



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 16 June 2015

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

10 June 2015

To the Chairman & Councillors:

NOTICE OF ORDINARY MEETING

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers** on **Tuesday 16 June 2015** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully

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

Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 16 JUNE 2015**

1 APOLOGIES

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting held on 19 May 2015

Attachments

- 1 Draft Minutes - Ordinary Council Meeting - 19 May 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 19 May 2015 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 19 MAY 2015

Council Chambers
11 Manning Street, KIAMA NSW 2533

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 19 MAY 2015 AT 5.02PM**

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, Director of Environmental Services, Director
of Corporate and Commercial Services, Director of Engineering
and Works and Director of 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 held on 28 April 2015

15/132

Resolved that the Minutes of the Ordinary Council Meeting held on 28 April 2015 be received and accepted.

(Councillors Seage and McClure)

4 BUSINESS ARISING FROM THE MINUTES

Council Rice advised that she will bring a Notice of Motion in relation to Item 15.12 of these minutes to the next meeting.

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

5 PUBLIC ACCESS

Mr Paul Beaupark – Item 15.12 of Previous Minutes. Geographical Names Board – Application to Name Bombo Headland Track (Item 3.0)

Mr Lee Cordner – Item 4 Traffic Minutes – Banksia Drive Roadside Parking Concerns and Potential Impacts of Proposed 101 Lot Subdivision (Item 7.1)

6 MAYORAL MINUTE**6.1 Blue Haven Care Launch***15/133*

Resolved that Council note the information.

(Councillors Petschler and McClure)

6.2 Financial Assistance Grants to Local Government*15/134*

Resolved that Council:

1. acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of council services and infrastructure;
2. acknowledges that the council will receive \$1,420,526 million in 2014-15;
3. will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports; and
4. continue to press for a more equitable contribution to Local Government via the Financial Assistance Grants.

(Councillors Petschler and Reilly)

16 ADDENDUM TO REPORTS*15/135*

Resolved that at this time 5.11pm Council bring forward and deal with matters pertaining to the Addendum to Reports.

(Councillors Sloan and McClure)

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

16.1 Jamberoo Rural Fire Brigade 75th Anniversary and Medal Presentation*15/136*

Committee recommendation that Council formally congratulates the Jamberoo Rural Fire Brigade on its 75th Anniversary as well as extend its congratulations to the recipients of the long service medals/clasps.

(Councillors Petschler and Honey)

16.2 Illawarra Regional Information Service*15/137*

Committee recommendation that Council extend its appreciation to Mr Simon Pomfret for his work on behalf of the Illawarra over his 28 years of service to IRIS.

(Councillors Petschler and Steel)

16.3 Changes to Regional Newspapers*15/138*

Committee recommendation that Council:

1. seek assurances from Fairfax Media that the Kiama Independent and the Illawarra Mercury will continue to provide the current newspaper services which are so important to our municipality and the Illawarra region; and
2. seek to have a deputation to Fairfax Media to directly raise Council's concerns about local newspaper services.

(Councillors Petschler and Steel)

7 MINUTES OF COMMITTEES**7.1 Kiama Local Traffic Committee Meeting - Minutes***15/139*

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 5 May 2015 be received and accepted.

(Councillors Way and Seage)

MINUTES OF THE ORDINARY MEETING19 MAY 2015

7.2 Item 4 of Kiama Local Traffic Committee Minutes of Meeting held on 5 May 2015 -*15/140*

Moved by Councillor Reilly and seconded by Councillor Sloan that Council seek the opinion of local residents on the alternative proposal explained by the Director Engineering and Works and following a favourable response it be put to Traffic Committee with the endorsement of Council.

The Motion was put and **carried**.

8 PUBLIC ACCESS REPORTS

The two items referred to in the Public Access Reports were dealt with in items 3.0, 7.1 and 7.2 above, respectively.

COMMITTEE OF THE WHOLE*15/141*

Resolved that at this time, 5.26pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Rice and Steel)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**9.1 Proposed Local Environment Plan review Committee***15/142*

Committee recommendation that :

1. Council endorse the attached draft terms of reference as the operational Terms of Reference for the Kiama Local Environment Plan Review Committee and advertise for expressions of interest for membership as per the Terms of Reference;
2. Council include a sunset clause of September 2016 for this Committee; and
3. a report be brought back to Council in August 2016.

(Councillors Honey and Seage)

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

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

Against: Councillors Rice and Sloan

It was agreed to ask for nominations for Councillor membership of the new Local Environment Plan Review Committee. Five Councillors nominated and Councillors Honey, Seage and Sloan were appointed by ballot and endorsed by Council as members of the Committee.

An **Amendment** was put by Councillor Rice and seconded by Councillor Sloan that the Meeting Administration section of the Terms of Reference be amended to include another point as follows:

"Minutes will be also circulated to the Jamberoo Ratepayers and Residents Association, The Minnamurra Progress Association and the South Precinct upon adoption by Council."

The Amendment was put and **lost**.

10 REPORT OF THE GENERAL MANAGER

10.1 Rape and Domestic Violence Services Australia "Dunny Door Campaign"

15/143

Committee recommendation that Council support the Rape and Domestic Violence Services Australia "Dunny Door Campaign" and approve the placement of the 1800RESPECT stickers on the back of all toilet doors in Council owned buildings.

(Councillors Honey and Seage)

10.2 South Precinct Operational Guidelines

15/144

Committee recommendation that Council:

- A. adopt the new Operational Guidelines proposed by the South Precinct subject to the following:
1. the Precinct area being expanded to take in the properties immediately south of the Kiama Heights area and which gain access by the Princes Highway.
 2. Clause 15 being amended by excluding references to building applications and by including dual occupancies and subdivisions not involving more than two (2) lots as not requiring referral to the Precinct Group.
 3. Clause 19 being amended to read as follows:
 - 19) Appoint a staff member to have the role within Council of supporting and enhancing the operation of the Precinct system and to act as Returning Officer at individual precinct Annual General Meetings.

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

4. Clause 24 being amended to read as follows:

- 24) The provision of a template for the preparation of meeting minutes and other documents.
- B. provide a second hand laptop, second hand digital projector and a screen to the South Precinct.
- C. provide \$500 to the South Precinct for administrative and publicity purposes.

(Councillors Honey and Seage)

10.3 Fit for the Future

15/145

Committee recommendation that Council make a submission in relation to the IPART Assessment Methodology for Council Fit for the Future proposals raising the concerns referred to in the report.

(Councillors Honey and Seage)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**11.1 Sponsorship Proposal - Surfing NSW**

15/146

Committee recommendation that Council enter into a three year sponsorship arrangement committing to expenditure of \$12,000 per annum +GST (total \$36,000 +GST over three years) plus in-kind accommodation as detailed in the report

(Councillors Honey and Seage)

11.2 Stocktake of Store and Materials

15/147

Committee recommendation that Council authorise a net write-on of \$237.01.

(Councillors Honey and Seage)

11.3 Interstate Conference - Risk Management Institute of Australia (RMIA) Conference

15/148

Committee recommendation that Council grants approval for Council's Risk Management Officer (Insurance) to attend the 2015 Risk Management Institute of

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

Australia Conference in Adelaide from 11-13 November 2015.

(Councillors Honey and Seage)

12 REPORT OF THE MANAGER CORPORATE SERVICES**12.1 Statement of Investments**

15/149

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

(Councillors Honey and Seage)

12.2 Financial Report for the quarter ending 31 March 2015

15/150

Committee recommendation that the revised budget for the quarter ending 31 March 2015 be received and adopted.

(Councillors Honey and Seage)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS**13.1 Policy - Commercial Fitness Trainers using Public Reserves**

15/151

Committee recommendation that Council:

1. adopt the policy – Use of Public Reserves Commercial Fitness Activities and Personal Training accompanying this report; and
2. notify the new policy in the local print media and Council's website.

(Councillors Honey and Seage)

13.2 New Licence - Kiama Produce Markets

15/152

Committee recommendation that Council:

1. enters into a licence agreement with Hiviz Events Management and Promotion, for the operation of monthly markets at Black Beach Reserve, Kiama (R87397) for five years corresponding with development consent D2008.378.3;
2. seeks the consent of Crown Lands to the new licence and accordingly the

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

Minister's approval to sign the new licence agreement; and

3. gives the Mayor and General Manager delegated authority to sign under Council seal all documentation associated with the licence agreement.

(Councillors Honey and Seage)

13.3 Joyce Wheatley Community Centre - Public Access to Toilets**15/153**

Committee recommendation that Council defers consideration of the provision of public toilets at the Joyce Wheatley Community Centre until after the relocation of Community Services staff to an alternate facility and the long term use of the building is established.

(Councillors Honey and Seage)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES**14.1 Kiama Hospital Redevelopment Update****15/154**

Committee recommendation that Council:

1. endorse the preparation of the Development Application based on the attached master plan;
2. write to the State Parliamentary Secretary for the Illawarra and South Coast seeking his assistance in having the agreement with the Illawarra Shoalhaven District and NSW Department of Health expedited.

(Councillors Seage and McClure)

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

Against: Nil

15 REPORTS FOR INFORMATION**15/155**

Resolved that the following Reports for Information listed for the Council's consideration be received and noted.

- 15.1 Minutes of the Commercial Centres and Community Safety Committee Meeting held on 10 February 2015
- 15.2 Arts Biz Conference
- 15.3 Laneway Access - 92 Terralong Street Kiama
- 15.4 Early Childhood Research Project

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

- 15.5 Establishment of a Legal Services Panel
- 15.6 Parking Statistics - April 2015
- 15.7 24th NSW Coastal Conference 2015 - Call for Abstracts
- 15.8 Question Without Notice
Use of Joyce Wheatley Community Centre
- 15.9 Jamberoo Pool - Operating Hours
- 15.10 Local Government NSW Annual Conference 2015
- 15.11 South Precinct Meeting - Minutes
- 15.12 Jamberoo Residents and Ratepayers Association - General Meeting - Minutes
- 15.13 Local Government NSW - Regional Collaboration and Shared Services: What Works?
- 15.14 Council Meetings
- 15.15 Additional Capital Works Proposals.

(Councillors Seage and Honey)

RESUMPTION OF ORDINARY BUSINESS**15/156**

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 Honey and Seage)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT**15/157**

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 15/132 to 15/156 above.

(Councillors Honey and Seage)

17 NOTICE OF MOTION**17.1 Kiama Continental Pool****15/158**

Moved by Councillor Seage and seconded by Councillor McClure that this matter be deferred until the June 2015 meeting.

The Motion was put and **carried**.

MINUTES OF THE ORDINARY MEETING

19 MAY 2015

17.2 Jamberoo Youth Hall**15/159**

Resolved that Council give notice to the managers of the Jamberoo Youth Hall instructing no further 18th or 21st birthday or similar celebrations are to be held at the hall and that all future applications to use the hall be forwarded to Council for consideration prior to any approval being given.

(Councillors Seage and Steel)

17.3 2015/16 Draft Budget**15/160**

Moved by Councillor Reilly and seconded by Councillor McClure that this matter be deferred to the June 2015 meeting.

The Motion was put and **carried**.

18 QUESTIONS WITHOUT NOTICE**18.1 The Pavilion Kiama**

Councillor McClure requested a report on the operation of The Pavilion Kiama, including details of roles of staff members allocated to the Pavilion, the procedure of booking an event and the procedure when there is a wedding enquiry. Also, if the report could contain the procedure undertaken for large and small events (non-weddings), as well as large and small weddings. In addition the report is to show YTD income/expenses with a breakdown of specific income and expense groups. This report is requested for the June Council meeting. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

18.2 Tourism

Councillor McClure requested a report on Council's Tourism Strategic Business Plan, including budget expenditure YTD and projected budget expenses for the 2015/2016 year. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

18.3 Holiday Parks

Councillor Seage asked when is the last time an audit was carried out by a suitably qualified tourism auditor on the operating expenditure of our holiday parks, and what were the findings? The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

18.4 Leaseback Vehicles

Councillor Seage asked what is the yearly cost, in terms of dollars, of our 60 plus fleet of take home vehicles compared say, for the purpose of the exercise, with having none. And, what is the policy on fuel cards, boundaries and annual leave usage of these vehicles and fuel cards? The Mayor referred this matter to the General Manager for information and report.

18.5 Footpaths

Councillor Sloan requested a report for Council outlining how the priorities for new footpaths in the Delivery Program and budget have been determined, and how the general public may be better engaged to help Council priorities its future capital works programs. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.6 Endeavour Energy - Street Lights

Councillor Reilly advised that a number of residents have reported that there is a high number of inoperative street lights in the back streets of Kiama, eg Cooina Place, Brighton and Belvedere Streets. The number of people who have commented in the last two weeks would warrant the request of a report from Endeavour Energy. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.7 Collins Lane

Councillor Reilly requested a report on the recovering of Collins Lane in respect to the costs, including design costs, to cobble pave, create an archway and dress up this rather dour strip to be in keeping with our goals of creating a night life aspect for this precinct. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.8 Blue Haven Care

Councillor Reilly requested a report on the creation of a separate division of Council to manage Blue Haven Care. This report is requested for the June meeting. The Mayor referred this matter to the General Manager for information and report.

18.9 Vehicles Permanently Parking on Footpaths and Roads

The Mayor, Councillor Petschler, requested a report on what can be done to stop caravans and other vehicles parking permanently on footpaths and roads. The Mayor referred this matter to the Director Engineering and Works for information and report.

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

18.10 Matter of Urgency - Kevin Walsh Oval Amenities Upgrade**15/161**

Moved by Councillor Steel and seconded by Councillor Reilly that Councillors Honey and Seage be nominated as Councillor members of the Working Party for the Kevin Walsh Oval Amenities Upgrade.

The Motion was put and **carried**.

The Mayor welcomed the Member for Kiama, Gareth Ward, to the meeting. Mr Ward addressed the meeting briefly, thanking the councillors for their work and especially the Mayor for his civic leadership.

19 CONFIDENTIAL SUMMARY**15/162**

Resolved that at this time, 6.42pm, 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 McClure 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:

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

20.1 KIAMA COAST HOLIDAY PARKS - BUSINESS PLAN

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

20.2 KENDALLS ON THE BEACH MANAGEMENT CONTRACT

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. .

20.3 COUNCIL COMMUNITY SERVICES

Reason for Confidentiality: This matter deals with information that would, if

MINUTES OF THE ORDINARY MEETING**19 MAY 2015**

disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

(Councillors Steel and Reilly)

20 CONFIDENTIAL REPORTS**20.1 Kiama Coast Holiday Parks - Business Plan****15/163**

Moved by Councillor Seage and seconded by Councillor McClure that Council defers consideration of the Kiama Coast Holiday Parks Business Plan for six months so it can further investigate the financial impact on Council.

The Motion was put and **carried**.

20.2 Kendalls on the Beach Management Contract**15/164**

Resolved that Council:

- 1 extends the contract of CL Curls and KE Francis Pty Ltd by four months from 1 July 2015 to 31 October 2015 under the terms outlined in this report.
- 2 invites tenders for the management of Kendalls Beach Holiday Park in July/August to manage the park for the next four years and eight months under the terms outlined in this report.

(Councillors Steel and Way)

20.3 Council Community Services**15/165**

Moved by Councillor Seage and seconded by Councillor Reilly that Council:

1. requests the Director Community Services to circulate a copy of the Business Case submission.
2. seek a briefing from the Director Community Services on the Business Case as a matter of urgency.

The Motion was put and **carried**.

MINUTES OF THE ORDINARY MEETING

19 MAY 2015

Close of Confidential Committee of the Whole:

15/166

Resolved that at this time, 7.16, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

Adoption of Report

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

15/167

Resolved that the Confidential Committee of the Whole recommendations numbered 15/162 to 15/166 be confirmed and adopted.

(Councillors Steel and Way)

21 CLOSURE

There being no further business the meeting closed at 7.17pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 16 June 2015

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Mr Peter McGlinchey OAM

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council acknowledges Mr McGlinchey's Order of Australia award.

REPORT

It is very pleasing that Mr Peter McGlinchey a life-long resident of Jamberoo has been awarded an Order of Australia in the General Division for service to the communities of Kiama and Shoalhaven.

Mr Peter McGlinchey who was awarded an Australian Sports Medal in 2000 and was Kiama Municipal Council's Citizen of the Year in 2013 has provided extensive service to a large number of organisations.

Mr McGlinchey was the inaugural Ring Master of the Kiama Show Society until 2003 and served two terms as president, 1962-1963 and 1973-1974. He is also a life member of Kiama, Berry and Nowra Show Societies and was president of Group 5 Agricultural Show Societies Council for 20 years.

He was also a steward at Sydney Royal Easter Show from 1969-2010 and received a 25 year Service Award in 1994 and a 35 year Service Award in 2005.

In Pony Club he was a foundation member and life member of the Kiama club, where he was the inaugural president, a role he held for 10 years. He was also Chairman of NSW Pony Club Council 1972-1977, inaugural president of Zone 22 Pony Club from 1967 to 1975, was Chief Instructor 1967-1977 and life member and delegate to NSW Pony Club Council.

Farming has always played an important part in the McGlinchey family and he was a founding member of Australian Co-operative Foods in 1989, a director for 24 years and chairman of Jamberoo Branch for many years.

He was a board member of Jamberoo Dairy Co-operative from 1968-1986 and chairman in 1982-1983, as well as being a founding member of Shoalhaven Dairy Co-operative in 1986 and Deputy-Chairman 1986-1991.

He has also been an active member of Kiama Parish of the Roman Catholic Church and a parishioner of St Matthews Catholic Church, Jamberoo.

Mayoral Minute

6.1 Mr Peter McGlinchey OAM (cont)

As well, he was a player and administrator of the Jamberoo Rugby League Football Club, where he is also a life member.

I have forwarded a letter on behalf of Council congratulating Mr Peter McGlinchey on receiving this distinguished award.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee Meeting - Minutes

Responsible Director: Engineering and Works

Attachments

- 1 Kiama Local Traffic Committee - Minutes - June 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 2 June 2015 be received and accepted.

BACKGROUND

The Minutes of the Kiama Local Traffic Committee meeting held on 2 June 2015 are attached for information.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 2 JUNE 2015

COMMENCING AT: Meeting commenced at 9.03am

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

APOLOGIES: Nil

1 Minutes of Previous Meeting

Item 4 – Banksia Drive Roadside Parking Concerns and Potential Impacts of Proposed 101 Lot Subdivision was presented to the May Council meeting.

Council amended recommendations 1 and 2 of the Committee on this item to provide No Stopping restrictions on the eastern and southern sides of Banksia Drive and on the western side of Banksia Drive between house numbers 40 and 38.

The amended recommendation reads; *“that Council seek the opinions of local residents on the alternative proposal explained by the Director of Engineering and Works and following a favourable response it be put to the Traffic Committee with the endorsement of Council.”*

CR018

Committee recommendation that subject to the above amendment the Minutes of the 5 May 2015 be received and accepted.

FORMAL ITEMS (UNDER RMS DELEGATIONS)

2 Rose Valley Road Gerringong - Mobile Coffee Van

CR019

Committee recommendation that:

- 1 the location of the mobile food/coffee van at the bus bay parking area opposite the northbound Princes Highway off-ramp at Rose Valley Road, Gerringong, subject to the issue of a Section 68 Certificate under the Local Government Act, be approved; and
 - 2 that a condition be applied requiring that the operation of the business does not impede or interfere with the use of the bus stop for school children or the adjacent bus turning area.
-

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 2 JUNE 2015

3 Illoura Place Gerringong - Coryule Place and South Kiama Drive Kiama No Stopping Restrictions

CR020

Committee recommendation that:

- 1 a 'No Stopping' zone be created through the installation of regulatory signage and kerbside linemarking at the turning areas at the end of Illoura Place Gerringong and Coryule Place Kiama;
- 2 a 'No Stopping' zone be created through the installation of regulatory signage and kerbside linemarking at the turning area at the end South Kiama Drive Kiama and that the zone be extended to finish at the end of the existing pine log barrier fence on the eastern side of South Kiama Drive;
- 3 Council write to the High School advising that the amenity of the local residents is being significantly affected by the student parking in this area and request that students be encouraged to utilise the available parking facilities provided at the rear of the school off Shoalhaven Street. Council to seek further discussion with the High School on the issue of student parking and the potential for further restrictions to be placed on residential street parking; and
- 4 Council advise all affected residents of the proposed parking changes prior to installation of signage.

4 Seaview Street Kiama - Intersection with Shoalhaven Street Kiama

CR021

Committee recommendation that the signage and linemarking plan prepared for the intersection of Seaview and Shoalhaven Streets that includes the following, be approved:

- 1 a left in/left out restriction be implemented at the intersection;
- 2 Stop sign and associated linemarking be installed in Seaview Street at the intersection with Shoalhaven Street; and
- 3 C3 No Stopping linemarking be installed at the gutter in Seaview Street at the approach to Shoalhaven Street.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 2 JUNE 2015

5 Lindsay Avenue Kiama Downs - Time Limited No Parking Restrictions

CR022

Committee recommendation that:

- 1 a 'No Parking' zone be created in the cul-de-sac of Lindsay Avenue, Kiama Downs to prohibit parking from 8.00am to 12.00pm on Tuesdays only through the installation of regulatory signage.
- 2 Council notify the affected residents of the proposed parking changes prior to installation of signage.

INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)

Nil

LATE BUSINESS

Darrel Clingan advised the Committee of the concerns of the South Precinct in relation to a proposed residential unit development on the corner of Belinda and Noble Streets, Gerringong and the compounding impact on existing traffic and parking problems in this locality.

CR023

Committee recommendation that a report be brought to a future Traffic Committee meeting regarding the proposed development application for the residential unit development at the corner of Belinda and Noble Streets and the likely traffic impacts within the Belinda Street precinct in relation to existing and recently approved developments.

There being no further business the meeting closed at 9.35am

The next meeting of the Committee will be held on Tuesday 7 July 2015

7.2 Blue Haven Advisory Committee Minutes

Responsible Director: Office of the General Manager

Attachments

1 Blue Haven Advisory Committee - Minutes - 3 June 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Blue Haven Advisory Committee Meeting held on 3 June 2015 be received and accepted.

BACKGROUND

Attached for your information are the Minutes of the Blue Haven Advisory Committee meeting held on 3 June 2015.

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE HELD ON WEDNESDAY 3 JUNE 2015

COMMENCING AT: 6:00pm

PRESENT: Mrs C Rogers, Mr M Forsyth, Mrs F Whittaker, Mrs P Waters, Mr I Wilson, Clr B Petschler, Mr A Fowlie, Mr I Pullar, Mrs N Brennan, and Mr B Wilson

APOLOGIES: Mrs C Crowe-Maxwell, Mrs S McCarthy, Clr N Reilly, Clr K Rice, Mrs J Barlett and Mr S Dawson

1 Minutes of Previous Meeting (SC657)

CR 023

Committee Recommendation that the information be noted.

2 Notes from Residents' Discussion Forum (SC657)

CR 024

Committee Recommendation that the information be noted.

3 ILU Maintenance Levies (SC657)

CR 025

Committee Recommendation that the proposed maintenance levy structure for 2015/2016 be adopted.

4 Kiama Hospital - Redevelopment (SC657)

CR 026

Committee Recommendation that the information be noted.

MINUTES OF THE BLUE HAVEN ADVISORY COMMITTEE HELD ON WEDNESDAY 3 JUNE 2015

5. Community Programs Review (Project Manager) (SC1568)

CR 027

Committee Recommendation that the information be noted.

Director of Nursing and Hostel Supervisor's Report

- 1 Staffing Students & Training
- 2 Occupancy/Vacancies
- 3 Re-Accreditation 2015

CR 028

Committee Recommendation that Items 1- 3 be noted.

CHIEF EXECUTIVE OFFICER'S CONFIDENTIAL REPORT

1 Blue Haven Village Independent Living Units (SC658)

CR 029

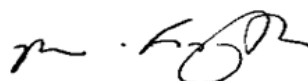
Committee Recommendation that the information be noted.

2 Contract Caretakers (SC658)

CR 030

Committee Recommendation that the changes to the contract caretaking function, as described in the report be endorsed

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 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 Revision of Chapter 9 – Kiama DCP 2012 – Car Parking Requirements

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

Council at its meeting of 17 March 2015 considered a report (Item 9.8) regarding the proposed revision of Kiama Development Control Plan (DCP) 2012 - Chapter 9 - Car Parking Requirements and resolved that changes be made for increased visitor parking in larger residential developments and a general requirement that one car space per 35m² of floor area for all future commercial developments (excluding fast food outlets, theme parks and the like) be the accepted standard.

Chapter 9 has been amended in accordance with Council's resolutions and a 'draft' document is attached to this report for Council's endorsement to be placed on public exhibition for a minimum period of twenty-eight (28) days.

Finance

N/A

Policy

Under the Environmental Planning and Assessment Act, 1979 consideration of a 'draft' Development Control Plan, or part thereof, requires a public exhibition period to obtain community feedback on the draft controls.

Reason for Report to Council

Council's endorsement of a 'draft' Development Control Plan is required prior to it being placed on public exhibition.

Attachments

- 1 Council Report - 17 March 2015
- 2 Draft Kiama DCP 2012 - Chapter 9

Enclosures

Nil

RECOMMENDATION

That:

1. Council Endorse 'draft' revised Chapter 9 - Car Parking Requirements of Kiama Development Control Plan 2012 for public exhibition, for a period of not less than 28 days and pursuant to the provisions of the Environmental Planning and Assessment Act 1979.

Report of the Director Environmental Services

9.1 Revision of Chapter 9 – Kiama DCP 2012 – Car Parking Requirements
(cont)

-
2. At the completion of the exhibition period a further report be submitted to Council for its consideration, which includes any submissions received during the exhibition period and Council staff comments.

Background

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

This same matter was previously considered by Council at its meetings of 10 February 2015 and 17 March 2015. The report from the Council meeting of 17 March 2015 is attached for Council's information. At this meeting Council resolved that:

1. *The schedule of parking requirements for multi-dwelling housing and residential flat buildings be altered in relation to visitor parking such that one visitor car parking space per two dwellings is provided behind the front boundary.*
2. *Serious consideration be given to a blanket proposal of one car space per 35m² of floor area for all future commercial developments within the Municipality with an exception for future potential fast food outlets, theme parks and the like with such developments attracting larger traffic generation to be dealt with on individual merit.*
3. *A further report be provided to Council prior to Chapter 9 being placed on public exhibition.*

Chapter 9 has been amended in accordance with Council's resolutions and a 'draft' revised document is attached to this report for Council's endorsement to be placed on public exhibition for a minimum period of twenty-eight (28) days.

It should be noted that the resolve to make changes to visitor parking requirements in larger scale residential development will likely contribute to the reduction of on-street parking in congested areas, however, may raise significant development feasibility issues due to the loss of site area to parking. Also, the resolve to have a blanket proposal of one car space per 35m² of floor area for all future commercial developments may assist new enterprises to establish, however this needs to be assessed against various land uses which may result in a lack of customer and staff parking and potentially increased congestion of roads.

Such issues may be highlighted as part of the consultation process and will be addressed when this matter is reported back to Council at the conclusion of the exhibition period.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

9.8 Revision of Chapter 9 - Kiama DCP 2012 - Car Parking Requirements

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

Council at its meeting of 10 February 2015 considered a report on the revision of Chapter 9 of Kiama DCP 2012 and resolved the following:

- 1) *Deferred to allow the revision of Chapter 9 – Kiama Development Control Plan to be referred to the Development Industry Committee prior to going on exhibition, for its review and advice.*
- 2) *Brought to the next Council meeting subject to any comments that the Committee may make.*

The matter was included for consideration at the Kiama Development Industry Committee meeting of the 17 February 2015. The Committee was asked to consider the Draft Chapter 9 and submit any suggested changes to the proposed chapter for inclusion prior to its exhibition. The Committee was also advised that they would have an opportunity to make submissions during the exhibition period

No submissions have been received from Committee members to date and the report is now referred back to Council in accordance with the resolution.

Summary

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

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

Finance

N/A

Policy

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

Reason for Report to Council

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

Attachments

- 1 Chapter 9 - Kiama DCP 2012 - Car Parking Requirements
-

ORDINARY MEETING

17 MARCH 2015

Report of the Director Environmental Services

9.8 Revision of Chapter 9 - Kiama DCP 2012 - Car Parking Requirements (cont)

- Parking for “*Food & Drink*” premises within the CBD’s of Kiama and Gerringong have also been relaxed in the Schedule to facilitate a change in use of premises to accommodate “*Food and Drink*” premises.
- The Schedule also provides some opportunities for developers/consultants to obtain a merit review (through providing a Parking Impact Study prepared by a suitably qualified and experienced professional person) where they feel that the parking requirements are unwarranted due to specific circumstances.
- Maneuverability requirements for new developments are explained with better clarity through revised controls and the addition of a new diagram.

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

Item 9.1

Attachment 1



9

Car Parking Requirements

DRAFT

9

Car Parking Requirements

Table of Contents

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- 2.2 How Much Parking Is Required?
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- 3.1 General Access Requirements
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Section 1 – Introduction

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

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

1.1 Objectives

Controls have been formulated having regard to the following objectives;

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

1.2 Legislative Framework

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

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

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

1.3 Council Policies and Guidelines

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

Contributions Plan

1.4 Adoption of other Standards and Guidelines

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

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

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

1.5 Advisory Information

1.5.1 Development Application Documents

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

1.5.2 Variations

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

Section 2 - Parking Demand and Servicing Requirements

2.1 General Parking Requirements

- C1 All new developments within the Municipality of Kiama shall provide parking spaces, servicing areas and manoeuvring areas in accordance with the requirements of this Chapter of Kiama Development Control Plan 2012. All deliveries and servicing associated with new developments must be provided within the same site.
- C2 Traffic generating applications may be referred to the relevant Traffic Authorities. Council reserves the right to determine parking requirements for such developments with due regard to the representations made by these authorities.
- C3 Parking spaces specified in the Schedule of Requirements below, unless stipulated otherwise, are for cars. Depending on the development proposed, parking for delivery/service vehicles, courier vehicles, bicycles, buses, taxis, emergency vehicles and motorcycles may also be required by Council.

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

2.2 How Much Parking Is Required?

Schedule of Requirements

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

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

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

LAND USE TYPE	MINIMUM CARPARKING STANDARDS
Residential	
Dwelling House	1 dedicated space behind the building line and 1 space behind the front boundary.
Dual Occupancy/Attached Dwelling	For each occupancy, 1 dedicated space behind the building line and 1 space behind the front boundary.
Secondary Dwelling	1 space behind the front boundary for the secondary dwelling.
Multi- Dwelling Housing/Residential Flat Building/Shop top housing	1 dedicated space behind the building line (per one or two bedroom dwelling) and 1 additional space per three bedroom dwelling (and above) behind the front boundary, plus 1 space per 2 dwellings for visitor parking behind the front boundary. Note: Enclosed rooms, that is nominated as a Study (or similar) and is capable of being used as a bedroom is considered to be a bedroom for the purposes of calculating car parking requirements.
Boarding House/Hostel/Group Home	1 space per 4 beds and 1 space per staff member on shift.
Seniors Housing	1 dedicated space per unit plus 1 space per 4 units for visitor parking.
Seniors Housing (Residential Care Facility)	1 space per 10 units, plus 1 space per 4 units for visitor parking, plus 1 space per staff member on shift, plus 1 space for ambulance parking.
Rural Worker’s Dwelling	1 space per bedroom.
Home Based Childcare	1 space per 7 children in care.
Home Industry	1 space per employee.
Home Business	1 space per employee.
Exhibition Village	4 spaces per exhibition home.

Tourist & Visitor	
Backpackers Accommodation	1 space per 4 beds plus 1 space per staff member on shift.
Bed and Breakfast Accommodation	1 space per bedroom.
Camping Ground and Caravan Park	1 space per camping / caravanning site, plus 1 space per 10 long term sites and 1 space per 20 short term sites for visitor parking, plus 1 space per staff member on shift.
Farm Stay Accommodation	1 space per bedroom.
Hotel or Motel accommodation	1 space for each occupancy plus 1 space per staff member on shift.
Serviced Apartment	1 space per apartment plus 1 space per staff member on shift.
Short Term Rental Accommodation	The home owner shall be able to demonstrate how parking is provided without adversely affecting existing neighbourhood amenity.
Food & Drink	
Restaurant (or Reception Centre) or Cafe	1 space per 35m ² of gross leasable floor area. Note: Where peak use in the CBD is after 6 p.m. on-street parking may be taken into consideration. The submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person shall be provided to Council for its consideration in regard to this matter.
Pub/Registered Club	1 space per 5m ² of licensed floor area plus 1 space per staff
Take Away Food and Drink Premises	A merit based assessment will be undertaken by Council, taking into account hours of operation, seating, staffing and location.

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

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

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

2.3 Additional Controls

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

Section 3 - Parking Layout and Design Requirements

3.1 General Access Requirements

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

3.2 Disability Access and Parking

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

3.3 Location

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

3.4 Manoeuvrability

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

3.5 Pavement Treatments

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

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

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

The following are the minimum pavement requirements:

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

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

3.6 Lighting

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

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

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

3.7 Car Wash Bays

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

3.8 Loading Bays and Service Areas

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

3.9 Bicycle Parking

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

3.10 Signage

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

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

3.11 Stormwater

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

3.12 Landscaping

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

3.13 Stack Parking

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

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

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

3.14 Mechanical Parking Systems

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

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

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

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

Section 5 – Road Widening in New Subdivisions

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

Section 6 - Loss of On-Street Parking

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

Section 7 - Heritage Conservation Sites

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

Section 8 – Parking Credit Policy

8.1 Payment of Contributions

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

8.2 Works In Kind

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

8.3 Developments Where Parking is Defined in the Development Consent

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

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

8.4 Dedication of land to Council

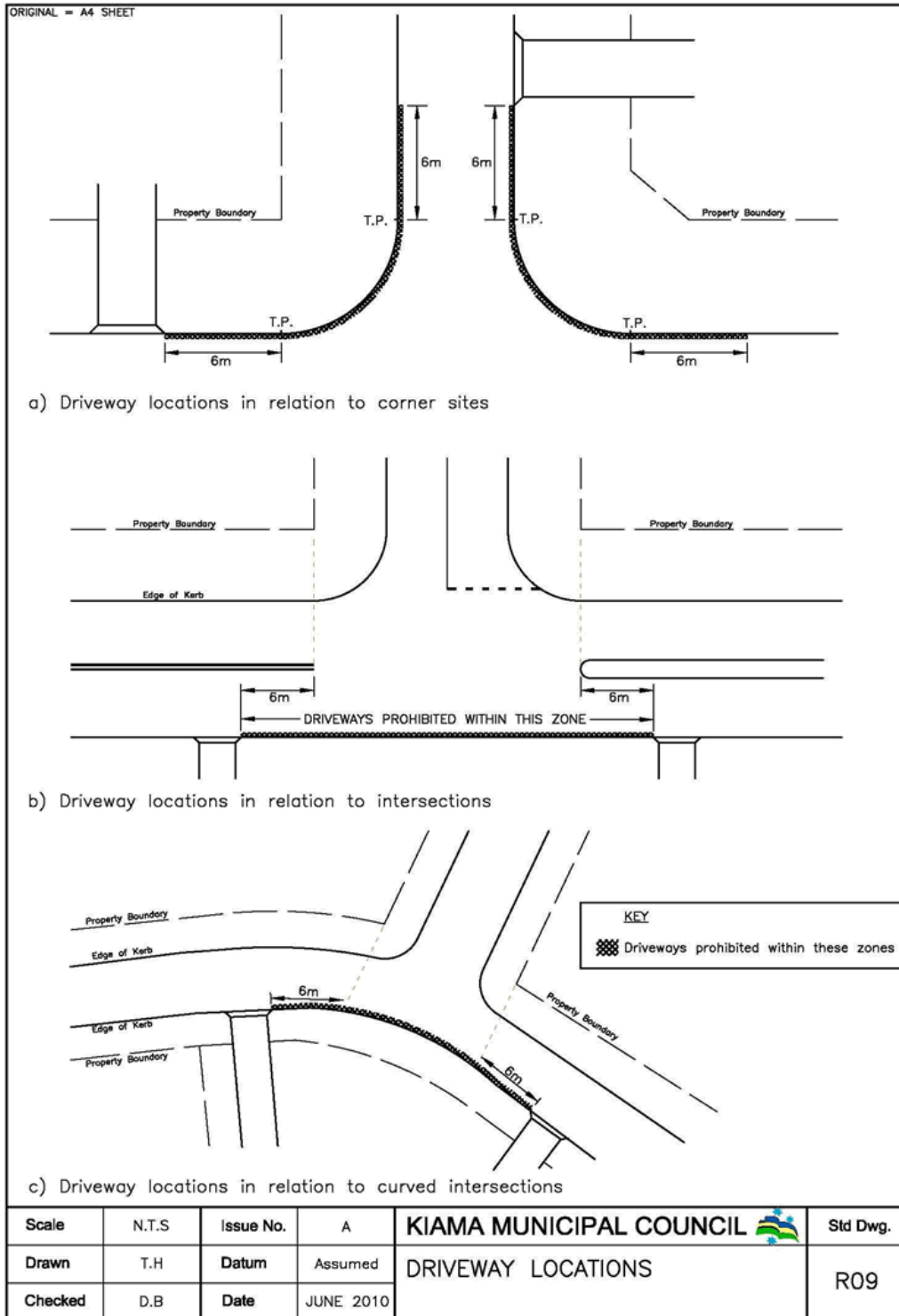
Where defined in Council's strategic planning documents, a credit of one (1) parking space per thirty (30) square metres of area will be given for any land dedicated free of cost or encumbrances, for road widening or service lane purposes.

Section 9 - Schedule Definitions

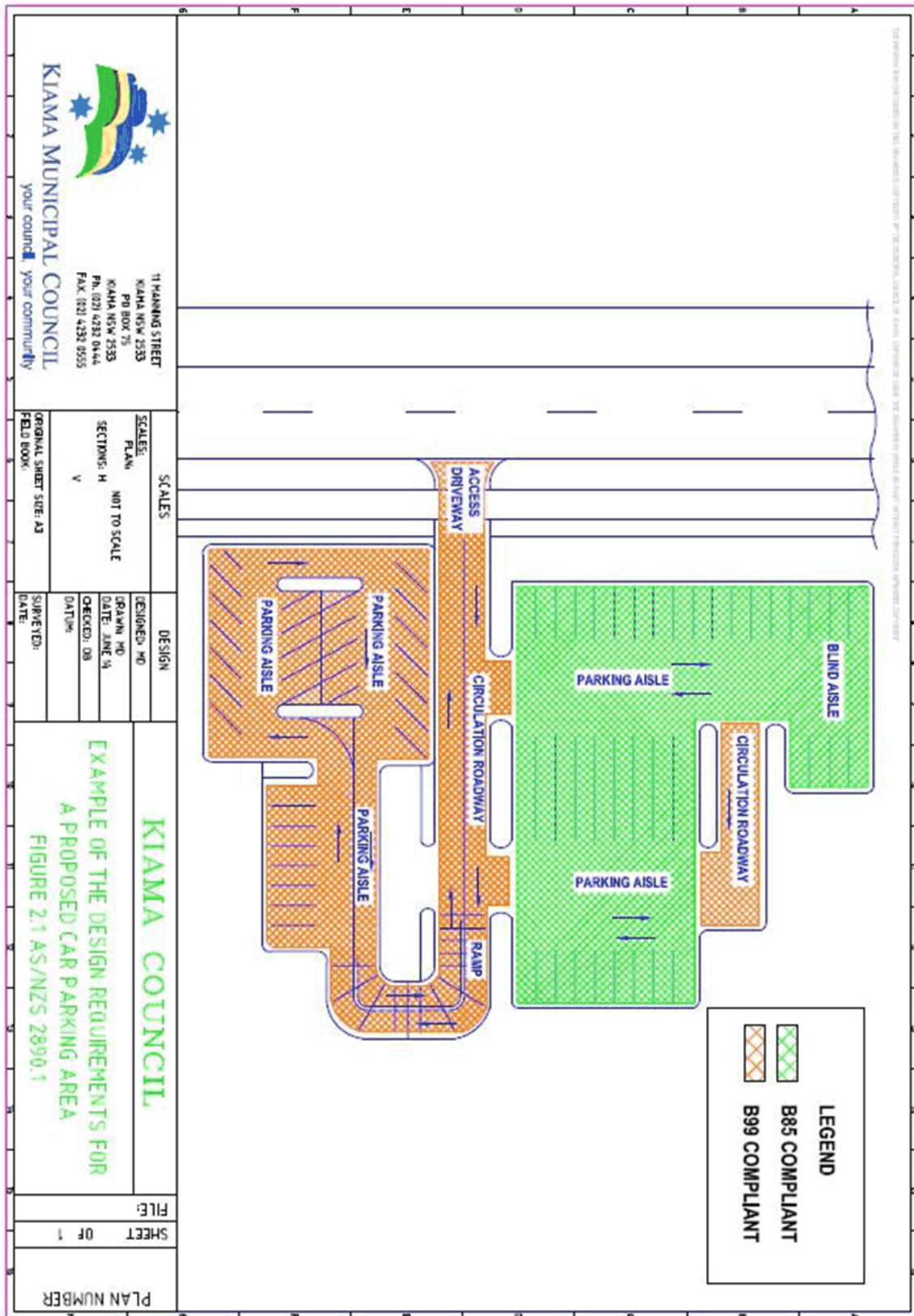
The following definitions are additional definitions or are a redefinition of the definitions in the Roads and Maritime Services' *"Guide to Traffic Generating Developments"*.

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

Note A - Driveway Location



Note B– Manoeuvring Requirements



KIAMA MUNICIPAL COUNCIL
 your council your community

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 KIAMA NSW 2533
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DESIGN

DESIGNED BY: [blank]
 CHECKED BY: [blank]
 DATE: [blank]

SCALES

SCALE: PLAN, NOT TO SCALE

ORIGINAL SHEET SIZE: A3
 FIELD BOOK: [blank]

KIAMA COUNCIL

EXAMPLE OF THE DESIGN REQUIREMENTS FOR
 A PROPOSED CAR PARKING AREA
 FIGURE 2.1 AS/NZS 2890.1

FILE: [blank]
 SHEET OF 1
 PLAN NUMBER: [blank]

Note C – Bicycle Parking Requirements

Cycling Aspects of Austroads Guides

Table F 2: Bicycle parking provision

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

Item 9.1

Attachment 2

9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report considers a request by the applicant for a review of determination of the subject development application, which was refused by Council at its March 2015 meeting.

Finance

N/A

Policy

N/A

Attachments

- 1 10.2014.241.1 - Council Report - 17 March 2015
- 2 10.2014.241.1 - Review of Determination - Set Consultants

Enclosures

Nil

RECOMMENDATION

That Council, as a consequence of its review of the subject application, change the determination by granting approval to the development application 10.2014.241.1, as amended in application for review, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to draft conditions at the end of this report.

Background

The applicant for the subject development application has lodged with Council a request for a review of Council's decision to refuse development consent for the proposal. Development consent was refused by Council for the following reasons:

"(1) Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the Objectives and Performance Criteria of Kiama Development Control Plan 2012 Chapter 27 – Gerringong Town Centre, in that the proposed development is not compatible with the desired streetscape as defined in Kiama Development Control Plan 2012.

Report of the Director Environmental Services

9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (cont)

(2) *Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development breaches the performance controls of Kiama Development Control Plan 2012 Chapter 5 (Controls C1, C15, C16, C22 & C32) and Chapter 27 (Section 4 Performance criteria P1, P2, P3, P4, P7 & P14)."*

The original report to Council forms an enclosure to this report. The non-compliances with DCP 2012 (subsequently forming reason for refusal no. 2) were identified in the original report under the heading 'Kiama Development Control Plan (DCP) 2012', where each of the non-compliances were addressed in detail.

Under Section 82A of the Environmental Planning & Assessment Act 1979 the applicant is entitled to request a review of a determination of a development application. Section 82A(6) states:

"(6) If the council reviews the determination, the review must be made by:

- (a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
- (b) if the determination was made by the council—the council."*

In accordance with this section, since the determination was made by the Council, the Council is the body that must consider the review of determination.

History

In March 2015 Council considered a report which recommended conditional development consent be granted for a mixed use development comprising of 5 Shops, 8 Professional Suites and 29 Residential Units on Lot 781 DP 1179947 No 128 Belinda Street, Gerringong. The application was referred to Council for determination because the value of the proposed development exceeded \$5,000,000.00

The proposed development sought exception to Council's building height development standard (LEP standard) as well as variations to Development Control Plan (DCP) 2012 Chapter 27 – Gerringong Town Centre and Chapter 5 – Medium Density Development.

The report to Council discussed in detail the proposed 350mm building height breach and each of the proposed DCP variations, which were supported by Council's Staff having regard to the circumstances as outlined within the report. In addition, the Environmental Planning & Assessment Amendment Act, 2012 confers on Councils a requirement to be flexible in applying the provisions of DCPs, where a proposed development does not meet the performance standards of a DCP, and allow reasonable alternative solutions that achieve the objectives of those standards. The objectives of the DCP performance standards and the justified alternative solutions were discussed in the original report to Council in March.

Councillors expressed concern however, regarding the potential incompatibility of the proposed development with the desired streetscape within the Gerringong town

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9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (cont)

centre and also expressed concern about the number of DCP variations sought. Development consent was subsequently refused for the reasons quoted above.

Report

The applicant has considered the reasons for refusal and has amended the proposal in response to the concerns expressed. The reasons for refusal have been addressed by the applicant as follows:

Response to reason for refusal No. (1)

In response to reason No. 1 for refusal, the applicant has amended the presentation of the proposed building by introducing the following facade treatments:

- Gable awnings to the west facing (Noble Street) Level 2 balcony of units 21 & 24; to the south facing (Belinda Street) Level 2 balconies of units 9, 10, 13, 16 & 17 and to the north facing Level 2 balconies of units 9, 11, 13, 15 & 17 (replacing vergolas)
- Skillion awnings to the south facing (Belinda Street) Level 1 and 2 balconies of 2 storey units 11,12, 14 & 15
- Hipped half roofs to the balconies of Level 1 units 1, 2, 18 & 19 (replacing flat roof) and to Level 2 units 21 – 24 (replacing flat roof and vergolas)
- Post support columns over regular intervals at ground level
- Post supports to a number of Level 1 & 2 balconies (replacing more solid/enclosed brick structures)
- Prevalent use of horizontal weatherboard cladding to external walls (replacing the previously broader combination of vertical and horizontal cladding of zinc, timber and weatherboard materials, which assisted visual interest and articulation)
- Vertical slat aluminium balustrades (replacing solid balustrades of brickwork and cladding)
- Neutral external finish colours (Dulux 'Grand Piano Quarter' and 'Limed White Quarter' to replace VM Zinc 'Pigmento Blue' and Dulux 'White Flag Quarter'). Proposed brickwork is Austral 'Brushed Leather' to replace Austral 'Gertrudis Brown'.

In the submission accompanying the request for a review of determination, the applicant comments that the "*Architect has revisited the site and spent further time studying the older styles of buildings in Gerringong. Chapter 27 of the Kiama DCP has also been revisited with regards to Council's desired design characteristics for Gerringong.*

In light of this process, amendments have been made to the external design elements of the building such that it is more reflective of the older style of buildings which remain in Gerringong. Specifically balconies have been designed with pitched roofs and the balustrading designed in a more traditional form. In addition the

Report of the Director Environmental Services

9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (cont)

schedule of colours and finishes has been amended to be more reflective of the current town palette.

As summarised above, a raft of facade changes have been made to the presentation of the building in an effort to address the issues raised in the reasons for refusal relating to compatibility with the streetscape and the DCP Chapter 27 objectives and performance controls (for instance with the introduction of pitched roof elements to provide for broken roof forms). The proposed development is now a fusion of new facade treatments and retained original elements. Whilst the amended features reflect aspects of building form in other precincts, they are not a part of the streetscape in the immediate vicinity.

As stated above, the inclusion of residential building elements, such as pitched roof forms, fit in with elements of other existing development in the town centre, however in incorporating these elements, the building arguably presents as having greater bulk than the original proposal. In particular the proposed gable awnings to the Noble Street elevation result in a more pronounced three storey presentation, whereas previously the third storey was recessed to achieve the ½ storey element envisaged in the DCP (albeit in a more contemporary fashion).

From a streetscape perspective the opening up of the enclosed Level 1 cantilevered balcony structure, particularly along the Noble Street elevation, can be seen as a more positive outcome, particularly in regard to articulation and relief.

In addition to the architectural changes discussed above, the external finish colour palette and building material range reflects a conservative approach, in contrast to the original proposal, in which the applicant put forward a range of colours combined with contrasting building materials in order to create visual interest and articulation.

Response to reason for refusal No. (2)

In response to reason No. 2 for refusal, the applicant has amended the design to comply with DCP Chapter 5 control C22 and better comply with control C16.

- Control C16 requires the “maximum depth of single orientation units is 8m from the back of the kitchen”.

The amended plans show that units 3-7 now comply with control C16. Only units 22 and 23 remain non-compliant with this control. In reference to these two units, the original report to Council noted the following:

“Proposed Unit 22 has the greatest depth of the single orientation units at 10.5m. However the unit also has a north-facing width of 10.9m with glazing dominating the width of the facade. As a result, despite the depth exceeding 8m, this unit provides for good ventilation and natural lighting and with that good end user amenity, thereby satisfying the objective underpinning the control.

Similarly, proposed Unit 23 has a depth of 8.4m (i.e. exceeding the maximum depth by 0.4m) but has the same width and glazed facade as Unit 22 of 10.9m. As opposed to Unit 22, this unit is south-facing, so does not enjoy direct solar exposure. Nonetheless, reducing the depth of the proposed unit by 0.4m in order to comply with the numeric control is not going to substantially improve the end user amenity (it

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9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (cont)

would arguably hamper it by reducing the functional floor area). The facade dominated by glazing is expected to enable adequate natural light and ventilation to penetrate the unit.”

As put forward to Council previously, the proposed minor variation is supported under the circumstances of the case.

- Control C22 requires that two-storey apartments should be designed so that a habitable room (that may be used as a bedroom) and a bathroom is located on the ground floor.

Of the eight (8) proposed two storey units, only one unit (Unit 13) did not strictly comply with this control. Unit 13 has been amended to now include a bathroom on its lower level, however the remaining space (that is intended may be used as a bedroom) is very confined. Whilst unit 13 now technically complies with control C22, the resultant space (3.7mx2.0m) is restrictive from a use perspective.

Public Submissions

Notification letters were sent to neighbouring property owners, as well as persons who lodged a submission in response to the original proposal. The notified parties were provided with fourteen (14) days in which to comment on the amended proposal. At the conclusion of the notification period, two (2) submissions were received which raised the following (summarised) matters of concern:-

Item 1 – Concern is expressed about the proposed alternative facade and that it “looks ridiculous”

Comment – The applicant has made external changes in an attempt to address the reasons for refusal. Whilst residential building elements found in the town centre have been introduced, more contemporary elements from the original proposal remain, arguably providing an eclectic response to addressing streetscape issues.

Item 2 – Concern is expressed that the building still present as 4 storeys from Belinda Street

Comment – This issue was addressed in detail in the report to Council in March, whereby the following comment was made:

“Precinct 1D identifies that development of the site is to be a maximum height of 2½ storeys with the top storey to form a ½ storey (i.e. occupation of the roof loft space). A sketch drawing, providing a visual interpretation of the 2½ storey provision, is provided in DCP 2012.

The 2½ storey DCP 2012 performance control was effectively carried through from the preceding DCP 14, which was adopted in 1998. The former DCP 14 was in turn directly connected with the provisions of Kiama LEP 1996. In this respect Clause 50(2)(a) of LEP 1996 specified a maximum 2½ storey height limit in the Gerringong central business district.

As opposed to LEP 1996, the current LEP 2011 stipulates a maximum 11m building height limit, leaving the number of storeys that may be accommodated within that height limit dependent upon design and compliance with Building Code of Australia

Report of the Director Environmental Services

9.2 Review of Determination - DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (cont)

(BCA) standards. There is no linkage between the 2½ storey DCP height limit with the overriding LEP development standards, specifically in relation to permissible building height (11m) and FSR (1.5:1). The introduction of LEP 2011 and its associated 11m building height limit effectively makes the 2½ storey DCP performance criteria redundant.

Apart from a reasonably minor (0.35m) building height breach, the proposed development is compliant with the objectives and development standards embodied within Kiama LEP 2011.

Notwithstanding the differences between DCP 2012 and LEP 2011, the 2½ storey issue was previously considered by Council in the report for the development on the adjoining land to the north (10.2013.90.1 - 25 Noble Street), which is currently nearing completion. In that example the proposed third storey was setback from Noble Street to give the impression of a ½ storey when viewed from street level. The DCP's intention for a ½ storey within the roof loft space of the building was considered to be achieved in a more contemporary building form by stepping back, or recessing, the top storey from the street frontage.

As with approved DA 10.2013.90.1, the proposed development adopts the same design approach with the third storey and (in this instance) the fourth storey being progressively recessed from the main building facade (being the ground floor and first floor facade) and street boundaries. In this regard the design is attempting to respond to the design outcomes sought by the 2½ storey requirement, but within the development standards embodied within the LEP.

The overarching objectives of the performance criteria specific to Precinct 1D (including the 2.5 storeys) are:

- *Protection of primary view lines to coastal features as identified in the Charrette Report*

Comment: The development site and the proposed development do not compromise identified view corridors, which mainly involve Precincts 1A, 1B and 1E.

- *To establish architectural and landscaping principles for new development*

Comment: As discussed above, the 2½ storey height architectural principle is made redundant by the introduction of LEP 2011 and its associated 11m building height limit. The proposed development incorporates appropriate landscaping principles consistent with Council's requirements.

- *The building design for development fronting Noble Street is to allow for adaptive use of ground floor residential areas for commercial purposes.*

Comment: Ground floor residential use is prohibited under the terms of the current LEP 2011. This objective of the DCP is thereby redundant.

- *To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.*

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Comment: These matters were previously addressed and not an issue raised in the reasons for refusal. The development is considered to be satisfactory in this regard.

- *Development is to be architecturally consistent with landmark buildings, heritage items and streetscape design.*

Comment: The proposed development has elements which are consistent with other residential buildings in the Gerringong town Centre and is also sufficiently distant from the heritage listed Gerringong Town Hall so as to not impact the heritage significance of that item."

In terms of building height and the number of storeys proposed, the comments above remain pertinent to the amended proposal.

Item 3 – Concern is expressed about traffic congestion and flow in Belinda Street

Comment – A Traffic Study was submitted in support of the proposal that has been fully assessed by Council's Development Engineers. No objections to the proposal have been raised by Council's Engineers in terms of traffic related matters.

Item 4 – Concern is expressed about storage of building materials and equipment and the removal of soil during construction

Comment - Conditions of consent would be imposed to address such matters should development be approved. For example Council's condition which states "the roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council" would be imposed. Like development of any other site, such issues can be appropriately managed during construction.

Conclusion

As outlined in this report, the applicant has sought to address the concerns raised by Council which led to refusal of the development proposal at the March Council meeting. Some of the measure proposed relate to numeric standards, where pure compliance can be readily determined, albeit, the functionality may be questioned. Other issues, such as streetscape, are more subjective and the notion of compliance may vary depending on the person giving the opinion.

The facade of the proposed building has been amended to incorporate pitched roof elements and more subdued finish colours in an effort to reflect some of the residential architectural elements of development in Gerringong. As discussed in the report, this has led to a fusion of new facade treatments and retained elements.

In relation to DCP 2012 non-compliances, Chapter 27 control C16 has been addressed so that now only two of the eight single orientation units do not satisfy the maximum depth of unit performance control. The development is now compliant with control C22. Performance criteria P1-4, P7 and P15 have been addressed in discussion regarding 2½ storey presentation.

Having regard to the reasons for refusal of the original application, it is considered that the amendments put forward by the applicant sufficiently address the issues raised and support a favorable determination in regard to the requested review of original determination.

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Draft Conditions of Consent**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.241.1 dated 17/03/2015 and on the application form except as amended by the following conditions:
- (2) The development shall be completed in accordance with the approved colour schedule.
- (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.
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority.
- (5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site.
- (6) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.
- (7) 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, Belinda Street and Noble Street for the purpose of carrying out activities associated with the development.
- (8) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (9) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, (no works to be carried out Sundays or Public holidays), without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:

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- a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
- (10) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail.

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 **\$177,507.30**.

Prior to Commencement of Works

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

- i The licensee's name and contractor licence number;
- ii That the licensee has complied with Part 6 of the Home Building Act 1989.

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

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

or

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

- (2) The developer shall lodge with Council a bond of \$7,000 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.

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- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days notice to Council of your intention to commence work.
- You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.
- You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.
- Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form.
- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (5) Protection fencing shall be erected around the Norfolk Island Pine tree to be retained, 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 1.8 metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres and is to be positioned a minimum 10 metres from the tree trunk in an arc, then follow the eastern and southern boundaries, enclosing the tree. Pedestrian access is not to be impeded. The fencing shall be maintained and shall remain in situ until all building works are completed. No machinery, builder's materials and/or waste shall be located inside the fencing.
- (6) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering construction works.
- (7) 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;

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- 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.

- (8) 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.
- (9) A project arborist is to be appointed prior to issue of the Construction Certificate.

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 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, circulation roadway, circulation aisle, ramps, car parking aisles and car parking modules;
- c The proposed pavement treatment to the circulation roadway, circulation aisle, ramps, car parking aisles and car parking modules. The minimum surface treatment shall be cement concrete/segmental paving;
- 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.

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

- (2) A Chartered Professional Engineer shall provide details of any retaining walls required to support proposed vehicle parking areas wherever the drop from the edge of the circulation roadway, circulation aisle, ramps, car parking aisles and car parking modules to a lower level exceeds 600 millimetre. The designing engineer must certify that the proposed retaining walls can withstand the impact of a vehicle on the safety barrier in accordance with AS 2890 and AS/NZS 1170. The details shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the construction certificate for that structure. The design detail shall include but is not limited to, plans, sections, provision and method of attachment of safety barriers, method of sub-surface drainage and jointing.

Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
- (2) 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.
- (3) The developer shall provide Chartered Professional Engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to the release of any Occupation Certificate.
- (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.
- (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.

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- (6) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

Detail shall be submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.

- (7) 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.

Erosion and Sedimentation Controls/Soil and Water Management

- (1) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.

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

Site Facilities

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

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

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's *"Driveway and Footpath Works Procedure Manual"*.
- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's *"Driveway and Footpath Works Procedure Manual"*.
- (3) 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.
- (4) 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.

Vehicular Access, Car Parking & Manoeuvring

- (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.
- (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.
- (3) The on-site service vehicle shall meet with the requirements of AS/NZS 2890.1 in relation to on-site manoeuvring, clearance height and loading.
- (4) All vehicles being loaded and/or unloaded shall stand within the curtilage of the development site.
- (5) The development shall meet the minimum design requirements of AS/NZS 2890.1 subsection 2.5.3 Circulation Roadway and Ramp Grade.
- (6) The development shall meet with the design requirements of AS/NZS 2890.1 sub-section 3.2.4 Sight Distance at Access Driveway Exits in relation the proposed access at Belinda Street.
- (7) All vehicles shall enter and exit the development site in a forward direction.

Civil Engineering Construction

- (1) The footpath and access driveways within Belinda Street and Noble Street, and immediately adjoining the development site shall be prepared and paved using

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the segmental paving bricks complying with Kiama Municipal Council's Gerringong *Town Centre Strategy*.

Landscape plans detailing soft and hard landscaping including materials and colours of all paved vehicular and pedestrian areas shall be submitted to Council for assessment, prior to the issuing of a Construction Certificate.

- (2) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (3) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (4) No vibratory rollers are to be used during the construction of this civil engineering work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.

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.

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) All workers related to the construction process, before entering the site, must be briefed about the requirements/conditions outlined within the arborists report (Allied Tree Consultancy, Report Ref. No.: D2291 dated 20/09/14) relative to the zone of protection, measures and specifications before the initiation of work. This is required as part of the site induction process.
- (4) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (5) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (6) 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.

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- (7) 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.
- (8) 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.
- (9) 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.

Landscaping Works

- (1) The trees marked in red on Drawing 02 D and numbered 2-5 in the arborists report (Allied Tree Consultancy, Report Ref. No: D2291 dated 20/09/14) may be removed for the development.
- (2) The appointed project arborist is to ensure soil levels within the 15 metre radius Tree Protection Zone (TPZ) (see arborists report prepared by Allied Tree Consultancy, Report Ref. No: D2291 dated 20/09/14, Appendix B - Plan 2; Zones of Protection) remain the same. Any excavation within the TPZ must have been previously specified and allowed for by the project arborist:
- a) So it does to not alter the drainage to the tree; and
 - b) Under specified circumstances:
 - Added fill soil does not exceed 100mm in depth over the natural grade. If the added fill does exceed 100mm or an impervious cover be used, an approved permeable material or permanent aeration system or other approved means of alleviation be utilised.
 - Excavation cannot exceed a depth of more than 80mm from the natural grade. Any excavation exceeding 80mm shall incorporate retaining walls or other approved transitional means.
 - (a) All excavation work within the TPZ will utilise methods to preserve root systems intact and undamaged. Methods permitted are by hand digging, hydraulic, or pneumatic air excavation technology.
 - (b) Roots less than 50mm in diameter must be cleanly cut and dusted with a fungicide, and not allowed to dry out, with minimum exposure to the air as possible.
 - (c) Roots greater than 50mm in diameter must be located in regard to their directional spread and potential impact. The project arborist

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will be required to assess the situation and determine future action in regard to retaining the tree in a healthy state.

(3) The following stages require assessment/certification by the project arborist:

1. Installation of the protective fence.
2. Any crown modification.
3. Any further works required within the area of the Tree Protection Zone.
4. Assessment the tree after completion of the development

Related documentation/certification is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- (4) All landscape areas shown on the approved landscape plans (drawing numbers LA01.01 - LA01.04 amended 19/01/2015) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.
- (5) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (6) 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.
- (7) 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.
- (8) The proposed footpath within the frontage road, Belinda Street and Noble Street, and immediately adjoining the development site shall be prepared and paved using the paving bricks complying with Kiama Municipal Council's Gerringong Town Centre Strategy and shall be constructed in compliance with the Kiama Development Code as appended to Kiama Development Control Plan 2012.

In this regard Claypave Regal Tan is the specified paver to be used within the Gerringong Town Centre (availability to be checked).

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.
- (2) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "*A Model*

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Agreement for Local Councils and Utility/Service Providers” prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.

- (3) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access.
- (4) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Noble Street and Belinda Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main.

A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate.

Waste Services

- (1) Prior to issue of the Occupation Certificate a Waste Management Service Agreement must be entered into with Kiama Council's Waste Business Unit to establish waste and recycling services for the development. A copy of the Waste Management Service Agreement must be provided to Council. The minimum number of bins to be issued for this development is as follows:

Residential (29 units)

- 11 x 240L red lid landfill bins to be shared– serviced fortnightly
- 19 x 360L yellow lid recycling bins to be shared – serviced weekly
- 6 x 240L green lid organics bins to be shared (for the collection of food only) – serviced weekly.

Commercial (13 units)

The appropriate number and type of bins for waste and recycling management for the commercial units must be complimentary to the type of commercial development occupying each of the respective units. A copy of the Waste Management Service Agreement must be provided to Council.

Prior to Occupation

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

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

- (2) 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.

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- (3) 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.

- (4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate.
- (5) Prior to the issue of an Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section.

Advertising Signage

- (1) A Development Application, where required, shall be submitted to Council and approval obtained prior to the erection of any advertisement or advertising structure.

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.

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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 mixed use development comprising of five (5) shops, eight (8) professional suites and twenty nine (29) residential units (mixed use development).

An exception is sought in relation to the 11m building height restriction pursuant to LEP 2011 and the proposal seeks support for various non-compliances with the provisions of DCP 2012, most notably in relation to Chapter 5 – Medium Density Development and Chapter 27 – Gerringong Town Centre.

Three (3) submissions were received in response to Council's neighbour notification of the proposal.

The report recommends that delegated authority be given to the General Manager to determine development application No 10.2014.241.1 subject to conditions as recommended by Council's Director of Environmental Services.

Finance

N/A

Policy

N/A

Reason for the Report

The value of the proposed development exceeds \$5,000,000.00.

Attachments

1 10.2014.241.1 - Site plans, elevations, 3D views

Enclosures

1 10.2014.241.1 - Plans - 128 Belinda Street, Gerringong

RECOMMENDATION

That Council approve development application 10.2014.241.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions and/or reasons deemed appropriate in consultation with Council's Director of Environmental Services.

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BACKGROUND

Owner/Applicant - Surrend8 Developments Pty Ltd

Development Site

The property is described as Lot 781 DP 1179947 which is located at 128 Belinda Street Gerringong. The overall site measures 3024m² in size and is rectangular in shape.

The corner site is currently vacant and is bounded by residential land to the east, Noble Street to the west, commercial land to the north and Belinda Street to the south. The commercial land to the north carries development consent for mixed use development (10.2013.90), which is presently under construction. The adjoining residential land to the east contains dwellings; adjoining residential land to the north east that is currently vacant.

The site is zoned B2 Local Centre pursuant to Kiama Local Environmental Plan (LEP) 2011. The site constitutes the eastern edge of the B2 zone in Gerringong, with R2 Low Density Residential zoned land beyond.

The site contains seven (7) trees and the land generally slopes moderately toward the northeast. The northeast corner of the property is where the slope is most pronounced.

Access to the property is obtained from both Noble Street (primary frontage) and Belinda Street (secondary frontage).

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

The site is subject to the following constraints:

- Easement – the north eastern/eastern sector of the allotment is subject to restriction requiring a hydraulic design for storm water drainage purposes be prepared prior to the carrying out of any works on the effected land.
- Areas mapped in Kiama LEP 2011 as potential acid sulphate soils (Class 5)

Description of the Proposed Development

The proposal involves the construction of a four (4) storey mixed use development comprising five (5) retail shops, eight (8) professional (business) suites, twenty nine (29) residential units (shop top housing) and basement car parking.

The proposed building consists of six (6) levels, outlined as follows:

Level	Proposed use
Basement Level 2 (lower level)	<ul style="list-style-type: none">○ 36 residential car parking spaces;○ Bicycle and motorcycle parking spaces (residential); and○ Bin storage area (residential use)
Basement Level 1	<ul style="list-style-type: none">○ 31 commercial car parking spaces;○ 6 resident visitor car parking spaces;○ 1 loading bay;○ Bicycle and motorcycle parking spaces (commercial); and○ Bin storage area (commercial use)

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Ground floor	<ul style="list-style-type: none"> o 5 retail shops; o 8 business premises; o Communal open space and drying terrace for residents of the building.
First floor	<ul style="list-style-type: none"> o 6 single level 1 bedroom residential units (units 3-8); o 5 single level 2 bedroom residential units (units 1,2, 18, 19 & 20); o Ground floor level of 8 two bedroom residential units (units 9-12 & 14-17) and 1 single bedroom residential unit (unit 13).
Second floor	<ul style="list-style-type: none"> o 4 single level 2 bedroom residential units (units 21-24); o First floor level of 8 two bedroom residential units (units 9-12 & 14-17) and 1 single bedroom residential unit (unit 13).
Third floor	<ul style="list-style-type: none"> o 5 single level 3 bedroom residential units (units 25-29).

The overall residential component of the proposal consists of:

- o 7x1 bedroom residential units;
- o 17x2 bedroom residential units; and
- o 5x3 bedroom residential units.

The floor area of the residential units ranges from 61.19m² (Units 3-8) to 120.52m² (Unit 27), with an average residential unit floor area of 93.98m².

The 5 retail premises are made up of:

- o Shop 1 – 119.11m²;
- o Shop 2 – 107.02m²;
- o Shop 3 – 82.42m²;
- o Shop 4 – 71.95m²; and
- o Shop 5 – 81.11m².

Proposed shops 1-4 front Noble Street, with proposed shop 5 fronting Belinda Street.

The 8 business premises are made up of:

- o Business premises 1 – 56.21m²;
- o Business premises 2 – 56.21m²;
- o Business premises 3 – 72.43m²;
- o Business premises 4 – 90.5m²;
- o Business premises 5 – 61.92m²;
- o Business premises 6 – 61.92m²;
- o Business premises 7 – 61.92m²;
- o Business premises 8 – 56.19m².

Proposed business premises 1-4 front Belinda Street, with the remaining business premises 5-8 facing north, accessed via the Belinda Street foyer.

On-site car parking is proposed over the two (2) basement levels, in total accommodating 73 car parking spaces and 1 loading bay, along with motorcycle and bicycle parking.

Vehicular access is proposed from Belinda Street at a common entry/exit point.

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The proposed external finishing materials/colours are a combination of brickwork (Austral 'Gertrudis Brown'), rendered brickwork (Dulux 'White on White'), cladding (combination of Zinc 'Pigmento Blue' cladding, natural stained timber cladding and painted cladding (Dulux 'White Quarter Flag')), aluminium 'Natural' window frames and clear glass louvers and balustrades.

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 (Building Sustainability Index: BASIX) 2004 (BASIX)

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

- State Environmental Planning Policy No 55 - Remediation of Land

The land is suitable for the proposed use.

- State Environmental Planning Policy No 65 — Design Quality of Residential Flat Development (SEPP 65)

This Policy aims to improve the design quality of residential flat development in New South Wales.

A Design Verification Statement signed by architect Robert Gizzi (NSW Registration No 8286); Principle of Design Workshop Australia (being a suitably qualified person) was lodged in support of the application, in accordance with the SEPP.

This statement verifies that the proposal satisfies the 10 design principles in SEPP 65 together with the supporting Residential Flat Design Code (RFDC).

- Illawarra Regional Environmental Plan No 1 (IREP 1) (Deemed SEPP)

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. Clause 79 refers to residential uses in business zones and states:

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"The consent authority should consider permitting residential uses in mixed development in business zones, above commercial property."

The proposed development satisfies Clause 79 of the REP in that the residential use is above the street level/ground floor retail and business (commercial) floor space and basement commercial car parking module.

Clause 139 of the REP imposes a maximum building height control of 11 metres measured vertically from any point on the ceiling of the top most floor of the building to the natural ground level immediately below that point. The proposed development has a maximum ceiling height of 10.94 metres (at the north eastern corner of unit 27) and as such is compliant.

- Kiama LEP 2011

The subject land is zoned B2 Local Centre pursuant to Kiama LEP 2011. The proposal (*mixed use development – in this instance retail, business and shop-top housing*) 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 (being 11 metres in this instance – measured vertically from the highest point of the building to the existing ground level below). The maximum overall height of the proposed building is 11.35m at the roofline above proposed units 27 & 28.

The applicant has sought a variation to the building height development standard pursuant to Clause 4.6 of the LEP. This is discussed in detail below.

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 (FSR) map. In this instance the LEP permits an FSR of 1.5:1. The FSR of the proposed development is 1.42:1, being compliant with the development standard.

Clause 4.6 provides for exceptions to certain development standards where requested and justified in writing by the applicant and where Council is satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) (i.e. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard); and
- 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.

In this instance it is proposed to construct to a height of 11.35m, thereby breaching the 11m building height development standard of Clause 4.3. The proposed building height breach represents three triangular portions of the north eastern corner of the top floor roof of the building (proposed units 27 & 28). At its highest point (i.e. the north eastern corner) the building height is 11.35 metres, which tapers off over some 52m² of

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roof area, due to the site topography, until the building height falls within the 11 metre development standard.

The applicant has accordingly provided a submission, pursuant to LEP Clause 4.6, seeking exception to the building height development standard of Clause 4.3 of the LEP.

Applicant's Submission

In addressing Clause 4.6 and seeking exception to Clause 4.3, the applicant has lodged a 9 page submission which, in summary, contends that:

- The extent of the breach is minor, being at worst 0.35m (in terms of height) over a roof area of some 52m².
- *"The proposed non-compliance is located on a portion of the site that is significantly setback from property boundaries. Both street elevations comply with the 11m height of building standard and the non-compliance will not have an impact on the streetscape. The area of non-compliance is also setback 10.945m from the northern property boundary and approximately 14.75m from the eastern boundary and would not result in any adverse overshadowing impacts."*
- The proposed development, notwithstanding the height limit breach, is in keeping with the scale and character of this part of the Gerringong town centre (Noble Street, which is in a phase of new development).
- The proposed development is in the public interest as it is consistent with the objectives of Clause 4.3 (height of buildings development standard) and the objectives of the B2 zone.

Response

In reference to the extent of the breach, in overall height terms the proposed 0.35m building height breach represents 3.2% of the 11m development standard. The argument made by the applicant that the breach is minor is reasonable.

The proposed height limit breach represents a three pronged point encroachment of the height limit as a consequence of the general fall of the land and steeper fall of the land at the north east corner of the site. The height breach tapers off over approximately a 52m² area of the roof (toward the south west) until a compliant 11m height is observed for the remainder of the development.

In relation to Clause 4.6(3)(a) of the LEP the following matters are noted:

- The proposed building height breach does not trigger a breach of the FSR development standard, nor enable additional development opportunities.
- The proposal results in no unreasonable additional amenity impacts.

It is accepted, on this basis, that compliance with the development standard is unreasonable and unnecessary under the circumstances.

In relation to Clause 4.6(3)(b) of the LEP the following matters are noted:

- The proposal is consistent with the B2 zone objectives

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- Despite non-compliance with the building height development standard, the proposal is consistent with the objectives of Clause 4.3 and 4.6
- The proposed building is consistent with the progressive character of the Noble Street area, particularly the development nearing completion on the adjoining land to the north.
- The site is suitable for the proposed development and, in itself, the building height breach does not create any unreasonable additional impact in terms of overshadowing, privacy loss, view impact or the like.

It is accepted, on this basis, that there are sufficient environmental planning grounds to justify contravention of the development standard under the circumstances.

Despite non-compliance with the numeric building height development standard, the proposed development satisfies the objectives underpinning the standard. The height limit breach is not expected to be discernible to the casual observer and, with that, the scale and nature of the proposed building height breach is not so significant that refusal of the proposal is warranted under the circumstances. The proposal is thereby not contrary to the public interest under the circumstances.

As the proposed exception to the building height development standard has satisfactorily addressed Clause 4.6(3) of Kiama LEP 2011, it is recommended that the application for variation be supported.

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

Clause 5.9AA stipulates that trees or vegetation which are not of a species or kind prescribed for preservation in a development control plan may be cut down, lopped or removed. The proposal includes species on the site which are not included within the development control plan and are permitted to be removed as part of the development approval.

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The Acid Sulphate Soils map attached to Kiama LEP 2011 identifies the site 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 Clause states that "*a building has an active street frontage if all premises on the ground floor facing the street are used for the purposes of business premises or retail premises.*"

It is noted that, in order to accommodate the proposed fourth storey within the 11m building height limit, the building has been excavated into the site, meaning the ground floor retail and business premises facing the streets predominantly have their

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floor level below the street level. This arguably diminishes the exposure of the commercial use and the intent of active street frontages in engaging with the street. Nonetheless, strictly in terms of the quoted definition for active street frontage, the proposal meets this requirement by providing retail and business premises on the ground floor. These premises each have a glass facade making the commercial use visible and accessible to/from Noble Street and Belinda Street.

Any draft Environmental Planning Instruments

Nil.

Kiama Development Control Plan (DCP) 2012

Chapter 5 – Medium density development

The proposed development is generally consistent with the requirements of Chapter 5 of the DCP, except in relation to the following matters, where variation is sought:

- Control C1 – meet the principal development standards under LEP 2011.

The proposed breach of the building height development standard is addressed above under LEP 2011 Clause 4.3 and exception sought pursuant to Clause 4.6. This matter has been discussed in detail and the building height breach is considered to be acceptable under the circumstances.

- Control C15 – 75% of dwellings to have dual aspect

Twenty-one (21) of the 29 residential units proposed have a dual aspect, representing 72% of the residential units. The eight (8) proposed single orientation units are units 3-7, 20, 22 and 23.

In order to comply with the numeric control, 21.75 (ie 22) of the residential units are required to have dual frontage. As 21 of the units have dual frontage, the proposed development is numerically as close as possible to meeting the numeric requirement.

The applicant has acknowledged the numeric non-compliance and contends that, notwithstanding this control, the development satisfies the “*naturally cross ventilation rule*” of the Residential Flat Design Code.

An objective underpinning the control is to “*provide a high level of user amenity through the provision of well designed, liveable dwellings*”. Proposed units 3-7 satisfy this objective in that they all have a northerly aspect; all receive more than 3 hour of direct solar access during mid winter, are single bedroom units (i.e. smaller units) and have a depth of only some 9m metres from a window, providing for good ventilation and natural lighting through the units. Proposed unit 22 is a larger unit, but nonetheless it also satisfies the outlined objective for the same reasons.

Proposed unit 20 faces west (with a compliant unit depth of 6.6m) and proposed unit 23 faces south, so do not enjoy the same direct solar access as units 3-7. Nonetheless both these units are wider than they are deep (see control C16 below) and benefit by extensive glazing and openings allowing for good levels of

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natural light penetration and ventilation, again satisfying the objective underpinning the control.

The proposed minor variation is supported under the circumstances of the case.

- Control C16 – maximum depth of single orientation units is 8m from the back of the kitchen

As noted above, eight (8) of the proposed residential units are single orientation units. Of these, seven (7) exceed the maximum unit depth prescribed by control C16. Five (5) (i.e. Units 3-7) have a depth of 9m, Unit 22 has a depth of 10.5m and Unit 23 has a depth of 8.4m.

For the reasons outlined above under control C15, no concern is raised in relation to Units 3-7.

Proposed Unit 22 has the greatest depth of the single orientation units at 10.5m. However the unit also has a north-facing width of 10.9m with glazing dominating the width of the facade. As a result, despite the depth exceeding 8m, this unit provides for good ventilation and natural lighting and with that good end user amenity, thereby satisfying the objective underpinning the control.

Similarly, proposed Unit 23 has a depth of 8.4m (i.e. exceeding the maximum depth by 0.4m) but has the same width and glazed facade as Unit 22 of 10.9m. As opposed to Unit 22, this unit is south-facing, so does not enjoy direct solar exposure. Nonetheless, reducing the depth of the proposed unit by 0.4m in order to comply with the numeric control is not going to substantially improve the end user amenity (it would arguably hamper it by reducing the functional floor area). The facade dominated by glazing is expected to enable adequate natural light and ventilation to penetrate the unit.

The proposed minor variation is supported under the circumstances of the case.

- Control C22 – two-storey apartments should be designed so that a habitable room (that may be used as a bedroom) and a bathroom is located on the ground floor.

Of the eight (8) proposed two storey units, only one (1) unit (Unit 13) does not strictly comply with this control. Proposed Unit 13 is constrained by the common lift well for the residential units and only has a 'study' on its lower floor.

The study represents a habitable room that may be used as a bedroom; however no bathroom is available on that level.

The control is not worded in that the units "must" have a bathroom located on the ground floor (lower level), so the minor departure from the control is not considered to be critical. It is furthermore noted that this unit is not one of the eight (8) adaptable units that have been nominated in the development in accordance with control C4. The proposed development overall predominantly complies with the control.

No objection is raised to the proposed minor variation in this instance.

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- Control C32 – requires that private open space (in the form of a balcony, deck, terrace, garden, yard, courtyard or roof terrace) must meet the following specifications:
 - A minimum area of 25m² for each dwelling, and
 - A minimum dimension in one direction of 5m, and
 - Does not include drying facilities or garbage storage areas, and
 - Be directly accessible from an indoor living area

Variation is sought in relation to the first two dot points.

- Minimum 25m² balcony area – the variation relates to 16 of the 29 units (ie Units 2-8, 11-13, 18, 20, 22, 23, 26 and 29)

The non-compliant unit balcony areas range from 12.04m² (Unit 13) to 23.4 m² (Unit 20), with an average non-compliant balcony size of 18m².

In addressing this matter the applicant contends that the proposed balcony sizes are compliant with SEPP 65 and the associated NSW Residential Flat Design Code. The applicant asserts that the SEPP is the over-riding planning instrument and prevails to the extent of any inconsistencies with Council's DCP.

The NSW Residential Flat Design Code is a guideline that has been developed at the State level to demonstrate ways in which the 10 Design Quality Principles of SEPP 65 may be achieved for residential flat development within NSW. Council's DCP provisions for medium density residential development are not generally contrary to the SEPP, but rather provide controls that are desirable at the local level i.e. the Kiama Municipality.

The NSW Residential Flat Design Code contains its own 'Objectives', 'Better Design Practice' and 'Rules of Thumb' for, amongst other things, open space and balconies for residential flat development. The Residential Flat Design Code does not identify minimum balcony sizes for units, but rather states that balconies should be "*sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller apartment) and four chairs (larger apartment) should fit on the majority of balconies in any development.*" Council's DCP, on the other hand, requires a blanket 25m² private open space area irrespective of the unit size or, for that matter, the type of medium density development.

Despite numeric non-compliance with the DCP private open space control for 16 of the 29 proposed units, it is generally accepted that the development provides for usable and functional private open spaces, being directly accessible from the living area of each unit, which serves to enhance the functionality of the indoor/outdoor living/open space area. The proposed development provides a sufficient level of private open space consistent with that recommended by the NSW Residential Flat Design Code, as outlined above.

Further to the above comments, it has been acknowledged and successfully argued in the past that blanket minimum 25m² private open space area/s per unit requirement is unreasonable for residential accommodation in the form of 'shop top housing' in a B2 Local Centre zone. In this respect it is noted that the

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business zone carries with it different and more mixed development types (in terms of form and use) than a residential zone and the same sort of residential amenity (eg relating to the provision of private open space, for instance) should not be expected for residential development in a commercial zone (i.e. this being distinct from dedicated residential development in a residential zone, whereby there would be greater expectation for compliance with the private open space control).

In addition to these comments it should also be noted that the development is situated opposite the Old School Park, being an accessible public open space area in close proximity for residents of the proposed development.

In combination with the functionality of the proposed balcony areas and the accessibility of the Old School Park adjacent, justification for reduced private open space area based on SEPP 65 and the NSW Residential Flat Design Code is accepted. For the reasons outlined above, the variation proposed to the minimum required 25m² private open space area for Units 2-8, 11-13, 18, 20, 22, 23, 26 and 29 is considered to be reasonable in this instance and is generally supported under the circumstances.

- Minimum dimension in one direction of 5m

In relation to this requirement, eight (8) of the proposed 29 units do not comply (Units 9, 11, 12, 14, 15, 17, 26 and 29).

As with the minimum 25m² balcony area discussed above, in relation to balcony dimension the applicant defers to SEPP 65 and the NSW Residential Flat Design Code as the prevailing control. The only numeric performance measure recommended for balconies in the NSW Residential Flat Design Code is that balconies have a minimum depth of 2m (i.e. 'Rules of Thumb'). This performance measure is readily complied with for each of units 9, 11, 12, 14, 15, 17, 26 & 29. Furthermore, these balconies incorporate a dimension of some 4.7m, being a minor departure from the 5m requirement of the DCP.

As with the 25m² private open space variation proposed, the private open space areas of proposed units 9, 11, 12, 14, 15, 17, 26 & 29 are considered to be usable and functional and, accordingly, variation to the minimum 5 metre dimension is considered to be reasonable in this instance and is supported.

Chapter 9 – Car parking requirements

The proposed development incorporates basement accommodating 73 on-site car parking spaces over 2 levels. Overall, Council's DCP requires the provision of 73 on-site car parking spaces (42 + 31 = 73 (see below)).

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

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Based on the DCP requirements, retail premises (including shops) has a requirement of 1 parking space per 35m² of Gross Leasable Floor Area (GLFA), whereas commercial premises (including businesses) has a requirement of 1 parking space per 40m² of GLFA. In accordance with this the retail/business component of the development requires a total of 29 car parking spaces (staff and customers), based on the proposed floor areas. This consists of 15 required retail car parking spaces and 14 required business premises car parking spaces. A parking space is provided for loading/unloading and an additional space for disabled parking is proposed, bringing the total to 31 commercial parking spaces accommodated in Basement Level 1. Four (4) motor bike and (at least) 14 pushbike spaces are also proposed on this level.

Residential component

The residential component of the development draws on the RMS Guide to Traffic Generating Developments for medium density residential development. The Guide recommends a minimum number of off-street, resident parking spaces of:

- 1 space for each unit (29 units = **29 spaces**), plus
- an additional 1 space per each 5 x 2 bedroom unit or part thereof (17 x 2 bedroom = **4 spaces**),
- an additional 1 space per each 2 x 3 bedroom unit or part thereof (5 x 3 bedroom = **3 spaces**), plus
- an additional one space per each five units for visitor parking or part thereof *is recommended* (29 units = **6 visitor spaces**).

Consequently a total of 42 on-site car parking spaces are required (ie 29 + 4 + 3 + 6 = 42) and 42 are proposed in this instance (inclusive of 8 adaptable disabled parking spaces).

Overall eight (8) motorcycle car parking spaces and (at least) twenty-eight (28) bicycle parking spaces are proposed for the development.

The proposed development satisfies Council's DCP requirements for on-site parking.

Chapter 27 – Gerringong Town Centre

The subject site is identified as Precinct 1D – School Site – East.

DCP 2012 Chapter 27 was adapted from previous Kiama DCP 14 – Gerringong Town Centre, which was created following the Gerringong Charrette process. The relevant sections of Chapter 27 are addressed below:

Objectives

The proposed development is generally consistent with the objectives of the chapter. In particular, the proposal achieves the objective of providing opportunities for mixed residential and commercial development in the Gerringong Town Centre.

Section 1 – Land Use

The proposal provides spaces for retail and business purposes at ground level in accordance with the controls. No uses or fit outs of the commercial spaces are indicated at this stage. Section 1 states that any commercial uses along Noble Street

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are not to be of a large scale and not include supermarkets, take-away food shops or the like. Should consent for the proposed development be granted, use of the retail and business premises will be the subject of either separate development applications (which will consider noise impacts etc) or application for complying development certificate (first use of premises) under SEPP (Exempt & Complying Development Codes) 2008 (Codes SEPP).

Section 2 – Environmental Design Elements

The proposed development generally provides the environmental design elements, in order of the objectives and performance criteria outlined in the Chapter.

Section 3 – General Design Elements

The proposed development satisfies the general design elements of the objectives and performance criteria outlined in the Chapter including achievement of attractive residential and commercial environment, appropriate scale to the street and building design and siting that acknowledges surrounding development.

Section 4 – Design Elements - Precinct 1D

Precinct 1D Performance Criteria	Development Proposal	Complies?
P1. Development to be consistent with design principles outlined in Chapter 27	Does not comply with all of the principles in relation to 2½ storey control and access laneway.	No – see discussion below
P2. The design is to take into account other planning controls and building codes.	The development is consistent with LEP 2011 provisions (with exception of building height) and generally with DCP 2012.	No – see discussion below
P3. Height permitted by LEP 2011. For lots fronting Belinda St, appearance from Belinda St of two storey, stepped to one storey where adjoining rear yards	The development involves a minor breach to units 27 & 28 with the LEP height limit. 9m setback from adjoining residential rear yard.	No – see discussion below
P4. Two and a half storey plus basement car parking to Noble Street frontage and central portion of the site.	4 storeys plus basement car parking to Noble Street and other parts of the site.	No – see discussion below
P5. Development to maximise pedestrian linkages with park opposite.	Active street frontage with shops and central pedestrian foyer access - provides link	Yes

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Precinct 1D Performance Criteria	Development Proposal	Complies?
	by pedestrian pathway.	
P6. Vehicular access by rear lanes or basement.	Car parking provided in basement over 2 levels, at an access point consistent with the Precinct 1D concept plan.	Yes
P7. Two and a half storey roof elements to be visually diverse and not continuous.	Generally flat roof proposed.	No – see discussion below
P8. Consistent streetscape design for street furniture, paving, lighting and landscape	Paving, landscaping etc is consistent with Council policy and neighbouring approved development.	Yes
P9. Businesses are to be compatible with residential amenity of adjoining properties.	No commercial uses are nominated at this point and would be subject to further application.	N/A
P10. If not intended to be used partly for commercial purposes, buildings must be designed to be capable of adaption to commercial uses at ground level	The development involves 5 retail tenancies and 8 business premises at ground level fronting Noble Street & Belinda Street.	Yes
P11. Consideration to be given to privacy of adjoining residences.	Minimum 9m setback from residential boundary to the east.	Yes
P12. Setback to Noble Street of 1.5m to allow veranda or courtyard elements and landscaping space	1.8m setback provided	Yes
P13. Setback to residential development in Belinda Street to match that of dwelling at 140 Belinda Street. Development on Lot 3 (Corner site) is to provide setback of 1.5m to both Belinda and Noble	The development site is a corner allotment fronting both Noble Street and Belinda Street. A setback in excess of 1.5m is observed to both streets. A 9m setback is observed to the dwelling at 140 Belinda Street	Yes

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Precinct 1D Performance Criteria	Development Proposal	Complies?
Street.		
P14. The development on Lot 3 is to provide a 2 storey form to reinforce the corner.	Four storey development – 3 rd & 4 th storey progressively recessed	No – see discussion below
P15. Development fronting Noble Street is to address former school site and to provide visual containment to that area.	Development fronting Noble Street faces and addresses the Park.	Yes

Departures from the controls and intent of the Precinct Plan are discussed below:

- Control P1, 2, 3 & 4 (NB: for the purpose of discussion, as these performance controls relate to building height and the 2½ storey provision (which are interconnected), the controls are addressed collectively)

Two and a half storey limit

Precinct 1D identifies that development of the site is to be a maximum height of 2½ storeys with the top storey to form a ½ storey (i.e. occupation of the roof loft space). A sketch drawing, providing a visual interpretation of the 2½ storey provision, is provided in DCP 2012.

The 2½ storey DCP 2012 performance control was effectively carried through from the preceding DCP 14, which was adopted in 1998. The former DCP 14 was in turn directly connected with the provisions of Kiama LEP 1996. In this respect Clause 50(2)(a) of LEP 1996 specified a maximum 2½ storey height limit in the Gerringong central business district.

As opposed to LEP 1996, the current LEP 2011 stipulates a maximum 11m building height limit, leaving the number of storeys that may be accommodated within that height limit dependent upon Building Code of Australia (BCA) standards. In compiling DCP 2012 there appears to have been little consideration given to the mathematical correlation of the 2½ storey DCP height limit to the overriding LEP development standards, specifically in relation to permissible building height (11m) and FSR (1.5:1). The introduction of LEP 2011 and its associated 11m building height limit effectively makes the 2½ storey DCP performance criteria redundant.

Apart from a reasonably minor (0.35m) building height breach, the proposed development is compliant with the objectives and development standards embodied within Kiama LEP 2011, being an Environmental Planning Instrument. The performance controls and objectives within DCP 2012 are subservient to the LEP and, in this instance, there is discord between the LEP height and FSR development standards (i.e. height and bulk controls applying to the land) and the DCP's 2½ storey performance control. For example, if Council was to insist upon a 2½ storey building form, with standard 2.7m floor to ceiling heights the building would likely be

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in the order of 3m below the permissible 11m building height of the LEP. Similarly, the resulting development would not achieve the development yield permitted by the FSR development standard (as it is, the 4 storey development proposed is below the permissible FSR).

The LEP prevails over the (supporting) DCP as it relates to the number of storeys and FSR.

Notwithstanding the outlined discord between DCP 2012 and LEP 2011, the 2½ storey issue was previously considered by Council in the report for the development on the adjoining land to the north (10.2013.90.1 - 25 Noble Street), which is currently nearing completion. In that example the proposed third storey was setback from Noble Street to give the impression of a ½ storey when viewed from street level. The DCP's intention for a ½ storey within the roof loft space of the building was considered to be achieved in a more contemporary building form by stepping back, or recessing, the top storey from the street frontage.

As with approved DA 10.2013.90.1, the proposed development adopts the same design approach with the third storey and (in this instance) the fourth storey being progressively recessed from the main building facade (being the ground floor and first floor facade) and street boundaries. In this regard the design is attempting to respond to the design outcomes sought by the 2½ storey requirement, but within the development standards embodied within the LEP.

The overarching objectives of the performance criteria specific to Precinct 1D (including the 2.5 storeys) are:

- *Protection of primary view lines to coastal features as identified in the Charrette Report*

Comment: The development site and the proposed development do not compromise identified view corridors, which mainly involve Precincts 1A, 1B and 1E.

- *To establish architectural and landscaping principles for new development*

Comment: As discussed above, the 2½ storey height architectural principle is made redundant by the introduction of LEP 2011 and its associated 11m building height limit. Similarly, the visually diverse roof form architectural principle, as discussed below in relation specifically to Control P7, is also arguably made redundant by LEP 2011.

The proposed development incorporates appropriate landscaping principles consistent with Council's requirements.

- *The building design for development fronting Noble Street is to allow for adaptive use of ground floor residential areas for commercial purposes.*

Comment: Ground floor residential use is prohibited under the terms of the current LEP 2011. This objective of the DCP is thereby redundant.

- *To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.*

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Comment: These matters have each been discussed within this report and the development is considered to be reasonable.

- *Development is to be architecturally consistent with landmark buildings, heritage items and streetscape design.*

Comment: The proposed development is consistent with the neighbouring mixed use development (10.2013.90.1) which is nearing completion. It is also sufficiently distant from the heritage listed Gerringong Town Hall so as to not impact the heritage significance of that item.

Public rear laneway through the site

The Precinct 1D concept plan in Chapter 27 outlines that a rear laneway is to be provided through the site and indicates that it is part of a continuous rear laneway from Belinda Street to Myamba Street (i.e. connecting through the adjoining Precinct 1A), running parallel to Noble Street.

This laneway was an aspiration derived through the Gerringong Charrette; however with subsequent DCP's (originally DCP No. 14 and now DCP 2012) no plan or provision (framework) was put in place to bring about dedication of the intended laneway as public road. Furthermore no reserve or easement for this laneway was put in place at the time of the subdivision creating the subject Noble Street allotments. As a consequence this laneway has long since been abandoned, as confirmed by the precedent set by development approvals at 3 Noble Street (10.2003.230), 13 Noble Street (10.2007.338) and most recently 25 Noble Street (10.2013.90.1), whereby the laneway did not form part of the approved development.

The requirement for a laneway as identified in Chapter 27 is therefore not relevant to development of the land.

- Control P7 – requires that the roof line of 2½ storey development is to be visually diverse in appearance and not to be connected continuously between units.

The design of the proposed roof line and upper storey is not consistent with that illustrated in the DCP. Further to the discussion above in relation the DCP's 2½ storey performance control and the discord with the LEP 11m development standard, in a similar vein changes to the way height is now defined under LEP 2011 has resulted in predominantly flat roof forms for mixed use (and medium density residential) development. This is because height is now measured to the highest point of the building, whereas when the P7 performance control was originally formulated under superseded DCP No. 14 and LEP 1996, height was measured to the ceiling. As with the 2½ storey performance control, the performance control seeking articulated/varied roof form and pitched roof enabling occupation of the roof loft space (½ storey) is essentially made redundant by the terms of the current LEP 2011.

The proposed development has a predominantly flat roof form, which is similar to the mixed use development approved (and nearing completion) on the adjoining land to the north (10.2013.90.1). In terms of building form and roof form, the proposed development will be compatible with the immediately neighbouring mixed use development.

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As opposed to the neighbouring development, the subject development is on a corner allotment with the broader expanse of the proposed building and its roof form directly visible from Belinda Street. It is noted that this elevation incorporates decks, variation of external finish materials and colours as well as openings to physically and visually articulate the façade. A distinct indentation in this elevation of the building serves to visually delineate the section of the building facing Noble Street from the longer section of the building facing Belinda Street and furthermore the second and third storeys of the building are progressively setback from Belinda Street. These design elements provide variation in overall building form. Although the roof in itself is not particularly articulated or broken in form, the overall presentation of the proposed building arguably is.

- Control P14 – two-storey building form on the corner of Noble and Belinda Streets to “reinforce the corner”

The DCP flagged the use of the corner lot (then a much smaller Lot 3 (since amalgamated) in 1998 when DCP 14 was adopted) as a Police Station site. This was an aspiration for Gerringong, arising from the Gerringong Charrette and subsequently embodied in DCP 14, which has not been pursued at any level nor was any legal or planning based framework put in place to facilitate this outcome. The two storey building form was intended to apply to a Police Station.

The DCP intended Police Station land use aside, as already discussed at length, this two-storey performance criteria is out of step with the current LEP 2011 building height development standard. It would make no sense, under the circumstances of the site as they are now, to “reinforce the corner” by dropping the development to two storeys at the junction of Noble and Belinda Streets.

Again, this is a performance criteria within the DCP that has been made redundant by the provisions of LEP 2011.

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

- 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

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proposal is consistent with relevant planning instruments and with the intended future 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.

The proposal represents permissible mixed use (retail/business/residential) development in a B2 Local Centre zone. In terms of land use, no on-going significant noise impacts are expected as a result of the development. Use of the retail and business premises will be the subject of either separate development applications (which will consider noise impacts) or application for complying development certificate (first use of premises).

- 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 and will not breach Council's controls.

- Views

The proposal will have a significant impact upon the northeast ocean view currently available from motel opposite in Belinda Street; however under the circumstances there does not appear to be any opportunity to reasonably impose view sharing principles without sterilising development of the subject site. This is discussed in greater detail below under Public Submissions.

That aside and on balance, the view impact of the proposed development is considered to be reasonable.

- 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.

All stormwater will drain to the street.

- Environmental Impacts

Vegetation Removal – Seven (7) trees are proposed to be removed. Council's Landscape Officer has raised no objection to the removal of these trees.

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

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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 concerns raised in submissions are not considered to warrant refusal of the application.

This site represents the last in Noble Street that has not been approved for development. Once Noble Street is developed in accordance with the approvals in place it (including this development should it be approved) will make a significant social and economic contribution to Gerringong by providing for additional commercial floor space in combination with increasing the housing stock and housing options available and, with that, boost the vibrancy and liveliness of the Gerringong Town Centre.

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.

- Contamination from Previous Land Uses

There is no evidence of site contamination on this or adjacent sites.

- 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.

- Utility Needs and Supply

The proposal is 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. Council's Waste Services have considered the proposal and have not raised any concerns.

- Operational Noise

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No ongoing significant noise impacts are expected as a result of the development.

- Risks to People and Property from Natural and Technological Hazards

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

- BCA Compliance

Council building officer has reviewed the proposal and raises no issues in relation to BCA compliance.

- Construction Impacts

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.

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, three (3) submissions were received which raised the following (summarised) matters of concern:-

Item 1 - Numerous concerns are raised relating to the objectives and performance criteria within DCP 2012 Chapter 27, including:

- a) Comment - There is clear separation between residential units and ground floor commercial spaces. The development does not provide for commercial spaces to be adapted as residential spaces.

Response - Under the provisions of Kiama LEP 2011 it is compulsory that the ground floor of the development exclusively comprise commercial uses. Residential use of the ground floor is prohibited. Residential use in the B2 zone is restricted exclusively to shop-top housing, being above a ground floor retail or business use. The proposal is consistent with the land use requirements of the LEP.

- b) Comment - The height, bulk and scale of the proposal dominates the streetscape of both Noble and Belinda Streets and is overdevelopment of the site.

Response - Height and FSR (being bulk and scale measures) are development standards contained within LEP 2011. The proposal is predominantly compliant with the LEP 11m height limit (except for a maximum 0.35m breach which tapers off over some 52m² of roof area) which has been discussed in detail within this report. The minor height breach is considered to be acceptable in this instance. The proposed development complies with the LEP FSR development standard (maximum 1.5:1), having an FSR of 1.42:1.

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There is no denying the proposed development is a large building in the context of Gerringong; however based on the overriding height and FSR development standards, which combined comprise Council's bulk and scale development parameters, the proposed development is acceptable.

- c) Comment - None of the residential units and their outdoor living spaces facing Belinda Street will receive any direct sunlight between 9am and 3pm on 22 June (the neighbour acknowledges that they were not able to cite the residential floor plans i.e. due to Council's privacy requirements).

Response - Of the 29 proposed residential units, only one (1) unit (proposed Unit 23) faces exclusively south.

- d) Comment - The proposal fails to meet the requirement of maintaining appropriate residential character and bulk, especially on Belinda Street.

Response - The subject site is zoned B2 Town Centre and is not zoned residential. These two zones carry very different development parameters, most notably in terms of building form, bulk, scale and use. In terms of Belinda Street, the proposed building acknowledges the adjoining residential land and responds with a 9m landscaped setback to that property boundary (which coincides with the zone boundary). The building form also responds by further stepping back the third storey from the eastern boundary, as well as from Belinda Street.

Wherever a B2 zone meets an R2 zone (as in this instance) there is inevitably going to be a contrast in building form and land use. The design response is considered to be acceptable in this instance under the circumstances.

Item 2 - Concerns are expressed about view loss from the motel opposite as a consequence of the development.

Comment - The motel is setback and set down off of the southern side of Belinda Street and has an ocean view (that is generally filtered by existing vegetation on the motel site and in the Belinda Street road reserve) toward the north-east, across the development site.

Given that the bulk of the subject development site is directly in this view corridor, is more elevated than the motel site and given also that the ocean views are essentially downward (due to the elevation of the land – RL 51m), it is likely that any development of the subject site is going to block the northeast ocean views from the motel site. It would be unreasonable of Council to limit development of the site to preserve a reasonably narrow view corridor of the ocean from the motel site, particularly given the building height and FSR development standards that apply, as discussed above. Under the circumstances there is no reasonable view sharing principle that should apply that would not otherwise cripple the permissible development of the subject land.

Item 3 - Potential traffic congestion and parking

Response - A Traffic Study was submitted in support of the proposal that has been assessed by Council's Development Engineers.

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Onsite car parking is compliant with Council's requirements under Chapter 9 of DCP 2012.

Item 4 - Loss of sunshine to property (overshadowing), particularly during winter.

Response - Shadow diagrams have been provided which indicate that overshadowing as a consequence of the proposed development will not be unreasonable.

Item 5 - Concern raised about storage of building materials/equipment and removal of soil during construction.

Response - Should development consent be granted conditions of consent would be imposed in relation to these matters.

External Referrals

The application was referred to the Kiama Access Committee. No specific concerns with the proposal were raised.

Internal Referrals

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

- Development Assessment Officer - Building

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

- 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 (Waste Services)

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

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments (with the exception of LEP Clause 4.3 – Building Height, whereby exception to the development standard is sought, as discussed in detail within the report) and generally consistent with the majority of the relevant controls under Development Control Plan (DCP) 2012. The proposal seeks variations to the provisions of DCP 2012 Chapter 27 – Gerringong Town Centre and Chapter 5 – Medium Density Development, which are supported under the circumstances as outlined within the report. The proposed development is not likely to cause significant adverse impacts to the natural or built environment (noting the zoning of the land, the development standards/controls the zoning entails and the context of the site), is not likely to cause significant adverse social and economic impacts, is generally suitable

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for the site and therefore, on balance, 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 generally consistent with Kiama Local LEP and relevant DCP 2012 Chapters. 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.

Draft Conditions of Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.241.1 dated 17/03/2015 and on the application form except as amended by the following conditions:
- (2) The development shall be completed in accordance with the approved colour schedule.
- (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.
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority.
- (5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site.
- (6) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

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

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Street and Noble Street for the purpose of carrying out activities associated with the development.

- (8) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (9) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
- a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
- (10) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail.

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 **\$177,507.30**.

Prior to Commencement of Works

- (1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:
- i The licensee's name and contractor licence number;
 - ii That the licensee has complied with Part 6 of the Home Building Act 1989.
- In the case of work to be done by any other person, the Principal Certifying Authority:
- a Has been informed in writing of the person's name and owner builder permit number;
- or
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989.

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- (2) The developer shall lodge with Council a bond of \$7,000 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.
- (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.

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.

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (5) Protection fencing shall be erected around the Norfolk Island Pine tree to be retained, 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 1.8

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metres high cyclone wire supported on galvanised steel posts at a minimum 3.0 metre centres and is to be positioned a minimum 10 metres from the tree trunk in an arc, then follow the eastern and southern boundaries, enclosing the tree. Pedestrian access is not to be impeded. The fencing shall be maintained and shall remain in situ until all building works are completed. No machinery, builder's materials and/or waste shall be located inside the fencing.

- (6) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering construction works.
- (7) 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.

- (8) 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.
- (9) A project arborist is to be appointed prior to issue of the Construction Certificate.

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 Engineers Australia, and are to include a contoured catchment diagram

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- 9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)

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- 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, circulation roadway, circulation aisle, ramps, car parking aisles and car parking modules;
 - c The proposed pavement treatment to the circulation roadway, circulation aisle, ramps, car parking aisles and car parking modules. The minimum surface treatment shall be cement concrete/segmental paving;
 - d The location and reduced level of all services under the control of public utilities or agencies;
 - e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

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

- (2) A Chartered Professional Engineer shall provide details of any retaining walls required to support proposed vehicle parking areas wherever the drop from the edge of the circulation roadway, circulation aisle, ramps, car parking aisles and car parking modules to a lower level exceeds 600 millimetre. The designing engineer must certify that the proposed retaining walls can withstand the impact of a vehicle on the safety barrier in accordance with AS 2890 and AS/NZS 1170. The details shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the construction certificate for that structure. The design detail shall include but is not limited to, plans, sections, provision and method of attachment of safety barriers, method of sub-surface drainage and jointing.

Stormwater Management

- (1) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "Section D5 Stormwater Drainage" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
- (2) 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.

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9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)

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- (3) The developer shall provide Chartered Professional Engineer's certification for the structural design and construction of detention tanks to the Principal Certifying Authority prior to the release of any Occupation Certificate.
 - (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.
 - (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.
 - (6) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.
Detail shall be submitted to the Principal Certifying Authority for assessment prior to the release of the Construction Certificate.
 - (7) 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.

Erosion and Sedimentation Controls/Soil and Water Management

- (1) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development.

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

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- 9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)
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Site Facilities

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

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

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*".
- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*".
- (3) 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.
- (4) 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.

Vehicular Access, Car Parking & Manoeuvring

- (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.
- (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.

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9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)

- (3) The on-site service vehicle shall meet with the requirements of AS/NZS 2890.1 in relation to on-site manoeuvring, clearance height and loading.
- (4) All vehicles being loaded and/or unloaded shall stand within the curtilage of the development site.
- (5) The development shall meet the minimum design requirements of AS/NZS 2890.1 subsection 2.5.3 Circulation Roadway and Ramp Grade.
- (6) The development shall meet with the design requirements of AS/NZS 2890.1 sub-section 3.2.4 Sight Distance at Access Driveway Exits in relation the proposed access at Belinda Street.
- (7) All vehicles shall enter and exit the development site in a forward direction.

Civil Engineering Construction

- (1) The footpath and access driveways within Belinda Street and Noble Street, and immediately adjoining the development site shall be prepared and paved using the segmental paving bricks complying with Kiama Municipal Council's Gerringong *Town Centre Strategy*.

Landscape plans detailing soft and hard landscaping including materials and colours of all paved vehicular and pedestrian areas shall be submitted to Council for assessment, prior to the issuing of a Construction Certificate.

- (2) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (3) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (4) No vibratory rollers are to be used during the construction of this civil engineering work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.

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.

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
 - (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
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9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)

-
- (3) All workers related to the construction process, before entering the site, must be briefed about the requirements/conditions outlined within the arborists report (Allied Tree Consultancy, Report Ref. No.: D2291 dated 20/09/14) relative to the zone of protection, measures and specifications before the initiation of work. This is required as part of the site induction process.
 - (4) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
 - (5) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
 - (6) 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.
 - (7) 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.
 - (8) 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.
 - (9) 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.

Landscaping Works

- (1) The trees marked in red on Drawing 02 D and numbered 2-5 in the arborists report (Allied Tree Consultancy, Report Ref. No: D2291 dated 20/09/14) may be removed for the development.
- (2) The appointed project arborist is to ensure soil levels within the 15 metre radius Tree Protection Zone (TPZ) (see arborists report prepared by Allied Tree Consultancy, Report Ref. No: D2291 dated 20/09/14, Appendix B - Plan 2; Zones of Protection) remain the same. Any excavation within the TPZ must have been previously specified and allowed for by the project arborist:
 - a) So it does to not alter the drainage to the tree; and
 - b) Under specified circumstances:
 - Added fill soil does not exceed 100mm in depth over the natural grade. If the added fill does exceed 100mm or an impervious cover be used, an

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9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)

approved permeable material or permanent aeration system or other approved means of alleviation be utilised.

- Excavation cannot exceed a depth of more than 80mm from the natural grade. Any excavation exceeding 80mm shall incorporate retaining walls or other approved transitional means.
 - (a) All excavation work within the TPZ will utilise methods to preserve root systems intact and undamaged. Methods permitted are by hand digging, hydraulic, or pneumatic air excavation technology.
 - (b) Roots less than 50mm in diameter must be cleanly cut and dusted with a fungicide, and not allowed to dry out, with minimum exposure to the air as possible.
 - (c) Roots greater than 50mm in diameter must be located in regard to their directional spread and potential impact. The project arborist will be required to assess the situation and determine future action in regard to retaining the tree in a healthy state.

(3) The following stages require assessment/certification by the project arborist:

1. Installation of the protective fence.
2. Any crown modification.
3. Any further works required within the area of the Tree Protection Zone.
4. Assessment the tree after completion of the development

Related documentation/certification is to be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- (4) All landscape areas shown on the approved landscape plans (drawing numbers LA01.01 - LA01.04 amended 19/01/2015) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.
- (5) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (6) 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.
- (7) 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.

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- 9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)
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- (8) The proposed footpath within the frontage road, Belinda Street and Noble Street, and immediately adjoining the development site shall be prepared and paved using the paving bricks complying with Kiama Municipal Council's Gerringong Town Centre Strategy and shall be constructed in compliance with the Kiama Development Code as appended to Kiama Development Control Plan 2012.

In this regard Claypave Regal Tan is the specified paver to be used within the Gerringong Town Centre (availability to be checked).

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.
- (2) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "A Model Agreement for Local Councils and Utility/Service Providers" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (3) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access.
- (4) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Noble Street and Belinda Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main.

A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Occupation Certificate.

Waste Services

- (1) Prior to issue of the Occupation Certificate a Waste Management Service Agreement must be entered into with Kiama Council's Waste Business Unit to establish waste and recycling services for the development. A copy of the Waste Management Service Agreement must be provided to Council. The minimum number of bins to be issued for this development is as follows:

Residential (29 units)

- 11 x 240L red lid landfill bins to be shared– serviced fortnightly
- 19 x 360L yellow lid recycling bins to be shared – serviced weekly
- 6 x 240L green lid organics bins to be shared (for the collection of food only) – serviced weekly.

Commercial (13 units)

The appropriate number and type of bins for waste and recycling management for the commercial units must be complimentary to the type of commercial

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- 9.5 Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong (10.2014.241.1) (cont)

development occupying each of the respective units. A copy of the Waste Management Service Agreement must be provided to Council.

Prior to Occupation

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

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

- (2) 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.

- (3) 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.

- (4) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate.

- (5) Prior to the issue of an Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section.

Advertising Signage

- (1) A Development Application, where required, shall be submitted to Council and approval obtained prior to the erection of any advertisement or advertising structure.

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.

PROPOSED MIXED USE DEVELOPMENT
 128 BELINDA STREET, GERRINGONG
 WARESTREET INVESTMENTS

CONSULTANTS LIST

NO.	CONSULTANT NAME	CONTACT NAME	CONTACT NUMBER	CONTACT EMAIL
1	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS
2	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS
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30	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS	WARESTREET INVESTMENTS

DRAWING LIST

NO.	DESCRIPTION	DATE	STATUS
1	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
2	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
3	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
4	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
5	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
6	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
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29	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS
30	EXISTING SITE	18/03/2015	ISSUED FOR TENDERS



DA ISSUE

18/03/2015

WARESTREET INVESTMENTS

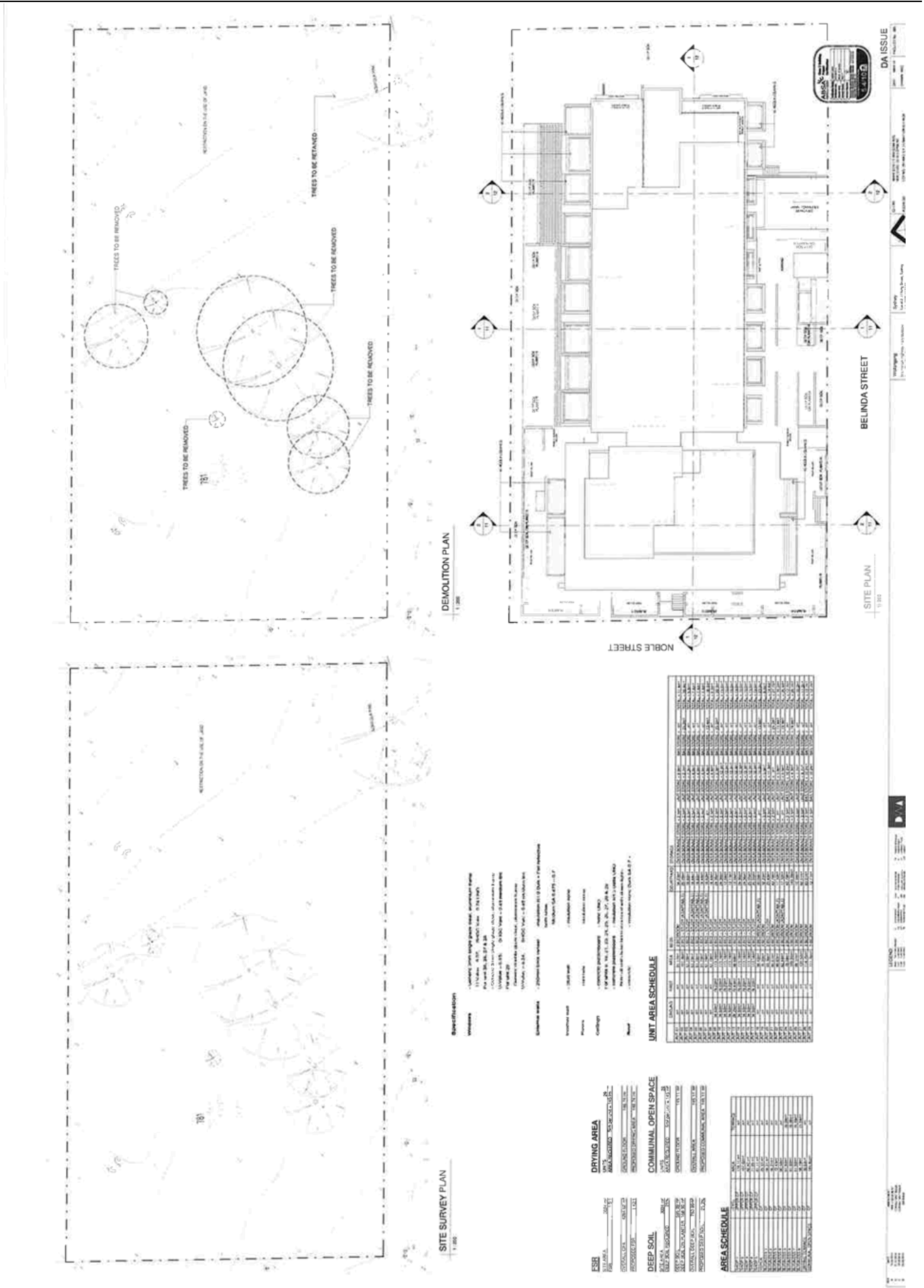
128 BELINDA STREET, GERRINGONG

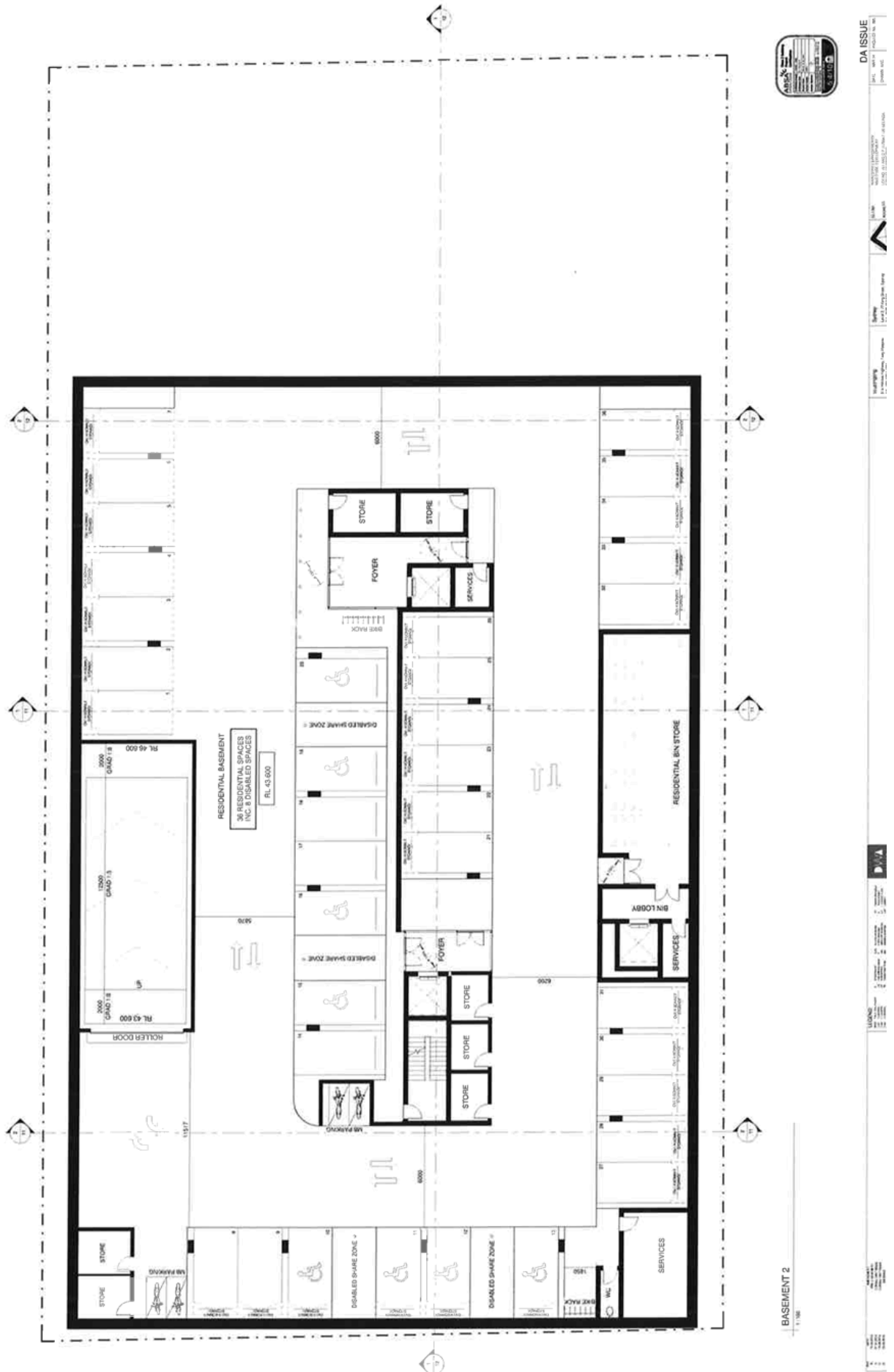
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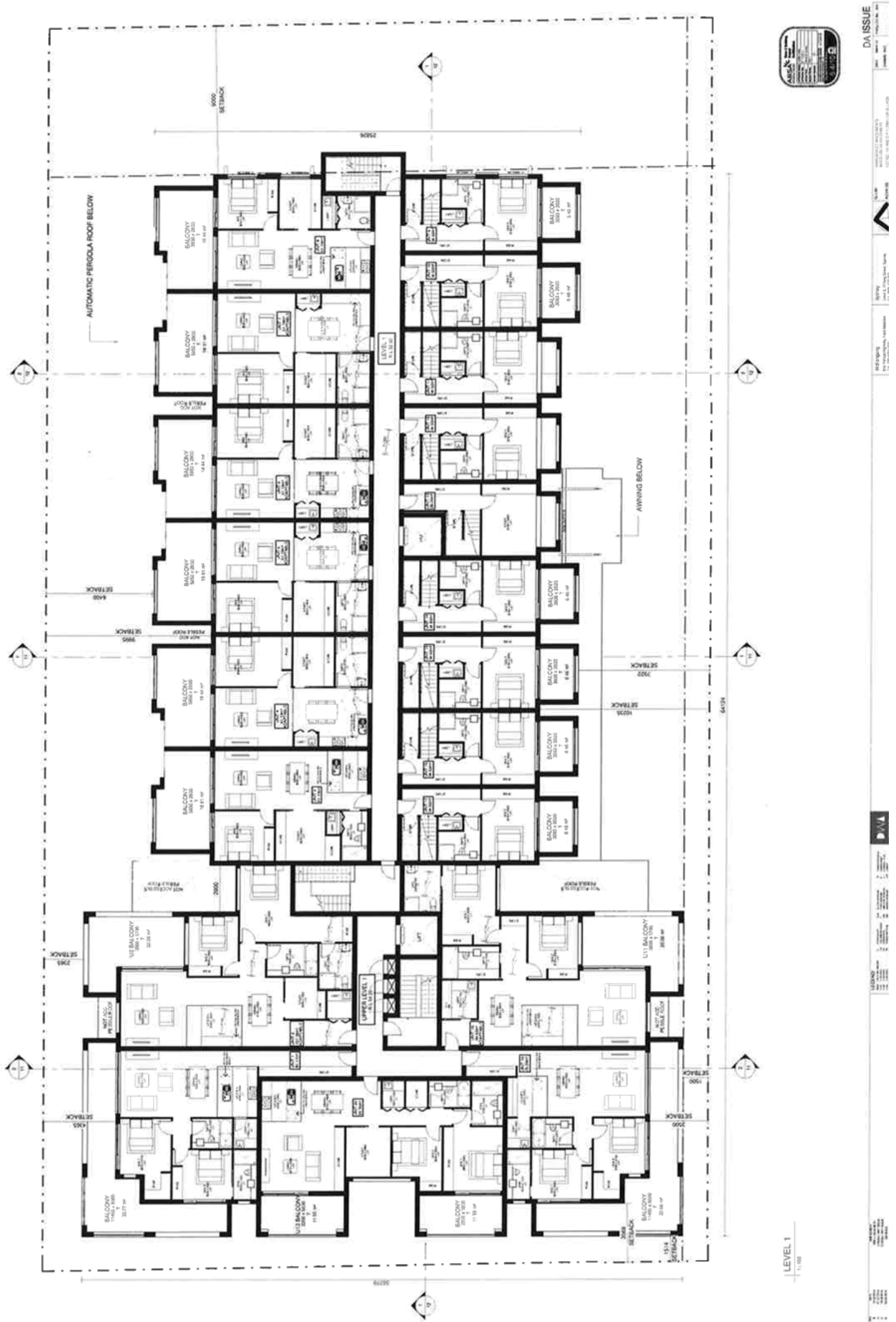
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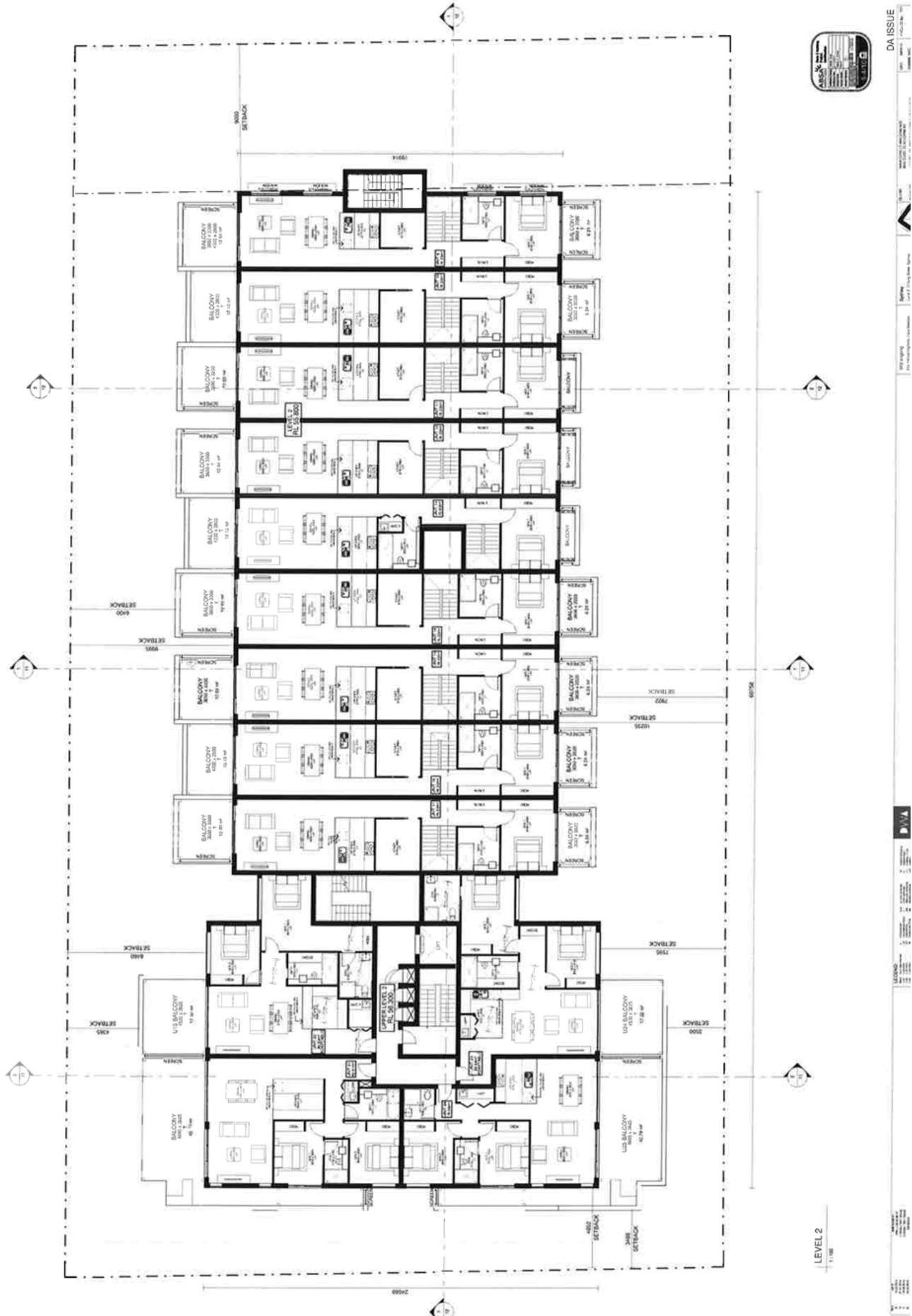
WARESTREET INVESTMENTS

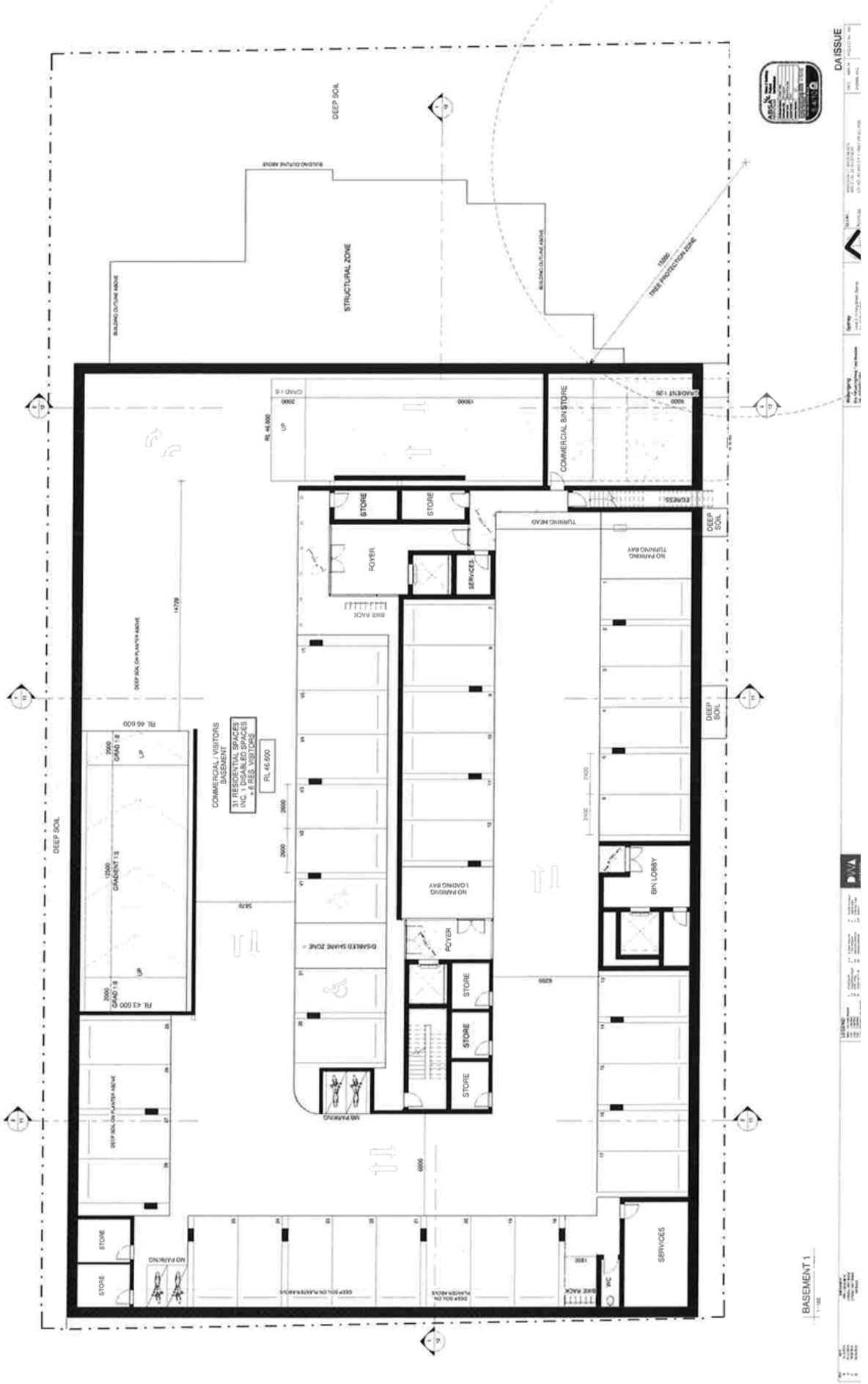
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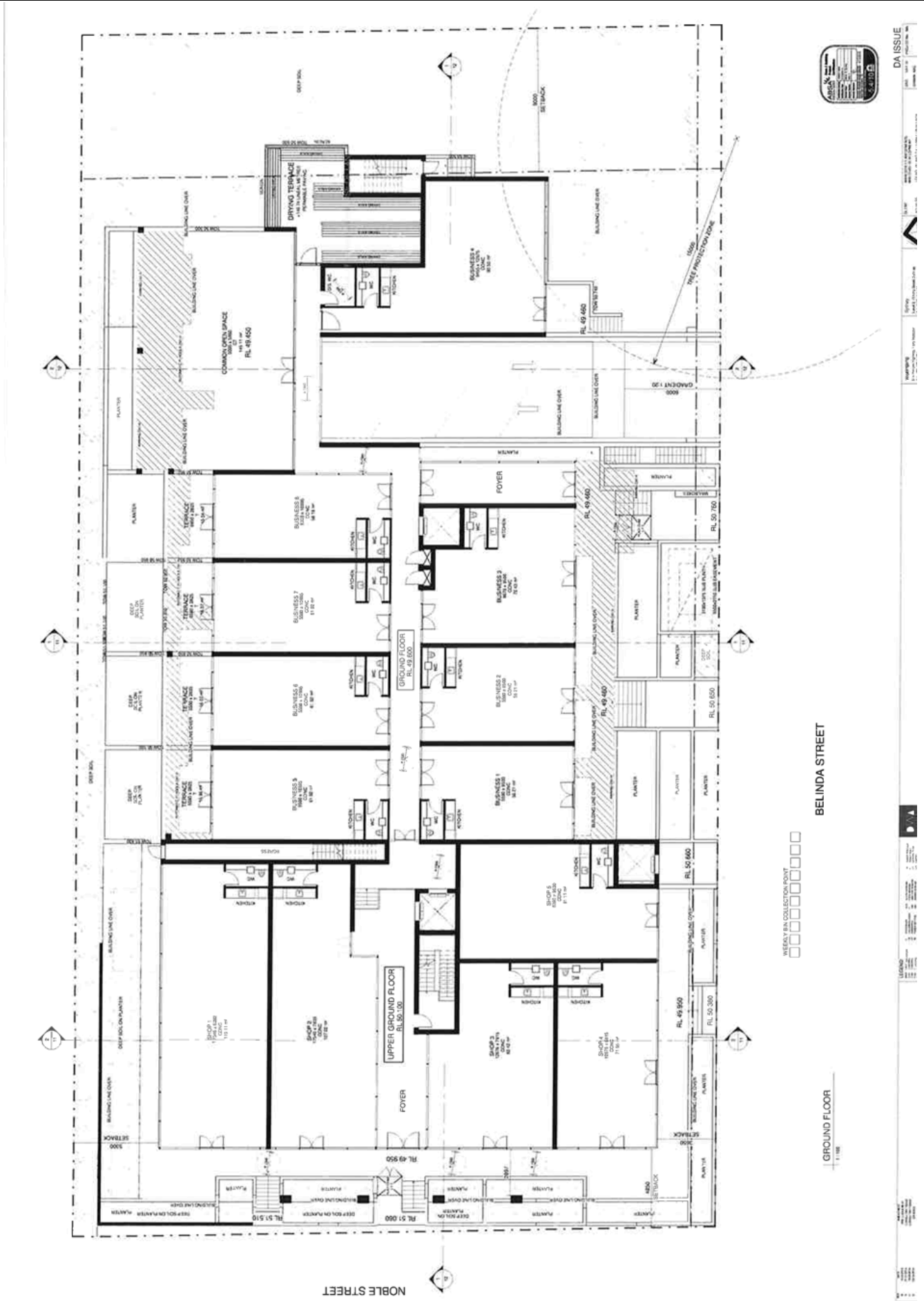








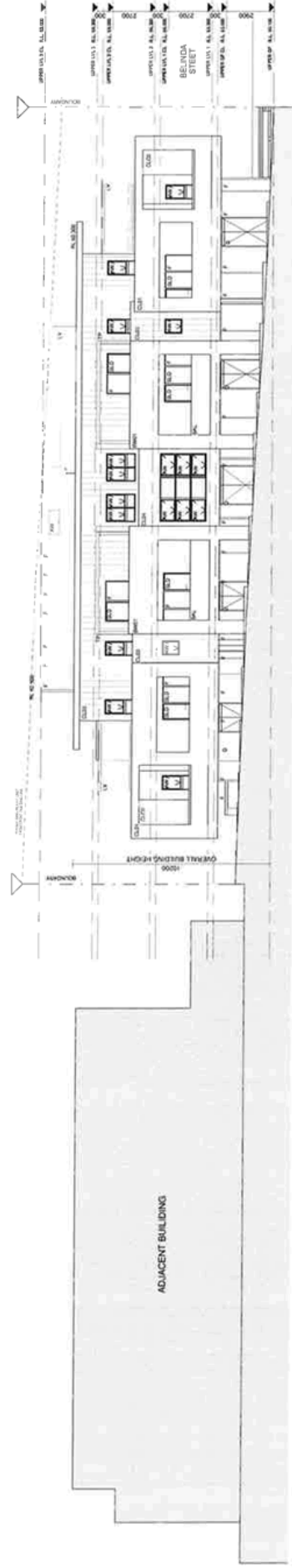
Attachment 1
Item 9.2



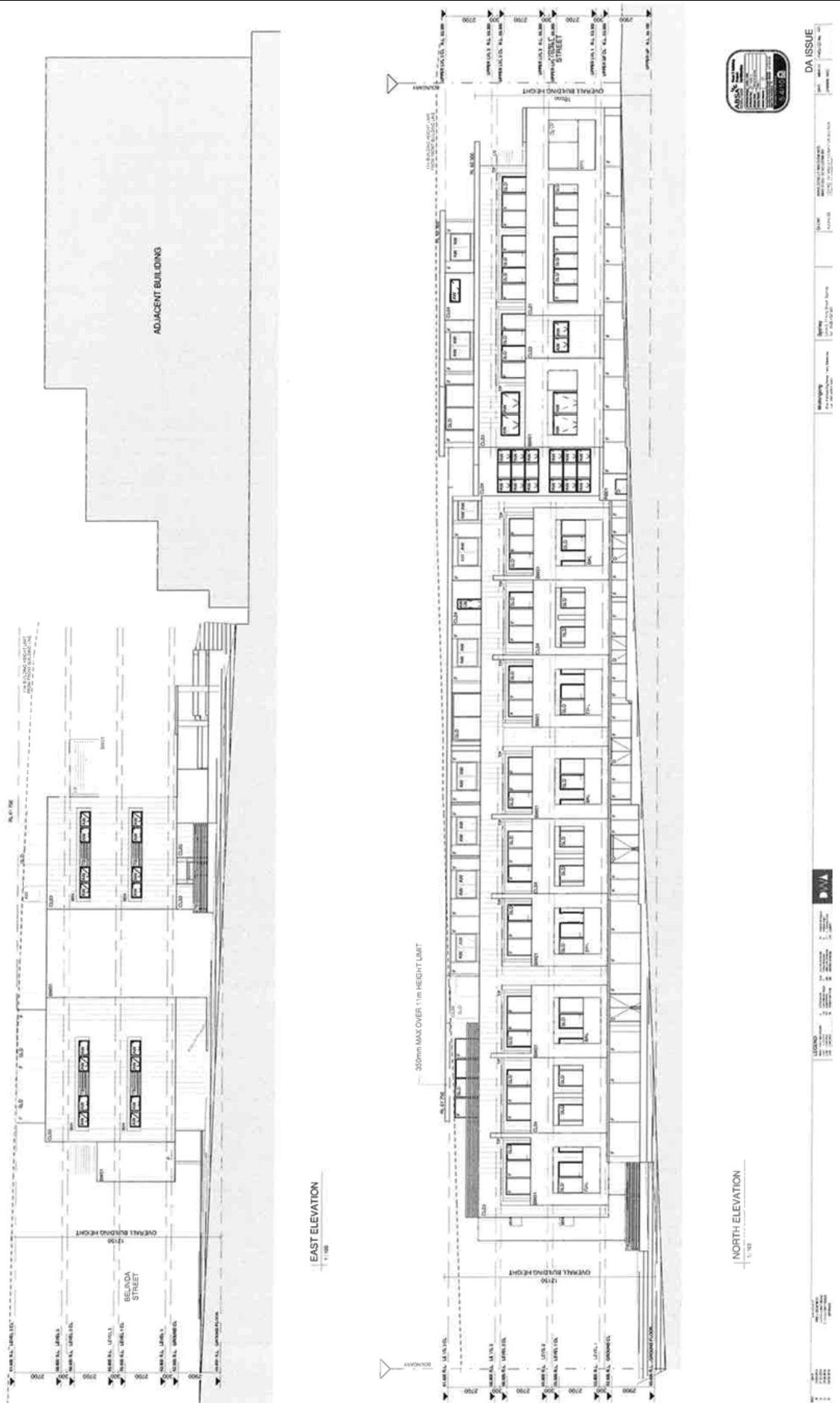
Attachment 1 Item 9.2

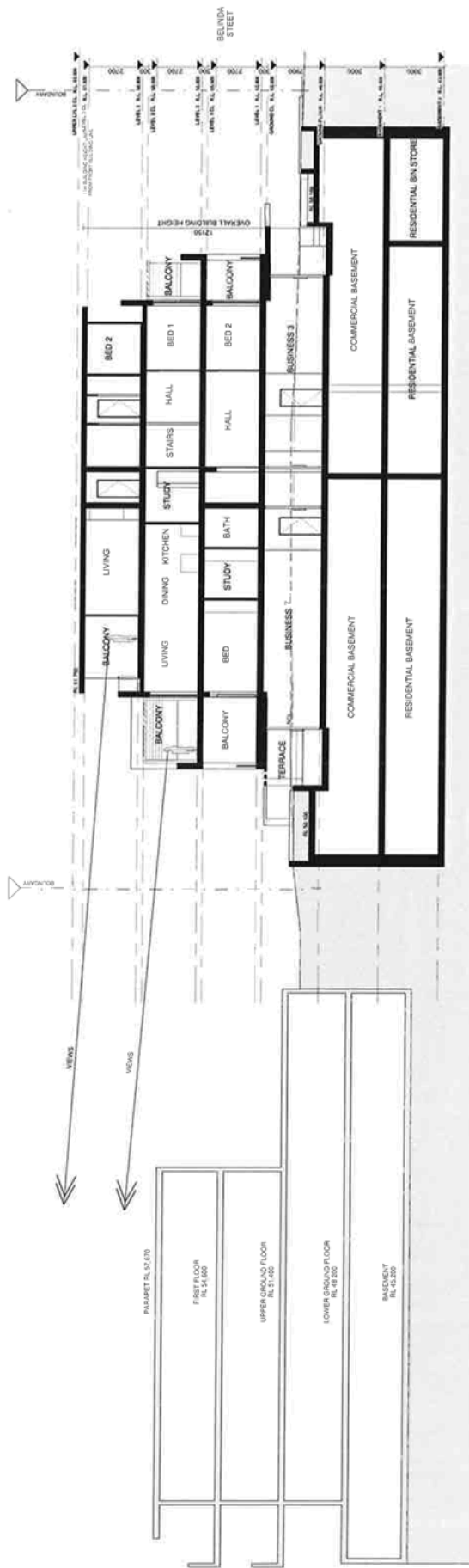


SOUTH ELEVATION
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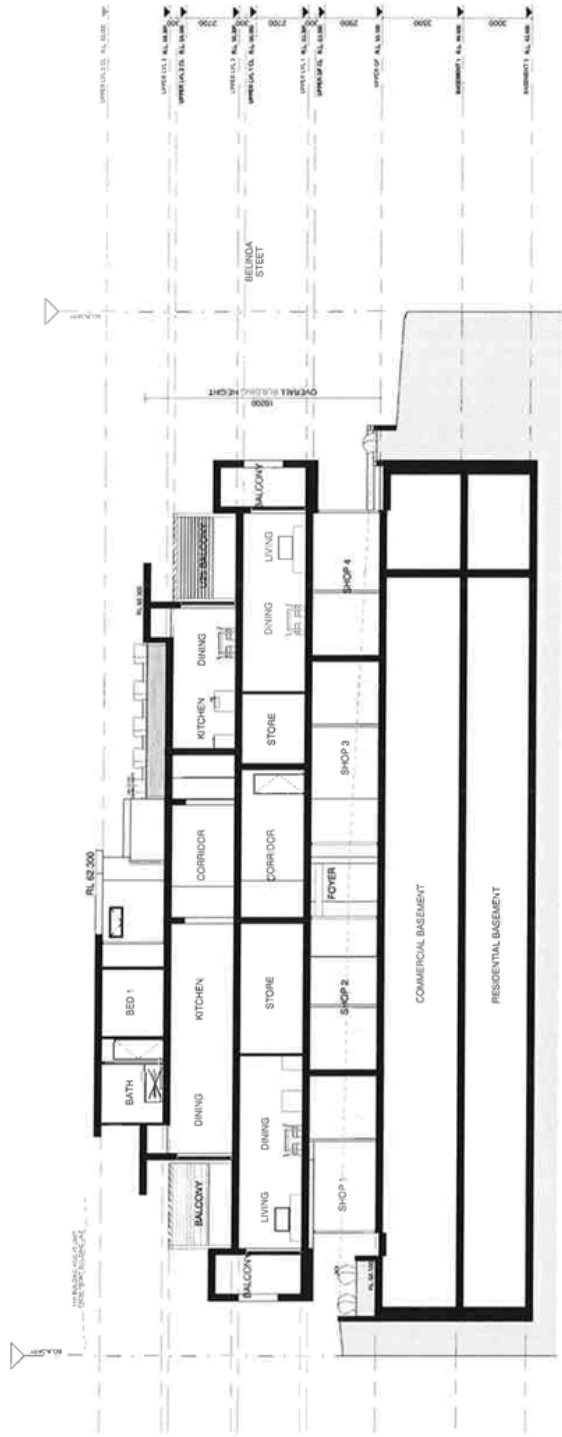


WEST ELEVATION
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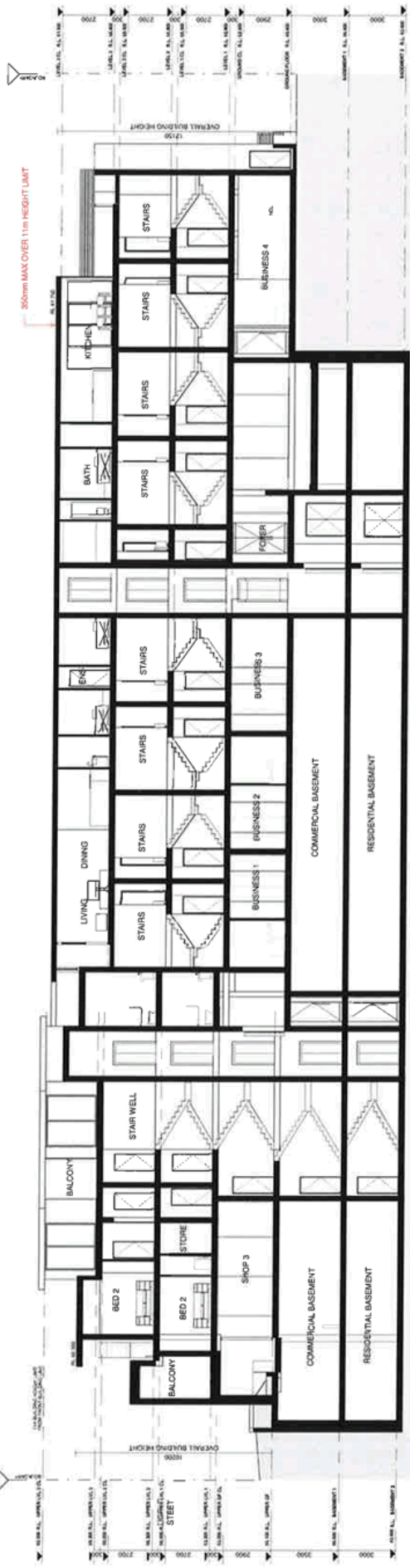


SECTION A
1:100

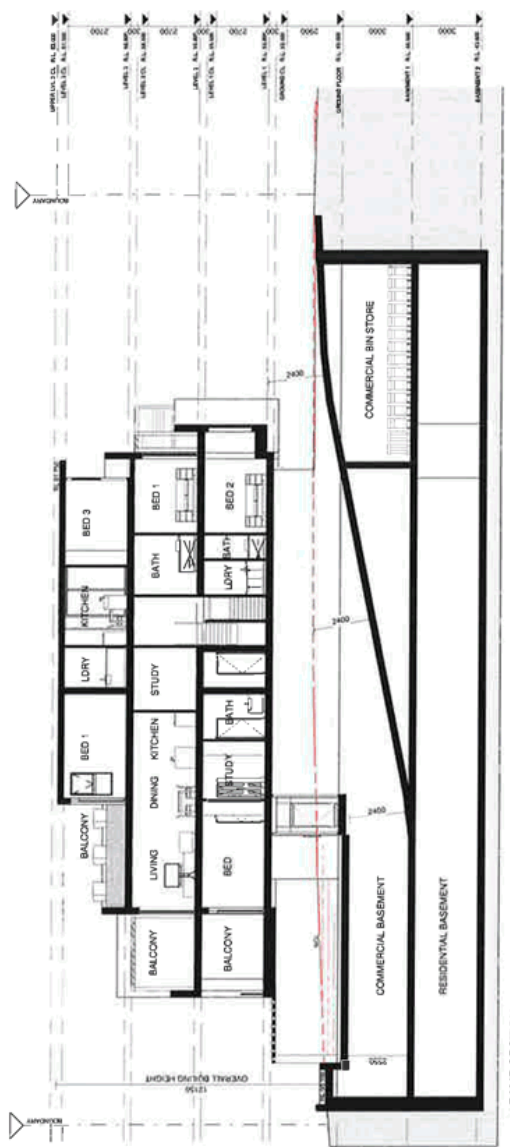


SECTION B
1:100





SECTION C
1:100



RAMP SECTION
1:100



DA ISSUE

DATE: 10/03/15

PROJECT NO: 10.2014.241.1

PROJECT NAME: Mixed Use Development

PREPARED BY: [Name]

CHECKED BY: [Name]

DATE: 10/03/15

PROJECT NO: 10.2014.241.1

PROJECT NAME: Mixed Use Development

LEGEND

1. [Symbol] [Description]

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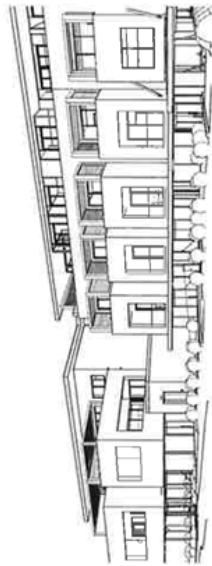
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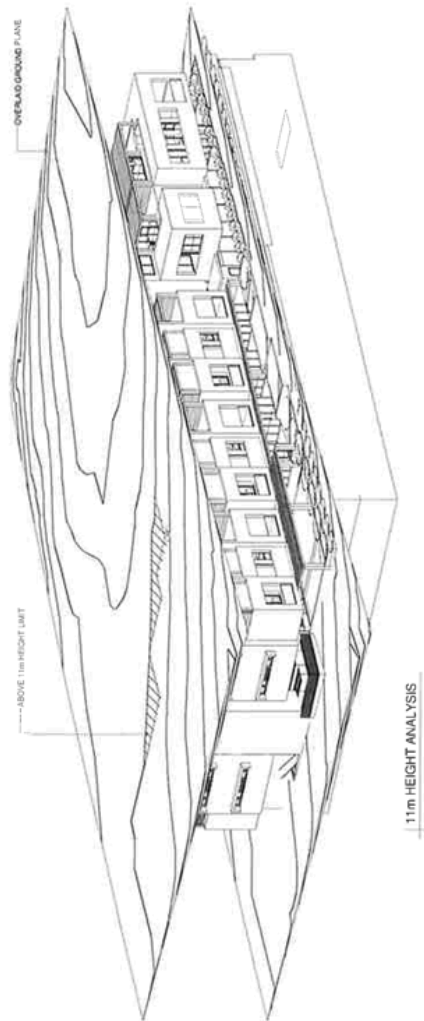
3D View 3 - NOBLE ST (NORTH WEST)



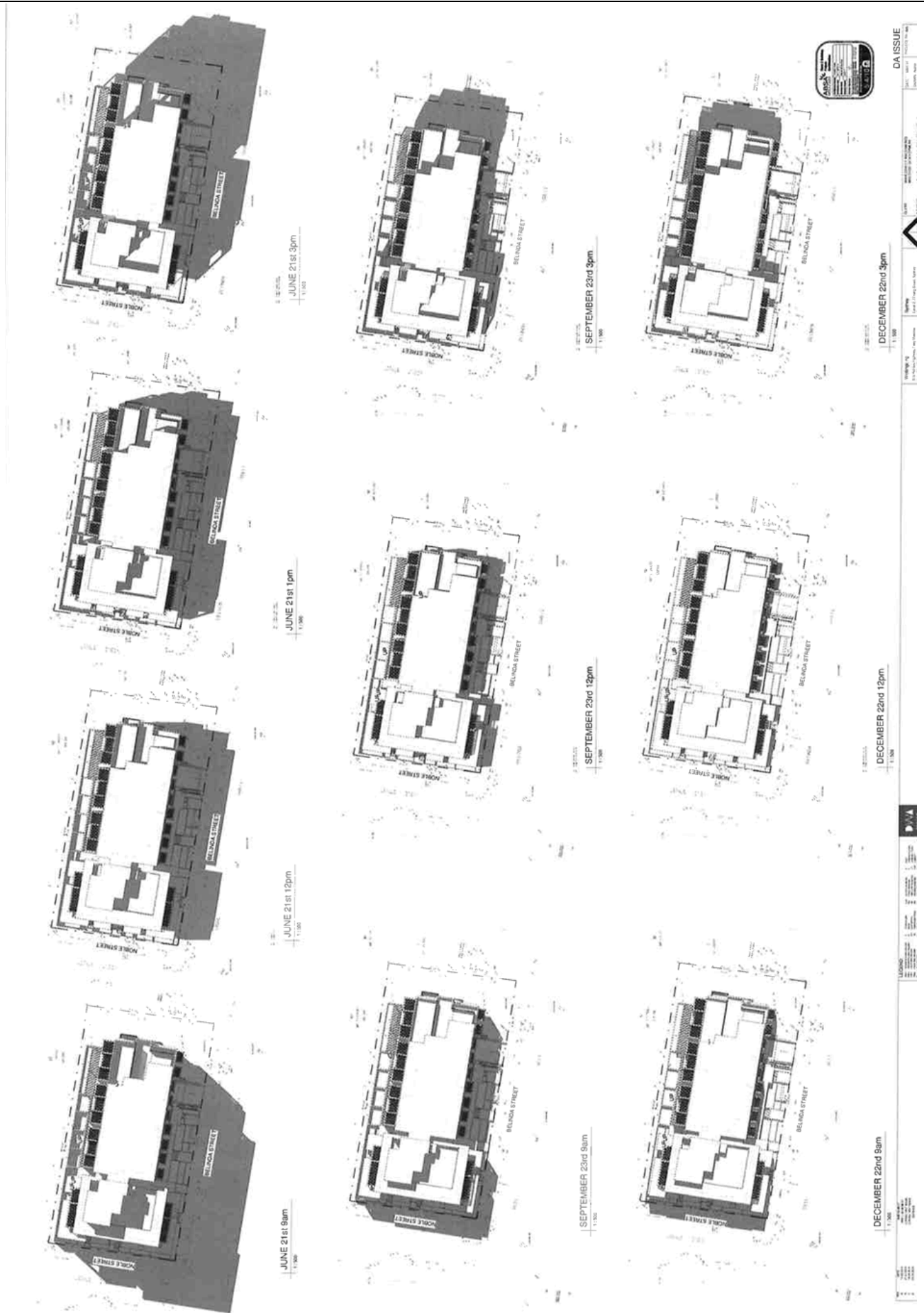
3D View 4 - BELINDA STREET



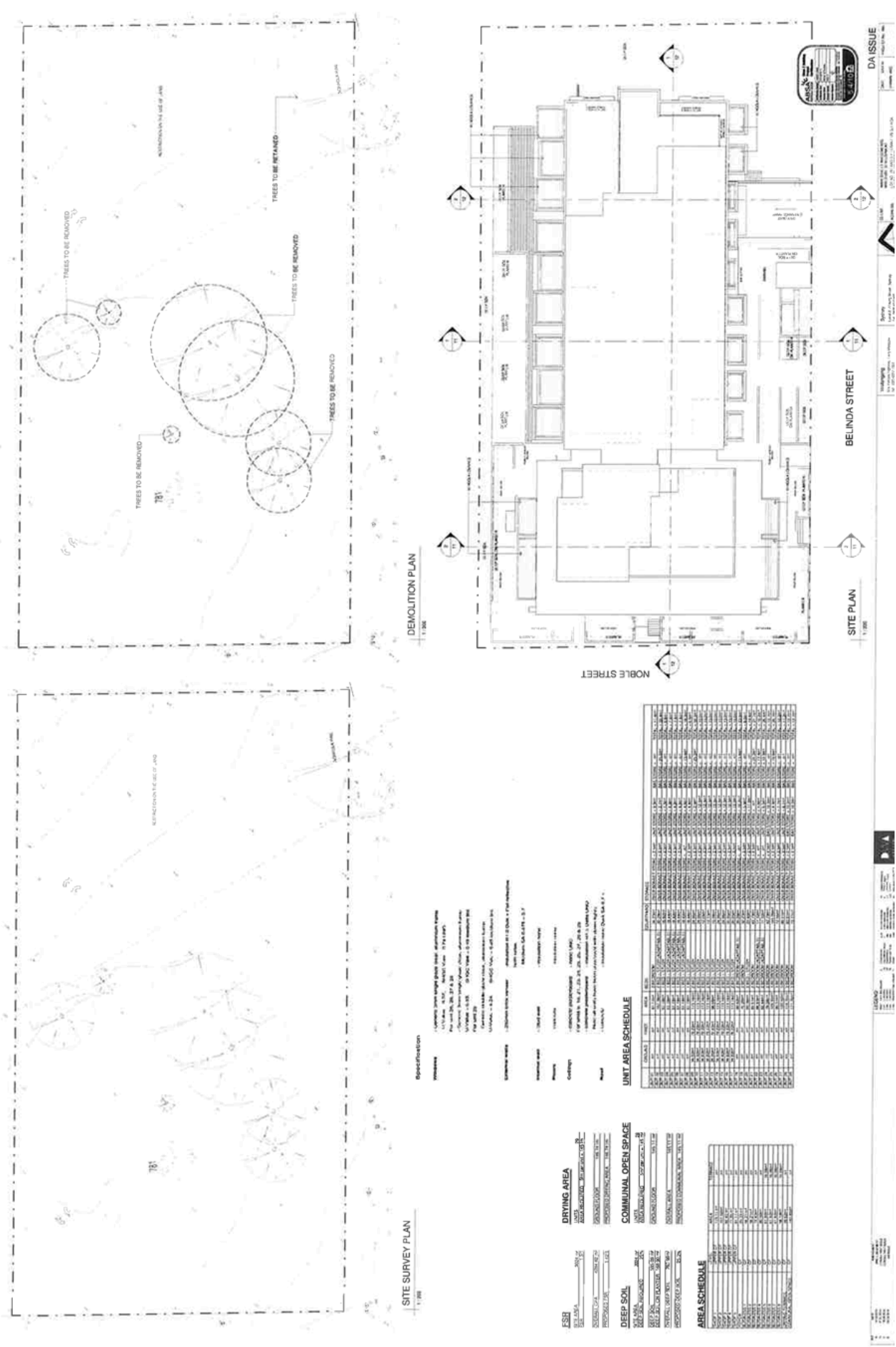
3D View 2 - BELINDA ST (SOUTH EAST)



DA ISSUE	
DA No	10.2014.241.1
DA Title	Mixed Use Development
DA Date	17/03/2015
DA Status	DA Issued
DA Type	DA
DA Category	DA
DA Sub-Category	DA
DA Description	Mixed Use Development
DA Location	Lot 781 DP 1179947 No 128 Belinda Street Gerringong
DA Applicant	DA
DA Agent	DA
DA Contact	DA
DA Phone	DA
DA Email	DA
DA Website	DA
DA Address	DA
DA Postcode	DA
DA State	DA
DA Country	DA
DA Latitude	DA
DA Longitude	DA
DA Area	DA
DA Volume	DA
DA Height	DA
DA Density	DA
DA Population	DA
DA Employment	DA
DA Residential	DA
DA Commercial	DA
DA Industrial	DA
DA Public	DA
DA Private	DA
DA Government	DA
DA Non-Government	DA
DA Other	DA







Specifications

FINISHES

- CONCRETE FLOORS: POLISHED CONCRETE
- WALLS: M.S.P. BRICKWORK
- CEILING: GYPSONUM BOARD
- ROOF: COLORBOND GALVANEAL

CONCRETE

- CONCRETE: 20MPa
- REINFORCEMENT: 300mm dia
- CONCRETE CURING: 7 DAYS

PAINTS

- INTERIOR: MILD SHEEN
- EXTERIOR: MILD SHEEN

GLAZING

- GLAZING: 6mm CLEAR GLASS
- GLAZING: 12mm CLEAR GLASS

ROOF

- ROOF: COLORBOND GALVANEAL
- ROOF: COLORBOND GALVANEAL

DRYING AREA

NO.	1
AREA	10.00
PERCENTAGE	10.00

COMMUNAL OPEN SPACE

NO.	1
AREA	10.00
PERCENTAGE	10.00

DEEP SOIL

NO.	1
AREA	10.00
PERCENTAGE	10.00

AREA SCHEDULE

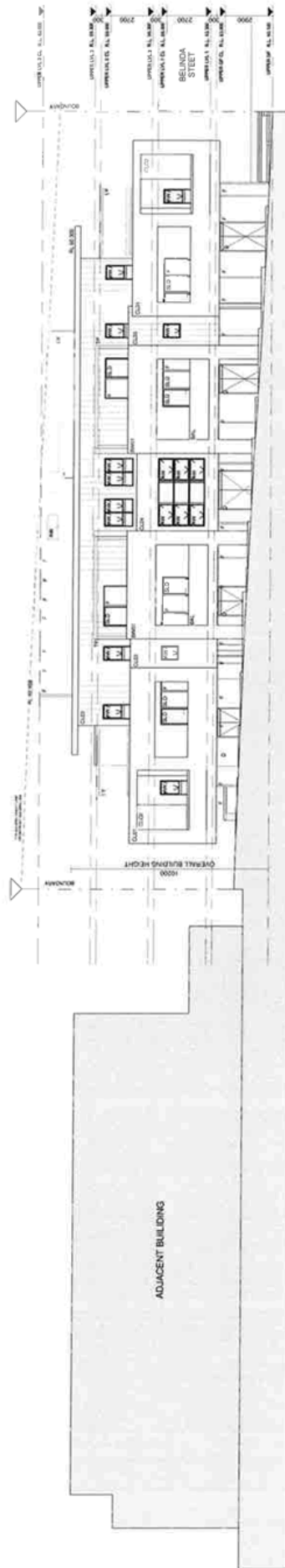
NO.	DESCRIPTION	AREA	PERCENTAGE
1	DRYING AREA	10.00	10.00
2	COMMUNAL OPEN SPACE	10.00	10.00
3	DEEP SOIL	10.00	10.00
4	RESIDENTIAL	10.00	10.00
5	PROFESSIONAL SUITE	10.00	10.00
6	SHOP	10.00	10.00
7	ROADWAY	10.00	10.00
8	LANDSCAPE	10.00	10.00
9	UTILITIES	10.00	10.00
10	TOTAL	100.00	100.00

UNIT AREA SCHEDULE

NO.	DESCRIPTION	AREA	PERCENTAGE
1	RESIDENTIAL	10.00	10.00
2	PROFESSIONAL SUITE	10.00	10.00
3	SHOP	10.00	10.00
4	ROADWAY	10.00	10.00
5	LANDSCAPE	10.00	10.00
6	UTILITIES	10.00	10.00
7	TOTAL	100.00	100.00



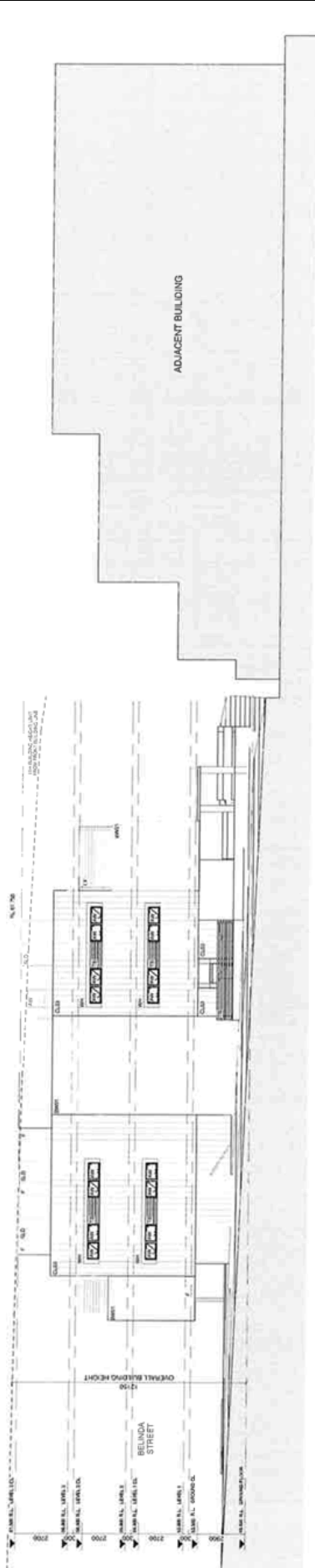
SOUTH ELEVATION
1:100



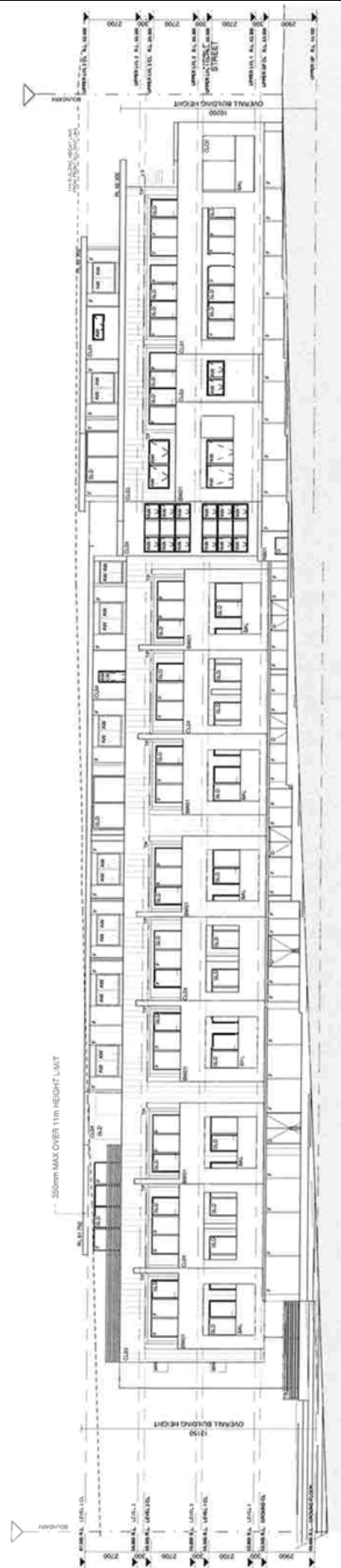
WEST ELEVATION
1:100



PROJECT INFORMATION		DATE	
Project Name	DA ISSUE	Issue No.	1
Client		Issue Date	17/03/2015
Architect		Project No.	10.2014.241.1
Address		Scale	1:100
Site No.		Author	
Lot No.		Checked	
Block No.		Approved	
Zone		Signature	
Use Class		Stamp	
DA No.			
DA Title			
DA Description			
DA Status			
DA Outcome			
DA Reason			
DA Comments			



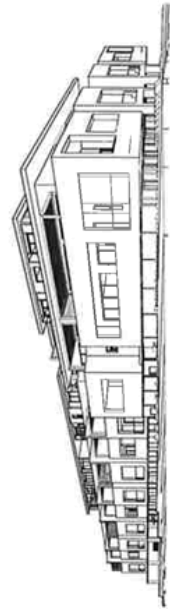
EAST ELEVATION
1:100



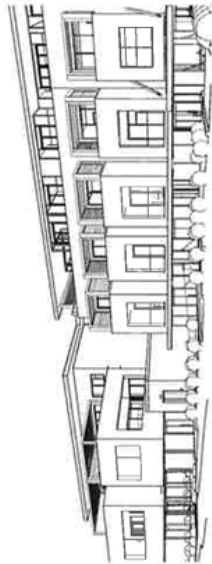
NORTH ELEVATION
1:100



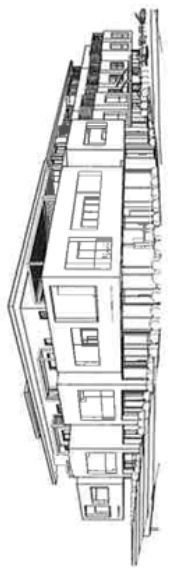
DA ISSUE
10/2014.241.1 - 17/03/2015



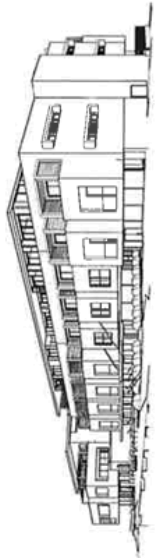
3D View 3 - NOBLE ST (NORTH WEST)



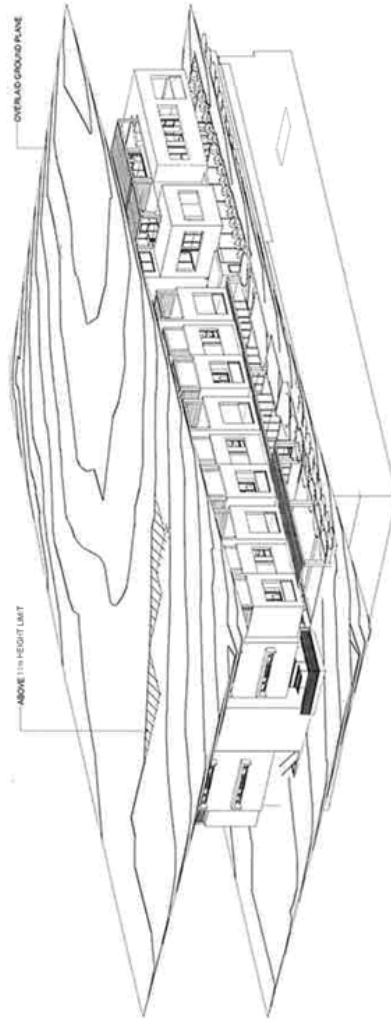
3D View 4 - BELINDA STREET



3D View 1 - CORNER BELINDA ST/NOBLE ST



3D View 2 - BELINDA ST (SOUTH EAST)



11m HEIGHT ANALYSIS

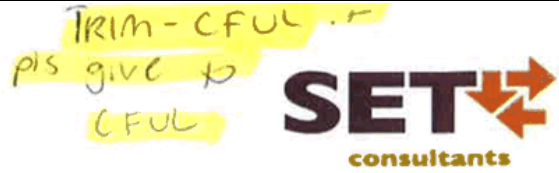


DA ISSUE	
DA No	DA 10.2014.241.1
Project Name	Mixed Use Development
Site No	Lot 781 DP 1179947
Address	No 128 Belinda Street, Gerringong, NSW
Client	ASAP
Architect	ASAP
Engineer	ASAP
Surveyor	ASAP
Prepared By	ASAP
Checked By	ASAP
Issue Date	17/03/2015
Issue Description	Issue 1 - Council Report

SURVEYING | ENGINEERING | TOWN PLANNING

DIRECTORS

S.H. APPERLEY - RFD, B. SURV, M.I.S. NSW, MSSSI.
A.A. RIEPSAMEN - B.E. (Civil)(Hons), B. SURV. (Hons), M.I.E Aust.
B. SEIDEN - B.App. Sc. (Env. Planning), M.P.I.A.



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PO Box 495 Nowra NSW 2541
p 02 4421 4500
Kiama 02 4233 2006
mail@setconsultants.com.au
www.setconsultants.com.au
ABN 15 617 504 208

4 May 2015

Our Ref: L103116
Your Ref: DA 10.2014.241.1

Kiama Municipal Council
General Manager
PO Box 75
KIAMA NSW 2533

Attention: Chris Fuller

Dear Chris,

Request for a Review of Determination under Section 82A of the Environmental Planning and Assessment Act 1979

RE: DA 10.2014.241.1 (128 Belinda Street, Gerringong)

As you are aware the abovementioned application was refused by Council on 17 March 2015.

Following our meeting with yourself, Council staff and Councillor Rice on 10th April 2015 and subsequent correspondence, the Surrend8 Developments Pty Ltd (the applicant) has decided to request a Review of the Determination in accordance with Section 82A of the Environmental Planning and Assessment Act 1979.

The applicant has considered the concerns raised by the Councillor's and has made amendments to the proposed plans as permitted by Clause 3A of Section 82A. The amendments proposed are outlined below:-

Architectural Façade

The Architect has revisited the site and spent further time studying the older styles of buildings in Gerringong. Chapter 27 of the Kiama DCP has also been revisited with regards to Council's desired design characteristics for Gerringong.

In light of this process, amendments have been made to the external design elements of the building such that it is more reflective of the older styles of buildings which remain in Gerringong rather than the new style of development on the northern adjoining site. Specifically balconies have been designed with pitched roofs and the balustrading designed in a more traditional form. In addition the schedule of colours and finishes has been amended to be more reflective of the current town palette.

The changes made are reflected in the comparison below with Figure 1 illustrating the previous more contemporary elevation and Figure 2 illustrating the amended elevations to reflect some of the older architectural features found in Gerringong.



3D View 1 - CORNER BELINDA ST/NOBLE ST

Figure 1: Previous Proposed Elevation



3D View 1 - CORNER BELINDA ST/NOBLE ST

Figure 2: Amended Proposed Elevation

Reduction in Minor Variations

As outlined in the staff report to Council, the variations proposed are of a minor nature and variations to the controls were supported in each case. However, in response to Councillor concern regarding the number of these minor variations, further changes have been made where practical to address this concern.

In this regard, Units 3, 4, 5, 6 and 7 have been amended such that the distance to the back of kitchen is now less than 8m and compliant with Control C16 of Chapter 5 of the Kiama DCP 2012.

Amendment has also been made to unit 13 such that a bathroom is now provided on the entry level of this two storey apartment. This amendment results in the development proposal now being fully compliant with Control C22 of Kiama DCP 2012.

Given the number of controls applied to the proposed development, it is not considered that the relatively small number and nature of the non-compliances warrant refusal. In this regard it may be worth noting that the DCP compliance table submitted with the application addressed approximately 150 controls which are in addition to the SEPP 65 and KLEP controls.

Amended architectural plans, schedule of external colours and finishes and notification plans are attached. We trust that the amendments made will sufficiently address concerns raised by the Councillors. However, should you require any additional documentation prior to Review being undertaken, please do not hesitate to contact me.

Yours faithfully
SET CONSULTANTS PTY LIMITED



Karen Mion
Town Planner

Encl



DATE		REVISION	
4/1/2014	1	ADDITIONAL INFORMATION	
<p>Wollongong 114 St Georges Frey Makin Tel: 02 4222 2222 Email: info@dwain.com.au Web: http://www.dwain.com.au</p>		<p>Sydney Level 2, Frey Street, Sydney Tel: 02 9232 2222 Email: info@dwain.com.au Web: http://www.dwain.com.au</p>	
<p>CLIENT: WARE STREET INVESTMENTS MIXED USE DEVELOPMENT LOT 781 DP 1179947 128 BELINDA STREET GERRINGONG</p>		<p>DATE: 04/01/14 PROJECT No: 895 DRAWN: PKC SCALE: 1:500 DWG No: 15 DRAFTER: PKC</p>	
<p>DISCLAIMER: The information contained in this report is the property of the firm and is not to be used for any other purpose without the written consent of the firm.</p>		<p>DRAWING NAME: NOTIFICATION PLAN</p>	

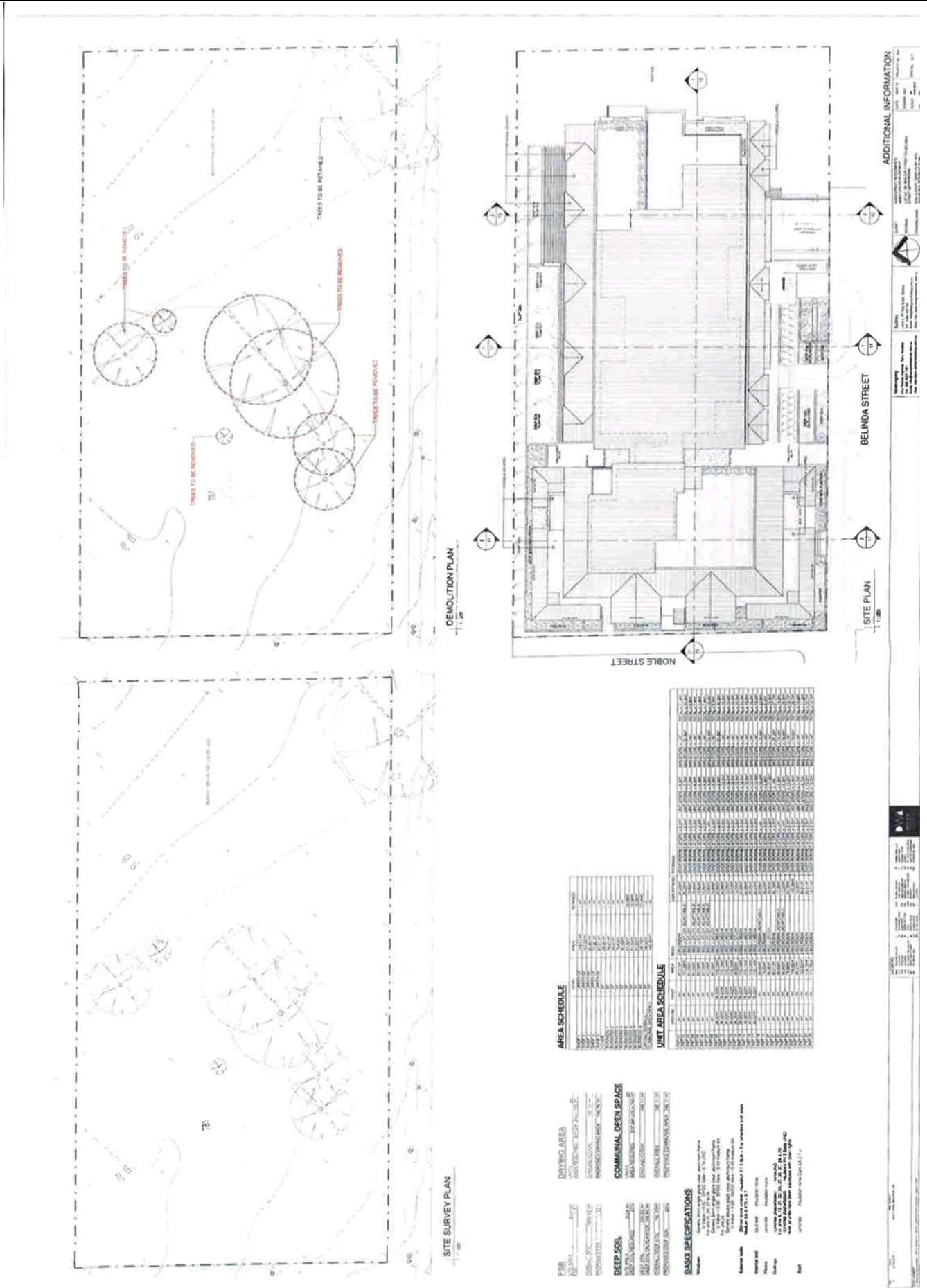
AMENDED COLOURS & MATERIALS

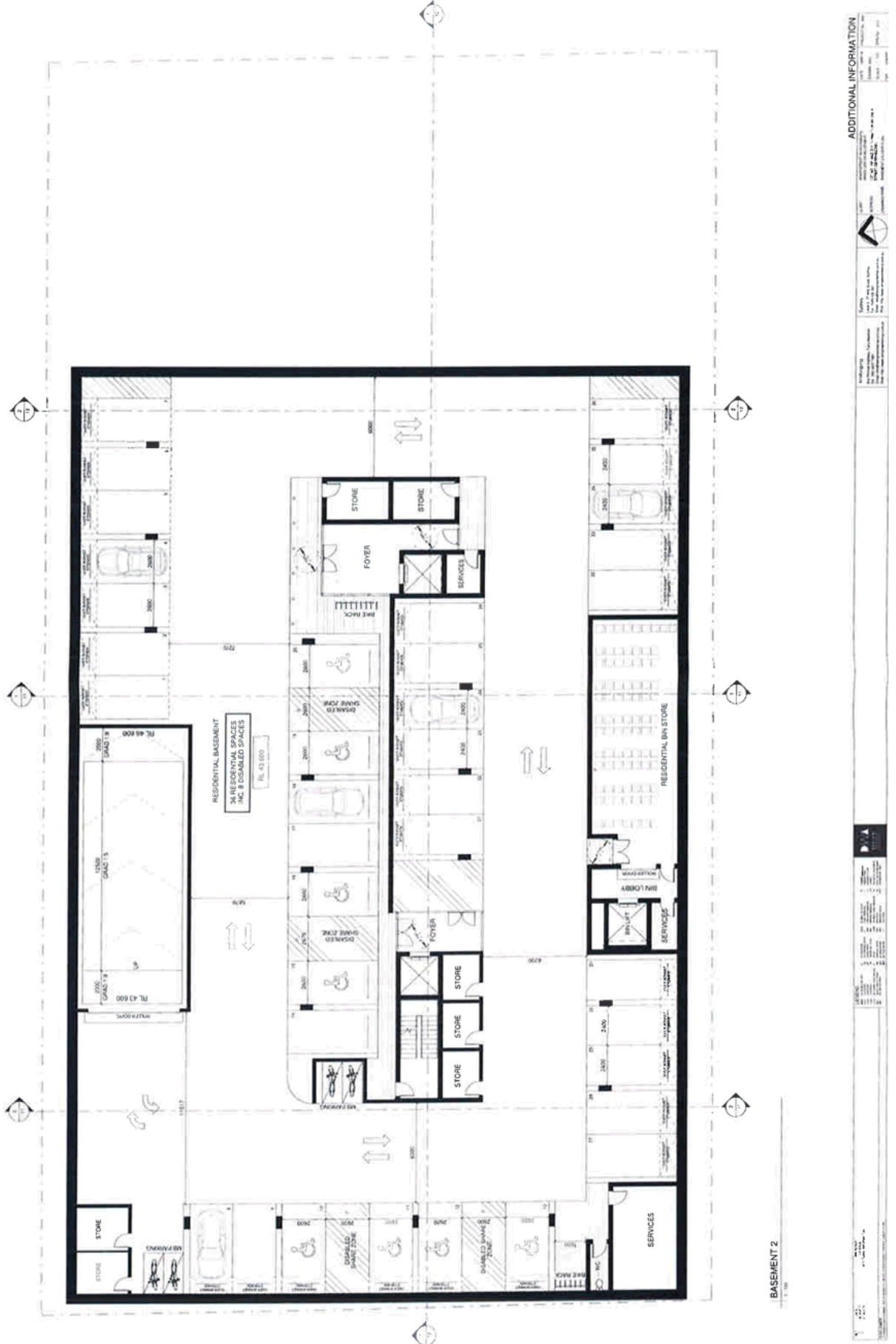
CLIENT: Warestreet Investments
ADDRESS: 128 Belinda Street, Gerringong

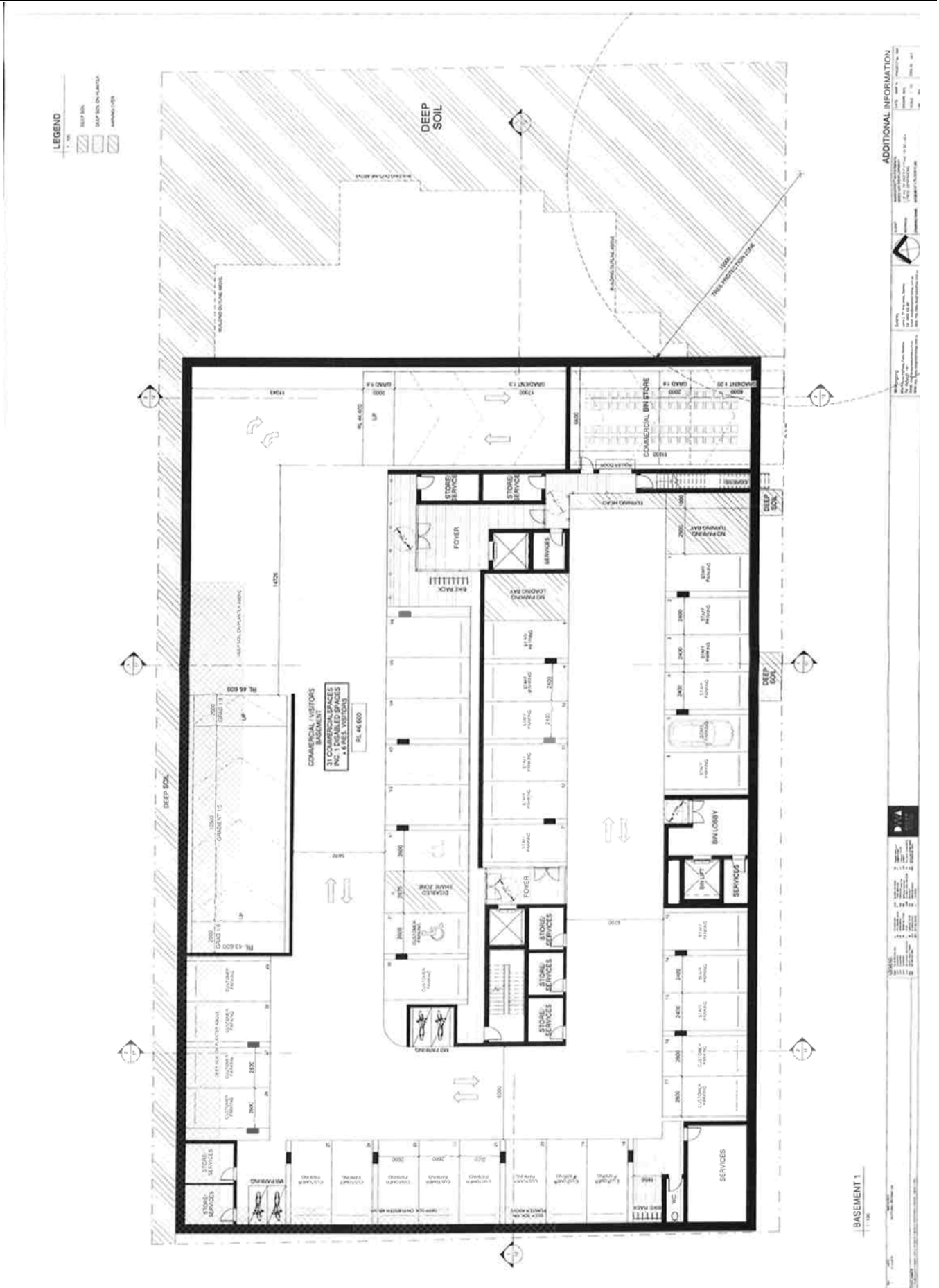
PROJECT NO. 895



CODE	DESCRIPTION	COLOUR	SAMPLE
CL01	Cladding	Sycon 'Linea' Weatherboard Cladding To match Dulux 'Grand Piano Quarter'	
CL02	Cladding	Sycon 'Linea' Weatherboard Cladding Dulux 'Limed White Quarter'	
CL03	Feature Cladding / Pergolas	Timber Cladding	
CL04	Rendered Brickwork	Dulux 'White on White'	
TB	Timber Look Balustrades	Anodised Aluminum Dulux 'Lexicon Half'	
BW01	Brickwork	Austral 'Brushed Leather'	
GL	Louvres	Clear Glass	
W/L	Window Frames	Anodised Aluminium 'Natural'	
WH	Window Hoods / Blades	Dulux 'White on White'	
SW	Steelwork	Galvanised Steel Painted White	

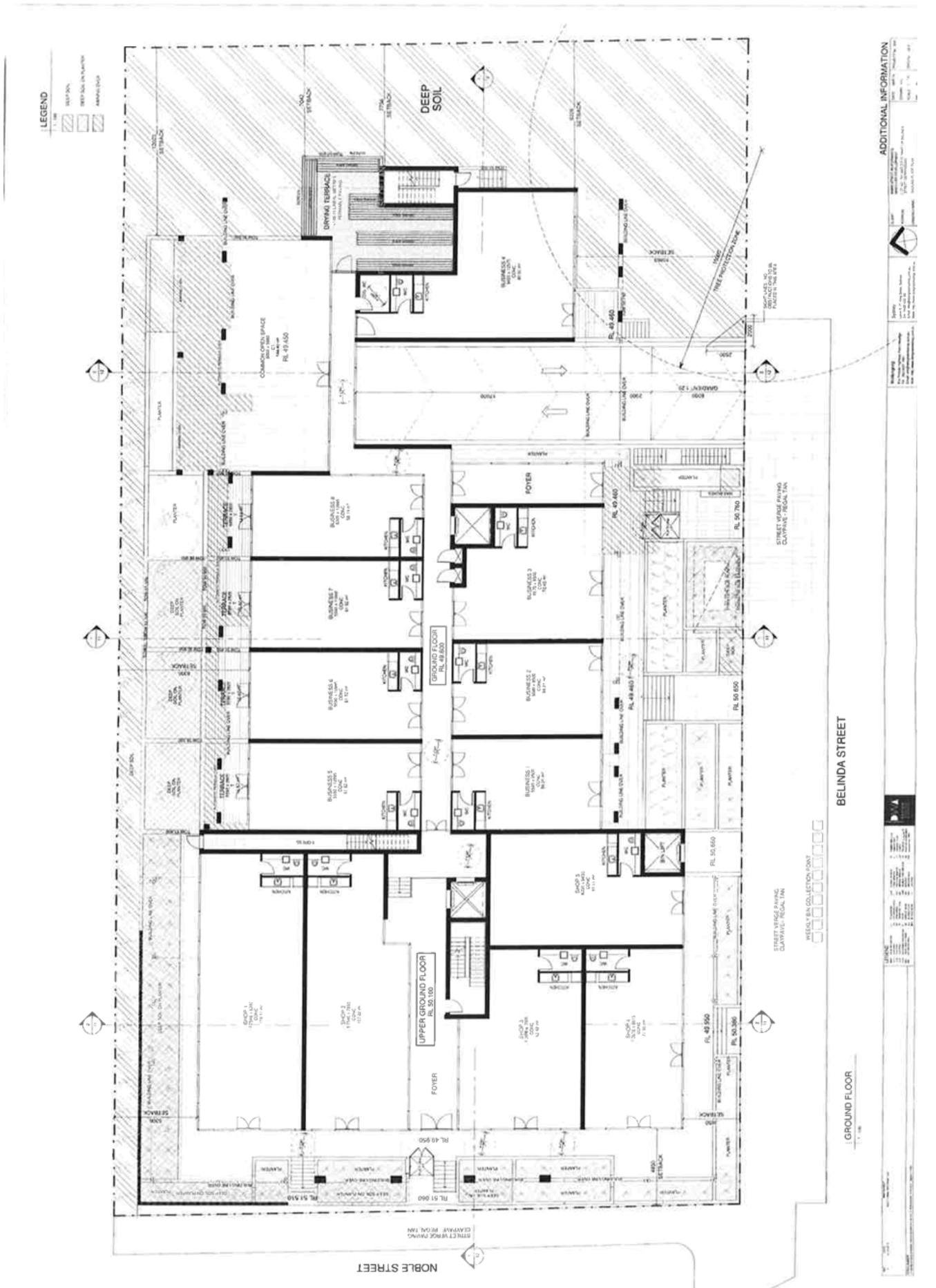


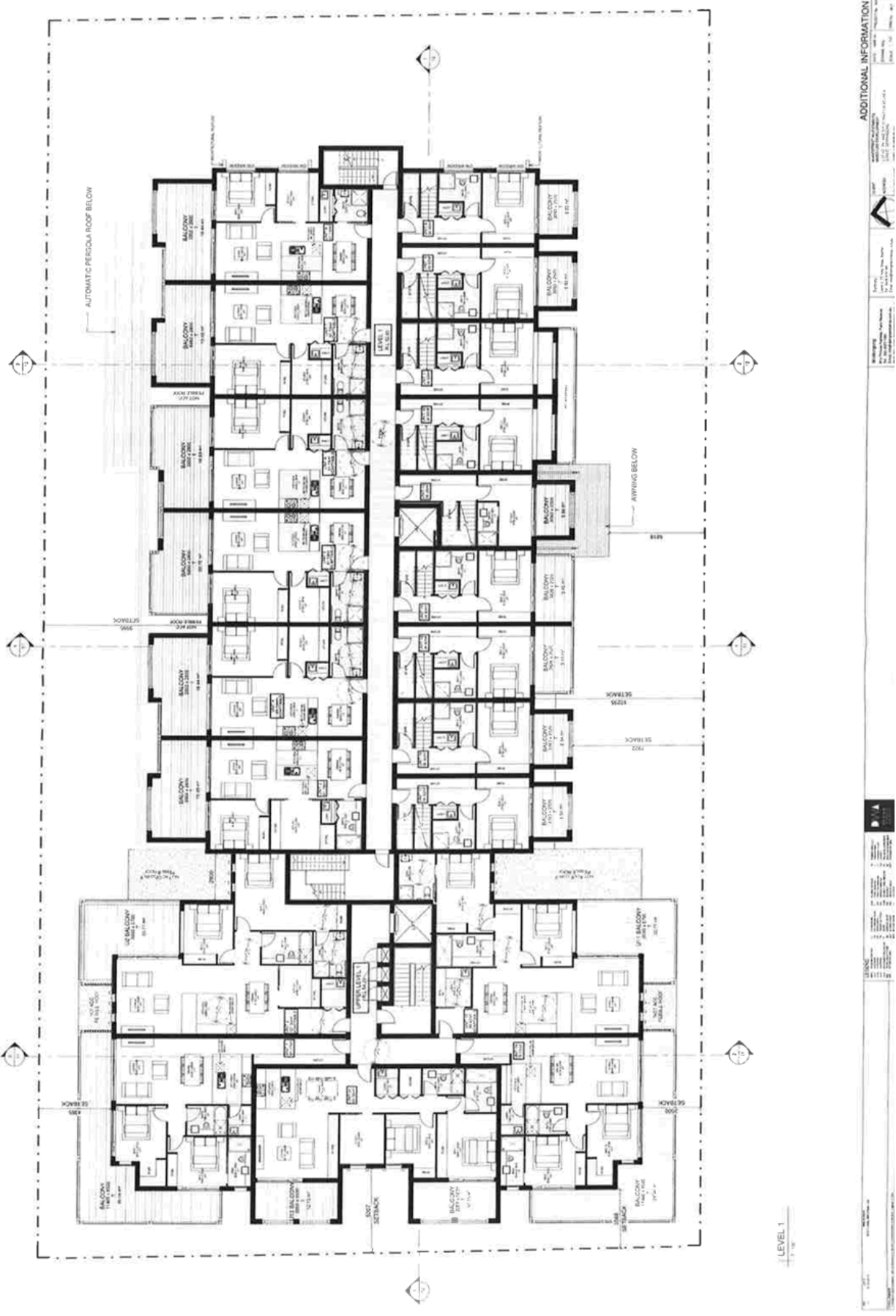


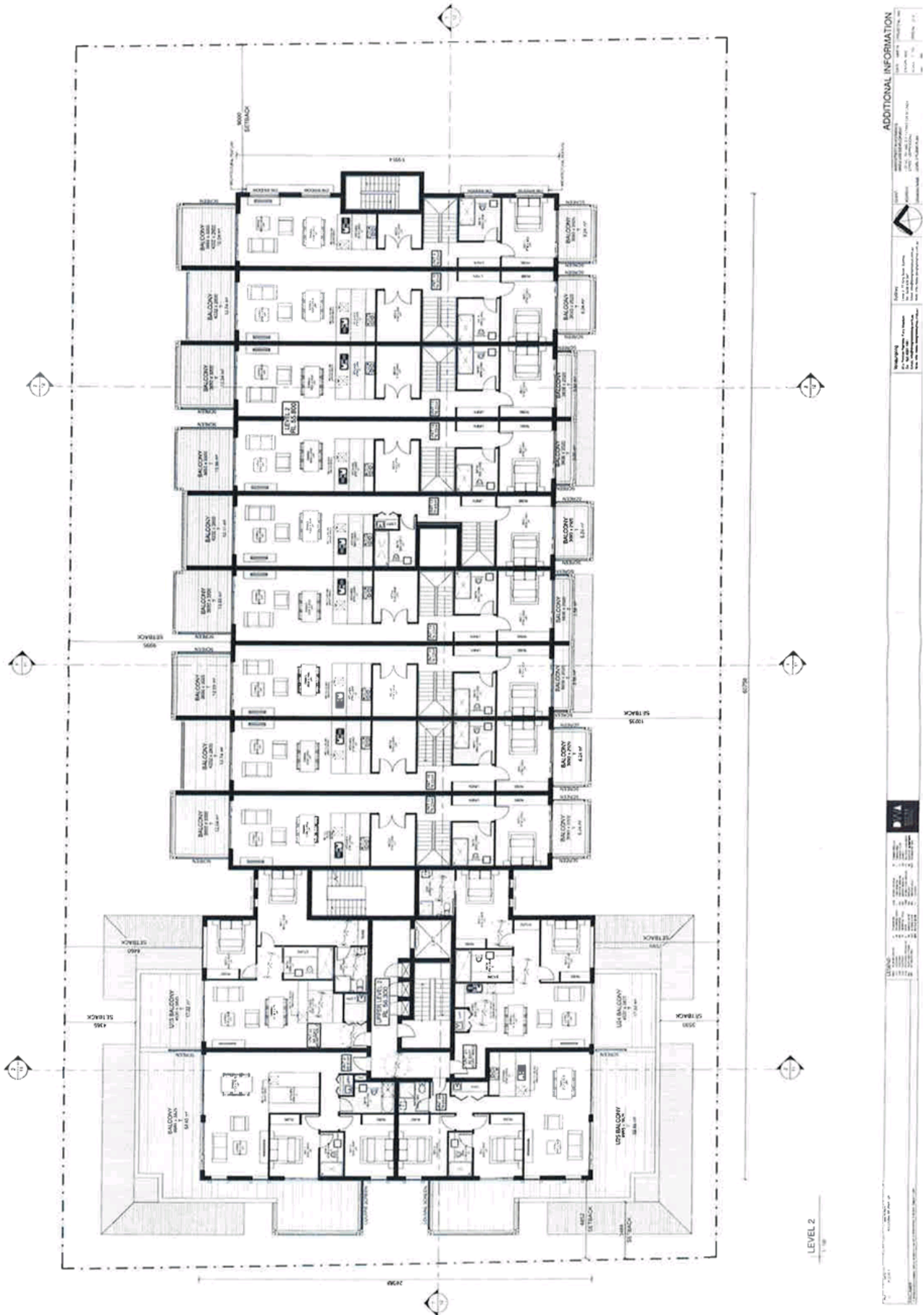


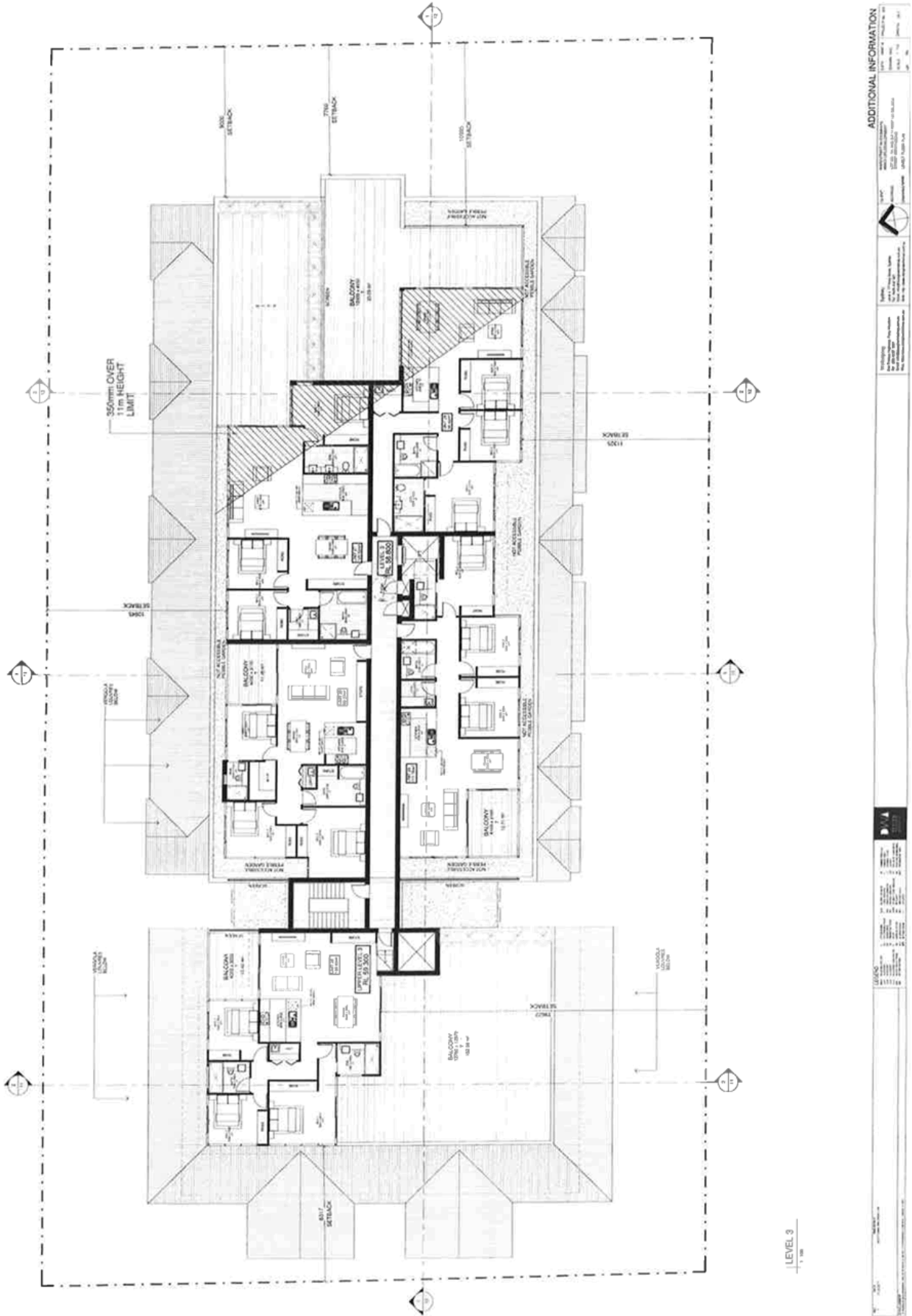
Item 9.2

Attachment 2











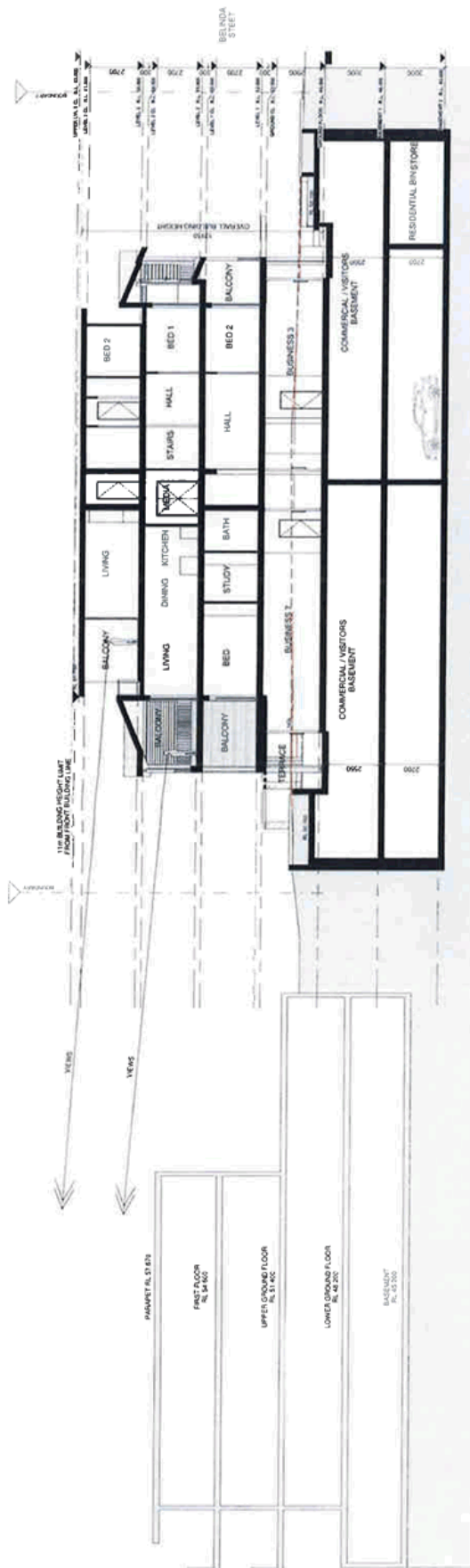
SOUTH ELEVATION
1:100



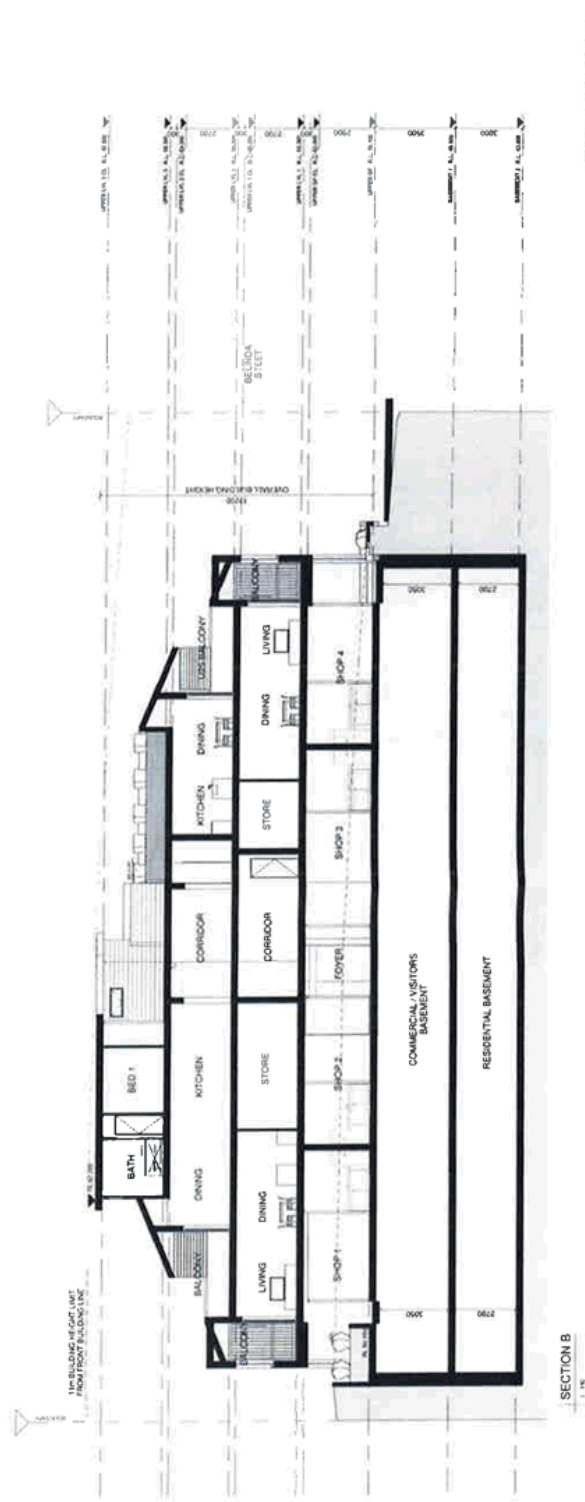
WEST ELEVATION
1:100

ADDITIONAL INFORMATION	
Project Name	DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong
Client	Mr & Mrs [Name]
Architect	[Firm Name]
Scale	1:100
Date	[Date]
Drawn by	[Name]
Checked by	[Name]
Project No.	[Number]
Sheet No.	[Number]
Sheet Total	[Number]



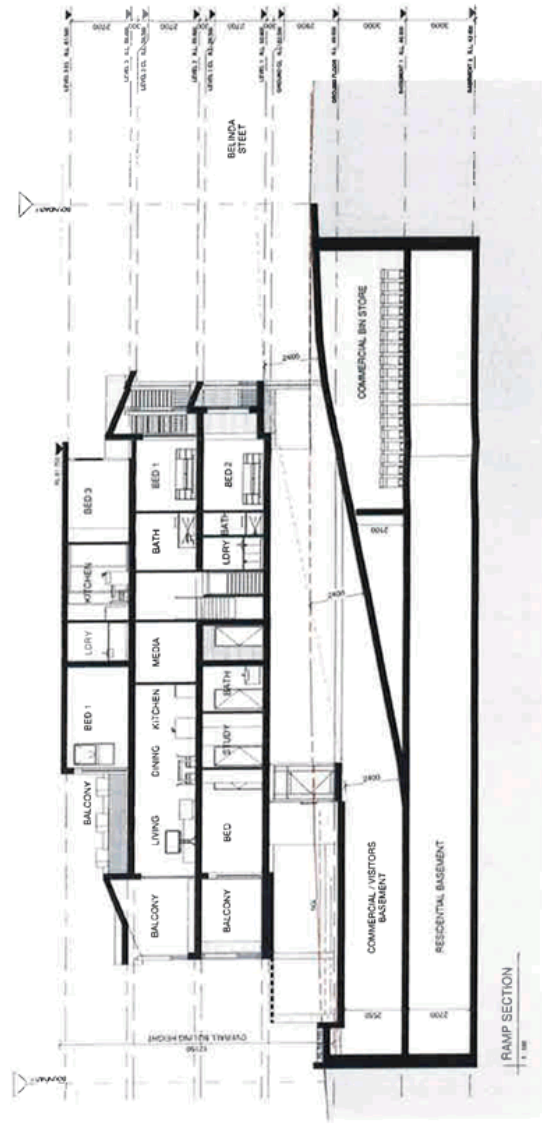


SECTION A
1:100



SECTION B
1:100

ADDITIONAL INFORMATION	
DATE	10/10/14
PROJECT NO.	10.2014.241.1
CLIENT	SET CONSULTANTS
DESIGNER	SET CONSULTANTS
CHECKED BY	SET CONSULTANTS
APPROVED BY	SET CONSULTANTS
SCALE	1:100
DATE	10/10/14
PROJECT NO.	10.2014.241.1
CLIENT	SET CONSULTANTS
DESIGNER	SET CONSULTANTS
CHECKED BY	SET CONSULTANTS
APPROVED BY	SET CONSULTANTS
SCALE	1:100
DATE	10/10/14



ADDITIONAL INFORMATION	
Project Name	DA 10.2014.241.1 - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units - Lot 781 DP 1179947 No 128 Belinda Street Gerringong
Client	Set Consultants
Architect	Set Consultants
Scale	1:100
Date	20/10/2014
Drawn by	Set Consultants
Checked by	Set Consultants
Approved by	Set Consultants



3D View 6 - BELINDA STREET (SOUTH ELEVATION)



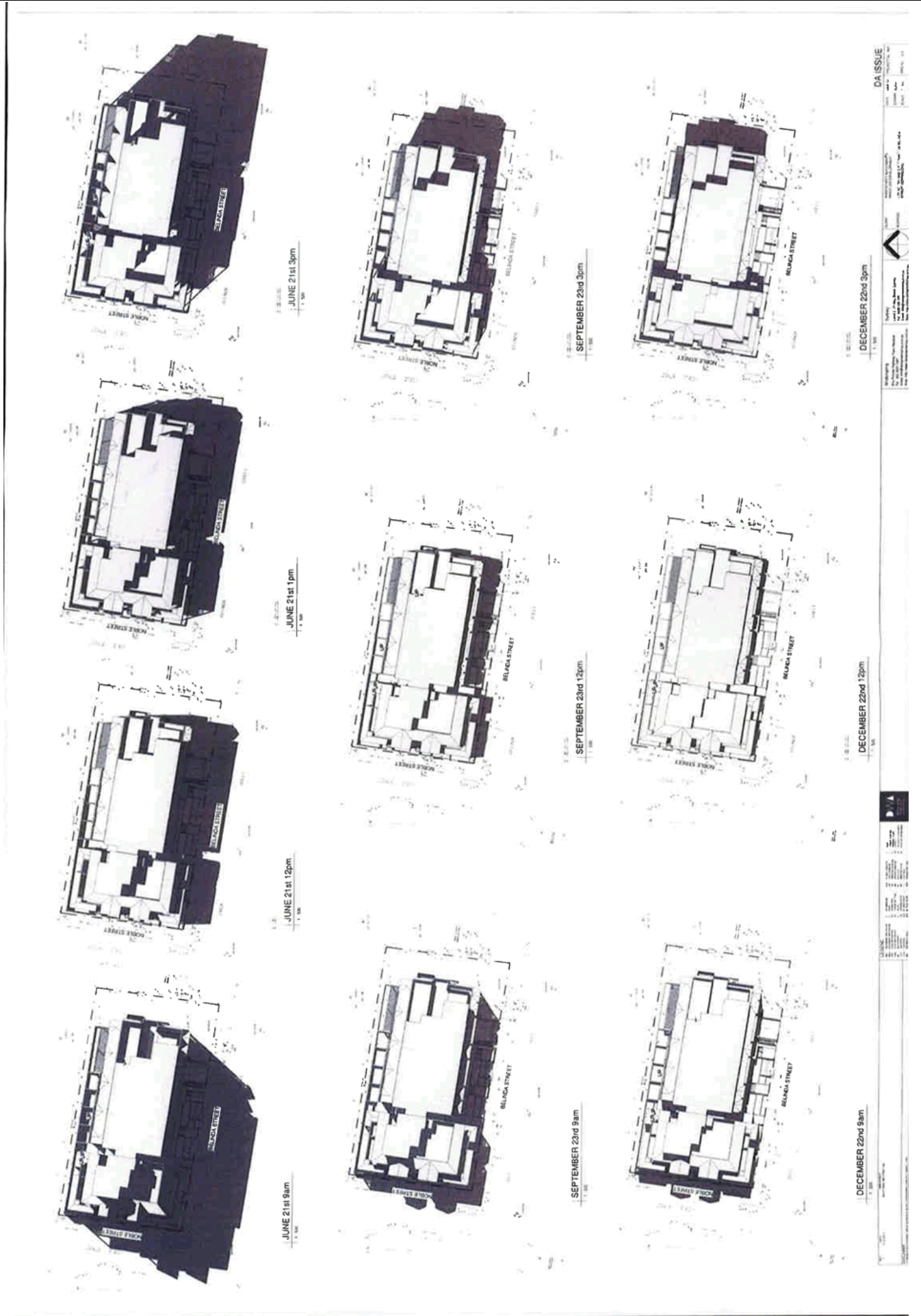
3D View 8 - NOBILE ST (FRONT ELEVATION)



3D View 1 - CORNER BELINDA ST/NOBLE ST

REVISIONS		DATE		BY		CHECKED		APPROVED	

ADDITIONAL INFORMATION	
Project Name	DA 10.2014.241.1 - Mixed Use Development
Project No.	
Client	
Design Team	
Scale	
Author	
Checked	
Approved	
Date	



Item 9.2

Attachment 2

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews Development Application 10.2015.27.1 which seeks consent for a one hundred (100) lot Torrens title subdivision. The proposed development is sited within R2 Low Density Residential zoned land pursuant to Kiama Local Environmental Plan (LEP) 2011 and is permissible in the zone subject to Council's approval. The proposed development complies with the provisions of Kiama LEP 2011 and the objectives of Kiama Development Control Plan 2012.

Finance

Section 94 contributions will apply to newly created lots.

Policy

N/A

Reason for Report to Council

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

Attachments

1 10.2015.27.1 - plans

Enclosures

Nil

RECOMMENDATION

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

Background

Applicant: White Constructions Pty Ltd

Owner: Mr J W & Mrs M E Milne

Development Site

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

Report of the Director Environmental Services

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

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

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

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

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

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

Description of the Proposed Development

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

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

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

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

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

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

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

Section 79C Assessment

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

Relevant Environmental Planning Instruments

- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

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

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

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

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

- State Environmental Planning Policy No 55 - Remediation of Land

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

- Illawarra Regional Environmental Plan No 1

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

- Kiama Local Environmental Plan 2011

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

Specific clauses requiring consideration:

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

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

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

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

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

Clause 6.4 lists considerations and requirements for land which has been identified as “Biodiversity land” on the Terrestrial Biodiversity Map. The proposal meets with the objectives of the clause and addresses all matters which are required to be satisfied prior to issue of consent.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The development application has been notified in accordance with the requirements of Kiama DCP 2012. It is considered that the proposal meets all relevant development controls contained within Kiama DCP 2012.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

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

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

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

- Context & Setting

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

- Traffic Generation, Access, Parking & Transport

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

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

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

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

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

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

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

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- (vi) The intersection angle of Dido Street and Banksia Drive is approximately 63° (approx 133%). The grade of the unformed portion of Dido Street above the Banksia Drive batter is 36% and there is a dry stacked stone wall along the approximate centreline of Dido Street.

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

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

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

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

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

- Stormwater, Water Quality and Flooding

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

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

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

- Environmental Impacts

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

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

- Social Impacts

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

- Economic Impacts

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

- Construction Impacts

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

- Waste

A waste collection provider can service the proposal.

- Utility Needs and Supply

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

- Heritage

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

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

- Land Resources

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

The Suitability of the Site for the Development

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

Submissions

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

Public Submissions

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

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

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

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

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

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

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

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

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

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

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

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

External Referrals

- The NSW Rural Fire Service (RFS).

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

- The NSW Office of Water.

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

- Kiama Local Traffic Committee (KLTC)

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

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

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

Council resolved that:

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

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

Internal Referrals

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

- Senior Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- Environmental Health Officer

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

- Council's Heritage Adviser

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

- GIS Officer

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

The Public Interest

The proposal will contribute to meeting the objectives of the Illawarra Regional Strategy 2006-31 relating to providing additional housing in the region. The proposal is also considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, is not likely to cause significant adverse impacts to the natural

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or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

Final Comments and Conclusions

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

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

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

Draft Conditions of Consent**General terms of other approvals integrated as part of the consent****NSW Office of Water General Terms of Approval**

- (1) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 10.2015.27.1 and provided by Council:
 - (i) Subdivision Plans
 - (ii) Stormwater Management Study
 - (iii) Flora and Fauna Assessment
 - (iv) Landscape Masterplan

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified, the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
- (2) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
- (3) The consent holder must prepare or commission the preparation of:
 - (i) Detailed Stormwater Outlet Design
 - (ii) Soil and Water Management Plan
- (4) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing.

The following plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

 - (i) In-stream works
 - (ii) Outlet structures

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- (5) The consent holder must:
- (i) carry out any controlled activity in accordance with approved plans; and
 - (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional; and
 - (iii) when required, provide a certificate of completion to the NSW Office of Water.
- (6) The consent holder must ensure that no materials or cleared vegetation that may
- (i) obstruct flow,
 - (ii) wash into the waterbody, or
 - (iii) cause damage to river banks;
- are left on the waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- (7) The consent holder is to ensure that all drainage works
- (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
 - (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- (8) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water
- (9) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- (10) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

NSW Rural Fires Service Office Bushfire Safety Authority

- (1) At the issue of the Subdivision Certificate and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (2) For Asset Protection Zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access being provided to the APZ to ensure ongoing maintenance of the area.
- (3) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'.
- (4) Public road access shall comply with Section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.
- (5) Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

Council's Conditions of Development Consent

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General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2015.127.1 dated 16 June 2015 and on the application form except as amended by the following conditions:
- (2) A Construction Certificate shall not be issued unless all proposed roads and drainage infrastructure are located within land relating to this development application or in Council owned and controlled road reserves. The applicant shall also demonstrate, prior to the issue of a Construction Certificate, that stormwater discharge from public roads can legally be discharged to a natural watercourses or other Council owned drainage infrastructure.
- (3) A Subdivision Certificate shall not be issued until the site specific development control plan for the site has been adopted by Council.
- (4) No civil or landscape works may be commenced unless a Construction Certificate has been obtained.
- (5) The applicant and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land is to carry the following insurances, copies of which are to be produced to Council upon request:
 - Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work;
 - Workers compensation insurance; and
 - Ten million dollar public liability insurance.
- (6) All electricity, telecommunications and natural gas services shall be located underground. Common or shared trenching and the document "*A Model Agreement for Local Councils and Utility/Service Providers*" prepared by the NSW Streets Opening Conference are policies adopted for the Kiama Municipal Council Local Government Area.
- (7) The developer shall bear the cost of relocation of any service utilities required.
- (8) All Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately.

Prior to the Issue of a Construction Certificate

- (1) The developer shall submit details of all civil engineering works on engineering drawings to the 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-

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

development first flush mechanism, water quality and sedimentation controls), all stormwater drainage structures and, where required, the proposed method of accessing the existing public stormwater drainage system. All drainage calculations are to be carried out in accordance with Australian Rainfall and Runoff published by Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of 1% Average Exceedance Probability (AEP);

- b Plan, longitudinal and cross sectional detail shall be provided for the proposed road network;
- c The proposed pavement treatment to the road network. The minimum surface treatment shall be asphaltic concrete;
- d The location and reduced level of all services under the control of public utilities or agencies;
- e A Construction Environmental Management Plan (CEMP) shall be prepared in accordance with Australian Standard AS/NZS ISO 14001: 2004 for all civil engineering work associated with the development.

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

- (2) All flexible road pavements shall be designed in compliance with the Austroads publication "*Pavement Design for Light Traffic – a Supplement to Austroads Pavement Design Guide*". The proposed pavement treatment details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (3) The applicant shall provide road construction at the intersection of Coachwood Street and the proposed Banksia Drive extension to provide a T-intersection with priority given to traffic entering and leaving the development site. The construction shall provide for modified pavement design grades and shall incorporate 150mm high concrete barrier kerb and gutter for kerb returns. Design shall comply with the Kiama Development Control Plan 2012 supplementary document *Kiama Development Code – D01 Geometric Road Design, D05 Stormwater Drainage Design* and Council's *Water Sensitive Urban Design Policy – Section 4*. Design detail shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (4) The applicant shall provide road construction at the intersection of Lilly Pilly Way and the proposed Banksia Drive extension to provide an intersection treatment with priority given to traffic entering and leaving the development site. The construction shall provide for modified pavement design grades and shall incorporate 150mm high concrete barrier kerb and gutter for kerb returns. Design shall comply with the Kiama Development Control Plan 2012 supplementary document *Kiama Development Code – D01 Geometric Road Design, D05 Stormwater Drainage Design* and Council's *Water Sensitive Urban Design Policy – Section 4*. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (5) The Proposed Banksia Drive extension and Road No.1 shall maintain an 8 metre carriageway width and verge widths of 3.5 metres adjacent to the proposed lots excepting the northern boundary of proposed lots 5 to 13. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Report of the Director Environmental Services

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

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- (6) Proposed Road No. 2, 3, 4, and 5 shall maintain a 6 metre carriageway width and verge widths of 3.5 metres. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (7) The applicant shall prepare civil engineering drawings for the detailed manoeuvring of the AS 2890.2 heavy rigid vehicle including design swept paths for the intersections of Banksia Drive and Coachwood Street, Banksia Drive extension and Lilly Pilly Way, Banksia Drive extension and Road No.1, and Road No.1 adjacent to proposed lots 10, 55, 72, 96, 97, 99 and 29. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (8) The applicant shall provide a minimum 1.2 metre wide reinforced concrete footpath within the verge of proposed Road No. 1 adjacent to lots 15, 49 to 56, 70 to 72, 79 to 86 and 92 to 97. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (9) The applicant shall provide a minimum 1.2 metre wide reinforced concrete footpath along one verge of proposed Road No. 2, 3, 4 and 5. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (10) A shared pedestrian and cycle pathway designed in compliance with Austroads requirements shall be provided and located within the western verge of Road No.1; the western and northern verge of the proposed Banksia Drive extension and the western verge of Coachwood Street connecting with the existing shared pedestrian and pathway at Coachwood Street. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (11) A shared pedestrian and cycle pathway designed in compliance with Austroads requirements shall connect the proposed network within the development site to the intersection of Bland Street and Greyleigh Drive via the road reserves of Barney Street, Cuba Street and Bland Street. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (12) A minimum 1.2 metre wide pedestrian pathway designed in compliance with Austroads requirements shall be provided along the southern side of Jamberoo Road connecting the pathway at the intersection of Jamberoo Road and Banksia Drive with the existing network located in Jamberoo Road connecting with the Kiama Town Centre via Jamberoo Road. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (13) The applicant shall provide traffic calming within proposed road No.1 in the vicinity of the proposed playground and the proposed Banksia Drive extension and road No.1 intersection. Design details complying with the requirements of AS1742 shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
 - (14) Banksia Drive shall be widened on its southern between the entry driveway to number 41 Banksia Drive and the intersection of Coachwood Street. The widening is to enhance safe traffic movement and where possible, provide roadside parking bays. The widened road shall maintain a minimum of six (6) metres of clear travel lanes (excluding parking lane). Design details shall be submitted to the Council for approval prior to the issue of the Construction Certificate.
 - (15) Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
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Report of the Director Environmental Services

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

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- (16) Adequate pedestrian and vehicle safety barriers in the form of fencing and guardrails and in accordance with RMS standards shall be provided along the northern boundary of the Banksia Drive extension. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (17) The applicant shall provide to the Kiama Local Traffic Committee for approval, prior to the issue of a Construction Certificate, a traffic management plan showing all proposed line marking and signage in compliance with Australian Standards, RMS and Austroad guidelines. The proposed traffic management plan shall include, but shall not be limited to, line marking and regulatory signage provided within proposed Roads; Coachwood Street; Lilly Pilly Way; Proposed extension of Banksia Street; Proposed Road 1; Proposed Road 2; Proposed Road 3; Proposed Road 4; and Proposed Road 5.

The plan shall also include:

- No Stopping signage and line marking be installed on the eastern and southern sides of Banksia Drive
- No Stopping signage and line marking be installed on the western side of Banksia Drive from the western boundary of house number 40 to the driveway of number 38;

The traffic management plan shall be designed by a chartered professional engineer in compliance with section 4 of the RMS *Road Design Guide* and the Standards Australia publication AS 1742.2 *Manual of Uniform Traffic Control Devices Part 2: Traffic Control Devices for General Use*.

- (18) The applicant shall provide detailed modelling for all aspects of the development environmental stormwater management and water quality controls and treatment. The proposed modelling shall meet with the guidelines of the '*Draft New South Wales Model for Urban Stormwater Improvement Conceptualisation (MUSIC) Modelling Guidelines*'. The modelling shall integrate with Council's *Water Sensitive Urban Design Policy (WSUD)* and shall be prepared by an appropriately qualified civil engineer and shall be submitted to the certifying authority for assessment prior to the issue of any construction certificate. The detailed MUSIC modelling data shall be provided to enable checking of input and output data and results.
- (19) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.
- (20) The developer shall construct a minimum 150, uPVC Class SH inter-allotment drainage system to drain Lots 1 to 4, 5 to 14, 32 to 41, 42 to 49, 56 to 60, 61 to 63 and 65 to 69, 77, 78 and 88 to 91 in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (21) 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

Report of the Director Environmental Services

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

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- development site. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (22) The developer shall comply with the design requirements of Council's "Water Sensitive Urban Design" policy in association with the design requirements of "Section D5 Stormwater Drainage" of the Kiama Development Code as appended to Kiama DCP 2012. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (23) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.
- (24) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a report to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate. The report shall cover, but not be limited to:-
- a Extent and stability of proposed embankments (particularly those acting as retarding basins) and if any of the land is subject to subsidence/slip;
 - b Soil dispersibility;
 - c Slope failure and erosion where excavation and/or filling is to exceed 600 millimetres in depth including land that has been previously filled;
 - d Recommended geotechnical testing requirements;
 - e Required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments;
 - f Compaction specification for all fill within private subdivisions;
 - g The level of risk to existing adjacent properties as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent properties, high risk areas shall be identified on a plan and the engineering drawings shall be amended to indicate that no vibratory rollers shall be used within that zone;
 - h The impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - i Recommended treatment methods for rectification/remediation of any deficiencies identified in the analysis and in conjunction with the civil engineering works planned;
 - j Requirements for sub-surface drainage lines;
 - k Overall suitability of the engineering drawings for the proposed development.
- (25) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils*
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Report of the Director Environmental Services

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

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.

- (26) The applicant shall provide street lighting for the development complying with the design requirements of AS/NZS 1158. The proposed street lighting shall be designed and constructed to meet the following:

- The detailed street lighting design shall be prepared and submitted to Council for assessment prior to the issue of a Construction Certificate; and
- The applicant shall provide details of the street lighting upgrade for the intersection of Lilly Pilly Way and Coachwood Street for the new street lighting.

Design details shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

- (27) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be consistent with the approved landscape concept plan and include as a minimum:

- a) landscape embellishments (shade trees, shrubs and benches) within the proposed playground which includes a physical barrier to separate young children from easily accessing the adjoining carriageway;
- b) the requirements of the NSW Rural Fires Service Bushfire Safety Authority requirements within this consent;
- c) screen plantings at appropriate locations in Cuba Street to limit overlooking opportunities; and
- d) address of the requirements of Chapter 8 of Kiama DCP 2012.

- (28) A combined services plan shall be submitted with the Construction Certificate application. The plan as a minimum shall indicate all underground services, street lighting, street trees, pathways, shared pathways, kerb ramps, carriageways and dry stone walls.

Prior to Commencement of Works

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

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

- There being no damage to the infrastructure within the road reserve.

Report of the Director Environmental Services

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

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- Twelve (12) months has elapsed from the date of the issue of the subdivision certificate.
 - The submission of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual. The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any construction work.
- (4) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Lilly Pilly Way, for the purpose of carrying out activities associated with the development.
- (5) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a) Detailed plans and specifications of the civil works must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b) You **must** appoint a Principal Certifying Authority; and
 - c) You **must** notify the Council of the appointment; and
 - d) You **must** give at least two (2) days notice to Council of your intention to commence work.
- (6) A sign must be erected in a prominent position on any site on which subdivision work is being carried out:
- a) Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c) Stating that unauthorised entry to the work site is prohibited.
- (7) An appropriate temporary toilet facility shall be provided on site, located inside the property boundaries, prior to commencement of works. The temporary toilet shall be maintained in a clean/sanitary condition at all times.
- (8) The applicant shall submit a dilapidation survey prepared by a chartered professional engineer prior to the commencement of any work within the public road reserve of Coachwood Street, Lilly Pilly Way and Banksia Drive.
- (9) Any *Daphnandra* shall be located by a suitably qualified person and a length of barrier fencing be erected along the boundary to indicate its location or locations. No machinery, builder's material and/or waste shall be located in the vicinity.
- (10) All works to the dry stone walls are to be undertaken by tradespeople with demonstrated experience in traditional dry stone wall construction and conservation, and approved by Council. A sample section of dry stone wall (3 lineal metres minimum) fully conserved is to be approved by Council prior to undertaking further works. The form and technical characteristics/detailing of the completed sample should be consistent with double dry stone walls built by Thomas Newing.
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Report of the Director Environmental Services

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

- (1) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
- (2) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
- (3) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (4) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (5) No vibratory rollers are to be used during the construction of any work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Principal Certifying Authority.
- (6) All new construction work shall make smooth junctions with existing work.
- (7) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama DCP 2012, and civil engineering drawings approved by the Principal Certifying Authority.
- (8) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama DCP 2012 and civil engineering drawings approved by the Principal Certifying Authority.
- (9) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site.
- (10) Only clean fill (ie natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site.
- (11) All imported fill to the development site shall list the location of its origin and shall be sampled in accordance with AS 4482.2 and tested by a certified National Association

Report of the Director Environmental Services

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

of Testing Authorities Australia (NATA) registered laboratory for contaminants. Based on the test results certification shall be provided to the Principal Certifying Authority prior to the issue of any occupation certificates by a suitably qualified geotechnical engineering consultant confirming the imported fill is suitable for use in residential development. Any imported fill found to not be suitable for residential use shall be removed / remediated in accordance with the NSW Department of Environment, Climate Change and Water requirements.

- (12) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.
- (13) Any *Zieria granulata* plants found growing in dry stone walls are to be retained and appropriately protected.

Prior to the Issue of a Subdivision Certificate

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The Subdivision Certificate shall not be released until all roads, drainage, landscape embellishment and dry stone wall restoration has been completed to the satisfaction of Council.
- (3) Prior to the issue of a Subdivision Certificate the applicant shall put forward for endorsement of Council a road name that is consistent with the requirements of the NSW Geographical Names Board, The road name must be endorsed by Council prior to the issue of the Subdivision Certificate.
- (4) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 for the following amounts shall be paid to Council prior to the issuing of the Subdivision Certificate.
- | | |
|---|---------------|
| • Contributions Plans No 1 | \$ 561,514.62 |
| • Contributions Plans No 1 (street tree planting) | \$ 17,630 |
| • Contributions Plans No 2 | \$ 76,185.40 |

The total contribution required for the development is **\$655,330.02**

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

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

Report of the Director Environmental Services

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

excluding final page layout and text where possible. This must be provided either on disc or thumbdrive.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
 - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 94 Contributions identified in this consent.
 - j) A conduit plan showing the location of all service conduits laid beneath the constructed road system.
- (6) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.
- The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have not adversely impact on adjacent properties.
- (7) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate an electronic copy of the Works-as-Executed drawing as follows:
- a A full set of engineering drawings in either DWG or DXF format;
 - b An ASCII point file database of all surveyed points in PENZD (point number, easting, northing, elevation, description) format in MGA coordinates.
- (8) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate. The report shall cover, but not be limited to:
- a All earthwork operations.
 - b The suitability of each allotment for residential development. In this regard each Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.

Report of the Director Environmental Services

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

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- c A fill plan showing extent and depth of fill. A detailed contour plan prepared by a Registered Surveyor indicating reduced levels prior to and at the conclusion of filling operations shall be provided.
 - d Certification that all earthworks within the site have complied with the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama Development Control Plan 2012. This shall include appropriate test results and test location diagram and date of testing.
 - e Certification of all recommendations contained in the geotechnical report lodged in support of the Construction Certificate have been satisfied.
 - f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location and sub-surface drainage lines which shall be burdened with a restriction-as-to-user within the Section 88B Instrument.
- (9) The applicant shall provide Council with an electronic copy of an infrastructure asset report to accompany the Work as executed drawings. The report shall provide a bill of quantities prepared by a suitably qualified person and shall include information relating to public and private assets for digital mapping purposes. The applicant shall consult with Council regarding the infrastructure asset detail required. The report shall be submitted to Council prior to the issue of the Subdivision Certificate.
- (10) The developer shall provide compliance certification from the hydraulic 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 issue of the Subdivision Certificate.
- (11) Prior to issue of the Subdivision Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.
- (12) A certificate from a suitably qualified person verifying compliance that all lighting throughout the development complies with AS/NZS 1158 shall be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.
- (13) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Lilly Pilly Way and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main. A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Subdivision Certificate.
- (14) The proposed roads shall be dedicated to Council as public road pursuant to the provisions of the Roads Act 1993.
- (15) The applicant shall provide Council with an electronic copy of an infrastructure asset report to accompany the Work as executed drawings to be provided following completion of civil engineering work. The report shall provide a bill of quantities prepared by a suitably qualified person and shall include information relating to public and private assets for digital mapping purposes. The applicant shall consult with Council regarding the infrastructure asset detail required. The report shall be submitted to Council prior to the release of the Subdivision Certificate.
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Report of the Director Environmental Services

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

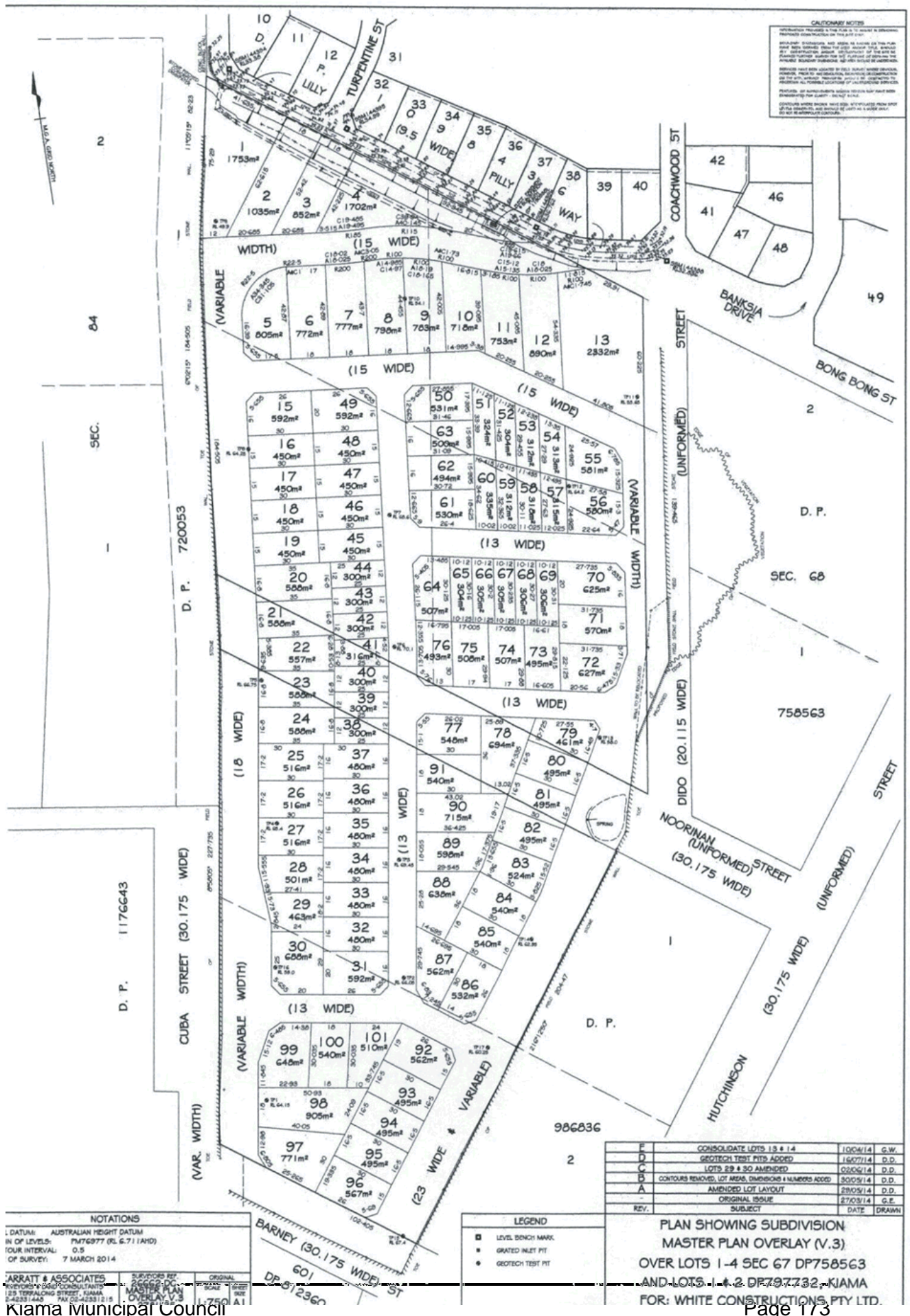
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- (16) The developer shall acknowledge all existing easements on the final plan of subdivision.
 - (17) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
 - (18) The developer shall chart the natural watercourse on the final plan of subdivision.
 - (19) The developer shall prepare an Instrument under Section 88B of the Conveyancing Act 1919, for approval by the Principal Certifying Authority which incorporates the following easements and restrictions on the use of land (where applicable):
 - a. easement for services
 - b. easement for inter-allotment drainage
 - c. drainage easements

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

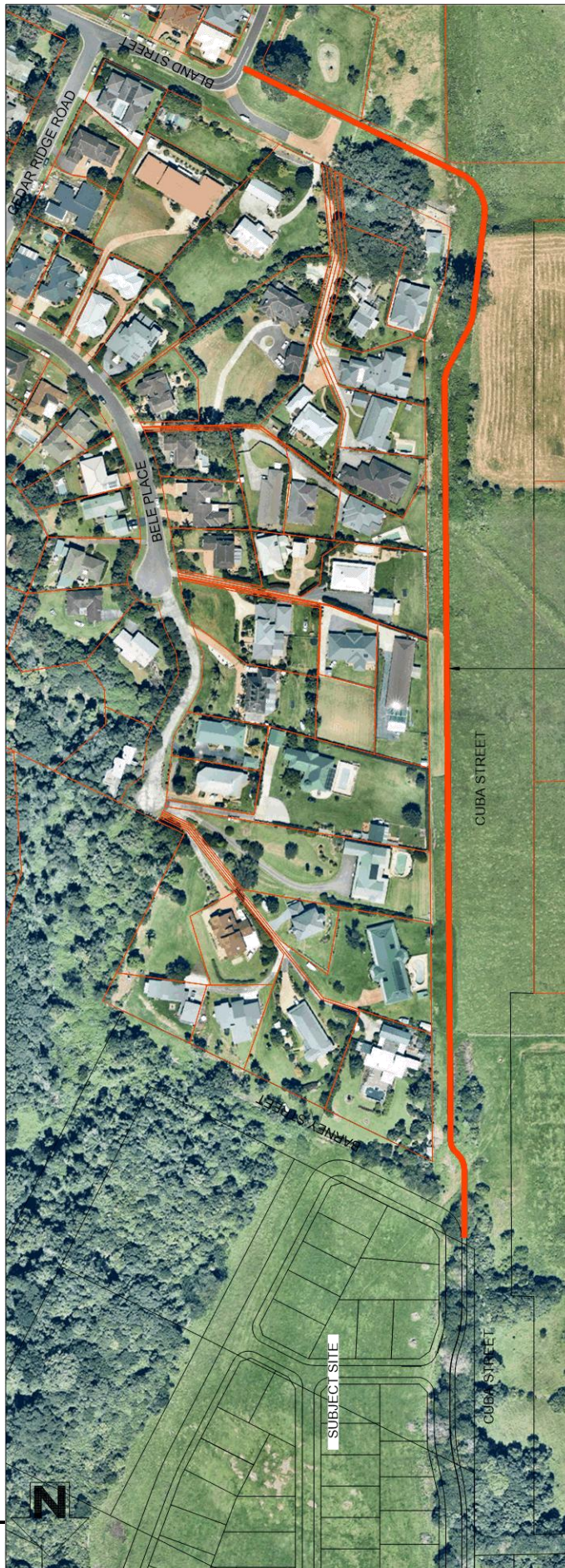
Post Issue of the Subdivision Certificate

- (1) The landscaping shall be maintained actively and regularly for a period of 52 weeks commencing from the date of issue of any Subdivision Certificate.
- (2) At the end of the 52 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent.

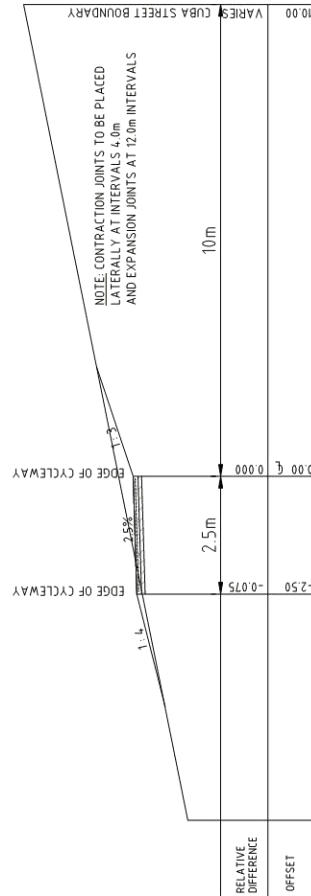
Report of the Director Environmental Services



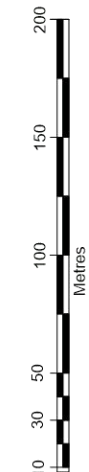
Item 9.4



2.5m WIDE CYCLEWAY LINKING BLAND STREET TO THE PROPOSED SUBDIVISION 10.0M OFF BOUNDARY IN CUBA STREET



TYPICAL CROSS SECTION CYCLE PATH
SCALE 1:100



SCALE :- 1 : 1000 @ A1
- 1 : 2000 @ A3

No.	A	DESCRIPTION	DRN	APP	DATE		CONSULTANT WHITE CONSTRUCTIONS PTY LTD 1/111 BROADWAY SYDNEY NSW 2008 PH: 61 2 9550 1234 FAX: 61 2 9550 1235 E: info@whiteconstructions.com.au	PROJECT NO 14131	CLIENT PROPOSED SUBDIVISION CEDAR GROVE STAGE 2 LOTS 1-4 SEC 67 DP758563 AND LOTS 1 & 2 DP797732 KIAMA PROPOSED CYCLEWAY FROM BLAND ST	REVISIONS 01 of 01 1:2000 @ A3 23/03/15 A A3
			AC		23/03/15					

Report of the Director Environmental Services

9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

Summary

Council at its meeting of 17 March 2015 resolved to place on public exhibition the proposal to establish a dog off-leash swimming area at the southern end of Jones Beach, Kiama Downs and that a further report be submitted to Council, after the consultation process has been completed. This report details submissions received, also the recommendations of the Companion Animals Management Advisory Committee (CAMAC) from their meeting on 29 May 2015.

Finance

Actions outlined in this report would necessitate an additional expenditure of approx \$7380 in Council's 2015-16 Companion Animals Management budget.

Policy

To establish the Jones Beach dog off-leash swimming area on a permanent basis and amend the current *Conditions of Use* is a policy matter to be determined by Council.

Attachments

- 1 Minutes of Companion Animals Advisory Committee - 26 May 2015
- 2 Location Map - Jones Beach dog off-leash swimming area
- 3 Amended Conditions of Use - Jones Beach dog off-leash swimming area
- 4 Statistics of patrols, compliance and action taken during trial period 1/10/2014 to 30/04/2015

Enclosures

- 5 Summary details of public submissions - support
- 6 Summary details of public submissions - oppose
- 7 Summary details of online questionnaire - support
- 8 Summary details of online questionnaire - oppose

RECOMMENDATION

That:

- (1) Council approve the designated Jones Beach dog off-leash swimming area as identified in Attachment 2 subject to the *Conditions of Use* requirements as outlined in Attachment 3 of this report.
- (2) In accordance with the provisions of Section 632 of the Local Government Act 1993 notices containing the *Conditions of Use* requirements of the Jones

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Beach dog off leash swimming area, as outlined in Attachment 3 of this report, be erected at the entry points to the dog off leash swimming area and in other locations.

- (3) The taking of a dogs onto all other areas of Jones Beach (including dune areas and the rock platform) outside the designated Jones Beach dog off-leash swimming and access areas as identified in Attachment 2, be declared as a prohibited activity or prohibited place under Section 632 of the Local Government Act 1993.
- (4) An education program targeting existing and new residents and tourists that own dogs, be developed and implemented in accordance with the recommendation made by the Companion Animals Management Committee at its meeting of 26 May 2015.
- (5) The establishment of a Companion Animals Community Champions Program, involving volunteers, to assist with community education of users of the dog off leash areas be investigated and reported to Council for determination.
- (6) As part of the 2015-16 budget process, Council consider allocating an additional \$7,380 in the Companion Animals Management expenditure budget, for the provision of additional signage and staff resources, to be employed during the school holiday periods, to undertake community education and extra enforcement patrols in all dog off leash areas.

Background

Council at its meeting of 19 August 2014 considered a report and recommended the establishment of a trial dog off leash swimming area, located at the southern end of Jones Beach, Kiama Downs.

Council also adopted specific recommendations relating to *Conditions of Use* of the off leash area relating to usage hours, signage, funding to be provided, and a requirement to submit an interim report after three months into the trial, and that a community consultation evaluation process of the trial be undertaken and reported to Council at its June 2015 meeting.

The interim report was submitted to Council at its meeting of 17 March 2015. Council subsequently resolved to undertake a public consultation process on the proposal to establish on a permanent basis, the Jones Beach dog off leash swimming area and that a further report be submitted to Council.

The proposal was placed on public exhibition from 19 March to 24 April 2015.

An advertisement seeking written submissions or asking people to complete an online questionnaire was placed in the Kiama Independent. This advertisement and online questionnaire was also placed in a prominent location on the homepage of the Council website.

Community Consultation Process

A total of 30 written submissions were received; 18 (60%) supported the proposal and 12 (40%) were opposed to the permanent establishment of the Jones Beach dog off-leash swimming area.

Also 163 people completed the online questionnaire, 110 (67.5%) supported the proposal and 53 (32.5%) opposed it.

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Enclosures 6 to 8 provide a summary sheet of all written submissions and the questionnaires completed. They also include data on the numbers for and against the proposal, issues of concern, comments and suggested benefits of the proposal. Each submission has been numbered so as not to identify the person making the submission.

Opposition to the proposal and issues of concern

In the submissions received there were common objection issues that were raised. These issues have been grouped and listed below. Comments and suggested actions including suggested recommendations made by the CAMAC are also provided for Council's consideration.

Issue A - Dog faeces - owners not complying with cleaning up - impact of faeces on other users of beach

At the beginning of the trial it was noted on the beach, access path and on the reserve area that a percentage of dog owners were not cleaning up after their dogs. This issue was reported directly to Council's Ranger Service by residents.

To address this issue the following action was undertaken:

- Council has installed dispensers with bags that can be used by dog owners to clean up after their dogs. Since the trial began approximately 5,000 bags have been used.
- Additional random patrols were undertaken by Ranger Services and users were spoken to regarding this and other applicable conditions of use.
- A Council officer also attended the area on several mornings and afternoons, during the week to provide information and to better educate the users of the area.
- Some of the users, including members of the dog club, approached other dog owners and provided dog poo bags and information on the condition of use of the off leash area to encourage compliance.

There can be no guarantee that there will be 100% compliance by owners with this issue. However since the above actions were implemented there has been a marked improvement in the compliance rate and this is supported by the evidence of the bags being used and placed in the bins provided along North Kiama Drive.

The Companion Animals Management Committee has recommended that the following actions be undertaken:

- That additional dog bag dispensers and or waste bins, be installed in designated areas, including at the entrance access track to the dog off leash area.
- That a Companion Animals Community Champions Program be established and managed by the Ranger Services and involve volunteers to assist with distribution of dog poo bags, undertaking cleanups as required, and to provide users with education information on the conditions of use applicable to off leash areas. Before such a program can be implemented there are number of policy, procedural, financial and risk management issues that need to be investigated and considered. Therefore if this matter is considered worthy of further

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investigation, it will necessitate a further report to Council addressing the issues.

- Any future education programs conducted by Council should highlight the requirement that dog owners must collect and dispose of all dog faeces correctly. These programs should target existing and new residents and tourists, that own dogs and that are likely to use the off leash areas.

Issue B - Dogs harassing other beach users (adverse impact on residents & tourists using the area) and lack of control of dogs

The location of the dog off-leash swimming area was selected because it was identified as the area least used and is not the section of the beach that is patrolled by Council's Lifeguards and the Kiama Downs Surf Lifesaving Club for safe swimming.

It is claimed that the trial area, mainly the beach area near the rock platform is regularly used by non dog owners, in particular overseas tourists, walkers, and families with children, for picnics and recreational use.

As indicated the rock platform at the southern end of Jones Beach has a vista of the Boneyard and Cathedral Rocks and is visited by tourists and is a popular photographic spot.

If Council considers it warranted, it could resolve to increase the buffer distance between the southern boundary of the dog off leash area and the rock platform, which is currently in the vicinity of 40 metres.

It is also correct that as the dogs are not on a leash it can result in the enjoyment and safety of other beach users being affected. Alleged incidents have been reported to Ranger Service that some dog owners are leaving their dog unattended whilst swimming or surfing.

To address this issue it is proposed that the Conditions of Use will prohibit dog owners from allowing their dog/s to be left unattended at any time.

The Companion Animals Management Committee has recommended that the following actions be undertaken:

- The Condition of Use for the off leash area be amended to prohibit dog owners from leaving their dog/s unattended whilst they are swimming or surfing.

Other comment:

It is also proposed that the Conditions of Use for this off leash swimming area be amended to include a requirement that owner/handlers must ensure that their dog/s do not interfere with other users of Jones Beach and Jones Beach Reserve. A similar condition is being used by other Councils that have off leash areas that are located on beaches and near reserves.

Issue C- Safety - worrying about dogs off leash & potential safety issue with users including children and elderly - feeling threatened

The adopted Conditions of Use prohibits restricted and other breeds and dog(s) that have been declared dangerous from using the area.

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9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

Also under the existing Conditions of Use, dogs must be under effective control at all times and their owners or handlers are responsible for their dogs' actions. Failure to comply with this requirement is a breach of the Companion Animals Act 1998.

Therefore it is the responsibility of all owners/ handlers of dog/s to ensure that they take whatever action is required to prevent an incident from occurring.

It is possible that children and the elderly may feel threatened by dogs that may be on or off leash in all public places, including any off leash areas.

Previously Council in conjunction with Healthy Cities Illawarra conducted a regional campaign called *Stand Right Avoid a Bite*. This involved what to do if a child or person is approached by a dog. A similar campaign could be developed and incorporated in any future Council community education program, with a special focus on the elderly and children.

However there may be incidents that occur, where dogs could behave in an aggressive manner and action will be required to be taken by Council.

One incident has been reported during the trial period. The matter related to a German Shepherd type dog attacking a female jogger. The victim received minor injuries that did not require medical attention. The owner of the subject dog was issued a Notice of Intention to Declare the Dog Dangerous (this is standard procedure).

As part of this Notice, Council required the dog to be assessed by a veterinary clinic. The dog passed the assessment and the Notice was cancelled. At the time of the incident the dog was not in the company of its owner but being handled by an adult female, who was fined \$550 as a result of the attack.

Signage visible at the main entry points to the off leash area contain appropriate warnings as required under Section 5M of the Civil Liabilities Act 2002.

Section 5M (3) & (5) states:

- (3) For the purposes of subsections (1) and (2), a risk warning to a person in relation to a recreational activity is a warning that is given in a manner that is reasonably likely to result in people being warned of the risk before engaging in the recreational activity. The defendant is not required to establish that the person received or understood the warning or was capable of receiving or understanding the warning.
- (5) A risk warning need not be specific to the particular risk and can be a general warning of risks that include the particular risk concerned (so long as the risk warning warns of the general nature of the particular risk).

Specific wording has been included in Council's Condition of Use signage.

The Companion Animals Management Committee has suggested that the following recommended action be undertaken:

- A campaign similar to the Healthy Cities Illawarra Stand Right Avoid A Bite campaign be developed, and be incorporated into any future community education programs conducted by Council.

Issue D - Lack of Rangers to ensure enforcement

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9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

It has been claimed that Council does not have sufficient resources to provide effective enforcement action and education required for the nine (9) dog off leash areas and one (1) on leash swimming area. In particular during holiday periods and when day light saving hours occur. This issue was previously raised by the CAMAC and reported to Council at its 24 June 2014 meeting, when the trial was first being considered.

Council currently has two full time rangers that cover a 7 day per week roster throughout the year. Another ranger is employed three days per week, focusing on parking and traffic issues, including managing school zones, time restriction parking and parking issues associated with the markets and events. It is proposed that this position be restructured to undertake the full scope of ranger duties. This should provide an additional back up resource if required.

The Companion Animals Management Committee suggested there was a need to provide additional resources in order to better manage, all of the off leash areas and made the following recommendation:

- That Council consider including increased funding as part of the 2015-16 budget estimates for additional staff to be employed during school holiday periods to undertake education and enforcement action in all dog off leash areas.

To undertake the additional educational and enforcement action during the six week holiday period will cost \$5,880 or \$140 per day (4hrs per day, 28 hours per week).

If the Companion Animals Community Champions Program was developed and implemented, as outlined in this report, then this would provide an additional resource that could be used.

Issue E – Non compliance with current legislation by dog owners

Attachment 4 to this report provides data for the period from 1 October 2014 to 30 April 2015 relating to patrols and action taken by Ranger Services. It should be noted that this data only relates to periods when Ranger Services inspected the dog off leash area.

In summary, this data indicated that during this period

- 243 pro-active Ranger Service' patrols were made;
- 804 people and 783 dogs were observed using the trial area;
- 21 (2.6%) people that were using the area did not have a dog;
- thirty nine (39) non-compliance breaches were addressed, this included:
 - a) nine (9) direct complaints (4 general objections, 4 uncontrolled dog incidents, 1 playground incident)
 - b) twenty nine (29) cautions were issued for breaches (13 were in the prohibited areas, 2 barking dog incidents, 14 for not picking up dog faeces),
 - c) one (1) dog attack incident occurred, and a \$550 penalty notice was issued
 - d) 4.98% non compliance rate when patrols were undertaken

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9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

Additionally, a Council officer attended the area on several mornings and afternoons, during the week to provide information and to better educate the users of the area. The recorded data indicated that

- A total of 136 dog owners were observed using the area and were approached and spoken to and provided with information and encouraged to comply with the Conditions of Use.
- Twenty seven (27) breaches observed (19.85%), including:
 - a) 8 dog owners were cautioned for not having their dog on a leash on route to or from the trial area.
 - b) 19 users were spoken to about taking their dog into the 10 metre playground prohibited zone. It should be noted that this education program was initially undertaken at the start of the trial and all of the dog owners that were spoken to had not been aware of this requirement.

It is expected that the non compliance rates would decrease with increased signage and education, as 13.97% non compliance related to the playground prohibited zone.

When comparing the sixty six (66) total combined observed non compliance incidents, with the total number of persons with dogs observed using the trial area (919), the non compliance rate of users equates to 7.18%.

The issue of non-compliance with legislation is one that will always need to be addressed. However the frequency and number of dog owners not complying with the Conditions of Use should improve with further education, random patrols and enforcement action.

In summary, the Companion Animals Management Committee has recommended the following actions be implemented to deal with non compliance with legislation:

- That Council develop and implement additional community education programs that incorporate requirements relating to the control of barking dogs, keeping dogs under effective control at all times, picking up dog faeces, prohibited areas such as the southern rock shelf, and the 10 metre exclusion zone around playgrounds and other general conditions of use of the off leash areas.
- The education programs should target existing and new residents and tourist that use the off leash areas.
- Additional permanent and temporary signage be designed and installed specifically to address barking and unattended dog issues, the requirement to pick up dog faeces, and dog prohibited areas such as the rock shelf and dune areas and the 10 metre dog exclusion zone around playgrounds
- The establishment of Companion Animals Community Champions Program managed by the Ranger Services and involving volunteers to assist with education as previous outlined in this report.

A further budget allocation of \$1,500 will be required to be provided for the additional signage and the production of educational material.

Issue F - Impact on the dune areas flora and fauna and the Reserve

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9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

It is claimed that the unleashed dogs would have a long term impact on the dune area and flora and fauna. A comprehensive fauna study has not been undertaken as part of this proposal, however comment was sought from the NSW Office of Environment and Heritage relating to potential threatened species in the Jones Beach area.

The NSW Office of Environment and Heritage provided the following comment regarding potential for threatened species impacts. "OEH are aware that threatened shorebirds (Pied and Sooty Oystercatcher) may use that beach and surrounding rock platforms as foraging habitat from time to time, but are not aware of the site as a nesting site for either species. There was evidence of unsuccessful breeding attempts of Pied Oystercatchers in 2014 on Mystics Beach north of the Minnamurra River, but no reports of any such activity at Jones Beach.

As the dune and rock platform areas are prohibited zones, the impact on flora and fauna is expected to be minimal. If dogs are detected in these areas, a warning or penalty notice can be issued.

Issue G – Dogs on the rock platform – prohibited area

This issue has previously been discussed in Issue B above and suggested recommended actions have been provided.

Issue H – Barking dogs

There is the potential of premises located above the dog off leash area to be impacted if dogs continually bark, particularly if no action is taken by the dog owner.

Two (2) reported barking complaints were reported and investigated.

The only control available for a dog that continually barks in the off leash area is to make it a prohibited activity. If this were the case, signs reflecting this condition of use would need to be installed.

The Companion Animals Management Committee recommended:

- The Conditions of Use and signage be amended to include the provision that Dogs must not be allowed to bark consistently and cause a nuisance

Requirements relating to this issue could be included in any educational campaigns conducted by Council.

Issue I – Proximity of children's playground

This was previously identified as an issue before the trial began as a playground is located adjacent to the car parking area and the access to and from the trial area.

Under the Companion Animals Act there is a 10 metre exclusion zone around all playground facilities and this prohibits both dogs on and off leash from being in this zone. This is not commonly known by dog owners.

To address this issue the following actions were undertaken:

- Relocation of the existing timber bollard fence adjacent to the car parking kerb, which enabled a defined pathway to be established.
- Erection of suitable signage to direct dog owners to the off leash swimming area and access point.

Report of the Director Environmental Services

9.4 Jones Beach Dog Off-leash Swimming Area – permanent establishment

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- Installation of additional signage, placed on the playground equipment support structures that details the area as prohibited for dogs within 10 metres of the playground.

As outlined previously in this report an onsite education program was implemented to increase awareness about this requirement. This program could also be implemented again if required.

Issue J – Alternative off leash areas sufficient

A number of submissions considered that there was already a sufficient number of local off leash areas, including those located Bombo Beach and Minnamurra River which are close to the townships of Kiama Downs and Minnamurra. Therefore there was no further need and they requested that Jones Beach should be kept safe and clean for families.

However based upon the usage data to date it is evident that the Jones Beach off leash swimming area has become popular, principally due to its location within a residential area and accessibility.

Submissions in support of the permanent establishment of the Jones Beach dog off leash swimming area

There were eighteen (18) written submissions (60% of overall written submissions) that supported the permanent establishment of the Jones Beach dog off-leash swimming area.

Also 110 of the 163 (67.5%) of questionnaire entries received supported the permanent establishment of the facility.

The main benefits identified were classified as follows:

- Benefit A: encourages socialising for both dogs and people.
- Benefit B: encourages regular exercise for both dogs and people.
- Benefit C: enhances enjoyment of local facilities.
- Benefit D: improves responsible dog ownership and relationship with Rangers.

Review of submissions by Companion Animals Management Committee

The CAMAC at its meeting of 26 May 2015 considered and reviewed all the submissions, objections and issues of concern.

Attachment 1 contains the draft minutes of this meeting. The CAMAC recommended that Council consider making the Jones Beach dog off leash swimming area permanent. This was subject to a number of suggested recommended actions as previously outlined in this report.

These suggested actions have been included in the proposed recommendation to Council, including amendment to the Conditions of Use requirements (Attachment 3) specific to addressing nuisance barking dogs, the prohibited zones such as the dunes and rock platform, dogs being left unattended.

Council also needs to determine whether to allocate the suggested additional funding of \$7,380 when it determines the 2015-16 Budget. This expenditure is for the

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provision of additional signage and staff resources, to be employed during the school holiday periods, to undertake onsite community education and extra enforcement patrols in all dog off leash areas

**MINUTES OF THE COMPANION ANIMALS ADVISORY COMMITTEE MEETING
26 May 2015 - COMMENCING AT 10.00 AM
COUNCIL'S ADMINISTRATION BUILDING (CR2)**

Present: Councillor Mark Way, Tony Mitchell, Kim Elder, Paul Czulowski, Tom Ward, Gordon Bell, Roger Bogaert, Kevin Hodgson and Tom Ward

Item	Action
<p>1. Apologies Anne Millard and Dennis Tracey</p>	
<p>2. Confirmation of Minutes No minutes were confirmed</p>	
<p>3. Matters Arising None</p>	
<p>4. Topics for Discussion</p> <p>Matter 4.2 was brought forward.</p> <p>4.2 Bombo Beach off-leash swimming area</p> <p>The committee was addressed by Mrs Christine Flint at the beginning of the meeting to enable Mrs Flint to leave.</p> <p>Mrs Flint made the following points:</p> <ul style="list-style-type: none"> • During the summer period (late December through January) there is a distinct lack of compliance by dog owners using the off-leash swimming area at Bombo Beach. It has become particularly unpleasant to visit this area and there is a huge loss of amenity for people wanting to enjoy this part of the beach. • Believes it is both locals and tourists not keeping their dogs under effective control, allowing them to run over people's towels, swimming and leaving their dogs on the beach, not picking up after their dogs, etc. • Understands that this is not a life saving patrolled area of the beach so swimming is not encouraged but it does happen. • There is also an issue with dogs being allowed to roam the entire beach. • Would like to see a restriction on use over the summer period so that dogs are not allowed on the beach between 9 am and 5 pm. There are similar areas in Tasmania and Whangarei that work well. <p>Mrs Flint left the meeting at this point.</p> <p>Mark Way advised that he is hoping to get funding through the Walking Tracks & Cycleway Committee for a tap and shower at the southern entrance to Bombo Beach.</p> <p>The Committee considered Mrs Flint's proposal and the following points were discussed:</p> <ul style="list-style-type: none"> • There is always an element of non-compliance. • Need to use the life guards more effectively to help police the beach. The life guards need to be made aware that they should contact the Rangers when any breach occurs. The Rangers have been invited to speak with the life guards at the beginning of next season. 	

SC 1531: 15/36460

Item 9.4

Attachment 2

Item	Action
<ul style="list-style-type: none"> The level of noise from barking dogs could interfere with neighbouring residents' comfort and amenity. Council received two complaints which were investigated by Ranger Services. It was questioned whether this issue can be addressed in a similar way to barking dogs in residential areas or by other means. Paul Czulowski will investigate if excessive barking can be made a Prohibited Activity under Section 632 of the Local Government Act and added to the <i>Conditions of Usage</i> signs placed onsite for enforcement purposes. 	action
<ul style="list-style-type: none"> The issue of dogs being left unattended by owners whilst they went swimming or surfing could be addressed under the <i>Conditions of Use</i>, which would require amendment by Council. Therefore this will become an offence and enforcement action can be taken. This issue should be included in any future education programs. 	Paul Czulowski to action
<ul style="list-style-type: none"> Non compliance within the 10 metre exclusion zone around the children's playground was initially an issue, mainly due to dog owners not being aware of this requirement. Compliance was improved due to additional signage on the playground equipment and by onsite education conducted by Council staff. Also defining the access route by the installation of log bollards, and painted blue posts has resulted in people taking the correct route to the beach. Further signage and education on this issue is recommended. 	Ranger Services to action
<ul style="list-style-type: none"> The issue of non compliance with the <i>Conditions of Use</i> by some dog owners is an issue of concern. This is exacerbated by limited Ranger Service staff resources to effectively manage compliance and to conduct onsite education in all dog off-leash areas. It was suggested that Council provide funding and additional staff resources, in particular during the summer and Easter holiday periods to address this issue. 	Paul Czulowski to action
<p>Paul Czulowski advised the draft 2015-16 Budget Estimates is on public exhibition. Therefore a submission to Council from the Committee will be made.</p>	
<p>The volunteer Companion Animals Community Champions Program could be implemented to assist with the education of users and improve compliance with the <i>Condition of Use</i> requirements. This should be a formalised program to be managed by the Ranger Services but there are policies, procedural and risk management issues that first need to be investigated.</p>	Ranger Services to investigate
<ul style="list-style-type: none"> The issue of dogs being on the northern and other sections of Jones Beach could be addressed by involving the life guards who should be encouraged to contact the Ranger Services when this occurs. 	
<ul style="list-style-type: none"> The issue of safety, especially children and the elderly being threatened by dogs is one that applies everywhere not just in off-leash areas. It could also occur when a dog is on or off-leash in any public place. The Healthy Cities Illawarra 'Stand Right Avoid a Bite' program previously conducted by Council could be incorporated into future education programs. Dog owners are required to have effective control of their dog on the beach and in other areas. 	
<ul style="list-style-type: none"> The issue of the potential impact on flora and fauna including any threatened species especially in the dune areas was investigated using the Atlas of NSW Wildlife. This indicated that there are have been no known endangered species recorded within the dune area. Advice has also been received from the Office of Environment and Heritage on this issue. As the dunes are prohibited dog zones then enforcement action can be taken by Council. 	
<ul style="list-style-type: none"> An extensive education program targeting residents and tourists including elements of the Healthy Cities Illawarra 'Stand Right Avoid a Bite' and 'Spot the Dog' programs, and revised facts sheets eg '10 steps to enjoy off-leash areas' should be developed and implemented. 	

SC 1531: 15/36460

Item 9.4

Attachment 2

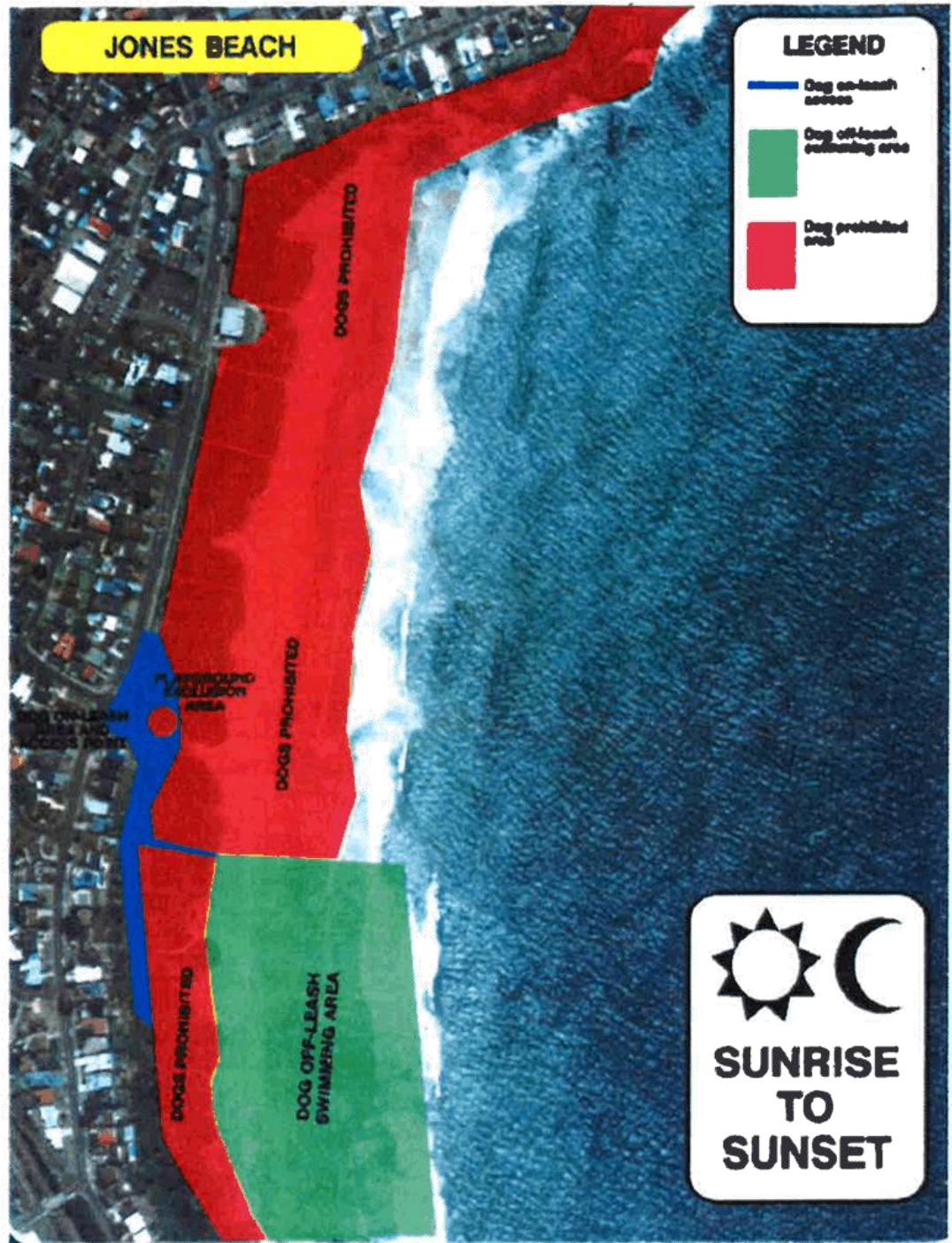
Item	Action
<ul style="list-style-type: none"> • The issue of dogs on the rock platform and the usage of this and the adjoining sheltered beach area by tourist, walkers and non dog owners including families especially during the holiday period was discussed. The use of time limitations and increasing the buffer distance was suggested but not recommended by the committee. <p>The <i>Conditions of Use</i> could be amended by Council to highlight that the rock platform and dune areas are dog prohibited area and included in any future education programs.</p> <ul style="list-style-type: none"> • The issue that there is no need for the Jones Beach dog off-leash area due to the number of existing areas including Bombo Beach was considered. The data provided indicated Jones Beach was being used by residents. <p>Committee recommendation:</p> <p>That the Jones Beach off-leash swimming area continue to operate permanently subject to the following :</p> <ol style="list-style-type: none"> (a) The development and implementation of additional community education programs that incorporate requirements relating to the control of barking dogs, keeping dogs under effective control at all times, picking up dog faeces, prohibited areas such as the southern rock shelf, dune areas and the 10 metre exclusion zone around playgrounds, the 'Stand right avoid a bite' program and other general conditions of use of the off-leash area. The education program should target existing and new residents and tourists that may use the dog off leash areas. (b) The <i>Conditions of Use</i> requirements are amended by Council to make it a prohibitive activity to allow dogs to consistently bark and cause a nuisance, and to allow dogs to be unattended at any time. (c) Additional permanent and temporary signage be designed and installed specific to address barking dog issues, picking up dog faeces, unattended dogs, and prohibited areas such as the southern rock shelf, dune areas and the 10 metre exclusion zone around playgrounds. (d) The installation of additional dog bag dispensers and/or bins in designated areas including at the access to the dog off-leash area. (e) The establishment of the volunteer Companion Animals Community Champion program involving users of the off leash area be investigated (f) Funding to be considered as part of the 2015-16 budget estimates for the allocation of additional staff to be employed during the school holiday periods to undertake education and enforcement action in all dog off-leash areas. <p style="text-align: right;">Kim Elder / Kevin Hodgson</p>	

Item	Action
<p>5. General Business</p> <p>5.1 <u>Canine Carnival</u></p> <p>The next Canine Carnival is scheduled for autumn 2016.</p> <p style="text-align: center;">MEETING CLOSED AT 12.15 pm Next Meeting Date: TBA</p>	

SC1531: 14/53370

DRAFT

SC 1531: 15/36460



Item 9.4

Attachment 2

Conditions of Use Jones Beach Dog Off-Leash Swimming Area Permitted hours of use: Between sunrise to sunset

All dog owners and handlers must comply with the provisions of the Companion Animals Act 1988 and Councils Conditions of Use requirements

- Members of the public are warned that this is a dog off-leash area. Dogs under effective control are permitted to use the designated beach and water areas. Members of the public use the dog off-leash area at their own risk and entering is an implied understanding of the risks associated with dogs off-leash.
- Entry or exit to and from the designated dog off-leash area is only permitted via the beach access track 70 metres to the south directly behind 118 North Kiama Drive as identified on map.
- Owners must take the shortest practical route from the southern Jones Beach car parking area to the designated beach access track.
- Dogs must be leashed at all times when outside the designated area, including entry and exit through the designated beach access track.
- At all times dogs must remain under effective control by a person over the age of 16 years **and must not be left unattended at any time.**
- **Owner and handlers must ensure that their dog/s do not interfere with other users of Jones Beach and Jones Beach Reserve.**
- Dogs are only permitted off-leash and to swim in the southern area of Jones Beach as shown and indicated by northern and southern boundary signs erected on the beach
- Outside the designated off leash and swimming area dogs are prohibited in all areas of this beach including dune areas and the rock platform at all times
- Owners and handlers are responsible for their dog's actions
- Dogs must be registered and identified by wearing a collar and tag
- Dog faeces must be immediately removed and properly disposed of in the bins provided
- **Dogs must not be allowed to bark consistently and cause a nuisance**
- Greyhounds, dogs declared dangerous and restricted breed dogs are prohibited in the designated off-leash area

Restrictions applying to playground area:

- Dogs must not enter the 10 metre exclusion zone around the children's playground

Failure to comply with the above Condition of Use requirements may result in the issuing of Penalty Infringement Notices and various fines apply

SC1944: 15/14513

**Attachment 3
Jones Beach dog off-leash swimming area**

Summary of Ranger patrols during trial			
Actions	Number	Activities	Action taken
Number of random patrols of trial area undertaken including weekends, Xmas and school holidays period	257		Static patrol
Total number of persons observed using trial area of beach including those without dogs	990	Walking, surfing	
Total number of dogs observed using trial area of beach	783		
Number of breaches detected of people using Jones Beach including trial area	29	Wrong area 13 Dog Barking 1 Not pick up dog 6 Dog in playground 1 Dog of lead from car exit 3	Education and Caution
Number of dog attacks	1	Dog on person	Penalty issued \$550 + Notice to Declare Dog Dangerous (assessment passed)
Number of direct complaints received by Rangers	2	General objection 1 Uncontrolled dogs 1	Inspection, no offence found

There were 243 entries recorded by Ranger Services during the trial in Council's Customer Management Request system relating to compliance at Jones Beach dog off-leash swimming area and 39 non-compliance entries.

9.5 Proposed Local Environment Plan Review Committee

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: 2.9.2 Ensure Council's Local Environment Plan and Urban Strategy are current and incorporate the principles of sustainable development

Summary

This report details the expressions of interest received for membership of the subject committee as a result of the recent advertisements calling for such expressions.

Finance

N/A

Policy

Council is required to consider and determine membership of this Council committee.

Attachments

Nil

Enclosures

- 1 Expressions of Interest - LEP Review Committee - nominations

RECOMMENDATION

That Council determine membership of the Local Environment Plan review Committee in accordance with the adopted Terms of Reference

BACKGROUND

At the Council meeting of 19 May Council resolved:

- 1 *"Council endorse the attached draft terms of reference as the operational Terms of Reference for the Kiama Local Environment Plan Review Committee and advertise for expressions of interest for membership as per the Terms of Reference"*

An advertisement seeking expressions of interest for membership was placed on Councils web site, social media pages and local print media after the abovementioned meeting with expressions being received up to and including 4 June.

Twenty eight (28) expressions have been received plus one (1) late submission, covering all areas of representation contained in the Terms of Reference. A

Report of the Director Environmental Services

9.5 Proposed Local Environment Plan Review Committee
(cont)

summary of expressions is contained in the following table. Full copies of each application have been included as enclosures to this report.

LEP Review Committee - Submissions		
Name	Company	Area of Representation
Patrick Mahedy	PRM Architects	Nomination from Economic Development Committee
Stuart Dixon	Cowman Stoddart	Nomination from Kiama Development Industry Committee
Leonardo Murgo		Nomination from Health and Sustainability Committee
John Moulang	Moulang Design Management	Kiama
Mike Yalden		Kiama
Tim Fitzgerald		Kiama
Alex Kelly	Carter and Ferguson (Solicitors)	Kiama
Kathryn Timbs		Kiama
James McGuinness		Kiama
Mark Hitchcock	BHI Architects P/L	Kiama
Bronwyn Seiden	Set Consultants P/L	Kiama
Stephen Thomas	Scarratt and Associates	Kiama
Neil Menzies	Australian Property Institute	Nominate for Kiama/Rural
Cliff Mason	Minnamurra Progress Association	Nominate for North Kiama/Minnamurra
Sharon Parker	North Kiama Neighbourhood Centre	Nominate for Kiama Downs
Natalie Allan		Kiama Downs
Brian Burgess		Nominate for Rural landholders
Roger R Collins (2 submissions)		Nominate for Gerringong/Gerroa Nominate for rural landowners
Chris Cassidy		Gerroa
Darrell Clingan		Werri Beach
Stephen Brazier	South Precinct Cttee	Nominate for Gerringong/Gerroa
Dr Michael Hindmarsh		Gerringong
Ken Sandy (2 submissions)		Nominate for Gerringong/Gerroa
Sandra McCarthy		Werri Beach
Matt Philpott	Allen Price & Assoc	Werri Beach
Warren Holder		Nominate for Gerroa
John Friedmann		Nominate for Jamberoo
Roger Lyle		Jamberoo
Vivienne Marris		Jamberoo (Nominated by Jamberoo Valley Ratepayers and Residents Assoc.)

Report of the Director Environmental Services

9.5 Proposed Local Environment Plan Review Committee
(cont)

Mr V and Mrs SE Baker (late submission)		Jamberoo
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10 REPORT OF THE GENERAL MANAGER

10.1 Draft Operational Plan 2015/2016

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

This item recommends adoption of Council's Draft Operational Plan for 2015/2016 which was placed on public exhibition in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005

Finance

Includes the full budget for the 2015/16 year.

Policy

This is a requirement of the Local Government Act.

Attachments

- 1 Kiama District Sports Association
- 2 Rose Hughes
- 3 Minnamurra Public School P & C Association
- 4 Antonia Fasolas and Terry & Sharon Wheeler
- 5 Jamberoo Combined Sporting Clubs Incorporated
- 6 Jamberoo Residents & Ratepayers Association
- 7 Dog Off-leash Areas
- 8 Kiama Tourism
- 9 Kiama Art Society
- 10 International Surfing Association

Enclosures

Nil

RECOMMENDATION

That:

- 1) It be noted in accordance with Section 402 to 406 of the Local Government Act,

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

1993, Council is required to prepare an Integrated Plan with respect to:

- (a) An Operational Plan for 1 year,
- (b) A Delivery program for 4 years, and
- (c) A Community Strategic Plan for 10 years

The Community Strategic Plan 2013-2023 and the Delivery Program 2013-2017 were adopted by Council in June 2013.

The Operational Plan 2015/16 was notified to the public through newspaper advertisements and was placed on public exhibition at various locations from 1 May 2015 to 29 May 2015 as required under the Local Government Act. It was advised to the public that written submissions may be made in accordance with legislation to the Council any time during the period of the exhibition.

- 2) Council adopt its Operational Plan 2015/16 in accordance with Sections 402 to 406 of the Local Government Act, 1993 including the following amendments that Council:
 - a) Make and levy an ordinary rate comprising a base charge of \$691.20 on each separate parcel of land subject to the rate which represents 49.81% of the total amount payable by the levying of the rate and an ad valorem amount of 0.00212 cents in the dollar on the land value of \$2,977,921,615 (base date 2012) of all rateable land categorised as Residential be now made for 2015/16 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential".
 - b) Make and levy an ordinary rate comprising a base charge of \$691.20 on each separate parcel of land subject to the rate which represents 26.84% of the total amount payable by the levying of the rate and an ad valorem amount of 0.00182 cents in the dollar on the land value of \$125,245,000 (base date 2012) of all rateable land categorised as Residential-Rural be now made for 2015/16 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Residential-Rural".
 - c) Make and levy an ordinary rate comprising a base charge of \$691.20 on each separate parcel of land subject to the rate which represents 29.42% of the total amount payable by the levying of the rate and an ad valorem amount 0.00115 cents in the dollar on the land value of \$343,178,000 (base date 2012) on all rateable land categorised as Farmland be now made for 2015/16 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as "Farmland".
 - d) Make and levy an ordinary rate of 0.004 cents in the dollar on the land value of \$10,783,920 (base date 2012) of all rateable land (not being categorised as "Residential" or "Farmland" and not including rateable land used or zoned for commercial, professional, industrial or trade purposes)

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

categorised as Business be now made for 2015/16 in accordance with the Local Government Act, 1993. Nomination rates will apply to this category. This rate will appear on the Rates and Charges Notice as “Business”.

- e) Make and levy an ordinary rate of 0.00585 cents in the dollar on the land value of \$163,158,215 (base date 2012) of all rateable land in the Kiama Council area determined to be a centre of activity which is used or zoned for commercial, professional, industrial or trade purposes and sub-categorised as Business – “Commercial/Industrial” be now made for 2015/16 with a minimum amount of rate which will apply in respect to each parcel of land being \$691.20 in accordance with the Local Government Act, 1993. This rate will appear on the Rates and Charges Notice as “Business - Commercial Industrial”.
 - f) That Council endorse for inclusion in the 2015/16 Operational Plan, the ‘Fit for the Future’ activity as expressed in this report.
- 3) A rate of interest of 8.5% accruing daily on rates and charges that remain unpaid after they become due and payable be now made for 2015/16 in accordance with Section 566 of the Local Government Act, 1993.
- 4) The Fees & Charges Schedule as proposed in Council’s Operational Plan for 2015/16 be adopted.

That Council make and levy a Domestic Waste Service Annual Charge for 2015/16 for services applying to OK Organics Kiama service collection zones (including a carbon tax credit for premises that paid for a service in 2014/15):

- a) \$643.08 for premises currently receiving this service or \$661.44 for new services after 1/7/2015 for a fortnightly garbage 240 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- b) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for a fortnightly garbage 140 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- c) \$464.95 for premises currently receiving this service or \$470.51 for new services after 1/7/2015 for a fortnightly garbage 80 litre bin, 240 litre weekly recycling bin, weekly garden waste/food organics 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
- d) \$54.50 for vacant land
- e) \$90 for additional 240 litre recycling bin serviced fortnightly
- f) \$90 for additional 240 litre garden waste/food organics bin serviced fortnightly
- g) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for special needs waste collection to upsize from

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

140 litre to a 240 litre bin

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 496 of the Local Government Act 1993.

- 5) That Council make and levy a Domestic Waste Service Annual Charge for 2015/16 for services applying to all other zones (including a carbon tax credit for premises that paid for a service in 2014/15):
- a) \$643.08 for premises currently receiving this service or \$661.44 for new services after 1/7/2015 for a garbage 240 litre bin, 240 litre fortnightly recycling bin, fortnightly garden waste 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - b) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for a garbage 140 litre bin, 240 litre fortnightly recycling bin, fortnightly garden waste 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - c) \$464.95 for premises currently receiving this service or \$470.51 for new services after 1/7/2015 for a garbage 80 litre bin, 240 litre fortnightly recycling bin, fortnightly garden waste 240 litre bin, one kerbside clean-up service and one household bulky waste drop-off.
 - d) \$54.50 for vacant land
 - e) \$90 for additional 240 litre recycling bin serviced fortnightly
 - f) \$90 for additional 240 litre garden waste/food organics bin serviced fortnightly
 - g) \$482.24 for premises currently receiving this service or \$492.94 for new services after 1/7/2015 for special needs waste collection to upsize from 140 litre to a 240 litre bin

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 496 of the Local Government Act 1993.

- 6) That Council make and levy a Commercial Waste Service Annual Charge for 2015/16 to apply to all residential premises located in Waste Zones not yet receiving the Organics Kiama collection service of:
- a) \$655 for a weekly 240 litre bin and a weekly 240 litre recycling bin
 - b) \$585.40 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 501 of the Local Government Act 1993.

- 7) That Council make and levy a Rural Waste Service Annual Charge for 2015/16 of \$372.02 for premises currently receiving a service and \$384.42 for new services as of 1/7/2015 for the provision of a fortnightly garbage, fortnightly recycling service using 240L bins and one household bulky waste drop off

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

(including a carbon tax credit for premises that paid for a service in 2014/15)

be now made for the period 1 July 2015 to 30 June 2016 in accordance with Section 501 of the Local Government Act 1993.

- 8) That Council make and levy a Domestic Waste Service Annual Charge for 2015/16 for services applying to Tourist Accommodation of:
 - a) \$627.98 for a weekly 240 litre bin and a fortnightly 240 litre recycling bin (suitable for a 3 bedroom tourist apartment/unit)
 - b) \$435.46 for a weekly 140 litre bin and a fortnightly 240 litre recycling bin (suitable for a 2 bedroom tourist apartment/unit)
 - c) \$413.87 for a weekly 80 litre bin and a fortnightly 240 litre recycling bin (suitable for a 1 bedroom tourist apartment/unit)
- 9) Council adopt a 2.4% rate increase for the 2015/16 year as approved by the Independent Pricing and Regulatory Tribunal.
- 10) The Mayoral Allowance for 2015/16 be \$24,030 and Councillor's fees be set at \$11,010 for 2015/16 as permitted by the Local Government Remuneration Tribunal.
- 11) All submission makers be advised of Council resolutions.

BACKGROUND

The Local Government Remuneration Tribunal has recently released its current determination under Section 241 of the Local Government Act 1993 in relation to fees for Councillors and Mayors from 1 July 2015.

Council is categorised under Rural and sets minimum and maximum fees payable:-

Councillor	Minimum	\$8,330
	Maximum	\$11,010
Mayor (additional fee)	Minimum	\$8,860
	Maximum	\$24,030

Councillors and the Mayor currently are being paid at the maximum set as at 1 July 2014 being:-

Councillor	\$10,740
Mayor (additional)	\$23,440

Council must now determine the fees payable for Councillors and the Mayor within the range of the minimum to maximum under the determination (See recommendation 11).

Should Council now adopt these maximum fees, which reflect a CPI increase over previous years, Councillor fees will increase by \$270 pa for each Councillor and the additional Mayoral fee by \$590 pa.

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

In accordance with Section 405 of the Local Government Act 1993, written submissions were invited on Council's Draft Integrated Plan which was placed on public exhibition from 1 May 2015 to 29 May 2015. The draft Plan was advertised in the Kiama Independent on 6 May, 13 May, 20 May and 27 May 2015.

The draft plans were placed on public exhibition at the following locations:

- Council's Administration Centre
- Council Libraries
- Community Centre
- Youth Centre
- North Kiama Neighbourhood Centre
- Gerroa Neighbourhood Centre
- Councils website

In addition to the newspaper advertisements and public exhibition locations, a copy of the draft Plan was forwarded to community groups and organisations including:

- South Precinct Group
- Minnamurra Progress Association
- Jamberoo Valley Ratepayers Association

A SUBMISSIONS FROM THE PUBLIC ON THE DRAFT INTEGRATED PLAN 2015/2016

Submissions closed on Monday 29 May 2015 at 4:00pm and ten (10) submissions were received.

1. Kiama District Sports Association

The Kiama District Sports Association has written to Council and requested that Council erect plaques at sporting venues within the Municipality which are named after prominent local identities.

The Director of Engineering and Works/Assistant General Manager has advised:

Councils practice in such cases has been to install a plaque on a basalt stone plinth at an appropriate location within the reserve area. Alternatively in certain cases plaques could be placed on buildings within the reserve. There are ten known sporting venues named after local sporting identities. The average cost of such an installation is estimated to be in the order of \$800. The Kiama Sports Association has advised that they would contribute \$4,000 to the project should it be endorsed and included by Council in the 2015/16 budget. The project is considered to have merit and would be a fitting tribute to those who have been named. Council could consider matching the \$4,000 contribution commitment by the Sports Association in order to complete the project.

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

2. Rose Hughes

Rose Hughes has written to Council to request enhanced lighting for the Kiama Terrace House area and for the construction of garden beds in basalt rock.

The Director of Engineering and Works/Assistant General Manager has advised:-

There are no funds in the current delivery program for the upgrade of the Kiama Terrace House precinct streetscape. The proposals for period themed footpath lighting and the development of landscaped bluestone gardens has merit however where Council has undertaken streetscape upgrades in the past it has been Councils practice to establish a working party to prepare concept designs and costs estimates and present the matter to Council for consideration. In addition any work in the proximity of the heritage cottages should be referred to a heritage advisor and the Heritage Council for approval. It is considered that this process should again be followed.

3. Minnamurra Public School P & C Association

Minnamurra Public School P & C Association has written to Council and attached a petition to consider modifications to pedestrian safety at the intersection of Charles and Eureka Avenues. They believe that safety improvements would benefit all the community.

The Director of Engineering and Works/Assistant General Manager has advised:-

The crossing point identified in the submission is across Eureka Avenue immediately east of the Railway overbridge. This crossing point is at the confluence of footpaths from North Kiama Dr, Oxley Ave and Eureka Ave, and is where school children and other pedestrians moving between Kiama Downs and Minnamurra in both directions are directed to cross.

The road at this point is approximately 8 metres wide from kerb to kerb with a reasonable site distance in all directions. Council has investigated the possibility of installing either a central median crossing point or constructing kerb extensions to reduce the width of road crossing for pedestrians however both options do not allow adequate turning paths for Buses and larger vehicles moving between Charles Ave and Oxley Ave.

The other option would be the installation of a marked pedestrian crossing. In order for this option to be supported certain benchmarks for pedestrian numbers and vehicle movements must be met. In this regard Council is currently conducting traffic and pedestrian counts.

To Councils knowledge there has been no incidents associated with pedestrian crossings at this point. In addition those walking along this route in either direction must also cross the intersections of Federal Street, Rangoon Rd and North Street. The walking distance from this intersection to the Minnamurra School is nearing 1km. Students up to year 2 students are entitled to a bus pass, however students from years 3 to 6 need to live 1.6Km from the school to be eligible for a bus pass. This includes the majority of children from the Kiama Downs area.

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

Further advice on the option of a pedestrian crossing will be reported to Council following the completion of the audit.

4. Antonia Fasolas and Terry & Sharon Wheeler

Antonia Fasolas and Terry and Sharon Wheeler have both written to council with a request to correct flooding problems on their properties at 63 and 65 Hillview Circuit.

They are asking Council to erect a barrier along the rear of their properties to stop flood water from the hill on the western side of the highway from entering their properties during extra heavy rainfall. It has happened twice in the last four years and taken away the lower section of their side and rear fence at number 63, a section of garden and traveled into the neighbouring property at number 65 through their pool and house. A new fence needs to be erected as they have very young grandchildren wandering around the yard and cannot be erected because of the flooding. They believe the work needs to be carried out before the next heavy rain period as they will be holding the Council liable for any future damage caused by flooding.

The Director of Engineering and Works/Assistant General Manager has advised:

Council has received submissions from residents at 63 & 65 Hillview Circuit regarding the need to upgrade the management of stormwater discharge at the rear of their properties. They have suffered flooding of their properties in recent years as a result of stormwater discharging from a rural catchment west of the Princes Highway.

The catchment is predominantly steep rural pasture, piped under the Princes Highway, then via an open grassed channel to a piped easement under part of number 65 Hillview Circuit.

The Hillview Circuit subdivision was released around 1973. It is assumed that at the time the provision of underground drainage was compliant with Australian Rainfall and Runoff standards applicable. The easement has been piped with a 900mm diameter pipe through to Hillview Circuit. Little has changed with the catchment since that time.

In recent times it is reported that stormwater flows exceed the capacity of the pipe, (under current standards approximately 1 in 1 year), resulting in some initial storage behind the embankment created at the rear of the properties, followed by overland flow through the properties once the storage capacity is reached. Number 65 Hillview Circuit has a house built on a slab at ground level and is the worst affected with water through parts of the residence whilst number 63 also has experienced water through their property.

Council has investigated a potential treatment to alleviate the problem. Adjacent to number 65 & 67 there is a public pathway running from Hillview Circuit to the Reserve at the rear. This provides the opportunity to potentially divert overland flow via an open grassed channel along the pathway to Hillview Circuit. The pathway is lined with some large trees which would need to be removed and particular care would have to be taken not to adversely impact

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

number 67 Hillview Circuit. The grades are also very flat, providing only minimal fall. A detailed design and estimate for this proposal has not been undertaken to date.

As previously explained the sizing of the stormwater drainage pipe was undertaken at the time of the subdivision and little else has changed to increase the discharge from the catchment. In addition the catchment is predominantly privately owned rural land and does not collect public drainage. Accordingly Council needs to consider if it has a liability, either legal or moral, to carry out remedial works. In this regard Council is currently seeking advice from its Insurers legal advisors.

There is likely to be numerous similar examples of older drainage systems designed to meet the standards of the time which no longer meet current standards and cause flooding issues.

5. Jamberoo Combined Sporting Clubs Incorporated

Greg Walsh, the chairman of the Jamberoo Combined Sporting Clubs Inc, has written to council with concerns regarding the reduction in funding available for the Kevin Walsh Oval Amenities Block renewal from \$849,000 to \$450,000.

They argue that the reduction in the funding will no doubt cause angst and disappointment amongst all interest groups in Jamberoo. It would be prudent to readdress the matter at a further meeting with all interest groups.

Jamberoo Combined Sporting Clubs Inc. would be pleased to assist in any way required to make this project a reality. However the executive is of the opinion that the facility should be suitable for the ongoing sporting and recreational requirements of the town for the next few decades and beyond, and that it should address the needs of all people who use and enjoy the area.

The Director of Engineering and Works/Assistant General Manager has advised:-

Council has engaged an architect and quantity surveyor to carry out preliminary cost estimates for a range of concept designs. Council has also given an indication that its preferred option is to upgrade and extend the existing facility in its current location. The cost estimates for these concept designs are in the order of \$460,000 to \$490,000. Detailed estimates will not be possible until a firmer detailed plan is developed.

Council has also established a Working Party of local representatives, architect, staff and Councillor representatives to develop a detailed plan and estimate for submission to Council and subsequent public exhibition. \$450,000 has been provided in the draft budget for this project. Any variation to the budget resulting from the above process would need to be formally considered by Council at the time.

6. Jamberoo Residents and Ratepayers Association

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

Vic East has written to Council as Secretary of Jamberoo Residents and Ratepayers Association. He has asked Council to consider underground power as part of the Jamberoo Streetscape (CBD Upgrade) of \$150,000 included in the 2015/16 estimates.

The Director of Engineering and Works/Assistant General Manager has advised:-

The provision of underground power is not a part of the scope of works for the Jamberoo CBD upgrade. The \$300,000 allocation over the 2014/15 and the 2015/16 Draft budget is fully committed to implementation of the plan endorsed by Council. This plan was developed with the assistance of a Working Party of local stakeholders and was placed on public exhibition for comment. It includes the provision of Traffic calming thresholds, a marked pedestrian crossing, footpath paving, street furniture, street trees and landscaped gardens. Whilst it would be ideal to install underground power during the installation of footpath paving the cost of undergrounding the power cannot be accommodated in the draft budget allocation.

Allowrie Street has both high voltage and low voltage overhead power lines and whilst there are no estimates at this point in time the costs of undergrounding would be considerable. The installation of conduit in areas where the footpaths are to be disturbed in readiness for undergrounding in the future has also been considered, however the provision of conduit would need to meet the Energy providers specification, including the separation of low and high voltage assets. It would also require the installation of conduits for future connection to private properties. Unfortunately these costs will also be considerable and beyond the current budget allocation.

7. Dog Off-leash areas

A recommendation has been put forward from the Companion Animals Management Advisory Committee meeting of 26 May 2015.

The committee have requested that funding be considered as part of the 2015-16 budget for additional staff to be employed during the school holiday periods to undertake education and enforcement action by an authorized officer in all dog off-leash areas.

The Director Environmental Services has advised:-

For Council to provide additional staff and vehicle resources consisting of 4 hours per day (28 hours per week) to undertake educational and enforcement in all dog off-leash areas during the 6 weeks holiday periods throughout the year will cost approximately \$5,880. \$1,500 will also be required to cover additional expenditure for signs and production of educational material. The companion animals budget will need to be increased by \$7,380 to cover these costs.

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

8. Kiama Tourism

Kiama Tourism has written to Council to consider providing additional funding for the amount of \$50,000 in relation to your 2015/16 Draft Operational Plan. Kiama Tourism is currently finalising its 2015/16 budget and believes that unless they are able to obtain additional annual funding whilst not incurring any major increases in operating expenses, it would be expected that Kiama Tourism would run at a loss of \$50K for the 2015/16 financial year.

This is a matter for Council's determination.

9. Kiama Arts Society

Kiama Arts Society has written to Council requesting an increase in sponsorship for the 2016 Annual Art Exhibition from \$1,600 to \$1,900.

The Director Community Services has advised:-

Council has historically sponsored the Kiama Art Society annual exhibition, both through direct prize sponsorship and previously by also purchasing a piece of artwork. Originally the budget allocation was determined on an annual basis and the purchase price of the painting chosen varied from year to year. In 2005 it was \$850 and in 2006 it was \$1,600. In 2005 the Art Collection Policy was adopted with the aim of providing guidance around the purchasing of artwork for Council. In 2005 the amount of prize money donated was \$1,100 for three prizes, while by 2010 this had increased to \$1,600. Currently Council sponsors the following prizes:

\$1,000 – 2nd Place Overall Exhibit

\$300 – 1st Place Traditional

\$300 – 1st Place Contemporary Abstract

Between approximately 2007 and 2010 the amount provided became standardized at \$2,000, comprising \$1,600 for prize sponsorship and \$400 for an art purchase. Following the 2010 exhibition an opportunity was presented to Council to purchase a painting from a local artist, not via the annual exhibition, and special funds were made available as nothing was allocated for this purpose. As a result the Art Acquisition Fund was established and since the 2011/12 budget, funding for the Art Society was reduced to the \$1,600 in prize money and \$400 put into the new fund. This was agreed to at the time by the Art Society.

Council may now wish to increase the prize sponsorship by an additional \$300 as requested.

10. International Surfing Association - World Kneeboard Championships

The International Surfing Association has written to Council to consider funding assistance of up to \$8,000 to assist with the running costs of a World Kneeboard Championships event being held in Kiama from 13 September to 20

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

September 2015. They believe this event will showcase the Kiama region to an entirely new audience from overseas and interstate, and it allows them to reciprocate the warm welcomes we have received in other parts of the world. The Kiama region has been chosen due to its pristine surf beaches, vibrant tourism culture, restaurants, shopping and safety for guests. The benefits to local business will be spread across the board as there are a number of activities planned for the week, including barefoot bowls at the Kiama Bowling Club, a Winery tour to the Crooked River Winery, and Offshore fishing with Kiama Fishing Charters. These are planned to bring all the teams together. Locals are invited, and welcomed to all these events to meet and mix with all the visitors. These activities are in addition to all the accommodation, meals, shopping, fuel, and other Tourism opportunities. It should be noted that at the Ordinary Meeting held on 18 November 2014 Council resolved to provide two cabins at the Kiama Harbour Cabins for seven days for the use of international judges and officials and to also waive any reserve hire and garbage collection fees.

The Director of Corporate and Commercial Services advised:

The event will have a beneficial impact on the local economy. The organisers are committed to facilitating a program of local activities, some of which are detailed above. The economic impact of the event based on 125 competitors and a conservative estimate of an additional 125 friends, relatives and officials, plus an allowance for 100 day visitors attracted to watch through the week, results in an estimated direct spend of \$288,000 and when considered with the flow on effect, creates the full time equivalent of one additional job. To emphasise the conservative nature of this one week analysis, the Tahitian team has a confirmed booking for two cabins at Kiama Harbour Cabins for 15 nights.

B OTHER CONSIDERATIONS FOR THE DRAFT OPERATIONAL PLAN 2015/2016

1. Continental Pool

Councillor Seage has asked that Council include the complete cleaning and required rejuvenation of the Continental Pool in the draft budget. He believes the pool is in very poor condition to the point that it repels swimmers other than those who use it constantly. An upgrade is believed to attract more swimmers to the area and will also compliment the Kiama Harbour/Foreshore upgrade.

The Director of Engineering and Works/Assistant General Manager has advised:

Staff have attempted to develop estimates for a range of improvements to the pool with the assistance of contractors and a concrete supply company who have provided unit rates for materials including shotcrete for wall lining and concrete additives for marine conditions. The estimates are considered to be "ball park" figures only, having regard to the lack of any design or specification.

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

Other factors affecting the certainty of the estimated cost of improvements include:

- The difficulty in determining the extent of concrete spalling on the pool walls
- The difficulty in determining the quantity of concrete required for the pool floor having regard to the presence of both deep holes and high points without an accurate survey of the floor
- The cost associated with working in a tidal environment
- The cost associated with environmental reports, controls and approvals.

Allowances for these factors have been made however the degree of certainty is considered to be low.

The estimates have been separated into various components as follows:

1. Widening of pool entry ramp for machine access	\$15,000
2. Empty and Clean Walls and Floor, including removal of rock and gravel and pressure clean	\$6,500
3. Treatment of Concrete Spalling, including chasing out rusted reinforcement and damaged sections of concrete walls @ \$500/m ²	\$40,000
4. Shotcrete walls internally and externally	\$245,000
5. Concrete floor @ average depth of 150mm	\$195,000
6. Painting Walls and floor	\$40,000
7. Environmental, reports, approvals and controls	\$15,000
Total	<u>\$556,500</u>

Notes:

- Concrete spalling has not deteriorated to an extent which requires treatment at present however would need to be completed before applying a new shotcrete surface to the walls.
- The current internal wall surfaces are in a relatively good condition.
- By comparison the original contract figure for the upgrade of the Austinmer pool which included, repair of leaks, recapping/replacement of walls and renewal of handrails and other fixtures was \$499,405 excluding GST. It is understood that this cost may have increased significantly.

Council could consider allocating funds in the draft budget for the preparation of a design and specification which would enable an accurate estimate to be obtained for Councils consideration. An estimated figure for design, specification and quantity surveyor estimate is \$25,000.

2. South Bombo Beach Bubbler and Shower

Councillor Way has asked that Council include a Bubbler and Shower at South Bombo Beach in the 2015/16 budget.

With no water available at South Bombo beach, the provision of hydration for all users is essential. The provision of such a service (Bubbler & Shower) is therefore mandatory to maintain a healthy, active lifestyle for residents and tourists using this area of South Bombo beach and Walk/Cycleway.

The location of the "Water Station" on access route to Kiama will be a link in the chain of Walking/Cycling paths. The South end of Bombo is also identified as a Council Dog Off leash area and accordingly attracts residents and their dogs. That section of Bombo beach also attracts a lot of surfers, walkers and runners who exercise there regularly and accordingly should be able to hydrate in the course of maintaining healthy lifestyles.

The cost estimate to supply and install the Bubbler & Shower provided by the Director of Engineering and Works/Assistant General Manager is \$11,150.

3. Gipps Street Kiama Guard Rail Protection Posts

Councillor Way has asked that Council include Guard Rail Protection Posts on Gipps Street Kiama in the 2015/16 budget.

A guard rail protection device is required to protect cyclists from the back of existing guard rails. The guard rail at Gipps St Kiama has been identified as the high priority guard rail to fix one of these devices, as it is on the main cycleway to/from the northern entrance to Kiama. The Walking Tracks & Cycleways Committee has identified the need to provide a protective measure for cyclists where guardrail is present. The rear side of guardrail posts which face the cycleway presents a hazard. Until recently there has been no approved device for shielding the back of the guardrail posts, however, a new fitted steel section which attaches to the guardrail has now been developed and approved for this purpose. It was recently used by Council in the Swamp Road Cycleway.

The Director of Engineering and Works/Assistant General Manager has estimated the cost of installation of this guard rail based on recent works to be \$26,500. Council may be able to request a grant to fit this device.

4. Conservation Management Plan Bombo Headland Quarry

The Director of Engineering and Works/Assistant General Manager and the Bombo Headland Committee has requested a Conservation Management Plan be developed for the Bombo Headland Quarry.

At Councils February 2015 meeting a report on the cost, feasibility, safety issues and consent requirements associated with constructing a viewing platform and stairs at the northern face of the Bombo Headland Quarry was requested. The Bombo Headland Quarry is a Heritage Listed site with geological significance owned by the Department of Planning. Council has a trustee role similar to that which it has with Crown Land. Due to the heritage nature of the site the consent of the Heritage Council is required for any works within the Bombo Headland Quarry area. A Conservation Management Plan

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

should be developed, identifying how the site will be managed having regard to its heritage and geological significance. The plan would include any works or infrastructure proposed to be undertaken. Following approval of the Conservation Management Plan, implementation of the works identified therein could be undertaken. The cost, feasibility and safety issues would be addressed during the preparation of the plan. Therefore should Council wish to proceed with further development of the site the initial step would be the preparation of the Conservation Management Plan. This would require the engagement of a consultant with the necessary expertise in the field.

The Director of Engineering and Works/Assistant General Manager has estimated the cost for the preparation of the plan, based on previous engagements, would be \$25,000. A grant may be able to be provided by the Office of Environment & Heritage, otherwise funding would need to be provided by Council.

5. Gerringong Public School – Pedestrian Safety Project

The Director of Engineering and Works/Assistant General Manager has requested improved pedestrian safety at the Greta Street pedestrian crossing point by the installation of additional signage, linemarking, fencing and traffic islands.

The proposed works are required to improve pedestrian safety for school children at this location. The issue of the safety of the existing crossing point was raised by a school parent and subsequently investigated by both Council officers and the Safety around Schools Officer of the Roads & Maritime Services. A design was subsequently prepared and endorsed by the Local Traffic Committee.

Council has lodged an application with the RMS under the Safety around Schools Program for \$5,000. The total project cost is estimated at \$10,000. Council will be required to meet the \$5,000 balance from revenue funds if the grant is successful

6. Kiama Tourist Information Centre – Rainwater entry to access doorway

Kiama Tourism has been discussing with Council staff problems being experienced with rainwater entry through the access doorway located on the southern side of the Tourist Information Centre. During heavy rainfall events water is entering the building under the automatic doors resulting in considerable inconvenience to visitors and staff.

Kiama Tourism has received quotations for the installation of shutters to address the problem at a cost of between \$2,000 and \$3,000. However both the installers and Council's Engineering staff have expressed concerns that this will not be affective in eliminating water ingress due to the inability to provide a proper seal at floor level and around the perimeter of the shutters. An alternative solution of a glassed airlock has been proposed by Council staff. This would both address the entry of water and wind issues currently experienced at the entry doors. The cost of these works has been estimated at \$11,000. There are no funds allocated in the current or draft budget to enable these works to be undertaken and it is considered that something should be

Report of the General Manager

10.1 Draft Operational Plan 2015/2016 (cont)

done to address amenity and potential safety concerns related to slip and fall incidents and ongoing water damage.

7. Fit for the Future – Operational Plan 2015/16

In addition to the submissions received from the community and other interest groups, Council is also required to consider and adopt the proposed activities within the draft Operational Plan. With respect to the NSW Government's reform of the local government sector, the 'Fit for the Future' program has required Council to submit to the Government an Improvement Plan that clearly articulates the strategies and processes proposed to be adopted over the next twelve months and throughout the next Delivery Program period. Council has completed a draft submission which will be submitted once Council resolves to adopt the proposal in the June Council meeting.

Specific activities proposed to be undertaken as part of Council's Fit for the Future Improvement Plan have not been included in the draft 2015/16 Operational Plan. However the inclusion of a generic activity under the responsibility of the General Manager that assigns responsibility for 'actioning the recommendations identified within Council's Improvement Plan' would be an important first step to ensure Council initiates the process.

It's proposed to include under:-

CSP Strategy 4.1 – Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

DP Action 4.1.1 – Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity and the following Operational Plan Activity:-

4.1.1.2 – On declaration from the NSW Government that Council is deemed 'fit', Council prioritises, resources and commences the activities identified within Council's Fit for the Future Improvement Plan.



KIAMA DISTRICT SPORTS ASSOCIATION
PO Box 87, JAMBEROO NSW 2533

7 April 2015

Bryan Whittaker
Director Engineering and Works
Kiama Municipal Council
PO Box 75
Kiama 2533

Re Plaques For Sporting Venues

Dear Bryan,

We write in response to your correspondence dated 16 January 2015.

We are pleased that Council considers our proposal to have merit and it is something that Council may wish to consider. At our general meeting on Monday 30 March 2015 Affiliates agreed that the KDSA would contribute \$4,000.00 towards this project commensurate to its approval and inclusion in Council's 2015/16 budget.

We look forward to a positive response in the near future.

Yours in sport,

Craig Scott
SECRETARY
Kiama District Sports Association

From: kroo t-shirts <krootees@shoal.net.au>
Sent: Friday, 20 February 2015 10:09 AM
To: Megan Hutchison
Subject: Kiama Terrace Houses' submission for improvement
Attachments: Kiama Terrace House Garden Proposal 2015.jpg; Light Post.jpg

Hello Megan,

Thank you for your reply. I have had a detailed look at the area in and around the Kiama terrace house precinct... and based on previous discussions with the other owners and tenants, I/we would like to submit the following proposal for submission to Kiama Council's budget allocation:

With the recent repaint of the terrace houses it has become evident that the cottages epitomise Kiama's working class foundations. This is a wonderful opportunity to bring back much needed life to the entire precinct that is currently experiencing a resurgence in development and interest. With a little bit of planning I/we believe that we can further enhance, and improve safety of the entire Kiama terrace house area for everyone. Currently, the cobblestone footpath that runs the length of the terrace houses relies solely on the ambient lighting from each individual cottage. This poor lighting creates a myriad of shadows, given that there are two restaurants open at night, this makes the entire pedestrian access very dangerous and also unwelcoming in comparison to other surrounding commercial areas of the Kiama township.

I have attached two images that support this proposal: firstly is the suggested period correct light poles that will give a clear picture, both at night and daytime what period the terrace houses belong to. Secondly, I have attached a suggested garden plan that not only blends with the existing gardens in Kiama, but would also reduce Kiama Council's labour in maintaining the area by removing the lawn under the Jacaranda trees.

The construction of these garden beds in basalt rock will link nicely to the cottages given that they were created to house the basalt quarry men and their families in the first place, and also of special note is the foundation piers of these cottages are also constructed of basalt.

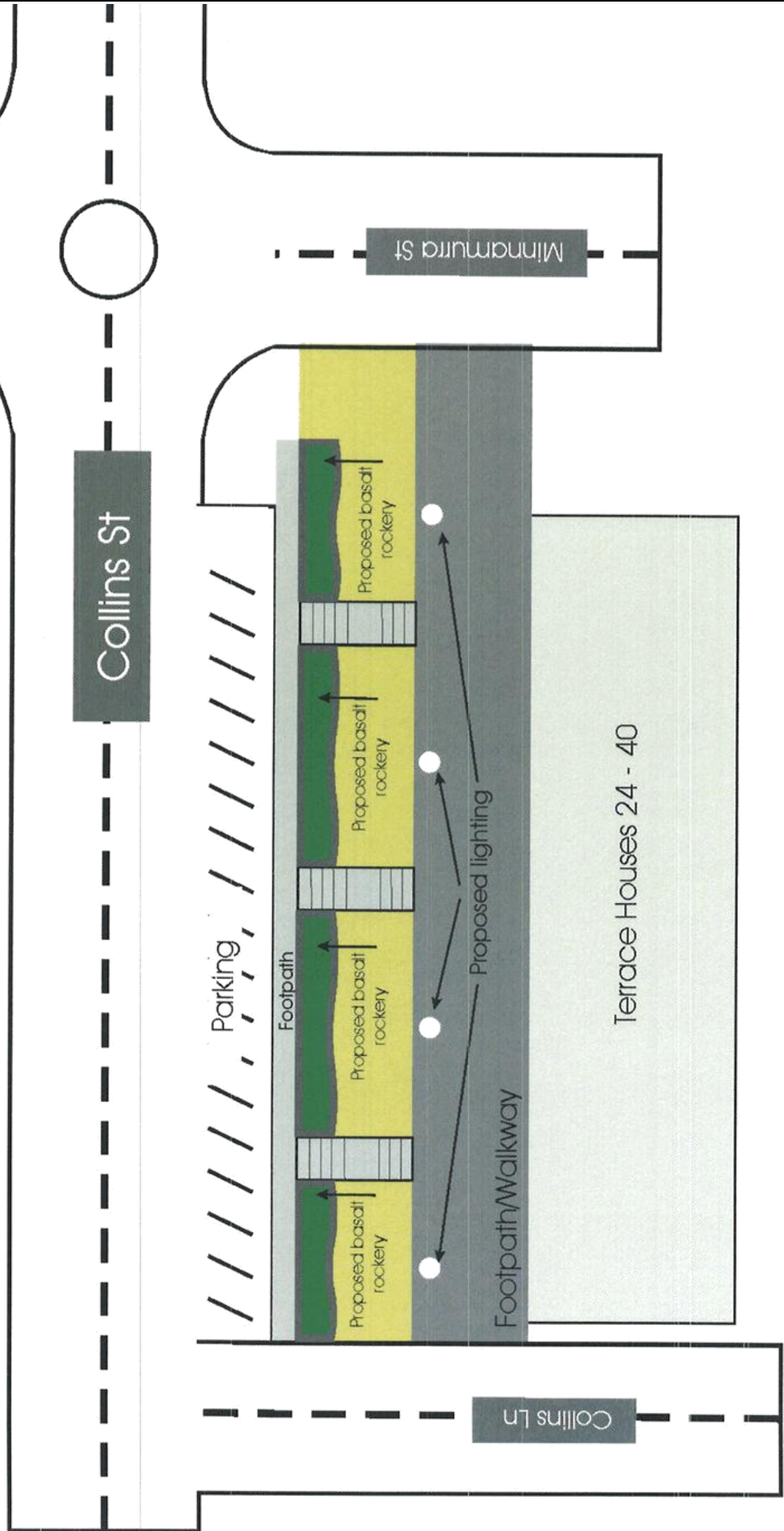
I would very much like to discuss onsite with the council's engineers and planners the possible suggestions that I've put forward. I look forward to discussing this matter further and if you have any questions please contact me.

Kind regards,

Rose Hughes
02 4232 2187

Proposed beautification of Collins Street Terrace House Precinct

- Retain existing Trees.
- Remove existing shrubs and replace with basalt block retaining wall (two blocks high on pathway side)
- Cottage garden to match existing Lion's club garden near railway tunnel
- Install lighting along existing retaining wall





Item 10.1

Attachment 2



MINNAMURRA Public School P & C Association

ABN 49 531 434 112

Minnamurra Public School P & C Association

85 Charles Avenue

MINNAMURRA NSW 2533

6/05/2015

The General Manager
Kiama Municipal Council
PO Box 75
Kiama 2533

Dear Mr Forsyth

On behalf of the P&C Association of Minnamurra School I would like to thank Kiama Council for considering modifications to pedestrian safety at the intersection of Charles and Eureka Avenues.

This morning I met with council officers and a RMS representative to discuss possible safety improvements and we witnessed how many children cross this busy and dangerous intersection to get to school.

The P&C ask that the council allocate funding in the 2015/2016 financial year to carry out improvements. We are aware that the draft operational plan for 2015/16 is available for public review and request that additional funds are included to improve safety at this intersection.

While this intersection is a concern to the school community, we believe that safety improvements would benefit all the community as it would improve access to the Kiama Golf Club and North Kiama Drive.

We hope that the request for funds in the 2015/2016 FY is considered favourably as we believe the safety needs to be improved as soon as possible to avoid a child being involved in an accident.

Thanks once again for your consideration of this matter.

Yours sincerely

Andrew Jeffrey
President – Minnamurra Public School P&C Association

President: Andrew Jeffrey	Ph: 0455 468 866	e: ajeffrey@me.com
Secretary: Kerry Davids	Ph: 0414 563 642	e: kerry@activebilling.com.au
Treasurer: Cathy Grosse-Jones	Ph: 0417 057 156	e: cath@activebilling.com.au

24 May 2015

Antonia Fasolas
65 Hillview Cct
Kiama

Kiama Municipal Council
11 Manning Street,
Kiama

Dear Sirs,

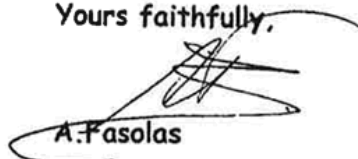
Re: Flooding in the lower corner of our property

I am writing to the Council to request to erect a barrier along the rear of our property and the neighbour's property No 63 , in order to stop flood water from the hill on the western side of the highway from entering our property during heavy excessive rain fall.

This has happened twice the water travelled into our property through the pool and into the house. Having endured the catastrophe of the floods twice within three (3) years which destroyed garden furniture, carpets.

I would like to see the work to be done before the next heavy rain periods as this time I will be holding the Council liable for any future damages to our property caused by the flooding.

Yours faithfully,



A.Fasolas

From: Terry [<mailto:wheels55@optusnet.com.au>]
Sent: Wednesday, 20 May 2015 3:36 PM
To: Creditors
Subject: Request for a retaining wall

20 May, 2015

Terry & Sharon Wheeler
63 Hillview Circuit
Kiama.
Ph. 0412420166

Kiama Council
11 Manning St.
Kiama.

Subject; Flooding in the lower-rear corner of our property.

To Whom It May Concern:

I am writing to the Council to ask them to erect a barrier along the rear of ours and the neighboring property at No. 65, to stop flood water from the hill on the western side of the highway from entering our property during extra heavy rainfall. It has happened twice in the last four years and taken away the lower section of our side and rear fence, a section of our garden and traveled into the neighboring property through her pool and house. A new fence needs to be erected as we have very young grandchildren wandering around the yard and cannot be erected because of the flooding.

This work needs to be carried out before the next heavy rain period as I will be holding the Council liable for any future damage caused by flooding.

Yours faithfully,
T & S Wheeler.

From: Greg Walsh [<mailto:GWalsh@gwainsurance.com.au>]
Sent: Tuesday, 12 May 2015 11:21 AM
To: Bryan Whittaker
Cc: vboxsell@bigpond.com
Subject: Kevin Walsh Oval Ammenities Block

Hi Bryan

Thanks for your time yesterday to enable discussion on this issue. I confirm having spoken to Geoff Boxsell, Chairman of Jamberoo Residents & Ratepayers Association this morning. We would like to submit the following points for consideration by Council before a final decision on the project is made:

- The number of people playing sport in Jamberoo, plus the additional visitors that use the precinct for recreational purposes generally.
 - At the annual meeting of the Jamberoo Combined Sporting Clubs Incorporated it was estimated that up to 2500 people are using the sporting facilities in Jamberoo. The facilities are used all year round, particularly for touch football as the club has hundreds of participants in both their winter and summer competitions.
 - Groups of intellectually and physically disabled people and their carers regularly use the park area as it is easily accessible and flat, however the amenities are not adequate for their needs.
- The projected increase in the Jamberoo population in coming years will further extend the demand for sporting and recreational facilities. The remodelling of the precinct may be an adequate short term solution, however it will create long term problems.
- The Jamberoo sporting, community and business groups were advised several weeks ago by senior council staff that an amount exceeding \$800,000 was available in this years budget for a new amenities block in Jamberoo. Naturally the sporting, community and business groups were excited by this prospect and began planning accordingly to provide input into what they would like to see take place in the town/precinct. The reduction in the funding will no doubt cause angst and disappointment amongst all interest groups in Jamberoo. It would be prudent to readdress the matter

at a further meeting with all interest groups. This meeting would need to be well structured with clear guidelines issued prior to the meeting.

Jamberoo Combined Sporting Clubs Inc. would be pleased to assist in any way required to make this project a reality. However our executive is of the opinion that the facility should be suitable for the ongoing sporting and recreational requirements of the town for the next few decades and beyond, and that it should address the needs of all people who use and enjoy the area.

Happy to discuss further with you.

Regards, Greg.

Greg Walsh
Chairman
Jamberoo Combined Sporting Clubs Incorporated
m: 0408 117 731

JAMEROO RESIDENTS & RATEPAYERS ASSOCIATION
Sec. Vic East, 16 Tate Place, Jamberoo NSW 2533 Ph. 42360525

11th May 2015
Michael Forsyth,
General Manager,
Kiama Council,
PO Box 75,
Kiama. NSW 2533

Dear Michael,

UNDERGROUND POWER – JAMBEROO STREETSCAPE

We refer to your letter of 10th April Ref BW:JFH – SC895, 15/24366.

Thank you for your advices and we hope Council will consider including this in next year's budget. We will also be contacting Integral and Endeavour Energy in this matter.


VIC EAST
Hon. Secretary.

Recommendations from the Companion Animals Management Advisory Committee

The Companion Animals Management Advisory Committee resolved and recommended to Council that the Jones Beach off-leash swimming area continue to operate subject to the following:

- (a) The development and implementation of additional community education programs that incorporate requirements relating to the control of barking dogs, keeping dogs under effective control at all times, picking up dog faeces, prohibited areas such as the southern rock shelf, dune areas and the 10 metre exclusion zone around playgrounds, the 'Stand right avoid a bite' program and other general conditions of use of the off-leash area. The education program should target existing residents, tourists and new residents.
- (b) The conditions of use be amended to make it a prohibitive activity to allow dogs to consistently bark and cause a nuisance, and to allow dogs to be unattended at any time.
- (c) Additional permanent and temporary signage be designed and installed specific to address barking dog issues, picking up dog faeces, unattended dogs, and prohibited areas such as the southern rock shelf, dune areas and the 10 metre exclusion zone around playgrounds.
- (d) The installation of additional dog bag dispensers and/or bins in designated areas including at the access to the dog off-leash area.
- (e) The establishment of the volunteer community champion program involving users of the off-leash area
- (f) Funding to be considered as part of the 2015-16 budget for additional staff to be employed during the school holiday periods to undertake education and enforcement action in all dog off-leash areas.

15/36273



Friday, 29 May 2015

Mr Michael Forsyth
General Manager
Kiama Municipal Council

Dear Michael,

The Board of Kiama Tourism is writing to you to please consider providing additional funding for the amount of \$50,000 in relation to your 2015/16 Draft Operational Plan.

Since the recent funding cuts of \$160,000 Kiama Tourism has been under considerable financial strain and as outlined in the Kiama Council/Kiama Tourism Memorandum of Understanding (MOU), are still required to maintain the same level of customer service at the Visitor Information Centre, along with producing the Visitors Guide, Bookeasy online booking system and providing Member Services. Operational costs to do so are by far exceeding the \$5,000 currently funded through the differential levy by council each month. The only other income streams to Kiama Tourism are via accommodation commissions, membership and souvenir sales

As you are aware, Kiama Tourism is also currently finalising the 2015/16 budget and unless we are able to obtain additional annual funding whilst not incurring any major increases in operating expenses, it would be expected that Kiama Tourism would run at a loss of \$50K for the 2015/16 financial year.

We have put procedures in place to try to increase our income through new memberships, souvenir sales and accommodation commissions. During the last six months we have undertaken a review of our merchandise requirements, stock levels, product costs and quality and gross profit margins as well as our retail store layout. All of these things are aimed at increasing overall business profitability. Whilst we are endeavouring to increase our accommodation commissions, this has become problematic due to the closure of several accommodation providers within the Kiama LGA, which has resulted in a reduction of accommodation commissions. We hope to rectify this with attracting new accommodation members moving forward.

When looking at our expenses, we have carefully considered all budget line items at the executive, board and management levels, making reductions where we thought it appropriate and without affecting the Visitor Centre service levels.

Our overall income source is significantly reduced throughout the winter months, however our operational expenses remain static with the exception of wages, which reduce from the peak summer period.

Kiama Tourism in agreeance with Kiama Council spent in excess of \$70,000 on a refurbishment of the Visitor Information Centre approximately twelve months prior to Council's decision to restructure Tourism in Kiama. This refurbishment greatly diminished our reserve funds and major capital expenditure to that extent would never have been considered, if Kiama Tourism had been made aware of any future reductions in Council funding.

Kiama Tourism remains committed to providing excellent customer service to the 100,000+ visitors we welcome through our doors each year, as well as maintaining the level of services we offer to our 200+ members. Kiama Visitors Information Centre is currently ranked in the top 3 for visitation in NSW, which is an outstanding achievement from our dedicated team of full-time, casual and volunteer staff, considering the limited finances available to operate the centre.

We seek your support to ensure that we can continue to maintain the high level of service we proudly provide to local operators and visitors to the Kiama LGA.

We would welcome the opportunity to discuss this matter in further detail and thank you in advance for your consideration and look forward to a positive outcome.

Yours Faithfully,

Jamie Warren
Chairman
On behalf of the Board of Kiama Tourism

CC: Mayor Brian Petschler



Patron : Elaine Chew
 President Judy White 42377867
 Vice-President: Helen Pain
 Secretary: Robyn McMillan 42378054
 Treasurer: Ray Teasdale 42616647

Kiama Art Society Inc
 PO Box 707
 www.kiamaart.org.

Date Recd

- 5 MAY 2015

Kiama Municipality

May 6th 2015

To Michael Forsythe,
 General Manager

Dear Michael,

Preparations are now underway for the 2016 Annual exhibition and I would like to put forward a request to Council as to whether they would consider increasing the prize money by sponsoring 1st prize in the Portrait Section.(\$300). This would be a total of \$1900.

We endeavour to maintain this event for the 100 local artists in the community and the patronage of artists throughout NSW who participate in the exhibition. We now have 254 Members in Kiama Art Society.

I appreciate your consideration this matter.

Yours Sincerely

Judy White (KAS> President / Convenor)

*To accompany original letter - if accepted
 I can forward another one. Judy.*



Patron : Elaine Chew
 President Judy White 42377867
 Vice-President: Helen Pain
 Secretary: Robyn McMillan 42378054
 Treasurer: Ray Teasdale 42616647

Kiama Art Society Inc
 PO Box 707
 Kiama NSW 2533
 Date Received: - 5 MAY 2015 www.kiamaart.org.

Kiama Municipal Council 10/4/2015

Mayor Brian Petschler
 Kiama Municipal Council
 Kiama NSW 2533

Re ; KIAMA ART SOCIETY INC. ANNUAL EXHIBITION SPONSORSHIP

Dear Mayor Petschler, Council Members, Mr Michael Forsythe.

Our sincere thanks to Kiama Municipal Council for the support throughout the Art Exhibition last year. The event proved very successful and well attended . 980 Visitors and 164 artists entered attracting artists from Sydney ,Central Coast . The Art Society to date has 240 members. We are very grateful and appreciate the value of your sponsorship of this annual community event.

The exhibition will be held 29th August - 6th September 2015.

Opening night Friday 28th August.

Preparation is underway for the 2015 Exhibition and ask your consideration to again sponsor:

2nd Place Overall Exhibit	\$ 1,000.00
1st Place Traditional	\$ 300.00
1st Place Contemporary Abstract	\$ 300.00

- The Kiama Council name & logo attached to advertising and publicity of the event , both pre- and post - event.
- The Kiama Council name and logo on Kiama Art Society website.
- The Kiama Council name and logo on official posters for event, and Certificates awarded to winning Artists.
- The Kiama Council name and logo in Exhibition Catalogue.
- The Kiama Council name and logo on list of sponsors displayed during the exhibition and in the Coach House venue of Kiama Art Society.

If our request is accepted an invoice will be forwarded July 1st.

Yours sincerely,

Judy White, (Convenor KAS exhibition) justjude45@gmail.com
 Kiama Art Society Inc.



3/6/15

The General Manager
Kiama Municipal Council

Attn. Chris Quigley

Submission for Council Funding Support for 2015 ISA World Kneebord Championships.

Kiama September 13th to 20th

These titles are held every 2 years at different venues around the world. Recent events have been at Papara in Tahiti, Phillip Island Australia, Taranaki New Zealand, Santa Cruz California, and Jeffreys bay in South Africa. So as you can see it adds Kiama to a very elite list.

The event is fully sanctioned by the International Surfing Association, Surfing's governing world body, and produces World Champions in a number of divisions. As well as the Open World Champion, there are age divisions which start at under 14's and continue right through the ages up to the over 64's. There is also a women's division and a World team's title between all the competing countries. Competing nations are Australia, New Zealand, United States, Tahiti, Venezuela, Spain, Japan, France, Brazil, Ireland, Reunion Island and South Africa.

The event will run for a week and it begins with a traditional "welcome to country" and cultural display on 13th September at the Kiama Pavilion, along with speeches from dignitaries and Surfing representatives on the afternoon prior to the commencement of surfing, and culminates with a presentation evening and prize giving ceremony the following weekend 20th September at Kiama Leagues Club.

This event will showcase the Kiama region to an entirely new audience from overseas and interstate, and it allows us to reciprocate the warm welcomes we have received in other parts of the world.

The Kiama region has been chosen due to its pristine surf beaches, vibrant tourism culture, restaurants, shopping and safety for guests.

This will mean that Kiama will play host to approximately 125 surfers, along with officials, family and friends. Up to 300 people will be in the region for the week of the event, with some staying up to 2 weeks to take in the highlights of the area. Over half of these people will be from overseas or interstate, along with a large number of Northern NSW entrants as well.

EVENT DIRECTOR JIM BROWN
Mobile +61438 360 166
Email piglets@waterfront.net.au
www.worldkneebordtitles.com





The benefits to local business will be spread across the board as there are a number of activities planned for the week, including barefoot bowls at the Kiama Bowling Club, a Winery tour to the Crooked River Winery, and Offshore fishing with Kiama Fishing Charters. These are planned to bring all the teams together. Locals are invited, and welcomed to all these events to meet and mix with all the visitors. These activities are in addition to all the accommodation, meals, shopping, fuel, and other Tourism opportunities.

The nature of these events is that the age demographic covers the whole range with young, older and even families, sons and daughters competing. It creates a festival feel to the event. The under14's (micrograms) are a non-competitive division which will receive tutoring in water skills and surfing by a number of World Champions during the week. They will be recognised with awards as part of the World Titles. Then we progress through a number of age divisions, finishing with the Immortals, the over 64's.

The event is being managed and run by Kneecore Surf International, Kneecore Surf Australia, and the member clubs. These are all Amateur organisations administering the sport through volunteers. We receive no government funding or sponsorship. It is run by people who love the sport in its purest form.

As per our Sanctioning agreement with the ISA, we will be using a fully paid and qualified panel of international judges and officials, with judges coming from NSW and Victoria, New Zealand and Tahiti, and the event will be run under Surfing Australia guidelines.

Contest Director for 7 days
 Head Judge for 7 days
 Hire of Computerised Judging System plus computer operator for 7 days
 6 fully qualified judges for 7 days
 (all above as per our ISA Sanction Agreement) 413,000

ISA Sanction fee	\$2,000
Trophies for all age divisions and teams event,	\$2,500
Opening ceremony and welcome to country	\$2,000
Presentation and prize giving	\$1,500
Printing of contest rash vests	\$800
Public Liability insurance	\$400
Banner Printing	\$1,000
Total cost of event	\$23,200

EVENT DIRECTOR JIM BROWN
 Mobile +61438 360 166
 Email piglets@waterfront.net.au
www.worldkneecoretitles.com





Our volunteers and clubs have been hard at work fundraising and generating sponsorship for the World Championships, and we would greatly appreciate any funding assistance from Kiama Municipal Council, and hope that they may be able to contribute up to \$8,000 to assist with the running costs of the World Championships.

We are looking forward to working with Kiama Municipal Council and local business's to put on a great "World Titles" and hope that you may be able to give us some assistance with funding in what should be a very good week for Kiama.

Please visit our website for a full rundown on all the "world titles" has to offer.
<http://www.2015worldkneeboardtitles.com>

Regards Jim Brown
Event Director
2015 ISA World Kneeboard Championships.

EVENT DIRECTOR JIM BROWN
Mobile +61438 360 166
Email piglets@waterfront.net.au
www.worldkneeboardtitles.com



10.2 Fit for Future submission

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

The Fit for the Future program is part of the local government reforms proposed by the NSW Government. To comply with timelines, Council is required to complete and submit its proposal to the Office of Local Government before the end of June.

All Council submissions will be assessed by the Government's Expert Panel comprising the Independent Pricing and Regulatory Tribunal (IPART) and a third party independent member with extensive local government experience.

The submission outlines the actions Council will commit to over the next 12-24 months and through the period 2016-2020 (being the next Delivery Program period).

Proposed actions (within the Improvement Plan) if adopted will need to be incorporated into the Integrated Planning documents, in particular the Delivery Program and Operational Plan and if required, into Council's Resourcing Strategy (including the Long Term Financial Plan and the Asset Management Plans) and resourced accordingly.

Council's response focuses first and foremost on internal efficiencies, policy improvements and new strategies that help to reduce expenditure and increase revenue. Dependent on the outcome of these actions Council may, within the next Delivery Program period, need to consider a rate rise to ensure Council meets the Operating Performance benchmark and delivers a surplus.

The reforms should be seen as an opportunity to take action and incorporate the necessary changes and improvements to ensure Council is financially sustainable and fit for purpose over the coming decades. Additionally, the reform of the sector and Council's response should be seen as the opportunity to strategically position itself to retain its independence and autonomy.

Council will also need to embark on significant community engagement to ensure the community is updated further on the State Government reforms, of Councils response and the implications of the proposed actions.

Finance

NA

Policy

The submission conforms substantially with the requirements set by the NSW Government as part of its local government reform agenda.

Report of the General Manager

10.2 Fit for Future submission (cont)

Attachments

Nil

Enclosures

1 Fit for Future - whole submission

RECOMMENDATION

That Council endorse the attached documentation as Kiama Council's Fit for the Future submission to the NSW Government

BACKGROUND

As part of the NSW Government reform of the sector, all Councils (other than those in the Western Division) are required to submit proposals to the Office of Local Government before the end of June demonstrating how they will be 'Fit for the Future.' The reforms aim to improve the strength, effectiveness and financial sustainability of local government so Councils can continue to provide the services and infrastructure communities need and expect.

Submissions must outline the actions Councils will commit to over the next five years and beyond to achieve or move toward the seven benchmarks. To be Fit for the Future, Councils must demonstrate how they;

1. have scale and capacity to engage effectively across community, industry and government
2. are financially sustainable
3. effectively manage infrastructure and delivering services for communities
4. achieve efficiency

Council was deemed by the Independent Local Government Review Panel (ILGRP) to have scale and capacity, therefore the submission focuses on improvement actions to drive organisational change that strengthens and delivers financial sustainability, high quality service delivery, effective asset and infrastructure management and improved operational efficiency.

The seven benchmarks within the three criteria include:

Sustainability	Operating performance ratio (greater or break even over 3 year ave)
	Own source revenue ratio (> 60% ave over three years)
	Asset renewal ratio (>100% ave over three years)
Effective infrastructure & service management	Infrastructure backlog ratio (<2%)
	Asset maintenance ratio (>100% ave over 3 years)
	Debt service ratio (> 0 < or = 20% ave over three years)
Efficiency	A decrease in real operating expenditure per capita over time

Report of the General Manager

10.2 Fit for Future submission (cont)

After the initial assessment, Council met four of the benchmarks and only marginally missed two (Operating Performance ratio -4.2% & Asset Maintenance ratio 97.58%). The Bldg & Infrastructure renewal benchmark (43.51%) was not met, however this figure was/is considered close to optimal as Council believes that it is investing the correct quantum of funds to renew assets, whilst at the same time accounting for and managing depreciation at the optimal level. This is reinforced by Council's very low infrastructure backlog.

A Council deemed by the Expert Panel to be Fit for the Future will have access to a range of benefits, including access to a streamlined rate variation process and a State Government borrowing facility, priority for other government funding and grants, and eligibility for additional devolved planning powers.

The submission focuses on a series of internal efficiency and policy improvements that have a strong emphasis on ensuring Council is able to generate a surplus and continue to manage infrastructure and assets, and to provide services to the level expected by the community. The submission also focuses on strategies that help to reduce expenditure (including costs of depreciation) and increase revenue (e.g. review Fees and Charges, improve commercial returns, Aged Care Centre of Excellence).

The ILGRP clearly expects Councils to make greater use of rates to augment revenue and to help strengthen 'own sources of revenue' with a reduced reliance on State and Federal assistance.

Dependent on the success of the internal efficiencies and policy changes/improvements financial modeling suggests that a Special Rate Variation (SRV) may be required in 4-5 years to ensure Council meets the Operating Performance benchmark and delivers a surplus. Surpluses will enable sufficient investment of funds (ideally into a restricted infrastructure renewal reserve) to maintain and renew assets and infrastructure well into the future. If a reserve isn't established in the near future and 'topped up' over time, Council will face a significant financial resourcing issue in the next 10-15 years when asset renewal for a number of asset classes is due.

Apart from internal process, strategy and policy actions, Council will also need to engage with the community to ensure businesses, ratepayers and residents are updated on the State Government reforms, of Councils response and the implications of the proposed actions for Council, ratepayers and the community.

The draft methodology proposed by IPART (Council tendered a submission during the exhibition period) to assess submissions deviates from the advice of the Office of Local Government, and suggests that Councils must meet certain benchmarks by 2019-20. The advice to date from the OLG was that the submission should focus more on the process improvements to progress toward the benchmarks, not mandating that benchmarks be met. Council's submission very much focuses on the iterative steps required for long term change and improvement.

With respect to the methodology, Council won't meet four of the benchmarks by 2019/20. However where the benchmarks are not forecast to be met in the timeframe, they are either expected to be met two years later (Operating Performance ratio) or are at their optimal point (Asset renewal ratio (>100% ave over three years)). The 'efficiency' benchmark (decrease in real operating expenditure per

Report of the General Manager

10.2 Fit for Future submission (cont)

capita over time) won't be met in the foreseeable future due largely to low population projections (which forms an integral component of the ratio) and the expenditure relating to the Centre of Aged Care Excellence. The proposed IPART criteria is shown below in Figure 1.

The \$68m investment in the Centre of Excellence in Aged Care has a significant impact on the Operating Performance ratio. As Council borrows heavily to fund the project this has a material impact on the ratio and dramatically forces the operating result further from the benchmark. Most significantly however, the revenue from the project once beds become occupied exceeds expenditure and within three years the impact on the ratio is reversed and Council achieves significant and ongoing revenue as a result. The significance of the Hospital site re-development, is reinforced in Council's submission.

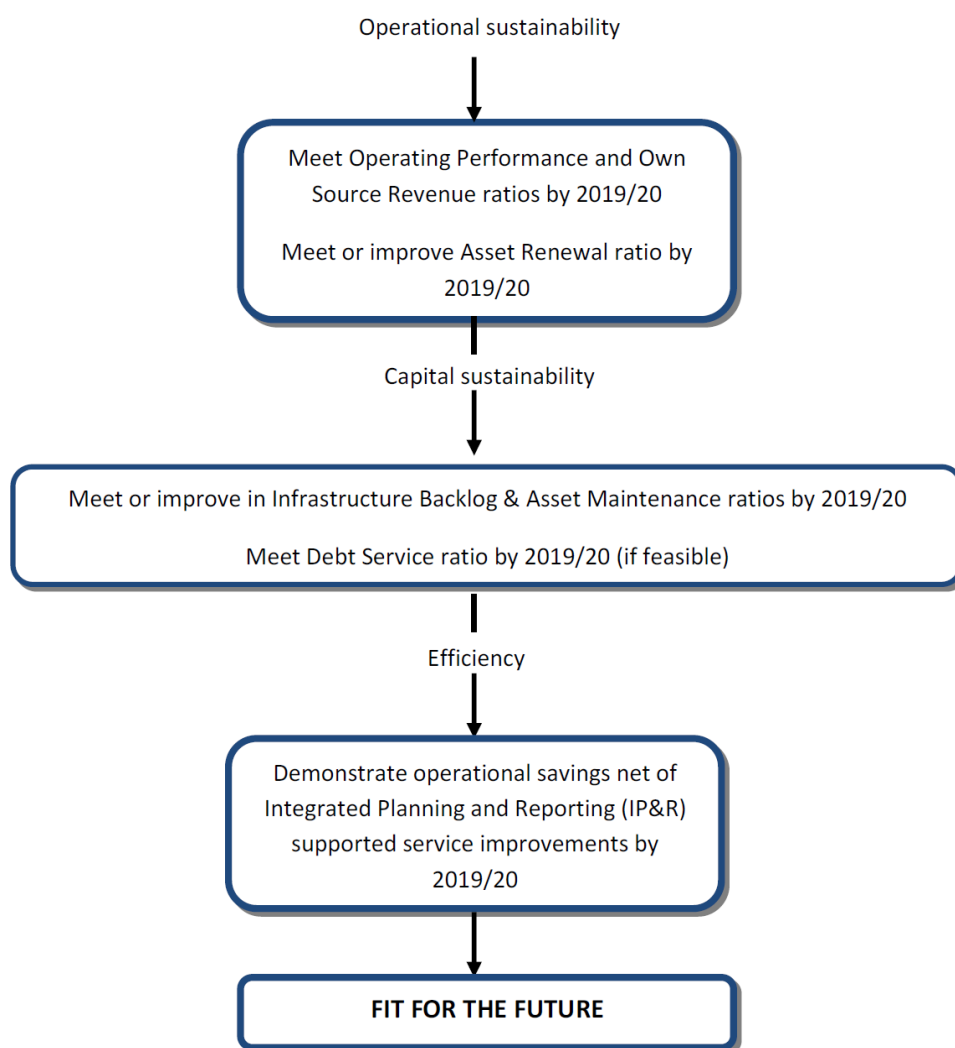


Figure 1 – IPART criteria for Councils completing Template 2 and whom have 'scale and capacity'

The submission is considered to be a true and accurate summation and representation of the most optimal way forward for Council. Whilst some benchmarks won't strictly meet the draft IPART assessment methodology, Council believes cogent and best practice arrangements are proposed, that have socio-economic benefits to the organisation itself and the community it serves. Certainly the financial

Item 10.2

Report of the General Manager

10.2 Fit for Future submission (cont)

modelling based on a number of scenarios and proposed 'interventions' demonstrates that Council can be financially sustainable and can deliver quality services, assets and infrastructure for the community for many years to come.

10.3 The Legislative Council of NSW General Purpose Standing Committee No 6 - inquiry into NSW local government

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

CSP Strategy: 4.1 Ensure we remain a strong, independent and sustainable local government authority to plan, deliver and advocate for the needs of our community

Delivery Program: 4.1.1 Undertake a program of engagement with State, regional and local authorities and organisations, and community members to ensure Council remains an independent and viable entity

Summary

This report recommends that Council makes a submission to the Inquiry into Local Government in NSW being held by the NSW Legislative Council.

Finance

The Inquiry findings could have a significant influence on the revenue and costs of councils.

Attachments

- 1 NSW Legislative Council - General Purpose Standing Committee No 6 - Inquiry into local government in NSW - Terms of Reference

Enclosures

Nil

RECOMMENDATION

That Council make a submission to the Inquiry outlining the points of concern raised in this report.

BACKGROUND

The Legislative Council of NSW General Purpose Standing Committee No 6 has commenced an inquiry into local government in New South Wales. The committee is being chaired by the Hon Paul Green MLC of the Christian Democratic Party, and includes representatives of the Liberal Party, the Australian Labor Party and Greens.

The terms of reference of the inquiry are attached.

In a media statement the committee Chair, Mr Green states:

“The inquiry was established to closely examine the New South Wales Government’s ‘Fit for the Future’ reform agenda for local government in this state, including the financial sustainability of the local government sector. We are aware of real concerns relating to potential council amalgamations and further cost shifting, so this inquiry is timely and essential to give local government and communities the opportunity to discuss these significant reform proposals.”

Report of the General Manager

10.3 The Legislative Council of NSW General Purpose Standing Committee No 6
- inquiry into NSW local government (cont)

He further states:

“The committee has identified a number of aspects of the Fit for the Future agenda that we wish to explore in detail. These include the potential impact of forced mergers on rates, as well as on local infrastructure investment and maintenance. We also wish to examine how any forced amalgamations may affect the needs of regional and rural councils and communities, especially in terms of the impact on local economies and the reality of having local issues addressed.

“The committee is keen to engage with as many stakeholders as possible and strongly encourages submissions from interested groups, organisations and individuals. We are optimistic that the recommendations contained in our final report will assist to deliver strong local government and strong communities.”

The closing date for submissions is Sunday 5 July 2015 and the committee anticipates holding public hearings in Sydney and regional NSW shortly thereafter.

It is recommended that Council make a submission to the inquiry which expands on the following points of concern:

- The financial sustainability measures and benchmarks being imposed on local governments do not appear to be consistently applied to other levels of governments and their departments.
- There is concern that some of the IPART assessment criteria have varied in their importance since the templates for completion of the Fit for the Future proposal were released by the Office of Local Government.
- There is concern that such requirements may not be allowing for the individual circumstances of councils where compliance with the ratio may not be possible or practicable within restricted timeframes.
- A greater focus should be on how councils plan to progress to meeting them over the next five to ten years.
- The ongoing issue of cost shifting and the impacts on local government.
- The amalgamation of councils does not necessarily result in significant financial gains or efficiencies while the identity of local communities, local decision making and levels of local infrastructure investment and maintenance is put at risk.
- In rural and regional areas councils are highly significant employers and the potential reduction of employment and skills by amalgamation can have a significant impact on local communities.
- While the NSW Government is presently focusing on the ‘Fit for the Future’ reform agenda there are many positive recommendations of the Local Government Review Panel such as the establishment of a statewide borrowing facility and review of the rating system focusing on options to reduce or remove excessive exemptions and concessions which should also be actively pursued and implemented.



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO. 6

Inquiry into local government in New South Wales

Terms of Reference

1. That General Purpose Standing Committee No. 6 inquire into and report on local government in New South Wales and in particular:
 - (a) the New South Wales Government's 'Fit for the Future' reform agenda,
 - (b) the financial sustainability of the local government sector in New South Wales, including the measures used to benchmark local government as against the measures used to benchmark State and Federal Government in Australia,
 - (c) the performance criteria and associated benchmark values used to assess local authorities in New South Wales,
 - (d) the scale of local councils in New South Wales,
 - (e) the role of the Independent Pricing and Regulatory Tribunal (IPART) in reviewing the future of local government in New South Wales, assisted by a South Australian commercial consultant,
 - (f) the appropriateness of the deadline for 'Fit for the Future' proposals,
 - (g) costs and benefits of amalgamations for local residents and businesses,
 - (h) evidence of the impact of forced mergers on council rates drawing from the recent Queensland experience and other forced amalgamation episodes,
 - (i) evidence of the impact of forced mergers on local infrastructure investment and maintenance,
 - (j) evidence of the impact of forced mergers on municipal employment, including aggregate redundancy costs,
 - (k) the known and or likely costs and benefits of amalgamations for local communities,
 - (l) the role of co-operative models for local government including the 'Fit for the Futures' own Joint Organisations, Strategic Alliances, Regional Organisations of Councils, and other shared service models, such as the Common Service Model,
 - (m) how forced amalgamation will affect the specific needs of regional and rural councils and communities, especially in terms of its impact on local economies,



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- (n) protecting and delivering democratic structures for local government that ensure it remains close to the people it serves,
 - (o) the impact of the 'Fit for the Future' benchmarks and the subsequent IPART performance criteria on councils' current and future rate increases or levels, and
 - (p) any other related matter.
2. That with the agreement of the committee participating members' travel costs be covered by the committee.
 3. That the committee report by Monday 17 August 2015, unless the committee resolves to table at a later date.

Resolution passed 27 May 2015, Minutes No. 7, item 18 page 131 - 132.

Committee membership

The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
The Hon Lou Amato MLC	Liberal Party	<i>Deputy Chair</i>
The Hon Catherine Cusack MLC	Liberal Party	
The Hon Scott Farlow MLC	Liberal Party	
The Hon Peter Primrose	Australian Labor Party	
Mr David Shoebridge MLC	The Greens	
The Hon Ernest Wong MLC	Australian Labor Party	

*Mr Peter Primrose has replaced Mr Daniel Mookhey as a member of the committee for the duration of the inquiry.



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11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Interstate Conference - Economic Development Australia (EDA) Annual Conference

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.5 Actively engage Federal, State, Local government and business organisations to develop and promote Kiama's economic and employment opportunities

Delivery Program: 3.5.1 Maintain and develop economic partnerships with Government agencies and business organisations

Summary

This report recommends the attendance of Council's Economic Development Manager Megan Hutchison at the 2015 Economic Development Australia (EDA) annual conference in Morton Bay Region Queensland from 8-11 September 2015.

Finance

2015/16 Draft Economic Development budget

Policy

All interstate conference attendance requires Council approval

Attachments

Nil

Enclosures

1 Conference Program

RECOMMENDATION

That Council grants approval for Council's Economic Development Manager to attend the 2015 Economic Development Australia (EDA) annual Conference in the Moreton Bay region in Queensland from 8-11 September, 2015

BACKGROUND

Economic Development Australia (EDA) is the peak industry organisation dedicated to the professional development of economic development practitioners employed in local government, regional development agencies, state government economic development agencies, and private sector consultants and companies involved in economic development.

EDA is fast growing in membership and is an excellent body for information distribution about economic development initiatives and events. They are very proactive in making submissions to government and are committed to an active and positive role in influencing the economic direction in Australia.

Report of the Director Corporate and Commercial Services

11.1 Interstate Conference - Economic Development Australia (EDA) Annual Conference (cont)

The National Economic Development Conference is the peak annual event for economic development practitioners and decision makers from local government. Hosted by EDA, the conference is focused on the theme of “Future Proofing Australia, it’s time to rethink everything”. This conference will provide leading edge information and strategies which drive job creation and investment in a sustainable environment, and will present best practice case studies in regional development. There are also many successful global case studies highlighting innovative and creative projects that are capable of replication in regional centres.

The approximate costs to attend the conference would be:-

Conference Registration	\$1,190
Accommodation and Travel	<u>\$1,000</u>
Total	\$2,190

As a result of our membership, in 2012 Kiama were selected to host the first EDA NSW regional conference. This event saw 75 Economic Development practitioners from all over NSW attend the two 2 day conference, and hear a well balanced program of factors affecting economic development in general. Whilst this conference dealt with many localised issues affecting economic development, the National conference will look at practical ways to position the local economy to capture international opportunities with our close trading partners, and how we can reach new markets. There will also be opportunities to promote Kiama as a conferencing destination, and hopefully make valuable contacts for hosting future events.

The Economic Development manager has attended the annual conference on three previous occasions, in 2008 in Brisbane, 2011 in Adelaide and Cairns in 2012. The past unattended two annual conferences were held in Darwin and Perth.

In conclusion, the conference provides an excellent opportunity to learn about other successful economic development strategies and projects, and provides many opportunities to develop relationships with other like minded communities who are implementing best case practice.

11.2 EEO Management Plan 2015 - 2018

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: 4.9.2 Maintain a harmonious workplace culture characterised by mutual respect

Summary

This report recommends Council's adoption of the draft Equal Employment Opportunity Management Plan 2015-2018.

Finance

Not Applicable.

Policy

Fairness and Equity Policy and Procedures

Attachments

Nil

Enclosures

1 Draft EEO Management Plan

RECOMMENDATION

That Council adopts the draft [Equal Employment Opportunity Management Plan 2015-2018](#).

BACKGROUND

Section 345 of the Local Government Act requires each Council to prepare and implement an Equal Employment Opportunity (EEO) Management Plan.

The current EEO Management Plan for 2013-2015 is due for renewal in August 2015. An updated plan for 2015-2018 was developed in consultation with Council's EEO Network, the joint Consultative Committee and Manex. The plan outlines the strategies Council will implement to increase understanding of and commitment to the principles of EEO to ensure its work practices are fair, equitable and the workplace is free of harassment and bullying.

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 May 2015.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

1 Investments Parts b,c & d -May 2015

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for May 2015 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for May 2015.

Report of the Manager Corporate Services

12.1 Statement of Investments (cont)

a) Investment Commentary

The total investment portfolio increased by \$2.152M during May 2015. Various revenue was received totalling \$7.7M, including rate payments amounting to \$2.2M, grants and contributions of \$1.625M and user fees and charges and other revenue of \$885K Blue Haven unit sales of \$1.7M, Blue Haven bonds of \$400K and Debtor receipts of \$890K. Payments to suppliers of \$3.13M and employee wages of \$670K amounted to total expenditure of \$3.8M.

Note that the Westpac Bank Account balance shown in (a) of \$3.669M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 May 2015 is \$1.2M with an annual budget estimate for 2014/2015 of \$1.1M. 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 29 May 2015 was 2.85%. The previous month's was 2.85% with May 2014 rate being 3.46%. 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 2.85%, 1 year 2.88%, 2 years 2.9% and 3 years 2.90%.

Certification – Responsible Accounting Officer

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

**Phil Mison**

Responsible Accounting Officer
Manager Corporate Services

(b) Council Investments as at 31 May, 2015

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
ANZ	AA-	1,000,000.00	Term Deposit	14/01/14	14/07/15	546	3.25
ANZ	AA-	1,000,000.00	Term Deposit	20/05/15	25/11/15	189	2.70
Bankwest	AA-	1,000,000.00	Term Deposit	26/05/15	28/10/15	155	3.00
Bankwest	AA-	500,000.00	Term Deposit	03/12/14	03/06/15	182	3.50
Bankwest	AA-	1,000,000.00	Term Deposit	29/04/15	23/09/15	147	2.90
Bank of Qld	A-	1,000,000.00	Term Deposit	05/11/14	03/06/15	210	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	01/04/15	30/09/15	182	3.00
Bank of Qld	A-	1,500,000.00	Term Deposit	11/02/15	11/08/15	181	3.25
Bank of Qld	A-	1,000,000.00	Term Deposit	20/11/14	15/07/15	237	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	21/10/14	17/06/15	239	3.50
Bendigo	A-	1,000,000.00	Term Deposit	04/03/15	04/06/15	92	2.95
Bendigo	A-	1,000,000.00	Term Deposit	18/03/15	22/06/15	96	2.95
Commonwealth Bank	AA-	500,000.00	Term Deposit	28/01/15	28/07/15	181	3.04
ME Bank	BBB+	1,000,000.00	Term Deposit	07/01/15	08/07/15	182	3.40
ME Bank	BBB+	1,500,000.00	Term Deposit	19/11/14	01/07/15	224	3.50
ME Bank	BBB+	1,000,000.00	Term Deposit	06/05/15	02/09/15	119	2.75
NAB	AA-	1,000,000.00	Term Deposit	29/04/15	30/09/15	154	3.13
NAB	AA-	1,470,000.00	Term Deposit	08/04/15	08/10/15	183	2.97
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	14/11/14	11/11/15	362	3.50
NAB	AA-	1,000,000.00	Term Deposit	22/10/14	24/06/15	245	3.57
NAB	AA-	1,000,000.00	Term Deposit	26/11/14	30/06/15	216	3.56
NAB	AA-	1,000,000.00	Term Deposit	19/05/15	16/12/15	211	2.96
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	28/04/15	21/07/15	84	2.80
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	01/09/14	10/06/15	282	3.30
IMB Society	BBB	1,000,000.00	Term Deposit	13/05/15	18/11/15	189	2.80
IMB Society	BBB	1,000,000.00	Term Deposit	11/03/15	15/06/15	96	3.00
ING Bank	A-	1,000,000.00	Term Deposit	21/01/15	22/07/15	182	3.48
ING Bank	A-	1,000,000.00	Term Deposit	28/01/15	29/07/15	182	3.34
ING Bank	A-	1,000,000.00	Term Deposit	15/04/15	19/10/15	187	2.46
ING Bank	A-	1,000,000.00	Term Deposit	04/02/15	04/08/15	181	3.09
Rural Bank	A-	1,000,000.00	Term Deposit	03/02/15	05/08/15	183	3.30
Suncorp	A+	1,000,000.00	Term Deposit	10/12/14	09/06/15	181	3.50
Suncorp	A+	1,000,000.00	Term Deposit	25/05/15	21/10/15	149	2.85
Westpac	AA	1,000,000.00	Term Deposit	30/04/15	26/08/15	118	2.88
Westpac	AA	1,000,000.00	Term Deposit	05/05/15	09/09/15	127	2.80
Westpac	AA	3,669,101.80	Bank Account	-	AT CALL		0.84
Westpac	AA	1,881,578.82	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		42,020,680.62					
					Average Rate-May 2015		3.07
					Average Rate-May 2014		3.53

TOTAL INVESTMENTS	42,020,680.62
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TOTAL INVESTMENTS APR 2015	39,868,194.56	5.12%	Change in total investment over prev 1 month
TOTAL INVESTMENTS MAY 2014	41,935,147.67	0.20%	Change in total investment over prev12 month:

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,449,241.23
	Grants	1,251,258.00
	Domestic Waste	1,359,016.00
	Waste & Sustainability	204,173.18
	Southern Council's Group	2,793,088.31
Internally Restricted	Blue Haven ILU	4,054,791.49
	Blue Haven Hostel	6,272,939.37
	Blue Haven Nursing Home	1,971,770.83
	Land Development	6,081,524.71
	Waste Business Unit (Plant Replacement)	1,416,579.00
	Plant Replacement - Engineers	884,279.00
	Employee Leave Entitlements	791,669.00
	Carry-over works	1,260,569.00
	Holiday Parks (incl crown reserves)	1,196,545.00
	Contingencies	1,024,040.00
	Computer	200,000.00
	Property Insurance	120,000.00
	Community Bus	209,736.00
Loan Funds	CACP	8,257.00
	Local Infrastructure Renewal Scheme	440,007.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	7,031,196.50
TOTAL INVESTMENTS		42,020,680.62

Note:

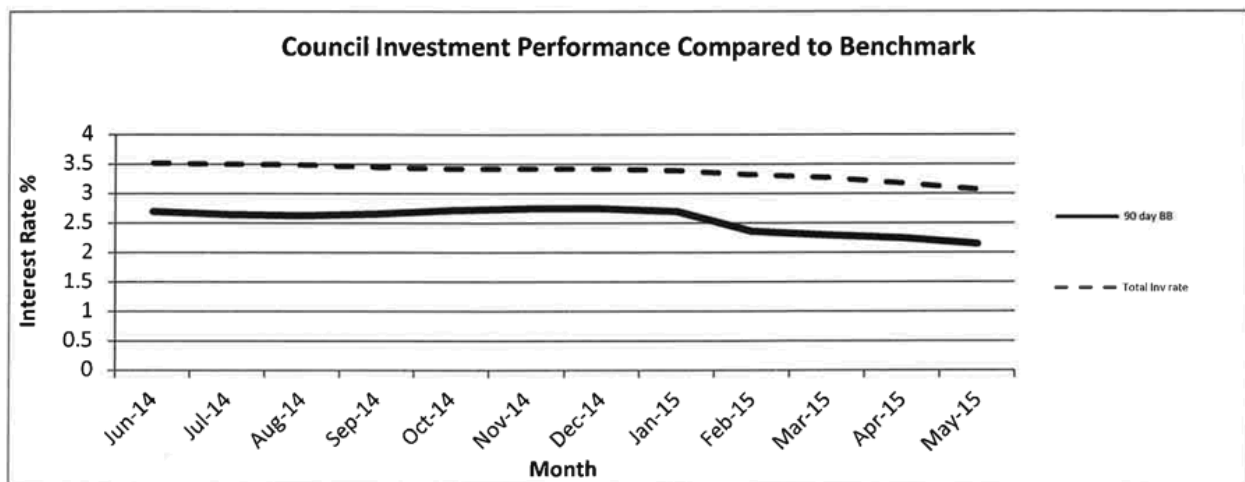
The above Application of Invested Funds reflects audited balances as at 30 June 2014. Actual movement in these balances are recorded at the end of the financial year.

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

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month	3.07	2.15
3 months	3.17	2.23
6 months	3.28	2.42
12 Months	3.37	2.55



13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Purchase of Street Sweeper

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 a tender for the purchase of one Broom Type Street Sweeper. The purchase of the additional vehicle was approved at Council's Ordinary Meeting held on 17 March 2015.

Finance

The capital expenditure of \$329,743 + GST will be made available from the Waste Services Plant Reserve.

Policy

The tender has been undertaken in accordance with the Local Government Tender Regulations 2005.

Attachments

- 1 Item 13.4 of Council Meeting held on 17 March 2015 - Purchase of New Street Sweeper

Enclosures

Nil

RECOMMENDATION

That Council purchases one Johnston VT651 Street Sweeper from Bucher Municipal with a capital value of \$329,743 + GST.

BACKGROUND

In March 2015 a report was presented to Council on the purchase of an additional Street Sweeper for the Waste Business Unit. As part of a business review of Waste Services it was identified that the purchase of an additional Street Sweeper would allow the business unit to build on current service levels and allow for commercial growth in the future. A copy of the report is included with the report enclosures for reference. Council resolved to approve a tender being advertised for the purchase of a Street Sweeper for the Waste Business Unit.

REPORT

Report of the Director Engineering and Works

13.1 Purchase of Street Sweeper (cont)

A specification was developed in consultation with operators and Waste Management staff to ensure the vehicle will meet the operational needs of the business unit.

A request for quotation was placed with the Local Government Procurement Vendor Panel system. The request for quotation was sent to all panel members under LGP contract NPN04-13 & 1608-2.

Council received 3 submissions from Rosmech, Bucher Municipal and Dwyers Isuzu with a medium value of \$328,735 + GST.

All submissions were evaluated using 6 different criteria including price, specification, warranty, after sales support, Australian content and an operator assessment.

The combined scores for each criteria were then inputted into the quotation evaluation sheet. This produced an overall ranking and recommendation for the vehicle that best meets our requirements.

The Johnston VT651 offered by Bucher Municipal ranked number 1 after completion of the evaluation and as such is recommended for purchase.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Engineering and Works

13.4 Purchase of New Street Sweeper

- CSP Objective: 4 Responsible Civic Leadership that is Transparent, Innovative and Accessible
- CSP Strategy: 4.3 Identify opportunities to diversify and expand new and existing funding sources to meet community needs
- Delivery Program: 4.3.1 Manage Council's commercial activities in a sustainable manner

Summary

This report seeks Council's endorsement to call a tender for the purchase of a new street sweeper for the Waste Services Business Unit.

Finance

Future purchase would be funded from the Waste Services Business Unit expansion reserve fund of \$114,000, combined with the Plant Replacement 2014/15 budget of \$160,000.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approve a tender advertising for the purchase of a street sweeper for the Waste Services Business Unit.

BACKGROUND

The Waste Services Business Unit (WSBU) currently has three street sweepers which are approximately 1.5, 3.5 and 8 years old. The 2 newer sweepers are used full time while the older model was used as a backup for breakdowns or during vehicle servicing.

Due to the increased work now being undertaken by the WSBU and having just being awarded a contract for street sweeping work for the Princes Highway Toolijooa to Berry upgrade, the backup sweeper is now being used full time to achieve the WSBU's work commitments. However this sweeper is not considered reliable (with many parts are no longer available for this model) and it is also limited in functionality which restricts the type of work it can perform.

In order to fulfil the WSBU commitments it was planned to hire an additional sweeper from Wollongong Council who had two spare available. However Wollongong

ORDINARY MEETING**17 MARCH 2015**

Report of the Director Engineering and Works

13.4 Purchase of New Street Sweeper (cont)

Council subsequently decided to send these spare sweepers to auction. Knowing the operating and service history of these sweepers, the WSBU was successful in purchasing a sweeper for \$86,000. The purchase of this sweeper will place the WSBU in a position where it can provide sweepers to all its current clients and not have to use the backup sweeper full time. The current workload of the street sweepers is 191 hours per week consisting of Council and RMS roads, Minnamurra waste depot, RMS cycleways and numerous private hire to local quarries, other local companies and Fulton Hogan for the Princes Highway upgrade.

Opportunities

The WSBU undertakes numerous functions that enable it to provide services to Council and outside organisations. It employs local people and assists in providing financial support to Council and is constantly seeking opportunities to increase its profit. The external street sweeper hire is one area that has increased in viability over the last few years and has the potential to increase further. However to achieve this, additional equipment is required to meet the WSBU's current and future operating needs and have backup equipment in cast of breakdowns and major repairs.

The WSBU is proposing to purchase a new sweeper to add to the fleet, to assist in maintaining a reliable level of service and generate additional income for Council. It is proposed that the old backup sweeper will be sold or traded-in and the recently purchased sweeper from Wollongong will become the backup sweeper.

Considering the average hours worked per week by the three sweepers presently, the purchasing of a new sweeper and subsequent updating of the backup sweeper would give the WSBU more security and flexibility to manage its responsibilities and contractual obligations, with the potential to expand the available work opportunities.

However should there be a decline in street sweeper hire in future, the ex-Wollongong sweeper could be sold at auction where it would be expected to recoup the majority of the purchase price paid.

Funding

The WSBU had a very successful year in 2013/14 and \$200,000 of the increased income for that year was placed in reserves for future business unit expansion. As noted above, \$86,000 of these funds were used to purchase the sweeper from auction, leaving a total of \$114,000. These funds combined with \$160,000 that is currently allocated in the plant replacement budget for 2014/15 period would fund the purchase a new sweeper after trade in.

Due to the extra work undertaken by the WSBU in the 2014/15 financial year, a six month budget review is expected to show a significant increase in its profits again this financial year.

It is proposed that a public tender will be called in accordance with the Local Government Act and Tendering Regulations.

ORDINARY MEETING

17 MARCH 2015

Report of the Director Engineering and Works

13.4 Purchase of New Street Sweeper (cont)

As this additional item of plant is not listed in the Plant Replacement Program, approval is sought from Council before tenders are advertised.

13.2 Trade Services Panel

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.4 Recognise and support Council's role as a significant employer and purchaser of goods and services within the local area

Delivery Program: 3.4.1 Maintain and develop Council's relationship with current and potential business partners

Summary

The Shellharbour, Kiama and Shoalhaven Councils agreed to collaborate on a joint tender to establish a Trade Services Panel for a number of commonly used trades. Fifteen (15) trades in all were tendered, with Kiama Council subsequently recommending ten (10) trades for inclusion in its Trade Services Panel.

This report is to inform Council of the procurement plan, methodology and evaluation outcomes of that process.

Finance

The operational expenditure on trades across the 3 Local Government areas is estimated to be in the order of \$4.5 million per annum, with Kiama Councils being approximately \$2 Million. It is expected that the competitive process will result in both administrative and financial savings for Council.

Policy

The Request for Tender (RFT) was undertaken via Kiama Council's Tenderlink Portal to provide an open, transparent and competitive process for the selection of Trade Services by the three councils. The process has been undertaken in accordance with the Provisions of the Local Government Act.

Attachments

Nil

Enclosures

1 Trade Service Panel Recommendations

RECOMMENDATION

[That Council endorses the Kiama Municipal Council Trade Services Panel list attached to this report for the future engagement of the nominated contract services.](#)

BACKGROUND

Kiama, Shellharbour and Shoalhaven Councils agreed to collaborate on a joint tender for trade services. The tender process was conducted with the assistance of the Southern Councils Group and is considered to be consistent with the objectives of joint collaboration and resource sharing identified by the Joint Organisation and the Fit for the Future objectives of the Division of Local Government.

Report of the Director Engineering and Works

13.2 Trade Services Panel (cont)

The Objectives of the project are:

- Provide an open and transparent and competitive process for selection of Trade Services by Council.
- Establish a panel of service providers from which Councils can obtain quotes and select contractors to perform the required services
- Improve probity and management of trade service contractor engagement by Council and :
- Comply with the Local Government Act

The 3 participating Councils do not currently have contracts in place for the 15 Trade Services tendered for in this tender. In many cases councils regularly use the same supplier without providing an opportunity for other contractors to compete for work. Current practices across participating councils do not necessarily ensure that the prices charged are competitive and that Councils are receiving value for money.

SCG issued the Trade Services Panel RFT through Kiama Councils eTendering Portal, and following the evaluation process and the approval of Council will establish a panel of preferred contractors on the SCG Vendor Panel website. Individual Councils will be able to select contractors and obtain quotes via the Vendor Panel, as and when required, providing the necessary transparency and probity throughout the process. This competitive quoting process should also ensure that council is receiving value for money across the 15 trades tendered for. The use of the Panel will only apply to those instances where a formal tender is not required under the Local Government Act. That is for projects not over \$150,000 in value.

All of the contractors currently registered with Council in its Contractor Management System (BNG) and those that were identified as having provided a service in the specific trades through Councils Creditor system were notified of the tender. In total 56 conforming tenders across the 10 trades are recommended for Kiama Council.

A number of Trades were not included due to the low number of those who tendered. Where there were less than 3 contractors who tendered it was considered that it would restrict the opportunity to ensure and obtain competitive pricing. In this regard Tiling, Fencing, Glazing, and Panel Beating Panels were removed from the Kiama Panel recommendations. Kiama also chose not to include Bricklaying, due to the limited amount of use of this service.

A Procurement Plan and Evaluation methodology was developed by the Southern Council Group with the assistance of the participating Councils procurement officers. Industry briefing sessions were advertised and conducted at the Kiama Pavilion and in Nowra. Existing Contractors were individually notified of the briefing sessions.

The evaluation of tenders was based on a number of essential and scored criteria with a maximum number of trades being recommended for the various panels to ensure members a reasonable prospect of obtaining work, whilst being of sufficient size to ensure competitive quotations. In terms of local preference one of the assessment criteria related to response time with additional weighting being given to contractors located within the Local Government area.

Selected Contractors will enter into a Deed of Agreement with each Council. Formation of a contract for the services will be in accordance with the Deed. The term of the Deed

Report of the Director Engineering and Works

13.2 Trade Services Panel (cont)

will be 3 years with up to a one year extension. Contractors wishing to be included on the panel in the interim period will only be able to do so if the panels maximum number is not met.

In accordance with Councils procurement policy, quotes will be sought through the vendor panel for works over the value of \$5,000. For lesser amounts those Contractors listed on the panel will still be used however the requirement for three quotes will not be compulsory.

It is therefore recommended that the attached Trade Services Panel for Kiama be endorsed for the future engagement of the nominated contract services.

13.3 Retirement- Mr. Rodney King - Subdivision & Development Engineer

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: 4.9.2 Maintain a harmonious workplace culture characterised by mutual respect

Summary

Councils Subdivision and Development Engineer Rodney King has given notice of his retirement affective from 20th July 2015, following 42 years of service to Council and the community. This report recognises the loyal service provided by Rod and recommends Council formally thank him for his service and wish him all the best in his retirement.

Finance

N/A

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council formally thanks Mr Rodney King for his 42 years of dedicated and loyal service to both Council and the community and wish him the best in his retirement.

BACKGROUND

Rodney King, Councils Subdivision and Development Engineer, has provided notice of his retirement from Council effective from Monday 20th July 2015.

Rod commenced employment with Kiama Council in April 1973 as a Junior Engineering Assistant. He was later classified as an Engineering Assistant and subsequently Senior Engineering Assistant in 1987 and Senior Engineer in 1991.

During this period Rod gained extensive experience in all fields of Local Government Engineering including the survey, design, cost estimate, supervision and cost control of a range of Engineering projects. Rod held the positions of Subdivisions Engineer 1981-1983, Assistant Works Engineer 1983-1991 and Subdivisions and Developments Engineer from 1991 to the present.

Report of the Director Engineering and Works

13.3 Retirement- Mr. Rodney King - Subdivision & Development Engineer (cont)

Rod has developed an extensive knowledge of all aspects of Local Government Engineering during his 42 years of service with the Council. He has been a fantastic mentor for a host of Engineering Cadets who have been engaged by Council, all of whom have gone on to find employment in the Engineering field.

Rod also has been an active member of Councils Consultative Committee for many years and held the position of Councils delegate to the Local Government Engineers Association. In this role Rod has actively promoted and supported the role and status of Local Government Engineers to the benefit of all of his colleagues.

Rod has been a model employee, exhibiting a strong work ethic and commitment to his duties. He has been an extremely reliable employee always willing to share his extensive knowledge with others. I am sure that Rod will be able to look back on his Local Government career with great pride and fond memories.

I would personally like to take this opportunity to thank Rod for his loyalty and personal friendship over his time at Kiama Council and feel that it is appropriate for Council also to formally acknowledge his dedicated and long service both to Council and the community.

A retirement function is to be held for Rod at the Council Chambers. Councillors will be forwarded an invitation once the date and time have been confirmed.

13.4 Endeavour Energy - Street Lighting Outages

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

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

This report responds to a question without notice at the May meeting of Council regarding the number of streetlight outages in the Local Government Area (LGA) and recommends pursuit of an appropriate audit and maintenance schedule by Endeavour Energy.

Finance

Councils total Street Lighting bill for 2014/15 is \$377,513. This comprises \$164,818 for energy charges to AGL and \$212,695 in infrastructure charges to Endeavour Energy. These charges are based on the number and types of Streetlights installed in the LGA and are charged regardless of the reduced consumption of power through outages.

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council

1. Writes to Endeavour Energy and the Local Member for Kiama requesting a regularly scheduled Streetlight audit and maintenance program be conducted by Endeavour Energy at no cost to Council, and that this be incorporated into the Public Lighting Management Plan.
2. Advertise the Endeavour Energy phone and on-line reporting details for streetlight outages on Councils website and on page 9 of the Kiama Independent encouraging residents to report streetlight outages directly to Endeavour Energy.

BACKGROUND

At the May meeting of Council, Councillor Reilly requested investigation of Street Light outages in the Kiama area including, Coinda Place, Brighton Street and Belvedere Street.

Report of the Director Community Services

14.1 National Stronger Regions Fund (cont)

The Kiama LGA has approximately 2,000 streetlights as reported at Endeavour Energy's last annual report June 2014. This figure will have increased slightly with street lighting for new developments. The repair and maintenance of the streetlights is carried out by Endeavour Energy under the Public Lighting Management Plan, which is their service level agreement for all public lighting customers including Councils. The agreement includes the following clause extracts in relation to maintenance.

- *“Unplanned maintenance covers fault and emergency responses. All public lighting customer telephone calls regarding faulty streetlights are logged into the Outage Management System database. Faulty streetlights can also be reported on the Endeavour Energy website: all website reports are acknowledged with a mail response and logged into the OMS.”*
- *“Public lighting assets are repaired within 8 business days on average from the receipt of a fault report. Where residents or public lighting customers indicate that the faulty public lighting is in a priority location, such as high crime areas, areas with high night time activity, supplement floodlights at a pedestrian crossing , or groups of 3 or more lights on Category V routes. Endeavour Energy makes every effort to complete repairs more quickly”.*
- *“When crews repair a faulty streetlight reported by a resident or a public lighting customer they patrol the surrounding streets and areas to find any unreported streetlights that are faulty and also repair those light”.*
- *“In order to identify other faulty lights on main roads that may not be reported by the residents or public lighting customers, Endeavour Energy is also commencing programmed annual patrols of major traffic routes and high risk locations from 2010”.*

The agreement has no provision for the regular audit of residential street lights.

Kiama Council has in the past and again as a result of Councillor Reilly's question conducted its own night time audits, in the process incurring staff overtime costs. On each occasion significant numbers of streetlight outages have been recorded and passed onto Endeavour Energy for attention. The most recent audit was conducted on the evening of the 2nd June 2015 which resulted in 130 streetlight outages being recorded and advised to Endeavour Energy. This constitutes approximately 6.5% of all of the streetlights in the LGA.

In relation to the specific locations identified in Councillor Reilly's question, 1 light was out in Brighton Street, 2 in Coinda Place and 3 in Belvedere Street.

It is considered that the current level of outages being regularly experienced and the requirement for Council to have to conduct its own auditing, is neither acceptable or equitable. In this regard it is recommended that Council writes to both Endeavour Energy and the Member for Kiama expressing its concern and requesting a regularly scheduled streetlight audit and maintenance program be conducted by Endeavour Energy at no cost to Council, and that this be incorporated in its Public Lighting Management Plan.

In addition it is recommended that Council advise the residents of the Endeavour Energy phone and on-line reporting details and encourage residents to report streetlight outages.

Report of the Director Community Services

14.1 National Stronger Regions Fund (cont)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 National Stronger Regions Fund

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.5 Actively engage Federal, State, Local government and business organisations to develop and promote Kiama's economic and employment opportunities

Delivery Program: 3.5.1 Maintain and develop economic partnerships with Government agencies and business organisations

Summary

This report advises Council of the outcome of round 1 of the National Stronger Regions Fund and makes recommendation in regard to applying for Round 2 which is now open.

Finance

Nil

Policy

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council supports making two applications under Round 2 of the National Stronger Regions Fund, for both the Gerringong Library/Museum and the Kiama Hospital project.

BACKGROUND

In 2014 application was made under Round 1 of the National Stronger Regions Fund (NSRF) for the Gerringong Library & Museum Community Facility. Notification was received in May 2015 that the application was unsuccessful. The Director Community Services sought feedback on the application and received positive comments that the application had been quite strong and had met all the minimum requirements to be recommended for funding. Specific areas were discussed as to how the application could be strengthened if it is to be re-submitted.

Round 2 of the NSRF is now open with a closing date of 31 July 2015. In this round it is possible to submit two applications. It is therefore recommended to Council that

Report of the Director Community Services

14.1 National Stronger Regions Fund (cont)

the Gerringong Library & Museum application be modified and resubmitted and an additional application be prepared in relation to the Kiama Hospital Redevelopment. As the new aged care facility will create additional employment and generate additional economic activity within the community, it is considered an appropriate project to seek support from the Commonwealth Government.

15 REPORTS FOR INFORMATION

15.1 Reporting on the 3rd quarter Operational Plan activities

Responsible Director: Office of the General Manager

The following report is tabled for Councillors information and shows progress with respect to the 2014-15 Operational Plan. Council currently reports on the Operational Plan quarterly.

The reports attached are prepared to show the status of the actions and activities with respect to them being on target; behind target; completed; not in this period or ahead of target.

Some highlights over the reporting period include;

Stage 1 completion of the Kiama CBD CCTV and public WiFi installation. Public WiFi was installed in time for the Easter holiday season and continues to be very successful and well utilised by locals and tourists.

Council allocated and purchased the Bert Flugelman sculpture 'Making waves' for the people of Kiama. The location for the position of the sculpture is to be confirmed.

Council facilitated the Southern Phone Company grants for community projects throughout the LGA. A total of \$25,000 was awarded by the Southern Phone Company to community groups for projects that include repairs and upgrades to the Jamberoo RSL hall, purchase of new beds for the Girl Guides Rose Valley retreat, Foxground Landcare, assistance for the completion of the WW1 Centenary rotunda in Reid Park Jamberoo, new equipment for Jamberoo Scout Group and equipment for the Kiama Downs Mens Probus Club Inc.

The introduction and adoption of the '@Kiama – the most desirable place on earth' tourism marketing campaign was released to tie in with the Easter holiday period.

The e-recruitment system 'talent propeller' was introduced to aid and assist in managing online employment applications, and to help in generating increased efficiencies during the recruitment process. NB it's reported that 100% of job vacancies were filled on initial advertising.

There were an additional six employees accessing Council's Study Assistance to help with career development and organisational capacity building.

A number of organisational policies were reviewed and endorsed during the period including the Competency and Performance Review Policy.

Community Care support programs continue to be meeting the needs of the community with outputs remaining high with the number of hours in line with service agreements for case management, respite and social support services.

Exhibition space at the Old Fire Station continues to be well utilised with exhibitions for painting, photography, woodwork, ceramic and jewellery occurring during the quarter.

Some examples of activities that are currently reported as behind target include;

Reports for Information

15.1 Reporting on the 3rd quarter Operational Plan activities (cont)

Some services provided Community Care Support Programs have budgets behind target due to the cost of providing increased services to high needs clients or as a result of increases in service provision.

Results for crowd fundraising for repairs to Daisy the Decorated Dairy Cow were well below expectations, with a shortfall of approximately \$4000.

The transitioning of Commonwealth Care packages to Consumer Direct Care (CDC) packages were behind target as more time was needed to finalise budgets under the new system.

Delivery of Commonwealth HACC domestic assistance services to older people was behind target. Although client numbers have increased, clients were choosing on average to decrease hours due to cost. This has not increased the capacity of the budget to produce more outputs due to the cost of direct services.

The Illawarra Emergency Management Plan update was overdue.

Despite the extraordinary work of volunteers in the community, numbers are behind target for trained volunteers to deliver out of hour's services to meet respite care and one on one social support needs in the community.

The target for 75% of DA's processed within 40 days was behind target (67%).

The Kiama Coast Holiday Parks saw net income for the same period the previous year decrease by \$302,979 due largely to the demolition and reconstruction of the amenities building at Kendall's Beach. The park was closed for a week in March and there has been a significant reduction in forward bookings due to the work.

Enclosures

- 1 Report to Council - OP - Behind target - March 2015
- 2 Report to Council - OP Completed - March 2015
- 3 Report to Council - OP - NITP - March 2015
- 4 Report to Council - OP - Ahead of Target - March 2015
- 5 Report to Council - OP - On target - March 2015

15.2 Ocean Lifeguard Season Report 2014/2015

Responsible Director: Corporate and Commercial Services

The Ocean Lifeguard Season Report 2014/2015 for the full season period 22 September 2014 to 24 April 2015 is enclosed.

Enclosures

- 1 Ocean Lifeguard Season Report 2014/2015

15.3 Kiama Cultural Board minutes

Responsible Director: Community Services

Enclosed in Councillors' envelopes are the minutes from the Kiama Cultural Board meeting held on 14 May 2015.

Enclosures

- 1 Kiama Cultural Board - Minutes - May 2015

15.4 Strategic Footpath PlanResponsible Director: Engineering and Works

At Councils meeting of 19th May 2015 Councillor Sloan requested a report outlining how the priorities for new footpaths in the Delivery Program and budget have been determined, and how the general public may be better engaged to help Council priorities its future capital works programs.

Prior to the preparation of the current Delivery Program a strategic footpath planning exercise was undertaken. This process involved first mapping the location of existing footpaths and identifying missing links, having regard to natural desirable routes to public facilities, shopping, schools, etc. and identified walking tracks. In addition consideration was given to public requests for footpaths in various locations.

Maps were prepared and distributed to Council with a prioritised and costed list of projects for the life of the 4 year Delivery Program. The prioritisation of projects was based on an assessment of the criteria listed above and the anticipated utilisation.

The 2015/16 footpath program in the Draft budget will be the end of the projects prioritised to date. With the development of the next Delivery Program Council will have the opportunity to exhibit the Strategic Footpath Plan and seek public comment. A copy of the maps can be provided to Councillors again on request plus a list of the remaining paths which have not been included to date with cost estimates.

15.5 Question Without Notice - Leased VehiclesResponsible Director: Office of the General Manager

At the May Council meeting Councillor Seage asked the following question without notice:

“What is the yearly cost, in terms of dollars, of our 60 plus fleet of take home vehicles compared say, for the purpose of the exercise, with having none. And what is the policy on having fuel cards, boundaries and annual leave usage of these vehicles and fuel cards?”

At the present time Council has 56 motor vehicles within its fleet, ranging from compact four cylinder vehicles up to six cylinder sedans/wagons and some AWD vehicles. 35 of these vehicles are for general Council operations, three are Blue Haven vehicles, ten are Community Services grant funded cars, five are Southern Council Group cars and three are pool vehicles not offered for private use.

Employees pay a leaseback contribution for the private use component of the vehicles. The leaseback fee is dependent upon the following variables:

- 1 The General Manager and Directors pay a lesser leaseback fee as a significant component of private use is reflected in their contracts.
- 2 Employees electing to take a four cylinder vehicle pay a lesser fee than employees who elect to take a six cylinder vehicle. Note: while the four cylinder vehicles are cheaper to purchase and cheaper to run, they do not retain their value as well as six cylinder and AWD vehicles and therefore all of life costs are similar. Notwithstanding, Council has elected to offer a reduced leaseback contribution for those vehicles as an environmental initiative.
- 3 Employees living more than 25 kms (by road) from their place of work pay an additional weekly fee of \$15.95 and that fee is applied to every additional 25 kms.

As a result, current leaseback contributions range from \$43.45 per week up to \$154.30 per week.

The leaseback contribution provides the Council employee with a fuel card to be used for both Council and personal use, including leave periods. There is no limit to where an employee can travel while on leave. However, an employee seeking to take leave in excess of eight weeks requires specific approval of the General Manager.

Of the 56 vehicles in the fleet, the current costs can be broken up in the following categories:

Reports for Information

15.5 Question Without Notice - Leased Vehicles (cont)

Category of Vehicle	No	Annual Capital Cost \$	Annual Running Cost (incl FBT) \$	Total Gross Cost \$	Less Employee Contribution \$	Total Net Cost \$	Average Cost per Vehicle \$
Council owned and funded	35	193,000	270,213	463,213	153,258	309,955	8,856
Blue Haven	3	18,000	22,559	40,559	15,727	24,832	8,278
Community Services (Grant Funded)	10	48,000	62,793	110,793	30,744	80,049	8,005
Southern Councils Group	5	22,000	33,449	55,449	18,741	36,708	7,342
Council owned pool vehicles	3	12,000	11,150	23,150	0	23,150	7,716
Total	56	293,000	400,164	693,164	218,470	474,694	8,472

Item 15.5

From the statistics outlined above the following conclusions can be drawn:

- 1 Council has 38 leaseback vehicles, with another 15 either grant funded or funded through Southern Councils Group.
- 2 Council currently has three pool vehicles which provide a relevant comparison with private use vehicles.
- 3 The private-use contribution for the 38 Council vehicles (including Blue Haven) almost covers the difference in the running costs. The average cost of the 38 private-use vehicles is \$8,810 per vehicle, compared to \$7,716 for the pool vehicles.

While the leaseback fee generally goes up by the CPI, the General Manager made a decision 12 months ago to put the leaseback contributions up by the maximum allowed under the Award (10%) from 1 July 2014 and again from 1 July 2015.

The effect of the increase on 1 July 2015 will mean an additional \$15,326 in lease contributions and approximate \$10,000 reduction in FBT, making a net difference of \$25,000 per annum. This will result in the average annual cost of the 38 lease vehicles being \$8,152. The pool vehicle cost would remain at \$7,716 per annum.

Given that Local Government salaries are traditionally less than both State and Federal Government, it has been a practice for many years in Local Government to offer leaseback vehicles to boost the salary package and assist to attract and retain good quality professional staff. At the current cost of approximately \$1,100 per vehicle per year, reducing to approximately \$400 per annum after 1 July 2015, this is considered an effective attraction and retention incentive.

The removal of any leased vehicle requires a minimum of 12 months' notice under the provisions of the Local Government (State) Award. Should Council consider such an initiative, it would need to consider a proposal to compensate employees for

Reports for Information

15.5 Question Withot Notice - Leased Vehicles (cont)

the loss of that benefit. The compensation required is likely to be in the vicinity of \$6,000 per annum.

When positions which have a leaseback vehicle become vacant a review is undertaken to determine whether a vehicle is still required having regard to the nature of the position, operational requirements and the difficulty in attracting suitable candidates. During the past two (2) years four (4) leaseback vehicles have been withdrawn from the associated positions when they have become vacant.

15.6 Permanent Parking on Footpaths and RoadwaysResponsible Director: Engineering and Works

At Council's meeting held on 19 May 2015, The Mayor, Councillor Petschler, requested a report on what can be done to stop caravans and other vehicles parking permanently on footpaths and roads.

Under Clause 197 of the NSW Road Rules 2014, a driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area, unless parking control signs permit otherwise. On this basis, caravans or other vehicles are not permitted to park on footpath areas, with Council's Ranger Services issuing approximately 6 infringement notices in the past 18 months where these instances are identified.

However in relation to long term parking of vehicles and caravans on road ways, these are permitted provided the vehicle is legally registered for road use. Where instances of long term parking are reported to Council, the Ranger Services will investigate to determine if the vehicle is firstly not stolen/abandoned and secondly will instruct the owner of the vehicle to relocate it and/or issue an infringement notice if found to not comply with legal parking requirements.

If a vehicle is found to be parked in a manner that is causing obstruction or is compromising safety to other road users, the Rangers refer the issue to the Police who are the appropriate enforcement agency in these matters.

15.7 Economic Development Committee - Site VisitsResponsible Director: Corporate and Commercial Services

At the February meeting of the Economic Development Committee it was agreed that at its May meeting the committee would take a bus tour around Gerringong to see firsthand potential development sites and visit businesses that are undertaking innovative and entrepreneurial activities and generating employment opportunities.

The committee visited some commercial sites identified for potential development and some that were currently under construction. The committee was very impressed with the amount of commercial development taking place, and also the number of commercial activities in the pipeline. There was also discussion about the need for council to work closely with developers to ensure that the best possible development outcomes were being met, and this may require some creative and innovative thinking and possible tradeoffs may need to be considered to achieve this outcome.

Chair of the South precinct, Darrell Clingan, outlined the recent activities of the organisation and in particular expressed the desire to attract some younger members to the group to enable a balanced view. To this end the group has developed a facebook page. The committee was also impressed with the level of involvement that the South Precinct has with development and community issues in general, and its ability to unify the community when dealing with important matters to Gerringong and Gerroa residents.

The committee took a tour of Buena Vista Farm and heard from Fiona and Adam Walmsley, about their innovative and diversified farming activities and the challenges that they face in making a living from a small landholding. Fiona highlighted the importance of the local farmers' market in providing an outlet for their produce on an ongoing and regular basis, and also the opportunity that the market presents to promote and increase the awareness and benefits of locally grown and sourced food. They also highlighted the high costs involved in being sustainable and in getting products to market. This is especially so with chickens and that it would be very beneficial to have a small abattoir available locally which would dramatically reduce transport costs and make the product more affordable and more available in the local area.

The next stop was The Daily Grind Coffee Co, which has recently moved to larger industrial premises due to the expansion of their business and the investment in larger capacity coffee roasting machines. John Svinos, a partner in the business, gave a presentation outlining the growth of the business and the challenges involved in relocation. John acknowledged the support from Council and the state government with funding assistance, indicating that such growth would not have been possible without this input. He also stressed the importance of the availability of suitable industrial/commercial premises to enable businesses to grow and the availability of a variety of floor space options to accommodate expansion, without having to relocate out of the municipality. The business has been able to employ an additional worker and is establishing new markets mainly in the Sydney area.

Reports for Information

15.7 Economic Development Committee - Site Visits (cont)

The last stop was Crooker River Winery, where owners Goodie and Victoria Felice gave a presentation on the innovative plans for the business and outlined the significant challenges that have existed with the disruption of the Princes Highway road works. Even with the short term closure of the restaurant, the business now employs 22 people, and has employed a top level chef and implemented an exciting new menu, which is proving very popular with weekend travellers and locals alike. They have engaged a local PR and marketing company which has initiated a new website and social media strategy. That, coupled with the rebranding of some of their wines, has also resulted in a growth in cellar door sales.

We also heard from Brendon McNeil, Manager of Ooaree Creek Farm Property who is producing native finger limes with a view to increasing their production to enable export of their product. The committee sampled the product and all were very impressed at the unique texture and taste of the native finger lime and also the potential for restaurants such as Crooked River to integrate this produce into their menu. This property is another example of the innovation that is occurring in our local area and the potential for the Kiama LGA to be a world class leader in agribusiness.

At the conclusion of the trip, the committee expressed their thanks to Councillor Gavin McClure for the use of his company's bus.

15.8 Update on repair work to Daisy the Decorated Dairy CowResponsible Director: Community Services

This report advises Council of progress regarding repair work to Daisy the Decorated Dairy Cow.

The Go Fund Me campaign for Daisy's repairs was finalised at the end of May with a short fall of approximately \$4000 to complete the repairs. Funds can be found to meet this within the Community and Cultural Development team budget, but may need to be revoted into the 2015/16 financial year.

Steve Carlson from Kiama Fibreglassing has prepared a new base board for Daisy. This is required due to the extra weight Daisy will be carrying after the extra fibreglass layer has been applied, and the extra strong laminate for her legs has been organised.

Both Mr Carlson and Council's Community and Cultural Development Officer are currently liaising with Kiama High School in regard to possible student involvement in the project. This could include; surface preparation of Daisy through to multimedia recording and editing of the project's progress. This possible involvement and the upcoming school holidays will delay the start of work on Daisy until the new financial year.

Daisy will need to be transported by horse float or enclosed truck, so a Kiama local, Cathy Stratten, has agreed to help by transporting Daisy to and from the Old Fire Station in her horse float.

'Likes' on Daisy's Facebook page have now reached 593, with her fans keen to keep track of how she is progressing.

15.9 Request from Eurobodalla Mayor for support in lobbying the NSW and Australian Governments for funds to assist local government in the management of Grey Headed Flying-foxesResponsible Director: Environmental Services

Eurobodalla Shire Council Mayor, Councillor Lindsay Brown has written to Kiama Council seeking support in lobbying the NSW and Australian Governments for funds to assist local government in the management of the Grey Headed Flying-fox, a listed vulnerable species under the *NSW Threatened Species Act 1995* as well as being listed as vulnerable under the national *Environment Protection and Biodiversity Conservation Act 1999*.

Eurobodalla Shire Council has a nationally identified Flying-fox camp located in the highly urbanised area of Batemans Bay. The camp has been causing significant distress to residents and business owners, which has been expressed through complaints to Council, in particular complaints about noise, odour and faecal matter.

Current resources employed by Council and the NSW Office of Environment and Heritage have been extensive, and ongoing requirements in managing the Flying-foxes will be costly to the Council and therefore ratepayers.

Mayor Brown has requested lobbying support from Council and would also appreciate hearing from Council on issues faced, financial implications and strategies which have been implemented in our local government area regarding Grey Headed Flying-fox management.

At this point in time, there are no known Grey Headed Flying-fox camps which are causing complaints or issues for residents in the Kiama LGA. Council does receive occasional complaints about the noise and excrement from feeding bats which are visiting trees in gardens and reserves.

15.10 TripAdvisor Holiday Park Certificates of ExcellenceResponsible Director: Corporate and Commercial Services

This information report advises Council of the recent awards received by Kiama Harbour Cabins and Kendalls on the Beach Holiday Park from TripAdvisor.

TripAdvisor is the world's largest travel website which provides travel related reviews, deals and interactive forums. Recently TripAdvisor awarded two of Council's Holiday Parks, Kiama Harbour Cabins and Kendalls on the Beach Holiday Park with a 'Certificate of Excellence'.

These 'Certificates of Excellence' originated in 2010 and honour businesses that 'demonstrate hospitality excellence and represent the upper echelon of businesses listed on TripAdvisor'. To qualify, a business must maintain an overall TripAdvisor rating of at least 4 out of 5.

Both Kiama Harbour Cabins and Kendalls on the Beach Holiday Park have a 4.5 rating out of 5, which is recognition of the commitment of Council to provide a high standard of accommodation and facilities, as well as the excellent customer service and high quality in cleanliness and presentation provided by the management teams at Kiama Harbour Cabins and Kendalls on the Beach Holiday Park.

Recent reviews for Kiama Harbour Cabins:***"Highly recommended!"***

Stayed at the Kiama Harbour Cabins in March 2015 and absolutely enjoyed the stay! The staff were lovely, the cabins were clean, modern, spacious and had amazing views! Thoroughly enjoyed a BBQ on the balcony the first night while lapping up the views. The cabins are a stones throw from the Kiama lighthouse and blowhole plus the city centre. Highly recommended to all visitors to Kiama!"

- DeanK_82

"The Best on Kiama Harbour!"

The cute and comfortable cabins are nestled into the hill by Kiama Blowhole, overlooking the harbour and views to Bombo beach and headland. We have stayed there 3 times, and also gave our son and daughter in law a weekend there as a wedding gift. Beautifully appointed with everything you need – even your own BBQ on your covered deck! Book well ahead, as these seem to be very popular, not surprisingly"

- AlexPinchbeck

Recent reviews for Kendalls on the Beach Holiday Park***"Beachside Beauty!"***

We checked into this lovely cabin right on the waterfront with no problems at all and found the reception staff to be lovely and helpful. Recommending us to a few nice restaurants etc. The park itself is fairly close to the shops etc and has a beautiful beach right in front of the park...

Reports for Information

15.10 TripAdvisor Holiday Park Certificates of Excellence (cont)

The cabin was lovely, airy and clean, spacious, and had a combustion fireplace which we made use of in the night. The spa bath was lovely being able to lay back under the massive skylight and soak the stress away. All the dishes sheets towels etc were all clean and easily accessible. We would stay here again and would recommend Kendalls to our friends etc. You wont be disappointed!"

- AussieTigers

"Can't stop coming back!

We keep returning to Kendalls – this was our third time. Quiet, family friendly, and close to the beach, we've found it consistently good. The staff are always helpful, and the accommodation is spacious and clean. It's a short, pleasant walk along the coast to get to the main shopping centre in Kiama. Whenever our kids hear the word 'holiday', they picture Kendalls"

- Wendy H

15.11 Kiama Hospital Redevelopment Update

Responsible Director: Community Services

DA Planning

Work is continuing rapidly on the development of the DA documentation for the hospital site. The architectural plans have become more detailed with input from staff in regard to operational needs and efficiencies. Specialist consultants are giving input in relation to:

- the design of the kitchen and laundry facilities in the Aged Care Facility
- landscaping of the site
- service infrastructure such as emergency power generation and lifts
- site requirements for power and water
- sustainable design features
- detailed survey of Barroul House to guide restoration eg. wall thicknesses
- review of contamination issues with reference to current design
- creation of a physical model of the development

The Blue Haven Steering Committee will be given a briefing on Wednesday 10 June, prior to a full Council briefing on Wednesday 24 June. Following the Council briefing, feedback will be incorporated into the final documentation with the aim of lodging the DA before mid July.

Community Feedback

Some community members did report the presence of microphones on the hospital site during May, wondering what they were for. These were sound loggers, monitoring the current sound levels around the site for reference during and post construction. This information has now been posted on the 'update' page of the website.

The Director of Community Services will continue to work closely with the Communications Team to provide regular and timely updates to the community throughout the project. These updates will be made available via the website as well as community members being able to register for email alerts related to the project. More significant milestones and reports will continue to be distributed through Council's usual media channels.

15.12 Strategic Tourism Business Plan and Budget

Responsible Director: Corporate and Commercial Services

At the May meeting, Councillor McClure requested a report on Council's Tourism Strategic Business Plan, including budget expenditure YTD and projected budget expenses for the 2015/2016 year.

An overview of Council's draft Tourism Strategic Business Plan was presented to Councillors on Wednesday 10 June 2015 and Councillors were provided with a copy of the draft plan which included detailed draft budget allocations.

A summary of the current year budget, actual expenses and estimated commitments as at 31 May 2015 and the 2015/16 draft budget is set out below.

Expenditure Item	2014/2015					2015/2016
	Budget	YTD Actual	Committed	Total Costs YTD plus Committed	Variance	Draft Budget
Kiama Tourism						
Contribution	128,125	128,125	-	128,125	0	60,000
Kiosk Rent Subsidy	61,174	61,174	-	61,174	0	59,500
Kendalls Holiday Park	30,000	30,000	-	30,000	0	30,000
Membership Fees	2,310		2,310	2,310	0	2,400
Total Kiama Tourism	221,609	219,299	2,310	221,609	0	151,900
Sponsorships						
Total Sponsorships	-	609	-	609	(609)	10,000
Tourism Strategic and Marketing Plan Implementation						
Total Tourism Strategic and Marketing Plan Implementation	-	-	-	-	-	77,831
Council Tourism Working Expenses						
Staff, Administration & IT	49,845	36,967	14,308	51,275	(1,430)	92,269
Working Expenses	27,133	4,276	7,274	11,550	15,583	10,000
Total Council Tourism Working Expenses	76,978	41,243	21,582	62,825	14,153	102,269
	298,587	261,151	23,892	285,043	13,544	342,000

15.13 Geographical Names BoardResponsible Director: Office of the General Manager

At the Council meeting held on 28 April 2015 it was resolved that a report be prepared on the procedures and process of naming proposals by the Geographical Names Board.

The Geographical Names Act 1966 constitutes the Geographical Names Board of NSW and defines its power and function under Section 5 as follows:

5 Powers and functions of board

- (1) Subject to this Act, the powers and functions of the board shall be:
- (a) to assign names to places,
 - (b) to approve that a recorded name of a place shall be its geographical name,
 - (c) to alter a recorded name or a geographical name,
 - (d) to determine whether the use of a recorded name or a geographical name shall be discontinued,
 - (e) to adopt rules of orthography, nomenclature and pronunciation with respect to geographical names,
 - (f) to investigate and determine:
 - (i) the form, spelling, meaning, pronunciation, origin and history of any geographical name, and
 - (ii) the application of any geographical name with regard to position, extent or otherwise,
 - (g) to compile and maintain a vocabulary of Aboriginal words used or suitable for use in geographical names and to record their meaning and tribal origin,
 - (h) to compile and maintain a dictionary of geographical names with a record of their form, spelling, meaning, pronunciation, origin and history,
 - (i) to publish a gazetteer of geographical names, and
 - (j) to inquire into and make recommendations on any matters relating to the names of places referred to it by the Minister.

Under Section 8 of the Act wherever the board propose to assign a geographical name to any place or to alter a recorded name or a geographical name it shall cause to be published in the Gazette and in a newspaper circulating in or in the neighbourhood the proposed name or alteration.

Any person may within a period of one month after the date of publication of the notice make a written submission to the secretary of the board in relation to the proposed name or alteration.

Where the board, after considering any submission in relation to a proposed name or alteration:

Reports for Information

15.13 Geographical Names Board (cont)

-
- (a) decides that that name or alteration should not be adopted, the board may abandon the proposed name or alteration, or
 - (b) decides that that proposed name or alteration should be adopted, either with or without modification, it may so recommend to the Minister in a report which shall also set out the grounds of any objections to the proposed name or alteration contained in the submissions.

Where:

- (a) no submission objecting to a proposed name or alteration has been made, the board may cause a notice specifying the proposed name or alteration to be published in the Gazette, or
- (b) a submission has been made objecting to a proposed name or alteration, the board has recommended to the Minister that the proposed name or alteration be adopted, either with or without modification, and the Minister has approved the board's recommendation, the board shall cause a notice specifying the proposed name or alteration, as approved by the Minister, to be so published.

Section 15 of the Act refers to the use of names in geographical manuscripts, tourist publications, maps and other publications. Section 15 (1) reads as follows:

- (1) No person shall publish or cause to be published in any geographical or other scientific manuscript or publication, or in any guide-book, handbook, pamphlet, road-map, or other publication intended for the use of travellers or tourists generally, or on any map in such manuscript or publication, or in such guide-book, handbook, pamphlet or other publication, any name purporting to be the name of any place which has a geographical name unless the name so published is the geographical name of that place or it is stated in or on the manuscript, publication, guide-book, handbook, pamphlet, road-map or other publication, or on the map, that the name is not a geographical name under this Act.

The Geographical Names Board has a fact sheet providing the guidelines for the determination of place names, a copy of which has been circulated to Councillors.

Attachments

- 1 Geographical Names Board - fact sheet - Guidelines for the determination of placenames



FACT SHEET

Guidelines for the determination of placenames

These guidelines were endorsed by the Geographical Names Board of New South Wales (GNB) on 17 October 1996.

1. A name suggested for any place that owes its origin to the peculiarity of the topographic feature designated such as shape, vegetation, animal life etc., may be accepted but, in doing so, care should be exercised in avoiding duplication of names already used for other features.
The GNB prefers to avoid the repetition of commonly used names. Sugar Loaf, Sandy, Back, Bald, Deep, Long, Kangaroo, Reedy, Rocky, Spring and Stony are examples of such names.
2. Easily pronounced names should, as far as possible, be used.
3. Names of Aboriginal origin or with a historical background are preferred.
4. Names acknowledging the multicultural nature of our society are encouraged.
5. The changing of long established placenames is generally not preferred, except where necessary to avoid ambiguity or duplication.
6. If considered appropriate, placenames may perpetuate the names of eminent persons, particularly those of early explorers, settlers and naturalists.
7. Names of persons should normally only be given posthumously but the GNB, at its discretion, may approve a feature name which honours a living person. Such a person's contribution to the local community should have been of outstanding benefit to the community. Ownership of the land is not sufficient reason for the application of the owner's name to a geographical feature. The GNB will not approve the naming of a feature after a person still holding public office.
8. The GNB may approve a first or given name as part of a geographical name only where it is necessary to appropriately honour the person referred to or where it is necessary to avoid ambiguity.
9. Long and clumsily constructed names and named composed of two or more words should be avoided.
10. The multiplication of names for different parts of the same topographical feature such as a stream or mountain range will be avoided whenever possible and the one name applied to a stream or mountain range throughout its entire length.
11. The naming of forks, arms and branches of a river as North Branch and South Branch is not favoured. Generally, it is preferable to assign independent names to river branches.
12. The use of cardinal points of the compass as a prefix or suffix to an existing name is not favoured. However, well-established names which carry such a prefix or suffix may be approved.
13. Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form; that spelling which is sanctioned by general usage should be adopted.
14. When a choice is offered between two or more names for the same place, locality or feature, all sanctioned by local usage, the GNB may adopt one of such names as is considered appropriate in accordance with the rules outlined above.
15. The possessive form should be avoided whenever possible without destroying the sound of the name or changing its descriptive application e.g. Howes Valley should be written without the apostrophe.
16. The use of hyphens in connecting parts of names should, as far as possible be avoided.
17. Names considered offensive or likely to give offence will not be approved.

15.14 Parking Statistics - May 2015

Responsible Director: Environmental Services

The following are parking statistics for May 2015:

45 Parking patrols completed.

26 Infringements issued.

15.15 Kiama Youth Advisory Committee Meeting

Responsible Director: Community Services

This report provides the minutes from the Youth Advisory Committee Meeting held at Kiama High School on Wednesday 3 June 2015.

Enclosures

- 1 Youth Advisory Committee June minutes 2015

**15.16 Kiama Health and Sustainability Committee Minutes for meeting held
28th May 2015**

Responsible Director: Community Services

This report provides the minutes of the Kiama Health & Sustainability Committee held 28 May 2015.

Attachments

- 1 Kiama Health & Sustainability Committee Minutes 28 May 2015

**Minutes of the Kiama Health & Sustainability Committee meeting held on Thursday
28 May 2015 in the Council Chambers Committee Room 1 at 5.30pm.**

Present: Councillor Kathy Rice, Councillor Andrew Sloan, Kathy Richardson, Paul Czulowski, Billy Wang, Leonardo Murgu, Byron Robinson, Nick Guggisberg.

1. **Apologies:** Alexandra McPaul, Edwin Humphries and Regan Figg

2. **Minutes of Previous Meeting:**

Motion: that the minutes from the last meeting held on 26th March 2015 be accepted as an accurate record of the meeting.

Moved: Billy Wang

Seconded: Kathy Richardson

CARRIED

3. **Business Arising from previous minutes**

Clr Kathy Rice informed the committee that the updated Car parking DCP has gone on public exhibition and has been adopted by Council. The Farm Gate Sales DCP should be referred to the committee for input once development is underway.

Action 4.1 Organics Kiama Composting Grant - 20 workshops over the next 2 years working with the community garden. First two workshops are being held as part of World Environment Day workshops program on 10 and 20 June 2015.

Action 4.1 Solar decathlon - Clr Kathy Rice informed the committee that the University of Wollongong Solar Decathlon House will be open to the public on 5 June as part of World Environment Day.

Action 4.1 Dementia and Age Friendly Projects - Clr Kathy Rice informed the committee that at its April meeting, Council determined to incorporate the Age-friendly and Dementia-friendly projects into the review of the Kiama Health Plan.

Action: Nick Guggisberg to ensure Regan Figg follows up this Council resolution

Action 5.1 Jerrara Dam bush regeneration - Billy Wang informed the committee that he had sent around an email regarding bush regeneration and plans for Jerrara Dam Arboretum. There were a number of environmental works continuing on the front part of the site near Mt Brandon Road, including a Green Army team being on site for 6 months to extend and restore the arboretum. Council has also received a grant from the NSW Office of Environment and Heritage to monitor and protect threatened species on the site (*Zieria granulate* (Illawarra Zieria) and *Daphnandra Johnsonii* (Illawarra Socketwood). Consultants have been appointed to report to Council on options for the future use of the dam site. The report should be completed within the next 6 months.

Action 6.1 Noise from local Roads - Paul Czulowski explained to the committee that noise from the highway was under the authority of the NSW EPA and NSW RMS. Residents who have issues need to contact the EPA environment line to lodge a complaint, and the NSW EPA will investigate. A number of residents from Coryule Place have received support from the state government and as a result noise barriers and mitigation measures will be undertaken.

Clr Andrew Sloan noted that the noise investigation guidelines did not necessarily cover the intermittent noise of engine braking due to the decibel level being determined as an average decibel level across a 10 minute period.

Paul Czulowski suggested that Council may want to take up the issue in the future.

Clr Kathy Rice noted that there was more development coming in the Munna Munnora and Cedar Ridge sites which will need to consider noise from the highway.

Clr Andrew Sloan thought that the review of the LEP and the review / development of DCPs was the mechanism to achieve these outcomes. He also suggested that these controls should be the responsibility of the developer not the state once the developments have been completed.

4. Correspondence

4.1 NSW Food Safety Strategy 2015-2021

Paul Czulowski talked to the NSW Food Safety Strategy which is the overarching state government strategy to improve and support the food industry in NSW with the main focus areas of:

- To reduce food poisoning incidents,
- To streamline regulatory processes,
- To provide 'on line' licensing to 15,000 licensees with the NSW Food Authority,
- To remove duplication for food service businesses,
- To train food retailers in safe food handling to minimise salmonella outbreaks and ensure safe on-farm production processes, and
- To provide educational information and state wide technical training for meat and poultry abattoirs to support compliance with animal welfare requirements.

The strategy will be delivered through key agencies including the NSW Food Authority, Local Government, Primary Industries and NSW Health.

Paul will need to review the strategy to determine the implications for the Environment and Health team, Council operations, and local food businesses.

Clr Kathy Rice noted that the strategy needs to be examined for its impact or implications on farm producers and local farm gate sales.

Paul also indicated that the Scores on Doors Program, which Council had been trialling with the NSW Food Authority, has issues including confusion over the star rating system for health as it can be easily confused for a star rating for food quality.

Paul offered to table Council's submission to the Scores on Doors Program at the next committee meeting, and provide the Annual Report of Statistics Council submits to the NSW Food Authority for the committee's information.

Action: Paul to table 'Scores on Doors' submission at the next committee meeting.

Action: Paul to provide Annual Food Authority Report to committee for information.

4.2 World Environment Day workshops poster

Byron Robinson provided an update on the world environment day workshop program which is being rolled out over June 2015. A number of the workshops are already nearing capacity and further promotion should see the workshops full by the time they are run.

4.3 Prevalent Health Conditions by LGA

Kathy Richardson noted that all the statistics for the Kiama LGA are in line with the state average, which seemed to be different from the surrounding LGAs, noting that the statistics were from 2012. Kathy was surprised that the Kiama LGA statistics were stable considering the ageing population.

Nick Guggisberg noted that in the Age-friendly survey, over 50% of respondents indicated that they volunteered, indicating an engaged and active community which leads to better health outcomes. This may account for Kiama's residents good health relative to other LGS's.

Kathy Richardson also noted that the figures did not include hospitalisation due to drugs and that she would expect this would be an area which would be increasing since 2012.

4.4 LEP Review Committee

Clr Kathy Rice distributed the Terms of Reference for the LEP Review committee prior to the KHSAC meeting, noting that the LEP Review committee required a member of the KHSAC to be nominated for membership. Clr Kathy Rice informed the committee that she has already spoken with Edwin Humphries and Alexandra McPaul who had indicated that they were not able to commit to the extra workload of the LEP Review Committee.

Clr Kathy Rice asked if Leonardo would be interested in the role as it encompassed his area of interest.

Leonardo indicated he was amenable to the suggestion of nominating for the committee.

Motion: To nominate Leonardo Murgu for membership on the LEP Review Committee.

Moved: Andrew Sloan

Seconded: Kathy Richardson

CARRIED

Paul Czulowski noted that consideration has to be given to sewer infrastructure, power and water etc. in the LEP review.

5. Department Reports Community Services

Nick Guggisberg notified the committee that the review of the Kiama Health plan was 90% complete with just a few updates still to come from other areas of Council. Nick offered to send the working document around to the committee for input which will need to be provided back to Regan Figg within the next 2 weeks.

Action: Regan Figg to send out the current version of the Kiama Health Plan actions for comment from the committee.

Nick Guggisberg raised the issue that the fees for the edible garden workshop may need to be increased for cost recovery issues due to the cost of providing the workshops.

Action: Regan Figg to send the committee the details of the 'Edible Garden' workshop series.

Nick provided a further update on planned activities including a long lunch program with the Gardens to Table program which Regan was developing, as well as some healthy cooking workshops.

Paul Czulowski indicated that some of these activities may be eligible for the 'Love Food Hate Waste' grants program which is currently available.

Action: Paul to send through LFHW grant funding details to Nick and Regan.

Nick also indicated that Regan would be applying to a grant funding program to deliver nutritional information and education to schools in the area through their school canteens.

Nick informed the committee that the outdoor exercise equipment has been installed at Warri Beach, and 'Come and Try' days will be organised following winter.

Nick and Regan have also been in contact with an organisation based in Sydney who runs a Young Entrepreneur program through schools, and is investigating the potential for the program to be rolled out in Kiama schools.

Engineering and Works

Billy Wang updated the committee on the progress of 3 major projects Council is working on:

- Jerrara Dam decommissioning starts in the first week of June,
- Union Creek Bridge is scheduled for upgrade and will start on the 12 July. This follows a fauna assessment and site meetings to look at the design of the bridge, which is now going to be a spanning bridge and not just a culvert crossing
- Factory Lane Bridge replacement starting on 9 June and running for approximately 4 weeks. Billy indicated that the some of the wooden beams had been assessed as down to 40% of their original bearing capacity as termite and borer damage is significant. The wood will be sent to a local wood recycling facility.

Environment and Health

Paul Czulowski informed the committee that Council has received funding to promote composting targeting multi unit dwellings.

Paul indicated that the tender for the food and garden organics processing would go out in late June, with a contract term yet to be determined, but it may be 5 years or longer. Paul informed the committee that Shellharbour Council had received funding to implement the composting facility at Dunmore, indicating that the DA had yet to be approved.

Kiama plans to roll out the OK Kiama Food and Garden Organics Collection Service to the rest of the LGA in the new financial year.

Kiama Council will also be putting out an Alternative Waste Technology (AWT) tender to accept red bin waste from the waste collection service to further increase diversion rates from landfill.

The NSW EPA had recently conducted a risk assessment of the Minnamurra Recycling Facility and rehabilitated landfill site in line with the review of the licence conditions.

A litter reduction grant for Gerringong was being rolled out, including installation of public place recycling infrastructure and a Litter Blitz education campaign to target littering hot spots.

EPA litter blitzes had also been conducted at the Blowhole and Terralong Street in February, March and April as part of the Regional Waste Strategy.

Container deposit legislation has been announced to be introduced, although the details of the legislation and scheme are not yet available.

There will be another free bulky waste drop off program for the later part of this year, and statistics have indicated that there has been a reduction in the dumping of mattresses and other illegal dumping after the first bulky waste drop off.

National Tree Day activities were booked in for 3 August with Kiama High School students.

Wetlands grant funding had been applied for by Council to work on weed infestations in the salt marsh wetlands in Minnamurra River, opposite Rocklow Creek.

Council will be considering the Jones Beach dog off leash swimming area at the June meeting.

Minnamurra Coastal Zone Management Plan (CZMP) draft was on public exhibition from start of May until 29 May. Draft Crooked River CZMP will hopefully be out on public exhibition in July / August. Council is awaiting some final information for inclusion from the NSW Office of Environment and Heritage before going back to the committee and stakeholders before public exhibition.

6. Next Meeting:

The next meeting of the Kiama Health and Sustainability Committee will be held on Thursday 23 July 2015 at 5.30pm in Council's Committee Room 1. Byron will send out meeting request in the coming week.

There being no further business the meeting closed at 7.30pm

15.17 Strathfield Council - Fit for the Future Expert Advisory Panel

Responsible Director: Office of the General Manager

Council has received a letter from the General Manager of Strathfield Council in relation to a resolution carried by Strathfield Council in relation to the Fit for the Future Expert Advisory Panel.

A copy of the letter which raises concern in relation to the appointment of IPART and the 30 June 2015 deadline for submissions is attached.

Attachments

- 1 Letter from Strathfield Council dated 25 May 2015 - Fit for the Future Expert Advisory Panel



65 Homebush Road, Strathfield NSW 2135
PO Box 120, Strathfield NSW 2135 | P 02 9748 9999 | F 02 9764 1034
E council@strathfield.nsw.gov.au | www.strathfield.nsw.gov.au | ABN 52 719 940 263

Neale Redman

25 May 2015

Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
NSW 2533

Dear Michael

Fit for the Future Expert Advisory Panel

I am writing to you concerning the recent appointment of the Independent Pricing and Regulatory Tribunal (IPART) to fulfill the role of the Expert Advisory Panel to undertake a review of NSW Councils Fit for the Future proposals.

Council recently considered this issue and resolved to write to the Honorable Mike Baird MP Premier of NSW expressing strong concerns in relation to the appointment of IPART. Attached for your information please find a copy of Councils letter.

Council also resolved to write to all NSW Councils, the Sydney Metropolitan Mayors and LGNSW requesting that they write to the Premier of NSW the Honorable Mike Baird MP and the Minister for Local Government the Honorable Paul Toole MP and request that the 30 June deadline for the submission of Fit for the Future proposals be extended by at least two months.

Your response concerning this important issue would be appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. Backhouse".

DAVID BACKHOUSE
GENERAL MANAGER



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Neale Redman

8 May 2015

The Hon. Mike Baird MP
Premier of New South Wales
GPO Box 5341
SYDNEY NSW 2001

Dear Premier

Fit for the Future Expert Advisory Panel

I refer to your appointment of the Independent Pricing and Regulatory Tribunal (IPART) to fulfill the role of the Expert Advisory Panel to undertake a review of NSW Councils Fit for the Future proposals.

In response to your request IPART released a consultation paper on 27 April 2015 concerning methodology for the assessment of Fit for the Future proposals.

Council at its recent meeting resolved as follows:

125/15

RESOLVED: (Bott/Kokkolis)

1. That Council write to the Premier of NSW, Mike Baird, regarding the appointment of IPART to perform the role of the expert advisory panel to assess Fit for the Future proposals submitted by Councils.
2. That Council express its strong concerns in relation to the following issues:
 - The appointment of a temporary part time tribunal member with Local Government sector knowledge to assist IPART is completely inadequate.
 - The appointment of IPART will result in issues of community identity and cohesion not being considered in the assessment of proposals.
 - In view of the fact that the methodology for assessing Fit for the Future proposals will not be finalised until 1 June 2015 the deadline for the submission of proposals to the State Government of 30 June should be extended by at least 2 months.
 - It is completely unacceptable and unrealistic to require Councils to prepare and submit proposals in the absence of the finalised methodology to be used by IPART in the assessment of those proposals.

3. That Council write to all NSW Councils, Sydney Metropolitan Mayors and LGNSW advising of Council's resolution and requesting that they write to the Premier of NSW, Mike Baird, and Minister for Local Government, Paul Toole, and request that the 30 June deadline for submission of Fit for the Future proposals be extended by at least two months.

Voting on this item was unanimous.

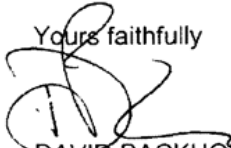
Council considers the appointment of a temporary part time tribunal member with local government experience to assist IPART with the assessments is completely inadequate. It is considered that at least two local government practitioners with experience in local government in NSW should be appointed to the Expert Advisory Panel.

Council is concerned that the lack of local government practitioners with relevant experience will result in issues relating to community identity and cohesion, not being given adequate consideration in the assessment of proposals.

In relation to the timeframes concerning the Fit for the Future process Council considers that it is completely unacceptable and unrealistic to require proposals to be prepared or reconsidered having regard to the methodology to be used by IPART in the period of one month. This is particularly the case due to the need for Councils to consult with their communities concerning their proposals. In view of these issues, Council requests that the deadline for the submission of proposals be extended by at least two months.

Your response concerning these important issues would be appreciated.

Yours faithfully



DAVID BACKHOUSE
GENERAL MANAGER

15.18 Councillor Meeting Register

Responsible Director: Office of the General Manager

Please find attached the current Councillor Meeting Register covering the period from 1 January 2015 to 1 June 2015.

Attachments

- 1 Councillor Meeting Register

COUNCILLORS/DIRECTORS MEETING RECORD

Councillor Mark Honey

DATE	DIRECTOR OR STAFF MEMBER	MEETING DESCRIPTION	SCHEDULED	UNSCHEDULED	TIME IN	TIME OUT	COUNCILLOR'S SIGNATURE
19-1	Ben (IT)	Email Problems		✓	3.30	3.50	<i>Mark Honey</i>
24-3	GM	Engagements		✓	9.20	9.30	<i>Mark Honey</i>

Note: Does not deal with on-site meetings. To be completed by Councillors at Customer Service counter and returned, signed off at the conclusion of the meeting/s.

COUNCILLORS/DIRECTORS MEETING RECORD

Councillor Dennis Seage









DATE	DIRECTOR OR STAFF MEMBER	MEETING DESCRIPTION	SCHEDULED	UNSCHEDULED	TIME IN	TIME OUT	COUNCILLOR'S SIGNATURE
12/1/15	M. FORSYTH	CCTV TENDER	✓		11 Am	11:57Am	<i>[Signature]</i>
2/14/15	P. SPENCE	ANZAC DAY		✓	11:55	12:10	<i>[Signature]</i>
12/5/15	M. FORSYTH	M. BOYE		✓	9:45	10:45	<i>[Signature]</i>
12/5/15	P. COSTELLO	BACKSAPALE PK	✓		10Am	10:5	<i>[Signature]</i>
2/5/15	P. COSTELLO	LYNCH DRIVEWAY	✓		10:10	10:25	<i>[Signature]</i>
2/5/15	M. FORSYTH	PAVILION		✓	1Pm	1:20p	<i>[Signature]</i>
2/5/15	P. SPENCE	CCTV REPAIR		✓	12:0p	12:5p	<i>[Signature]</i>

Note: Does not deal with on-site meetings. To be completed by Councillors at Customer Service counter and returned, signed off at the conclusion of the meeting/s.

14/7/16

COUNCILLORS/DIRECTORS MEETING RECORD

Councillor Mark Way

DATE	DIRECTOR OR STAFF MEMBER	MEETING DESCRIPTION	SCHEDULED	UNSCHEDULED	TIME IN	TIME OUT	COUNCILLOR'S SIGNATURE
6/2	Alex Corallo	Variou's Mt's	✓		11-30	12:00	
31/3	Ray Whitaker	BUDGET	✓		2:00	2:45	
7/4	Ray Whitaker	PROJETS		✓	9-15	9-30	
7/5	Ray Whitaker	BUDGET		✓	10-45	11:00	
7/5	CECILE	Mobile Home		✓	10-15	10-40	
11/5	Ray Whitaker	Monorail	✓		3:45	4:00	
11/5	Pitel Corallo	SOCKS CASH	✓		4:00	4:30	
12/5	Greenberg HARB	Mobile Home	✓		11-30	12:00	

Note: Does not deal with on-site meetings. To be completed by Councillors at Customer Service counter and returned signed off at the conclusion of the meeting/s

14/7/16

15.19 Public Library Funding Campaign UpdateResponsible Director: Community Services

In 2013 Jan Barham MLC wrote to councils across the state seeking information and support to address the cost-shifting in library funding. Information obtained from councils has provided details about library services and the impacts that the lack of funding has placed on these services. During this time the issue of inadequate funding for public libraries has been raised in the NSW Parliament and in October 2013 Jan Barham called a successful motion for the Government to review library funding in the Legislative Council. Unfortunately there has been no commitment from the current Government to improve the funding regime for public libraries despite the continuing funding campaigns from various organisations.

To date, Kiama Council has supported the NSW Public Libraries Association funding campaign, which has highlighting these same issues. Petitions have been made available at the Library for signing by the public.

The attached letter was recently received from Jan Barham MLC, requesting support for a campaign to petition the Legislative Assembly to call on the NSW Government to replace the Library Regulation 2010, which is due to expire this year, with regulations that deliver fair and adequate state funding for libraries. It has been suggested that the funding model must change to not only restore the state's contribution to an appropriate share of the cost of library services but also to reform funding allocations to ensure all libraries across the state are fairly and adequately resourced.

This petition has been supported by the NSWPLA executive, who are also running a funding campaign to increase funding for public libraries.

Attachments

- 1 Request support in obtaining improved funding for Public Libraries in NSW - NSW Government funding of Public Libraries - Jan Barham MLC The Greens
- 2 Request support in obtaining improved funding for Public Libraries in NSW - Petition - NSW Government funding of Public Libraries - Jan Barham MLC The Greens

Jan Barham MLC
The Greens

Legislative Council, Parliament House
Macquarie Street, SYDNEY 2000
Ph: 02 9230 2603 **Fax:** 02 9230 2766
Email: Jan.Barham@parliament.nsw.gov.au
Website: www.janbarham.org.au



Tuesday, 12 May 2015

Dear Mayor and General Manager,

RE: NSW Government funding of Public Libraries

I am writing to you and your council to ask for your support in obtaining improved funding for public libraries in NSW.

In 2013 I wrote to councils across the state seeking information and support to address the cost-shifting in library funding, and I am grateful that many councils responded with details about their library services and the impacts of the absence of increased state funding.

During the past two years I have continued to raise the inadequacy of funding for public libraries in the NSW Parliament, and I have worked to raise awareness in the community in an effort to ensure the Government would act to reform their funding of library services. On 24th October 2013, my motion calling for the Government to review library funding was passed by the Legislative Council, with members of the Government, Opposition and cross-bench parties speaking in support.

I have also been appreciative and supportive of the efforts made by the NSW Public Libraries Association and its predecessor organisations, along with councils, library officers and community members across the state to push for action on this issue.

Unfortunately, there has been no commitment from the Baird Government to improve the funding regime for public libraries, and without reform the cost burden on local councils will continue to increase.

From 1979-80 to 2012-13 the NSW Government funding share for libraries has dwindled from 23.6% to a mere 7.1% of that needed for the continued provision of the services our communities need. At the same time, the cost of delivering library services has increased as libraries have transformed and broadened the range of services they offer, including access to information technology for all community members. This has necessitated a cost shift to local governments.

Investing in libraries is an investment in our communities. Indeed, research by SGS Economics in 2013 showed that for the estimated annual expenditure of \$335 million returned benefits of more than \$1 billion – for every dollar spent on library services in NSW, they estimate a return of \$3.20.

It is imperative that everyone affected by the lack of action by state government to implement a fairer funding model continues to lobby for a funding increase. I will continue to do everything I can to promote libraries in Parliament to obtain a fairer outcome. I have established a petition to the Speaker and members of the Legislative Assembly to increase state funding for public libraries in New South Wales and establish a Parliamentary inquiry into public libraries. I attach a copy.

This petition asks the Legislative Assembly to call on the NSW Government to replace the Library Regulation 2010, which is due to expire this year, with regulations that deliver fair and adequate state funding for libraries. The funding model must be changed to not only restore the state's contribution to an appropriate share of the costs of library services but also to reform funding allocation to ensure all libraries across the state are fairly and adequately resourced.

In addition to the call for fairer funding, the petition calls for a Parliamentary inquiry into libraries. I will move to establish an Inquiry that examines the evidence and arguments for whole of society and whole of government benefits that are delivered by public libraries. Such an inquiry would allow for a comprehensive consultation process that encompasses a wide range of stakeholders across the state. The need for a review of the true value of libraries was identified in the Parry Review in 2008 but has never been acted upon.

I ask for your council's support in distributing copies of this petition to your libraries and within your communities. It is important to maximise the number of petition signatories, because a petition that obtains 10,000 signatures will ensure that the issue is debated in the Parliament. Our goal is to table the petition as soon as possible, to ensure that the strong community support for recognising the importance of library services will be placed on the record before the new regulations are due to be released later this year.

In addition, I draw your attention to the range of materials I have produced in support of libraries including a booklet outlining the case for change. A website, fundourlibraries.org.au has been set up to complement these booklets and I recommend it to you as a resource for your community. A PDF file of the attached petition is available for download from the website.

I would be grateful if you provide a copy of this letter to all Councillors, and I hope that your council will be able to provide support for this petition and ensure increased funding for the essential services that libraries provide.

Yours sincerely,



Jan Barham MLC

Jan Barham MLC
The Greens

Legislative Council, Parliament House
Macquarie Street, SYDNEY 2000

Wednesday, 13 May 2015

Dear Mayor and General Manager,

RE: NSW Government funding of Public Libraries

Yesterday I wrote to you regarding funding for public libraries in NSW. Unfortunately the letter was mistakenly sent without a copy of the petition that I indicated would be attached. Please find the petition included with this message, and as noted in my letter it can be downloaded as a PDF from <http://fundourlibraries.org.au/> (follow the "Take Action" link).

Yours sincerely,



Jan Barham MLC



PETITION: INCREASE STATE FUNDING FOR PUBLIC LIBRARIES

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES IN PARLIAMENT ASSEMBLED

The Petition of certain citizens of New South Wales brings to the attention of the House that:

- libraries are a fundamental part of the educational and cultural vibrancy of community, providing lifelong learning and opportunities for social interaction, and delivering benefits across many government portfolios, including health, education and aged care.
- from 1979-80 to 2012-13, the percentage of total funding for public libraries that comes from the NSW Government has decreased from 23.6% to 7.1%, shifting more of the burden of funding public libraries onto local government.

The undersigned petitioners therefore ask the Legislative Assembly to call on the NSW Government to:

- support a Parliamentary inquiry into public libraries including the benefits of library services to the community, and
- replace the Library Regulation 2010, which is due to expire in 2015, with regulations that deliver fair and adequate state funding for libraries.

PROVIDE DETAILS HERE (REQUIRED):

NAME	ADDRESS	SIGNATURE

OPTIONAL – STAY INFORMED:

EMAIL (FOR UPDATES FROM THE GREENS)

When completed please send to Jan Barham MLC, Legislative Council, Parliament House, Macquarie Street, Sydney NSW 2000

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OPTIONAL – STAY INFORMED:

EMAIL (FOR UPDATES FROM THE GREENS)

When completed please send to Jan Barham MLC, Legislative Council, Parliament House, Macquarie Street, Sydney NSW 2000

15.20 2015 Youth Engagement Meeting

Responsible Director: Community Services

As in previous years, plans have been made with Kiama High School to hold a Youth Engagement Meeting at the school. The proposed date is Tuesday, 4 August at 10am in the school Library. The date this year occurs within Local Government Week. The Engagement Meeting is considered to be an appropriate mechanism to provide exposure to young people on how local government, specifically Kiama Council functions and how it relates to issues that may affect them.

Item 15.20

Reports for Information

15.21 Kiama Development Industry Committee Meeting - Minutes

Responsible Director: Environmental Services

Enclosed for Councillors' information are the minutes of the Kiama Development Industry Committee meeting held on 3 June 2015.

Enclosures

1 Minutes - 3 June 2015

Item 15.21

15.22 Companion Animals Advisory Committee Meeting Minutes - 26 May 2015

Responsible Director: Environmental Services

Attached are the Minutes of the Companion Animals Management Advisory Committee (CAMAC) Meeting of 26 May 2015. Agenda matters at this meeting included the review of the trial Jones Beach off-leash swimming area and a presentation from Mrs Flint suggesting a review of the hours of operation of the Bombo Beach dog off-leash swimming area during the summer holiday period.

As the Jones Beach review was subject to a specific Council resolution requiring submission of a report to Council, that matter has been reported separately.

Attachments

- 1 Minutes - 26 May 2015

MINUTES OF THE COMPANION ANIMALS ADVISORY COMMITTEE MEETING
26 May 2015 - COMMENCING AT 10.00 AM
COUNCIL'S ADMINISTRATION BUILDING (CR2)

Present: Councillor Mark Way, Tony Mitchell, Kim Elder, Paul Czulowski, Tom Ward, Gordon Bell, Roger Bogaert, Kevin Hodgson and Tom Ward

Item	Action
<p>1. Apologies Anne Millard and Dennis Tracey</p>	
<p>2. Confirmation of Minutes No minutes were confirmed</p>	
<p>3. Matters Arising None</p>	
<p>4. Topics for Discussion</p> <p>Matter 4.2 was brought forward.</p> <p>4.2 Bombo Beach off-leash swimming area</p> <p>The committee was addressed by Mrs Christine Flint at the beginning of the meeting to enable Mrs Flint to leave.</p> <p>Mrs Flint made the following points:</p> <ul style="list-style-type: none"> • During the summer period (late December through January) there is a distinct lack of compliance by dog owners using the off-leash swimming area at Bombo Beach. It has become particularly unpleasant to visit this area and there is a huge loss of amenity for people wanting to enjoy this part of the beach. • Believes it is both locals and tourists not keeping their dogs under effective control, allowing them to run over people's towels, swimming and leaving their dogs on the beach, not picking up after their dogs, etc. • Understands that this is not a life saving patrolled area of the beach so swimming is not encouraged but it does happen. • There is also an issue with dogs being allowed to roam the entire beach. • Would like to see a restriction on use over the summer period so that dogs are not allowed on the beach between 9 am and 5 pm. There are similar areas in Tasmania and Whangarei that work well. <p>Mrs Flint left the meeting at this point.</p> <p>Mark Way advised that he is hoping to get funding through the Walking Tracks & Cycleway Committee for a tap and shower at the southern entrance to Bombo Beach.</p> <p>The Committee considered Mrs Flint's proposal and the following points were discussed:</p> <ul style="list-style-type: none"> • There is always an element of non-compliance. • Need to use the life guards more effectively to help police the beach. The life guards need to be made aware that they should contact the Rangers when any breach occurs. The Rangers have been invited to speak with the life guards at the beginning of next season. 	

SC 1531: 15/36460

Item	Action
<ul style="list-style-type: none"> The level of noise from barking dogs could interfere with neighbouring residents' comfort and amenity. Council received two complaints which were investigated by Ranger Services. It was questioned whether this issue can be addressed in a similar way to barking dogs in residential areas or by other means. Paul Czulowski will investigate if excessive barking can be made a Prohibited Activity under Section 632 of the Local Government Act and added to the <i>Conditions of Usage</i> signs placed onsite for enforcement purposes. 	action
<ul style="list-style-type: none"> The issue of dogs being left unattended by owners whilst they went swimming or surfing could be addressed under the <i>Conditions of Use</i>, which would require amendment by Council. Therefore this will become an offence and enforcement action can be taken. This issue should be included in any future education programs. 	Paul Czulowski to action
<ul style="list-style-type: none"> Non compliance within the 10 metre exclusion zone around the children's playground was initially an issue, mainly due to dog owners not being aware of this requirement. Compliance was improved due to additional signage on the playground equipment and by onsite education conducted by Council staff. Also defining the access route by the installation of log bollards, and painted blue posts has resulted in people taking the correct route to the beach. Further signage and education on this issue is recommended. 	Ranger Services to action
<ul style="list-style-type: none"> The issue of non compliance with the <i>Conditions of Use</i> by some dog owners is an issue of concern. This is exacerbated by limited Ranger Service staff resources to effectively manage compliance and to conduct onsite education in all dog off-leash areas. It was suggested that Council provide funding and additional staff resources, in particular during the summer and Easter holiday periods to address this issue. 	Paul Czulowski to action
<p>Paul Czulowski advised the draft 2015-16 Budget Estimates is on public exhibition. Therefore a submission to Council from the Committee will be made.</p>	
<p>The volunteer Companion Animals Community Champions Program could be implemented to assist with the education of users and improve compliance with the <i>Condition of Use</i> requirements. This should be a formalised program to be managed by the Ranger Services but there are policies, procedural and risk management issues that first need to be investigated.</p>	Ranger Services to investigate
<ul style="list-style-type: none"> The issue of dogs being on the northern and other sections of Jones Beach could be addressed by involving the life guards who should be encouraged to contact the Ranger Services when this occurs. 	
<ul style="list-style-type: none"> The issue of safety, especially children and the elderly being threatened by dogs is one that applies everywhere not just in off-leash areas. It could also occur when a dog is on or off-leash in any public place. The Healthy Cities Illawarra 'Stand Right Avoid a Bite' program previously conducted by Council could be incorporated into future education programs. Dog owners are required to have effective control of their dog on the beach and in other areas. 	
<ul style="list-style-type: none"> The issue of the potential impact on flora and fauna including any threatened species especially in the dune areas was investigated using the Atlas of NSW Wildlife. This indicated that there are have been no known endangered species recorded within the dune area. Advice has also been received from the Office of Environment and Heritage on this issue. As the dunes are prohibited dog zones then enforcement action can be taken by Council. 	
<ul style="list-style-type: none"> An extensive education program targeting residents and tourists including elements of the Healthy Cities Illawarra 'Stand Right Avoid a Bite' and 'Spot the Dog' programs, and revised facts sheets eg '10 steps to enjoy off-leash areas' should be developed and implemented. 	

SC 1531: 15/36460

Item	Action
<ul style="list-style-type: none"> • The issue of dogs on the rock platform and the usage of this and the adjoining sheltered beach area by tourist, walkers and non dog owners including families especially during the holiday period was discussed. The use of time limitations and increasing the buffer distance was suggested but not recommended by the committee. The <i>Conditions of Use</i> could be amended by Council to highlight that the rock platform and dune areas are dog prohibited area and included in any future education programs. • The issue that there is no need for the Jones Beach dog off-leash area due to the number of existing areas including Bombo Beach was considered. The data provided indicated Jones Beach was being used by residents. <p>Committee recommendation:</p> <p>That the Jones Beach off-leash swimming area continue to operate permanently subject to the following :</p> <ul style="list-style-type: none"> (a) The development and implementation of additional community education programs that incorporate requirements relating to the control of barking dogs, keeping dogs under effective control at all times, picking up dog faeces, prohibited areas such as the southern rock shelf, dune areas and the 10 metre exclusion zone around playgrounds, the 'Stand right avoid a bite' program and other general conditions of use of the off-leash area. The education program should target existing and new residents and tourists that may use the dog off leash areas. (b) The <i>Conditions of Use</i> requirements are amended by Council to make it a prohibitive activity to allow dogs to consistently bark and cause a nuisance, and to allow dogs to be unattended at any time. (c) Additional permanent and temporary signage be designed and installed specific to address barking dog issues, picking up dog faeces, unattended dogs, and prohibited areas such as the southern rock shelf, dune areas and the 10 metre exclusion zone around playgrounds. (d) The installation of additional dog bag dispensers and/or bins in designated areas including at the access to the dog off-leash area. (e) The establishment of the volunteer Companion Animals Community Champion program involving users of the off leash area be investigated (f) Funding to be considered as part of the 2015-16 budget estimates for the allocation of additional staff to be employed during the school holiday periods to undertake education and enforcement action in all dog off-leash areas. <p style="text-align: right;">Kim Elder / Kevin Hodgson</p>	

Item	Action
<p>5. General Business</p> <p>5.1 <u>Canine Carnival</u></p> <p>The next Canine Carnival is scheduled for autumn 2016.</p> <p style="text-align: center;">MEETING CLOSED AT 12.15 pm Next Meeting Date: TBA</p>	

SC1531: 14/53370

DRAFT

16 ADDENDUM TO REPORTS

17 NOTICE OF MOTION

17.1 South Bombo Beach Shower and Bubbler

Clr Mark Way has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council include in the Capital Works Budget for 2015/16 the installation of a shower and bubbler at South Bombo Beach.

Signed Councillor Mark Way

Attachments

- 1 Additional capital works proposal

2015/16 Draft Budget Additional Capital Works Proposal

Project:

South Bombo Beach- Bubler & Shower

Description:

The installation of a Bubler & Shower (Water Station facility), at the Southern entrance to Bombo Beach.

Proponent:

Mark Way-Chairman Walking Tracks & Cycle Ways Committee

Link to Community Strategic Plan:

1.3 Develop & Implement services and Programmes that promote health & active lifestyles for residents of all ages, abilities and interests.

Benefit/Need:

With no water available at South Bombo beach, the provision of hydration for all users is essential. The provision of such a service (Bubler & Shower) is therefore mandatory to maintain a healthy, active lifestyle for residents and tourists using this area of South Bombo beach and Walk/Cycleway.

The location of the "Water Station" on access route to Kiama will be a link in chain of Walking/Cycling paths. The South end of Bombo is also identified as a Council Dog Off leash area and accordingly attracts residents and their dogs. That section of Bombo beach also attracts a lot of surfers, walkers and runners who exercise their regularly and accordingly should be able hydrate in the course of maintaining healthy lifestyles.

The Programme of Councils Walking Tracks and Cycle way Committee is provide these "Water Stations" to facilitate hydration and promote a safe access to/from Kiama is an integral part of the health initiative of the Committee. South Bombo receives a high priority by the Committee as a component of this programme for Water Stations on all Walk/Cycle ways in Municipality.

Public submissions have been received for provision of this "Water Station" facility.

Quadruple Bottom Line Assessment:

Economic:

South Bombo Beach has high usage from residents and Tourists. As Businesses in Kiama benefit from Tourism the provision of “Water Stations”, (in this case), Bubblers & Showers will encourage Tourism and therefore add value to Kiama’s economy.

Social:

With the South Bombo beach attracting a variety of users, including surfers, dog walkers, cyclists and general walk/running and exercise persons the area is access able to all who wish to use it. The provision of Bubbler and Shower will facilitate these functions.

Environmental:

Providing supportive environments that encourage a healthy and sustainable lifestyle is an outcome from the provision of hydration to this area. The bubbler & Shower together with garbage facilities in the same area will also encourage users to keep the beach clean with the area being a hub for access and regress.

Cultural:

The provision of water to this area encourages people from all socially diverse backgrounds, whether they are residents and/or Tourists to use this section of South Bombo beach. Participation in healthy activities and lifestyle in this area with access to Bubbler/ Shower is free to all.

Budget:

The cost estimate to supply and install the Bubbler & Shower provided by the Director of Works is \$11, 150.

The Walking Tracks & Cycle ways Committee did at previous budget (2014/15) request an ongoing Budget resource of \$15,000 PA to provide “Water Stations” in line with its programme to provide these facilities throughout the Municipality.

On behalf of the Committee, I would request that the allocation of \$15,000 PA for the Water Stations Programme be noted for future budget inclusions with projects from the list compiled by that Committee and ratified by Council.

17.2 Gipps Street Kiama Guard Rail Protection Posts

Clr Mark Way has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council include in the Capital Works Budget for 2015/16 the installation of a guard rail protection device on the Gipps Street Kiama cycleway.

Signed Councillor Mark Way

Attachments

- 1 Additional Capital Works Proposal

2015/16 Draft Budget Additional Capital Works Proposal

Project:

Gipps St Kiama Guard Rail Protection Posts.

Description:

A guard rail protection device is required to protect cyclists from the back of existing guard rails. The guard rail at Gipps St Kiama has been identified as the high priority guard rail to fix one of these devices, as it is on the main cycleway to/from northern entrance to Kiama.

Proponent:

Mark Way- Chairman of Walking Tracks & Cycleways Committee.

Link to Community Strategic Plan:

1.6 Recognise and promote Community safety through the Municipality.

Benefit/Need:

The Walking Tracks & Cycleways Committee has identified the need to provide a protective measure for cyclists where guardrail is present. The rear side of guardrail post which faces the cycleway presents a hazard. Until recently there has been no approved device for shielding the back of the guardrail posts however, a new fitted steel section which attaches to the guardrail has now been developed and approved for this purpose. It was recently used by Council in the Swamp road Cycleway. The Walking Tracks & Cycleway Committee at their meeting on 19th November 2014 identified a number of priority locations for the implementation of guard rail protection, the first being Gipps St, between Hothersal Street & Pheasant Point Drive Kiama.

Quadruple Bottom Line Assessment:

Economic:

The main cycleway to/from Kiama's northern entrance attracts tourists and residents who cycle to/from Kiama and a safe cycleway will encourage cyclists to visit Kiama and accordingly, add income to Kiama based on spending for meals and/or accommodation during visits.

The Cycleways Committee have identified a risk that requires attention by Council to mitigate that risk as part of Councils Risk management programme. Failure to do so could result in insurance claims against Council.

Social:

Providing safer cyclways by adding these protective devices for residents and tourists encourages greater participation for all who would use this cycling facility. Cycling usually involves multiple groups of at least 2 persons and usually more with groups of 10 plus being common.

Environmental:

There are no negative environmental impacts associated with the planned works.

Cultural:

Cycling is inclusive of all cultures with strong links to European nations that are pioneering this form of transport. The Committee regularly has input from members based on their European experiences cycling in those nations that we in Australia can learn from.

Budget:

The Director of Works has estimated the cost of installation of this guard rail based on recent works to be \$26,500. Council could request a grant to fit this device. An ongoing/annual programme would also be appropriate to address this safety issue and risk management.

17.3 Local Environmental Plan review webpage

Clr Kathy Rice has submitted the following Notice of Motion for Council's consideration:-

MOTION

That an LEP review webpage is established and that this page is linked to the main Council webpage.

That the LEP review page provides information regarding those controls being considered for review, and the procedure for making a submission to the Committee.

That the Committee agendas become available when they are distributed to Committee members and the Minutes of Committee meetings become available immediately after their endorsement by Council. That community access is facilitated by having the agendas and minutes easily located through the LEP review page.

Signed Councillor Kathy Rice

17.4 Bombo Headland walking trail - use of name - "Thunda Track"

Clr Kathy Rice has submitted the following Notice of Motion for Council's consideration:-

MOTION

That before there is any further consideration of informally using the name Thunda Track in relation to the Bombo Headland Walking Trail, that Council initiates and reports on

- (a) a survey of community opinion on the Walking Trail Committee's decision to persevere with the name and informally name the Bombo Headland Trail as the Thunda Track.
- (b) the investigation of Council's legal obligation under the Geographical Names Act.

Signed Councillor Kathy Rice

17.5 Kiama Continental Pool

Clr Dennis Seage has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council include the complete cleaning and required rejuvenation of the Continental Pool in the current budget.

Signed Councillor Dennis Seage

Notice of Motion

17.6 2015/16 Draft Budget

Clr Neil Reilly has submitted the following Notice of Motion for Council's consideration:-

MOTION

That Council remove the 'Minnamurra Head Whale Watching Platform' from the delivery program.

Signed Councillor Neil Reilly

Item 17.6

18 QUESTIONS WITHOUT NOTICE

19 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 16 June 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 KIAMA MEMORIAL ARCH STABILISATION

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

20.2 THE PAVILION KIAMA - OPERATIONAL PROCEDURES

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

20.3 KIAMA COAST HOLIDAY PARKS - DRAFT SUSTAINABLE IMPROVEMENTS STRATEGY AND MASTER PLAN - WERRI BEACH AND SEVEN MILE BEACH UPDATED INFORMATION

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. .

20.4 KIAMA COAST HOLIDAY PARKS SEVEN MILE BEACH HOLIDAY PARK - OPERATIONAL PERFORMANCE REVIEW

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

20.5 AUSTRALIAN AERIAL PATROL

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

20 CONFIDENTIAL REPORTS

20.1 Kiama Memorial Arch Stabilisation

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

CSP Strategy: 2.13 Effectively manage other assets to cater for current and future generations (including car parks, community buildings, cemeteries and dams)

Delivery Program: 2.13.2 Manage other assets and infrastructure by the creation and implementation of the Other Assets and Infrastructure Asset Management Plan actions

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

20.2 The Pavilion Kiama - Operational Procedures

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if

disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

20.3 Kiama Coast Holiday Parks - Draft Sustainable Improvements Strategy and Master Plan - Werri Beach and Seven Mile Beach updated information

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

CSP Strategy: 4.5 Foster positive relationships with our community through open communications, opportunities for participation in decision making and sharing of information

Delivery Program: 4.5.5 Ensure our community has easy access to information in accordance with relevant legislation

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

20.4 Kiama Coast Holiday Parks Seven Mile Beach Holiday Park - Operational Performance Review

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.1 Coordinate the management of Kiama Coast Holiday Parks as viable business entities

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

20.5 Australian Aerial Patrol

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

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

21 CLOSURE