



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 17 November 2015

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order

of Business

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

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

16 November 2015

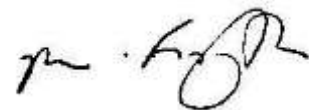
To the Chairman & Councillors:

NOTICE OF ORDINARY MEETING

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

11 Manning Street, KIAMA NSW 2533 on **Tuesday 17 November 2015** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Michael Forsyth
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 17 NOVEMBER 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 20 October 2015

Attachments

1 Minutes - Ordinary Council - 20 10 15

Enclosures

Nil

RECOMMENDED

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



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 20 OCTOBER 2015

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 20 OCTOBER 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, Acting
Director Corporate and Commercial Services, Director
Engineering and Works and Director Community Services

1 APOLOGIES

Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council on 15 September 2015 -

15/363

Resolved that that the Minutes of the Ordinary Council Meeting held on 15 September 2015 be received and accepted.

(Councillors Sloan and Steel)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

5 PUBLIC ACCESS

Mr John Salmon – Item 7.1 Traffic Committee Minutes – 5. Kiama High School – Pedestrian Safety Issues

Mr Robert Gizzi – Item 9.1 Lot 2 DP 155220 No 30 Barney St, Kiama - demolition of existing dwelling and construction of 5 x 3 storey units (10. 2015.162.1)

Mr Terry Whelan – Item 13.5 Gerringong Men's Shed – Jubilee Oval Gerringong facility

6 MAYORAL MINUTE

6.1 State Government Response to Request for Policy

15/364

Resolved that the item be received and noted.

(Councillors Petschier and Way)

6.2 Mayor's Giving Tree - Support for Local Children

15/365

Resolved that Council endorses the 2015 Mayoral Christmas Tree Appeal.

(Councillors McClure and Rice)

16.1 University of Wollongong Fellowship and Alumni Awards

15/366

Committee recommendation that Council congratulates Ms Kimberley Abbott, Dr Diann Rodgers-Healey and Ms Stephanie Puris on their achievements and recognition.

(Councillors Rice and Way)

16.2 Mr Brian Sharpe (OAM)

15/367

Committee recommendation that Council holds a minutes silence in the memory of Mr Brian Sharpe OAM.

(Councillors Rice and Way)

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

16.3 Illawarra Regional Information Service (IRIS)

15/368

Committee recommendation that the report be received and noted.

(Councillors Rice and Way)

16.4 Local Government NSW 2015 Annual Conference

15/369

Committee recommendation that Council:

1. Receive and note the report.
2. Investigate the installation of the fishing vending machines in suitable locations.

(Councillors Steel and Rice)

16.5 IPART Report on Fit for the Future -

15/370

Resolved that Council approves of a briefing being held to examine the IPART report and to develop an appropriate response.

(Councillors Way and Honey)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes

15/371

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 6 October 2015 be received and accepted subject to the change to item 5 below:

1. Council defers Item 5 Kiama High School Pedestrian Safety until such time as a thorough investigation can be conducted and a report brought back to Council.
2. Council seek assistance from the NSW Police with the enforcement of traffic regulations at this location in addition to the Council Rangers. Further that Council investigate the potential for the use of CCTV.

(Councillors McClure and Reilly)

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

COMMITTEE OF THE WHOLE

15/372

Resolved that at this time, 5.39pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Rice and Sloan)

8 PUBLIC ACCESS REPORTS

15/373

Resolved that at this time, 5.40pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Rice and Sloan)

9.1 Lot 2 DP 155220 No 30 Barney St, Kiama - demolition of existing dwelling and construction of 5 x 3 storey units (10. 2015.162.1)

15/374

Committee recommendation that Council defer consideration of development application 10.2015.162.1.

(Councillors Sloan and Seage)

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

Against: Nil

13.5 Gerringong Mens Shed Inc - Jubilee Oval Gerringong facility

15/375

Committee recommendation that :

1. Council endorse the exclusive use of the Gerringong School of Arts Hall as a

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

temporary storage facility by the Gerringong Mens Shed Inc. for the period of time before the proposed new facility is occupied.

2. Council donate the standard hall hire fees for the Gerringong School of Arts hall for the corresponding period.
3. Council provide landowner's consent to the lodgement of a development application by the Gerringong Mens Shed Inc. for a mens shed on part Lot 7010, DP1026773, Blackwood Street Gerringong,
4. Council provide, subject to a development application being approved, in-principle support to a mens shed facility on the subject land and that a licence agreement be entered into for the establishment of a future mens shed on the land at that time and that delegated authority be given to the General Manager to sign a licence agreement.

(Councillors Steel and Way)

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.2 Revision of Chapter 12 – Kiama DCP 2012 – Short Term Rental Accommodation

15/376

Committee recommendation that Council endorse 'draft' revised Chapter 12 – Short Term Rental Accommodation for inclusion within Kiama Development Control Plan 2012. Further, that all short term rental accommodation sites be required to have 240 litre bins.

(Councillors Seage and Steel)

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

Against: Nil

10 REPORT OF THE GENERAL MANAGER

10.1 Disclosure Of Interest-Councillors and Designated Staff

15/377

Committee recommendation that Council note receipt by the statutory due date of 30 September 2015 of Disclosure of Interest Returns by nine Councillors and designated staff for the year ending 30 June 2015.

(Councillors Rice and Sloan)

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

10.2 Council Meetings 2016

15/378

Committee recommendation that the first Council meeting in 2016 be held on 2 February 2016.

(Councillors Rice and Sloan)

10.3 Joint Organisations - Emerging Directions Paper

15/379

Committee recommendation

1. That Council make a submission advising that it agrees with the proposed governance and accountability principles other than for the proposed number of representatives for each full member council and employment of an Executive Officer at an equivalent level to a General Manager.
2. That Council advise that while appropriate authority for core regional functions should be delegated to the Joint Organisation this should not preclude individual Council activity continuing.

(Councillors Rice and Sloan)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 The Economic Development Committee - Recommendations

15/380

Committee recommendation that Council endorses the recommendations from the Economic Development Committee.

(Councillors Reilly and Honey)

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

Against: Nil

11.2 Holiday Parks Advisory Committee

15/381

Committee recommendation that Council adopts the draft Terms of Reference for the Holiday Parks Advisory Committee with the committee membership to comprise

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

as follows:

- the Mayor, and two councillors nominated by Council
- the General Manager and Director of Finance, Corporate and Commercial Services or their respective nominees
- the Holiday Park Managers of Werri Beach and Seven Mile Beach holiday parks
- one interested resident living within the vicinity of Werri Beach Holiday Park endorsed by Council following an expression of interest process
- five representatives of holiday vans endorsed by Council following an expression of interest process

Further, that Councillors Reilly and Seage be endorsed as Council's nominated representatives on the Committee.

(Councillors Seage and McClure)

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

15/382

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

(Councillors Rice and Sloan)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Plant Replacement

15/383

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

(Councillors Seage and Sloan)

13.2 Reserve Maintenance - Corner Willawa Ave and Fern St Gerringong.

15/384

Committee recommendation that Council contact Local Service Clubs to determine if there is an interest in maintaining the reserve on the corner of Willawa Ave and Fern Street Gerringong.

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

(Councillors Rice and Sloan)

13.3 Draft Amendments to Kiama Development Control Plan 2012 - Chapter 7 Subdivision Road Widths

15/385

Committee recommendation that Council:

1. publicly exhibit for a minimum 28 day period, draft amendments to residential subdivision road widths contained in Kiama Development Control Plan 2012 - Chapter 7 Subdivisions.
2. prepare a future report at the close of the public exhibition on submissions received.
3. Refer to draft amendments to the Development Industry Committee for information and comment.

(Councillors Rice and Sloan)

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

Against: Nil

13.4 Expression of Interest - Christmas Carnival Black Beach Kiama

15/386

Committee recommendation that Council endorse PH & A Laurie trading as Laurie's Amusements Pty Ltd as the successful tenderer for the operation of the Black Beach (School Flat) Christmas Carnival in Kiama between 2015/16 and 2017/18 and a licence agreement be entered into for the term of the expression of interest, subject to approval of a development application, and that the next tender process for the carnival be for the 2018/19-2020/21 period.

(Councillors Rice and Sloan)

13.6 Public Exhibition of Concept Design for refurbishment of Amenities Building at Kevin Walsh Oval, Jamberoo

15/387

Committee recommendation that Council:

1. publicly exhibit for a minimum 28 day period, the concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo
2. receive a report at the close of the public exhibition on submissions received.

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

(Councillors Rice and Sloan)

13.7 Compulsory Acquisition for Easement

15/388

Committee recommendation that Council;

1. proceed with the compulsory acquisition of an easement over Lot 269 DP728043 for the purposes of stormwater in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
2. make an application to the Minister and the Governor for approval to acquire the easement for stormwater described over Lot 269 DP728043 by compulsory process under section 186(1) of the Local Government Act 1993;
3. classifies the land as operational land;
4. requests the Minister for Local Government approve a reduction in the notification period from 90 to 30 days; and

give the Mayor and General Manager delegated authority to the signing of all documents associated with the easement and compulsory acquisition including the seal of Council.

(Councillors Rice and Sloan)

13.8 Water Refill/Drinking Stations

It was **Moved** by Councillor Way and seconded by Councillor Seage that Council commence a program to install water refill/drinking stations as identified in Councils locations report of these "Water Stations" sites in item 13.8, over a period of 5 years with appropriate funding as identified in that report.

Also that the prioritisation for installation of "Water Stations" to be compiled by Walking Tracks and Cycleways Committee as based on the identified locations in the report with input from Councillors.

Further that a 5 year implementation plan, funding of \$12,000 per annum be considered for allocation from 2016/17 to 2020/21.

15/389

An **amendment** was moved by Councillor Rice and seconded by Councillor Sloan that Council commence a program to install water refill/drinking stations as identified in Councils locations report of these "Water Stations" sites in item 13.8, over a period of 5 years with appropriate funding as identified in that report.

Also that prioritisation for installation of "Water Stations" to be compiled by Council as based on the identified locations in the report with input from Walking Tracks and Cycleways Committee.

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

Further that a 5 year implementation plan be considered for allocation from 2016/17

The Motion was Put and Lost.

The Amendment became the Motion and was Put and Carried.

13.9 Road Safety Officer Projects 2015-2016 - Roads and Maritime Service Funding Grant

15/390

Committee recommendation that Council accept the offer of grant from the Roads and Maritime Services and direct the Road Safety Officer to establish and implement the programs with the required evaluation and financial reporting as per the RMS funding conditions.

(Councillors Rice and Sloan)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

**14.1 Request for Sponsorship
Kiama Red Cross - 2016 Kiama Fun Run**

15/391

Committee recommendation that Council provides \$2,000 sponsorship to the Kiama Red Cross for the purpose of holding the 2016 Kiama Fun Run.

(Councillors Rice and Sloan)

**14.2 Sponsorship Request
Kiama Show Society, Kiama Show 2016**

15/392

Committee recommendation that Council provide sponsorship to the Kiama Show Society through

- 1) the provision of waste services for the show
- 2) donating the Leisure Centre hall hire fees and charges for the Show Ball on the 9th January.

(Councillors Rice and Sloan)

14.3 Concept Design for Gerringong CCTV

15/393

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

Committee recommendation resolved that Council's CCTV consultant be approached by Councillor Seage to provide a verbal estimation of costs for CCTV cameras at the Kiama Harbour.

(Councillors Rice and Sloan)

15 REPORTS FOR INFORMATION

15/394

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

- 15.1 Bombo Headland Quarry - Conservation Management Plan.
- 15.2 Magiq Software Conference
- 15.4 South Precinct Meeting - Minutes
- 15.5 Community Drug Education
- 15.6 Section 94 Development Funds
- 15.7 10/50 Vegetation Clearing Code of Practice review and amendments
- 15.8 Regional Illegal Dumping Compliance Officer - Quarterly Return – 1 July to 30 September 2015
- 15.9 Operational Hours during the Christmas New Year period at Kiama & Gerringong Libraries and the Family History Centre
- 15.10 Community Services - Recent Bequests
- 15.12 Flugelman Sculpture
- 15.13 Kiama Cultural Board
- 15.14 Parking Statistics - September 2015
- 15.15 EDA Conference - Moreton Bay Region
- 15.16 Local Environmental Plan Review Committee - Record of Meeting held on 29 September 2015
- 15.17 Blue Haven Redevelopment Update
- 15.18 Kiama Liquor Accord - Minutes
- 15.19 Australian Coastal Councils Association Inc - Annual General Meeting
- 15.20 Kiama Aboriginal Reference Group Minutes of meeting held 10 September 2015
- 15.21 Validation of complaints
- 15.22 Kiama Access Committee meeting minutes for 9 October 2015
- 15.23 Questions Without Notice Register
- 15.25 World Health Organisation Global Network of Age-Friendly Cities and Communities Membership
- 15.26 Illawarra Pilot Joint Organisation
- 15.27 Effects of SEPP 65 on Council's DCP and LEP
- 15.29 Appreciation of donation - Gerringong Sunrise Rotary Club
- 15.30 State of Regional Australia Report 2015
- 15.31 Letter of thanks - Kneeboard Surf Australia
- 15.32 Blue Haven Care - Carers Award
- 15.34 Street Lighting in South Kiama Drive to Kiama Heights.

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

(Councillors Rice and Sloan)

15.3 Blue Haven Care - Home Care Services - Quality Review -

15/395

Resolved that Council congratulate Blue Haven Care's Home Care Services team for their efforts in achieving all of the Home Care Standard outcomes.

(Councillors Rice and Way)

15.11 Bryan Whittaker - retirement -

15/396

Resolved that Council recognise the outstanding service over the past 42 years of the Mr Whittaker and thank him for his loyal service to the community and Council. Council also wish to extend their best wishes to Mr Whittaker and his family for the future.

(Councillors Reilly and Way)

15.24 Future of Port Kembla Steelworks - use of Australian steel -

15/397

Resolved that, in view of the national, state and regional importance of the Australian Steel Industry and the strategic need to protect the ability to produce steel in the Illawarra, Council support the following:

1. The implementation of a protective tariff for steel production in Australia (as allowed under WTO rules) to help prevent the dumping in Australia of steel manufactured in other countries, such tariff structure to include appropriate protection for Australian steel users in terms of local prices for such steel products; and
2. The adoption of a policy to give preference to Australian produced steel products wherever possible in projects undertaken by Council.

(Councillors Petschler and Steel)

15.28 CCTV at Kiama Harbour and Blowhole Point -

15/398

Resolved that Councillor Seage approach Council's CCTV consultant to provide a verbal estimation of costs for CCTV cameras at Kiama Harbour.

(Councillors Way and Seage)

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

15.33 Request to Host Concert on New Year's Eve -

15/399

Resolved that Council cover 50% of the costs required up to a maximum amount of \$1000.

(Councillors Seage and McClure)

RESUMPTION OF ORDINARY BUSINESS

15/400

Resolved that at this time, 6.53pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Steel and Way)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

15/401

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 15/373 to 15/399 above.

(Councillors Seage and Rice)

16 ADDENDUM TO REPORTS

Items 16.1 to 16.5 were dealt with as part of Item 6 Mayoral Minutes.

17 NOTICE OF MOTION

Nil

18 QUESTIONS WITHOUT NOTICE

18.1 73 Fern Street, Gerringong

Councillor McClure requested an investigation into the option of a land swap of Noble Park at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include discussions with the owners of 98 Fern Street. The Mayor referred the item to the General Manager for investigation and report.

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

18.2 Secure Storage for Caravans and Boats

Councillor Seage requested a report on the feasibility of Council providing a secure storage areas for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.

18.3 Speed humps in Blue Haven complex

Councillor Steel requested a report on the speed humps in the Blue Haven Complex Stage 5 parking area. The General Manager advised that a residents' survey was being undertaken and that he would report the outcome of the survey to a future meeting.

18.4 Possible Commercial Opportunity for Caravan Storage -

Councillor Steel requested a report on approving a local park area (approx.. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.

18.5 Trees in Public Parks -

Councillor Rice requested that in the interest of maintaining biodiversity that an update or review of Council's policy for planting trees in public parks, reserves and streets be undertaken. The Mayor referred the item to the Director of Engineering & Works for investigation and report.

18.6 Jones Beach - Provision of picnic facilities -

Councillor Way requested a report on the costs associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground. The Mayor referred this item to the Director of Engineering & Works for investigation and report.

18.7 Footpath at Kiama Harbour -

Councillor Way requested a report on the costs to construct a footpath from the Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new trailer parking as per the Blowhole Plan of Management. The Mayor referred this item to the Director of Engineering & Works for investigation and report.

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

18.8 Review of Council's Structure -

Councillor Reilly requested that an outline be developed for an internal review of Council's structure. The Mayor referred this item to the General Manager for investigation and report.

19 CONFIDENTIAL SUMMARY

15/402

Resolved that at this time, 7.02pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Way and Sloan)

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:

15/403

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 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENTS - REVIEW FOR THE PERIOD FROM 1 JULY 2014 TO 30 JUNE 2015

Reason for Confidentiality: This matter deals with personnel matters concerning particular individuals (other than councillors) as per Section 10A(2)(a) of the Local Government Act. .

(Councillors Seage and Steel)

MINUTES OF THE ORDINARY MEETING

20 OCTOBER 2015

20 CONFIDENTIAL REPORTS

20.1 Executive Officers' Performance Agreements - Review for the period from 1 July 2014 to 30 June 2015

15/404

Resolved that Council endorse the report of the Performance Review Committee following the meeting of the Committee held on 14 October 2015.

(Councillors Way and Steel)

Close of Confidential Committee of the Whole:

15/405

Resolved that at this time, 7,25pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Way)

Adoption of Report

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

15/406

Resolved that that the Confidential Committee of the Whole recommendations numbered 15/404 be confirmed and adopted.

(Councillors Seage and Reilly)

21 CLOSURE

There being no further business the meeting closed at 7.27pm.

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

.....
Mayor

.....
General Manager

4 BUSINESS ARISING FROM THE MINUTES

5 PUBLIC ACCESS SUMMARY

6 MAYORAL MINUTE

6.1 Former Member for Gilmore and Councillor - Mr Peter Knott

Attachments

Nil

Enclosures

Nil

RECOMMENDED

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

REPORT

It is with sadness that I formally report the recent passing of former Member for Gilmore and Kiama Councillor, Mr Peter Knott.

Peter served as a councillor from 1987 to 1993 and from 1999 to 2004 and he served as the Member for Gilmore from 1993 to 1996. He resigned from Council in 1993 following his election as the Member for Gilmore.

Peter was a very passionate and vocal Member of Parliament and Councillor who had a great social conscience and environmental awareness. While on Kiama Council he served as a member of the Environment, Youth Advisory, Performance Review and Public Arts Advisory Committees as well as the Gainsborough Chase Open Space, Kiama Reserves and Sanctuary Place Quarry Working Groups.

Peter was also Council's delegate to the Australian Nuclear Free Zone Secretariat, Illawarra Academy of Sport, Illawarra Regional Bush Walking Trails Committee, Kiama & District Arts Council, Kiama & District Sports Association, Killalea State Recreation Area Trust, Mainstreet Committee, Southern Skills Training Company Inc and Kiama Tourism Board of Management. He also served as the Chairman of the Family History Centre Advisory Committee.

Before entering Parliament, Peter was a teacher and librarian. As a Member of House of Representatives he served on the Transport, Communications and Infrastructure Standing Committee as well as the Televising of the House of Representatives Standing Committee. Peter was also a member of the Joint Committees for Broadcasting Parliamentary Proceedings, Native Title and Native Title and the ATSI Land Fund.

On Monday 9 November 2016 a memorial service was held for Peter Knott at the Kiama Pavilion. General Manager, Mr Michael Forsyth, Director of Engineering and Works, Mr Bryan Whittaker, Councillor Kathy Rice, Councillor Warren Steel and I attended.

Mayoral Minute

6.1 Former Member for Gilmore and Councillor - Mr Peter Knott (cont)

It would be appropriate for Council to hold a minute's silence in memory of former Member for Gilmore and Councillor, Mr Peter Knott.

Item 6.1

7 MINUTES OF COMMITTEES

Nil

8 PUBLIC ACCESS REPORTS**Committee Of The Whole*****RECOMMENDATION***

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

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

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Household Bulky Waste Drop Off Event (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 recommends providing two clean up services per annum; a household bulky waste drop off collection service (HBW) set up at the Minnamurra Recycling Depot (MRD) for both rural and urban residents, scheduled for the first half of each financial year and one (1) Household Kerbside Clean Up Collections (Kerbside) for urban residents only, to be held in the second half of each financial year commencing 1 July, 2016.

Finance

In 2014-2015 the estimated cost of providing two kerbside clean up services and adhering to current Workplace Health and Safety requirements was estimated at \$160,000 pa, plus tip fees and Section 88 Waste Levy.

The current service is financed from the annual Domestic Waste Management Charge that applies to only urban residential and not rural premises.

Policy

This proposal is a change to Council's policy of providing kerbside clean up collection services and requires Council's determination.

Attachments

- 1 Attachment 1 - Evaluation Report
- 2 Attachment 2 - Customer Feedback Survey

Enclosures

Nil

RECOMMENDATION

That Council provide two household clean up services per annum, based on:

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

Report of the Director Environmental Services

9.1 Household Bulky Waste Drop Off Event (HBW) (cont)

REPORT

The first review of the Household Kerbside Clean Up Collection Service was presented to Council at its 15 February, 2011 meeting.

Council, at this meeting recommended that:

- 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 the recommendations:

- a) One (1) free Trial HBW Drop Off collection event was held at the Minnamurra Recycling Facility on 1-14 September 2014. Residents within the urban and rural area of the municipality were eligible to use this service.
- b) Two (2) kerbside clean up services were held in June and November 2014 for all residents within the urban area of the municipality.

Trial Household Bulky Waste Drop Off September 2014

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. The results of this trial were reported to Council at its meeting of 17 March 2015.

Council, at this meeting resolved 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.
3. in planning subsequent household bulky waste collections, Council investigate mechanisms to facilitate new business opportunities for drop-off on behalf of residents by suitable insured operators.
4. a review of the household bulky waste drop off service be undertaken at the conclusion of the twelve month trial.

In response to the resolutions:

- a) One (1) free HBW Drop Off collection event was held at the Minnamurra Recycling Facility on 5-13 September 2015. Residents within the urban and rural area of the municipality were eligible to use this service.

Report of the Director Environmental Services

9.1 Household Bulky Waste Drop Off Event (HBW) (cont)

- b) One (1) kerbside clean up service is to be held in March 2016 for all residents within the urban area of the municipality.

Results of the Household Bulky Waste Drop Off September 2015

The HBW Drop Off event was held on 5-13 September 2015 (inclusively) and was open to all residents within the urban and rural area of the municipality. Residents were required to pre-book their drop off day and time either online or by calling Council.

Attachment 1 outlines a comprehensive evaluation report of the event. This includes the types and quantities of materials received and overall budget. A summary of the main points includes:

- 1107 residents booked in.
- 978 attended, representing 88% of the total bookings.
- 46 not booked in but still attended, representing 5% of attendees.
- 37 residents who attended were from the rural waste zones, representing less than 1% of total attendees. This is less than the proportion of waste services in the municipality which are in rural zones (about 5% of all services are rural).
- 166 attendees frequented the Up 4 Grabs tent with approximately 1500 items taken away. This was approximately 28.26 tonnes being avoided from landfill.
- 560 bookings contacted Councils customer service staff to book. This represents 51% of the total bookings.

Total tonnages and materials received:

- 176.93 tonnes of material was dropped off.
- 101.91 tonnes from the above was either recycled or taken for re-use.
- 57.6% is the total resource recovery rate (Kerbside cleanup is around 30%).
- An average per participant of 5.79 kgs was dropped-off.
- Material breakdown is included in Table 1 below. The major recovered items were: Up 4 Grabs items 28%, Metals 21%; E-waste 19%; Mattresses 8%, Paper and Cardboard 8% and Gas bottles/fire extinguishers 6%.

Attachment 2 provides results from a customer feedback survey. A total of 382 responses were received which represents 37% of the 1024 participants. Overall, the results of the survey indicate that the service was received very positively by the residents who participated, with 97% of respondents indicating that they would use the service again. More than 95% of respondents were either satisfied or very satisfied with the customer service at the event.

Conclusion

When comparing a household kerbside collection with the HBW event, the following factors need to be considered:

Report of the Director Environmental Services

9.1 Household Bulky Waste Drop Off Event (HBW) (cont)

Kerbside	Household Bulky Waste
Resource Recovery Rate 30%	Resource Recovery Rate 54.8% (average over two events)
Televisions, mattresses or large bulky items cannot be placed out for collection	Televisions, mattresses and large bulky items can be accepted
Quantity of material that can be placed out for collection up to 1m ³	Quantity of material that can be accepted is up to 2m ³
Total cost \$111,959	Total cost \$71,037

In addition, other benefits of providing a HBW event:

- Reduction in the number of illegal dumping incidents by approximately 40% in the months after a HBW event when compared to the previous year's figures when no HBW event was held.
- provides an opportunity for residents to take home pre-loved items that would otherwise be sent to landfill.
- significant minimisation of Work Health and Safety risks to staff and the potential hazards to the general public compared to kerbside collections.
- provides the opportunity for Council to promote its new Community Recycling Centre, aimed to be in operation in the first half of 2016, which will enable residents to dispose of more than 20 material types free of charge, six days a week.

For the reasons outlined in this report, it is recommended that the existing method of providing one kerbside collection per annum and one (1) HBW per financial year commencing 1 July, 2016 remains.

Household Bulky Waste Drop Off Event 5-13 September 2015

Executive Summary

The Event was held over 9 days between 8am and 4pm, from 5-13 September at the Minnamurra Recycling Facility. The event was managed by Kiama Council which included the operating of the weighbridge, checking residents off booking sheets on arrival and providing labour to assist with traffic management, unloading of vehicles and separating materials into the appropriate bays.

General statistics from the event are summarised below:

- 1107 residents booked in
- 978 attended, representing 88% of the total bookings
- 46 not booked in but still attended, representing 5% of attendees
- On average the weather was fine and sunny with temperatures ranging from 18-22 degrees
- 37 residents who attended were from the rural waste zones, representing less than 1% of total attendees. This is less than the proportion of waste services in the municipality which are in rural zones (about 5% of all services are rural).
- 166 attendees frequented the Up 4 Grabs tent with approximately 1500 items taken away. This was approximately 28.26 tonnes being avoided from landfill.
- 560 bookings contacted Council to book. This represents 51% of the total bookings.

Total tonnages and materials received:

- 176.93 tonnes of material was dropped off
- 101.91 tonnes from the above was either recycled or taken for re-use
57.6% is the total resource recovery rate (Kerbside clean up is around 30%)
- An average per participant of 5.79 kgs was dropped-off
- Material breakdown is included in Table 1 below. The major recovered items were: Up 4 Grabs items 28%, Metals 21%; E-waste 19%; Mattresses 8%, Paper and Cardboard 8% and Gas bottles/fire extinguishers 6%.

An Event flyer was prepared to assist with promotion, along with similar details on the KMC website.

The major differences between the Event and standard Kerbside Household Bulky Waste Collections were the inclusion of mattresses, e-waste and large items of furniture in the "Allowed Materials". Notably, these items (aside from metals which traditionally make up the majority of Bulky Waste), provided the bulk of material presented.

Feedback from the Event was very positive, with the booking service providing a steady flow of customers. Residents were fed through the drop off area in an efficient manner

with delays a rare event. Refer to the attached Customer Satisfaction report for more detail.

MATERIAL TYPE	EXAMPLES OF ITEMS	POSSIBLE MARKET	COST TO COUNCIL (ex GST)	INCOME TO COUNCIL (ex GST)	TOTAL TONNAGE
Paper and cardboard	Boxes, newspapers	Council – current arrangements	Nil	Nil	8.20
Steel/metal	Whitegoods (more than 75% of the item is made from metal) BBQ, Metal clothes line, metal gates, metal roofing, car parts, hotwater systems, tap ware	Council – current arrangements – steel bin	Nil	\$1,505.00	21.50
Glass/plastics – mixed recyclables	Bottles, cans, milk bottles	Council – current arrangements	Nil	Nil	2.30
Batteries	Batteries (car and truck)	Council – current arrangements	Nil	\$200.00	0.52
Batteries (alkaline)	Batteries (alkaline)	To store until CRC is operational	Nil	Nil	0.04
Polystyrene	Polystyrene	Council – current arrangements – taken to (Shellharbour Council)	Nil	Nil	0.15
Silage Wrap and baling twine	Silage wrap and baling twine	Council – current arrangements (Plasbak)	Nil	Nil	1.28
Drums	Only drumMuster branded drums accepted	Council – current arrangements (drumMuster)	Nil	Nil	0.30

Motor oil	Motor oil	Council – current arrangements	Nil	Nil	1.00
Cooking oil	Cooking oil	Council – current arrangements	Nil	Nil	0.05
Light globes	Fluorescent tubes, cfl's and mixed globes	To store until CRC is operational	Nil	Nil	0.25
Textiles	Curtains, linen, clothing, handbags, footwear	Lifeline – 19 Auburn Street, Wollongong	Nil	Nil	0.35
Plastics – hard	Outdoor furniture, pvc piping, garden pots	Green Planet Recycling International	\$400	Nil	2.50
Plastic Film	Plastic packaging, plastic film – free of contaminants	Flagstaff	\$100	Nil	0.25
Bicycle	Adult and small adult bikes with wide tyres ONLY	Australian Goodwill - Berrima Recycling Centre, Southern Highlands	Nil	Nil	0.25
Books	Reading books	Lifeline – 19 Auburn Street, Wollongong	Nil	Nil	0.45
Mattresses	Mattresses and ensembles	Mission Australia – Soft Landings	\$10,192.50	Nil	8.51 453
Gas bottles, fire extinguishers		Toxfree	\$8,667.56	Nil	6.66
Toys		Second Chance Toys	Nil	Nil	0.84
Mobile phones		Mobile Muster	Nil	Nil	0.07
E-waste			\$ 9,231.70		19.09
Up 4 Grabs Tent			Nil	Nil	28.26
Landfill			\$21,762.55		75.02
Total			\$50,354.31	\$1,705.00	177.84 Tonnes

Budget allocated for this event was set at \$67,700 (excluding GST).

Actual budget for this event \$71,037.14 , breakdown as per the following table:

ITEM	AMOUNT (excl. GST)
Promotion - Printing of Information brochures, corflute signs, event set up	\$3,251.06
Processing of collected material (refer to table above)	\$50,354.31
Wages for KMC labour	\$17,431.77
	\$71,037.14

Photos of the site setup



Up 4 Grabs tent – 28.26 tonnes



Paper and cardboard – 8.2 tonnes



Landfill – 75.02 tonnes



Hard plastics – 2.5 tonnes



E-waste – 19.09 tonnes



Steel – 21.5 tonnes



Mattresses – 8.51 tonnes (453 mattresses)



Clothing and textiles – 0.35 tonnes



Gas bottles, fire extinguishers, smoke detectors – 6.66 tonnes



Polystyrene – 0.15 tonnes



Plastic film – 0.25 tonnes



Car batteries – 0.52 tonnes Alkaline batteries – 0.04 tonnes



Mobile phones – 0.07 tonnes Light globes – 0.25



Toys – 0.84 tonnes Bikes – 2.5 tonnes

Item 9.1

Attachment 1

Household Bulky Waste Drop Off Free Trial – Customer Feedback Survey Results

General statistics from the Household Bulky Waste Drop Off Trial:

- 1107 residents booked in
- 978 attended, representing 88% of the total bookings
- 46 not booked in but still attended, representing 5% of attendees
- On average the weather was fine and sunny with temperatures ranging from 18-22 degrees
- 37 residents who attended were from the rural waste zones (11 & 12), representing less than 1% of total attendees. This is less than the proportion of waste services in the municipality which are in rural zones (about 5% of all services are rural).
- 166 attendees frequented the Up 4 Grabs tent with approximately 1500 items taken away, hence being avoided from landfill.
- 560 bookings contacted Council to book. This represents 51% of the total bookings.

Customer Feedback Survey Results:

There were 382 total respondents to the Customer Feedback Survey. This represents 37% of the 1024 participants who attended the Bulky Waste Drop Off. This figure does not include the 129 residents who booked in, but did not attend. Presumably, they did not fill in a survey.

Overall, the results of the survey indicate that the service was received very positively by the residents who participated, with 97% of respondents indicating that they would use the service again. More than 95% of respondents were either satisfied or very satisfied with the customer service at the event.

Of those surveyed, 56% booked online, whilst 44% contacted Council to book. Of those that booked through Council more than 74% preferred to talk to someone when making a booking.

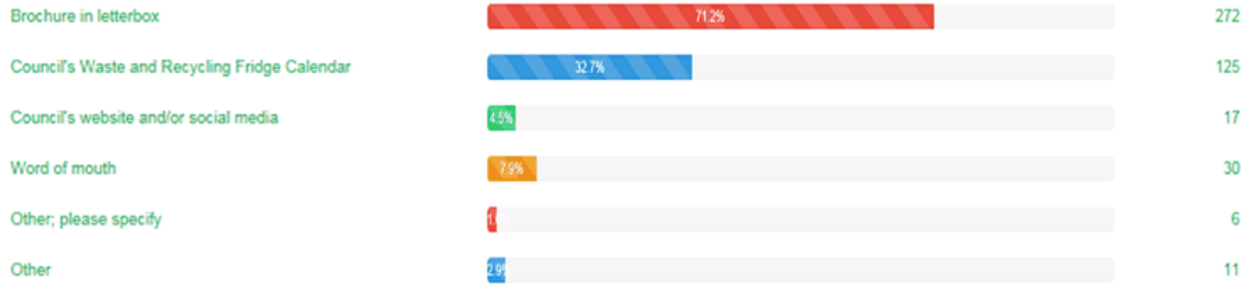
For this year's event, Council operated an "Up 4 Grabs" tent, whereby any preloved items deemed reuseable, were placed in the tent for attendees to browse through and take free of charge. The survey showed that 57% of the respondents did not visit the tent because they were not interested, did not know it was there or were not aware the items were free.

The additional comments given regarding the event as a whole were largely very positive and appreciative. The most frequent comment type described the trial as being well run and efficient (or similar). Another common theme was reference to the staff being friendly and helpful. The criticism generally expressed was little or no assistance was provided to unload vehicles.

A number of comments expressed desire for more frequent opportunities to dispose of specific items such as e-waste, paint, batteries and green waste. These items will be provided for through upcoming changes to Kiama Council's waste services such as the Community Recycling Centre and OK Organics Kiama program.

Results by question:

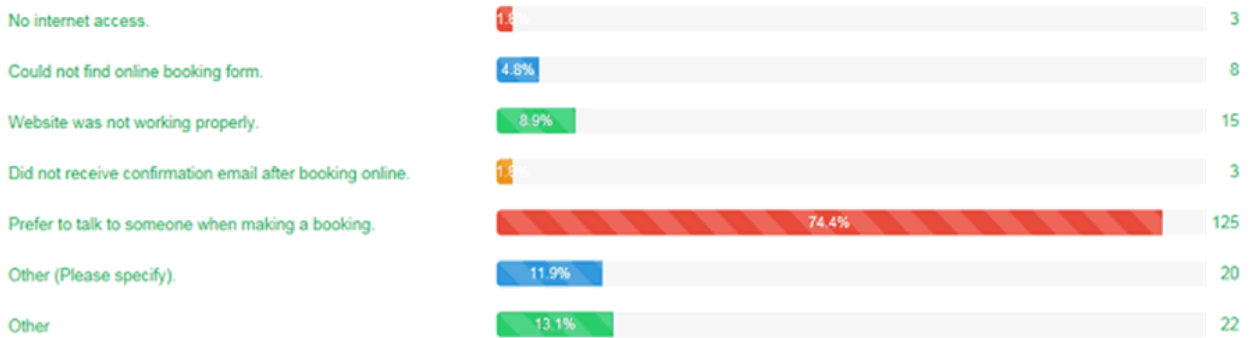
How did you hear about the event? (Choose one) 382 responses



How did you book in for this event? 382 responses



Please give your reason(s) for booking through Council's Customer Service Staff

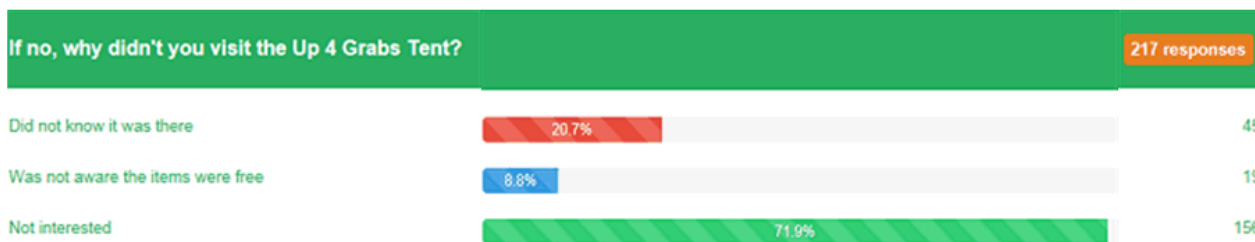


Council provided labour to assist with the checking in, unloading and sorting of materials at the event. Please rate the customer service you received from the labour staff on the day. 382 responses



Did you visit the Up 4 Grabs Tent? 382 responses





Selected comments:

It was wonderful opportunity to clean my garage out and talk to the lovely staff in the Environment Team @ KMC!!

Customer Service staff members were not willing to assist with registration :(Environment and Waste staff members were extremely professional and helpful - it was a great effort and very much appreciated. Thank you :)

The event was thoroughly planned. Staff were friendly, helpful and courteous. Congratulations to everyone involved in the planning and execution of the day. Kiama Council continues to be a leader in the provision of innovative services for the residents of the municipality. Other councils would do well to take on board the way in which the Kiama Council and it's staff operate.

It was exceptionally-well organised, staff were helpful and the process was efficient.

Such a great idea to encourage recycling. Love that you guys do this

The day ran very smoothly and everything was organised extremely well. It was so easy and quick to drop of my things. I will definitely use this service again

I thought the organisation was excellent - from communication about the intital event to all my queries being answered quickly and efficiently. We always accumulate so much waste and it is really expensive to get rid of it - this was a free, much appreciated chance to dispose of waste and recycle products - a terrific council initiative with the places at the tip marked very well so everyone could get their things to the right places. GREAT JOB!!

I feel that this service is great. Especially for those large items that can't be picked up from the house pick up

I think it was a good idea to book ahead, as this meant we could drive right up to the area we needed without any delays. Excellent planning!

This event is a great initiative of Kiama Council. Both last year and this year, I had a full trailer including bulky old furniture and mattresses which I would not otherwise be able to dispose of without incurring ridiculously high tipping fees. It was great to see that some of the furniture was deemed worthy of placement in the "Up 4 Grabs" tent.

Thank you for the Bulky Waste Drop Off. It was well done and hopefully a lot of the items I brought will be recycled (batteries, sewing machines, light globe etc). I was able to take advantage of the Up 4 Grabs tent. My friend and I brought home 22 items, all now RELOVED. Thank you once again

excellently organised with traffic flow and signage etc. - staff friendly and helpful - no waiting which was great!

Excellent service, staff were very helpful, service may help prevent illegal dumping of unwanted items from households

I was impressed with the organisation and flow of the drop off. It was well managed and the staff were smiling and very helpful. Well done!

Recommendations for improvement for future events

- Provide a comprehensive step by step booking process in the brochure to encourage people to book online
- Consider installing a boom gate at the weighbridge to ensure people stop to get weighed on before proceeding to drop of their material

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

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

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

Delivery Program: 2.9.1 Comply with Development Regulation

Summary

This report reviews the development application seeking consent for the construction of a principal dwelling and a secondary dwelling (two (2) dwellings), a tennis court and pavilion, two (2) swimming pools, a barn and stables compound consisting of three (3) buildings, two (2) dams, a shed and access driveways.

The proposed development is considered to be inconsistent with the Aims and matters for consideration under SEPP 71 – Coastal Protection. The proposed principal dwelling, tennis court and pavilion encroach upon the foreshore building line, as defined under LEP 2011 Clause 6.7, and the proposal seeks numerous exceptions to the provisions of DCP 2012, most notably relating to variation to the foreshore building line and also to the design and siting provisions of Chapter 6.

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

Finance

N/A

Policy

N/A

Reason for the Report

The development application is reported to Council because it has a development value in excess of \$5 million dollars and also because the development has attracted more than five (5) objections following notification of the proposal.

Attachments

1 plans of proposed development

Enclosures

Nil

RECOMMENDATION

That Council refuse development application 10. 2015.77.1, pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, for the following reasons:

- 1) It is considered that the proposed development is inconsistent with the Aims of SEPP 71 – Coastal Protection and does not satisfy the matters for

Report of the Director Environmental Services

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

consideration prescribed by clause 8.

- 2) It is considered that the proposed development is inconsistent with the E3 Environmental Management zone objective to protect areas with special aesthetic values. The size, bulk, scale and siting of the development is unacceptable within the zone.
- 3) It is considered that the proposed dams and equestrian centre are prohibited within the E3 Environmental Management zone.
- 4) It is considered that the proposed development is inconsistent with Clause 5.5 of Kiama LEP 2011. The proposed development is of a bulk, scale, size and overall built form design that is unsuitable due to the impact on the natural scenic quality of the area.
- 5) It is considered that the proposed development is inconsistent with Clause 6.7 of Kiama LEP 2011. The proposed principal dwelling, tennis court and pavilion are sited within the foreshore area, do not contribute to achieving the objectives for the zone and are of an appearance that is not compatible with the surrounding area.
- 6) It is considered that the proposed development is inconsistent with the provisions of DCP 2012 Chapter 6 – Rural Development, in particular in relation to the design and siting of the proposed development.
- 7) It is considered that the proposed development is excessive in height, bulk and scale and also involves extensive landscaping that would likely adversely impact the scenic amenity of the locality.
- 8) The proposed development is of a bulk, scale, size, siting and overall built form design that is unsuitable due to its impact on the scenic amenity of the area and does not comply with the registered building envelope.
- 9) Submissions have been received making valid objections to the development on the grounds of visual impact and non-compliances with Environmental Planning Instruments and DCP 2012.
- 10) It is considered that in the circumstances of the case, approval of the development would not be in the public interest.

BACKGROUND

Owner/Applicant: Robby Ingham Pty Ltd
Site Zoning: Part RE1 Public Recreation, Part E2 Environmental Conservation and Part E3 Environmental Management

Development Site

The property is described as Lot 202 DP 1169384 which is located at 242 Fern Street Gerringong.

The overall site measures 40.455Ha in size and is irregular in shape. The site is currently vacant and is bounded by vacant rural land to the north, the Tasman Sea to

Report of the Director Environmental Services

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

the east, rural land to the south (containing DA approved dwellings) and Fern Street to the west.

The site is predominantly cleared pasture land and is undulating in its topography. Access to the property is obtained from Fern Street. The site is serviced by electricity and telecommunications.

The site is subject to the following constraints:

- Restriction on Use – the allotment is subject to a registered Building Envelope (BE), requiring that “*No dwelling house or ancillary outbuildings shall be erected or permitted to remain upon the lot burdened except within the area designated (BE) on the plan.*”
- Areas mapped in Kiama LEP 2011 as riparian land and water courses (Category 3).

Description of the Proposed Development

The proposal involves the construction of a principal dwelling and a secondary dwelling (two dwellings), a tennis court & pavilion, two swimming pools, a barn and stables compound consisting of three buildings, two dams, a shed and access driveways.

Principal Dwelling

The proposed principal dwelling house has a floor area of 2,154.85m² over two (2) storeys, with ten (10) bedrooms. The overall floor area of the proposed principal dwelling, inclusive of the pool house, garages and verandahs, is some 3,927m².

The house is positioned relatively centrally within the property and within the foreshore building line (foreshore area), which is defined under Kiama LEP 2011.

The proposed dwelling has two main wings extending at symmetrical angles from a central apex, then with two separate smaller (secondary) wings extending symmetrically from each main wing. The ground floor of the principal dwelling consists of:

- in the south-eastern main wing, a dining room, kitchen, scullery, barbecue, family room, breakfast nook and south hallway;
- in the smaller south-western wing, a lift and stairway lobby, laundry, bathroom, cool room, store rooms and a four (4) car garage;
- in ground floor central apex area, a sitting room, bathroom and below ground wine cellar, store rooms and plant room;
- in the main wing extending to the north east, a lounge room, home theatre, store rooms and indoor pool with attached change room, spa, sauna, bathroom and pool bar;
- in the smaller north-western wing (extending from the main northern wing), a stairway lobby, kids play room, board/bike store room and plant room;
- a centrally positioned outdoor, crescent shaped pool, pond and lawn terrace.

Report of the Director Environmental Services

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

The first floor consists of:

- in the south-eastern main wing, the master bedroom with separate ensuites, separate WIR's and circular terrace, bedroom 1 & 2 each with ensuite and WIR, linen and upper south hall;
- in the smaller south-western wing (extending from the main southern wing), a lift and stairway lobby, bedroom 3 and 4 each with ensuite and WIR;
- in ground floor central apex, the entry foyer, stairway and void above the ground floor sitting room;
- in the main wing extending to the north-east, bedrooms 5, 6, 7 and 8 each with ensuite and robe, library, study 1 and 2 and upper north hall;
- in the smaller north-western wing (extending from the main northern wing), a stairway lobby, sitting room, bedroom 9 with ensuite, board room and single car garage.

The proposed principal dwelling is to be finished externally with a combination of traditional slate and zinc roof, weatherboard cladding (Taubmans 'Apache Stone' in colour), natural stone cladding and timber doors, windows, verandah and handrails (Dulux 'Natural White' in colour).

Secondary Dwelling

The proposed secondary dwelling is sited within the registered building envelope in the south western corner of the property, approximately 64m from the Fern Street boundary and 21m from the southern property boundary.

The proposed secondary dwelling has a floor area of 276m² over two storeys. The ground floor consists of an open plan lounge/dining/kitchen area opening onto an east facing verandah, entry foyer, laundry, WC and bedroom 1 with ensuite and WIR. The first floor comprises bedrooms 2 and 3, bathroom and store room.

A detached double carport is proposed to be sited approximately 6.6m from the proposed secondary dwelling, also within the registered building envelope. The car port and secondary dwelling is accessed from an off-shoot of the proposed main driveway within the property.

The proposed secondary dwelling is to be finished externally with weatherboard cladding and a Colorbond steel roof.

Tennis Court and Pavilion

The proposed tennis court and pavilion is situated approximately 40m north of the principal dwelling. The pavilion overlooking the tennis court is a single storey structure with a floor area of some 60m² incorporating a bathroom, bar and storage area.

The proposed tennis court is to be surrounded by a 3.6m high, black, chain link fence. No illumination of the tennis court is proposed.

Barn and Stables Compound

Report of the Director Environmental Services

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The proposed stable compound consists of three (3) detached buildings. The largest of these is a two (2) storey barn comprising, at ground level, a central float store and thoroughfare flanked to the north by an office, tack room 1 and bathroom 1 and to the south by tack room 2, bathroom 2 and a gymnasium. The first floor consists of feed store and hay store areas.

Two (2) stable buildings are proposed opposite and perpendicular to the two storey building. The stable buildings are identical, except that the floor layouts are mirror opposites. Each stable building accommodates four (4) stalls, with stable building no. 2 also including a wash bay. The stables are proposed to house the horses owned by the landowners.

Beyond the stables the plans identify a proposed 'flat exercise area' measuring 60m x 20m. The existing land at this location has a cross fall of approximately 6⁰, therefore levelling off of the proposed area will involve earthworks.

The proposed barn and stable are finished externally with weatherboard clad walls and Colorbond steel roof sheeting.

Farm Shed

An approximately 180m² single storey farm shed is proposed, situated north of the proposed secondary dwelling on the opposite side of the main access driveway and approximately 24m from the Fern Street boundary. The purpose of the farm shed is to store machinery and plant associated with the management of the rural property.

Like the barn and stables, the proposed farm shed is finished externally with weatherboard clad walls and Colorbond steel roof sheeting.

Dams

Two (2) dams are proposed, sited above the existing dam that is adjacent the Fern Street boundary in the north eastern sector of the property. The proposed lower dam has a surface area of 1,450m² and a volume of 1.74 mega litres; and the proposed upper dam has a surface area of 1,340m² and a volume of 1.34 mega litres. The combined capacity of the two proposed dams is 3.08 mega litres.

Access Driveways

The main (collector) driveway is approximately 930m in length. The main driveway extends from the Fern Street entrance of the property (at the south western corner of the property), between the proposed secondary dwelling and farm shed, past the stables compound (the secondary dwelling, farm shed and barn/stables are each accessed by a separate driveway off of the main driveway), before then diverging to create a loop road servicing the principal dwelling and adjacent tennis court pavilion. From the point of divergence the loop road extends toward the north, over the embankment of the proposed upper dam before circling back past the tennis court/pavilion and principal dwelling, essentially circling the knoll of the property.

A second farm track extends from the farm shed, over the embankment of the proposed lower dam toward the northern property boundary, before turning back and linking up with the northern point of the main internal loop road.

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Modification of development consent issued in respect of development application No 10.2011.73.1

In order to overcome the issue of the registered building envelope on the land (within which only the secondary dwelling is proposed), the applicant seeks a condition of consent requiring modification of development consent (10.2011.73.1) that stipulated registration of the building envelope, deleting the requirement for a building envelope to be imposed (condition (1)(c) under the sub-heading 'Conveyancing Requirements').

The applicant states that the modification can be conditioned pursuant to Section 80A(5) of the EP&A Act and pursuant to the provisions of clause 97 of the EP&A Regulations. The details required by clause 97 have been submitted with the development application.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

The allotment includes land that is a 'sensitive coastal location' as defined by SEPP 71; however the proposed development is sited outside of the sensitive area.

Clause 2 of the SEPP identifies the Aims of the Policy, including:

- “(e) to ensure that the visual amenity of the coast is protected,
- (k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area”

Clause 7 of the SEPP requires that the matters for consideration set out in Clause 8 are to be taken into account by a consent authority when it determines a development application to carry out development on land to which this Policy applies. Clause 8 requires consideration of sixteen (16) listed matters, including:

- “(a) the aims of this Policy set out in clause 2,
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,”
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities”

The proposed development, in particular the principal dwelling, barn and stables, tennis court and pavilion, are not considered to satisfy Aims (e) and (k) or matters (a), (d) and (f) of Clause 8 of the SEPP.

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In relation to clause 8(a), it is considered that the Aims of the policy are not satisfied by the proposed development due to the unacceptable impact on the visual amenity of the area brought about by the siting, bulk, scale and size of the overall development, in particular the proposed 3,927m² principal dwelling and its impact on the visual amenity of the coast.

Further, in relation to clause 8(d), the location of the proposed development, dispersed through the centre of the property and sited in a linear configuration, combined with the size, bulk and scale of the development, makes the proposed development unsuitable for this picturesque coastal rural setting and makes the development out of character with the modestly proportioned rural dwellings and outbuilding clusters typical of the area.

Under clause 8(f) it is considered that the development does not protect and improve the scenic qualities of the NSW Coast, but rather erodes those qualities through the encroachment of scattered built form within the property, capped off by the expansive principal dwelling sited on elevated land within the identified foreshore area.

These issues are explained and discussed in detail within the report below.

- 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 (Rural Lands) 2008

Clause 10(3) of the SEPP requires the following matters to be considered in determining development applications for rural dwellings:

- “(a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,*
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).”*

It is noted that the residue of Buena Vista Farm, adjoining the subject land to the south west (of which the subject land was once a part) operates as a small scale working farm. It is not considered however, that the proposed development is likely to have a significant impact on that use and there are no other current agricultural uses in the vicinity of the site that are likely to be significantly impacted by the proposed development.

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- Illawarra Regional Environmental Plan No 1 (IREP 1)

Pursuant to clause 1.8 of the Kiama LEP 2011, all deemed environmental planning instruments cease to apply to the subject land. Therefore, IREP No 1 (being a deemed SEPP) no longer applies to the subject land. The IREPS are not deemed instruments, as per advice from DoP, therefore needs assessment.

- Kiama LEP 2011

The subject land is zoned Part RE1 Public Recreation, Part E2 Environmental Conservation and Part E3 Environmental Management pursuant to Kiama LEP 2011. The proposed development is sited within the E3 Environmental Management zone where it is permitted with consent, with the exception of the following elements, which are points of contention:

- (i) The proposed development includes two (2) proposed dams. A dam is defined as a “water storage facility” pursuant to LEP 2011. “Water supply system” is identified under the Land Use Table of the LEP and is defined to include a water storage facility. Neither water storage facilities or water supply systems are listed as permitted with consent and are thereby prohibited in the E3 zone.

The applicant contends that the E3 zone permits with consent ‘extensive agriculture’ and that dams would be ancillary and subservient to such a use. Whilst this may be the case, the development application does not seek consent for extensive agriculture, nor has a case been mounted that the site enjoys existing use rights for the purpose of extensive agriculture, that may otherwise extend to permit the proposed dams. Under the circumstances, the two (2) proposed dams are considered to be prohibited.

- (ii) The proposed stables and the proposed level exercise area 60mx20m adjacent to the stables are another point of contention as to permissibility within the zone. The proposed stable in unison with the exercise area could reasonably be described as an ‘equestrian centre’, which is a type of outdoor recreation facility. Recreation facility (outdoor), irrespective of whether or not it is for gain, is a prohibited land use in the E3 zone.

The stables were initially proposed as a ‘farm building’ (being permissible with consent in the zone). However by definition a farm building must be “*ancillary to an agricultural use of the landholding on which it is situated*” and, since the stables are for the owners dressage horses (i.e. not associated with agricultural use of the land), the applicant has since revised the proposal to contend that the stables are ancillary and subservient to the dwelling (being a permissible use in the zone) and that the exercise area is in turn ancillary and subservient to the stables.

On their own, the stables may be construed as being ancillary to the dwelling, however in combination with the proposed 60m x 20m levelled off exercise area, this aspect of the proposal can arguably be categorised as an equestrian centre. Under these circumstances, the proposed stables and exercise area are considered to be prohibited.

- (iii) The proposed tennis court and pavilion and the proposed outdoor swimming pool all constitute a recreation facility (outdoors). The proposed indoor

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swimming pool is a recreation facility (indoor). Again, recreation facility (outdoor) and recreation facility (indoor) are prohibited in the E3 zone. It is reasonable to accept however, that the proposed tennis court, pavilion and swimming pools are directly ancillary and subservient to the principal dwelling and permissible under the terms of the dwelling.

The objectives of the E3 Environmental Management zone are as follows:

- “• *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To allow limited types of agriculture subject to effective environmental safeguards and sound land management practices.”*

Being highly modified by past farming activities, it is not considered that the E3 zoned land on the subject site contains special ecological, scientific or cultural values. It is deduced from objective dot-point 1 therefore that the land is zoned E3 in order that its special aesthetic values be protected and managed.

It is therefore considered that, whilst dwelling-houses are permissible with consent in the zone, it would be incumbent for any such dwelling house to be both sensitively sited and sensitively designed/proportioned in order that the objective of protecting and managing the special aesthetic qualities of the land, be satisfied.

The applicant acknowledges the zone objectives and states that the proposed development is *“all to be sited within an existing cleared area of the site. Development has been set beneath the ridgeline and high points in the landscape. Careful consideration has been given to providing a reduced scale of design; which incorporates variation and modulation in building height and form that reduces the overall bulk and scale of the proposal. The principal dwelling has also been sited in a manner that will not be visually prominent within the broader landscape. These measures combined will ensure the proposed development will not be visually prominent within the landscape.”*

As discussed in further detail within this report (e.g. under Landscape/Visual Impact), the proposed principal dwelling is of a size, bulk and scale that would result in an unacceptable adverse impact on the picturesque coastal rural landscape that epitomises the coastal setting between Gerringong and Gerroa. The visual impact is exacerbated by the barn, stables and exercise area, the secondary dwelling and the tennis court and pavilion that also make up the development proposal, along with the landscaping proposed for the primary purpose of screening the development from view. The principal dwelling in itself is inconsistent with the stated objective of protecting and managing the special aesthetic qualities of the area, with the inconsistency compounded by the cumulative visual impact of the overall proposal.

Specific clauses requiring consideration:

Clause 4.2A permits a dwelling house to be erected on an E3 zoned lot where, for instance, the lot size satisfies the minimum lot size specified on the Lot Size Map.

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The proposal complies with this requirement, as the subject lot is greater than 40Ha in size.

Clause 5.4(9) requires that the total floor area of a proposed secondary dwelling does not exceed 100% of the total floor area of the principal dwelling. In this instance the proposed principal dwelling has a floor area of 2,154.85m² and the proposed secondary dwelling has a floor area of, by comparison, only 276m². The proposed development complies with Clause 5.4.

Clause 5.5 pertains to development within the coastal zone and identifies the following objectives:

- (a) *to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,*
- (b) *to implement the principles in the NSW Coastal Policy, and in particular to:*
 - (v) *protect amenity and scenic quality,*
 - (ix) *ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
 - (x) *ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment*

Having regard to the size, bulk and scale of the principal dwelling as proposed in this instance, it is not considered to be consistent with the principles of ecologically sustainable development.

Clause 5.5 (b)(v), (ix) and (x) reinforce the matters for consideration under clause 8 (d), (f) and (p) of SEPP 71, as identified and discussed above. For the same reasons, the proposed development is not considered to satisfy Clause 5.5 (b)(v), (ix) and (x).

Clause 5.5(2) follows on to state that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

- (a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*
 - (i) *maintaining existing public access and, where possible, improving that access, and*
 - (ii) *identifying opportunities for new public access,*

Comment: The subject land is privately owned to the mean high water mark. The proposed development does not provide any opportunity for new public access. The proposed development does not have any unacceptable implications in terms of public foreshore access and is not likely to create any insurmountable impediment to achievement of a Gerroa to Gerringong coastal walking track.

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- (b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*
- (i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*
 - (ii) *the location, and*
 - (iii) *the bulk, scale, size and overall built form design of any building or work involved, and*
- (d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*
- (f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

Comment: As previously discussed, the proposed development is considered to have an unacceptable impact on the visual amenity of the area brought about by the siting, bulk, scale and size of the overall development, in particular the proposed 3,927m² principal dwelling, making the proposed development unsuitable for the site and inconsistent with Clause 5.5 of the LEP. The details underpinning and justifying this are discussed within this report, particularly under Visual Impact/Landscape.

Clause 5.5(3) states that development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:

- (a) *the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore*

Comment: Although the proposed principal dwelling, tennis court and pavilion is sited within the foreshore area, it is considered that the proposed development is situated sufficiently inland (i.e. approximately 250m inland of the mean high water mark) that it is unlikely to impede any potential Gerringong to Gerroa coastal walking track, which has been identified by Council as a future project. Council's *Walking Track and Cycleway Committee* has recommended the acquisition of a strip of foreshore land from private properties from Gerringong to Gerroa.

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 6.5 lists considerations and requirements for land which has been identified as riparian land and watercourses. A mapped Category 3 watercourse is located in both the north western sector of the property and another in the south western sector.

The two proposed dams are sited within the mapped watercourse. The proposal meets with the objectives of the clause and the matters which are required to be satisfied prior to issue of consent.

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The applicant advised that they were obtaining a letter from NSW Office of Water confirming that a controlled activity approval is not required for the proposed dams; however this advice has not been forthcoming. If the development is integrated, then it is incumbent upon the developer to obtain relevant approvals from the NSW Office of Water. The applicant advises that the capacity of the proposed dams, in addition to that of the existing dam on the property (overall 3.538 megalitres), does not exceed the 5.0560 megalitres harvestable rights of the property.

Clause 6.6 – Development on the foreshore must ensure access. The applicant comments that *“there is presently no formal proposal to establish public access along the eastern boundary of the subject site within either the Kiama LEP 2011 or Kiama DCP 2012.”*

Whilst there is foreshore public open space (zoned RE1) located to the north of the site there is no similarly zoned land to the south by which any public access could link.

The development associated with this development is set well back from the eastern boundary of the subject site and would not sterilise or frustrate any future proposal by Council to acquire and establish a public access along the foreshore area of the subject site.

The proposed development itself does not generate a demand or need for public access along the foreshore area.

As will be demonstrated in Section 6.3.2 of this SEE the proposed development will not have a negative or adverse impact on the foreshore character of this locality nor will it adversely affect existing environmental conditions.”

These comments are considered to be appropriate and reasonable.

Clause 6.7 – Foreshore building line. The proposed principal dwelling, tennis court and pavilion is sited forward of the foreshore building line i.e. within the foreshore area.

The objective of this clause is to *“ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.”*

Subclause (2) states that *“Development consent must not be granted for development on land in the foreshore area”,* except for, pursuant to Clause 6.7(2)(b), *“the erection of a building in a foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so”* and except for, pursuant to Clause 6.7(2)(c) *“development for the purposes of recreation facilities (outdoor)”*.

Comment: The proposed principal dwelling is sited within the foreshore area and is reliant upon Clause 6.7(2)(b). In justifying the proposed siting, the Visual Impact Assessment comments that *“there are some exceptional features of the site that relate to the merits of the proposed breach of the FBL. These are unusual and a product of the past land use and of the existing topography and visual exposure of the land to views.*

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While it would be possible to wholly locate the proposed principal dwelling above the FBL, the combination of site levels and topography relative to the most sensitive viewing location (Gerringong Cemetery and reserve) is such that a complying location and one that in fact provides lesser amenity and access to views for the owners of the land than the proposed site, is significantly more exposed to views from this and other directions than the proposed site, which is below the FBL.”

The SEE follows on to state:

“It is clearly evident that the landowners do want to take advantage of the expansive ocean views that the site enjoys. This is understandable.

Were the landowners however required to relocate their dwelling further to the west, in a manner that was compliant with the FBL this would place the dwelling either towards the top of a ridgeline or directly to the west of this ridgeline. Such would render the dwelling, as RLA (Richard Lamb and Associates) state above, significantly more exposed to views within the broader landscape, to the north, west and south, and would result in a greater visual impact when compared to the desired location for the principal dwelling house.

It is our view the specific topographical features of the preferred principal dwelling site will assist in shielding this part of the site from broader view. Given these circumstances there are specific topographical features of the site, and specifically the location on the site where it is proposed to site the principal dwelling house, that warrant consideration of this proposal forward of the FBL as proposed.”

It is evident that the siting of the proposed principal dwelling east of the properties high point, within the foreshore area, reduces the visual impact from vantage points to the west i.e. due to the topography of the land. Conversely, such siting increases the visual impact when viewed from offshore and also, arguably, from foreshore vantage points because the principal dwelling is visible in its proposed location from both the north and from the south. Relocation of the dwelling to a position behind the building line and away from the knoll (as required by the DCP, as discussed below) would see the dwelling positioned on either the north side or the south side of the main ridge through the centre of the site, which would consequently increase the exposure of the dwelling from either the west/north, or the west/south.

The argument made by the applicant that repositioning the development to a site further west, outside of the foreshore area will increase the visual impact is essentially moot in many respects, principally, based on the E3 zone and its objectives, the proposed principal dwelling and the cumulative impact of the development as a whole, is of a size, scale and bulk that is inappropriate for the site and for the area.

As discussed previously, the overriding zoning of the land (E3 Environmental Management) and the associated objectives (protect and manage areas with special aesthetic values) requires that, while dwelling houses are permissible in the zone, the size and scale etc. of any such dwelling must be sensitive to the aesthetic attributes of the site and the surrounding area. The size, scale, bulk and siting of the proposed principal dwelling, along with the proposed outbuildings, is a core issue of this development proposal. In relation more specifically to the foreshore building line,

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it follows from the E3 zone objective that any dwelling proposed on the subject site should be of a size, bulk and scale that does not require the building to be sited below the foreshore building line (where development is further restricted) in order to reduce its visual impact.

In relation to Clause 6.7(2)(c), the proposed tennis court and pavilion are a recreation facility (outdoor), being permissible within the foreshore area under the terms of Clause 6.7(2)(c). It is reiterated, however, that the E3 zoning of the land prohibits recreation facility (outdoor), although as previously discussed it accepted in this instance that the facility is permissible on the basis that it is ancillary to the proposed dwelling. These still need an assessment as to suitability in their proposed location.

Clause 6.7(3) follows on to state that development consent must not be granted under subclause (2) unless the consent authority is satisfied that:

“(b) the appearance of any proposed structure from both the waterway and adjacent foreshore will be compatible with the surrounding area”.

Comment: In response to this point specifically, the Visual Impact Assessment Addendum Report submitted for the development application states:

“The photomontage of the view from the Tasman Sea (VP4 in Appendix 2) shows that the proposal would be compatible with the adjacent surrounding area, in compliance with Clause 2(b). The buildings will be set in a landscape that features similar characteristics, land cover, vegetation type and tree species to those which are characteristic of the foreshore visible to the south and north of the subject site.”
(p.22)

The proposed principal dwelling has a length, along its eastern elevation, of some 89m and a height of up to 10.65m. This façade of the principal dwelling is fully exposed to the east, allowing for unimpeded views to, and from, the ocean (Tasman Sea). It is of a size and scale unlike any other rural building in the surrounding area, with built development in the surrounding rural area characterised by much smaller, more conservatively scaled rural dwellings and farm building clusters. Further to this the surrounding countryside is characterised by cleared, rolling hills largely uninterrupted by significant built form outside of the urban areas. Contrary to the comments in the Visual Impact Statement, it is contended that the appearance of the proposed principal dwelling from both the waterway and adjacent foreshore areas is entirely incompatible with the surrounding area and, as such, the proposal does not comply with Clause 6.7(3)(b). The visual impacts of the proposal are discussed in further detail below under Landscape/Visual Impact.

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

The proposed development does not satisfy a suite of Objectives and performance controls within the DCP, outlined and discussed as follows:

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Chapter 2 – Overall Controls

Section 5 - Maintenance of Views and Vistas

The Objectives of Section 5 include:

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

Comment: The proposed development is of a size and scale that will significantly alter the coastal rural views between Gerringong and Gerroa, will result in prominent built form when viewed from the water and other properties/roadway will breach the currently uninterrupted nexus between the landform of the site/property and the sky (alter the existing landform) and will overall have an adverse impact on the views and scenic qualities of the site and the surrounding area.

View impact is discussed in detail under Visual Impact/Landscape.

Section 16 – Foreshore Building Lines

The Objectives of Section 16 of the DCP most relevant to the proposal include:

- Control the bulk, scale and location of development at the water's edge.
- Restrict development and redevelopment below the Foreshore Building Line.
- Reduce the number of structures below the Foreshore Building Line, particularly upon redevelopment of foreshore land.
- Restore the land below the Foreshore Building Line, as far as practicable, to a natural state, with a minimum intrusion of artificial structures.

These objectives are reinforced by the following controls:

C14 Council cannot grant consent to any development of land affected by a Foreshore Building Line unless it is satisfied that the development will be consistent with the above objectives.

C15 In granting development consent for development on land affected by a Foreshore Building Line, Council may require the removal of any building or works located below the Foreshore Building Line.

Comment: The proposed principal dwelling is not at the water's edge (its setback some 250m inland of the mean high water mark), it is still within the foreshore building line and is of an excessive bulk and scale that makes it a distinct built form within the foreshore area. The applicant justifies the siting within the foreshore area

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largely on the basis that the principal dwelling will be partly screened from view, from land based vantage points, by the knoll of the property. Whilst this is true, the counter argument may be mounted that if the proposed development is of a bulk and scale that requires screening to ameliorate its visual impact, resulting in a breach of the foreshore building line, then the proposed development is of an unacceptable bulk and scale in the first instance.

The proposal does not result in acceptable restriction of development below the foreshore building line and therefore is not consistent with the above objectives. In accordance with control C14, consent cannot be granted under such circumstances.

Section 35 – Variation to Building Lines and Foreshore Building Lines

This Section requires that issues including amenity of the neighbourhood, views from other properties, slope and levels of the allotment, size and bulk of the proposed building, whether any other reasonable option is available and foreshore amenity are to be addressed. It goes on to require that, where variation is proposed to Foreshore Building Lines, the objectives and matters raised in Section 16 must be considered and addressed.

Comment: Such matters are discussed within this report, with visual impacts, in particular, discussed under the section titles Landscape/Visual Impacts.

As contended under Section 16 control C14, the proposal is not considered to be consistent with the DCP objectives underpinning the foreshore building line.

Chapter 6 – Rural Development

The Overall Objectives of this Chapter include:

- To ensure that development does not inhibit the use of agricultural land for agriculture.
- To protect and enhance the character of the Kiama area's coastal and rural scenic visual landscapes.

Section 1 – Design and Siting and Design Controls for Rural Dwellings

The Objectives of Section 1 include:

- To ensure that rural housing and ancillary development is designed and sited to protect agricultural land.
- To protect and maintain Kiama's scenic rural landscapes and low density rural residential character.

The objectives are reinforced by the following performance controls:

C1 Building height of all development must be determined in consultation with Council development assessment staff. In general a 2 storey 8.5m building height will be applied in these areas. An exception to this control includes farm buildings and other farm structures such as hay sheds, silos and wind turbines.

Comment: The proposed principal dwelling breaches the 8.5m height limit at four (4) distinct points, the most significant of which being at the central apex where the building height reached 10.65m. The other breaches occur at the end of each main

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wing of the dwelling and at the roof above the indoor pool at the northern extremity of the building.

These height breaches do not result in any significant adverse impact for neighbours in relation to overshadowing, view loss or the like; however the height breaches do compound the overall visual impact of the proposed principal dwelling in relation to its substantial size and bulk.

C2 Development comprising a mix of a principal dwelling, a secondary dwelling and ancillary development must be designed in a way to avoid or mitigate the visual impact of development on the landscape as viewed from a public place.

Comment: The proposed development is dominated by the expansive principal dwelling, which itself is of a bulk and scale that is considered to result in an unacceptable visual impact on the landscape when viewed from public places including Gerringong cemetery and headland to the north and Crooked River Road and the Gerringong Golf Course to the south. The attempt to mitigate the visual impact by siting the dwelling east of the high point of the property, brings about a breach of the foreshore building line under LEP 2011, as previously discussed.

The visual impact associated with the principal dwelling is compounded by the cumulative impact associated with the overall development, inclusive of the secondary dwelling and barn/stables compound, which is particularly visible from Crooked River Road and the golf course to the south.

The proposed development is not considered to satisfy control C2. The visual impact of the proposed development is discussed in greater detail below under Landscape/Visual Impact.

C7 Rural dwellings and ancillary development must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.

Comment: The proposed development is sited in a general linear fashion through the southern half of the site. The proposed principal dwelling is sited approximately 296m from the proposed secondary dwelling (which is within the registered building envelope), with the proposed barn/stables compound in between (approximately 96m from the secondary dwelling and 160m from the principal dwelling). Further to this, the main internal driveway inclusive of the loop road has a length of approximately 930m, with additional individual driveways to the secondary dwelling and the barn and stables complex, extending from the main driveway.

The applicant comments that the proposed barn/stables compound and the farm shed are generally clustered around the secondary dwelling and accepts that the principal dwelling is situated "*away from these buildings*". The applicant contends that, with the ancillary buildings located around the secondary dwelling and the principal dwelling located centrally within the site, the proposal will not adversely impact the agricultural use of the land.

Given the spatial separation between the main built elements of the proposal as described above, the substantial size of the principal dwelling (inclusive of

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surrounding landscaping and the tennis court/pavilion), in conjunction with the expanse of the internal driveway network proposed (and the arguably unnecessary loop road), it is considered that the proposed development is not clustered overall, has an unacceptable impact on the scenic landscape and will substantially curtail agricultural use of the prime crop and pasture potential land within the property. As such the proposal does not satisfy performance control C7.

C8 Dwellings and ancillary development in rural areas must be carefully and sensitively sited and designed to complement the landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.

Comment: Given the bulk and scale of the overall proposed development (design), in particular the principal dwelling, it is inevitable that the built elements will be highly conspicuous with the rural coastal landscape, in particular since the proposed development is of a size and scale unlike anything else in the area.

Whilst the development as a whole is sited below the knoll and ridges on the property, the height of the development, in particular the principal dwelling, means that it protrudes above the knoll and ridges, breaking the currently uninterrupted nexus between land and sky (that council has long sought to protect in the rural landscape). This is particularly important for this site, given the E3 zoning that principally seeks to protect the aesthetic values of the site and the area.

Section 2 – Rural Setbacks

C17 An agricultural buffer area at least 150 metres wide - or a greater distance if possible - must be provided between a rural dwelling house, secondary dwelling or ancillary development (used for habitable purposes) and any adjoining land in separate ownership that is used or capable of being used for agricultural purposes (the purpose of the agricultural buffer area is to mitigate the impact of agricultural activities including noise, odour and spray drift on adjoining land affecting the amenity and health of residents of a new dwelling erected on adjacent land. Agricultural activities include agricultural processing plants, dairies, cattle yards, horticulture, feedlots or other like activities that could result in noise, odours or agricultural spray drift).

Comment: The applicant notes that the property at 250 Fern Street (Buena Vista, adjoining the subject land to the southwest) is currently actively used for agricultural activities, mainly in the north eastern corner of the property. The proposed principal dwelling is sited some 125m upslope from the agricultural activities on that neighbouring property.

Whilst the principal dwelling is within the identified 150m buffer zone, the applicant contends that the siting of the dwelling on the eastern side of the ridge on the property (which descends toward the south) creates a physical barrier that will mitigate the impact of those agricultural activities, further justifying the siting of the principal dwelling within the foreshore building line.

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If a dwelling is to be proposed outside of the registered building envelope on the site, as is proposed, then there are other sites that are both remote from the neighbouring agricultural activities (compliant with control C17) and behind the foreshore building line, albeit with less impressive ocean views.

The registered building envelope on the subject land is approximately 115m from the neighbouring agricultural activities. Those agricultural activities appear to be of a small, domestic scale and would be unlikely to result in significant adverse impacts to development within the registered building envelope NB: control C18 below.

C18 Where a separation distance of 150 metres or more cannot be achieved, and an agricultural activity or an approved agricultural activity is or is likely to be carried out on adjoining land, the planting of a 20 metre wide vegetation buffer strip - comprised of native vegetation must be provided between the proposed development building envelope and the adjacent agricultural land to help screen and mitigate agricultural activity impacts.

Comment: A 20m wide landscaping strip is proposed on the subject property, immediately adjacent the existing agricultural activity in the north east corner of the property at 250 Fern Street, between the agricultural activity and the principal dwelling. The proposed 20m wide landscaping strip does not extend to buffer the proposed secondary dwelling from the neighbouring agricultural activity.

C20 A dwelling and ancillary development must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity.

A secondary dwelling was approved on the neighbouring property at 250 Fern Street (DA 10.2012.172.1) that is approximately 60m from the registered building envelope on the subject land. In recognition of controls C18 and C20, a 20m wide landscape buffer was approved on that land, between the secondary dwelling and the subject building envelope (containing the currently proposed secondary dwelling).

The proposed secondary dwelling is sited against the southern limit of the building envelope and could readily be sited further north to achieve a 75m or so separation distance, if the proximity between the two dwellings was felt by the applicant to be insufficient. There is also opportunity for further buffer landscaping on the subject property, between the building envelope and the property boundary, to further buffer the dwellings. The proposal currently includes a proposed 3m high hedge along the boundary between the two dwellings.

Section 3 Access and Services Infrastructure

The Objectives of Section 3 include:

- To minimise the environmental impact caused private access roads and services infrastructure on the land suitable for agriculture, the natural environment, waterways and the scenic landscape, rural dwelling amenity.
- To minimise the length of access roads and their associated reduction in the amount of productive or potentially productive agricultural land.

The objectives are reinforced by the following performance controls:

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C24 The location and design of an access road and services infrastructure must minimise the amount of land suitable or potentially suitable for agriculture being permanently lost for agricultural production.

Comment: As identified in the comments relating to control C7, the proposed 930m long access driveway with subsidiary access roads occupy and sterilise an extensive amount of prime crop and pasture potential agricultural land. The proposed loop road unnecessarily consumes more agricultural land. This would not be an issue if the development comprised a dwelling within the registered building envelope (sited adjacent the property access) with ancillary building clustered around it, as sought by the DCP.

C25 The location and design must also avoid, minimise or otherwise mitigate any adverse environmental impact on such things as:

- The scenic landscape of the locality.

Comment: Particular reference is drawn to the impact of the proposed driveways on the scenic landscape of the locality. The Heritage Impact Assessment lodged with the proposal highlighted the likely visual impacts of the driveways and made specific recommendations to mitigate those impacts, including:

- *“All roadways and tracks in the proposal shall be designed to be set at natural ground level with minimal change in ground level”*
- *“All roadways and tracks in the proposal shall be designed and constructed without kerbing and shall be of a light to mid colour preferably of unsealed construction.”*
- *“Consideration should be given to including a grassed embankment which rises to above the roadway level by about 0.3m along the outer, or north western, northern and north eastern side of the main loop road where it is north of the existing line of pine trees to help reduce the visibility of this roadway as seen from the listed properties.”*

These recommendations have been made by the heritage consultant (who is also the architect for the project) because of clear concerns about the visual impacts of the proposed access driveway, in particular the loop road that protrudes into the northern sector of the property. As previously stated, this access road is considered to be unnecessary as it does not serve any real purpose other than to provide a scenic round trip to the principal dwelling past the tennis court and pavilion. The visual impacts are such that measures are warranted to mitigate such impact. Even with the measures recommended, the road intrudes upon the northern slopes of the property beyond the established row of Norfolk Island pines, adversely affecting the scenic qualities of the site and the area as viewed from Belinda Street, the Gerringong cemetery and Gerringong Headland.

Section 13 – Land Stability and Earthworks

The objectives of Section 13 are:

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-
- To ensure dwellings and other ancillary development on unstable land are located and designed to maximise the structural design of buildings and the safety of their occupants.
 - To minimise the risk of land slip impacting on habitable buildings and access roads.

The objectives are reinforced by the following performance controls:

C72 Dwellings and ancillary development must not be carried out on slopes with gradients exceeding 20% unless this is in accordance with an approved existing building envelope that has been registered on the land title as a Section 88E restriction under the Conveyancing Act.

Comment: A small part of the proposed pool area encroaches upon land that exceeds 20% slope. The applicant comments that the “*driving force behind the siting of the proposed principal dwelling is to enable the landowners to take advantage of the expansive ocean views that are available from the site; while also providing a location that minimises its visual impact within the broader landscape.*”

The location of the proposed dwelling comprises slopes that will be less than 20%. A small area located to the east of the principal dwelling site that will comprise gradients that slightly exceed the 20% slope criteria.”

The applicant points out that this minor breach does not undermine the objectives behind the control, with geotechnical investigations finding that the site has a very low to low risk of slope instability. It should be noted however that this issue would not arise if the dwelling was proposed within the registered building envelope for the site, which leads to control C73.

C73 If there is no approved building envelope registered on the land title, and if development on steep land is unavoidable due to the site terrain and other constraints on the land, the reasons for locating a dwelling or ancillary development on land with a gradient exceeding 20% must be explained and justified in the Statement of Environmental Effects.

Comment: The site is subject to a registered building envelope. The applicant has justified the proposed location of the principal dwelling on the pretense that the visual impacts are reduced. This has been discussed in detail under DCP Chapter 6 Section 1.

C75 The design of earthworks associated with dwellings and ancillary development must:

- minimise the extent of cut and fill to reduce the potential for land slip and visual impact on the landscape.
- restrict excavation for a building to not more than 1 metre below ground level (existing).
- restrict the height of any external retaining wall outside the walls of a building to not more than 1 metre above ground level (existing).

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-
- restrict the design of any batter to not more than a gradient of 1:4 (absolute) and preferably 1:6.

Comment: The applicant comments that:

- *“The proposed excavation will reduce the visibility of the dwelling to neighbours and the public, and will not change the potential for landslip because of the presence of the weathered rock shelf.*
- *The drawings provided to us show a maximum height for walls of 1m, with excavation above this being graded at a slope of not steeper than 4H:1V, which may be grassed and maintained.*
- *The proposed excavation gradients and slope adjustments will provide stable slopes which can be grassed and mown, or grazed, while minimising the area of bare soil exposed during construction.”*

Notwithstanding the justification provided above, it is reiterated that this breach to control C75 is brought about as a result of the excessive scale and siting of the proposed principal dwelling. A dwelling sited within the registered building envelope would be unlikely to result in a breach of this control.

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*.

Although the proposed principal dwelling, tennis court and pavilion are sited within the LEP defined foreshore area, it is considered that they are situated sufficiently inland (i.e. approximately 250m inland of the mean high water mark) that they are unlikely to impede any potential public setback line necessary to facilitate the Gerringong to Gerroa coastal walking track. As previously noted, Council's *Walking Track and Cycleway Committee* have resolved to acquire a strip of foreshore land from private properties from Gerringong to Gerroa for this purpose, which would include the subject property.

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Landscape/Visual Impact

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

- Crooked River Road adjacent the entrance to 13 Crooked River Road,

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-
- the car park at the corner of Belinda Street and Headland Drive, Gerringong,
 - the eastern edge of the Gerringong Golf Course, south of Walkers Beach,
 - 1km offshore of the development site.

These public locations were specifically selected, as they were considered to be key locations most relevant to the visual assessment of the proposal. The 1km point offshore was selected because it was deemed that the development would be able to be considered in the context of the Gerringong urban area at this range.

The photomontages form attachments to this report.

The development application is supported by a detailed 55 page Visual Impact Assessment and, in conjunction with the preparation of photomontages, a 53 page addendum report. The report comments that *“in our opinion the proposed development will have a neutral effect on the existing visual character of the site”* and concludes that *“the proposed development is compatible with the site and setting”* and that *“the proposed development is reasonable and acceptable with regard to visual impacts.”*

Public domain

- Crooked River Road adjacent the entrance to 13 Crooked River Road,

The currently undeveloped, cleared central ridge (aside from the row of Norfolk Island pines) and knoll of the subject property is a prominent landscape element from this location and creates an important landscape nexus between the countryside, sky and ocean from this direction. The existing rural dwellings along this length of road also set the settlement scene, with the majority of these dwellings being conservatively sized and scaled rural dwellings, with outbuildings clustered around them.

The photomontage supplied demonstrates how the proposed principal dwelling, barn/stables complex and secondary dwelling is visually dispersed within the property. It also illustrates that the proposed built forms clearly protrude above the natural landscape feature of the ridge and knoll, breaking the nexus between landform and sky beyond. The excessive bulk and scale of the proposed principal dwelling is evident from this location, whereby it is appreciably larger than any other building in the rural landscape, as can be discerned by the casual observer travelling through this stretch of the countryside.

Whilst the principal dwelling is well articulated in its roof form, layout and finish materials, its overall mass is such that the building clearly stands out and is out of character within the existing coastal countryside landscape. This is compounded by the barn/stables compound and also by the secondary dwelling, dispersed through the property.

- the car park at the corner of Belinda Street and Headland Drive, Gerringong,

From this point the majority of the northern elevation of the proposed principal dwelling, as well as the tennis court pavilion, will be seen through the existing row of Norfolk Island pines on the property (the lower parts of the dwelling are screened by

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the landform). In addition, the upper section of the barn roof protrudes above the central ridge of the property, which again forms the critical landscape nexus between land and sky from this direction.

The proposed principal dwelling presents from this direction as a large and conspicuous built form, within a landscape that is characterised by rolling, cleared agricultural land largely devoid of built form beyond the Gerringong urban area and the heritage listed Saint Mary's Catholic Church, which is currently the most distinct and prominent building in the southerly direction from the car park vantage point. The proposed principal dwelling, from this position, is sited just inland of the point on the horizon where the ocean meets the land, being a focal point of the landscape. The proposed development, as a large built form, interferes with this feature of the landscape.

Again, the substantial bulk and scale of the proposed principal dwelling is perceptible from this location, particularly because it is visible in an otherwise cleared, undeveloped rural landscape.

- the eastern edge of the Gerringong Golf Course, south of Walkers Beach,

From this lower position, the proposed secondary dwelling and barn/stables compound clearly protrude above the ridge line. It is also particularly evident from this position how dispersed the proposed principal dwelling, barn/stables compound and secondary dwelling are within the property.

The proposed roof and upper level of the principal dwelling is also clearly visible from this position, with the lower level screened by the curvature of the land. The principal dwelling is also partly screened by the existing row of Norfolk Island pines on the property.

The most intrusive built element from this position is the barn/stables compound, which is a tight cluster of three (3) building but presents from this angle as a bulky built form situated centrally within the saddle of the ridge. Again, the built form creates a prominent intrusion of the otherwise uninterrupted nexus between landform and the sky, which is detrimental to the aesthetic qualities of the landscape in the area.

- 1km offshore of the development site.

Whilst the proposed development will be observed by most from land based vantage points, it is imperative that development of this scale also be considered from offshore.

The applicant has made it clear that the overriding motivation for siting the dwelling in the proposed location was to capitalise on the panoramic ocean views available from the location. The photomontage supplied based on a distance of 1km offshore, provides the fullest understanding of the bulk and scale of the proposed principal dwelling. From this position it is not screened or softened by vegetation or landform, but instead is prominently positioned on the high point of the property, where the land descends toward the ocean.

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Again, the proposed development protrudes above the landform. The proposed dwelling is sited high on the site, which does provide clear separation between the built form and the coastline and ocean.

From this angle the principal dwelling can be seen in the context of the Gerringong urban area, which is visible as a collection of small built forms (residential dwellings), with Saddleback Mountain range in the background and cleared, undulating pasture land to the south. In the context of the Gerringong township the bulk and scale of the proposed principal dwelling is excessive. Adding to this, the context of the existing rural landscape can be made out beyond the urban area. The rural landscape is characterised by rolling green, cleared pasture land with beaches, cliffs and headlands forming the interface of land and ocean. The built forms in the rural landscape can be made out to be average sized country dwellings. The proposed principal dwelling is of a bulk and scale unlike anything else in the visual catchment from this direction, clearly out of character with the area. The protrusion of this isolated, large built form above the high point of the land also contributes heavily to the adverse impact of the proposed dwelling on the landscape.

- Other locations

It is noted that the proposed development will be visible from other public locations, including Mount Pleasant Lookout north of the site and also from the Princes Highway west of the site, over distances of around 4.95km and 2.25km respectively. From these directions and over these distances, the development will be visible with the context and catchment of Gerringong and, from the west, above Elambra Estate. From these directions and over these distances, the principal dwelling can be perceived as being within the curtilage of the Gerringong urban area, but there is distinct 'green space' between the proposed development and the established urban area. The bulk and scale of the principal dwelling is expected to be distinguishable from anything else in the landscape remote of the urban area. The development will therefore be out of character with in the landscape and detrimentally affect the scenic qualities of the area.

Private domain

The proposed development will be visible mainly from rural dwellings south of the site, with the principal dwelling in particular likely to be visible from dwellings toward the eastern end of Belinda Street in Gerringong to the north of the site.

The proposed development will not block any views, but will become conspicuous built elements within the landscape, out of character in its size and scale with other rural development within the landscape. It is reasonable to say that other developments in the area have observed the foreshore building line defined in Council's LEP and generally observed the controls for rural dwellings and outbuildings as prescribed within Chapter 6 of Council's DCP.

The visual impact concerns about the proposed development raised in discussions about the public domain; are also relevant in relation to the private domain.

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Landscaping

The proposed development involves extensive landscaping, primarily around the principal dwelling, as a measure to ameliorate the visual impacts of the proposed development.

Photomontages have been supplied that illustrate the likely appearance of the development once landscaping is established. The report identifies the photomontages as including “*rendered buildings with existing vegetation and the rendered buildings with the assumed growth in 10 years of the existing and proposed vegetation.*”

It is not considered to be acceptable to rely upon landscaping as a measure to reduce the visual impact of a development. This is because there is no guarantee that the landscaping will survive in either the short or long term; nor is there any guarantee that the vegetation will not be deliberately removed at a later point. Furthermore, the Land & Environment Court has also held up the position that landscaping should not be relied upon as a means of ameliorating visual impact.

In addition to this, it is also important to note that the landscaping itself is out of character with the area. The rural landscape between Gerringong and Gerroa is characterised by its rolling hills and green pasture land interfacing with the coastline. It is this character that heavily contributes to the amenity and scenic character of the area. The planting of landscaping for the purpose of screening built form is, in itself, detrimental to the scenic values of the landscape.

Overall, the design of the proposed development is considered to be unacceptable when considered in relation to the context of the site. The bulk, scale, design and siting of the proposal is inconsistent with relevant planning instruments and the built form, in conjunction with the proposed screening vegetation, is inconsistent with the landscape.

- Noise

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

- Privacy and Overlooking

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development. This is discussed below under Public Submissions.

- Overshadowing

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

- Views

The proposal is considered to be of a scale and size and siting that is out of character with the area. Whilst the proposed development will not block views, it will

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result in a built form that is dominant for the area, which will detract from the picturesque rural coastal views currently available from both the public and private domain.

On this basis the proposal will have an unreasonable impact on views currently available.

- Vehicular Access, Parking and Manoeuvring

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

- Stormwater Management

A satisfactory drainage design has been provided with the application.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

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

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

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

- Social and Economic Impacts

The proposed development is expected to have positive economic impacts for the area. Obviously the immediate economic impacts will be felt by the building industry, employing builders, plumbers, electricians, earthmovers etc in the construction of the development.

Beyond that, maintenance of the property, the dwellings and associated infrastructure will result in employment of a site manager (proposed to be housed in the secondary dwelling), cleaners, gardeners and other maintenance people.

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

- Contamination from previous land uses

There is no evidence of site contamination.

- Agricultural land productivity

It is anticipated that development of the scale and capital value as that proposed, will mean that the land is predominantly lost to viable agricultural production. In this regard, the sprawling scale of the development and the expansive internal driveway network will consume an excessive extent of the agricultural land mapped as being of prime crop or pasture potential. The applicant advises the driveway will not be fenced, however it is highly likely that once stock start lying on, gathering on and

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defecating on the driveway, then the driveway will be fenced off. The principal dwelling, secondary dwelling, tennis court and pavilion and barn/stables for the owner's horses will also be fenced off to exclude stock. Clearly this will substantially reduce the agricultural capacity of the land. A more modest principal dwelling sited within the building envelope, clustered with the farm shed, stables/barn, negating the need for the expansive driveway, will enhance the likelihood of ongoing or expanded agricultural use of this prime agricultural site.

- Operational waste

The proposed development consists of a ten (10) bedroom principal dwelling and a three (3) bedroom secondary dwelling, meaning it has the propensity to generate a considerable amount of garbage if fully occupied.

The subject property is serviced by council's domestic waste collection service. Arrangements can be put in place to provide additional bins for the site should the owners deem this to be necessary.

- Risks to people & property from natural & technological hazards

The proposed principal dwelling is positioned on the eastern side of the knoll on the property, falling away to the coastline. The land at the eastern curtilage of the principal dwelling descends quite steeply to the rock shelf about 70m below. Geotechnical information indicates that the site is capable of supporting the proposed development.

- Construction impacts

Given the size, scale and siting of the proposed development (i.e. dispersed within the property), the visual impact associated with construction of the development will likely be significant, as they have been, for example, for the substantially smaller scaled single storey development at 40 Crooked River Road near Gerroa.

The Suitability of the Site for the Development

As discussed throughout this report, the overall development and in particular the proposed principal dwelling is of a size, bulk, scale and siting that is considered to be out of character with the rural locality. The development is proposed within the E3 Environmental Management zone, the objectives of which are to protect, manage and restore areas with special aesthetic values. The property forms part of the scenic rural coastal landscape between Gerringong and Gerroa, which is expected to be unacceptably impacted by the proposed development. For these reasons the site is not considered to be suitable for the proposed 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, twelve (12) submissions were received which raised the following (summarised) matters of concern (ranked in order of the frequency with which the concern was raised):-

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Item 1:- The proposed development contravenes the foreshore building line.

Response:- This matter has been discussed in detail within this report and it is agreed that the siting of the proposed principal dwelling and tennis court/pavilion is not acceptable.

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

Response:- This matter has been discussed in detail within this report and it is agreed that the overall development, in particular the expansive principal dwelling, is of a size, bulk and scale and siting that is out of character with the area.

Item 3:- The proposal will have an unacceptable visual impact on the scenic coastal landscape/vista and will be imposing on the skyline

Response:- This matter has been discussed in detail within this report and it is agreed that the overall development, in particular the expansive principal dwelling, will have a substantial and unacceptable impact on the scenic qualities of the coastal rural landscape.

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

Response:- This matter has been discussed in detail in detail above under DCP 2012. The proposed development (principal dwelling) breaches the 8.5m building height control applying to rural development, which exacerbates the visual impact of the development when viewed from the south (Crooked River Road, the golf course), the north (Gerringong Cemetery and headland reserve) and from the Tasman Sea to the east.

Item 5:- The development is not 'clustered' as is required by DCP 2012.

Response:- This matter has been discussed in detail above under DCP 2012. It is agreed that the proposed development does not satisfy the controls requiring rural development to be clustered and is unacceptable on these grounds.

Item 6:- The septic system should be relocated away from the watercourse and spring.

Response:- The proposed effluent disposal system for the principal dwelling has been relocated to a position on the opposite side of the spur, approximately 135m east of the previously proposed position adjacent the watercourse. This location is considered to be acceptable.

Item 7:- The development is outside of the allotted building envelope for the property.

Response:- The proposed principal dwelling is sited clear of the registered building envelope, in contravention of the registered restriction on use of land applying to the property. As discussed in this report, it is considered that the restriction should be maintained and enforced.

Item 8:- Is there a change that allows dams in the zone – if so we will put one in too.

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Response:- As discussed within the report, the proposed dams are considered to be prohibited within the E3 zone and, as such, cannot be approved under the terms of this development application.

Item 9:- The tennis court fencing will spoil the bucolic views of the paddocks and the skyline.

Response:- The proposed 3.6m high, black, chain link fence will add another built element to the site that will contribute to the overall visual impact of the proposal. Chain link fence finished in black is the visually discreet colour, as it does not reflect light and therefore is less obtrusive. The tennis court will be visible from Belinda Street; however from this direction will have the backdrop of the far more prominent principal dwelling. The tennis court fencing will, nonetheless, contribute to the overall visual impact of the proposal.

Item 10:- Lights from the development will reduce the public's enjoyment of the night sky.

Response:- The subject site is on the fringe of the Gerringong urban area, which will likely be responsible for the majority of the light spill illuminating the night sky.

The proposed development is visible during daytime (as evidenced by photo montages supplied) so lights at night time will undoubtedly contribute to the visual impact of the proposal. The visual impact from lights at night time is likely to be exacerbated by the siting of the principal dwelling on elevated land toward the east of the property (within the foreshore building line) as well as by the linear siting of the overall development within the property, as will be evident from the south.

Item 11:- Disappointment was expressed about the removal of some of the established Norfolk Island Pines for the proposed farm shed.

Response:- The proposed farm shed has subsequently been repositioned to a site south of the established row of Norfolk Island Pines, clear of the pine trees.

External Referrals

Nil

Internal Referrals

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

- Development Assessment Officer - Building

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

- 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

Council's Landscape Officer has commented that *"a detailed landscape plan is required for Construction Certificate. Consideration should be given to lessening the*

Report of the Director Environmental Services

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

amount of trees and placing them more strategically to lessen the impact of the dwelling and lessen the impact of the development in general as traditionally headlands have been maintained as grassy paddocks (notwithstanding the large number of Norfolk Island Pines on this property). Consideration should also be given the climatic conditions of the site dominated by strong wind and salt. Plant species should be matched to these conditions to ensure plants survival long term. Further Kiama Development Control Plan Chapter 8 Appendix 1 refers to plants in general unsuitable for Kiama local government area. The following species should be replaced; Cupressocyparis leylandii, Ficus benjamina with the local Ficus rubiginosa, Grevillea robusta, Pittosporum undulatum, Coprosma repens, Nerium oleander and Raphiolepis indica.”

Conditions of development consent have been recommended should the application be approved.

The Public Interest

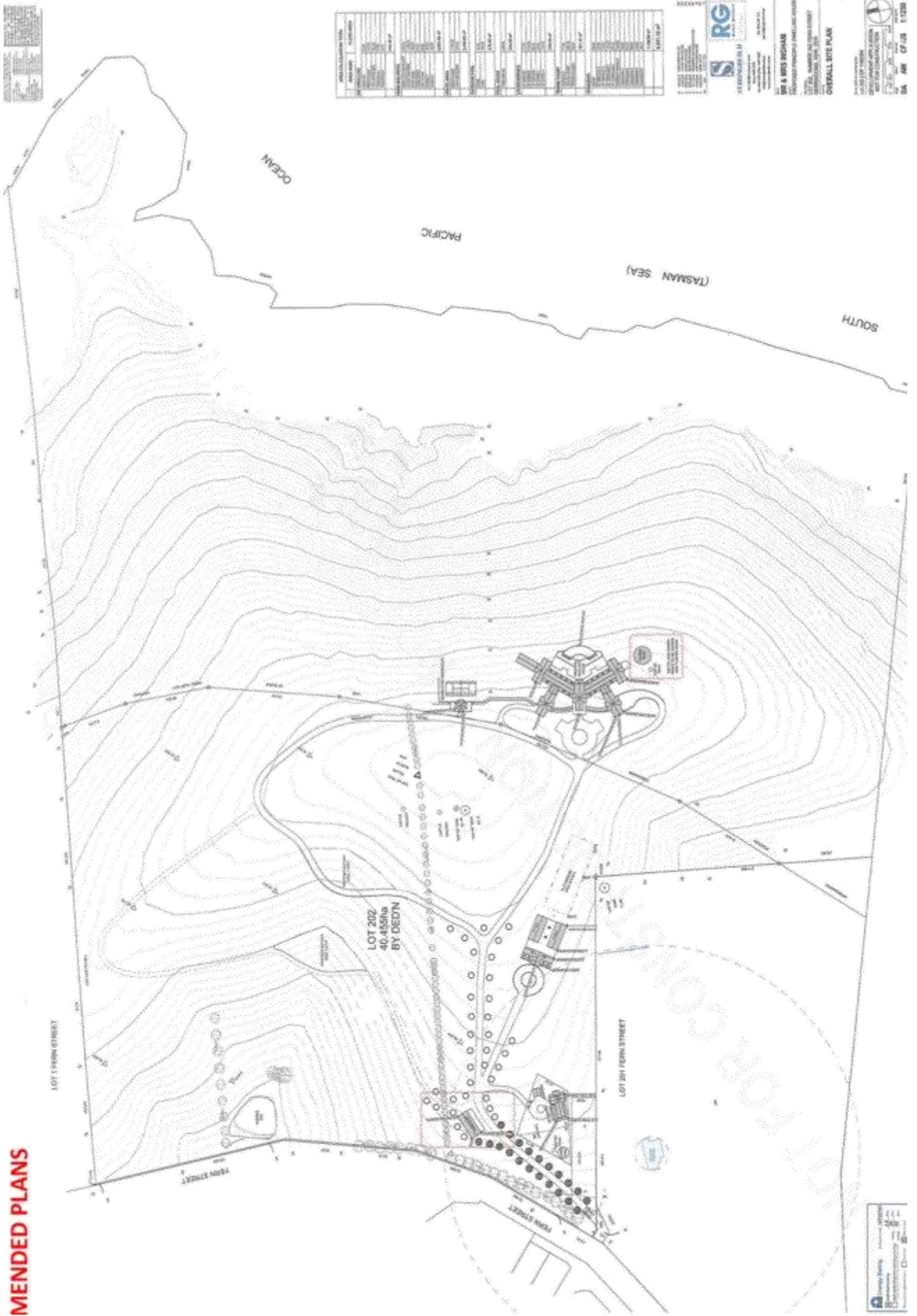
The proposal is considered to be inconsistent with relevant Environmental Planning Instruments and DCP 2012, is expected to cause significant adverse impacts on the visual amenity of the landscape and coastline and is considered to be unsuitable for the site on the basis of the size and scale of the overall development and in particular the proposed principal dwelling. The proposed development is considered to be contrary to 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 proposed development is inconsistent with SEPP 71 Clause 8, Kiama LEP 2011 (primarily the E3 zone objectives and Clauses 5.5 and 6.7) and DCP 2012 (primarily the provisions of Chapter 6). The proposed development also breaches the registered building envelope applying to the land.

Consideration has been given to the social, economic and environmental impacts of the proposed development and significant concerns are raised in relation to the environmental impact of the proposal, particularly the likely visual impacts. Concerns raised in submissions have been considered and warrant refusal of the application.

With the exception of the proposed secondary dwelling and farm shed, the proposed development is considered to be unacceptable and refusal is recommended.

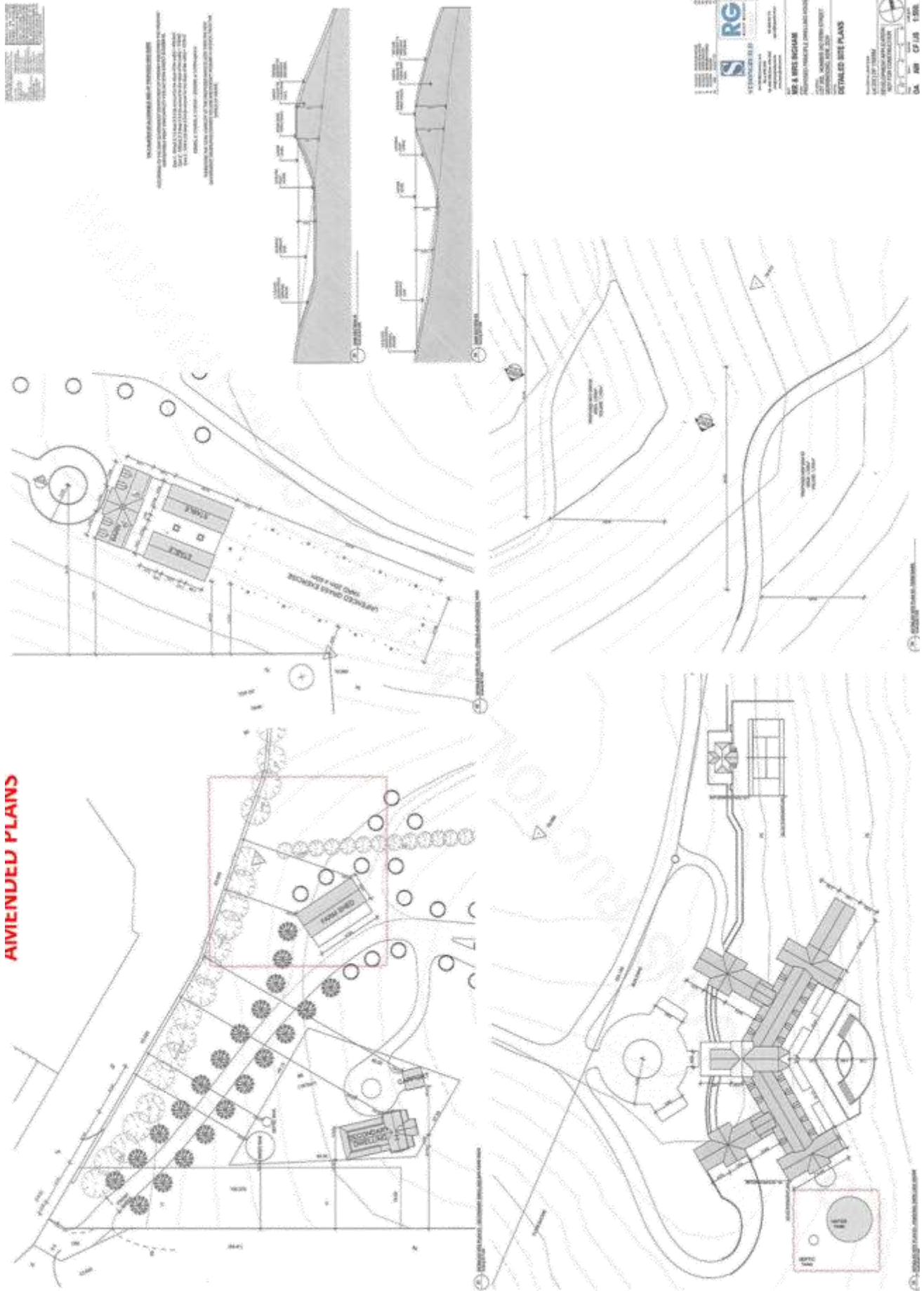


Item 9.2
 Attachment 1

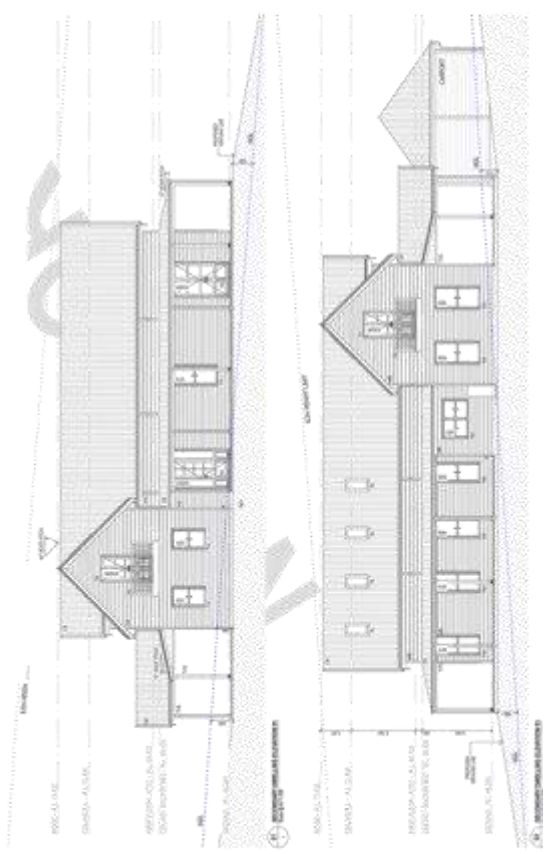
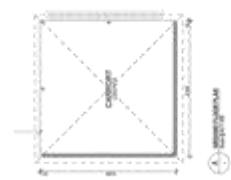


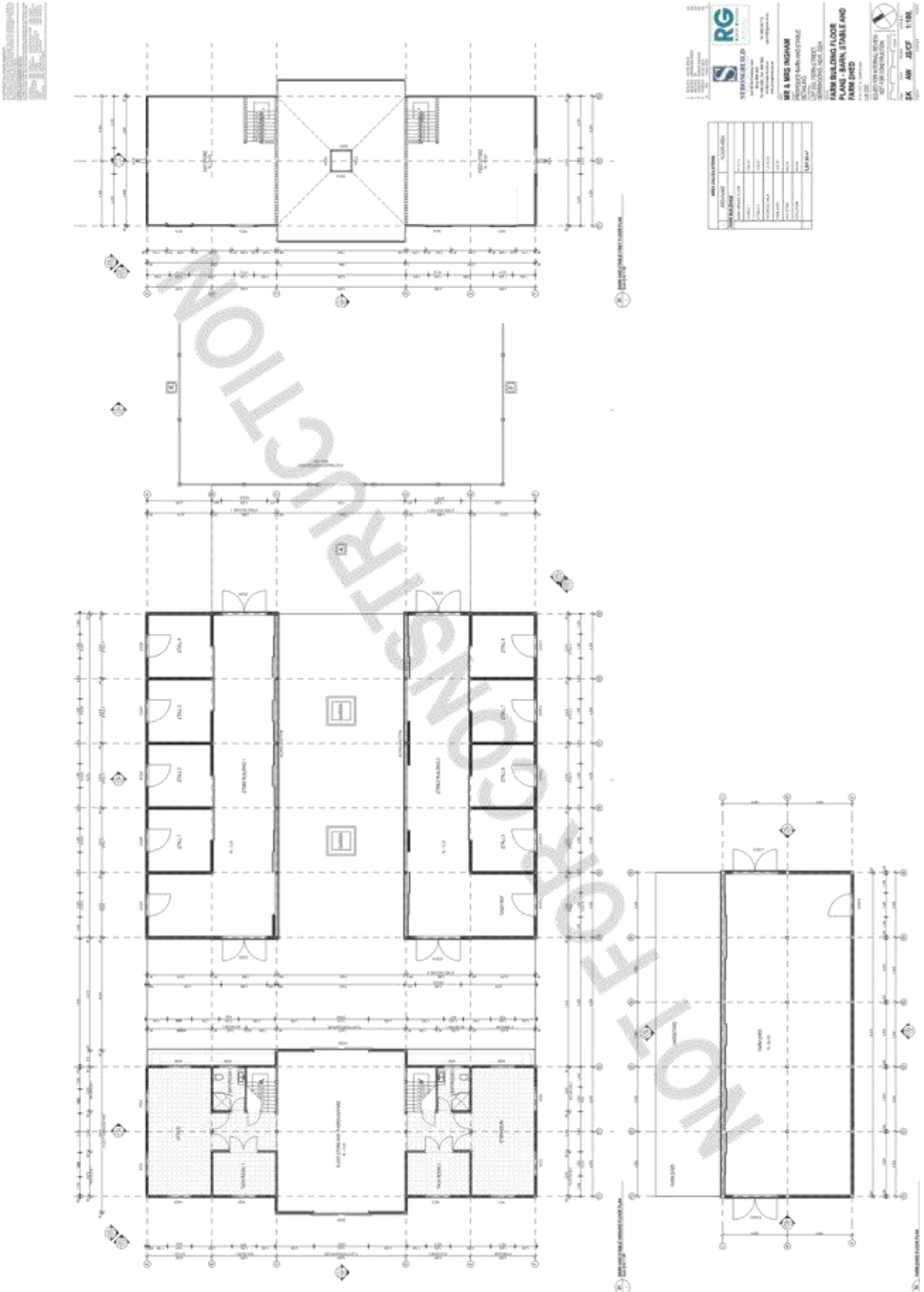
Item 9.2

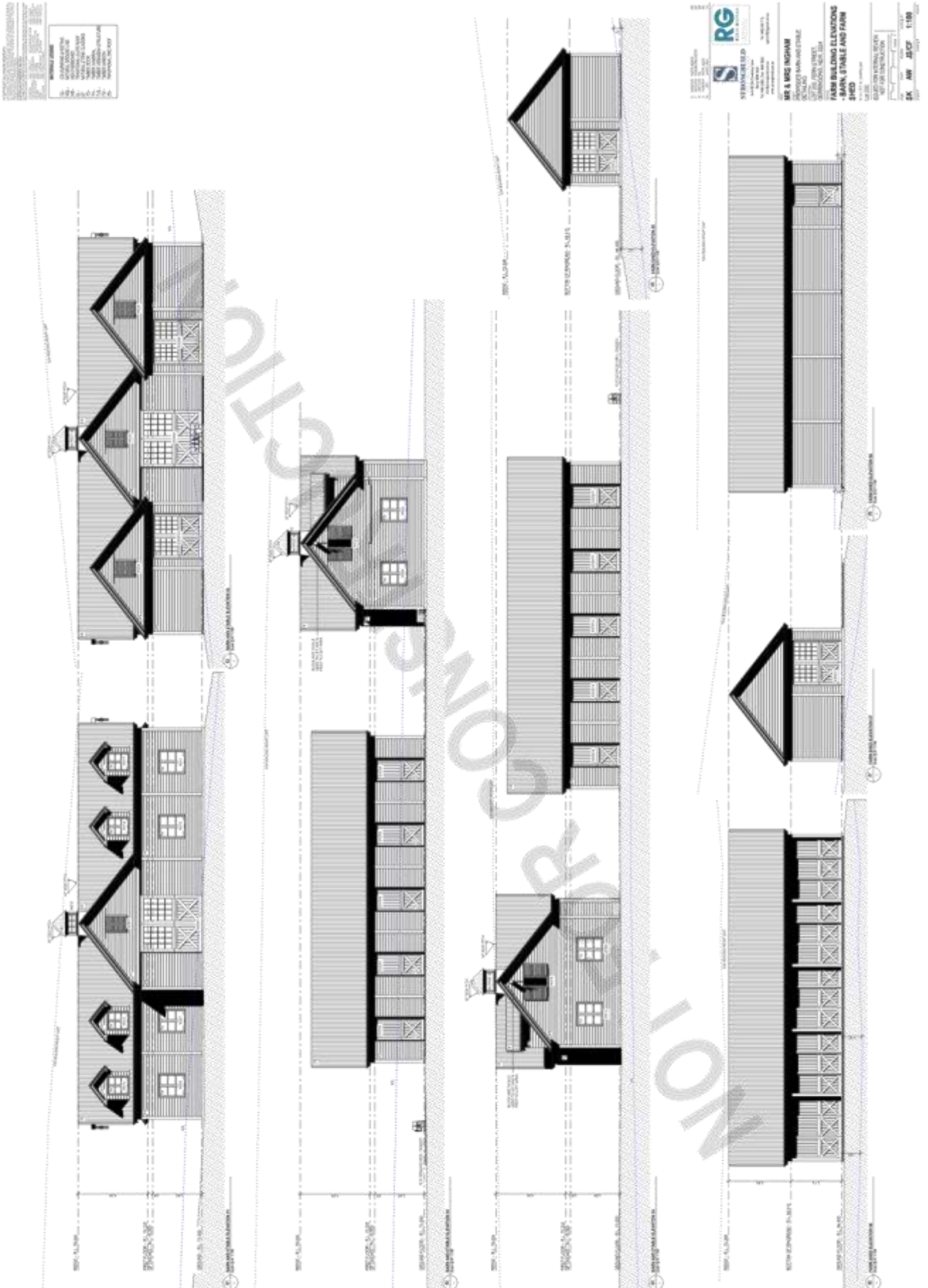
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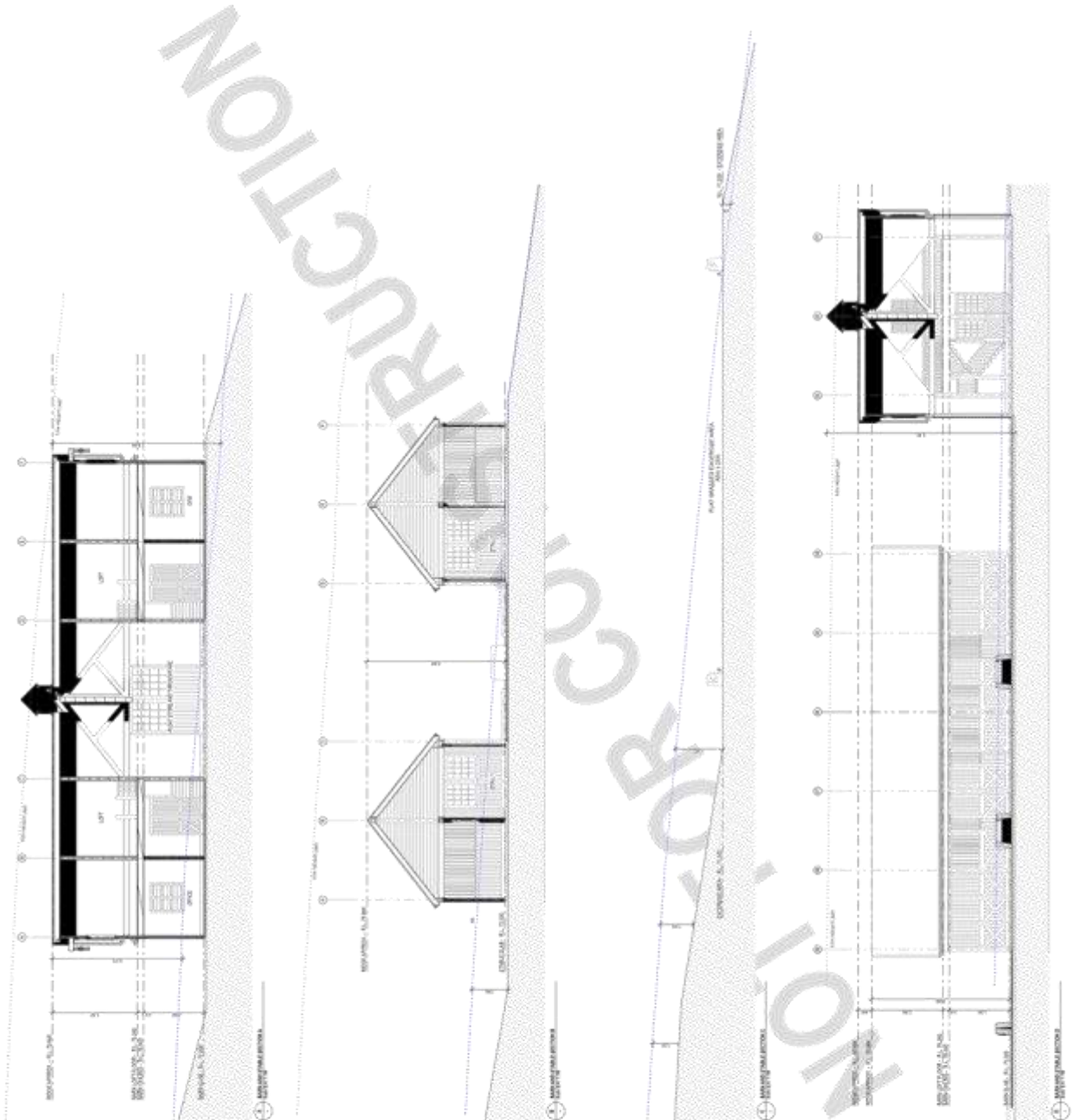


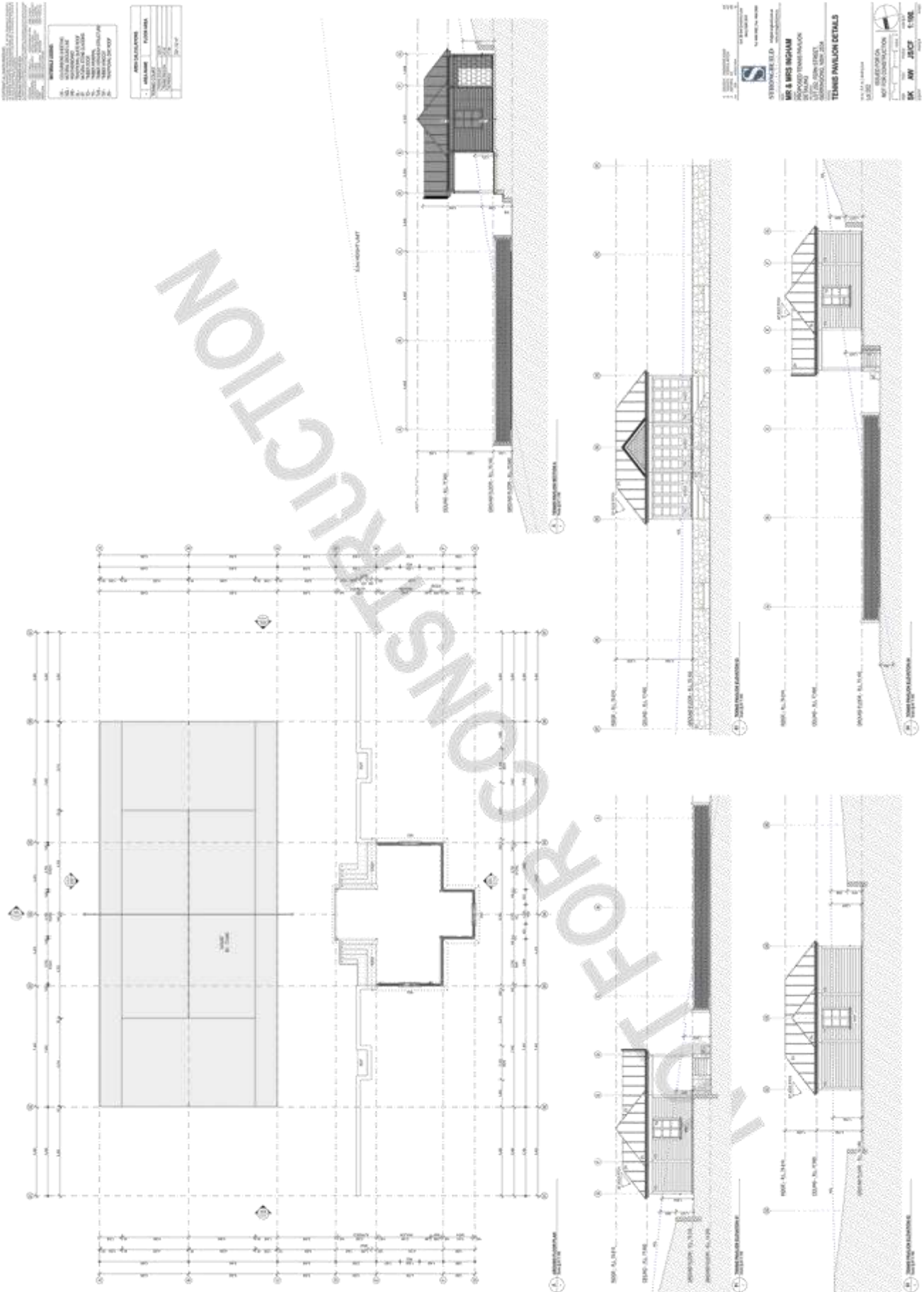
PROPOSAL SUMMARY PROJECT NAME: 242 FERN STREET GERRINGONG PROJECT ADDRESS: 242 FERN STREET GERRINGONG PROJECT TYPE: RESIDENTIAL DEVELOPMENT PROJECT VALUE: \$1,200,000 PROJECT START DATE: 10/2015 PROJECT END DATE: 12/2015 PROJECT STATUS: APPROVED	
APPLICANT INFORMATION APPLICANT NAME: MR & MRS INGHAM APPLICANT ADDRESS: 242 FERN STREET GERRINGONG APPLICANT PHONE: 0438 444 444 APPLICANT EMAIL: info@ingham.com.au APPLICANT WEBSITE: www.ingham.com.au	
PROPOSAL DETAILS PROPOSAL NO: 14/15/017 PROPOSAL DATE: 10/2015 PROPOSAL STATUS: APPROVED PROPOSAL VALUE: \$1,200,000 PROPOSAL TYPE: RESIDENTIAL DEVELOPMENT PROPOSAL AREA: 10,000 SQ M PROPOSAL HEIGHT: 10 M PROPOSAL FLOOR AREA: 1,000 SQ M PROPOSAL GROUND COVER: 10% PROPOSAL SETBACKS: 10 M FRONT, 5 M SIDE, 5 M REAR PROPOSAL COLOURS: AS SHOWN ON DRAWINGS PROPOSAL MATERIALS: AS SHOWN ON DRAWINGS PROPOSAL FINISHES: AS SHOWN ON DRAWINGS PROPOSAL SPECIAL REQUIREMENTS: NONE	











NOT FOR CONSTRUCTION

PROPOSED DEVELOPMENT

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

Site Plan

Scale: 1:500

DA 1001 of 1001

DA 1001 of 1001

DA 1001 of 1001

RG

REGISTRATION

REGISTRATION NO. 1001

REGISTRATION DATE: 10/10/2015

REGISTRATION OFFICER: [Name]

REGISTRATION OFFICE: [Address]

REGISTRATION FEE: [Amount]

REGISTRATION STATUS: [Status]

REGISTRATION EXPIRES: [Date]

REGISTRATION NOTES: [Notes]

REGISTRATION CONTACT: [Phone]

REGISTRATION WEBSITE: [URL]

REGISTRATION DOCUMENT: [Document]

REGISTRATION DATE: 10/10/2015

REGISTRATION OFFICER: [Name]

REGISTRATION OFFICE: [Address]

REGISTRATION FEE: [Amount]

REGISTRATION STATUS: [Status]

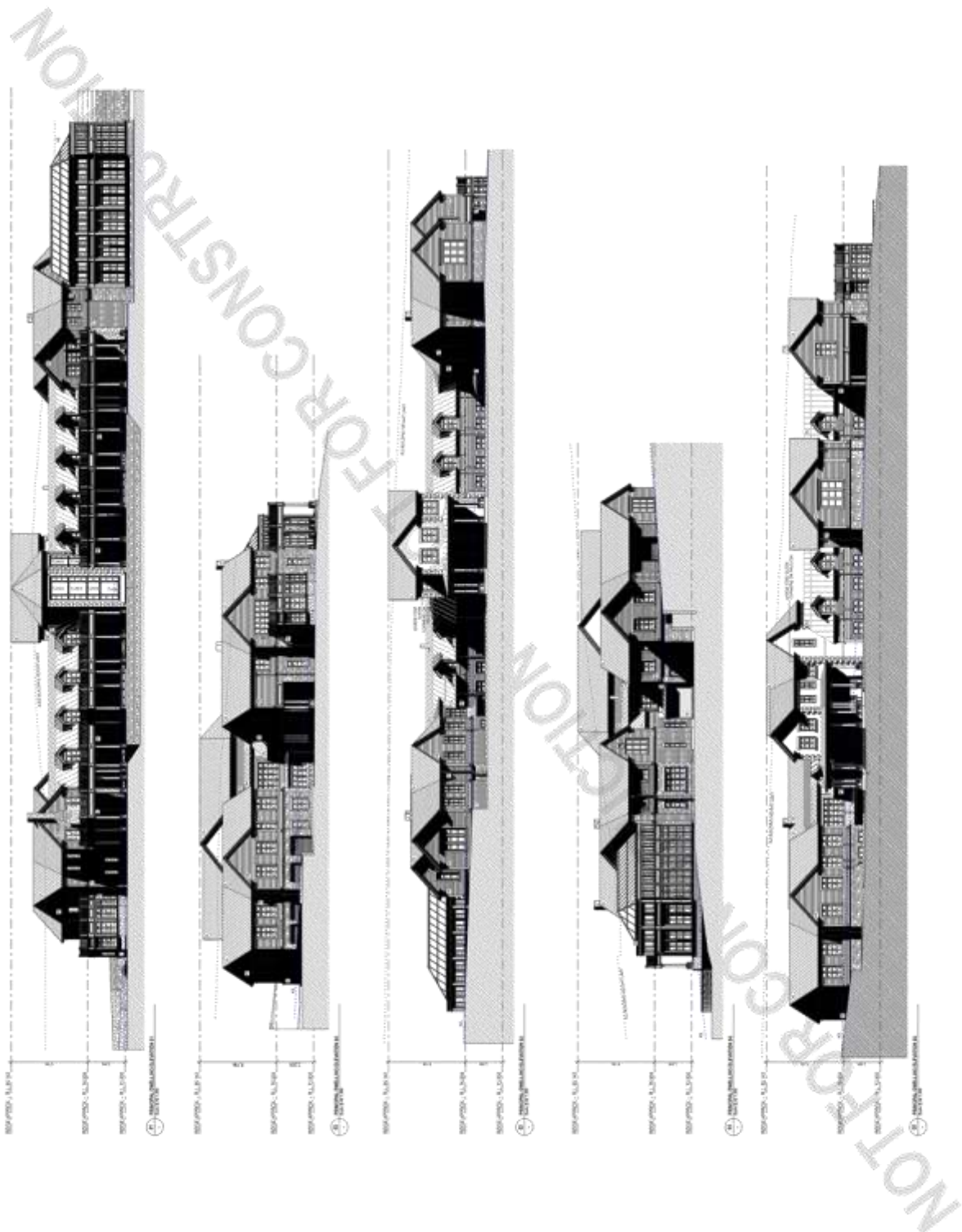
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REGISTRATION NOTES: [Notes]

REGISTRATION CONTACT: [Phone]

REGISTRATION WEBSITE: [URL]

REGISTRATION DOCUMENT: [Document]



Item 9.2

Attachment 1

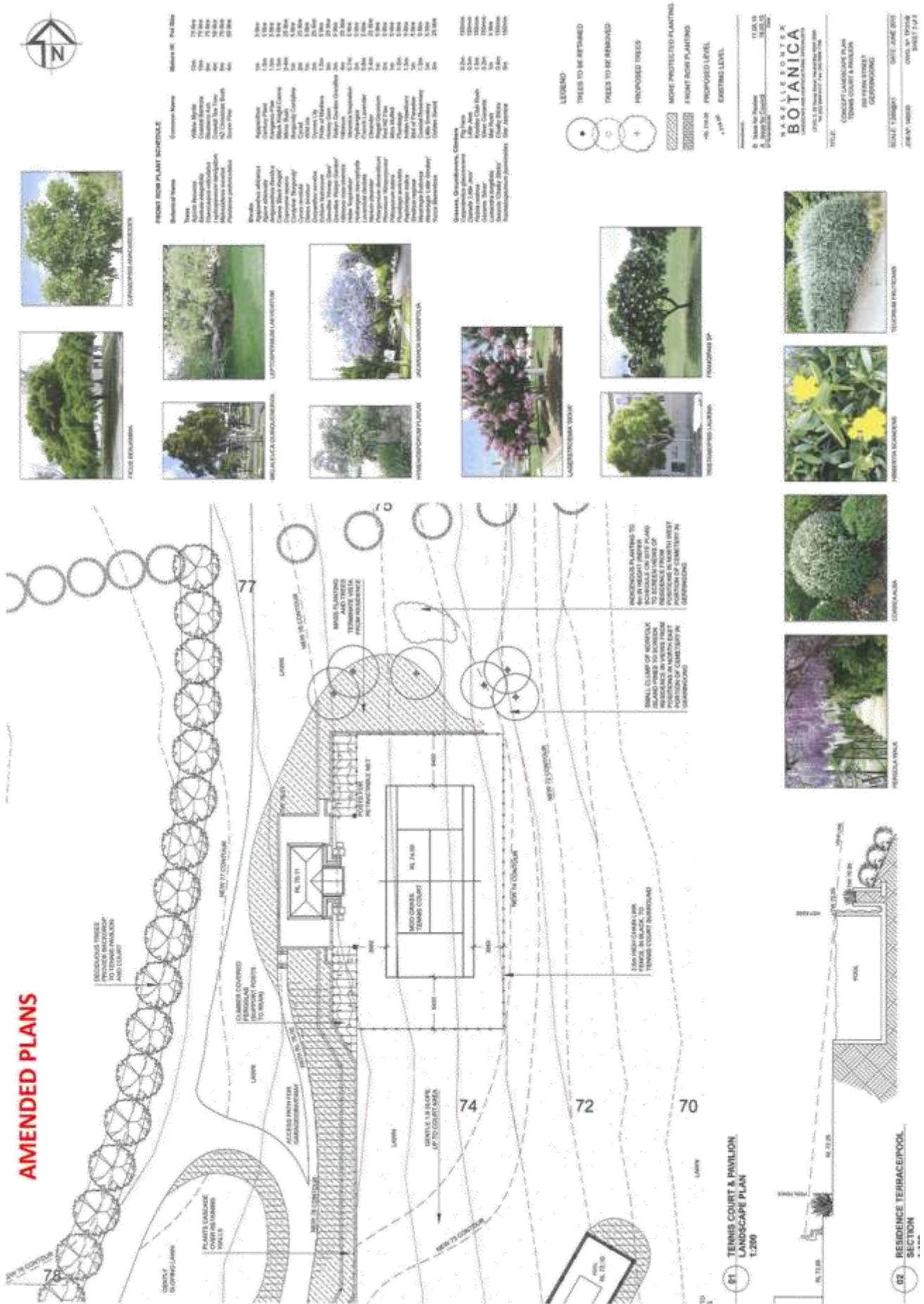


Figure 9 below is an extract from the set of plans included within Annexure 1 and shows a 3D model of the proposed principal dwelling and the degree to which it exceeds the maximum building height limit of 8.5 m.



Figure 9: Building height plane isometric model of proposed principal dwelling-house.

Figure 10 below is a plan of the roof of the proposed principal dwelling and which highlights those sections of the roof that exceed the 8.5 m building height limit.

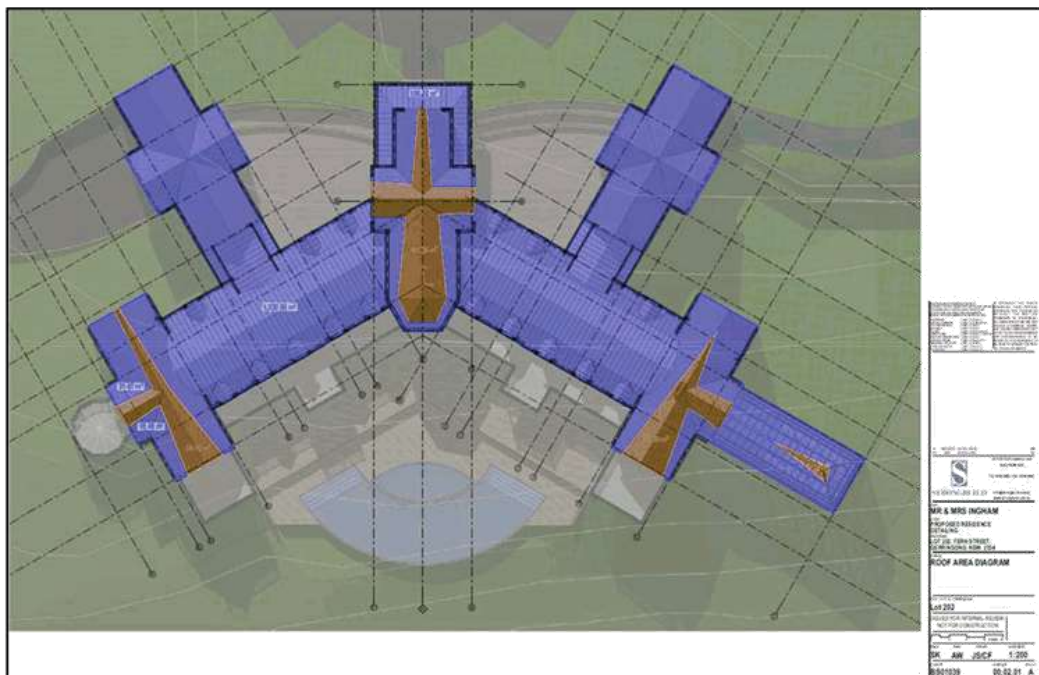


Figure 10: Plan of roof of proposed principal dwelling-house showing exceedance of 8.5 m height limit

LOT 202 FERN STREET GERRINGONG PHOTOMONTAGE PACKAGE

Prepared and Confidential Communication - Subject to Legal Professional Privilege



VP1 - RENDERED VIEW (BUILDING)
Crooked River Road adjacent to the entrance to 13 Crooked River Road

03/10/15 15:00:00.jpg

LOT 202 FERN STREET GERRINGONG PHOTOMONTAGE PACKAGE

Version 06 9

Privileged and Confidential Communication - Subject to Legal Professional Privilege

VP2 - RENDERED VIEW (BUILDING)
Eastern edge of the Gerringong Golf Course, south of Walkers Bench

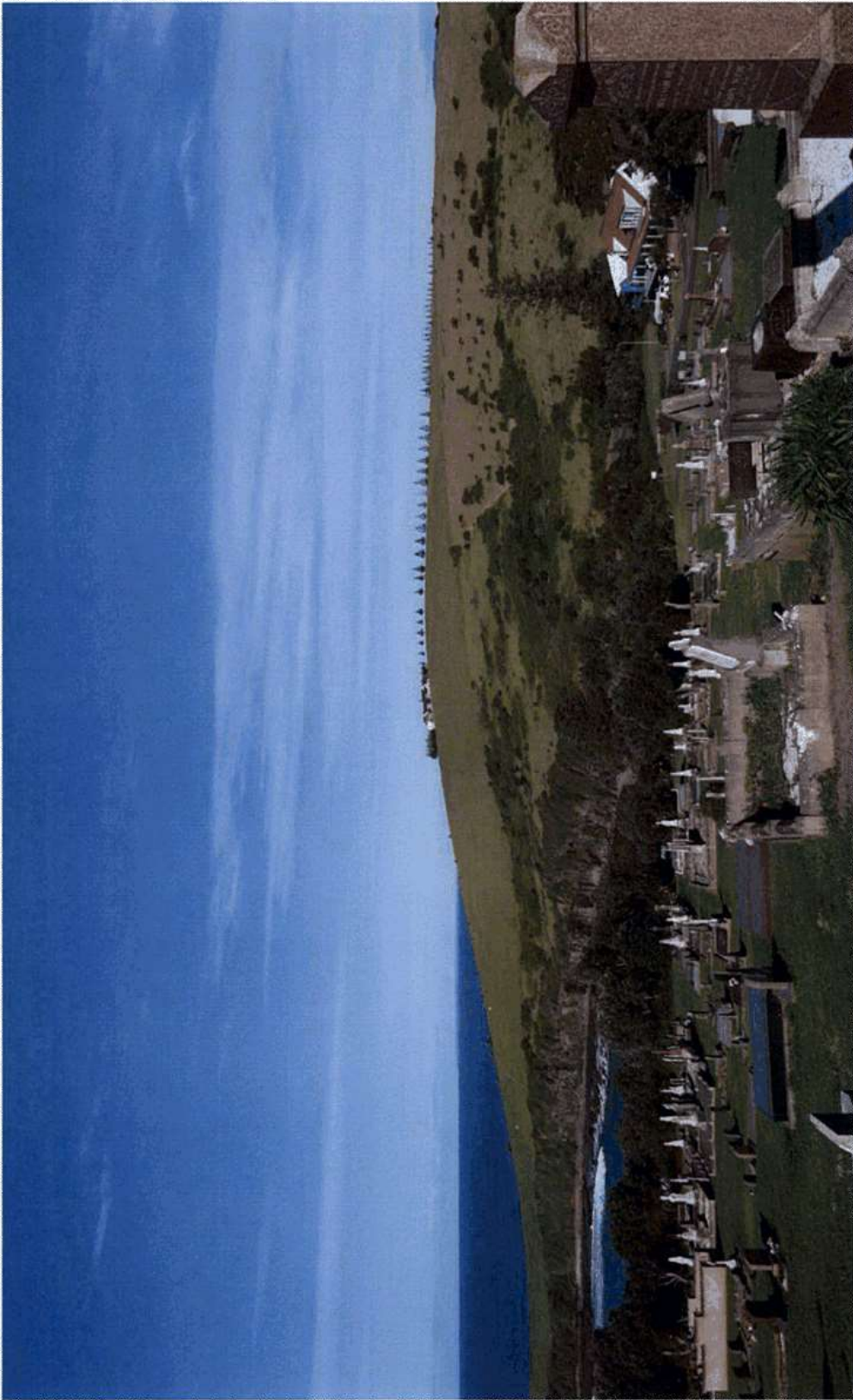


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LOT 202 FERN STREET GERRINGONG PHOTO MONTAGE PACKAGE

Privileged and Confidential Communication - Subject to Legal Professional Privilege

VP3 - RENDERED VIEW (BUILDING)
Car park, at the corner of Belinda Street and Terman Drive



Version 001

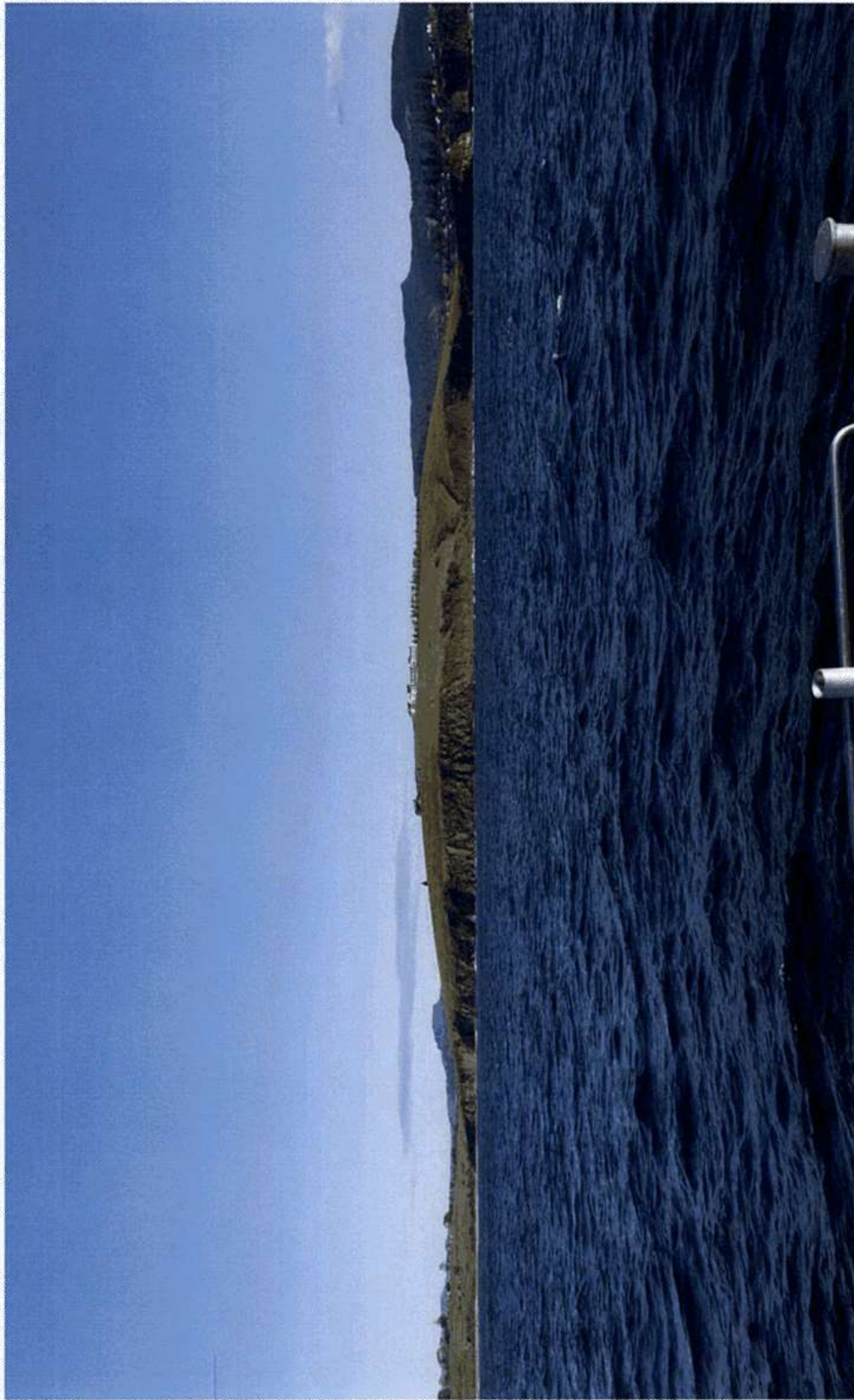
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LOT 202 FERN STREET GERRINGONG PHOTOMONTAGE PACKAGE

Version 06 17

Privileged and Confidential Communication - Subject to Legal Professional Privilege

VP4 - RENDERED VIEW (BUILDING)
Tasman Sea



041020 1169384_06

9.3 Design and Construction of Community Recycling Centre Shed Tender

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

Tenders were recently sought for the design and construction of a Community Recycling Centre (CRC) shed (including a rain water tank) at Council's Minnamurra Recycling Facility.

Tenders closed on 27 October 2015 with two tenders being received. Upon assessment, the prices received were well in excess of the projected budget. This report recommends that Council reject all tenders and project manage the design and construction of the CRC itself.

Finance

Council received part funding for the upgrading and construction of the CRC. Council was required to provide additional funding to cover any shortfall. It is proposed that this would be financed from waste reserves.

It is recommended that Council, as part of its quarterly budget review process, allocate \$125,000 from its waste reserves to cover any likely shortfall in capital expenditure for this project

Policy

The tender was undertaken in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulations 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That:

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tenders as submitted by Builtform Constructions Pty Ltd and Malsave Pty Ltd for supply and construction of the Community Recycling Centre
2. In accordance with Clause 178(3)(f) of the Local Government (General) Regulation 2005, Council resolve to carry out the requirements of the proposed contract itself.
2. As part of the 2015-16 Budget Review process, Council resolve to allocate \$125,000 from Waste Management Reserves, to cover any expenditure above the Waste Less Recycle More grant funds, for the construction of the

Report of the Director Environmental Services

9.3 Design and Construction of Community Recycling Centre Shed Tender
(cont)

Community Recycling Centre

BACKGROUND

Council received Waste Less Recycle More grant funding of \$197,360 of which approximately \$150,000 was allocated for the construction of a CRC at the Minnamurra Recycling Depot. Council was required to provide funding to cover any shortfall that may result from the provision of services such as power and water and any site specific constraints and building regulations (bushfire prevention) and compliance with any development consent conditions

Expenditure of \$26,000 has been incurred for the preparation of planning studies required for development consent, geotechnical assessments and site filling and compaction work for the building platform for the shed. Grant funding of \$126,000 is still available to go towards building this facility.

Development consent has been obtained for the CRC shed (30m length x 11m width x 5.2m height) and rainwater tank. Conditions of consent required compliance with specific design requirements for bushfire ember protection. Other conditions required specific design requirements for ventilation and artificial lighting. These requirements resulted in additional construction costs.

Request for Tender

Request for tenders were advertised in the Illawarra Mercury, Sydney Morning Herald and the Local Government Tenderlink site for the construction of a shed and reinforced concrete slab and the provision and installation of a water tank and associated plumbing. This tender closed on the 27 October 2015.

Only two tenders were received from:

Builtform Constructions Pty Ltd	\$339,940 GST inclusive
Malsave Pty Ltd	\$430,419 GST inclusive

The above tenders excluded the provision of power to the shed and the supply and installation of lighting and exit signs to comply with the Building Code of Australia. Separate quotations for this electrical work were sought. Only one quotation of \$25,000 was received by Council. Therefore additional quotations will be sought.

Upon assessment of the tenders both companies are proposing to purchase the shed from the same supplier. The tendered prices are well beyond what Council's anticipated budget of approximately \$250,000. No companies that manufacture sheds submitted a tender.

Council's Engineering and Works division considered that if Council purchased a shed and water tank directly from a manufacturer and obtained quotations and subcontracted the construction of the shed and other work, then substantial savings could be made.

Report of the Director Environmental Services

9.3 Design and Construction of Community Recycling Centre Shed Tender
(cont)

Therefore and in accordance with the provisions of Local Government Tendering Regulation 2005 it is recommended that Council should resolve to decline the tenders as submitted by Builtform Constructions Pty Ltd and Malsave Pty Ltd for design and construction of the CRC. It is also recommended that Council carry out the requirements of the proposed contract tender itself.

Financial implications

Council was required to provide capital funding for this construction project. The amount to be allocated was not known until development approval and tenders were obtained.

As outlined in this report, grant funding of \$126,000 is still available towards building this facility however additional budget funding will still have to be allocated. As the facility will be constructed during the year it is recommended that \$125,000 be allocated as part of Council's 2015-16 second quarter budget review process.

Every effort will be made to ensure construction costs of the CRC are kept below \$250,000.

Also as part of the development consent a new sealed access road and associated storm-water drainage work will have to be constructed. Funding for this will be included for consideration by Council in the 2016-17 budget estimates.

10 REPORT OF THE GENERAL MANAGER

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

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 advises of the 19th Annual Johnny Warren Memorial Cup to be held in Jamberoo from 5-7 February 2015 and recommends Council's support.

Finance

The provision of waste and recycling services for the event is approximately \$700.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

Council has received a request from Mr Jamie Warren seeking Council's support for the 19th Annual Johnny Warren Memorial Cup to be held at the Kevin Walsh Oval Jamberoo on 5, 6 and 7 February 2016. The event is held as a fundraiser for the Johnny Warren Football Foundation and attracts approximately 60 teams from the Illawarra Region and from other parts of New South Wales.

Council has been requested to again provide support through the provision of waste and recycling services for the event at a cost of approximately \$700.

The event has been successful for a number of years in attracting a number of soccer teams and cyclists to the Jamberoo area which provides significant boost to the local economy. Importantly the event is also a fundraiser for the highly commendable foundation which provides funds for the development of youth football in Australia.

10.2 Council's Organisation Structure

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

CSP Strategy: 4.9 Manage Council staff in a fair, equitable and sustainable manner to ensure the most efficient outcomes for the Community Strategic Plan

Delivery Program: 4.9.1 Recruit and retain an appropriate workforce to deliver planned objectives of the Community Strategic Plan

Summary

This report is in response to a request for an internal review of Council's organisation structure.

Finance

Not applicable

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

At the meeting on 20 October 2015 Councillor Reilly requested that an outline be developed for an internal review of Council's structure.

The question was raised in response to the impending retirement of the Director of Corporate and Commercial Services and the Director of Engineering and Works.

On the 10 November 2015 a workshop involving all Councillors, the General Manager and the Assistant General Manager was held to assess the Council structure and possible options. Prior to the workshop a copy of the existing structure and report on a previous structure review was circulated. A copy of other council structures was also distributed at the meeting.

The workshop began with consideration of the following questions:

- How should the Council be structured to respond to the Community Strategic Plan?

Report of the General Manager

10.2 Council's Organisation Structure (cont)

-
- What are Council's core activities?
 - What activities are non-statutory or non-self-funding?
 - How do we best align activities?
 - How do we improve efficiency, reduce costs and improve income?
 - How do we maintain and improve the delivery of services to the community?
 - What structure will best help Council being fit for the future?
 - What are the strengths and weaknesses of optional structures?

A number of optional structures were presented and discussions on the advantages and disadvantages of each option occurred. During the discussions a number of points were made including the following:

- A number of non-core and non-self-funding activities are considered to be important in terms of community wellbeing and the Community Strategic Plan.
- There needs to be a greater focus on increasing the returns from commercial/profitable activities.
- There may be the opportunity to rearrange some activities to better align within existing directorates.
- There needs to be ongoing review of the organisation structure having regard to the future of Blue Haven in terms of development and growth or otherwise.

At the conclusion of the workshop there was consensus to retain the existing four directorates with ongoing consideration of activities within the directorates to obtain improved alignment and greater commercial focus. There was also the recognition of the need to undertake a periodical structure review having regard to the development and growth of Blue Haven or otherwise.

11 REPORT OF THE ACTING 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 Council's consideration of recommendations from the Economic Development Committee.

Finance

N/A

Policy

2013-2017 Delivery Program

Attachments

- 1 Minutes of the Economic Development Committee meeting held 27 October 2015

Enclosures

Nil

RECOMMENDATION

That Council considers the recommendations from the Economic Development Committee.

BACKGROUND

At the Economic Development Committee meeting of 27 October 2015, the following recommendations were resolved for Council's consideration

3.1 Business Arising - Concept Design Competition - Kiama East Precinct

The Committee was advised that at the Council meeting of 20 October 2015 the following recommendation was endorsed:-

Recommendation: *That the Committee supports an architectural competition to design a concept plan for the area indicated above and would include the relocation of the main council administration building which should be cost neutral to council. All*

Report of the Acting Director Corporate and Commercial Services

11.1 Economic Development Committee - Recommendations (cont)

heritage aspects should be maintained, and the existing showground area should remain unaltered.

As a result, the Committee has agreed to establish a Sub-committee to progress the design and scope for the competition and has nominated the following members on that Committee:-

Councilor Mark Honey

Sandy Rendel

Patrick Mahedy

Manager Strategic Planning Kim Bray

Economic Development Manager Megan Hutchison

Recommendation: *That Council endorses the above nominations for the Sub-committee of the Economic Development Committee to design and establish the scope for the competition to design the Kiama East precinct.*

3.2 Business Arising Akuna Street Master Plan

The brief for the Akuna Street Masterplan was previously circulated to the Committee and comments have been communicated back to the appropriate council officer for collation.

The Committee was of the strong opinion that any master planning of this precinct should not be undertaken in isolation, but as part of a broader strategy for town centre revitalisation to ensure that the current controls are meeting the development need whilst enhancing the overall character of the town centre.

Recommendation: *That the Akuna Street Masterplan be considered in conjunction with a review of the Kiama Town Centre DCP.*

Agenda item 5 LEP Review Panel

As Patrick Mahedy was an apology, there was only a general discussion about the progress of the LEP Review Committee, and the time taken to make any progress with the issues identified. At the September meeting of the LEP review Panel, as there was not a quorum present, the recommendations from that meeting were held over until the next meeting.

The Committee expressed concern that these delays were impacting on potential developments, and creating uncertainty in the development and planning process for investors and were potentially impacting on economic development in the Kiama LGA.

Recommendation: *That council notes the concerns of the Committee and the adverse impact that delays to amendments to the current LEP are having on economic development in the Municipality.*

Agenda item 7 Burnett's on Barney

Council currently leases part of the Barney Street Quarry to Farbreburn Pty Ltd t/as Burnett Trees and Burnett's on Barney. The business commenced trading at this site in 2012 and now employs 15 permanent and 5 casual employees and supports many local businesses for supplies and services. They have recently opened a garden nursery and landscape centre and support many community groups with donations of products and supplies. They have substantially grown the business and made significant investment improving the site.

They would ideally like to continue growing the business and would like to undertake long term investment to extend the building, and expand their services and nursery and landscaping area. To achieve this growth they would like to expand their leased area and take over the entire site which would mean relocation of the current storage that council has in that space. They would also require a much longer lease period to provide them with some security of investment, and to be a more attractive prospect for potential lenders.

Burnett's would like to potentially capture some of the escaped spending that would likely occur given the possible closure of Mitre 10. If the business is able to expand, apart from retaining some of the business in Kiama, there would also be the possibility of ongoing employment for some of the workers currently employed at Mitre 10.

Another barrier to expansion of the business is that the current DA and DCP conditions on the site are prohibiting them from Sunday and public holiday trading. For a landscape and nursery supply business, trading on Sundays and public holidays would be essential for the long term viability of the business, and again would assist stem the escape spending to neighboring areas, and increase the potential to employ more local staff. The land is currently zoned B7 and the activity that they are undertaking is allowable with consent under the objectives of the zone.

Recommendation: *That the Committee supports Burnett Trees and Burnett's on Barney in their endeavors to secure a long term lease on the Barney Street Quarry site, and to expand their operations to the whole of the site. Furthermore, the Committee also supports the review of the current Barney Street Quarry DCP to enable more flexible trading hours and conditions.*

Minutes of the Kiama Municipal Council Economic Development Committee meeting held
on 27 October 2015 at The Pavilion Kiama

1 Present: Councillor Neil Reilly, Councillor Mark Honey, Councillor Kathy Rice,
Steve Thomas, Michael Cole, Gerry McInerney, Andrew Waugh, Sandy
Rendel, Roy Schmidt,

Attending: Megan Hutchison,

Apologies: Gavin McClure, Chris Quigley, Lisa Evans, Patrick Mahedy

2 Acceptance of minutes of 23 September 2015

Moved: Councillor Mark Honey

Seconded: Michael Cole

3 Business Arising

3.1 Concept Design Competition- Kiama East Precinct

The committee was advised that at the Council meeting of 20 October 2015 the following
recommendation was endorsed:-

Recommendation *That the Committee supports an architectural competition to design a
concept plan for the area indicated above and would include the relocation of the main
council administration building which should be cost neutral to council. All heritage aspects
should be maintained, and the existing showground area should remain unaltered.*

As a result, the committee has agreed to establish a subcommittee to progress the design and
scope for the competition and has nominated the following members on that committee:-

Councillor Mark Honey

Sandy Rendel

Patrick Mahedy

Manager Strategic Planning Kim Bray

Manager of Economic Development Megan Hutchison

Recommendation: *That council endorses the above nominations for the subcommittee of
the Economic Development Committee to design and establish the scope for the competition
to design the Kiama East precinct.*

Moved: Councillor Mark Honey

Seconded: Sandy Rendel

3.2 Akuna Street Master Plan

**Note- Sandy Rendel declared an interest in this matter and abstained from the discussion.

The brief for the Akuna Street Masterplan was previously circulated to the committee and comments communicated back to the appropriate council officer for collation. The Committee was of the strong opinion, that any master planning of this precinct should not be undertaken in isolation, but as part of a broader strategy for town centre revitalisation to ensure that the current controls are meeting the development need whilst enhancing the overall character of the town centre.

Recommendation: *That the Akuna Street Masterplan be considered in conjunction with a review of the Kiama Town Centre DCP.*

4 Fit for the Future

Councillor Reilly outlined the current situation in the "Fit for Future" submission and that council would be responding to the IPART report by 18 November. The committee was further advised that the Department of Premier and Cabinet in a joint meeting last week advised council that we would not be required to consider a merger with neighbouring councils. This was due to the fact that we met the "Scale and Capacity" criteria and that IPART concluded that we "have not identified evidence for a better alternative to Kiama Council's proposal to stand alone".

5. LEP Review Panel

As Patrick Mahedy was an apology, there was only a general discussion about the progress of the LEP Review Committee, and the time taken to make any progress with the issues identified. At the September meeting of The LEP review Panel, as there was not a quorum present at that meeting, the recommendations from that meeting were held over until the next meeting.

The committee expressed concern that these delays were impacting potential developments, and creating uncertainty in the development and planning process for investors and were potentially impacting on economic development in the Kiama LGA.

Recommendation: *That council notes the concerns of the committee and the adverse impact that delays to amendments to the current LEP are having on Economic Development in the Municipality.*

6 Committee Review

The Committee was advised that after the meeting the current Committee would be disbanded and Expressions of Interest would be called for new non councillor Committee members.

The Chair thanked all members for their contribution, and advised them that they would be more than welcome to reapply for membership.

7. Burnett's on Barney

Council currently leases part of the Barney Street Quarry to Farbreburn Pty Ltd t/as Burnett Trees and Burnett's on Barney. The business commenced trading at this site in 2012 and now employs 15 permanent and 5 casual employees and supports many local businesses for supplies and services. They have recently opened a garden nursery and landscape centre and support many community groups with donations of products and supplies. They have substantially grown the business and made significant investment improving the site.

They would ideally like to continue growing the business and would like to undertake long term investment to extend the building, and expand their services, nursery and landscaping area. To achieve this growth they would like to expand their leased area and take over the entire site which would mean relocation of the current storage that council has in that space. They would also require a much longer lease to enable them some security of investment, and be a more attractive prospect for potential lenders.

Burnett's would like to potentially capture some of the escaped spending that would likely occur given the possible closure of Mitre 10. If the business is able to expand, apart from retaining some of the business in Kiama, there would also be the possibility of ongoing employment for some of the workers currently employed at Mitre 10.

Another barrier to expansion of the business is the current DA and DCP conditions on the site which is prohibiting them from trading on Sundays and public holidays. For a landscape and nursery supply business, trading Sundays and public holidays would be essential for the long term viability of the business, and again would assist stem the leakage of escaped spending to neighbouring areas, and increase the potential to employ more local staff. The land is currently zoned B7 and the activity that they are undertaking is allowable with consent under the objectives of the zone.

Recommendation: *The Committee supports Burnett Trees and Burnett's on Barney in their endeavour to secure a long term lease on the Barney Street Quarry site, and to expand their operations to the whole of the site. Furthermore, the Committee also supports the review of the current Barney Street Quarry DCP to enable more flexible trading hours and conditions.*

8. General Business and new ideas

Nil

Next meeting is on 23 February 2016 downstairs at The Pavilion Kiama.

11.2 Stocktake of Stores and Materials

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

This report recommends a net adjustment write off to the Depot Store Inventory

Finance

Provision has been made in the Stores Adjustment Account in the 2015/2016 Budget.

Policy

The stocktake of Council's Stores and Materials was carried out in accordance with Legislation.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council authorise a net write off of \$105.70

BACKGROUND

In accordance with the Local Government (General) Regulation 2005, an inventory of stores and materials on hand at Council's Depot Store as at 30 October 2015 has been undertaken. A comparison has been made with the appropriate accounts in the Stores and Materials Ledger and as a result, there is a net adjustment to be written off to the Store of \$105.70

Council's resolution is now required to bring the stores and materials in line with the physical stocktake. The value of Council's stores and materials at the time of writing this report was \$166,130.53.

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Audited Annual Financial Statements 2014/2015

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

This report advises that a public notice was placed in the local paper on 4 November 2015 advertising that the Audited Financial Statements will be tabled for consideration at this meeting.

Finance

Audit costs are covered in Council's budget.

Policy

This report is a requirement of the Local Government Act and Local Government (General) Regulations 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That:

- (1) The Annual Financial Statements and Audit Reports for the period ended 30 June 2015 be received and adopted.

- (2) The Audited Financial Statements and Audit Reports be forwarded to the Office of Local Government.

BACKGROUND

Council at its meeting held on 15 September 2015 resolved to refer the Annual Financial Statements to Council's auditors in accordance with Section 413(1) of the Local Government Act 1993.

Council's auditors are required to report on the General Purpose and Special Purpose Financial Statements, which include the five main Statements, Significant Accounting

Report of the Manager Corporate Services

12.1 Audited Annual Financial Statements 2014/2015 (cont)

Policies and Notes to the Financial Statements. They are also required to report on the conduct of the audit.

Report on General Purpose Financial Statements

The audit report by Pitcher Partners advises that Council has complied with all Australian Accounting Standards and obligations and responsibilities under the Local Government Act 1993, and the Local Government (General) Regulation 2005.

Pitcher Partners have issued an unqualified audit report for the General Purpose Financial Statements.

COMMENTS ON THE GENERAL STATEMENTS

The Income Statement for the twelve month period ending 30 June 2015 discloses a net operating deficit for the year of \$18K (2013/2014 \$4.1M deficit). The deficit of \$18K includes a Fair Value revaluation revenue item for Investment Properties of \$961K, an increase in depreciation of \$857K and unexpended grant and revenue funds re-voted into 2015/2016. Council's total equity on the Balance Sheet as at 30 June, 2015 was \$354.2M (2013/2014 \$329.6M).

The inclusion of infrastructure assets as required by Australian Accounting Standards has seen the subsequent increase in depreciation from \$2.734M at 30 June, 1997 to \$8.8M for the 2015/2015 year.

Rates and annual charges represent approximately 35.36% of Council's revenue (2013/2014 33.43%).

Fit for the Future Indicators

	2015	2014	2013	Benchmark
Operating Performance Ratio	-5.27%	-5.79%	-5.41%	>0.0%
Own Source Operating Revenue Ratio	77.75%	76.19%	76.98%	>60%
Building & Infrastructure Renewals Ratio	25.81%	55.75%	38.57%	100%
Infrastructure Backlog Ratio	2.44%	1.65%	6.13%	<2%
Asset Maintenance Ratio	98%	95%	121%	100%
Debt Service Ratio	2.65%	3.49%	2.79%	<20%
Real Operating Expenditure per capita	2.24	2.47	2.09	Trending ↓

The Operating Performance Ratio has slightly improved since 2013 and will be addressed in future budgets to realise a positive ratio.

The Own Source Operating Revenue Ratio is very favourable and should remain around the 70% over future years.

The Debt Service Ratio has trended favourably but will peak at around the 18% when the Centre of Excellence in Aged Care facility is constructed and will still be within industry guidelines.

The Building & Infrastructure Renewals Ratio is quite low by industry guidelines but future asset renewal is fully funded in future budgets based on the Ten Year Asset Management Strategy. This is reflected by Council's very low Infrastructure Backlog Ratio.

The Asset Maintenance Ratio guideline is 100% and Council's ratio reflects the ongoing commitment to maintenance of assets.

Report of the Manager Corporate Services

12.1 Audited Annual Financial Statements 2014/2015 (cont)

The Real Operating Expenditure per capita is trending upwards (unfavourably) due to Council's low population growth.

GENERAL

The Financial Statements for the period ended 30 June 2015 reveal that Council's finances provide a reasonable basis for funding the coming year's operations.



Phil Mison

Responsible Accounting Officer
Manager Corporate Services

12.2 Financial Report for the period ending 30 September 2015

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

CSP Strategy: 4.2 Ensure finances are managed responsibly to meet the goals of the Community Strategic Plan and to protect financial investments and assets

Delivery Program: 4.2.1 Ensure all Statutory accounting and reporting is carried out to meet legislation

Summary

That the revised budget for the period ending 30 September 2015 be received and adopted

Finance

Variation to Council's 2015/2016 Budget

Policy

This report is a requirement under the Local Government Act 1993

Attachments

1 Quarterly Budget Review 30/9/2015

Enclosures

Nil

RECOMMENDATION

That the revised budget for the period ending 30 September 2015 be received and adopted.

BACKGROUND

In accordance with Clause 203 of the Local Government (General) Regulation 2005 the revised budget for the period is presented for Council's consideration. A detailed budget review statement will be tabled at the meeting. The statement provides for any variations, which have previously been approved by Council, and adjustments to income and expenditure items based on present trends to date.

Report of the Manager Corporate Services

12.2 Financial Report for the period ending 30 September 2015 (cont)

Original Estimates 2015/2016	\$
Expenditure (excluding depreciation)	73,830,750
Revenue	<u>73,830,750</u>
Projected Budget result as at 30/6/16	0
Add: Net variations previously approved by Council	0
Add: Net variations proposed for this quarter ended 30/09/15	0
Projected result on 2015/2016 Original Budget Estimates as at 30/09/15	0
Add: Revenue Revotes (previously reported)	4,199,506
Less Funding	(4,199,506)
Projected Deficit as at 30/09/15 for 2015/2016 Operations	0
Add: Depreciation (non cash)	8,960,000
Projected Deficit Including Depreciation as at 30/09/15	8,960,000

Budget Review Report

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

The Illawarra Carer Respite program formally under Southern Councils Group has now come under the auspice of Kiama Council. Their budgets have now been included in this budget review.

Summary of changes in the following reports:- (\$,000)

Income & Expenses Statement - net increase in revenue 181

Capital Budget Statement - net increase in expenditure 203

Resulting in:-

Cash & Investments Statement - decrease in Restricted Cash 22

Attached are Revised Income Statement, Capital Budget Statement, Cash and Investments, Key Performance Indicators and Contracts & Other Expenses showing the material variances for the September Quarter.

The Budget Review Report will be tabled at the meeting.



Phil Mison

Responsible Accounting Officer
Manager Corporate Services

Kiama Municipal Council

Quarterly Budget Review Stateme
for the period 01/07/15 to 30/09/

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 30/09/15 indicates that Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Phillip Mison
Responsible Accounting Officer

date:

21/10/15

Kiama Municipal Council
Income & Expenses Budget Review Statement
 Quarterly Budget Review Statement for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015
Income & Expenses - General Fund

(\$000's)	Original Budget 2015/16	Approved Changes			Revised Budget 2015/16	Variations for this Sep Qtr	Projected Year End Result	Actual YTD figures
		Revotes	Other than by QBRs	Sep QBRs				
Income								
Rates and Annual Charges	18,882			18,882	23	18,905	18,917	
User Charges and Fees	14,996			14,996	145	15,141	3,304	
Interest and Investment Revenues	1,155			1,155	29	1,184	316	
Other Revenues	1,593			1,593	113	1,706	257	
Grants & Contributions - Operating	9,426			9,426	1,962	11,388	2,749	
Grants & Contributions - Capital	767			767	123	890	371	
Net gain from disposal of assets	3,967			3,967	12	3,979	80	
Share of interests in Joint Ventures								
Total Income from Continuing Operations	50,786			50,786	2,407	53,193	25,994	
Expenses								
Employee Costs	21,965	49		22,014	656	22,670	5,984	
Borrowing Costs	308			308		308	45	
Materials & Contracts	16,884	1,026		17,910	1,489	19,399	3,802	
Depreciation	8,960			8,960		8,960	-	
Other Expenses	3,490			3,490	81	3,571	993	
Interest & Investment Losses								
Net Loss from disposal of assets								
Share of interests in Joint Ventures								
Total Expenses from Continuing Operations	51,607	1,075		52,682	2,226	54,908	10,824	
Net Operating Result from Continuing Operations	(821)	(1,075)		(1,896)	181	(1,715)	15,170	
Net Operating Result from All Operations	(821)	(1,075)		(1,896)	181	(1,715)	15,170	

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBR.

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details	(\$,000)
Revenues	
0700 Rates	22
1786 CCTV	30
2710 Building Control	30
2815 Health Administration	87
2830 Minnamurra Tip	29
3880 Operating Grants RMS	21
3880 Operating Grants RMS	24
3895 Capital Grants	70
3916 Recoverable Works	94
8535 Regional Carer Respite	1,210
8536 Regional Carer Disability	191
8538 Young Carer Project	144
8539 Overnight Community Respi	35
8541 Mental Health Respite Progr	385
Expenses	
2020 D/A Fee- Planning NSW	30
2380 Minnamurra Tip	29
3380 Rural Roads Maintenance	24
3495 Road Safety Projects	21
3604 Recoverable Works	94
6000 to 6020 Holiday Parks	48
6951 Land development	20
8535 Regional Carer Respite	1,210
8536 Regional Carer Disability	191
8538 Young Carer Project	144
8539 Overnight Community Respi	35
8541 Mental Health Respite Progr	385

Item 12.2

Attachment 1

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Kiama Municipal Council
Capital Budget Review Statement

Budget review for the quarter ended 30 September 2015
Capital Budget - General Fund

(\$000's)	Original Budget 2015/16	Approved Changes				Revised Budget 2015/16	Variations for this Sep Qtr	Projected Year End Result
		Revotes	Other than by QBRs	Sep QBRs	Dec QBRs			
Capital Expenditure								
Assets								
- Plant & Equipment	2,734	22			2,756	51	2,807	
- Information Technology	305	754			1,059	30	1,089	
- Land Development								
- Library Resources	85				85		85	
- Infrastructure	13,261	2,348			15,609	122	15,731	
Loan Repayments (Principal)	1,692				1,692		1,692	
Total Capital Expenditure	18,077	3,124			21,201	203	21,404	
Capital Funding								
Rates & Other Untied Funding	4,834	2,154			6,988	(20)	6,968	
Capital Grants & Contributions	567	360			927	30	957	
Reserves:								
- External Restrictions/Reserves								
- Internal Restrictions/Reserves	11,650	458			12,108	160	12,268	
New Loans								
Receipts from Sale of Assets								
- Plant & Equipment	365				365	26	391	
- Land & Buildings								
S94 Developer Contributions	471	113			584	7	591	
S94 Recoupments	190	39			229		229	
Total Capital Funding	18,077	3,124			21,201	203	21,404	
Net Capital Funding - Surplus/(Deficit)								
	-	-			-	-	-	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details		(\$,000)
1186 CCTV	Grant funding	30
2420 Minnamurra Transfer Station	Section 88 rebate funding-EPA	87
6300 Seven Mile Holiday Park	Vehicle purchase	50

Item 12.2

Attachment 1

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Kiama Municipal Council
Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2015

Cash & Investments - General Fund

(\$000's)	Cash Position 30/6/14	Original Budget 2015/16	Approved Changes				Revised Budget 2015/16	Variations for this Sep Qtr	Projected Year End Result	Actual YTD figures
			Revotes	Other than QBRs	Sep QBRs	Dec QBRs				
Externally Restricted ⁽¹⁾										
S94 Developer Contributions	3,512	(281)	(114)	-	-	(395)	(7)	3,110	3,512	
Grants and Contributions	1,025	(584)	(1,025)	-	-	(1,025)	-	-	1,025	
Domestic Waste	1,923	(151)	(9)	-	-	(584)	-	1,339	1,923	
Waste & Sustainability	228	(151)	(9)	-	-	(160)	-	68	228	
Southern Council's Group	2,730	(1,016)	(1,148)	-	-	(2,164)	(7)	2,730	2,730	
Total Externally Restricted	9,418	(1,016)	(1,148)	-	-	(2,164)	(7)	7,247	9,418	
⁽¹⁾ Funds that must be spent for a specific purpose										
Internally Restricted ⁽²⁾										
Blue Haven Care-Self Care	4,238	(957)	-	-	-	(957)	-	3,281	4,238	
Blue Haven Care-Residential	9,908	(6,440)	(39)	-	-	(6,440)	-	3,468	9,908	
S94 Recoupments	819	(190)	(39)	-	-	(229)	-	590	819	
Land Development	3,207	3,221	(977)	-	-	2,244	50	5,501	3,207	
Carry-over Works	1,625	(991)	(1,625)	-	-	(1,625)	-	-	1,625	
Waste Business Unit	1,775	(535)	(340)	-	-	(991)	-	784	1,775	
Employee Leave Entitlements	1,000	(81)	(70)	-	-	(875)	(60)	1,000	1,000	
Holiday Parks	1,821	(11)	(70)	-	-	(81)	(5)	886	1,821	
Contingencies	780	542	-	-	-	542	-	694	780	
Plant Replacement	1,315	30	-	-	-	30	-	1,857	1,315	
Community Bus	175	-	-	-	-	-	-	205	175	
Computer	-	120	-	-	-	-	-	-	-	
Property Insurance	120	67	-	-	-	-	-	120	120	
CACP	67	-	-	-	-	-	-	67	67	
Total Internally Restricted	26,850	(5,331)	(3,051)	-	-	(8,382)	(15)	18,453	26,850	
⁽²⁾ Funds that Council has earmarked for a specific purpose										
Unrestricted	4,818	-	-	-	-	-	-	4,818	4,793	
(ie. available after the above Restrictions)										
Total Cash & Investments	41,086	(6,347)	(4,199)	-	-	(10,546)	(22)	30,518	41,061	

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$41,061

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 30/09/15

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Details	Internally Restricted Cash	Transfers to (from) Restricted Cash		(\$,000)
2845	Waste & Sustainability	Transfer From	Extra funding for Waste Transfer Station	(87)
6455	Kendalls Beach Holiday Park	Transfer From	Extra funding for Amenities Block	(12)
6495	Holiday Parks	Transfer From	Vehicle purchase and running costs	(48)
6962	Land Development	Transfer to	Funding from Kiama harbour works	50

Kiama Municipal Council

Key Performance Indicators Budget Review Statement
Budget review for the quarter ended 30 September 2015

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	13/14
	15/16	15/16	15/16	14/15	13/14

1. Unrestricted Current Ratio					
Current Assets less all External Restrictions	38,157	3,84	3,84	3,94	4,40
Current Liabilities less Specific Purpose Liabilities	9,937				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Industry Benchmark: 2:1

5. Building & Infrastructure Renewals Ratio					
Asset Renewals	3,373	49.83 %	45.00 %	57.27 %	38.57 %
Depreciation, Amortisation & Impairment	6,769				

To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

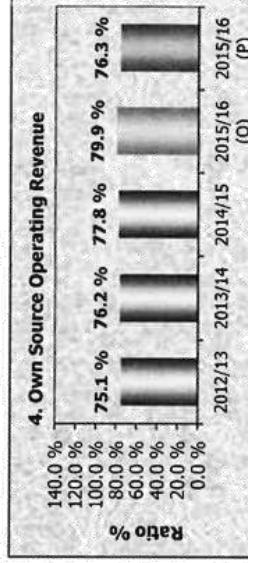
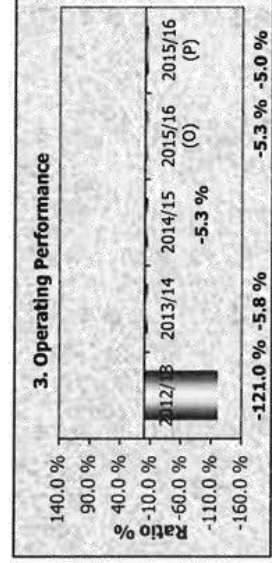
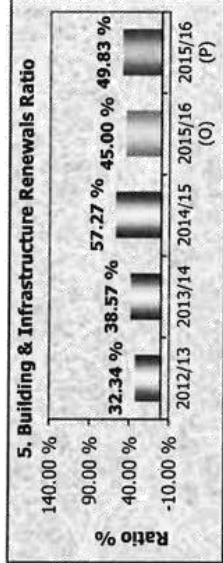
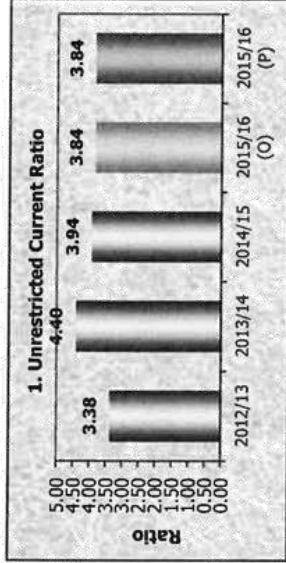
Industry Benchmark: 100%

3. Operating Performance					
Operating Revenue (excl. Capital) - Operating Expenses	-2,605	-5.0 %	-5.3 %	-5.3 %	-5.8 %
Operating Revenue (excl. Capital Grants & Contributions)	52,303				

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

4. Own Source Operating Revenue					
Rates & Annual Charges + User Charges & Fees	40,593	76.3 %	79.9 %	77.8 %	76.2 %
Total Operating Revenue (incl. Capital Grants & Cont)	53,193				

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



Kiama Municipal Council

Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2015
Part A - Contracts Listing - contracts entered into during the quarter

Quarterly Budget Review Statement
 for the period 01/07/15 to 30/09/15

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
WesTrac Equipment Pty Ltd	Supply wheel loader	\$289,000 (ex GST)	22/07/2015	6 months	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Consolidated Budget Review Statement (2015) for the period 01/07/15 to 30/09/15

Kiama Municipal Council

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Bugeted (Y/N)
Consultancies:- Aged Care Facility	273,406	Y
Engineering	46,725	
	320,131	
Legal Fees	12,532	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Details

Item 12.2

Attachment 1

12.3 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 September 2015.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

1 Investments - October 2015

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

Attached is a copy of the Statement of Investments for October 2015.

a) Investment Commentary

The total investment portfolio decreased by \$1.4M during October 2015. Various revenue was received totalling \$3.6M, including rate payments amounting to \$390K, grants and contributions of \$1.0M, user fees and charges and other revenue of \$1.61M and Debtor receipts of \$600K. Payments to suppliers of \$3.6M and employee wages of \$1.2M amounted to total expenditure of \$4.8M.

Note that the Westpac Bank Account balance shown in (a) of \$1.085M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 31 December 2015 is \$420K with an annual budget estimate for 2015/2016 of \$1.125M. Included in the actual interest income figure is interest income on Section 94, Blue Haven ILU & Hostel Restricted Assets.

Report of the Manager Corporate Services

12.3 Statement of Investments (cont)

Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations. The investment portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Comparisons are made between existing investments with available products that are not part of Council's portfolio. Independent advice is sought on new investment opportunities. Interest rates have been dropping for a number of years. With the Reserve Bank cash rate now at 2.0% there does not appear to be any likelihood of any change in rates upward in the short term. The current 90 day investment rate quoted by National Australia Bank on 30 October 2015 was 2.75%. The previous month's was 2.88% with October 2014 rate being 3.46%. Council's interest on investment budget estimate has been conservative based on the trend with interest rates. Council has been able to consistently perform above the Reserve Bank 90 day bank bill index. Council staff have been reviewing long term investment rates with two longer term investments currently included in our portfolio. The National Australia Bank is currently quoting 90 days 2.75%, 1 year 2.7%, 2 years 2.75% and 3 years 2.75%.

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 October, 2015

DIRECT INVESTMENTS: INSTITUTION	RATIN G	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	A+	500,000.00	Term Deposit	09/09/15	09/03/16	182	2.80
ANZ	AA-	1,000,000.00	Term Deposit	14/10/15	14/03/16	152	2.75
ANZ	AA-	1,000,000.00	Term Deposit	20/05/15	25/11/15	189	2.70
Bankwest	AA-	1,000,000.00	Term Deposit	03/06/15	02/12/15	182	2.90
Bankwest	AA-	1,000,000.00	Term Deposit	23/09/15	23/03/16	182	2.85
Bank of Qld	A-	1,000,000.00	Term Deposit	03/06/15	06/01/16	217	3.00
Bank of Qld	A-	1,000,000.00	Term Deposit	30/09/15	30/03/16	182	2.95
Bank of Qld	A-	1,500,000.00	Term Deposit	11/08/15	15/02/16	188	2.90
Bank of Qld	A-	1,000,000.00	Term Deposit	15/07/15	18/01/16	187	2.95
Bank of Qld	A-	1,000,000.00	Term Deposit	17/06/15	20/01/16	217	3.00
Bendigo	A-	1,000,000.00	Term Deposit	04/06/15	03/02/16	244	2.80
Bendigo	A-	1,000,000.00	Term Deposit	22/09/15	22/06/16	274	2.80
Commonwealth Bank	AA-	500,000.00	Term Deposit	28/07/15	01/03/16	217	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	08/07/15	09/11/15	124	2.95
ME Bank	BBB+	1,500,000.00	Term Deposit	01/10/15	24/02/16	146	2.80
ME Bank	BBB+	1,000,000.00	Term Deposit	02/09/15	01/03/16	181	2.75
NAB	AA-	1,000,000.00	Term Deposit	29/07/15	04/02/16	190	2.96
NAB	AA-	1,000,000.00	Term Deposit	27/05/15	17/02/16	266	2.97
NAB	AA-	1,000,000.00	Term Deposit	14/11/14	11/11/15	362	3.50
NAB	AA-	1,000,000.00	Term Deposit	24/06/15	23/11/15	152	2.99
NAB	AA-	1,000,000.00	Term Deposit	19/05/15	16/12/15	211	2.96
NAB	AA-	2,000,000.00	Term Deposit	09/09/15	09/03/16	182	2.95
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	21/07/15	27/01/16	190	2.80
Newcastle B/S	BBB+	1,000,000.00	Term Deposit	16/09/15	15/12/15	90	2.70
IMB Society	BBB	1,000,000.00	Term Deposit	13/05/15	18/11/15	189	2.80
IMB Society	BBB	1,000,000.00	Term Deposit	15/06/15	13/01/16	212	2.80
ING Bank	A-	1,000,000.00	Term Deposit	22/07/15	25/01/16	187	2.45
ING Bank	A-	1,000,000.00	Term Deposit	29/07/15	02/02/16	188	2.44
ING Bank	A-	1,000,000.00	Term Deposit	19/10/15	20/04/16	184	2.40
ING Bank	A-	1,000,000.00	Term Deposit	04/08/15	09/02/16	189	2.44
Rural Bank	A-	1,000,000.00	Term Deposit	05/08/15	10/02/16	189	2.85
Suncorp	A+	1,000,000.00	Term Deposit	09/06/15	09/12/15	183	2.95
Suncorp	A+	1,000,000.00	Term Deposit	21/10/15	23/02/16	125	2.85
Suncorp	A+	1,000,000.00	Term Deposit	03/06/15	04/11/15	154	2.95
Westpac	AA	1,000,000.00	Term Deposit	26/08/15	26/11/15	92	2.77
Westpac	AA	1,000,000.00	Term Deposit	09/09/15	09/12/15	91	2.81
Westpac	AA	1,085,114.48	Bank Account	-	AT CALL		0.84
Westpac	AA	1,581,578.82	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		39,666,693.30					
					Average Rate-Oct 2015		2.79
					Average Rate-Oct 2014		3.44

TOTAL INVESTMENTS	39,666,693.30
--------------------------	----------------------

TOTAL INVESTMENTS SEPT 2015	41,060,920.98	-3.51%	Change in total investment over prev 1 month
TOTAL INVESTMENTS OCT 2014	42,663,156.82	-7.02%	Change in total investment over prev12 month

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,511,541.52
	Grants	1,025,442.00
	Domestic Waste	1,922,907.00
	Waste & Sustainability	228,464.18
	Southern Council's Group	2,729,743.92
Internally Restricted	Blue Haven ILU	4,238,450.00
	Blue Haven Care-Residential	9,907,920.00
	Land Development	3,206,920.00
	Waste Business Unit (Plant Replacement)	1,775,436.00
	Plant Replacement - Engineers	1,315,375.00
	Employee Leave Entitlements	1,000,000.00
	S94 Recoupments	818,620.96
	Carry-over works	1,625,084.00
	Holiday Parks - Crown Reserves	1,213,526.00
	Holiday Park - Kendalls Beach	607,585.00
	Contingencies	779,730.00
	Property Insurance	120,000.00
	Community Bus	174,969.00
	CACP	66,983.00
Unrestricted Funds:	Funds to meet current budgeted expenditure	3,397,995.72
TOTAL INVESTMENTS		39,666,693.30

Note:

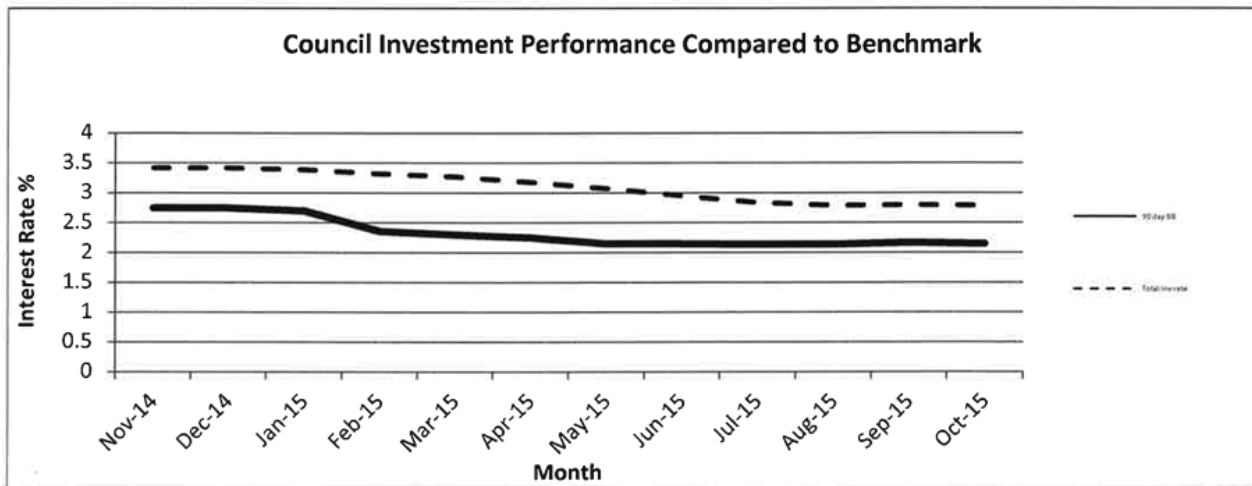
The above Application of Invested Funds reflects audited balances as at 30 June 2015. Actual movement in these balances are recorded at the end of the financial year.

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

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

	Investment Portfolio Return (%pa)	Benchmark:BBSW 90 day Bank Bill Index (source RBA)
1 month	2.79	2.15
3 months	2.79	2.15
6 months	2.87	2.15
12 Months	3.10	2.33



13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

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

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

This report advises Council of a request from the Kiama & Districts Sports Association to reconsider the funding of plaques on named sporting fields

Finance

The total cost of the project is estimated to be \$8,000. The Kiama & Districts Sports Association have committed to contributing \$4,000.

Policy

Council previously resolved to consider the allocation of \$4,000 in the 2016/17 budget.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council considers the allocation of \$4,000 in the third quarterly review of the 2015/16 budget.

BACKGROUND

The installation of plaques at named sporting grounds which recognise the achievements and contributions of those identities after which they were named was considered by Council when adopting the 2015/16 budget following a request from the Kiama & District Sports Association. Following is an extract from that report.

“The Kiama District Sports Association has written to Council and requested that Council erect plaques at sporting venues within the Municipality which are named after prominent local identities.

The Director of Engineering and Works/Assistant General Manager has advised: Councils practice in such cases has been to install a plaque on a basalt stone plinth at an appropriate location within the reserve area. Alternatively in certain cases plaques could be placed on buildings within the reserve. There are ten known

Report of the Director Engineering and Works

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

sporting venues named after local sporting identities. The average cost of such an installation is estimated to be in the order of \$800. The Kiama Sports Association has advised that they would contribute \$4,000 to the project should it be endorsed and included by Council in the 2015/16 budget. The project is considered to have merit and would be a fitting tribute to those who have been named. Council could consider matching the \$4,000 contribution commitment by the Sports Association in order to complete the project."

Council subsequently resolved "*that Council accepts the \$4,000 offer of the Kiama District Sports Association to commence the program, with Council considering allocating a matching \$4,000 in the 2016/2017 budget.*"

The Association has again written to Council requesting that the matching funding be considered in a quarterly review of the 2015/16 budget in order to progress the work. It is considered that it would be appropriate for Council to provide the matching funds if savings can be identified at a subsequent quarterly review of the budget. In this regard Council will be in a better position to identify any savings later in the financial year and as such it is recommended that consideration be deferred until the third quarterly budget review.

13.2 Lease agreement Housing Trust

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

CSP Strategy: 2.13 Effectively manage other assets to cater for current and future generations (including car parks, community buildings, cemeteries and dams)

Delivery Program: 2.13.2 Manage other assets and infrastructure by the creation and implementation of the Other Assets and Infrastructure Asset Management Plan actions

Summary

In 1990 Council entered into a lease agreement with The Housing Trust for the occupation of the dwelling on Lot 208 DP792192, 9 O'Connell Street Gerringong for social/community housing purposes. The lease has recently expired and discussions have been underway with the lessee regarding a potential new lease. The lessee has indicated a preference to acquire the property from Council instead of entering into another lease arrangement.

This report recommends that Council commence proceedings to enable it to consider the potential disposal of the asset in the future in addition to preserving the opportunity for a new long term leasing agreement.

Finance

Council receives nominal rental from the current lease agreement. The lessee is responsible for the outgoings associated with occupation and use of the property.

Policy

Local Government Act 1993

Attachments

1 9 O'Connell Place, Gerringong - aerial site photo

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

In 1990, Council and The Housing Trust entered into a lease agreement for the use and occupation of a dwelling located at 9 O'Connell Street Gerringong for social housing purposes. Under the lease, Council became the land owner (by title deed) and the Housing Trust was responsible for the financing and construction of a dwelling. The lease requires the Housing Trust to be responsible for the general

Report of the Director Engineering and Works

13.2 Lease agreement Housing Trust (cont)

maintenance and use of the property and management of the dwelling as part of their broad social housing platform in the region. In return Council receives peppercorn rental (\$1p.a) and the lessee is responsible for all outgoings.

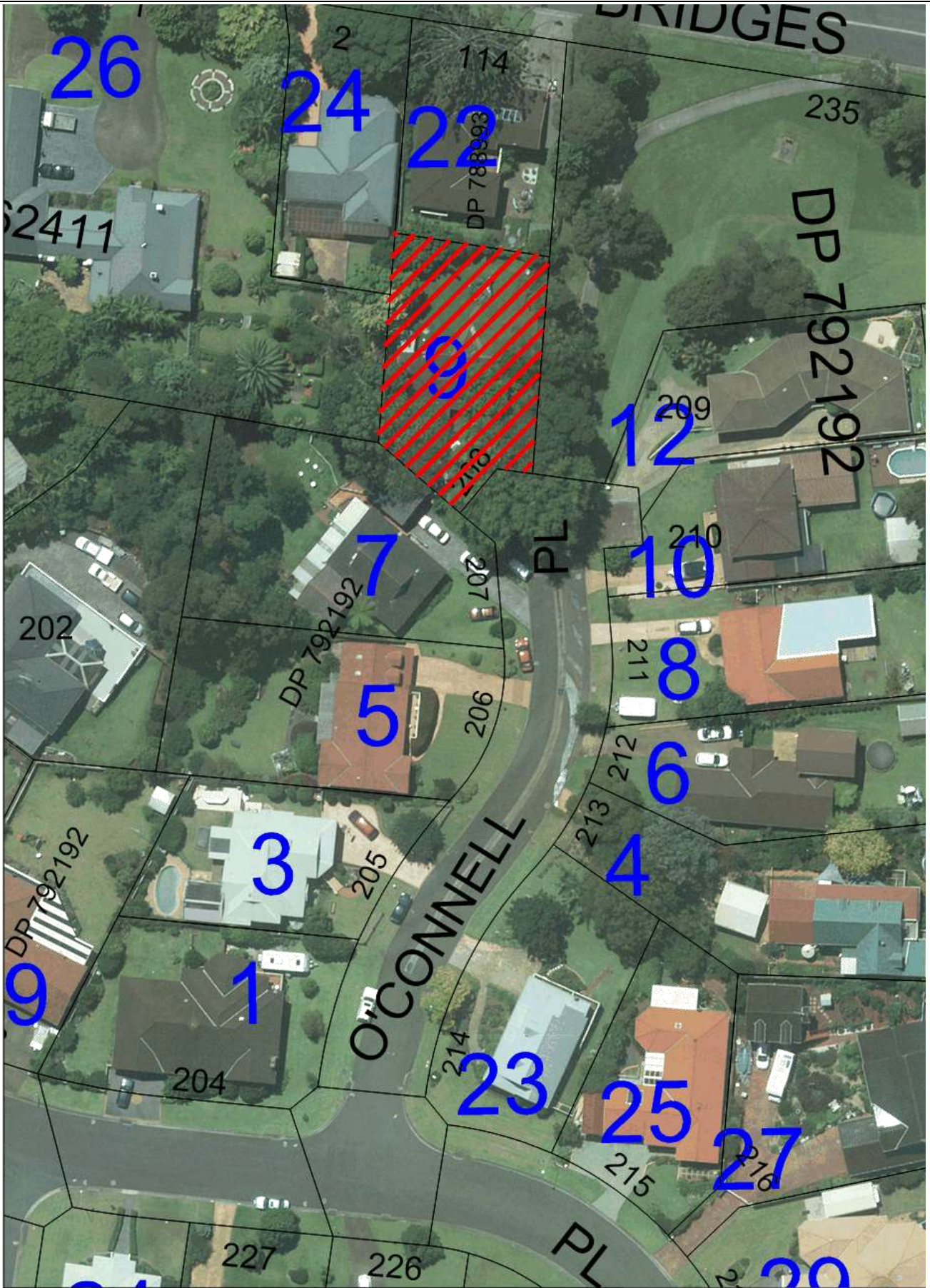
At the end of the lease, the agreement provides the opportunity for the property to be disposed if the dwelling is no longer required for social housing purposes by the lessee. In this situation, the proceeds of the sale of the property are split by a method stipulated in the lease.

Discussions with the Housing Trust have indicated that the likelihood of accepting a new negotiated rental amount, in addition to the capital outlay required to suitably upgrade the dwelling in the next few years (being a 25 year asset) is unlikely. However The Housing Trust has a long term objective to preserve the O'Connell Street property in their portfolio due to the limited supply of low cost housing in Gerringong (and the Kiama LGA as a whole) and would like Council to consider the option of disposing the property to them directly. An outline of this option is included in a confidential information report in this business paper.

In order to realise this option, the land firstly has to be reclassified under the Local Government Act 1993 as operational land. An operational land classification does not prevent the property from continuing to be leased for the current purpose. The current use of the land under interim arrangements can take place until a long term lease is negotiated or the property is able to be considered for asset disposal.

The current classification of the land was made before amendments to the Local Government Act in 1993. Therefore the reclassification process is required to correct an anomaly and will provide Council and the lessee with the necessary security in the future in the event there is a change in direction/policy with regard to the provision of social housing.

Under the possible lease or disposal scenarios following any reclassification of the land, the objective, intent and purpose for the property to be used directly for social housing purposes will not be jeopardised.



Item 13.2

Attachment 1

13.3 Masterplan - Akuna Street Precinct

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: 4.3.2 Investigate surplus Council owned land and buildings being leased or sold to maximise return

Summary

Council resolved in February 2015 to prepare a masterplan for the Akuna Street precinct in Kiama. The purpose of the masterplan was to look at the options for the use of Council owned property in Akuna Street, public car parking provision, pedestrian access between Akuna and Terralong Street and community involvement.

On 15 September 2015 Council deferred the appointment of consultants to commence a masterplan to enable additional input by the LEP Review Committee and the Economic Development Committee.

This report advises Council of the additional scoping for the masterplan as requested by the respective committees and recommends that the masterplan proceed as a Kiama Town Centre study.

Finance

Council has made provision for the consultancy within the current operational year.

Policy

NA

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

The consideration for a masterplan over the area described as the Akuna Street precinct emanated from Council's acquisition of the Mitre 10 site in January 2015.

Report of the Director Engineering and Works

13.3 Masterplan - Akuna Street Precinct (cont)

The Shoalhaven Street Development Working Party was initially consulted during the preparation of a brief to go out to consultants to undertake the masterplan for the Akuna Street precinct with the following key components:

Examination of the land use and development options that exist with Council's land holdings in the Akuna Street precinct as well as other adjoining land
Assessment of the Kiama town centre car parking supply and demand to determine future car parking requirements and locational aspects of parking provision
Ability to provide additional car parking within the Akuna Street precinct
Opportunities for pedestrian and other linkages between Akuna and Terralong Street

The LEP Review Committee met on 29 September 2015 and requested the following be incorporated into the masterplan:

Consideration of the relationship and connectivity of Council's Akuna Street land within the greater CBD area
Incorporation of the whole block into the masterplan showing pedestrian and traffic connections/flows and outcomes for both Council and non-Council owned sites including those fronting Terralong Street
Inclusion of 3D modeling to aid conceptualisation of the relationship between the Akuna Street sites and the remainder of the CBD sites having regard to the development potential of those sites

The Economic Development Committee met on 27 October 2015 and requested the following be considered for the masterplan:

A masterplan for this precinct should not be undertaken in isolation but as part of a broader strategy for town centre revitalisation to ensure that the current controls are meeting the development need whilst enhancing the overall character of the town centre
The Akuna Street Masterplan be considered in conjunction with a review of the Kiama Town Centre DCP

In light of the comments raised by the respective committees expressing the desire to incorporate any examination of the Akuna Street precinct with a broader analysis of the Kiama Town Centre (business area) it is apparent that the masterplan needs to be undertaken as a comprehensive town centre study. The Akuna Street precinct will form one part or section of the overall town centre study.

13.4 Supply and lay asphaltic concrete and related services

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

CSP Strategy: 4.11 Ensure Council owned buildings and infrastructure are planned and maintained with consideration to both current and future generations

Delivery Program: 4.11.1 Ensure the Strategic Asset Management Plan is maintained and funded in the 10 year financial plan

Summary

This report informs Council of the process and outcomes of the request for tendering for the provision of Asphaltic Concrete and Related Services.

Finance

Road Surfacing Renewal Works funded in the 2015/2016 budget.

Policy

Undertaken in accordance with the Local Government Tender Regulation 2005.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

Council has allocated funding in the 2015/16 budget to undertake the road surfacing renewal program as listed in Council's 10 year Long Term Financial Plan.

A request for quotations was placed with the Local Government Procurement Vendor Panel system using Contract Number LGP 213- Asphaltic Concrete Material and Related Services, for the supply and laying of 2500t of asphaltic concrete for the balance of the current financial year. Based on the recommended contractor tender price this equates to an approximate value of \$450,000 for the various road surface renewal works.

Three local companies (Wollongong) were requested to submit quotations for the delivery of this service-

- Bitupave P/L (Boral Asphalt)
- Fulton Hogan Industries P/L
- Roadworx

Report of the Director Engineering and Works

13.4 Supply and lay asphaltic concrete and related services (cont)

All submissions were evaluated using the criteria of costs for the most used AC product, plant and related services in the LGP evaluation matrix.

Bitupave P/L ranked number one for the supply and laying of asphaltic concrete after the completion of the evaluation and as such are recommended as the successful supplier.

13.5 Tree Planting Policy

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

Council's policy for planting trees in public parks, reserves and streets has been reviewed in the interest of maintaining biodiversity.

Finance

N/A

Policy

Tree Planting Policy – Council Reserves and Public Places

Attachments

Nil

Enclosures

- 1 Engineering & Works Policy - Tree planting - Council reserves and public places (November 2015) - draft 4

RECOMMENDATION

That Council adopts the Draft Tree Planting Policy – Council Reserves and Public Places.

BACKGROUND

Council resolved (**CR432**) at the ordinary meeting held 17 December 2013 that –

- 1) Council endorse the formation of an internal working group to investigate the drafting of a policy addressing the planting and management of trees in public places.
- 2) The activities of the working group are to be project managed by Councils Landscape Officer and the group is to be resourced by relevant staff members.
- 3) The group is to address the issues of:
 - Street tree planting
 - Planting on public Reserves both active and passive recreation areas
 - Provision of view sharing principles

Report of the Director Engineering and Works

13.5 Tree Planting Policy (cont)

-
- Increasing biodiversity outcomes

- 4) Following consideration of relevant issues a report is to be submitted to Council.

In response it is advised that the working group formed and that a Draft Tree Planting Policy – Council Reserves and Public Places was presented to Kiama Health and Sustainability Committee mid 2014. Comments were received from the committee members and where applicable those comments were incorporated into Tree Planting Policy (draft 4) which was presented at the Committee meeting held on 26 June 2014. Further comment from the Committee on the draft (version 4) has not been received. A copy of the draft policy is included in the Enclosures for Councillors' information.

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Blue Haven Fete

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.2 Promote and support a range of social, cultural and artistic activities, practices and programs for creating sustainable health and well being

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

Summary

This report advises Council of the success of the recent Blue Haven Fete and passes on the thanks of the Friends of Blue Haven for Council's support.

Finance

\$19,527

Policy

Nil

Attachments

- 1 Appreciation - Support raising money - Blue Haven Fete - Friends of Blue Haven Aged Care Facility

Enclosures

Nil

RECOMMENDATION

That Council congratulate the Friends of Blue Haven Aged Care Facility on the success of the 2015 fete.

BACKGROUND

The Friends of Blue Haven Aged Care Facility (The Friends) are an independent group who undertake fundraising activities to support the care and comfort of residents of the facility. The annual fete is the group's main fundraiser and it was recently held on Saturday 10 October. Attached is the notification to all supporters that \$19,527.70 was raised, an increase of over \$4,500 on the 2014 result. An event of this size requires a great amount of voluntary effort and the day is always extremely well organised, utilising the communal areas and grounds of the facility to host second hand stalls, cake stalls, silent auction, chocolate wheel, handcrafts and more.

Council benefits from having such an active and committed group supporting the residents of Blue Haven and recognizes the importance of their contribution.

FRIENDS OF BLUE HAVEN AGED CARE FACILITY

12/10/15

Dear Supporter,

Re Blue Haven Fete

We smashed it.

We were very excited last year when we raised almost \$15000.00 but

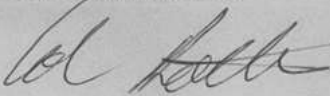
this year with your help, we set a new record of **\$19527.70**

Your very generous support helped us to achieve this amazing figure and for that support, we are very grateful.

The residents of the Aged Care Facility will benefit from this effort and their quality of life will be greatly enhanced in the near future.

On behalf of the members of the Friends of Blue Haven Aged Care Facility, I would like to sincerely say, **THANK YOU.**

Col Rathbone



Secretary
FOBHACF

President
Barbara Adams
4236 0430
0422 206 555

Secretary
Col Rathbone
4232 1638
0402 800 679
1 Ocean St, Kiama 2533

Treasurer
Carolyn Crowe-Maxwell
4263 3040
0400 377 145

14.2 Consultant cost for Concept Design for CCTV at Kiama Harbour

CSP Objective: 1 A Healthy, Safe and Inclusive Community

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

Delivery Program: 1.6.7 Develop and implement a Community Safety Plan

Summary

This report responds to a motion at the October Council meeting regarding the potential cost of implementing CCTV at Kiama Harbour.

Finance

\$1000 to be identified at quarterly review subject to savings

Policy

Kiama Municipal Council CCTV Policy

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse engaging Hugh Shiel, CCTV consultant to:

- 1) develop a concept design for CCTV coverage of Kiama Harbour
- 2) provide indicative costs for the procurement and installation of the system.

BACKGROUND

At Council's October meeting, it was requested that an indicative cost for installing a CCTV system at the harbour be obtained from CCTV consultant, Hugh Sheil, who designed the system installed in the main street.

A meeting was held on the 28 October to discuss the scope of the proposed project. Cllr Way and Mr Hugh Sheil, CCTV consultant, attended the meeting with Council representatives from Community Services, IT and engineering. The scope of the project, in terms of area to be covered by the cameras, was identified as all the boat moorings in the harbour and the new boat trailer parking area near the cabins.

Issues identified that will impact on the design and cost include:

- The number of cameras required, which will be dependent on the type of camera and breadth of the image collected
- Number of poles required and potential for using existing infrastructure
- Availability of power
- Capacity of existing server and other IT requirements

Report of the Director Community Services

14.2 Consultant cost for Concept Design for CCTV at Kiama Harbour (cont)

Following the meeting Clr Way, Mr Sheil and Nick Guggisberg visited the harbour to visually inspect the area and clarify the scope and issues.

Mr Sheil has provided a verbal quote of \$1000 for his services to develop a concept design and provide indicative costs for procurement and installation of the system.

Mr Sheil indicated that he could assist Council with the development of detailed designs and specifications and provide consultancy support for the procurement and installation of the system. The fees for this would be an additional \$4000.

Item 14.2

15 REPORTS FOR INFORMATION

15.1 South Precinct Meeting Minutes

Responsible Director: Office of the General Manager

The minutes of the South Precinct meeting held 15 October 2015 are enclosed in Councillor's are attached for information.

Enclosures

- 1 South Precinct Meeting Minutes

15.2 Jones Beach - provision of picnic facilitiesResponsible Director: Engineering and Works

At its Council meeting held on 20 October 2015 Cr Way requested a report on the cost associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground.

The total cost of three picnic tables with seating and roof and positioned on concrete slabs is estimated at \$9,600. This includes a Council labour component of \$3,500.

It is understood that the Minnamurra Lions Club would be interested in installing the prefabricated units and concrete slabs. This could provide a saving of approximately \$2,900 in labour costs.

It should also be noted that there are two existing picnic tables and seats (one with roof over and one connected to the carpark by a concrete path) and two bench seats adjacent to this playground.

15.3 Footpath at Kiama HarbourResponsible Director: Engineering and Works

At its meeting on 20 October 2015 Cr Way requested a report on the cost to construct a footpath from Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new boat trailer parking area.

The cost of a 1.5m wide concrete footpath in this location is estimated at \$22,800.

The path will connect with the recently completed path crossing on the Harbour entrance road, connect to the new stairs to the east of the Scout Hall and terminate opposite the newly constructed boat trailer parking area on the Blowhole Point exit road. The pathway is identified in the Kiama Harbour and Blowhole Point Headland Masterplan.

15.4 Parking Statistics - October 2015Responsible Director: Environmental Services

CBD Parking:

Parking patrols conducted – 24 site specific, 31 general area

Infringements issued – 46

Vehicle spaces inspected – 2314

Market Day 11/10, 18/10

Collins Street 2P – 7 patrols

Manning Street – 2 patrols

Railway Parade 2P – 2 patrols

Terralong Street 2P – 5 patrols

Terralong Street E 2P – 1 patrol

Terralong Street W 1P – 2 patrols

South Kiama Drive 2P – 2 patrols

Fern Street 1P – 1 patrol

Fern Street 1/2P – 1 patrol

Kiama Harbour 4P – 1 patrol

Shoalhaven Street 2P N – 1 patrol

School Parking Patrols:

Minnamurra Public – 5 parking patrols resulting in Nil infringements

St Peter and Paul's School – 4 parking patrols resulting in 3 infringements

Kiama Public – 1 parking patrol resulting in Nil infringements

Kiama High – 1 parking patrol resulting in 6 infringements (new no stopping area South Kiama Drive)

Reactive Issues:

No Stopping resulting in 10 Infringements (Banksia Drive - 2 infringements)

Bus Zone resulting in 5 Infringements

Footway resulting in 1 Infringement

Parking Direction resulting in 1 infringement (Kiama Harbour)

Total amount of Infringements - \$8639

Specific patrols for October will be for locations nominated above.

15.5 Streets and Reserves Naming Committee

Responsible Director: Engineering and Works

The Minutes of the Streets and Reserves Naming Committee meeting held on 28 October 2015 are attached for information.

Attachments

- 1 Minutes - Streets and Reserves Naming Committee meeting - 28 October 2015

**MINUTES OF THE KIAMA STREETS AND RESERVES NAMING COMMITTEE MEETING
WEDNESDAY 28 OCTOBER 2015**

COMMENCING AT: 10am

PRESENT: Councillor Dennis Seage (Chair), Bryan Whittaker (Director Engineering & Works), Sue Lark

APOLOGIES: Eion Peter, Margaret Sharpe, Gordon Bell, Fran Whalan, Councillor Kathy Rice
Note: The Committee members that did not attend the meeting agreed to all recommendations verbally.

1 Minutes of the Previous Meeting – 8 July 2015

The minutes were endorsed as true and correct.
Moved: Dennis Seage
Second: Bryan Whittaker

Business arising from minutes:

Nil.

2 Road Re-Naming Proposal – Section of Thompsons Road off Princes Highway, Broughton Village

Committee Recommendation:

That the section of road of Thompsons Road off the Princes Highway referred to in this report be re-named “McClelland Road” and that the re-naming proposal be referred to the Geographical Names Board for concurrence.

Moved: Dennis Seage
Seconded: Sue Lark
Carried

3 Proposed naming of “Arthur Campbell Reserve.”

Committee Recommendation:

That the reserve described as Lot 22 DP 200176 be named the “Arthur Campbell Reserve” and that the proposal be referred to the Geographical Names Board for concurrence.

Moved: Dennis Seage
Seconded: Sue Lark
Carried

**MINUTES OF THE KIAMA STREETS AND RESERVES NAMING COMMITTEE MEETING
WEDNESDAY 28 OCTOBER 2015**

4. Naming of “Boneyard Beach”

Committee recommendation:

That the name “Boneyard Beach” be formally endorsed for the beach on the northern side of the Bombo Headland and be referred to the Geographical Names Board for concurrence.

Moved: Dennis Seage

Seconded: Sue Lark

Carried

No further business meeting closed 11.30am.

Reports for Information

15.6 Minnamurra Progress Association - Minutes

Responsible Director: Office of the General Manager

The minutes of Minnamurra Progress Association held on 6 October 201 are enclosed in Councillors' are attached for information.

Enclosures

- 1 Minnamurra Progress Association Meeting Minutes - 6 October 2015

Item 15.6

15.7 Speed Humps - Blue Haven Stage 5 Car Park

Responsible Director: Office of the General Manager

At its last meeting, Councillor Steel requested a report on the recently installed speed humps in the Blue Haven Stage 5 car park.

Following a survey of residents by the Residents' Committee and a subsequent meeting of the Residents' Committee with relevant stakeholders, a consensus was reached whereby two of the four speed humps would be relocated elsewhere on site and a third replaced with a lower profile hump. This should enable the risk management objectives to be maintained while mitigating the impact on the Blue Haven Village residents.

Reports for Information

15.8 Kiama Youth Advisory Committee Oct meeting minutes

Responsible Director: Community Services

The October Youth Advisory Committee meeting minutes are enclosed for councilors' information.

Enclosures

- 1 Youth Advisory Minutes 14 October 2015

Item 15.8

15.9 Question Without Notice Register

Responsible Director: Office of the General Manager

The current Questions Without Notice Register outlining the status of Councillor's recent questions is attached for your information.

Attachments

- 1 Questions Without Notice Register as at 11/11/15

Questions Without Notice Register

No.	Details	Actions
21 July 2015 meeting		
18.1	<p>Local Environmental Plan Review Committee Councillor Rice advised that two objectives of the newly formed Local Environmental Plan review committee are:</p> <ul style="list-style-type: none"> • To form a consistent and open path of communication from the community to the committee and Council; and • To facilitate the dissemination of information to the community in regard to the operation and review of the LEP. <p>Councillor Rice requested a report that details how these two objectives will be comprehensively met as the committee goes about receiving and deliberating on the business before it. The Mayor referred this matter to the General Manager for investigation and report.</p>	Matter addressed at subsequent Local Environmental Plan Review Committee
18.2	<p>Display of Motions Councillor Seage requested that motions be displayed live on screen as they are being typed for Council review prior to voting. The Mayor referred this matter to the General Manager for investigation and report.</p>	Actioned
18 August 2015 meeting		
18.1	<p>New SEPP 65 Regulation Councillor McClure requested a report on the effects that the new SEPP 65 regulations will have on Kiama Council's DCP and LEP. The Mayor referred this matter to the Director Environmental Services for information and report.</p>	Report to be submitted to October meeting
18.2	<p>Farmers Market Councillor Steel requested a report on the number of stall holders who operate at the farmers market and live within a 50km radius of Kiama. The Mayor referred this matter to the General Manager for information and</p>	Report submitted to September Council meeting

No.	Details	Actions
	report.	
18.3	<p>Free Shuttle Bus Councillor Steel requested a report on the possibility of the provision of a free shuttle bus from the Leisure Centre parking area to Hindmarsh Park on market and festival days that could be funded from the fees paid by the markets to operate. The Mayor referred this matter to the General Manager for information and report.</p>	Report submitted to September Council meeting
18.4	<p>Temporary Closure of Terralong Street Councillor Steel requested advice regarding the proposed temporary closure of Terralong Street for the Jazz and Blues Festival. The General Manager advised that the Jazz and Blues Club are investigating various options for greater opportunities for the Festival, one of which is the temporary closure of Terralong Street. He advised Councillor Steel that he had requested the Jazz and Blues Club to consult with the main street retailers with regard to this option. The General Manager also advised that any request for a street closure would need to be reported to the Traffic Committee. He further advised that he was aware that the Chamber of Commerce had conducted a survey of retailers that would be affected by the street closure and that he had received a letter from the Chamber of Commerce prior to the meeting tonight but had not as yet opened the letter so was unaware of the results.</p>	Response provided at meeting
18.5	<p>Capacity of Bombo Sewage Treatment Plant Councillor Sloan requested that Council contact Sydney Water to formally request advice, in both Equivalent Person (EP) and flows, about the remaining dry and wet weather treatment capacity at the Bombo Sewage Treatment Plant. The Mayor referred this matter to the Director Environmental Services for information and report.</p>	Report submitted to September Council meeting
18.6	<p>Herbicide Usage Councillor Rice requested a report that outlines the health and safety criteria that currently underpin Council's regime of herbicide usage on parks and</p>	Report submitted to September Council meeting

No.	Details	Actions
	<p>ovals. The Mayor referred this matter to the Director Engineering and Works for information and report.</p>	
18.7	<p>The Boneyard Councillor Way requested a report on the feasibility of applying to the Geographical Names Board to formally identify and confirm Kiama's iconic surfing location north of Bombo Headland as the "Boneyard". The Mayor referred this matter to the Director Engineering and Works for information and report.</p>	<p>Report submitted to September Council meeting and name referred to Streets & Reserves Naming Committee</p>
18.8	<p>Proposed Kiama Arts Centre Councillor Reilly requested a report on the means and possibility of funding the proposed Kiama Arts Centre in the 2016/17 budget year. The Mayor referred this matter to the General Manager for information and report.</p>	<p>Report submitted to September Council meeting</p>
18.10	<p>Holiday Park Advisory Committee Councillor Reilly requested a report on the implementation of a holiday park advisory committee consisting of councillors, staff, caravan owners, park managers and residents prior to the November Council meeting. The Mayor referred this matter to the Acting Director Corporate & Commercial Services for information and report.</p>	<p>Report submitted to September Council meeting</p>
15 September 2015 meeting		
18.1	<p>Validation of complaints Councillor McClure requested a report on the way Council can validate complaints and ensure that all complaints are valid at all times. The Mayor referred this item to the General Manager for investigation and report.</p>	<p>Report submitted to October Council meeting</p>
18.2	<p>Question without Notice Register Councillor McClure requested that Council create a register of Questions Without Notice with the register to include the status of all Questions Without Notice asked by the Councillors and for this to be reported to each Ordinary Council meeting. The Mayor referred this item to the General Manager for</p>	<p>Completed</p>

No.	Details	Actions
18.3	<p>investigation and report.</p> <p>Gerringong Residents' Group Councillor McClure requested a report on the feasibility of the formation of a Gerringong Residents' Group to maintain the land on the corner of Fern and Willawa Streets, Gerringong. The Mayor referred this item to the Director of Engineering and Works for investigation and report</p>	Report submitted to October Council meeting
18.4	<p>Causeways Councillor Seage requested a report listing the causeways within the LGA and identifying a recommended priority list to address the safety issues outlined in an email sent by Aleysha Brooke-Smith after the recent heavy rains. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Matter requires significant investigation and will be reported to a meeting later in the year
18.5	<p>Police Residence Councillor Steel requested a report on the future of the Police Residence in Terralong Street. The Mayor advised that the Member for Kiama had recently advised that some funding had been provided to undertake minor aesthetic repairs to the residence, however any further works were pending the result of a Native Title Claim on the land.</p>	No action required
18.6	<p>Parking in Thomson Street Councillor Steel requested a report on the provision of a No Parking zone on the western side of Thomson Street, Kiama near the Terralong Street intersection. The Mayor referred this item to the Director of Engineering and Works for investigation and report.</p>	Reported to October Local Traffic Committee
18.7	<p>CCTV at Kiama Harbour and Blowhole Point Councillor Way requested an estimate of costs associated with the installation of CCTV at Kiama Harbour, the harbour boat trailer parking areas and Blowhole Point. The Mayor referred this item to the Director of Corporate & Commercial Services for investigation and report.</p>	Report to October Council meeting

No.	Details	Actions
18.8	<p>Tourist Information Map at Kiama Station Councillor Way requested that an estimate of costs for the installation of a tourist information map/sign, similar to the sign at Minnamurra Station, which features routes to tourist destinations in the local area, be erected at Kiama Station. He also suggested that the map should display the WiFi and App information on the base. The General Manager advised that Council is working with Kiama Tourism to upgrade existing tourist information signage within the area. The Mayor referred this item to Director of Engineering & Works for investigation and report.</p>	Actioned
18.9	<p>Bombo Headland Councillor Honey requested a report on the progress made in gaining funding for the Conservation Management Plan for Bombo Headland and whether approaches have been made to the Member for Kiama. Councillor Honey further requested that approaches be made to Wollongong Botanical Garden with the intention to include a coastal botanical garden on all or part of the headland. The Mayor referred this item to the Director of Engineering & Works for investigation and report.</p>	Report to October Council meeting
18.10	<p>Book dispenser Councillor Reilly requested a report on the construction and placement of a book dispenser similar to those found in other areas, where books may be left and borrowed in a public place. The Mayor referred this item to the Director of Community Services for investigation and report.</p>	Report to December Council meeting
18.11	<p>Street lighting The Mayor requested information regarding the cost associated with extending the footpath lighting from the new subdivision at the northern end of South Kiama Drive to Kiama Heights. He referred the item to the Director of Engineering and Works for investigation and report.</p>	Report to October Council meeting

No.	Details	Actions
20 October 2015 Meeting		
18.1	<p>73 Fern Street, Gerringong Councillor McClure requested an investigation into the option of a land swamp of Noble Park at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include discussions with the owners of 98 Fern Street. The Mayor referred the item to the General Manager for investigation and report.</p>	Report to November Council meeting
18.2	<p>Secure Storage for Caravans and Boats Councillor Seage requested a report on the feasibility of Council providing a secure storage area for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers. The Mayor referred the item to the Director of Engineering and Works for investigation and report.</p>	Report to November Council meeting (combined with 18.4)
18.3	<p>Speed humps in Blue Haven Complex Councillor Steel requested a report on the speed humps in the Blue Haven Complex Stage 5 parking area. The General Manager advised that a residents' survey was being undertaken and that he would report the outcome of the survey to a future meeting.</p>	Report to November Council meeting
18.4	<p>Possible Commercial Opportunity for Caravan Storage Councillor Steel requested a report on approving a local park area (approx.. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use. The Mayor referred the item to the Director of Environmental Services for investigation and report.</p>	Report to November Council meeting (combined with 18.2)
18.5	<p>Trees in Public Parks Councillor Rice requested that in the interest of maintaining biodiversity that an update or review of Council's policy for planting trees in public parks, reserves and streets be undertaken. The Mayor referred the item to the</p>	Report to November Council meeting

No.	Details	Actions
18.6	<p>Director of Engineering & Works for investigation and report.</p> <p>Jones Beach – Provision of picnic facilities Councillor Way requested a report on the costs associated with the provision and installation of three picnic tables and benches at Jones Beach adjacent to the playground. The Mayor referred this item to the Director of Engineering & Works for investigation and report.</p>	<p>Report to November Council meeting</p>
18.7	<p>Footpath at Kiama Harbour Councillor Way requested a report on the costs to construct a footpath from the Kiama Harbour entrance road along the back of the Scout Hall opposite the trailer parking to the top exit road opposite the new trailer parking as per the Blowhole Plan of Management. The Mayor referred this item to the Director of Engineering & Works for investigation and report.</p>	<p>Report to November Council meeting</p>
18.8	<p>Review of Council's Structure Councillor Reilly requested that an outline be developed for an internal review of Council's structure. The Mayor referred this item to the General Manager for investigation and report.</p>	<p>Report to November Council meeting</p>

Reports for Information

15.10 Minutes of the Health and Sustainability Committee held 22 October 2015

Responsible Director: Community Services

The October Health and Sustainability Committee meeting minutes are enclosed for councilors' information.

Enclosures

- 1 Minutes of the Kiama Health Sustainability Committee meeting held on 22-10-15

Item 15.10

15.11 Community Recognition Award Nomination- Kate SuttonResponsible Director: Corporate and Commercial Services

Council's Holiday Parks Administration Assistant Kate Sutton has been nominated for a Kiama Electorate Community Recognition Award, in the category of "Outstanding Emergency Service Volunteer".

Kate is the current secretary and registrar of the Kiama Surf Club, and has been heavily involved in the club's administration and under taken many other roles over the past 10 years. Kate has been active in all aspects of surf lifesaving since nippers, and has also been involved in racing rubber ducks previously winning branch champion. Whilst on patrol, Kate is also the radio operator link to emergency services. The nomination is an acknowledgement of the dedication and commitment that Kate has displayed over the years and Council would like to congratulate Kate on her nomination and wish her the best of luck at the awards ceremony being held at The Pavilion Kiama on 27 November 2015.

Parliamentary Secretary for the Illawarra and South Coast, and Member for Kiama Gareth Ward recently launched the Awards, and is encouraging local residents, community and emergency services groups to nominate somebody extraordinary to recognise those who have made outstanding contributions to the community.

Nominations are open until 5pm on Monday 23 November and for more information about the Awards go to <http://www.garethwardmp.com.au/media/2nd-annual-kiama-electorate-comminty-recognition-awards/>.

15.12 Blue Haven Redevelopment UpdateResponsible Director: Community Services

Development Application

The application for the hospital DA is still being assessed by the independent planners. Some additional information has been requested and the consultants have been preparing a coordinated response to the issues raised. It is still hoped that the DA will be assessed by a Joint Regional Planning Panel hearing in early December.

Value Management Workshop

This workshop is still planned for the 17 November.

3D Model of the Development

A 3D model of the development has been prepared in preparation for the JRPP assessment. The model will be on public display in the foyer of the Council administration building from Monday 9 December.

15.13 Road Safety Steering Committee

Responsible Director: Engineering and Works

The Minutes of the Road Safety Steering Committee meeting held on 28 October 2015 are attached for information.

Attachments

- 1 Minutes Road Safety Steering Committee - Wednesday 28 October 2015

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, KIAMA COUNCIL ADMINISTRATION BUILDING ON 28 OCTOBER 2015

- COMMENCING AT:** Meeting commenced at 9.00am
- PRESENT:** Janelle Burns (Road Safety Officer), Gillian Smith (Drink Drive Prevention Coordinator), Darren Brady (Manager Design and Development), Tom Ward (Ranger), Sen. Constable Kevin Brown (Lake Illawarra Police).
- APOLOGIES:** Gillian Hollingsworth (Schools Representative), Trevor Cuthbertson (Community Representative), Dennis Tracey (Senior Ranger).

1 Minutes of Previous Meeting

That the minutes from the previous meeting dated 25 March 2015.
Tabled: Accepted as a true record of the meeting.

2 Business Arising from the minutes

Nil

3 Road Safety Report

- **Log Book Run**

Information was presented on the upcoming Log Book runs for learner drivers.

The Log Book runs provide an opportunity for learner drivers and supervisors to experience a variety of driving conditions including Police RBT, speed checks and driver reviver.

Day Time Log Book Run

Day time log book runs are held in conjunction with Shellharbour and Kiama Councils between 10.00am-12.30pm.

Sunday 15 March 2016 is the next scheduled Log Book run for Kiama leaving from Lake Illawarra PCYC at 10.00am.

This will be a combined Log Book Run with Wollongong, Shellharbour and Kiama Councils.

Night Time- Log Book Run

Tuesday night time runs are held at 6.00pm – 8.30pm in Shellharbour and Kiama
Tuesday 20 April 2016 is the next scheduled night time log book run for Kiama, leaving from Lake Illawarra PCYC.

All learner drivers must have 40 or more log book hours to take part in the log book run.

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
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- **GLS Workshop**

The next free workshop for parents and supervisors of learner drivers to help with practical advice on teaching learners how to drive will be held at Kiama Municipal Council, Chambers on **Wednesday 20 April 2016** from 6.00pm – 8.00pm. 12 participants were reported to be booked in to-date.

- **Traffic Committee Matters**

Ongoing pedestrian safety issues around Kiama High School were reported to NSW Police and Council rangers in relating to the picking up and setting down of students on Saddleback Mountain Road.

This matter has also been brought to the attention of the Lake Illawarra Highway Patrol who has carried out enforcement around the High School precinct.

The current situation at Kiama High School is unsatisfactory due to the need for parents and carers to undertake a 3 point turn including reversing movements in the street. This was reported to NSW Police as per the committee recommendation at the Ordinary Meeting of Council held on the 20 October 2015. ref 15/371.

It was resolved that the minutes of the Kiama Local Traffic Committee meeting held on 6 October 2015 be received and accepted subject to the change to item 5 below:

1. Council defers Item 5 Kiama High School Pedestrian Safety until such time as a thorough investigation can be conducted and a report brought back to Council.
2. Council seek assistance from the NSW Police with the enforcement of traffic regulations at this location in addition to the Council Rangers. Further that Council investigate the potential use of CCTV.

- **Road Safety Campaigns**

An offer of \$21,200 has been received from the RMS for the implementation of seven road safety behavioural programs for the 2015-2016 financial year. Council is asked to participate in the program by providing the time required for the Road Safety Officer to administer the programs and to cover the associated administrative costs. Acceptance of the grant is subject to Council accepting the RMS funding conditions relating to evaluation and financial reporting.

The programs seek to improve the safety of road users in our local traffic environment and are supported by Councils Road Safety Steering Committee.

It was reported by the Road Safety Officer that at the Ordinary Meeting of Council, held on the 20 October 2015 the committee recommendation ref 15/390 was that Council accept the grant offer from the Roads and Maritime Services and direct the Road Safety Officer to establish and implement the programs with the required evaluation and financial reporting as per the RMS funding conditions.

**MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, KIAMA COUNCIL ADMINISTRATION BUILDING ON 28 OCTOBER 2015**

The following is a list of the local road safety projects to be funded:

Funding Source	Project	Funding Amount
Young Drivers	Graduated Licensing Scheme Workshops	\$1,800
LGRSP	Log Book Run	\$2,000
LGRSP	Kiama Seniors	\$1,200
LGRSP	Motorcycle Safety	\$200
LGRSP	Shared Path- Joint Illawarra Promotion	\$1,000
Bike Week	Kiama Family Fun Bike Ride	\$3,000
Alcohol	Night Bus Funding- Alternative Transport	\$12,000
	Total	\$21,200

Project Outlines

Graduated Licensing Scheme

Three graduated licensing scheme (Learner Driver) workshops will be held in Kiama to help supervisors of learner drivers complete the task of teaching a learner to drive. The presentations outline the restrictions on L and P plate drivers and provide practical advice on completing the learner log book.

Log Book Runs

Five Learner Driver Log Book Runs will be held in conjunction with Shellharbour Council. These events provide an opportunity for learners and their supervisors to experience a wide range of road and traffic conditions as well as experiencing random breath testing, driver reviver stop and radar speed checks helping learners to complete the required 120 log book hours.

A combined Illawarra Log Book Run is scheduled to be held on 20 March 2016 in conjunction with Wollongong City Council, Shellharbour City Council and Kiama Municipal Council.

Motorcycle Safety

The motorcycle safety project involves the support of activities during Motorcycle Awareness Week with the aim to reduce the high crash rate of motorcycle riders in the municipality.

A meet and greet event will be held at the Robertson Pie shop during Motorcycle Awareness Week in October where Road Safety Officers will be asking riders to take part in an interactive map location survey to help identify motorcycle crash locations and high risk areas on the regions roads.

The event is run in conjunction, Wingecarribee Shire Council, Kiama Municipal Council, Shellharbour City Council, and supported by Transport for NSW, Roads and

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
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Maritime Services and Motorcycle Council of NSW.

Shared Path – Joint Illawarra Promotion

The aim of the project is to promote the safe use of shared paths throughout the Illawarra region through the update and relaunch the 'Share the Track- the path is ours to share' flyer resource.

The project increases awareness of the correct use of shared paths that are widely used by pedestrians and bicycle riders with the aim to avoid collisions and make using these paths a pleasant experience and encouraging pedestrians and cyclists to watch out for each other by following a few simple rules, such as keeping to the left and obeying the rules.

The flyer will be distributed by Wollongong, Shellharbour and Kiama's Road Safety Officers.

Kiama Seniors – On the Road 65 Plus Workshops

Mobility Scooter and On the Road 65 Plus Workshops are a guide to provide safety tips to help seniors make safer choices when driving, riding, walking, using a mobility scooter or catching public transport. Workshops will be held during senior's week, March 2014 and other dates during the year.

Bike Week

NSW Bike Week is an annual celebration of cycling, encouraging people from all walks of life to get on a bike and ride. Transport for NSW, in partnership with Roads and Maritime Services, will provide local event organisers with funding to support their efforts to promote cycling to their communities.

In 2015 NSW Bike Week will run from Saturday, 14 September until Sunday, 20 September.

NSW Bike Week Family Fun Ride was scheduled to take place on Saturday 19 September 2015 at Black Beach Harbour. This year event was cancelled on the day due to heavy rain.

The aim of the Bike week event is to Increase the use of local cycling infrastructure for transport and recreation. While providing a safe and secure environment for new and less confident cyclists to improve their cycling skills. The overall aim is educating the community on the importance of road safety and of relevant road rules and promoting cycling as a safe and healthy mode of transport for short trips.

Kiama Night Bus – Alternative Transport Scheme

The Kiama Night Bus Service, supported by Kiama Liquor Accord is aimed to help transport patrons quickly, efficiently and safely home and can also benefit the local community by reducing rates of drink driving and drink walking on a Saturday night.

The benefits of the Kiama Night Bus service include an increase of late night transport services in Kiama. Increased safety of patrons when leaving licensed

MINUTES OF THE KIAMA ROAD SAFETY STEERING COMMITTEE MEETING HELD IN
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premises, drink driving and drink walking may be reduced in the community leading to less demands on Police.

- **Alternative Transport Update**

Kiama Municipal Council – Project Funding for 2015/2016 Night Bus

Funding for this project has been approved from Roads and Maritime Services.

4 Rangers' Report

The Rangers' report consisted of the following listed below:

School Parking Patrols and Enforcement April – September 2015.

1. Jamberoo Public School : 3 patrols / NIL infringements
2. Minnamurra Public School : 17 patrols / 14 infringements
3. St Peter and Paul's School : 6 patrols / 9 Infringements
4. Gerringong Public School : 2 patrols / NIL infringements
5. Kiama Public School : 4 patrols / NIL infringements
6. Kiama High School: 24 patrols / 28 infringements and 2 cautions.

Total Patrols: 56

Total Infringements: 51

Total Cautions: 2

Doggy Day Out is planned to take place on Saturday 28 May 2016 at Black Beach Kiama, Council's Road Safety Officer will assist with information on dogs in vehicles, taking dogs on road trips, restraining dogs in vehicles and unrestricted dogs on Ute trays or trucks.

5 General Business

Nil

There being no further business, the meeting closed at 10.15am.

The next meeting of the Committee TBA 2016

Recommendation

That Council receive the report.

15.14 Possible Commercial Opportunity for Caravan Storage and Secure Storage for Caravans and BoatsResponsible Director: Environmental Services

At the Council meeting of 20 October the following two items (18.2 and 18.4) requested information reports on the provision of caravan/boat storage.

Item 18.2 - Secure Storage for Caravans and Boats

Councillor Seage requested a report on the feasibility of Council providing secure storage areas for caravans and boats at a reasonable annual rate to ratepayers and for a slightly higher rate to non-ratepayers.

18.4 - Possible Commercial Opportunity for Caravan Storage

Councillor Steel requested a report on approving a local park area (approx.. 2-4 hectares) either at a suitable Council owned area or land owned by a local farmer, for privately owned caravans and boats to park when not in use.

As these two questions have some commonality, the land use elements of these items will be dealt with concurrently in this report.

It may be possible to store caravans and boats in a 'self storage units' depending on the nature and type of the unit. An overview of trade web sites indicated that 'self storage units' are utilised by some caravan/boat owners as appropriate to store caravans/boats. A self storage unit refers to a:

"premise that consist if individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or material)."

Currently self storage units are permissible with consent in the following zones B7 Business Park and IN2 Light Industrial under Kiama LEP 2011.

However, the more appropriate land use for caravan and boat storage as identified by the standard instrument would be a 'Storage Premise', defined as follows;

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

Storage Premises are currently not permissible in any zone in Kiama. To enable the use of land for this purpose a Planning Proposal would need to be prepared. Consideration would need to be given to the appropriate mechanism to best incorporate this land use within the Kiama area.

All changes to the LEP need to be fully considered to ensure that the intent and objectives of both the intended land use and the use of the land proposed is fully considered. There are two mechanisms that could be considered:

- Changing the land use table to add this land use into a particular zone/s, or
- Utilising a Schedule 1 amendment to enable the land use to be carried out on a particular lot/s.

Reports for Information

15.14 Possible Commercial Opportunity for Caravan Storage and Secure Storage for Caravans and Boats (cont)

Any change in the LEP to add a new land use for a specific zone would need to be closely considered in regard to possible outcomes e.g. a storage facility as defined could potentially allow the storage of shipping containers. In this regard it may be necessary to include appropriate DCP controls to govern the built form, size, placement, visual and user amenity, screening, access, environmental considerations, hours of operation etc.

In regard to providing such storage on existing “parkland”, such land would also be subject to the same process as outlined above and potentially also reclassification under the provisions of the Local Government Act if the land was classified as “community” land.

Council could only consider a Development Application for a Storage Premise once the LEP had been amended in one of the above manners and, if necessary, the DCP had also been amended.

Council does own a parcel of land in Barney Street with a B7 zoning, allowing Self storage units, other than this, there are no Council owned properties that readily allow the above land use.

15.15 Walking Tracks & Cycleways Committee

Responsible Director: Engineering and Works

The Minutes of the Walking Tracks & Cycleways Committee meeting held on 9 September 2015 are attached for information.

Attachments

- 1 Walking Tracks & Cycleways Committee - minutes - meeting 9 September 2015

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 9 SEPTEMBER 2015 COMMENCING AT 4.30 PM

Present: Clr M Way (MW), J Walker (JW), H Irving (HI), D Brady (DB), L Hazell (LH), B Booth (BB), Clr M Honey (MH), A Pomeroy (AP), C Poole (CP), Clr M Honey (MH)

Apologies: F Wilmot (FW), L Evans (LE)

1 Minutes of Previous Meeting

The minutes of the previous meeting held on 17 June 2015 were received.

2 Business Arising from Minutes

2.1 Swamp Road to Jamberoo Shared Pathway

Acquisition of land between the corner of Swamp Rd & across to Browns Lane should be finalised in near future. Construction of the next stage will commence in November.

2.2 Billabong Shared Pathway Circuit

A plan of the area was issued by DB with an indicative route predominantly following Crown Lands. The committee agreed to conduct another site walk prior to the next meeting.

Action: Committee to conduct a site walk of the Billabong at 3pm on Monday 9 November, meeting at the Swamp Rd entrance.

2.3 Tourism Grant Funding

Action: LE to investigate funding opportunities available and will email these to members. Further information will be provided at the next Committee meeting.

2.4 Tourist Pathway Signage

DB advised that a meeting was held with Shellharbour Council regarding their proposed cycleway signage. They advised they are adopting the RMS' 'NSW Bicycle Guidelines' signage. DB circulated an extract from the guidelines showing examples of the signage, which is the same as that also previously adopted by Wollongong and other Councils. The Committee agreed that for consistency, this signage should also be used in Kiama, however in future additional markers/symbols could be added to these signs to identify local routes similar to an example circulated by HI of that used in Europe. Further discussion followed regarding the location of these signs. It was agreed that members of the Committee would undertake a ride of the route to identify appropriate sign locations.

DB advised that he inspected the area at end of Attunga Ave and has not been able to locate the large tourist sign. Other Committee members confirmed a similar outcome. It was agreed to await FW return to confirm this.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN
COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 9 SEPTEMBER 2015
COMMENCING AT 4.30 PM

Action:

- 1) *Committee members are invited to undertake route ride at 9am on Monday 12 October, meeting at Minnamurra Bridge.*
- 2) *Await FW return to confirm location of tourist sign near Attunga Ave.*

2.5 Illawarra Cycling

AP advised that due to internal issues at UoW the study had not progressed and can be removed as an agenda item. AP will report in future when an item arises.

2.6 Cyclist Guardrail Protection & Water Stations

MW advised that an application had been made to the RMS for grant funding of the Gipps Street cyclist guardrail.

MW indicated that although the South Bombo water station did not gain support in the final 2015/16 budget list, he is proposing to raise a motion at the October Council meeting seeking funding for this item from other budget savings.

Committee Recommendation: *The Committee request that the installation of a water station at South Bombo be reconsidered by Council at its October 2015 meeting.*

Moved: MW/LH - Vote: Unanimous.

2.7 Walker's Beach Pathway/Gerringong to Gerroa Walking Track

DB advised that he has not received any further advice on negotiations with the golf club.

Committee Recommendation: *The Committee requests that Council's General Manager provide a report on the progress of negotiations with the Gerringong Golf Club and the future coastal walking track link to Gerroa.*

Moved: MH/LH - Vote: Unanimous.

2.8 Black Beach Shared Pathway

MW advised that a meeting of the Management Committee for the Akuna Street development was recently held and that he had expressed the Committee's request for additional pedestrian and cyclist access be considered in Terralong Street as part of the masterplan for the precinct. The Committee considered that the introduction of additional parking in Akuna Street could allow for the reduction in parking in Terralong St (between Collins & Shoalhaven Streets) to facilitate improvements for non-vehicle uses.

MW advised that a consultant for the masterplanning had yet to be appointed and that extensive community consultation would be part of the development of the plan. The Committee requested that it be consulted as part of the draft plan preparation to ensure these proposal were considered.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN
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COMMENCING AT 4.30 PM

Action: DB to liaise with Council's Property Manager to ensure that the appointed consultant liaise with the Committee prior to preparation of the draft masterplan for the Akuna St precinct.

2.9 Gainsborough Chase to Billabong Shared Pathway

DB advised that the owner of the subject property adjacent to the northern end of the Billabong has not responded to any correspondence from Council and is highly unlikely to consider any proposals for cycleway across his land in future. The Committee recommended that alternatives around this land should probably be investigated for future discussion.

Action: DB to provide a large scale map of this area for the next meeting to discuss possible alternate routes.

2.10 Share the Track Brochure

DB advised that the Committee's comments were relayed to Council's Road Safety Officer (RSO) who met with corresponding RSO's from Shellharbour & Wollongong Councils who agreed to amend a number of the items on the updated information brochure to be published.

2.11 Fern Street / Omega Flat Cycleway

DB advised that following the last meeting he relayed the Committee's concerns to the RMS who subsequently amended the design to provide a link to existing cycleway west of Fern St, which has since been constructed.

The Committee also queried the status of the missing link of cycleway across Omega Swamp that was previously deferred due to Highway bridgeworks. The Committee requested if this work could be included in the 2016/17 budget for consideration and that Council make application to the RMS for matching grant funding. Given the regular flooding of this area the Committee also recommended that the link be constructed as a raised boardwalk type cycleway, similar to the pictures attached to the June 2015 meeting minutes of the cycleway at Tallawarra.

*Action: 1) DB to include the Omega Flat cycleway for consideration in the Council's 2016/17 budget.
2) Council to make application to the RMS for grant funding for the above project.*

2.12 Meeting Times

The Committee discussed changing the meeting dates / time in future. It was agreed that the next meeting on Wednesday 11 November would commence at 4pm.

The subsequent meeting in February would commence at 3.30pm on Monday 8 February 2016. Further discussion will be held at this meeting on whether subsequent meeting be held on a bi-monthly basis.

MINUTES OF THE KIAMA WALKING TRACKS AND CYCLEWAY COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON WEDNESDAY 9 SEPTEMBER 2015 COMMENCING AT 4.30 PM

3 New Business Arising

3.1 Hyams Creek Footbridge

MH explained the current difficulties being experienced by pedestrians crossing Hyams Creek in Jamberoo. With the recent and proposed subdivisions occurring on the western side of Churchill Street, there is currently no pedestrian link on the western side of the bridge between the school and the town centre. MH believe that new pathway links from these developments including a new footbridge is required in this area, and should be considered by Council in future. The Committee supported this proposal.

Action: MH to raise a Question Without Notice at the next Council meeting, seeking the investigation and costing of a new pedestrian bridge on the western side of Churchill Street over Hyams Creek.

3.2 Health, Tourism & Sustainability study

AP advised that there is the possibility of a regional study being undertaken on the above, or possibly a Kiama only study. Further advice will be provided at the next meeting

3.3 Cycling Presentation

AP requested if time be set aside at future meetings for a presentation of ideas & suggestions for improvements to cycling especially from those who have travelled to other areas ie, interstate, Europe etc. JW & HI agreed to make a short presentation to the next meeting.

Action: DB to investigate presentation options / technicalities.

3.4 Bike Week Promotion

DB circulated a brochure on the Kiama Family Fun Bike Ride.

There being no further business, the meeting closed at 6.40pm.

Next meeting will be held on Wednesday 11 November at 4.00pm.

15.16 Noble Reserve - 73 Fern Street, GerringongResponsible Director: Office of the General Manager

At the meeting held on 20 October 2015 Councillor McClure requested an investigation into the option of a land swap of Noble Reserve at 73 Fern Street, Gerringong with 98 Fern Street, Gerringong. This investigation would include all details of the land, any covenants or restrictions and should include any discussions with the owner of 98 Fern Street, Gerringong.

The subject land known as Lot 237 DP792192 has an area of 9,098sqm and is zoned RE1 Public Recreation. The land was created as a public reserve as part of the subdivision of the adjoining land for residential purposes in 1989. In 1988 Council acquired the reserve and adjoining land from Mr A and Mr V Noble to carry out a residential subdivision and it appears from relevant Council reports that as part of the negotiations to acquire the land there was a stipulation that the required public reserve be created in the south-east corner to protect the view from Mr A W Noble's house. While Mr Athol Noble is no longer alive it is understood that the relevant house (and two adjoining houses) are now owned by a relative.

Other than for drainage easements there does not appear to be any other covenants or restrictions applying to the land.

At the time of the subdivision approval it seems that the subject land was dedicated as a public reserve as a condition of the development consent. If this was the case the land can be rezoned and reclassified, (including by Council resolution, minimum 28 day advertising period and public hearing) but only if the land is deemed to be unsuitable for public amenities and services due to either size, shape, topography, location or difficulty providing access to the land.

As shown on the attached plan the subject reserve does provide pedestrian linkages to other reserves and local streets and footpaths. If Council is of the view that the reserve is too large and that a section of the reserve should be reclassified and rezoned then it is recommended that the public linkages and any significant vegetation be protected and retained.

Any rezoning/reclassification process will be subject to public exhibition and public comment. Council has already received a letter raising a number of concerns in relation to any rezoning/reclassification of the land.

Preliminary discussions with the owner of 98 Fern Street, Gerringong has revealed his preference to proceed with the development application for that site at this time.

Attachments

- 1 Noble Reserve - Land Zoning Map and Area Map



KIAMA MUNICIPAL COUNCIL
 your council, your community

Subject Area

 Cadastre Copyright
 LPIA NSW, 19/01/15
 Scale: 1:2000 @ A4
 Projection: GDA 1994
 MGA Zone 56

This map is supplied by Council on condition that Council will not be responsible for any errors or omissions contained in the map as a result of any errors of omission contained in the map. To establish site boundaries and ownership advice should be obtained from a surveyor, legal advisor or LPI New South Wales. Map & contents Copyright Kiama Municipal Council and others under licence. For further information contact pr@kiama.nsw.gov.au

15.17 Kiama Tourism

Responsible Director: Office of the General Manager

As part of the Memorandum of Understanding (MoU) with Kiama Tourism, Kiama Tourism is to provide Council with a copy of its Annual Report and Financial Statements and to provide an annual presentation on tourism activities to Councillors.

The Chairman, Treasurer and Tourism Manager are to attend Council following public access on Monday 16 November 2015 to make the annual presentation.

15.18 LED Street LightingResponsible Director: Engineering and Works

Earlier in 2015, an information report was tabled to Council on the feasibility and process of retrofitting street lights with Light Emitting Diode (LED) luminaires.

At that time, it was determined that due to the approved Endeavour Energy LED lighting type and the Street Lighting Use of System (SLUOS) charges set by IPART for the supply and maintenance of street lights, fittings, poles etc, it was not cost beneficial for Council to change from its previously nominated compact fluorescent lights (CFL).

However at a recent meeting with Endeavour Energy, Council were advised that:

- a new 22W LED is being approved to replace the current 29W LED version offered in lieu of 42W CFL.
- a new LED luminaire has been approved as a replacement for high intensity metal halide (spotlight) type lights, which offer a substantial electricity reduction.
- There has also been a review of the SLUOS charges for various lighting components with an average 12% decrease in prices.

While there is no firm costing for these reductions as yet, given the likely cost savings, lower power consumption rate, longer lifespans and environmental benefits, Endeavour Energy will be notified that LED lighting will be nominated as Council's lighting choice for new and existing replacement street lighting.

15.19 Section 94 Development Funds

Responsible Director: Office of the General Manager

Below is a table showing Section 94 developer contributions received each month.

S94 Developer Contributions

2014/15	
July	\$17,420
August	\$20,963
September	\$24,542
October	\$134,555
November	\$27,469
December	\$159,599
January	\$217,043
February	\$63,668
March	\$62,015
April	\$246,313
May	\$53,438
June	\$87,154
Interest	\$111,755
	\$1,225,934

S94 Recoupments from Plans

2014/15	
July	\$28,827
August	\$9,245
September	\$10,420
October	\$79,621
November	\$10,086
December	\$88,151
January	\$124,513
February	\$30,566
March	\$28,606
April	\$142,648
May	\$27,317
June	\$31,651
	\$611,651

2015/16	
July	\$16,126
August	\$206,061
September	\$43,412
October	\$33,102
Interest	\$9,076
	\$307,777

2015/16	
July	\$9,301
August	
September	
October	
	\$9,301

Item 15.19

15.20 Council Employee Christmas Function

Responsible Director: Corporate and Commercial Services

Councillors are cordially invited to attend both indoor and outdoor staff Christmas functions as scheduled below:

Indoor

11th December 2015
The Pavilion
Commencing at 1:00pm

Outdoor

18th December 2015
Kiama Leagues Club
Commencing at 1:00pm

Councillors should advise the Indoor and/or the Outdoor Social Club representative if they wish to attend for catering purposes.

It will be necessary to close Council's administration building at 12:00pm on the afternoon of the 11th December 2015 as it is not possible to maintain adequate levels of staffing when the Christmas function is on.

15.21 Review of NSW Crown Land ManagementResponsible Director: Office of the General Manager

In March 2014, the Government released Crown Lands for the Future – Crown Land Management Review Summary and Government Response. At the same time, the Government invited public submissions on the Crown Lands Legislation White Paper which proposed a simpler legislative framework and other actions to support Crown land management into the 21st century.

Over 600 submissions were received on the Crown Lands Legislation White Paper and considered by the Government. A copy of Council's submission is attached.

The NSW Government has recently published the Response to Crown Lands Legislation White Paper – Summary of Issues and Government Response.

The NSW Government advises that the report outlines the Government's approach to ensure that the use and management of Crown land continues to meet community needs across NSW through the development of a single, modern legislative framework.

The Response to Crown Lands Legislation White Paper outlines the steps that the Government will be taking to implement the recommendations of the Review, including the drafting of the new legislation.

The Government will continue to provide updates on their website to keep stakeholders and the community informed – www.crownlands.nsw.gov.au.

A copy of the Response to Crown Lands Legislation White Paper and Summary of Issues and Government Response is enclosed.

A copy of the Minister's media release is also attached.

Council staff are to review the legislation white paper and the Government's response to the issues raised.

Attachments

- 1 Council's Submission to Crown Lands
- 2 Media Release - Managing Crown Land

Enclosures

- 1 Crown Lands for the Future - Crown Land Management Review Summary and Government Response



KIAMA MUNICIPAL COUNCIL

Phone Enquiries:

4232 0402

Reference:

MF:CA - 14/25443

22 April 2014

Crown Lands Management Review
NSW Trade Investment
PO Box 2185
DANGAR NSW 2309

Email: Crownlands.whitepaper@trade.nsw.gov.au

Dear Sir/Madam

Crown Lands Legislation White Paper

At its recent meeting Council considered a report in relation to the Crown Lands Legislation White Paper.

While a number of proposals in the White Paper including the streamlining of legislation, reduction of red tape and more local community input into the management of Crown Lands are commendable and supported by Council, there are a number of issues that Council requires further detail to enable effective comment.

Council notes that it is proposed to transfer "local" Crown Lands to councils for management. Council has serious concerns in relation to the potential for cost shifting in that this may result in ongoing management and maintenance costs for councils without the opportunity for income to offset these costs.

Council also has serious concern regarding the future management of commercial activities such as holiday parks that councils presently manage and are dependent upon to raise funds to effectively manage/maintain adjoining Crown Reserves.

Council respectfully requests further consultation by the NSW Government with Local Government on the proposed White Paper and suggests that there be workshops/forums held at a number of regional locations to enable effective input and comment by councils.

Council looks forward to receiving further detail on the proposed changes and the opportunity to provide further comment.

Yours faithfully

M Forsyth
General Manager

ALL CORRESPONDENCE

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www.kiama.nsw.gov.au

ABN: 22 379 679 108

your council
your community

Item 15.21

Attachment 2



Niall Blair
Minister for Primary Industries
Minister for Lands and Water

MEDIA RELEASE

Thursday, 29 October 2015

MANAGING CROWN LAND: LEGISLATION TO BE INTRODUCED NEXT YEAR

Minister for Lands and Water, Niall Blair, has today released the NSW Government's response to the public submissions to the Crown Lands White Paper – a major milestone to better manage the state's Crown Land.

"We are determined to see local decisions are made over local land – and to make sure Crown Lands are managed and protected so they can continue to be the back bone of many of our regional communities, and to provide valued facilities in our towns and cities," Mr Blair said.

"This reform is about local communities – that's why the Government's response has relied heavily on this important feedback – to pave the way to see this reform become legislation in 2016.

"Let's not forget that Crown Lands are our showgrounds, our racecourses, surf lifesaving clubs and halls – the very heart of our communities – it's important these vital assets are managed well to build for the future of our communities."

As part of this reform process four councils have developed and tested a new process to better manage local land.

Corowa Shire, Tamworth Regional, Tweed Shire and Warringah councils took part and used key criteria and principles for identifying local land and a proposed model for local land transfers.

"This pilot was a huge success and will pave the way for a once-in-a-generation opportunity to make sure our local communities are making the decisions about how our local land is used and managed, Mr Blair said.

626 submissions were to the White Paper and will be used to develop the new Crown lands legislation.

The new legislation will see eight acts simplified into one single Act.

The Government's response is available at www.crownland.nsw.gov.au.

MEDIA: Siobhan McCarthy 0407 791 802

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 November 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 competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

20.2 LEASE AGREEMENT WITH HOUSING TRUST AND STRATEGIC DIRECTION

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

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 competitor of the council.

20.2 Lease Agreement with Housing Trust and strategic direction

Responsible Director: Engineering and Works

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

21 CLOSURE