



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 18 August 2015

Council Chambers

11 Manning Street, KIAMA NSW 2533

Order of Business

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

Members

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

11 August 2015

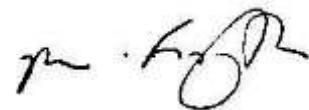
To the Chairman & Councillors:

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 18 August 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 18 AUGUST 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 21 July 2015

Attachments

- 1 Minutes of the Ordinary Meeting of Council held on 21 July 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 21 July 2015 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 21 JULY 2015

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE
MUNICIPALITY OF KIAMA HELD IN THE COUNCIL CHAMBERS,
KIAMA, ON TUESDAY 21 JULY 2015 AT 5PM**

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

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

1 APOLOGIES

An apology was tendered on behalf of Councillor M Way.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

17 WITHDRAWAL OF NOTICE OF MOTION -

17.1 Western Access – Cedar Grove 2

Councillor Neil Reilly withdrew the Notice of Motion as it did not comply with Section 372 of the Local Government Act 1993 and foreshadowed that the Notice of Motion would be resubmitted to the next meeting of Council

15/228

Resolved that Council note the withdrawal of the Notice of Motion..

(Councillors Reilly and Honey)

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Ordinary Council Meeting on 16 June 2015

15/229

Resolved that the Minutes of the Ordinary Council Meeting held on 16 June 2015 be received and accepted.

(Councillors Seage and McClure)

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 PUBLIC ACCESS

Ms Glenys Day – Review of Determination - DA 10.2014.245.1 - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain

Mr Gary Wilson – Review of Determination - DA 10.2014.245.1 - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain

6 MAYORAL MINUTE

16.1 Celebration of NAIDOC Week

15/230

Committee recommendation that Council congratulates Holly Sanders on being awarded the NAIDOC Worker of the Year.

(Councillors Petschler and Reilly)

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes

15/231

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 7 July 2015 be received and accepted.

(Councillors Steel and Rice)

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

7.2 Minutes - Streets and Reserves Naming Committee

15/232

Resolved that the Minutes of the Streets and Reserves Naming Committee Meeting held on 8 July 2015 be received and accepted.

(Councillors Seage and Rice)

COMMITTEE OF THE WHOLE

15/233

Resolved that at this time, 5.10pm, 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 Acting 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 Steel and Seage)

8 PUBLIC ACCESS REPORTS

15/234

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

(Councillors Steel and Seage)

9.2 Review of Determination - DA 10.2014.245.1 - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain

Moved by Councillor Honey and seconded by Councillor Steel that Council, as a consequence of its review of the subject application, alter their determination by granting approval to the development application 10.2014.245.1, as amended in application for review, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and subject to draft conditions at the end of this report.

For: Councillors Honey, McClure, Seage and Steel

Against: Councillors Petschler, Reilly, Rice and Sloan

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

The MOTION was PUT and LOST on the Casting Vote of the Mayor

15/235

Committee recommendation that Council, as a consequence of its review of the determination of development application 10.2014.245.1, confirm their determination of refusal of the application as per resolution 15/008 for the reasons specified in this resolution.

(Councillors Reilly and Sloan)

For: Councillors Petschler, Reilly, Rice and Sloan

Against: Councillors Honey, McClure, Seage and Steel

The MOTION was PUT and CARRIED on the Casting Vote of the Mayor.

Councillor Steel foreshadowed the lodgement of a Rescission Motion on this item to the next meeting of Council.

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Draft Minnamurra River Coastal Zone Management Plan for public exhibition

15/236

Committee recommendation that Council adopt the final Minnamurra River Coastal Zone Management Plan.

(Councillors Steel and Seage)

9.3 Waste Processing and Disposal

15/237

Committee recommendation that Council

1. Rescind number "1" of Council resolution 14/197 adopted at its meeting of 16 September 2014 specific to SITA Australia being invited to submit a Request for Tender as outlined in the Expression of Interest (EOI Number KT-290514).
2. Invite SITA Australia to submit a Request for Tender for Part 1 and 3 as outlined in the Expression of Interest (EOI Number KT-290514) for Waste Processing and Disposal.
3. Having regard to Section 55, clause(3)(i) of the Local Government Act 1993, Council forms the view that the unavailability of competitive tenderers is an extenuating circumstance and that a satisfactory result would not be achieved by inviting tenders and as such, tenders will not be invited for the processing of mixed wastes from the Kiama Municipality as outlined in Part 2 the Expression of Interest (EOI Number KT-290514) for Waste Processing and Disposal.
4. Council authorise the General Manager to commence contract negotiations with SITA Australia, for the processing of mixed waste from the Kiama

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

- Municipality at an approved Alternative Waste Treatment Facility.
- 5) Funding of \$10,000 be included Council's 2015-16 budget review process to finance expenditure for legal advice and the preparation of contract documentation. Such funding will be drawn from Council's Domestic Waste and Management Reserves.
 - 6) A further report be submitted to Council on the outcome of negotiations between Council and SITA Australia, and prior to any contract being entered into.

(Councillors Steel and Seage)

9.4 Amendment to Chapter 12 of Kiama Development Control Plan 2012 – Short Term Rental Accommodation

15/238

Committee recommendation that :

1. Council endorse the amendments to Chapter 12 of Kiama DCP – Short Term Rental Accommodation, as outlined in this report and attachment hereto. Such amendments relate to the minimum requirements for STRA properties regarding waste bin size, being:
 - a. STRA which accommodate up to two guests must have a minimum 140 litre garbage bin (red lid bin)
 - b. STRA which accommodate more than two guests must have a minimum 240 litre garbage bin (red lid bin)
 - c. additional Best Practice Guidelines related to waste management.
2. The endorsed amendments be placed on public exhibition for a period of not less than 28 days.
3. Following public exhibition a further report be submitted to Council for consideration.

(Councillors Reilly and Sloan)

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

Against: Nil

10 REPORT OF THE ACTING GENERAL MANAGER

10.1 Submission of Motion to the Local Government NSW (LGNSW) Conference - Dam Funding

15/239

Committee recommendation moved by Councillor Sloan and seconded by Councillor Seage that:

1. Council submits the motion and supporting information referred to in this

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

report to the LGNSW annual conference and the motion be changed to read as follows

“That LGNSW writes to the State Government seeking financial support from the State Government for councils burdened with the ongoing cost of complying with the requirements of the Dam Safety Committee for prescribed dams in the council’s ownership, particularly where ownership has been transferred from State Government entities, and where such dams are non-operational, recreational dams.”

2. Council seek confirmation of transfer of ownership from the Land Titles Office for Jerrara and Fountaindale Dams.

The MOTION was PUT and CARRIED.

10.2 Kiama Community of Schools - Celebration of Public Education - Request for Assistance

15/240

Committee recommendation that Council formally endorses the decision to donate the additional Waste Services costs for the Kiama Community of Schools’ Celebration of Public Education event in Hindmarsh Park to be held on 31 July 2015.

(Councillors Steel and Seage)

10.3 Use of Gerringong School of Arts Hall

15/241

Committee recommendation that :

1. Council endorses the exclusive use of the Gerringong School of Arts Hall as a temporary storage facility by the Gerringong & District Historical Society whilst refurbishment is undertaken on their existing storage facility.
2. Council donates the standard hall hire fees for the Gerringong School of Arts Hall for a period of up to two months.
3. If an extension of this period is required, the Gerringong Historical Society makes application to Council requesting a further extension of use.
4. Council’s Hall Hire Policy applies with the exception of any conditions relating to hire fees and charges

(Councillors Steel and Seage)

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

10.4 TripAdvisor - Certificate of Excellence - Saddleback Mountain Lookout

15/242

Committee recommendation that Council sends a letter of appreciation to the Rotary Club of Kiama for their ongoing efforts with the maintenance and development of the Saddleback Mountain Lookout Reserve and that a framed copy of the TripAdvisor Certificate of Excellence is provided to the Rotary Club of Kiama.

(Councillors Steel and Seage)

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

11.1 Strategic Tourism and Marketing Plan

15/243

Committee recommendation that Council adopts the Draft Strategic Tourism and Marketing Plan dated 21 July 2015

(Councillors Steel and Seage)

11.2 Kiama Coast Holiday Parks - Sustainable Improvement Strategy and Masterplans

15/244

Committee recommendation - moved by Councillor Seage and seconded by Councillor Reilly that Council:

1. notes the information from The Office of the Minister Lands and Water and the Manager South Coast Area NSW Department of Primary Industries - Lands in relation to the reduction of privately owned holiday vans situated on Crown Land in accordance with the Crown Lands Caravan Parks Policy 1990,
2. lifts the current No Sale and No Improvement policy at Werri Beach and Seven Mile Beach Holiday Parks, and
3. as previously endorsed, reviews the draft Sustainable Improvement Strategy and Masterplans in November 2015.

The MOTION and was PUT and CARRIED.

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

15/245

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

(Councillors Steel and Seage)

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Purchase of Plant Equipment

15/246

Committee recommendation that Council purchase one Caterpillar 924K Wheel Loader from Westrac with a capital value of \$289,000 + GST.

(Councillors Steel and Seage)

**13.2 Gerringong Public School - Pedestrian Safety Project
RMS Grant funding**

15/247

Committee recommendation that Council

1. Accept the offer of grant funding for \$5000 from the RMS for the pedestrian safety improvements in Greta Street Gerringong.
2. Give delegated authority to the General Manager to enter into a funding agreement with the RMS.

(Councillors Steel and Seage)

13.3 Jamberoo Valley Cycleway - Grant funding acceptance

15/248

Committee recommendation that Council:

1. Accept the offer of grant funding of \$100,000 from the RMS for the next stage of the Jamberoo Valley Cycleway .
2. Give delegated authority to the General Manager to enter into a funding agreement with the RMS.

(Councillors Steel and Seage)

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

13.4 Kiama Harbour boat trailer/ wash bays - RMS grant funding

15/249

Committee recommendation that Council

1. Accept the offer of grant funding for \$40,000 from the RMS for the Kiama Harbour boat trailer parking and wash down bays.
2. Give delegated authority to the General Manager to enter into a funding agreement with the RMS.

(Councillors Steel and Seage)

14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

**14.1 Blue Haven Advisory Committee
Expressions of Interest**

15/250

Committee recommendation that the following applicants be elected to the Blue Haven Advisory Committee:

Julie Bartlett
Ian Pullar
Sandra McCarthy
Pam Waters
Ian John Wilson
Alan Fowlie
Barry Wilson.

(Councillors Seage and Steel)

14.2 NSW Public Libraries Conference 2015

15/251

Committee recommendation that Council approve the attendance of Councillor Rice at the NSW Public Libraries Conference.

(Councillors Sloan and Steel)

15 REPORTS FOR INFORMATION

15/252

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

15.1 NBN Network Rollout

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

- 15.2 Roads to Recovery - Additional Funds Announced
- 15.4 South Precinct Meeting Minutes
- 15.5 Jamberoo Residents & Ratepayers Association Minutes
- 15.6 Minnamurra Lions Club - AutumnFest 15
- 15.7 LGNSW Annual Conference 2015
- 15.8 Jamberoo Residents & Ratepayers Association - Letter of Thanks
- 15.9 Walking Tracks and Cycleways Committee - Minutes
- 15.10 Kiama Liquor Accord Meeting - Minutes - 27 May 2015
- 15.11 Continuation of funding for the Aged/Disability Sector Support Position
- 15.13 Making Cities Liveable and Safe Cities Conferences
- 15.14 SENTRAL Youth Service Programs and Events
- 15.15 Kiama Hospital Redevelopment
- 15.16 The Pavilion Kiama - Contract Termination Request
- 15.17 Minnamurra Progress Association
- 15.18 Kiama Access Committee
- 15.19 Economic Development Committee minutes- meeting date 23 June 2015
- 15.20 Chairing Effective Meetings Training for Councillors
- 15.21 Kiama Art Society Sponsorship
- 15.22 Smoke-free outdoor dining areas
- 15.23 Councillor Meeting Register
- 15.25 National Australia Day Conference 2015
- 15.26 Retention of Southern Councils Carer & Respite services by Kiama Council.

(Councillors Steel and Seage)

15.3 Parking Statistics - June 2015 -

15/253

Moved by Councillor McClure and seconded by Councillor Steel that:

1. a report on the prioritisation of parking enforcement in the Kiama CBD on busy weekends and market days be presented to Council.
2. Council investigate the legalities of the use of CCTV to monitor parking.

The MOTION was PUT and CARRIED

15.12 Blue Haven Care - Disability Services Third Party Verification -

15/254

Moved by Councillor Reilly and seconded by Councillor Sloan that the report be received and noted and that the staff of Blue Haven Care Disability Services be commended on their excellent work in achieving Third Party Verification.

The MOTION was PUT and CARRIED

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

15.24 Local Environmental Plan Review Committee - Minutes -

15/255

Moved by Councillor Rice and seconded by Councillor Sloan that minutes of the meeting be edited to reflect that Councillor Honey was in attendance at the meeting and not Councillor Way. Further that the minutes be received and noted.

The MOTION was PUT and CARRIED

RESUMPTION OF ORDINARY BUSINESS

15/256

Resolved that at this time, 6.35pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors McClure and Honey)

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

15/257

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 15/228 to 15/257 above.

(Councillors Steel and Sloan)

16 ADDENDUM TO REPORTS

16.1 Celebration of NAIDOC Week

This item was dealt with at Item 6 Mayoral Minutes.

17 NOTICE OF MOTION

17.1 Western Access – Cedar Grove 2

Councillor Reilly withdrew this item prior to Item 3 Confirmation of Minutes of Previous Meeting.

18 QUESTIONS WITHOUT NOTICE

18.1 Local Environmental Plan Review Committee -

Councillor Rice advised that two objectives of the newly formed Local Environmental

MINUTES OF THE ORDINARY MEETING

21 JULY 2015

Plan review committee are:

- 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.

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.

18.2 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.

19 CONFIDENTIAL SUMMARY

20 CONFIDENTIAL REPORTS

Nil

21 CLOSURE

There being no further business the meeting closed at 6.39pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 August
2015

.....
Mayor

.....
General Manager

- 4 BUSINESS ARISING FROM THE MINUTES**
- 5 PUBLIC ACCESS SUMMARY**

6 MAYORAL MINUTE

6.1 NSW Minister for Environment and Heritage and Assistant Minister for Planning - the Hon. Mark Speakman, SC

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council receives and notes the information.

REPORT

On 30 July 2015 the Member for Kiama, Mr Gareth Ward, hosted the NSW Minister for Environment and Heritage and Assistant Minister for Planning, the Hon. Mark Speakman, SC on a tour of the Kiama electorate.

The General Manager, Director of Environmental Services and I had the opportunity to meet the Minister and during the meeting we sought updates and information on the following issues:

- The ongoing State funding of estuary and coastal zone management plans and studies including rural land assessments which have involved funding by the Local Land Services. The Minister advised that funding should still be available.
- The review of the Threatened Species Conservation Act and Native Vegetation Act. The Minister advised that releases of the legislation should be made in the near future.
- The review of the Heritage Act and streamlining of heritage approvals. The Minister advised that this is underway and will hopefully be completed in 2016.
- The overlapping and some approval inconsistency of the Protection of the Environment Operations Act, Clean Air Regulation and Draft Schedule 9 relating to wood heaters.

The meeting also provided the opportunity to raise concerns in relation to the potential disconnect between the Draft Illawarra Regional Growth Plan and the maintenance of Kiama's recognised coastal and rural character. Reference was made to the target growth rates which would require further expansion into greenfield sites and higher density infill development.

Mayoral Minute

6.1 NSW Minister for Environment and Heritage and Assistant Minister for Planning - the Hon. Mark Speakman, SC (cont)

The need to address the conflicting mapping of areas of high conservation value and areas of sand resources such as at Gerroa was raised. This matter is to be further pursued by the Member for Kiama, Mr Gareth Ward.

It was pleasing that Council had the opportunity to meet the Minister and brief him on a range of relevant issues and the Member for Kiama was thanked for making this possible at short notice.

6.2 Seven Mile Beach**Attachments**

- 1 Letter from Member for Kiama

Enclosures

Nil

RECOMMENDED

That Council indicate its support in principle for the markers and work with the Member for Kiama, Mr Gareth Ward, and Shoalhaven City Council on the detail including preferred locations, form of construction, interpretative information, maintenance and cost.

REPORT

Council recently received representation from the Member for Kiama, Mr Gareth Ward, requesting Council's consideration of an environmental tourism initiative to erect environment/heritage markers at each of the "seven miles" of Seven Mile Beach.

The proposed markers would provide information about historical, environmental and indigenous connections to the beach and are designed to increase the communities and visitor's knowledge, understanding and respect for the beach.

Seven Mile Beach is located within the boundaries of both Kiama and Shoalhaven Councils and the Member for Kiama has written to both councils seeking endorsement and consideration into partnering with the State Government to jointly fund the initiative.

Whilst the proposal has merit and would certainly be an informative and unique tourist attraction for Seven Mile Beach, further information would be required regarding costs associated with construction, installation and ongoing maintenance of the signage markers. Depending on the preferred location of the markers the involvement of the National Parks and Wildlife Service and Crown Lands may be also required. Consultation with the local aboriginal community and historical societies would also be beneficial.

It is proposed that Council indicate its support in principle for the markers and work with the Member for Kiama, Mr Gareth Ward, and Shoalhaven City Council on the detail including preferred locations, form of construction, interpretative information, maintenance and cost.



GW:pe

Friday, 3 July 2015

Clr Brian Petschler
 Mayor
 Kiama Municipal Council
 PO Box 75
 KIAMA NSW 2533



Dear Mayor, *Brian,*

I write to make representations in relation to an exciting environmental tourism initiative for our region. The proposal is for the erection of environmental/ heritage signage/ markers at Seven Mile Beach.

The concept is to install signage marking each of the 'Seven Miles' along the beach which will provide information about historical, environmental and indigenous connections to the beach. These signs/ markers will no doubt be of enormous interest to locals and tourists alike and will hopefully have a positive impact on our community's knowledge, understanding and respect for the beach.

I am pleased to enclose a copy of a letter I have written to The Hon. Mark Speakman MP, Minister for the Environment and Minister for Heritage, seeking NSW Government support for this proposal.

Undoubtedly there will be a number of practical considerations to address. These include the exact location(s) of the sign posts, who will be responsible for their maintenance and any other concerns which Council or the State might have.

As Seven Mile Beach is located jointly with the boundaries of Shoalhaven City Council and Kiama Municipal Council, I have also written to your counterpart about this matter.

If both Councils believe that this concept has merit I would like to request that you give consideration to partnering with the State Government to jointly fund this exciting initiative.

I would appreciate if you could investigate this request and advise in due course of the Council's position in relation to this matter.

Given the significance of this concept, I would appreciate it if this proposal could be placed on the agenda of a future meeting for discussion and to seek the endorsement of Council for this proposal.

I am happy to provide additional information about this concept should you require it.

Thank you for your assistance in relation to this matter. I look forward to your response.

Kind regards



GARETH WARD MP

Member for Kiama

Parliamentary Secretary to the Premier – Illawarra and South Coast

Working for Our Community!

Encl. Letter to The Hon. Mark Speakman MP, Minister for the Environment and Minister for Heritage



GW: pe

Friday, 3 July 2015

The Hon. Mark Speakman SC MP
 Minister for the Environment
 Minister for Heritage
 Assistant Minister for Planning
 GPO Box 5341
 SYDNEY NSW 2001

EMAILED
 03 JUL 2015
 BY:.....

Dear Minister, *Mark,*

I write in relation to seeking NSW Government support for an exciting environmental tourism proposal in my electorate. The proposal is for the erection of environmental/ heritage signage at Seven Mile Beach.

As you are no doubt aware, Seven Mile Beach is iconic and internationally renowned as one of the best beaches in the world. Every year it attracts thousands of tourists to the South Coast.

It also has great historical significance as in 1933 Seven Mile Beach was used by Sir Charles Kingsford Smith as the runway for the first commercial flight between Australia and New Zealand.

The intention of erecting signage is to mark each of the 'Seven Miles' that make up the beach. The signs/markers should contain information about the beach including local flora and fauna, historical events (such as the one mentioned above) and local Indigenous culture. Each sign could contain a map to indicate where on the seven mile journey you are.

I very strongly believe that this signage will help to improve the knowledge of tourists and locals alike about the significance of the beach and will generate greater interest in its conservation.

I have had preliminary discussions with Kiama Municipal Council and Shoalhaven City Council about partnering with the NSW Government to jointly support this initiative and will write to them to confirm that Council(s) will supply any land required.

However, I would seek the funds from your department for this initiative.

I would appreciate if you could investigate this request and advise in due course of the government's position in relation to this matter.

Thank you for your assistance in relation to this matter. I look forward to your response.

Kind regards



GARETH WARD MP

Member for Kiama

Parliamentary Secretary to the Premier – Illawarra and South Coast

Working for Our Community!

7 MINUTES OF COMMITTEES

7.1 Kiama Local Traffic Committee - Minutes

Responsible Director: Engineering and Works

Attachments

- 1 Kiama Local Traffic Committee - Minutes - 4 August 2015

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 4 August 2015 be received and accepted.

BACKGROUND

The Minutes of the Kiama Local Traffic Committee meeting held on 4 August 2015 are attached for information.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 AUGUST 2015

COMMENCING AT: Meeting commenced at 9.00am

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

APOLOGIES: Nil

1 Minutes of Previous Meeting-

CR027

Committee recommendation that the Minutes of the 7 July 2015 held electronically be received and accepted.

FORMAL ITEMS (UNDER RMS DELEGATIONS)

2 Jamberoo Action Park – Traffic Management Plan End of 2014-15 Season Audit

CR028

Committee recommendation that:

- 1) the Committee notes the Traffic Management Plan End of Season 2014/15 audit for the Jamberoo Action Park.
 - 2) The Committee support any application made by the Jamberoo Action Park to modify the condition of development consent which requires an annual audit and review of the Operational Traffic Management Plan, provided such a modification enables Council or the RMS to request a report (at the cost of the Jamberoo Action Park) at their sole discretion at any time in future should traffic conditions change.
-

**3 Saddleback Mountain Road, Kiama
Temporary Closure – Charity Fun Run Event**

CR029

Committee recommendation that approval is given to the organisers of the Saddleback Smash event to temporarily close Saddleback Mountain Road and intersections on Sunday 11 October 2015, subject to organisers and suitably qualified traffic controllers complying with the following conditions:

- 1) the road closures to be undertaken by organisers in compliance with the traffic management plan No. 7023-13468 prepared by D&D Traffic Management Pty Ltd;
-

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 AUGUST 2015

- 2) notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure;
 - 3) temporary signage and/or variable message signs be installed in various locations in Saddleback Mountain Road at least 7 days prior to the event advising of the extended road closures;
 - 4) an advertisement be placed in the local media advising of the closure; and
 - 5) proof of public liability insurance complying with the Australian Prudential Regulatory Authority (APRA) being provided to Council prior to the event.
-

4 Illoura Place, Gerringong, Coryule Place and South Kiama Drive, Kiama and Lindsay Avenue, Kiama Downs – Proposed Parking Restrictions

CR030

Committee recommendation that:

1. The proposed parking restrictions previously recommended at the 2 June 2015 meeting be amended as follows:
 - a) The proposed 'No Stopping' zone in Illoura Place, Gerringong, be amended to a 'No Parking' zone.
 - b) The proposed 'No Stopping' zone in Coryule Place, Kiama, be amended to only include the eastern and southern sides of the turning head.
 2. The parking restrictions in Lindsay Avenue, Kiama Downs as recommended at the meeting of the 2 June 2015 be maintained.
 3. The proposed parking restrictions in South Kiama Drive be modified to limit the "No Stopping" zone to the turning head only and to also apply a 2 hour parking restriction on school days only on the eastern side of South Kiama Drive between the turning head and the existing timber fence.
-

INFORMAL ITEMS (TRAFFIC ENGINEERING ADVICE)

Bryan Whittaker advised the Committee of Kiama High School parking problems and possible future projects to alleviate issues. A turning bay on Saddleback Mountain Road before the bridge as identified in the Pedestrian and Mobility Plan is proposed for future construction. In addition the northern entrance of the school near the bus bay on the western side, Council have vacant road reserve that may be used for a drop off zone. These are to be discussed at today's Youth Engagement meeting at the High School along with further discussion with the RMS.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING HELD IN COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING ON 4 AUGUST 2015

LATE BUSINESS

Darrell Clingan spoke about continuing concerns with traffic in the vicinity of Belinda and Noble Streets, Gerringong. He is concerned that the traffic assessment figures supplied for the development on the corner of Belinda and Noble Streets has not considered the cumulative traffic management issues from the other developments in the vicinity eg: Cooke Place, Cole Street and Morrow Street. It was acknowledged that the development has met its statutory requirements, however further development in this area needs to be considered by the Traffic Committee. It was agreed that Council will continue to monitor traffic flows and volumes in this area in future to determine appropriate traffic management measures that may be required.

There being no further business the meeting closed at 9.25am.

The next meeting of the Committee will be held on Tuesday 1 September 2015

7.2 Minutes of the Youth Engagement Meeting - 4 August 2015

Responsible Director: Office of the General Manager

Attachments

1 Youth Engagement Minutes 4/8/15

Enclosures

Nil

RECOMMENDED

That the Minutes of the Youth Engagement Meeting held on 4 August 2015 be received and accepted.



MINUTES OF THE YOUTH ENGAGEMENT MEETING

commencing at 10.45am on

TUESDAY 4 AUGUST 2015

Kiama High School
Saddleback Mountain Road, KIAMA NSW 2533

Item 7.2

Attachment 1

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

**MINUTES OF THE YOUTH ENGAGEMENT MEETING OF THE
MUNICIPALITY OF KIAMA HELD AT THE KIAMA HIGH SCHOOL,
KIAMA, ON TUESDAY 4 AUGUST 2015 AT 10.45AM**

PRESENT: Mayor – Councillor B Petschler,
Deputy Mayor – Councillor W Steel,
Councillors K Rice, D Seage, and N Reilly

IN ATTENDANCE: General Manager, Director Of Environmental Services, Acting
Director Of Corporate And Commercial Services, Director Of
Engineering And Works And Director Of Community Services

1 APOLOGIES

Apologies were tendered on behalf of Councillors McClure, Honey, Sloan and Way.

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Minutes of the Youth Engagement Meeting - 5 August 2014

15/258

Resolved that the Minutes of the Youth Engagement Meeting held on 5 August 2014 be received and accepted.

(Councillors Steel and Seage)

4 BUSINESS ARISING FROM THE MINUTES

With regard to Item 6.1, Councillor Seage noted that the Kiama High School Captains performed the role of flag bearers for the 2015 Anzac Day March.

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

He thanked both captains for undertaking this important role.

Councillor Seage also noted that an item which was discussed but not minuted at the previous meeting regarding stenciling of street drains within the CBD had been undertaken.

Councillor Rice advised that with regard to Item 6.2 that investigation was being undertaken. The Director Engineering and Works advised that there were constraints regarding the placement of additional bike racks at Kiama Station however he confirmed that an audit is currently being undertaken into the location of existing bike racks within the LGA. He further advised that Council had a bike rack which was surplus to the needs of the project it was purchased for and invited the SRC to determine suitable locations within the Kiama CBD for the rack and to forward their recommendations to Council for consideration.

15/259

Resolved that the above matters arising from the Youth Engagement Minutes of 5 August 2015 be received and noted.

(Councillors Steel and Rice)

COMMITTEE OF THE WHOLE -

15/260

Resolved that at this time, 10.40am, Council form itself into a Committee of the Whole to deal with matters listed in the report as set out.

(Councillors Seage and Rice)

5 REPORTS FOR INFORMATION

5.1 World Environment Day Sustainable Living Workshops -

Committee recommendation that the report be received and noted.

(Councillors Steel and Rice)

5.2 Youth Arts Scholarships -

15/261

Committee recommendation that the report be received and noted.

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

(Councillors Steel and Reilly)

5.3 Youth Report - Kiama Library -

15/262

Committee recommendation that Council thank the Student Representative Council for their concern for fellow students by bringing the request for study space to Council's attention.

(Councillors Rice and Seage)

5.4 High School Certificate @ Kiama Library -

15/263

Committee recommendation that the report be received and noted.

(Councillors Steel and Reilly)

5.5 Job Board for the Kiama LGA -

15/264

Committee recommendation that the report be received and noted.

(Councillors Steel and Reilly)

5.6 Road Safety Projects 2015/1016 -

15/265

Committee recommendation that the report be received and noted.

(Councillors Steel and Reilly)

5.7 Youth Services Aged Care Opportunities - Marketing Campaign -

15/266

Committee recommendation that Council congratulate Youth Services and all participants including school students on the planning and success of this innovative project.

(Councillors Rice and Reilly)

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

5.8 Traffic Matters - Kiama High School -

15/267

Committee recommendation that the report be received and noted.

(Councillors Steel and Reilly)

5.9 Work Experience and Employment Opportunities for Students -

15/268

Committee recommendation that the report be received and noted.

(Councillors Steel and Reilly)

5.10 Kiama Connect and Community Engagement -

15/269

Committee recommendation that the report be received and noted.

(Councillors Steel and Reilly)

6 SUBMISSIONS BY STUDENT REPRESENTATIVE COUNCIL (SRC)

6.1 Consideration be given to a reduction in the concessional fees at the Leisure Centre to make membership more affordable for students.

6.2 Consideration be given to increasing the number of water bubblers or refillable water stations.

The Director of Engineering and Works advised that an audit was currently being undertaken of where the water stations/bubblers are located and where they are required. He advised that this will be reported to Council in the near future and that Council will write to the Student Representative Council to advise of the outcome.

6.3 As a result of a senior geography project in which interviews were conducted with OK Organics participants, it was revealed that whilst participants liked the concept the result was often a smelly and messy process. The SRC requested that consideration be given to supplying biodegradable bags to participants.

The Mayor advised that Council staff are monitoring this program however, the SRC concerns will be taken to the Council Officer responsible for the project.

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

- The General Manager advised that the cost of supplying biodegradable bin liners had been reviewed previously but that he would investigate this option again.
- The Director of Environmental Services advised that Council had been in touch with independent retailers with a view to encouraging them to stock these items.
- Councillor Rice suggested that perhaps additional composting workshops could be run to help educate OK Organics participants.
- 6.4 The SRC advised that the seating in Hindmarsh Park is not practical, extremely uncomfortable and hard to get into and that consideration should be given to replacing the seating with something more suitable.
- The Mayor requested that the SRC write to Council advising of their concerns to enable a review.
- 6.5 Students advised that the pathway in Bland Street ends at the second roundabout forcing people to walk on the road. Also the second roundabout is extremely tight and the school bus now goes over the roundabout and not around it.
- The Director of Engineering Works advised that Council has allocated funds in this year's budget to upgrade the park at the end of Bland Street and extend the footpath to the park. He further advised that the roundabout was designed to be mounted by buses but was a form of traffic calming for cars and other smaller vehicles.
- 6.6 Students noted that Brown Street, Kiama (through the rock cutting) was extremely narrow and needed to be widened.
- The Director of Engineering Works advised that extensive work would be required to widen the road. He further advised that as this was not practical Council had simply made the area safe.
- 6.7 An SRC representative advised that there were many holes in the fences along the train tracks near the coastal walk.
- The Director of Engineering Works advised that Council would investigate and pass the information on to TrainsNSW who are responsible for maintaining the fences.
- 6.8 Consideration for the placement of an additional pedestrian crossing in Manning Street between Farmer and Barney Streets.
- The Director of Engineering and Works advised that this would be reviewed however pedestrian crossings were determined on the formula of pedestrian versus traffic movement and as there are several other options to safely cross the street in this area another pedestrian crossing may not be viable.
- 6.9 The SRC requested consideration be given to identifying and maximising carparking provision south-west of the Shoalhaven Street Pre-school with the possibility of providing linemarking or even asphalt.
- The Mayor advised that the Department of Education should be reviewing parking provision for teachers and students at all schools.
- 6.10 The SRC requested that any changes to speed limits within the Municipality be published in the paper and on the website.

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

The Director of Engineering and Works advised that the RMS sets speed limits not Council but Council could certainly consider advertising any changes once they were notified by the RMS.

- 6.11 Students requested consideration be given to the installation of a basketball court in the Kiama CBD.

The Director of Engineering Works advised that there are several ½ courts in the Municipality but the request would be investigated.

The Senior Youth Worker advised that the ½ court that is at the Youth Centre is being refurbished.

- 6.13 An SRC representative stated that he believed there was a lack of indigenous awareness in the community and requested that Council provide more awareness with regard to NAIDOC week and other indigenous activities.

Councillor Reilly advised that Council had recently attended and supported several NAIDOC activities including the Awards and Gerringong Public School NAIDOC week celebrations. He suggested that an invitation to attend should be forwarded to the SRC for future activities run by Council.

The Senior Youth Worker advised that the Youth Centre now had Yalunga on all their signage to welcome indigenous persons to SENTRAL and also that the Aboriginal Liaison Officer was located at the Youth Centre.

- 6.14 A question was raised in relation to the possibility of available tutors being promoted.

Subject to liability issues being addressed the Community Services Department will review the provision of tutors at the Youth Centre and/or Library.

The SRC concluded by thanking Council for the experience and advised it was a great way for them to get involved in their community.

7 QUESTIONS WITHOUT NOTICE

Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT -

15/270

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 number 15/258 to 15/270.

(Councillors Steel and Rice)

MINUTES OF THE YOUTH ENGAGEMENT MEETING

4 AUGUST 2015

8 CLOSURE

There being no further business the meeting closed at 12.25pm

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

.....
Mayor

.....
General Manager

Item 7.2

Attachment 1

8 PUBLIC ACCESS REPORTS

Committee Of The Whole

RECOMMENDATION

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

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

9 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

9.1 Administrative Planning Proposals

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

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

Delivery Program: 2.9.2 Ensure Council's Local Environment Plan and Urban Strategy are current and incorporate the principles of sustainable development

Summary

Report for information 15.25 to the February 2015 meeting of Council highlighted a number of issues that could be potentially dealt with by way of amendments to the Kiama Local Environment Plan (KLEP) via the planning proposal process. As a result of this report, Council resolved to prepare a planning proposal in regard to anomalies experienced in the B7 Business Park zone in regard to permitted land uses. This planning proposal has been approved through the "gateway" process and has been publicly exhibited.

Council's Development Industry Committee has identified that no clear pathway exists in the KLEP for Torrens title subdivision of constructed dual occupancies approved after the commencement of the plan. The lack of such a clear pathway is considered to be an impediment by the Committee, and have requested the matter be addressed.

In addition to the above, a number of "administrative" issues have been identified in the KLEP that could be potentially addressed via a planning proposal at this time.

This report seeks endorsement of a planning proposal(s) addressing the above.

Finance

N/A

Policy

N/A

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse the matters listed below as a Planning Proposal for submission to the Department of Planning for Gateway determination and subsequent adoption.

BACKGROUND**Subdivision of dual occupancy and multi dwelling housing**

Clause 4.1B of KLEP provides exceptions to the general minimum lot size requirements for the subdivision of dual occupancy development approved prior to the introduction of the LEP. It is felt this clause should be amended to allow subdivision of all approved and constructed dual occupancies, as such developments have met overall objectives and merit assessment standards. In the last year there were 4 development applications affected by this clause. At the present time staff deal with these applications by seeking a request for variation from applicants which put forward reasons supporting the Torrens Title subdivision. Members of the Development Industry Committee have indicated that the preparation of this additional submission is generally a cost to applicants, and one that could be overcome with a relevant amendment to the LEP. In the last year, all such requests were supported and approved.

The above outcome could be achieved with an amendment to Clause 4.1B of KLEP so that the clause read along the lines:

“Exceptions to minimum lot sizes for certain development in residential zones:

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) Despite clause 4.1, development consent may be granted to subdivide land in any residential zone if there exists on the land a dual occupancy or multi dwelling housing and each resulting lot from the subdivision:
 - (a) will be not less than 150 square metres, and*
 - (b) will contain a single dwelling”**

In reviewing the above provisions, it has also been identified that the land use tables for the R2 – Low Density Residential Zone and R3 – Medium Density Residential zone contain anomalies as follows:

- The R2 land use table, whilst listing dwelling houses and dual occupancies as being permitted with consent, prohibits development for the purpose of semi-detached housing. If a dual occupancy (attached) is constructed and then Torrens title subdivision is sought, the resulting development would be defined as semi-detached housing. This is a common scenario in regard to dual occupancy development and requires amendment to the land use table to include “semi-detached dwelling” as permitted with consent in the R2 zone.
- The R3 land use table specifically prohibits the approval of development for a “dwelling house” in the zone. Dual occupancy (detached) and multi unit housing are permitted with consent. If a detached dual occupancy or multi unit housing was subsequently subdivided by Torrens Title, the resultant development would be a “dwelling house”, which is prohibited. It is not desirable to include dwelling houses as a permitted form of development in the R3 zone as this does not support the objective of higher residential densities in this zone. Therefore, it is proposed to allow the subdivision of previously approved medium density development via a specific clause in Schedule 1- Additional Permitted Uses, of the KLEP. This clause would be worded along the lines of:

Report of the Director Environmental Services

9.1 Administrative Planning Proposals (cont)

“Use of certain land in the R3 Medium Density Residential Zone

- (1) This clause applies to R3 zoned land upon which an approved dual occupancy (detached) or multi dwelling housing has been constructed*
- (2) A dwelling house is permitted with consent on land zoned R3 Medium Density residential, if it results from the subdivision of development referred to in (1) above”.*

Acid Sulfate Soils

The Department of Planning advised Council in mid 2012 of a change to the Model Local Provision relating to Acid Sulfate soils. The amendment clarified that a development consent is not required where the works will not result in the displacement of less than 1 tonne of soil and are not likely to lower the water table. The Department advised at this time that the amendment to the KLEP should occur at a time of a “housekeeping” LEP.

The planning proposal will apply to land affected by acid sulphate soils identified within Clause 6.1 of KLEP. The purpose of this planning proposal is to amend Clause 6.1(6) of KLEP 2011, in line with advice from the Director General regarding Model Local Provision 7.1 *Acid sulphate soils*, in terms of the above.

Heritage Schedule

The Heritage Council of NSW advised Council in October 2012 of its intention to delist Kiama rail under bridge as a State Heritage Item (SHI). This delisting has now occurred and the item automatically reverts to local heritage significance. The listing in Schedule 5 of KLEP should now be amended to show the Kiama rail under bridge as an item of Local Heritage Significance rather than of State Significance.

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision

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

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

Delivery Program: 2.9.2 Ensure Council's Local Environment Plan and Urban Strategy are current and incorporate the principles of sustainable development

Summary

This report reviews the subject development application which seeks consent for the demolition of existing buildings and the construction of a residential flat building comprising four (4) residential units (3 x 3 bedrooms + 1 x 4 bedrooms), with subsequent strata subdivision.

The proposed development seeks a variation to the 11m building height limit applying to the site pursuant to Kiama Local Environment Plan (LEP) 2011, and also seeks variation to the 6m rear setback requirement of DCP 2012.

Finance

N/A

Policy

N/A

Reason for the Report

The development application is reported to Council as it was called up by Councilor Seage.

Attachments

- 1 Site Plan, Plans and Elevations
- 2 Height departure diagram

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application No 10.2015.128.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the draft conditions at the end of this report.

BACKGROUND

Applicant: BHI Architects
Owner: Mr D J & Mrs V G O'Brien

Report of the Director Environmental Services

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

Site Zoning: R3 Medium Density Residential

Development Site

The property is described as Part Lot 19 DP 156143 which is located at No 139 Manning Street Kiama.

The overall site measures 784.1m² and is rectangular in shape. The site currently contains a dwelling and detached garage and is bounded by residential land to the north-east and south-west, South Coast Railway line to the north-west and Manning Street to the south-east.

The site is zoned R3 Medium Density Residential pursuant to Kiama LEP.

The site slopes moderately from south-east downward to the north-west/north i.e. away from Manning Street. Two (2) trees are situated on the allotment.

Access to the property is obtained from Manning Street. The site is serviced by electricity, telecommunications, reticulated water and sewer. The site is subject to potential noise and vibration from the adjoining rail transport corridor.

Description of the Proposed Development

The proposal involves demolition of the existing buildings and the construction of a residential flat building comprising four (4) residential units (3 x 3 bedrooms + 1 x 4 bedrooms), seven (7) basement car parking spaces and subsequent strata subdivision.

The proposed development is configured as follows:

Level	Proposed use
Basement	<ul style="list-style-type: none"> ○ 7 car parking spaces (6 resident + 1 visitor); ○ Residential storage areas; and ○ Garbage bin enclosure;
Ground floor	<ul style="list-style-type: none"> ○ Entry foyer; ○ Unit 1 (adaptable unit); ○ bicycle storage room;
Level 1	<ul style="list-style-type: none"> ○ Units 2 & 3;
Level 2	<ul style="list-style-type: none"> ○ Unit 4

The proposed unit sizes are as follows:

- Unit 1 – 3 bedrooms – 173m²
- Unit 2 – 3 bedrooms – 132m²
- Unit 3 – 3 bedrooms – 119m²
- Unit 4 – 4 bedrooms – 185m²

Each of the proposed residential units open onto aboveground private open space areas that are directly accessible from internal living areas.

Vehicular access is obtained from Manning Street via a common entry/exit point to/from the basement car parking level. The basement level incorporates a waste storage room for the residential units, with garbage bin collection taking place kerbside from Manning Street.

Report of the Director Environmental Services

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

The exterior of the building is proposed to be finished in a combination of painted rendered walls (colour Dulux 'Whisper White' or similar), stained timber balconies, box windows (Colorbond 'Ironstone' or similar) and concrete block walls to the basement level with timber ventilation screening.

Section 79C Assessment

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

Relevant Environmental Planning Instruments

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

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

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

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

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

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

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

A Design Verification Statement, signed by a suitably qualified architect was lodged in support of the application, as required by SEPP 65.

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

At the time the development application was lodged with Council, draft SEPP 65 Amendment No 3 and the associated Apartment Design Code (replacing the RFDC) was on exhibition. The draft SEPP was considered in the assessment of this development application, pursuant to Section 79C(1)(a)(ii) and the proposed development does not represent any breach of the draft SEPP amendment (NB: The amended SEPP 65 and Apartment Design Code does not apply in this instance because the development application was lodged with Council prior to 19 June 2015).

- State Environmental Planning Policy (Infrastructure) 2007

The subject land backs onto the South Coast Railway corridor. The proposed development does not involve development of a type identified in Clause 85(1) or involve ground penetration >2m within 25m of the adjoining rail corridor (Clause 86). Concurrence from Transport Sydney Trains is thereby not required.

Clause 87 of the SEPP states that where development consent is sought for development for the purposes of a building for residential use, the consent authority

Report of the Director Environmental Services

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq (noise) levels are not exceeded:

- (a) in any bedroom in the building - 35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

The development application is supported by a Rail Noise and Vibration Assessment, prepared by Day Design Pty Ltd which acknowledges the requirements of the SEPP and makes recommendations accordingly. Should consent be granted to the proposal, conditions will be imposed requiring compliance with the recommendations of the Acoustic Report.

- Illawarra Regional Environmental Plan No 1 (IREP 1)

Clause 139 of the REP imposes a maximum building height control of 11 metres measured vertically from any point on the ceiling of the top most floor of the building to the natural ground level immediately below that point. The proposed development has a maximum ceiling height of some 11.152 (ceiling of the awning of proposed unit 4), thereby exceeding the 11m height under the terms of the IREP by some 0.152m. The proposed building height breach is located in an awning area only and represents a minor portion of the ceiling area and is discussed in detail under Clause 4.6 of Kiama LEP 2011.

- Kiama LEP 2011

The subject land is zoned R3 Medium Density Residential pursuant to Kiama LEP 2011. The proposal (residential flat building) is permitted with consent in the zone and is considered to be consistent with the zone objectives, which include:

- To provide for the housing needs of the community within a medium density residential environment.

Comment: The proposed residential flat development creates four (4) dwellings, replacing the existing single dwelling-house. The development results in an increase of the housing density, as intrinsically sought by the medium density residential zone.

- To provide a variety of housing types within a medium density residential environment.

Comment: The proposed residential flat building, consisting of four single level units, represents one type of medium density residential development. Other types include attached dwellings, group homes and multi-dwelling housing. These types of medium density residential development exist elsewhere within the R3 zone. The proposed residential flat development contributes to the variety of medium density residential development.

Report of the Director Environmental Services

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- To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities.

Comment: The proposal represents multi-storey residential accommodation within the R3 zone. The R3 zones in Kiama have been selected because they are close to shops, transport nodes, commercial services, public open space and employment opportunities.

- To provide increased housing choice, particularly housing suited to older people and people with a disability.

Comment: The proposed residential flat development both adds to the stock of residential units within Kiama and increases the residential density in accordance with the zone objectives. The proposed units are all single level and the building is serviced by a lift, making it suitable for older people and people with a disability.

Specific clauses requiring consideration:

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map (being 11 metres in this instance – measured vertically from the highest point of the building to the existing ground level below). The maximum overall height of the proposed building is 11.452m. The proposed development thereby breaches the 11m building height development standard by up to 0.452m. The applicant has provided a diagrammatic representation of the two height breaches and this is included in attachment – “height departure diagram” attached. This forms part of a submission seeking an exception to the building height development standard pursuant to Clause 4.6 (see below).

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio map. In this instance the LEP permits an FSR of 1:1. The FSR of the proposed development is 0.87:1 as identified by the applicant, being compliant with the development standard. Council’s assessment verifies that the development satisfies the FSR development standard.

Clause 4.6 provides for exceptions to certain development standards where requested and justified in writing by the applicant. Pursuant to Clause 4.6(4)(a), in order to grant an exception Council is to be satisfied that:

- the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3) (i.e. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard); and
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

In this instance it is proposed to construct to a height of up to 11.452m at the highest point of the building (the north-western corner of the unit 4 roof (at the rear of the unit)), thereby breaching the 11m building height development standard of Clause 4.3. A

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second height breach of 0.293m is proposed in connection with the Unit 4 Juliette side balcony.

The proposed building height breaches represent point encroachments brought about by the fall of the land away from Manning Street. In each instance the height breach tapers off to a complying height as ground level rises. The overall surface area involved with the height breach is approximately 28.6m², which represents 10% of the upper roof area.

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

Applicant's Submission

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

- the proposed building height breaches are minor and imperceptible in the overall scheme of the proposal
- the proposed building height breaches will have no significant impacts in terms of residential and streetscape amenity
- being representative of the future character of the medium density residential precinct, the proposal makes a positive contribution to the area.
- the proposal complies with the LEP floor space ratio (FSR) development standard
- despite the building height breach the proposed development is within the public interest in that it provides a suitable built form on the site, in context with the intended scale and character of the street and local area (medium density precinct); will not result in unreasonable loss of sunlight to the adjoining residential development and will not hinder the attainment of the R3 Medium Density Residential zone objectives.

Response

In reference to the extent of the breach, in overall height terms the proposed 0.452m building height breach (at its worst) represents 4.1% of the 11m development standard and, in terms of area, the height breaches constitute some 10% of the upper roof area.

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

- The proposed building height breach does not contribute significantly to the gross floor area of the building or trigger any breach of the FSR development standard.
- The proposal does not result in any unreasonable additional amenity impacts, such as overshadowing, view loss, privacy loss and the like, as discussed within this report.
- The proposed development, in overall terms, reasonably responds to the fall of the land away from Manning Street. The two identified point encroachments are a consequence of the fall of the land.

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

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

- The proposal is consistent with the R3 zone objectives as referenced previously in this report
- The proposal is consistent with the objectives of Clause 4.3 (height of buildings); being:

- (a) to ensure future development is in keeping with the desired scale and character of the street and local area

Comment: The proposed building is compatible with the desired scale and character of the area, despite the minor height breaches. The applicant reasonably contends that the building height breaches will be largely imperceptible, which is agreed with in the overall scheme of the proposal. The height breaches involve a small 5.6m² roof area over a Juliette balcony element at the side of unit 4 (situated behind the front balcony awning); as well as a 23m² area of the roof over the north western corner of unit 4, being at the rear of that unit away from Manning Street. Under the circumstances described the height breaches involved with these elements will not be prominent from the street or, for that matter, from any other direction.

- (b) to allow reasonable daylight access to all developments and the public domain

Comment: Shadow diagrams have been provided by the applicant and are attached to this report. Overshadowing as a consequence of the proposed development is compliant with the permissible overshadowing thresholds (DCP 2012) and is considered to be acceptable. With that, the proposed height limit breaches, being primarily adjacent the northern property boundary, do not result in any unreasonable additional overshadowing impact beyond that of an otherwise height compliant development.

- Despite non-compliance with the building height development standard, the proposal is consistent with the objectives of Clause 4.6; being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development

Comment: The proposed development balances the topography and constraints of the site with the permissible floor space ratio and requirements of SEPP 65, LEP 2011 and DCP 2012. As identified, the height limit breaches are brought about as a consequence of the fall of the land over the length of the site. For the reasons outlined the proposed height breaches are, on balance, considered to be reasonable as they result in negligible adverse impact on neighbouring development and the streetscape. Accordingly, an appropriate degree of flexibility in the application of the height limit control is warranted in such circumstances.

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- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

Comment: Compliance with the building height limit would be achieved by cutting back the Juliette balcony element and the rear awning of unit 4. These measures would; however, undermine the architectural rhythm of the proposal and, in relation to the awning roof element, reduce the amenity of unit 4. The impacts of the proposed height breaches are negligible in terms of additional impact to neighbours (in terms of view impact, overshadowing, privacy loss or the like) and visually imperceptible to the casual observer.

On this basis of the negligible impact of the requested variation, it is considered that there are sufficient environmental planning grounds to justify variation of the development standard.

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

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

Any draft Environmental Planning Instruments

Nil.

Development Control Plans (DCPs)

- Kiama Development Control Plan (DCP) 2012

Chapter 5 – Medium density development

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

- Control C11 - Rear 6m building line

A proposed rear building setback of 3m to the basement level is proposed. Accounting for the angle of the rear boundary from the parallel side boundaries, the maximum proposed rear setback is 5m, which results in an average proposed rear setback of 4m.

Comment: The section of the proposed building that breaches the rear building line is the basement garage component, which has a height of 3.1m and accommodates the proposed Unit 1 outdoor open space area (i.e. on the roof of the basement, being a design response to the fall of the site away from Manning Street, toward the rail line at the rear).

As identified, the subject site backs onto the South Coast Rail line, not onto adjoining residential development. The objectives underpinning the 6m rear building line include protecting the amenity of the locality and to prevent inappropriate siting of buildings in relation to neighbouring dwellings. As there

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are no neighbouring dwellings along the rear boundary, the proposed setback does not undermine these objectives.

The rear setback of the neighbouring development to the south (141A Manning Street) is as little as 0.9m from the rear boundary with the rail corridor. The rear setback of the proposed development therefore does not result in a compromise of any established 6m rear building line for the surrounding area.

It is considered that the proposed rear building line breach does not result in any unreasonable additional impact to neighbours. The use of the basement rooftop area that encroaches on the rear building line is an open space area associated with Unit 1. A privacy screen is proposed at the southern end of this open space area to protect the privacy of the southern neighbour's (141A Manning Street) backyard area. It is noted that no objection to the proposed development has been received.

Under these circumstances it is considered reasonable to vary the rear building line control as proposed.

- Control C32 – minimum 25m² private open space area for each dwelling.

Proposed units 3 & 4 each have a private open space balcony of 24m² in area.

Comment: Under the provisions of SEPP65 a 24m² balcony size is considered to be sufficient for a 3 bedroom unit (both units 3 & 4 are 3 bedroom units). The SEPP is the appropriate document for specification of development standards for this proposal. The standard called up by the SEPP in the Residential Flat Design Code states balconies should be “*sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller apartment) and four chairs (larger apartment) should fit on the majority of balconies in any development.*” Council’s DCP, on the other hand, requires a blanket 25m² private open space area irrespective of the unit size or, for that matter, the type of medium density development.

Despite numeric non-compliance with the DCP private open space control for proposed units 3 & 4, it is generally accepted that these units are provided with usable and functional private open space balconies, being directly accessible from the living area of each unit, which enhances the functionality of the indoor/outdoor living/open space area. The proposed development provides a sufficient level of private open space consistent with that recommended by the NSW Residential Flat Design Code.

Chapter 9 – Car parking requirements

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

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

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Consequently a total of seven (7) on-site car parking spaces are required and seven (7) are proposed in this instance.

A room is provided on the ground floor of the proposed development accommodating three (3) bicycles on a wall mounted rack.

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

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

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

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

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

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

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

- Streetscape

The design of the proposed development is considered to be reasonable having regard to the desired context of the designated medium density residential site. The bulk, scale and design of the proposal is consistent with relevant planning controls and anticipated character of the R3 zone. In relation to this point, the applicant makes the following comment:

“The current planning controls along Manning Street and the broader area to the south of the Kiama commercial area, reflects a desired future character of a medium density built form. Specifically, the 11 m height control and 1: 1 floor space ratio applicable to this area reflects the desired scale and character of the street and local area. These development standards do not align with the existing built form of low density detached housing.

While the proposal may appear larger in scale than the immediate development context of the existing streetscape, it represents a positive addition to Manning Street in accordance with this future planning and urban design vision envisaged by the 11 m height control. The development provides a sustainable built form that increases population density and housing choice in close proximity to existing infrastructure and public transport.”

In relation to ‘facade’ specifically, the NSW Residential Flat Design Code includes Better Design Practices including composing “*facades with appropriate scale, rhythm and proportion, which responds to the building use and the desired contextual character.*” The proposal is consistent with this, with the facade being articulated by

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varying materials and the balcony treatments protruding forward of the walls, which is notable for the street elevation.

- 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

Proposed Unit 1 has a rear 30m² terrace area that includes a privacy screen at the southern end to protect the privacy of the southern neighbor, which is considered to be adequate.

Proposed Units 1 and 2 each have a 24m² balcony at the north western corner of the unit and proposed top floor unit 4 has a 23m² balcony at the north western corner of the unit and adjoining northern terrace area. Each of these spaces overlook the backyard of the neighboring dwelling to the north at 133 Manning Street. In general terms, privacy and overlooking implications are inevitable where higher density development is proposed. Land & Environment Court planning principles recognize that the ease with which privacy can be protected is inversely proportional to the density of development. In this respect the planning principle outlines that whilst at low densities there is a reasonable expectation that a dwelling and some of its open space will remain private; at higher densities it is more difficult to protect privacy. It is anticipated that the neighbouring site to the north will itself be redeveloped to medium density residential development in the foreseeable future, whereby privacy issues will need to be considered in detail with such development at that time.

Proposed unit 4 also has 41m² roof top garden at the south-western corner of the unit. This green space incorporates a minimum 800mm wide landscape screen along the southern and western edge of the space, which adequately prevents looking down into the southern neighbours yard from the edge of the space, thereby protecting that neighbours privacy.

No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development and no objection on the grounds of privacy loss has been raised by neighbours.

- Overshadowing

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development will be reasonable. Overshadowing as a consequence of the proposed development is compliant with the permissible overshadowing thresholds (DCP 2012) and as such are considered to be acceptable.

- Views

The proposal will have no unreasonable impact upon views currently available from neighbours.

- Vehicular Access, Parking and Manoeuvring

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Sufficient car parking is proposed on-site – see DCP 2012 Chapter 9 above.

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

- Stormwater Management

Stormwater will drain to the on-site detention basin beneath the basement car park, where it is proposed to be discharged to a trench at the northern corner of the site. Stormwater surcharge from the drainage trench will be distributed evenly over the length and width of the trench.

A satisfactory drainage design has been provided with the application, which has been considered by Council's Engineers. No objection has been raised to the proposed drainage design and method. Transport Sydney Trains and Council's Engineers have recommended conditions be applied in relation to stormwater management.

- Environmental Impacts

Vegetation Removal – The existing Jacaranda tree is proposed to be removed. This issue has been considered by Council's Landscape Officer and no concerns have been raised.

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 – A rainwater tank will be provided, as required by BASIX. Stormwater will be conveyed to an on-site stormwater dispersion trench via the on-site detention system. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

The proposed development will likely have minimal adverse social or economic impacts. The amenity impacts of the proposed development have been considered in detail and no concerns are raised. No submissions were received following notification of the proposal.

The Suitability of the Site for the Development

The proposed residential flat building is permissible within the R3 zone and satisfies the zone objectives.

- Traffic

The proposed four unit residential flat development is not expected to result in unacceptable levels of additional traffic movement. The existing local road network is capable of accommodating additional traffic movements generated by the proposed development. Council's Engineers have raised no concerns with the proposal on the grounds of traffic, parking, maneuvering and the like.

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- Contamination from Previous Land Uses

There is no evidence on-site or known record of site contamination.

- Effect on Public Domain

The proposed development addresses the street, with its main entrance facing Manning Street. Proposed units 3 (Level 1) and 4 (Level 2) both have frontage to Manning Street with windows and balconies appropriately addressing the street.

The presentation of the building is contemporary and considered to be acceptable, as discussed above under 'Streetscape'.

- Utility Needs and Supply

The proposal is serviced by all essential services.

- Safety, Security and Crime Prevention

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

- Operational Waste

The proposal properly considers waste storage and retrieval. Council's Waste Services have considered the proposal and have not raised any concerns. Should development consent be granted, condition of consent will be applied requiring that, prior to issue of the Construction Certificate, provision for source separation of waste i.e. internal garbage and recycling bins is shown on the unit floor plans.

- Operational Noise

No on-going significant noise impacts are expected as a result of the development. The development application is supported by a Rail Noise & Vibration Assessment, prepared by Day Design Pty Ltd, which makes recommendations within the report to abate noise/vibration impacts from the adjoining rail corridor. Accordingly, should consent be granted to the proposal, conditions will be imposed requiring compliance with the recommendations of the Rail Noise & Vibration Assessment.

In addition, the matter has been referred to Transport Sydney Trains who have recommended conditions be applied should development consent be granted (dated 17 July 2015). The recommended conditions are included as conditions of consent should development consent be granted.

- Risks to People and Property from Natural and Technological Hazards

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

- Building Code of Australia Compliance

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

- Construction Impacts

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

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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, nil (0) submissions were received.

External Referrals

The application was referred to the following State Government Departments.

- Transport Sydney Trains

As previously outlined under SEPP (Infrastructure) 2007, the proposed development does not require concurrence from Transport Sydney Trains. The proposal was nonetheless referred to Transport Sydney Trains for comment and, by way of letter dated 17 July 2015, Transport Sydney Trains have recommended conditions be applied, should development consent be granted, relating to noise & vibration; stray currents and electrolysis from rail operations; drainage; fencing etc. The recommended conditions are included as conditions of consent should development consent be granted.

Internal Referrals

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

- Development Assessment Officer - Building

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

- Environmental Health Officer - Waste

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

- GIS Officer

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

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

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Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 79C of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Development Control Plans. The proposed development is consistent with the objectives of the R3 Medium Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. No submissions were received following notification of the proposal.

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

Draft Conditions of Development Consent

(including Section 94 conditions)

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2015.128.1 and on the application form except as amended by the following conditions:
- (2) The development shall be completed in accordance with the approved colour schedule.
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate.
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority.
- (5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site.
- (6) The developer shall provide a traffic control management plan complying with the design requirements of the Roads and Traffic Authority's (RTA) "*Traffic Control at Work Sites*" manual.

The traffic control management plan must be designed by an RTA accredited designer and must be provided to Council prior to the commencement of any demolition or construction work.

- (7) The developer shall under Section 138 of the Roads Act 1993 make application to the Road Authority for permission to access the public road reserve, Manning Street for the purpose of carrying out activities associated with the development.

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- (8) The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations to that Plan approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times.
 - (9) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used.
 - (10) The development is to satisfy the recommendations of the Rail Noise and Vibration Assessment, prepared by Day Design Pty Ltd, dated 26 March 2015.

Transport Sydney Trains

- (1) The developer shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.
- (2) An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
- (3) Prior to the issue of a Construction Certificate the developer is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- (4) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (5) Prior to the issuing of a Construction Certificate the developer is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until

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written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (6) (a) Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- (b) Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

- (7) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.

Where the developer proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

- (8) Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to Sydney Trains satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

Contributions

- (1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$19,778.62**.

Prior to Commencement of Works

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

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

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

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

or

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

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- (2) The developer shall lodge with Council a bond of **\$10,000** in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

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

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

- a There being no damage to the infrastructure within the road reserve.
 - b Twelve (12) months has elapsed from the date of issue of the occupation certificate and/or subdivision certificate.
 - c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council.
- (3) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days notice to Council of your intention to commence work.

You will find attached an application form for a Construction Certificate. Should you require Council to issue this Certificate you should complete this application and forward it, together with plans and specifications, to Council for approval.

You will find attached a form for the "*Notice of Commencement of Building Work and Appointment of Principal Certifying Authority*", which you are required to submit to Council at the appropriate time and at least two (2) days prior to the commencement of work.

Should you appoint Council as the Principal Certifying Authority, relevant inspection fees will be required to be paid at the time of lodgement of this form.

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.
- (5) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering construction works.
- (6) The nominated adaptable housing units (unit 1) shall as a minimum requirement meet "Adaptable house class C" requirements set out in Appendix A of Australian

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

Standard As 4299-1995 Adaptable Housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

- (7) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.

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

- (8) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel.
- (9) The applicant shall submit engineer's details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided prior to the issue of a Construction Certificate.
- (10) Prior to issue of the Construction Certificate, provision for source separation of waste (i.e. internal garbage and recycling bins) is shown on the unit floor plans.

Civil Engineering Design

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

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

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

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

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

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

Site Facilities

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

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

Erosion and Sedimentation Controls / Soil and Water Management

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

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

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

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

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

Demolition Works

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

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

Asbestos – Notification of Neighbours

Fourteen days prior to the commencement of any demolition works involving asbestos, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

Asbestos – Tip receipts

Documentary evidence in the form of tip receipts from an approved Waste Management Facility shall be obtained demonstrating the appropriate disposal of

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

the asbestos waste. Tip receipts shall be provided to Council prior to any further building works being undertaken on the site.

Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m² of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m² of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied.

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*".
- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*".
- (3) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any Occupation Certificate.
- (4) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

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

Car Parking and Vehicular Access

- (1) The car parking and manoeuvring area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS/NZS 1906.1, AS 1906.2, AS 1906.3 and AS 4049.1.
- (2) The access driveway, car parking and manoeuvring areas shall be paved in materials other than plain concrete or asphaltic concrete (eg brick pavers, exposed aggregate, coloured concrete, stenciled concrete etc). Details of the proposed paving material, including colour, shall be submitted to the Principal

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Certifying Authority prior to the issuing of the construction certificate. In this regard;

- a Masonry pavers shall comply with design requirements of AS/NZS 4455 and AS/NZS 4456.
 - b Cement concrete access driveways shall be designed and constructed in accordance with the principles of the Cement, Concrete and Aggregates Australia technical notes.
- (3) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking.
 - (4) The concrete access driveway, ramp, car parking module and manoeuvring areas shall be designed and constructed in accordance with the principles of the Cement, Concrete and Aggregates Australia Technical Notes.
 - (5) The car wash bay/visitor parking space is to be appropriately sign posted as such.
 - (6) All vehicles shall leave the development site in a forward direction.

Stormwater Management

- (1) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminum for roll kerb sections.
- (2) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of "*Section D5 Stormwater Drainage*" of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
- (3) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Principal Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.
- (4) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the release of any of the Occupation Certificate.
- (5) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the release of the Construction Certificate.

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

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

- (7) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 10% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.
- (2) The developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail.
- (3) No vibratory rollers are to be used during the construction of this civil engineering work unless a geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent properties and the approval has been issued to the Certifying Authority.
- (4) The developer shall construct a cement concrete footpath of minimum width 1.2 in Manning Street. Details of the footpath must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
- (5) The developer shall undertake civil engineering construction works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority.

Inspections

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

NOTE: Should you choose Council to be your Principal Certifying Authority for this development you will be advised of the required building inspections and applicable fees at the time of that appointment.

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
 - a Preserve and protect the building from damage;
 - b Underpin and support the building in an approved manner, if necessary, and;
 - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.
- (7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.
- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday	- 7.00 am to 6.00 pm
Saturdays	- 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays.
- (9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.

Landscaping Works

- (1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with

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9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan.

- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate.
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent

Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate.
- (2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access.
- (3) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Manning Street and, if necessary, the developer will be responsible for the under boring of water services/conduits beneath the road to ensure that the proposed allotments are serviced with a connection to the existing water main.

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

Prior to Occupation

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

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

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed.
- (3) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail.
- (4) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.

Report of the Director Environmental Services

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

-
- (5) The developer shall complete all civil engineering works prior to the issue of any Occupation Certificate.
 - (6) Prior to release of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent.

Item 9.2

Conveyancing Requirements

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919.

Prior to Issuing of Subdivision Certificate

- (1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:
 - a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council's adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

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

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.

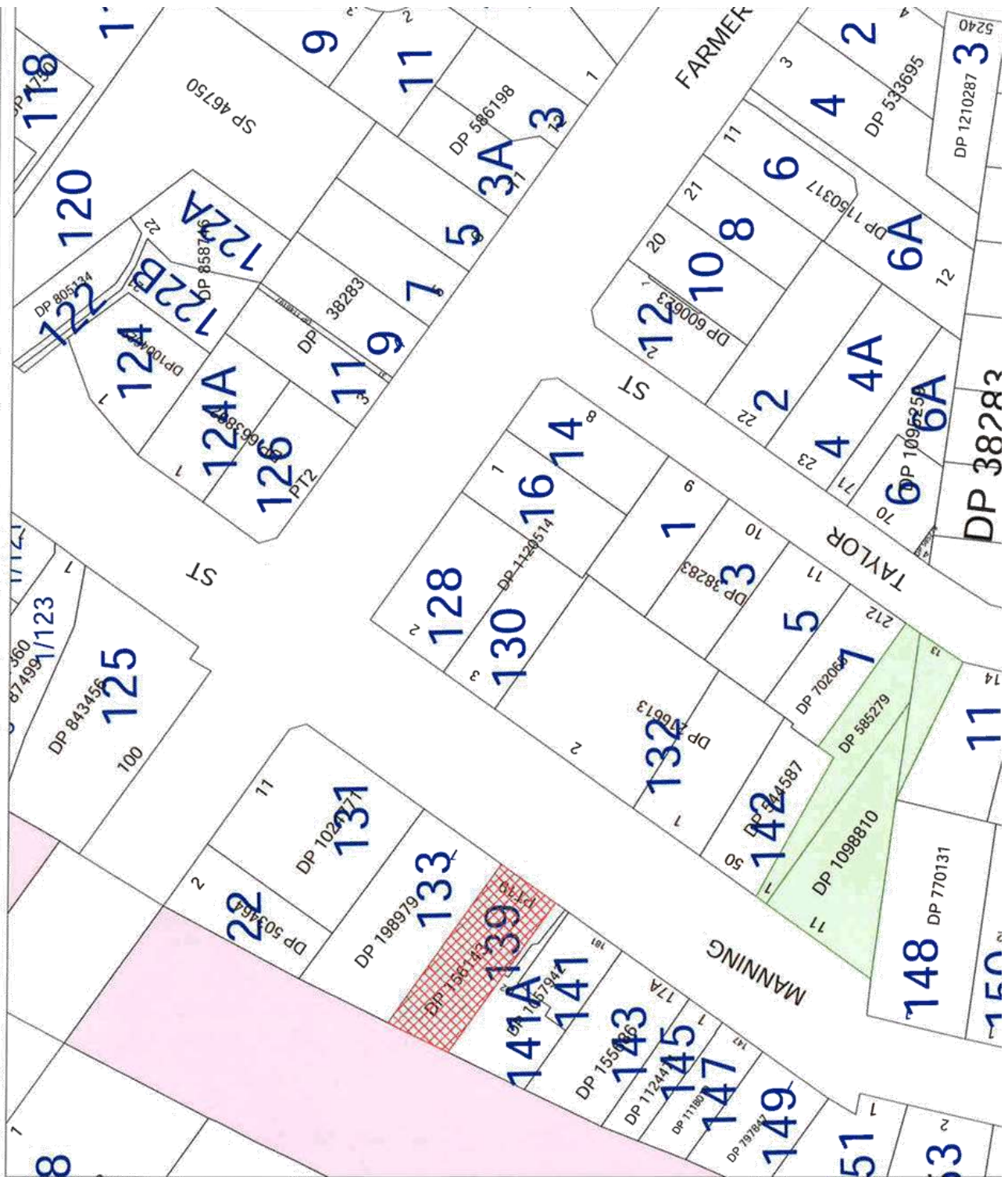
Report of the Director Environmental Services

9.2 Pt Lot 19 DP156143, 139 Manning St, Kiama (10.2015.128.1) - Demolition of Existing Building, Construction of 4 Units & Strata Subdivision (cont)

-
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) The payment of all required Section 94 Contributions identified in this consent.
 - h) An Occupation Certificate for each dwelling to be separately titled.
- (3) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a certified Works-as-Executed (WAE) drawing including (but not limited to) the following:-
- a Final locations and reduced levels for all works associated with the development on both public and private land; and
 - b In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings.

The WAE drawing shall be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties.

- (4) A certified Works-As-Executed (WAE) drawing for all work shall be submitted to the Principal Certifying Authority prior to the release on an occupation certificate. The WAE drawing shall show in contrasting coloured ink all changes to the Approved Drawings and actual values of all levels shown on the Drawings. The WAE drawing shall be signed by a Registered Surveyor and certified by the Designer that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties.

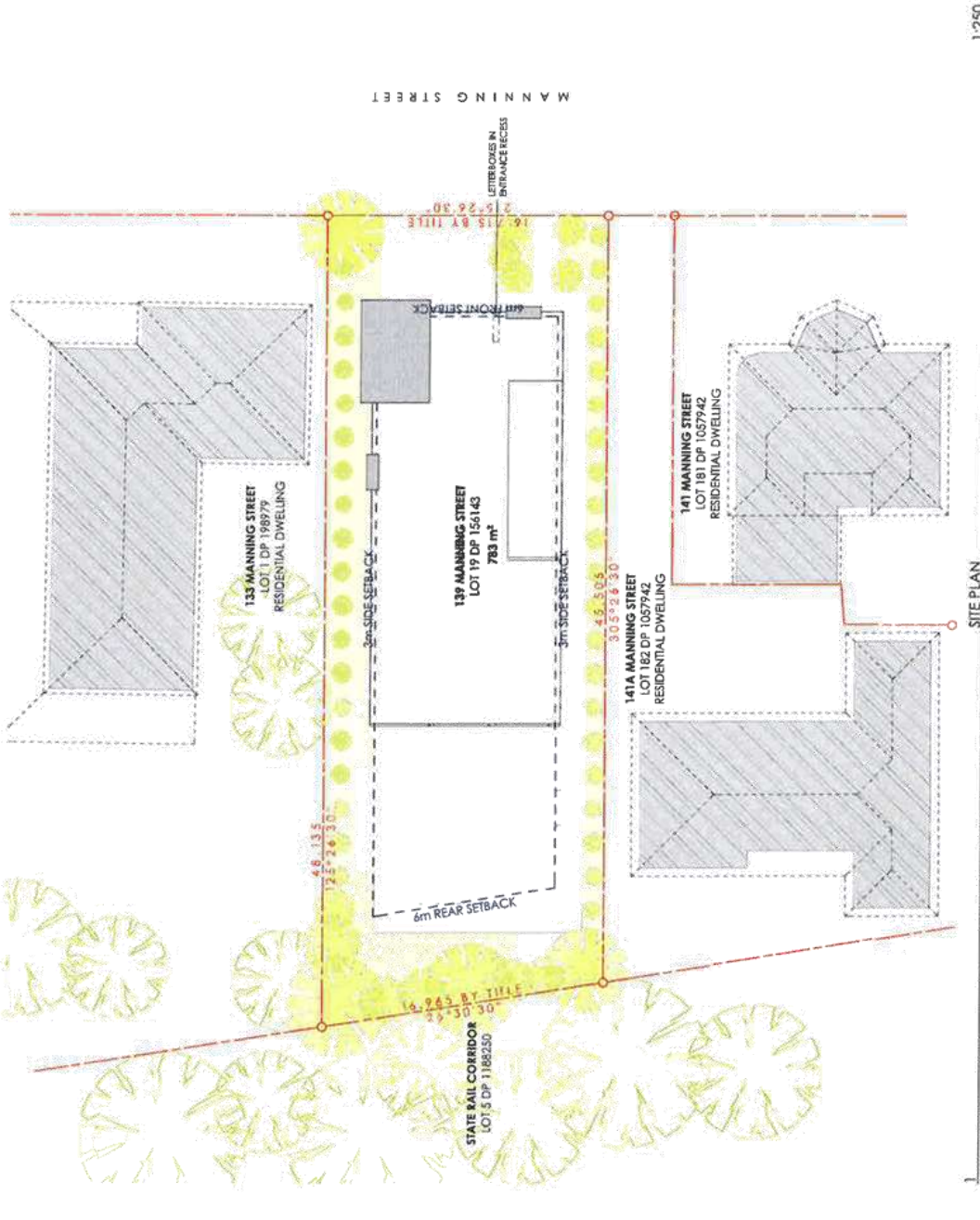


Projection: GDA 1994
 MGA Zone 56
 Scale: 1:1300 @ A4
 Cadastre Copyright:
 LPIA NSW, 06/08/15

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DEVELOPMENT INFORMATION

<p>FSR As per Kiama Local Environment Plan 2011</p> <p>Site Area 783m² Gross Floor Area 684m² Allowable FSR 1:1 Actual FSR 0.87:1</p>	<p>LANDSCAPING As per Kiama Development Control Plan 2012</p> <p>Site Area 783m² Required Landscaping 185m² (25%) Provided Landscaping 325m² (42%) Provided Deep Soil 262m² (33%)</p> <p>Where landscape area means a part of the site used for growing plants, grasses and trees but does not include any buildings, structures or hard paved areas. For this reason roof gardens and garden beds on podium have been included.</p>	<p>RESIDENTIAL UNITS</p> <p>3 bed adaptable unit 1 (GF) 3 bed unit 2 (1F) 4 bed unit 1 (2F)</p>	<p>PARKING GENERATION RATES As per RMS guide to Traffic Generating Development</p> <p>1 space for each unit 4 spaces 1 space per 2 x 3 bed unit 2 spaces Visitor Parking / Car Wash Bay 1 space</p> <p>REQUIRED 7 spaces</p>
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NOTE:
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT.
 2. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS PLAN.
 3. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
 4. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SURROUNDING AREA AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
 5. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPOSED DEVELOPMENT AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.

NO DATE AMENDMENT
 A. 04/02/15. DESIGN PLAN
 B. 04/02/15. DESIGN PLAN
 C. 24/02/15. REVISED PLAN
 D. 11/02/15. AMENDMENT
 E. 18/02/15. AMENDMENT

NO DATE AMENDMENT
 (1) 28/07/15. DA-ADDITIONAL INFORMATION

PROJECT: CYBERN
SITE: 139 Manning Street
 Kiama NSW 2533

DRAWING TITLE: SITE PLAN
DATE: 20/07/2015
SCALE: 1:250
STATE: DA-A1

DRAWN: CHD
CHECKED: MHD
PROJECT NO.:
DRAWING NO.:
REVISION:

101 ARCHITECTURE PTY LTD
 101 ARCHITECTURE PTY LTD
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NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
 2. ALL LEVELS ARE TO FINISH UNLESS OTHERWISE SPECIFIED.
 3. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS 2011.
 4. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS 2011 AND THE NATIONAL PLUMBING REGULATIONS 2011.
 5. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL MECHANICAL REGULATIONS 2011 AND THE NATIONAL GAS REGULATIONS 2011.
 6. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL WATER REGULATIONS 2011 AND THE NATIONAL SANITARY REGULATIONS 2011.
 7. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL CONCRETE REGULATIONS 2011 AND THE NATIONAL MASONRY REGULATIONS 2011.
 8. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL TIMBER REGULATIONS 2011 AND THE NATIONAL METAL REGULATIONS 2011.
 9. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL GLASS REGULATIONS 2011 AND THE NATIONAL ROOFING REGULATIONS 2011.
 10. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL PAINT REGULATIONS 2011 AND THE NATIONAL FINISH REGULATIONS 2011.

NO.	DATE	REVISION
A	09/01/15	PRELIMINARY
B	10/01/15	FOR APPROVAL
C	10/01/15	FOR APPROVAL
D	10/01/15	FOR APPROVAL
E	10/01/15	FOR APPROVAL
F	10/01/15	FOR APPROVAL
G	10/01/15	FOR APPROVAL
H	10/01/15	FOR APPROVAL
I	10/01/15	FOR APPROVAL
J	10/01/15	FOR APPROVAL
K	10/01/15	FOR APPROVAL
L	10/01/15	FOR APPROVAL
M	10/01/15	FOR APPROVAL
N	10/01/15	FOR APPROVAL
O	10/01/15	FOR APPROVAL
P	10/01/15	FOR APPROVAL
Q	10/01/15	FOR APPROVAL
R	10/01/15	FOR APPROVAL
S	10/01/15	FOR APPROVAL
T	10/01/15	FOR APPROVAL
U	10/01/15	FOR APPROVAL
V	10/01/15	FOR APPROVAL
W	10/01/15	FOR APPROVAL
X	10/01/15	FOR APPROVAL
Y	10/01/15	FOR APPROVAL
Z	10/01/15	FOR APPROVAL

PROJECT:
 O'Brien
 139 Manning Street
 Kiama NSW 2533

DATE: 20/01/2015
SCALE: A43
PROJECT NO.: 200
ISSUE NO.: 01

DESIGNED BY: DA-AI
DRAWN BY: CHD
CHECKED BY: AXI
PROJECT NO.: 200
ISSUE NO.: 01

DATE: 20/01/2015
SCALE: A43
PROJECT NO.: 200
ISSUE NO.: 01

DATE: 20/01/2015
SCALE: A43
PROJECT NO.: 200
ISSUE NO.: 01



NOTE: THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW DEPARTMENT OF PLANNING AND ENVIRONMENT.

NO.	DATE	AMENDMENT	BY	DATE	AMENDMENT	DESCRIPTION
A	10/07/15	1	DAVID JAMES	10/07/15	1	PRELIMINARY DESIGN
B	10/07/15	2	DAVID JAMES	10/07/15	2	REVISIONS
C	20/07/15	3	DAVID JAMES	20/07/15	3	REVISIONS
D	20/07/15	4	DAVID JAMES	20/07/15	4	REVISIONS
E	20/07/15	5	DAVID JAMES	20/07/15	5	REVISIONS

PROJECT: 139 Manning Street, Kiama NSW 2553
 CLIENT: COYREN
 DRAWING BY: ELEVATIONS
 DRAWN: CHD
 CHECK: AM
 PROJECT NO: 20/07/2015
 SCALE: A3
 STATUS: DA-A1
 DRAWING DATE: 20/07/2015
 PROJECT NAME: 139 Manning Street
 PROJECT NO: 20/07/2015
 SCALE: A3
 STATUS: DA-A1



REAR SIDE VIEW

FRONT SIDE VIEW

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NO DATE AMENDMENT
 A 08/07/15 ARCHITECTURE
 B 23/07/15 ARCHITECTURE
 C 23/07/15 ARCHITECTURE
 D 11/08/15 ARCHITECTURE
 E 08/09/15 ARCHITECTURE

NO DATE AMENDMENT
 G 20/07/15 DA - ADDITIONAL INFORMATION

PROJECT
 O'BRIEN
 119 Manning Street
 Kiama NSW 2533

DATE
 20/07/2015

SCALE
 1:50

STATUS
 DA-A1

PROJECT NO.
 156143

DRAWING NO.
 156143-01

DESIGNER
 T.B.H.I. CONSULTANTS PTY LTD

DATE
 20/07/2015

SCALE
 1:50

STATUS
 DA-A1

PROJECT NO.
 156143

DRAWING NO.
 156143-01

DESIGNER
 T.B.H.I. CONSULTANTS PTY LTD



REAR TOP VIEW

2



FRONT TOP VIEW

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REV	DATE	DESCRIPTION
A	18/02/15	REVISIONS
B	18/02/15	PROVISIONS
C	24/07/15	REV TO CONSULTANTS
D	11/02/15	AMENDMENTS
E	22/02/15	AMENDMENTS

PROJECT: 139 Manning Street, Kiama NSW 2533

DATE: 20/07/2015

SCALE: 1/50

STATUS: DA-A1

DRAWING SET: PERSPECTIVES

DRAWN: CHD

AM: MHR

PROJECT: L&P ARCHITECTURE

REGISTERED PROFESSIONAL ARCHITECT

1111
 139 Manning Street
 Kiama NSW 2533

1000
 1111
 139 Manning Street
 Kiama NSW 2533






NOTE:
 1. All dimensions are in metres unless otherwise stated.
 2. All elevations are to be finished unless otherwise stated.
 3. All levels are to be finished unless otherwise stated.
 4. All materials to be specified in the schedule of materials.
 5. All construction to be in accordance with the relevant Australian Standards.
 6. All work to be completed in accordance with the relevant Australian Standards.
 7. All work to be completed in accordance with the relevant Australian Standards.
 8. All work to be completed in accordance with the relevant Australian Standards.
 9. All work to be completed in accordance with the relevant Australian Standards.
 10. All work to be completed in accordance with the relevant Australian Standards.

NO.	DATE	REVISION/AMENDMENT
A	19/02/15	PRELIMINARY DESIGN PLANS
B	30/03/15	PRELIMINARY PLANS
C	11/04/15	PRELIMINARY PLANS
D	11/04/15	PRELIMINARY PLANS
E	10/04/15	PRELIMINARY PLANS

PROJECT:
 O'BRIEN
 511 E.
 137 Manning Street
 Kiama NSW 2533

PROJECT NO.: 202715 DA - ADDITIONAL INFORMATION

DRAWING NO.: SHADOW DIAGRAMS

DATE: 20/07/2015

SCALE: 1:250

PROJECT NO.: 202715 DA - ADDITIONAL INFORMATION

DATE: 20/07/2015

SCALE: 1:250

PROJECT NO.: 202715 DA - ADDITIONAL INFORMATION

DATE: 20/07/2015

SCALE: 1:250

PROJECT NO.: 202715 DA - ADDITIONAL INFORMATION

3

Figure 1 – Height Departure – Unit 4 Roof



Figure 2 – Height Departure – Unit 4 Juliette Balcony



9.3 Planning Proposal - Part Lot 1 No 39 Macquarie Street, Jamberoo

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

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

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

Summary

The draft Planning Proposal for part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo was endorsed for Gateway consideration by Council on 17 March 2015. Department of Planning and Environment granted a Gateway Determination on this proposal on 15 May 2015. In accordance with the conditions of this determination Council placed the Planning Proposal and supporting information on exhibition.

This report overviews the 1 (one) submission received during the exhibition period and seeks endorsement to proceed with the LEP amendment.

Finance

N/A

Policy

N/A

Reason for Report to Council

This report overviews the 1 (one) submission received during the exhibition period and seeks endorsement to proceed with the LEP amendment.

Attachments

- 1 Attachment 1
- 2 Attachment 2

Enclosures

Nil

RECOMMENDATION

That Council proceed with the preparation and finalisation of the LEP instrument and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.

BACKGROUND

Council has received a Planning Proposal (PP) for consideration of part Lot 1 DP 710456, 39 Macquarie Street, Jamberoo (the subject site).

Report of the Director Environmental Services

9.3 Planning Proposal - Part Lot 1 No 39 Macquarie Street, Jamberoo (cont)

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

Intent of Planning Proposal

The PP aims only to rezone the land fronting Macquarie Street (part Lot 1 DP 710456), Jamberoo, containing the existing dwelling and surrounds to an R2 – Low Density Residential zone and apply associated controls in keeping with the rest of Macquarie Street. There is no intent to alter or change the intent or potential of the RU2 portion of the subject site.

The current and proposed situation is shown in attachment 2 to this report.

The PP seeks to modify the land zoning and associated planning controls that apply to the 4,788m² of land fronting Macquarie Street in line with the rest of the properties fronting Macquarie Street.

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

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

Review and Assessment of the Planning Proposal

Council has previously considered a report on 17 March 2015 detailing the peer review assessment of the specialist consultant reports prepared in support of this Planning Proposal. The planning proposal was endorsed by Council for Gateway Determination and public exhibition.

Review of Submissions received during the exhibition period.

During the exhibition period 1 (one) submission was received. The following issues were raised within this submission:

Issue	Council Response
Wants to see the protection of two mature Moreton Bay Figs on site, through ‘quarantining’ the area perhaps by zone, or other mechanism.	<p>The fig trees on site were considered during the Planning Proposal process. An arborists report was obtained on the concept rezoning which included consideration of future potential subdivision/ DA impacts. The aborisit recommended:</p> <ul style="list-style-type: none"> Both Moreton Bay Figs located on the property are recommended for special efforts

Report of the Director Environmental Services

9.3 Planning Proposal - Part Lot 1 No 39 Macquarie Street, Jamberoo (cont)

Item 9.3

	<p>for retention.</p> <ul style="list-style-type: none"> Proposed subdivision is not expected to significantly adversely affect the two Moreton Bay Figs or other tree species. Boundary fencing on any subdivided property should be erected prior to any excavation or construction works in order to provide a permanent Tree Protection Zone. No building materials or machinery should be permitted to be stored or placed under either Fig tree. Construction techniques for boundary fencing should use minimum impact techniques to avoid potential root damage, ideally hand-dug pier technique. No strip footing methods should be employed which could sever roots. <p>Council staff reviewed the Arborist report and indicated: <i>“If the subdivision goes in the location as planned then the fig trees will not be adversely impacted. Some standard conditions regarding site management and fencing as recommended in the report could be included in the consent. I have been on site last October and spoken with the arborist in November 2014. There are no other concerns and have no objections to the proposal.”</i></p> <p>It is believed that the measures outlined in the recommendations of the Arborists report and the DCP will ensure the trees are retained and protected in recognition of their significance and that the potential created allotment is not sterilized by the roots of the tree and that it may be developed upon. Further, these protection measures can be conditioned through any subsequent DAs lodged with Council.</p>
<p>If the rezoning goes ahead this may sterilise any future potential to gain a road access through this property (as an extension to Minammurra Lane) to any future proposed residential land located south of existing dwellings on Macquarie street</p>	<p>Any potential rezoning in the area nominated by the submitter would be subject to the Planning Proposal Policy process. Access to the site would be considered as a part of this process. It should be noted that if this particular rezoning were to be considered, there would already be two access points to any proposed development from the existing roads: Wyalla Rd and Golden Valley Road.</p> <p>The subject land is in private ownership and is not currently identified for future acquisition for road purposes.</p>

Report of the Director Environmental Services

9.3 Planning Proposal - Part Lot 1 No 39 Macquarie Street, Jamberoo (cont)

Conclusion

Council has considered this Planning Proposal and supported its public exhibition. The one submission raised two issues which have been addressed above. This report is seeking endorsement for the Planning Proposal to proceed with the LEP amendment.

Item 9.3

Attachment 1



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

Item 9.3

Attachment 1

Attachment 2

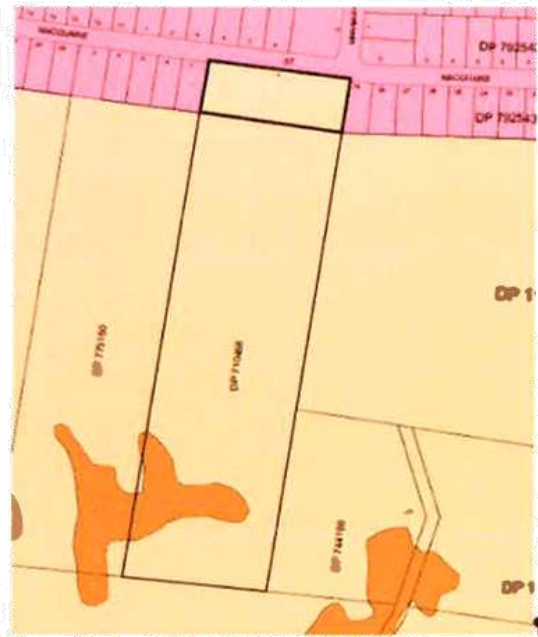


Figure 2--Current zoning of subject site

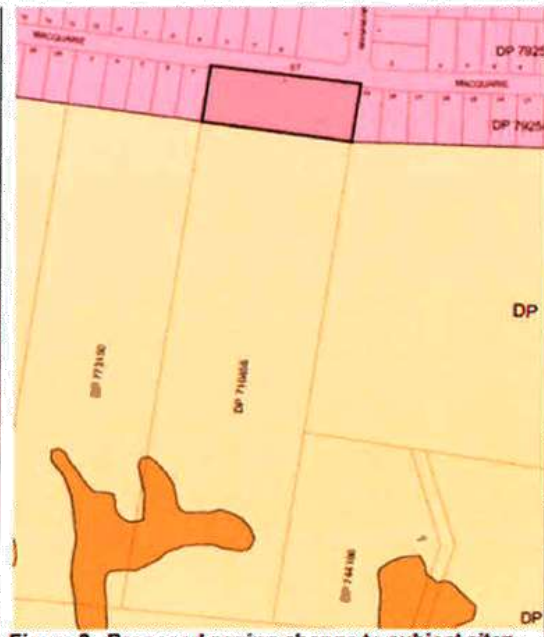


Figure 3--Proposed zoning change to subject site

10 REPORT OF THE GENERAL MANAGER

10.1 Australian Coastal Councils Association - Annual General Meeting

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

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

Delivery Program: 2.3.2 Research and develop programs and policies to address potential climate change impacts

Summary

This report advises of the Annual General Meeting of the newly formed Australian Coastal Councils Association.

Finance

Not applicable.

Policy

Not applicable.

Attachments

- 1 Agenda - Annual General Meeting 2015
- 2 Proxy Form - AGM 2015
- 3 Committee of Management 2015-17 Nomination Form

Enclosures

Nil

RECOMMENDATION

That Council:

1. determines whether it wishes to nominate a councillor to be a member of the Committee of Management.
2. determines whether a proxy to vote on behalf of Council should be determined if Council is not to attend the Annual General Meeting.

BACKGROUND

Council has been advised that the Annual General Meeting of the Australian Coastal Councils Association Incorporated is to be held at 9.30am on Thursday 17 September 2015 at the Board Room, Local Government NSW, Level 8, 28 Margaret Street Sydney.

The Australian Coastal Councils Association Incorporated has replaced the former Sea Change Task Force of which Council has been a founding member. A copy of the agenda for the Annual General Meeting has been circulated to Councillors in addition to the proxy form for members unable to attend and nomination form for

Report of the General Manager

10.1 Australian Coastal Councils Association - Annual General Meeting (cont)

election to the Association Committee of Management. The nomination form for the Committee of Management 2015/2017 is required to be returned by the close of business on Friday 4 September 2015.

Following the Annual General Meeting, the NSW launch of the Association will be held at Parliament House Macquarie Street starting at 11.30pm.



**AGENDA
ANNUAL GENERAL MEETING**

Commencing at 9.30am Thursday 17 September 2015
Board Room, Local Government NSW
Level 8, 28 Margaret Street Sydney NSW 2000

1. OPENING AND WELCOME – Barry Sammels, Chair

2. APOLOGIES

3. MINUTES OF PREVIOUS MEETING

DRAFT MOTION

That the minutes of the National Sea Change Taskforce Inc. Annual General Meeting held at the City of Rockingham Council Offices on 3 September 2014 be confirmed as a true and accurate record of proceedings.

4. TASKFORCE REPORTS

4.1 CHAIR'S REPORT

4.2 FINANCIAL REPORT

4.3 MEMBERSHIP REPORT

5. GENERAL BUSINESS



Proxy Form – Annual General Meeting, Thursday 17 September 2015

I _____
(Position with Council)

Of _____
(Name of Council)

Which is a current financial member council of the Australian Coastal Councils Association Inc for 2015-16 hereby appoint:

(Name of Proxy holder*) _____

Of _____
(Council)

As my proxy to vote on my behalf at the Annual General Meeting of the Association to be held at the Board Room, Local Government NSW, 28 Margaret Street Sydney 2000, on Thursday 17 September 2015 commencing at 9.30am.

Signed _____

Date _____

Please return by COB Thursday 10 September 2015

Email info@coastalcouncils.org.au

* Must be a representative of a current financial member council of the Association. For example, the proxy holder could be the Association Chair, Barry Sammels, or another member of the Association Committee. For a list of current Committee members see the Taskforce web site at - www.coastalcouncils.org.au



Nomination Form – Committee of Management 2015-17

I _____

_____ (Position with Council)

Of _____ (Name of Council)

Which is a current financial member council of the Australian Coastal Councils Association Inc for 2015-16 hereby nominate the following elected representative from this Council:

Name _____

Position with Council _____

For election as a representative to the Australian Coastal Councils Association Committee of Management for 2015-17 for _____ (insert State)

Signed _____

Date _____

Please return by COB Friday 4 September 2015 by:

Email info@coastalcouncils.org.au

10.2 KISS Arts Festival 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 proposed new KISS Arts Festival and of the request for Council sponsorship.

Finance

It is proposed that Council provide \$5000 financial sponsorship with Council also donating the reserve hire fee

Policy

Not applicable.

Attachments

1 KISS Arts 2016 Proposal

Enclosures

Nil

RECOMMENDATION

That Council:

1. Support the new KISS Arts Festival by providing \$5000 sponsorship and donating the reserve hire.
2. Request the organisers to liaise with the produce market operators to re-schedule a market to coincide with the event rather than hold an additional market.

BACKGROUND

Council has received advice that the organisers of the Kiama International Seaside Arts Festival (KISS Arts) are proposing to move the festival dates from the first weekend in January to 1 & 2 April 2016.

It is hoped that the new dates will draw tourists rather than using tourists that are already in Kiama and provide the opportunity for local community to be more involved.

It is also proposed to relocate the festival from Hindmarsh Park to the Black Beach Reserve which will allow for a greater range of activities and a maritime theme.

An extract from the submission providing further details of the event is as follows:

Report of the General Manager

10.2 KISS Arts Festival 2016 (cont)

“The path circumnavigating the harbour will be converted into a bustling, atmospheric maritime themed walkway with the sea on one side and a host of entertainment venues, food stalls, community stages and comic characters on the other. Using Laughter House Entertainment’s existing flagship transportable venues “La Petite Grande” and “The Alkazar” alongside their freestanding aerial rig, the focus of the maritime village will be very much on entertainment.

The Festival Village will host:

- *La Petite Grande tent venue with short sharp family comedy shows.*
- *The Alkazar tent with a host of talks and workshops for the community.*
- *A Community Stage by the natural amphitheatre space that will host a mixture of local community groups and National and International Street Theatre artists.*
- *Main stage.*
- *Food and beverage stores from the local farmers market will line the promenade in between the entertainment venues, bringing the whole strip alive with a carnival atmosphere.*
- *Throughout the rest of the site interactive installations will pop out of the shadows in the form of talking lampposts, singing mermaids and family friendly peep shows. The public will be constantly entertained by themed characters that roam the site.*

The whole area will be brought alive with a magical and vibrant atmosphere, with a surprise around every corner and something for every member of the area’s diverse community.

In keeping with The K.I.S.S. Arts Festival’s mission statement, established international artists will be invited to perform at the festival alongside local emerging talent, nurturing and inspiring each other’s artistic visions.

It is proposed the festival “kick off” with a signature community event like a lantern parade in between the Lighthouse and the main festival stage. Schools and not for profits would be invited to participate in the parade and the making of the lanterns, which could then be cast into the harbor to officially, kick off the event.

In keeping with the maritime theme, we would also like to utilize our beautiful ocean by having a raft race across the harbor as part of the festival. In the lead up to the event, community groups, sporting groups, businesses, would all be encouraged to build their own raft for the big competition. We would also encourage the involvement of community leaders like the school principal to be put on a dunking chair. We would have interactive standees that allow photo ops in old fashioned “stocks”. Other proposed activities are a treasure hunt and a pirate invasion.

The Lions or Rotary club will be invited to run a stall and/or sausage sizzle and become the Festival’s Charity, in return for help with running the event.

The event will be free to the public with the exception of donations made to street performers.”

A plan showing the proposed layout is also attached.

Report of the General Manager

10.2 KISS Arts Festival 2016 (cont)

A budget for the event has been prepared and circulated to Councillors.

The organisers are again asking Council financial support/sponsorship and are applying for funding from Destination NSW and Regional Arts NSW. Council provided \$4000.00 towards the 2015 event. David and Tamara Evans (the organisers) are now requesting \$10000 assistance from Council.

The new proposal has much merit and does provide the opportunity for greater community and tourist involvement. The event has the potential to grow into a significant festival for the Municipality and region.

It is recommended that Council again support the new and modified KISS Arts Festival. However, because of the limited funds available in the events budget, and the need to share the funding for a range of events, that the funding support be limited to \$5000 with Council also donating the reserve hire fee.

Council has received representation regarding the number of markets being held in the Kiama Township and the accumulative adverse impact they can have on some businesses in terms of on street parking availability and trade. It is suggested that the organisers of the KISS Arts Festival liaise with the Saturday morning produce market operators to move the date of one of the markets to coincide with the event rather than an additional market being organised.



1st & 2nd April 2016

Item 10.2

Attachment 1

PROPOSAL

The K.I.S.S. Arts Festival (Kiama International Seaside Arts Festival) is pleased to announce that it is proposing to move the festival dates from the first weekend in January to **1st & 2nd April 2016**. After 4 years of the festival being held during the summer holidays, we now consider that the festival has enough of a name to withstand being moved to a “less busy” time of year, thereby using the festival to draw tourists to the town, rather than using tourists that are already here. Indeed, the main reason for moving the festival is to appeal directly to the local Illawarra and surrounding area residents, especially Kiama residents. We also feel that moving the festival will take it away from a time when Kiama is already event heavy.

The focus of the festival will once again be physical comedy performance with an emphasis on circus and interactive shows. The festival will also engage new and exciting opportunities for the local community to get involved on a level not yet attempted with KISS and we will host headline acts from both the comedy and music genres on the main evening, having big names as a draw card to attract tourist to our gorgeous Harbour front.

The festival will be held over a Friday afternoon/evening between 4pm and 9pm and then Saturday day and night from 11am – 9pm. We believe that with the initial change of format, it is better to concentrate the festival over a shorter time period, thus maximizing the amount of people that we can attract over Friday night and Saturday. We will then look to build the length of the festival over time as we are able to reach a greater audience base.

The festival hub will move from it's traditional home in Hindmarsh Park, around the corner to the Black Beach Reserve from the road access point on Shoalhaven st, around the harbour's edge, to the end of Manning St.

The festival will be run in conjunction with K.I.S.S. Arts Festival organiser's company, Laughter House Entertainment so that it can utilize the companies existing infrastructure.

CONCEPT

The aim of 2016's festival is to create a “KISS Arts Festival village” around Kiama's iconic harbour. The Village will have a maritime theme creating a transformative space, a festival playground.

The path circumnavigating the harbour will be converted into a bustling, atmospheric maritime themed walkway with the sea on one side and a host of entertainment venues, food stalls, community stages and comic characters on the other. Using Laughter House Entertainment's existing flagship transportable venues "La Petite Grande" and "The Alkazar" alongside their freestanding aerial rig, the focus of the maritime village will be very much on entertainment.

The Festival Village will host:

- * La Petite Grande tent venue with short sharp family comedy shows.
- * The Alkazar tent with a host of talks and workshops for the community.
- * A Community Stage by the natural amphitheatre space, that will host a mixture of local community groups and National and International Street Theatre artists.
- * Main stage.
- * Food and beverage stores from the local farmers market will line the promenade in between the entertainment venues, bringing the whole strip alive with a carnival atmosphere.
- * Throughout the rest of the site interactive installations will pop out of the shadows in the form of talking lampposts, singing mermaids and family friendly peep shows. The public will be constantly entertained by themed characters that roam the site.

The whole area will be brought alive with a magical and vibrant atmosphere, with a surprise around every corner and something for every member of the area's diverse community.

In keeping with The K.I.S.S. Arts Festival's mission statement, established international artists will be invited to perform at the festival alongside local emerging talent, nurturing and inspiring each others artistic visions.

It is proposed the the festival "kick off" with a signature community event like a lantern parade in between The Lighthouse and the main festival stage. Schools and not for profits would be invited to participate in the parade and the making of the lanterns, which could then be cast into the harbor to officially kick off the event.

In keeping with the maritime theme, we would also like to utilize our beautiful ocean by having a raft race across the harbor as part of the festival. In the lead up to the event, community groups, sporting groups, businesses, would all be encouraged to build their own raft for the big competition. We would also encourage the involvement of community leaders like the school principal to be put on a dunking chair. We would have interactive standees that allow photo ops in old fashioned "stocks." Other proposed activities are a treasure hunts and a pirate invasion.

The Lions or rotary club will be invited to run a stall and/or sausage sizzle and become the Festival's Charity, in return for help with running the event.

The event will be free to the public with the exception of donations made to street performers.

Below is a list of existing infrastructure.

La Petite Grande – 110 seated venue with lights, sound and stage.



The Alkazar – 90 Seated venue with lights, sound and stage.



6m high free standing tripod aerial rig

1 x 3 metre x 6 metre marquee

1 x 4 metre x 5 metre marquee's



Proposed festival village space

Item 10.2

Attachment 1



Example venue set up in festival area.

SEE BELOW FOR DRAFT BUDGET OUTLINE

Item 10.2

Attachment 1

DRAFT BUDGET

Headline Comedian	\$2000
Headline Band	\$5000
5 x Artists @ \$1000	\$5000
Artists travel expenses	\$2500
Artists accommodation	IN KIND
1 x Tent Managers/Spruikers @ \$1000	\$1000
2 x Aerial Artists @ \$500	\$1000
4 x Roving Artists @ \$750	\$3000
Paid labour x 3 @ \$25 hour for site up and down	\$1350
Labour x 6 for site up and down	IN KIND
1 x Site Manager @ \$500 per day for 4 days	\$2000
2 x Event Organisers @ \$3250	\$6500
1 x publicist	\$2000
Grant writer	\$2000
Security @ \$400 per night for 3 nights	\$1200
Publicity	\$7000
Site dressing costs	\$2000
Stage hire	IN KIND
Performance Tent Venues	IN KIND
Lighting	IN KIND
Infrastructure transport costs	\$800
<u>Total</u>	<u>\$44,350</u>

We are applying for business sponsorship as well as Destination NSW funding and Regional Arts NSW funding to help with the costs of running an event this size.

10.3 Rotary Club of Kiama Antiques and Retro Fair - 16 & 17 January 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: 1.2.6 Support the growth and development of Kiama's community groups and service sector

Summary

This report advises of a request from the Kiama Rotary Club for Council to sponsor the 2016 Antiques and Retro Fair held at the Kiama Leisure Centre.

Finance

Council's Events and Community Donation budget is relevant. A \$5000 contribution is being sought.

Policy

N/A

Attachments

1 Letter from Kiama Rotary requesting sponsorship

Enclosures

Nil

RECOMMENDATION

That Council donates the hire cost of the Leisure Centre to the Kiama Rotary Club in recognition of the silver anniversary and community benefits provided by the event.

BACKGROUND

The Rotary Club of Kiama has written to Council seeking a \$5000 sponsorship of the Rotary 25th Anniversary Antiques and Retro Fair to be held on 16 & 17 January 2016.

An extract from their letter is as follows:

"For the past twenty four years the Rotary Club of Kiama has held its Antiques Fair in the Kiama Leisure Centre as a major fundraising activity for the Club's charitable work. Over this period the Fair has become a much anticipated event for residents and visitors alike, significantly contributing to Kiama's social and commercial wellbeing.

In 2016, we will celebrate the silver anniversary of the Antiques Fair, attesting to the great success of this event since its small beginning in 1991. We firmly believe that much of this success can be attributed to our Club members willingness to voluntarily provide the enormous amount of work involved in the staging and running of the Fair and to the recognition by the Fair's patrons that all profits from the event

Report of the General Manager

10.3 Rotary Club of Kiama Antiques and Retro Fair - 16 & 17 January 2016 (cont)

are largely used to support projects in the broader Kiama community, as well as Rotary international projects such as End Polio Now.

The Antiques Fair has formed part of the culture of the area particularly attracting day trippers to the region from outside the municipality, encouraging spending in the town.

We want the Fair to remain an integral and valuable community even on Kiama's calendar. However, the success of the Silvery Anniversary Fair in 2016 is crucial to its future.

To this end, we seek Council's sponsorship for this very special event. A contribution of \$5000 would enable us to increase publicity, improve signage and enhance the ambience of the venue to attract, and improve amenity for, both exhibitors and patrons."

The Rotary Antiques and Retro Fair is held at Council's Leisure Centre and a fee of \$1980 (including GST) is paid for the use of the venue. Council's Events and Community Donations budget is limited; however Council may wish to donate the hire of the Leisure Centre for the event in recognition of the silver anniversary and community benefits provided by the event. This donation will be similar in size to the amount of sponsorship provided by Council to the Kiama Lions Club fundraising race day.



The Rotary Club of Kiama Inc

ABN 86 961 648 773

PO Box 226, Kiama, NSW, 2533

Email: kiamarotary@gmail.com

Web: <http://www.rotarykiama.org.au>



President

Ian Johnston
Phone: 0419 388 334
Email: ian@jaievents.com.au

Secretary

Geoff Cole
Phone: 0409 771 959
Email: kiamarotary@gmail.com

General Manager
Kiama Municipal Council
PO Box 75
KIAMA

11th June 2015

Dear Mr Forsyth,

Rotary 25th Anniversary Antiques and Retro Fair - 16/17 January 2016

For the past twenty-four years the Rotary Club of Kiama has held its Antiques Fair in the Kiama Leisure Centre as a major fund-raising activity for the Club's charitable work. Over this period, the Fair has become a much anticipated event for residents and visitors alike, significantly contributing to Kiama's social and commercial wellbeing.

In 2016, we will celebrate the silver anniversary of the Antiques Fair, attesting to the great success of this event since its small beginning in 1991. We firmly believe that much of this success can be attributed to our Club members' willingness to voluntarily provide the enormous amount of work involved in the staging and running of the Fair and to the recognition by the Fair's patrons that all profits from the event are largely used to support projects in the broader Kiama community, as well as Rotary international projects such as End Polio Now.

The Antiques Fair has formed part of the culture of the area particularly attracting day trippers to the region from outside the municipality, encouraging spending in the town.

We want the Fair to remain an integral and valuable community event on Kiama's calendar. However, the success of the Silver Anniversary Fair in 2016 is crucial to its future.

To this end, we seek Council's sponsorship for this very special event. A contribution of \$5,000 would enable us to increase publicity, improve signage and enhance the ambience of the venue to attract, and improve amenity for, both exhibitors and patrons.

We would of course be pleased to acknowledge Council's support as you feel appropriate.

We sincerely hope that the Council will look favourably on our request.

Yours sincerely,

Marilyn Jarrett
President Elect
Rotary Club of Kiama
Phone: +61 (0)2 4237 5180
Email: marilynjar@bigpond.com

c.c. Brian Petschler

10.4 2015 ISA World Kneeboard Championships - 13-20 September 2015

CSP Objective: 3 A Diverse, Thriving Economy

CSP Strategy: 3.6 Encourage and Support Tourism in the Kiama Municipality

Delivery Program: 3.6.2 Develop and promote conference and event opportunities within the local area

Summary

This report recommends that Council provides funding assistance to the World Kneboard Championships to be held in Kiama from 13-20 September 2015.

Finance

A financial sponsorship of \$2000 in addition to the provision of two (2) Council holiday park cabins to be used by officials during the period of the event is proposed.

Policy

Not applicable.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council provides sponsorship of \$2000 in addition to the provision of two (2) holiday park cabins to be used by the officials for the 2015 ISA World Kneeboard Championships.

BACKGROUND

At the meeting on 16 June 2015 and as part of the report on the Draft Operational Plan and budget, Council was advised that the International Surfing Association had written to Council to consider additional funding assistance of up to \$8000 to assist with the running costs of the World Kneeboard Championship event being held in Kiama from 13-20 September 2015. On 18 November 2014, Council resolved to provide two (2) cabins at the Kiama Harbour Cabins for seven days for the use of international judges and officials and also to waive any reserve hire and garbage collection fees.

The titles are held every two (2) years at different venues around the world with recent events being held at Papara (Tahiti), Phillip Island (Australia), Taranaki (New Zealand), Santa Cruz (California) and Jeffreys Bay (South Africa).

During the event Kiama will play host to approximately 125 surfers along with officials, family and friends. It is advised that up to 300 people will be in the region for the week of the event with some people staying up to two weeks to take in the

Report of the General Manager

10.4 2015 ISA World Kneeboard Championships - 13-20 September 2015 (cont)

highlights of the area. It is estimated that over half of these people will be from overseas or interstate along with a large number of northern NSW entrants as well.

In the report submitted to the Council meeting on 16 June 2015, the Director Corporate and Commercial Services advised that the event will have a significant beneficial impact on the local economy with the organisers committed to facilitating a program involving a range of local activities.

Council resolved to consider at a future meeting providing additional sponsorship from its event budget for the event. Council's events budget is limited with there being an increasing number of events seeking Council's financial support. As such the giving of another \$8000 in sponsorship could not be supported. However, having regard to the international significance of the event and the flow on economic benefits to the local community, a financial sponsorship of \$2000 in addition to the provision of two (2) holiday cabins and waiving any reserve hire and waste collection fees is recommended.

11 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

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

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: 4.6.1 Develop and review Business Continuity Plans to minimise risk

Summary

This report seeks approval for the attendance of the General Manager, or his alternate, the Manager Human Resources and Commercial Services, at the Risk Management Institute of Australia (RMIA) Conference in Adelaide from 11-13 November 2015.

Finance

Cost of registration, travel and accommodation to be met by Metro Pool.

Policy

All interstate conference attendance requires Council approval.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council grants approval for Council's General Manager, or his alternate, the Manager Human Resources and Commercial Services, to attend the 2015 Risk Management Institute of Australia Conference in Adelaide from 11-13 November 2015.

BACKGROUND

As a member of Metro Pool and United Independent Pools, Council receives the benefit of one attendee from the Pools Risk Management Committee at the National Risk Management Institute of Australia (RMIA) conference where travel, accommodation and registration costs are met by the Pools.

The conference this year will be held in Adelaide from 11-13 November with one day specifically directed at risk and insurance issues related to Local Government.

In May 2015 Council resolved to support Council's Acting Senior Risk Management Officer attending the conference this year. In addition to a Risk Management

Report of the Director Corporate and Commercial Services

11.1 Interstate Conference - Risk Management Institute of Australia (RMIA)
Conference (cont)

Committee representative from each Council being funded to attend the national conference, the Pools also fund the attendance of two Metro Pool and Westpool board members. At the Metro Pool board meeting held on 22 July 2015 the board nominated a Kiama Council board member to represent the Metro Pool board at the national conference. Metro Pool will cover the cost of travel, accommodation and registration costs.

It is Council's policy that attendance at interstate conferences requires Council approval.

12 REPORT OF THE MANAGER CORPORATE SERVICES

12.1 Statement of Investments

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

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

Delivery Program: 4.2.3 Ensure maximum revenue return is achieved

Summary

This report recommends receipt and adoption of the Statement of Investments for July 2015.

Finance

Not Applicable

Policy

Requirement of the Local Government (General) Regulation 2005.

Attachments

1 Investments - July 2015

Enclosures

Nil

RECOMMENDATION

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

BACKGROUND

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

Report of the Manager Corporate Services

12.1 Statement of Investments (cont)

a) Investment Commentary

The total investment portfolio decreased by \$150K during July 2015. Various revenue was received totalling \$6.7M, including rate payments amounting to \$1.2M, grants and contributions of \$2.2M and user fees and charges and other revenue of \$1.136M, Blue Haven bonds of \$449K, investment maturity of \$1M and Debtor receipts of \$715K. Payments to suppliers of \$4.8M and employee wages of \$1.4M amounted to total expenditure of \$6.2M.

Note that the Westpac Bank Account balance shown in (a) of \$3.298M includes deposits at month-end not processed to Council's financial system and cheques that have not been presented. The interest to 30 June 2015 is \$125K 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.

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 31 July 2015 was 2.83%. The previous month's was 2.9% with July 2014 rate being 3.48%. 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 2.83%, 1 year 2.85%, 2 years 2.85% and 3 years 2.9%.

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 July, 2015

DIRECT INVESTMENTS: INSTITUTION	RATIN G	MARKET VALUE \$	INVESTMENT TYPE	DATE LOGGED	MATURITY DATE	TERM (DAYS)	RATE %
ANZ	AA-	1,000,000.00	Term Deposit	14/07/15	14/10/15	92	2.70
ANZ	AA-	1,000,000.00	Term Deposit	20/05/15	25/11/15	189	2.70
Bankwest	AA-	1,000,000.00	Term Deposit	26/05/15	28/10/15	155	3.00
Bankwest	AA-	1,000,000.00	Term Deposit	03/06/15	02/12/15	182	2.90
Bankwest	AA-	1,000,000.00	Term Deposit	29/04/15	23/09/15	147	2.90
Bank of Qld	A-	1,000,000.00	Term Deposit	03/06/15	06/01/16	217	3.00
Bank of Qld	A-	1,000,000.00	Term Deposit	01/04/15	30/09/15	182	3.00
Bank of Qld	A-	1,500,000.00	Term Deposit	11/02/15	11/08/15	181	3.25
Bank of Qld	A-	1,000,000.00	Term Deposit	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	22/06/15	22/09/15	92	2.65
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	01/07/15	01/10/15	92	2.95
ME Bank	BBB+	1,000,000.00	Term Deposit	06/05/15	02/09/15	119	2.75
NAB	AA-	1,000,000.00	Term Deposit	29/07/15	04/02/16	190	2.96
NAB	AA-	1,470,000.00	Term Deposit	08/04/15	08/10/15	183	2.97
NAB	AA-	1,000,000.00	Term Deposit	27/05/15	17/02/16	266	2.97
NAB	AA-	1,000,000.00	Term Deposit	14/11/14	11/11/15	362	3.50
NAB	AA-	1,000,000.00	Term Deposit	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
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	10/06/15	16/09/15	98	2.65
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	15/04/15	19/10/15	187	2.46
ING Bank	A-	1,000,000.00	Term Deposit	04/02/15	04/08/15	181	3.09
Rural Bank	A-	1,000,000.00	Term Deposit	03/02/15	05/08/15	183	3.30
Suncorp	A+	1,000,000.00	Term Deposit	09/06/15	09/12/15	183	2.95
Suncorp	A+	1,000,000.00	Term Deposit	25/05/15	21/10/15	149	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	30/04/15	26/08/15	118	2.88
Westpac	AA	1,000,000.00	Term Deposit	05/05/15	09/09/15	127	2.80
Westpac	AA	3,298,630.87	Bank Account	-	AT CALL		0.84
Westpac	AA	1,881,578.82	Maxi Account	-	AT CALL		3.05
TOTAL DIRECT INVESTMENTS		42,150,209.69					
					Average Rate-July 2015		2.84
					Average Rate-July 2014		3.53

Item 12.1
Attachment 1

TOTAL INVESTMENTS	42,150,209.69
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TOTAL INVESTMENTS JUNE 2015	42,300,747.15	-0.36%	Change in total investment over prev 1 month
TOTAL INVESTMENTS JULY 2014	42,562,382.65	-0.97%	Change in total investment over prev 12 months

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	S94 Developer Contributions	3,511,541.52
	Grants	1,014,487.00
	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)	1,805,436.00
	Plant Replacement - Engineers	1,315,375.00
	Employee Leave Entitlements	1,000,000.00
	S94 Recoupments	818,620.96
	Carry-over works	1,686,306.00
	Holiday Parks - Crown Reserves	1,305,849.00
	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	5,708,922.11
TOTAL INVESTMENTS		42,150,209.69

Note:

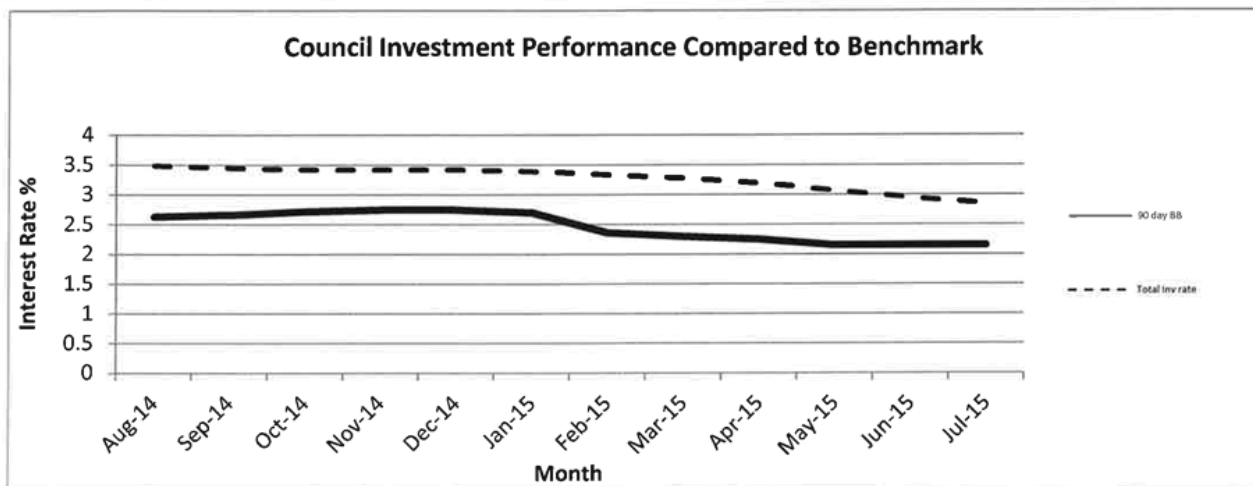
The above Application of Invested Funds reflects unaudited balances as at 30 June 2015. Actual movement in these balances are recorded at the end of the financial year.

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	2.84	2.15
3 months	2.95	2.15
6 months	3.11	2.23
12 Months	3.27	2.46



12.2 Revotes of Expenditure 2014/15

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 the revote of expenditure for works not completed in 2014/15 to the 2015/2016 budget year.

Finance

Variations to Council's 2015/2016 Budget

Policy

This report is a requirement under the Local Government Act 1993.

Attachments

1 Revotes from 2014/15 Operations

Enclosures

Nil

RECOMMENDATION

That the expenditure items as listed be revoted to the 2015/2016 budget year.

BACKGROUND

There are a number works and services that have not been completed in 2014/2015. A number of these are funded from unexpended grants and contributions received totalling \$1,025,442, Section 94 funds and Recoupments of \$152,328, Restricted Asset works of \$1,396,652 and revenue funded works of \$1,625,084. The carry over works from 2014/2015 budget totals \$4,199,506. It is recommended that these works be revoted into the 2015/2016 budget.

There are a number of larger projects funded from grants and contributions which need to be carried forward including the Community Recycling Centre, Organics & Recycling Implementation Program, Community Services Programs and the Leisure Centre building alterations totaling \$696,785. A significant number of projects totalling approximately \$1,944,558 have been commenced and not completed during the year.

Other items include IT capital and maintenance of \$694,698, Holiday Park capital of \$175,042, Youth Cottage Improvements of \$113,558 and grants and contributions

Report of the Manager Corporate Services

12.2 Revotes of Expenditure 2014/15 (cont)

that need to be carried forward under funding agreements.

The major part of the IT capital and maintenance revote of \$694,698, includes funds relating to Council’s Telecommunications/Network Infrastructure upgrade and professional services.

The overall effect on the 2015/2016 budget is nil as the funding is provided from Restricted Assets as at 30 June 2015.

The attached table is a summary of the works and services which have not been completed in 2014/2015. The works total and the sources of funds are indicated.

The amount of revoted works over the past three years are as follows:

2013/2014	\$4,128,897
2012/2013	\$3,284,848
2011/2012	\$2,187,301



Phil Mison

Manager Corporate Services

REVOTES OF EXPENDITURE FROM 2014/2015 OPERATIONS

<u>Department</u>	<u>Revenue</u>	<u>Section 94</u>	<u>S94</u>	<u>Grants/</u>	<u>Loans</u>	<u>Restricted</u>	<u>Total</u>
		<u>Recoups</u>	<u>Contribs.</u>	<u>Asset</u>			
<i>Works & Services Not Commenced</i>							
0037.1220.100 Risk Management	9,000						9,000 nc
0042.1551.100 Economic Development-Strategic Planning	10,000						10,000 nc
0100.1274.100 Communication Unit - Online Service Delivery	10,000						10,000 nc
1086.1700.100 CCTV maintenance	29,773						29,773 nc
1093.1700.100 Cultural services - Daisy the cow repairs	10,000						10,000 nc
1096.0256.100 Community Gardens	18,653						18,653 nc
1150.1021.100 Literacy Kits	1,000						1,000 nc
1180.1077.100 Family History Centre Furniture & Equipment	2,000						2,000 nc
1180.1245.100 Family History Centre - photocopier charges	7,500						7,500 nc
2605.1562.100 Studies - Kiama LEP 2011 Review	33,000						33,000 nc
2605.1565.100 Studies - Kiama Town Centre DCP	7,000						7,000 nc
3150.2920.920 Kiama North Neighbourhood Fencing	17,500						17,500 nc
3150.2920.920 Kiama Surf Club Lift	35,000						35,000 nc
3150.2945.920 Blowhole Pt/Kiama Harbour Playground Equipment	80,000						80,000 nc
3150.2945.920 Blowhole Pt/Kiama Harbour Lighthouse Landscaping					85,990		85,990 nc
3160.2925.920 Stormwater Pipe Renewal - Collins Street					28,323		28,323 nc
3160.2945.920 Black Beach Playground Replacement	70,000						70,000 nc
3160.2945.920 Kiama Netball Court Resurfacing	50,000						50,000 nc
3500.0542.100 Rural Fire Service - Annual Rental	15,000						15,000 nc
6000.1068.100 Kiama Harbour Cabins					30,000		30,000 nc
6150.3209.920 Surf Beach Holiday Park					78,771		78,771 nc
6300.3200.920 7 Mile Holiday Park					30,000		30,000 nc
	405,426	0	0	0	253,084		658,510
<i>Works & Services commenced but not completed</i>							
0046.1160.100 Tourism- Marketing & Promotion	15,584						15,584 c
0540.0161.920 IT Capital	624,698				70,000		694,698 c
1096.1214.100 New residents kits	1,753						1,753 c
1186.0160.920 CCTV Capital	59,782						59,782 c
2020.0456.100 DA Archive	17,951						17,951 c
2345.1242.105 Peace Park	1,768						1,768 c
2365.1547.100 Studies - Disposal Depot	30,870						30,870 c

REVOTES OF EXPENDITURE FROM 2014/2015 OPERATIONS

<u>Department</u>	<u>Revenue</u>	<u>Section 94</u>	<u>S94</u>	<u>Grants/</u>	<u>Loans</u>	<u>Restricted</u>	<u>Total</u>
		<u>Recoups</u>	<u>Contribs.</u>	<u>Asset</u>			
2370.2652.100 Sportsground Infrastructure Upgrade						7,154	7,154 c
2370.2654.100 HP Source Separation & Recycling Program						1,551	1,551 c
2380.0647.100 Minnamurra Rubbish Tip-Green Waste processing	13,000						13,000 c
2605.1555.100 Studies - Heritage Advisor	10,553						10,553 c
3150.2920.920 Coastal Walking Track Amenities Block						20,881	20,881 c
3150.2945.920 Coastal Walking Track Car Parking/Pedestrian Link						50,000	50,000 c
3150.2920.920 Kiama SES Shed Extension/Storage						52,192	52,192 c
3150.2930.920 Blowhole Point/Kiama Harbour Side Walk						11,637	11,637 c
3150.2930.920 Footpath - Manning St - Farmer Street to Exist F'path						18,331	18,331 c
3150.2930.920 Jamberoo Valley Cycleway - Swamp Road Stage 2						31,895	31,895 c
3150.2935.920 Blowhole Pt/Kiama Hrbr-Rock Pool C'park/Landscape						94,033	94,033 c
3150.2935.920 Blowhole Pt/Kiama Harbour One Way Rd/Angle Park						11,681	11,681 c
3150.2935.920 Jamberoo CBD Upgrade						61,945	61,945 c
3150.2935.920 Riverside Dr/Oxley Ave Roundabout & Ped Crossing						89,803	89,803 c
3150.2940.920 Jamberoo Allowrie Street Pedestrian Crossing						10,000	10,000 c
3150.2950.920 Jerrara Dam Safety Upgrade						350,000	350,000 c
3160.2920.920 Kevin Walsh Oval Amenities - Renewal Design	4,860						4,860 c
3160.2945.920 Kiama Sports Complex Electrical Renewal						60,499	60,499 c
3508.0108.105 Asset Valuations	32,080						32,080 c
3508.1582.100 Street Lighting Design	13,213						13,213 c
3508.1676.100 Burra Creek Legal & Survey	10,968						10,968 c
3508.2759.100 Bridge Condition Rating Valuation	13,910						13,910 c
6010.1068.100 Kendalls Beach Holiday Park						26,924	26,924 c
6200.3200.920 Kendalls Beach Cabins						27,630	27,630 c
6200.3209.920 Kendalls Beach Amenities						83,762	83,762 c
6250.0160.920 Werri Beach Holiday Park						44,073	44,073 c
6300.0160.920 7 Mile Holiday Park						19,577	19,577 c
Unspent S94 Contributions	850,990	0	0	0	0	1,143,568	1,994,558
1132.3409.920 Youth Cottage Improvements						113,558	113,558 s94
	0	113,558	0	0	0	0	113,558

REVOTES OF EXPENDITURE FROM 2014/2015 OPERATIONS

<u>Department</u>	<u>Revenue</u>	<u>Section 94</u>	<u>S94</u>	<u>Grants/</u>	<u>Loans</u>	<u>Restricted</u>	<u>Total</u>
			<u>Recoups</u>	<u>Contribs.</u>		<u>Asset</u>	
<u>Unspent Grants & Contributions</u>							
1020.0172.100 C\Wealth Home Support Prog-C/fwd - Grant Funds				142,625			142,625 g
1020.1160.100 C\Wealth Home Support Prog- Marketing				3,000			3,000 g
1045.0065.100 Inhome Support - Marketing				5,000			5,000 g
1045.0809.100 Inhome Support - IT Expenses				5,000			5,000 g
1045.1690.100 Inhome Support - Vehicle Running				3,000			3,000 g
1045.1700.100 Inhome Support - Working Expenses				18,000			18,000 g
1081.0001.005 Dementia Friendly Community Project				48,982			48,982 g
1130.1716.100 Young Women's Group				4,000			4,000 g
1150.0498.100 Digitisation -Kiama Independent				2,781			2,781 g
1161.0541.100 Friends of Kiama Library - Talking Books				1,770			1,770 g
1211.3205.920 C\Wealth Home Support Prog- Vehicle Replacement				22,000			22,000 g
1315.0172.100 Community Care Support Program-C/fwd - Grant Funds				42,197			42,197 g
1315.1160.100 Community Care Support Program -Marketing				2,000			2,000 g
1315.1690.100 Community Care Support Program - Vehicle running				7,400			7,400 g
2020.1736.100 Electronic Housing Code Funding				27,038			27,038 g
2345.0461.100 Crooked River Estuary				13,501			13,501 g
2345.1196.100 Minnamurra Estuary Plan Review				26,373			26,373 g
2346.3437.100 Minnamurra CVA Wetland Weed Control				24,500			24,500 g
2352.1700.100 Organics and Recycling Implementation Program				142,816			142,816 g
2353.1700.100 Kiama's Litter Hotspots Project				4,789			4,789 g
2354.1700.100 CRC Communication & Education Program				10,000			10,000 g
2370.0679.100 Illegal Dumping Program (RID)				11,889			11,889 g
2370.2691.100 OK Organics Kiama Home Composting W/shop				23,400			23,400 g
2451.0163.920 Community Recycling Centre				126,214			126,214 g
2605.1950.100 Agricultural Promotion & Diversification				8,105			8,105 g
3150.2935.920 Bus Shelter - Hutchinson St, Bombo				18,000			18,000 g
3150.2945.920 Hindmarsh Park Memorial Arch Stabilisation	130,720		38,770	45,000			214,490 g
3150.2945.920 Minnamurra Whale Watching Platform				10,000			10,000 g
3160.2920.920 Foxground RFS Shed Extension				19,114			19,114 g
3381.1145.100 Regional Roads - Block Grant				26,948			26,948 g
3508.1673.100 Surf Beach Flood Study	30,000			60,000			90,000 g
6702.0179.920 Leisure Centre Building Alterations	207,948			120,000			327,948 g
	368,668	0	38,770	1,025,442	0	0	1,432,880

13 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

13.1 Dedication of land as public road

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

CSP Strategy: 2.10 Effectively manage the transport network of roads, footpaths and cycleways to cater for current and future generations

Delivery Program: 2.10.1 Manage the road infrastructure for the community by the implementation of the Road Asset Management Plan actions

Summary

Council has received a request from Scarratt and Associates Surveyors to accept dedication of a strip of land along Foxground Road as public road to rectify encroachment of the constructed road onto the adjoining private land. Currently the adjoining land is associated with a proposed subdivision previously approved by Council. This report recommends that the land be dedicated as public road.

Finance

There are no financial obligations or impacts to Council relating to the road dedication.

Policy

Roads Act 1993

Local Government Act 1993

Attachments

1 Plan of public road widening

Enclosures

Nil

RECOMMENDATION

That Council accept the dedication of land as road widening (Foxground Road) adjoining proposed Lot 301 DP1210469 as shown on the plan prepared by Scarratt and Associates Surveyors dated 26 June 2015, in association with the subdivision of adjoining private land under development consent D2009.113 and that upon registration the land be classified as operational land.

BACKGROUND

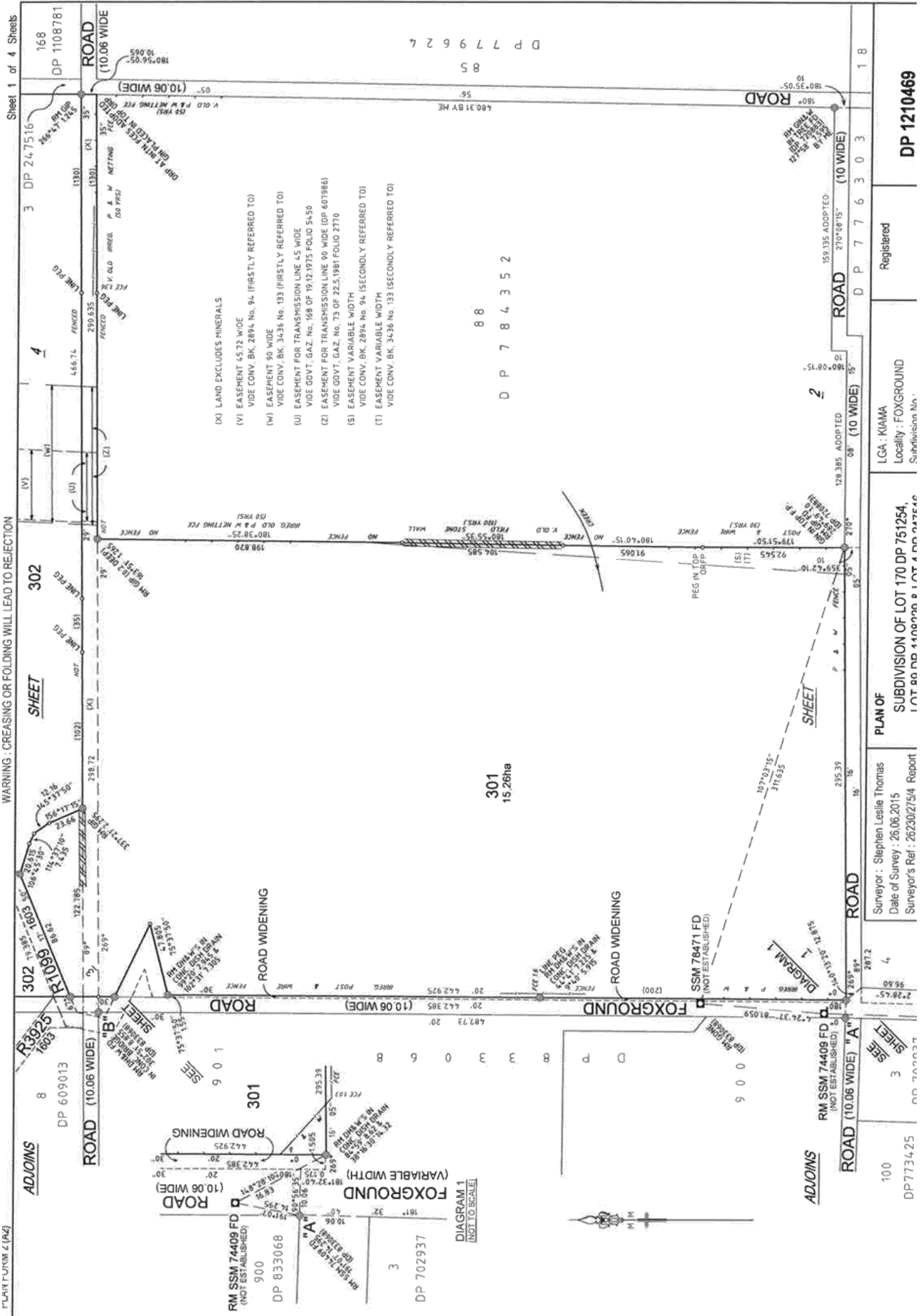
Scarratt and Associates Surveyors are acting for a landowner in Foxground associated with the subdivision of property under D2009.113. During survey work to create the plan of subdivision for registration with LPI NSW, it has been discovered that a constructed section of Foxground Road encroaches onto the adjoining private land (currently Lot 89 DP1108229) in sections up to 1.3m wide. The encroachments extend for a length of 442 metres along the western boundary of Lot 89. The constructed section of road includes bitumen road surface and concrete dish drains.

Report of the Director Engineering and Works

13.1 Dedication of land as public road (cont)

In this situation it is desirable to correct the encroachments and this can be done as part of the subdivision plan registration process. It is proposed to dedicate a 1.5m strip of land along the western boundary of proposed Lot 301 for a length of 442 metres. The total land area dedication is approximately 660m².

The public road asset has been in existence for a considerable period of time. It is important to take the opportunity to contain public assets such as roads wholly within public land, even though the encroachments in this circumstance are minor. There is no resource or on-going financial issue associated with this land dedication.



13.2 Gerringong Boat Harbour - Proposed Equipment Storage Room

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

The Lions Club of Gerringong assists Council with the ongoing maintenance of the Cooke Park Reserve at Gerringong Boat Harbour. The storage of mowers and maintenance equipment is currently taking place at Lions Club members homes and continues to be problematic. This report discusses a proposal to construct a new equipment storage room attached to the existing public toilets at Gerringong Boat Harbour

Finance

The Lions Club has estimated the cost of materials for the project to be in the order of \$4,500 and have agreed to fully fund the project.

Policy

N/A

Attachments

- 1 Gerringong Boat Harbour - Proposed Equipment Storage Shed

Enclosures

Nil

RECOMMENDATION

That Council approves the construction of a new equipment storage room at the Gerringong Boat Harbour toilet block by the Lions Club of Gerringong as indicated in this report.

BACKGROUND

The Lions Club of Gerringong has for many years assisted Council with the maintenance of grounds at Cooke Park Gerringong. The club uses their own mowers and maintenance equipment to undertake the work. The storage of equipment at the homes of individual members has been an inconvenience for those members and in this regard the Club has suggested the construction of a small storage room attached to the Gerringong Boat Harbour toilet block.

The Gerringong Boat Harbour Reserve is a Crown Reserve. Kiama Council is the trustee of the reserve and the construction of a storage room for the purpose of maintaining the reserve is not inconsistency with the objectives of the reserve.

Report of the Director Engineering and Works

13.2 Gerringong Boat Harbour - Proposed Equipment Storage Room (cont)

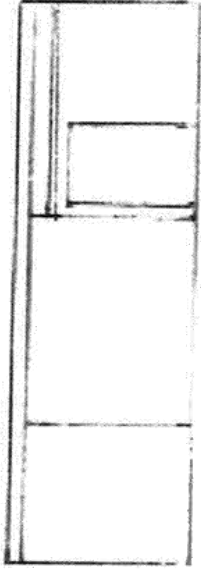
The proposed room 3.5m x 3.0 m as shown on the attached sketch plan would be adjacent to the existing disabled toilet and would not impact on the useable area of the reserve. It is proposed to be constructed with a treated pine timber frame and custom orb external wall lining and roof sheeting on a concrete floor slab. An almost identical addition was recently completed at the Minnamurra Tennis Courts. Both of these buildings have identical brickwork which can longer be matched and the decision to use custom orb at Minnamurra has resulted in an aesthetically pleasing and cost affective outcome. A photo of the Minnamurra building is also attached for information.

The Lions Club has the necessary trade experience and qualification to undertake the project and have offered to meet the relevant cost of material supply estimated at \$4,500. The works will be supervised by Council Engineering staff. The project will not require Development Consent as it falls under the provisions of the Infrastructure State Environment Planning Policy.

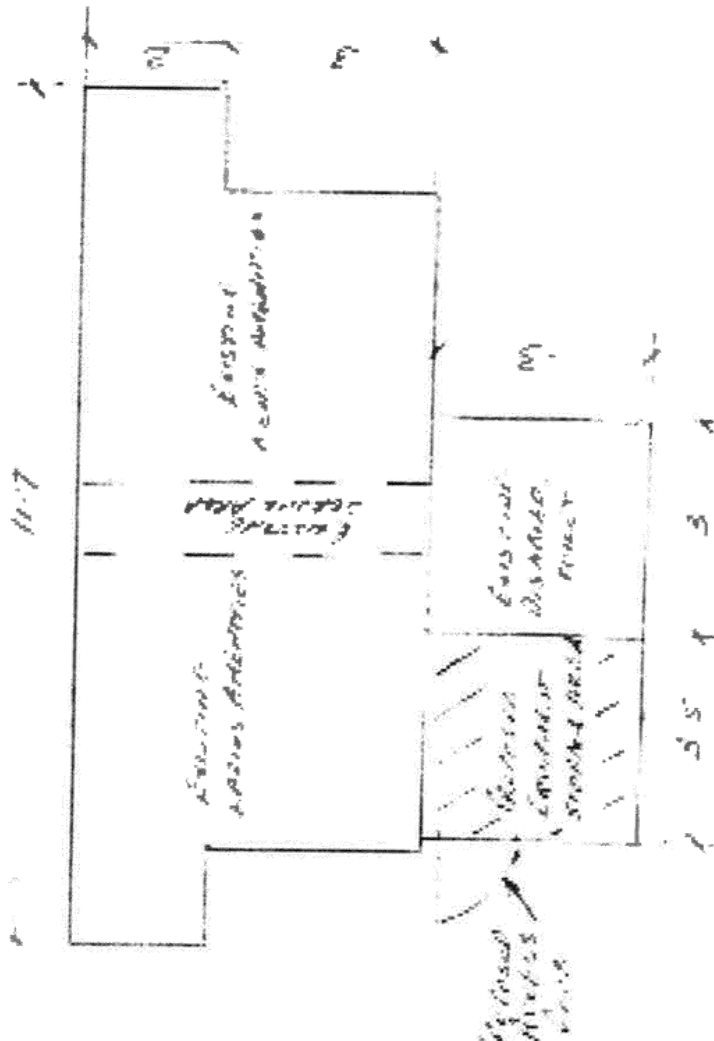
The equipment storage room will remain in the ownership of Council and simply be used by the Lions Club for the storage of their maintenance equipment for as long as they continue to assist with the maintenance of the reserve. In this regard there is no requirement for a license agreement.

It is therefore recommended that Council approve the construction of the equipment storage room by the Lions Club of Gerringong at the Gerringong Boat Harbour toilet block as indicated in this report.

CONCRETE SAND RAMP (EXISTING)



1.21



MATERIALS
 - CONCRETE SAND RAMP
 - TREATED TIMBER FRAME
 - CUSTOM ORB RAMP & WALL
 - SIMILAR TO HINDMARSH TRUCKS (EXISTING)

SKETCH PLAN OF PROPOSED CONCRETE SAND RAMP EQUIPMENT STORAGE AT BOAT HARBOUR



Item 13.2

Attachment 1



Item 13.2

Attachment 1

13.3 Tender T14/27 - Provision of Construction Materials Panel

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 acceptance of tenders for the Construction Materials Panel in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. This action was pursued with three of the four members of the Illawarra Pilot Joint Organisation (Kiama, Shellharbour and Wollongong – Shoalhaven declined the opportunity to participate). Eleven (11) tenders were received and the report recommends Council accept the successful tenders submitted as outlined in the tables provided in this report.

The ranking tables forming part of this report apply only to Kiama Municipal Council.

Finance

The supply of construction materials will be funded from the operational and capital works budgets as identified in the Delivery Program.

Policy

Local Government Act 1993

Local Government Tendering Regulations 2005

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders as listed in the tables included in this report for Construction Materials over the term of the tender contract of three years, plus two options to extend for a further duration of one year each with the exception of the supply of concrete (as per Recommendation 5 below).
- 2 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the

Report of the Director Engineering and Works

13.3 Tender T14/27 - Provision of Construction Materials Panel (cont)

contracts and any other documentation, should it be required, to give effect to this resolution.

- 4 Council delegate to the General Manager the authority to approve any adjustments to the ranking of all services when a Joint Construction Materials Provider amends rates in accordance with the specifications of this tender.
- 5 Council reject the tender responses relating to the supply of concrete as the number of conforming tender submissions did not justify the allocation of business and would place Council at a non-competitive market disadvantage.
- 6 Council grant authority to proceed to open joint negotiations with the suppliers of concrete.
- 7 Council delegate to the General Manager the authority to finalise and execute the contracts and any other documentation required to give effect to the outcomes of the joint market negotiations for the supply of concrete.

Item 13.3

BACKGROUND

Tenders were invited by a Joint Tender Assessment Panel consisting of personnel from Wollongong City Council, Shellharbour City Council and Kiama Municipal Council by the open tender method with a close of tenders of 10.00 am on 17 June 2015.

Eleven (11) tenders were received, all complying by the close of tenders and all tenders have been scrutinised and assessed by a Joint Tender Assessment Panel comprising representatives of the Wollongong City Council's Legal, City Works, Human Resources and Finance Divisions as well as Kiama Municipal Council's Supply and Engineering Divisions and Shellharbour City Council's Supply and Works Divisions.

The Joint Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria as set out in the formal tender documents:

Mandatory Criteria

Current Referees

Financial Assessment

Assessable Criteria and Weightings

Cost to Council - 60%

Demonstrated strengthening of local economic capacity - 5%

Demonstrated experience and satisfactory performance in undertaking projects of similar size and scope - 15%

Demonstrated Quality Management System incorporating WH&S Management System and Environmental management policies and procedures - 15%

Demonstrated Social Value and/or Social Procurement Initiatives - 5%

Report of the Director Engineering and Works

13.3 Tender T14/27 - Provision of Construction Materials Panel (cont)

The Joint Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical raw score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account the pre-determined weightings for each of the assessment criteria which provides for a total score expressed as a percentage for each tender. The tender with the highest total percentage score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Tables below summarise the results of the tender assessment and the ranking of tenders.

During the evaluation process, a decision was taken by the Joint Tender Assessment Panel to not proceed with the Concrete category, as the volume of responses was not sufficient to allow for an objective assessment. Of the three (3) tender responses received, only one (1) tender response met the Mandatory Assessment Criteria.

After further assessment and evaluation, the Joint Tender Assessment Panel agreed that the complying tender response for concrete could not satisfy the total needs of Wollongong City Council and did not submit pricing for either Shellharbour City Council or Kiama Municipal Council.

As a result, the Joint Tender Assessment Panel agreed to recommend that authorisation be sought to open joint negotiations with concrete suppliers in order to secure both a stronger competitive market position and sufficient suppliers of concrete to meet the needs of each of the three Councils. It was also agreed that this will be completed independently of this tender process.

Subsequent to the assessment of tender responses, one (1) tenderer requested to withdraw their offer, which was accepted by the Joint Tender Assessment Panel and had no effect on the ability of other tenderers to fulfil Council requirements.

The recommended tenderers have satisfied the Joint Tender Assessment Panel that they are capable of undertaking the specified services to Council's standards and in accordance with the technical specifications, as defined.

Referees that have been contacted have expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

The risk in accepting the recommendations of this report is considered low based on the following –

- This tender process has fully complied with Council's tendering procedures and the Local Government Act 1993.
- The recommended tenderers, listed in the tables, have successfully completed a number of projects of similar size and scope.

In relation to the success of the tender process and its objective of delivering a more competitive tender price through the buying power of a Joint Procurement Process, the cost of the supply of road base from the preferred supplier has decreased by approximately 9% from the previous Joint Tender conducted by Kiama and Shellharbour Councils 2 years ago. CPI increases during this period is approximately 5%.

Report of the Director Engineering and Works

13.3 Tender T14/27 - Provision of Construction Materials Panel (cont)

The other products under this tender were not previously under a supply contract.

Tenderers listed have submitted an acceptable tender to carry out the Construction Materials Panel requirements. It is therefore recommended that Council endorse the recommendations of this report.

Item 13.3

Report of the Director Engineering and Works

13.3 Tender T14/27 - Provision of Construction Materials Panel (cont)

**Table 1 – Summary of Tender Assessment
Concrete – RECOMMENDED TO NOT PROCEED**

Tenderer	Ranking
Baines Concrete (satisfied mandatory criteria)	N/A
Hy Tec Concrete (did not satisfy mandatory criteria)	N/A
Hanson Concrete (did not satisfy mandatory criteria)	N/A

**Table 2 – Summary of Tender Assessment
Road Base**

Tenderer	Ranking
Cleary Bros. Bombo	1
SCE Recycling	2
Dunmore Resources & Recycling	3
Australian Steel Mill Services	4

**Table 3 – Summary of Tender Assessment
Sand & Aggregate – Granule Filling & Bedding Material**

Tenderer	Ranking
Cleary Bros. Bombo	1
Dunmore Resources & Recycling	2

**Table 4 – Summary of Tender Assessment
Sand & Aggregate – Sand**

Tenderer	Ranking
Cleary Bros. Bombo	1
Dunmore Resources & Recycling	2

Item 13.3

Report of the Director Engineering and Works

13.3 Tender T14/27 - Provision of Construction Materials Panel (cont)

Table 5 – Summary of Tender Assessment**Soils & Garden Materials – Soil**

Tenderer	Ranking
Cleary Bros. Bombo	1
Soilco	2
Dunmore Resources & Recycling	3

Table 6 – Summary of Tender Assessment**Soils & Garden Materials - Mulch**

Tenderer	Ranking
Cleary Bros. Bombo	1
Dunmore Resources & Recycling	2

Table 7 – Summary of Tender Assessment**Soils & Garden Materials – Decomposed Granite**

Tenderer	Ranking
Cleary Bros. Bombo	1
Dunmore Resources & Recycling	2

13.4 Minnamurra Headland - Proposed Whale Watching Platform

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

At Councils meeting of 16th June 2015 when considering the Draft Operational Plan Council resolved to remove the "Minnamurra Headland Whale Watching Platform" from the delivery program and further resolved that an investigation and report be brought back to Council fully detailing all aspects of this whale watching platform and grant. This report is provided in response to those resolutions.

Finance

The cost of materials for the project has been estimated at \$17,000.

The Minnamurra Lions Club has offered to carry out the construction of the Whale Watching Platform.

Council has received funding towards the project of \$10,000 from the Premier's Rural and Regional Grants Fund.

The balance of \$7,000 would need to be funded by Council.

Policy

Not applicable.

Attachments

1 Site of Proposed Whale Watching Platform - Minnamurra Headland

Enclosures

Nil

RECOMMENDATION

That Council determine if it will accept the grant and include the project in the 2015/16 Delivery Program.

BACKGROUND

Council considered a report on the 14th October 2014 following a request from Councillor Way on a proposal to construct a whale watching platform at the Minnamurra Headland. At that meeting Council resolved to consider the matter for funding in the 2015/16 budget.

Council subsequently received a grant and cheque for \$10,000 (Ex. GST) as funding assistance toward the project from the NSW Department of Premier & Cabinet's

Report of the Director Engineering and Works

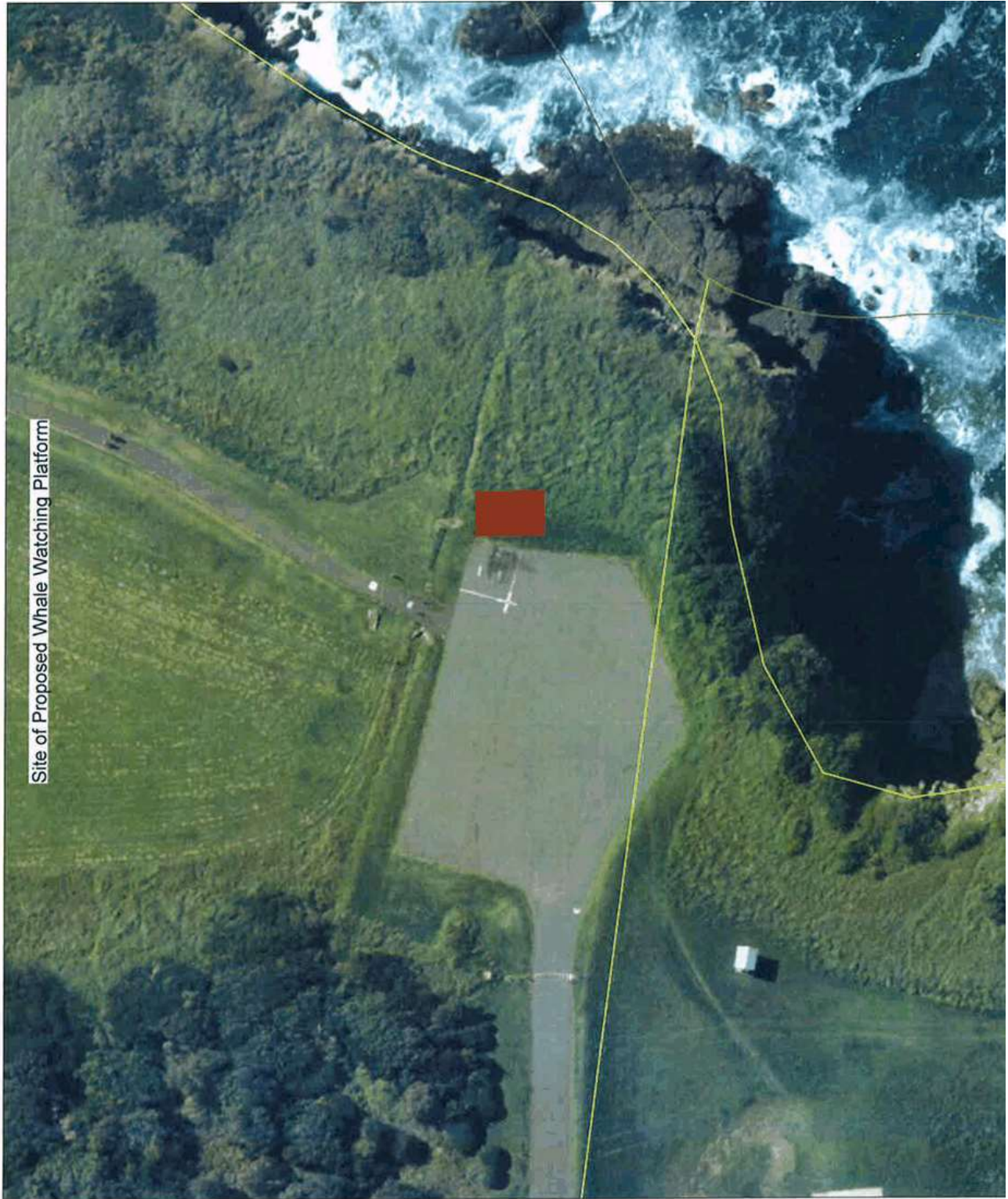
13.4 Minnamurra Headland - Proposed Whale Watching Platform (cont)

“Premiers Rural and Regional Grants Fund” on 20th February 2015. This followed representations by the Member for Kiama Mr Gareth Ward on behalf of Councillor Way. Council has not yet provided its formal acceptance of the grant, pending a decision on the budget. The grant conditions provide that a Certificate of Expenditure be provided within 6 months of the date of the grant (12th August 2015). Clearly this would not have been possible to achieve given the timing of Councils determination of the budget. Subsequent enquiry with the funding body has revealed that an extension of time to complete the works will be approved.

The project was included in the draft operational plan and budget 2015/16 with the balance of \$7,000 proposed to be funded from Councils Section 94 plan for Municipal wide open space embellishment. It was subsequently removed from the delivery program and a detailed report on the proposal and the grant was requested.

The project involves the construction of a 5m x 4m timber viewing platform on a galvanized steel frame very similar to the whale watching platform built at the Werri Beach headland. It would include the provision of signage with details of the different whale species and their migratory habits.

The construction of the platform is proposed to be carried out by the members of the Minnamurra Lions Club under the supervision of Councils Engineers Department. The Lions Club have suitably qualified and experienced tradesman amongst their membership to undertake the work. The platform is proposed to be located on the grassed area where the Minnamurra Headland walking track meets the carpark which is off the end of Eureka Avenue. A site plan and design drawing which was developed for the Werri Beach headland platform is attached for information.



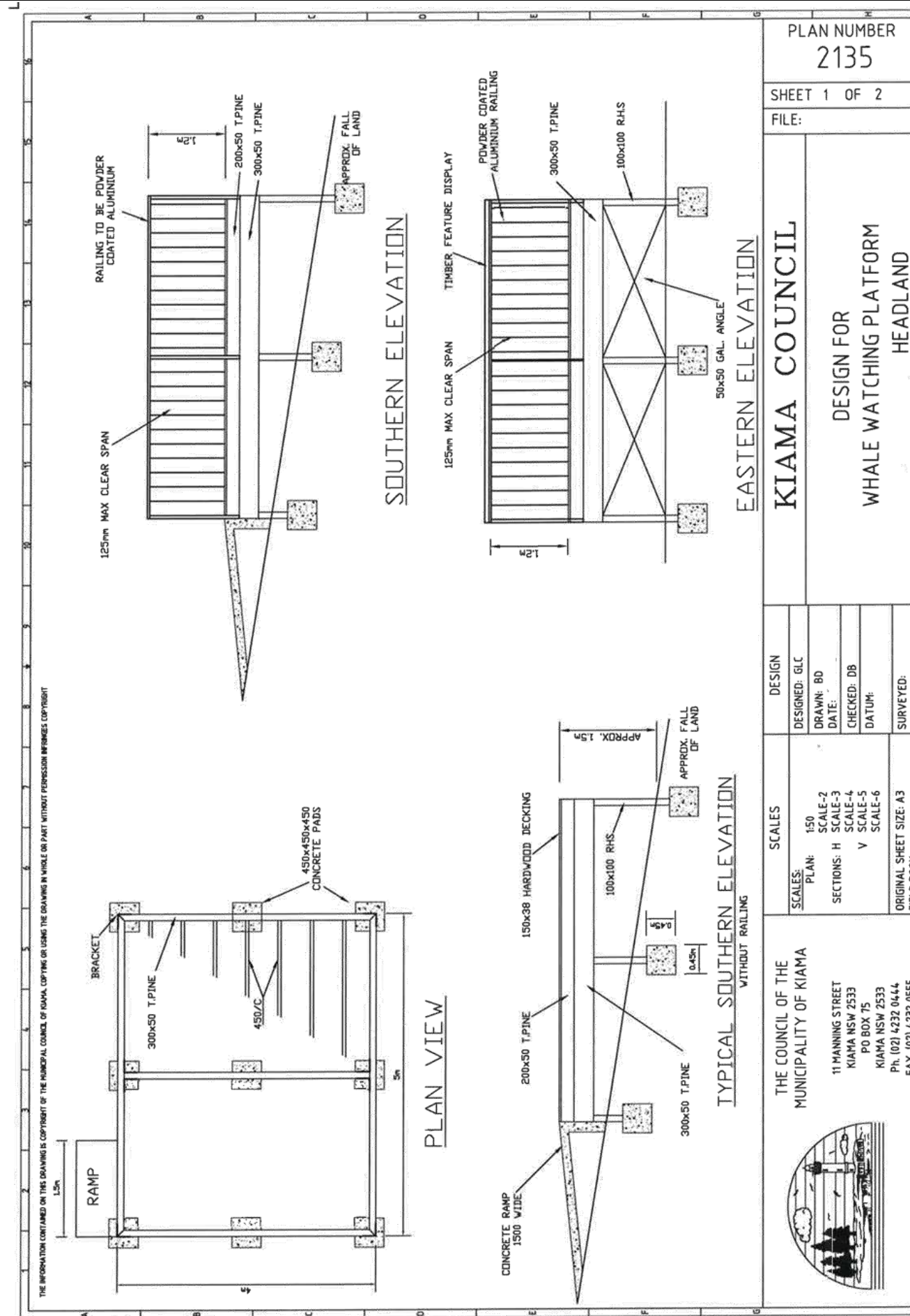
Site of Proposed Whale Watching Platform



Cadastre Copyright
LPMA, NSW, 10/09/15
Scale: 1:600 @ A4

Projection: GDA 1994
MGA 2016 56

This map is supplied by Council on condition that Council will not be responsible for any loss or damage which may result from any use made of the map as a result of any errors or omissions contained in the map.
To establish the boundaries and dimensions shown should be obtained from a surveyor, title officer or CP (New South Wales).



Attachment 1 Item 13.4

13.5 Creation of Easement by Compulsory Acquisition

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

CSP Strategy: 2.11 Effectively manage the drainage network to cater for current and future generations

Delivery Program: 2.11.1 Manage drainage infrastructure for the community by the implementation of the Drainage Asset Management Plan actions

Summary

This report recommends that Council acquire an easement across the crown reserve (Werri Beach Caravan Park) for the purposes of formalising an existing public stormwater drainage system and to appropriately manage potential future stormwater arising from development of land in the catchment.

Finance

Costs will be incurred in the creation of the easement associated with registration of the plan (LPI NSW) and compensation payable for easement acquisition.

Policy

Crown Lands Act 1989

Land Acquisition (Just Terms Compensation Act) 1991

Attachments

1 Plan of easement

Enclosures

Nil

RECOMMENDATION

That Council;

1. proceed with the compulsory acquisition of an easement over Lot 269 DP782043 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 DP782043 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
5. 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.

Report of the Director Engineering and Works

13.5 Creation of Easement by Compulsory Acquisition (cont)

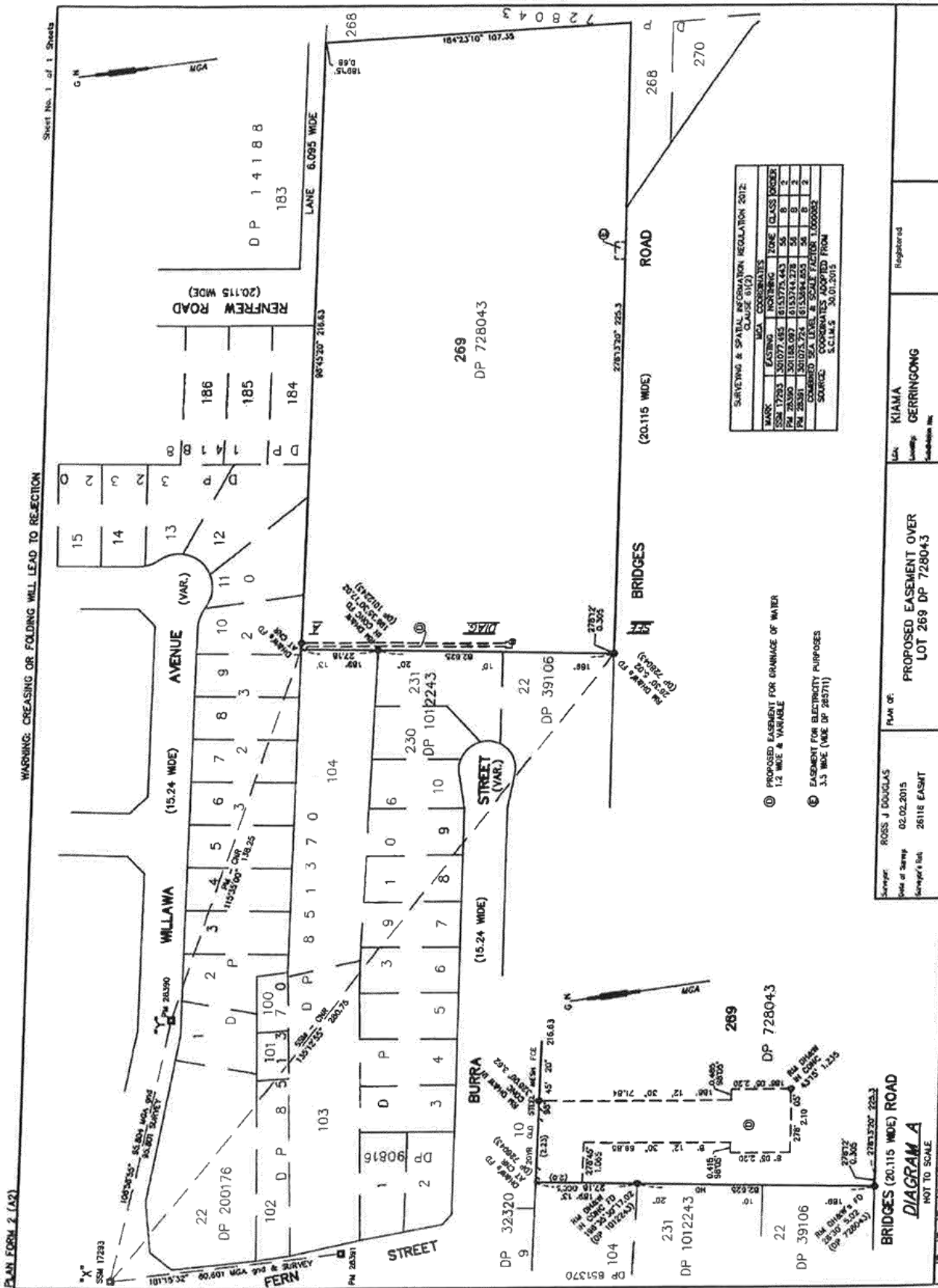
BACKGROUND

Crown Reserve 80816 comprises the Werri Beach Caravan Park. Council is the Reserve Trustee and also manages the caravan park. Along the western boundary of the site there is an existing concrete dish drain which intercepts overland stormwater within the catchment including Council's public reserve at the end of adjoining Burra Place (Lot 231 DP1012243). This drainage infrastructure serves an important role in diverting public stormwater flows around the caravan park and into the piped stormwater system nearby.

The proposed stormwater easement will comprise a 73m long underground piped system along the path of the existing overland flow system and connect with the existing public drainage network extending from the end of Burra Place. The concrete dish drain will be retained. There will be no impact on the useable area of the caravan park by the creation of the easement.

In recent time there has been a development proposal for further residential land development in the catchment. It is highly probable that other land will also be redeveloped given the age of some of the housing stock and the nearness of the site and surrounding land to Werri Beach. Under this scenario there is anticipated to be a likelihood of further public stormwater demand and the creation of the easement as proposed with the retained infrastructure will enable the proper utilisation and capacity of public stormwater into the future.

The easement has to be acquired by compulsory acquisition price by independent valuation under the Land Acquisition (Just Terms Compensation) Act 1991.



14 REPORT OF THE DIRECTOR COMMUNITY SERVICES

14.1 Conference Attendance - Finance

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 attendance of a Council delegate to the MAGIQ Software Customer Conference 2015 to be held in Melbourne, 2-4 September.

Finance

\$695 conference registration plus airfares and three nights' accommodation

Policy

Nil

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse Tracy Sligar to attend the MAGIQ Software Customer Conference 2015

BACKGROUND

Kiama Council uses 'PowerBudget' software as an important financial software tool across the organisation for budget planning, review and reporting. It forms part of the Chameleon brand of software which has now been merged into MAGIQ Software. According to the conference website:

MAGIQ Software has been formed following the merger of three well-known and respected software businesses: NCS Software, Chameleon Technology and InfoXpert. We have chosen to adopt MAGIQ as our company-wide brand and each of our product suites has now been re-branded

At the MAGIQ Software Conference, we will be showing all of the effort and investment we have been making across each of the MAGIQ product suites, and we will be showcasing the next release of each MAGIQ suite

Report of the Director Community Services

14.1 Conference Attendance - Finance (cont)

Council's two advanced users of the Power Budget software are Phil Mison and Tracy Sligar. Tracy moved to her new role of Manager of Finance Blue Haven Care on the 10th August. However, she will continue to use the software in her new role and she will continue to be a key support to other staff within Council as required. Her attendance at this conference is supported by Phil Mison and costs of attendance will be shared between Finance and Blue Haven Care.

The conference program can be accessed at :

<http://magiqcustomerconference2015.magiqsoftware.com/>

**14.2 Blue Haven Care Residential
Sprinkler System Retrofit**

CSP Objective: 1 A Healthy, Safe and Inclusive Community

CSP Strategy: 1.4 Plan for and support our Ageing Population

Delivery Program: 1.4.1 Provide residential aged care, including dementia specific care

Summary

All Aged Care Facilities must have a fire sprinkler installed by 1 March 2016, unless an extension has been granted. This report recommends to Council to proceed with the installation of the sprinkler system at Blue Haven Aged Care Facility as designed by Paynter Dixon and to be project managed by them.

Finance

\$264,000

Policy

Nil

Attachments

1 Paynter Dixon Tender Statement

Enclosures

Nil

RECOMMENDATION

That Council endorse Paynter Dixon to project manage the installation of the sprinkler system at Blue Haven Aged Care Facility, as designed by them.

BACKGROUND

Legislation introduced after the Quakers Hill fire in November 2011 requires that all Aged Care Facilities in NSW be fitted with fire sprinkler systems by 1 March 2016. At present the 'nursing home' section of Blue Haven Care has a sprinkler system, however, the 'hostel' section does not.

Paynter Dixon were contracted to prepare a compliant design, provide a quotation for installing the system and arrange for a Complying Development Certificate. They are also able to project manage the installation if engaged. In order to provide an accurate quote, Paynter Dixon tendered the design to three specialist installers. The tender statement attached verifies that the required local government standards were met through the tender process. The installation cost is \$264,000, which has been included in this year's budget. The contractor's quote is valid until 20 August 2015. If endorsed Paynter Dixon advise that it should be possible to complete the installation by Christmas.



5 August 2015

Attention: Clare Rogers
Director Community Services
Kiama Municipal Council

Paynter Dixon Constructions Pty Limited
ABN 84 097 120 315

Level 2, 2 Richardson Place
Riverside Corporate Park, North Ryde NSW 2113
Telephone (02) 9797 5555 Facsimile (02) 9797 5533
www.paynterdixon.com.au

**NSW GOVERNMENT – Planning & Infrastructure
Mandatory Installation Of Fire Sprinklers In Aged Care**

TENDERING STATEMENT: BLUE HAVEN AGED CARE

PROJECT: Retrofitting a compliant Fire Sprinkler systems to parts of the existing facility currently not protected.

The project works has only one significant subcontractor with a value less than \$150,000, the balance is minor works to be completed by direct labour or specialist patching and painting trades.

The 'sprinkler' trade package has been tendered in accordance with appropriate provisions and objectives as outlined in the 'Tendering Guidelines for NSW Local Government'.

Select tenders were invited from five specialist sprinkler contractors using 'BidContender'. The tenderers are recognised contractors with proven standards of quality and safety in similar projects, including Police Checks for all personnel as required by the Commonwealth Aged Care Act 1997.

No local contractors were available for this specialist trade.

Tender documents including Hydraulic Fire Engineer's drawings and specification were issued to the subcontractors, with three tenders received in the nominated time period.

All contractors undertook separate visits to the site accompanied by a Paynter Dixon project manager to ascertain all necessary works required for the tender.

Tenders were submitted by electronic means to a single Paynter Dixon project manager to ensure confidentiality and probity.

The tender price submitted by the lowest complying contractor is valid until the 20 August 2015.

No tenderer has been notified of an outcome since the project is still awaiting Council's approval of the overall contract works.

Yours sincerely
PAYNTER DIXON CONSTRUCTIONS PTY LIMITED

Phillip Ryan
Business Development Manager

John Thornton
Commercial Manager



15 REPORTS FOR INFORMATION

15.1 Kiama Cultural Board meeting minutes

Responsible Director: Community Services

The minutes from the Kiama Cultural Board meeting held on 25 June 2015 are provided as an enclosure.

Enclosures

- 1 Kiama Cultural Board Minutes June 2015

15.2 Reporting on the Operational Plan and Delivery ProgramResponsible Director: Office of the Acting General Manager

This Report for Information provides Councillors with an update on progress of the 2013/17 Delivery Program.

Reporting to Council on the progress of the Delivery Program every 6 months is a requirement of the Local Government Act.

Councillors will note the change in report presentation. Different Integrated Planning and Reporting software is being used for the development and reporting of the IP&R documents. The new software (PULSE) provides a more user friendly platform and interface, making reporting simpler and more time efficient for users.

Council is working with the software vendor to ensure further improvements are made. It is hoped that future reports will include the use of 'traffic lights' to help demonstrate the status of the various Deliver Program actions.

Some of the highlights over the past six months include;

- Council completed and submitted its Fit for the Future submission to IPART. The submission included an improvement plan that will guide major organisational changes over the next two years, and beyond.
- Stage 1 of the CCTV system for Kiama CBD was installed and commissioned. Stage 2 is on target to be completed before the end of the year.
- Free public Wi-Fi has been installed along Terralong St (east from Collins Street) and is extremely popular amongst visitors and residents.
- Blue Haven Care has maintained accreditation following re-accreditation audits by the Aged Care Quality Agency in June.
- Recent satisfaction surveys reveal that 75% of clients believe their quality of life has improved as a result of the Community Care Support Program being offered through Blue Haven Care.
- 85% of clients surveyed feel they are involved in the decisions regarding the transport services they receive and are happy with the services provided.
- A preferred location for the multi-function arts space has been identified. \$20,000 was distributed during the 6 months, to develop and implement arts based projects within the municipality and include; arts festivals, music videos, artist interviews, Youth Arts scholarships, photography workbooks and multi genre exhibitions.
- Council is receiving very strong positive feedback associated with various community, cultural and artistic programs that Council has undertaken and supported for example Artsbiz Conference, busking competition and Music in the Park.

Reports for Information

15.2 Reporting on the Operational Plan and Delivery Program (cont)

- Over 130 residents participated in the six World Environment Day workshops run by Council. This indicates a healthy interest in environmental better practice promotions run by Council.
- Council's asset management continues to track with the targets established in the Strategic Asset Management Plan.
- The Kiama Harbour Management Plan has progressed within the available funding. Works have included the upgrade to the rock pool toilets, car parking facilities and new harbor link road and new harbourside walk.
- The Waste and Recycling Infrastructure Plan is complete, and the Community Recycling Centre DA is approved and works commenced. The Alternative Waste Treatment Technology project has progressed to tender.
- A Local Environmental Plan Review Committee established by Council.
- Implementation of the Jamberoo Streetscape Plan commenced.
- Contractors appointed to de-commission the Jerrara Dam.

Item 15.2**Enclosures**

- 1 Report to Council - DPAugust 2015

15.3 Local Environmental Plan Committee - Minutes

Responsible Director: Environmental Services

Enclosed in Councillors' envelopes are the minutes from the Local Environmental Plan Committee Meeting held on 22 July 2015.

Enclosures

1 Minutes

Item 15.3

15.4 South Precinct - Minutes

Responsible Director: Office of the General Manager

The minutes of the South Precinct meeting held on 16 July 2015 are enclosed.

Enclosures

- 1 South Precinct meeting Minutes - 16 July 2015

15.5 Blue Haven Care Residential - re-accreditation auditResponsible Director: Community Services

The Aged Care Agency conducted a re-accreditation audit at Blue Haven Care residential home from 16-18 June 2015. This followed the preparation and submission of a self assessment, which was coordinated by the Director of Nursing, Ngaire Brennan with the input of many staff. The audit was conducted by two assessors against the Accreditation Standards as set out in the Quality of Aged Care Principles 2014. The home was assessed as complying with the all standards and other responsibilities under the Aged Care Act. Blue Haven Care was found to meet all 44 expected outcomes and has been re-accredited to 07 September, 2018. Blue Haven Care will continue to have at least one unannounced assessment contact [visit](#) every year.

The Statement from the Department confirming the decision is attached.

Attachments

- 1 Blue Haven Care Residential - re-accreditation audit



Australian Government
Australian Aged Care Quality Agency

Re-accreditation Audit
Blue Haven Care RACS ID: 0094
Approved Provider: The Council of the Municipality of Kiama

Re-accreditation Decision	
- made under the Quality Agency Principles 2013.	
Decision made on	20 July 2015
Decision made by	Kerry Ewing Accreditation Decision Maker Authorised under the Quality Agency Principles 2013 to make the decision
Decision	To re-accredit
Period of accreditation	07 September 2015 to 07 September 2018
Number of expected outcomes met	44 out of 44
Next application due	16 March 2018

Assessment contact arrangements
The home will have at least one unannounced assessment contact every year.

Notification to Department of Social Services
Under the Quality Agency Reporting Principles 2013, we must tell the Secretary of the Department of Social Services about this decision.

Process undertaken and information considered
<p>In making my decision, I considered the home's performance against the Accreditation Standards, its performance history as well as whether the approved provider will undertake continuous improvement.</p> <p>I took into account the following information:</p> <ol style="list-style-type: none"> a. The approved provider's response to the audit assessment information received 8 July 2015 b. Audit report for a re-accreditation audit conducted 16 June 2015 to 18 June 2015 c. Audit assessment information for a re-accreditation audit conducted 16 June 2015 to 18 June 2015 d. Information received from the Secretary of the Department of Social Services dated 5 February 2015 e. Assessment contact reports for assessment contacts conducted on 23 July 2014, 19 November 2013, 30 July 2013, 27 September 2012 f. Re-accreditation decision dated 17 July 2012 g. The home's performance against the Accreditation Standards since 6 September 2000

Reasons for decision

Summary

I have decided to re-accredit the home for three years as the home meets the Accreditation Standards and the home has satisfied me that it will undertake improvement.

Performance against the Accreditation Standards and compliance with other responsibilities under the Act

I find the home meets 44 expected outcomes. Whilst I have noted the additional information reported under expected outcomes 1.1 Continuous improvement, 1.4 Comments and complaints, 1.6 Human resource management, 1.7 Inventory and equipment, 1.8 Information systems, 2.7 Medication management, 4.4 Living environment and 4.8 Catering, cleaning and laundry services, I am satisfied with management's response.

Continuous improvement

I am satisfied the home will undertake continuous improvement based on the information in the audit assessment information about 1.1, 2.1, 3.1 and 4.1 Continuous improvement.



Kerry Ewing
Accreditation Decision Maker

15.6 Parking Statistics - July 2015Responsible Director: Environmental Services

CBD Parking

Parking patrols conducted – 22 site specific, 31 general area.
Infringements issued – 22.
Cautions issued – 2.
Vehicle spaces inspected – 1906.

Terralong Street 2P – 5 patrols (including market day 25/7).
Terralong Street 1/2P – 4 patrols.
Terralong Street 1PW – 2 patrols.
Manning Street 2P – 4 patrols.
Morton Street 2P – 1 patrol.
Collins Street 2P – 2 patrols (including market day 19/7).
Rosebank PI 2P & 1/2P – 2 patrols.
Fern Street 1/2P – 1 patrol (including market day 18/7).
Railway 2P – 1 patrol.

School Parking Patrols

Kiama High School – 10 parking patrols resulting in 11 infringements and 2 cautions.
Minnamurra Public School – 2 parking patrols resulting in 2 infringements.
Jamberoo Public School – 1 parking patrol resulting in NIL infringements.
Gerringong Public School – 1 parking patrol resulting in NIL infringements.

Reactive Issues

Mail Zone resulting in 3 infringements.
Bus Zone resulting in 1 infringement.
Not Close and Parallel resulting in 1 infringement.
Cautions issued resulting in 3 driver compliance.

Total amount of all infringements - \$5,445.

Specific patrols for August will be for locations nominated above.

15.7 Parking Statistics June 2015

Responsible Director: Environmental Services

At its July 2015 meeting a motion was **moved** by Councillor McClure and seconded by Councillor Steel that:

- “1. A report on the prioritisation of parking enforcement in the Kiama CBD on busy weekends and market days be presented to Council.
2. Council investigate the legalities of the use of CCTV to monitor parking.”

Rangers provide the community with a 7 day a week, rostered and on call service. Two full time rangers and one part time ranger are all involved in parking enforcement, with the majority of the part time rangers time being committed to parking patrols. These patrols include each weekend market.

Following a parking sign audit the central CBD parking areas are signposted either:

- 2P 8:30am – 6pm, 7 days and;
- 1/2P 8:30am – 6pm, 7 days.

The priority for parking enforcement is centered on Terralong and Collins Streets during market days. Other weekend parking patrols are undertaken on a rotation basis with a view to assist traffic flow, provide safety for drivers and pedestrians and provide access to the sharing of limited parking spaces.

Traffic volumes in Kiama CBD are higher on market days and, at times, significantly so. Street parking is fully utilized on such days and alternative parking may not be readily identifiable by visitors to the area. With this in mind, Councils Mayor and General Manager have had discussions with the Kiama Chamber of Commerce with a view to placing temporary directional signage to unrestricted carparking in Akuna Street carparks and also Kiama Showground on market days. In addition to this, it has been suggested that advertising fliers might be distributed at and around the market area, advertising local businesses and providing details regarding the location of unrestricted parking areas.

With regard to the use of CCTV to monitor time limited carparking, the introduction of the CCTV camera system was supported by the adoption of a policy which included the following objectives for the use of CCTV:

- Promotion of community safety and crime prevention.
- Protect Kiama Municipal Council employees, residents and visitors.
- Protect Kiama Municipal Council assets.
- Reduce management costs via the remote monitoring of assets and access controlled doors and gates.
- Protect the environment.

It would be arguable to suggest that use of CCTV for enforcement of timed carparking is in accordance with the above objectives. Further, Councils adopted Code of Practice for the use of the CCTV system Council states that “Authorised Personnel shall only view live images for the purpose of maintenance”.

Reports for Information

15.7 Parking Statistics June 2015 (cont)

If the adopted policy and code of practice in regard to the use of CCTV did support the use for enforcement of timed carparking, it would also raise a logistical problem as to the extent of footage that would need to be viewed to determine an offence, particularly in regard to 2 hour restricted areas.

15.8 Illawarra Academy of Sport AppreciationResponsible Director: Community Services

Kiama Council is one of five Councils that are sponsors of the Illawarra Academy of Sport (IAS) that form the catchment area of the Academy. The annual sponsorship and ongoing support of the Academy is the means by which Council supports local talented athletes to progress their sporting achievements. On the 4th June Council hosted a Mayoral Reception for the Kiama athletes who are part of the program. The attached letter is an expression of appreciation from the IAS thanking Kiama Council for hosting of the event and its continued commitment to the Academy.

Item 15.8

Attachments

- 1 IAS - Appreciation for holding Mayoral Reception



PO Box U39, University of Wollongong
 Wollongong, NSW 2500
 T: 02 4225 3899 | F: 02 4221 3252 | E: info@ias.org.au
www.illawarraacademy.org.au



IAS Major Partner



Mayor Clr Brian Petschler
 Kiama Municipal Council
 PO Box 75
 Kiama NSW 2533

Tuesday 9th June 2015

Dear Mayor Petschler,

Re: Appreciation for hosting Mayoral Reception

It's an exciting year for the Illawarra Academy of Sport as we celebrate the thirty year milestone of providing sport development and education services to local talented young athletes and coaches. These programs provide the means for the regions aspiring youth to achieve excellence through sport while produces young ambassadors for the Kiama community, the Illawarra Academy of Sport and their valued partner.

It is a highlight of the Academy scholarship program for our athletes to attend the Mayoral Reception and be presented to yourself and the council for which they so proudly represent. I would like to take this opportunity to extend my sincere gratitude to you and the staff at the Kiama Municipal Council for hosting such a prestigious event, something no doubt the athletes will remember for some time.

Thank you for your kind words of support and encouragement. Your passion and commitment to the continued sporting development and education of the regions youth, is as always, warmly received and greatly appreciated.

Please extend my thanks to Kiama Municipal Council Clr, Mark Way, Acting General Manager, Mr. Bryan Whittaker and Executive Assistant to General Manager, Mayor and Councillors, Ms Narelle Mousdale for their professionalism and assistance in the preparation and staging of this wonderful event.

On behalf of IAS President Mr. Brian Weir PSM, the IAS Board of Directors, staff and athletes at the Illawarra Academy of Sport, I would like to again extend my gratitude and appreciation to you and the Kiama Municipal Council for hosting the 2015 Mayoral Reception and for your resolute support.

Yours Sincerely,

SHANNON FRASER | General Manager
 Illawarra Academy of Sport

Copy to:
 Clare Rogers - Director Community Services, Kiama Municipal Council

Item 15.8

Attachment 1



15.9 Kiama Hospital Redevelopment Project updateResponsible Director: Community Services

As reported last month, the Illawarra Shoalhaven Local Health District (ISLHD) have lodged the subdivision application for the site and they are awaiting determination of that application. A meeting was held with representatives of ISLHD on Monday 27 July, attended by the Director of Community Services, Clare Rogers and the ILU Manager, Steve Dawson. At this meeting it was indicated that the ISLHD hopes to submit a DA application for the Community Health building in a few weeks. The timeline of the two developments was discussed and it is now anticipated that the ISLHD will have completed the Community Health Building and have vacated all existing buildings by the 30 September 2016. It is anticipated that Council will be able to commence preliminary site works prior to this date.

Council has received the draft sale contract and subsequent lease documents for the hospital site (being for ISLHD to lease back the buildings until completion of the new Community Health facility). These documents have been reviewed by Peter Moggach from RMB Lawyers and while they are generally satisfactory, a response has been prepared and returned, identifying requested changes and queries. Another meeting has been scheduled with the ISLHD on 26 August as part of an ongoing process to maintain communication between both parties

A pre-lodgement meeting for Council's Development Application (DA) was held on Wednesday 5 August. It is anticipated that the DA will be lodged by 19 August. Following lodgement, further work will be undertaken with the consultants to identify potential areas where savings may be obtained on the overall project to contain and reduce capital costs. An updated financial analysis has been received by Council that indicates that the project cost has increased to approximately \$73.3 million. However this additional cost has been offset by a review of the projected sales values and income that has also indicated an increase. A copy of the financial analysis is provided as an enclosure.

An application has also been submitted under the National Stronger Regions Fund Round 2 for funding for the new Aged Care Facility as part of this redevelopment. The application applied for \$2 million. An announcement about the funding is expected in December.

15.10 Minutes of the Kiama Aboriginal Reference Group held 2 July 2015

Responsible Director: Community Services

The minutes of the Kiama Aboriginal Reference Group meeting held on 2 July 2015 are included in Councillors' envelopes.

Enclosures

- 1 Minutes of the Kiama Aboriginal Reference Group (KARG) Committee meeting held on Thursday 2nd July 2015

15.11 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
	\$16,126

2015/16	
July	\$0
	\$0

Item 15.11

15.12 Progress on the Installation of CCTV in Kiama CBDResponsible Director: Community Services

This report is to inform Council on the progress of the installation of CCTV in Kiama CBD. On 15 July 2015 the final cameras in Stage 2 of the project were commissioned, resulting in all 24 cameras of the CBD CCTV System being fully installed and operational as of this date.

A link with Kiama Police station to enable viewing of live and recorded images (but not the copying of images) is still to be organised with consultations currently taking place to achieve this.

Planning for Gerringong has begun with some potential CCTV system options and networking solutions already considered. Council's consultant on the Kiama CBD system has been asked to provide a quote to develop a concept design and to provide support for the procurement and installation of a system in Gerringong.

15.13 Note of appreciation - Kiama Cemetery

Responsible Director: Office of the General Manager

Council recently received a Thank You card from a resident, Mr Michael Gallagher, expressing his thanks to “the boys who do the maintenance at the Bombo Cemetery” and asking the General Manager to pass on his appreciation to the staff. The card has been forwarded as requested.

Attachments

- 1 Thank you card

Item 15.13



Michael,

I would like to
 Express my Thanks
 To the Boys who do
 The MAINTANCE AT
 Bombo CEMETERY

Much appreciated!

PLEASE PASS THIS ON

MICHAEL GALLAGHER.

M. J. Gallagher

[Redacted]

KIAMA

2533

Item 15.13

Attachment 1

15.14 Petroleum Exploration Licence 2Responsible Director: Office of the General Manager

Council recently received advice from the Department of Industry, Resources and Energy that the Minister has cancelled a Petroleum Exploration Licence at the request of the titleholder as part of the Petroleum Titles Buyback Scheme. The attached map shows the details of the area of the Licence.

The NSW Government currently has a freeze on Petroleum Exploration Licence applications.

Attachments

- 1 Letter from Department of Industry and map



Office of Coal Seam Gas

V15/4062

Clr Brian Petschler
Mayor
The Council of the Municipality of Kiama
PO Box 75
Kiama NSW 2533

Dear Clr Petschler

PETROLEUM EXPLORATION LICENCE 2

I am writing to inform you that the Minister has cancelled the above Petroleum Exploration Licence under Section 22(2) of the *Petroleum (Onshore) Act 1991* because the titleholder requested the cancellation of the Petroleum Exploration Licence as part of the NSW Petroleum Titles Buyback Scheme.

Enclosed please find a map of the cancelled licence. As you may be aware, the NSW Government has established a freeze on new Petroleum Exploration Licence applications.

If you require any further information please contact Keiran Thomas, Principal Titles Officer OCSG, on (02) 4222 8325 or keiran.thomas@csq.nsw.gov.au.

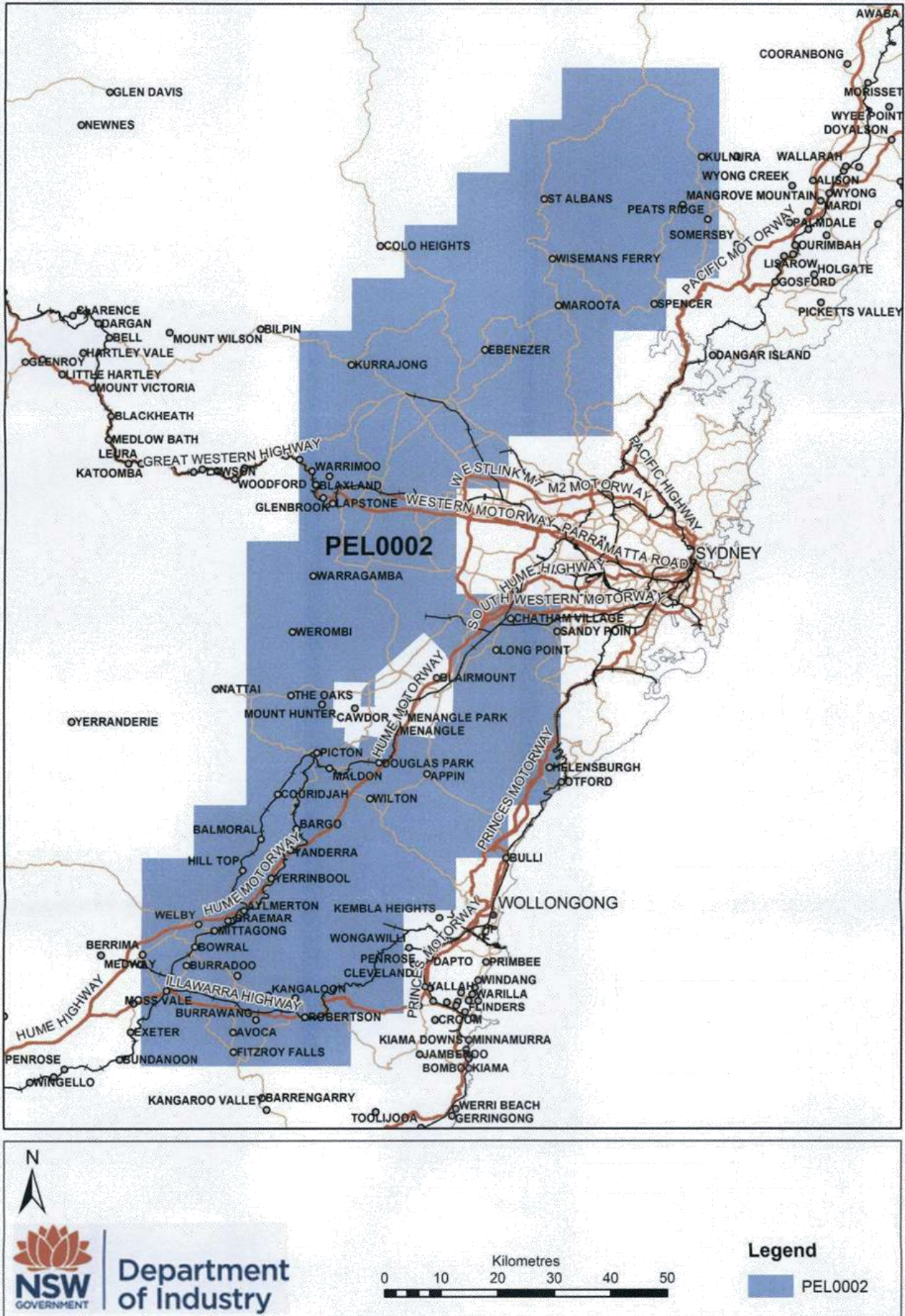
Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Mason'.

Georgina Mason
A/Director
Office of Coal Seam Gas

9 July 2015

NSW Department of Industry
516 High St Maitland NSW 2320
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: (02)4931 6666 Fax: (02) 4931 6700 www.trade.nsw.gov.au ABN: 72 189 919 072



15.15 Tenders for Waste Processing and Disposal

Responsible Director: Environmental Services

At the September 2014 meeting of Council it was resolved that Soil Co Australia and Sita Australia be invited to tender for the provision of an EPA approved food and garden organics composting facility.

The above tender has been invited and closing date for submission is 13 August 2015. If possible, a late report will be prepared for Council outlining the result of the tender process.

15.16 Economic Development Committee Minutes

Responsible Director: Corporate and Commercial Services

The Minutes of the Economic Development Committee meeting held on 28 July are enclosed.

Enclosures

- 1 Economic Development Committee Minutes

15.17 2015 United Independent Pools Tour of USAResponsible Director: Corporate and Commercial Services

At the 17 March 2015 Council meeting, Council approved the attendance of Council's Manager Human Resources and Commercial Services on an overseas study tour in Texas USA funded by the United Independent Pools.

The tour commenced on Sunday 31 May 2015 and concluded on Wednesday 10 June 2015.

The tour group comprised:

- Mark Brisby – General Manager, Auburn Council
- Morris Hanna – Deputy Mayor, Marrickville Council
- Del Bennett – Councillor, Fairfield Council
- Mark Brookfield – Risk Manager, Liverpool Council
- Andrew Armidstead – Executive Officer, United Independent Pools

During the first five days of the tour the group met with a number of different insurance mutuals in the Austin and San Antonio area and finished with the attendance at the 2015 Public Risk Management Association (PRIMA) Conference in Houston.

A detailed report on the tour, compiled by the Executive Officer, is enclosed for Councillors' information.

Enclosures

1 PRIMA Conference Notes

15.18 Minutes of the Kiama Health and Sustainability Committee meeting held on Thursday 23rd July 2015

Responsible Director: Community Services

The minutes of the Kiama Health and Sustainability Committee meeting held on Thursday 23rd July 2015 are enclosed for Council's information.

Enclosures

- 1 Minutes of the Kiama Health and Sustainability Committee meeting held on Thursday 23rd July 2015

15.19 Southern Phone Grants Scheme 2015/16Responsible Director: Office of the General Manager

Council has received notification from Southern Phone Company that following the success of last year's inaugural grants program they will again be running the Community Grants Scheme.

The grants are designed to provide a direct injection of funding to enable community programs and projects to commence and provide broader community benefits, and to provide funds for community groups and projects that would otherwise not receive adequate or any funding.

Sefton and Associates are again assisting in running the scheme and as with last year's scheme, each Council shareholder and its community organisations will be eligible to receive up to \$25,000 in grants.

There have been several changes made to the scheme. This year the grants scheme will run in two rounds – August 2015 and February 2016. Kiama Council will receive its grant in Round One on 12 October 2015. Also an online application process has now been introduced to help make it simpler for applicants to manage.

An information kit will be supplied to Council in the near future which will provide additional information regarding the scheme and the process

15.20 Council's Workforce Plan and Succession PlanningResponsible Director: Office of the General Manager

At the meeting on 16 June 2015 Council resolved that the General Manager develop a succession plan for senior managers and other Council officers in key roles.

As part of Integrated Planning documents Council has a Workforce Management Plan. The Plan identifies the following challenges to Council:

- a skills/labour shortage
- anticipated increases in turnover in senior management roles
- an ageing workforce
- limits on financial resources

The Plan recognises the need for Council to implement strategies to retain and transfer corporate knowledge and to implement recruitment planning. The Plan also identifies the need for Council to implement strategies focused on attracting and appointing young people to permanent positions.

The average age of Council's workforce, like many councils, is high. The Plan highlights the need for Council to implement strategies and policies that support retention of people over 55 years. It also highlights the need for Council to be aware of the intentions of older workers to ensure that adequate planning can be implemented to facilitate the transfer and retention of corporate knowledge. Council also needs to further recognise that retirements will comprise an increasing proportion of turnover at Council.

A number of strategies are proposed in the Plan to address the problems caused by an ageing workforce and turnover of staff. They include:

- Providing flexible work arrangements and work/life balance policies including transition to retirement policies that encourage people to remain in the workforce.
- Providing the opportunity for staff to act up in more senior positions to develop management and supervisory skills.
- Providing study assistance to encourage staff to become more qualified and skilled to be able to carry out more senior roles.
- Making available mentoring programs to increase professional development of staff.
- Providing attractive salaries and conditions enabling Council to compete with other councils in the region in attracting and retaining qualified and skilled staff.

The Workforce Management Plan identifies and lists positions that are critical to the ongoing functions of Council. Many of the positions are non-senior staff positions and are positions where there are shortages in the number of people who are qualified or skilled in the related industry (e.g. engineering and town planning).

Reports for Information

15.20 Council's Workforce Plan and Succession Planning (cont)

While Council is attempting to develop in-house qualifications and skills there are limitations because of the size of the organisation and restricted number of staff who have relevant qualifications and/or experience relevant to the critical position. Staff also need to be career focused and willing to act in more senior roles.

There is also the need to ensure the employees are appointed to more senior positions on the basis of merit.

A critical issue in relation to workforce management planning and success planning is the transfer of corporate knowledge. Development of policy and operations manuals will assist in the transfer of knowledge. In addition when senior staff are approaching retirement there will be an emphasis on the passing on of information and training of other staff in Council's adopted systems and procedures.

15.21 LGNSW Annual ConferenceResponsible Director: Office of the General Manager

As Council is aware the Local Government NSW Annual Conference is being held at the Rosehill Gardens Racecourse in Sydney from 11-13 October 2015.

The Association has advised that to allow printing and distribution of the business paper, members are strongly encouraged to submit their motions by 24 August 2015. The absolute closing date for submitting motions for inclusion in the business paper for the conference is 14 September 2015.

The Board has resolved that motions will be included in the business paper for the conference where they:

1. Are consistent with the objects of the Association (see Rule 5 of the Association's rules)
2. Relate to Local Government in NSW and/or across Australia
3. Concern or are likely to concern Local Government as a sector
4. Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws)
6. Are clearly worded and unambiguous in nature
7. Do not express preference for one or several members over one or several other members.

Further, for a motion to be included in the Business Paper for the Conference the submitting member needs to provide evidence of its support for the motion to be included. Such evidence should be in the form of an attachment or addendum and may include an extract of the minutes of the meeting at which the member resolved to submit the motion for consideration by the Conference.

This year the conference will involve two types of voting.

The Association rules mean that they will develop two rolls of voters, one for voting in the elections for office bearers and the board, and a separate roll for voters voting on motions.

Separate from conference registration, members will need to nominate the names of their voting delegates for voting on motions and, where applicable, the names of the voting delegates for voting in the elections for office bearers and the board. Council has been notified by the Association that it is entitled to three voting delegates for each category.

Each member of the Association must nominate its delegate(s) to the Conference by 18 September 2015.

15.22 NSW Coastal Conference 2015

Responsible Director: Office of the General Manager

The NSW Coastal Conference is being hosted by the Great Lakes Council from Wednesday 11 November 2015 to Friday 13 November 2015.

A copy of the preliminary program outline has been circulated to Councillors.

Council may wish to nominate councillors to attend the Conference.

The NSW Coastal Conference is an annual conference which Kiama Council hosted approximately three years ago.

Attachments

- 1 Coastal Conference 2015 Preliminary Program

Program

[Home](#) / Program

The Conference Committee is committed to the development of a comprehensive program covering a number of current issues regarding coastal management.

The preliminary program outline

Day 1: Wednesday 11 November

7.30am	Registration	
	Session 1: Plenary	
	8:30am	
	Welcome to Country	
	8:40am	
	Welcome from Host Council , Glenn Handford, General Manager, Great Lakes Council	
	9.00am - 9.45am	
	Mike Daniels & Melissa Gill , The Behavioural Architects	
10.30am - 11.00am	Morning Tea	
11.00am - 12.35pm	Session 2: Concurrent	Expand
12.35pm - 1.35pm	Lunch	
1.35pm - 3.10pm	Session 3: Concurrent	Expand
3.10pm - 3.40pm	Afternoon Tea	
3.40pm - 5.15pm	Session 4: Concurrent	Expand
5.15pm	Close of Day One	
5.15pm - 6.00pm	Australian Coastal Society National AGM	
6.30pm - 10.00pm	Welcome Reception	

Day 2: Thursday 12 November

8.30am **Registration (for 1 Day delegates)**

	<p>Session 5: Plenary "Sponsored by NSW Planning and Environment"</p> <p>8.55am Welcome to Day 2</p> <p>9.00am - 9.45am The Hon. Rob Stokes, Minister for Planning "Sponsored by NSW Planning and Environment"</p> <p>9.45am - 10.30am Professor Emma Johnston, University of NSW</p> <p>10.35am - 11.05am Morning Tea</p>	
11.05am - 1.30pm	<p>Session 6: Concurrent</p>	Expand
1.30pm - 2.15pm	Lunch	
2.15pm - 5.00pm	<p>Session 7: FIELD TRIPS</p> <p>FT1: Cruising the Wallis fantastic - a showcase of catchment to estuary connection</p> <p>FT2: The Boomerang & Blueys experience - managing the urban coastal interface</p> <p>FT3: Success in stormwater pollution reduction - pipes, people, policy and pit (falls)</p> <p><i>Afternoon Tea included on the Field Trip</i></p>	
5.00pm	Close of Day Two	
7.00pm	<p>Conference Dinner & Annual NSW Coastal Management Awards "Sponsored by Royal HaskoningDHV" <i>Club Foster</i></p>	
Day 3: Friday 13 November		
8.30am	Registration (for 1 Day delegates)	
9.00am - 11.05am	<p>Session 8: Concurrent</p>	Expand
11.05am - 11.35am	Morning Tea	
	<p>Session 9: Plenary</p> <p>11.35am "Lessons from the Tuncurry Embayment" Bruce Thom, Peter Cowell</p>	
1.00pm - 1.30pm	Lunch	
	Close of Conference	

Field Trips

FT1: Cruising the Wallis fantastic - a showcase of catchment to estuary connection

Cruise down Wallamba River one of Wallis Lakes major rivers and see examples of wetland rehabilitation, regeneration of riparian areas and river bank stabilisation. Hear about the memorandum of understanding established with skiers and wake boarders to manage boat wash, our engagement of landholders through Sustainable Farming as well as the latest results from the Great Lakes Waterway and Catchment report card.

FT2: The Boomerang & Blueys experience - managing the urban coastal interface

Visit some of the most beautiful beaches and littoral rainforest along our coast and learn about how Great Lakes Council is engaging with the community through bush regeneration and Council's backyard bushcare program. Hear about our program to integrate Coastal Zone Management Plans, coastal risk mapping and planning controls. Discuss the on-ground challenges and benefits of introducing coastal hazard adaptation and management today, for communities of the future.

FT3: Success in stormwater pollution reduction - pipes, people, policy and pit (falls)

See Council's Water Sensitive Design policy in action as we share our experience linking our strategic Water Quality Improvement Plan to the planning system achieving on ground results for stormwater quality improvement. We will showcase examples of water quality treatments on large and small scale development as well as those on Councils land. Hear about the latest information on gross pollution from one of our larger urban catchments and how we have been engaging with the urban community through the Great Lakes Waterway and Catchment Report Card, the Sustainable Gardening and school engagement programs

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 18 August 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 THE PAVILION KIAMA - CATERING CONTRACT FOR WEDDINGS

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

20 CONFIDENTIAL REPORTS**20.1 The Pavilion Kiama - Catering Contract for Weddings**Responsible Director: Office of the General Manager

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

21 CLOSURE