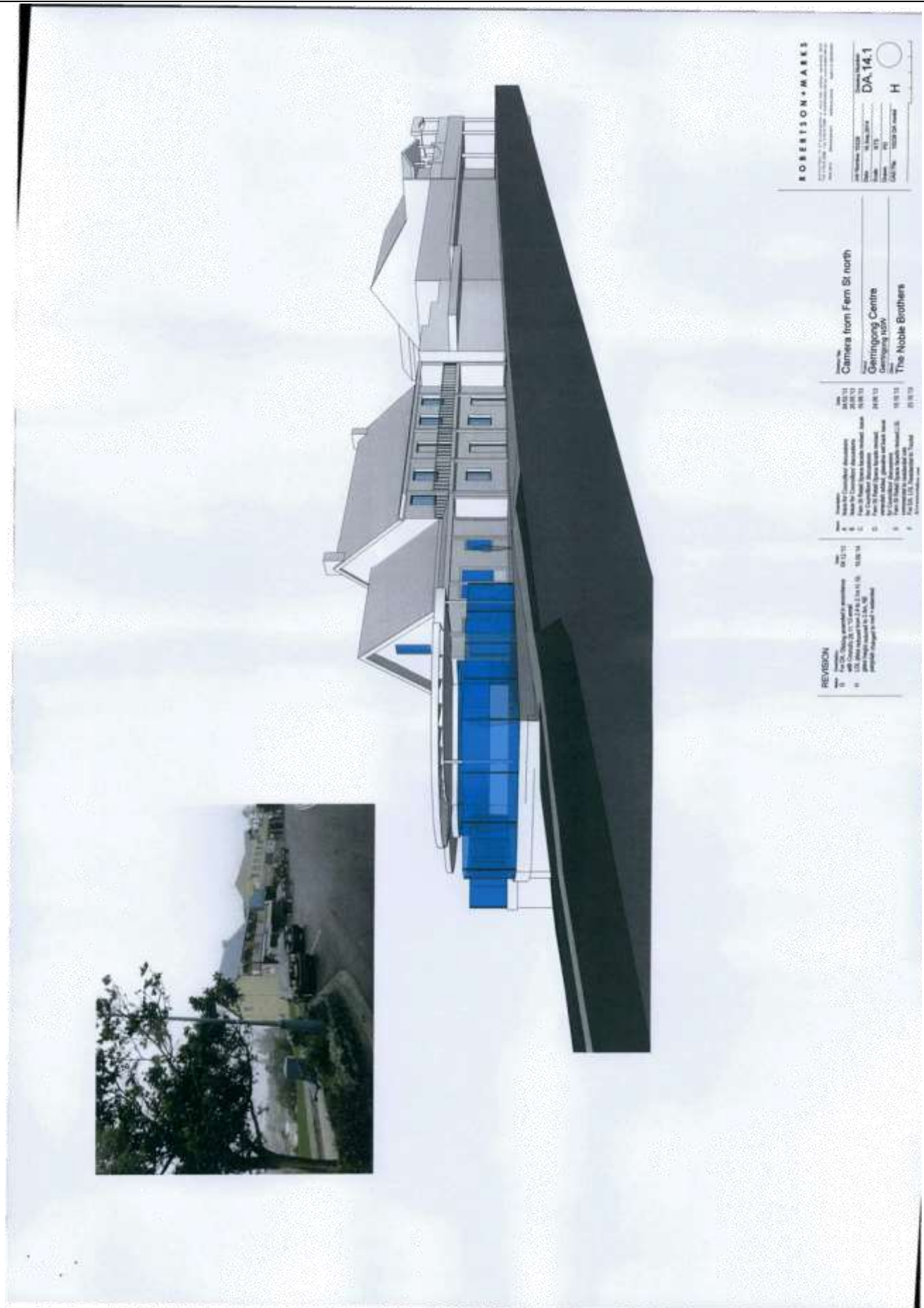
Item 9.5

Attachment 2



Item 9.5

Attachment 2



ROBERTSON + MARKS
 10/110 Fern St Gerringong NSW 2538
 Tel: 02 4422 1222 Fax: 02 4422 1223
 Email: info@robertsonmarks.com.au
 Website: www.robertsonmarks.com.au

Project Name: Camera from Fern St north
 Client: Gerringong Centre
 Gerringong NSW
 The Noble Brothers

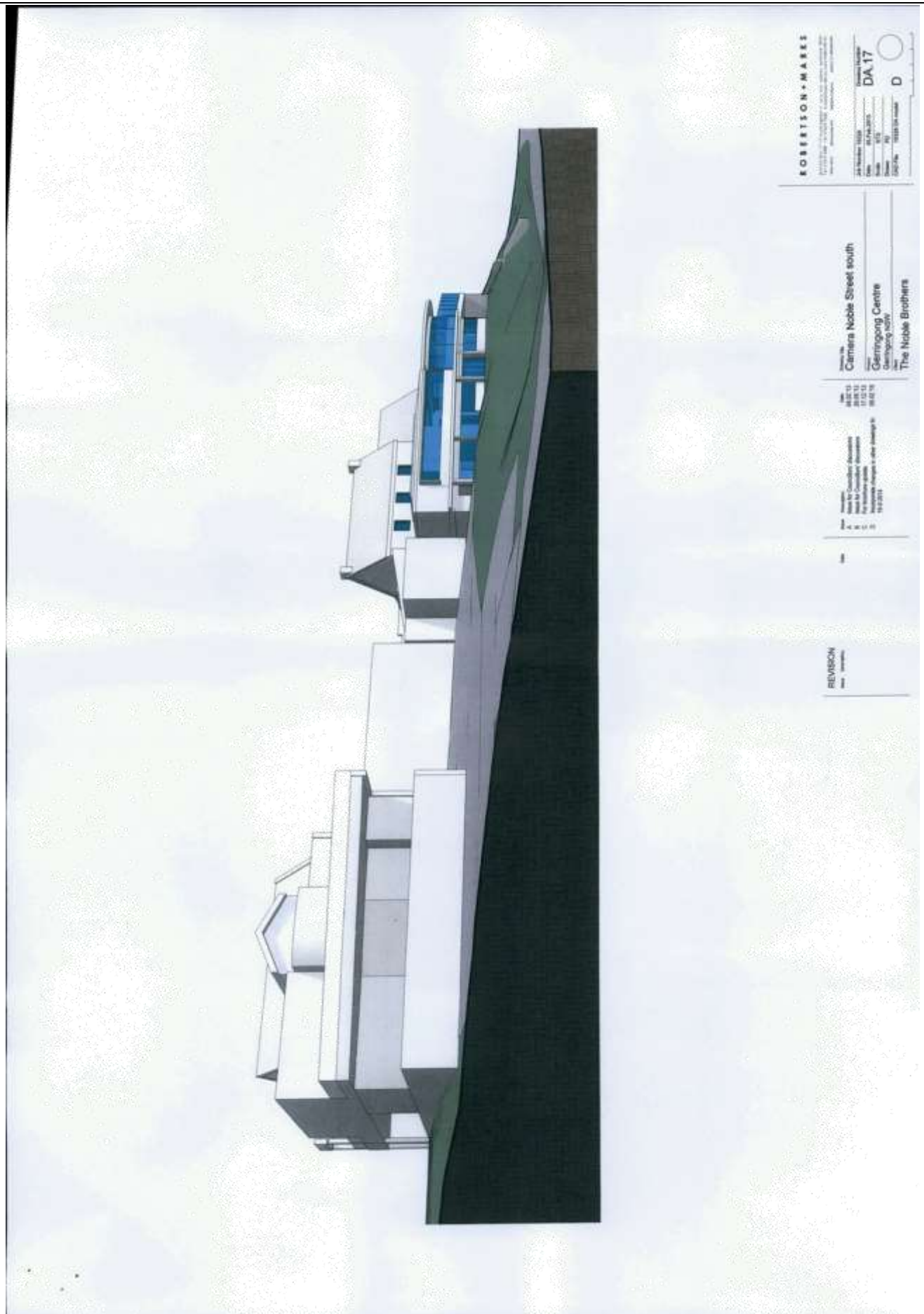
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REVISION

No.	Description	Date
1	Issue for Council approval	07/11/14
2	Issue for Council approval	24/02/15
3	Issue for Council approval	19/05/15
4	Issue for Council approval	19/05/15
5	Issue for Council approval	24/06/15
6	Issue for Council approval	18/07/15
7	Issue for Council approval	18/07/15
8	Issue for Council approval	18/07/15

Item 9.5

Attachment 2



ROBERTSON + MARES
Architects
24 Nelson Street
Gerringong NSW 2538
Phone: 0474 201 205
Fax: 0474 201 206
Email: info@robertsonmares.com.au

Project No: **Camerra Noble Street south**
Client: **Gerringong Centre**
Gerringong NSW
The Noble Brothers

Issue No: **1**
Issue Date: **19/12/2014**
Issue Description: **Final Design**

REVISION
No. Description

DA 17
D

Item 9.5

Attachment 2



Attachment 2 Item 9.5

9.6 The Illawarra Shoalhaven Regional Plan

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

The Illawarra-Shoalhaven Regional Plan (the plan) was released by the NSW Government on 24 November 2015. In conjunction with the release of the plan, NSW Planning and Environment have requested nomination of a member of Kiama Council to take up membership of a Coordinating and Monitoring Committee.

Finance

N/A

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council's Director of Environmental Services, or his delegate, be nominated for membership to the Illawarra Shoalhaven Regional Plan Coordinating and Monitoring Committee.

BACKGROUND

The release of the subject plan follows on from public consultation associated with the 2013 Discussion Paper and 2014 draft plan, both of which Kiama Council made submissions to.

The plan covers a 20 year time span up to 2036 which is a significantly longer time frame than Council's adopted Urban Strategy which is based on population projections up to 2021.

The plan provides a vision for the Illawarra-Shoalhaven region for a sustainable future and a resilient community, capable of adapting to changing economic, social and environmental circumstances.

To achieve this vision the plan set down the following goals:

- a prosperous Illawarra-Shoalhaven;
- a region with a variety of housing choices, with homes that meet needs and lifestyles;

Report of the Director Environmental Services

9.6 The Illawarra Shoalhaven Regional Plan (cont)

-
- a region with communities that are strong, healthy and well-connected;
 - a region that makes appropriate use of agricultural and resource lands; and
 - a region that protects and enhances the natural environment

As highlighted above, Council did raise a number of issues in regard to the draft plan including:

- The disparity between Council's population/housing projection figures and those in the draft.
- The need for investigation and mapping of agricultural and environmental resources.
- The need to clarify the southern residential boundary of Gerringong.
- The possible conflict between high environmental conservation value areas and sand mining on lands at Gerroa.
- The need to establish a governance structure in the plan.

The following responses are contained in the plan regarding the abovementioned matters;

The delivery of the Plan will be overseen by a Coordinating and Monitoring Committee to be jointly chaired by the Department of Planning and Environment and the Illawarra Pilot Joint Organisation (JO). The Illawarra Pilot Joint Organisation has been identified as a uniquely placed regional authority that will use the plan to argue for the achievement of its goals and directions across Government.

Correspondence received from the Department of Planning and Environment in conjunction with the release of the plan states;

"The Departments focus is now shifting to implementation of the plan, which will be overseen by a Co-ordinating and Monitoring Committee comprised of State and Local Government representatives. We would very much welcome the nomination of a member of your Council as a key member of this Committee. Please submit all nominations by 31 January 2016".

During a briefing delivered by Planning and Environment staff on 8 December 2015, it was confirmed that nomination being sought was from an operational position within Council and would be associated with the ongoing monitoring and reporting of progress of the plan.

The Coordinating and Monitoring Committee will oversee and coordinate the implementation of the Plan. Representation will be from the four local Councils, the Department of Premier and Cabinet, Transport for NSW, NSW Health, Department of Industry and the Department of Education. This brings together the agencies and organisations responsible for delivering the majority of proposed outcomes under the Plan.

- With regard to population and housing estimates the plan puts forward that the region will need at least 35,400 new homes between 2016 and 2036 to meet the demands of population growth and change – this is an average of 1,770 each year.

The major regional release areas of West Lake Illawarra and Nowra-Bomaderry will continue to be the long term focus for greenfield housing in the region. West Lake

Report of the Director Environmental Services

9.6 The Illawarra Shoalhaven Regional Plan (cont)

Illawarra and Nowra-Bomaderry alone have a combined capacity of 37,600 lots, representing a 30 to 40 year supply of housing.

Other established and smaller release areas will add to the diversity of supply such as Shell Cove, Tullimbar, Haywards Bay, South Kiama, West Culburra, Vincentia, Sussex Inlet, Manyana and Milton-Ulladulla. South Gerringong has not been identified as an area subject to greenfields residential development.

The plan states Kiama should be able to accommodate 2,850 new homes up to 2036, to meet expectations for greater housing choice. However, analysis indicates that there is not enough land or 'market ready' infill development in the planning pipeline to meet this demand, and this may constrain the mix of housing available to first-home buyers, young families and retirees, and to people who want to age in their homes. The plan commits that the NSW Government will work with Kiama Municipal Council to monitor and review the potential of the area to accommodate housing demand. This will necessitate a review of Council's current Urban Strategy.

- The Regional Plan confirms the long term importance to the economy of maintaining agricultural and resource production. It aims to minimise potential land use conflict and encourage continued investment in land for agriculture and resources, and value-adding services. Agricultural land, particularly in areas such as Gerringong, Jamberoo, Berry and Kangaroo Valley, is one of the features of the landscape that attracts both residents and tourists.
- The plan also has as an action the protection of high environmental value land at Seven Mile Beach, Gerroa, which has both a potential sand resource and high conservation value. The land supports a vast array of flora and fauna, including endangered ecological communities, numerous threatened species and areas mapped under *State Environmental Planning Policy No 26 – Littoral Rainforests, 1988*. The land has also been identified as an important regional corridor between Seven Mile Beach and Barren Grounds Nature Reserve and has been mapped as part of the Berry Corridor – one of 10 priority corridors identified in the region. Extraction would have considerable impact on this sensitive habitat and ecological link.

The plan states that the NSW Government will retain the area zoned E2 Environmental Conservation under the Kiama LEP, which prohibits further (extension of) sand mining.

Overall the plan identifies in excess of 40 actions to assist in achieving the identified vision within the plan. These actions will be consulted with each Local Authority and will be the subject of monitoring and reporting by the coordinating and monitoring committee.

10 REPORT OF THE GENERAL MANAGER

10.1 Buick Car Club of Australia

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.2 Develop and promote conference and event opportunities within the local area

Summary

The NSW Branch of the Buick Car Club of Australia is hosting a national meet in the Illawarra region in August 2016 and intend to hold a “show and shine” at Black Beach Reserve on 23 August 2016. They have requested that Council reconsider the \$600 cost of hiring Black Beach Reserve.

Finance

To be funded from Community Contributions and Donations.

Policy

Not applicable.

Attachments

1 Letter from Buick Car Club

Enclosures

Nil

RECOMMENDATION

That Council donate 50% of the cost of the hire of Black Beach Reserve to the Buick Car Club of Australia for their “show and shine” on 23 August 2015.

BACKGROUND

The NSW Branch of the Buick Car Club of Australia has written to Council advising that they are hosting a National Meet in the Illawarra in August 2016 and have tentatively booked Black Beach Reserve for their “show and shine” on 23 August 2016 at a cost of \$600.

The Buick Car Club indicates they expect 80-100 vehicles to be on display at the “show and shine” and a total of 150-200 club members to be present in Kiama for the day.

The Buick Car Club have indicated that they are endeavouring to keep the costs as low as possible for participants of the two week event and have asked that Council consider waiving the \$600 reserve hire fee. A copy of the request is attached.

Given that participants are likely to patronise local businesses during their visit and that the event is being held mid-week, it is considered reasonable to donate 50% of the reserve hire fee for the event.

HIRE OF BLACK BEACH RESERVE, KIAMA

The Buick Car Club of Australia in NSW is hosting a National Meeting in the Illawarra region of New South Wales in August 2016. The Nationals Committee has tentatively booked Black Beach Reserve, Kiama for the show 'n' shine on 23rd August 2016. Other venues were considered but Black Beach Reserve with harbour backdrop and proximity to shops is our favoured site. We expect about 80-100 vehicles to be on display this day.

The Committee is concerned that the hire cost of \$600 is more than our budget will allow. The meet will be a weeklong event in the Illawarra region and a weeklong event in the Canberra/ACT region. We are trying to keep costs as low as possible bearing in mind that accommodation and meal costs for entrants for the 2 weeks will be significant.

We expect about 150-200 Buick people will be at Kiama this day spending money on food, drinks and souvenirs and admiring Kiama's beauty. We also think this time of year, and on a Tuesday, in Kiama may be fairly quiet for tourism.

Would it be possible for you to reconsider the hire cost of \$600 taking the above facts into consideration? Your early reply to my request would be appreciated.

Yours sincerely
Peter Allen
Secretary Buick National Meet Committee

Item 10.1

Attachment 1

10.2 Kiama Rugby Sevens

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report recommends that Council again provide a monetary contribution and in kind donation to the Kiama Rugby Sevens.

Finance

The organizer of the Kiama Rugby Sevens is seeking a financial assistance of \$10,000 in addition to provision of waste and cleaning services, ground maintenance and use of the Pavilion facilities during the Kiama Rugby Sevens

Policy

Not applicable.

Attachments

1 Request for sponsorship

Enclosures

Nil

RECOMMENDATION

That Council provide support for the Kiama Rugby Sevens by:

1. providing \$5,000 financial assistance;
2. donating the use of the Pavilion and grounds; and
3. carrying out the waste, recycling and cleaning services.

BACKGROUND

Council has received a letter from the Kiama Sevens Tournament Director requesting Council again provide financial and in-kind assistance towards the running of the Kiama Sevens tournament in 2016. A copy of the letter is attached.

The 2016 event will take place from 26-28 February and will again include Tier 1 & 2 Men's and Tier 1 Women's competitions as well as the Country Cup.

In previous years Council has provided various levels of assistance and last year provided \$5000 financial assistance as well as donating the use of the Pavilion and grounds for the weekend of the tournament as well as waste, recycling and cleaning services (approximately \$1500).



Contact Kiama Sevens
Mail: PO Box 229, Kiama NSW 2533
Mark Bryant: Kiama Sevens Tournament Director M: 0439 640 896
Email: kiamarugbysevens@kiamarugby.com - Web: www.kiamarugby.com

Celebrating 44 Years of Great Sevens Rugby • Kiama Showground • 27 February 2016

General Manager
Kiama Municipal Council
PO Box 75, KIAMA, 2533

11th November, 2015

Dear Mr Forsyth,

The Kiama Sevens is entering its 44th year. With the restructure of the tournament, in consultation with the ARU, the pathway has been set in alignment with the 2016 Olympics. The 2015 Kiama Sevens saw 40 rugby sevens sides travelling to Kiama, in-turn showcasing the region.

The 2016 tournament will include the following competitions:

- Tier 1 Men's competition 16 teams;
- Tier 1 Women's competition 8 teams;
- Country Cup Competition 8 men's teams;
- Tier 2 Men's competition 8 teams;

To help with the successful running of the 2016 Kiama Sevens I would like to ask for the following assistance from Kiama Municipal Council:

- 1) Use of the Pavilion from Friday 26th to Sunday 28th of February;
- 2) Waste and Recycle management;
- 3) Restroom cleaning;
- 4) Ground maintenance;
- 5) \$10,000.00 financial assistance.

I look forward to hearing from you in regards to the above request.

Regards,

Mark Bryant
Kiama Sevens Tournament Director



KIAMA RUGBY SEVENS • KIAMA RUGBY SEVENS • KIAMA RUGBY SEVENS

10.3 Bait and Tackle Vending Machines

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

CSP Strategy: 2.8 Provide supportive environments that encourage a healthy and sustainable lifestyle

Delivery Program: 2.8.1 Develop, implement and promote infrastructure, policies and programs that support a healthy and sustainable lifestyle

Summary

This report recommends that Council trial the installation of three (3) bait and tackle vending machines in appropriate locations in the Municipality for a period of one (1) year.

Finance

The operator will pay Council a share of net profits generated from the bait and tackle vending machines.

Policy

Not applicable.

Attachments

1 Proposal Bait and Tackle Vending Machines

Enclosures

Nil

RECOMMENDATION

That Council trial the installation of three (3) bait and tackle vending machines in appropriate locations in the Municipality for a period of one (1) year with rental being a share of net profits generated from the vending machines totaling 15% per annum or \$1500 per annum, whichever is the greater.

BACKGROUND

At the meeting on 20 October 2015 Council resolved to investigate the installation of bait and tackle vending machines in the Municipality. This resolution followed the display of the machines at the Local Government NSW Conference and consideration of the benefits the machines may provide to recreational fishers. A copy of the brochure outlining the machines and proposed arrangements has been circulated to Councillors.

A meeting has been held with Mr Caines of "Bait N Go" to inspect and investigate potential sites for the installation of the machines. Three (3) sites identified as being suitable are as follows:

1. Kiama Harbour adjoining the new toilets next to the Scout Hall.
2. Werri Beach Holiday Park adjoining the amenities block.
3. Adjoining the Seven Mile Beach Holiday Park kiosk.

Report of the General Manager

10.3 Bait and Tackle Vending Machines (cont)

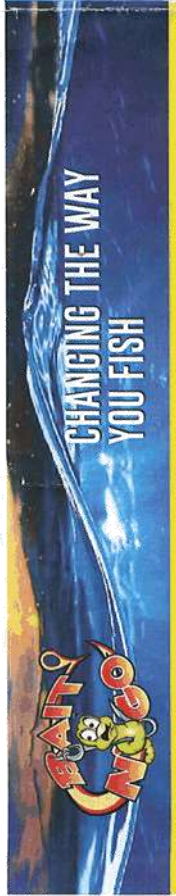
There does not appear to be any competing businesses in close proximity.

All of the preferred sites are on Crown Reserves with Council the Reserve Trustee.

Council's Property Manager has advised:

1. The agreement proposes a 15% profit share. The material provided by the operator suggests \$2500 per annum return to the lessor under this arrangement per machine; however this is not fixed or guaranteed. Council's normal cost for the licencing of Crown Land is \$500 (Crown Land fees). In addition, the suggested 7.5kw/day to power each machine has an operating cost to Council over \$500 per annum. Therefore, a breakeven figure for Council is \$1000 rent per annum. It is recommended that Council trial the profit share for the first year however in all cases, rental is not to be less than \$1500 per annum in the first year per machine. Any future licence can be re-negotiated subject to the experience of the 12 month trial.
2. The public liability insurance needs to be \$10 million as advised by Council's insurer.
3. Council should not be responsible for any set up costs including provision of power to service each machine.
4. The siting and installation including the concreting of the ground surface should be subject to approval of Council's maintenance coordinator to ensure no impact on Council assets.

Subject to the above conditions being met the trial of the bait and tackle vending machines is supported. The machines should provide an attractive service to recreational fishers and support local tourism by providing access to equipment for another recreational activity.



The Bottom Line

Bait 'N' Go's proposal to Councils offers a 'one-stop-shop' to reinvigorating fishing areas with its specialised vending machines and other products.

Bait 'N' Go will supply, clean and maintain the range of specialised Bait & Tackle Vending Machines for recreational fishing enthusiasts on a 24-hour, seven-day-a-week basis free to Council.

The sale of selected high quality merchandise from our vending machines will fully fund this project in addition to generating returns to Councils.

Bait 'N' Go is in the unique position of being the only Australian bait and tackle supplier able to place vending machines in prominent places including public wharfs, waterside reserves and other fishing locations.

The benefit for your Council is that Bait 'N' Go's market strength and unique positioning is Council's guarantee of full delivery of all contractual commitments.

For more information:

www.baitngo.com.au
jeff@baitngo.com.au
 Suite 101, 32 Mons Road, WESTMEAD, NSW, 2146, Australia
 Bait & Tackle Vending Australia Pty Ltd T/A Bait 'N' Go Aus & NZ
 ABN - 17601519617





THIS PROPOSAL

The following pages outline and demonstrate what Bait N Go does best and why Bait 'N' Go should be Council's bait and tackle vending partner.

In brief, we offer to:

- Pay Council a 15 percent share of net profits from each individual machine placed within Council's Local Government Area (LGA).
- Supply, clean, maintain and re-stock each individual machine in the LGA.

What this means to Council is that we will deliver:

- A complete and tailored solution from day one for Council's recreational fishing areas.
- Revenue raised from the machines can be used to assist Council in maintaining its recreational reserves and fishing areas.
- Greater prospects for recognition from Council's constituents that Council is working to provide them with 24-hour bait and tackle convenience at popular fishing spots.
- Products that will enhance a family orientated sport and recreational activity and provide 24 hour CCTV surveillance



Offer To Council – Profit Sharing Trail

- Supply and install Bait N Go's bait and tackle vending machines at no cost to Council.
- Pay Council a share of net profits generated from Bait N Go's bait and tackle vending machines totalling 15 percent per annum.
- Pay for all running costs in terms of electricity and maintenance for the bait and tackle vending machines.
- Maintain and clean area surrounding vending machines

The 12 month trial term gives Bait 'N' Go and Council the ability to place machines at set locations for a 12 month period, but with flexibility to relocate them to more popular sites that capture a greater yield.

This offer is flexible, and allows Council and Bait 'N' Go to agree to further periods into the future, if successful.



10.4 Councillor Expenses Policy

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

This report recommend that Council adopt the revised and exhibited Payment of Expenses and Provision of Facilities Policy which included minor amendments relating to daily, vehicle and phone expenses incurred by councillors undertaking Council business.

Finance

Claims against expenses incurred when necessary.

Policy

Payment of Expenses and Provision of Facilities Policy

Attachments

1 Exhibited policy

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

At the meeting on 15 September 2015 Council resolved to give public notice of its intention to re-adopt the Payment of Expenses and Provision of Facilities Policy with minor amendments relating to daily, vehicle and phone expenses incurred by councillors undertaking Council business.

The amended policy was placed on exhibition for the required 30 day period and no submissions were received.



POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR, DEPUTY MAYOR AND OTHER COUNCILLORS

PART 1 - INTRODUCTION

1.1 Purpose of Policy:

The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by councillors. The policy also ensures that the facilities provided to assist councillors to carry out their civic duties are reasonable.

1.2 Policy Objectives:

- 1) To comply with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993.
- 2) To ensure that Councillors are reimbursed for all expenses legitimately incurred in performing the role of Councillor.
- 3) To establish clear guidelines regarding the provision of facilities and equipment to Councillors and the permitted use of such facilities and equipment.
- 4) To provide for facilities and equipment to be made available to the Councillors.
- 5) To promote participation, equity and access.
- 6) To ensure accountability and transparency.

1.3 Making and Adoption of the Policy

This policy was prepared in accordance with the requirements of Sections 252, 253 and 254 of the Local Government Act 1993 as amended.

This policy was placed on public exhibition for a minimum of 28 days. Following the consideration of public submissions by Council the policy was adopted.

1.4 Reporting Requirements

Section 428 of the Local Government Act 1993 requires Councils to include in their annual report:-

- the Council's policy on the provision of facilities for, and the payment of expenses to, mayors and councillors;
- the total amount of money expended during the year on providing those facilities and paying those expenses;
- additional information as required by the Local Government (General) Regulation 2005.

1.5 Legislative Provisions

a) Provisions under the Local Government Act 1993

Recent changes to sections 252(5) and 253 of the Local Government Act 1993, made by the Local Government Amendment Act 2005, require councils to make and submit their expenses and provision of facilities policies annually to the Department of Local Government.

Section 252 of the Local Government Act 1993 requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to mayors, deputy mayors and other councillors. Mayors and councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.

Section 252 also makes provision for a council to reduce the amount payable to mayors and councillors (under sections 248-251 of the Local Government Act 1993) by the amount representing any private benefit of a facility provided by the council to them. It also requires that the policy be made under the provisions of this Act, the Local Government (General) Regulation and any relevant guidelines issued under section 23A of the Act.

Section 252 states:-

- 1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- 2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- 3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- 4) *A council may from time to time amend a policy under this section.*
- 5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

Section 253 specifies actions that council must undertake before a policy concerning expenses and facilities can be adopted or amended.

Section 253 states:-

- 1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- 2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- 3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- 4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:-*
 - a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*

- b) *a statement setting out, for each submission, the council's response to the submission and the reasons for the council's response, and*
 - c) *a copy of the notice given under subsection (1).*
- 5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

Section 254 requires that a part of a council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.

Section 12 provides that the public is able to inspect during office hours at the council, and at no charge, the current version and the immediately preceding version of the council's expenses and facilities policy. The public are also entitled to a copy of the policy either free of charge or on payment of a reasonable copying charge.

Section 23A makes provision for the Director-General of the Department of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

Section 428(2)(f) requires a council to include in its annual report:-

The total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during the year on the provision of such facilities and the payment of such expenses.

In addition Section 428(r) requires that councils must report on any other information required by the regulations.

Section 439 of the Act requires every Councillor, member of staff of a Council and delegate of a Council to act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions under the Local Government Act or any other Act.

b) Provisions under the Local Government (General) Regulation 2005

Note that changed reporting requirements are to be made under an amendment to clause 217 of the above regulation to allow different reporting arrangements in the annual report.

Clause 217 (Additional information for inclusion in annual reports) states in part:-

- 1) For the purposes of section 428(2)(r) of the Act, an annual report of a council is to include the following information:
 - a) *details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons representing the council (including visits sponsored by other organisations),*

Clause 403 (Payment of expenses and provision of facilities) states:-

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

- a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

1.6 Other Government Policy Provisions

a) Department of Local Government Guidelines

As noted above under section 252(5) of the *Local Government Act 1993* the council expenses policy must comply with these guidelines issued under section 23A of the Act.

b) Department of Local Government Circulars to Councils

The policy must take into account the following Circulars.

- Circular 05/08 Legal assistance for councillors and council employees.
- Circular 02/34 Unauthorised use of council resources.

c) The Model Code of Conduct for Local Councils in NSW

The policy should be consistent with the *Model Code of Conduct for Local Councils in NSW, Department of Local Government – December 2004*. The following parts of the code are particularly relevant to s252 policies:-

Use of council resources (pp 23-24)

- 9.14 *You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 9.16 *You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 9.17 *You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*
- 9.18 *The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.*
- 9.19 *You must not convert any property of the council to your own use unless properly authorised.*

d) ICAC Publication - No Excuse for Misuse, preventing the misuse of council resources

Councils should also be aware of and take account of the Independent Commission Against Corruption (ICAC) publication *No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)* November 2002. This publication is available on the ICAC website in at www.icac.nsw.gov.au.

1.7 Definitions

Expenses: Payments made by the Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses must be outlined in a Council's Policy and may be either reimbursed to a Councillor or paid directly by a Council for something that is deemed to be a necessary expense to enable them to perform their civic functions. Expenses are separate and additional to annual fees.

Facilities: Equipment and services that are provided by Councils to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.

Functions of civic office/civic functions: Functions that Councillors are required to undertake to fulfil their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or for the local government area. Kiama Municipal Council Councillors-Expenses & Facilities Page 7 Adopted by Council: 18 October 2011 Last Reviewed: 17 November 2013 Next Review: November 2014

1.8 Approval Arrangements

Approval for discretionary trips and attendance at conferences, seminars, training courses and the like shall be, where possible, approved by a full meeting of the Council. If this is not possible then the approval shall be given jointly by the Mayor and the General Manager. If the Mayor requires approval to travel outside of Council meetings it shall be given jointly by the Deputy Mayor or another Councillor (if there is not a Deputy Mayor) and the General Manager. Travel outside the State of New South Wales requires approval by a full meeting of the Council. The travel proposal shall be included in the Council business paper.

If any dispute arises about the provision of expenses and facilities the disputed decision will be referred to full Council for determination.

1.9 Private Benefit

Councillors shall not generally obtain private benefit from the provision of equipment and facilities, nor from travel bonuses or any other such loyalty schemes. However it is acknowledged that incidental use of Council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

1.10 Annual Fees

This policy excludes annual fees paid to the Mayor, Deputy Mayor and Councillors under Sections 248-251 inclusive of the Local Government Act 1993.

1.11 General Expense Allowances

General expense allowances will not be paid.

1.12 Administrators

The adopted expenses and facilities policy will apply to an Administrator if appointed to Council.

PART 2 - PAYMENT OF EXPENSES**2.1 General Provisions**

- (a) Reimbursement of Councillors will only be made on the basis of actual expenses incurred in performing the duties of Councillor, a delegate or representing Council (as requested by the Mayor) as authorised by Council. Such expenses do not include those incurred as a result of anything other than Council business. A reimbursement of expenses to a maximum of \$70 daily will be paid for each day a Councillor is absent from the Municipality on Council approved civic duties, including conferences, seminars, training and educational courses. Councillor training is an area of priority and Council will meet reasonable expenses incurred by Councillors in undertaking appropriate training including the course cost, travelling expenses, accommodation costs and out of pocket expenses up to a maximum of \$70.

If a Councillor, due to extenuating circumstances, is unable to meet the expected out of pocket expenses to be incurred when attending approved civic duties including conferences, seminars, training and education courses, an out of pocket allowance may be paid in advance at a maximum of \$65 for each day that a Councillor is absent from the municipality subject to the approval of the Mayor and General Manager. The Councillor must provide documentary evidence of appropriate expenditure incurred and reimburse Council for any out of pocket funds not expended. This out of pocket allowance amount will be reviewed annually.

- (b) A mileage allowance for the use of a Councillor's private vehicle shall be paid to each Councillor when performing a function authorised by this policy, subject to this being the most effective mode of transport available.
- (c) All claims for reimbursement must be made on the prescribed form and must be sufficiently detailed and/or accompanied by appropriate documentary evidence. All claims for reimbursement must be made within six (6) months of the expense.

Incidental expenses may not require specific receipts provided it can be demonstrated that expenditure was incurred and is not general in nature. Where receipts are not required Councillors are to certify that the expenditure was for the purpose intended.

- (d) In respect of the position of Mayor (and Deputy Mayor or Councillor when representing the Mayor), Council shall pay the cost of the elected member and their spouse, partner or accompanying person attending a function in an official capacity within New South Wales.

Council shall meet the reasonable costs of Councillors spouses, partners or accompanying person for attendance at official Kiama Council functions that are of a formal and ceremonial nature.

The cost of Councillors attendance at dinner and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business and when the function is relevant to the Council's interest will be met.

No payment shall be made by Council for attendance by a Councillor at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

- (e) In respect of a conference or seminar, a Councillor who does not attend the majority of the sections of the conference/seminar shall not be eligible for a reimbursement of any sustenance, accommodation and travel expenses, unless extenuating circumstances apply.
- (f) Approved travel shall be in the most efficient and effective manner having regard to the requirements of individual Councillors.
- (g) Councillors shall make payment to Council for any private use of Council facilities as per this policy.
- (h) Council is to be advised on an annual basis of attendances at conferences and seminars by all Councillors and associated costs.
- (i) After returning from a conference/seminar the Councillor or member of staff accompanying the Councillor shall provide a written report to Council on the aspects of the conference/seminar relevant to Council business and/or the local community.

2.2 Specific Provisions

2.2.1 Accommodation

For all approved conferences, seminars, etc Council shall pay the cost of accommodation (including breakfast and parking) provided it is approved by the General Manager. Other out of pocket expenses incurred on approved official duties will be reimbursed on production of appropriate receipts etc attached to the prescribed form. All arrangements and bookings for accommodation shall be made by Council staff.

The Council will pay other costs charged by organisers of conferences and seminars i.e. costs related to official luncheons, dinners and tours which are relevant to the interests of the Council or assist the Councillors to discharge the functions of their civic office.

2.2.2 Expenses

Expenses which are eligible for reimbursement and not included in registration costs while representing Council at courses etc are parking fees, tolls, meals (Councillors only).

Other minor expenses eg. snacks, beverages etc may be reimbursed subject to the approval of the General Manager and Mayor. Receipts must be attached where possible to the approved form for payment.

2.2.3 Travel

The following applies only to travel authorised.

(i) Travel by Vehicle

- (a) Where practicable, travel shall be by way of Council vehicle.
- (b) Where a Councillor uses a private vehicle they shall be reimbursed on a per kilometre basis at the rate currently applying to the Local Government (State) Award.

The Schedule of reimbursements attached to this Policy indicates the rate applicable at this time.

- (c) Travel undertaken on Council business will be by the shortest route possible.
- (d) Councillors may claim reimbursement for travel to and from Council meetings, Council committee meetings and any other meetings at which their attendance has been approved by Council.
- (e) Travel other than by private vehicle (ie. by taxi, train or other public transport) shall be reimbursed on an actual cost basis
- (f) Any claims for reimbursement under this section must be made within two months from the date of the travel, on the prescribed form provided by Council for this purpose.

(ii) Air travel

- (a) Where travel by a Councillor by road vehicle is deemed inappropriate by the Council or the General Manager, travel may be by air.
- (b) The standard of air travel shall be economy class.
- (c) Arrangements and bookings for air travel shall under normal circumstances be made by Council staff.

2.2.4 Registration fees

- (a) All registration fees arising from the approved attendance of a Councillor at a conference or seminar, shall be paid by Council. This shall include any costs of attending official functions and tours. Registration fees and any costs of official functions and tours which apply to a partner or spouse will not be paid by Council.
- (b) Where a Councillor is unable to attend a conference or seminar and a full refund of fees paid cannot be obtained, or an alternate delegate cannot be sent, the Councillor shall be responsible for the payment of any shortfall, unless extenuating circumstances apply.

2.2.5 Care and Other Related Expenses

Councillors can claim up to \$100 per month for reimbursement of carer expenses that were incurred whilst attending to Council business. This may include childcare expenses and the care of immediate family members of Councillors who are elderly, have a disability and/or are sick. Reimbursement of childcare expenses will be made for children under 16 years of age only. Expenses will be paid on production of receipts. The maximum amount claimable per month will be indexed annually in accordance with the Consumer Price Index (CPI).

2.2.6 Legal Expenses

The reasonable legal expenses of a Councillor will only be met for legal proceedings being taken against a Councillor in defending an action arising from the performance in good faith of a function under the Local Government Act (Section 731 refers) or defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.

Reasonable legal costs will also be available for an inquiry, investigation or hearing into a Councillor's conduct by an appropriate investigative or review body including:-

- (i) Local Government Pecuniary Interest and Disciplinary Tribunal;
- (ii) Independent Commission Against Corruption;
- (iii) Office of the NSW Ombudsman;
- (iv) Division of Local Government, Department of Premier and Cabinet;
- (v) NSW Police Force;
- (vi) Director of Public Prosecutions;
- (vii) Council's Conduct Review Committee/Reviewer.

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Council's functions under the Act and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by a General Manager to a Conduct Reviewer/Conduct Review Committee to make formal enquiries into that matter in accordance with the procedures in the Model Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

In addition, legal costs will only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the Councillor. This may include circumstances which a matter does not proceed to a finding. In relation to a Councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

A Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

A Council will not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

A Councillor is to obtain the approval of Council, where possible, prior to legal expenses being incurred.

2.2.7 Communication Expenses

Councils will not meet expenses for individual Councillors or groups of Councillors to produce and disseminate personalised pamphlets, newsletters and the like.

2.2.8 Gifts and Benefits

In circumstances where it is appropriate for Councillors to give a gift or benefit (for example, on a Council business related trip or when receiving visitors) these gifts and benefits shall be of a token value.

PART 3 - PROVISION OF FACILITIES, EQUIPMENT AND SERVICES**3.1 General Provisions**

Council facilities and equipment should only be used by Councillors in the performance of the functions of a Councillor and in the manner prescribed and authorised by Council.

Subject to (a) above, certain designated facilities and equipment contained in this policy may be used by Councillors other than in the performance of the functions of a Councillor, providing the Council is reimbursed as provided in this policy.

3.2 Specific Provisions**3.2.1 Council vehicles**

Subject to availability, Council vehicles may be used by Councillors for travel authorised by Council.

3.2.2 Council telephones

- (a) Except in an emergency, Councillors' use of Council phones shall relate to the business of Council only.
- (b) Councillors may have access to Council telephones during hours when the Council Chambers or Administrative Centre is open.
- (c) Council shall, upon request, provide Councillors (excluding the Mayor - see Clause 4.1.5(ii)) with a mobile telephone or a suitable smartphone including data plan (e.g. Apple iPhone or equivalent with the capability for significant electronic data communication such as emails, work documents, photographs, etc.) to facilitate the dissemination of information and aid in communication with and between Councillors as well as between Councillors and others. Council will be responsible for all council related call costs and Councillors will be responsible for all non-council related call costs of the mobile telephone so provided. Council will be responsible for the provision, maintenance, repair and/or replacement costs associated with the mobile telephone.

3.2.3 Council Information

- (a) Council Staff will provide appropriate information and documentation to assist Councillors in the performance of their duties.

- (b) Where copies of documents or information are required a request should be made to the General Manager, the appropriate Director or Manager.
- (c) Requests from Councillors for in depth information, research or reports to Council shall be initiated by way of either Council resolution or by authorisation from the General Manager or Mayor.
- (d) Requests for information or assistance should be made to the appropriate Director or Manager or, if such officers are not available, to the most senior person available at the time.

3.2.4 Council Administrative Centre facsimile machines

- (a) Councillors may send and receive using Council facsimile machines during hours when the Council Chambers or Administrative Centre is open.
- (b) Except in an emergency, Councillors' use of Council facsimile machines shall relate to the business of Council only.

3.2.5 (i) Supply of Personal Computer and Tablet devices to Councillors

- (a) Each Councillor shall have the choice of a Desktop Computer or a Laptop Computer, such computers to have minimum specifications as advised by Council's IT Section at the time of purchase.
- (b) Each Councillor may additionally request Council to supply and maintain an Apple iPad or equivalent electronic tablet to Councillors in order to facilitate the dissemination of information and aid in communication with and between Councillors.

3.2.5 (ii) Supply of miscellaneous equipment to Councillors

Miscellaneous equipment can include a printer, fax, scanner, phone, answering machine and shredder.

- (a) Council shall, upon request, install and maintain the above miscellaneous equipment in Councillors' homes in order to facilitate the dissemination of information and aid in communication with and between Councillors.
- (b) Council shall, upon request, install an additional telephone line in a Councillor's home for the sole use of the facsimile/telephone/ answering machine(s) provided by Council.

- (c) Where an additional telephone line is installed, Council shall pay all installation costs. The account issued by the telephone service provider shall be paid in full by the Councillor. Council will reimburse the Councillor on at least an annual basis for the cost of line rental together and for costs associated with Council business.
- (d) Where an additional telephone line is not installed the Councillor will be permitted to use the facsimile machine for private purposes. Costs associated with official use will have to be formally claimed from Council.
- (e) All supplied miscellaneous equipment shall remain the property of Council and shall be returned when the Councillor no longer holds office.
- (f) Council shall supply all paper for use in Council provided miscellaneous equipment.

3.2.6 Sale of Second-hand Council Equipment

Former Councillors have the option to purchase the second-hand Council equipment at a sale price determined by an independent valuation.

3.2.7 Access to Administrative Centre and other Council owned/controlled buildings and areas

- (a) For the purpose of gaining access to authorised areas, Councillors shall be provided with the necessary key(s).
- (b) Councillors shall have access to the Council Chambers and designated committee meeting rooms subject to their availability.
- (c) Councillors shall have access to the administrative sections of the Council Administration Building, only during ordinary business hours except to access the Council Chambers or designated Committee Rooms.
- (d) Three designated car parking spaces shall be made available for Councillors. In the event of those spaces being occupied a Councillor may park in any other unoccupied space in the designated car parking area.

3.2.8 Stationery and postage

Each Councillor upon request will be issued with appropriate stationery on an annual basis as follows:-

- "With compliments" slips (250)
- Envelopes - pre paid (250)
- Business cards (500)
- Office of Councillor letterhead (250)

3.2.9 Meals and beverages

Council shall supply all Councillors with appropriate meals, refreshments and/or beverages associated with Council and committee meetings and functions.

3.2.10 Councillors' insignia of office

Councillors shall be provided with the following, upon request:-

- A metal lapel badge consisting of logo and two title bars.
- An engraved plastic lapel badge.
- A supply of 20 Council logo metal lapel badges (small).

3.2.11 Clothing

- (a) Councillors may purchase items of the corporate uniform as provided to staff.
- (b) If purchases exceed the value of \$200, Council shall provide \$100 towards the purchase costs.
- (c) Councillors will be issued on request a Council blazer to be worn at official functions.

3.2.12 Insurance

(i) Personal injury or death

All Councillors and their partners/spouses, whilst engaged in any activity, either directly or indirectly connected with the business of Council shall be covered by Council's Volunteer Workers insurance which covers death and disablement. (Subject to the level of cover and any exclusions which may apply to Council's insurance policy at any point in time.)

(ii) Professional Indemnity

All Councillors are covered for liability arising out of the exercise of the functions of Councillor, if, in the opinion of Council, such actions have been bona fide and/or proper. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

(iii) Public Liability

All Councillors are covered for liability arising out of the exercise of the functions of Councillor. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

(iv) Councillors' Liability (including Council reimbursement)

All Councillors are covered for liability arising out of the exercise of the functions of Councillors where such actions are bona fide and in good faith.

The insurance policy will cover costs, charges, expenses and defence costs [but excludes fines and penalties incurred in relation to any prosecution (criminal or otherwise) of any insured person(s)].

The policy also covers the attendance by any insured persons(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned by any official body or institution that is empowered to investigate the affairs of the Council by reason of any Wrongful Act committed or allegedly committed by the Councillor in their capacity as Councillor. (Subject to the level of cover and any conditions or exclusions which may apply to Council's insurance policy at any point in time.)

PART 4 - ADDITIONAL FACILITIES PROVIDED TO THE OFFICE OF MAYOR AND DEPUTY MAYOR**4.1 OFFICE OF MAYOR****4.1.1 Mayoral Office**

An appropriately furnished office shall be supplied by Council for the office of Mayor.

4.1.2 Secretarial Support

Appropriate secretarial support will be provided for undertaking the duties of Mayor.

4.1.3 Refreshments/Beverages

Appropriate refreshments and beverages will be provided to the Mayoral office for hospitality purposes.

4.1.4 Mayoral Vehicle

- (i) A Council owned vehicle of an appropriate standard shall be provided for the Mayor's use if required. The "appropriate standard" shall be determined by the Mayor and General Manager and shall extend to the standard of vehicle included in the General Manager's Contract of Employment.
- (ii) The vehicle will be registered, insured and fully maintained by the Council.
- (iii) Private use of the vehicle will be permitted in accordance with an agreement similar to the senior staff vehicle agreements.

4.1.5 Mayoral Phones

- (i) A telephone with full STD access shall be provided in the Mayoral office.
- (ii) A portable mobile/car phone shall also be provided to the Mayor upon request. Council shall pay all rental costs and call charges excepting private calls which are to be met by the Mayor.

4.1.6 Mayoral Robes/Chain

The Mayor shall be entitled to wear the Mayoral robes/chain as determined by the Mayor.

4.1.7 Car Parking Space

A designated car parking space shall be provided for the Mayor.

4.2 DEPUTY MAYOR

In the absence of the Mayor, the Deputy Mayor, when performing the functions of Mayor, shall be entitled to use the facilities as stated in 4.1, except for 4.1.4 (Mayoral vehicle) and 3.1.5 (ii) (mobile phone) unless otherwise authorised by the Mayor.

**POLICY ON THE PAYMENT OF EXPENSES
AND PROVISION OF FACILITIES TO MAYOR,
DEPUTY MAYOR AND COUNCILLORS**

SCHEDULE OF REIMBURSEMENTS

2.1 Reimbursement

- (a) A daily reimbursement of expenses to a maximum of \$70 will be paid for each day a Councillor is absent from the Municipality on Council approved civic duties.

2.2.3 Travel by Vehicle

- (i) (b) Councillors who use a private vehicle for Council business shall be reimbursed on a per kilometre travel basis at the rate currently applying to the Local Government (State) Award. As at 1 July 2015 these rates are:-

Less than 2.5 litre engine	0.68¢ per kilometre
2.5 litres and over	0.78¢ per kilometre

3.2.5 (i) Supply of Personal Computers

- (a) Councillors will be reimbursed to a maximum amount of \$750 per annum to cover Internet access costs. Council shall upon request supply and maintain personal computer(s) (PCs) to Councillors in order to facilitate the dissemination of information and aid in communication with and between Councillors.
- (b) Reimbursement shall be paid to Councillors monthly or annually in arrears without production of a receipt.
- (c) Council shall nominate an independent service provider whose monthly access rate shall be the benchmark for determining the allowance paid to Councillors. Individual Councillors will not however be required to use the ISP nominated by Council but will not receive this allowance unless they have an active account with an ISP.
- (d) The amount shall be reviewed annually, or immediately in the event that there is an increase in the monthly Internet access cost of the (ISP) nominated by Council.
- (e) Councillors shall be reimbursed an amount equivalent to any initial set up charges levied by the ISP nominated by Council.

- (f) Councillors shall be provided upon request with any reasonable consumables (including paper and ink/toner cartridges) associated with the use of the personal computer and printer for official Council use.

3.2.5 (ii) (c) Supply of Facsimile/Telephone/Answering Machines

- (i) Councillors will be reimbursed for a maximum amount of \$500 per annum to cover rental costs and costs of official Council use.
- (ii) The amount shall be reviewed annually, taking account of the costs of rental, call costs and usage.

11 REPORT OF THE ACTING DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 The Pavilion Kiama - Expressions of Interest for catering for all events other than Weddings

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.5 Promote activities held at The Pavilion

Summary

This report outlines the Expressions of interest received for the provision of catering services at The Pavilion Kiama for all events other than weddings.

Finance

The Pavilion budget

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Little Blowhole Café, Crust and Crumb, Culinarius and Flagstaff be included on a panel of preferred caterers for all events other than weddings at The Pavilion Kiama.

BACKGROUND

The Pavilion Kiama has attracted a wide variety of meetings and events that call for a diversity of menu selections. Examples of this are clients that have specific requirement for local produce, strict dietary requirement, and event requests to cater for specific theme events where the food matches the theme of the event.

Clients' budgets also need to be taken into consideration, and it has become increasingly important to acknowledge that in order to meet the clients' requirements for the range and number of events The Pavilion Kiama must be able to offer clients a flexible and varied range of menu options and prices.

For community and internal council events, clients still have the ability to select their own caterer and they do not have to select from the panel.

In November 2015 council placed an advertisement seeking Expressions of Interest (EOI) for the Provision of Catering Services for events other than weddings at The

Report of the Acting Director Corporate and Commercial Services

11.2 Tender for the Licence to Operate The Pavilion Kiama for Weddings (cont)

Pavilion Kiama. This is a less formal process than calling for tenders and does not result in council entering into a formal contract arrangement for the provision of service. The purpose of the EOI is to establish a panel of preferred caterers who will be made familiar with the operation of the venue. As there are no contractual arrangements it is proposed that the panel membership not be static and that suitable caterers may move on and off the panel over time to meet Council's operations requirements.

Following a public briefing at The Pavilion Kiama on 25 November, Council received four EOIs from businesses interested in the provision of catering for the various levels of catering packages from small drop off events to larger multi-day events requiring a liquor license.

The applications are all of a high standard and have shown a willingness to supply a diversity of menu selections and pricing that would suit the requirements and budgets of clients. As shown below, two of the EOIs received are from local business and two are from outside the Kiama local government area.

Name	Where based
Little Blowhole Cafe	Kiama
Crust and Crumb	Jamberoo
Culinarius	Wollongong
Flagstaff Group	Unanderra

The applications were assessed using the following criteria:-

- the caterer's compliance with menu requests, pricing and inclusions
- proven track record and financial strength in providing a similar catering service to that proposed for The Pavilion Kiama
- the ability to recruit, train and motivate staff that will consistently provide excellent service to The Pavilion Kiama staff and its clients
- experienced and responsive management team with skills and sensitivity to ensure an outstanding outcome for all stakeholders
- a sound approach to quality assurance, workplace health and safety and industrial relations
- experience in delivering responsible service of alcohol services to meet all legislative requirements (for category 2.2).

After assessing the applications, it is recommended that all four caterers be included on the catering panel for all events other than weddings:

- Little Blowhole Café
- Crust and Crumb
- Culinarius
- Flagstaff

Report of the Acting Director Corporate and Commercial Services

11.2 Tender for the Licence to Operate The Pavilion Kiama for Weddings (cont)

11.2 Tender for the Licence to Operate The Pavilion Kiama for Weddings

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.5 Promote activities held at The Pavilion

Summary

This report outlines the tender process and options for ongoing operations for the provision of wedding marketing, management and catering services at The Pavilion Kiama.

Finance

The Pavilion Budget

Policy

The tender was conducted in accordance with the provisions of Section 55 of the Local Government Act.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council delegates authority to the General Manager to enter into direct negotiations with interested parties in relation to the provision of wedding marketing, management and catering services at The Pavilion Kiama.

BACKGROUND

Following receiving notification from the existing weddings contractor, Gabbys at The Pavilion Kiama, that it wished to terminate its contract, and the subsequent confidential report to the ordinary meeting of Council held on the 18 August 2015, in accordance with Section 55 of the Local Government Act, Council called for tenders for the exclusive right to market, manage and cater for weddings to be held at The Pavilion Kiama for the period 1 July 2016 to 30 June 2019.

The tender was advertised and open for the period 2 November to 1 December 2015 however no applications were received. Council received some emails and feedback from prospective applicants that as this is the busiest period for caterers in the hospitality industry, they would not be able to tender for the business due to time constraints. Also with regard to the tender provisions and regulations, it was impossible for interested parties to have a discussion with council officers regarding the factors prohibiting their lodgment of a tender.

Report of the Acting Director Corporate and Commercial Services

11.2 Tender for the Licence to Operate The Pavilion Kiama for Weddings (cont)

In light of the fact that The Pavilion Kiama has had a substantial number of wedding enquiries for the period post 30 June 2016 whose confirmed bookings are pending the appointment of a caterer, it is recommended that Council enter into negotiations with interested parties that did not lodge a tender.

Clause 178(3) of the *Local Government Regulation 2005* gives a council six options where it either accepts none of the submitted tenders or receives no tenders. The options are:

- postpone or cancel the proposal for the contract
- invite fresh tenders, either open or selective, based on the same or different details
- invite fresh applications by public advertisement (clause 168) from persons interested in tendering for the proposed contract
- invite fresh applications from recognised contractors listed by council (clause 169) interested in tendering for contracts of the same kind as the proposed contract
- enter into direct negotiations with any person with a view to entering into a contract in relation to the subject matter of the tender
- carry out the requirements of the proposed contract itself.

It is recommended that Council gives delegated authority to the General Manager to enter into direct negotiations with interested parties in relation to the provision of wedding marketing, management and catering services at The Pavilion Kiama.

It is proposed to contact the caterers who expressed an interest, but could not submit a tender by the cut-off date, and give them until mid-January to submit a tender. This would allow sufficient time to prepare a report for the February meeting.

The current contractor, Gabbys at The Pavilion Kiama will also be offered the extended period in which to tender.

If no suitable tenders are received it is proposed to invite fresh tenders in early February 2016.

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

This report recommends receipt and adoption of the Statement of Investments for November 2015.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

1 Investments - November 2015

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for November 2015 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for November 2015.

a) Investment Commentary

The total investment portfolio increased by \$1.3M during November 2015. Various revenue was received totalling \$7.5M, including rate payments amounting to \$2.3M, grants and contributions of \$1.1M, user fees and charges and other revenue of \$930K, investment maturity of \$2M, Blue Haven Hostel bonds of \$500K and Debtor receipts of \$670K. Payments to suppliers of \$3.1M, Investment lodgement of \$2M and employee wages of \$1.5M amounted to total expenditure of \$6.6M.

Note that the Westpac Bank Account balance shown in (a) of \$2.4M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 30 November 2015 is \$468K with an

Report of the Manager Corporate Services

12.1 Statement of Investments (cont)

annual budget estimate for 2015/2016 of \$1.125M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years. With the Reserve Bank cash rate now at 2.0% there does not appear to be any likelihood of any change in rates upward in the short term. The current 90 day investment rate quoted by National Australia Bank on 30 November 2015 was 2.8%. The previous month's was 2.75% with November 2014 rate being 3.42%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index. Council staff have been reviewing long term investment rates with two longer term investments currently included in our portfolio. The National Australia Bank is currently quoting 90 days 2.8%, 1 year 2.8%, 2 years 2.85% and 3 years 2.95%.

Certification – Responsible Accounting Officer

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

**Phil Mison**

Responsible Accounting Officer
Manager Corporate Services

(b) Council Investments as at 30 November, 2015

DIRECT INVESTMENTS: INSTITUTION	RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000.00	Term Deposit	09/09/15	09/03/16	182	2.80
ANZ	AA-	1,000,000.00	Term Deposit	14/10/15	14/03/16	152	2.75
ANZ	AA-	1,000,000.00	Term Deposit	25/11/15	29/02/16	96	2.90
Bankwest	AA-	1,000,000.00	Term Deposit	03/06/15	02/12/15	182	2.90
Bankwest	AA-	1,000,000.00	Term Deposit	23/09/15	23/03/16	182	2.85
Bank of Qld	A-	1,000,000.00	Term Deposit	03/06/15	06/01/16	217	3.00
Bank of Qld	A-	1,000,000.00	Term Deposit	30/09/15	30/03/16	182	2.95
Bank of Qld	A-	1,500,000.00	Term Deposit	11/08/15	15/02/16	188	2.90
Bank of Qld	A-	1,000,000.00	Term Deposit	15/07/15	18/01/16	187	2.95
Bank of Qld	A-	1,000,000.00	Term Deposit	17/06/15	20/01/16	217	3.00
Bank of Qld	A-	1,000,001.00	Term Deposit	30/11/15	02/05/16	154	2.95
Bendigo	A-	1,000,000.00	Term Deposit	04/06/15	03/02/16	244	2.80
Bendigo	A-	1,000,000.00	Term Deposit	22/09/15	22/06/16	274	2.80
Commonwealth Bank	AA-	500,000.00	Term Deposit	28/07/15	01/03/16	217	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	09/11/15	15/03/16	127	2.85
ME Bank	BBB+	1,500,000.00	Term Deposit	01/10/15	24/02/16	146	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	02/09/15	01/03/16	181	2.75
NAB	AA-	1,000,000.00	Term Deposit	29/07/15	04/02/16	190	2.96
NAB	AA-	1,000,000.00	Term Deposit	27/05/15	17/02/16	266	2.97
NAB	AA-	1,000,000.00	Term Deposit	23/11/15	26/04/16	155	2.89
NAB	AA-	1,000,000.00	Term Deposit	19/05/15	16/12/15	211	2.96
NAB	AA-	2,000,000.00	Term Deposit	09/09/15	09/03/16	182	2.95
NAB	AA-	1,000,000.00	Term Deposit	19/11/15	11/05/16	174	2.89
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/07/15	27/01/16	190	2.80
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	16/09/15	15/12/15	90	2.70
IMB Society	BBB	1,000,000.00	Term Deposit	18/11/15	20/05/16	184	2.80
IMB Society	BBB	1,000,000.00	Term Deposit	15/06/15	13/01/16	212	2.80
ING Bank	A-	1,000,000.00	Term Deposit	22/07/15	25/01/16	187	2.45
ING Bank	A-	1,000,000.00	Term Deposit	29/07/15	02/02/16	188	2.44
ING Bank	A-	1,000,000.00	Term Deposit	19/10/15	20/04/16	184	2.40
ING Bank	A-	1,000,000.00	Term Deposit	04/08/15	09/02/16	189	2.44
Rural Bank	A-	1,000,000.00	Term Deposit	05/08/15	10/02/16	189	2.85
Suncorp	A+	1,000,000.00	Term Deposit	09/06/15	09/12/15	183	2.95
Suncorp	A+	1,000,000.00	Term Deposit	21/10/15	23/02/16	125	2.85
Westpac	AA	1,000,000.00	Term Deposit	26/11/15	06/04/16	132	2.89
Westpac	AA	1,000,000.00	Term Deposit	09/09/15	09/12/15	91	2.81
Westpac	AA	2,399,552.14	Bank Account	-	AT CALL		0.84
Westpac	AA	1,581,578.82	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		40,981,131.96					
					Average Rate-Nov 2015		2.77
					Average Rate-Nov 2014		3.42

TOTAL INVESTMENTS	40,981,131.96
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TOTAL INVESTMENTS OCT 2015	39,666,693.30	3.21%	Change in total investment over prev 1 month
TOTAL INVESTMENTS NOV 2014	42,647,458.40	-3.91%	Change in total investment over prev 12 month

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,511,541.52
	Grants	1,025,442.00
	Domestic Waste	1,922,907.00
	Waste & Sustainability	228,464.18
	Southern Council's Group	2,729,743.92
	Internally Restricted	Blue Haven ILU
	Blue Haven Care-Residential	9,907,920.00
	Land Development	3,206,920.00
	Waste Business Unit (Plant Replacement)	1,775,436.00
	Plant Replacement - Engineers	1,315,375.00
	Employee Leave Entitlements	1,000,000.00
	S94 Recoupments	818,620.96
	Carry-over works	1,625,084.00
	Holiday Parks - Crown Reserves	1,213,526.00
	Holiday Park - Kendalls Beach	607,585.00
	Contingencies	779,730.00
	Property Insurance	120,000.00
	Community Bus	174,969.00
	CACP	66,983.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	4,712,434.38
TOTAL INVESTMENTS		40,981,131.96

Note:

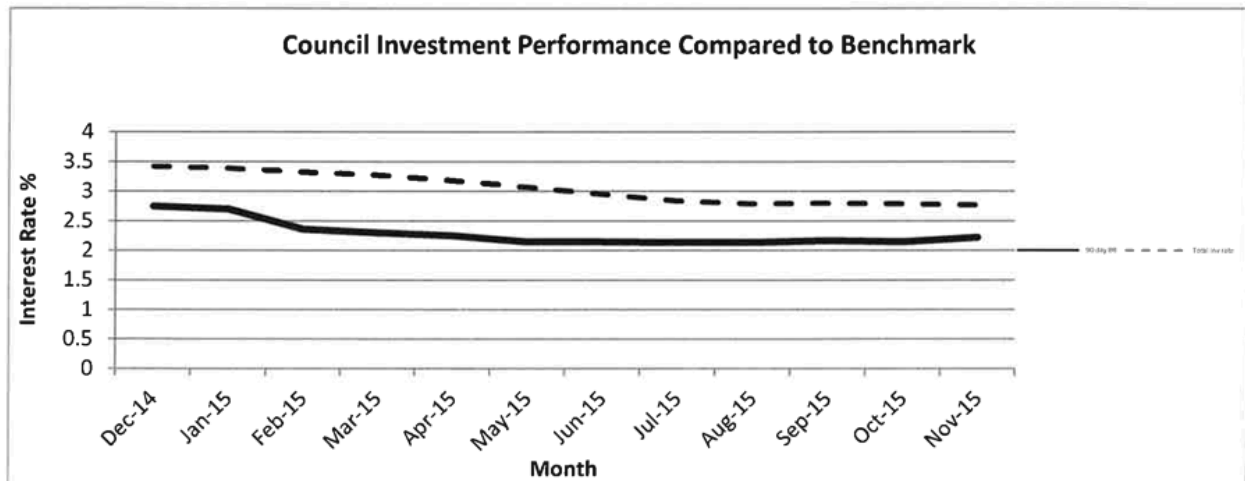
The above Application of Invested Funds reflects audited balances as at 30 June 2015. Actual movement in these balances are recorded at the end of the financial year.

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	2.77	2.22
3 months	2.79	2.18
6 months	2.82	2.16
12 Months	3.05	2.29



13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Plant Replacement

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

CSP Strategy: 4.12 Effectively manage Plant Assets to meet Community Strategic Plan requirements

Delivery Program: 4.12.1 Manage Council Plant by the creation and implementation of the Plant Asset Management Plan actions.

Summary

This report informs Council of the process and outcomes of the request for quotations for the purchase of one (1) tipper truck.

Finance

The capital expenditure of \$176,857 + GST will be made available from the Engineering Services Plant Replacement budget. This purchase was identified in the 15/16 budget.

Policy

The RFQ has been undertaken in accordance with the Local Government Tender Regulations 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council purchase one (1) Isuzu FVD 1000 with Berry Howe body from Dwyers Truck Centre with a total capital value of \$176,857 + GST

BACKGROUND

As part of Council's 2015/16 Plant Replacement Program, Plant 9181 has been identified as being at the end of its economic life and requiring replacement.

A specification was developed in consultation with stakeholders to ensure the vehicle will meet the operational needs of the construction section.

A request for quotation was then placed with the Local Government Procurement Vendor Panel system. The request for quotation was sent to all panel members under LGP contract 1608-2 & NPN04-13.

We received 8 submissions with an average cost of \$169,266 + GST.

Report of the Director Engineering and Works

13.1 Plant Replacement (cont)

All submissions were evaluated using six different criteria including price, specification, warranty, after sales support, Australian content and an operator assessment.

The combined scores for each of the criteria were then inputted into the evaluation matrix. This produced an overall ranking and recommendation for the vehicle that best meets our requirements.

The Isuzu FVD 1000 with Berry Howe body from Dwyer Truck Centre ranked number one after completion of the evaluation and as such is recommended for purchase.

13.2 Report on public exhibition of concept design for refurbishment of Kevin Walsh Oval amenities building

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

CSP Strategy: 2.13 Effectively manage other assets to cater for current and future generations (including car parks, community buildings, cemeteries and dams)

Delivery Program: 2.13.1 Manage community buildings by the creation and implementation of the Community Buildings Asset Management Plan actions

Summary

Report on the public exhibition of the concept plans for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo.

Finance

N/A

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. adopt the concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo and commence detailed design and specifications suitable to call tenders for the construction works.
2. incorporate the waste management recommendations into the project.
3. determine if an adult change table is to be included in the project following receipt of detailed cost estimates.

BACKGROUND

Council at its meeting of 20 October 2015, resolved to place on public exhibition a concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo.

The concept plan was developed in consultation with a Working Group comprising of councillors, Council staff, an architectural consultant and representatives from the

Report of the Director Engineering and Works

13.2 Report on public exhibition of concept design for refurbishment of Kevin Walsh Oval amenities building (cont)

Jamberoo Sports Association, Jamberoo Valley Residents and Ratepayers Association and Jamberoo local businesses.

The concept plans for the refurbishment works were placed on public exhibition at the Council's Administration building, Jamberoo School of Arts building and on Council's website for a 1 month period ending 30 November 2015. Additional public notices were placed in the local print media advertising the exhibition period. Direct correspondence was also sent to all members of the Working Group and the Jamberoo Valley Residents and Ratepayers Association.

One submission was received from Council's Environment & Health Department requesting the following:

1. *Dedicated waste and recycling bins within the Canteen to enable source separation of waste;*
2. *A lockable bin compound to be constructed in the area of the existing toilet block on the northern side of the development to house a minimum of 8 x 240L bins which will remain on site permanently. These bins are to be used on game days only for placement around the field for general public use. At the end of the game day, bins are to be returned to the lockable enclosure for servicing by Council.*

As the above submission is in line with Council's policy for waste reduction and management and does not require modification to the concept design for the building, it is proposed to incorporate this request into the detailed design phase.

In addition to the public exhibition, the concept plans were also referred to the 4 December meeting of the Kiama Access Committee for consideration. The Committee were generally supportive of the inclusion of the new accessible toilet, but requested if consideration could be given to removing the proposed baby change table and reconfiguring the accessible toilet to allow for an adult change table, which would be the first of its type in the Municipality. An initial review of the concept plans indicate there may be scope to expand the accessible toilet to incorporate an adult change facility without major modifications to the overall concept design, however there would be additional costs associated with this modification. It is recommended that a determination on this component be deferred until a detailed costing has been prepared.

Council has previously allocated funds in the 2015/16 budget for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo. Adoption of the concept plan will allow the detailed design to be commenced in consultation with the working group, to prepare construction plans and specifications for the materials, fittings and fixtures to enable public tenders to be called for the construction of the facility.

13.3 Amendments to Kiama Development Control Plan 2012 - Chapter 7 Subdivision Road Widths

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

Report on the public exhibition of draft modifications to the *Kiama Development Control Plan 2012 - Chapter 7 Subdivisions*, in relation to residential subdivision road widths.

Finance

N/A

Policy

Kiama Development Control Plan 2012

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council adopt the amendments as publicly exhibited to residential subdivision road widths contained in *Kiama Development Control Plan 2012 - Chapter 7 Subdivisions*.

BACKGROUND

Council at its meeting of 20 October 2015, resolved to place on public exhibition draft amendments to residential subdivision road widths contained in the *Kiama Development Control Plan 2012 - Chapter 7 Subdivisions*.

The proposed amendments to the Kiama Development Control Plan (DCP) – Chapter 7 Subdivisions, Sections 15 and 16, which specifies the design requirements for new roads including minimum street widths, were in response to the growing community concerns related to on-street parking and travel issues on narrowed residential streets, especially in areas of higher density development.

The main amendments to the DCP relate to the clarification of the different road hierarchy types and an increase in minimum street widths to 6.5, 8, 9.5 and 11.5 metres for Access Streets, Access Roads and Minor and Major Collector roads respectively, based on traffic volumes. These draft changes are similar to those recently adopted by a number of councils (including Wollongong) and are comparable to NSW Landcom's street design guidelines.

Report of the Director Engineering and Works

13.3 Amendments to Kiama Development Control Plan 2012 - Chapter 7
Subdivision Road Widths (cont)

As with all major changes to Council's DCP, the draft amendments to the subdivision road widths were placed on public exhibition at the Council's Administration building and on Council's website for a one month period ending 30 November 2015. Additional public notices were placed in the local print media advertising the exhibition period. Direct correspondence was also sent to all members of the Kiama Development Industry Committee.

A letter was received from a resident of Cedar Grove in which he referred to earlier submissions made in support of wider roads in Cedar Grove Stage 2 and the Municipality.

On this basis it is recommended that the draft amendments as outlined in Appendix A be adopted and the DCP be modified accordingly.

Report of the Director Engineering and Works

13.3 Amendments to Kiama Development Control Plan 2012 - Chapter 7
Subdivision Road Widths (cont)

Appendix A

Section 15 – Road Network and Hierachy

General Road Hierarchy

- The road classifications are:

- Access Place

Are relatively short in length (up to 100m), generally straight and cater for up to 10 dwellings. They are to be designed as shared zones with good passive surveillance. Access ways may either be dedicated as public road or alternatively may be private roads under a Community Title subdivision

- Access Street

Generally cater for up to 30 dwellings, with low traffic volumes and low parking demand. The street would generally comprise two travel lanes or a travel lane and staggered parking.

- Access Road

Are local roads to cater for low volume, localised short distance travel and access to properties and cater for traffic up to 100 dwellings. They are the predominant street type in a neighbourhood subdivision. The street would generally comprise two 3m wide travel lanes and a parking lane.

- Minor Collector Roads

Are used to connect the local road network to the sub-arterial or arterial roads. They generally cater for up to 300 dwellings and usually carry local bus routes within as well as between neighbourhoods. Local centres are usually located along these routes. The street would generally comprise two 3.5m wide travel lanes and a parking lane.

- Major Collector Roads

As per minor collectors, however they are wider to accommodate additional traffic flows from up to 600 dwellings. The street would generally comprise two 3.5m wide travel lanes and a parking lane either side.

- Sub-Arterial Roads

Cater for high traffic volumes and/or longer distance travel for through traffic. They carry traffic from on sub-region to another sub-region and often include major public transport routes. These roads do not have direct property access and are designed in accordance with Austroads / RMS guidelines.

Section 16 – Road Design Requirements – Road Types and Characteristics of Roads in Residential Road Networks

C61 Characteristics of Roads In Residential Road Networks

Item 13.3

Street Type	Traffic Volume ⁽¹⁾ (vpd)	Target Speed ⁽²⁾ (km/h)	Carriage way width ⁽³⁾ (m)	Verge Width ⁽⁴⁾ (m)	Road Reserve Width ⁽⁵⁾ (m)	Pavement Type	Parking Provision in Road Reserve	Concrete Footpath	Shared Path ⁽⁶⁾
Access Place ⁽⁷⁾	<100	15	3.5	3.5 ⁽⁸⁾	10.5	Reinforced Concrete	1 hardstand verge space per 2 dwellings	No	No
Access Street	<300	40	6.5	3.5 ⁽⁸⁾	13.5	Asphalt	Carriage Way ⁽⁹⁾	No	No
Access Road	301-1000	40	8	3.5 ⁽⁸⁾	15	Asphalt	Carriage way ⁽⁹⁾	1.2m wide one side ⁽¹⁰⁾	No
Minor Collector	1001 - 3000	50	9.5	3.5 ⁽⁸⁾	16.5	Asphalt	Carriage way	1.2m wide one side away from kerb ⁽¹⁰⁾	Provide within street pavement ⁽¹¹⁾
Major Collector ⁽¹²⁾	3001 - 6000	50 ⁽¹³⁾	11.5	Min. 3.5	Min 18.5	Asphalt	Carriage way	1.2m wide along one side away from kerb	2.5m wide along one side
Sub-Arterial ⁽¹⁴⁾	>6000	60 ⁽¹³⁾	Design using road performance criteria & guides ie Austroads, RMS standards etc ⁽¹⁵⁾						

Report of the Director Engineering and Works

13.3 Amendments to Kiama Development Control Plan 2012 - Chapter 7
Subdivision Road Widths (cont)

Notes:

- 1) For single dwelling allotments apply a traffic generation rate of 10 vehicles per day. For multi-unit dwellings apply a traffic generation rate of 6 vpd or a rate based on local data. Peak hour traffic volume is assumed at 10% of Annual Average Daily Traffic. Where lots have the potential for re-subdivision and/or dual occupancy, such potential shall be taken into account when estimating AADT.
- 2) Streets are to be designed to achieve the target speed and sight distances to accord with design speed.
- 3) The carriageway width must make provision for service vehicles to manoeuvre. Widening is required at bends to allow for wider vehicle paths (using AUSTRROADS Turning Templates). The provisions of the NSW Rural Fire Service publication "Planning For Bushfire Protection" guidelines must also be met and will take precedence.
- 4) Each verge must be of sufficient width to accommodate relevant services, landscaping and to ensure a total setback to residential dwellings which satisfies prescribed traffic noise exposure levels at the facade.
- 5) The minimum street reserve widths apply after satisfying the other criteria within this table and other site-specific requirements.
- 6) A shared path is required if the street is part of a dedicated off road cycle route.
- 7) Maximum length is 100 m. A passing bay is required if the length is greater than 80m.
- 8) Where an Access Place or Access Street is adjacent to public open space on rural zoned land, the verge adjacent to the open space or rural land may be reduced to 1m.
- 9) Lot layouts shall be designed to ensure staggered on-street parking in order to present a clear travel lane with passing opportunities.
- 10) Footpaths are to be provided on both sides of streets serving as bus routes.
- 11) Refer to AUSTRROADS guidelines.
- 12) Painted centreline and edge lines are required to define carriageway lanes.
- 13) Reduced speed environments is required at designated pedestrian and shared crossing points.
- 14) Direct vehicle access to lots not permitted.
- 15) An acoustic assessment is required to assess the need for wider verges and/or acoustic barriers.

13.4 Bombo Headland Quarry Conservation Management Plan

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

CSP Strategy: 2.4 Protect and maintain environmentally significant natural areas on public and private land in a sustainable manner

Delivery Program: 2.4.1 Enforce and comply with environmental legislation and develop and implement management plans, programs and actions

Summary

This report relates to Council's management of Bombo Headland and Bombo Quarry and a desire to improve the area for tourism and recreation, and to curb illegal and anti-social behaviour. The quarry site has a State listed permanent conservation order (heritage listing) that requires a Conservation Management Plan before any works or improvements can be undertaken. This report requests Council's support to prepare a Conservation Management Plan based on details from the Draft Concept Plan (attached).

Finance

N/A

Policy

N/A

Attachments

- 1 Bombo Headland and Quarry Draft Concept Plan
- 2 Bombo Headland and Quarry Draft Concept Plan - site map

Enclosures

Nil

RECOMMENDATION

That Council support the preparation and implementation of a Conservation Management Plan for Bombo Headland including the state heritage listed quarry site based on the attached Draft Concept Plan.

BACKGROUND

The management and activities at Bombo Headland and Bombo Quarry have been the subject of debate for some time. The issues are in relation to improving the Kiama Coast Walk and building a viewing platform enabling better tourist and recreational access to the area, controlling anti-social behaviour and illegal activities and concern over vegetation management and the spread of environmental weeds.

Bombo Headland and quarry are on two properties owned by the Department of Planning and Sydney Water. Council has by arrangement responsibility for the care and maintenance of the sites. There is also a State listed Permanent Conservation Order covering the quarry and cliff face. To move forward a Conservation

Report of the Director Engineering and Works

13.4 Bombo Headland Quarry Conservation Management Plan (cont)

Management plan is required because of the heritage item. Grants are available to assist in preparing a plan.

On Friday 6 November 2015 a meeting was held with local representatives, councillors, Council staff and Bombo Landcare group members, to discuss priorities, plans and other issues. A site inspection followed on Monday 9 November 2015. From those two meetings a concept plan and map were developed (attached). With Council support and permission from the owners of the land it is proposed that Council will prepare a Conservation Management Plan and undertake works as funding becomes available.



KIAMA MUNICIPAL COUNCIL

Bombo Headland and Quarry

Concept Plan

DRAFT
Version 1

Background

The management and activities at Bombo Headland and Bombo Quarry have been the subject of debate at Council for some time. These issues are in relation to; improving the Kiama Coast Walk and building a viewing platform enabling better tourist and recreational access to the area, controlling anti-social behaviour and illegal activities and concern over vegetation management and the spread of environmental weeds.

Bombo Headland and quarry are on two properties owned by the Department of Planning and Sydney Water. Council has by arrangement responsibility for the care and maintenance of these sites. There is also a State listed Permanent Conservation Order covering the quarry and cliff face. To move forward a Conservation Management Plan is required because of the heritage item. On Friday 6 November 2015 a meeting was held with representation from neighbours of the site, councillors, Council staff and Bombo Landcare group to discuss priorities, plans and concerns. A site inspection followed on Monday 9 November. From those two meetings a list of priorities was developed as shown on the map attached. With Council support and permission from the owners of the land, Council will prepare a Conservation Management Plan and undertake works as funding becomes available. Grants are available to assist in preparing a plan.

Priorities

At the meeting of stakeholders held on 6 November 2015 and an email from Murray Griffith received prior to the meeting, the following items were discussed. A plan of the site shows the location of the items discussed.

Viewing platform - at the eastern end of the headland, back from the cliff face. Need fence for safety, upgrade track leading to the site, a natural track not concrete, gravel like tracks like those at Bass Point are favoured. A map of desirable gravel tracks for the whole headland should be included.

Viewing platform or lookout to Boneyard – located near the end of Cliff Drive, to view surf. Trees may be obstructing view.

Interpretive signs for the whole site – design should be 2 posts and sign in stainless steel etched as used elsewhere in LGA.

Access from quarry floor to cliff top – there may be an existing track that a tractor could clear. There may be a difficult access up the cliff face. These access ways will be further explored.

Develop wetland area – near the water treatment facility. May be habitat for Green and Gold Bell Frog.

Wall garden on cliff face – the cliff face is the heritage item and cannot be covered.

Fill and plant area – the south east area where people mostly walk dogs could be filled to about 2 metres depth and planted out with native local species. (Note: Sydney Water will be doing extensive asbestos clean-up and burial near this area.)

Extend timber walkway to Boneyard – extend about 5 metres and end in a ramp for easier access to beach.

Funding and maintenance of Bombo Headland Landcare site – help is needed to control weeds and some litter and tree burning issues. Council to pursue funding opportunities.

Extract from Murray Griffith's email 4/11/2015

My observations which I intended to table are:

- *Under aged drinking*
- *Illegal camping with the associated litter, excrement and infrastructure damage.*
- *Feral animal build up...Fox Rats and wild dogs*
- *Weed infestations*
- *Overgrown trails introducing trip hazards and personal security issues*
- *The riding of unregistered motorcycles mostly in a manner which endangers the public*
- *Illegal catching of shell fish, sea urchins and groper*
- *One of the great train trips is the southern line to Kiama. The vista from the rail into the Boneyard was a talking point but now sadly not available due to the overgrown nature and state rail treating the area as a work in progress presenting as an abandoned construction site rather than "Welcome to Kiama"*

By linking the Headland Boneyard and Quarry under one management plan integrating this fantastic resource back into the community via safe access and responsible Management a world class walking and cycling adventure would be created linking Gerringong to Killalea.

A separate concern I hold is the stability of the rail corridor embankment directly below and slightly south of the existing slip zone. Given the infrastructure located in the zone Gas, Waste Water, Sewerage Main I see the potential for a disaster EG.

Gas leak Raw Sewage discharge direct to the ocean E.T.C. There is a very simple solution but will take a combined effort by all stake holders.

Actions

As stated previously, with Council's in principle support the owners of the land will be asked for approval to lodge an application for a grant for a Conservation Management Plan.

With the owners approval Council will apply to the Office of Environment and Heritage for funds. It is expected that grants will be available early 2016.

With adequate funds engage a suitably qualified consultant to prepare the Conservation Management Plan.

Progressively undertake works as further funds are available or can be sourced from other agencies.



Item 13.4

Attachment 2

13.5 Municipal causeways

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

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

At Council's meeting of 15 September 2015, Councillor Seage requested a report on a prioritised listing of causeway upgrades throughout the Municipality. This report identifies existing causeways, estimated frequency and duration of closure, cost of upgrades and a priority listing and recommends consideration of funding in future budgets.

Finance

Cost estimates are included within the report.

Policy

N/A

Attachments

1 Municipal causeways priority list

Enclosures

Nil

RECOMMENDATION

That Council consider the allocation of funds in future budgets to replace existing causeways according to the prepared priority listing.

BACKGROUND

At the Council meeting held on 15 September 2015, Councillor Seage requested a report listing the causeways within the LGA and identifying a recommended priority list to address safety issues outlined in an email sent by Aleysha Brooke-Smith after recent heavy rains.

A spreadsheet listing the various causeway structures throughout the Municipality, with an estimated cost is attached to this report. The list is presented in a recommended priority order.

It should be noted that all estimates are indicative only and will require full design and scope for an accurate estimate to be prepared. Where new structures have been referred as possibly affected by flooding in the note column it is because the structures are located on a floodplain and therefore there is a possibility for future flooding of the structure and approaches. However, the frequency and length of time that the structure will be closed would be reduced.

Municipality causeways - priority list

Road	Waterway	Existing Structure	Properties affected	Estimated frequency of closure	Estimated duration	Recommendation	Cost \$	Notes
Dido Street	Spring Creek	Culvert under concrete causeway	60	2 times per year	One to two days	2 lane bridge/path - 25 x 9 (\$3,500/sqm)	\$ 788,000	Constructed as condition of future subdivision. Petition to Council November 2015.
Mt Brandon Road	Jerrard Creek	Culvert under concrete causeway	13	2 times per year	Can be two days	1 lane bridge - 4.2 x 20 (\$3,500/sqm)	\$ 310,000	Possibly still close due to flood. Wide flood plain.
Foxground Road	Unnamed creek	Small culvert under concrete dish	15	3/4 times per year	Less than one day	Install culvert/s - 2 x 525 mm	\$ 25,000	Possibly still flood. Very high in catchment. Risk culverts will fill with creek material.
Foxground Road	Unnamed creek	Concrete dish	15	3/4 times per year	Less than one day	Install culvert/s - 2 x 450 mm	\$ 20,000	Possibly still flood. Very high in catchment. Risk culverts will fill with creek material.
Curramore Road	Turpentine Creek	Culvert under concrete causeway	9	Not known	Unknown	1 lane bridge - 12 x 4.2 (\$3,500/sqm)	\$ 176,000	Could possibly still flood. On flood plain.
Daltons Road	Fry's Creek	Culvert under concrete causeway	8	Not known	Unknown	1 lane bridge - 14.5 x 4.2 (\$3,500/sqm)	\$ 213,000	Could possibly still flood. On flood plain.
Free Selectors Road	Unnamed creek	Culvert under concrete causeway	23	2/3 times per year	Causeway closed	1 lane bridge - 4.2 x 12 (\$3,500/sqm)	\$ 176,400	20 properties remain blocked by next causeway.
Free Selectors Road	Broughton Creek	Culvert under concrete causeway	20	2/3 times per year	Can be two days	1 lane low level bridge - 4.2 x 35 (\$3,500/sqm)	\$ 514,000	Would still flood. Very wide flood plain. Cannot guarantee flood immunity
Williams Road	Unnamed creek	Concrete dish	7	Not known	Less than one day	Install culverts - 2 x 375 mm	\$ 12,000	Possibly still flood. Very high in catchment.
Foxground Road	Unnamed creek	Concrete dish	3	3/4 times per year	Less than one day	No action		Would still flood. Very high in catchment. Risk culverts will fill with creek material.
Foxground Road	Unnamed creek	Concrete dish	3	3/4 times per year	Less than one day	No action		Would still flood. Very high in catchment. Risk culverts will fill with creek material.
Austral Park Road	Broughton Creek	Culverts under concrete causeway	3	Unknown	Unknown	No action		Would require substantial bridge. See bridges currently under construction on adjacent highway upgrade.
Curramore Road	Unnamed creek	Culvert under concrete causeway	1	Not known	Unknown	No action		
Wallaby Hill Road	Unnamed creek	Culvert under concrete causeway	5	Not known	Less than one day	No action		
Wallaby Hill Road	Unnamed creek	Culvert under concrete causeway	5	Not known	Less than one day	No action		
Tabella Road	Unnamed creek	Culvert under concrete causeway	1	Not known	Unknown	No action		On flood plain

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Flugelman Sculpture Installation

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

CSP Strategy: 2.16 Ensure public spaces reflect the cultural and artistic diversity of the local community

Delivery Program: 2.16.1 Develop and implement policies and programs that support public artwork and artistic expression

Summary

This report seeks Councils decision on a site for the location of the Flugelman sculpture *Making Waves*.

Finance

Within existing 2015/16 budgets

Policy

Community Services Cultural Plan (BERT 2013-2016)

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approve the Storm Bay site for installation of the Flugelman sculpture on the edge of the bay at the southern end of the park.

BACKGROUND

This report advises Council of the progress for installation of the Flugelman sculpture and seeks Councils decision on a site location.

In March 2015 Council approved the purchase of the Bert Flugelman sculpture, *Making Waves*. The sculpture has since been stored at the Council Depot while consultation has been undertaken to determine the best site placement.

The Sculpture

Works and Engineering staff have advised that due to its quality stainless steel construction the sculpture will be highly resistant to sea and salt air. However, in addition, an anti-graffiti coating can be applied to the sculpture which will assist not only in graffiti removal but have the additional benefit of further protection from the sea and salt air.

Report of the Director Community Services

14.1 Flugelman Sculpture Installation (cont)

Consultation

Two rounds of community consultation have been undertaken seeking feedback on five sites:

- Kiama Harbour – Western end
- Kiama Harbour – Southern end
- Entrance to Blowhole Point
- Storm Bay
- Coronation Park

117 responses were received in total across the two community surveys, with the second survey showing Storm Bay as a preferred site with 54% of the vote. Some of the comments provided by respondents included:

- Needs to back onto the ocean for effect.
- The sculpture is terrific. I venture to suggest that you will never get consensus on the position. Just put it in one of these wonderful places!
- As close to the bay as possible. Not floating out in the grass.
- The sculpture will look really great near Storm Bay because it reflects the rough nature of the water there when there is a storm.
- At Storm Bay on the edge, the sculpture would be stunning and impactful, overlooking the water, so there is no other man-made structure (not even a post or a path) between or beside it and the sea. It could look like a creature emerging from the ocean.

Expert advice sought from Wollongong based sculptor, Greer Taylor provided the following feedback on the Storm Bay site:

‘Storm Bay is a wild and dramatic bay with tumbled rock formations and oftentimes wild and tall breakers which echo directly the form of the sculpture...

...From an artistic point of view the placement near the edge of the bay especially as it is viewed from the north with the rugged rocks on the southern side of the bay in the background, provides a spectacular wild image.

Locating the sculpture centrally on the grassed area would provide sightlines to the work from numerous areas including from passing cars, but only when the park is empty of visitors – if busy with picnickers, the work may become somewhat lost.’

Cultural Board

Feedback from Council’s Cultural Board has advised that:

- Storm Bay should go ahead regardless of whether this is the perfect spot, some people will disagree wherever it is put.

Report of the Director Community Services

14.1 Flugelman Sculpture Installation (cont)

- it needs to go in sooner rather than later
- the latest round of community consultation has concluded that the best site for the sculpture should be Storm Bay.

Storm Bay Site

Below are the photographs used in the community consultation regarding the Storm Bay site. Aesthetically the sculpture is best suited to a site within Storm bay that provides it with an unobstructed backdrop of the sea.

After consultation with the Manager Works the initial site at the northern end of Storm Bay (first picture listed below) was identified as being affected by roots from the tree situated on the other side of the path.



A second edge location, towards the southern end of Storm Bay, has now been identified as a possible location. Although, this site will require the moving of an existing information sign in addition to the sculpture installation.

Report of the Director Community Services

14.1 Flugelman Sculpture Installation (cont)



Item 14.1

Timeframe

Following advice from Council’s Manager Works and Manager Design and Development the following timeframe is provided to Council taking into account the Council Christmas/New Year shutdown in December, new year shutdown of business suppliers in early January and accessibility to the site during the January school holiday period.

Late Nov/December	Base engineering design
Mid/Late January	Removal and relocation of existing signage and laying of concrete base New sign design and ordered Laying of concrete base
Early February	Curing of concrete and attachment of sculpture Installation of new sign
Late Feb/early March	Official unveiling

14.2 Kiama Cultural Board Minutes

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report provides advice to Council in relation to a recommendation from the Cultural Board requesting support for a Kiama Independent Artists Cooperative Maker Space project. The minutes of the Cultural Board are included for Council information.

Finance

To be determined.

Policy

Community Services Cultural Plan (BERT 2013-2016)

Attachments

1 Kiama Cultural Board - Minutes - 2015 November

Enclosures

Nil

RECOMMENDATION

That Council consider the Cultural Boards recommendation regarding the Kiama Independent Artists Cooperative Maker Space Project.

BACKGROUND

The Kiama Cultural Board held its final meeting for the 2015 calendar year on Thursday 19 November 2015; minutes of the meeting are included for Councillors' information.

This meeting was attended by guest speaker Stephen Nall. He presented to the Board a project proposal for a Kiama Independent Arts Cooperative maker space, for feedback and discussion.

Mr Nall's qualifications and experience include: lawyer (planning and development law); gallery director; art consultant (organises exhibitions for artists); involvement in Shoalhaven Arts Board; and now employed at a law firm in Oak Flats. Following a recent move to Kiama, Mr Nall is keen to participate in the area's arts and cultural scene. He has developed the idea of a Kiama Independent Arts Cooperative with the following mission:

Report of the Director Community Services

14.2 Kiama Cultural Board Minutes (cont)

To operate a business that provides access to a space for the making, teaching and exhibiting of contemporary arts and culture in Kiama which will become recognised by the community as a 'key visitation asset.'

The aims of the Cooperative are:

- Provide artists' studios across a broad range of arts activities
- Operate an exhibition/retail space and provide training and mentoring for practicing artists and youth
- Provide artists with opportunities to earn income through teaching master classes in a range of arts activities
- Provide an environment that will generate foot traffic through a single space where various arts related activities are undertaken each day
- Provide opportunities for youth participation in mentoring programs, workshops and cooperative culture
- Provide regular opportunities for members to seek 'Angel Investment' in arts related projects that demonstrate innovation, entrepreneurship and community benefit
- Operate as an arts hub utilising technology and training as the basis for ongoing sustainability
- Provide a liaison service for artists, communities and property owners for the development of incubators and exhibition opportunities for members
- Provide employment to members as required by the cooperative
- Make decisions based upon the empowerment and enrichment of the community of Kiama

The Cooperative would also:

- Be a Social Enterprise
- Partner with tourism, the high school, and youth centre
- Have the potential to bring artists together and share – particularly during the winter months
- Generate foot traffic for artists and community – social investment

Mr Nall is seeking from Council:

- A Building with peppercorn rent in lieu of security of tenure. Utilities and rates would be paid by the cooperative
- Funding (although he hopes to secure funding from other external sources as well) \$50 000 to cover; fit out, promotion, general set up eg telephones, etc
- Support from Council to lobby for funding from other sources.

Mr Nall advised that over time it is hoped that income generated would lead to paid staff to run the Cooperative.

Report of the Director Community Services

14.2 Kiama Cultural Board Minutes (cont)

Kiama Cultural Board

Cr Neil Reilly advised that the Weston Printery, which Mr Nall has been looking into as a possible building for the Cooperative, will be sold or earmarked for other purposes and that there are other suitable options that could be explored.

The issue of sustainability of these types of ventures was raised, as a similar Wollongong based project, Project Contemporary Art Space, has struggled over the years even with Council support.

The Cultural Board made the following recommendation to Council:

That the Cultural Board support the concept of the cultural hub/maker space as presented by Stephen Nall and recommend that Council explore a means of supplying the necessary building space and funding.

Staff assessment of the Proposal

While it has been noted above that the Western Building is no longer an option for this type of project, Council may be able to identify another suitable location. However, while the concept of Mr Nall's proposal has validity, the proposal requires further development including demonstrating community support for the proposal and more details around proposed governance models and financial viability before council can make a fully informed determination.

Given Council's current position in regards to 'Fit for the Future', it is not considered viable to pursue the funding of this type of project at present. Council may consider this type of model of cooperative management as one of the options for managing a future Community Arts Centre once the centre is built.

**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 19
November 2015 in Council Committee Room 1 at 5.30pm**

Present: Mark Wilmott, Cr Neil Reilly, Louise Croker (Community and Cultural Development Officer), Nick Guggisberg (Manager Community and Cultural Development), Chrissie Paice, Catherine Carr, Paula Gowans, Gregor Cullen, Gordon Streek, Tamara Campbell.

Apologies: Cr Mark Way

Previous Minutes

Motion: That the minutes of the Cultural Board meeting dated 1 October 2015 be accepted.

Moved: Catherine Carr

Seconded: Cr Neil Reilly

Carried

Business Arising

Nil

Guest | Stephen Nall

Old Weston Printery building | Maker Space

- Stephen's background is as a lawyer (planning and development law), gallery director, art consultant (organises exhibitions for artists), involvement in Shoalhaven Arts Board and now employed at a law firm in Oak Flats.
- Keen to participate in the arts and cultural scene of Kiama.
- Maker Space would:
 - Teach master classes, mentoring, workshops, maker spaces,
 - Be a Social Enterprise
 - Partner with tourism, high school, youth centre
 - Has the potential to bring artists together and share – particularly during the winter months
 - Generating foot traffic for artists and community – social investment
- It is Stephan's view that:
 - Artists currently going out of Kiama to utilise/sell their art
 - Social return on this project is higher than the purchase of the Flugelman sculpture
 - No place for artists to currently showcase their work in Kiama
- Funding for the project:
 - Printery: needs fit out \$30k, promotion - \$10k, general set up eg telephones \$10k
 - Doesn't have to be all Council funding
 - Need support from Council to get behind the project to lobby for funding from other sources
 - Raine and Home have approached Stephen to sponsor

Board Comments

- Cr Neil Reilly; can support the concept but there are other buildings that may be more suitable, the Printery will sell or be earmarked for other purposes.
- Nick Guggisberg raised the issue of sustainability of these types of ventures, Project Contemporary Art Space has struggled over the years even with Council support.
- Artists pay \$50-\$75 per week in Sydney for studio space
- 107 in Sydney – got seed funding from Sydney City Council and built from there. Now after Council support has been removed they are required to be a fully commercial organisation and pay their way.
- What would the structure look like? *Cooperative structure*
- Who would be responsible financially/legally if the venture failed? *You go into liquidation, no personal liability*
- *Members will need to elect a CEO/Manager/Director*

Expectation of Council

- Building – peppercorn rent in lieu of security of tenure
- Seed funding – approx. \$50k depending on the space
- Utilities and rates paid by the cooperative
- Over time income generated would lead to paid staff

Motion that the Cultural Board support the concept of the cultural hub/maker space as presented by Stephen Nall and recommend that Council explore a means of supplying the necessary building space and funding.

Moved: Cr Neil Reilly

Seconded: Tamara Campbell

Carried

Community and Cultural Development Officer Report

1. *Events*

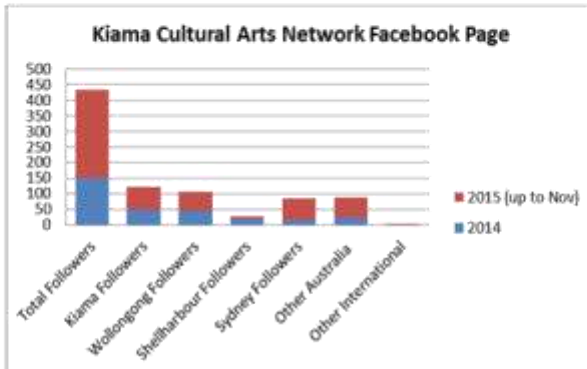
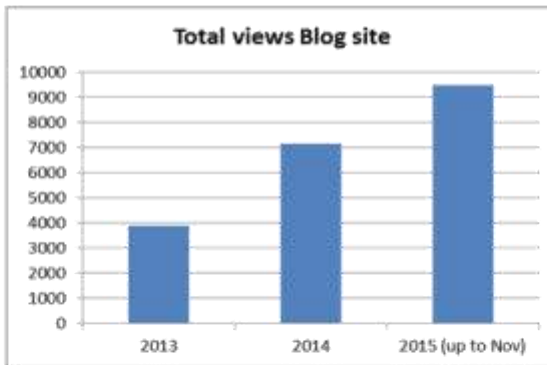
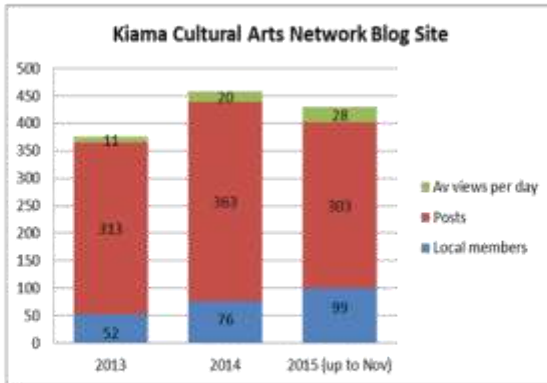
Canvas Events has been successful in securing a regional art prize for Kiama as part of the official 2016 Sydney Mardi Gras. The 2016 Madi Gras After Party will also be held at the Kiama Bowling Club in March.

2. *Kiama Cultural Network*

Blog site stats

Wordpress followers 31% ↑

Email followers (local) 11% ↑



3. *Cultural Grants*

Annual Grants presentation to Council has been delayed until Wednesday 2 December.

4. *Daisy the Cow*

Daisy has been repaired and was relaunched by Mayor Cr Brian Petschler on Friday 16 October 2015.

5. *Exhibitions*

EOI form and information for Art @ the Library has been finalised and promotion has started for bookings.

6. *Public Art*

Flugelman Consultation

Nick Guggisberg sought the Boards views on how to move forward ie make a site recommendation to Council now or recommend further consultation.

Cr Neil Reilly advised to go with what the community has identified through consultation ie Storm Bay

Discussion suggested that:

- Storm Bay should go ahead regardless of whether this is the perfect spot, some people will disagree wherever it is put.
- it needs to go in sooner rather than later
- the latest round of community consultation has concluded that the best site for the sculpture would be Storm Bay.

Louise Croker and Nick Guggisberg will draft a report to the December Council meeting.

Kiama Scout Hall

The Kiama Scout Group are working with local artist Michael Lothian to install a mural on the northern end of the scout hall. Michael's concept design is of a wave from the perspective of a surfer.



The Board felt the design, as a piece of public art is appropriate to the location and the Kiama environment.

7. *Funding*

Still waiting to hear the outcome of Country Arts Support Program grant for the online cross regional artist directory

8. *Arts Honour Roll*

Motion that two nominations were received for the 2016 Arts Honour Roll, Paddy Martin and Graham Mackie. The Cultural Board Assessment committee recommends neither nomination for induction into the Honour Roll.

Motion that the Cultural Board recommends to Council that neither of the two nominations received be inducted for the 2016 Arts Honour Roll

Moved: Tamara Campbell Seconded: Paula Gowans Carried

9. *Other*

Kiama Council's Adelaide Perry painting has been returned by Wollongong Art Gallery after its inclusion in one of their recent exhibitions.

General Business

Nil

Meeting Closed: 7.45pm

Next Meeting: Friday 5 February 2015 – Planning meeting for BETTY 2017 – 2020 Cultural Planning document.

Christmas Lunch – Monday 14 December, 12 noon

14.3 CCTV for 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

This report provides two options for council to consider for installation of CCTV at Kiama Harbour.

Finance

\$12,500 - \$14,000 would need to be allocated in 2016/17 budget

Policy

Kiama Municipal Council CCTV Policy.

Attachments

- 1 Quote from GS Security for CCTV at Kiama Harbour Dec 15
- 2 Concept Drawing for CCTV at Kiama Harbour

Enclosures

Nil

RECOMMENDATION

That Council:

1. Consider the two concept designs as outlined in the attached report from GS Security and determine if either of the designs are to be pursued
2. Determine whether the project should be included in the budget considerations for the 2016/17 year.

BACKGROUND

At council's October meeting, a motion was passed for a verbal quote to be sought from CCTV Consultant Hugh Sheil, for the likely costs associated with developing a concept design for installation of CCTV cameras at Kiama Harbour.

These costs were reported to the November council meeting, where a further motion was passed that referred the matter to the CCTV Working Group for consideration.

At the last CCTV Working Group meeting, it was agreed to seek a concept design and indicative costs from GS Security, the company that installed council's CBD System, for a single pole solution with two to three cameras. GS Security were asked to provide two designs, one mounting cameras on the Scout Hall building and the second utilising one of the already existing harbour lighting poles.

Report of the Director Community Services

14.3 CCTV for Kiama Harbour (cont)

Due to the topographical challenges at the harbour, there are difficulties in finding suitable locations for mounting cameras that will capture the required images, while also having a clear line of sight back to Council's pole on Blackbeach where we need to link into council's fibre network. The two locations have been chosen for their ease of access to:

- a) a power supply
- b) good views over Kiama Harbour
- c) ability to cover activity around the boats at the harbour plus identify most cars that drive along the harbour road towards the rock pool
- d) Clear lines of sight back to Council's pole on Black Beach

Both of these options would require formal permission from the asset owners to mount the cameras, and secure a power supply to the cameras. Both asset owners have provided verbal indications that said access is likely/possible.



ABN 74 159 751 112



2 December 2015

Nick Guggisberg

Kiama Municipal Council

Q001442

Kiama NSW 2533

Re: Harbour Cameras

It is with pleasure that GS Security provides this quotation for your consideration.

By way of introduction, GS Security has been operating since 1988. Our highly skilled & dedicated team comprise trade, technical & engineering personnel who deliver a wide range of expertise. We are well placed to provide design & construct turnkey solutions encompassing the latest technologies in the fields of Communications, Security, including the integration of these systems.

GS Security, hereby submit the following quotation to carry out the complete works as described in the scope of works attached, for the total sum set out

Price Schedule

Item Description	Amount (excl GST)
Supply and Install 2 x CCTV Cameras at the Kiama Harbour as per Scope of Works	\$12,458.00
Total Price (excluding GST):	\$12,458.00
Optional cost for EWP for install onto Existing Light Pole	
EWP	\$1,450.00
Total Price (excluding GST):	\$1,450.00

Refer to Scope of Works Clarifications and Exclusions

Quote Valid for 30 Days from Date of Issue

Unit 2, 23 Peachtree Road, Penrith NSW 2750
Phone: 1300 55 77 92 Fax: 02 4732 3668 Email: admin@gssecurity.com.au Web: www.gssecurity.com.au



ABN 74 159 751 112



Scope of works: Supply and install 2 x CCTV Cameras to view the Kiama Harbour, connection to the existing DVTEL system via Wireless Ethernet Links.

We have allowed for the Cameras to be mounted onto the Scout Hall or the existing Light Pole. (Should the Light Pole be selected as the Camera location then an EWP will be required for the install and will be charged as an additional cost, See Price Schedule above)
Ethernet Links will be mounted at Camera location and onto to the existing Pole in the park.

System

- 2 x Panasonic 1080P Camera and Lens
- 2 x Housing and Brackets
- 2 x Wireless Ethernet Links
- 1 x Ethernet PoE Switch
- 1 x Enclosure
- 2 x DVTEL Camera Connection License
- 2 x DVTEL Failover License
- Installation, Configuration and Commissioning

Clarifications

- Should the Light Pole be selected as the Camera location then an EWP will be required for the install and will be charged as an additional cost, See Price Schedule above)
- EWP Allowance for 2 days only. Any delays may incur additional charges fro the EWP
- Existing Ethernet PoE Switch to be used for the Wireless Link at the Park.
- 240V GPO will be required for either Camera location and is to be provided by Kiama Council
- Line of sight required for the Ethernet Links, at the time of this quote we have identified line of sight.

Unit 2, 23 Peachtree Road, Penrith NSW 2750
Phone: 1300 55 77 92 Fax: 02 4732 3668 Email: admin@gssecurity.com.au Web: www.gssecurity.com.au



ABN 74 159 751 112



Exclusions

- Works after normal hours (7:30am-5:30pm M-F)
- 240V works
- Powder Coating or Painting
- Poles
- Civil works

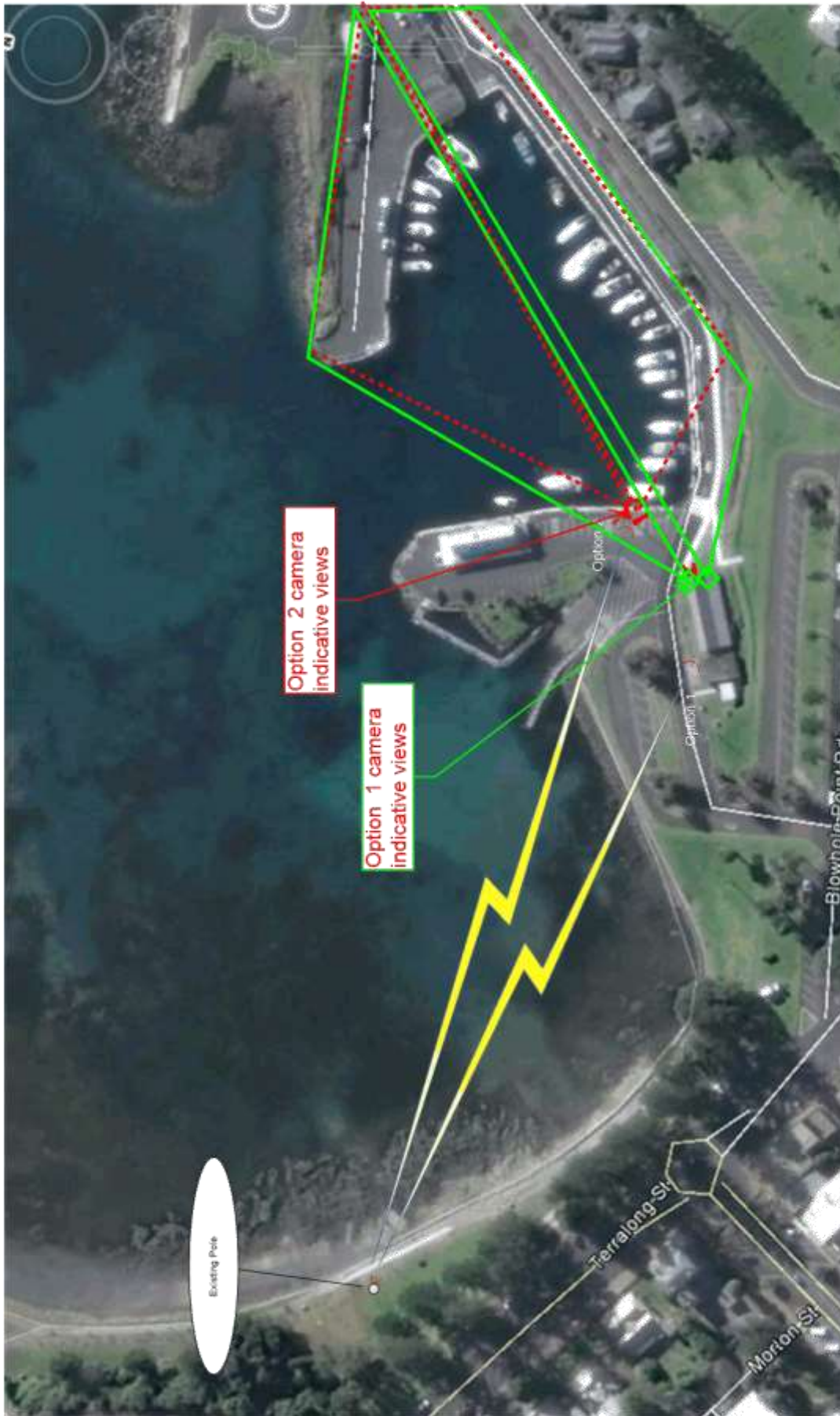
Yours truly,

Phil Jones

A handwritten signature in blue ink, appearing to read 'Phil Jones', is positioned above the typed name.

Engineering Manager

Unit 2, 23 Peachtree Road, Penrith NSW 2750
Phone: 1300 55 77 92 Fax: 02 4732 3668 Email: admin@gssecurity.com.au Web: www.gssecurity.com.au



14.4 Gerringong CBD CCTV

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 advises Council of the outcome from the Community Consultation on the Concept Design for installation of CCTV cameras in Gerringong CBD.

Finance

15/16 Budget.

Policy

Kiama Municipal Council CCTV Policy.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the installation of CCTV cameras in Gerringong CBD as exhibited in the concept plan

BACKGROUND

The consultation period for residents and business owners to comment on the Concept Design for the installation of CCTV in Gerringong CBD finished on 3 December.

From the consultation, it can be determined that there is strong support for Kiama Council to install a CCTV Camera Surveillance System in Gerringong CBD. In total, 22 surveys were completed with 91% in support of the installation of CCTV in Gerringong CBD, and 2 respondents (9%) against the installation of CCTV in Gerringong CBD.

In regards to the survey question: "Would you like to see other areas of Kiama LGA covered by CCTV?", 22.7% of consultation respondents indicated they would like to see other areas of Kiama LGA covered by CCTV surveillance, with 27.3% indicating they didn't see the need for further areas to be covered.

Additional areas that survey respondents indicated that they would like to see covered by CCTV surveillance included: Kiama Downs; the shops south of the Belinda and Fern Street roundabout; areas around IGA supermarket; Boat Harbour; and in general beaches and car parks in the LGA.

Report of the Director Community Services

14.4 Gerringong CBD CCTV (cont)

The following comments characterise the responses to the question “Do you have any other comments you would like to make in relation to CCTV for Kiama LGA”:

“The current coverage does not cater for the Post Office and shops next to us, nor the service station. We act like a bank for the town and there is a significant amount of cash held onsite. We feel the system should cover this area as well.”

“There is a large area that is not covered on the western side of Fern St where a lot of people park and any person could be attacked and the criminal can just walk away undetected. I’m not sure why the lower end of fern is covered but not the busiest end if we are to go to this expense then let’s cover the whole street.”

“Not for live monitoring thanks.”

“Great idea, the Police cannot be around all the time and hopefully this will be a deterrent.”

“This is brilliant and makes our community and families safer.”

“Good idea.”

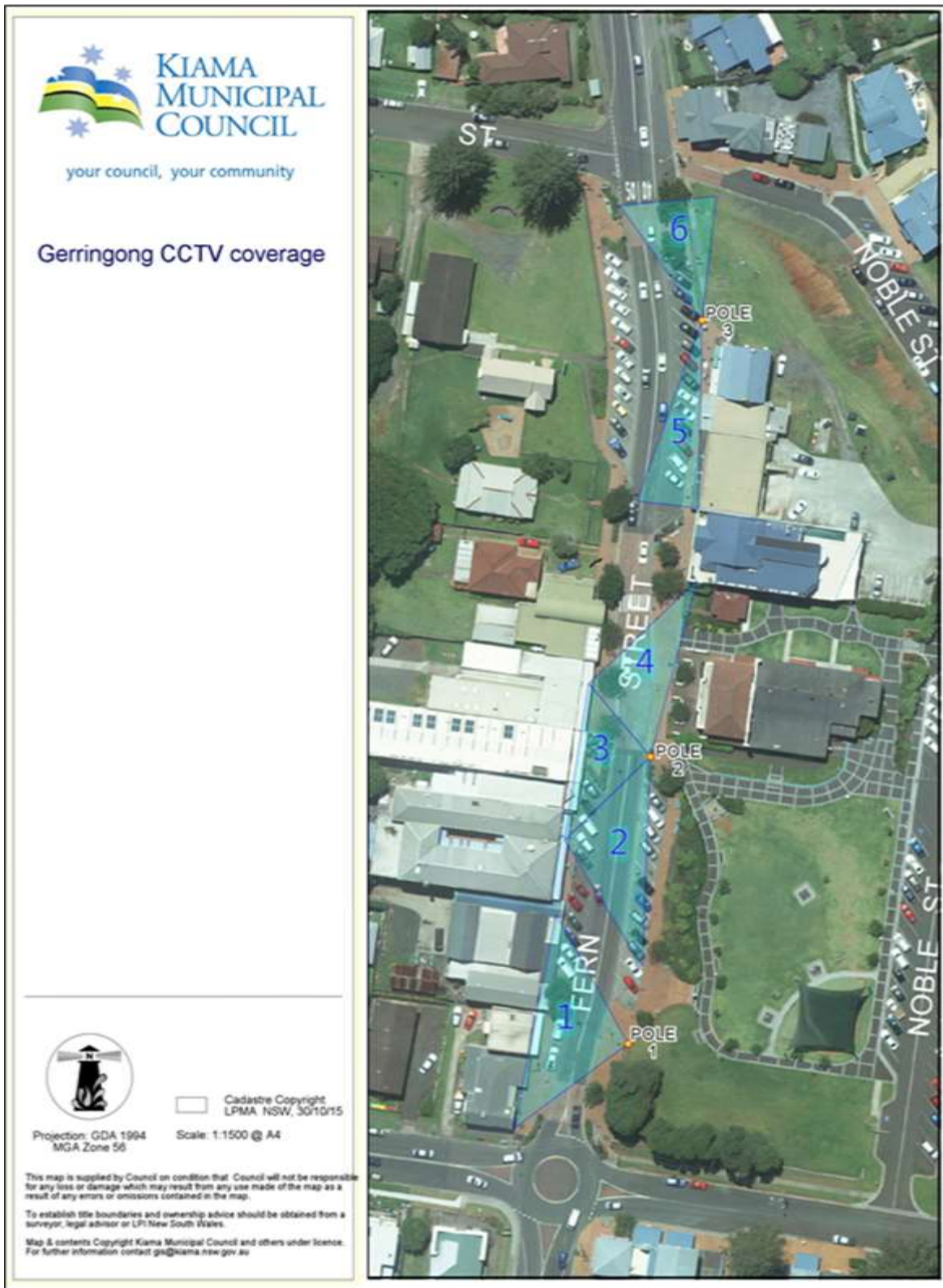
“It is sad that we need them.”

“Why do we need this? Is big brother going to be watching our every move?”

“I’m not aware of any safety issues that have happened in the street so would rather not have the cameras.”

Changes to the Concept Plan

While the concept plan included a proposal to link the system back to council’s main administration building via a microwave link, this part of the proposal is no longer considered achievable within the designated budget.



Map of CBD showing approximate location of camera poles and areas covered by cameras

14.5 Library Services
Book Dispensers

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: 1.2.5 Provide a range of library resources, both physical and online, that support our community in recreational and lifelong learning

Summary

This report responds to a question without notice about creating a book dispenser in a public space.

Finance

To be determined

Policy

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council support the investigation of implementing a Little Free Library in the Kiama area, following consultation with community groups and the general public.

BACKGROUND

In September, Councillor Reilly requested a report on the construction and placement of a book dispenser similar to those found in other areas, where books may be left and borrowed in a public place.

A number of public libraries are providing outreach programs that encourage reading and literacy within their communities by providing a weatherproof space for people to select and exchange reading material. These programs take many forms, including the innovative 'Beach Library' set up by Randwick Council over the 2014/15 summer, and 'pop up' libraries that can be set up at community events. Another option is the Little Free Library model, which is a non-profit organisation that supports the worldwide movement to offer free books housed in small containers to members of the local community. These are not just operated by Libraries but also individual

Report of the Director Community Services

14.5 Library Services
Book Dispensers (cont)

community members who are committed to the concept. Recently the City of Canterbury launched its first Little Free Library at Hurlstone Park Train Station.

Built by the Canterbury Men’s shed the Little Free Library takes the form of a miniature red telephone booth (image below) and is located outside the train Station. The Little Free Library has been successful in providing a selection of free fiction, nonfiction and children’s books and stock is replenished by contributions from members of the community as well as fortnightly monitoring by library staff. Planning is underway to install another Little Free Library in Belmore.

Item 14.5



While the Hurlstone Park Free Little library had only seen one instance of vandalism the Free Little Library installed in a thorough-fair in Nowra’ s CBD was destroyed by fire in August 2015.

It is recommended that the Little Free Library model could be implemented in Kiama, however, consultation should be undertaken with the community to seek support for the program. This would include options for the most appropriate location/s for a library and potential partnerships with local community groups, such as the Men’s Shed.

15 REPORTS FOR INFORMATION

15.1 Walking Tracks and Cycleway Committee - Minutes

Responsible Director: Engineering and Works

The Minutes of the Walking Tracks and Cycleways Committee meeting held on 11 November 2015 are attached for information.

Attachments

- 1 Walking Tracks & Cycleways Committee meeting minutes - 11 November 2015

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 11 NOVEMBER 2015
COMMENCING AT 4.00 PM

Present: Clr M Way (MW), J Walker (JW), H Irving (HI), D Brady (DB), A Pomeroy (AP), Clr M Honey (MH) arrived 4.30pm

Apologies: F Wilmot (FW), L Evans (LE), C Poole (CP), L Hazell (LH), B Booth (BB)

1 Minutes of Previous Meeting

The minutes of the previous meeting held on 9 September 2015 were received.

2 Business Arising from Minutes

2.1 Swamp Road to Jamberoo Shared Pathway

Acquisition of land between the corner of Swamp Road and across to Browns Lane should be finalised in near future. Construction of the next stage has commenced.

2.2 Billabong Shared Pathway Circuit

This item was initially deferred to the end of the meeting to await arrival of MH.

2.3 Tourism Grant Funding

Deferred.

Action: LE to investigate funding opportunities available and will email these to members. Further information will be provided at the next Committee meeting.

2.4 Tourist Pathway Signage

HI & JW undertook the ride on Monday 12 October from Minnamurra Bridge to the Jones Beach carpark. JW advised they identified approximately 12 locations where additional signage is required, mainly where there are changes in direction. JW will forward these locations to DB. A ride along the next section will be organised at the next committee meeting.

Action: JW to forward the proposed signage locations to DB.

2.5 Cyclist Guardrail Protection

DB advised that a decision regarding the grant funding application to the RMS for the Gipps Street cyclist guardrail is still pending.

2.6 Water Stations

MW outlined the report tabled at the last Council meeting that included a list of 16 potential locations along the coastal strip. A copy of the locations list had previously been forwarded to Committee members prior to the meeting for consideration. MW advised that he had prepared a criteria based assessment of the locations to prioritise the listing based on factors such as unavailability of water, high usage areas, proximity to the Walking

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN
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Track/Cycleway, proximity to a children's Playground/ dog off-leash area/ active recreation area.

After considerable review and debate, the committee prioritised the listing below.

Committee Recommendation:

The Committee request that the installation of water stations be considered by Council in the following order:

- 1) Bombo - South end of Beach
- 2) Kiama - Surf Beach / Coronation Park
- 3) Kiama - Little Blowhole near viewing platform
- 4) Gerringong - Old School Park, Fern Street
- 5) Werri Beach - Lloyd Rees Reserve, Pacific Avenue
- 6) Kiama - Black Beach (near playground)
- 7) Kiama - Kendall's Beach Reserve (near playground)
- 8) Kiama Downs- front of Surf Club, North Kiama Dr
- 9) Minnamurra - James Oats Reserve
- 10) Bombo - North end of Beach
- 11) Kiama - Tourism Office, Blowhole Point
- 12) Gerroa - Burke Parade (near footbridge)
- 13) Werri Beach - South Werri (near playground)
- 14) Gerringong - South Headland, Tasman Drive
- 15) Kiama Heights - end of Attunga Ave
- 16) Kiama - West Terralong Street

Moved: AP/Hi - Vote: Unanimous.

2.7 Walker's Beach Pathway/Gerringong to Gerroa Walking Track

DB advised that the minutes of the previous Committee meeting including the recommendation seeking the General's Managers report on the Golf Club negotiations is being reported to the next Council meeting.

2.8 Black Beach Shared Pathway

DB advised he had liaised with Council's Property Manager to include in the consultant brief a requirement that the appointed consultant liaise with the Committee prior to preparation of the draft masterplan for the Akuna St precinct.

2.9 Gainsborough Chase to Billabong Shared Pathway

DB tabled a large scale map of the Billabong and 'Gainsborough' area to identify public and private land and potential alternate routes. There is a large parcel of land adjacent to the Princes Highway bridge that is still owned by the RMS. DB advised that the RMS had

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN
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COMMENCING AT 4.00 PM

been investigating the potential sale of this land in future and that the lower portion of the site is flood affected and is unlikely to be developed. The committee believed that if this were to occur, Council may be able to have a cycleway extension included across this land.

Committee Recommendation:

That Council consider a cycleway extension across this land should it be subject to a subdivision development application in future.

Action: DB to provide a large scale map of the area north of 'Gainsborough' for the next meeting to discuss possible alternate routes.

2.10 Fern Street / Omega Flat Cycleway

DB advised after inspecting the site, a raised boardwalk type cycleway would not be feasible, as the access corridor currently includes Endeavour Energy power poles which would need occasional access by their maintenance vehicles.

Committee Recommendation:

- 1) *The Omega Flat cycleway be considered in the Council's 2016/17 budget.*
- 2) *Council to make application to the RMS for grant funding for the above project.*

2.11 Meeting Times

The Committee discussed changing the meeting dates / time in future. It was agreed that bi-monthly meetings be held with a new meeting start time and day at 3.30pm on Mondays (first Monday of the month).

A new timetable for meetings for 2016 will be as follows:

- 1 February
- 4 April
- 6 June
- 1 August
- 3 October
- 5 December

Note: dates subject to change to avoid Council meetings.

2.12 Hyams Creek Footbridge

DB advised that this project will be included in the draft budget for 2016/17.

2.13 Health, Tourism & Sustainability study

AP advised that there is the possibility of a regional study being undertaken on the above, or possibly a Kiama only study. AP to contact the Wollongong Council representative.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 11 NOVEMBER 2015 COMMENCING AT 4.00 PM

2.14 Cycling Presentation

JW presented an informative Powerpoint presentation on cycling infrastructure in Europe from their recent trips.

3 New Business Arising

3.1 Kiama Bends / Bushbank Mill track

MW requested information on the possibility of establishing a walking /cycle path along the old Highway track that runs to Bushbank Mill. DB indicated that the RMS has had difficulties in trying to establish a safe cyclist route through the Kiama Bends due to inadequate road shoulder width. If a safe viable alternative could be established they may contribute funding towards it.

*Action: 1) MW to forward a map/photo of the proposed route to DB.
2) DB to investigate ownership and possibility of establishing a track.*

3.2 Minnamurra Recycling Centre Access Road

After witnessing a potential incident, HI requested additional signage and/or pavement paint be installed across the access road into the Minnamurra recycling centre to identify and warn drivers and riders of this cycleway crossing point.

Action: DB to investigate with Council Engineering Works Section to implement improved safety measures at the Minnamurra recycling centre access road.

3.3 Communication

The Committee believe that there is currently insufficient community promotion of walking and cycling matters. For example, updates on Jamberoo Cycleway, water stations, infrastructure improvements, tourism related cycling etc. This could include updates to Council's and Tourism's websites, Kuminico and other publications. Discussion was also held on promoting cycling as a transport option for local school children including Kiama High. It was agreed that any additional high school students that could be encouraged to cycle to school would assist in reducing the current issues with parking and access problems.

Action:

- 1) *DB to liaise with Council's Communication section to promote walking and cycling matters.*
- 2) *Council's Road Safety Officer be requested to promote cycling as an alternate option with Kiama High School.*

3.4 Urban Cycling

Given the above, the Committee agreed that it should start reviewing the urban cycleways network to encourage cycling. Minnamurra primary school was decided as the first location for discussion at the next meeting.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN
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4 Deferred Business Arising from Minutes

4.1 Billabong Shared Pathway Circuit

See Item 2.2. MH advised that after discussing this matter with the General Manager, as the property owner, he declared a pecuniary conflict of interest and subsequently excused himself from the meeting.

A site walk was held on 9th November, meeting at the Swamp Rd entrance and subsequently circumnavigating the Billabong along the Crown Reserve areas. It was determined that a route around the southern and western side of the Billabong could be broken into 3 sections as shown on the attached plan.

Sections 1 & 3 are relatively flat and cleared and would involve straightforward construction consisting of concrete slab-on-ground pathway. Section 2 would involve clearing of reeds and Casuarina trees through swampy areas and constructing a number of bridges over the waterway areas. Given the nature of the terrain, it is likely considerable sections would need to be constructed as an elevated boardwalk type pathway. Further negotiations could be considered with the property owner to reach a mutual agreement in allowing the route to cross outside of the Crown Reserve for short sections to avoid bridging and to also formalise routes for livestock between paddocks. If completed the Billabong circuit would provide approximately 2.5km of flat scenic pathway.

Some members of the Committee were particularly interested in constructing Section 1 and incorporate a picnic table etc at the end as a destination for visitors to view this scenic part of the Billabong area.

Action: Council to investigate the feasibility of the constructing the 3 Sections to create a scenic circuit around the Billabong area.

There being no further business, the meeting closed at 7.10pm.

Next meeting will be held on Monday 1 February 2016 at 3.30pm.



Item 15.1

Attachment 1

15.2 Section 94 Development Funds

Responsible Director: Office of the General Manager

Below is a table showing Section 94 developer contributions received each month.

S94 Developer Contributions

2014/15	
July	\$17,420
August	\$20,963
September	\$24,542
October	\$134,555
November	\$27,469
December	\$159,599
January	\$217,043
February	\$63,668
March	\$62,015
April	\$246,313
May	\$53,438
June	\$87,154
Interest	\$111,755
	\$1,225,934

S94 Recoupments from Plans

2014/15	
July	\$28,827
August	\$9,245
September	\$10,420
October	\$79,621
November	\$10,086
December	\$88,151
January	\$124,513
February	\$30,566
March	\$28,606
April	\$142,648
May	\$27,317
June	\$31,651
	\$611,651

2015/16	
July	\$16,126
August	\$206,061
September	\$43,412
October	\$33,102
November	\$33,407
Interest	\$9,076
	\$341,184

2015/16	
July	\$9,301
August	
September	
October	
November	
	\$9,301

Item 15.2

15.3 Investment PolicyResponsible Director: Office of the General Manager

Councillor Rice requested a report on how Council's previous resolution to amend the Investment Policy to include consideration of investments in local or regional community based enterprises as well as those without interest in Coal Seam Gas wherever possible, has influenced Council's suite of investments since that time.

Council investments are allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements and investments are expected to achieve a market average rate of return in line with Council's risk tolerance. Council also only invests in approved products with Standard and Poors (S&P) long term credit ratings ranging from AAA to BBB-. This rating will have a bearing on smaller institutions that don't fit Council's financial rating criteria. Council staff also ensure investments are spread over a number of institutions while trying to obtain the best available interest rate.

Council has invested in a number of local or regional community based financial institutions including Bendigo and IMB Society. All the major banks have a record of funding fossil fuel. Some of Council's investments are with institutions that have made a stand against investing in coal and gas projects. These institutions are Bank of Queensland, Bendigo Bank, IMB Society, ME Bank, Rural Bank and Suncorp Bank.

Whilst staff can keep in mind this objective in the Investment Policy it is imperative with budget expectations that the best interest rate is obtained. The smaller institutions are not always as competitive as the bigger banks on interest rates but that is assessed daily when funds are invested.

15.4 Attendance at Risk Management Institute of Australasia (RMIA) National Conference - November 2015Responsible Director: Corporate and Commercial Services

At the Council meeting of 15 July 2015, Council endorsed Erin Brown, Risk Management Officer (Insurance), to attend the Risk Management Institute of Australasia (RMIA) National Conference. The conference was held at the Adelaide Oval.

The conference was well represented by member councils from the United Independent Pools and in total approximately 20 representatives from the 19 councils attended the three day conference.

The conference consisted of three full days of stream sessions and key note speakers which were interspersed throughout the conference.

The first 4 streams consisted of the following topics:

- Enterprise Risk Management
- People Culture and Ethics
- Business Continuity and Crisis Management
- Risk Finance and Insurance

The last stream changed each day as follows:

Day 1 – Local Government

Day 2 – Security, Information Security and Cyber Risk

Day 3 – Government

The conference provided the opportunity for Erin Brown to continue to develop strong network ties with other member councils, share valuable lessons and acquire information specific to upcoming trends within the local government arena.

The conference also provided the opportunity to see what risk management initiatives large private organisations have implemented, how they are behaving in their environment and identify whether such initiatives could be tailored for Kiama Municipal Council.

Erin will continue to work with the Public Officer, Manex and the Audit and Risk Committee over the 2015/16 Operational Plan period to continually improve Council's Enterprise Risk Management Framework.

15.5 Question Without Notice – Compostable Kitchen Caddy LinersResponsible Director: Environmental Services

At its meeting held on 15 November 2015, Councillor Steel requested a report on the supply of bin liners for the food waste caddies being used as part of the OK Organics program.

When the trial was undertaken in 2012, Council took the initiative of not providing households with compostable kitchen caddy liners. From extensive research undertaken by various other Councils in Australia, this decision was based on cost Vs need.

If Council was to forecast the cost of providing all serviced households within the Municipality with 3 compostable bags per week for one year, it would be in the order of \$160,000 not including any distribution costs. Rather, Council's approach is to educate households to not use plastic bags, instead to use alternatives such as wrapping food waste in newspaper, lining the caddy with a plastic bag and then freezing food waste prior to placing in green lid Organics bin or placing directly in green lid Organics bin and covering with green waste to reduce odour and mess. The results showed that contamination in the green lid Organics bin was consistently less than 1% each week.

When Council endorsed the new waste service to be implemented across the Municipality, some residents still wanted to use a "bag" option to contain their food waste. Council then engaged with various local grocery outlets - IGA Kiama Downs, Jamberoo and Heart and Sol Organics, Kiama, to stock the industry standard approved compostable liners in store. The compostable liners are now available at each of these participating outlets with IGA Gerringong stocking this item early next year. It is proposed other suitable retailers will be approached next year to stock this item.

At each of the community information sessions and shop front information kiosks residents are advised of their options to manage their food waste (paper, freezing or compostable liners) including where compostable liners are available for purchase (currently around \$6.30 per roll of 52 liners). A list of retailers who stock the compostable liners is also available on Council's website.

15.6 Blue Haven RedevelopmentResponsible Director: Community Services

Redevelopment Update

The subdivision of the site was approved on 6 November. This will allow the contract of sale to be progressed.

The Development Application (DA) for the redevelopment of the Kiama Hospital site was considered by the Joint Regional Planning Panel (JRPP) on 3 December and was recommended by the independent planners for approval, with some conditions. The meeting, held at Kiama Council, was attended by the architects and planners involved in developing the DA as well as key Council staff.

The Planning Panel have provided 'in principle' support for the development and are now willing to determine the matter via an electronic meeting following the submission of amended plans. The panel heard the concerns of neighbours in both Holden Ave and Reid St in regard to overshadowing and proximity of the development. In its assessment the panel noted that the site has been a long term institutional site and could be reasonably expected to have a different character to the surrounding buildings. The panel requested adjustments in the form of: privacy louvres to certain balconies in the ILU's that may otherwise overlook properties in Holden Ave; an additional setback of three metres for a wing of the aged care facility closest to Reid St; and an amended set of landscaping plans demonstrating better connection to Bonaira Gardens.

A scale model of the development is currently on public display in the foyer of the main administration building of Council.

Provisionally Allocated Places

Application was made for the extension of the 52 provisionally allocated places and this has been accepted. The extension is now valid until 31 July 2017. The following milestone dates have been identified as part of the approval for extension:

Land acquisition	January 2016
Development Application approved	January 2016
Construction Certificate approved	July 2016
Commencement of building work	September 2016

As previously advised, the outcome of the 2015 Aged Care Allocation Round will not be known until approximately March 2016. If successful in that application these original places will be relinquished.

15.7 Roadworks and traffic detours - Riverside Drive, Kiama DownsResponsible Director: Engineering and Works

Council has been contacted by the Roads and Maritime Services (RMS) regarding upcoming road maintenance works planned for the M1/Princes Highway. The RMS advised that due to recent policy changes within their organisation to address safety for road maintenance workers, all planned maintenance works on high speed / high traffic main roads will be conducted under road closure conditions with traffic detours where they are available.

RMS representatives recently met with Council staff to advise that road works are planned for the Princes Highway - North Kiama Bypass on 14-17 March 2016. This will involve traffic detours onto Riverside Drive between the Swamp Road interchange to the north and Quarrymen Road (Bombo Interchange) to the south. Full road closures of the Princes Highway will be for 2 days northbound then 2 days southbound, with works undertaken between 9am – 3pm daily.

Council officers raised a number of concerns with the proposal including:

- impact on amenity to local residents,
- changes to the Riverside Drive road environment since it was decommissioned as the Princes Highway (ie construction of new roundabouts, parking lanes and vehicle load limits etc) and its capacity to accommodate the increased traffic volumes;
- Council's previous application for a speed limit reduction in this area due to resident's concerns;
- impact on existing road infrastructure;
- unsuitability of route for large B-Double vehicles;
- possible need to rephrase the Meehan Drive intersection traffic signals to avoid extensive queuing;
- safety issues with diverting commuter cyclists through the 'Minnamurra Bends';
- the Traffic Control Plans to be enacted for the detour;
- public consultation and advertising to the community of the planned detours.

The RMS advised that they will investigate and address these concerns in consultation with Council.

Council also advised it is proposing to construct a roundabout at the intersection of Riverside Drive and Oxley Avenue in the near future. There have already been extensive delays in obtaining approvals to relocate a number of existing street lights with Council currently awaiting quotations to complete this work. Initial advice from the street lighting contractors is that there is an approximate 12 week delay in the supply of street light columns which would require further postponement of the roundabout construction works to avoid a conflict with the RMS detours.

Reports for Information

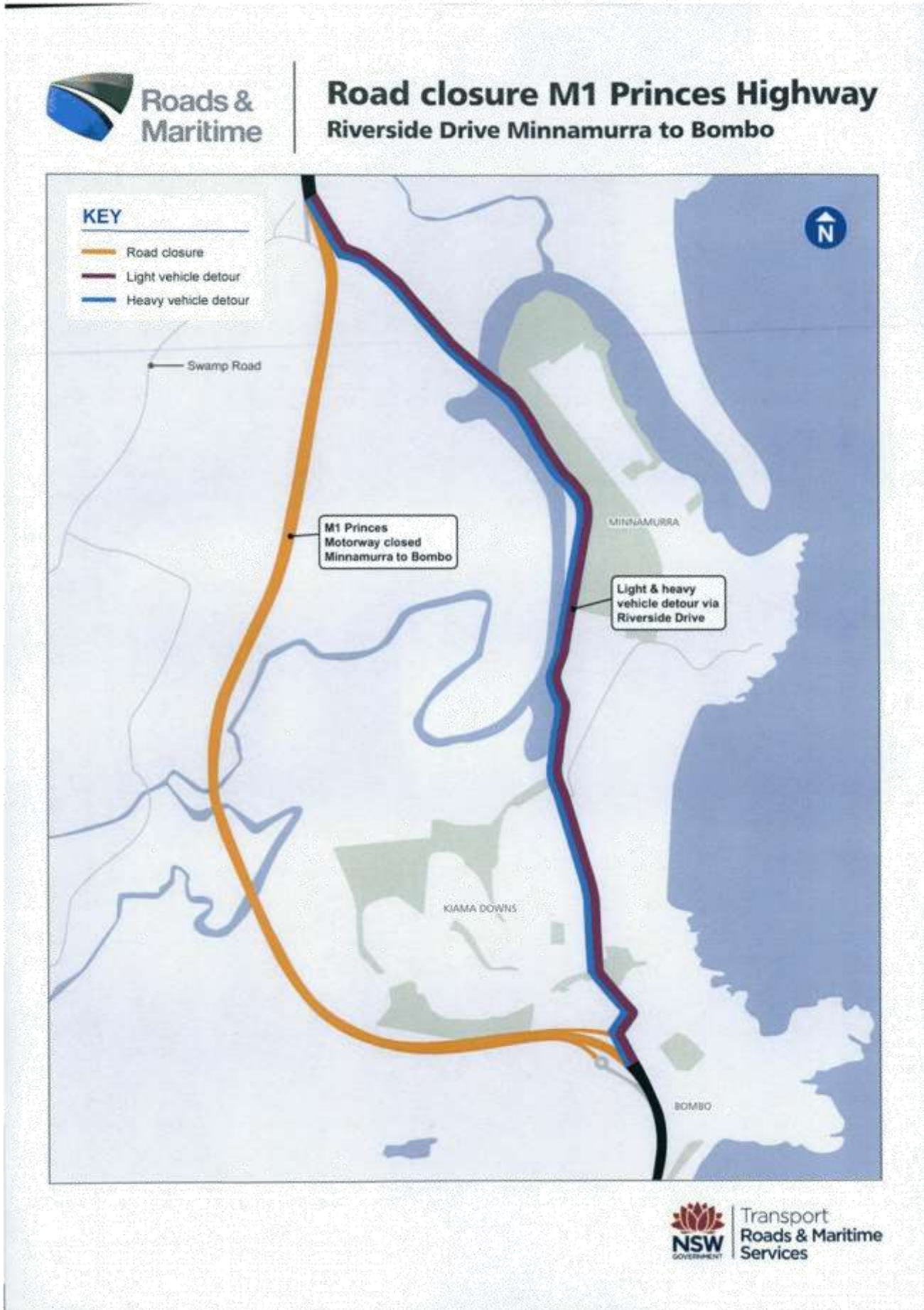
15.7 Roadworks and traffic detours - Riverside Drive, Kiama Downs (cont)

The RMS indicated that it expected these maintenance road closures and detours would occur on a 3-4 monthly basis, with the subsequent closure programmed for 30 May – 2 June 2016.

Attachments

- 1 RMS Princes Highway traffic detour - Riverside Drive

Item 15.7



Item 15.7

Attachment 1

15.8 Kiama Leisure Centre Fees - Student DiscountResponsible Director: Corporate and Commercial Services

At the Youth Engagement meeting in August 2015, a student requested Council's consideration for a review of concessional fees. At the September 2015 Council meeting, Council resolved to:-

1. Offer all fulltime students residing in the Kiama Local Government area a 50% discount off all membership rates.
2. Retain the \$53 per term (12 week) Schools Program Fee.

The proposed fee structure was advertised over a period of 21 days with the amended fees to take effect from 18 November 2015.

As council has received no submissions from the public, the revised fees have now been introduced. The likely financial impact to the Leisure Centre operations of the fee reduction will be approximately \$12,000 per year and the budget will be amended in the next quarterly review to reflect the reduction in income.

A letter has been forwarded to Kiama High School and Council's Youth Officer will also include the information for discussion at the next SRC meeting at the high school.

15.9 Library**Services****Invitation to take a 'shelfie'**Responsible Director: Community Services

What are you reading this summer? Summer holidays can mean time to kick back and enjoy the warm weather, long days and of course time to read! As people head off for their holidays this year, we would love our community to share their favourite fiction, non-fiction and crime books for the ultimate holiday escape. Kiama Library will be asking our readers to take a photo of themselves with their favourite book which we will share with the community on our social media accounts. We are calling them 'shelfies' instead of selfies.

How can the Councillors and Directors be part of this program? It would be great if you could take a photo of yourself with your favourite book as a recommendation for other readers.

Share this photo by either,

- Posting it on your Instagram account with the hash tag #kiamashelfies
- email your photo to library@kiama.nsw.gov.au
- Drop into the library where staff will snap your 'shelfie', don't forget to bring your favourite book with you or we will find one for you on the library shelves.

Don't forget to make sure the title of the book can be clearly seen in your photo and you are happy for your photo to be shared on our social media platforms.

15.10 Kiama Library MobilePrint ServiceResponsible Director: Community Services

Kiama Library has implemented a MobilePrint Service which allows community members to print virtually any document or web page from their Internet connected device to the Kiama Library printer. Community members can print from their mobile phones, tablet devices or their home laptop.

Printing from a smart phone or tablet device is simply a matter of downloading the Printeron app from either the Apple Store or Google Play. Using the app, select the documents or photos to be printed, enter their email address and the number of copies required, then pay and collect at Kiama Library.

PC or laptop users need to connect to the Kiama Library website www.library.kiama.nsw.gov.au and select the WiFi printing option, upload the documents they would like to print and enter their email address. Print jobs will be available at Kiama Library for 48 hours and normal printing charges apply.

15.11 Coastal Management Reforms

Responsible Director: Environmental Services

On 13 November 2015, the NSW Government released a draft framework for coastal management for public consultation, which is open for submissions until 29 February 2016.

The coastal management reforms have the stated aims of establishing legislative and policy settings and practical tools to enable and assist Council's and their communities to protect and enhance the natural values of the coast, ensure ongoing public access, use and enjoyment of our beach and coastal foreshores and support communities to increase their resilience to existing and emerging coastal hazards.

The NSW Government is proposing to achieve this through:

- A new legislative and regulatory framework for contemporary coastal management
- A new coastal management manual to better support Council decision making
- A tool kit for identifying and assessing coastal hazards and risks, and selecting and funding affordable coastal management programs

On 1 December, Council staff attended a briefing session conducted by the Office of Environment and Heritage (OEH) regarding the proposed NSW Coastal Management reforms package. The OEH representatives went through the documentation on public exhibition to explain the government's intention, and seek feedback from local government, consultants and communities who are involved with coastal management and/or will be affected by these reforms.

The documents that are on public exhibition are:

- A draft Coastal Management Bill
- An explanation of Intended Effect for the proposed new Coastal Management State Environmental Planning Policy (SEPP)
- A draft Coastal Management Manual

These documents are available for viewing at:

www.environment.nsw.gov.au/coasts/coastreforms.htm

The new *Coastal Management Act (CM Act)* will replace and repeal the current *Coastal Protection Act 1979 (CP Act)* and *Coastal Protection Regulation 2011*. The proposed *CM Act* will bring across existing provisions in the *CP Act* relating to the protection of beaches and headlands from the impacts of inappropriate coastal protection works. The *Environmental Planning and Assessment Act 1979 (EP&A Act)* will also be amended to allow consent authorities to condition approvals for coastal protection works to require the payment of costs for rectifying potential damage caused by the coastal protection works to other property. The enforcement of the new legislative arrangements will also be delivered under the *EP&A Act* via these amendments.

Reports for Information

15.11 Coastal Management Reforms (cont)

Current requirements for emergency action sub plans will be retained, however provision for temporary coastal protection works will be repealed and there will be a focus on the roles and responsibilities of public authorities.

The *CM Act* will divide the coastal zone into four coastal management areas, rather than the current situation of a single homogenous zone (currently 1km landward from coastline). These four proposed areas are:

1. The coastal wetlands and littoral rainforest areas;
2. The coastal vulnerability area;
3. The coastal environment area; and
4. The coastal use area

These areas will be defined in the *CM Act*, as well as mapped as part of the new Coastal Management SEPP which will be made available through the Department of Planning and Environment website. The intent of the legislation is to establish clear outcome oriented management objectives for each area to ensure councils apply appropriate management tools and development controls.

The *CM Act* will also establish requirements for the preparation of coastal management programs (CMPs). CMPs will give effect to management objectives for the four coastal management areas. The *CM Act* will also require the CMPs to be incorporated into the local government Integrated Planning and Reporting framework including annual operational plans.

The proposed Coastal Management SEPP will combine the existing SEPP 14, SEPP 26 and SEPP 71 planning policies and specify the development controls that will apply to particular forms of development within each coastal management area.

A coastal management manual is being prepared which will provide clear instructions and step by step process for councils to meet the requirements of the *CM Act*. Compliance with the manual will ensure councils fulfil their good faith requirements under the *Local Government Act 1993*.

Council staff have identified a number of issues relating to the proposed coastal management reforms which may affect how local government delivers the objectives of the reforms. These issues will be identified and included in a submission, which can be reported to Council at its February meeting, prior to submission by 29 February. The Illawarra Pilot Joint Organisation (IPJO) has been approached to coordinate the submission across the Illawarra Council's.

If Councillors have any issues or ideas they would like included in the submission, they should provide these to the Director of Environmental Services for inclusion in the submission by 21 January 2016.

15.12 Letter of Appreciation - Dogs on Werri Beach

Responsible Director: Office of the General Manager

Council recently received correspondence from a resident who wished to pass on his appreciation and congratulations to Customer Service and Ranger staff who recently assisted him. A copy of the correspondence is attached.

The correspondence has also been forwarded to the relevant staff and their Directors.

Attachments

- 1 Letter of appreciation

[Redacted]

From: [Redacted]
Sent: Thursday, 3 December 2015 10:41 AM
To: Council Mailbox
Subject: Well Done Kiama Council

After reporting an ongoing problem of uncontrolled dogs defecating and chasing joggers on Werri Beach I was overwhelmingly impressed by the way my complaint was handled by the staff that I dealt with. The front desk staff were genuinely interested in what I had to say about the problem and promised to ensure that the information was passed to the correct department. Which they did.

The information was passed to the council rangers who are absolute professionals and showed me a level of customer service that is rarely experienced. Despite that fact that their workload is huge, the rangers were a step ahead of the game and already had positive, pro active and ingenious measures in place to try and address this ongoing issue.

The experience has strengthened my faith in Kiama Council and the service its staff provide to the community.

Congratulations to Everyone.

Regards,
[Redacted]
[Redacted]
[Redacted]

Item 15.12

Attachment 1

15.13 Parking Statistics - November 2015Responsible Director: Environmental Services

CBD Parking:

Parking patrols conducted – 23 site specific, 30 general area

Infringements issued – 38

Vehicle spaces inspected – 1530

Market Day - 21&22/11

Terralong 1PW – 1 patrol

Fern 1/2P – 2 patrols

Terralong 2P – 6 patrols

Terralong 2PE – 1 patrol

Collins 2P – 4 patrols

Rosebank 2P – 1 patrol

Manning 2P – 2 patrols

Railway 2P – 2 patrols

Terralong 2PS – 1 patrol

Terralong 1/2P – 2 patrols

Rosebank 1/2P – 1 patrol

School Parking Patrols:

Minnamurra Public School – 5 parking patrols resulting in 1 infringement

Gerringong Public School – 1 parking patrol resulting in NIL infringement

Kiama High School – 3 parking patrols resulting in NIL infringements

St Peter and Paul Catholic School – 2 parking patrols resulting in 2 infringements

Reactive Issues:

Park wrong angle - 2 Infringements

Disabled parking - 1 Infringement

Footway obstruction - 5 Infringement

Motor Bike - 1 Infringement

Parallel Park - 2 Infringements

Driveway - 1 Infringement

Taxi Zone - 1 Infringement

Total amount of Infringements - \$6683Specific patrols for December will be for locations nominated above +East Beach
Caravan Park Ocean Street Xmas Parking

Reports for Information

15.14 Question Without Notice Register (cont)

15.14 Question Without Notice Register

Responsible Director: Office of the General Manager

The current Questions Without Notice Register outlining the status of Councillor's recent questions is attached for your information

Attachments

1 Question Without Notice Register as at 8/12/15

Item 15.14

Questions Without Notice Register

No	Details	Actions
21 July 2015 meeting		
18.1	<p>Local Environmental Plan Review Committee Councillor Rice advised that two objectives of the newly formed Local Environmental Plan review committee are:</p> <ul style="list-style-type: none"> • To form a consistent and open path of communication from the community to the committee and Council; and • To facilitate the dissemination of information to the community in regard to the operation and review of the LEP. <p>Councillor Rice requested a report that details how these two objectives will be comprehensively met as the committee goes about receiving and deliberating on the business before it. The Mayor referred this matter to the General Manager for investigation and report.</p>	Matter addressed at subsequent Local Environmental Plan Review Committee
18.2	<p>Display of Motions Councillor Seage requested that motions be displayed live on screen as they are being typed for Council review prior to voting. The Mayor referred this matter to the General Manager for investigation and report.</p>	Actioned
18 August 2015 meeting		
18.1	<p>New SEPP 65 Regulation Councillor McClure requested a report on the effects that the new SEPP 65 regulations will have on Kiama Council's DCP and LEP. The Mayor referred this matter to the Director Environmental Services for information and report.</p>	Report submitted to October meeting
18.2	<p>Farmers Market Councillor Steel requested a report on the number of stall holders who operate at the farmers market and live within a 50km radius of Kiama. The Mayor referred this matter to the General Manager for information and report.</p>	Report submitted to September Council meeting
18.3	<p>Free Shuttle Bus Councillor Steel requested a report on the possibility of the provision of a free shuttle bus from the Leisure Centre parking area to Hindmarsh Park on market and festival days that could be funded from the fees paid by the markets to operate. The Mayor referred this matter to the General Manager for information and report.</p>	Report submitted to September Council meeting

No	Details	Actions
18.4	<p>Temporary Closure of Terralongs Street Councillor Steel requested advice regarding the proposed temporary closure of Terralongs Street for the Jazz and Blues Festival. The General Manager advised that the Jazz and Blues Club are investigating various options for greater opportunities for the Festival, one of which is the temporary closure of Terralongs Street. He advised Councillor Steel that he had requested the Jazz and Blues Club to consult with the main street retailers with regard to this option. The General Manager also advised that any request for a street closure would need to be reported to the Traffic Committee. He further advised that he was aware that the Chamber of Commerce had conducted a survey of retailers that would be affected by the street closure and that he had received a letter from the Chamber of Commerce prior to the meeting tonight but had not as yet opened the letter so was unaware of the results.</p>	Response provided at meeting
18.5	<p>Capacity of Bombo Sewage Treatment Plant Councillor Sloan requested that Council contact Sydney Water to formally request advice, in both Equivalent Person (EP) and flows, about the remaining dry and wet weather treatment capacity at the Bombo Sewage Treatment Plant. The Mayor referred this matter to the Director Environmental Services for information and report.</p>	Report submitted to September Council meeting
18.6	<p>Herbicide Usage Councillor Rice requested a report that outlines the health and safety criteria that currently underpin Council's regime of herbicide usage on parks and ovals. The Mayor referred this matter to the Director Engineering and Works for information and report.</p>	Report submitted to September Council meeting
18.7	<p>The Boneyard Councillor Way requested a report on the feasibility of applying to the Geographical Names Board to formally identify and confirm Kiama's iconic surfing location north of Bombo Headland as the "Boneyard". The Mayor referred this matter to the Director Engineering and Works for information and report.</p>	Report submitted to September Council meeting and name referred to Streets & Reserves Naming Committee
18.8	<p>Proposed Kiama Arts Centre Councillor Reilly requested a report on the means and possibility of funding the proposed Kiama Arts Centre in the 2016/17 budget year. The Mayor referred this matter to the General Manager for information and report.</p>	Report submitted to September Council meeting
18.10	<p>Holiday Park Advisory Committee Councillor Reilly requested a report on the implementation of a holiday park advisory committee consisting of councillors, staff, caravan owners, park managers and residents prior to the November Council meeting. The Mayor referred this matter to the Acting Director Corporate & Commercial</p>	Report submitted to September Council meeting

No	Details	Actions
Services for information and report.		
15 September 2015 meeting		
18.1	<p>Validation of complaints Councillor McClure requested a report on the way Council can validate complaints and ensure that all complaints are valid at all times. The Mayor referred this item to the General Manager for investigation and report.</p>	Report submitted to October Council meeting
18.2	<p>Question without Notice Register Councillor McClure requested that Council create a register of Questions Without Notice with the register to include the status of all Questions Without Notice asked by the Councillors and for this to be reported to each Ordinary Council meeting. The Mayor referred this item to the General Manager for investigation and report.</p>	Completed
18.3	<p>Gerringong Residents' Group Councillor McClure requested a report on the feasibility of the formation of a Gerringong Residents' Group to maintain the land on the corner of Fern and Willawa Streets, Gerringong. The Mayor referred this item to the Director of Engineering and Works for investigation and report</p>	Report submitted to October Council meeting
18.4	<p>Causeways Councillor Seage requested a report listing the causeways within the LGA and identifying a recommended priority list to address the safety issues outlined in an email sent by Aleysha Brooke-Smith after the recent heavy rains. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Matter requires significant investigation and will be reported to a meeting later in the year
18.5	<p>Police Residence Councillor Steel requested a report on the future of the Police Residence in Terralong Street. The Mayor advised that the Member for Kiama had recently advised that some funding had been provided to undertake minor aesthetic repairs to the residence, however any further works were pending the result of a Native Title Claim on the land.</p>	No action required
18.6	<p>Parking in Thomson Street Councillor Steel requested a report on the provision of a No Parking zone on the western side of Thomson Street, Kiama near the Terralong Street intersection. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Reported to October Local Traffic Committee
18.7	<p>CCTV at Kiama Harbour and Blowhole Point Councillor Way requested an estimate of costs associated with the installation of CCTV at Kiama</p>	Report to October Council meeting

No	Details	Actions
18.8	<p>Harbour, the harbour boat trailer parking areas and Blowhole Point. The Mayor referred this item to the Director of Corporate & Commercial Services for investigation and report.</p> <p>Tourist Information Map at Kiama Station Councillor Way requested that an estimate of costs for the installation of a tourist information map/sign, similar to the sign at Minnamurra Station, which features routes to tourist destinations in the local area, be erected at Kiama Station. He also suggested that the map should display the WiFi and App information on the base. The General Manager advised that Council is working with Kiama Tourism to upgrade existing tourist information signage within the area. The Mayor referred this item to Director of Engineering & Works for investigation and report.</p>	Actioned
18.9	<p>Bombo Headland Councillor Honey requested a report on the progress made in gaining funding for the Conservation Management Plan for Bombo Headland and whether approaches have been made to the Member for Kiama. Councillor Honey further requested that approaches be made to Wollongong Botanical Garden with the intention to include a coastal botanical garden on all or part of the headland. The Mayor referred this item to the Director of Engineering & Works for investigation and report.</p>	Report to October Council meeting
18.10	<p>Book dispenser Councillor Reilly requested a report on the construction and placement of a book dispenser similar to those found in other areas, where books may be left and borrowed in a public place. The Mayor referred this item to the Director of Community Services for investigation and report.</p>	Report to December Council meeting
18.11	<p>Street lighting The Mayor requested information regarding the cost associated with extending the footpath lighting from the new subdivision at the northern end of South Kiama Drive to Kiama Heights. He referred the item to the Director of Engineering and Works for investigation and report.</p>	Report to October Council meeting
20 October 2015 Meeting		
18.1	<p>73 Fern Street, Gerringong Councillor McClure requested an investigation into the option of a land swamp of Noble Park at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include discussions with the owners of 98 Fern Street. The Mayor referred the item to the General Manager for investigation and report.</p>	Report to November Council meeting
18.2	<p>Secure Storage for Caravans and Boats</p>	Report to November Council meeting (combined)

No	Details	Actions
	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.	with 18.4) Site inspection carried out and further investigation to be carried out.
18.3	Speed humps in Blue Haven Complex Councillor Steel requested a report on the speed humps in the Blue Haven Complex Stage 5 parking area. The General Manager advised that a residents' survey was being undertaken and that he would report the outcome of the survey to a future meeting.	Report to November Council meeting
18.4	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.	Report to November Council meeting (combined with 18.2)
18.5	Trees in Public Parks Councillor Rice requested that in the interest of maintaining biodiversity that an update or review of Council's policy for planting trees in public parks, reserves and streets be undertaken. The Mayor referred the item to the Director of Engineering & Works for investigation and report.	Report to November Council meeting
18.6	Jones Beach – Provision of picnic facilities Councillor Way requested a report on the costs associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground. The Mayor referred this item to the Director of Engineering & Works for investigation and report.	Report to November Council meeting
18.7	Footpath at Kiama Harbour Councillor Way requested a report on the costs to construct a footpath from the Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new trailer parking as per the Blowhole Plan of Management. The Mayor referred this item to the Director of Engineering & Works for investigation and report.	Report to November Council meeting
18.8	Review of Council's Structure Councillor Reilly requested that an outline be developed for an internal review of Council's structure. The Mayor referred this item to the General Manager for investigation and report.	Report to November Council meeting
17 November 2015 Meeting		
18.1	Bin Liners Councillor Steel requested a report on the supply of bin liners for the food waste caddies being used	Report to December Council meeting

No	Details	Actions
18.2	<p>as part of the OK Organics program. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p> <p>Stormwater Control Councillor Sloan requested that a report be brought to Council outlining the feasibility of requiring household scale Stormwater Quality Improvement Devices (also known as SQIDs) or rain gardens instead of detention basins for new developments. The Mayor referred this matter to the Director of Environmental Services for investigation and report.</p>	<p>Complex issue requiring investigation – to be reported to Council in 2016.</p>
18.3	<p>Investment Policy Councillor Rice requested a report on how Council's previous resolution to amend the Investments Policy to include consideration of investments in local or regional community based enterprises as well as those without interest in Coal Seam Gas wherever possible, has influenced Council's suite of investments since that time. The Mayor referred this item to the Acting Director Corporate & Commercial Services for investigation and report.</p>	<p>Report to December Council meeting</p>

Reports for Information

15.15 South Precinct Meeting Minutes

Responsible Director: Office of the General Manager

The minutes of the South Precinct meeting held 19 November 2015 are enclosed in Councillors' are attached for information.

Enclosures

- 1 South Precinct Meeting - Minutes - 19 November 2015

Item 15.15

15.16 Minnamurra Progress Association Minutes

Responsible Director: Office of the General Manager

The minutes of the Minnamurra Progress Association held on 3 November & 1 December 2015 are enclosed in Councillors' are attached for information

Enclosures

- 1 Minnamurra Progress Association Meeting Minutes - 3 November 2015
- 2 Minnamurra Progress Association Meeting Minutes - 1 December 2015

15.17 Kiama Youth Advisory Committee Minutes

Responsible Director: Community Services

Minutes of the Kiama Youth Advisory Committee meetings held in November and December 2015.

Attachments

- 1 Kiama Youth Advisory Committee Minutes 4 November 2015
- 2 Kiama Youth Advisory Committee Minutes 2 December 2015

Minutes of the Kiama Youth Advisory Committee meeting held on Wednesday 4th November 2015 at Kiama High School at 10.47am.

Present: Clr Kathy Rice (Kiama Municipal Council), Andrew Chatfield (Kiama Municipal Council, Minutes), Michael Dalitz (Kiama Library), Sarah Meppem (Kiama High School staff), Nellie Smith, Carly Abbott, Paige McCallum, Eliza Skorulis, Sharnie Heffernan, Grace Allen, Lauren Perry, Hannah Lawrance, Toby Allen, Emma Douglas, Ned Wilkinson, Bryce Humphries, Tasman Fredericks, Jackson Allen, Darcy Lawton, Wade Hazell, Alex Wunsch (Kiama High School SRC).

1. **Apologies:** Clr. Neil Reilly (Kiama Municipal Council), Nick Guggisberg (Kiama Municipal Council).

2. **Minutes of previous meeting:**

Moved by Toby Allen, seconded by Ned Wilkinson

3. **Business arising from previous meeting:**

3.1 *Safe skateboarding promotion ideas*

Toby Allen suggested social media promotion regarding 'safe skateboarding', Lauren Perry and Darcy Lawton suggested a short movie about helmet use. Michael Dalitz raised the idea of surveying young people.

Action: Andrew Chatfield to continue to identify and work with the SRC on the issue.

3.2 *SRC Council visit*

Andrew informed the SRC that Council was supportive of a tour of Council facilities and that the Mayor and General Manager of Council have agreed to speak with the students. Andrew has recommended the date of November 24th and will send through all information to Sarah Meppem for Sarah to confirm.

Action: Andrew to liaise with Sarah and provide confirmation to Council for the tour to go ahead on the 24th.

3.3 *Year 6 transition program*

It was decided due to Kiama High Schools current Transition to High School program that SRC students would not be involved in SENTRAL's transition program. This is due to the logistics of having students miss school at an important time of year.

3.4 *'What's on' board at Kiama High School*

Andrew Chatfield asked the SRC if they would support a SENTRAL notice board, which will be a TV, being placed in the school canteen area for the purpose of promoting SENTRAL events and activities. Toby Allen, Grace Allen and Ned Wilkinson were very supportive and as a collective, the SRC would support the initiative when it is presented to the school executive staff.

3.5 *Kiama High/Kiama Council Library promotion*

Sarah Meppem has offered to create a Facebook 'Like' poster to help promote Council's Library within the KHS Library. Michael Dalitz has invited students to give feedback on how Kiama Council Library can improve services for young people. Sarah also informed the committee that a 'media group' is being created at KHS to oversee all social media promotion of the school and its programs. Sarah has volunteered to promote Kiama Council Library via the media group.

3.6 *No parking zone, southern side of KHS*

Nick Guggisberg provided feedback to Andrew Chatfield prior to the meeting addressing student concerns regarding a 'no parking zone' on the south side of Kiama High. Nick has provided feedback that the sign is clearly stated as such, and that students should not park there. Clr. Kathy Rice stated that Council had resolved to designate the area 'no parking' but also wants to ensure that the lines of communication remain open and that students and parents need to be aware of the process.

4. Reports / General Business

4.1 *SENTRAL renovations*

Andrew reported that renovations to the Youth Centre are continuing, but there was nothing new to report at this stage.

4.2 *SENTRAL programs*

Andrew informed the committee on current programs available at SENTRAL including; Barista training on Wednesday afternoons, SENTRAL Fitness now running Mondays and Wednesday due to high demand, Year 6 transition program which will commence in early November and involves Minnamurra, Jamberoo, Gerringong and St Peter and Pauls Primary Schools and the Young Men's program with 10 KHS students attending SENTRAL each Tuesday for the duration of the school term.

4.2 *Kiama Library update*

Michael Dalitz reported that author Robert Parkinson will be at Kiama Library to speak about his book on Orry Kelly, a Kiama local who won 3 Academy awards. The talk will take place on Saturday 14th November at 2.30pm.

It is International (Board) Games day on Saturday November 21st, from 10am – 2pm, and Kiama Library is looking to reconnect with the community through the playing of board games. From 2pm it is 'kid's zone' only.

The Library will also be running its 'Summer Reading Club' from December – January, with participants required to read 5 books during that period to win a prize. There are categories for all ages.

5. General Business

5.1 Leisure centre membership for young people

Sarah Meppem has asked for Council to provide more details regarding a recent motion that Council passed to allow discounted membership fees to the Kiama Leisure Centre. Sarah would like more information so she could promote to students. Cllr Kathy Rice informed the committee that youth membership would be half of a 'gold' membership and that current student rates would be maintained.

Action: Cllr Rice will follow up and provide more information for the committee next meeting.

6. Next Meeting

- The final meeting for 2015 of the Kiama Youth Advisory Committee will be held on December 2nd at 10.45 at Kiama High School with SENTRAL providing the catering.

There being no further business the meeting closed at 11.45am.

Minutes of the Kiama Youth Advisory Committee meeting held on Wednesday 2nd December 2015 at Kiama High School at 10.47am.

Present: Cllr Kathy Rice (Kiama Municipal Council), Cllr. Neil Reilly (Kiama Municipal Council), Andrew Chatfield (Kiama Municipal Council, Minutes), Sarah Meppem (Kiama High School staff), Byron Moulang, Carly Abbott, Lauren Perry, Alex Wunsch, Ned Wilkinson, Jackson Allen, Zakaria Evans, Nellie Smith, Paige McCallum, Eliza Skorulis, Toby Allen, Wade Hazell, Josie Mansell (Kiama High School SRC).

Apologies: Nick Guggisberg (Kiama Municipal Council), Michael Dalitz, Hannah Lawrence.

2. Minutes of previous meeting:

Moved by: Eliza Skorulis, **seconded by:** Toby Allen **Carried.**

3. Business arising from previous meeting:

3.1 Safe skateboarding promotion ideas

Lauren Perry reported that a meeting had been held to discuss options and the SRC decided to make a short 'Merry Christmas' film with a tagline about safe skateboarding.

3.2 SRC Council visit

Andrew Chatfield reported that through discussions with Sarah Meppem it was decided to postpone the SRC tour until April 2016 to coincide with Youth Week. This was decided due to the ongoing workload of students and KHS staff as the year comes to a close.

Action: Andrew to continue to liaise with Sarah with a view of conducting the tour in April 2016.

3.3 Discount Leisure Centre fees for young people

Cllr Kathy Rice informed the committee that the proposal for discounted fees for young people has been on public exhibition for community comment. No concerns or complaints were raised. Kiama Leisure Centre staff have been advised to start promoting the discount. Cllr Neil Reilly reiterated that this was a great result for young people and a perfect example of an issue raised by this committee which has gone through many channels and arrived at an outcome which will benefit many young people in the Municipality. Cllr's Reilly and Rice congratulated the committee. Cllr Rice also stated that the discount only applies to young people who live within the Kiama Local Government Area.

4. Reports / General Business

SENTRAL renovations

Andrew reported that renovations to the Youth Centre are continuing, but there was nothing new to report at this stage.

4.2 SENTRAL programs

Andrew informed the committee on current programs available at SENTRAL including; Barista training on Wednesday afternoons and SENTRAL Fitness now running Mondays and Wednesdays. Andrew encouraged committee members to take advantage of these free programs and up skill for the summer holidays.

Year 6 transition program

Andrew Chatfield reported on a recent program where Youth Workers visited Minnamurra, Gerringong, Jamberoo and St Peter and Pauls Primary schools to conduct workshops with year 6 students focusing on the emotional transition to High School. Andrew reported that 150 students were involved and feedback was very positive from students and teachers.

Young Men's Program

Andrew spoke about a current program running with young men from KHS, who instead of attending school each Tuesday they attend SENTRAL to participate in a program that revolves around health, fitness, anger management and resilience. The program has been running for the last 4 years and is very successful.

4.4 'What's on' board

Andrew reported that a formal request for SENTRAL to provide its own 'What's on' board at KHS has gone to the KHS Executive Committee for feedback. The board will be a TV and feature information on SENTRAL programs and activities. Andrew informed the committee that a 'What's on' board has also been installed at SENTRAL.

Kiama Library update

Andrew Chatfield, on behalf of Michael Dalitz, provided information regarding Kiama Library Summer reading club. Andrew provided application forms for student's interested and left further information with the KHS Library staff.

5. General Business

5.1 Kiama Ice Forum

Clr Neil Reilly raised the issue of a forum being held in Kiama to discuss and raise awareness of the drug 'Ice' and that Council is investigating appropriate ways to provide education and information. Clr. Reilly expressed reservations about the content of the forum and that it would be detrimental to stage a forum which creates bias and pre-conceived judgements. Clr Reilly asked for feedback from SRC members to ensure young people have input into forum content. Byron Moulang and Toby Allen both suggested a music event to raise awareness and Keely Regan spoke about the 'REACH' program that students undertake each year and that it is very effective. Ned Wilkinson agreed with Keely that welfare days held at KHS would be a good opportunity to run a workshop in the school. Clr Rice agreed and recommended we speak with Ms Power and the welfare team at KHS.

Action: Andrew to consult with KHS Welfare team regarding forum content

5.2 Mirror and Minnamurra intersection

Eliza Skorulis asked if it was possible to install a mirror underneath the bridge next to the golf course. Clr. Rice said she would raise the issue with Council's Traffic committee.

Action: Clr Rice to consult traffic committee and provide feedback.

5.3 Thankyou

Andrew Chatfield formally thanked Sarah Meppem and the SRC for the help and assistance they have provided to Council staff and providing support and advocacy for other young people in the area during 2015.

6. Next Meeting

The final meeting for 2015 of the Kiama Youth Advisory Committee will be held on Wednesday 10th February 2016 at 10.45 at Kiama High School.

There being no further business the meeting closed at 11.45am.

[SC589 - 15/89015]

15.18 Joint Regional Planning Panel Determinations

Responsible Director: Environmental Services

The Southern Joint Regional Planning Panel met in Kiama on Thursday 3 December to consider the following two matters:

- Mixed use Development, Lot 1 No 28 Bong Bong Street Kiama. 71 residential units above retail premises - Determined by conditional approval
- Kiama Aged Care Centre of Excellence Lot 1 No 14A Bonaira Street Kiama. 134 bed aged care facility, 51 independent living units, 16 assisted living units, communal activities centre and restoration of heritage item - Determined by conditional approval.

15.19 Land and Environment Court Appeal - Development Application No 10.2015.77.1

Responsible Director: Environmental Services

Council is in receipt of correspondence, and associated documentation, from Pikes and Verekers, lawyers, in regard to a Land and Environment Court appeal against refusal of Development Application 10.2015.77.1, Lot 202 Fern Street, Gerringong. This application was considered and determined by Council at its November meeting.

Council's documentation is required to be lodged with the Court by 18 December with a telephone directions hearing to take place on 18 January 2016.

15.20 Kiama Tourism FundingResponsible Director: Office of the General Manager

At the meeting on 17 November 2015 Council resolved that in light of the Kiama Tourism Board's presentation and the ongoing alliance, to extend funding to ensure that:

- a. Kiama Tourism's financial future is secure;
- b. Our strategic marketing plans for the short term and longer term are not compromised; and
- c. Sufficient staff are able to manage the oncoming festive season influx.

It was further resolved that this should be achieved in a formal yet collaborative manner with the Board.

A meeting was subsequently held with the Chairman of Kiama Tourism, Jamie Warren, and the Kiama Tourist Centre Manager, Lisa Kelsey, with Council's Board representatives, Councillor Mark Honey and General Manager, Michael Forsyth.

Following assessment of the existing budget of Kiama Tourism and funds needed to achieve a balanced budget in the 2015/16 financial year, Council has provided an additional \$25,000 in funding to be paid in two instalments of \$12,500 in December 2015 and March 2016. Additional funds have been met by savings in Council's budget through superannuation payment savings.

The Chair of Kiama Tourism and the Tourism Centre Manager advised that they were pleased with Council's financial assistance being made available.

15.21 Land at the Corner of Shoalhaven and Akuna Street, KiamaResponsible Director: Office of the General Manager

For some time Council has been negotiating with Aldi to enter into a lease agreement to carry out a supermarket as part of a mixed use redevelopment of the site. The transaction documents have been worked on extensively by both parties so as to achieve the aims and objectives of Council on the one hand and of Aldi on the other.

Council's solicitors have now advised that the lease agreement has been exchanged enabling Council to seek expressions of interest from developers to acquire the site and carry out an appropriate development containing an Aldi supermarket. Subject to any purchase proposed being acceptable to Council the preferred developer will be required to provide the Aldi supermarket in the development within a period of three (3) years from the date of property exchange.

A copy of the legal advice provided by Council's solicitor detailing the lease agreement and associated requirements has been included in the Confidential section of the business paper.

15.22 Arts Honour RollResponsible Director: Community Services

A subcommittee meeting of the Kiama Cultural Board was held on Thursday 15 October to review nominations for the 2016 Arts Honour Roll. Two nominations were received.

The nominations were assessed under the following criteria:

- Has achieved excellence in the arts

(Demonstrate how they have achieved excellence, what have they achieved through their work? How have they achieved it? What sets them apart from other artists in their field? Details of any formal awards or recognition - may be local, regional, state, national or international)

- Significant contribution to the arts practice

(What has this person done? What has their contribution meant to others? How has their contribution affected the arts? May be local, regional, state, national or international)

- The nominee is worthy of honour

(Closing summary, statement of why this person is worthy of inclusion on the Kiama Arts Honour Roll)

While both nominees were considered to have achieved highlights within their arts careers, neither was considered a strong enough candidate for the Arts Honour Roll, both being assessed using a formal ranking process.

This recommendation was ratified by the Cultural Board at its meeting held on Thursday 19 November 2015.

The Board recommends to Council that there be no induction in 2016 for the Arts Honour Roll.

15.23 Director of Finance, Corporate and Commercial Services

Responsible Director: Office of the General Manager

Following recent interviews for the position of Director of Finance, Corporate and Commercial Services, Mr Kerry McMurray has been appointed to the position.

Mr McMurray is a former General Manager of Yass Valley Council and Group Manager Corporate Strategy and Finance at Queanbeyan City Council. He is currently acting General Manager at Murrumbidgee Shire Council.

Mr McMurray is to commence duties at Council on 27 January 2016.

15.24 Illawarra Pilot Joint Organisation


Responsible Director: Office of the General Manager

A copy of the November 2015 newsletter of the Illawarra Pilot Joint Organisation (IPJO) has been circulated to Councillors.

The newsletter provides an update on the 13 November 2015 IPJO Parliamentary Forum and Illawarra-Shoalhaven Government Network meeting.

Attachments

- 1 IPJO Newsletter November 2015



ILLAWARRA PILOT JOINT ORGANISATION

NOVEMBER 2015 NEWSLETTER

IPJO Board Meeting 13 November

The Illawarra Pilot Joint Organisation (IPJO) met for the 5th time this year on 13th November 2015 in Nowra at Shoalhaven City Council. The meeting expressed appreciation of the announcement by the NSW State Government of an Advisory Committee to be chaired by Angus Dawson, former Chair of the Honeysuckle Corporation, to consider the role of development corporations in areas such as the Illawarra and the Western Sydney Priority Growth Area. It also welcomed the release of *Crown Lands for the Future*, a summary of the Crown Land Management Review, and the NSW State Government's response to it.

IPJO Parliamentary Forum and Trial Illawarra-Shoalhaven Government Network Meeting.

Gareth Ward MP, the Parliamentary Secretary for the Illawarra and South Coast, joined the IPJO following its Board meeting to provide updates on recent activity, particularly relating to BlueScope Steel and discuss his ability to raise regional matters in his Cabinet reporting process.

The framework and terms of reference for the trial Network were adopted by the IPJO Board at its own meeting and a productive second meeting of the Network was held. The Premier's and State priorities and their relevance to IPJO and regional priorities were discussed; and the NSW Syrian Refugee Intake program was outlined with reference to the Illawarra.

The afternoon session of the Network with the General Managers received presentations on the analysis of Councils' regional spending undertaken for the IPJO, the State response to the Crown Lands Legislation Review, and the progress of the Youth Employment Action Plan (YEAP).

Release of the Illawarra-Shoalhaven Regional Plan

Chairman of the Illawarra Pilot Joint Organisation, Councillor Gordon Bradbery OMA, welcomed the release by the Minister for Planning, the Hon Rob Stokes MP of the Illawarra-Shoalhaven Regional Plan. The Plan can be viewed [here](#).

"The NSW Government regional planning process in the Illawarra-Shoalhaven has been a highly collaborative process over the past two years" said Cllr Bradbery. "It is a credit to the region and the hard work of Councils and the NSW Department of Planning that this region is the first to see release of its Plan.

"The Illawarra-Shoalhaven Regional Plan will be the central platform of engagement between the IPJO and the NSW Government in 2016, and is an agreed core shared priority work area" said Cllr Bradbery. "There will be areas on which we have reached compromises and some

areas where Councils may continue to hold differing expectations but essentially we need to wear our regional hats and look at what is best for the whole region" he suggested.

The IPJO is committed to continue working closely with the Department of Planning and other NSW Government Agencies in the monitoring and implementation of the actions in the Plan.

A regional briefing session is being arranged by IPJO and the Department of Planning which will bring together the Mayors, Councilors and General Managers of the IPJO region. This will allow a regional perspective of the document as well as affording each Council an update on the local content of the Plan.

The IPJO looks forward to the rollout of the outcomes of this highly strategic piece of work over the coming years.

The Illawarra Advantage Promotional Brochure Tested in China

With the assistance of Advantage Wollongong, the IPJO prepared a regional promotional brochure as part of its regional economic development work.

The brochure outlines major regional strengths, contains messages from each of the four Mayors and gives an overview of each of our distinctly different local areas. The brochure was tested by the IPJO Chairman's recent visit to China as an important tool for use to promote economic opportunities.

Produced in English and translated into Mandarin initially, other language versions are now being prepared, along with additional regional showcasing information to be incorporated. The brochure can be viewed [here](#).

YEAP Consultancy Selected

The University of Technology Sydney Centre for Local Government Excellence has now been appointed as the consultant to work with the key stakeholders in the region to develop an action plan and broker commitments to address youth unemployment across the Illawarra and Shoalhaven.

The IPJO is partnering with the NSW and Australian Governments to deliver the Youth Employment Strategy This was deemed a high priority for our region with entrenched higher than average youth unemployment.

Led by Department of Premier & Cabinet, a strategic approach has been collaboratively developed. The difference with this strategic planning exercise to former SCG initiatives with State agencies is it that it operates in the complex landscape of multiple agencies and services, not just a single agency.

IPJO Final Report to the Office of Local Government

The IPJO has prepared and submitted a final report to the Office of Local Government on its successful pilot year. The report highlights the scope of work undertaken and the successes and highlights which can be attributed particularly to the collegiate spirit that the Mayors, additional delegates and general managers of the four Councils brought to the process. This spirit was evidenced on numerous occasions as collaborative processes were worked through and agreement reached on priorities. It was also evident across the staff of member Councils, the Department of Premier and Cabinet and the NSW State agencies with which IPJO has

engaged.

A copy of the final report can be accessed [here](#).

The Office of Local Government will shortly release its "Outcomes Report" on the learnings from their work with the 5 pilots and options for the future of Joint Organisations.

IPJO Regional Procurement a Winner

The Illawarra Pilot Joint Organisation (IPJO) was the very proud winner of the inaugural Local Government Procurement NSW Award for an organisation. The Award was announced at the NSW State Conference Dinner on Thursday 19th November, and was accepted on behalf of the IPJO by Brian MacDonald, the Programs and Projects Coordinator.

IPJO had nominated for "a specific initiative undertaken during the past year" and further information on the initiative can be read [here](#).

The Illawarra Pilot Joint Organisation and three member councils (Shellharbour, Kiama and Shoalhaven) agreed to collaborate on a joint tender to establish a Panel for a number of common Trade Services used by each Council.

"The establishment of this particular panel was the most complex and comprehensive to date for the IPJO," Brian MacDonald noted when accepting the Award. And he would know as he and Tracey Maguire, the IPJO Procurement Officer, coordinated all the hard work required.

"It broke new ground in scope and scale for the participating Councils, requiring unprecedented collaboration by not just procurement, but economic development and specialist staff from every part of Councils to ensure local requirements were met and that careful consideration of the needs and impacts for trades people both within and outside the region were taken into account" he said.

The process also involved significant consultation, communication and education with multiple stakeholders at every stage, from inception onwards, including elected representatives, staff, other organizations, and of course most importantly, existing contractors and potential new contractors. This is still ongoing as Councils in regional areas recognize the contribution they make to the sustainable economic viability of the area generally and are conscious of the considerable dollars they inject into the various trades in particular, while using the community's money wisely.

Brian commented "that while "getting it right" was considered essential, ensuring that everyone understood the increased equity, probity and robustness of the process was also considered of paramount importance".

"It is a real honor to have tangible recognition of the commitment of the IPJO and its member Councils to achieving this, not just for this particular project, but also as an example of a much wider body of work being tackled under the Procurement Roadmap process," said Russ Pigg who chairs the General Manager's Committee of the IPJO.

Next IPJO Board Meeting

The Illawarra Pilot Joint Organisation will hold its Annual General Meeting and first Business Meeting of the Year on the 4th March 2016.

[Illawarra Pilot Joint Organisation](#)

15.25 Christmas Wishes

Responsible Director: Office of the General Manager

Another year draws to a close and on behalf of the Directors and myself I would like to wish the Councillors, staff and their families all the best for the festive season.

Kiama Council and Local Government generally are experiencing significant change and the leadership and direction provided by the Councillors in meeting the various challenges is greatly appreciated.

I would like to take this opportunity to also pass on the Directors and my thanks to the staff for their dedication, skill and commitment in helping to make Kiama Council a highly respected organisation

Merry Christmas and Happy New Year.

15.26 NSW Public Libraries Association Conference - Councillor Kathy RiceResponsible Director: Office of the General Manager

On Wednesday 18th November I attended one day of the NSW Public Libraries Association Conference.

The themes covered that day were brand sustainability and sustainable partnerships. I will highlight relevant content from three of the day's speakers. The first, Dr. Alex Byrne, NSW State Librarian and Chief Executive presented the State Library address on Library Branding in the Current Climate.

In the interest of sustaining the library as a community brand known to provide something for all, the Library Council of NSW conducts familiarisation visits to all types of library throughout the state and reports its findings to the Minister. Libraries have been clearly shown as responsive to community needs but can be impacted by any of 5 major issues depending upon where the library is located in NSW.

1. Responsiveness of the library to issues surrounding Literacy, Poverty and Employment is often limited by poor internet connectivity and low and unreliable bandwidth.
2. Community access to services requiring an online interface often requires considerable intervention by library staff and highlights the need for further community education in Digital Skills.
3. The Library Act entitles public library access to all citizens of councils that adopt the act. Cultural and linguistic diversity and the size of rural areas, generate the need for mobile services and different types of information provision, but they also raise the question of how can all citizens be adequately served?
4. Aboriginal people are largely disconnected from our libraries and this poses a social justice issue. How can their participation be encouraged?
5. There is a large difference between services available to coastal vs. rural / regional / remote communities. Appropriate technology needs to be harnessed so the entire public library network can be switched to benefit all.

Collectively, these issues generate the need for greater servicing or funding of libraries, yet the State funding available has become inadequate for further development and expansion of services. Consequently libraries have begun to explore other avenues for ensuring their sustainability. Libraries meet a broad range of social needs and in many cases they become community hubs. Some services provided by libraries also provide desirable outcomes for other service providers and organisations.

Siobhan Reardon, President and Director of The Free Library of Philadelphia spoke about sustainable partnerships in which library programs were jointly run by the library and other organisations to pursue a common interest. The community engagement desires of certain corporations had also provided impetus for jointly developed programs. Not all of the partnered programs were equally successful, but all of them extended the library further towards meeting a diverse range of community needs whilst improving the literacy and community awareness of library

Reports for Information

15.27 LEP Review Committee - Minutes 1 December 2015 (cont)

programs amongst Philadelphians. Underlying the program was an extensive system of community networks embracing community organisations, cultural organisations, political and civically engaged organisations, schools and universities. The programs covered various reading and book play activities for kids and parents, job seeking assistance, music playing and composing, film, drama and dance, cooking skills, social work activities that addressed poverty, homelessness and mental illness and the provision of a range of community health services.

Some of these programs have become perpetual, such as the South Philadelphia Health and Literacy Centre which now co-locates library and community health services in a new medical development.

Siobhan cautioned that effective partnerships required thorough communication and clarity about the vision and purpose of the project for each organisation. Some projects had to be abandoned when dominance or competition developed, but the partnerships that succeeded were very effective in providing a stable financial base for the library.

A third speaker, Jack Goodman (CEO and Founder) Your Tutor, expanded upon the range of activities that libraries will become called upon to provide. He spoke on Public Libraries in the age of Smart Machines and expressed his belief that libraries will only retain relevance by embracing change.

There has been a vast increase in the range of online learning opportunities and libraries are commonly used provide some social balance and sense of community for those engaged in this style of study. The digital capacity of libraries is also making them suitable venues for smart machines such as 3D printers. He sees the library as a natural place for hackerspaces or makerspaces and because of this he muses whether the library as we now know it, might eventually become just a space within the hackerspace. He predicted that partnerships will mean that the library doesn't have to provide all of the lifelong learning experiences people need, but it can have them take place within it. Libraries of the future will look very different.

The three presentations outlined have all provided insight into how the demand for library services is changing and how it has become greater than libraries can easily provide on their own. The strength of the library is that it is a welcoming and inclusive community space that is able to provide some level of engagement with all members of the community. Libraries have become critical social infrastructure that is both integral to community life and able to assess the changing needs of their community.

Kiama library has been gifted with the NBN and as a result, it is very aware of the ongoing need for computer access and digital literacy training throughout the community. What is the optimal way to utilise its digital capacity? How could library activities and collections best respond to and expand upon this capacity?

It is impossible to respond to these questions adequately within the constraint of existing funding and reasonable to demand that some share of funding should be allocated by those government agencies now requiring and benefiting from an online interface with community members. Exploring viable partnerships for the provision of library programs should not be done in isolation. Seeking additional library funding is a necessity, or libraries will unwittingly find themselves becoming unfunded gateways to government services. This issue is worthy of pursuing through Local Government NSW.

Reports for Information

15.27 LEP Review Committee - Minutes 1 December 2015 (cont)

15.27 LEP Review Committee - Minutes 1 December 2015

Responsible Director: Environmental Services

The Minutes from the LEP Review Committee are enclosed in Councillors' envelopes for information.

Enclosures

1 Minutes - 1 December 2015

16 ADDENDUM TO REPORTS**17 NOTICE OF MOTION**

Nil

18 QUESTIONS WITHOUT NOTICE**19 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 15 December 2015

PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

19.1 Exclusion Of Press And Public:***RECOMMENDATION***

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

20.1 EMPLOYEE SICK LEAVE

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act. .

20.2 INFORMATION RELATING TO ITEM 15.21

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. .

20 CONFIDENTIAL REPORTS

20.1 Employee Sick Leave

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

CSP Strategy: 4.9 Manage Council staff in a fair, equitable and sustainable manner to ensure the most efficient outcomes for the Community Strategic Plan

Delivery Program: 4.9.1 Recruit and retain an appropriate workforce to deliver planned objectives of the Community Strategic Plan

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 personnel matters concerning particular individuals (other than councillors).

20.2 Information relating to Item 15.21

Responsible Director: Office of the General Manager

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.

21 CLOSURE