



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 17 March 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

11 March 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 17 March 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 17 MARCH 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 on 10 February 2015

Attachments

- 1 Draft Minutes - Ordinary Council Meeting 10 February 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 10 February 2015 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 10 FEBRUARY 2015

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 10 FEBRUARY 2015 AT 5PM**

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

IN ATTENDANCE: General Manager, Director of Environmental Services, Director
of Corporate and Commercial Services, Director of Engineering
and Works and Acting 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 16 December 2014

15/001

*Resolved that the Minutes of the Ordinary Meeting held on 16 December 2014 be
received and accepted.*

(Councillors Seage and Way)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Mr Stuart Dixon (Cowman Stoddart) – DA 10.2014.245.1- Lot 300 DP 116371,
Fountaindale Road Saddleback Mountain.

Ms Glenys Day - DA 10.2014.245.1- Lot 300 DP 116371, Fountaindale Road
Saddleback Mountain.

Mr Roger Collins and Mrs Tissiman – DA 10.2014.278.1 – Lot 2 DP 609891, 40
Crooked River Road Gerroa

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

Ms Inger Richardson and Mr Fergus Scott - DA 10.2014.278.1 – Lot 2 DP 609891,
40 Crooked River Road Gerroa

Mr Peter Taranto and Mr Phil Lewis – DA 10.2014.189.1 – Lot 100 DP 1063277,
Wyalla Road Jamberoo

Mr Roger Lyle – DA 10.2014.189.1 – Lot 100 DP 1063277, Wyalla Road Jamberoo

Mr Ian Pullar – Proposal to place ANZAC Centenary Commemorative Logo on the
Lighthouse

Ms Sarah Marlan – Redevelopment – Aged Care Centre of Excellence, Kiama
Hospital Site

Ms Alma McPherson, Ms Margaret Sharpe and Mr David Brocherie – Lot 22 DP
200176 Cnr Willawa Avenue and Fern Street Gerringong and Lot 48 DP 25008
Blackwood Street, Gerringong

6 MAYORAL MINUTE

6.1 Australia Day Award Ceremony and Australia Day Events

15/002

Resolved that Council:

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

(Councillors Petschler and Steel)

6.2 The 167th Kiama Show

15/003

Resolved that Council congratulates:

- 1) Show President David Young and the Kiama Show Society on the successful 167th Annual Kiama Show; and
- 2) Georgie May Picton as the winner of the Miss Kiama Showgirl competition for 2015.

(Councillors Petschler and Sloan)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

6.3 Surf Rescue

15/004

Resolved that Council send John McGregor, Noah Uphill, Kade Mace and David Blomley letters of commendation and refer the incidents and rescues to the Royal Life Saving Society for their information.

(Councillors Way and McClure)

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

15/005

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

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

(Councillors Petschler and Rice)

6.5 Passing of former Mayor and Alderman Mr Arthur Campbell

15/006

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

(Councillors Petschler and Steel)

The Mayor asked those present to be upstanding for one minute's silence in memory of the late former Mayor and Alderman, Mr Arthur Campbell.

7 MINUTES OF COMMITTEES

Nil

8 PUBLIC ACCESS REPORTS

15/007

Resolved that at this time, 5.10pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

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

15/008

Committee recommendation that Council not approve Development Application number 10.2014.245.1 on the basis that the DCP regarding rural properties is being breached.

(Councillors Reilly and Way)

For: Councillors Reilly, Rice, Seage, Sloan, Steel and Way

Against: Councillors Honey, McClure and Petschler

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

15/009

It was **Moved** by Councillors Steel and Rice that:

- 1) Council approve the machinery shed as outlined in Development Application 10.2014.278.1 (excluding the tennis court, picnic facility and proposed dam augmentation works) pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the draft conditions at the end of this report and as amended as follows:

“General’ condition (1) to read as follows,

“This development consent is for a machinery shed only and such, development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.278.1 dated 10/02/2015 and on the application form, except as amended by the following conditions.”

Also delete conditions numbered (1)-(4) under the heading Site Operations.

- 2) the determination of the dam augmentation works, picnic facility and tennis court be brought back to the April Council meeting for further consideration subject to discussion between the parties.

15/010

An Amendment was moved by Councillors Seage and Way to include the picnic facility in the approval.

The **Amendment** was put and **Carried**.

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

Against: Councillors Rice and Sloan

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

15/011

A further Amendment was moved by Councillors Sloan and Reilly that the reference to the April meeting be removed.

The **Amendment** was put and **Carried**.

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

Against: Nil

The **Amended Motion** became the **Motion** and was put and **Carried**.

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

Against: Nil

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

15/012

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

(Councillors Steel and Way)

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

Against: Councillors Rice and Sloan

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

15/013

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

(Councillors Steel and Way)

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

Against: Councillors Rice and Sloan

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

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

15/014

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

(Councillors Way and Honey)

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

Against: Councillors Rice and Sloan

REPORT OF THE GENERAL MANAGER

10.1 Proposal to place the ANZAC Centenary Commemorative Logo on Lighthouse

15/015

Committee recommendation that Council continue to support the proposal and refer the proposal to Crown Lands and the relevant Minister for determination.

(Councillors Reilly and Steel)

NOTICE OF MOTION

17.1 Redevelopment - Aged Care Centre of Excellence

It was Moved that the proposed residential development no longer form part of the plans for the establishment of an Aged Care Centre of Excellence to be located on the old Hospital site, Kiama.

(Councillors Reilly and Seage)

15/016

A Amendment was moved that this matter be deferred until further preparation of the development plans and confirmation of purchase.

(Councillors Steel and McClure)

The **Amended Motion** was put and **Carried**.

For: Councillors Honey, McClure, Petschler, Rice and Steel

Against: Councillors Reilly, Seage, Sloan and Way

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

**17.3 Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street, Gerringong and
Lot 48 DP 25008 60 Blackwood Street, Gerringong**

15/017

It was **Moved** that Council take no further action relating to the potential development and sale of land identified as Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street, Gerringong as well as Lot 48 DP 2500860 Blackwood Street Gerringong (reserve behind the Gerringong Fire Station).

(Councillors Seage and Steel)

15/018

An **Amendment** was moved that Council take no further action regarding Lot 48 DP 2500860 Blackwood Street, and re-assess Lot 22 DP 200176 Cnr Willawa Avenue and Fern Street Gerringong given the concerns of the matters raised in the petitions and the letters received by Council.

(Councillors Honey and Steel)

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

Against: Councillors Reilly, Rice, Sloan and Seage

The **Amendment** became the **Motion** and was put and **Carried**.

15/019

Resolved that Council refer the land at the Cnr Willawa Avenue and Fern Street Gerringong to the Reserves and Street Naming Committee with a recommendation to name the reserve in honour of the late Arthur Campbell.

(Councillors Seage and Steel)

COMMITTEE OF THE WHOLE

Resolved that at this time, 6:52pm 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 McClure and Sloan)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.2 “Scores on Doors” Food Safety Program

15/020

Committee recommendation that:

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

(Councillors McClure and Sloan)

9.4 Revision of Chapter 9 – Kiama Development Control Plan 2012

15/021

Committee recommendation that this matter be:

- 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.

(Councillors Seage and Steel)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.2 Kiama Hospital Redevelopment

15/022

Committee recommendation that Council engages Premier Consulting at a cost of \$94,350 to assist in the preparation of the submission of the development application for the subject development.

(Councillors Seage and Way)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

10.3 Centenary of ANZAC

15/023

Committee recommendation that Council provides financial and in-kind support for the Kiama/Jamberoo RSL and the Gerringong RSL in the organisation of special ANZAC Day and other events to commemorate the Centenary of ANZAC.

(Councillors McClure and Sloan)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Stocktake of Stores and Materials

15/024

Committee recommendation that Council authorise a net write off of \$390.99

(Councillors McClure and Sloan)

11.2 Leisure Centre

15/025

Committee recommendation that Council congratulates Jenene Gilbert and Hannah McInerney on receiving the Royal Life Saving Society's Certificate of Commendation.

(Councillors McClure and Sloan)

11.3 Interstate Conference - WA Local Government Finance Professionals

15/026

Committee recommendation that Council grants approval for Council's Financial Accountant to attend the 2015 WA Local Government Finance Professionals Conference in Perth from 5-6 March 2015.

(Councillors McClure and Sloan)

11.4 2016 Local Government Election

15/027

Committee recommendation that Council resolves:

- 1) pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

Commissioner to administer all elections of the Council.

- 2) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- 3) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

(Councillors McClure and Sloan)

15/028

Resolved that Council seek a report on the recommendations of the Parliamentary Committee on Elections and the requirements of the Election Funding Authority in relation to candidates having independent agents.

(Councillors Seage and McClure)

11.5 Staff Matters - Local Government (State) Award 2014

15/029

Committee recommendation that Council approves the transfer of leave in accordance with the provisions of the Local Government (State) Award for the employee, the subject of the report, and for all employees who transfer from Council to Blue Haven in future.

(Councillors Way and Sloan)

11.6 Kiama Tourism - Memorandum of Understanding

At this time Councillor McClure declared an insignificant, non-pecuniary interest in this matter as he is a member of Kiama Tourism.

15/030

Committee recommendation that Council:

- 1) delegate authority to the Mayor to sign the Memorandum of Understanding identified in the report between Council and Kiama District Tourist Commerce and Industrial Association (Kiama Tourism) pending confirmation that Kiama Tourism will also sign the document by Friday 13 February 2015; and
- 2) inform the Kiama Tourism Board that unless we are in possession of a signed Memorandum of Understanding by the close of business on Friday 13 February 2015 Council will withdraw all support.

(Councillors Seage and Way)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

15/031

Committee recommendation that the funding arrangements for Kiama Tourism as resolved on 16 September 2014 be effective from 1 December 2014.

(Councillors Way and Reilly)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Investment Policy

15/032

Committee recommendation that the Investment Policy be received and adopted subject to the final dot point of the objectives being amended to read as follows:

- Notwithstanding the preceding objectives, investment consideration is encouraged in local or regional community enterprises that foster the local and regional economy and in particular enterprises that are community based cooperatives and those without interest in Coal Seam Gas wherever practical.

(Councillors Rice and Sloan)

12.2 Statement of Investments

15/033

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

(Councillors McClure and Sloan)

12.3 Financial Report for the quarter ending 31 December 2014

15/034

Committee recommendation that the revised budget for the quarter ending 31 December 2014 be received and adopted.

(Councillors McClure and Sloan)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Proposed Classification of Land

15/035

Committee recommendation that Council classifies Lot 1 DP 50193 and Lot 1

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

DP506764, 100 Terralong Street Kiama as operational land under section 31 of the Local Government Act 1993 and that a notice be placed in the local print media advising of this.

(Councillors McClure and Sloan)

13.2 New Lease - use of Pt Lot 1 DP604644, 48 Manning St Kiama, Uniting Church property for public car parking

15/036

Committee recommendation that :

- 1) Council enter into a new two year lease with the Uniting Church in Australia (NSW/ACT Synod) for the use of Pt Lot 1 DP604644, 48 Manning Street Kiama for public car parking commencing 1 January 2015 with starting rental of \$16,800 (exclusive of GST) increasing annually by CPI with yearly options to renew the lease; and
- 2) the General Manager be given delegated authority to sign any documentation associated with the proposed new lease.

(Councillors McClure and Sloan)

13.3 New Lease - Suite B Gerringong Town Hall

15/037

Committee recommendation that Council enter into a lease agreement for Suite B of the Gerringong Town Hall with PPS Solutions as follows:

- 1) lease term of one year commencing 1 March 2015 with a further 2 year option;
- 2) rental of \$3,600 (excluding GST) per annum, and that
- 3) the General Manager be given delegated authority to sign any documentation associated with this lease.

(Councillors McClure and Sloan)

13.4 Acquisition of Easement - Lot 269 DP782043

15/038

Committee recommendation that Council:

- 1) acquire an easement under the Land Acquisition (Just Terms Compensation) Act 1991 over Lot 269 DP782043 in favour of Council and that all costs associated with the easement acquisition, survey, statutory costs and plan registration be met by the developer acting on development consent D2014.110, and
- 2) give the Mayor and General Manager delegated authority to the signing of all documents associated with the easement creation including the seal of

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

Council.

(Councillors McClure and Sloan)

13.5 Traffic Facilities Management - Riverside Drive, Kiama Downs

15/039

Committee recommendation that this matter be deferred in order for it to be referred to the Traffic Committee for further consideration and advice.

(Councillors McClure and Seage)

13.6 Flood Risk Management Plan Grant Acceptance

15/040

Committee recommendation that Council give the General Manager delegated authority to enter into a funding agreement to accept the NSW Office of Environment & Heritage grant funding of \$90,000 for a flood risk management study and plan for the Surf Beach Catchment area.

(Councillors McClure and Sloan)

13.7 Upgrading of Fern St Omega and construction of the Union Creek Bridge, Belinda St Gerringong

15/041

Committee recommendation that Council endorse the action taken to enter into a formal agreement with the RMS for the upgrading of Fern St Omega and the construction of the Union Creek bridge, Belinda St Gerringong and authorise the General Manager to execute the agreement on behalf of Council.

(Councillors McClure and Sloan)

14 REPORT OF THE ACTING DIRECTOR COMMUNITY SERVICES

14.1 Red Cross Fun Run Sponsorship Request

15/042

Committee recommendation that Council provide sponsorship of \$2,000 for the Kiama Red Cross Fun Run.

(Councillors McClure and Sloan)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

14.2 Beyond the Walls Public Libraries Conference

15/043

Committee recommendation that Council endorse the Library Manager, Michelle Hudson to attend the Beyond the Walls conference to be held in Adelaide, South Australia on 25-27 March 2015.

(Councillors McClure and Sloan)

15 REPORTS FOR INFORMATION

15/044

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

- 15.2 Minnamurra Progress Association - Minutes
- 15.3 Minutes - Commercial Centres and Community Safety Committee Meeting - 9 December 2014
- 15.4 South Precinct Committee Meetings
- 15.5 Parking Statistics - December 2014
- 15.6 Introduction of BPAY Payment Option for Council Invoices
- 15.7 2015 Twilight Jazz & Blues in the Park and Kiama Jazz & Blues Festival
- 15.8 Littering from vehicles
- 15.9 LED Street Lighting
- 15.10 Learner Driver Practice
- 15.11 Local Traffic Calming Devices - Meehan Drive Kiama Downs
- 15.12 Small Vehicle Parking Spaces - Terralong Street Kiama
- 15.13 Cycling on Minnamurra Bends - Riverside Drive Minnamurra
- 15.14 Local Government NSW
- 15.15 Kiama Memorial Arch - Hindmarsh Park
- 15.16 NSW Government Response to the Independent Local Government Review Panel and Local Government Acts Taskforce
- 15.17 Record of Thanks for Council support
- 15.18 Ask Illawarra Shoalhaven
- 15.19 Job Board for Kiama LGA - Kiama and District Chamber of Commerce - Comment
- 15.20 Southern Phone - Managing Director Newsletter
- 15.21 Community Care Support Program
- 15.22 The new Commonwealth Home Support Program
- 15.23 Home Care Support Program
- 15.26 Ocean Lifeguard Peak Season Report 2014/2015
- 15.27 Council to Assist with Trial of Virtual Counter Kiosk.

(Councillors McClure and Sloan)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

15.1 LGNSW Request to Support a Container Deposit System (CDS)

15/045

Committee recommendation that Council write to the Premier and Treasurer, with a copy to Member for Kiama, Gareth Ward, encouraging them to implement the CDS program into all NSW Council regions.

(Councillors Sloan and Seage)

15.24 Council Meetings

15/046

Committee recommendation that Council move the April 2015 meeting to the 4th Tuesday being 28 April 2015.

(Councillors Steel and Sloan)

15.25 Matters relating to potential Planning Proposals and the need for an LEP Review Committee

15/047

Committee recommendation that Council form a LEP committee.

(Councillors Seage and McClure)

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

Against: Councillors Rice and Sloan

15/048

Committee recommendation that Council amend the B7 planning zones to include gymnasiums and fitness centres, as well as light industrial training.

(Councillors Seage and Steel)

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

Against: Councillor Rice

RESUMPTION OF ORDINARY BUSINESS

15/049

Resolved that at this time, 8.20pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

15/050

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 15/001 to 15/047 above.

(Councillors McClure and Sloan)

16 ADDENDUM TO REPORTS

Nil

17 NOTICE OF MOTION

17.2 Master Plan for the Akuna Street Precinct

15/051

Resolved that Council:

- 1) prepare a Master Plan for the Akuna Street Precinct that:
 - a. develops and recommends the most appropriate options for the use of council owned property fronting Akuna Street;
 - b. provides additional public car parking spaces;
 - c. improves pedestrian access between Akuna and Terralong Streets;
 - d. takes into consideration current and likely future use of privately owned land on Akuna Street, noting the B2 Zoning;
 - e. ensures community involvement in the development of options; and
 - f. is completed by end January 2016
- 2) and that the process be managed by the existing Shoalhaven/Akuna Street Development Committee in close collaboration with other appropriate council committees.

(Councillors Sloan and Way)

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

Against: Councillor Honey

18 QUESTIONS WITHOUT NOTICE

18.1 Rail Corp Land – Kiama Heights

Councillor Reilly asked whether there has been any movement with regard to the status of the Rail Corp land over the rail tunnel in Kiama Heights. The Mayor referred this matter to the Director Environmental Services for information and report.

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

18.2 Folk by the Sea 2015

Councillor Reilly advised that the organisers of Folk by the Sea are finding it difficult to secure a date and venue for the September 2015 event and would like some guidance on this. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

18.3 Kiama Aboriginal Reference Group

Councillor Reilly requested a review of the Terms of Reference for the Kiama Aboriginal Reference Group with consultation with that group and present those revised Terms of Reference at the next Council meeting. The Mayor referred this matter to the Director Community Services for information and report.

18.4 Australian Flag

Councillor Honey requested consideration be given to the cleaning or replacement of the Australian flag in Chambers. The Mayor referred this matter to the General Manager for information and report.

18.5 Kiama CBD Parking

Councillor Rice requested a report on parking overstays throughout the timeframe of Kiama's weekend markets. The Mayor referred this matter to the Director Environmental Services for information and report.

18.6 Bombo Headland Quarry - Viewing Platform

Councillor Steel requested a report on the cost, feasibility and safety issues associated with the establishment of a viewing area above the northern face of the disused Bombo Headland Quarry. The report is to include reference to the consent requirement having regard to the heritage status and ownership of the site. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.7 Bombo Headland Quarry - Stairs

Councillor Steel requested a report on the cost, feasibility and safety issues associated with the construction of a set of stairs from the northern face of the disused Bombo Headland Quarry to the floor of the quarry. Thereby establishing a continuous link between Bombo Beach, the quarry and the Boneyard/Cathedral Rocks area. The report is to include reference to the consent requirement having regard to the heritage status and ownership of the site. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.8 Kiama Continental Rock Pool

Councillor Seage requested a report on the estimated costs and timeframe for a

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

complete upgrade and cleaning of the Kiama continental Pool situated at Black Beach Kiama with a view to include this project in the next budget. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.9 Kiama CBD Parking

Councillor Seage requested a team be formed to investigate the maximisation of CBD parking such as angle parking on the western side of Collins Street and Eddy Street as opposed to parallel parking, to name a few. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.10 Graffiti

Councillor Seage requested a letter be written to the owner of the mower shop in Bong Bong Street to ask him to remove the graffiti from the side of the building and that Council also smooth the protruding utility plates in the centre of Thompson Street near the Blue Haven Stage 5 entrance. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.11 Audio Equipment in Council Chambers

Councillor McClure requested an investigation into an improved speaker microphone system to replace the existing system, as well as an improved speaker system for the public gallery area. The Mayor referred this matter to the Director Corporate and Commercial Services for information and report.

18.12 Kiama Outer Harbour

Councillor McClure requested an investigation into the installation of spring moorings for the Kiama outer harbour to enable visitor moorings for vessels that cannot gain access to the existing jetty. The Mayor referred this matter to the Director Engineering and Works for information and report.

18.13 Electricity Generation

Councillor McClure requested a report detailing the cost and opportunity of purchasing "BlueGen" technology that utilises natural gas for electricity generation. The Mayor referred this matter to the Director Engineering and Works for information and report.

19 CONFIDENTIAL SUMMARY

15/052

Resolved that at this time, 8.32pm, 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.

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

(Councillors Rice and Steel)

Public Representations:

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

19.1 Exclusion Of Press And Public:

15/053

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 BELINDA STREET BRIDGE OVER UNION CREEK GERRINGONG

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

20.2 DEVELOPMENT APPLICATION FOR A 5 LOT TORRENS TITLE SUBDIVISION FOR LOT 100 DP 1063277 WYALLA ROAD JAMBEROO

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

(Councillors Reilly and Way)

20 CONFIDENTIAL REPORTS

20.1 Belinda Street Bridge over Union Creek Gerringong

15/054

Resolved that Council:

- 1) award the tender from Kenpass Pty Ltd for the sum of \$300,000 excluding GST to complete the replacement of the bridge over Union Creek, Gerringong; and
- 2) consider the allocation of \$55,000 in its 2015/16 budget to fund the cost difference between the tender price and RMS funding.

(Councillors McClure and Seage)

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

**20.2 Development Application for a 5 lot Torrens Title subdivision for Lot 100
DP 1063277 Wyalla Road Jamberoo**

A Motion was put by Councillor Reilly and seconded by Councillor Way that Council note the legal advice and it not be released.

The Motion was put and Lost.

(Councillors Reilly and Way)

For: Councillors Honey, Reilly and Way

Against: Councillors McClure, Petschler, Rice, Seage, Sloan and Steel

15/055

A Subsequent Motion was put by Councillor Steel and seconded by Councillor Seage that Council note the legal advice and that it be released.

The Motion was put and Carried.

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

Against: Councillors Honey, Reilly and Way

Close of Confidential Committee of the Whole:

15/056

Resolved that at this time, 8.42pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Seage)

Adoption of Report

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

15/057

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/052 to 15/054 be confirmed and adopted.

(Councillors McClure and Seage)

21 CLOSURE

There being no further business the meeting closed at 8.42pm.

These Minutes were confirmed at the Ordinary Meeting of Council
held on 17 March 2015

MINUTES OF THE ORDINARY MEETING

10 FEBRUARY 2015

.....
Mayor

.....
General Manager

Item 3.1

Attachment 1

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Vietnam Consul General - Hoang Minh Son

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That the information be noted.

REPORT

On Monday 16 February 2015 I had the pleasure of welcoming the new Consul General of Vietnam, Mr Huang Minh Son, to Kiama. Also in attendance were members of the Hoi An Friendship Committee including Councillor Seage, Councillor Rice, Councillor Steel, Mr Gary McKay and Mr Ian Pullar as well as the General Manager and Consul, Mr Xuyen Tran Van.

Mr Hoang Minh Son came to Kiama to introduce himself and to become familiar with the Kiama Municipality which has a friendship arrangement with Hoi An in Vietnam. It is proposed that in the future a civic reception will be held in Kiama in honour of Mr Hoang Minh Son.

During his visit we had the opportunity to discuss issues common to Hoi An and Kiama and I was able to show him parts of the Municipality including Blowhole Point and Council's Blue Haven Retirement Village.

6.2 Ali Day**Attachments**

Nil

Enclosures

Nil

RECOMMENDED

That this item be noted.

REPORT

Council would be aware in January this year former Council resident and Council Lifesaver, Ali Day, won the Australian Nutri Grain Iron Man Series.

While Ali now trains in Mooloolaba, Queensland, his family still resides in Kiama.

Ali is an exceptional athlete who has worked extremely hard for his achievement. In addition to becoming the Series Champion, Ali has previously won the prestigious Coolangatta Gold event.

I have forwarded a letter of congratulations on behalf of Council to Ali on his magnificent achievement.

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee Meeting - Minutes

Responsible Director: Engineering and Works

Attachments

- 1 Kiama Local Traffic Committee - Minutes

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 3 March 2015 be received and accepted.

BACKGROUND

The Minutes of the Kiama Local Traffic Committee meeting held on 3 March 2015 are attached for information.

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

REPORT OF THE DIRECTOR ENGINEERING AND WORKS
Submitted to the Kiama Local Traffic Committee Meeting
held on Tuesday 3 March 2015

FORMAL ITEMS (UNDER RMS DELEGATIONS)

1 Minutes of Previous Meeting

RECOMMENDATION

That the information be noted.

REPORT

The enclosed minutes of 9 December 2014 were adopted by Council at its meeting of 10 February 2015.

2 Anzac March, Jamberoo - Saturday 18 April 2015

RECOMMENDATION

That the Anzac March for Saturday 18th April 2015, be approved subject to organisers and suitably qualified traffic controllers complying with the following conditions:

- 1) the road closures to be undertaken by organisers in compliance with the traffic management plan No. NT-0011 prepared by Traffic Management Services Pty Ltd;
- 2) A Road Occupancy Licence being issued by the RMS,
- 3) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
- 4) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event; and
- 5) an advertisement be placed in the local media advising of the closure.

REPORT

Council have received correspondence from the Jamberoo RSL Sub-Branch advising of the proposed Anzac Commemoration Service and march in Jamberoo on 18th April, 2015.

The March will commence at 10.30am from Reid Park and proceed east along Allowrie Street (Main Road 264) to the Memorial at the front of the Jamberoo School

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

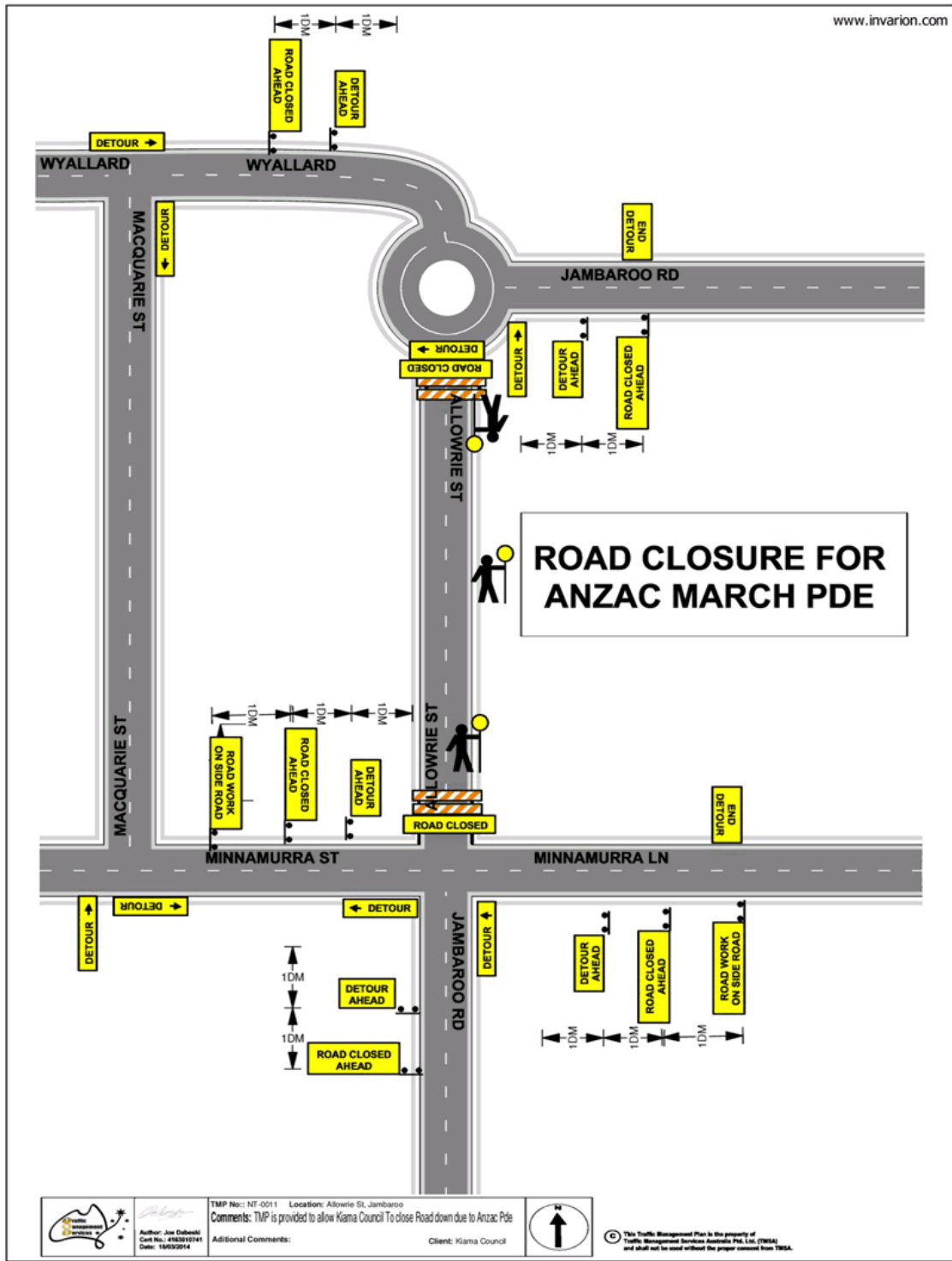
of Arts building. The total time for the march and commemoration services is approximately 1 hour.

As per previous years it is proposed for a full closure of Allowrie Street from 10.20 - 11.20am between the Churchill Street roundabout and Minnamurra Street, with all traffic detoured via Wyalla Road, Macquarie and Minnamurra Streets. As Allowrie Street is a classified Main Road a separate Road Occupancy Licence has been applied for with the RMS.

In 2012 Council sent letters to all residences/ businesses in the area to be impacted by the closure and detours, seeking their comment. Only one submission was received in support of the proposal and there have been no complaints received in subsequent years regarding the closure and detour plan.

The traffic management plan prepared by Traffic Management Services Pty Ltd (an RMS accredited consultant), shall be implemented for the 2015 service as shown attached. The road closures and detours will be undertaken by suitably qualified Council staff and contractors in compliance with the Traffic Management Plan. Following completion of the march, the closure of Allowrie Street will be reduced to between Young Street and a location east of the School of Arts building. This will enable local traffic to access the area whilst eliminating through traffic past the service.

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015



Item 7.1

Attachment 1

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

3 Greta Street Gerringong- Safety around Schools Funding application 2015/2016

RECOMMENDATION

That the Committee endorse the proposed design shown to improve pedestrian safety for school children at the existing pedestrian crossing point in Greta Street adjacent to a pedestrian laneway which leads to Gerringong Public School.

REPORT

At the Committee Meeting of the 12 August 2014 a request was made through the Community Representative on behalf of residents, requesting a formal marked pedestrian crossing in Greta Street, Gerringong to replace the existing pedestrian crossing point adjacent to the pedestrian lane way to Croft Place.

Following further investigation, a report was tabled to the Committee at the December 2014 meeting recommending against the installation of a marked pedestrians crossing. The Committee subsequently recommended that:

- 1) *a children's crossing be investigated at the existing crossing point in Greta Street; and*
- 2) *a draft design and report be brought back to a future meeting.*

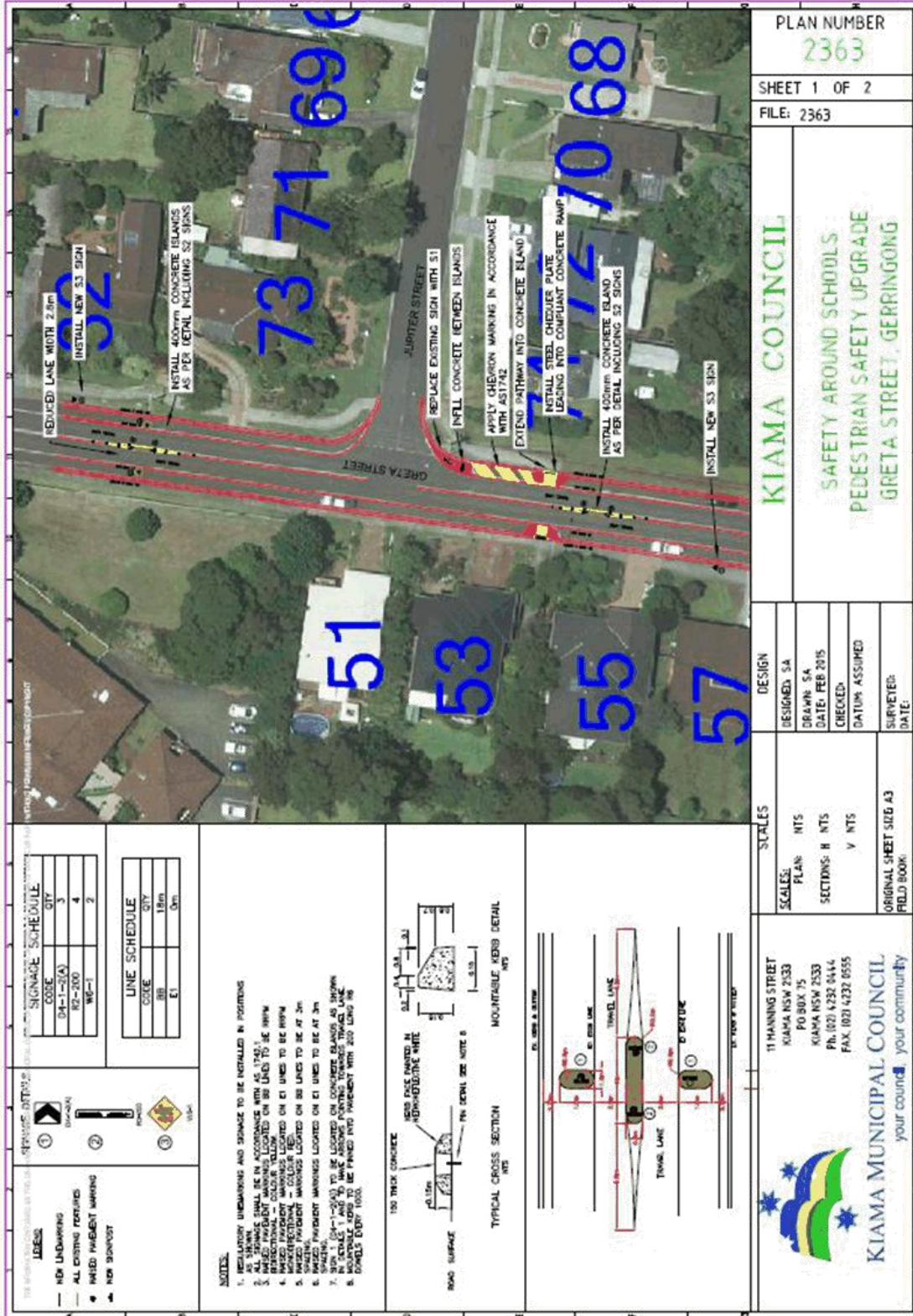
Council along with Roads and Maritime Services (RMS) have investigated the matter, with Council's Road Safety Officer applying for funding through the 2015/16 Safety Around Schools Funding Program to improve pedestrian safety at this location.

The proposal is to modify the existing crossing point in Greta Street, with additional signage and linemarking and install new concrete islands and kerb extensions to improve pedestrian sight distances and visibility and to slow traffic speeds on the approaches through narrowed traffic lanes. The project funding is based on a 1:1 ratio between Council and RMS with an overall cost estimate of \$9360.

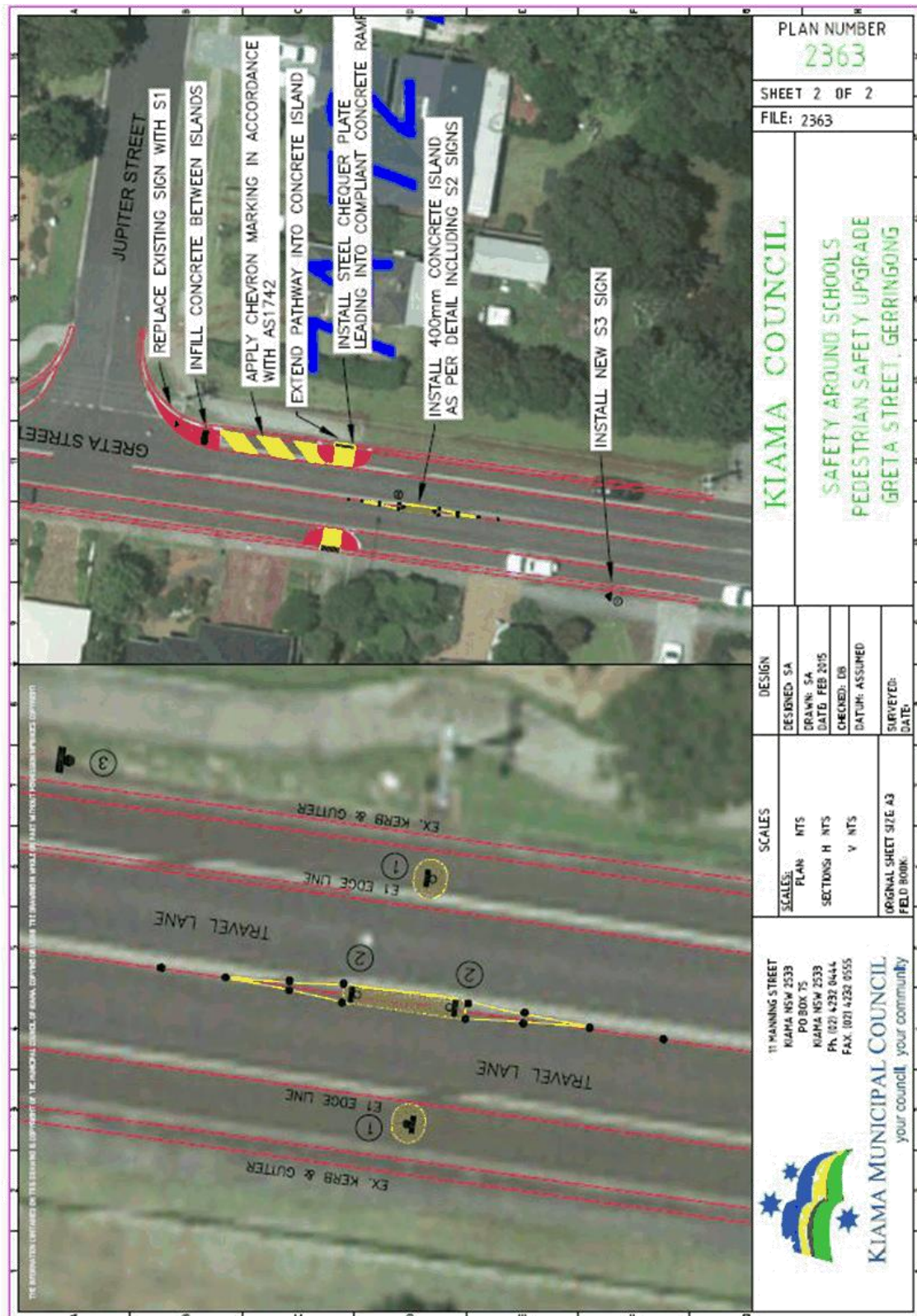
As part of the RMS funding agreement, endorsement is sought from the Traffic Committee on the proposed design attached.


Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

Attachment



Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015



PLAN NUMBER 2363	
SHEET 2 OF 2	
FILE: 2363	
KIAMA COUNCIL	
SAFETY AROUND SCHOOLS PEDESTRIAN SAFETY UPGRADE GRETA STREET, GERRINGONG	
DESIGN	DESIGNED: SA
SCALES:	DRAWN: SA
PLAN: NTS	DATE: FEB 2015
SECTIONS: H NTS	CHECKED: DS
V NTS	DATUM: ASSUMED
ORIGINAL SHEET SIZE: A3	SURVEYED:
FIELD BOOK:	DATE:
11 MANNING STREET KIAMA NSW 2533 PO BOX 75 KIAMA NSW 2533 PH (02) 4292 0444 FAX (02) 4292 0555	
 KIAMA MUNICIPAL COUNCIL your council, your community	

Item 7.1

Attachment 1

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

4 Anzac Dawn Service and March - Kiama Saturday 25 April 2015

RECOMMENDATION

That the Anzac Day Dawn Service and March for Saturday 25th April 2015 be approved subject to organisers and suitably qualified traffic controllers complying with the following conditions:

- 1) the road closures to be undertaken by organisers in compliance with the traffic management plan Nos. 6134 and T2305-0415 prepared by Traffic Logistics Pty Ltd and Traffic Management Services Pty Ltd;
- 2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
- 3) an advertisement be placed in the local media advising of the closure; and
- 4) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.

REPORT

Council have received notification from the Kiama-Jamberoo Sub-Branch of the RSL advising of the proposed Anzac Day Dawn Service and Commemorative March on 25 April 2015.

The Dawn Service will be staged at the lighthouse on Blowhole Point commencing at 5.00am on 25 April 2015. Given that 2015 commemorates the 100th centenary of WW1, larger crowds are expected than in previous years at the Dawn Service, which could pose significant disruption with attendees congregating on the road and surrounds if held at the Kiama Memorial Arch in Hindmarsh Park. The RSL has subsequently arranged for the dawn service to be held at the Kiama lighthouse on Blowhole Point. It is proposed that the Blowhole Point loop road will be closed to vehicular traffic for approximately 1-2 hours, with a shuttle bus organised to convey attendees from the closure point to the lighthouse. Access will still be available to the Kiama Harbour and boat ramp areas.

The Anzac March will commence at 10.20am on 25 April, 2015 from the Council Chambers in Manning Street, Kiama, left into Terralong Street to the Memorial Arch at the corner of Terralong and Collins Streets, Kiama. The March will be similar to previous years and is likely to be led by Police, a bus with non-marchers, the Salvation Army Band, the Honour Guard from HMAS Albatross, Nowra.


Traffic management plans for each event have been prepared by Traffic Logistics Pty Ltd and Traffic Management Services Pty Ltd (both RMS accredited consultants) and are to be implemented as shown in the attached document. The road closures will be undertaken by suitably qualified Council staff and traffic controllers in compliance with the Traffic Management Plans.

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

www.invarion.com

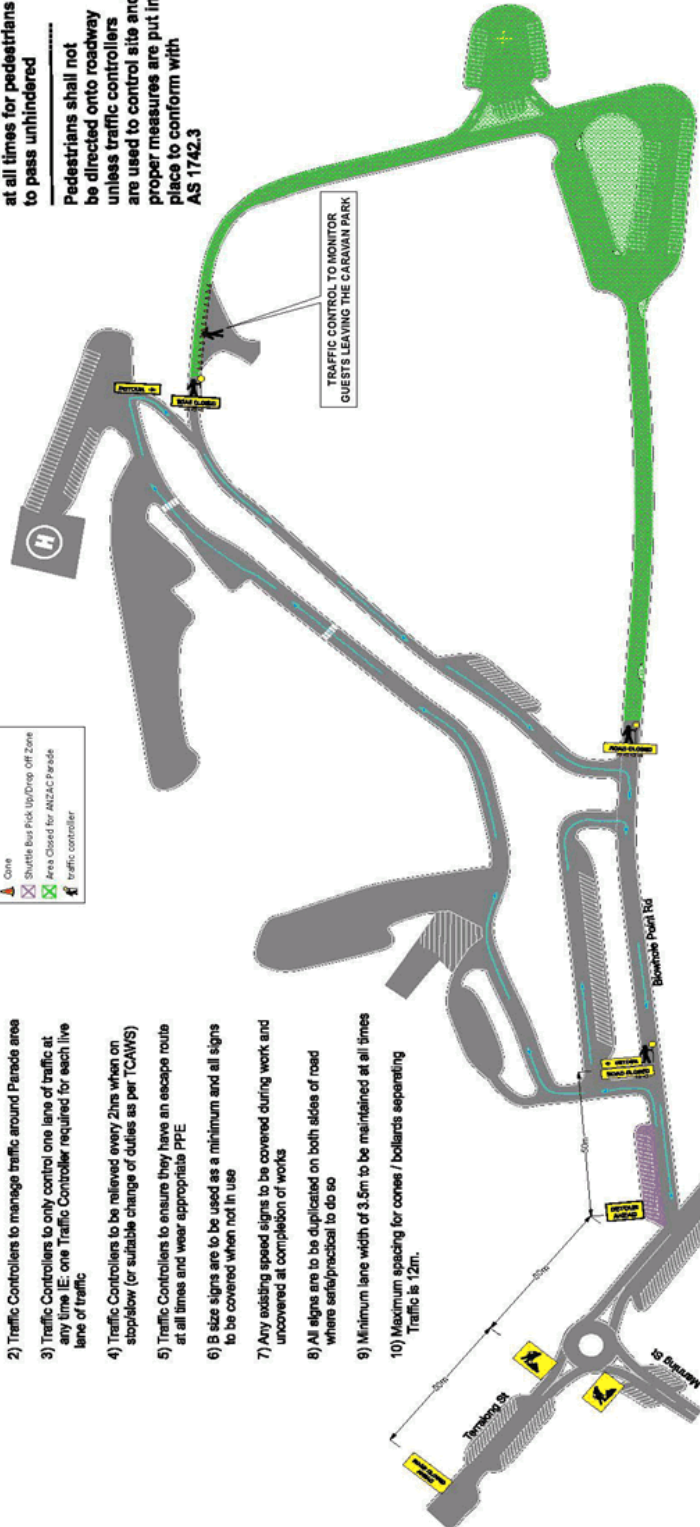
TRAFFIC CONTROL PLAN FOR BLOWHOLE POINT RD CLOSURE, KIAMA

TCP #: 6134 Rev: A



Legend

- Cone
- Shuttle Bus Pick Up/Drop Off Zone
- Area Closed for ALEC/Pavement traffic controller



TRAFFIC CONTROL TO MONITOR GUESTS LEAVING THE CARAVAN PARK

For works on and around footpath a minimum width of 1.2m shall be maintained at all times for pedestrians to pass unhindered

Pedestrians shall not be directed onto roadway unless traffic controllers are used to control site and proper measures are put in place to conform with AS 1742.3

- 1) This Traffic control plan is for works Blowhole Point Road, Kiama
- 2) Traffic Controllers to manage traffic around Parade area
- 3) Traffic Controllers to only control one lane of traffic at any time, i.e. one Traffic Controller required for each live lane of traffic
- 4) Traffic Controllers to be relieved every 2hrs when on stopflow (or suitable change of duties as per TCANWS)
- 5) Traffic Controllers to ensure they have an escape route at all times and wear appropriate PPE
- 6) B size signs are to be used as a minimum and all signs to be covered when not in use
- 7) Any existing speed signs to be covered during work and uncovered at completion of works
- 8) All signs are to be duplicated on both sides of road where safe/practical to do so
- 9) Minimum lane width of 3.5m to be maintained at all times
- 10) Maximum spacing for cones / bollards separating Traffic is 12m.


Client: Kiama Council
 Location: Blowhole Point Rd, Kiama
 Date Drawn: 20/02/2015
 Time of Works: 0700 - 1800

TRAFFIC LOGISTICS
TRAFFIC LOGISTICS PTY LTD

Traffic Logistics do not accept responsibility of the traffic control by Traffic Logistics Pty Ltd

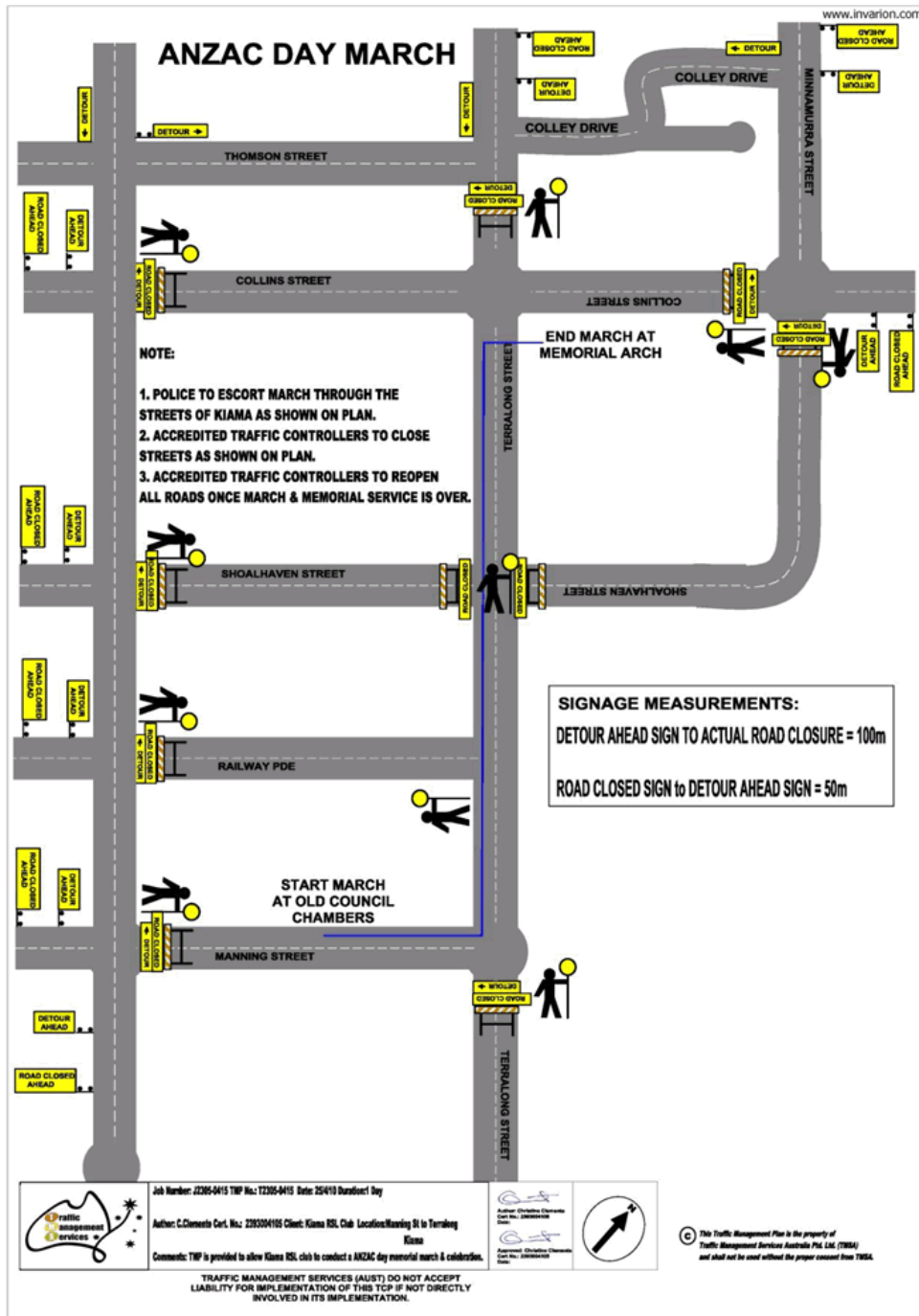
THIS PLAN IS NOT TO SCALE

This site specific TCP is based on TCANWS Manual 2010 and is to be setup and packedup by qualified traffic controllers with current introduction to Traffic Control at Roadworks (Yellow Card) any modifications made to this site specific TCP should be made by qualified personnel with current Select and Modify (Red Card) or Design and Audit (Orange Card) all modifications to be signed off on this TCP along with certification number



KIAMA MUNICIPAL COUNCIL
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Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015



Item 7.1

Attachment 1

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

5 Riverside Drive, Kiama Downs - Traffic Signals at Meehan Drive and Proposed Roundabout at Oxley Avenue Intersections

RECOMMENDATION:

That the Committee approve:

1. The revised signage and linemarking plan for a new roundabout at Riverside Drive and Oxley Avenue;
2. The retention of the existing traffic signals at the intersection of Riverside and Meehan Drives;
3. The installation of a Left Turn on Right sign to permit vehicles in Meehan Drive to turn safely on a red signal into Riverside Drive.

Report:

At the Traffic Committee meeting in October 2014 a report was tabled on a proposed traffic management plan for Riverside Drive that included the removal of the existing traffic signals at Meehan Drive and construction of a new roundabout at Oxley Avenue intersections.

The Committee reviewed the tabled plans and recommended that:

“Council approve the public exhibition of the traffic management plan tabled for Riverside Drive that includes:

1. *removal of the traffic signals and associated linemarking and medians at the Meehan Drive intersection;*
2. *construction of new traffic medians at the Meehan Drive intersection to create a ‘Give Way’ controlled channelised ‘seagull’ type intersection treatment;*
3. *a new raised mountable roundabout at the Oxley Avenue intersection;*
4. *new pedestrian refuge crossing points in Riverside and Meehan Drives and associated footpath links and pedestrian fencing;*
5. *creation of a delineated on-street parking lane on the eastern side opposite Meehan Drive; and*
6. *new regulatory and advisory linemarking and signposting.*

In addition plans be revised to include a separate left turn lane from Meehan Drive into Riverside Drive and the extension of the central median on the northern side of the Meehan Drive intersection further towards Meehan Drive.”

The plans were placed on public exhibition during November and December 2014 with a number of submissions being received. The majority of the submissions received were supportive of the new roundabout at Oxley Avenue, but preferred the retention of the traffic signals at the Meehan / Riverside Drive intersection on traffic and pedestrian safety grounds. Attached is a copy of the report presented to the Council meeting on 10 February 2015, addressing the submissions received.

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

The Council resolved to defer the matter until it had been referred to the Traffic Committee for consideration of:

- a) Retention of the existing traffic signals at Meehan Drive for pedestrian safety;
- b) Improving traffic delays for vehicles exiting Meehan Drive;
- c) Potential sight distance concerns to the new roundabout at Oxley Avenue for southbound traffic from 'Minnamurra Bends';
- d) Reduction in speed limit on Riverside Drive from 70kph to 60kph.

Each of the above items is addressed in the following.

Retention of Existing Traffic Signals

As outlined in the public submissions, there were concerns raised that the removal of the existing traffic signals will reduce the safety level for pedestrians, especially school students and people with prams and wheelchairs who cross Riverside Drive and will encourage speeding for northbound traffic on Riverside Drive.

A revised traffic management plan for Riverside Drive has been attached indicating the retention of the traffic signals and new roundabout at Oxley Avenue for the Committee's consideration. A large scale plan will be tabled at the meeting.

Improving traffic delays when exiting Meehan Drive

In conjunction with the retention of the existing traffic signals, it was requested if a Left Turn on Red (LTOR) could be implemented for traffic turning left from Meehan Drive onto Riverside Drive to improve traffic flow. At present there is a green left turn arrow that permits turning traffic from Meehan to Riverside Drive in three out of the five signal phases.

In assessing a LOTR proposal, the RMS guidelines require a number of tests and checks be undertaken to ensure safety is maintained (See Appendix B). In order to satisfy the guidelines, Council have undertaken a pedestrian count at the intersection to determine the number of pedestrians who cross Meehan Drive using the marked foot crossing. The results of this assessment are as follows:

Time	Pedestrians crossing		
	Meehan Signals	Riverside Signals	Riverside other
7.30am – 8.30am	0	0	6
8.30am – 9.30am	0	5	4
9.30am – 10.30am	0	0	2
	Total = 0	Total = 5	Total = 12
2.30pm – 3.30pm	0	0	2
3.30pm – 4.30pm	0	4	0
4.30pm – 5.30pm	0	0	6
	Total = 0	Total = 4	Total = 8

Of the above totals 18 were children.

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

Based on the above, the location satisfies the RMS guideline's safety test and checks as there are less than 30 children, the elderly or people with disabilities who cross that approach in anyone hour period, on an average day. On this basis there is no impediment to the implementation of a LTOR arrangement for vehicles exiting Meehan Drive.

The second component to improve to traffic flow from Meehan Drive was rephrasing of the traffic signals to provide reduced delay time for waiting traffic. As the RMS manage all traffic signals, it is requested if the timing of the phases could be reviewed to offer improvements especially during peak periods.

Oxley Avenue Roundabout Sight Distance Concerns

As outlined in the report to Council the proposed roundabout at the intersection of Oxley Avenue and Riverside Drive was designed in accordance with Austroads Guide to Road Design Part 4B: Roundabouts, which contains the following sight distance requirements:

Traffic Direction	Approaching Speed	Criteria 1	
		Approach sight distance	
		Required by Austroads (Rt 2.0s)	Designed
Southbound on Riverside Dr	70km/h	92m	120m
Northbound on Riverside Dr	70km/h	92m	120m
From Oxley Ave	50km/h	55m	55m

Traffic Direction	Entry Speed of vehicle on immediate right	Criteria 2	
		Sight distance gap (4 sec)	
		Required by Austroads	Designed
Southbound on Riverside Dr	60km/h	67m	>100m
Northbound on Riverside Dr	50km/h	55m	60m
From Oxley Ave	60km/h	67m	72m

As shown above, the design sight distance of the new roundabout exceeds both the Approach Sight Distance (Criteria 1) and the Sight Distance to potentially conflicting movements (Criteria 2) within the roundabout as per the Austroads guideline.

In addition, advance warning signage, on road pavement markings and changes to road geometry are included into the design north of the new roundabout on Riverside Drive to alert southbound drivers exiting the 'Minnamurra Bends' to reduce vehicle speed gradually before entering into the roundabout.

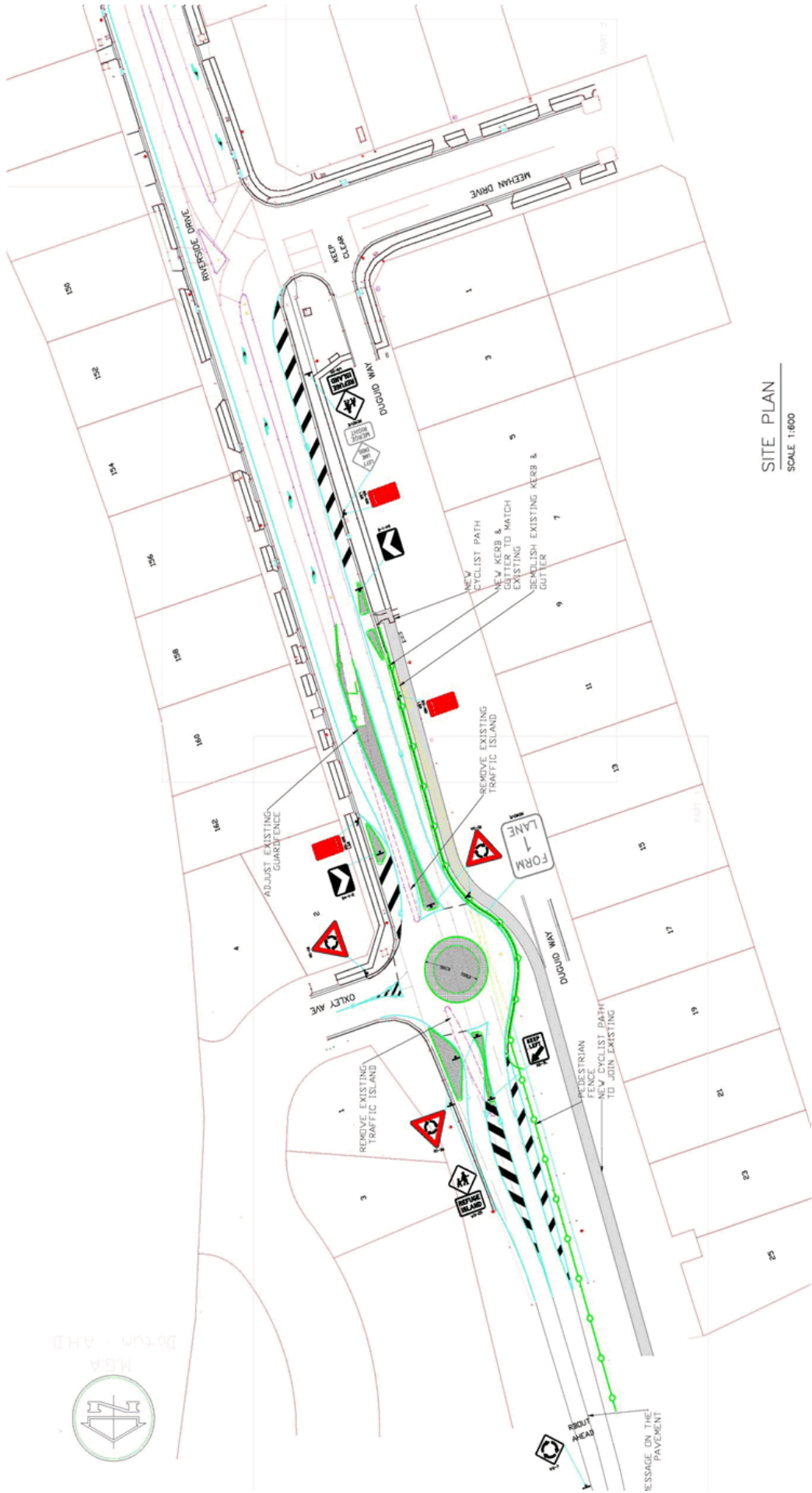
Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

Riverside Drive Speed Limit Reduction

While not a matter for traffic committee determination, Council will be formally writing to RMS to seek a review of the posted speed limit on Riverside Drive, south of Oxley Avenue from 70kph to 60 kph or less in line with the urban environment traffic environment proposed.

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

APPENDIX A



SITE PLAN
SCALE 1:600

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

APPENDIX B



Traffic Signal Design – Appendix E Left Turn on Red

1.6 APPLICATION OF TESTS AND CHECKS

When it is desired to apply LTOR to an approach to a traffic signal, the four critical tests given in this guide must be applied to that approach.

A "YES" response to any one of the Tests disqualifies a site from further consideration. If a site is not disqualified by the Tests then the nine Checks must be applied. A "YES" response to five or more of the Checks also disqualifies a site. If a site is not disqualified by this process, LTOR should be adopted unless there are any other critical safety problems that may adversely affect the safe operation of LTOR.

A LTOR flow chart is provided after Check 9, to help in the evaluation of these tests and checks.

1.7 TESTS

TEST 1 - IS THERE MORE THAN ONE LANE MARKED TO TURN LEFT?

If the nearside lane is an exclusive left turn lane and vehicles in the next lane are also permitted to turn left, then LTOR is not to be permitted.

TEST 2 – IS THERE A LEFT TURN RED ARROW?

Do not use LTOR in conjunction with left turn red arrows.

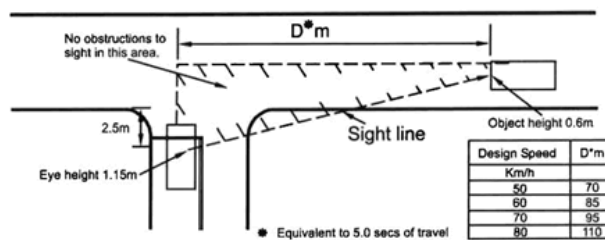
TEST 3 - DO CHILDREN, THE ELDERLY OR PEOPLE WITH DISABILITIES CROSS THE APPROACH?

LTOR is not to be permitted from any approach where more than 30 children, the elderly or people with disabilities, cross that approach in anyone hour period, on an average day.

TEST 4 - IS THERE INSUFFICIENT VIEW OF TRAFFIC ON THE RIGHT?

A driver, whose eye height is measured 1.15 m above the road and 2.5 m back from the kerb projection, must be able to see a point 0.6 m above the road on a vehicle approaching from the right in the kerbside lane at a distance equivalent to 5.0 seconds of travel for the design speed of the through road.

LTOR should not be permitted if this criterion cannot be met due to vertical or horizontal sight restriction within the hatched area shown below.



Source: Road Design Guide, Section 4, RTA, NSW

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015

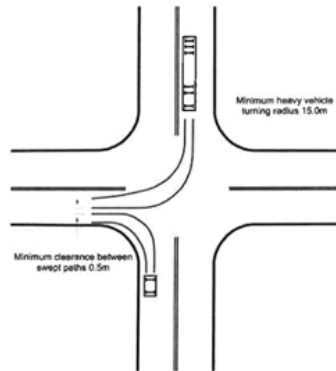


Traffic Signal Design – Appendix E Left Turn on Red

1.8 CHECKS

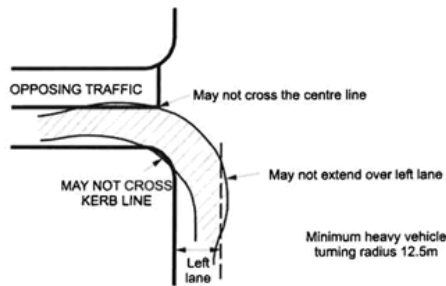
CHECK 1 - IS THERE A CONFLICT WITH A RIGHT TURN PHASE ON THE OPPOSITE APPROACH?

LTOR may be undesirable if there is a right turn phase (one or more lanes) on the opposite approach. However, where there is adequate separation between these opposing movements (e.g. a large radius kerb return and three departure lanes) then LTOR may be suitable.



CHECK 2 - IS THERE INSUFFICIENT CLEARANCE FOR TURNING TRUCKS/BUSES OR OTHER PROBLEMS ASSOCIATED WITH LEFT TURNING TRUCKS/BUSES?

If more than 5 percent of left turning vehicles are trucks/buses and a standard turning path cannot be accommodated, as shown in the diagram, then LTOR is undesirable.



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Item 7.1

Attachment 1

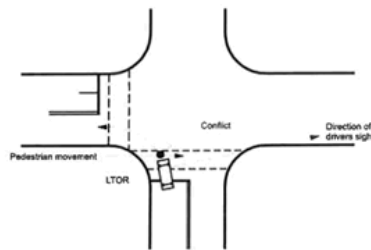
Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015



Traffic Signal Design – Appendix E Left Turn on Red

CHECK 3 - IS THERE A DANGER TO PEDESTRIANS CROSSING IN FRONT OF LTOR VEHICLES?

If LTOR vehicles would regularly block a signalised marked foot crossing and force pedestrians into unsafe crossings then LTOR is undesirable. The driver of the LTOR vehicle must first check pedestrian intention before moving forward into a position to check gap opportunities in the priority road. In some circumstances LTOR vehicles might also be in conflict with pedestrians crossing the priority road.



CHECK 4 - IS THERE UNUSUAL INTERSECTION GEOMETRY?

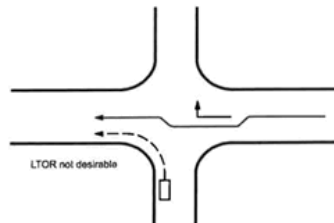
If the shape of the intersection is unusual it may lead to confusion as to which left turn is permitted on red, OR which movements are in conflict with the left turn.

CHECK 5 - IS THERE A HIGH ACCIDENT RECORD AT THE INTERSECTION WHICH MAY BE COMPOUNDED BY LTOR?

As a guide if there are more than three accidents, in a three year period involving left turning vehicles, this may indicate that LTOR is undesirable. Similarly, if there are four or more accidents involving lane change type conflicts (affecting left turn vehicles) on the right hand approach, this may also indicate that LTOR is undesirable. Refer also to Check 6.

CHECK 6 - IS THERE FREQUENT LANE CHANGING BY TRAFFIC APPROACHING ON THE RIGHT?

Where traffic from the right hand approach frequently changes lanes to avoid right turning vehicles, there may be conflict with LTOR.



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Item 7.1

Attachment 1

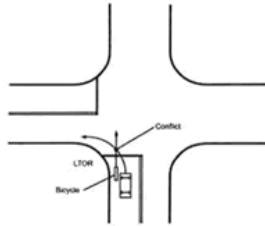
Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015



Traffic Signal Design – Appendix E Left Turn on Red

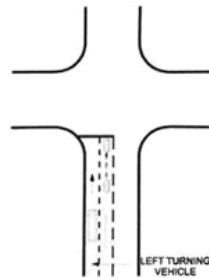
CHECK 7 - IS THERE A CONFLICT WITH BICYCLES?

If LTOR vehicles would regularly cut in front of bicycles waiting for a green signal then LTOR is undesirable.



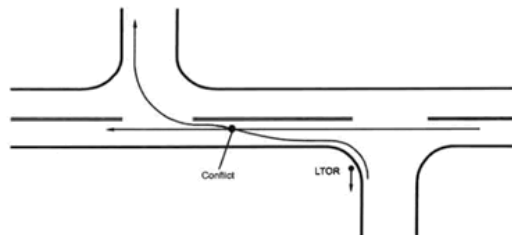
CHECK 8 - IS THERE A BUS STOP CLOSE TO THE INTERSECTION RESTRICTING THE LEFT TURN?

If the regular presence of a bus in the kerbside lane will cause increased lane changing and conflicts then LTOR may be undesirable.



CHECK 9 - DO LEFT TURNING VEHICLES HAVE DESTINATIONS REQUIRING WEAVING WITH CROSS ROAD TRAFFIC?

If LTOR is likely to encourage undesirable weaving movements such as at closely spaced T junctions, then LTOR is undesirable.



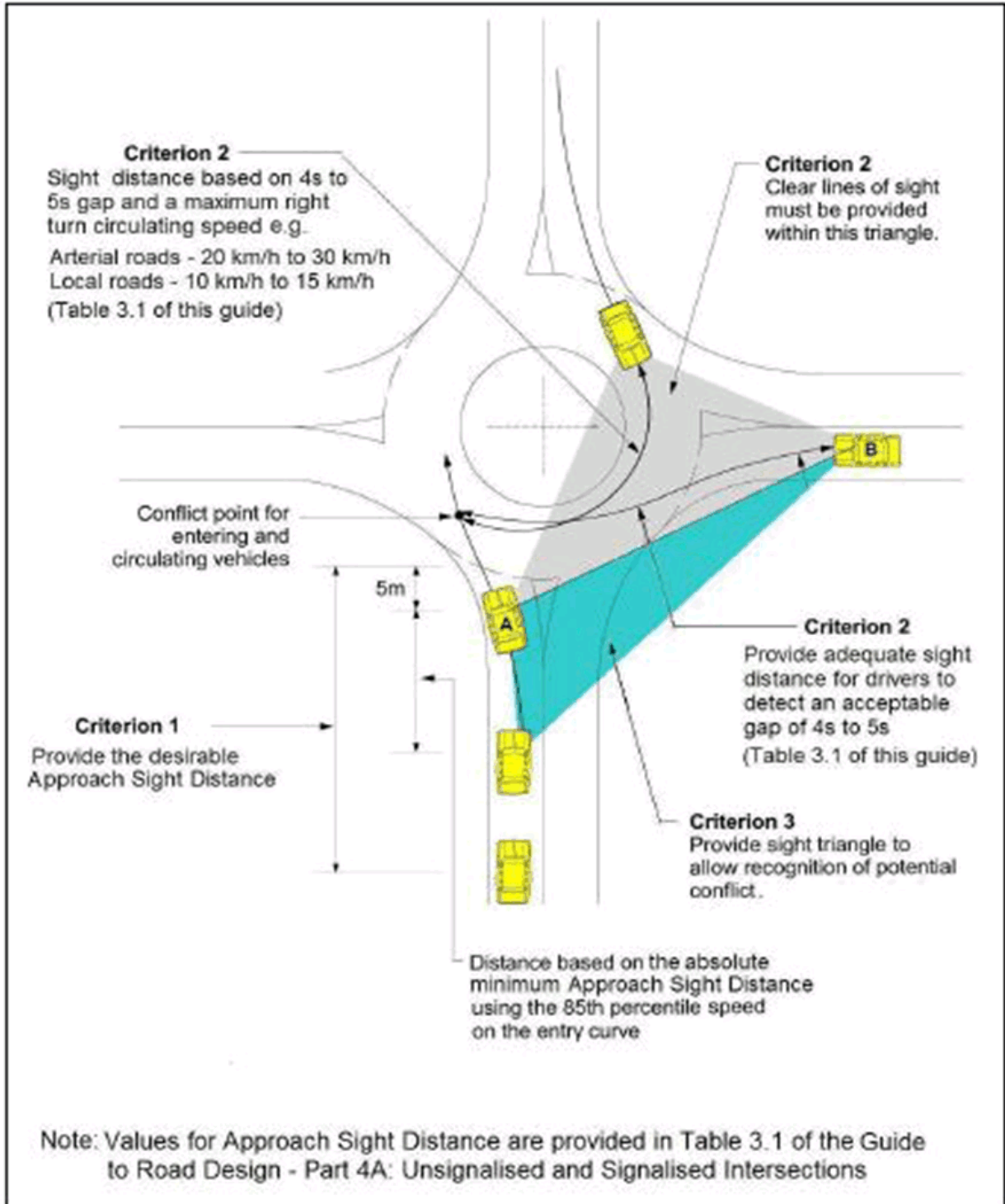
E-6

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Attachment 1


APPENDIX C



Adapted from CDMR (2002).

Figure 3.1: Sight distance criteria for roundabouts

Report of the Director Engineering & Works – Traffic Committee Meeting – Tuesday 3 March 2015



Darren Brady
Acting Director of Engineering and Works

Item 7.1

Attachment 1

7.2 Blue Haven Retirement Village Committee Minutes

Responsible Director: Office of the General Manager

Attachments

- 1 December 2014 - Minutes - Blue Haven Retirement Village Committee - 10/12/14
- 2 March 2015 - Minutes - Blue Haven Retirement Village Committee - 4/3/15

Enclosures

Nil

RECOMMENDED

That the Minutes of the Blue Haven Retirement Village Committee Meetings held on 10 December 2014 and 4 March 2015 be received and accepted.

BACKGROUND

Attached for your information are the Minutes of the Blue Haven Retirement Village Committee meetings held on 10 December 2014 and 4 March 2015.

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD
ON WEDNESDAY 10 DECEMBER 2014**

COMMENCING AT: 6:00pm

PRESENT: Mr A Fowlie, Mr M Forsyth, Clr B Petschler, Mr B Wilson,
Mr I Pullar, Mrs J Bartlett, Mrs P Waters, Clr K Rice, Mrs C
Rogers, Mrs C Crowe-Maxwell, Mr S Dawson, Mrs N
Brennan, Mrs L Humphries, Mr I Wilson

APOLOGIES: Clr N Reilly, Mrs F Whittaker, Mrs S McCarthy

1 Minutes of Previous Meeting (SC657)

CR 224

Committee Recommendation that the information be noted.

2 Notes From Residents' Discussion Forum (SC657)

CR 225

Committee Recommendation that the information be noted.

3 Prudential Arrangements (B05.004.000)

CR 226

Committee Recommendation that the Liquidity Management Strategy as detailed be endorsed.

4 Market Research

CR 227

Committee Recommendation that the information be noted.

Director of Nursing and Hostel Supervisor's Report

- 1 Staffing Students & Training
 - 2 Occupancy/Vacancies
 - 3 Electronic Rostering/Payroll
 - 4 Re-Accreditation 2015
-

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD ON
WEDNESDAY 10 DECEMBER 2014**

CR 228

Committee Recommendation that Items 1- 4 be noted, and
In respect of Item 4, Council convey its concern regarding the delays in processing asset
assessments, to the Minister for Health and Minister for Medical Research, the Hon Jillian
Skinner MP, via the Member for Kiama Mr Gareth Ward MP.

CHIEF EXECUTIVE OFFICER'S CONFIDENTIAL REPORT

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

CR 229

Committee Recommendation that the information be noted.

**2 Blue Haven Village (SC658)
Independent Living Units**

CR 230

Committee Recommendation that the proposed changes to the policies under which
Blue Haven Independent Living Units are allocated, including the previously adopted
changes to Option 3, be implemented from 1 July 2015.

**3 Blue Haven (SC657)
Mission Statement**

CR 231

Committee Recommendation that the information be noted.

**4 Blue Haven Village (658)
Aged Care Facility Redevelopment**

CR 232

Committee Recommendation that:

1. the steps taken to progress the project to date be endorsed, and
 2. Council express its dissatisfaction with the manner in which the contamination
remediation of the Kiama hospital site has been addressed by the State Government,
to the Member for Kiama, Mr Gareth Ward MP.
-

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD ON
WEDNESDAY 10 DECEMBER 2014**

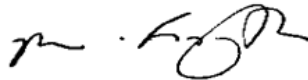
General Business
Staff appreciation

CR 233

The committee conveyed its appreciation of the staff for their efforts in the preceding twelve months and conveyed its best wishes for the season to Councillors and staff.

Recommendation that these sentiments be recorded.

There being no further business
the meeting closed at 7:10pm



Michael Forsyth
General Manager

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD
ON WEDNESDAY 4 MARCH 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, Clr N Reilly, Mrs J Bartlett, Mrs N Brennan, Clr K Rice, Mrs S McCarthy, Mr B Wilson and Mr S. Dawson

APOLOGIES: Mrs C Crowe-Maxwell

1 Minutes of Previous Meeting (SC657)

CR 006

Committee Recommendation that the information be noted.

2 Notes From Residents' Discussion Forum (SC657)

CR 007

Committee Recommendation that the information be noted.

3 Blue Haven Care Marketing Update (SC659)

CR 008

Committee Recommendation that the information be noted.

4 Result of 2014 Aged Care Approvals Round (SC1245)

CR 009

Committee Recommendation that the information be noted.

5 Kiama Hospital - Redevelopment (SC657)

CR 010

Committee Recommendation that the information be noted.

**MINUTES OF THE BLUE HAVEN RETIREMENT VILLAGE COMMITTEE HELD ON
WEDNESDAY 3 SEPTEMBER 2014**

6. Blue Haven Care Committee (SC659)

CR 011

Committee Recommendation that the proposed changes be recommended for implementation, subject to the identified changes in the Terms of Reference.

Director of Nursing and Hostel Supervisor's Report

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

CR 012

Committee Recommendation that Items 1- 3 be noted.

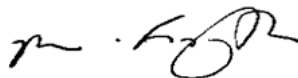
CHIEF EXECUTIVE OFFICER'S CONFIDENTIAL REPORT

- 1 Blue Haven Village Independent Living Units (SC658)

CR 013

Committee Recommendation that the information be noted.

There being no further business
the meeting closed at 7:50pm



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 Prohibition of Alcohol – Bombo Beach (North)

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

Summary

This report responds to the following recommendations made at Council's meeting held on 16 December 2014 that:

1. Council endorse the proposal to establish an 'alcohol prohibited area' at the northern end of Bombo Beach described as Lot 1 DP 744712 (map 1) prohibiting the consumption of alcohol between the hours of 9:00pm and 5:00am and consultation be undertaken as outlined in this report and in accordance with legislation; and
2. A further report is to be made submitted to council following the completion of the consultation process.

Finance

Funds of \$1,300 will be required to cover expenditure involved in advertising for the public notice and in the supply and erection of enforcement signage. This expenditure will be financed from Council's 2014/15 Environmental Services budget.

Policy

Council must adopt a policy and resolve to establish an 'Alcohol Prohibited Area' under section 632A of the Local Government Act 1993 so enforcement action can be taken.

Reason for report to Council

Council required that this matter be reported back for its consideration following completion of the consultation process.

Attachments

- 1 North Bombo Alcohol Prohibited Area - map

Enclosures

Nil

RECOMMENDATION

That Council.

1. establish an alcohol prohibited area at the northern end of Bombo Beach prohibiting the consumption of alcohol between the hours of 9:00pm and 5:00am.

Report of the Director Environmental Services

9.1 Prohibition of Alcohol – Bombo Beach (North) (cont)

-
2. erect signage at the outer limits of the area that state the drinking of alcohol is prohibited in the area and specify the times.
 3. publicly advise the establishment of an alcohol prohibited area by notice published in a newspaper circulating in the area that includes the zone. Note: an alcohol prohibited area will not operate until 7 days after publication of the notice and until roads, footpaths and public car parks affected are adequately signposted.

BACKGROUND

Council as its meeting held on 16 December 2014 resolved to establish an alcohol prohibited area at the northern end of Bombo Beach described as Lot 1 DP 744712 (attachment 1- Map – North Bombo Alcohol Prohibited Area).

In preparing a proposal to establish an alcohol prohibited area Council must consult with the local Police Command. This was undertaken and Council received a letter supporting the proposal from Sergeant Gary Keevers, Licensing Supervisor, Lake Illawarra Command.

Other public consultation requirements inviting representations or objections included the placement in the Kiama Independent of a public notice of the proposal and notification to residents of Darien Avenue and Hutchinson Street, Bombo. The period of consultation was 30 days and closed on 13 February 2015.

No representations or objections to the proposal to establish an alcohol prohibited area at the northern end of Bombo Beach were received.

Conclusion

As supported by the NSW Police Lake Illawarra Command, it is recommended that Council resolve to adopt the proposal to establish an alcohol prohibited area as outlined in this report.



9.2 Review of trial dog on-leash swimming area, Trevethan Reserve – Minnamurra River

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

Summary

This report considers the outcomes of the trial on leash swimming area at Trevethan Reserve Minnamurra.

Finance

Funds of \$600 will be required to cover expenditure involved in advertising for the public notice. This expenditure will be financed from Council's 2014/15 Environmental Services budget.

Policy

Local Government Act 1993

Reason for Report to Council

Council required that this matter be reported for reconsideration after a review of the trial period was undertaken.

Attachments

- 1 Location map – Trevethan Reserve, Minnamurra River dog on-leash swimming area
- 2 Proposed conditions of use – Trevethan Reserve, Minnamurra River dog on leash swimming area

Enclosures

Nil

RECOMMENDATION

That Council:

- 1) Place on public exhibition for a period of 28 days the proposed establishment of a dog on-leash swimming area at Trevethan Reserve, Minnamurra River as identified in attachment 1 and subject to the Conditions of Use (attachment 2) with the permitted usage hours being before 9:00am and after 5:00pm daily.
- 2) Receive a further report after the consultation process has been completed.

BACKGROUND

Council at its meeting held on 15 July 2014 considered a report on the on-leash swimming area in the Minnamurra River at Trevethan Reserve and resolved the following:

Report of the Director Environmental Services

9.2 Review of trial dog on-leash swimming area, Trevethan Reserve –
Minnamurra River (cont)

-
1. *A dog on-leash swimming area between the rail and road bridges in the Trevethan Reserve, Minnamurra be trialled for a 6 month period from 1 September 2014 before 9:00am and after 5:00pm daily.*
 2. *A further report is to be submitted to Council following the completion of the consultation process.*

Council also resolved that signage detailing the operating period and conditions of use be erected at all access points to the dog on-leash swimming area and authorised Council's Ranger Services to monitor, evaluate and enforce any breaches of the conditions.

Council has provided bins and stands with bags to encourage the proper collection and disposal of dog faeces. Timber bollards have also been painted to highlight the authorised area of use for dog owners.

Following the completion of the trial period a review and report was requested to be submitted to Council on the evaluation of the trial including usage, compliance and any other issues identified.

Review of the trial Trevethan Reserve, Minnamurra River dog on-leash swimming area

During the trial period Council's Ranger Services undertook 256 random patrols of the on-leash swimming area at differing times including during prohibited and allowable usage times.

Two incidents occurred during the trial period requiring education enforcement for usage outside approved hours.

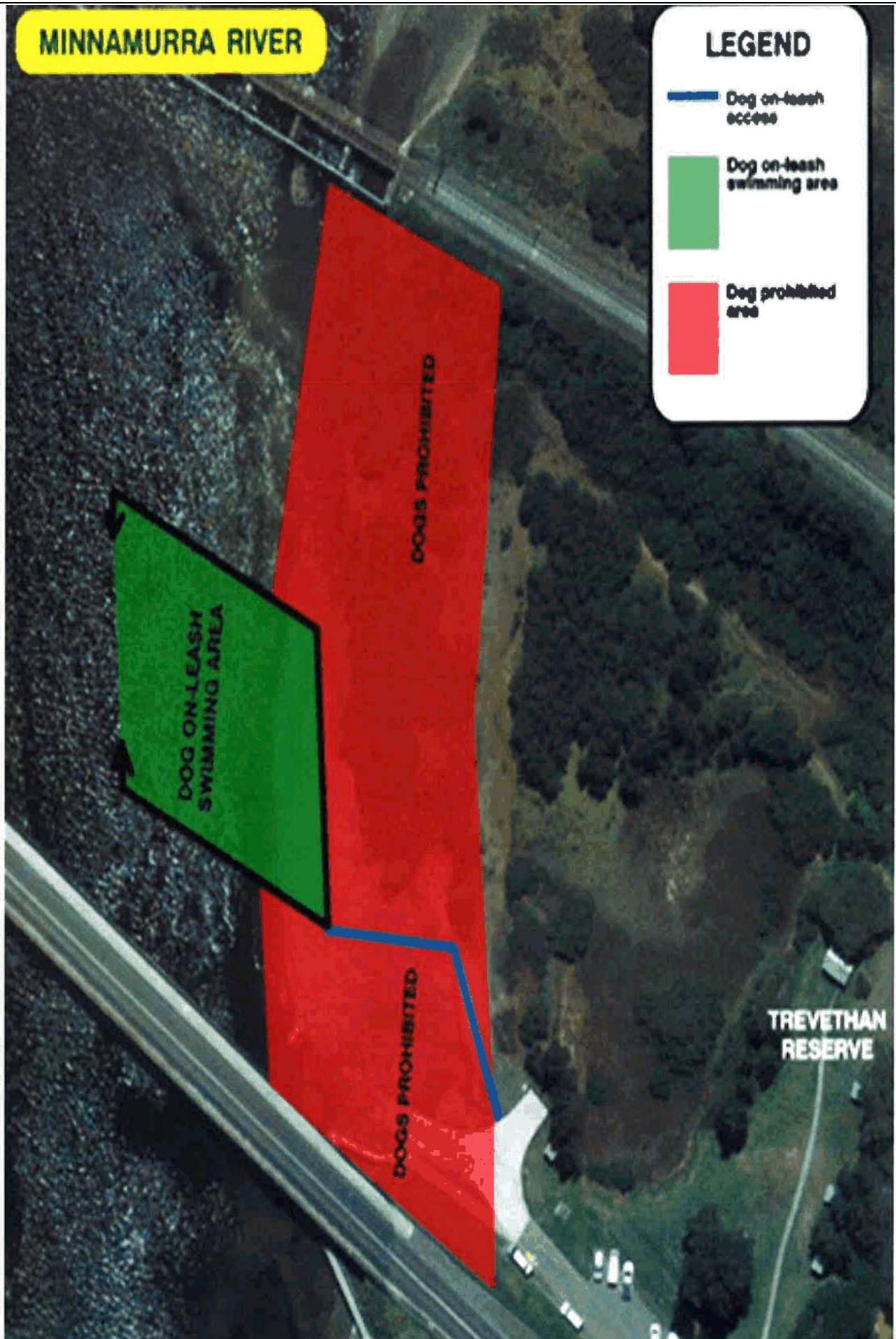
Ranger Services did not receive any reports of interference or conflict with fishers or other users of the area during the trial.

From Ranger Service observations it is apparent that dog owners are not using the dog on-leash swimming area extensively. This may be due in part to the successful trial of the Jones Beach dog off-leash swimming area.

As the Minnamurra River Plan of Management prohibits dogs from the area this will need to be addressed if the Trevethan Reserve, Minnamurra River dog on-leash swimming area is established on a permanent basis.

Conclusion

The Trevethan Reserve, Minnamurra River dog on-leash swimming area has operated without major incident for six months. The establishment of a permanent dog on-leash swimming area with restricted hours will require amendment of the Minnamurra River Plan of Management.



Item 9.2

Attachment 1

**Conditions of Use
Trevethan Reserve dog on-leash swimming area
Before 9 am and after 5 pm daily**

- Dogs are only permitted to swim on-leash in the designated area as shown by the sign erected adjacent to the boat ramp
- Dogs are only permitted to enter or exit Minnamurra River dog on-leash swimming area via the shortest practical route indicated by the blue painted bollards
- Dogs are permitted to swim in this area but must remain under effective control at all times by a person over the age of 16 years
- Dogs are permitted to swim in this area only if held or secured to a person by means of adequate leash, chain or cord
- Owners and handlers are responsible for their dog's actions
- Dogs must be registered and identified by wearing a collar and tag
- Dogs must be leashed at all times when outside the designated area
- Dog faeces must be removed immediately and properly disposed of in the bins provided
- Greyhounds, dogs declared dangerous and restricted breed dogs are prohibited in this area
- Owners and handlers must comply with all the relevant provisions of the Companion Animals Act 1998 and Council's Conditions of Use
- Members of the public accessing the dog off-leash area as a recreational activity are advised that Council utilises the defences afforded to it under the Civil Liability Act 2002.

9.3 Trial dog off leash swimming area – southern end of Jones Beach Kiama Downs

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

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

Summary

This report considers the outcomes of the trial dog off leash swimming area at Jones Beach Kiama Downs.

Finance

Funds of \$600 will be required to cover expenditure involved in advertising the public notice. This expenditure will be financed from Council's 2014/15 Environmental Services budget.

Policy

This proposal requires Council approval as it is a variation to a current policy decision that prohibits the taking of dogs on all parts of Jones Beach.

Reason for Report to Council

Council required that this matter be reported to Council for reconsideration after a review of the trial period had been undertaken.

Attachments

- 1 Location Map – Jones Beach Kiama Downs dog off-leash swimming area
- 2 Conditions of Use – Jones Beach dog off-leash swimming area

Enclosures

Nil

RECOMMENDATION

That Council:

- 1) Place on public exhibition for a period of 28 days the proposed establishment of a dog off-leash swimming area at Jones Beach as identified in attachment 1 and subject to the Conditions of Use (attachment 2) with the permitted usage hours being sunrise to sunset.
- 2) Receive a further report after the consultation process has been completed.

BACKGROUND

Council at its meeting held in August 2014 considered a report on the establishment of a dog off-leash swimming area to be located at the southern end of Jones Beach, Kiama Downs and resolved the following:

Report of the Director Environmental Services

9.3 Trial dog off leash swimming area – southern end of Jones Beach Kiama Downs (cont)

1. Council approve the trial Jones Beach Kiama Downs dog off-leash swimming area as identified (attachment 1) and subject to "Conditions of Use"(attachment 2) with the permitted usage hours being between sunrise and sunset and that all dogs to be supervised by a responsible adult.
2. The trial period for the Jones Beach dog off-leash swimming area will be from 1 October 2014 to 31 May 2015 with the results of the community consultation process and evaluation of the trial reported to Council at its May meeting.
3. The taking of a dog(s) onto Jones Beach outside the Jones Beach dog off-leash swimming area (attachment 1) be identified as a prohibited activity and an offence under Section 632 of the Local Government Act 1993 and be subject of a warning and/or penalty notice where breaches have been identified.
4. Signs detailing the "Conditions of Use" (attachment 2) and access directional signs are to be erected at the Jones Beach dog off-leash swimming area
5. The allocation of funding to implement the trial Jones Beach dog off-leash swimming area be considered by Council as part of its first quarter budget review process.
6. An interim report be presented to Council at the February meeting, which is three months into the trial.
7. All serious incidents to be reported at the next available Council meeting

Review of trial Jones Beach dog off-leash swimming area

During the trial period Council Ranger Services undertook 116 random patrols of the off-leash area at differing times. Table 1 below provides a summary of information relating to observations and actions taken.

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	116		Static patrol
Total number of persons observed using trial area of beach including those without dogs	387	Walking, surfing	
Total number of dogs observed using trial area of beach	378		
Number of breaches detected of people using Jones Beach including trial area	14	Wrong area 7 Dog Barking 1 Not pick up dog feaces 6	Education and Caution

Report of the Director Environmental Services

9.3 Trial dog off leash swimming area – southern end of Jones Beach Kiama Downs (cont)

Summary of Ranger Patrols During Trial			
Actions	Number	Activities	Action Taken
Number of Dog Attacks	1	Dog on person	Penalty issued \$550 + Notice to Declare Dog Dangerous (passed assessment)
Number of direct complaints received by Rangers	2	General objection 1, Uncontrolled dogs 1	Inspection, no offence found

From the above observations it is apparent that other people using the unpatrolled area of Jones Beach for swimming or surfing are not using the trial off-leash area extensively.

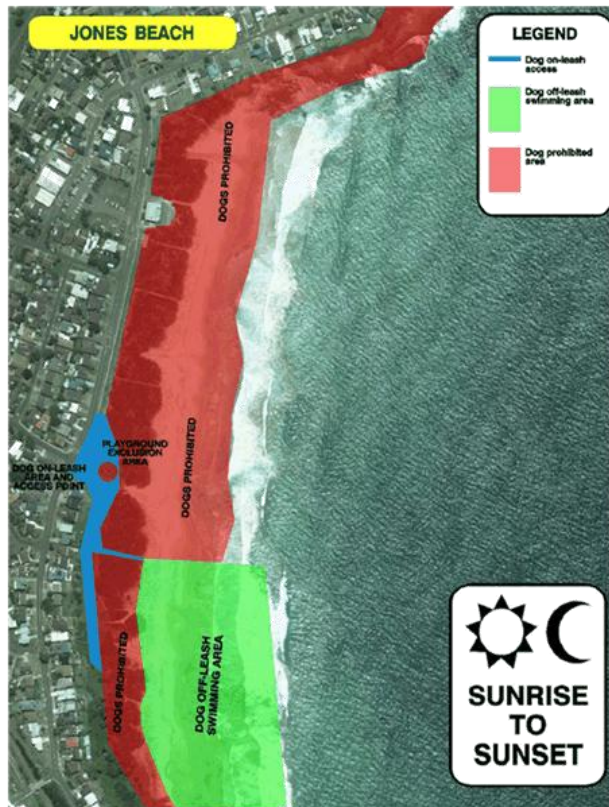
During the first months of the trial period a small number of dog owners were taking their dog outside the approved area of Jones Beach and the improper disposal of dog faeces was an issue. After a Ranger Service education program and the assistance of volunteer peer educators no complaints or breaches of the “Conditions of Use” have been registered since 30 January 2015.

The matter relating to the dog attack was a result of a female jogger being attacked by a German Shepherd type dog. The injury was minor and required no medical treatment. The owner of the subject animal was issued a Notice of Intention to Declare the Dog Dangerous (this is standard procedure). As part of this notice Council required the animal to be assessed by a veterinary clinic. The animal 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.

The total number of breaches represents 4.39% out of the 387 persons recorded using the area.

Conclusion

The trial of the dog off-leash swimming area has been successful and the area well utilized. It is recommended that Council proceed with the public consultation process accepting submissions for a period of 28 days. This matter will then be reported to Council’s May 2015 meeting for a final determination.



Conditions of Use
Jones Beach Dog Off-Leash Swimming Area
Permitted hours of use: Between sunrise to sunset

- 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
- 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 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
- Greyhounds, dogs declared dangerous and restricted breed dogs are prohibited in the designated off-leash area
- Owners and handlers must comply with all the relevant provisions of the Companion Animals Act 1998 and Council's Conditions of Use
- Members of the public accessing the dog off-leash swimming area as a recreational activity are advised that Council utilises the defences afforded to it under the Civil Liability Act 2002.

Restrictions applying to playground area:

- Dogs must not enter the 10 metre exclusion zone around the children's playground

SC1944: 15/14513

9.4 Demolition of existing dwelling and erection of new dwelling and swimming pool - Lot 387 DP 30547 No 78 Johnson Street Kiama Downs (10.2014.168.1)

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

The abovementioned development application was reported to Council's meeting held 18 November 2014 and is now presented for consideration following the submission of amended plans:

Finance

N/A

Policy

The application proposes significant variations to adopted standards in Council's Development Control Plan and these variations are not supported by staff.

Attachments

- 1 10.2014.168.1 - Amended plans and consultant report (excluding floor plans)

Enclosures

- 1 10.2014.168.1 - original report to Council 18 November 2014

RECOMMENDATION

That pursuant to Section 80 of the Environmental Planning and Assessment Act, it is recommended that Council refuse development application number 10.2014.168.1 pursuant for the following reasons: -

1. The building alignment of the proposed development is not consistent with the objectives under Chapter 2 Section 8 Kiama DCP 2012 – "Building Line Setbacks in Context".
2. The rear building line does not comply with Chapter 2 Section 12 of Kiama DCP 2012.
3. The proposed development is not consistent with the requirement of Control C2 under Chapter 4 Kiama DCP 2012.
4. The proposed development will be sited inappropriately in relation to neighbouring dwellings.
5. The proposed development does not comply with the objectives and controls of Chapter 2 Section 5 of Kiama DCP 2012 – Maintenance of views and vistas

Report of the Director Environmental Services

- 9.4 Demolition of existing dwelling and erection of new dwelling and swimming pool - Lot 387 DP 30547 No 78 Johnson Street Kiama Downs (10.2014.168.1) (cont)
-

and as such will impact unreasonably on existing views.

- 6 The proposal is not in the public interest.

BACKGROUND

In considering this matter, Council resolved as follows:

Resolution: "14/245

Committee recommendation that Council defer DA10.2014.168.1 (Lot 387 No: 78 Johnson St Kiama Downs), subject to amended plans being submitted to Council by 4pm on 16 December 2014. Non-compliance will result in refusal, as outlined in the Council report."

Amended plans were received prior to the 16th December 2014 and therefore further assessment of the development proposal has been undertaken and is reported below.

Amended Plans

The original plans have been amended as follows: -

1. The rear (easternmost) (2) two storey portion of the development being rotated clockwise approximately 16 degrees.
2. A reduction of 600mm in size through the kitchen/living & games room.
3. A 1.03m reduction through the bridge.
4. A 1.0m reduction at the entry foyer.

The amended plans were submitted with a revised Statement and Justification prepared by Set Consultants dated 16/12/2014.

Rear Building Line

The first point made by Set Consultants is that there is no site specific foreshore building line applicable at the subject site and that there is no clearly established rear building line.

The applicant's justification points to the limited economic life of the two immediately adjoining dwellings and suggests that it would be unreasonable to set the rear building line off those buildings alone. This is quite a reasonable point of view, however there does not appear to be any other rationale employed in the justification for the amended rear building line other than the aerial photograph provided in Attachment 2 of the consultant's submission. The applicant has identified the dual occupancy at No.74 Johnson Street as a bench mark for establishing a rudimentary rear building line and purports that the aerial photograph assists to "*illustrate that the amended positioning of the proposed dwelling is not inconsistent with other setbacks along the waterscape in this locality and will not significantly impact on the views along the waterscape in this area*".

The argument regarding the economic life and the potential for future re-development of adjoining dwellings and allotments has been considered by Council.

Report of the Director Environmental Services

9.4 Demolition of existing dwelling and erection of new dwelling and swimming pool - Lot 387 DP 30547 No 78 Johnson Street Kiama Downs (10.2014.168.1) (cont)

It would be necessary to predict and determine the potential for future re-development of the adjoining allotments while maintaining a balance with the established setbacks and 'view corridors' achieved by a number of other properties in the area. The applicant's justification does not provide any rationale or explore the potential for future re-development of the allotments in the vicinity.

The rotation of the rear portion of two (2) storey dwelling by 16 degrees together with the overall reductions throughout the building has resulted in an increase of the proposed rear building line setback from 8.2m to 10.307m, a net rear building line increase of 2.107m.

The amended building design and its placement on the allotment will still create a significant disparity with the existing alignment of northern and southern adjoining dwellings, consequently affecting views of the northern adjoining dwelling. Assessment of this development proposal in relation to the northern adjoining dwelling has revealed that an increased rear boundary off-set would incrementally open existing views and lessen the impact.

Having reviewed the amended positioning of the building in relation to view impacts, it is suggested that a greater rear boundary offset is necessary to achieve a better balance within the waterscape for development on this allotment and the adjoining dwellings.

The applicant has not specifically addressed the issue of rear building line nor have they acknowledged the likely impacts of the proposed development. The site analysis provided only justifies the building design rather than demonstrate how the design responds to the existing neighbouring dwellings.

The current proposal does not meet the applicable objectives nor provide rationale for the acceptable solution in regard to rear building lines.

Set Consultant's report justification turns to addressing the view sharing principles which is also relevant to the rear building line.

View Sharing Principles

The applicant's submission provides an address in regard to the view sharing principles and provides their assessment of the proposed development in relation to the Tenacity Principle.

The applicant maintains that existing views *"from the balcony and kitchen area (standing view) of the northern adjoining property to this rock-crevice to be retained such that the occupants would be able to continue to enjoy watching waves hitting rocks at close range"*.

Council has undergone its own assessment of the view impacts by undertaking a series of site inspections and photographs from No.80 Johnson Street and adjoining properties in order to properly review the amended plan.

It is Council's assessment that the view impacts have not been significantly improved as a result of the amended plans. Council's assessment has revealed that while the view of the sea-crevice is improved, the view is only a partial one, because the proposed eave/parapet would extend back across the view of the sea-crevice.

Report of the Director Environmental Services

9.4 Demolition of existing dwelling and erection of new dwelling and swimming pool - Lot 387 DP 30547 No 78 Johnson Street Kiama Downs (10.2014.168.1) (cont)

The applicant underlines in the 2nd step of the Tenacity Principal that "*the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. The expectation to retain side views and sitting views is often unrealistic.*" (Underlining added)

It is asserted by the applicant that views from No. 80 Johnson Street are obtained across the side boundary. To be concise, it is Council's opinion that the view is obtained across the rear portion of one (1) side boundary and the rear boundary of No. 78 Johnson Street. The result limits any lateral views that may be reasonably expected across a rear boundary.

In the 3rd step, the applicant makes the following statement:

"The amended design allows for the occupants to retain views to the rock-crevice and to watch waves crashing onto the rocks. Views will be possible from the kitchen and rear balcony area. As such, the impact is considered to be minor."

Council's assessment of the extent of impact has been considered for the whole of the property, not just for the views that are affected. Whilst some ocean views would prevail if the proposed development was to precede, the majority of the highly valued sea crevice and rocky interface would be impacted upon, estimated to be in excess of 70%. From a qualitative view point it is considered that the loss of this high value and significant view from No 80 Johnson Street would be described as a severe loss.

The fourth and final step of the 'Tenacity Principle' states that:

*"The fourth step is to assess the **reasonableness** of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable."*

It is important to note that it has been established during assessment that the proposed development proposal does not comply with (2) 'planning controls'; the 'rear building line' (Section 12, Chapter 2, KDCP 2012) and Control C2 of Chapter 4 KDCP 2012. The applicant states that strict compliance would "likely result in a two storey development on the narrowest portion of the block, fronting the street." This statement is not strictly true and is considered to be an extreme viewpoint.

If strict compliance was achieved, it is Council's opinion that there would be less view impact. The fourth step is meant to assess the 'reasonableness' of the development proposal. It is the actual breach of two (2) 'planning controls' in this case that has directly resulted in view impacts. This calls the assessor to question the reasonableness of the subject development proposal.

Set Consultant's submission extends to include justification in relation to Control C2 Chapter 4 KDCP 2012.

"Two storey development (Control 2 Chapter 4)

Report of the Director Environmental Services

9.4 Demolition of existing dwelling and erection of new dwelling and swimming pool - Lot 387 DP 30547 No 78 Johnson Street Kiama Downs (10.2014.168.1) (cont)

Generally, where development greater than single storey is proposed, that component greater than one storey, shall be located within 12.0 metres of the applicable front building line.

Development in excess of one storey beyond this point will be more critically analysed in respect to the amenity impacts on adjoining properties, by the development, with particular reference to the following: Maintenance of privacy into the adjoining dwellings and private open space areas Access to natural light and/or overshadowing Visual bulk Treatments to reduce the likely amenity impacts on adjoining properties might include, screens, opaque glazing, highlight windows, increased side setbacks, broken roof lines, split floor levels or a general height reduction. New development shall comply with the Building Height Plane.

The justification presented to Council cites the allotment shape, topography, disparity between established building lines and orientation as design constraints for this development proposal. The subject allotment size is 986.42m². A very substantial building with a gross floor area of 443m² could be lawfully built on this allotment. The extent of a second storey portion could be limited in its extent and positioning on the allotment. The applicant has provided limited justification for the extent of the proposed two storey design which extends some 31m beyond the building line.

The underlying objectives of Control C2 seek to control primarily the maintenance of privacy into the adjoining dwellings and private open space areas, access to natural light or overshadowing and visual bulk.

As a result of the 16 degree clockwise rotation of the amended architectural plan drawings, the plans now illustrate that the rear upper balcony will now extend closer in proximity to the southern adjoining property No. 76 Johnson Street. This has resulted in a new objection submission from the owners of No. 76 Johnson Street on the grounds of increased privacy loss and overlooking.

Neighbour Notification

The amended plans were re-notified to the adjoining properties and has resulted in the receipt of objections from the five (5) original objectors plus two (2) additional objections, making a total of (7) now opposing the proposed development.

The new objection submissions have been re-assessed by Council and there appears to be little change to the nature of the concerns raised in the objections.

The two (2) additional objections have been received from the property owners at No.82 & 86 Johnson Street, with both submissions being principally concerned about view loss of existing views.

Final Comments and Conclusion

The applicant's site analysis has not provided any detailed design response in regard to the chosen rear building line nor has it identified the existing 'south view corridor' extending from the rear yards of No.86 through to No. 80 Johnson Street.

The site analysis does not acknowledge all of the adjoining dwellings with the exception of No's 80 where the rear portion of the (2) storey building was rotated 16

Report of the Director Environmental Services

9.4 Demolition of existing dwelling and erection of new dwelling and swimming pool - Lot 387 DP 30547 No 78 Johnson Street Kiama Downs (10.2014.168.1) (cont)

degrees clockwise in an effort to maintain open views of the sea-crevice. The rotation has not achieved the desired outcome in this case.

The proposed development has been assessed against the building line objectives under KDCP 2012 - Chapter 2 Section 8 – “Building Lines Setbacks in Context”. The proposed building alignment will not be consistent with the following (4) objectives:

- *To protect the amenity of the locality in which the development is situated.*
- *To protect the established character of a neighbourhood with a consistent view along the street and water frontage to promote an open street and waterscape.*
- *To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front.*
- *To prevent unreasonable loss of views.*

The proposal is considered to be inconsistent with the numeric requirement under Control C2 Chapter 4 of DCP 2012 and accordingly the development proposal is considered not in the public interest.



Justification for Amended Plans

**Proposed Demolition of Existing
Dwelling and Construction of a Two
Storey Dwelling and Swimming Pool.**

Lot 387 DP30547
78 Johnson Street
Kiama Downs 2533

16 December 2014
Reference: L103153

Date Received

16 DEC 2014

Amended plans have been prepared which increase the rear building line setback and re-orientate the rear portion of the building to increase setbacks to the northern adjoining property thereby improving sightlines between the northern adjoining property and the rock-crevice to the south-east. Specifically the following changes have been made:-

- The eastern portion of the building has been splayed, opening up extensive view corridor through the north east corner of the site;
- A reduction in the size of the kitchen/living/dining & games room (600mm);
- A reduction in the length of the bridge (1000mm) and entry foyer (1030mm) to reduce the overall length of the building; and
- Reduction in the south covered deck by 900mm.

These amended plans have been prepared in response to the Director's report to Council dated 18 November 2014 which concluded that the proposal in its previous form was *"considered to be consistent with Kiama LEP 2011 but not with all the building line objectives under Section 8 Chapter 2 and the numerical requirement under Control C2 Chapter 4 of DCP 2012 and accordingly does not meet the view sharing principles of Section 5, Chapter 2, Kiama DCP."*

To the most reasonable extent possible these matters have been addressed by the amended plans and are discussed below.

Rear Building Line (Section 12 Chapter 2)

"In the case of allotments affected by a 6.0 metre front building line, habitable structures shall be generally sited on the established rear building line of the adjoining development or six (6) metres whichever is the greater; subject to such development having a reasonable economic life. It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought.

Single storey structures including garages, pools, pergolas and barbecue areas may be sited at a lesser distance from the rear property boundary, where such a structure satisfies the

objectives of this plan and where, in the opinion of Council, no unreasonable impacts on neighbouring properties will result.”

Council has not applied a site specific foreshore building line to this site under Section 17 of Chapter 2. Furthermore, there is no clearly established rear building line that appears to have been applied to Johnson Street properties which front the public reserve (see **Attachment 2**).

In this regard, No.80 Johnson Street (northern adjoining property) and No.76 Johnson Street (property to the south) which are of older housing stock with a greater rear setback than other properties fronting the reserve. However, a dual occupancy more recently developed at No. 74 Johnson Street is located significantly closer to the reserve than these older dwellings. Similarly the dwelling provided at No.82 Johnson Street is forward of the rear building line provided by the dwelling at No.80 Johnson Street.

In addition to the varying setbacks, it is important to note that the subject site is located at a point where the interface between the land and the sea curve. In response to this Johnson Street also curves and the site is irregular in shape splaying out to the rear. As such, the rear boundary lines of the site and the adjoining properties respond to the interface and do not form a straight line. The subject site is the most easterly extended allotment in this section of Johnson Street.

Creating a building line based on the immediately adjoining dwellings alone would be unreasonable given that no consistent building line applies for the length of Johnson Street, economic life of these buildings in their current form is limited and there are changes in allotment shape between the sites. As such, site specific planning and a merit based assessment is warranted for this site.

As a result of the above issues the proposed building was designed following a detailed site analysis. The site has a narrow frontage of 13.1m, slopes and widens to the rear and has an east-west orientation with views to the east. The public road, walkway and reserve. The site has three public frontages. The proposed dwelling has been designed in a manner that reduces the potential bulk created by a two storey development by utilising the natural fall of the site and providing a private north-facing

courtyard. Specifically the two storey components are divided between two sections with a first floor area provided for a portion of the street frontage and a lower ground level provided at the rear where the land naturally slopes down. The ground floor level has been wrapped around three sides of a courtyard which would have a northern orientation and provide a private open space for a site that has three public frontages.

Plans have been amended in a manner that maintains the integrity of the design while opening up the view corridor through the north-eastern corner of the site. The 10.3m setback is suitable for the site and satisfies the relevant objectives as outlined below.

Building line objectives (Section 8 Chapter 2)

- a) *To provide guidelines for the appropriate siting of dwellings and other buildings.*
- b) *To protect the amenity of the locality in which the development is situated.*
- c) *To setback buildings and garages/carports from the street to provide adequate space for landscaping or open space, visual and acoustic privacy and vehicle parking, while assisting in establishing an attractive streetscape.*
- d) *To protect the established character of a neighbourhood with a consistent view along the street and water frontage to promote an open street and waterscape.*
- e) *To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front.*
- f) *To prevent unreasonable loss of views.*
- g) *To provide for compliant car accommodation with due reference to building lines.*
- h) *To require dwellings to be designed and sited in a way consistent with ecologically sustainable development objectives and urban design principles.*
- i) *To protect urban bushland, riparian corridors, watercourses (including streams, estuaries and wetlands) and significant landscapes.*
- j) *To maintain visual and acoustic privacy, and provide for reasonable solar access into the rear yards and living areas of adjoining residences.*
- k) *To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic change.*

Objectives b, d, e and f were referred to in the Council report prepared for the previous plans as particularly relevant when assessing this proposal. Objectives b and d relate more to a locality/neighbourhood impact while Objectives e and f can be applied more specifically to impacts on individual dwellings.

With regard to the proposal's impact on the amenity and established character of the locality (objectives b and d) it is noted that the proposed development is for a residential dwelling within a residential locality. The proposed design is more contemporary in style than the existing dwelling but is consistent with other developments approved along Johnson Street and illustrates an investment into housing stock provided in the locality. The objective "to protect a consistent view along the street and water frontage to promote an open street and waterscape" should not be misinterpreted as to protect a current view. **Attachment 2** assists to illustrate that the amended positioning of the proposed dwelling is not inconsistent with other setbacks along the waterscape in this locality and will not significantly impact on the views along the waterscape in this area. In this regard, Council's report on the previous plans similarly noted that views gained from properties to the north of the adjoining property were partial only and did not warrant further consideration under the Tenacity Principle (Tenacity Consulting v Warringah Council (2004) NSWLEC 140).

With regard to more specific impacts on individual dwellings (Objectives e and f) it is the view impact Council has determined to be the main area to be addressed. As such the plans have been amended to further reduce this impact. The amended plans are considered in terms of the Tenacity Principle below:-

The first step of the view sharing assessment process states that:-

"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."

The northern adjoining property currently has water views to the east and south-east of the site. Part of this view includes a rock-crevice which allows the occupants to enjoy watching waves crashing onto rocks at close range. The occupants generally have a 'whole view' of this rock-crevice despite the impact of some existing landscaping. The amended design allows for views from the balcony and kitchen area (standing view) of the northern adjoining property to this rock-crevice to be retained such that the occupants would be able to continue to enjoy watching waves hitting rocks at close range.

The second step states that:-

"The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic." (Underling added)

The view to the rock-crevice from the northern adjoining dwelling is obtained across the side boundary. Expectation that a whole view of this area, which is gained by overlooking a side property boundary, will be indefinitely retained at the restriction of development on the adjoining private property is unrealistic. Notwithstanding this the dwelling has been designed and amended to ensure the occupier of the adjoining dwelling would be able to continue to view the rock-crevice from standing and sitting positions on the rear deck and standing positions in the kitchen. It is understood that views from the lounge room can currently only be gained via looking through the kitchen window of the existing dwelling on the subject site and then through windows on the other side of the dwelling, currently located at No.78 (subject site). Retention of these views is unrealistic. Notwithstanding this, the flat roof height proposed allows for views over the proposed roof which will be at a lower height than the existing roof.

The third step states that:-

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much

time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

The amended design allows for the occupants to retain views to the rock-crevice and to watch waves crashing onto the rocks. Views will be possible from the kitchen and rear balcony area. As such, the impact is considered to be minor.

The fourth and final step states that:-

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

The design has been carefully considered and prepared in response to a detailed site analysis. The design has further been amended to increase view opportunities for the northern adjoining dwelling. As discussed above the rear setback should be assessed on the merit of the proposal which aims to reduce the bulk of the building by responding to the topography of the site and to be in accordance with view sharing principles. Specifically, the two storey components are divided between two sections (limiting bulk) with a first floor area provided for a portion of the street frontage and a lower ground level provided at the rear where the land naturally slopes down. Strict compliance with controls is likely to result in a two storey development on the narrowest portion of the block, fronting the street. Such a development would adversely impact on views from No.79 Johnson Street (which will be improved by the proposed development).

The proposed design allows for occupants of the northern adjoining dwelling to continue to view the rock-crevice. While there will be impacts on part of this view, these impacts will be minor. These views are gained across a side boundary and it unrealistic to assume they will be retained in their entirety. In addition it is noted that the northern adjoining property (No.80) has not been thoughtfully designed to maximise view opportunities and it is considered that the economic life of the adjoining dwelling in its current form is limited. It is reasonable to assume that this property would be redeveloped or altered in the foreseeable future. It would be unfair to further restrict development on the southern adjoining site as a result of these views.

Overall, the proposed development satisfies the building line objectives and view sharing principles as outlined in the current Land and Environment Court Planning Principle.

Two storey development (Control 2 Chapter 4)

Generally, where development greater than single storey is proposed, that component greater than one storey shall be located within 12.0 metres of the applicable front building line.

Development in excess of one storey beyond this point will be more critically analysed in respect to the amenity impacts on adjoining properties, by the development, with particular reference to the following:

- *Maintenance of privacy into the adjoining dwellings and private open space areas*
 - *Access to natural light and/or overshadowing*
 - *Visual bulk*
 - *Treatments to reduce the likely amenity impacts on adjoining properties might include, screens, opaque glazing, highlight windows, increased side setbacks, broken roof lines, split floor levels or a general height reduction.*
 - *New development shall comply with the Building Height Plane.*
-
- The site has a narrow street frontage. The site splays out to the rear thereby providing an increased site width further from the street. The site also falls to the rear of the site. Restricting two storey development to the front 12m behind the building line would result in the two storey component being provided on the highest and narrowest portion of the site. Given the shape and topography

of the site, this would present a bulky elevation to the street. The proposed design seeks to vary the 12m requirement to allow for the two storey components to be broken into two areas to reflect the fall of the land and to enable the street frontage to be a mix of single and two storey elevation.

- In response to the topography of the site and the locality, the two storey components of the dwelling are positioned over two different two sections of the dwelling.

The two storey component on the western (street) portion of the site is proposed above the northern-western area of the ground floor. This reflects the natural rise in the land and also responds to the existing adjoining dwellings. In this regard, the two storey component is located adjacent to a site which has a two storey dwelling that has a higher ridge height than the proposed development. It is also noted that this adjoining dwelling is located almost entirely behind the 12m building line. The proposed design also allows for a component of single storey elevation presenting to the street on the southern side which reflects the lower natural ground level to the south and to the adjoining public walkway and single storey dwelling located to the south being No.76.

The second storey component on the eastern (public reserve) portion of the site is the result of a games room / rumpus room being provided below the south-eastern area of the ground floor. This lower ground floor area is a consequence of the fall on this portion of the site. While this then results in the ground floor living area presenting as a first floor when viewed from the public reserve, it is noted that the first floor living areas and balconies are common in the locality to optimise views & capture the cooling breezes in summer. Utilising the area beneath the floor does not result in any adverse impacts in terms of building height & bulk.

- The proposed development will not erode any clearly established building lines for two storey dwellings in the locality.
- Given the lot layout (narrow frontages, splayed to the rear) on this curved portion of Johnson Street, the dwellings in the immediate locality are generally setback greater than the standard 6m front building line, to achieve the additional width for the dwellings proposed at that time.
- The site has three frontages to public spaces. There is no rear adjoining dwelling. As such permitting two storey development closer to the rear boundary would not result in adverse impacts on a rear adjoining dwelling. However, providing a first floor living area which can overlook the public reserve allows for activation and improve surveillance of this area.
- The proposed development complies with the building height plane requirements of the DCP.

- The proposed development has been architecturally designed to respond to the topography of the site. The proposed dwelling is has a flat roof and is stepped down with the natural gradient of the site with a variety of setbacks and design elements which minimise any potential for visual bulk.
- The two storey component on the north-eastern portion of the site is lower in height and closer to the street frontage than the dwelling on the northern adjoining property. A site inspection revealed that first floor living room windows and balconies are provided along the side elevation on this northern adjoining property, No.80. The proposed first floor uses adjacent to this boundary relate to bedrooms and are designed with highlight windows only to the side elevation. Furthermore, this two storey component on the north-eastern portion of the site is setback from the single storey dwelling to the south, is screened by existing vegetation and contains only low traffic rooms. As such there are no adverse privacy impacts as a result of this two storey element.
- The two storey component on the south-eastern portion of the site has its principal orientation to the east (public reserve and ocean) although some living room openings and deck area are provided along the southern elevation to maximise outlook and daylight to these east facing living areas. This portion of the building is setback from the southern adjoining pathway and even greater from the dwelling to the south at No.76. First floor living areas with balconies are common in the locality and this residential use is not considered likely to adversely impact on the surrounding residential land uses or public space.

In light of these reasons the proposed two storey components are considered suitable for the site and as detailed in the above comments and in the Statement of Environmental Effects prepared for the proposal will not have any significant adverse privacy or overshadowing impacts.

In summary, the proposed development is for a residential dwelling within a residential locality. The dwelling has been designed in response to a detailed site analysis and amended plans have been prepared to further enhance the view corridor provided over the north-eastern corner of the site to allow the northern adjoining dwelling to continue to gain views over the site to the rock-crevice. Requiring full retention of the current views from this adjoining dwelling over the subject site would severely limit the development potential of this land and would unreasonably devalue one property for the sake of another.

We are firmly of the belief that the proposed development is suitable for the site and has given reasonable consideration to view sharing principles. Council support is requested for these amended Issue D plans.

Attachment 1 – Amended Plans
Attachment 2 – Aerial Photograph

Item 9.4

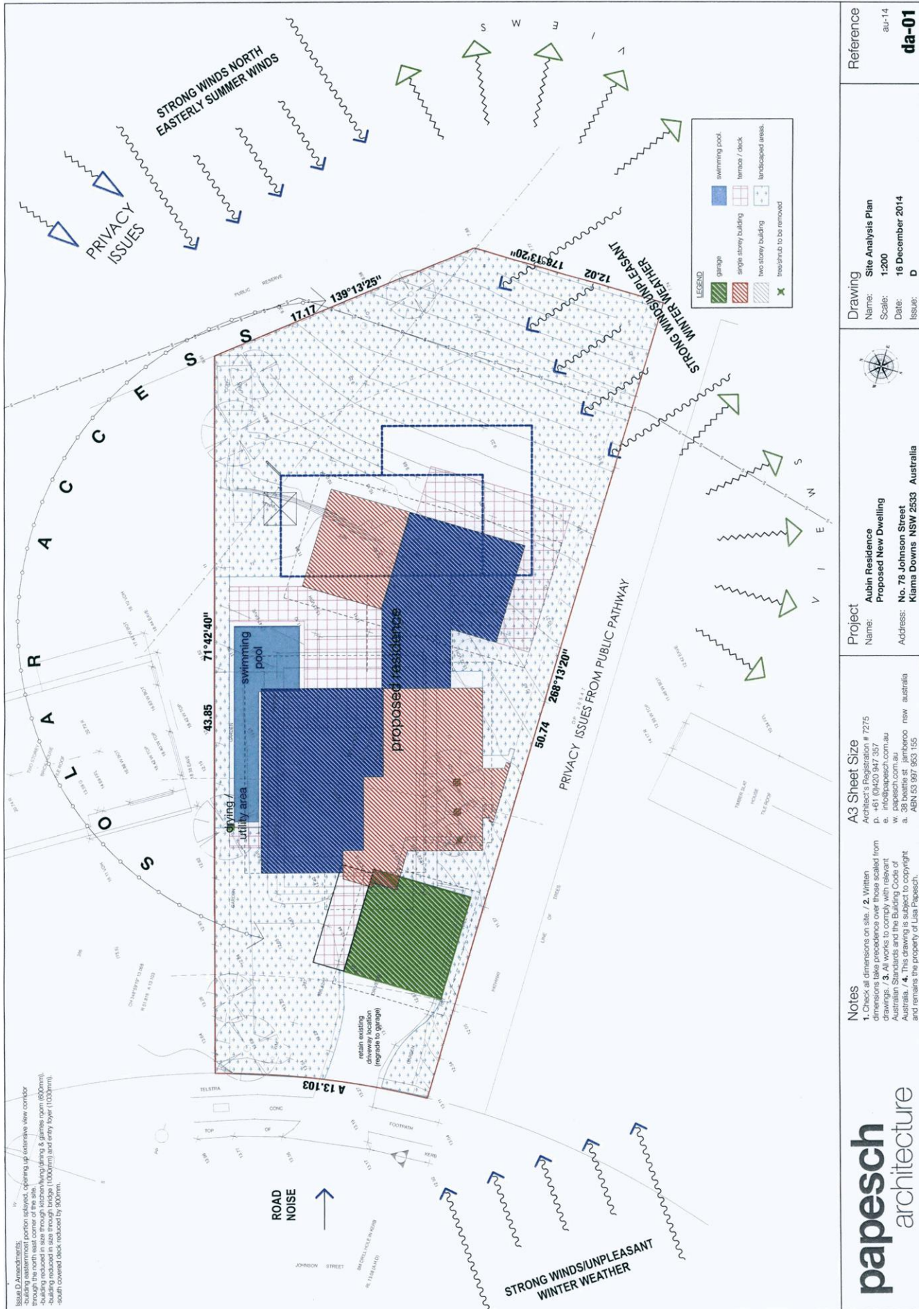
Attachment 2

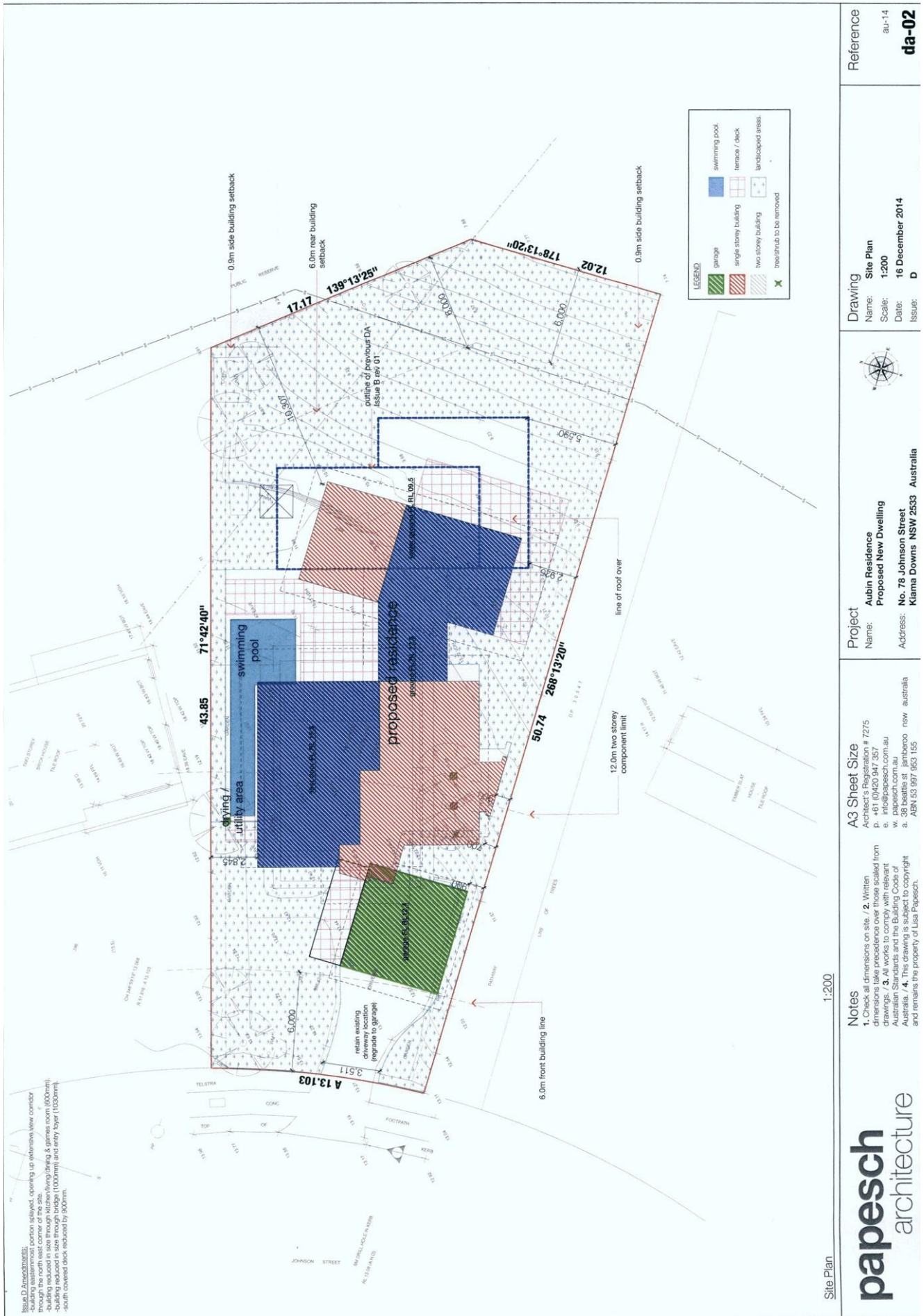


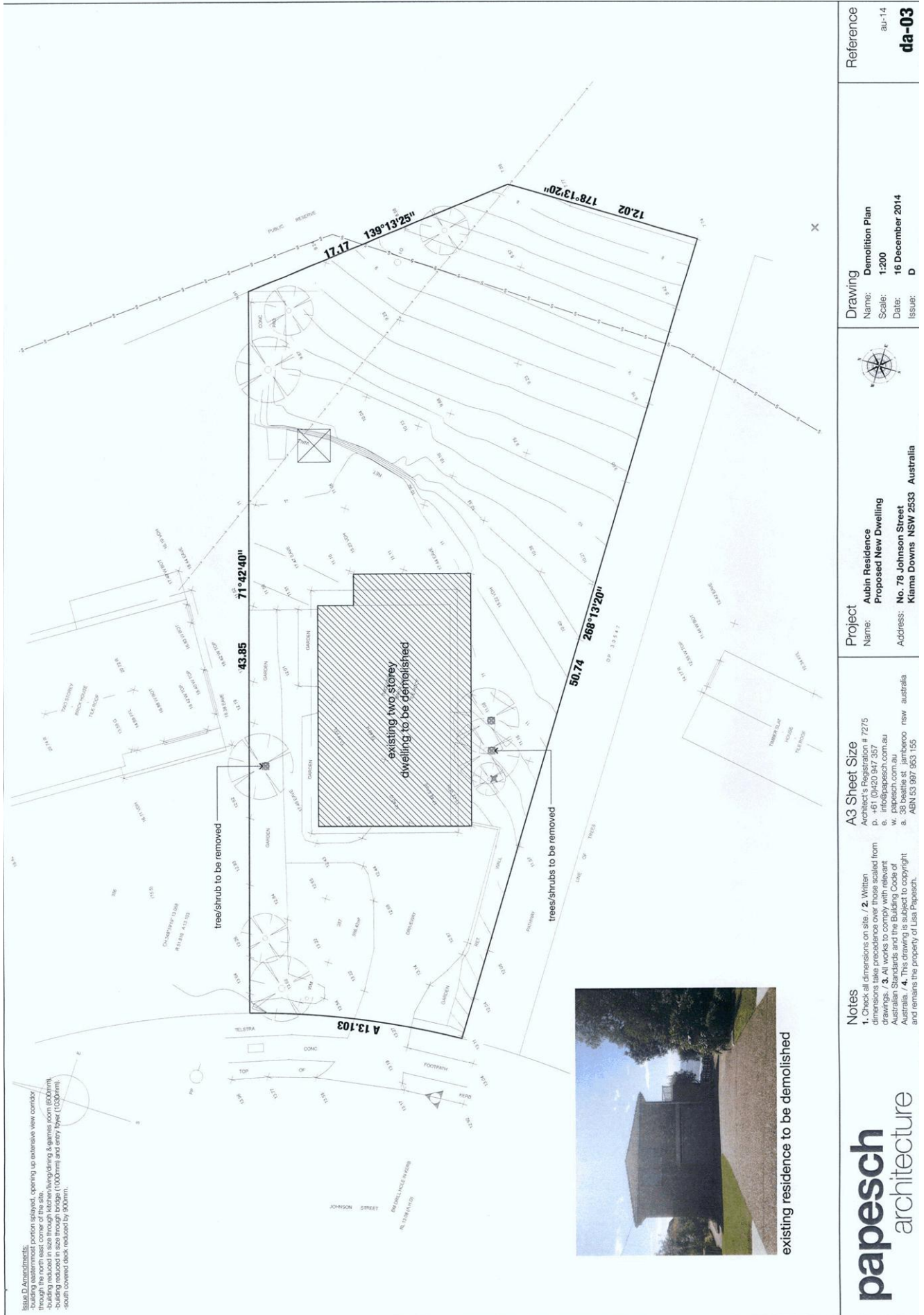
Item 9.4

Attachment 2

	<p>aerial image</p>		<p>site location map</p>	<p>papesch architecture</p>	<p>Notes 1. Check all dimensions on site. / 2. Written dimensions take precedence over those scaled from drawings. / 3. This drawing is subject to copyright and remains the property of Lisa Papesch.</p>	<p>A3 Sheet Size Architect's Registration # 7275 p. +61 (0)420 947 357 w. papesch.com.au a. 39 bennie st. bamburgh new australia ABN 53 997 953 155</p>	<p>Project Name: Aubin Residence Proposed New Dwelling Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia</p>		<p>Drawing Name: Location Plan, Drawing Schedule & BASIX Scale: Date: 16 December 2014 Issue: D</p>	<p>Reference au-14 da-00</p>
<p>Issue D Amendments: -building easternmost portion sprayed, opening up extensive view corridor -building reduced in size through section/striping & games room (600mm). -building reduced in size through bridge (1000mm) and entry foyer (1000mm). -south covered deck reduced by 900mm.</p> <p>drawing schedule da-00 Location Plan & Drawing Schedule da-01 Site Analysis Plan da-02 Site Plan da-03 Demolition Plan da-04 Lower Ground Floor Plan da-05 Ground Floor Plan da-06 First Floor Plan da-07 Roof Plan da-08 Section AA da-09 Section BB da-10 East & North Elevations da-11 West & South Elevations da-12 Swimming Pool da-13 3D Images da-14 Shadow Diagrams Survey Drawing</p>										







Reference
 au-14
da-03

Drawing
 Name: Demolition Plan
 Scale: 1:200
 Date: 16 December 2014
 Issue: D

Project
 Name: Aubin Residence
 Proposed New Dwelling
 Address: No. 78, Johnson Street
 Kiama Downs NSW 2533 Australia

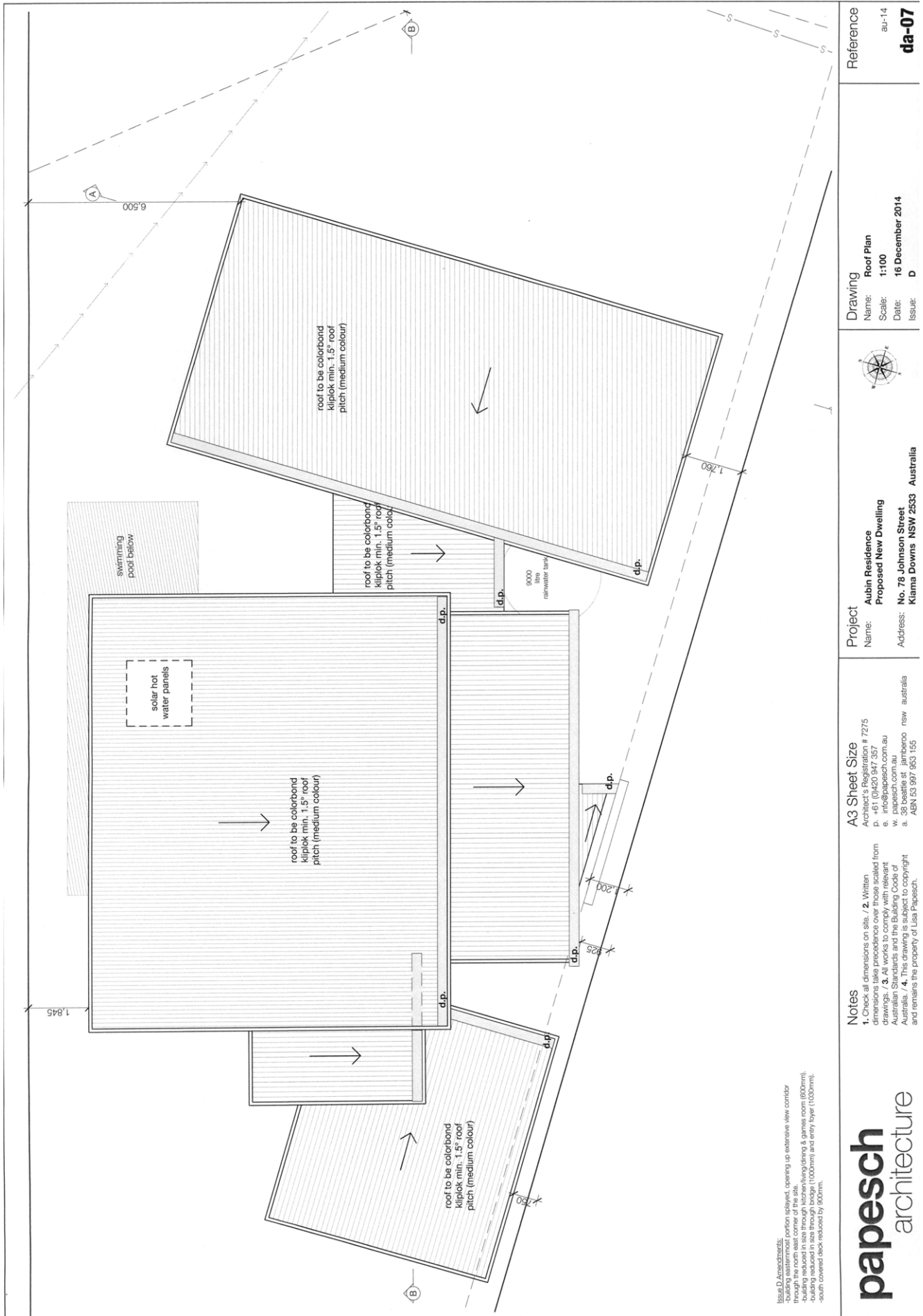
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existing residence to be demolished





Reference
au-14
da-07

Drawing Name: **Roof Plan**
Scale: **1:100**
Date: **16 December 2014**
Issue: **D**

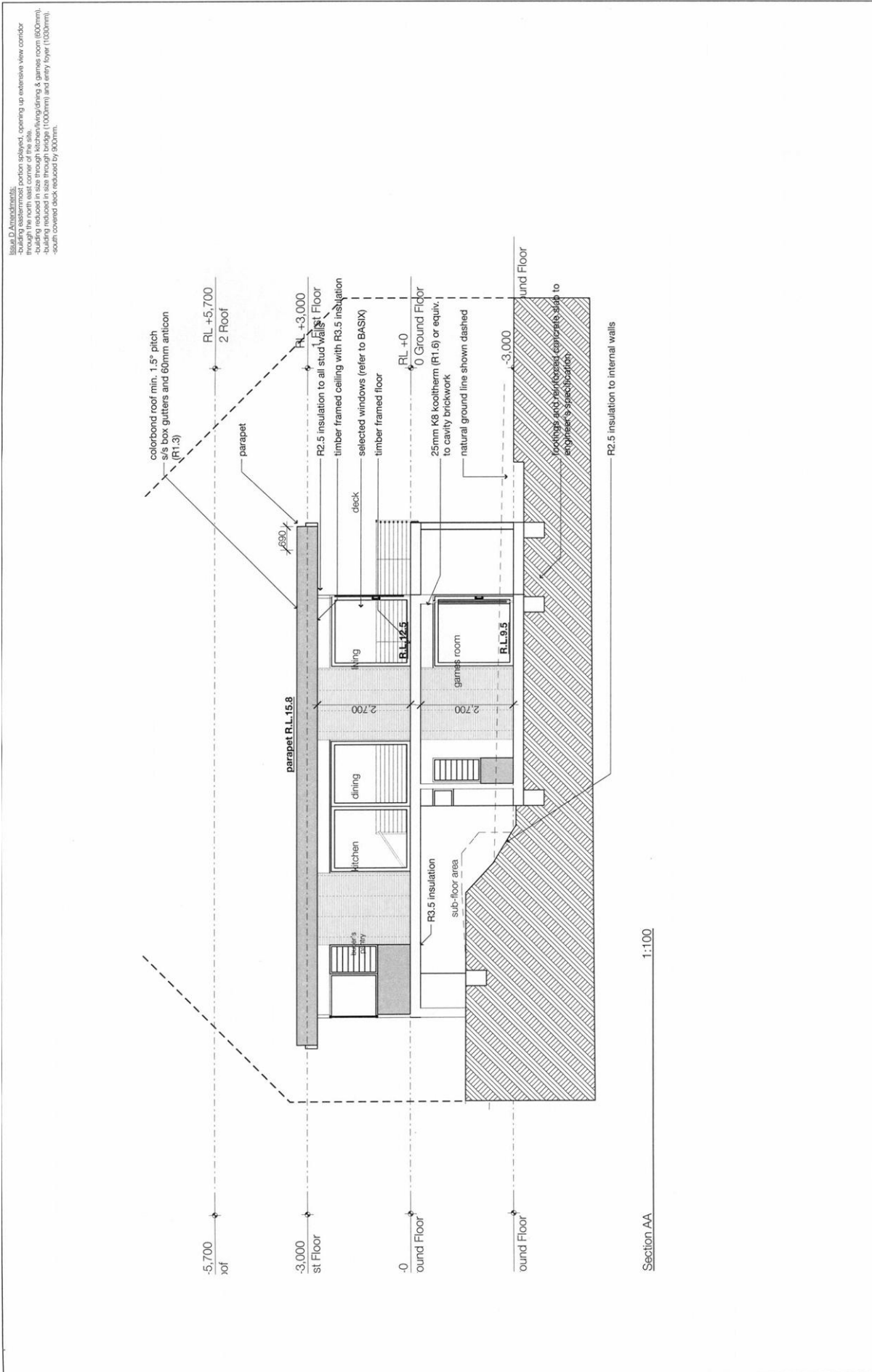


Project Name: **Aubin Residence Proposed New Dwelling**
Address: **No. 78 Johnson Street Kiama Downs NSW 2533 Australia**

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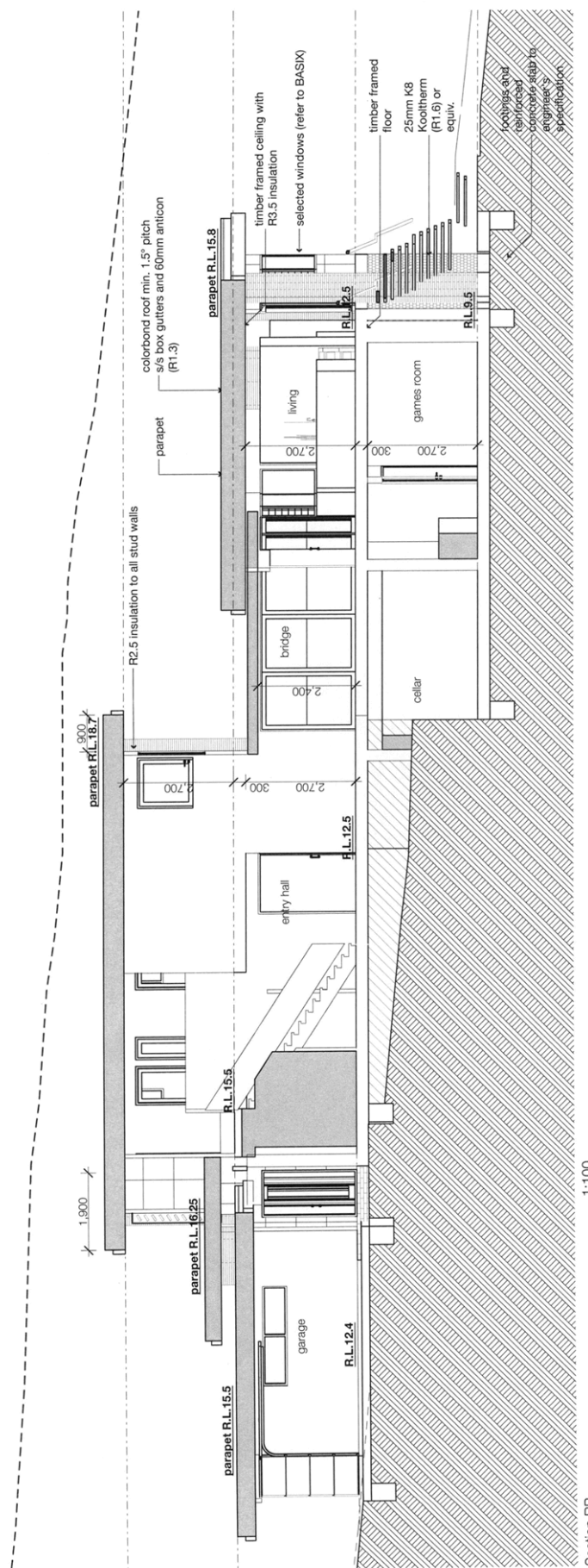
Issue D Amendments:
 - building easternmost portion splayed, opening up extensive view corridor through the north east corner of the site.
 - building reduced in size through kitchen/dining & games room (600mm).
 - south covered deck reduced by 500mm.
 - south covered deck reduced by 500mm.

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Section AA
 1:100

Figure D Amendments:
 - building easternmost portion splayed, opening up extensive view corridor
 - building reduced in size through kitchen/dining & games room (600mm)
 - building reduced in size through bridge (1000mm) and entry foyer (1000mm).
 - south covered deck reduced by 600mm.



Section BB 1:100

Notes
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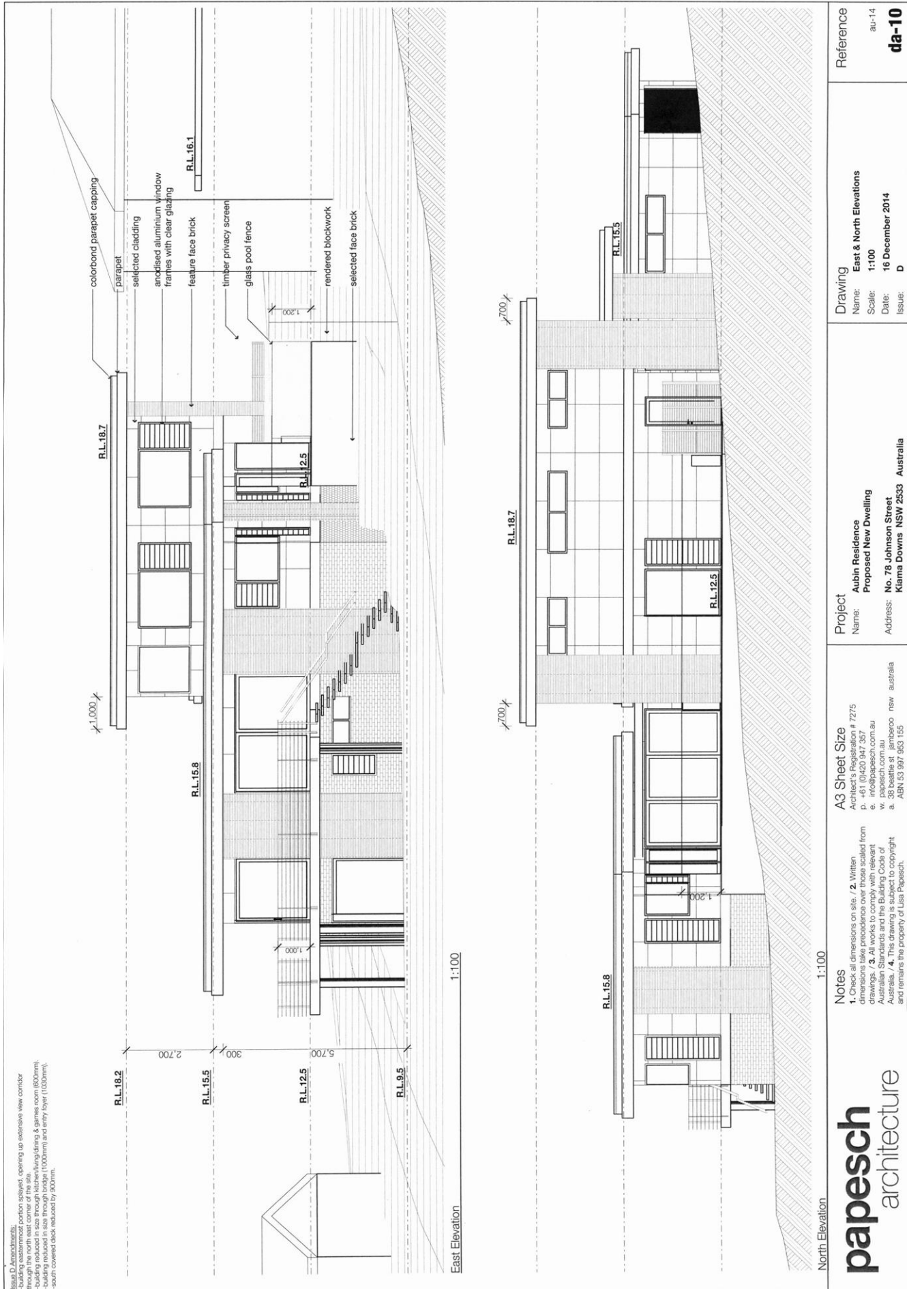
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Project Name:
 Aubin Residence
 Proposed New Dwelling
 Address: No. 78 Johnson Street
 Kiama Downs NSW 2533 Australia

Drawing Name: Section BB
Scale: 1:100
Date: 16 December 2014
Issue: D

Reference
 au-14
da-09





Issue D Amendments:
 - building easternmost portion splayed, opening up extensive view corridor through the north east corner of the site.
 - building reduced in size through deeper (1000mm) and entry foyer (1030mm).
 - south covered deck reduced by 800mm.

Reference
 au-14
da-10

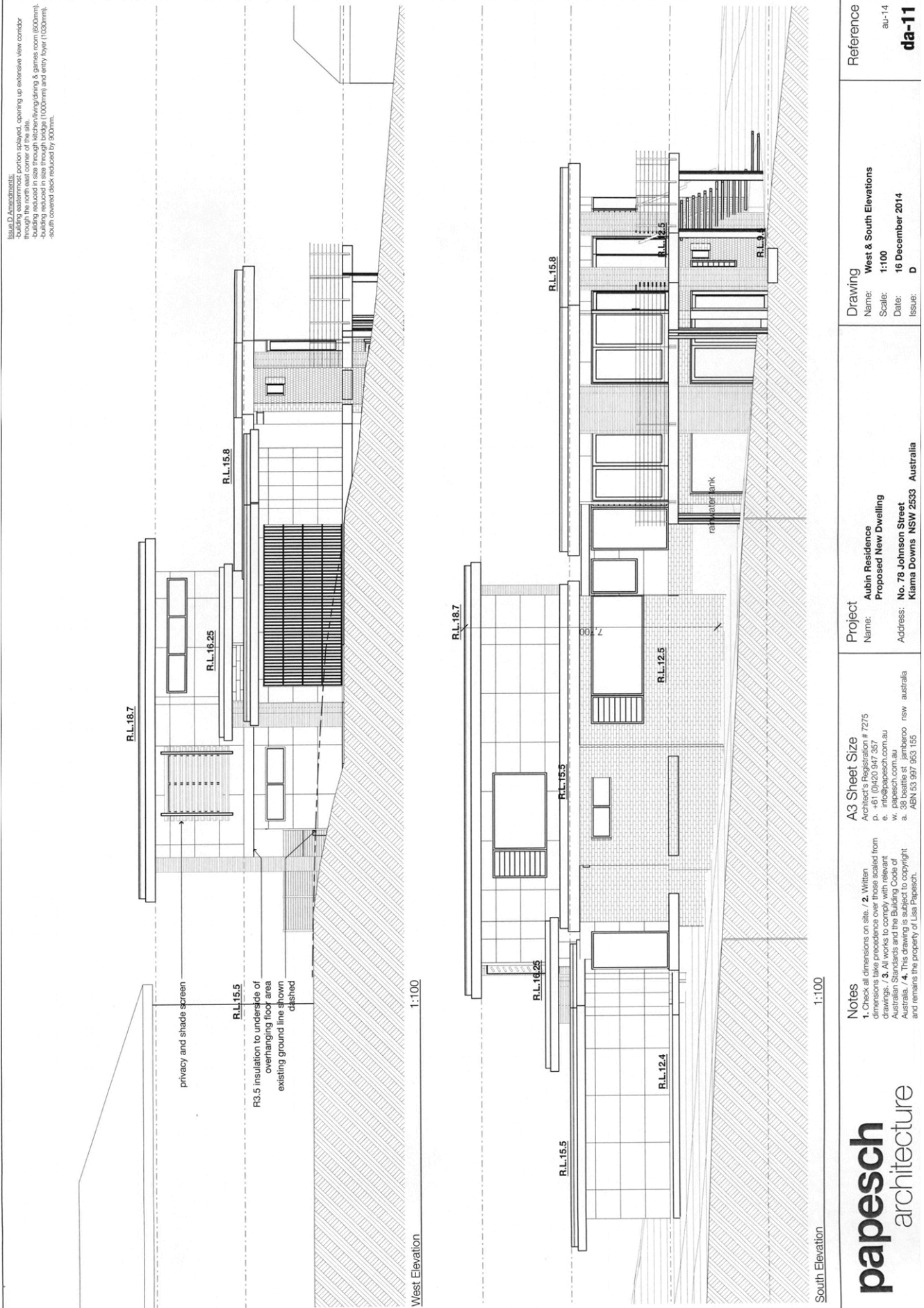
Drawing
 Name: East & North Elevations
 Scale: 1:100
 Date: 16 December 2014
 Issue: D

Project
 Name: Aubin Residence
 Proposed New Dwelling
 Address: No. 78 Johnson Street
 Kiama Downs NSW 2533 Australia

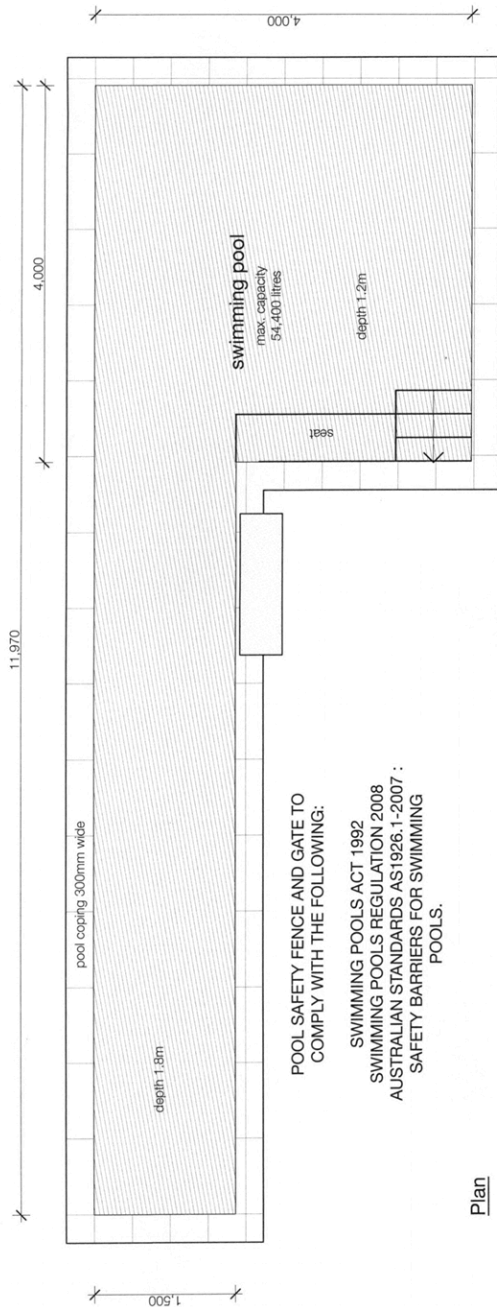
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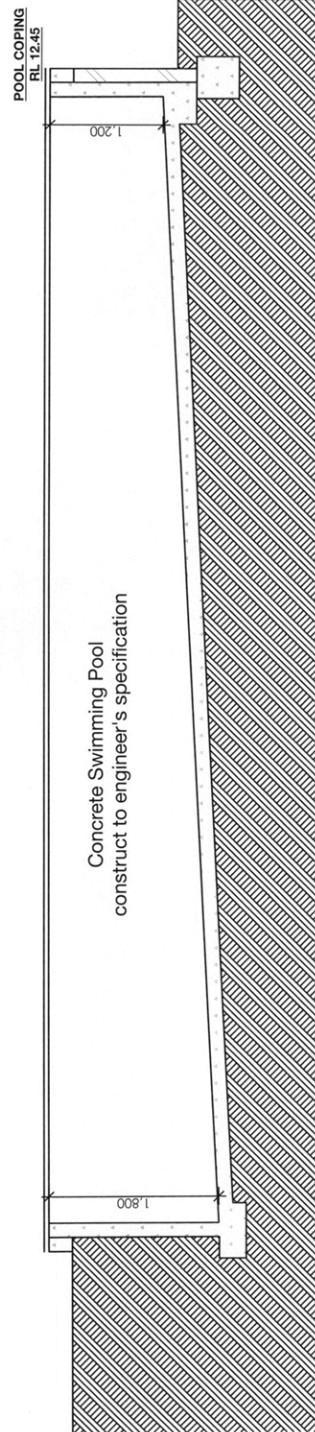
Notes: D. Inset beneath building easterlymost portion advised, opening up extensive view corridor through the north east corner of the site.
 - building reduced in size through kitchen/swimming & games room (6000mm).
 - building reduced in size through living/dining (1000mm) and entry foyer (1000mm).
 - south covered deck reduced by 8000mm.



Plan

POOL SAFETY FENCE AND GATE TO COMPLY WITH THE FOLLOWING:

SWIMMING POOLS ACT 1992
 SWIMMING POOLS REGULATION 2008
 AUSTRALIAN STANDARDS AS1926.1-2007 :
 SAFETY BARRIERS FOR SWIMMING POOLS.



Section

Notes
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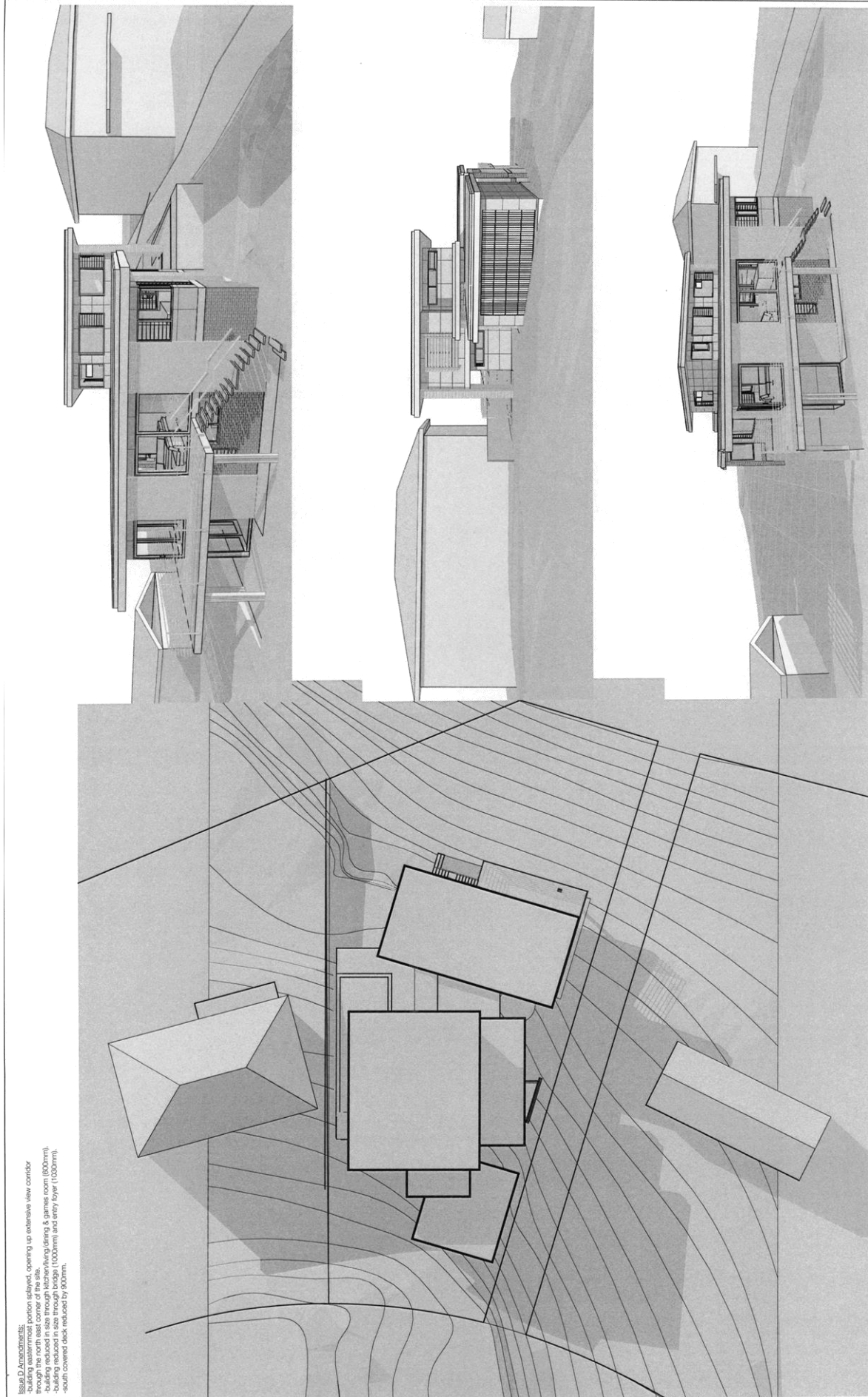
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 a. 38 beattie st. jambaroo nsw australia
 ABN 53 937 953 155

Project Name: Aubin Residence Proposed New Dwelling
Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia

Drawing Name: Swimming Pool Detail
Scale: 1:50
Date: 16 December 2014
Issue: D

Reference
 au-14
da-12

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 architecture



Issue D Amendments:
 - building easternmost portion stayed, opening up extensive view corridor through the north east corner of the site.
 - building northern portion stayed, retaining existing 8' square room (800mm) building recessed in size through bridge (1000mm) and entry foyer (1000mm).
 - south covered deck reduced by 900mm.

Notes

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 ABN 53 997 953 155

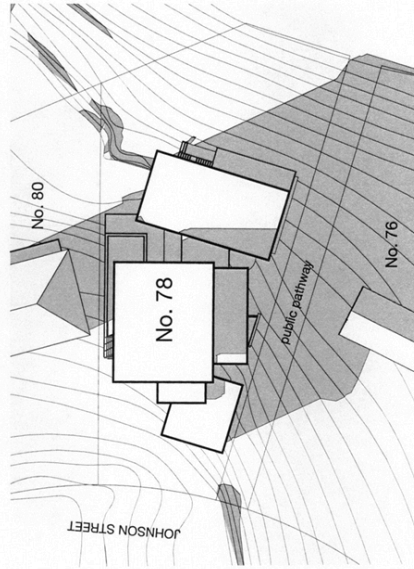
Project
 Name: **Aubin Residence**
 Proposed New Dwelling
 Address: **No. 78 Johnson Street**
 Kiama Downs NSW 2533 Australia

Drawing
 Name: **3D Images**
 Scale:
 Date: **16 December 2014**
 Issue: **D**

Reference
 au-14
da-13

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Issue D Amendments:
 - building easternmost portion stayed, opening up extensive view corridor
 - building the north west corner of the site
 - building the south west corner of the site
 - building reduced in size through bridge (1000mm) and entry foyer (1000mm).
 - south covered deck reduced by 800mm.



22nd June - 3pm

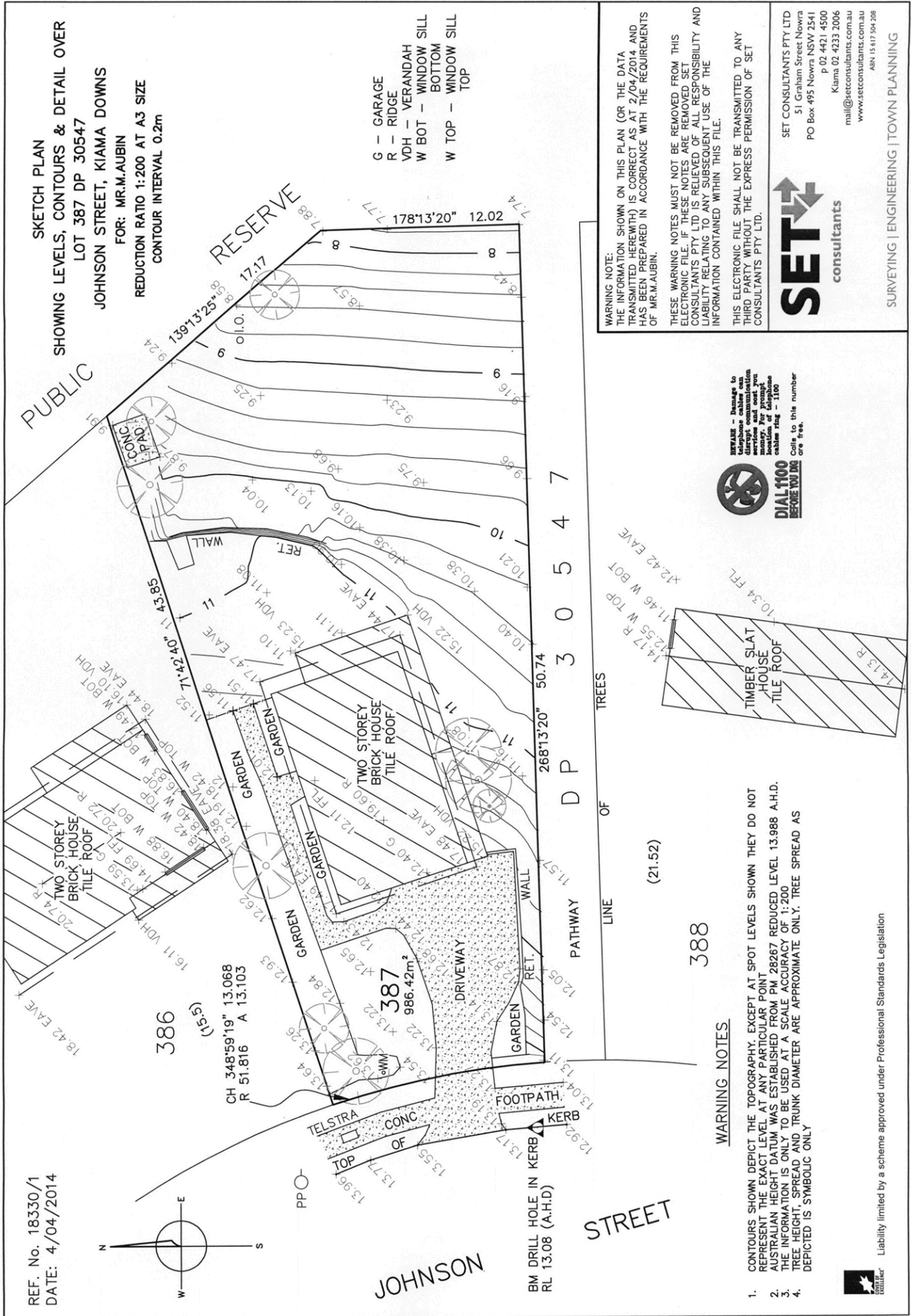


22nd June - 12 noon



22nd June - 9am

<p>papesch architecture</p>	<p>Notes 1. Check all dimensions on site. / 2. Written drawings / 3. All works to comply with relevant Australian Standards and the Building Code of Australia. / 4. This drawing is subject to copyright and remains the property of Lisa Papesch.</p>	<p>A3 Sheet Size PAGESCH Pty Ltd PO Box 411 (0420) 947 957 e. info@papesch.com.au w. papesch.com.au a. 38 Beattie St. Jamberoo NSW Australia ABN 53 997 953 155</p>	<p>Project Name: Aulin Residence Proposed New Dwelling Address: No. 78 Johnson Street Kiama Downs NSW 2533 Australia</p>	<p>Drawing Name: Shadow Diagrams Scale: 1:500 Date: 16 December 2014 Issue: D</p>	<p>Reference au-14 da-14</p>
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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)

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 - Site survey, demo plan, site statistics, site roof plan - 128 Belinda Street - Surrend8 Developments Pty Ltd

2 10.2014.241.1 - Basement 2 floor plan - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd

3 10.2014.241.1 - Basement 1 floor plan - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd

4 10.2014.241.1 - Ground floor plan - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd

5 10.2014.241.1 - Level 1 floor plan - 128 Belinda Street - Surrend8

Report of the Director Environmental Services

- 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)

-
- Developments Pty Ltd
- 6 10.2014.241.1 - Level 2 floor plan - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 7 10.2014.241.1 - Level 3 floor plan - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 8 10.2014.241.1 - South and west elevations - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 9 10.2014.241.1 - North and east elevations - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 10 10.2014.241.1 - Section A and B - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 11 10.2014.241.1 - Section C and ramp section - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 12 10.2014.241.1 - 3D view and 11 metre height analysis - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd
- 13 10.2014.241.1 - Shadows - 128 Belinda Street, Gerringong - Surrend8 Developments Pty Ltd

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.

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.

Report of the Director Environmental Services

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)

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

Report of the Director Environmental Services

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)

The overall residential component of the proposal consists of:

- 7x1 bedroom residential units;
- 17x2 bedroom residential units; and
- 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:

- Shop 1 – 119.11m²;
- Shop 2 – 107.02m²;
- Shop 3 – 82.42m²;
- Shop 4 – 71.95m²; and
- 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:

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

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)

Report of the Director Environmental Services

- 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)

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:

“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

Report of the Director Environmental Services

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)

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 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.

Report of the Director Environmental Services

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)

-
- *“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
- 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

Report of the Director Environmental Services

- 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)
-

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 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

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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)

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 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.

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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)

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.

- 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.

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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)

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 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

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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)

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

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

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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 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

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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)

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 by pedestrian pathway.	Yes
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, landscaping etc is consistent with Council	Yes

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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)

Precinct 1D Performance Criteria	Development Proposal	Complies?
paving, lighting and landscape	policy and neighbouring approved development.	
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 Street.	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
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:

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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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- 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 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.

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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)

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.*

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.

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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)

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.

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”

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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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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 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

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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)

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.

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.

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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)

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

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

Report of the Director Environmental Services

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)

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.

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.

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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.

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

Report of the Director Environmental Services

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-

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 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.

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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 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

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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.

- (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.

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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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- 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 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:

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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)

- 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 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;

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- 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.
- (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

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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)

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.

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

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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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- 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.
- (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.

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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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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.
- (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.

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- (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 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.

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- (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.
- (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).

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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 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.

Report of the Director Environmental Services

- 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)
-

(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.

SITE SURVEY PLAN
1:200

781
3324m²
DP 117947
117947

TREES TO BE REMOVED
TREES TO BE RETAINED

RESTRICTION ON THE USE OF LAND

DEMOLITION PLAN
1:200

Specifications

Windows

- Concrete screen louvre glazing clear aluminium frame
- Frame finish: - powder coated - 115 (RAL)
- Frame width: 20, 25, 27 & 30
- Concrete screen louvre glazing clear aluminium frame
- Frame finish: - powder coated - 115 (RAL)
- Frame width: 20, 25, 27 & 30
- Concrete screen louvre glazing clear aluminium frame
- Frame finish: - powder coated - 115 (RAL)
- Frame width: 20, 25, 27 & 30
- Concrete screen louvre glazing clear aluminium frame
- Frame finish: - powder coated - 115 (RAL)
- Frame width: 20, 25, 27 & 30

External walls

- insulation R1.0 Brick + Polystyrene
- Masonry SA 3.0 PT1 - 0.7

Internal wall

- brick wall
- insulation none

Floors

- concrete
- insulation none

Roofs

- concrete
- insulation none

Roof

- concrete
- insulation none

Notes: All areas shown indicated with colour light

DRIVING AREA

UNIT 1: 100m² (100%)

UNIT 2: 100m² (100%)

UNIT 3: 100m² (100%)

UNIT 4: 100m² (100%)

UNIT 5: 100m² (100%)

UNIT 6: 100m² (100%)

UNIT 7: 100m² (100%)

UNIT 8: 100m² (100%)

UNIT 9: 100m² (100%)

UNIT 10: 100m² (100%)

UNIT 11: 100m² (100%)

UNIT 12: 100m² (100%)

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UNIT 97: 100m² (100%)

UNIT 98: 100m² (100%)

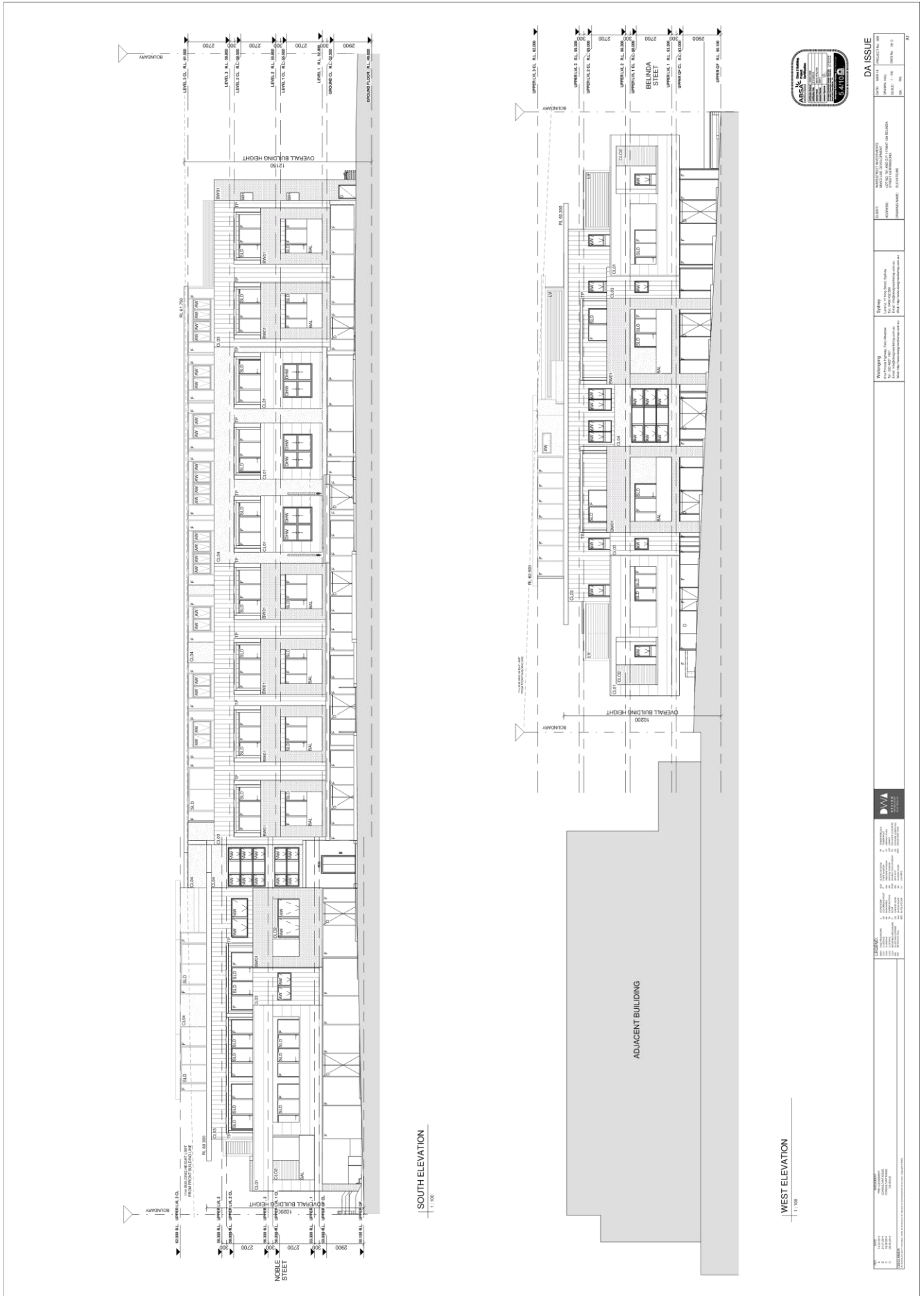
UNIT 99: 100m² (100%)

UNIT 100: 100m² (100%)

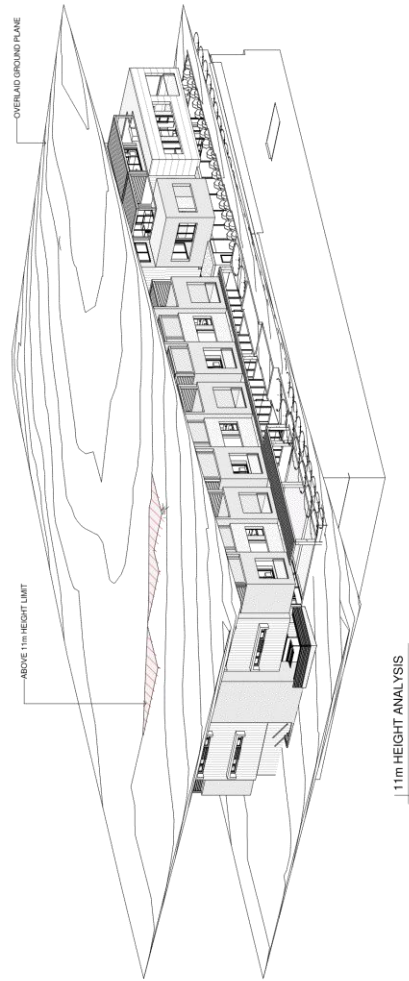
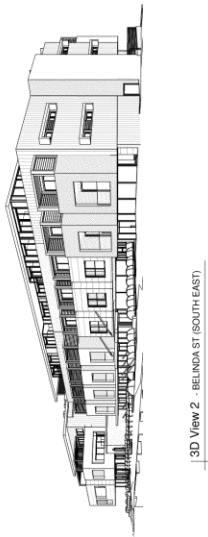
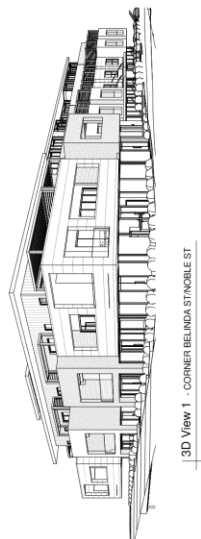
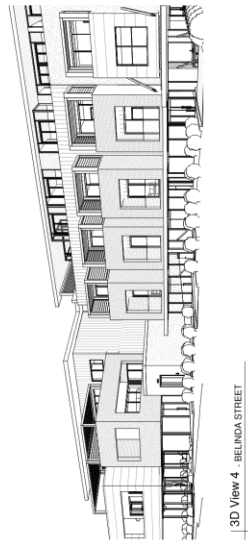
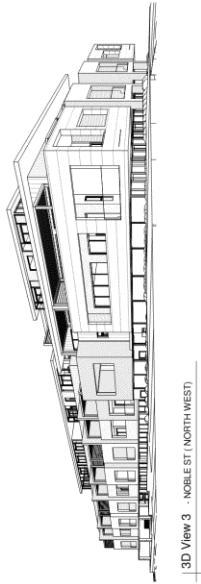
SITE PLAN
1:200

NOBLE STREET
BELINDA STREET

DA ISSUE







DA ISSUE DATE: 10/01/2015 PROJECT NO: 1020142411	
PROJECT NAME: 1020142411 - MIXED USE DEVELOPMENT ADDRESS: 128 BELINDA STREET GERRINGONG NSW 2538 CLIENT: GERRINGONG SHIRE COUNCIL ARCHITECT: GERRINGONG ARCHITECTURE ENGINEER: GERRINGONG ARCHITECTURE	DRAWING NO: 1020142411-01 SCALE: 1:100 DATE: 10/01/2015 DRAWN BY: [Name] CHECKED BY: [Name]
REVISIONS 1. Issue for DA 2. Issue for DA 3. Issue for DA 4. Issue for DA 5. Issue for DA	NOTES 1. All heights are to the top of the parapet wall. 2. All heights are to the top of the finished floor level. 3. All heights are to the top of the finished floor level. 4. All heights are to the top of the finished floor level. 5. All heights are to the top of the finished floor level.

9.6 Draft Chapter 31 site specific controls – Wyalla Road Residential Release Area - post exhibition summary

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

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

Delivery Program: 2.9.4 Review the Development Control Plan and amend as required

Summary

In December Council endorsed Draft Chapter 31 Site Specific Controls – Wyalla Road Residential Release Area for public exhibition. The draft chapter was placed on public exhibition from 7 January to 13 February 2015.

This report details the issues raised in the 19 submissions received.

Finance

N/A

Policy

Chapter 31 – Wyalla Road Residential Release Area once adopted by Council will form part of Council's Development Control Plan 2012.

As per legislative requirements.

Reason for the Report to Council

The report provides a post exhibition overview of the draft Chapter 31 – Wyalla Road Residential Release Area including an analysis of the submissions received and seeks a Council resolution to adopt this chapter.

Attachments

- 1 Location plan draft Chapter 31 site specific controls – Wyalla Road Residential Release Area
- 2 Final draft Chapter 31 - DCP - Site Specific Controls - Wyalla Road Residential Release Area

Enclosures

Nil

RECOMMENDATION

That Council adopt draft Chapter 31 site specific controls – Wyalla Road Residential release Area as a part of Kiama DCP 2012 subject to the provisions of the Environmental Planning and Assessment Act.

Report of the Director Environmental Services

9.6 Draft Chapter 31 site specific controls – Wyalla Road Residential Release Area - post exhibition summary (cont)

BACKGROUND

Council at its meeting of the 16 December 2014 resolved to endorse draft Chapter 31 Site Specific Controls – Wyalla Road Residential Release Area, and to place this draft chapter on public exhibition for a period of not less than 28 days. The exhibition period ran from 7 January to 13 February 2015. At the completion of this exhibition period a further report was required to be submitted to Council.

This post exhibition report overviews the draft chapter and details submissions received during the exhibition period.

In order to incorporate the draft site specific chapter DCP 2012 the following process is required to be undertaken:

Process Stages	Timeframe
Internal staff review of draft document	completed
Internal amendments to draft document	completed
Reporting to Council for endorsement for exhibition	completed (16 Dec 2014)
Public exhibition period	Completed (7 January to 13 February 2015)
Internal review of issues raised in submissions.	February 2015
Amendments to draft document if required	February 2015
Second report to council reviewing submissions raised during exhibition/ any proposed amendments and seeking Councils adoption.	March 2015
Incorporation into DCP 2102 (on resolution of Council)	March 2015 (proposed)

Brief overview of draft Chapter 31 site specific controls – Wyalla Road Residential Release Area

The draft chapter outlines character statements and additional site specific controls relating to three distinct precincts proposed for the site; a 'Seniors Living Precinct', a 'Residential Allotment Precinct' and an 'Environmental Precinct'.

Each of these precincts were identified within the LEP amendment, and had appropriate planning controls (Zoning, Height of Buildings, Minimum Lot Size etc) applied as a part of the LEP amendment process arising out of the planning proposal.

Each precinct has a character statement and a series of controls with the objective of achieving the aims identified in the planning proposal.

Seniors Living Precinct - This precinct contains approximately 30 lots with a 350m² minimum lot size. It is aimed at providing a *“well connected group of highly*

Report of the Director Environmental Services

9.6 Draft Chapter 31 site specific controls – Wyalla Road Residential Release Area - post exhibition summary (cont)

accessible independent living units and associated community facility". Dwellings in this precinct are to be designed and constructed to meet the relevant standards associated with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Appendix 1 of the draft chapter also overviews 'indicative' dwelling designs for the seniors living precinct for illustration purposes. It should be noted that the developer is intending to design and construct all of the seniors living dwellings in line with the 'indicative' dwelling designs

This precinct also provides for a community facility aimed at meeting the needs of the Seniors Precinct. A community centre is also detailed in the draft chapter. This community centre is to be designed and constructed by the developer and governed by the residents of the Seniors Living Precinct.

Residential Allotment Precinct - This precinct contains approximately 33 lots with a minimum 800m² minimum lot size. It is envisaged that the existing controls for dwellings (as articulated in various chapters within DCP 2012) will apply within this precinct with a small number of site specific controls aimed at giving additional site context.

Environmental Precinct – this precinct contains the land adjoining Hyams creek. It is envisaged that there will be some level of embellishment in this precinct including riparian plantings, along Hyams creek, and potentially a pedestrian/cycle way.

Submissions received during the exhibition period

Nineteen (19) external submissions were received during the exhibition period. An external submission table including intended amendments to the DCP is attached to this report.

	Number of submissions
Supporting	7
Objecting	11
Not stated	1

Major issues raised in the submission

Issue raised	Council response
IREP 2 still in force	<p>The matter of IREP 2 has been dealt with at the Planning Proposal stage.</p> <p>Council has received 2 legal opinions dated 4 Feb 2014 and 22 Jan 2015 and 2 pieces of advice from State Government Planning dated 28 Jan 2014 and 10 Feb 2015 which have confirmed that any inconsistency with elements of IREP 2 is of a minor nature and is justified by way of a local strategy. Planning and</p>

Report of the Director Environmental Services

9.6 Draft Chapter 31 site specific controls – Wyalla Road Residential Release Area - post exhibition summary (cont)

	<p>Environment further stated on 10 Feb 2015 that “it has always been the intention to repeal the plan [IREP 2] once the Illawarra Regional Growth and Infrastructure Plan was finalised.”</p>
<p>Ensuring that the seniors living sites will be used for the intended purpose.</p>	<p>Council has already had a legal opinion on the regulation of self care seniors housing with respect to ensuring it is used for its intended purpose. Council will continue working with the applicant to ensure appropriate measures are in place for this development including that it is constructed in accordance with the relevant SEPP, the possibility of restricting use through the title/ 88B etc, also raising this issue with local Real Estate Agents.</p> <p>The following control is included in the draft final document: <i>“An appropriate mechanism will be placed in perpetuity on the title of lots in the Senior Living Precinct that will restrict the use of the dwellings to Seniors or People with a disability (as per the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. “</i></p>
<p>Parking/traffic on site</p>	<p>Traffic/ parking will be dealt with in accordance with relevant planning instruments, legislation and practice notes.</p> <p>The road widths proposed in this chapter are greater than Councils current provisions under other sections of DCP 2012.</p>
<p>Impact on village character</p>	<p>Council is committed to maintaining the character of its separate towns. This view is reflected in our CSP Strategy 2.1 – “Maintain the separation and distinct nature of the towns and villages of our local area.”</p> <p>The amount of development proposed will not change the overall character of the area. Kiama Urban Strategy has nominated a number of sites in the</p>

Item 9.6

Report of the Director Environmental Services

9.6 Draft Chapter 31 site specific controls – Wyalla Road Residential Release Area - post exhibition summary (cont)

	Jamberoo area that could result in some greenfield expansion. These sites were all exhibited through 2010 and 2011 and were the subject of media, public meetings, etc
--	--

Proposed amendments

The proposed amendments to the document include:

1. Updating Figures 2 and 3.
2. Amendment to Section 4, Objective 1 to clarify intent and remove reference to “potential development to the south”.
3. Addressing the typo in control C53
4. Re formatted a portion of section 11 to increase clarity.

The issues raised in the external submissions have been addressed and amendments made to the draft document where appropriate. It should be noted that the amendments have not changed the intent or requirements of the original document.

A copy of the final document for endorsement is attached.

Item 9.6



Item 9.6

Attachment 1



your council, your community

Subject Site



Cadastral Copyright
LPMA NSW, 05/06/13

Scale: 1:6000 @ A3

Projection: GDA 1994
MGA Zone 56

This map is supplied by Council on condition that Council will not be responsible for any loss or damage arising from the use of the map as a result of any errors or omissions contained in the map.
To establish site boundaries and ownership advice should be obtained from a surveyor, legal adviser or LPI New South Wales.
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For further information contact: gmg@kiamma.nsw.gov.au

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road



31	Site Specific Controls – Wyalla Road Residential Release Area
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Changes from previous draft have been highlighted in yellow.

Item 9.6

Attachment 2

31

Wyalla Road

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Attachment 2

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Section 1 – Character Statement

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

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

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

Section 2 – Relationship with other planning instruments and policies

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

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

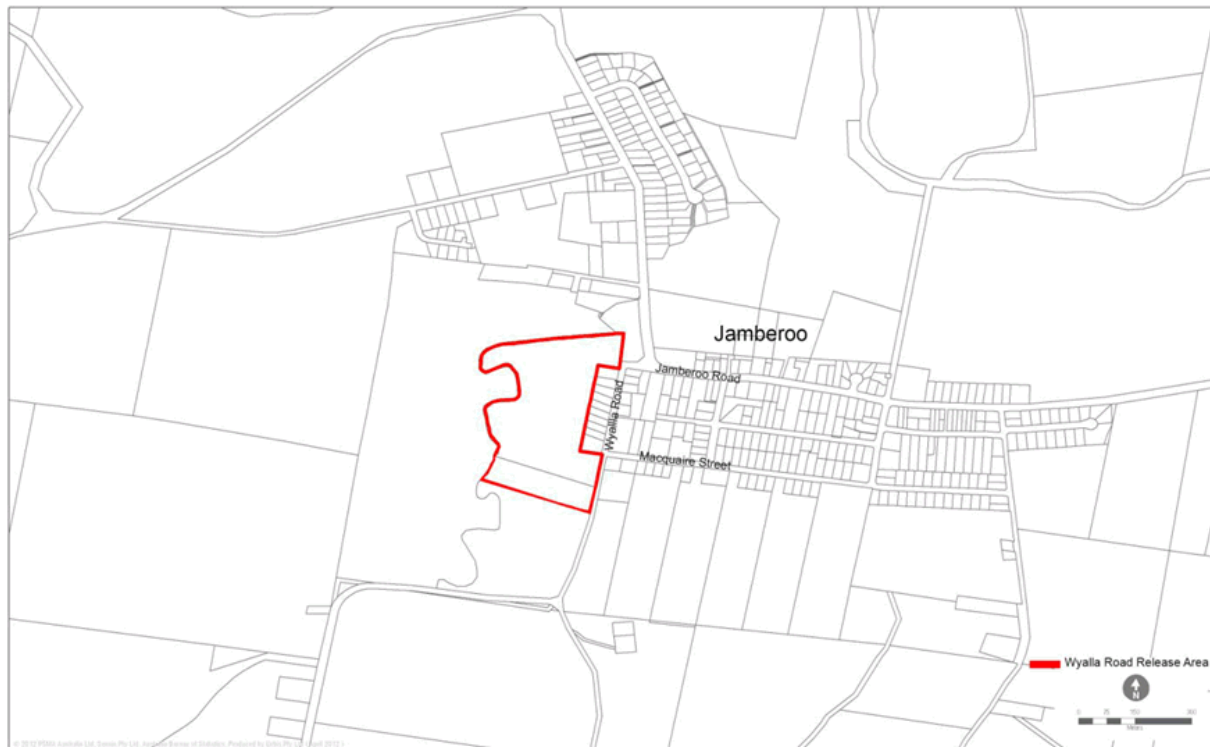


Figure 1: Site Plan

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Section 3 – Development precincts

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



- Legend**
- Seniors Living
 - Residential Allotments
 - Environmental Management

Figure 2: Precincts – This is an updated version of figure 2

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

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

Item 9.6

Attachment 2

PART A - SUBDIVISION

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

Section 4 – Access and movement

Objectives

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

Controls

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

Controls for specific road and access types are as follows:

Local Road

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

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Cul-de-sac

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

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

C11 Where cul-de-sac are used:

- The length of the cul-de-sac is to be minimised.
- Adequate turning space is provided at the head of the road in accordance with Council Standards.
- Cul-de-sac design shall incorporate a turning circle of 24 metres for Category 1 NSW Rural Fire Service Tankers and NSW Fire Brigade Composite Appliances or an appropriately designed 'T' turning head suitable for a medium rigid vehicle with an overall length of 11 metres.

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road



Figure 3: Indicative Road Layout Plan – This is an updated version of figure 3

Item 9.6

Attachment 2

Section 5 – Open space and landscape

Objectives

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

Controls

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

Section 6 – Stormwater and water quality management

Objectives

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

Controls

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

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Section 7 – Utility servicing

Objectives

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

Controls

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

Section 8 – Allotment form

Objectives

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

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Controls

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

Section 9 – Fencing

Objectives

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

Controls

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

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

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

Section 10 – Hazard management

Objectives

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

Controls

- C35 Asset protection zone (APZ) setbacks are to be provided in accordance with Planning for Bushfire Protection 2006.
- C36 Minimum APZ setbacks from the Riparian vegetation are to be provided and managed to minimise potential risk to people and property as follows:
- 40m for development with a special fire protection purpose including Housing for Seniors and People with a Disability.
 - 14m for a residential development.
- C37 All allotments must provide a site for dwellings above the 1% AEP flood level.
- C38 A minimum of 2 vehicular access points to Wyalla Road are to be provided to allow safe egress in the case of flooding or bushfire.
- C39 Provide a perimeter local road in accordance with **Section 4 Access and Movement** of this chapter.

PART B – OBJECTIVES AND CONTROLS FOR DEVELOPMENT WITHIN PRECINCTS

Part B applies to development within the following precincts:

Section 11 - Residential Allotment Precinct

Section 12 - Seniors Living Precinct

Section 13 - Environmental Management Precinct

Section 11 – Residential Allotment precinct

In addition to controls outlined in other chapters of this document the following controls apply: [emphasis added]

11.1. Building siting and setbacks

Objectives

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

Controls

C40 Development must be consistent with the desired future character for the precinct.

C41 Buildings must not require more than 2m cut or fill. Instead the building must step down with the slope as demonstrated in the following diagram:

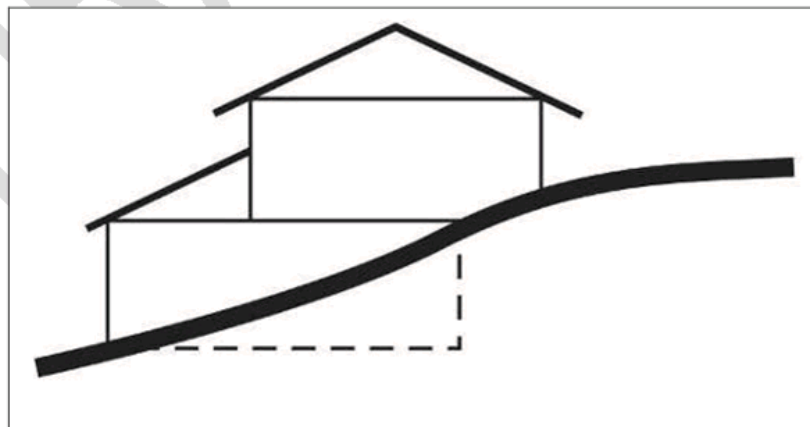


Figure 4: Sloping sites building configuration

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

11.2. Building form

Objectives

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

Controls

- C42 Maximum building height in accordance with Kiama Local Environmental Plan 2011.
- C43 The facades of buildings are to be articulated to contain fenestrations the provide opportunity for casual surveillance of the public domain.
- C44 Entrances are to be well defined through use of materials, finishes and building articulation.
- C45 Built form is to be consistent with the low density residential streetscape character that occurs in the Jamberoo village area.
- C46 Garage doors are to be less than 50% of the width of the building when facing the street.

11.3. Materials and finishes

Objectives

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

Controls

- C47 Buildings are to use materials and finishes that are sympathetic to the surrounding rural and natural settings.
- C48 Rainwater tanks must be screened from street-view.

11.4. Waste management

Objectives

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

Chapter 31 – Kiama Development Control Plan 2012 – Wyalla Road

Controls

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

11.5. Parking and access

Objectives

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

Controls

- C50 Development must demonstrate that adequate parking is provided on site to serve the needs of the use.

Section 12 – Seniors Living Precinct

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

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

Objectives

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

Controls

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

12.2. Building design

Objectives

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

Controls

- C53 All dwellings in this precinct must be designed and constructed to meet State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 identified standards including but not limited to AS 1428.1 and AS 4299 as amended.
- C54 All dwellings in this precinct must be designed and constructed in keeping with the 'indicative' layouts provided in Appendix 1 of this chapter. (Note these designs may have minor amendments to those shown herein to ensure compliance with appropriate standards, solar access, site variations etc).

12.3. Building siting and setbacks

Objectives

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

Controls

- C55 Development must be consistent with the desired future character for the precinct.
- C56 Minimum building setbacks from property boundary is 2.5m to the garage
- C57 No side setback is required when any of the following conditions are met otherwise a 0.9m side setback applies:
- It is demonstrated that the amenity of the adjoining allotment(s) are not compromised by reduction of solar access or privacy;
 - Where an easement for access and maintenance is provided on title of the adjoining allotment, a zero side setback may be applied to that one side only for the single storey component of the dwelling;
 - Where the adjoining allotment has a masonry wall, without openings, built to the boundary, a zero side setback may be applied to that one side only for the single storey component of the dwelling so long as drainage and fire rating is satisfactorily addressed."
- C58 Rear setback 1.5m for a building up to 4.5m in height.

12.4. Built form

Objectives

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

Controls

- C59 All buildings in the precinct are to be single storey.
- C60 Garages are to be setback from the front façade to reduce visual dominance on the streetscape.
- C61 Building facades facing streets are to be well articulated through the use of materials, finishes and fenestrations.
- C62 The facade of a building on a corner lot is to address both streets and be articulated to contain fenestrations that provide opportunity for casual surveillance.

12.5. Materials and finishes

Objectives

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

Controls

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

12.6. Open space and landscape

Objectives

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

Controls

- C64 Minimum 15% of site must be landscape area, of which at least half must receive direct sunlight.
- C65 Provide screening of buildings, ancillary structures and/or rainwater tanks through landscaping to minimise impact on neighbours.
- C66 Landscaping is to assist in stormwater management where possible.
- C67 The site must contain a minimum private outdoor space area of 20sqm with direct sunlight.

12.7. Waste management

Objectives

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

Controls

C68 Bin storage areas/enclosures are to be provided in accordance with controls defined elsewhere in DCP 2012 and any associated guidelines.

C69 A waste management plan is to be prepared for the community centre and adequate space for waste storage provided.

C70 Bin storage areas/enclosures are to be provided so that bins are not visible from the street.

12.8. Parking and access

Objectives

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

Controls

C71 Dwellings must be accessed in accordance with Australian Standard AS1428.

C72 Each dwelling must provide car parking for at least one vehicle behind the building line.

12.9. Onsite community facility

Objectives

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

Controls

- C73 An allotment of a minimum size 12m wide and 27m in length is to be provided as part of the Seniors Living precinct.
- C74 A building is to be provided (designed and constructed to agreed specifications) that accommodates seating for up to 60 people, a kitchen, toilet and storage room.
- C75 That the ownership/care/control and maintenance of this building is attached through a legal mechanism to the allotments in the Seniors Living Precinct. Information reflecting these arrangements is clearly articulated to all purchasers of these lots.
- C76 A minimum of one car parking space is to be provided on site.

Section 13 – Environmental Management precinct

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

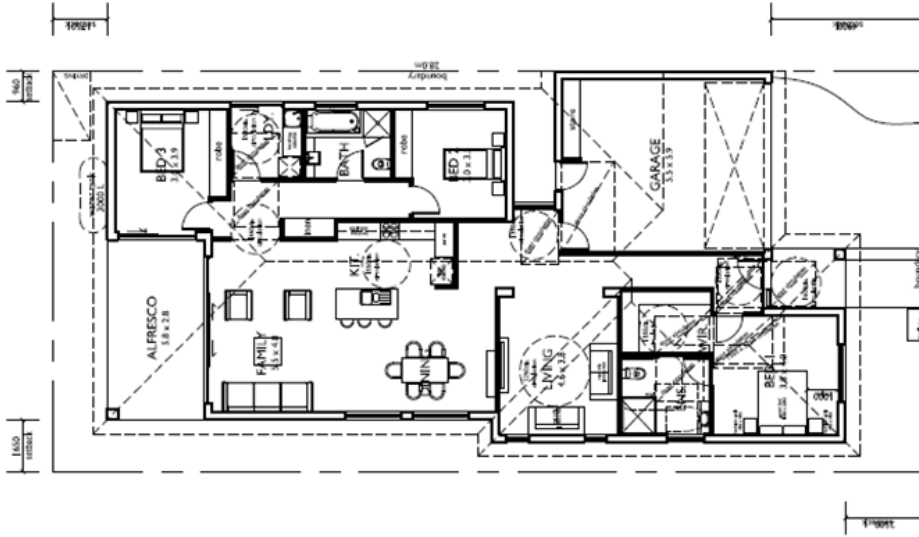
Objectives

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

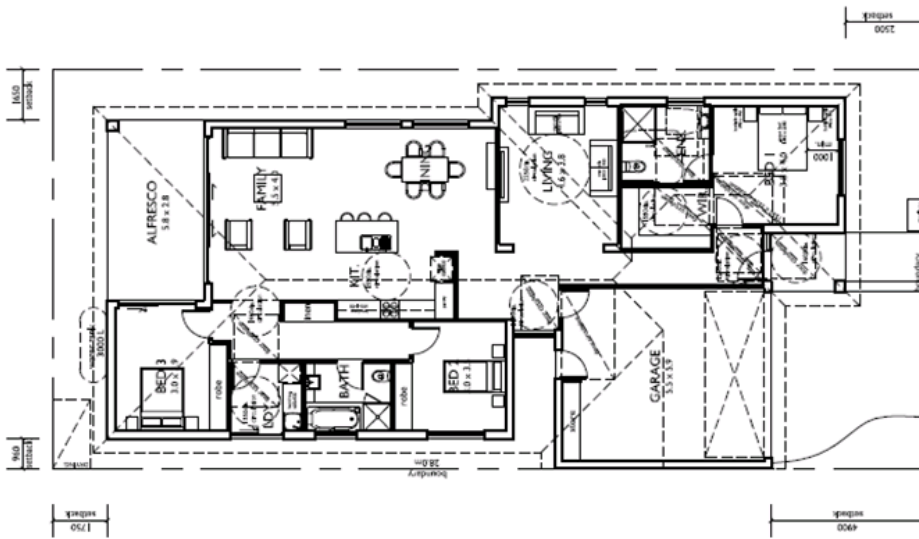
Controls

- C77 The landscape is to be designed to accommodate ease of management and so that a fire hazard is not created.
- C78 Provide bushfire protection for the Residential Allotment Precinct and Seniors Living Precinct.
- C79 Provide for a pathway/cycleway though this area which follows the permitter access road to exit onto the southern access point to Wyalla Rd, seats/tables etc.
- C80 Provide some seating/picnic tables in this area.
- C81 Provide stormwater detention and runoff from roads, if required.

Appendix 1 – Indicative concept designs for Seniors Living Precinct

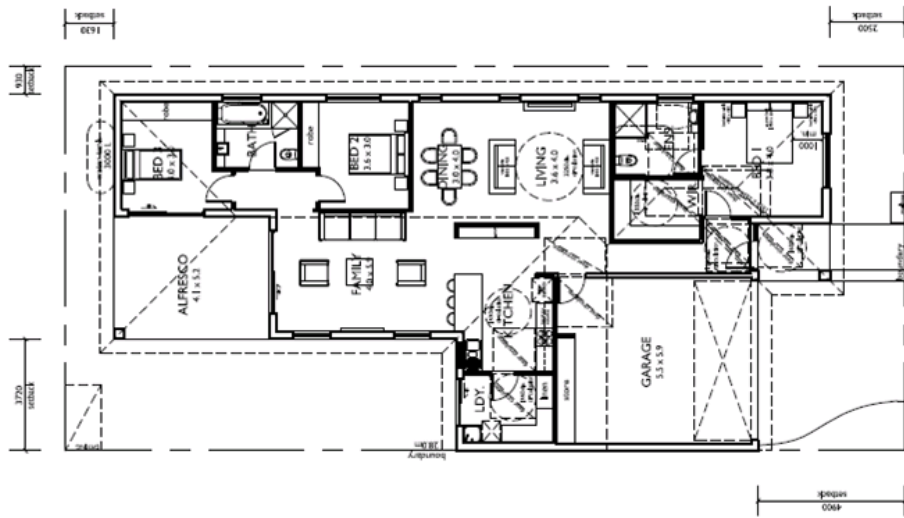


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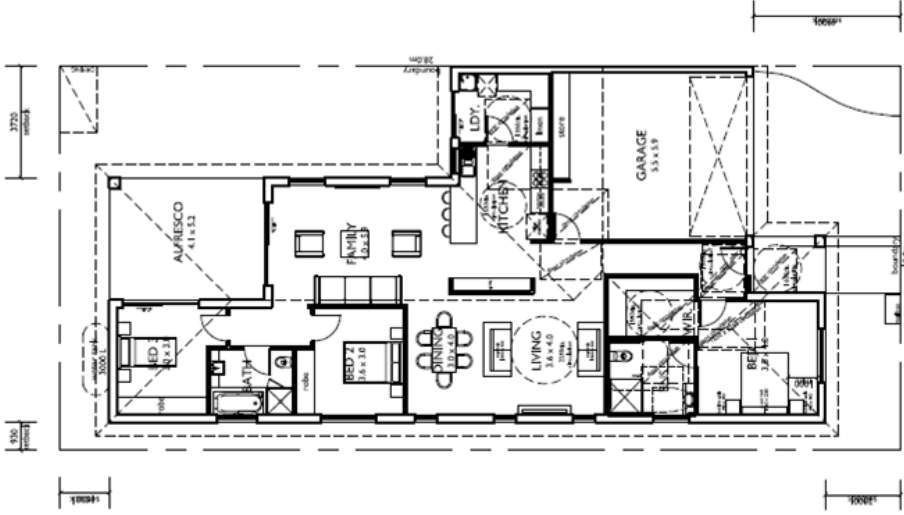


CONCEPT FLOOR PLAN - A
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Appendix 1 – Indicative concept designs for Seniors Living Precinct

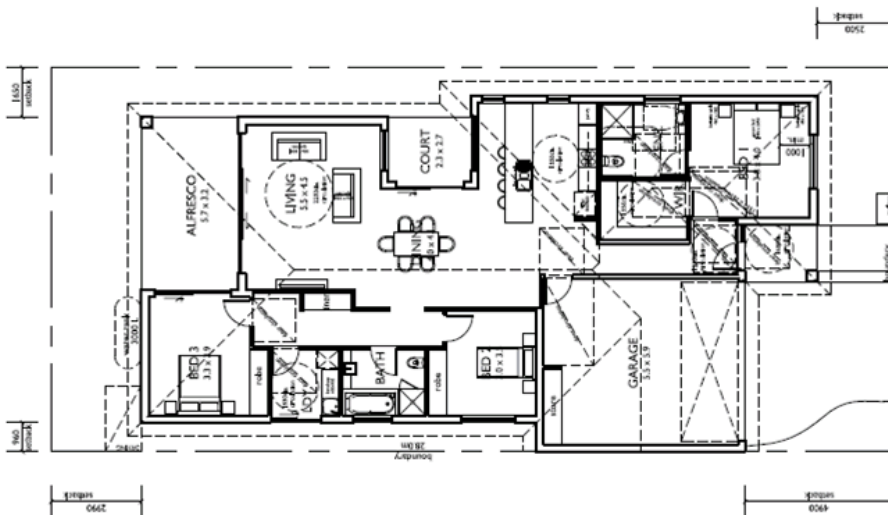


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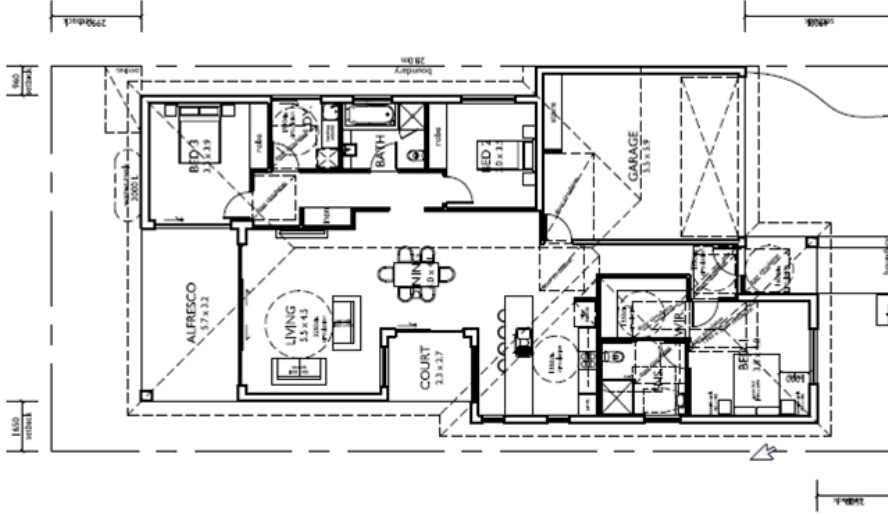


CONCEPT FLOOR PLAN - B
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Appendix 1 – Indicative concept designs for Seniors Living Precinct

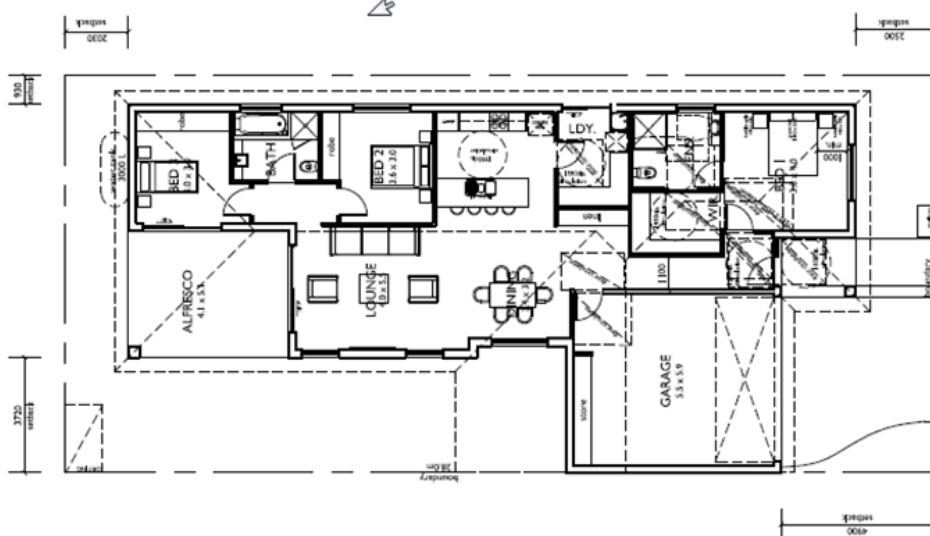


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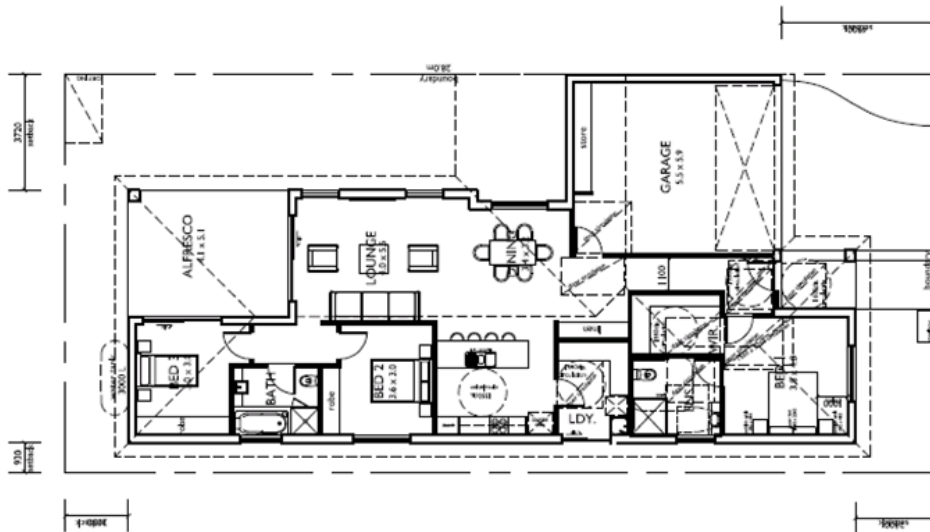


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Appendix 1 – Indicative concept designs for Seniors Living Precinct

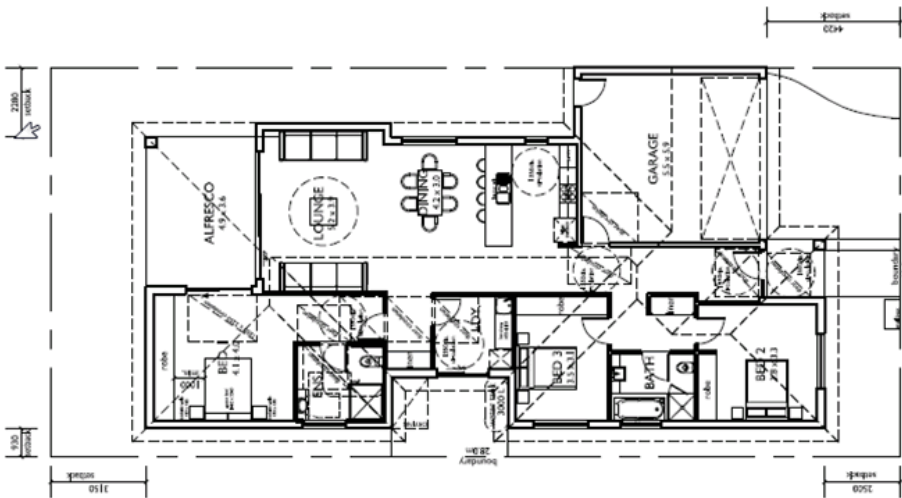


CONCEPT FLOOR PLAN - D
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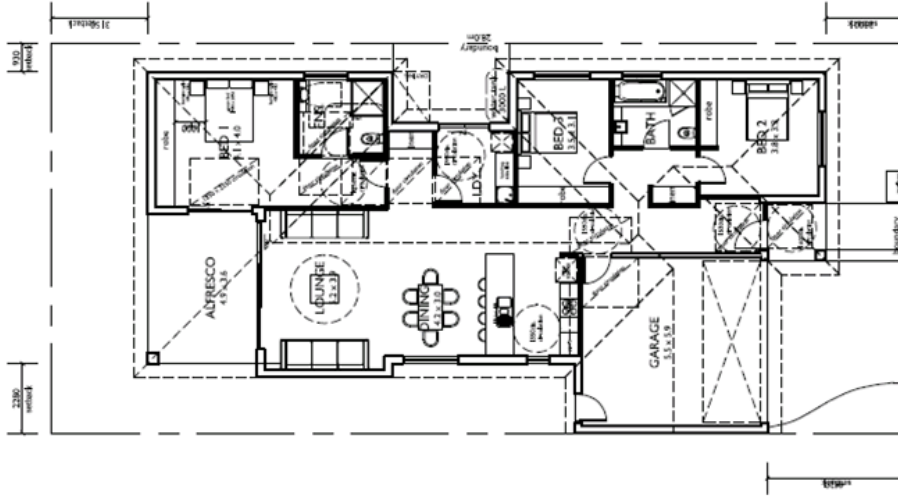


CONCEPT FLOOR PLAN - D
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Appendix 1 – Indicative concept designs for Seniors Living Precinct



CONCEPT FLOOR PLAN - E
1:200 @ A3



CONCEPT FLOOR PLAN - E
MIRRORED
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9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo

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

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

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

Summary

Council has received a Planning Proposal for consideration on part of Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (figure 1 attached to the report). This report overviews the consultant's reports submitted by the applicant against criteria outlined in Council's Planning Proposal Policy and recommend the Planning Proposal proceed to the Department of Planning and Environment to obtain a Gateway determination.

Finance

A fee structure for submittal and review of planning proposals has been developed by Council and is contained in Council's fees and charges schedule. Relevant fees have been paid in regard to this proposal.

Policy

Consideration of requests for rezoning of land require consideration of a number of Acts, Government policies, Council environmental planning instruments and planning documents.

Reason for Report to Council

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

Attachments

- 1 Location map
- 2 Figures 2 and 3 - current zoning and proposed zoning change

Enclosures

Nil

RECOMMENDATION

That Council endorse this Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination and that Council request plan making delegations for this proposal as a part of the Gateway determination. That on receipt of the Gateway Determination, Council can proceed with

Report of the Director Environmental Services

9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (cont)

[recommendations including requesting any further studies and public exhibition.](#)

BACKGROUND

Council has received a Planning Proposal (PP) for consideration of part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (known hereafter as ‘the subject site’). In line with Council’s Planning Proposal Policy, this report details the submitted PP and provides an assessment of the specialist consultant reports.

Planning Proposal Details

The subject site (figure 1 attached), part Lot 1 DP 710456, is located at 39 Macquarie Street, Jamberoo. The site is approximately 4,788m² and has a frontage to Macquarie St. It is characterized as residential, containing a dwelling and associated gardens, however it is zoned RU2 Rural Landscape.

Intent of Planning Proposal

The PP aims only to rezone the land fronting Macquarie Street (part Lot 1 DP 710456), Jamberoo, containing the existing dwelling and surrounds to an R2 – Low Density Residential zone and apply associated controls in keeping with the rest of Macquarie Street.

A number of properties fronting Macquarie Street contain a split zone with:

- the residential portion of the properties fronting Macquarie St zoned R2 Low Density, and
- the majority of the property zoned RU2 - Rural Landscape to the south.

Lot 1 DP 710456, 39 Macquarie Street, appears as an anomaly as the entire site is zoned RU2 – Rural Landscape.

The current and proposed situation is shown in figures 2 and 3 attached to the report.

The rezoning is therefore proposed on the grounds that the current zoning of the property is an anomaly. The PP seeks to modify the land zoning and associated planning controls that apply to the 4,788m² of land fronting Macquarie street in line with the rest of the properties fronting Macquarie street.

It should be noted that there is no change proposed to the majority of the site which is zoned RU2 and available for agricultural purposes.

The PP seeks the following amendments to Council’s Local Environmental Plan 2011 to ensure that the 4,788m² portion of the site consistent with the existing southern boundary of Jamberoo village is subject to the same planning controls:

Controls	Current controls	Proposed controls
Zone	Zone RU2 Rural Landscape	Zone portion to R2 Low Density Residential (as shown in figure 3)
Floor Space Ratio (FSR)	FSR - none	FSR – C 0.45:1
Height of Building (HOB)	HOB – none	HOB - I 8.5
Lot Size	Lot size 40ha	Lot size - S 800 (sq m)

Report of the Director Environmental Services

9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (cont)

Review and Assessment of the Planning Proposal

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

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

Criterion for proceeding to step 2	Compliance
Land is identified as a nominated area in the Urban Strategy.	N/A
Land can be identified as assisting to meet Council's strategic direction.	N/A
A clear zoning anomaly exists on site.	Complies. All other properties along Macquarie Street are zoned R2 or have a split zoning of R2 & RU2.

Step 2: Concept Planning Proposal presented to Council.

In order to adequately assess the viability of the land for residential development a number of specialist consultant reports were required to be undertaken by the applicant. The results of these have been summarised below:

Planning Report – Prepared by the Applicant

The Planning report overviewed the intent of the PP and addressed relevant statutory instruments including the Commonwealth Environment Protection & Biodiversity Conservation Act 1999, Threatened Species Conservation Act, Rural fires Act, Water Management Act 2000, Native vegetation Conservation Act, National Parks and Wildlife Act 1974, Contaminated Land Management Act 1997, Kiama Local Environmental Plan 2011.

The Planning report also addresses the Sustainability Index Criteria from the Illawarra Regional Strategy, State Environmental Planning Policy criteria and Section 117 Ministerial Directions.

The Planning report concludes that: *“the proposed modification of the lands zone boundary that affects the subject site will not have any significant adverse environmental or social impacts.”*

Comment

Staff have reviewed the Planning report and have concluded that the Planning Report has addressed all of the relevant issues required, and has indicated that the proposed change will not have significant adverse impacts on environmental or social attributes on site.

Pending the outcomes of Councils decision, council will complete a Planning Proposal Report outlining how the PP will meet state legislation to accompany the reports and studies supplied by the applicants.

An Arborist Report – Prepared by Burnett Trees

A preliminary Arborist Assessment and Report was prepared by Burnett Trees for the site. The report addressed the presence of (2) fig trees, *Ficus macrophylla* or

Report of the Director Environmental Services

9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (cont)

Morton Bay Figs located on site and overviewed the impacts/issues that may arise out of the proposed rezoning of the site including any future potential subdivision and development applications that may arise subsequent to the Planning Proposal process.

The report's recommendations stated:

- Both Moreton Bay Figs located on the property are recommended for special efforts for retention.
- Proposed subdivision is not expected to significantly adversely affect the two Moreton Bay Figs or other tree species.
- Boundary fencing on any subdivided property should be erected prior to any excavation or construction works in order to provide a permanent Tree Protection Zone. No building materials or machinery should be permitted to be stored or placed under either Fig tree.
- Construction techniques for boundary fencing should use minimum impact techniques to avoid potential root damage, ideally hand-dug pier technique. No strip footing methods should be employed which could sever roots.

The Arborist report found that the proposal for rezoning was able to proceed.

Comment

This report was peer reviewed by Councils Landscape Design Officer who stated:

"If the subdivision goes in the location as planned then the fig trees will not be adversely impacted. Some standard conditions regarding site management and fencing as recommended in the report could be included in the consent. I have been on site last October and spoken with the arborist in November 2014. There are no other concerns and have no objections to the proposal."

The trees age and size were identified as significant and the species is also protected under Chapter 3 and Chapter 8, Section 15 of the Kiama Development Control Plan 2012 (DCP).

The measures outlined in the report recommendations and the DCP will ensure the trees are retained and protected in recognition of their significance and that the potential created allotment is not sterilized by the roots of the tree and that it may be developed upon.

Phase 1 Contamination Assessment Report prepared by Coffey Environments Australia Pty Ltd.

A Phase 1 Contamination Assessment Report was prepared by Coffey Environments Australia Pty Ltd. The report addresses the potential for contamination on site through a preliminary Phase 1 review. The report included a review of site history information and a site walkover. The results of the desktop study and site walkover were interpreted and assessed.

The report identified that although there was a low likelihood of contaminated materials occurring on the potential new allotment, there was an area adjacent to the subject site and in the same ownership that had fill soils and potential Asbestos

Report of the Director Environmental Services

9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (cont)

Containing Material (ACMs) fragments. The report found that the fill material and potential ACMs may require remediation should any site work be conducted.

Comment

Council's Environment and Sustainability Officer supports the conclusions and recommendations contained in this report specifically that:

"I concur with the consultant's recommendation that:

1. *The potential ACM should be assessed for asbestos; and*
2. *If asbestos is identified the consultant should suggest appropriate investigations to assess the risk it may pose to human health on the site; and*
3. *An unexpected finds procedure be developed to manage potential contamination during construction."*

As a result of this report a phase 2 site investigation was requested by council to test and remove any confirmed ACMs in the identified potential area.

Phase 2 Contamination Report, Clearance Certificate and Unexpected Finds Management Plan prepared by Coffey Environments Australia Pty Ltd.

Coffey Environments Australia Pty Ltd were engaged by the applicant to carry out the Phase 2 investigation. The Phase 2 contamination further investigated and reported on the potential ACMs identified in Phase 1 Contamination Report. This investigation utilised on site testing with several test holes used for observations relating to the fill layer identified in the Phase 1 Assessment.

Findings suggested a relatively thin layer of fill soils, present at various thicknesses (typically less than 0.2m) and confirmed the presence of asbestos containing materials (ACMs). The ACM fragments were identified as associated with the fill location and removed from area adjacent to the subject site.

The Clearance Certificate confirmed the removal of five ACM fragments from a nominated area within the area to be rezoned as residential R2 and adjacent to the potential new allotment. A licensed asbestos assessor observed there were no further ACM fragments in the nominated area for ACM removal (70m², up to 25m West of the subject sites Eastern boundary and West of the potential new allotment boundary still within the area proposed for rezoning to R2 – Low density residential).

The Unexpected Finds Management Plan provides guidance should any potentially contaminated objects, materials or fragments be identified during future site development. Following this PP, it will be necessary to ensure this document is adhered to and any future development applications are appropriately conditioned to reflect the Management Controls.

Comment

Staff concurred with contamination Certificate that the site is fit for the intentions of this PP and support the requirements of the Unexpected Finds Management Plan during any development applications and future construction activity.

Report of the Director Environmental Services

9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (cont)

Aboriginal Heritage Assessment prepared by Biosis Pty Ltd.

An Aboriginal Heritage Assessment was prepared by Biosis to consider any impacts on Aboriginal heritage that may occur as a result of the proposed rezoning and potential subdivision and development of land as residential.

The report addressed due diligence by:

- "1. Identifying whether or not Aboriginal objects are, or are likely to be, present in an area;*
- 2. Determining whether or not their activities area likely to harm Aboriginal objects (if present); and*
- 3. Determining whether an Aboriginal heritage Impact Permit (AHIP) application is required."*

The study found that the proposal was able to proceed without further assessment or approval from *NSW National Parks and Wildlife Act 1974* as no Aboriginal objects or places were identified as occurring within the project area and the potential of locating them during the proposed works was assessed as low.

Comment

The report was peer reviewed by Council's Heritage Adviser and was sent to the Illawarra Local Aboriginal Lands Council for comment.

The result of the peer review indicated that there was support the conclusions and recommendations contained in this report and specifically that:

1. The methodology undertaken in preparation of this report is acceptable.
2. The assessment notes that there is potential for two fig trees within the subject site to possess intangible heritage values (pg. 7), however identified high levels of disturbance caused by vegetation clearance around the trees which removed any archaeological material or deposits. The study recommends that no further assessment from an Aboriginal heritage and Archaeological perspective is required (pg. 10).
3. There is a further recommendation in the report which refers to discovery of Aboriginal objects and Authority notification requirements whilst undertaking works to the subject site. Council should consider this recommendation when formulating conditions for future development of the subject site.

It will be necessary to ensure that any future development applications are appropriately conditioned to reflect the recommendations of this study, including the procedures supplied for the discovery of unanticipated aboriginal cultural material, and the discovery of unanticipated human remains.

Assessment Summary

Report	Appropriate to proceed to Gateway
Planning Report	✓
Arborist Report	✓
Phase 1 Contamination Assessment Report	✓

Report of the Director Environmental Services

9.7 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (cont)

Phase 2 Contamination Retter, Clearance Certificate and Unexpected Finds Management Plan	✓
Aboriginal Heritage Assessment	✓

The PP meets the criteria outlined in Councils Planning Proposal Policy as it is a clear zoning anomaly and the outcome would be consistent with all other properties along Macquarie Street, Jamberoo zoned R2 or with split zoning of R2 & RU2.

State and Regional Environmental Planning Policies (SEPP's and REP's)

Although the PP is mostly consistent with the intent of applicable state and regional planning policies, as it's concerned with the residential boundary of Jamberoo Village, it triggers the Deemed SEPP, Illawarra Regional Environmental Plan No.2 - Jamberoo Valley (IREP 2). IREP 2 is concerned with protection of the environment and amenity of Jamberoo Valley. Although the PP does not present a threat to majority of the aims and objectives, it is unclear at this point in time, if the PP would alter the boundary of Jamberoo Village as applied in IREP 2. The property is very close to the village boundary line depicted in IREP 2 with part the northern sections of the property certainly adjacent to the village boundary.

It should be noted that as a result of the PP recently considered in Wyalla Rd Jamberoo, Council has received State Government and independent legal advice concerning the village boundaries and IREP 2. This process indicated minor inconsistency with elements of IREP 2 can be justified by way of a local strategy. Planning and Environment further stated on 10 Feb 2015 that "it has always been the intention to repeal the plan [IREP 2] once the Illawarra Regional Growth and Infrastructure Plan was finalised."

Plan Making Delegations

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

Council will receive notification of this with the gateway determination.

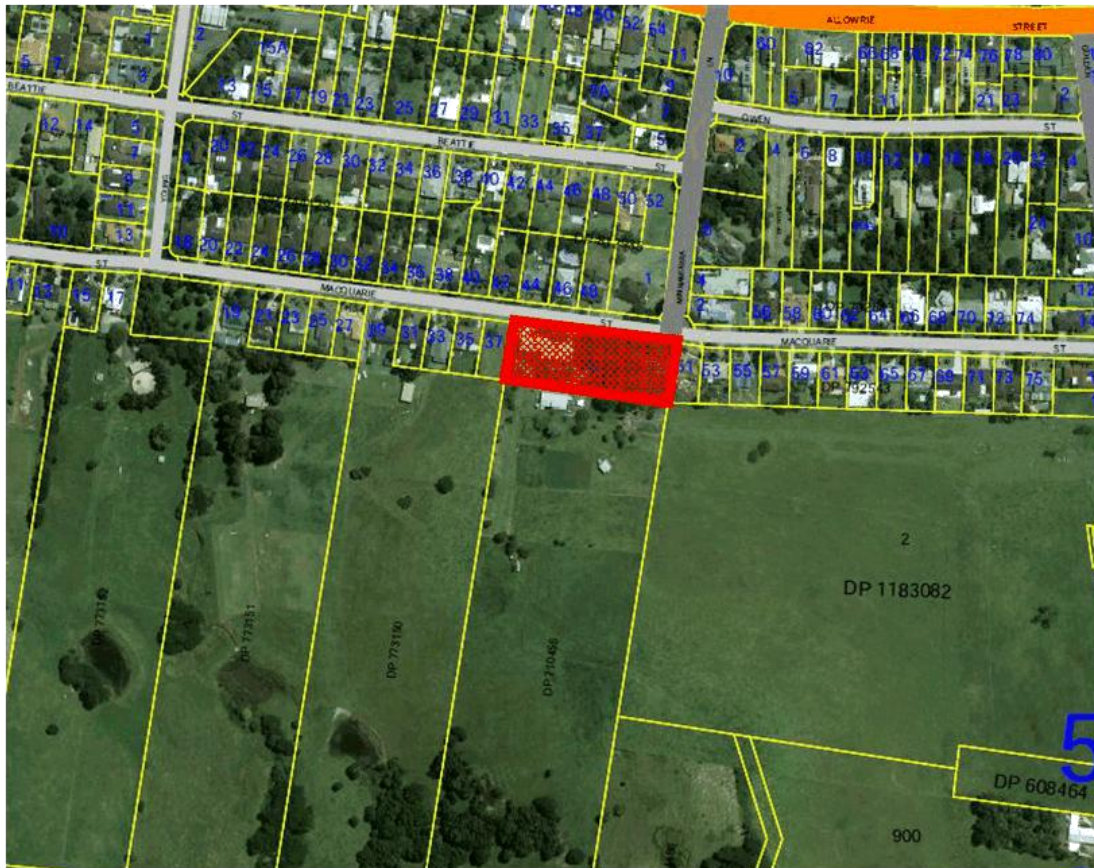


Figure 1 - 39 Macquarie Street, Jamberoo (Subject Site)

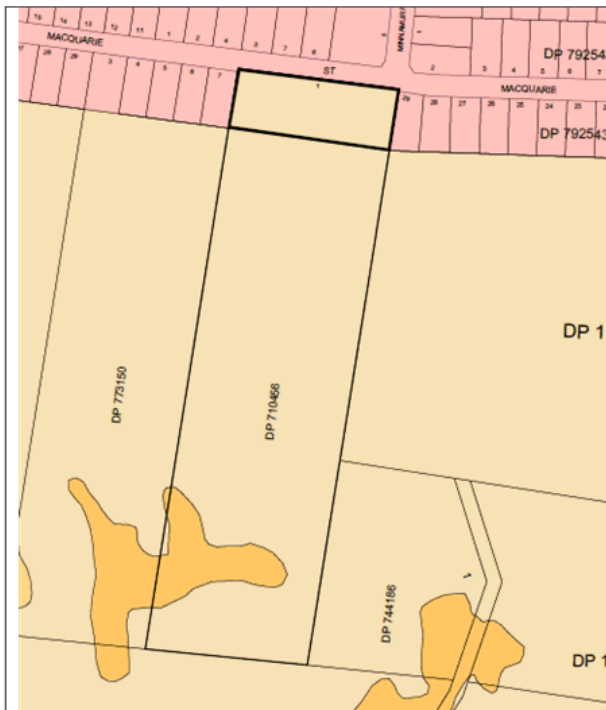


Figure 1 - Current zoning of subject site

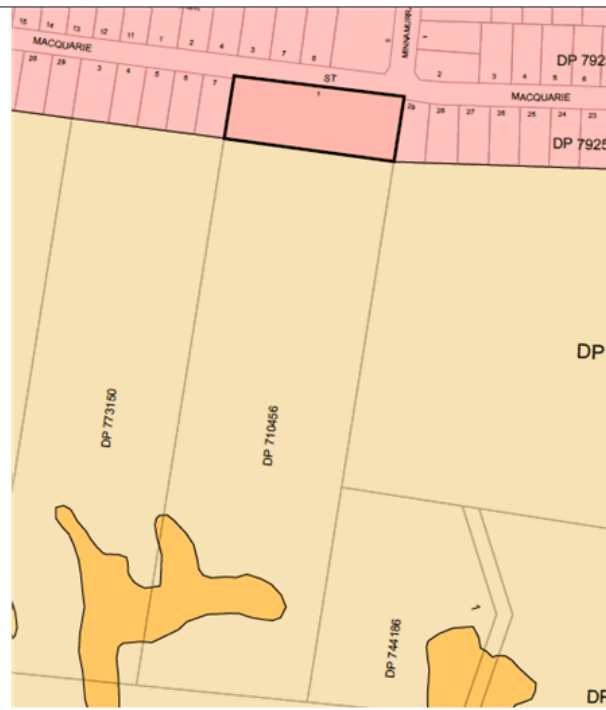


Figure 2 - Proposed zoning change to subject site

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

Report of the Director Environmental Services

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

Enclosures

Nil

RECOMMENDATION

That:

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

BACKGROUND

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

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

The most notable changes to the document are listed below:

- The objectives have been expanded to not only reflect that the document includes parking, but safe and efficient access for vehicles, bicycles and people with a disability;
- Tables are included showing the legislative framework, policies, guidelines and other standards which must be adhered to;
- A complete revision of the Schedule of Parking Requirements (Schedule), which in the current version relies greatly on the Roads and Maritime Services *"Guide to Traffic Generating Development (RMS Guide)"*. The revision still takes into account the *RMS Guide*; however Council's requirements shown in the Schedule take precedent in the majority of circumstances. The revised Schedule now includes every permissible land use in Kiama Local Environmental Plan 2011. Of particular note, the *RMS Guide* had a lesser visitor parking requirement for high density developments (20 or more dwellings) than medium density developments. The Schedule specifies an across the board standard of one (1) visitor space per four (4) dwellings regardless of the number of dwellings proposed in a multi-unit development. Further, each 3 bedroom medium/high density dwellings will be required to provide 2 off street car spaces.
- Parking for *"Food & Drink"* premises within the CBD's of Kiama and Gerringong have also been relaxed in the Schedule to facilitate a change in use of premises to accommodate *"Food and Drink"* premises.

Report of the Director Environmental Services

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

-
- 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.



9

Car Parking Requirements

DRAFT

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Car Parking Requirements

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Section 1 – Introduction

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

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

1.1 Objectives

Controls have been formulated having regard to the following objectives;

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

1.2 Legislative Framework

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

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

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

1.3 Council Policies and Guidelines

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

Contributions Plan

1.4 Adoption of other Standards and Guidelines

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

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

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

1.5 Advisory Information

1.5.1 Development Application Documents

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

1.5.2 Variations

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

Section 2 - Parking Demand and Servicing Requirements

2.1 General Parking Requirements

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

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

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

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

2.2 How Much Parking Is Required?

Schedule of Requirements

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

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

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

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

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

	member on shift.
Restaurants, Reception Centres and Conference Facilities <u>used in conjunction 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	<p>Whichever is the greater:</p> <p>1 space per 40m² gross leasable floor area or 1 space per leasable office.</p>
Retail Premises (If not otherwise defined below)	1 space per 35m ² of gross leasable floor area plus 1 space per 50m ² of designated stock storage areas.
Neighbourhood Shop/Kiosk	1 space per 35m ² of gross leasable floor area plus 1 space per 50m ² of designated storage areas.
Shopping Centre (including supermarkets)	Refer to the RMS <i>Guide</i>
Market	<p>On public lands: A merit based assessment will be undertaken by Council, taking in account available parking within walking distance of the market, hours of operation and stall numbers.</p> <p>On private lands: 2 spaces per stall.</p>
Roadside Stalls/Cellar Door Premises	A merit based assessment will be undertaken by Council, taking into account proposed hours of operation, staffing, location and the type of goods for sale.
Garden Centre/Plant Nursery	<p>Whichever is the greater of:</p> <p>15 spaces or 1 space per 50m² of site area.</p>
Hardware and Building Supplies/Landscape Material Supplies/Rural Supplies/Timber Yard	1 space per 50m ² of site area.
Service Station (included with a convenience store)	1 space per 20m ² gross leasable floor area. If a Vehicle body Repair Workshop / Vehicle Repair Station is included, five spaces per work bay is required.
Vehicle body Repair Workshop/Vehicle Repair	Five spaces per work bay.

Station	
Vehicles Sales or Hire Premises	One space per 75m ² of site area plus five spaces per work bay.
Animal boarding or training establishment	Whichever is greater: 4 spaces or 1 space per 25 animal enclosures.
Industrial	
Light Industry (If not otherwise defined below)	Whichever is the greater of 2 spaces per unit or 1.3 spaces per 100m ² GFA.
Warehouse or Distribution Centre	1 space per 300m ² GFA.
Depot/Transport Depot/Truck Depot	Parking requirements will be determined by Council following the completion and submission of a Parking Impact Study by a suitably qualified and experienced professional person.
Bulky Goods Premises	1 space per 50m ² GFA.
Self Storage Units	Whichever is the greater of: 4 spaces or 1 space per fifty storage units.
Infrastructure	
Hospital	1 space per 3 beds for general hospital <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 2×10^4 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 6×10^4 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

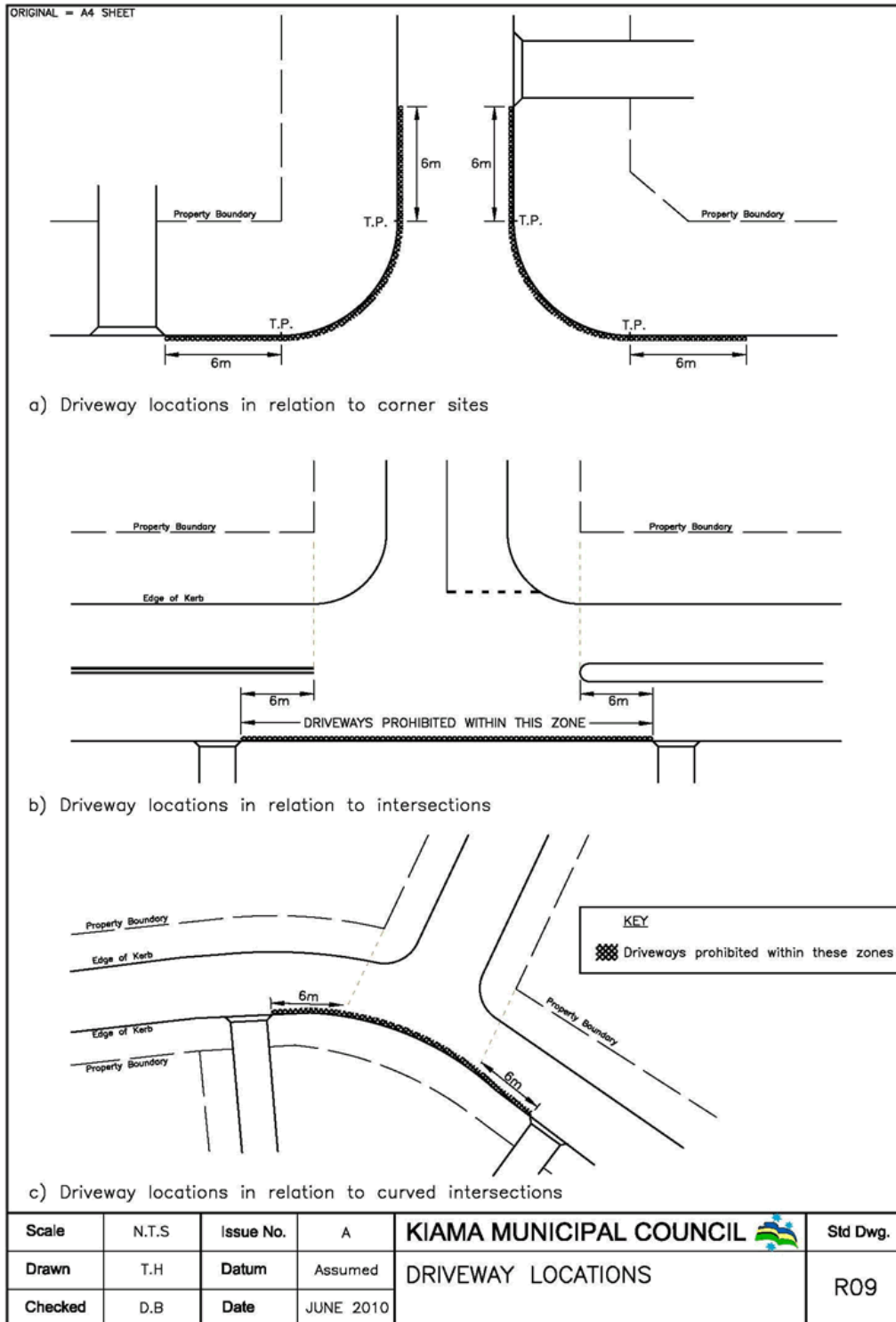
Where defined in Council's strategic planning documents, a credit of one (1) parking space per thirty (30) square metres of area will be given for any land dedicated free of cost or encumbrances, for road widening or service lane purposes.

Section 9 - Schedule Definitions

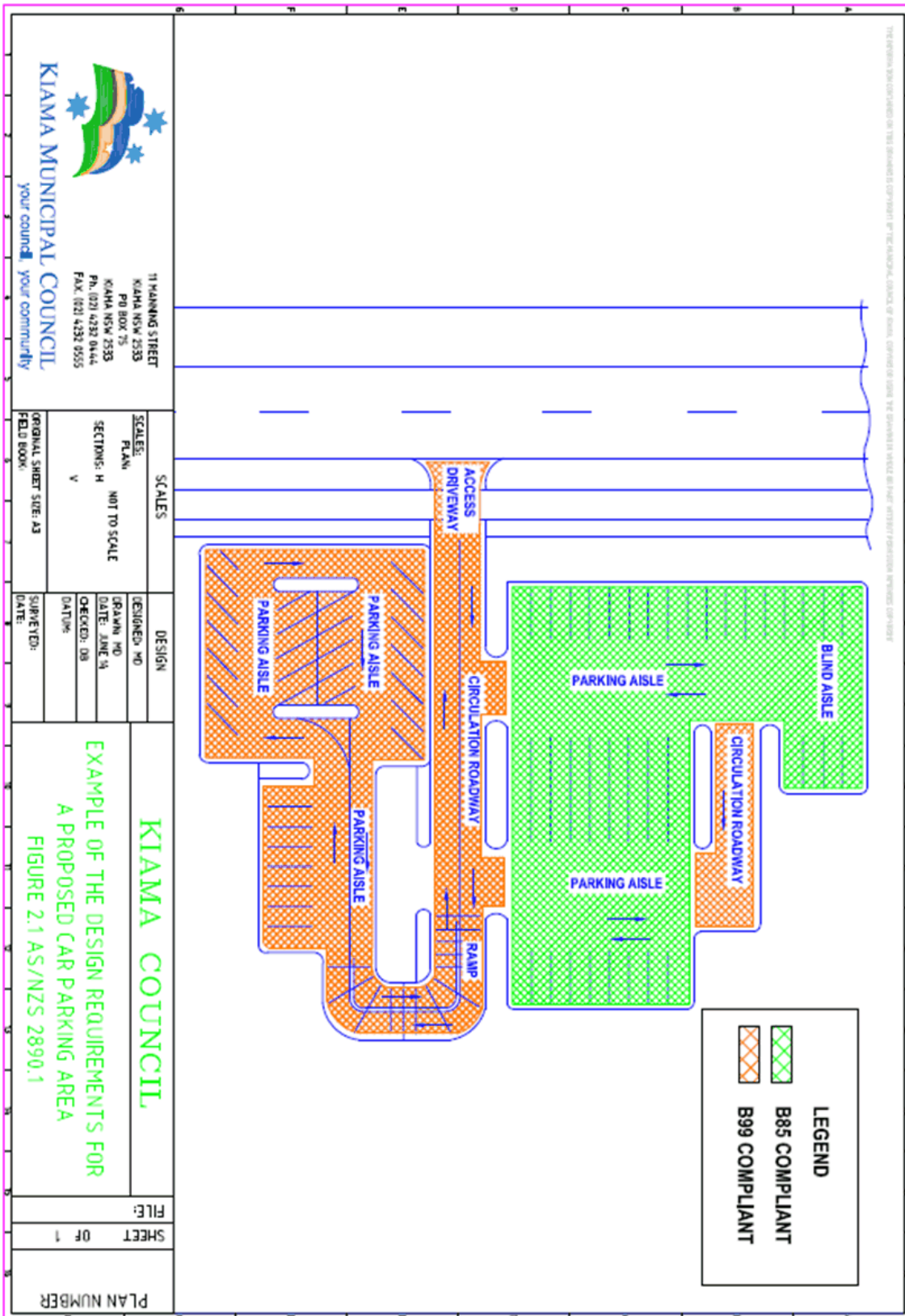
The following definitions are additional definitions or are a redefinition of the definitions in the Roads and Maritime Services' *"Guide to Traffic Generating Developments"*.

- **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



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 100f/t students	1 or 2 2	-	3

9.9 Household Bulky Waste Drop Off Trial (HBW)

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

CSP Strategy: 2.14 Minimise waste and manage it in an efficient and environmentally sensitive manner

Delivery Program: 2.14.1 Manage waste and recycling in accordance with adopted plans

Summary

This report emanates from previous resolutions of Council at its February 2011 and June 2012 meetings which required further investigation and report in regard to collection of household bulky waste. This report provides details of recent Household Kerbside Clean Up Collections (Kerbside Clean Up) and Household Bulky Waste Trial (HBW) collections.

Finance

Funding for the provision of Kerbside Clean Up and/or HBW will be financed as part of the Domestic Waste Management Charge for urban residents. The Rural Waste Management Charge will incorporate a fee for one (1) HBW collection. Costs associated with the provision of these services will be included in Council's 2015/16 Budget Estimates.

Policy

This proposal is a change to Council's current practice of providing two (2) Kerbside Clean Ups and requires Council's determination.

Attachments

Nil

Enclosures

1 Kiama Bulky Waste Drop Off Trial

RECOMMENDATION

That:

1. Council provide two household clean up services per annum, consisting of one (1) Household Bulky Waste drop off service and one (1) kerbside clean up collection service.
2. The kerbside clean up collection service will only be provided to urban areas that pay the Domestic Waste Management Charge and the Household Bulky Waste drop off service is only available to premises that pay either the Domestic Waste or Rural Waste Management Charge.

BACKGROUND

The first review of the Kerbside Clean Up was presented to Council at its 15 February 2011 meeting where Council resolved the following:

Report of the Director Environmental Services

9.9 Household Bulky Waste Drop Off Trial (HBW) (cont)

- 1) *Council continue the scheduled kerbside clean-up campaign for the 2011/12 year and that an appropriate management program be put in place to ensure the safety of staff and the public during such program;*
- 2) *a further report be prepared for Council for an ongoing policy for an annual cleanup campaign which may include the reduction or cessation of the kerbside cleanup program and the implementation of a program which would provide a free clean-up drop off day twice a year (option 1) and an on-call user pays service (option 2); and*
- 3) *such a report to identify the cost and other implications of the above proposal and indicate if a trial period is appropriate as well as a publicity program.*

In response to those recommendations:

1. Council has continued to provide two (2) Kerbside Clean Ups in accordance with Work Health and Safety requirements.
2. Council conducted the trial HBW Drop Off collection event at the Minnamurra Recycling Facility from 1-14 September 2014. Residents within the urban and rural area of the Municipality were eligible to use this service. (Refer to the Trial Household Bulky Waste Drop Off results contained in this report).

The option to provide an On Call user-pays service similar to that provided by Shellharbour and Shoalhaven City Council involves a fee to be paid by residents to offset part of the collection and disposal costs. The cost per service is \$74 for Shellharbour (up to 200kg) and \$57 per cubic metre for Shoalhaven (50% subsidised).

In considering whether it is appropriate to introduce an "on call" service the following matters were considered:

The advantages of an on-call service:

- residents not required to travel to the waste depot
- convenience for the residents especially those that do not have the appropriate vehicle to transport their waste
- collected within a 24 hour period
- greater ability to recycle and recover material for reuse
- ability for this service to be undertaken by a not-for-profit organisation.

The disadvantages of an on-call service:

- Council would have to outlay additional capital expenditure to purchase specialised collection vehicles
- there is a limit on the size, weight and type of materials placed out for collection
- a fee for service would be greater than \$74 as Council would have to pay the full gate fee at a licensed landfill (currently \$312 per tonne).
- additional administration staff would be required to co-ordinate booking and payment procedures

Report of the Director Environmental Services

9.9 Household Bulky Waste Drop Off Trial (HBW) (cont)

- provision of additional permanent staff to undertake the service. Casual staff are utilised to undertake Council's current Kerbside Clean Up service.

It is considered that the disadvantages outweigh the advantages and therefore Council should not provide an On Call service at this stage.

3. Details of cost and other implications of a free clean up drop off are outlined further in this report.

In 2012 Council recommended that the review of the Cleanup Collection Services be deferred to enable:

- a) a briefing of Council on the changes proposed to Council's Waste Management Services
- b) an addendum be provided to a future report setting out what other councils have in place with regard to Cleanup Collection Services

In response to the above, a briefing of Council was undertaken outlining options for clean up services and the types of services offered by Wollongong City Council (two (2) free on call kerbside clean ups per year) Shellharbour and Shoalhaven City Councils (no kerbside, subsidised fee for service on call clean up)

Trial Household Bulky Waste Drop Off results

The HBW Drop Off event trial was held on 1-14 September 2014 (inclusively) and was open to all residents within the urban and rural area of the municipality that pay the Domestic and Rural Waste Management Charge.

Residents were required to pre-book their drop off day and time either online or by calling Council. This enabled Council to determine staffing levels and to control traffic flows.

Council engaged a local not-for-profit organisation, Renewable Recyclers to manage the collection event, provide labour, supervision and sourcing of markets for materials that could be recycled.

The following table provides a comparison between a typical kerbside service and the HBW trial:

KERBSIDE CLEAN UP (Based on June 2014 kerbside clean up)	BULKY WASTE DROP OFF (1-14 September 2014)
Restricted quantity – up to 1m ³	Up to 2m ³ excluding mattresses and e-waste
Does not include large furniture, lounges, e-waste, mattresses	Does include large furniture, lounges, e-waste, mattresses
Statistics	Statistics
Vehicles used: 1 semi trailer 2 x 12 tonne tippers 1 x 5 tonne tipper	1014 households attended (91% of total bookings) 49.7% booked through Customer Service 89% of attendees pre-booked

Report of the Director Environmental Services

9.9 Household Bulky Waste Drop Off Trial (HBW) (cont)

KERBSIDE CLEAN UP (Based on June 2014 kerbside clean up)	BULKY WASTE DROP OFF (1-14 September 2014)
2 x utes 1 x rear loader 3 days a week 1 hired rear loader 4 days a week 11 staff Kerbside is undertaken over 14 days	4 out of 14 days the weather was inclement 4 staff and 1 supervisor on weekdays 6-8 staff plus supervisor on weekends
Tonnages	Tonnages
164.84 tonnes of materials received	158.9 tonnes of materials received
119.73 tonnes sent to landfill	79.3 tonnes sent to landfill
45.11 tonnes of materials received was recycled (27%)	79.6 tonnes of materials received was recycled (51%)

Enclosure 1 Household Bulky Waste Drop Off Event Report, 7 November 2014 as attached to this report provides a comprehensive evaluation of the HBW trial.

Customer Survey Results

A survey was emailed out to all participants with 25% responding to the survey. Of those responses:

- 100% would attend again
- 93% found the booking process easy
- 65% participated in the June 2014 kerbside clean up

Council's aims for the HBW, were to increase resource recovery, minimise Work Health and Safety incidents experienced by collection staff and to potentially minimise illegal dumping of materials that are not accepted as part of our kerbside service due to weight, cost or its hazardous nature. The HBW resulted in:

- a resource recovery of 58%. This is greater when compared to a kerbside clean up, of only 27%. This allows Council to comply with EPA requirements to maximise the resource recovery of materials from bulky waste.
- a 40% reduction in the number of illegal dumping incidents of large bulky household waste reported in the three months following the trial
- no Work Health and Safety incidents to staff. On average, 4 Work Health and Safety incidents occur to staff engaged in a kerbside collection.
- providing residents with the ability to dispose of their large bulky wastes such as mattresses, lounges, furniture and e-waste free of charge
- rural residents who pay the Rural Waste Management Charge being able to access a clean up service for the first time

Community Recycling Centre (CRC)

If a HBW service was undertaken again, it would complement the Community Recycling Centre to be established at the Minnamurra Recycling Facility (MRF).

Report of the Director Environmental Services

9.9 Household Bulky Waste Drop Off Trial (HBW) (cont)

The purpose of the CRC is to enable residents to responsibly dispose of their household problem wastes, at one location within the municipality, during the MRF operational hours (Monday – Friday 8am – 4pm and Saturday 8am – 12 noon). The following materials will be accepted:

- smoke detectors
- household and car batteries
- motor and cooking oil
- gas bottles
- fluorescent globes
- water and oil based paint
- unwanted televisions, computers and computer peripherals
- clothing
- recyclable plastics
- recyclable glass
- paper and cardboard
- polystyrene
- drumMuster
- silage wrap and baling twine

It is proposed the drive-thru CRC would be used to stage the HBW event annually. Additional staff will be engaged to assist residents in unloading materials from their vehicles and for these materials to be directly placed in the dedicated collection bays. The CRC will also ensure all collected materials are stored under cover to minimise any damage to resalable items.

Financial Implications

The current actual cost of undertaking one kerbside clean up service is \$80,000 plus tip fees i.e. approximately \$37,000. (This is dependent upon tonnages collected). The actual cost of conducting the HBW event was \$67,944 in operating costs plus tip fees of \$23,556.

The operating cost for the HBW included:

- traffic management
- contract staff and supervision
- Council staff to manage registration point
- transportation of materials to recycling processing plants and landfill
- provision of plant and equipment
- payment required for processing certain recyclable materials eg. Mattresses \$17,700

Report of the Director Environmental Services

9.9 Household Bulky Waste Drop Off Trial (HBW) (cont)

When compared to the June 2014 Kerbside Clean Up (\$117,355), operating and disposal costs for a HBW service (\$91,500) are slightly less.

It should be noted that if the HBW event were conducted on an annual basis it is likely that disposal and operating costs would be higher due to increased tonnages and more residents using the service. The initial HBW trial was undertaken by Renewable Recyclers on a contract basis, however, there may be potential to reduce operating costs for future events if Council undertook the event itself.

The current service is financed from the annual Domestic Waste Management Charge and Waste Business Unit operating expenses.

Conclusion

The options available to Council include:

- a) Continuing with two Kerbside Clean Ups per annum or;
- b) One (1) Kerbside Clean Up and one (1) HBW per annum

As outlined in the report, the advantages of the HBW event compared to a Kerbside Clean Up include the ability for residents to be able to drop off large bulky household wastes free of charge and a greater variety of acceptable items, a potentially greater opportunity for Council to recycle more materials, a reduced work, health and safety risk to Council, and a potential reduction in operating costs.

It is recommended that option b) be undertaken during the next financial year (2015/16) and to continue on a permanent basis.

10 REPORT OF THE GENERAL MANAGER

10.1 Australian Local Government Association - National General Assembly of Local Government - 14-17 June 2015

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 advises of the National General Assembly of Local Government (NGA) at the National Convention Centre in Canberra from 14-17 June 2015.

Finance

Early bird registration for the NGA is \$899.00.

Policy

N/A

Attachments

Nil

Enclosures

- 1 ALGA National General Assembly 2015 Program and Registration

RECOMMENDATION

1. That Council determine attendance at the National General Assembly of Local Government and any motions that need to be submitted to the Association by 17 April 2015.
2. That Council postpone the June Council Meeting from 16 June 2015 to 23 June 2015.

BACKGROUND

The National General Assembly of Local Government is to be held in Canberra from 14-17 June 2015.

The theme for this year's National General Assembly is "Closest to the community: Local Government in the Federation". The Australian Government is currently working with all State and Territory Governments and ALGA to develop white papers on reform of the federation and taxation. The National General Assembly presents local government as a whole with an opportunity to consider the range of issues

Report of the General Manager

10.1 Australian Local Government Association - National General Assembly of Local Government - 14-17 June 2015 (cont)

being raised and to ensure local government's aspirations are addressed in the white papers. The President of ALGA, Mayor Troy Pickard has made it clear that he wants to see local government strengthened as a result of any reform and is seeking input from councils to advance that objective.

Invitations have been extended to the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition to address the sector.

The Motions to be submitted to National General Assembly are required to be received by 17 April 2015.

To be eligible for inclusion in the National General Assembly business papers, and then debate on the floor of the National General Assembly, motions must follow the following principles:

1. Be relevant to the work of local government nationally;
2. Be consistent with the themes of the Assembly;
3. Complement or build on the policy objectives of your state and territory local government associations;
4. Propose a clear action and outcome; and
5. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of local government.

All motions submitted will be reviewed by the National General Assembly Committee as well as by State and Territory Local Government Associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government. Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

As the National General Assembly clashes with the June Council Meeting it is proposed that the Council Meeting be moved to 23 June 2015.

A copy of the draft program and registration brochure produced by the Australian Local Government Association is enclosed.

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Economic Development Committee - Recommendations

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 requests Councils consideration of recommendations from the Economic Development Committee.

Finance

2014/2015 Budget

Policy

2013/2017 Delivery Program

Attachments

Nil

Enclosures

- 1 Economic Development Committee meeting minutes - Tuesday 17 February 2015

RECOMMENDATION

That Council considers the recommendations of the Economic Development Committee detailed in the report.

BACKGROUND

At the Economic Development Committee held on 17 February 2015, the following recommendations were resolved for Councils consideration:

Committee Minute 3.1 Kiama Harbour Draft Master Plan

A submission from the committee as agreed at the meeting of 27 January was submitted. Patrick Mahedy commented on the poor connectivity of the various units and overall lack of urban design in the plan citing the poor integration referring to Unit 4 car park as an example.

Recommendation to Council:

Report of the Director Corporate and Commercial Services

11.1 Economic Development Committee - Recommendations (cont)

That when the first phase of the Kiama Harbour and Blowhole Point Headland Master Plan is implemented council consider engaging an urban designer to oversee the progressive planning to ensure an overall cohesive design.

Committee Minute 5 Live/Work residential units

It was noted during the discussion on this topic that at the 10 February 2015 meeting council resolved to establish an LEP committee

Recommendation to Council:

That a non-councillor member of the Economic Development Committee be included on the LEP Review Committee

11.2 Metro Pool/UIP Board Representation and Overseas Study Tour.

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

CSP Strategy: 4.10 Provide training and professional development for Councillors and staff to promote a culture of strong leadership, good governance and ethical practice

Delivery Program: 4.10.1 Ensure understanding of, and compliance with, Council's Code of Conduct and relevant policies and procedures

Summary

This report outlines and recommends a change to the alternate membership of the board of Metro Pool and United Independent Pools (UIP).

It also advises of the nomination of Council's Human Resources and Commercial Services Manager by Metro Pool, to attend an overseas study tour and attend the PRIMA Conference in Houston, Texas in June 2015.

Finance

The cost of travel, accommodation, conference registration, and out of pocket expenses will be met by Metro Pool.

Policy

All interstate and overseas conference attendance requires Council approval.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council;

1. Nominates the Manager Human Resources and Commercial Services, Russell Park to replace the Director Corporate and Commercial Services, Chris Quigley as the alternate board member of Metro Pool and United Independent Pools.
2. Authorises the Manager Human Resources and Commercial Services, Russell Park to attend the Metro Pool/ UIP overseas study tour and PRIMA conference in Texas in June 2015.

BACKGROUND

In July 2012 Council joined Metro Pool and United Independent Pools (UIP) insurance mutuals (the pools).

Report of the Director Corporate and Commercial Services

11.2 Metro Pool/UIP Board Representation and Overseas Study Tour. (cont)

The governance structure of the pools is three tiered:

- The board, comprising two representatives of each member council, generally the Mayor and General Manager.
- The Risk Management Committee, generally comprising the employee from each member Council responsible for risk management.
- The Finance Committee, generally comprising the employee from each member Council responsible for financial management.

At the time of joining the pools, council resolved that the then Deputy Mayor and now Mayor Councillor Brian Petschler and the General Manager Michael Forsyth would represent council as the board members on the pools. It was also resolved that the Director of Corporate and Commercial Services Chris Quigley, be the alternate board member.

The Manager Human Resources and Commercial Services, Russell Park is the Risk Management Committee representative and the Manager of Corporate Services, Phil Mison is the finance committee representative.

Given Russell Park's close involvement with the pools since Council became a member, it is proposed to make him the alternate board member in lieu of the Director Corporate and Commercial Services.

It is the practice among some of the member Councils that the Risk Committee member doubles as the alternate board member.

In addition to significant insurance premium savings, member councils benefit from a range of personal development opportunities, one of which is an overseas study tour and conference attendance. Each year the pools nominate two board members and one risk management committee member from both Metro Pool and Westpool to attend the study tour/ conference.

The Mayor was nominated to attend the ALARM conference and study tour in the United Kingdom in 2013.

At the Metro Pool Risk Management Committee meeting on 12 February 2015, the Manager Human Resources and Commercial Services, Russell Park was nominated as the Metro Pool Risk Management Committee representative to attend the 2015 study tour/ conference. The nomination was endorsed by the Metro Pool Board at its meeting on 26 February 2015.

This year the pools working party will be attending the Public Risk Management Association (PRIMA) conference in Houston, Texas from 7 to 10 June 2015. Although the details are still to be finalised, it is proposed that the working party will meet with a number of insurance pools within the Texas region the week leading up to the conference.

Report of the Director Corporate and Commercial Services

11.2 Metro Pool/UIP Board Representation and Overseas Study Tour. (cont)

While the pools will meet the costs of the study tour/ conference attendance, including airfare, accommodation, conference registration and some out of pocket expenses, it is still Council Policy to obtain approval for interstate or overseas travel.

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 January 2015 and February 2015.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

1 Investments Part b,c & d - January and February 2015

Enclosures

Nil

RECOMMENDATION

That the information relating to the Statement of Investments for January 2015 and February 2015 be received and adopted.

BACKGROUND

Attached is a copy of the Statement of Investments for January 2015 and February 2015.

Report of the Manager Corporate Services

12.1 Statement of Investments (cont)

a) Investment Commentary

The total investment portfolio decreased by \$1.9M during January 2015 and February 2015. Various revenue was received during January 2015 and February 2015 totalling \$12.2M, including rate payments amounting to \$2.8M, grants and contributions of \$2.7M and user fees and charges and other revenue of \$3.4M investment maturities of \$2.0M and Debtor receipts of \$1.3M. Payments to suppliers of \$5.6M, purchase of 100 Terralong Street (Mitre 10) \$3.4M and employee wages of \$2.5M amounted to total expenditure of \$11.5M. Council's investment in Managed Funds is now nil as the investment in the floating rate note with Royal Bank of Scotland matured a year early. Council received the \$1M face value plus interest in February with the proceeds now included in the direct investments.

Note that the Westpac Bank Account balance shown in (a) of \$2.667M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 28 February 2015 is \$935K with an annual budget estimate for 2013/2014 of \$1.3M. 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 2.25% there does not appear to be any likelihood of any change in rates upward. The current 90 day investment rate quoted by National Australia Bank on 27 February 2015 was 3.07%. The previous month's was 3.07% with February 2014 rate being 3.60%. 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 3.07%, 1 year 3.07%, 2 years 3.07% and 3 years 3.17%. On this basis it would not seem prudent at this time to commit to any further longer term investments.

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 January, 2015

DIRECT INVESTMENTS:	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	11/11/14	20/05/15	190	3.49
Bankwest	AA-	1,000,000.00	Term Deposit	25/11/14	26/05/15	182	3.45
Bankwest	AA-	500,000.00	Term Deposit	03/12/14	03/06/15	182	3.50
Bankwest	AA-	1,000,000.00	Term Deposit	04/11/14	29/04/15	176	3.45
Bank of Qld	A-	1,000,000.00	Term Deposit	05/11/14	03/06/15	210	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	09/10/14	01/04/15	174	3.50
Bank of Qld	A-	1,500,000.00	Term Deposit	13/08/14	11/02/15	182	3.60
Bank of Qld	A-	1,000,000.00	Term Deposit	20/11/14	15/07/15	237	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	21/10/14	17/06/15	239	3.50
Bendigo	A-	1,000,000.00	Term Deposit	09/09/14	04/03/15	176	3.45
Bendigo	A-	1,000,000.00	Term Deposit	19/06/14	18/03/15	272	3.55
Commonwealth Bank	AA-	500,000.00	Term Deposit	28/01/15	28/07/15	181	3.04
Macquarie	A	500,000.00	Term Deposit	17/12/14	16/03/15	89	3.25
ME Bank	BBB+	1,000,000.00	Term Deposit	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	15/10/14	06/05/15	203	3.50
NAB	AA-	1,000,000.00	Term Deposit	27/08/14	25/02/15	182	3.65
NAB	AA-	1,470,000.00	Term Deposit	08/10/14	08/04/15	182	3.58
NAB	AA-	1,000,000.00	Term Deposit	12/11/14	27/05/15	196	3.55
NAB	AA-	1,000,000.00	Term Deposit	14/11/14	11/11/15	362	3.50
NAB	AA-	1,000,000.00	Term Deposit	22/10/14	24/06/15	245	3.57
NAB	AA-	1,000,000.00	Term Deposit	26/11/14	30/06/15	216	3.56
NAB	AA-	1,000,000.00	Term Deposit	20/08/14	18/02/15	182	3.65
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	29/01/15	28/04/15	89	3.40
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	01/09/14	10/06/15	282	3.30
IMB Society	BBB	1,000,000.00	Term Deposit	14/08/14	13/05/15	272	3.45
IMB Society	BBB	1,000,000.00	Term Deposit	10/09/14	11/03/15	182	3.40
ING Bank	A-	1,000,000.00	Term Deposit	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	15/09/14	15/04/15	212	3.49
ING Bank	A-	1,000,000.00	Term Deposit	06/08/14	04/02/15	182	3.37
Rural Bank	A-	1,000,000.00	Term Deposit	01/10/14	03/02/15	125	3.40
Suncorp	A+	1,000,000.00	Term Deposit	10/12/14	09/06/15	181	3.50
Suncorp	A+	1,000,000.00	Term Deposit	28/08/14	24/02/15	180	3.40
Westpac	AA	1,000,000.00	Term Deposit	29/01/15	30/04/15	91	3.26
Westpac	AA	1,000,000.00	Term Deposit	05/02/14	04/02/15	364	3.70
Westpac	AA	1,570,708.65	Bank Account	-	AT CALL		0.84
Westpac	AA	880,203.06	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		39,420,911.71					
					Average Rate-Jan 2015		3.38
					Average Rate-Jan 2014		3.53

MANAGED FUNDS:	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
Lehman Brothers -See Note 1 below	950,304.79	Managed	09/12/05	VARIOUS		3.55
TOTAL MANAGED FUNDS	950,304.79					
					Average Rate-Jan 2015	3.55
					Average Rate-Jan 2014	2.35

TOTAL INVESTMENTS	40,371,216.50
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TOTAL INVESTMENTS DEC 2014	43,392,430.06	-7.48%	Change in total investment over prev 1 month
TOTAL INVESTMENTS JAN 2014	39,014,631.49	3.48%	Change in total investment over prev 12 months

MANAGED FUNDS

Note 1:-Total Lehman Managed Funds above are subject to market value fluctuations. Council obtains monthly independent market valuations from Australia and New Zealand Banking Group Limited (ANZ).

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,449,241.23
	Grants	1,251,258.00
	Domestic Waste	1,359,016.00
	Waste & Sustainability	204,173.18
	Southern Council's Group	2,793,088.31
Internally Restricted	Blue Haven ILU	4,054,791.49
	Blue Haven Hostel	6,272,939.37
	Blue Haven Nursing Home	1,971,770.83
	Land Development	2,681,524.71
	Waste Business Unit (Plant Replacement)	1,416,579.00
	Plant Replacement - Engineers	884,279.00
	Employee Leave Entitlements	791,669.00
	Carry-over works	1,260,569.00
	Holiday Parks (incl crown reserves)	1,196,545.00
	Contingencies	1,024,040.00
	Computer	200,000.00
	Property Insurance	120,000.00
	Community Bus	209,736.00
Loan Funds	CACP	8,257.00
	Local Infrastructure Renewal Scheme	440,007.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	8,781,732.38
TOTAL INVESTMENTS		40,371,216.50

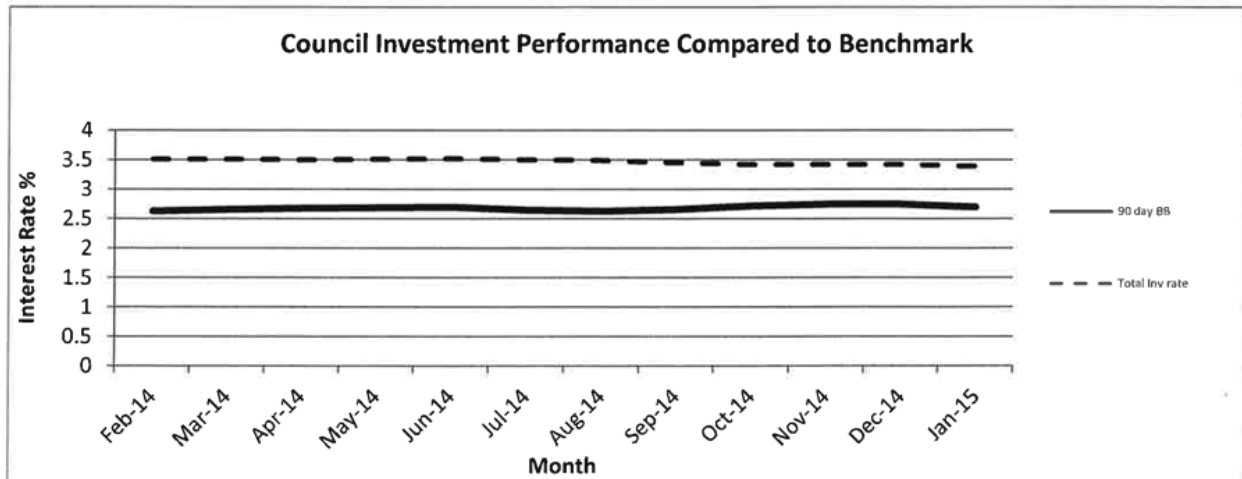
Note:

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 Land Development balance reflects the Mitre 10 site purchase. 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	3.39	2.70
3 months	3.41	2.73
6 months	3.43	2.70
12 Months	3.47	2.69



(b) Council Investments as at 28 February, 2015

DIRECT INVESTMENTS:	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
INSTITUTION	G						
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	11/11/14	20/05/15	190	3.49
Bankwest	AA-	1,000,000.00	Term Deposit	25/11/14	26/05/15	182	3.45
Bankwest	AA-	500,000.00	Term Deposit	03/12/14	03/06/15	182	3.50
Bankwest	AA-	1,000,000.00	Term Deposit	04/11/14	29/04/15	176	3.45
Bank of Qld	A-	1,000,000.00	Term Deposit	05/11/14	03/06/15	210	3.50
Bank of Qld	A-	1,000,000.00	Term Deposit	09/10/14	01/04/15	174	3.50
Bank of Qld	A-	1,500,000.00	Term Deposit	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	09/09/14	04/03/15	176	3.45
Bendigo	A-	1,000,000.00	Term Deposit	19/06/14	18/03/15	272	3.55
Commonwealth Bank	AA-	500,000.00	Term Deposit	28/01/15	28/07/15	181	3.04
Macquarie	A	500,000.00	Term Deposit	17/12/14	16/03/15	89	3.25
ME Bank	BBB+	1,000,000.00	Term Deposit	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	15/10/14	06/05/15	203	3.50
NAB	AA-	1,000,000.00	Term Deposit	25/02/15	29/07/15	154	3.13
NAB	AA-	1,470,000.00	Term Deposit	08/10/14	08/04/15	182	3.58
NAB	AA-	1,000,000.00	Term Deposit	12/11/14	27/05/15	196	3.55
NAB	AA-	1,000,000.00	Term Deposit	14/11/14	11/11/15	362	3.50
NAB	AA-	1,000,000.00	Term Deposit	22/10/14	24/06/15	245	3.57
NAB	AA-	1,000,000.00	Term Deposit	26/11/14	30/06/15	216	3.56
NAB	AA-	1,000,000.00	Term Deposit	18/02/15	19/05/15	90	3.13
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	29/01/15	28/04/15	89	3.40
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	01/09/14	10/06/15	282	3.30
IMB Society	BBB	1,000,000.00	Term Deposit	14/08/14	13/05/15	272	3.45
IMB Society	BBB	1,000,000.00	Term Deposit	10/09/14	11/03/15	182	3.40
ING Bank	A-	1,000,000.00	Term Deposit	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	15/09/14	15/04/15	212	3.49
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	24/02/15	25/05/15	90	3.05
Westpac	AA	1,000,000.00	Term Deposit	29/01/15	30/04/15	91	3.26
Westpac	AA	1,000,000.00	Term Deposit	04/02/15	05/05/15	90	3.03
Westpac	AA	2,667,292.03	Bank Account	-	AT CALL		0.84
Westpac	AA	1,881,578.82	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		41,518,870.85				Average Rate-Feb 2015	3.31
						Average Rate-Feb 2014	3.53

MANAGED FUNDS:	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
INSTITUTION						
Lehman Brothers	0.00	Managed	09/12/05	VARIOUS		3.55
TOTAL MANAGED FUNDS	0.00				Average Rate-Feb 2015	3.55
					Average Rate-Feb 2014	2.81

TOTAL INVESTMENTS	41,518,870.85
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TOTAL INVESTMENTS JAN 2015	40,371,216.50	2.76%	Change in total investment over prev 1 month
TOTAL INVESTMENTS FEB 2014	41,505,523.74	0.03%	Change in total investment over prev12 months

(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	2,681,524.71
	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
	CACP	8,257.00
Loan Funds	Local Infrastructure Renewal Scheme	440,007.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	9,929,386.73
TOTAL INVESTMENTS		41,518,870.85

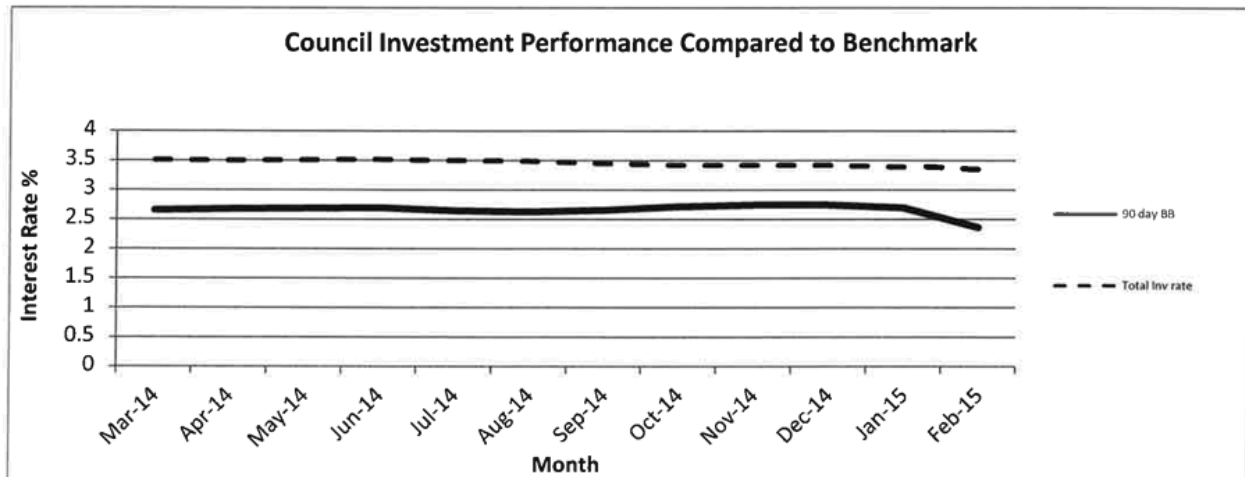
Note:

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 Land Development balance reflects the Mitre 10 site purchase. 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	3.32	2.36
3 months	3.38	2.60
6 months	3.40	2.66
12 Months	3.45	2.66



13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Blowhole Point and Kiama Harbour Masterplan Adoption

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

CSP Strategy: 2.12 Effectively manage recreation and open space infrastructure to cater for current and future generations

Delivery Program: 2.12.2 Pursue opportunities for the implementation of the Kiama Harbour Plan of Management

Summary

The draft Masterplan for the Kiama Harbour and Blowhole Point Crown Reserve (R87397) was placed on public exhibition between 2 December 2014 and 23 January 2015. This report addresses the outcomes of the public exhibition phase and recommends the Masterplan be adopted.

Finance

NA

Policy

Crown Lands Act 1989

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. adopt the Masterplan for Kiama Harbour and Blowhole Point prepared by Site Plus Consultants; and
2. acknowledge that the Kiama Harbour and Headland Plan of Management (2002) is repealed with the adoption of the new Masterplan and request Crown Lands to formally repeal the previous Plan of Management.

BACKGROUND

Council resolved to place the draft Masterplan for Blowhole Point and Kiama Harbour on public exhibition at its meeting of 18 November 2014. The Masterplan will replace the current Plan of Management which has been in place since 2002. The draft Masterplan identifies opportunities for future improvement and implementation including the long term retention of the tourist cabin park on

Report of the Director Engineering and Works

13.1 Blowhole Point and Kiama Harbour Masterplan Adoption (cont)

Blowhole Point, increased car parking provision including boat trailer parking, integrated signage, access improvements generally and maximising the potential of the harbour precinct for commercial and tourist activity.

The Masterplan is a vital tool in being able to influence the future uses of the land, provide community awareness as to how the land will be used and managed in the future and also to take advantage of the tourism market and any reasonable opportunities for commercial development as a means of funding on-going improvements. It is also important for Council to have a current Masterplan so it can confidently set its delivery and operational plans.

The Masterplan was on public exhibition for a seven week period with notification in the local print media on two separate occasions, Council's website and displays in the Kiama Library and Council Administration building. Prior to the formal exhibition, consultants engaged for the project (Site Plus Pty Ltd) undertook targeted consultation with identified key stakeholders to obtain relevant feedback and input into the draft Masterplan process.

A total of twelve submissions were made to Council with public exhibition. Of these, six specifically related to the retention of the tennis courts on Blowhole Point. A summary of the points raised in submissions with a response is provided in the table below:

Submission details	Response
<i>Kiama Harbourside management unit</i>	
Relocate the anchor from adjacent Cargo's building to alternate site	The area around the Cargo's building is identified in the Masterplan for embellishment and upgrading and future relocation of the anchor can be considered when the detailed work plans are finalised for the associated pier head area. Relocation of the anchor as suggested in the submission at zero or negligible cost to Council is recommended (whether by Lions Club of Minnamurra or other community organisation).
Upgrade of area around Cargo's required	The Masterplan includes provision to upgrade the area around Cargo's including review of car parking, seating, landscaping, increasing the useable area and improving amenity. Part of this work may include increasing the physical area around the jetty and pier head and can be undertaken as a specific construction/embellishment project as part of the roll-out of this Masterplan.
Scout Hall should remain and on-going harbour redevelopment and improvements should be done in an integrated manner with the Scouts facility	The Scout Hall facility is acknowledged in terms of its usage and community purpose – the Masterplan suggests being able to incorporate the Scouts usage with additional land uses on this key site for broader community benefit.

Report of the Director Engineering and Works

13.1 Blowhole Point and Kiama Harbour Masterplan Adoption (cont)

	Scouts Australia desire to be part of Council's Masterplan implementation but want to remain in their present location. It is conceivable to work with the Scouts and attempt to collaboratively redevelop the area they occupy and retain them at this location.
Scout Hall building does not detract from area but boat rescue building does and should be incorporated into extension of Scout building footprint	The Masterplan comments that new development would be of high quality and would ordinarily be of a higher standard than what currently exists on the site – the site acts as a key focal point within the study area with high accessibility and visibility and new development warrants a high quality outcome.
Need to maximise the potential of the harbour for tourism and economic development in particular the Fisherman's Lockers, fish market, scout hall and Cargo's building	The Masterplan takes these potential opportunities into account and recommends future redevelopment. The Cargo's building is not identified in the Masterplan specifically however the area surrounding it is highlighted for upgrade and embellishment.
School Flat/Black Beach management unit	
Continental pool should be improved to relieve pressure on the rock pool and provide an additional recreation facility for Kiama	Some works are identified in the Masterplan to improve the amenity of the continental pool however large scale capital works/improvements are not contemplated due to cost and Council's existing commitments to maintaining the indoor pool facility at the Kiama Leisure Centre.
No further commercial development where Black Beach toilet block proposed for upgrade	The Masterplan suggests that possible commercial development might be considered for this site in the event the toilet block is demolished. The introduction of a commercial use to this location would be considered carefully having regard to continued accessibility by the public, impact on views and public benefit.
Holiday Park/Tourist Centre management unit	
Sunset clause for removal of Blowhole Point cabins should remain as they visually detract from Pilot's Cottage and block views	The sunset clause is recommended to be abolished with this Masterplan. The justification for this is because the cabin park has operated successfully for the last decade or more and now has established itself as an appropriate part of the Blowhole Point headland. Return of this site to open space will have an impact on the tourism focus of the immediate area and the function of the reserve in attracting tourist visitation is of

Item 13.1

Report of the Director Engineering and Works

13.1 Blowhole Point and Kiama Harbour Masterplan Adoption (cont)

	considerable importance to Kiama.
Tennis courts to be retained as historic asset with appropriate recognition of this status as part of original harbour (circa 1870's) on site of excavation for harbour construction	The tennis courts have not been identified to date as having any heritage significance associated with Blowhole Point/Kiama Harbour.
Tennis courts are consistent with the public recreation status of the Blowhole Point Crown Reserve providing community, social and fitness benefits	The tennis courts are consistent with public recreation purposes as expressed by the Blowhole Point crown reserve status.
Tennis facility in process of club amalgamation to ensure facility upgrading, extension of usage and participation – retention of the facility is critical for this to occur	The Kiama Tennis Club Inc. is on the public record of investigating potential amalgamation with Blowhole Point Tennis Club Inc. and their intention/purpose is to expand usage and upgrade the facility. In order to invest in the facility, certainty of lease/tenure is required. The Blowhole Tennis Club is currently operating on a 5 year lease and any future lease will be the subject of new negotiations in 2018. The future use of this site has to be considered in terms of the best overall public/community benefit. It is conceivable to consider the grant of a further lease term after 2018. If there is a demonstrable redevelopment opportunity Council may have to consider no further guarantee of tenure and on-going occupation of the facility will be on holding-over terms.
Tennis courts provide diversity of Blowhole Point headland facilities for the benefit of the community	The tennis courts provide diversity however the site may be demonstrated to be of higher importance for future tourist-related development.
Additional parking required including seating and BBQ facilities in general	The Masterplan considers and recommends this.
Embankment around tennis courts stability and drainage improvements required	Masterplan provides for this work and is already part of existing Plan of Management and Council Delivery Program. This work needs to be undertaken irrespective of the long term status of the tennis courts.
Commercial development of tennis court site important for future tourism opportunity as it is a strategic site	The Masterplan considers and recommends this.
General	
Future buildings and redevelopment to be kept single storey	There may be opportunities to incorporate two-level redevelopment without impacting views and

Item 13.1

Report of the Director Engineering and Works

13.1 Blowhole Point and Kiama Harbour Masterplan Adoption (cont)

	amenity and should not be automatically discounted. This consideration will be done on an individual merits basis.
Masterplan document should include the brief of the Working Party	Section 1.3 of the Masterplan adequately describes aim of the brief being to <i>“review, in consultation with the local community and Council’s Working Party, the current Plan of Management for the Kiama Harbour and Blowhole Point Headland, involve the creation of a Masterplan to replace the current Management Plan document/associated documents as well as identifying opportunities to improve the area for the benefit of community and stakeholders.”</i>
Masterplan needs to recognize the sporting/recreational qualities of the reserve and the importance of these in sustaining residents’ lifestyle	The Masterplan reflects the public recreation significance of the crown reserve and only contemplates possible redevelopment generally where existing assets are located. The tennis courts are the only recreational component suggested for potential change of land usage on the basis this site may have more nexus with the adjoining cabins and café for future tourist-related uses.
Support for Masterplan as it aligns with Regional Development Australia (Illawarra) Regional Plan – tourism precinct is a key contributor to the local and regional economies	Agreed

In consideration of the submissions made during public exhibition, the Working Party formed the view that the draft Masterplan does not require any significant change. The most discussed issue in the submissions was the desire for retention of the tennis courts. It is believed that the site of the tennis courts has potentially greater land use potential for tourist/commercial development in the future. It is likely that the tennis courts will continue to exist for a period of time until there is further detailed analysis undertaken to demonstrate and justify any new development on this part of Blowhole Point Reserve.

The most significant sites for potential change of land use for new tourist or commercial development (including the tennis courts) include:

- Scout Hall and Surf Rescue buildings
- Fisherman’s Lockers
- Black Beach toilet block

The Scout Hall building is located on crown reserve with Scouts Australia being the gazetted reserve trustee. Scouts Australia have commented in their submission that

Report of the Director Engineering and Works

13.1 Blowhole Point and Kiama Harbour Masterplan Adoption (cont)

they are prepared to discuss Council's Masterplan ideas in the future and this provides a basis to rejuvenate this part of the study area. Being a focal point and highly visible, it is considered that this is a high priority. Similarly, the Fishermen's Lockers area is also highly visible and being located around the immediate harbour periphery, concentrated efforts to potentially rejuvenate the harbour are justified.

The Black Beach toilet block presents as an opportunity not only to visually improve the immediate area but to potentially fund an upgraded amenities facility by incorporating (limited) new development.

The Masterplan also includes the long term provision of the Blowhole Point tourist cabins. Adoption of this Masterplan will result in the repeal of the former Plan of Management which contained a sunset clause for the operation of the tourist park until 2022 only. This means the tourist park was intended to be wound up and the site reinstated as open space. The tourist and commercial benefits of this tourist park are too significant to forgo considering the income derived from operating the tourist park goes directly to the management of Blowhole Point Reserve.

The tourist park has demonstrated to be an acceptable land use on Blowhole Point. One submission to the Masterplan suggested the tourist park revert to open space. It needs to be borne in mind that the current tourist park occupies a smaller footprint than the original caravan park (meaning more public open space provision) and has higher visual and built design standard than the former caravan park use.

Crown Lands as key stakeholder have been involved in the process from project brief design, participation on the Working Party, review of the draft Masterplan and consideration of submissions made during public exhibition. The Working Party convened a total of six times during the process.

Where to from here?

The Masterplan, if adopted by Council, will need to be followed by an implementation/action plan. The implementation/action plan will exist to prioritise the identified Masterplan improvements and works to ensure the objectives of the plan are achieved and appropriate funding is considered to implement the Masterplan.

The Masterplan is a strategic document setting out key directions for the future land management of Blowhole Point Reserve and replaces the former prescriptive Plan of Management. This has been done purposefully in order to create a plan which sets broad directions for Council to follow with greater detail and design to come with individual proposals for redevelopment/improvement. The need for this detail has been suggested by Council's Economic Development Committee to achieve an overall cohesive design. This is embodied within the Masterplan on page 2 "*...ensure a sustainable, achievable and coordinated approach for the planning and management of the area and ensures all stakeholders are engaged and aware of the vision for the area.*"

The development of an action/implementation plan is crucial to ensure the strategies within the Masterplan are put into effect.

It is recommended that the Masterplan be adopted by Council and all relevant stakeholders including those who contributed to the process by way of a submission to the draft Masterplan be advised accordingly.

13.2 Former Sale of Council Land and Planning Proposal

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

In 2003, Council entered into a contract for the sale of land in Kiama. The land was previously part of an adjoining road reserve and a road closure was undertaken in order to sell the land. The section of land was zoned for road purposes at that time. This zoning carried through into Kiama LEP 2011 albeit under a different name/description. This report recommends that steps be taken through a planning proposal to rezone the subject section of land as residential.

Finance

A planning proposal for rezoning will incur costs of approximately \$10,000 for the preparation and normal statutory fees. This cost will be met by Council.

Policy

Environmental Planning and Assessment Act 1979

Roads Act 1993

Attachments

1 Plan of Land - Bland Street Kiama

Enclosures

Nil

RECOMMENDATION

That a planning proposal commence for that part of Lot 73 DP1153471 Bland Street Kiama currently zoned SP2 Infrastructure to R2 Residential under Kiama LEP 2011 and that Council meet the costs in the preparation and lodgement of the planning proposal.

BACKGROUND

In December 2003, Council entered into a contract to sell land on the corner of Bland and King Street Kiama to the adjoining private property owner. The section of land was formerly part of the adjoining road reserve. Council took steps to close the section of road (584m²) under the Roads Act and the land was subdivided and consolidated in title with the adjoining privately owned land.

The land is now described as Lot 73 DP1153471.

Report of the Director Engineering and Works

13.2 Former Sale of Council Land and Planning Proposal (cont)

In the negotiations for closure and sale of the subject section of land, a valuation assessment was made on the basis of the land having a residential zoning. The land sale proceeded on the basis of this assumed residential land value.

It has recently been brought to Council's attention that the subject land has never been made a residential zoning. The purchaser claims that it was always the understanding during negotiations with Council that the land would become residential zoned and is the reason why the purchase took place on the basis of a residential-zoned parcel in 2003.

Council incorrectly indicated in correspondence during the initial road closure process in 2003 that the land was zoned residential, although this has never actually been the case. The purchaser cites this previous Council correspondence and has commented that they were given the notion that the land was in the process of, or soon to be rezoned as residential.

The previous planning regulations at that time, allowed for developments within 20 metres of a zoning boundary the ability to adopt the adjacent zoning classification. In this instance a residential development could have been applied to the entire lot without the need for rezoning and may be the reasoning why this was never pursued. Unfortunately this zoning boundary proximity clause no longer applies in the current LEP.

Council's current Kiama LEP 2011 planning maps confirm that the land is currently zoned SP2 Infrastructure. However the Kiama LEP 2011 floor space ratio (FSR) maps indicate the subject part of Lot 73 is assigned an FSR of 0.45:1 contiguous with the adjoining residential zoned land in the proximity. This indicates some intention of Council to treat the land as residential zoned at some stage in the future. It is considered appropriate to amend the Kiama LEP accordingly on the basis no extraordinary issues such as geotechnical or contamination arise during the planning proposal process.

From review of the documentation related to this matter it is clear that sole purpose of proceeding with the initial road closure, land disposal and consolidation of land titles was for the subject area of land to be able to be used expressly for residential purposes. It then follows that the land needs to be appropriately zoned for this to take place.

It is recommended that the required planning proposal application be commenced by Council with the intention of rezoning the subject part of Lot 73 DP1153471 to R2 Residential.



Lot 73 DP 1153471

Area of lot currently zoned SP2 Infrastructure



Pedestrian Crossing
Plan 1100 03A



Item 13.2
Attachment 1

13.3 Exhibition of Draft Policy - Commercial/Personal Fitness Training Public Reserves

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

CSP Strategy: 2.12 Effectively manage recreation and open space infrastructure to cater for current and future generations

Delivery Program: 2.12.1 Manage recreation and open space infrastructure for the community by the implementation of the Recreation and Open Space Asset Management Plan actions

Summary

On 19 August 2014, Council considered a report regarding commercial/personal fitness trainers using public reserves. Consultation has taken place with the industry and a draft policy is recommended to be placed on public exhibition for comment.

Finance

NA

Policy

Local Government Act 1993

Crown Lands Act 1989

Attachments

Nil

Enclosures

1 Draft Policy

RECOMMENDATION

That Council place the draft policy for the use of public reserves for commercial fitness activities and personal training on public exhibition for comment and re-reported to Council after consideration of submissions.

BACKGROUND

Council was advised of the intention to develop a policy for the use of public reserves for commercial fitness activities and personal training in 2014. Public reserve areas have been used for some time by commercial fitness training groups and personal trainers for commercial gain and Council needs to ensure that there is a mechanism (by way of a policy) to permit such activities and impose reasonable requirements for the use of public reserves for such purpose.

Consultation has taken place with the fitness industry stakeholders in the Kiama LGA in the formation of the draft policy. The consultation included invitation to an open discussion/forum as well as the opportunity to comment on a discussion paper setting out the proposed major elements and objectives of a proposed policy. Council placed an advertisement in the newspaper as well as electronic and social

Report of the Director Engineering and Works

13.3 Exhibition of Draft Policy - Commercial/Personal Fitness Training Public Reserves (cont)

media channels to consult as broadly as possible with the local fitness industry/user groups.

The main issues to arise from the consultation included the need for a diversity/number of possible sites for trainers to conduct activities and also to carefully consider the fee structure particularly for the smaller/one-on-one groups where unreasonable fee structures are suggested to be commercially unsustainable.

The objective of the proposed policy is to *provide for the effective management of commercial fitness trainers/groups occupying designated public land in the Kiama Municipality to ensure open space areas can continue to be enjoyed and accessed by the community for general use and without adverse impact to surrounding residents, public risk and public infrastructure.*

Sites where a permit can be issued by Council for commercial fitness/personal training activities are nominated in the draft policy as well as a fee structure. It is recommended the draft policy be placed on public exhibition for comment and be re-reported to Council in future after consideration of any submissions received.

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

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.

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.

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Access Committee minutes containing a recommendation and motion for council endorsement

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.1 Encourage and support residents from socially and culturally diverse backgrounds to participate in all aspects of community life

Delivery Program: 1.1.2 Monitor and improve accessibility within the Municipality

Summary

This report provides Council with a copy of the most recent Access Committee minutes and provides further information regarding two specific items: a recommendation regarding membership of the Committee; and a motion relating to the provision of an adult change table.

Finance

Nil

Policy

N/A

Attachments

Nil

Enclosures

1 15 10741 Minutes - Kiama Access Committee 6 February 2015(2)

RECOMMENDATION

That Council endorse:

- 1) inviting someone from the Dementia-friendly Alliance to join the Access Committee
- 2) the motion to identify a suitable location for the provision of an adult change table in a future public development.

BACKGROUND

Access Committee Membership

At the most recent Access Committee meeting held on the 6 February 2015, a gap in the membership of the Committee was identified as there is no representative for people with dementia. To support the work of the Kiama Dementia-friendly Communities Project and to ensure coordination of accessibility issues for people with dementia and their carers in the Kiama LGA, the Committee would like to invite someone from the project who has dementia and/or their carer to join the Access Committee. This additional representative would still be within the current number of positions for community representatives in the Terms of Reference.

Report of the Director Community Services

14.1 Access Committee minutes containing a recommendation and motion for council endorsement (cont)

Adult Change Table

One of the identified gaps in facility provision for people with disability in Kiama is the need for an adult change table. This gap presently exists in most communities across Australia. The provision of an adult change table in the Kiama LGA would provide a much needed facility to support people with disability to come to Kiama and enjoy the opportunities provided here, without having to go home in order to simply take care of their personal care needs.

At present, if an adult or young person who requires incontinence aids to be changed while visiting Kiama, they and their carer have to make a choice to either go home, or lie on the floor of a public toilet in order to attend to their personal care needs. This is because there are no facilities that are designed to cope with the weight of an adult or young person for this purpose.

This need was discussed at the last Access Committee meeting, with a subsequent motion moved that: "The Committee supports council identifying a suitable location for the provision of an adult change table in a future development". Included in the discussions was the potential for the facility specifications to be incorporated into a future public development plan as a section 94 contribution.

14.2 Aboriginal Reference Group Revised Terms of Reference

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.1 Encourage and support residents from socially and culturally diverse backgrounds to participate in all aspects of community life

Delivery Program: 1.1.3 Improve Council collaboration with the Aboriginal Community

Summary

Kiama Council's Aboriginal Reference Group has revised its Terms of Reference, which are enclosed for Council's consideration for endorsement.

Finance

Nil

Policy

N/a

Attachments

1 Aboriginal Reference Group ToR March 2015

Enclosures

Nil

RECOMMENDATION

That Council endorses the revised Terms of Reference for the Aboriginal Reference Group.

BACKGROUND

At the February Council meeting, Councillor Neil Reilly asked a Question Without Notice, requesting that the Aboriginal Reference Group's (ARG) Terms of Reference (TOR) be revised. The ARG has been meeting since September 2014, but to date a quorum has not been achieved. Under the current Terms of Reference, a quorum requires four community members to be in attendance. However, there are currently only four community representatives on the Committee and up until March 2015, at each scheduled meeting, at least one of the members has not been able to attend. Under the revised TOR, a quorum has been reduced to three.

Three additional changes have also been made:

1. The number of positions for community representatives who may apply through an Expression of Interest process has been adjusted up from 5 to 6 people
2. The number of organizational representatives who are invited to join the Committee has been adjusted down from 3 to 2
3. Provision has been made for the Councillor member to nominate a representative to attend in their place when they are unable to attend a meeting.



ABORIGINAL REFERENCE GROUP TERMS OF REFERENCE

The Kiama Council Aboriginal Reference Group (ARG) will act in an advisory capacity

Aim of the ARG:

The ARG aims to provide a forum for local Aboriginal residents to collaborate with Council to address issues relevant to the Aboriginal residents of the Kiama local government area.

Role of the ARG:

- Raise the profile of Aboriginal people within the Kiama Local Government Area.
- Establish direct lines of communication between local Aboriginal residents, Council and the wider community.
- Provide recommendations to Council on issues relevant to local Aboriginal residents
- Provide advice and support to relevant Council Officer in the coordination of particular projects and activities for local Aboriginal residents.
- Promote access, equity, participation and consultation with local Aboriginal residents.

Frequency:

The Kiama Council ARG will meet on a bi monthly basis, with provision to meet monthly if required.

Duration

The ARG meetings will take no more than two hours.

GUIDELINES OF OPERATION:

- The recommendations of the ARG shall be referred to Council via the meeting minutes through the Director Community Services.
- Council may refer information to the ARG for comment.

Venue

Meetings will be held at the Kiama Council Chambers or other suitable venues on a needs basis.

Membership

- Minimum of One (1) nominated Councillor
- up to eight (8) community representatives with:
 - two (2) to be directly invited to join the ARG from local Aboriginal Organisations, and
 - six (6) to be invited to join the ARG through an Expression of Interest (EOI) process
- Minimum of one representative from the Council's department of Community Services
- Other Council officers as required

Quorum for Meetings

A Quorum will be deemed to have been met under the following criteria:

- i. Minimum of 5 ARG members present
- ii. Out of the 5 present, at least 3 are community representatives and one is a councillor and/or their nominated representative.
- iii. Members may participate via telephone in the event a member is unable to attend in person due to unforeseen circumstances.

Selection of Community Representatives:

- a. When positions become vacant within the five (5) non-directly invited community representatives, new ARG members will be appointed:
 - i. through a public invitation for EOI by applicants interested in joining the ARG
 - ii. applicant completion of a nomination form
 - iii. Review of applications by Council staff and nominated councillor and recommendation to Council
 - iv. Council approval of successful applicants

- b. The selection process for community representatives:
 - i. members are residents of the Kiama local government area
 - ii. members identify as Aboriginal
 - iii. there is a gender balance,
 - iv. there is representation from across the full Kiama geographical area,
 - v. age diversity is represented.

Voting Rights

- a. Voting Members
 - i. All Aboriginal ARG community representatives in attendance at the meeting

- b. Non Voting Members
 - i. Council staff representatives

ARG Term

12 months from the date of first meeting held after council endorsement of community representatives.

Chairperson

- c. The nominated Councillor if in attendance will chair meetings. In the event the nominated Councillor is not in attendance, community representatives will elect an acting chairperson for the meeting.

- d. In the event of a tied vote the Chairperson shall have a casting vote.

Venue

Meetings will be generally held at Council's Administration offices, but can be held at Aboriginal community venues when seen as appropriate by ARG members.

Conflict of Interest

- a. Members of the ARG are to declare any direct conflicts of interest with issues on the agenda at the commencement of the meeting or as soon as the relevant issue is raised in General Business.
- b. All conflicts of interest declared should be recorded in Minutes, and if appropriate, the parties involved should to leave the room while that particular matter is discussed.

ARG Agendas

- c. Aboriginal community members and Council staff may submit items to Council's Community Services Department for inclusion in the meeting agenda by mail, facsimile, email or telephone.
- d. The meeting agenda shall be forwarded to the ARG mailing list and relevant members of Council staff no later than one week prior to the meeting.
- e. Late items will be subject to acceptance by voting members present at the ARG meeting.

ARG Minutes

- f. A designated council staff member shall record the minutes of all proceedings at ARG meetings.
- g. A copy of the minutes shall be forwarded to the ARG mailing list and relevant members of Council staff within two weeks of the minutes having been presented to the following Council meeting.

Dissemination of Information to the Community

- h. Items to be published in Kiama Council's quarterly newsletter Kimunico may occur after consultation with the ARG.
- i. ARG members should promote access to Council services, jobs and other relevant information to the Aboriginal community, including NAIDOC Week and community celebrations that target Aboriginal people.

Changes to Guidelines

- j. These Guidelines may be altered, rescinded or added to only by special resolution of the ARG at a meeting called specifically for that purpose. Twenty-one days notice needs to be given for the abovementioned purpose.
- k. Following adoption of the amended guidelines by the ARG, the amended Guidelines shall be presented to Council for endorsement.

(SC551 - 15/17274)

14.3 Kiama Municipal Council Street Surveillance

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.6.7 Develop and implement a Community Safety Plan

Summary

This report requests endorsement of the Kiama Municipal Council CCTV Policy and Code of Practice, and recommends Council delegate authority to the General Manager to enter council into a Memorandum of Understanding with the NSW Police.

Finance

Nil

Policy

Nil

Attachments

- 1 CCTV Policy March 2015
- 2 CCTV Code of Practice Draft March 2015
- 3 CCTV Memorandum of Understanding Kiama Street Surveillance March 2015

Enclosures

Nil

RECOMMENDATION

That Council endorse the CCTV Policy and Code of Practice

That Council delegates to the General Manager the authority to sign a Memorandum of Understanding with NSW Police.

BACKGROUND**CCTV Policy and Code of Practice (COP)**

Strategy one of Kiama Council's Crime Prevention Plan is to install a CCTV system in Kiama CBD. A range of documents have been developed to manage the operation of the system and to ensure Council is compliant with all relevant legislation. Two of the key documents for this purpose are a Kiama Municipal Council CCTV Policy that covers all CCTV systems Council owns and operates, and a COP to govern the CCTV system installed in the Kiama CBD. If further systems are installed throughout the LGA, these documents will require review and update.

Report of the Director Community Services

14.3 Kiama Municipal Council Street Surveillance (cont)

Memorandum of Understanding with NSW Police (MoU)

In order for Council to share a live feed and provide access to images recorded by council's Street Surveillance system to the NSW Police, an MoU is required to be entered into. The MoU is still in draft form, as the COP needs to be endorsed by Council and forwarded with the MoU to the NSW Police for their review and endorsement. It is recommended that the General Manager be given delegation to sign off the MoU once the police have indicated agreement.



KIAMA MUNICIPAL COUNCIL CCTV POLICY

Item 14.3

Attachment 1

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KIAMA MUNICIPAL COUNCIL CCTV POLICY

1. AIM/PURPOSE

Kiama Municipal Council has a number of CCTV systems in use, including a street surveillance system. This policy recognises the need to ensure that the CCTV systems are used appropriately and the privacy of residents, workers and visitors is protected.

This policy document outlines:

- the objectives for installing and using CCTV Systems
- the principles utilised to maintain Privacy
- the standards, laws and regulations governing the use of CCTV
- the principles under which recorded images will be released
- complaints

2. SCOPE

This document addresses all CCTV systems which are owned or in the control of Kiama Municipal Council, both in public and in Council controlled areas. The policy outlines the objectives to be met by installing CCTV and the controls that Kiama Municipal Council will implement.

3. DEFINITIONS

'Authorised Personnel' means any delegated officer of the Kiama Municipal Council's General Manager and NSW Police Commissioner listed in the CCTV Management Registers.

'CCTV' or 'Closed Circuit Television' is a video distribution system in which the images generated are not publicly distributed.

'CCTV Operations' means all aspects of CCTV: surveillance management, use, recording, maintenance and access to recorded images.

'Private premises' refers to any area not openly accessible to the general public, including semi public spaces and includes private residences and private or commercial businesses.

'Code of Practice' is a document designed to control implementation of a CCTV system and subsequent use of the system.

'Recorded Image' is an image captured and stored on a data drive or server.

4. OBJECTIVES OF A CCTV SYSTEM

Kiama Municipal Council has a commitment to provide a safe and secure environment in the Kiama Local Government Area as a strategy of Kiama Municipal Council's Community Strategic Plan (1.6 - Recognise and promote community safety throughout the municipality). CCTV can be utilised as a

cost effective tool to assist in the maintenance of this environment. Therefore the objectives of the implementation of CCTV systems are:

- Promotion of community safety and crime prevention
- Protect Kiama Municipal Council employees, residents and visitors.
- Protect Kiama Municipal Council assets.
- Reduce management costs via the remote monitoring of assets and access controlled doors and gates.
- Protect the environment

5. PRIVACY, CODE OF PRACTICE

Kiama Municipal Council is committed to the privacy of residents, workers and visitors in the KMC area, and undertakes to implement protections and processes which will maintain privacy in accordance with state and federal legislation.

Kiama Municipal Council have a "Code of Practice" to outline the management, operations and responsibilities of people who access and interact with the systems, including registers of authorised personnel, cameras and their locations, incidents, maintenance, and exported images.

Kiama Municipal Council will not monitor Private Premises. If the camera view incidentally has private premises within its view, Kiama Municipal Council will electronically mask these areas. If there is a requirement to view these areas, the masking will only be removed in review and with written permission of the General Manager or by a Court Order.

Kiama Municipal Council will not release recorded images to the general public unless it can be demonstrated there is a specific requirement to do so within the provisions of the GIPA Act.

Kiama Municipal Council will enter into a "Memorandum of Understanding" with NSW Police for the following purposes:

- To enable Police monitoring of the live feed from the Street Surveillance System.
- To provide guidelines on the release of images to NSW Police
- To ensure the Police understand and conform to Kiama Municipal Council's Code of Practice.
- To provide timely release of images to Police.

6. LEGISLATION STANDARDS AND REGULATIONS

The following are the NSW legislative acts, regulations and guidelines which Kiama Municipal Council will conform to in the implementation and use of CCTV systems:

- Security Industry Act 1997
- Security Industry Regulation 2007
- Work Health and Safety Act 2011
- Workplace Surveillance Act 2005

- Crimes Act 1900
- NSW Government Policy Statement and guidelines for the Establishment and Implementation of CCTV
- Privacy and Personal Information Protection Act 1998 (NSW)
- Freedom of Information Act 1989 (NSW)
- State Records Act 1998 (NSW)
- Surveillance Devices Act 2007 (NSW)
- Crimes (Forensic Procedures) Act 2000 (NSW)
- Telecommunications (Interception and Access) (New South Wales) Act 1987 (NSW)
- Government Information (Public Access) ACT 2009
- Protection of the Environment Operations Act 1997 (POEO Act)
- State Records Act 1998 as amended
- General Disposal Authority 39 for Local Government

7. RECORDS AND DATA STORAGE

Kiama Municipal Council will keep records and data in accordance with its CCTV Code of Practice.

8. COMPLAINTS

Complaints will be managed in accordance with Council's Code of Conduct Complaints Handling Procedures and the Kiama Municipal Council Street Surveillance Code of Practice.



CODE OF PRACTICE

KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE

Draft

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CODE OF PRACTICE KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE

1 INTRODUCTION

The Code contains the basic standards under which Kiama Municipal Council Street Surveillance will be operated.

2 DEFINITIONS

For ease of reference, a glossary of terms or definitions used in the Code is provided below:

TERM	DEFINITION
Audit	Systematic, independent, and documented verification process of objectively obtaining and evaluating audit evidence to determine whether specified criteria are met.
Authorised Person	A person acting in support of the operation of Kiama Municipal Council Street Surveillance. Authorised persons are approved to view images on the system for the purposes of carrying out prescribed functions without formally requesting authorisation.
CCTV	Closed Circuit Television is a video system which the images generated are not publicly distributed
Kiama Street Surveillance System	The Council's CCTV system recording images within prescribed areas of towns and villages.
Civilian	Any individual or representative of an organization who is not a member of the NSW Police, a Responsible Officer or Authorised Person.
Code	This Code of Practice developed by Council

2 | Page

Title of Document: Kiama Municipal Council Street Surveillance Code of Practice
Date adopted:
Last revised:
Next review: March 2017

Confidentiality Agreement	The Confidentiality Agreement attached to the SOPs
Council	Kiama Municipal Council
Incident – Administrative	An activity that relates to the management of the system – eg faults
Incident – Environment or Criminal	Environment Incident – earthquake, tsunami, storms or natural event Criminal – Any Criminal act reported to NSW Police
MOU	The Memorandum of Understanding entered into between Council and the NSW Police in accordance with the Code
Plan	The Crime Prevention Plan
Police	The NSW or Australian Federal Police
Recorded Image	An image captured and stored on a Data Drive.
SOPs	The Standard Operating Procedures
The System	All components which form a part of the Kiama Municipal Council Street Surveillance system including but not limited to: servers, cameras, poles cameras are mounted on, data switches, monitors, and video monitoring software.

3 KEY PRINCIPLES

The Code is based on 10 Key Principles.

The key principles are:

Principle 1

The Kiama Municipal Council Street Surveillance will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code.

Principle 2

The Kiama Municipal Council Street Surveillance will not limit the privacy and civil liberties of individual members of the public, including the rights to: freedom of religious, and political expression, and assembly.

Principle 3

Council has primary responsibility for the maintenance, management and security of Kiama Municipal Council Street Surveillance, and the protection of the interest of the public.

Principle 4

The NSW Police are a key stakeholder of Kiama Municipal Council Street Surveillance and agree to act in accordance with the Code.

NSW Police have entered into a MoU with Council and have agreed to act in accordance with the Code.

Principle 5

The public will be provided with clear and easily accessible information in relation to the operation of Kiama Municipal Council Street Surveillance.

Principle 6

Images on Kiama Municipal Council Street Surveillance system will be recorded 24 Hours 7 Days, and will only be monitored by NSW Police as required.

Principle 7

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of Kiama Municipal Council Street Surveillance.

Principle 8

Kiama Municipal Council is not an intelligence gathering entity.

Principle 9

Access to recorded images will only be provided in accordance with Council Policy.

Principle 10

All contact between Council and NSW Police in relation to Kiama Municipal Council Street Surveillance will be conducted strictly in accordance with the MoU.

4 KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE**4.1 Introduction**

Kiama Municipal Council Street Surveillance is identified in council's Crime Prevention Plan as one of a number of strategies designed to assist with the promotion of community safety and crime prevention within the Kiama Local Government Area.

4.2 Code

The Code is designed to identify the principles required to maintain the privacy of people entering the areas under surveillance.

The Code is supplemented by a set of SOPs which give instructions on all aspects of the operation of Kiama Municipal Council Street Surveillance.

The SOPs are based on the Code to ensure the principles and purposes of Kiama Municipal Council Street Surveillance are met.

The Code is subject to state and federal law.

4.3 Ownership

The Council is the owner of the Kiama Municipal Council Street Surveillance System.

The Council retains ownership of recorded images and has copyright of images, documentation and other material pertaining to Kiama Municipal Council Street Surveillance. These images cannot be copied or altered without permission of the Council, unless it is in accordance with the Code or MoU.

The responsibilities of Council in relation to Kiama Municipal Council Street Surveillance are outlined in Section 5.

4.4 Information about the Street Surveillance System**4.4.1 System Information**

The following information will be made publicly available on the council website:

1. System description
2. A map which depicts the area under surveillance

3. A Signage scheme
4. The CCTV Policy
5. The Code of Practice

4.4.2 Onsite Information

Kiama Municipal Council will identify and make public all areas under surveillance by erecting signage as describe in the signage schedule.

The signs shall include:

1. Identification that the area is under surveillance
2. Owner of the System being "Kiama Municipal Council"
3. Purpose
4. Directions to further information.

4.4.3 Further Information

Inquiries in relation to Kiama Municipal Council Street Surveillance and its operation can be made in writing to:

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

or, by telephone on (02) 4232 0444

or www.kiama.nsw.gov.au

5. RESPONSIBILITIES OF COUNCIL

5.1 Responsibilities

Council is responsible for the Street Surveillance System. Responsibility is limited to the images captured and the Key Principles contained within Section 3.

Council will consult with and provide information to the public about the operation of Kiama Municipal Council Street Surveillance and about any proposed changes to Kiama Municipal Council Street Surveillance or Code.

5.2 Workplace Surveillance in Kiama Local Government Area

Kiama Municipal Council will be compliant with the Workplace Surveillance Act 2005 (NSW).

6 RESPONSIBILITIES OF POLICE

NSW Police responsibilities are in accordance with Memorandum of Understanding between Kiama Municipal Council and NSW Police.

The NSW Police will endorse the SOPs.

7. MANAGEMENT OF THE SYSTEM

7.1 Street Surveillance Sub-committee

Kiama Municipal Council will have a Street Surveillance Sub-Committee reporting to the Commercial Centres and Community Safety Committee. The sub-committee shall be responsible for the ongoing monitoring and management of Kiama Municipal Council's Street Surveillance system to ensure compliance with Kiama Municipal Council's policies and procedures.

The Street Surveillance Sub-Committee will consist of

- The Chairman of Community Safety Committee
- A Police Representative
- A Councillor
- A Community representative
- A Technical Representative

7.2 Audit of the System

Council shall appoint an independent auditor to undertake an annual audit of Kiama Municipal Council Street Surveillance system to assess its compliance to the CCTV policy, Code, and Standard Operating Procedures.

The independent auditor will produce a report every 12 months on the operation and functioning of Kiama Municipal Council Street Surveillance. The report will be presented to the General Manager, and NSW Police.

8 ACCESS TO & USE OF LIVE IMAGES BY COUNCIL & NSW POLICE

8.1 General viewing and Image control.

The following limitations and processes shall be maintained by Kiama Municipal Council

1. A monitor displaying captured images shall only be viewed by Council Authorised Personnel.

2. Images shall only be released under the following conditions,
 - a. Police request for evidence – identifying an incident and approved by Kiama Municipal Council General Manager.
 - b. An approved formal application under Government Information (Public Access) Act 2009 (GIPA Act)

8.2 Access to Live Images

Kiama Municipal Council shall allow Police access to live images under the conditions of the MoU.

Kiama Municipal Council authorised personnel shall only view live images for the purpose of maintenance.

8.3 Access to and use of Recorded Images

Kiama Municipal Council shall allow Police access to recorded images under the conditions of the MoU specifically for review.

Kiama Municipal Council shall allow Authorised Personnel access to recorded images for:

- a. Reviewing and identifying GIPA Act related applications
- b. Exporting images approved under the Code
- c. Maintenance

8.4 Confidentiality Agreement

Authorised Council staff and contractors will be required to sign the Confidentiality and non-disclosure Agreement before they can access the recorded images.

Contractors will be inducted and advised in writing of their obligations in respect to compliance with the Code, NSW Privacy legislation, and any other relevant law, policy or procedures.

8.5 Contact with Recorded Images

Police will not be permitted to remove or obtain copies of any recorded images unless with permission of the Council and in accordance with the Code, MoU and SOPs. Any change to the arrangements will amount to a major change to the Code and must be endorsed by Council.

9. STORAGE OF INFORMATION

All recorded images on the system will be overwritten on a 28 day cycle unless a formal application is received in accordance with this Code, SOPs and the MoU.

10 ACCESS TO PERSONAL INFORMATION

10.1 Rights of Access to Information

A member of the public has the right to apply for access to personal information held by Council in the following ways:

- (a) A person can apply for the information under the *Privacy and Personal Information Protection Act 1998*. A copy of an "Application for Access to Personal or Health Information" can be obtained from Council; or
- (b) A person can apply for information under the *Government Information (Public Access) Act 2009*.

10.2 Removal and Alteration of Personal Information

A person can apply for their personal information to be altered (whether by way of corrections, deletions or additions) in accordance with the *Privacy and Personal Information Protection Act 1998*. A copy of an "Application for Alteration of Personal Information" can be obtained from Council.

10.3 Application to access images

Any person applying for access to their personal information will be required to specify the following details in their application:

- (a) Location information was collected from; and
- (b) Date and time information was collected.
- (c) Detailed reason for the request

11 BREACHES OF THE CODE

11.1 Responsibility

Council will be responsible for ensuring compliance with the Code.

Council is required to investigate any alleged breach of the Code. If a breach is found to have occurred, Council will remedy that breach to the extent possible under the Code.

11.2 General Complaints

Complaints in relation to any aspect of the management or operation of the Street Surveillance Camera Project may be made in writing to:

The General Manager
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533
or, by telephone on (02) 4232 0444.

A copy of Council's Complaints Policy can be obtained from Council.

11.3 Privacy Complaints

Privacy complaints in relation to Kiama Municipal Council Street Surveillance may be made to Council in accordance with Council's Privacy Management Plan. A copy of the Privacy Management Plan can be obtained from Council.

Privacy complaints in relation to the Kiama Municipal Council Street Surveillance may also be made to Privacy NSW. The *Privacy and Personal Information Protection Act 1998* authorises Privacy NSW to investigate complaints about alleged violations of privacy. Any member of the public is entitled to lodge a complaint with Privacy NSW. The contact details for Privacy NSW are:

Privacy NSW
Locked Bag 5111
Parramatta NSW 2124
Tel: (02) 8688 8585
Fax: (02) 8688 9660
Email: privacy_nsw@agd.nsw.gov.au

Council will cooperate with the investigation of any complaint by Privacy NSW.



MEMORANDUM OF UNDERSTANDING KIAMA MUNICIPAL COUNCIL STREET SURVEILLANCE

The Council of the Municipality of Kiama

and

NSW Police Force (Lake Illawarra Local Area Command)

MEMORANDUM OF UNDERSTANDING

Parties

- (1) **THE COUNCIL OF THE MUNICIPALITY OF KIAMA** of 11 Manning St, Kiama, NSW 2533 (“**the Council**”), and
- (2) **NSW POLICE FORCE (LAKE ILLAWARRA LOCAL AREA COMMAND [LILAC])** of 6 Pioneer Drive OAK FLATS , NSW 2529 (“**the Police**”).

Background

- A. It is recognised that the threat of serious crimes against the person and other serious criminal offences such as stealing, break and enter and other anti-social behaviour are important factors in any public perception about safety in the Kiama Local Government Area.
- B. In an effort to address these and other issues, Council has allocated funds from general revenue to the project and applied for and received funding from the State and Federal Governments to implement the Kiama Municipal Council Street Surveillance in the Kiama CBD at first, then other locations as funds allow.
- C. The development of this Streets Surveillance project has been conducted with the full support and encouragement of the NSW Police Force LILAC Command.
- D. Kiama Municipal Council Street Surveillance is an initiative that forms part of Council’s Crime Prevention Plan. Both the NSW Police Force and Council recognise that CCTV is only one of several initiatives designed to assist with the promotion of community safety and crime prevention in Kiama Local Government Area.
- E. The respective responsibilities of the Police and Council are established in the Code.
- F. The NSW Police Force agrees to work with Council in the implementation and ongoing work of the Street Surveillance.
- G. This Memorandum of Understanding is intended to demonstrate a mutual understanding of the management and implementation of Street Surveillance.
- H. The parties acknowledge their respective obligations under the *Privacy & Personal Information Protection Act 1998* (NSW) in entering into this Memorandum of Understanding.
- I. For ease of reference, a glossary of terms used in the Memorandum of Understanding is provided below:

Term	Definition
Police Authorised Person	A police officer authorised by NSW Police to access the Monitoring Equipment and approve an application to Council for a copy of Recorded Material.
Council Authorised Person	A Council officer who holds a relevant and valid security licence, and is authorised to access and make copies of images recorded by the Safer Streets Surveillance system.
CCTV	Closed Circuit Television.
Kiama Municipal Council Street Surveillance	Council's Street Surveillance system to be implemented in the Kiama CBD and other areas as deemed appropriate.
Code	The Code of Practice developed by Council and attached to the Memorandum of Understanding as Attachment A .
Image Recording Equipment	The Server Computer that records and stores all images captured by the CCTV cameras.
Monitoring Equipment	The monitor and PC from which live footage and recorded images can be viewed.
MoU	The Memorandum of Understanding between Kiama Council and the NSW Police Force LILAC Command.
Recorded Material	The images recorded by the CCTV cameras.
Register of Authorised Persons	The register maintained by the NSW Police Force in accordance with the SOPs.
SOPs	The Standard Operating Procedures attached to the Code.
Council	Kiama Municipal Council.
Police	NSW Police Force Lake Illawarra Local Area Command (LILAC).

TERMS

1. Roles of Parties

- 1.1 Both Parties agree to abide by the Code and SOPs.
- 1.2 The Parties acknowledge that Council:
 - (a) is the owner of the Street Surveillance system including all recording and operating equipment;
 - (b) retains ownership of and has copyright in all equipment, recorded images photographs and documentation pertaining to Kiama Municipal Council Streets Surveillance ;
 - (c) will have in place current public liability insurance policies in the amount of ten million dollars (\$10,000,000.00) in relation to all equipment associated with the Street Surveillance;
 - (d) will install, maintain and replace (when required) the Monitoring Equipment and Image Recording Equipment at Kiama Police Station;
 - (e) will be responsible for access to and use of copies of recorded images generated from the Image Recording Equipment;
 - (f) will meet the reasonable costs of processing requests by the NSW Police Service for access to copies of recorded images stored on the Image Recording Equipment;
 - (g) will endeavour to process requests for access to copies of recorded material stored on the Image Recording Equipment for the Police within a reasonable timeframe;
 - (h) Contractors hold a current NSW Security License before accessing the Image Recording Equipment;
 - (i) will keep and maintain a register of Council Authorised Persons and individual logins used to access the live footage and Recorded Images and for the purposes of providing approved copies of material to the police;
 - (j) will provide training to the NSW Police Force in the operation of the Monitoring Equipment, SOPs and the Code of Practice.
- 1.3 The Parties acknowledge that the NSW Police Force will:
 - (a) Monitor the Kiama Municipal Council Street Surveillance live images and recorded images shown on the Monitoring Equipment as required in accordance with the Code, this MoU and the SOPs;
 - (b) not have access to the Image Recording Equipment;
 - (c) If a copy of recorded images is required, make an application to Council as detailed in the Code and SOPs;
 - (d) Will be responsible for identifying camera, date and time of recorded images required for export from the surveillance system.
 - (e) take all necessary care in using the Monitoring Equipment, and will only be responsible for repairing damage caused by the negligent use of that equipment;

- (f) respond to incidents identified on the Monitoring Equipment to the extent that its resources and priorities allow;
- (g) keep and maintain a Register of Police Authorised Persons and individual logins used to access the live and recorded images, and provide a copy to Council upon request;
- (h) ensure that every Police Authorised Person listed in the Register of Police Authorised Persons is aware of and agrees to abide by the Code, MoU and SOPs;
- (i) not authorise or allow any of its officers to remove any data or photograph, operate any Monitoring Equipment or have contact with any data or photograph at any time unless in accordance with the Code;
- (j) advise Council of any change in existing arrangements for Police contact with and use of Kiama Municipal Council Street Surveillance. Any such changes will amount to a major change to the Code and this MoU and must be agreed in writing in accordance with the Code before being implemented;
- (k) work with Council in the implementation and ongoing work of the Kiama Municipal Council Street Surveillance;
- (l) provide Council, upon request, with crime statistics for the Kiama Local Government Area in order for the Kiama Municipal Council Street Surveillance to be monitored, evaluated and audited;
- (m) abide by the NSW Police Force Code of Conduct and Ethics in relation to their involvement with Kiama Municipal Council Street Surveillance.
- (n) Not provide any image, video or still, to a third party without permission from Council.
- (o) Not display images to the general public or unauthorised persons unless in a court process or as a part of a criminal investigation.

2. Review

- 2.1 The terms of the MoU will be reviewed annually by each party.
- 2.2 This MoU will only be varied by written agreement between Council and the NSW Police Force.

3. Complaints

- 3.1 The NSW Police Force will direct all of its complaints about Kiama Municipal Council Street Surveillance to the General Manager of Council.
- 3.2 Council will direct all of its complaints (non-public) about Kiama Municipal Council Street Surveillance that relate to the Police to the Local Area Commander.

4. General

- 4.1 The MoU is not to be construed as creating any legally enforceable contractual obligations nor any relationship or partnership as defined in the *Partnership Act 1892* (NSW).
- 4.2 The parties expressly acknowledge that this MoU:
 - (a) is not a substitute for any legislation;
 - (b) does not derogate or otherwise affect the parties obligations under the *Privacy & Personal Information Protection Act 1998* (NSW); and
 - (c) cannot override any provision in legislation that is inconsistent with this MoU or any attachment thereto.

Signed by Kiama Municipal Council



.....
General Manager – Michael Forsyth

Signed by NSW Police Force– Lake Illawarra Local Area Command



.....
Superintendent – Wayne Starling

Attachment A

CODE OF PRACTICE

KIAMA MUNICIPAL COUNCIL
STREET SURVEILLANCE

DRAFT

14.4 Cultural Grants and Cultural Board Minutes

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

Delivery Program: 1.2.4 Implement and support community, cultural and artistic activities and development programs

Summary

This report provides Council with; minutes of the March Kiama Cultural Board meeting and seeks approval for recommendations concerning the Cultural Grants and Youth Arts Scholarships, and new Cultural Board membership.

Finance

Cultural Contributions Budget 2014/15

Policy

Cultural Grants Guidelines

Cultural Board Terms of Reference

Community Services Cultural Plan (BERT 2013-2016)

Attachments

1 Kiama Cultural Board - Minutes - 2015 March

Enclosures

Nil

RECOMMENDATION

That Council

1. consider the recommended applications for the August funding round of Council's Cultural Grants:
 - The Vanns Single; \$3000
 - Gerringong Live; \$1700
 - Kiki Bittovabitch 'The Experience'; \$3000
 - Kabari Kabaret; \$3000
2. Note the Cultural Board Minutes, March 2015

BACKGROUND

The Kiama Council Cultural Board Sub Committee met on Tuesday 3 March 2015, to assess six (6) Cultural Grant applications totalling to the value of \$17,173. With funds available for distribution during the February round being \$11,000.

Report of the Director Community Services

14.4 Cultural Grants and Cultural Board Minutes (cont)

The Sub Committee recommended four (4) Cultural Grant applications totalling \$10 700 and a further \$300 to be allocated to the Daisy the Cow fundraising project to the full Cultural Board meeting on Thursday 5 March 2015 which were approved for recommendation to Council.

Cultural Grants

The Vanns New Single \$3,000

Production costs on development and distribution of The Vanns new single.

Gerringong Live \$1,700

Follow up Beats n Eats events at the Gerringong Town Hall, featuring local musicians and dinner.

Cultural Board suggested condition for grant – that the funds are used for payment for the bands only and that only local musicians be used.

Kiki Bittovabitchsh 'The Experience' \$3,000

Marketing Manager costs for Kiki Bittovabitchsh show at the Edinburgh Fringe Festival.

Cultural Board suggested condition for grant - that the show also be put on in Kiama upon return and to provide a talk at the following Arts Biz conference regarding the experience of developing and performing the show and working with a marketing manager.

Kabari Kabaret \$3000

Two carabret/variety shows for Kiama, based on the highly successful model of The Vault in Wollongong.

Daisy the Cow Repairs \$300.00

The Cultural Board's minutes for meeting held 5 March 2015 are included for Councillors information.

**Minutes of the Kiama Cultural Board Committee meeting held on Thursday 5
March 2015 in Council Committee Room 1 at 5.30pm**

Present: Christine Paice, Catherine Carr, Mark Wilmott (via phone), Paula
Gowans, Louise Croker, Judy White

Apologies: Cr Neil Reilly, Ross Eggleton, Gregor Cullen

Previous Minutes

Accepted

Moved: Paula Gowans

Seconded: Catherine Carr

Business Arising

Nil

Community and Cultural Development Officer Report

1. Arts Centre (New)
Budget allocation for development of plans has been included in the 2015/16 budget for consideration by Council.
2. Marketing the Arts
Three new interns started this week to work on a Marketing Strategy for the Kiama Arts sectors. Olivia, Jason and Clare will be in the office on Mondays and Tuesdays
3. Events
KISS Arts Festival was held in January, two events were undertaken in the lead up.

Two Chalk Art Workshops were undertaken, one for the general community and one for advanced artists. A Busking Competition was also held, with 9 acts. Feedback from both events has been positive.
4. Arts Biz Conference
Conference will be held on Friday 1 May and the program is coming together.
5. Kiama Cultural Network
The Cultural Network is growing with new visual artists moving into Kiama and more people joining the blog site and Facebook page.

First Artist Gathering was held at the end of January with 17 in attendance. Next one to be held 23 April.
6. Old Fire Station Community Art Centre
Exhibitor inductions are now being held every six months to ensure exhibitors are clear on the guidelines for use of the facility. Guidelines regarding non commercial, hand-made original work only are being enforced.
7. Daisy the Cow
Fundraising is underway, approx \$1000 has been raised so far. Repairs are currently scheduled for March/April, will need to find a horse float to transport.

8. Exhibitions

Gerringong based artists Penny Sadurbin has been working towards a Pop Up Gallery in Gerringong town centre.

Library Exhibition space guidelines are being developed, hope to launch this project soon.

9. Council Art Collection

Current gifted works (John Cornwell and John Downton) need to be formally put through the requestion process as per the Art Requestion Policy.

Presentation was given to Gerringong Probus in March regarding the art collection, thank you again to Paula Gowans and Catherine Carr for their expertise and being a part of this team presentation.

Dr Catherine Carr is undertaking further research into the collection to improve the level of information available regarding the collections works and artists. This will be useful for future insurance valuation.

10. Public Art

Crab Sculptures loan is progressing; liaison with engineers re sites including the possibility of multiple locations, The small crab has been sold, Nick Guggisberg and Louise Croker to site visit the two remaining crabs Monday 9 March

Public Art Policy - still in progress

10. Arts Honour Roll

Four new inductees presented at the Australia Day Awards.

11. Planning Day

To start review of BERT and reflect on past 3 years of work in the arts.

12. RAWards

Local photographer Ryan North was the Wollongong winner and finalist for the National awards. National awards winner included two Wollongong artists Saltwater Dreamtime (visual Arts) and Its Got Stealth Productions (filmmakers)

Chairperson Election

Mark Wilmott elected at Chairperson

Moved: Paula Gowans Seconded: Chrissie Paice

Chrissie Paice elected as Deputy Chairperson

Moved: Judy White Seconded: Catherine Carr

Cultural Grants

The Cultural Board recommends the following grant applications for approval:

- The Vanns
- Gerringong Live
- Kiki Bittovabitch
- Kabari Kabaret

Moved: Mark Wilmott Seconded: Catherine Carr

Public Artwork

Kiama based sculptor, Mike Tikkeros has indicated an interest in doing a Whale sculpture for Blowhole Point.

Weston sculpture artist, Vivienne Lowe has indicated a need for repairs to her sculpture. Investigations are underway and quotes being sought.

General Business

None

Closed: 7.12pm

Next Meetings:

Art Requestion Sub Committee, Tues 7 April, 9.30am

Planning Day, Tues 14 April, 9am to 3pm

Cultural Board Meeting, Thurs 14 May, 5.30pm

14.5 Blue Haven Advisory Committee

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.4 Deliver quality aged care services to older people in the community across the Shoalhaven, Kiama, Shellharbour and Wollongong areas

Summary

The Terms of Reference for the Blue Haven Advisory Committee have been revised to reflect the inclusion of community aged care as part of the scope of the Committee and to reflect the current requirements of the aged care sector.

Finance

Nil

Policy

N/A

Attachments

1 Blue Haven Advisory Committee TOR

Enclosures

Nil

RECOMMENDATION

That Council endorse the revised Terms of Reference for the Blue Haven Advisory Committee

BACKGROUND

On Wednesday, 4 March a report was provided to the Blue Haven Advisory Committee with a revised draft Terms of Reference (TOR) for consideration. The need to review the Committee follows on from a Council resolution in May 2014:

That Council:

Endorse option one: Retain Control and Ownership of Blue Haven Care, with the necessary structural and system changes needed for Council to continue delivering these services in a sustainable way.

Since that time the Blue Haven Aged Care Facility has introduced an electronic rostering system while IIHS is in the process of introducing a new client management system, iCare, that will be able to meet the requirements of Consumer Directed Care. The organisational structure of IIHS is in the process of being reviewed, while vacant positions in both IIHS and Blue Haven are being filled temporarily until any changes have been determined.

As Blue Haven Care is due to be launched by the end of April, it is now necessary to review the ongoing structure of this Committee, its function and membership. The

Report of the Director Community Services

14.5 Blue Haven Advisory Committee (cont)

May 2014 report to Council highlighted the need to address certain issues that arose out of the Reform Ready Review, including issues around governance. It was therefore recommended that the Blue Haven Advisory Committee become the governing advisory body for Blue Haven Care in its entirety, not just the residential facility and Blue Haven Village as per the current Terms of Reference.

The attached Terms of Reference reflects a new Advisory Committee structure, building on existing expertise, and including Councillor representation, as well as people with relevant skills in areas including Aged and Disability care, Legal, Finance and Business. The role of the Advisory Committee would be to provide expert oversight of the policy framework and high level operation of Blue Haven Care, including monitoring financial performance including the Aged Care Funding Instrument management, reviewing policy and monitoring trends in workplace injury and incident management. As with all Council Committees, minutes of the Advisory Committee would be included in Council's Business Papers along with any necessary Council reports requiring Council endorsement. As the Advisory Committee would not be tied to a Council term, there would be the continuity of governance through continued membership of non-Council members.

At the Committee meeting on Wednesday a number of alterations were made to the draft TOR and the updated version is now attached for Council consideration. If the TOR are endorsed then current Committee members will be advised that the existing Committee is to be dissolved and all will be invited to submit an Expression of Interest to apply for membership of the new Committee. This process was discussed with members at the meeting.

It was also agreed that the new Committee should be fully reviewed after twelve months to determine if it is meeting the intended aims or requires other adjustments.

BLUE HAVEN ADVISORY COMMITTEE

Terms of Reference

Aim of the Committee

To monitor the activities of Blue Haven (comprising Blue Haven Village, Blue Haven Care Home and Blue Haven Care In Home Support) and provide relevant advice to Council. To provide transparency in decision making relating to Blue Haven and encourage inclusive planning processes.

Overview

- The Committee is an advisory committee to Council and is not appointed under Section 355 of the Local Government Act
- The Committee and its members have no delegations to act (Sec. 377 LGA)
- Matters to be considered may be referred to the Committee by Council. Committee members may raise any other matters of relevance to Blue Haven operations at Committee meetings
- Unless authorised by the General Manager, Committee members have no authority to represent the Committee, Blue Haven, or Council, nor to expend funds or incur liabilities
- Committee members have no authority to direct staff
- While Committee members must act in accordance with the Committee's Charter and exercise due diligence, individual Committee members have no personal liability for the Committee's recommendations to Council

Role of Committee

The role of Kiama Council's Blue Haven Advisory Committee will be to assist Blue Haven maintain a high quality service. The Committee will:

- Receive relevant reports from the Executive Officer/General Manager, Director Community Services, DON, ILU Manager, ILU Residents Committee and Community Programs Manager and provide advice and feedback on issues raised including:
 - Financial reporting & ACFI claiming
 - Vacancy rates
 - Work Health & Safety issues
 - New and revised policies

- Provide opportunity for consumer representation in decision making about service delivery, enhancement and coordination
- Strategic planning - give consideration and provide advice regarding new service development and service expansion
- Give feedback and recommendations based on information exchanged with relevant groups or community members represented by the Committee
- Consider management and practice issues, in accordance with Council policies and procedures

Membership

The membership structure of the Committee is intended to facilitate the provision to Council of professional advice, to provide for community representation and to ensure transparency in Council's operation of Blue Haven.

The Mayor is ex-officio Chairperson of the Committee

Council annually appoints three Councillor representatives to the Committee.

A Councillor who is not a member of the Committee is entitled to attend subject to sec 263 Local Government (General) Regulation 2005 .

Council annually considers the appointment of seven community representatives.

Appointment of Committee members

- Council annually appoints the Councillor and community representatives of the Committee.
- At the December Committee meeting each year, the Committee will make recommendations to Council as to the positions of Chairman and Vice Chairman, who shall, subject to Council's ratification, hold office for the ensuing calendar year.
- The role of the Chairman (and vice chairman in the absence of the Chairman) is to chair meetings and to undertake such other duties as determined by Council from time to time. The Chairman has no authority to act without the General Manager's prior consent.
- Members must be willing to sign a disclosure form on appointment and annually, indicating if they have any conflict of interest that may impact their ability to undertake their role on the Committee.

Conflict of interest/conflict of duty

- Section 446 of the LGA provides that advisory committee members are not subject to the same official disclosure requirements as Councillors and staff.
- In order to assist Community Representatives to determine whether a potential conflict of interest or a potential conflict of duty may reasonably be perceived to exist, they shall be kept aware of relevant guidelines issued by the NSW Ombudsman and the Department of Local Government.
- Where an unforeseen conflict of interest or conflict of duty may reasonably be perceived to exist, the Community Representative shall withdraw from the meeting and this shall be recorded in the minutes.
- Where the potential or perceived conflict is in permanent conflict with the criteria for the selection of new Community Representatives, the member shall be required to resign from the committee
- A Committee member who either themselves, or their relative:
 - occupies an Independent Living Unit at Blue Haven
 - receives a service from Blue Haven Care
 - is resident of the aged care facilityshall be required to manage any conflict of interest or conflict of duty, as may reasonably be perceived to exist, in the manner described in this section.
- Employment by, or membership of, the Board of another retirement village, aged care facility or aged care community service organisation, may represent a potential or perceived conflict of interest. Such membership must be disclosed when applying for membership, or when the situation arises for an existing member, for consideration by Council as to whether a conflict exists. Such employment or membership does not immediately exclude membership of the Advisory Committee.

Process and criteria for the selection of new Community Representatives

A public expression of interest will be advertised to fill vacancies on the Committee Members will be selected for the Committee with the aim of achieving a mix of professional skills and interest. Members may be individuals or may represent a community organisation or be a consumer advocate.

Process:

- When a vacancy occurs, the Committee shall select an appropriate person from the list of persons who have responded to an advertisement calling for expressions of interest to become a Community Representative and who have met the following criteria.
- Where there are no persons on this list, a new expression of interest will be advertised.

Essential criteria:

- A strong interest in the well being of the aged, people with a disability and related issues
- A commitment to the mission and values of Blue Haven
- Preparedness to work on a voluntary basis

Desirable criteria:

- Qualifications and/or relevant experience in aged care or disability services
- Relevant business skills and/or experience in a professional field such as:
 - Finance/ accounting
 - Nursing or allied health
 - Marketing
 - Legal
 - Work health & safety
 - Strategic planning
- Preparedness to make a constructive and positive contribution to the deliberations and work of the Committee

Meetings

- Ordinary Committee meetings are held on the first Wednesday of March, June, September & December each year. Meetings dates may be changed by agreement of the Committee
- The Annual General Meeting of the Committee is held in October each year and is advertised as being open to the public. The purpose of the AGM is to present an overview of Council's operation of Blue Haven in the preceding 12 months including the Annual Financial Statements.
- Committee meetings shall be conducted in accordance with the Local Government Act.
- Public notice of Committee meetings is not required (sec. 9 LGA).
- While the public is not specifically entitled to attend Committee meetings (sec. 10 LGA), the public is not excluded from the open portion of Committee meetings. Village Residents are to be encouraged to attend the open portion of Committee meetings.
- The General Manager, Director of Community Services, DON/Facility Manager, ILU Manager, Administration Manager and Community Programs Manager shall attend all Committee meetings. Other Council staff may be invited to attend Committee meetings on specific issues
- All persons attending Committee meetings shall have due regard to the need for confidentiality and privacy relating to matters discussed at Committee meetings and to adhere to Council's Code of Conduct.

Minutes

- Minutes of Committee meetings are to be distributed with the next Committee paper.
- Committee minutes are presented to Council for ratification and action.
- Recommendations from the minutes requiring a Council motion will be included in a report from the General Manager or Director Community Services to the next Council meeting.

Quorum

- Section 260 of the Local Government (General) Regulation 2005 applies.
- Council has determined a quorum of six Committee members.

Notices of meeting

- The Committee paper shall be distributed one week prior to the Committee meeting.
- In addition to Committee members and other Councillors and staff, a copy of the Committee Paper shall be made available to the Independent Living Units and the Blue Haven Resident's Committee, for circulation among interested Residents

Sub-committees

With the approval of Council, the Committee may establish sub-committees to assist, advise, investigate and report on specific issues.

Modification of Charter and review of Committee structure

After consultation with the existing Committee, Council may by resolution at any time, amend the Committee's Charter and re-determine the Committee's structure.

The Committee will be guided by principles of diversity, access and equity in the selection of new membership (see selection criteria).

The Committee and Terms of Reference will be fully reviewed twelve months after the establishment of the Committee.

Orientation and Information

All members of the committee will be provided with an orientation package containing information relating to the function of the Committee. Members of the Committee can also request access to:

- Blue Haven policy and procedures
- Council's integrated planning documents: Community Strategic Plan, Delivery Program and Operational Plan

Rights and Responsibilities of Members of the Blue Haven Advisory Committee

Each member of the Committee has a right to:-

- Expect to be treated with courtesy and respect by staff and other Committee members
- Be enabled to participate fully in the Committee eg. meeting spaces will be fully accessible
- Have their contribution heard by other members
- Make constructive criticism of Blue Haven operation and management.

Each member of the Advisory Committee has a responsibility to:-

- Abide by Council's policies and meeting procedures in regard to issues such as conflict of interest and confidentiality
- Act in accordance with the specified role of the committee
- Conduct themselves ethically and represent Blue Haven in a positive way
- Attend advisory committee meetings or, if unable to attend, send apologies
- Not take action in matters relating to Blue Haven without the express consent of Kiama Council, and not interfere with day to day operations
- Not discuss confidential issues with people outside of Blue Haven
- Treat all Blue Haven consumers, staff or other committee members with respect.
- Follow Kiama Council grievance procedures to resolve any conflict

Termination of Membership

Council management reserves the right to terminate membership in the instance of a serious breach of the above responsibilities.

15 REPORTS FOR INFORMATION

15.1 Folk by the Sea - 2015 Event

Responsible Director: Corporate and Commercial Services

At the February 2015 meeting of Council Councillor Reilly advised that the organisers of Folk by the Sea are finding it difficult to secure a date and venue for the September 2015 event and would like some guidance on this.

Upon investigation it was confirmed that the booking at The Pavilion Kiama for 4-6 September 2015 for Folk by the Sea was confirmed in October 2014. It appears that miscommunication within the club led to some confusion. The following week is booked for the Hot Rod club, therefore making two weekends not being available in September this year for weddings.

Council has an agreement with The Pavilion Kiama's caterers that where possible it will limit community bookings to one Saturday night in September of each year.

It is understood the folk calendar is difficult to change, however given the need to work with the wedding caterers (September is the start of the peak wedding season) and also that we have the local government election in September 2016, it is suggested we agree to the use of The Pavilion Kiama for September this year, but seek to negotiate a late August date next year with both Folk by the Sea and the Hot Rod club. Otherwise next year there will be three Saturdays not available for weddings.

15.2 Kiama CBD Parking - Question without notice

Responsible Director: Environmental Services

During the February 2015 Council meeting Councillor Rice requested a report on parking overstays throughout the timeframe of the Kiama weekend markets.

Currently Council employs a permanent part-time Parking Patrol Officer/Ranger 22.8 hours per week tasked to undertake parking patrol inspections and other regulation duties.

As part of Ranger Services roster arrangements the parking patrol/ranger is rostered on to undertake parking enforcement on weekend market days (excluding annual leave).

The Kiama CBD parking areas are boarded 2P, 1P and 1/2P restricted parking zones.

These areas are inspected on a rotation basis with a view to assist traffic flow, provide safety for drivers and pedestrians and provide access to the sharing of limited parking space.

For information, the Seaside Market day 18 January 2015, the 2P Terralong Street restricted parking area was targeted with 7 penalty notices issued and the market day on Sunday 15 February 2015 the 2P Collins Street restricted parking area was targeted with 2 penalty notices issued plus 1 penalty notice for a vehicle unattended in the "No Stopping" area in Shoalhaven Street opposite the market entrance.

15.3 Economic Development Committee Minutes.

Responsible Director: Corporate and Commercial Services

The minutes of the Economic Development Committee meeting held on 17 February 2015 are enclosed.

Enclosures

- 1 Economic Development Committee Minutes - 17 February 2015

15.4 Reporting on the 2014/15 Operational Plan and 2013/17 Delivery ProgramResponsible 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 and the 2013-17 Delivery Program. Council currently reports on the Operational Plan quarterly and on the Delivery Program every 6 months.

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 6 months to end of December include;

Community care support programs for people with a disability have seen an increase in the number of hours provided which is due largely to the introduction of a number of new programs.

Council continues to see (and responds to) a high demand for Community Care case management services for people with a disability.

Council now has a comprehensive list of accessible sites to enable people with mobility issues to be aware of where accessible cafés, restaurants and other places of interest are. This information is now available on our website.

Our Aboriginal Reference Group has met now on a number of occasions and the Aboriginal Liaison Officer has undertaken visits to schools and other community organizations in an attempt to attract more interest for community members to join the reference group.

Councils Youth Engagement Officer completed an education program to assist year 6 children transition to high school. In addition the Youth Centre continues to work with students from Kiama High school and careers advisers to identify future employment opportunities.

Library Services have successfully introduced a new story time program at Gerringong Library which has resulted in new memberships and increased use of the facility.

Services offered at the Leisure Centre, particularly towards the end of the year have resulted in maximum bookings for use of the pool, learn to swim as well as school holiday activities including gymnastics and indoor sports. Income and expenditure for Leisure Centre operations remains on target.

Council has been successful in attracting additional Consumer Directed Care (CDC) packages with an increase up to 120 level 1 & 2 packages.

Commonwealth HACC Social Support services have increased significantly.

The Age Friendly project coordinated through Community Services was completed during the reporting period. This project is designed to see identification across all of Council's operations in ensuring aged care requirements and opportunities are considered.

Reports for Information

15.4 Reporting on the 2014/15 Operational Plan and 2013/17 Delivery Program
(cont)

The CCTV project gathered momentum during the period with the tender process completed and awarded. Works commenced early 2015 with the system fully operational expected by end of March.

As part of Councils new road asset creation program the Blowhole Point link road was completed. Stage 5 of the Swamp Road cycle way was also completed on budget and due to efficiencies in the process, additional length of cycle way was able to be constructed.

Other infrastructure activities include the completion of the Gerringong Netball and Men's Shed roof replacement and installation of shade sails in Coronation Park and the completion of Jones Beach shade sails over the playground.

Design plans for the decommissioning of the Jerrara Dam were completed.

Council's very successful waste management program has resulted in recycling programs being implemented across all five Council holiday parks. The Master Plan for the new waste transfer and community recycling facility was finalized.

Areas where progress hasn't been at the level expected or where some activities may have slowed, for various reasons, include;

Extended employee leave has adversely impacted on some of the Community Care Support program budgets during the latter part of the year. However this is a short term impact and is due largely to relief staff being employed for longer than expected.

A restructure of the Home Maintenance program, as part of the Community Care Support Program in the first half of the reporting period resulted in behind target hours of service. The restructure was necessary to ensure the long term financial sustainability of the program, and towards the end of the 6 month period the key indicators had moved to being on target.

The budget for Personal Care Services as part of the Community Care Support Program was behind target due to incorrect allocation of costs. This issue has been recognised and will be addressed at the next budget review.

A temporary decrease in demand for grant funded individual transport for disadvantaged people has resulted in a reduction in the number of trips required to meet funding targets. A restructure of the program should in turn this result around in the first half of 2015.

There was a reduction in the number of Development Applications being processed within the 40 day statutory period. Toward the last half of the reporting period, of the 100 DA's processed, 65% were determined within the 40 days. Extended leave by staff during the period was reported to be the catalyst for this. Similarly, only 51% of referrals to the engineering development assessment branch were completed on time (within 14 days). The average referral time was 19 days and due largely to the resignation of the engineering cadet.

An independent review of Council's risk status has resulted in a number of actions required to mitigate risk in the areas of s.149 data integrity, events management and some risks with various asset classes. All these issues however are

Reports for Information

15.4 Reporting on the 2014/15 Operational Plan and 2013/17 Delivery Program
(cont)

recognised and appropriate actions are being developed to mitigate or ameliorate these risks.

Ongoing due diligence of the 'Hospital site' revealed asbestos contamination across part of the property. The contamination report revealed a remediation estimate of approximately \$2.6m. This figure has however, been factored into the financial modeling and the results show the project remains financially sustainable.

Enclosures

- 1 Report to Council - OP - Ahead of target - Feb 2015
- 2 Report to Council - OP - Completed - Feb 2015
- 3 Report to Council - OP - Behind Target - Feb 2015
- 4 Report to Council - OP - On target - Feb 2015
- 5 Report to Council - OP - Not in this period - Feb 2015
- 6 Report to Council - DP - Ahead - Feb 2015
- 7 Report to Council - DP - Not in this period - Feb 2015
- 8 Report to Council - DP - Completed - Feb 2015
- 9 Report to Council - DP - On target - Feb 2015

15.5 Local Government Elections

Responsible Director: Corporate and Commercial Services

At the February 2015 Council meeting it was resolved;

‘That Council seek a report on the recommendations of the Parliamentary Committee on elections and the requirements of the Election Funding Authority in relation to candidates having independent agents.’

The Joint Standing Committee on Electoral Matters, chaired by Gareth Ward MP was established to inquire into the 2012 Local Government Elections.

One of the items of reference of the committee was to inquire into and report on the 2012 Local Government Elections with particular reference to:-

‘(e) The impact of requirements under the Election Funding and Disclosures Act on participation by candidates in Local Government elections and possible legislative changes to remove any barrier to participation.’

Within the parameters of that particular term of reference, the committee looked at a range of issues including:

- the need for candidates to disclose to the Electoral Funding Authority details of all donations received and electoral expenditure incurred and in particular, if the donation/expenditure exceeded \$2,500, the disclosure needed to be accompanied by an audit certificate. In addition if candidates receive donations or incur expenditure greater than \$1,000, they must set up a campaign account.

The disclosure of the expenditure was seen to be overly complicated and an unnecessary burden on the candidates. Following consideration of the various submissions the committee recommended:

‘6 that the Government raise the threshold for a candidate to open a campaign account to \$2,500 indexed annually by the CPI.

- the need for a candidate standing for election to appoint an official agent being responsible for ensuring that the candidate complies with relevant legislation, particularly when handling the campaign finances.

On balance the committee found that the mandatory requirement to appoint an official agent is acting as a significant deterrent to a number of potential candidates.

The committee subsequently recommended:

‘7 that the Government remove the mandatory requirement for a candidate to appoint an official agent, but that candidates may choose to appoint an official agent if they wish.’

The NSW Electoral Commission has advised that while some of the committee’s recommendations have been enacted, this one relating to an official agent has not. At the time of writing we are still awaiting advice from the Commission on the status of this matter.

15.6 Youth Centre Change of hours of operationResponsible Director: Community Services

This report is to inform council of the change in operational hours of the Youth Service as a result of updating the service delivery model and rebranding the service as SENTRAL Youth Services. A change in the hours of operation will be rolled out to allow us to fulfil programs and activities under the SENTRAL model.

The SENTRAL model of service focuses on skills development, creating employment and education opportunities, meeting the needs of young people in Gerringong, Jamberoo and Kiama Downs through our 'Pop Up Youth Centre' and working in partnerships with local service groups and education providers. These new innovations will complement the core role of the Youth Workers which is to provide assistance and referral on a wide range of youth issues including counselling, drug and alcohol education and general health and well being.

A change of hours was identified through consultations with young people who requested we stay open later past our current 5pm closing, so that programs including cooking classes and living skills programs could be made available. With the installation of our commercial kitchen, it opens up possibilities to implement these programs.

Through the recording of statistics of users of the Centre on weekends, it was also apparent that attendance at the Centre was very low on Sundays and that staff costs were better utilised on a Thursday night, which is the night we have identified to stay open until 8pm.

It is the aim of the service that through the SENTRAL model, young people will attend the Centre for a specific purpose, including attending programs or speaking with a Youth Worker. This will allow us to be more effective with our service delivery and create more opportunities for young people, with community development based outcomes.

The new hours of operation will be:

Tues: 9 – 5pm

Wed: 10 – 6pm

Thurs: 10 – 8pm

Fri: 9 – 5pm

Sat: 9 – 5pm

Sun: Closed

15.7 Pop Up Youth Centre / Kiama Rotary partnershipResponsible Director: Community Services

Kiama Youth Centre and Kiama Rotary have worked in partnership for the last 10 years. The support provided by Kiama Rotary has been invaluable, not just through material and financial donations, but through mentoring, community support and lifting the perception of the Youth service into a valuable and credible service for young people in the community.

Kiama Rotary has been instrumental in our transition to SENTRAL Youth Services, from rolling up their sleeves and helping us paint the Cottage and remove the old kitchen, to recently purchasing a branded SENTRAL marquee. The marquee will be well utilised for our 'Pop Up Youth Centre'; or as we like to call it, SENTRAL Stations.

Their unwavering support and belief in us and what we are doing, has been greatly appreciated by staff and young people alike.

SENTRAL Stations will be set up in outreach areas of the Municipality each Wednesday, primarily to: engage young people who may feel geographically isolated, promote the service to parents by providing information and assistance on youth issues, and to promote the brand of SENTRAL.

This strategy will allow us to work with more young people in areas including Gerringong, Jamberoo, Gerroa and Kiama Downs, hold information stalls at markets, and meet and talk with parents or carers who can gain a better of understanding of what SENTRAL is and what we do.

Youth Workers Jess Kearns and Dylan Powell will be departing for our first stop on Wednesday 11 March from 4 – 6pm, and every Wednesday throughout 2015.

15.8 Youth Advisory Committee

Responsible Director: Community Services

Minutes of the Kiama Youth Advisory Committee meetings held on Wednesday 18 February 2015 and Wednesday 4 March 2015 at Kiama High School are included in Councillors' envelopes.

Enclosures

- 1 Minutes Youth Advisory Committee meeting 18 February 2015 - PDF
- 2 Minutes Youth Advisory Committee 4 March 2015 - PDF

15.9 South Coast Cooperative Libraries - Annual General MeetingResponsible Director: Community Services

The Annual General Meeting of the South Coast Co-operative Libraries was held on Tuesday 17 February 2015. The minutes of the AGM are included in the enclosures. Clr. Kathy Rice, Director of Community Services Clare Rogers and Manager Library Services Michelle Hudson attended the meeting. It was resolved by the meeting that the presentation of the Annual Report 2013-2014 for the South Coast Co-Operative Libraries be received for information and are also included in the enclosures. Library Managers from the three member libraries provided an overview of their library services during the reporting period.

Enclosures

- 1 Minutes South Coast Cooperative Libraries Annual General Meeting 2015
- 2 South Coast Cooperative Libraries - Annual Report 2013-2014

15.10 Parking Statistics - February 2015

Responsible Director: Environmental Services

The following are parking statistics for February 2015:

- 70 Parking patrols completed.
- 22 Infringements issued.

15.11 Kiama Hospital RedevelopmentResponsible Director: Community Services

On Friday 27 February, the Restart Illawarra Funding Deed, signed by the General Manager, was delivered to the NSW Treasury Office. This was achieved prior to the official commencement of the government's caretaker period. It will now need to be signed by the Treasurer to finalise the agreement.

In January Council endorsed the appointment of Premier Consulting in a Development Manager role for the hospital project. This has occurred and Premier are now working with staff to engage a range of consultants required to provide input into the development of the DA documentation. Premier have provided an indication of costs for consultant work leading up to DA lodgement, including their own fees, being approximately \$490,000. A detailed breakdown of expected costs can be found in the enclosures. Statutory fees and charges required to lodge the DA will be an additional cost.

Enclosures

- 1 15 17279 Kiama Hospital Project - Estimated Consultant Fees leading up to DA

15.12 Droppoint Success StoryResponsible Director: Corporate and Commercial Services

The NSW Department of Trade and Investment has established a series of case studies to enable it to actively market the region as an excellent place to do business.

Local Kiama business, Droppoint, has been showcased as a positive, diverse business that is thriving in a regional and global market from its Kiama base. This case study highlights the many advantages of operating a regionally based business, and these include:

- a highly skilled loyal workforce
- world class graduates from the University of Wollongong
- quality infrastructure and access to the NBN.

Droppoint was one of the local businesses involved in the *iUnivariate Program* in 2014 - a joint program between Council and the University of Wollongong. The results from this program were so successful that Droppoint has employed one of the students involved in the program and has also implemented outcomes developed from that program.

For more information on Droppoint please see the attachment.

Attachments

- 1 Droppoint Case Study - March 2015



ADVANTAGE WOLLONGONG
CASE STUDY

Droppoint services Australia from Kiama

When brothers Richard and Peter Asquith and their business partner Gareth Thomas established logistics services provider Droppoint in 2004, they feared they would need a Sydney business address to attract blue chip companies as customers for their planned nationwide network.

Brothers Richard (left) and Peter Asquith who established logistics services provider Droppoint with business partner Gareth Thomas.

But after working in senior national and international roles, Richard in Information and Communication Technology (ICT) and Peter in Management Consulting, both were eager to return home to the Illawarra to establish their own business in the idyllic seaside town of Kiama, just south of Wollongong.

A decade on, with a portfolio of customers that includes global companies like Coca-Cola Amatil, Konica, Ricoh, Canon, Xerox and Gilbarco, and expansion into New Zealand and the United States, Droppoint is proof that regional-based businesses have advantages that allow them to thrive in a national and international business environment.

In Droppoint's case, those advantages include:

- a highly skilled, loyal workforce who appreciate the coastal lifestyle, short commute and lower property prices in the Illawarra;
- access to graduates from the world-class University of Wollongong for a range of business functions from accounting to ICT and marketing;
- lower base price for quality professional services; and

- quality infrastructure including Kiama being one of the first towns in Australia to be connected to the National Broadband Network (NBN) and working with the region's burgeoning ICT sector to develop state-of-the-art business software.

Droppoint has established a network of 24-hour outlets across Australia's major cities, and partners with major transport companies to offer a service for field technicians, who can pick up parts, technical information and equipment delivered overnight. Droppoint's service allows the technicians to simplify their van stock while avoiding costly, time-consuming trips to the company warehouse to collect parts and equipment - greatly improving productivity.

Since Droppoint introduced the concept to Australia and built up its network of "drop points" at convenient locations such as 24-hour petrol stations on major arterial roads, it has been enthusiastically embraced by service companies. They use it extensively to supply their field technicians whose work includes repairing petrol pumps (Gilbarco), vending machines (Coca-Cola) and copiers and other

office equipment (Konica, Ricoh, Canon and Xerox).

Droppoint started in a one-room office in 2004 but its headquarters is now one of Kiama's iconic heritage-listed commercial buildings, a former bank. Its Australian operations employ 15 people at the Kiama head office, as well as state service managers in each state capital.

Richard, who is the company's Executive Director with a responsibility for the technology side of the business, said access to the NBN gave Droppoint a distinct commercial advantage.

"We are an information and knowledge-based business that transmits a high level of data every second of every day. We need to be connected to our customers in the smartest possible way," he said. "We recently revamped our hardware and software (with the help of Illawarra-based software development company Compuease) and being connected to the NBN is of key importance for us. Without it we would really struggle."

He said since Droppoint started a decade ago he had seen what he described as an explosion of the

region's ICT capability. "When we started there were limited ICT service companies in the region, but now we can meet all our needs here, from our software developers to the company that handles all our production hosting and servers (Aftershock)."

Peter, the Managing Director, said Droppoint is proud of its regional location.

"In the early days we tried to look like a Sydney company, but now we are proud that our global office is here in Kiama," he said. "We actually see a natural advantage in working with local companies, like the ICT companies and our lawyers (RMB Lawyers), who are as good or better than those in Sydney and have a significant price advantage."

Richard said Droppoint had also benefitted from being part of NSW Trade & Investment's Jobs Action Plan for payroll tax rebates, the Federal Government's Enterprise Connect program and the University of Wollongong's Univative work experience program, which had introduced the company to talented students who joined the company as employees when they graduated.



For more information
(02) 4233 2600
www.droppoint.com.au



Trade & Investment



15.13 Footpath at Park Road, GerroaResponsible Director: Engineering and Works

Council allocated funding of \$35,000 and \$40,000 in the 2014/15 delivery program to construct a footpath in Park Road and Riverleigh Avenue, Gerroa respectively.

A concept plan was forwarded to the Gerroa Community Association advising of the proposed footpath construction and seeking their comments on the projects.

Council has received a response from the Association indicating its support for the construction of a path in Riverleigh Avenue, but are opposed to the construction of the footpath in Park Road. The Association's letter states that they sought opinions from Gerroa residents, with reasons for the opposition of the Park Road footpath being:

- The road is a "no through" road and carries minimal traffic and therefore the path is not required as a matter of safety.
- The path would detract from the natural beauty of the river and reduce the area available for people to picnic on the grass area adjacent to the river.

It should also be noted that construction of the path on the northern side of Park Road adjacent to the houses is not achievable due to the narrow nature strip and existing utilities.

Based on the above it is proposed that the construction of the footpath in Park Road not proceed.

Reports for Information

15.14 Kiama Development Industry Committee Meeting held on 17 February 2015 - Minutes

Responsible Director: Environmental Services

Enclosed in Councillors' envelopes are the minutes of the Kiama Development Industry Committee Meeting held on 17 February 2015.

Enclosures

1 Minutes

Item 15.14

15.15 Swing Moorings - Kiama HarbourResponsible Director: Engineering and Works

At Council's meeting of 10 February 2015, Councillor McClure raised a Question Without Notice requesting an investigation and report on the installation of a swing mooring in Kiama Outer harbour to enable visitor moorings for vessels that cannot gain access to the jetty.

Council has consulted with technical specialists from NSW Maritimes who have advised they would not be in favour of swing moorings in the outer harbour for the following reasons:

- The mooring would present a navigational hazard to boats entering the harbour and wharf area;
- The shallow depth of water in the harbour area at low tide;
- Insufficient swing room for moored vessels within the harbour. Generally these require a 100 metre diameter clear area for larger boats;
- Potential liability / safety issues if a large vessel is moored and is washed onto nearby rocks in heavy swells.

NSW Maritimes advised they are currently investigating other alternatives in the region including 'The Farm' and Gerroa, but do not consider Kiama Harbour would be suitable at this stage.

15.16 Kiama CBD ParkingResponsible Director: Engineering and Works

At Council's meeting of 10 February 2015, Councillor Seage raised a Question Without Notice requesting an investigation into the maximisation of CBD parking such as angle parking on the westerns side of Collins Street and Eddy Street as opposed to parallel parking.

A preliminary investigation of these two streets indicates there may be potential to implement angled parking for a portion of Collins Street towards the Leagues Club, to increase the number of on-street spaces. However it appears Eddy Street may be of insufficient width to implement angled parking in compliance with Austroad guidelines and Australian Standards.

Nevertheless, this item will be included onto Council's works program to investigate in detail the opportunities to maximize parking spaces in these and other streets in the vicinity of the CBD.

15.17 Bombo Headland Quarry

Responsible Director: Engineering and Works

At Council's meeting of 10 February 2015, Councillor Steele raised Questions Without Notice requesting a report on the cost, feasibility and safety issues of a viewing platform and stairs at the Bombo Headland Quarry.

Due to complexity of the proposals, Council staff are still investigating the matters and will provide a report to a future Council meeting.

Item 15.17

15.18 Kiama Continental Rock Pool

Responsible Director: Engineering and Works

At Council's meeting of 10 February 2015, Councillor Seage raised a Question Without Notice requesting a report on the estimated costs and timeframes for a complete upgrade and cleaning of the Kiama continental pool situated at Black Beach.

This matter is still being investigated by staff and will be reported at a future Council meeting.

15.19 South Precinct Meeting Minutes

Responsible Director: Office of the General Manager

The Minutes of the South Precinct Meeting held on 10 February 2015 are enclosed for your information.

Enclosures

- 1 Minutes of the South Precinct Meeting - 19/02/15

15.20 Illawarra Centenary of Anzac ScholarshipsResponsible Director: Office of the General Manager

Some years ago Council agreed to provide \$10,000 sponsorship for the Illawarra Centenary of Anzac scholarships established by the Illawarra Centenary of Anzac Committee. The scholarships will contribute \$5000 a year towards two successful recipient's degrees.

The two Illawarra teenagers named recipients of the Illawarra Centenary of Anzac scholarships for 2015 are Tayla Hognog of Barrack Heights and Jai Thompson of Stanwell Park who are both first year students at the University of Wollongong. The scholarship applicants had to be direct descendants of Australian or New Zealand Veterans, involved in war or peacekeeping operations.

Ms Tayla Hognog's late father served in Malaya during confrontation. Mr Jai Thompson's great grandfathers both served in World War I and one of them served in World War II.

Ms Tayla Hognog is enrolled in a Bachelor of Nursing degree and Jai Thompson is enrolled in a Bachelor of Science degree. A letter of congratulation has been forwarded to each of the successful recipients.

15.21 Graffiti and Utility Covers - Bong Bong & Thomson Streets, KiamaResponsible Director: Engineering and Works

At Council's meeting of 10 February 2015, Councillor Seage raised a Question Without Notice requesting a letter be written to the owner of the mower shop in Bong Bong Street asking for the removal of graffiti from the side of the building and that Council also smooth the protruding utility plates in the centre of Thomson Street near the Blue Haven Stage 5 entrance.

It is advised that inspection of the Bong Bong Street shop by Council staff has revealed that the graffiti has already been removed.

In terms of the utility plates in Thomson Street, Council will make a request to Sydney Water to have the water hydrant covers reduced in level to be consistent with the surrounding pavement. This work would be completed as part of Sydney Water's maintenance program, however a completion timeframe is unknown at this stage.

15.22 Kiama Health & Sustainability Committee Minutes

Responsible Director: Community Services

Minutes of the Kiama Health & Sustainability Committee meeting held on Thursday 29 January 2015 are included in Councillors' envelopes.

Enclosures

- 1 Kiama Health and Sustainability Committee minutes 150129

15.23 Successful Liveable Communities Competition ApplicationResponsible Director: Community Services

This report is to inform Council of a successful application to the NSW Government Liveable Communities Competition. In December 2014, the Manager of Community & Cultural Development submitted an application in the name of the Dementia-friendly Partnership with a proposal for Council to employ a coordinator to work 14 hours per week in the Kiama Dementia-friendly Community Project. The role will be to implement strategies to address identified barriers to participation in the community that people with dementia and their carers experience in Kiama. Sixty thousand dollars was applied for, with \$50,000 being offered. Recruitment will begin shortly.

15.24 Council Chambers - Audio SystemResponsible Director: Corporate and Commercial Services

Following performance issues relating to the Chamber audio system a new amplifier and speakers have been installed. The new facility has been tested locally and through the streaming systems.

The new facility provides the following options:

- 1 **Web Streaming**
audio recording and streaming externally with the 'on air' light on
- 2 **Confidential**
audio recording without streaming externally with the 'on air' light off
- 3 **Off**
no recording or streaming with the 'on air' light off

The system uses directional microphones which achieve optimal performance when users speak directly into the microphone at a distance of 10-20cm.

16 ADDENDUM TO REPORTS**17 NOTICE OF MOTION**

Nil

18 QUESTIONS WITHOUT NOTICE**19 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 17 March 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 STATEWIDE MUTUAL, METRO POOL AND UNITED INDEPENDENT POOLS

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

20.2 TENDER FOR THE CONSTRUCTION OF A NEW AMENITIES BUILDING AT KENDALLS BEACH HOLIDAY PARK

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. 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 CONFIDENTIAL REPORTS

20.1 Statewide Mutual, Metro Pool and United Independent Pools

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

CSP Strategy: 4.6 Minimise risk to ensure continuity of critical business functions

Delivery Program: 4.6.2 Manage the Insurance Portfolio to minimise exposure

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.

20.2 Tender for the Construction of a New Amenities Building at Kendalls Beach Holiday Park

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.1 Coordinate the management of Kiama Coast Holiday Parks as viable business entities

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

21 CLOSURE